

Chapter 22

ZONING*

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***Cross references--**Administration, Ch. 2; buildings, construction and related activities, Ch. 5; floodplain regulations, Ch. 8; historic preservation, Ch. 9; streets and sidewalks, Ch. 16; subdivisions, Ch. 17; taxation, revenue and miscellaneous business regulations, Ch. 18; trees and landscaping, Ch. 20.

State law references--City's authority to adopt plans and exercise the power of zoning, Ga. Const., art. 9, sec. 2, par. 4; The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; local government zoning powers, O.C.G.A. § 36-66-2; conflicts of interest in zoning actions, O.C.G.A. § 36-67A-1 et seq.; effect of zoning laws on covenants running with the land, O.C.G.A. § 44-5-60.

Section 22-0A ARTICLE I. IN GENERAL

Section 22-1 Title.

This chapter shall be known as the Comprehensive Zoning Ordinance of the City of Thomasville, Georgia.
(Code 1958, § 24-1)

Section 22-2 Authority for enactment.

The City Council enacts the ordinance from which this section derives under the exercise of the powers conferred upon it by Georgia Laws, Acts 1957, page 420 et seq. and the acts amendatory thereof, (O.C.G.A. §§ 69-1201 through 1231 inclusive as amended), which act became effective to the City by an ordinance creating the Thomasville planning commission adopted by the City Council and a resolution creating the Thomasville planning commission adopted by the commissioners of roads and revenues of Thomas County, Georgia.
(Code 1958, § 24-4; Ord. of 8-12-91, § II)

Section 22-3 Chapter contains recommended ordinance and maps.

This chapter contains the full text of the recommended comprehensive zoning ordinance and plan and its accompanying maps as certified by the Thomasville Planning and Zoning Commission, referred to throughout this chapter as the Planning and Zoning Commission. No change in or departure from the maps so certified has been made except such changes or departures as have been first submitted for the review and recommendation of the Planning and Zoning Commission, and no changes in the maps or text of this chapter have been made except upon the approval of the Council of the City of Thomasville. The maps referred to in this section are on file in the administrative offices of the Planning Department where they are available for review. Such maps are by reference incorporated and made a part of this chapter.
(22-3, Amended, 09/27/2004)

Section 22-4 Purpose.

This city council expressly finds and determines that this comprehensive zoning chapter is adopted and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and general welfare of the city, its citizens, inhabitants, and occupants and is adopted and enacted in

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accordance with a comprehensive plan, and it is the intent, purpose and design of the city council by the adoption hereof to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and this chapter and its provisions are adopted after careful and reasonable consideration of the character of each district and its peculiar suitability for particular uses, and with a view to promoting desirable living conditions and the sustained stability of neighborhoods, protection of property against blight and depreciation, securing economy in governmental expenditures, conserving the value of buildings and encouraging the most appropriate use of land and other buildings and structures throughout the city.

(Code 1958, § 24-3)

Section 22-5 Penalty; remedies.

(a) Any person or corporation, whether as principal, agent, employee, or otherwise, who violates any of the provisions of this chapter may be fined one hundred dollars (\$100.00) for each offense, such fine to inure to the city. Each day of the existence of any violation shall be deemed a separate offense.

(b) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the zoning administrator or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent the violation in the case of such building, structure, or land.

(Code 1958, § 24-18.01)

Section 22-6 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accent Window means a window used on a facade that is different in size and shape from the Typical Window.

Accessory building means a detached, subordinate structure, the use of which is clearly incidental to, customarily associated with, and related to the principal structure or use of the land, and which is located on the same lot as the principal structure or use. Accessory buildings shall include storage buildings, tool houses, party houses, bath houses (used in conjunction with swimming pools), tree houses and similar uses.

Accessory building--side yard requirements. In the case of accessory buildings or structures located on a lot with a principal building, the side yard requirements of the yard in which the lot is located shall be considered as extending from the front lot line to the rear lot line.

Accessory use means the use customarily incidental and accessory to the principal use of a building located upon the same building site as the accessory use.

Adjoining property line (MH district) means the boundary line between a manufactured housing subdivision and property in another ownership and shall, for the purpose of these regulations, include utility rights-of-way but not street rights-of-way.

Administrator zoning means the person, officer, or official and his authorized representative, whom the City Council has designated as its agent for the administration of these regulations.

Alley means a public thoroughfare which ordinarily affords only a secondary means of access to abutting property and which is not more than twenty (20) feet wide.

Assisted Living Facilities/Institutional (Group) Care means a building or part thereof housing more

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than 16 persons, on a 24-hour basis, who because of age, mental disability, or other reasons, live in a supervised residential environment that provides personal care service. This classification shall include, but not be limited to, the following: residential board and care facilities, assisted living facilities, half-way houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, and convalescent facilities.

Assisted Living Facilities/Personal Care means a building or part thereof housing a maximum of 16 persons, on a 24-hour basis, who because of age, mental disability, or other reasons, live in a supervised residential environment that provides personal care service. This classification shall include, but not be limited to, the following: residential board and care facilities, assisted living facilities, alcohol and drug abuse centers. The stated facilities shall conform and qualify for license under Georgia State law and meet the off-street parking requirements of the City of Thomasville zoning ordinance and shall be based on the number of residents residing and working in the facility.

Automobile sales or storage yards or lots means an open premises used for the storage or sale of complete and operable automobiles.

Automobile wrecking yard or automobile used parts lot means anywhere three (3) or more vehicles not in running condition, or the parts thereof, are stored in the open, or any building or structure used principally for wrecking or storage of automobiles not in running condition or automobile parts.

Basement means a room or story partly underground, and having at least one-half of its height above the average level of the adjoining ground. Abasement shall be counted as a story if used for dwelling or business purposes.

Bed and breakfast homestay means the limited use of a residential dwelling to provide overnight lodging utilizing not more than two (2) bedrooms within that dwelling for occupancy by not more than a total of four (4) transient persons per principal dwelling unit for compensation.

Board of zoning appeals means the Thomasville Board of Zoning Appeals established by this chapter.

Boarding or rooming house means a residential structure in which lodging is provided for compensation to one or more individuals who share with another person cooking, bathroom, or other communal facilities within the residential structure.

Building is any structure, except a mobile home, which has a rood and which is for the shelter, support, or enclosure of persons, animals, or property of any kind.

Building height means the vertical distance of a building measured from the average elevation of the finished lot grade along the front of the building to the highest point of the building.

Cellar means a room or story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measured.

Civic space means a building or complex of buildings that house cultural, recreational, athletic, convention, or entertainment facilities.

Club or lodge, private means an incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public.

Collector streets mean those streets which serve as feeders to a major street, as collectors of traffic from minor streets, and for circulation around a residential neighborhood.

Commission means the Thomasville Planning and Zoning Commission.

Common space means land within or related to a development, not individually owned, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

Conditional use means a use which within certain districts specified by this chapter is not permitted as a matter of right but may be permitted within these districts by the city council after the planning commission has (1) reviewed the proposed site plans for the use, its location within the community, its arrangement and design, its relationship to neighboring property and other conditions peculiar to the particular proposal which would determine its desirability or undesirability; (2) has found the proposal not to be contrary to the intent of this chapter; and (3) has recommended the use as specified after a public

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hearing.

Condominium means a building or complex of multiple unit dwellings in which each property owner holds full title to a unit and an undivided interest in the common elements. A development consisting of subdivided lots for individual sale shall not be considered a condominium for the purposes of this code section.

Corner lot means a lot which abuts on two (2) or more streets, and roads, at their intersection, or upon a curved street, provided that the two (2) sides of the lot, or the tangents to the curve of the street line at its starting points at or within the side lines of the lot, intersect to form an interior angle of not more than one hundred thirty-five (135) degrees.

County governing body means the Board of Commissioners of Thomas County, Georgia.

Curb cut means the providing of ingress and egress between property and an abutting public street.

Dead-end street means a street with no outlet at one (1) end.

Development means all new improvements to an undeveloped property, including structures and parking areas; the division of a parcel of land into two or more parcels; any excavation, landfill, or land disturbance; and any new use of the land or extension of use of the land.

Dwelling, multifamily means a building either designed, constructed, altered, or used for more than two (2) adjoining dwelling units, with each dwelling unit having a common wall or common floor connecting it to at least one (1) other dwelling unit in the building.

Dwelling, single-family means a detached building used and either designed or constructed for one (1) dwelling unit.

Dwelling, two-family or duplex means a building either designed, constructed, altered, or used for two (2) adjoining dwelling units that are connected by a common wall and if two (2) story by a common floor.

Dwelling unit means an enclosure of one (1) or more rooms, including one (1) kitchen facility, designed or constructed as a unit for residential occupancy by one (1) family only.

Expressway means a divided highway for through traffic with full or partial control of access. It contains two (2) lanes or more for traffic going in opposing directions and divided by a median strip, and so designed as to protect the opposing flows of traffic and thus increase the safety and practical capacity of the road for regional and inter-regional traffic

Facade means all elevations of a building which are visible from the public right-of-way

Family means one (1) or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons in their individual capacities occupying a boardinghouse, lodging house, hotel, motel or fraternity or sorority house.

Floor area, gross means the total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls, excluding basement areas, porches, carports, and garages.

Front lot line means the front lot line of an interior lot separating the lot from the fronting street right-of-way. The front lot line of a corner lot shall be the lot line upon which the principal building entrance will front.

Frontage means the distance for which property abuts one (1) side of a street, road, or highway, or other public way measured along the dividing line between the property and such road, or highway, or other public way.

Frontage roadway or access street means a roadway contiguous to and generally paralleling an expressway, major street or highway, or through street or highway and so designed as to intercept, collect and distribute traffic desiring to cross, enter, or leave such facility, and to furnish access to property which otherwise would be isolated as a result of controlled-access features peculiar to topographic conditions.

Garage means a building used for the storage or housing of motor-driven vehicles.

Garage, private means a garage intended for and owned or used by the members of families resident upon the premises provided that not more than one-half of the garage space may be rented for private vehicles owned or used by persons not resident on the premises, except that all the space in a garage of one (1) or two (2) car capacity may be so rented. Such a garage shall not include those used by more than one (1) commercial vehicle per family resident on the premises, and no such commercial vehicle shall

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exceed two (2) ton capacity, nor shall such garage provide for the repair or equipping of such vehicles.

Garage, service means a garage used for repair of vehicles.

Garage, storage means a garage used primarily for storage of vehicles.

Guesthouse means an accessory building to be used solely by the occupant of the main building for his pleasure or recreation or to house nonpaying guests.

Guestroom means a room which is designed or intended for occupancy by, or which is occupied by, one (1) or more guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes.

Home occupation means an occupation for gain or support customarily conducted on the premises by a person or family residing thereon. The term "home occupation" shall not be deemed to include a tourist home.

Hospital means any institution receiving in-patients or a public institution receiving out-patients, and authorized under state law to render medical or obstetrical care or both. The term "hospital" shall include a sanitarium for the treatment and care of senile psychotics or drug addicts, but shall not include office facilities for the private practice of medicine or dentistry.

Hotel means any building containing sleeping rooms for the more or less temporary occupancy of individuals who are lodged with or without meals, with no provision made for any cooking in any individual room or suite.

Hotel, apartment means any building which satisfies both the definition of a multiple- dwelling house and that of a hotel as defined by this section.

Industrial street or boulevard means a street of some continuity used primarily by all forms of commercial or industrial vehicular traffic and used for intercommunication between commercial areas and residential areas and industrial districts, or between industrial districts.

Interior lot means a lot which is not a corner.

Junkyard means the use of property for outdoor storage, keeping, abandonment, sale, or resale of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials, and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

Kennel means the housing of four (4) or more dogs.

Land or territory subdivision means a parcel or tract of land the dimensions of which are shown on a map on file with the Clerk of Superior Court of Thomas County, Georgia, as of the date of the adoption of the ordinance from which this section derives.

Landing area means the area of the airport used for the landing, take-off, or taxiing of aircraft.

Limited Use (L.U.) means a specific district or zone established pursuant to the Code of the City of Thomasville, Georgia, which zoning district is more particularly defined in paragraph (13) of section 22-81 of Chapter 22, Zoning.

Lot includes the word "plot" or "parcel" and means a parcel of land occupied or intended to be occupied by a principal building or use and any accessory building and uses customarily incident to it, including open spaces not less in extent than those required in connection therewith by this chapter. A "lot of record" is a parcel of land, the dimensions of which are shown on a map or plat on file with the Clerk of Superior Court of Thomas County, Georgia, and which actually exists as so shown, or any part of such parcel held in a recorded ownership separate from the ownership of the remainder thereof. All lots recorded after adoption of the ordinance from which this section derives shall front on and have ingress and egress by means of a public street, road or highway.

Lot depth means the distance between front and rear lot lines. If two (2) opposite sides of such lot are not parallel, the depth shall be deemed to be the mean distance between the front and rear lot lines.

Lot, through means a lot other than a corner lot, having frontage on more than one (1) street.

Lot width means the distance between the side lot lines, measured along the front yard setback line as established by this chapter, or, if no setback line is established, the horizontal distance between the side lot lines measured along the street right-of-way line.

Major street or highway means a highway primarily for through traffic, usually on a continuous route,

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with intersections at grade and having direct access to abutting property, and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

Manufactured home means a detached single-family dwelling unit, designed for long-term occupancy, which has been prefabricated and then transported to its site or to a sales lot on its own wheels, and requires only minor work before occupancy such as connection to utilities or to a foundation. Such units are usually fully equipped and furnished as opposed to a prefabricated house which may be constructed on or off its proposed site.

Manufactured housing subdivision means a subdivision of land intended for the sale of lots to individuals for the placement and occupancy of manufactured homes.

Master plan (comprehensive plan) means any legally adopted part, maps or element of the master plan as provided by the General Assembly of Georgia, Georgia Laws 1957, pages 420--443, approved by a vote of the Planning Commission, and, when legally required, adopted by the City Council.

Mini-storage building means a small storage building which does not exceed three thousand (3,000) square feet in area and may be used for general storage purposes by one (1) or more persons as a single building or divided into compartments and may be leased or rented to the general public. Hazardous materials listed in section 408.3 of the 1988 edition of the Standard Building Code are not permitted.

Minor or local street means a street primarily for access to abutting property.

Motel means any building containing sleeping rooms for more or less temporary occupancy of individuals who are lodged with or without meals and where the design favors a direct vehicular approach to each sleeping or living room. Any building or structure exceeding two (2) stories in height shall be classified as a hotel rather than a motel.

Natural grade means the elevation of the ground adjoining the building.

Nonconforming use means any use of a building or of land that does not conform to the regulations for the district in which it is situated as of the effective date of adoption of the ordinance from which this section derives.

Nursery school means an agency, organization, or individual providing daytime care of four (4) or more children not related by blood or marriage or not the legal wards or foster children of the attendant adult.

Nursing home means a rest home, nursing home, convalescent home to render domiciliary care, but not including facilities for the care of mental patients, epileptics, alcoholics, drug addicts and not including nursery schools.

Open space means any parcel or area of land or water set aside, designated, dedicated, or reserved for public or private use or enjoyment and for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space. Open space may include active recreational facilities such as play equipment for youngsters, ball fields, picnic tables.

Parking lot means a parcel of land devoted to unenclosed parking spaces which may include partially enclosed one-story buildings, and where a charge is made for storage or parking of vehicles.

Parking lot accessory means a parcel of land used by an individual, partnership, firm or corporation in any commercial or industrial district exclusively for the parking of vehicles of its employees or customers and for which no charge is made.

Parking space means an area of appropriate dimensions of not less than one hundred eighty (180) square feet net, exclusive of access or area, or ramps or columns, etc., to be used exclusively as a temporary storage space for private motor vehicles. Truck loading and unloading space shall not be included in such area. When the application of a unit of measurement for parking spaces to a particular use of structure results in a fractional space, any fraction under one-half shall be disregarded and fractions of one-half or over shall be counted as one (1) space.

Planting strip means the portion of the street between the curb and the property line exclusive of the area occupied by the sidewalk.

Portable structures means mobile homes, converted mobile homes, trailers of any kind, or other portable wheeled structures (whether on wheels or with wheels removed and placed on a foundation) that can be driven or towed on their own chassis, and any structure designed, built and intended to be transportable from one (1) location to another. This definition does not include those structures regulated

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by the Georgia Industrialized Building Act.

Primary facade means the elevation of a structure with the main entrance; also referred to as the building front facade.

Principal building means the building containing or to contain the principal use of a lot.

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

Public notice means a notice published twice in a newspaper of general circulation in the county at least fifteen (15) days prior to a public hearing concerning proposed changes or amendments to this chapter or the maps thereto, or both, setting forth the time, place, and purpose of such public hearing.

Public street means right-of-way dedicated to the city or owned by the city for public street purposes.

Rear lot line means the rear lot line boundary opposite and more or less parallel to the front lot line. The rear lot line of an irregular or triangular lot shall be, for the purposes of this chapter, a line not less than ten (10) feet long, lying wholly within the lot, and parallel to and farthest distance from the front lot line.

Recreation vehicle park mean a licensed business operation which leases spaces for short term location of recreation vehicles, travel trailers or campers, used primarily for leisure time activities. Such short term location shall be limited to rental by the day or week only for a period of thirty (30) days or less.

Recreation vehicle stand means the site designed for the placement of a recreation vehicle and its cabana, accessory structures, utility connections, and off-street parking facilities.

Recreation vehicle, travel trailer and camper means a vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses, which is identified on the unit by the manufacturer as a camper or travel trailer, is not more than eight (8) feet six (6) inches in body width, and does not exceed thirty-one (31) feet in length.

Redevelopment means the demolition or removal of the principal structure of more than fifty percent (50%) of the impervious surface of a site; any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered redevelopment regardless of the actual repair work performed. The term does not, however include either:

(a) any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the Chief Building Official and that are the minimum necessary to assure safe living conditions.

(b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Satellite receiving dish antenna means a dish-shaped or parabolic-shaped receiving or transmitting antenna (including antennae stored or temporarily placed) for the reception or transmission or both of terrestrial or satellite signals, including television signals, AM radio signals, FM radio signals, telemetry signals, data communication signals or any other reception or transmission signals using free air space as a medium, whether for commercial or private use.

Senior citizens home means a home for elderly people who choose to live in a place with people their own age, and who do not require regular nursing care or medical attention.

Service station means any building or premises used for the storing, dispensing, servicing, sale or offering for sale at retail of any automobile fuels and lubricants and automobile accessories, but not including major automobile repairing.

Setback means the distance from the property line to the building.

(a) *Front setback* means the distance from a public right-of-way to the building.

(b) *Side setback* means the distance from the property lines connected to the property line adjacent to the public right-of-way extending away from the public right-of-way to the building.

(c) *Rear setback* means the distance from the rear property line to the building.

(d) *Corner setback* means corner lots are considered to have double frontage or two front setbacks and one side and rear setback.

Shopping center means two (2) or more commercial establishments planned and managed as a single

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unit with off-street parking and loading facilities provided on the property.

Shoulder means that portion of a roadway between the outer edge of the paved surface or the curb to the inside edge of the ditch or gutter or original ground surface.

Side lot line means a side lot boundary line that is not a front lot line or a rear lot line. A side lot line separating a lot from a street line is an exterior side lot line. Any other side lot line is an interior side lot line.

Sidewalk means that portion of a street or road available exclusively for pedestrian traffic.

Stable, private means a building with a capacity sufficient to accommodate not more than three (3) horses or mules.

Storefront means the portion of a building at the first story that is available for retail use.

Story means the vertical distance of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above it, then the space between such floor and the ceiling next above it, provided that a cellar shall not be considered a story. Attic or basement space is construed as one-half story.

Street means a public thoroughfare, twenty-one (21) feet or more wide, where public title to land extends between right-of-way lines. Whenever the sense of the law or these regulations so requires, the word "street" shall include avenue, drive, circle, road, highway, or similar terms as they are generally understood.

Street grade means the grade of the curb or centerline of street upon which the lot abuts at the midpoint of the frontage.

Street line or right-of-way line means the dividing line between a lot, its property line or lines, and a public right-of-way, a public street, road, or highway, or a private street, road or highway, over which two (2) or more abutting owners have an easement or right-of-way.

Street width means the horizontal distance between the right-of-way lines of the street, measured at right angles to the right-of-way lines.

Structural alterations means any change in the supporting members of a building or structure, such as bearing walls, columns, beams, girders, floor joists, or roof joists, or in the exterior walls.

Structure means anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, accessory buildings, billboards, swimming pools, fall-out shelters, outside heating and air conditioning units, but do not include walls or fences.

Subdivision means the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development for purposes other than agricultural. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Substantial damage means damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its condition before the damage occurred would equal or exceed fifty percent (50%) of the market value of the undamaged building or structure.

Through street or highway means every street or highway or portion thereof at the entrance to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected. It generally is radial or circumferential in relation to present heavily populated areas, and is intended to provide continuous, wide, direct, and adequate routes designed to insure the future stability of the expanding urban areas within the county and the region. They usually include all state and federal highways not otherwise designated in the master plan.

Tourist home means a dwelling in which sleeping accommodations are provided or offered to transient visitors for compensation.

Typical Window means the window in a building that is used most frequently.

Tree means any object of natural growth.

Variance means a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and

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undue hardship.

Visible means any portion of a building facade which is seen from any public right-of-way along the frontage line of the property

Window light means a pane of glass, a window, or a compartment of a window.

Yard, front means that area of a lot lying between the abutting street right-of-way and the principal building of the lot and extending across the front of a lot from side lot line to side lot line.

Yard, rear means that area of a lot extending across the rear of a lot from side lot line to side lot line and lying between the rear lot line and the principal building on the lot.

Yard, side means that area of a lot between the side lot line and the principal building on the lot extending from the front yard to the rear yard.

(Code 1958 § 24-5; Ord. of 3-26-73; Ord. of 4-23-73; Ord. of 3-25-74; Ord. of 7-12-82; Ord. of 2-25-85; Ord. of 3-23-87, § 1; Ord. of 10-24-88, § 1; Ord. of 1-23-89(3), § 1; Ord. of 8-12-91, § II; Ord. of 10-14-91, § I; Ord. of 8-28-95, §§ 1,11)

Cross reference--Definitions and rules of construction generally, § 1-2.

((2005) 22-6, Amended, 06/29/2005; 2005 (22-6), Amended, 05/23/2005, added definitions; 2004 (22-6), Amended, 12/13/2004; 22-6, Amended, 11/22/2004, amended definition of redevelopment; 22-6, Amended, 07/26/2004, added definitions necessary for new section 22-182, "Architectural standards"; 2003(22-6), Amended, 12/22/2003, added definition of "Limited Use"; 2003 (22-6), Amended, 07/14/2003, added definitions for "assisted living facilities"- personal and institutional (group) care)

Section 22-7 Interpretation and application.

In interpreting and applying these regulations, the requirements contained in this article are declared to be the minimum requirements necessary to carry out the purpose of these regulations. Except as otherwise provided in this chapter, these regulations shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easements, covenants, or other agreements between parties. Whenever the provisions of these regulations impose greater restrictions upon the use of land or buildings, or upon the height of buildings, or require a larger percentage of lot to be left unoccupied than the provisions of other ordinances, rules, regulations, permits, or any easements, covenants, or other agreements between parties, the provisions of these regulations shall govern.

(Code 1958, § 24-6.01)

Section 22-8 Zoning affects all land and buildings.

No buildings, structure, or land shall be used or occupied, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in conformity with the regulations of this chapter.

(Code 1958, § 24-6.02)

Section 22-9 Every use must be upon a lot.

No building or structure may be erected or use established unless upon a lot as defined by this ordinance.

(Code 1958, § 24-6.03)

Section 22-10 Only one principal building per lot.

Except as provided in section 22-42, there shall be no more than one (1) principal building or structure upon any lot other than within an M-1 district.

(Code 1958, § 24-6.04)

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Section 22-11 Open space not to be encroached upon.

No open space shall be encroached upon or reduced in any manner except in conformity to the yard, setback, off-street parking spaces, and such other regulations required by this chapter for the district in which such building is located. Shrubbery, driveways, retaining walls, fences, curbs, and planted buffer strips shall be construed not to be encroachments of yards.
(Code 1958 § 24-6.05)

Section 22-12 Required open space may not be used by another building.

No part of any yard, other open space, or off-street parking or loading space required about or in connection with any building, structure, or use by this chapter shall be considered to be part of a required yard, or other open space, or off-street parking or loading space for any other building, structure, or use except as provided in section 22-286.
(Code 1958, § 24-6.06)

Section 22-13 Reduction of yards or lot area.

(a) Except as provided in section 22-25, no lot existing at the time of passage of the ordinance from which this section derives shall be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this chapter for the district in which it is located unless such reduction or division is necessary to provide land that is needed and accepted for public use.

(b) When an accessory building is to be located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building shall not project beyond the front yard required on the lot in rear of such corner lot.

(c) In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on such streets in the same block or adjacent blocks.

(Code 1958, § 24-6.07)

Section 22-14 Encroachment on public rights-of-way.

No building, structure, service area, or required off-street parking and loading facilities, except driveways, shall be permitted to encroach on public rights-of-way.
(Code 1958, § 24-6.08)

Section 22-15 Location of accessory buildings or uses on residential lots.

Accessory buildings shall not be erected in any required yard, except a rear yard, provided further that in no instance shall such a building be nearer than five (5) feet to any rear lot line, nor in any case nearer than the required side yard for the principal building for the district in which it is located.
(Code 1958, § 24-6.09)

Section 22-16 Accessory buildings or uses on nonresidential lots.

Accessory buildings or uses on nonresidential lots shall comply with front, side and rear yard requirements established for the zoning district in which such accessory buildings or uses are located.

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(Code 1958, § 24-6.10)

Section 22-17 Recreation vehicle, travel trailer, or camper.

One (1) recreation vehicle, travel trailer or camper as defined in section 22-6 may be stored on a residential lot provided it is locked or unoccupied.

(Code 1958, § 24-6.11)

Section 22-18 Portable structures.

Portable structures may be used as an office as follows; portable structures used for any other occupancy are prohibited, except for storage:

(a) *Mobile home sales lots.* Mobile homes converted to offices may be used on mobile home sales lots. No other type of portable structure may be used. The office may have living accommodations for a night watchman.

(b) *Construction sites.* Any type of portable structure may be used as a construction site office for the duration of the construction. Immediately upon completion of the project, the portable structure shall be removed. Construction site office may have living accommodations for a night watchman or superintendent during construction.

(c) *Restrooms required.* Portable structures used as offices shall be equipped with bathrooms or restrooms as required by the intended occupancy.

(d) *Nonconforming use.* Any portable structure used for any purpose not permitted by this section is declared to be a nonconforming portable structure. When the use of a nonconforming portable structure is discontinued for a period in excess of six (6) months, the structure shall be removed from the property. Vacancy or non-use or both of the structure, regardless of the intent of the owner or tenant, shall constitute discontinuance under this section.

(e) *Temporary offices.* Portable structures may be used as temporary offices during the construction of new office facilities. Restroom facilities must be provided in the temporary office or either in a nearby adjacent building. Portable offices must be removed immediately upon completion of new office spaces. The length of time of use, size architectural design and placement of these portable offices must have prior approval from the city planner.

(Code 1958, § 24-6.12; Ord. of 10-24-88, § 1; Ord. of 8-28-95, § III)

Section 22-19 Every lot shall abut a public street; exceptions.

No building shall be erected on a lot which does not abut an open public street unless the lot meets the following requirements:

(a) For commercial property, the owner must:

- (1) Secure permanent easements for all required city utilities and infrastructure; and
- (2) Secure a permanent thirty (30) feet easement for ingress and egress to property.

(b) For residential property, a subdivision may be built on private streets and access to the property limited provided the following requirements are met:

- (1) The subdivision contains a minimum of twenty (20) lots;
- (2) The owner must enter into an agreement with the city for the maintenance of all streets and infrastructure within the development. All costs of the repairs and maintenance shall be paid by the owner and/or developer; and
- (3) The owner must provide the city with a permanent easement for the maintenance of said streets, infrastructure, and utilities.

(Ord. of 12-23-96(3), § I)

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Section 22-20 Lots with multiple frontage.

(a) In the case of a corner lot, side yard setback requirements from the property line shall be equal to seventy-five (75) percent of that required for the front yard setback for the district. On a corner lot where the main entrance into a residence is facing a side yard, it shall be permissible for purposes of this chapter to construe the residence to be fronting on the street other than that street which such entrance faces, and side and rear yard requirements may be provided accordingly. If a building is constructed on a through lot having frontage of two (2) roads not at an intersection, a setback from each road shall be provided equal to the front yard requirement for the district in which the lot is located.

(b) In the case of corner lot zoned commercial, the street side yard setback shall be a minimum of five (5) feet.

(Code 1958, § 24-6.14; Ord. of 4-24-72)

Section 22-21 Screening required.

Wherever screening is required by this chapter, a masonry or wood fence of sufficient opacity or chain link fence with slats of sufficient opacity or a fence and hedge of sufficient opacity or any fence combination to provide an effective visual blind designed to be reasonably compatible with the character of adjoining properties shall be provided and properly maintained. Such fences and walls shall be at least five (5) feet in height, but no greater than seven (7) feet in height, measured from the ground along the common lot line of the adjoining properties. Hedges or comparable natural plantings shall be of such variety that an average height of at least six (6) feet could be expected by normal growth within no later than three (3) years from the time of planting.

(Code 1958, § 24-6.15; Ord. of 7-12-82)

Section 22-22 Side and rear yards not required next to railroad.

Within any nonresidential district, side yards and rear yards shall not be required adjacent to railroad rights-of-way.

(Code 1958, § 24-6.16)

Section 22-23 Substandard lots of record.

(a) Any lot of record existing at the time of the adoption of this ordinance which has an area or a width which is less than required by this chapter shall be subject to the following exceptions and modifications: In any district in which single-family dwellings are permitted, any lot of record existing at the time of the adoption of this chapter which has an area or a width which is less than that required by this chapter may be used as a building site for a single-family dwelling or other use permitted in that zone; provided, however, that the same yard, setback, open-space, and other dimensional requirements are met that would be required for a standard lot or required as stipulated in section 22-181 or as modified elsewhere in this chapter.

(b) Any substandard lot of record may increase the maximum lot coverage to forty percent (40%).

(Code 1958, § 24-6.17; Ord. of 4-26-82)

(2005 (Sec.22-23b), Amended, 06/29/2005, (b) added)

Section 22-24 Intersection visibility and corner setback.

In all zones, except on corners where a traffic light is existing and operating twenty-four (24) hours daily, no construction, hedge, bushes or other obstruction to a clear view which extends over three (3) feet

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in height shall be permitted at any corner of intersecting streets where either or both of the streets are less than sixty (60) feet in width, within the area formed by the legs of a triangle where apex is a point of intersection of the centerline of the traveled roadways and the legs of which are three hundred (300) feet along the centerline of the thru street and thirty-three (33) feet along the centerline of the stop or minor street and the hypotenuse of which is the line connecting the end of the legs. Exceptions shall be made for utility poles, lighting standards, traffic and street signs and trees (on city property), the branches of which are kept trimmed to a height of eight (8) feet above the street level. Nonconforming buildings shall be excepted from this provision.

(Code 1958, § 24-6.18)

Section 22-25 Permitted modification of setback requirement.

When a building or structure is proposed on a lot and when on either or both lots which adjoin such lot at the street right-of-way line there exists a principle building which does not conform to the setback requirements of this chapter, the required setback for such building or structure shall be as follows:

- (1) Where only one (1) such adjoining lot contains a principal building with a nonconforming setback, the setback shall be the computed average of the normal setback requirement with the nonconforming setback; or
- (2) Where both adjoining lots contain a principal building each with a nonconforming setback, the minimum setback shall be the computed average of the two (2) nonconforming setbacks.

(Code 1958, § 24-6.19)

Section 22-26 Zoning to apply when lot is divided by district boundary line.

In the event that a district boundary line on the zoning map divides a lot of record held in one (1) ownership on the date of passage of the ordinance from which this section derives, each part of the lot so divided shall be used in conformity with the regulations established by this chapter for the district in which each such parcel is located; except, however, that if the property owner of such a lot, other than a through lot, so desires, he may extend a use allowed on the greater portion of the lot fifty (50) feet beyond the district boundary line in accordance with setbacks and yard requirements of the district into which he is encroaching.

(Code 1958 § 24-6.20)

Section 22-27 Height limitations of walls and fences.

Within any residential district, no wall or fence shall exceed six (6) feet in height within or along a boundary of a front, side or rear yard.

(Code 1958, § 24-6.21; Ord. of 7-12-82)

Section 22-28 Screening of service areas within one hundred feet of public street.

Any service area, refuse, or storage area between a principal building and a public street being visible from such street and lying within one hundred (100) feet of such street shall be screened from view from the public street as specified in section 22-21 if within any commercial area or C-1A area.

(Code 1958 § 24-6.22)

Section 22-29 Required buffers in C-1, C-2, M, and M-1 districts.

In a C-1, C-2, M, or M-1 zoning district where a lot abuts any residential district, a six (6) foot wide

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buffer shall be provided with screening as specified in section 22-21. Off-street parking associated with such uses shall be governed by this same provision.
(Code 1958, § 24-6.23)

Section 22-30 Structures permitted above the height limit.

The height limits of these regulations shall not apply to a church spire, belfry, cupola, dome, or ornamental tower not intended for human occupancy, monument, water tower, observation tower, transmission tower, chimney, smoke stack, conveyor, flag pole, radio or television tower, mast or aerial, parapet wall not extending more than four (4) feet above the roof line of the building, and necessary mechanical appurtenances.
(Code 1958, § 24-6.24)

Section 22-31 Permitted encroachment of yards and setbacks.

Architectural features such as cornices, eaves, steps, gutters, fire escapes, raised patios and raised decks may project not more than four (4) feet beyond any required setback line, except where such projections would obstruct driveways which are or may be used for access for service or emergency vehicles or both.
(Code 1958, § 24-6.25; Ord. of 7-12-82)

Section 22-32 Modification of side yard requirements.

When a lot of record has width of less than the frontage required in the district in which it is located, the zoning administrator shall be authorized to reduce the side yard requirements for such lot, provided, however, that there shall be not less than a six (6) foot side yard.
(Code 1958, § 24-6.26; Ord. of 7-12-82)

Section 22-33 Uses prohibited.

If either a use or class of use is not specifically indicated as being permitted in a district, either as a matter of right, or as a conditional use, then such use, class of use, or structures for such uses, shall be prohibited in such district.
(Code 1958, § 24-6.27)

Section 22-34 Special building setbacks.

(a) In each of the districts described in this section no building, structure, or obstruction shall be erected or maintained on any land abutting the following street, streets, or highways nearer than the setback as follows:

- (1) *Campbell Street*. Fifty (50) feet from the centerline of such existing street on both sides between West Jackson Street and Pinetree Boulevard.
- (2) *Cassidy Road*. Thirty-five (35) feet from the centerline of such existing street on both sides between North Broad Street and Pinetree Boulevard.
- (3) *Federal highways*. Forty-two (42) feet from the centerline of such highway on both sides; provided, however, that if Smith Avenue, East Jackson Street, Cassidy Road, Campbell Street or Remington Avenue is now or hereafter may be a federal highway, the setbacks specifically provided herein shall apply.
- (4) *Hansell Street*. Fifty (50) feet from each side of the centerline of the existing pavement along

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Bartow Street from West Jackson Street to South Street and along Hansell Street from South Street to East Jackson Street.

(5) *East Jackson Street*. Forty-two and one-half (42 1/2) feet from the centerline of East Jackson Street now existing along both sides between Crawford Street and Pinetree Boulevard in all districts now or hereafter C-1 or C-2.

(6) *Remington Avenue*. Forty-one (41) feet from the centerline of such existing street on both sides between South Crawford Street and South Dawson Street, and forty-two and one-half (42 1/2) feet from the centerline of such existing street on both sides between South Dawson Street and James Street.

(7) *Smith Avenue*. Forty-two (42) feet from the old centerline of said street along both sides.

(b) Nothing contained in this section shall be construed or interpreted in any way to require or permit less setback than is specifically required in each district provided. (Code 1958, § 24-8)

Section 22-35 Swimming pools (semiprivate and commercial).

(a) As to commercial pools, zoning shall be as set forth in section 22-106 of the Code of the City of Thomasville.

(b) As to semiprivate pools, such pools may be located as a matter of right in zones R2A and below. For semiprivate pools to be located in zones R1 and above, a request for rezoning the property proposed to conditional use--semiprivate swimming pool will be required. As to a proposed subdivision, where a pool is identified at the time of the preliminary and final approval, no rezoning will be required. (Code 1958, § 22-6.28; Ord. of 4-22-91(2), § I(24-6.28))

Section 22-36 Swimming pool (residential).

(a) A residential swimming pool shall not be constructed in any required yard except a rear or side yard, provided further that in no instance shall a swimming pool or any of its appurtenances be located nearer than five (5) feet to any rear lot line, nor in any case nearer than the required side yard setback for the principal building for the district in which it is located.

(b) When located on a corner lot, a residential swimming pool shall be located from the property line on the side street a minimum of seventy-five (75) percent of that required for the front yard setback for the district and the setback from the rear property line shall be fifty (50) percent of that required for the rear yard setback for the district. (Code 1958, § 24-6.29; Ord. of 7-24-72; Ord. of 7-12-82)

Section 22-37 Zoning of annexed areas.

Areas annexed to the city subsequent to the adoption of the ordinance from which this section derives shall be placed in the A (agricultural) zoning district and shall remain A until such time as the comprehensive zoning plan of the city has been extended to include the annexed area and a zoning change is executed in accordance with the provisions of this chapter for zoning amendments. Areas may also be simultaneously annexed and zoned when executed in accordance with the provisions of this chapter for zoning amendments.

(Code 1958, § 24-6.30; Ord. of 2-27-72; Ord. of 7-24-72)

Section 22-38 Mechanically emptied refuse containers.

Any refuse container on private property which is the type that is picked up and emptied mechanically is subject to the following restrictions:

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- (1) The container shall be in a location which is accessible twenty-four (24) hours a day.
- (2) The container shall be located within a paved area.
- (3) The container shall be placed on a four-inch thick concrete pad, not over two (2) inches above the pavement. The concrete pads shall extend a minimum of twelve (12) inches beyond the container wheels on all sides.
- (4) Containers in apartment complexes located in R-2A and R-2 zones less than one hundred (100) feet from a public street shall be screened or located in such a way as to be obscure from such street.

(Code 1958, § 24-6.31; Ord. of 3-25-74)

Cross reference--Solid waste management, Ch. 15.

Section 22-39 Standards for satellite receiving dish antennae.

Satellite receiving dish antennae are allowed in all zones. In all A, R-1A, R-1B, R-1, R-2A, R-2, R-TH, R-CD and C-1A zones the following requirements will apply:

- (1) A satellite receiving dish antenna shall be erected only in a rear yard and the setback requirements will be the same as those required for an accessory building. "Rear yard" is defined as that portion of a lot which lies behind the rear wall of the principal structure located on the lot on the line which would be an extension of that rear wall to each side lot line.
- (2) The maximum height allowed is fifteen (15) feet, zero (0) inches measured from the ground and the maximum width allowed is twelve (12) feet, zero (0) inches.
- (3) There may not be more than one (1) satellite receiving dish antenna per residence, apartment complex, or condominium association.
- (4) The city building inspections department shall review the installation plans, which plans must be signed and sealed by a professional engineer registered in the state who shall certify that the satellite receiving dish antenna meets the structural, wind resistance and all other requirements of the standard building code as adopted by the city. Wind resistance is deemed to mean an ability to withstand winds up to one hundred twenty (120) miles per hour. The calculations of the engineer shall be submitted along with the plans.
- (5) Vegetation screening with a minimum height of five (5) feet (but subject to the height limitations for fences set forth elsewhere in the zoning chapter) shall be required between the object and residential properties which abut the rear yard, between the antenna and residential properties across such a front or side street, so as to screen the antenna from the view of persons on first floor levels of the nearby residential properties and from persons on those public streets.
- (6) After approval of the plans, a permit must be purchased from the building inspections department before installation can begin.
- (7) A property owner who has in place a nonconforming antenna at the effective date of the ordinance from which this section derives may continue to maintain the antenna in that configuration for five (5) years from the effective date of the ordinance from which this section derives, at which time the nonconforming antenna must be brought into compliance with this chapter or removed, but should the property be sold or transferred, the nonconforming use must be removed within thirty (30) days from the date of purchase or transfer or be made to conform to this chapter.

(Code 1958, § 24-6.32; Ord. of 2-25-85)

Section 22-40 Bed and breakfast homestay operation.

Bed and breakfast homestay shall be permitted in all zones except M-1. Bed and breakfast homestay in all A, R-1A, R-1B, R-1 and R-2A zones shall be restricted to and comply with the following requirements:

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- (1) That the chief building official shall establish under the direction of the city manager and city council a set of rules for bed and breakfast homestay operation and administer such rules.
- (2) Bed and breakfast operations shall be limited to two (2) bedroom units within any individual residential dwelling and total occupancy by transient persons shall be limited to four (4) per dwelling.
- (3) Bed and breakfast operations shall not be permitted any exterior advertising sign.
- (4) Bed and breakfast homestay operations in zones other than those restricted above shall be administered in accordance with the respective boarding or rooming house, tourist home, motel, hotel regulations established elsewhere within this chapter for such.

(Ord. of 3-23-87, § I)

Section 22-41 Home occupations.

Section 22-41 Home occupations.

A home occupation as defined by this chapter shall be governed by the following requirements:

- (1) Only residents of the dwelling may be engaged in the home occupation unless otherwise approved by the zoning administrator.
- (2) The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.
- (3) Home occupations shall not include any type of retail business (with the exception of e-commerce), manufacturing business, repair business, or clairvoyance, or fortunetelling.
- (4) Only one (1) point of business sign, not exceeding two (2) square feet in size, motionless, nonlighted, and attached to the principal building, shall be permitted, and no advertising signs shall be permitted.
- (5) Use of the building for this purpose shall not exceed twenty-five (25) percent of the floor area of the principal building.
- (6) No internal or external alterations inconsistent with the residential use of the building shall be permitted.
- (7) The occupation shall not constitute a nuisance in the neighborhood.
- (8) No accessory buildings or outside storage shall be used in connection with the occupation.
- (9) Instruction in music and similar subjects shall be limited to two (2) students at a time.
- (10) Vehicles used primarily as passenger vehicles only shall be permitted in connection with the conduct of the customary home occupation.
- (11) The following and similar uses shall be considered home occupations: Addressing service, art instructor, beauty shop (with no more than one (1) operator), dentist, doctor, drafting, dressmaking, insurance agent, manufacturing agent, music teacher, notary public, photography, real estate agent, tax consultant, ceramics, or e-commerce.
- (12) The Board of Architectural Review and Zoning Appeals may review and approve uses which are not named but are similar to the list of home occupations in subsection (11), provided the criteria set out in subsections (1) through (10) are met and the use otherwise meets the intent of this section.
- (13) The following additional conditions apply to home occupations located within the R-1A zoning district
 - (a) No signage shall be permitted
 - (b) Only those occupations as listed in subsection (11) or approved by the Board of Architectural Review and Zoning Appeals as authorized in subsection (12) are permitted, given that any occupations requiring clients to be on the premise are not permitted.
 - (c) At no time shall a client be allowed on the premises in the conduct of business. All physical meetings with clients shall be conducted off premises and outside of an R-1A zoning district.
 - (d) No display of products shall be visible from the street.
 - (e) Use of the building for this purpose shall not exceed ten (10) percent of the floor area of the

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principal building.

(f) At no time shall merchandise be stored on the premises.

(g) Deliveries shall be limited to not more than twice (2) per week.

(Code 1958, § 24-9; Ord. of 7-12-82; Ord. of 3-23-09)

Section 22-42 Group development projects.

Any group of buildings devoted to the same use or two (2) or more uses which are compatible under one (1) management or with common ownership, such as an apartment project or medical office development, known in this chapter as group development project, may be permitted as a conditional use within R-2A and R-2 zones areas after special review and approval of the city council and planning commission according to the provisions of section 22-382 and as a permitted use within C-1A, C-1, C-2 and M, providing it shall meet the following requirements:

(1) *Street access.* Any building established as a part of a group development project which cannot properly be served by emergency or service vehicles from an abutting street shall be made accessible to such vehicles by a paved driveway having a roadbed width of not less than twenty (20) feet, exclusive of parking spaces.

(2) *Setback requirements.* All buildings and structures established as a part of a group development project shall comply with the front yard setbacks, and the exterior side and exterior rear yard requirements established for the district in which located.

(3) *Illumination not to be a nuisance.* Illumination devices such as but not limited to flood or spot lights shall be so placed and so shielded as to prevent the rays or illumination therefrom being cast into neighboring dwellings and approaching vehicles.

(4) *Uses prohibited.* In no case shall a use be permitted as a part of a group development project that is prohibited by this chapter in the district in which such project is to be located.

(5) *Prior approval.* The plot plan, blueprints and articles shall be previously approved by the Chief Building Official, the Superintendent of Utilities, and the City Engineer.

(Code 1958, § 24-10; Ord. of 7-12-82)

(Sec. 22-42, Amended, 11/22/2004, CU restrictions)

Section 22-43 22-43--22-60. Reserved.

Section 22-60A ARTICLE II. NONCONFORMANCES

Section 22-61 Nonconforming lots.

Any lot for which a plat or legal description has been recorded in the office of Clerk of the Superior Court of Thomas County at the time of passage of the ordinance from which this section derives which fails to comply with the dimensional requirements for the district in which it is located may if vacant be used for any of the uses permitted a conforming use, may have the structure improved, enlarged, or extended, provided that in either case:

(1) Minimum requirements of the district for front, side, and rear yard, height, and floor area shall be complied with.

(2) The lot be used for duplexes or multifamily dwellings when allowed within the district only if the lot meets the minimum lot area requirements for those uses in the district.

(3) The requirements of section 22-23 are met.

(Code 1958, § 24-15)

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Section 22-62 Nonconforming open uses of land.

Nonconforming uses consisting of lots used for storage yards, used car lots, auto wrecking, junkyards, golf driving ranges, miniature golf and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter under this article in the district in which it is located shall be governed by the following restrictions in addition to the other requirements in this article:

- (1) When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
- (2) Nonconforming open uses of land shall not be changed to any but conforming uses.
- (3) A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.
- (4) When any nonconforming open use of land is discontinued for a period in excess of six (6) months, any future use of the land shall be limited to those uses permitted in that district under the provisions of this article. Vacancy and nonuse of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

(Code 1958, § 24-15.01)

Section 22-63 Nonconforming uses of structures.

Nonconforming uses consisting of structures used, at the time of passage of the ordinance from which this section derives, for purposes not permitted in the district in which they are located shall, in addition to the other requirements of this article, be governed by the following restrictions:

- (1) An existing nonconforming use of a structure may be changed to another nonconforming use that is similar in its operation and effect on surrounding properties or may be changed to a conforming use.
- (2) An existing nonconforming use of a structure shall not be changed to another nonconforming use that generates more automobile or truck traffic, creates more noise, vibration, smoke, dust or fumes, is a more intensive use of structures than the existing nonconforming use, and is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.
- (3) A nonconforming use of a structure shall not be extended or enlarged except into portions of the structure which, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use. No structural alterations shall be made in any structure occupied by a nonconforming use, which would in any way increase the floor space, area, or volume of space occupied by the use.
- (4) When any nonconforming use of a structure is discontinued for a period in excess of one (1) year, any future use of the structure shall be limited to those uses permitted in that district under the provisions of this article. Vacancy or non-use or both of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

(Code 1958, § 24-15.02)

Section 22-64 Reconstruction of nonconforming structures.

When a nonconforming structure is a structure containing a nonconforming use or nonconforming sign is razed or damaged by fire, flood, wind or act of God such structure or sign may be reconstructed as a nonconforming use only if the damage totals less than seventy-five (75) percent of the value of the structure. Structures which do not conform to the yard requirements of this article shall also be governed by this provision.

(Code 1958, § 24-15.04; Ord. of 1-23-89(3), § 1)

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Section 22-65 Changes in zoning.

Any nonconformances created by a change in district boundaries or ordinance regulations after the date of passage of the ordinance from which this section derives shall also be governed by the provisions of section 22-61.

(Code 1958, § 24-16)

Section 22-66 22-66--22-80. Reserved.

Section 22-80A ARTICLE III. DISTRICTS

Section 22-81 Establishment of districts.

In order that the purposes of this chapter as defined in section 22-4 may be accomplished, there are hereby established within the City the zoning districts identified as follows:

(1) *A Agricultural.* The purpose of this district is to provide single-family residential areas with minimum lot sizes of fifteen thousand (15,000) square feet, such areas being protected from the depreciating effect of small lot development and also permitting rural agricultural uses.

(2) *R-1A Single-family residential.* The purpose of this district is to provide single-family residential areas with minimum lot sizes of fifteen thousand (15,000) square feet, such areas being protected from the depreciating effects of small lot development and excessive density and from the encroachment of those uses which are incompatible to a desirable residential environment.

(3) *R-1B Single-family residential.* The purpose of this district is to provide single-family residential areas with minimum lot sizes of ten thousand (10,000) square feet, such areas being protected from the depreciating effects of small lot development and excessive density and from the encroachment of those uses which are incompatible with a desirable residential environment.

(4) *R-1 Single-family residential.* The purpose of this district is to provide single-family residential areas with minimum lot sizes of seven thousand five hundred (7,500) square feet, such areas being protected from the depreciating effects of small lot development and excessive density and from the encroachment of those uses which are incompatible to a desirable residential environment.

(5) *R-2A Multifamily residential.* The purpose of this district is to provide orderly development of high density residential areas for one (1), two (2), and multifamily dwellings, such areas being protected from the encroachment of those uses which are incompatible to a desirable residential environment.

(6) *R-2 Multifamily residential.* The purpose of this district is to provide orderly development of high density residential areas for one (1), two (2), and multifamily dwellings as well as professional offices, such areas being protected from the encroachment of those uses which are incompatible to a desirable residential-professional environment.

(7) *C-1A Limited business districts.* The purpose of this district shall be to create an area in which residential, business, professional, educational, and institutional uses can be compatibly mixed while maintaining a healthful living environment for the residents of the district and at the same time preventing the development of blight and slum conditions.

(8) *C-1 Commercial.* The purpose of this district shall be to provide and protect convenient areas for community shopping facilities consisting of a wide variety of sales and services.

(9) *C-2 Commercial.* The purpose of this district shall be to enhance and protect shopping

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facilities in the central business district of the City.

(10) *M Manufacturing*. The purpose of this district shall be to provide and protect areas for those industrial or other uses which do not create excessive noise, odor, smoke, dust, and which do not possess other objectionable characteristics which might be detrimental to surrounding neighborhoods, or to the other uses permitted in the district.

(11) *M-1 Manufacturing*. The purpose of this district shall be to provide and protect areas for those industrial uses which cannot comply with the regulations of the M district.

(12) *MH Zone* (One-family manufactured housing residential district). The purpose of this zone is to provide a zone where lots may be purchased by individuals for the purpose of permanently locating a manufactured home or constructing a single-family residence with minimum lot sizes of seven thousand five hundred (7,500) square feet.

(13) *L.U. Zone*. The purpose of this zone is to allow the applicant to request that a certain area be designated as "Limited Use" (L.U.), which area, after having been recommended by the planning and zoning commission and approved by the City Council, must be used for only those conditions prescribed by the City Council, which uses must be among those uses permitted in the zone from which the limited use zone is taken. Provided, further, however, that should any area designated as "limited use" fail to be used continuously for the limited use or uses approved by the City Council pursuant to this subsection, the subject area shall automatically revert to the zoning district from which the subject area was taken and designated "limited use." Any applicant for a limited use may ask for and receive consideration by the planning and zoning commission under the same terms and conditions prescribed for any rezoning request. The applicant may in all eventualities attach to his application a site plan, architectural renderings or such other material as might be of assistance to both the planning commission and the City Council in their considerations.

(14) *R-TH Townhouse district*. The purpose of this district shall be to:

- a. Encourage home ownership in the City through innovative housing arrangements which utilize design and building concepts which may be different from the standard single-family residence concept;
- b. Provide a wider variety of types of dwelling units than are available at the time of the enactment of the ordinance establishing this district; and
- c. Allow for innovative uses of real property which may not be suitable for development for other kinds of residential use. See section 22-206 et seq. for development standards.

(15) *R-CD Cluster housing*. The purpose of this district shall be to provide savings in infrastructure installation, land resources and energy use through the allocation of dwellings, construction and physical impact to a given tract of real property to permit variation in lot size, shape, width, depth, and building setbacks without an increase in overall density of population or development while ensuring to the greatest extent possible compatibility with adjacent developments and existing neighborhoods. See section 22-231 et seq. for development standards.

(16) *R-TND Traditional Neighborhood Development*. The purpose of the TND District is to create an innovative residential zoning classification that will:

- a. Encourage a pattern of neighborhood development that will be consistent with the traditional qualities of the City of Thomasville Historic Districts and that will be compatible with surrounding residential areas of the City.
- b. Be distinguished from other residential zoning districts through a unified plan for a neighborhood that includes a diversity of land uses and lot sizes, housing types and sizes to accommodate persons of a variety of stages of life in a pedestrian-oriented setting that is well integrated with the City's neighborhoods, parks, civic spaces, and commercial uses.
- c. Result in fewer burdens on present and projected public services and utilities than would result from conventional subdivision development. See section 22-235 et seq. for development standards.

(Code 1958, § 24-7; Ord. of 4-9-79; Ord. of 9-22-86(1), §§ I, II; Ord. of 8-28-95, § IV)
(2005 (22-81), Amended, 05/23/2005, added TND; 2003 (22-81), Amended, 12/22/2003, Limited Use addition)

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Section 22-82 Zoning map.

(a) The boundaries of each district are shown on a map entitled "Comprehensive Zoning Map Thomasville, Georgia" dated July 26, 1971 and certified by the mayor. The map and all explanatory matter thereon is hereby made a part of this chapter.

(b) An accurate copy of the Comprehensive Zoning Map Thomasville, Georgia, shall be on file in the office of the zoning administrator at all times. Such map shall accurately show all map amendments made in accordance with the provisions of this chapter, and the date when the amendments became effective. It shall be the duty of the zoning administrator to see to it that the Comprehensive Zoning Map Thomasville, Georgia, is displayed in his office and is kept up to date and accurately shows all amendments.

(c) A description of the legal boundaries of the various zone districts has been omitted. Copies are available in the office of the chief building official in the city hall.
(Code 1958, § 24-7.01)

Section 22-83 Interpretation of district boundaries, zoning map and references.

(a) All recording references to deeds, maps, plats or other such data in this chapter unless otherwise indicated may be found in the office of the Clerk of the Superior Court of Thomas County.

(b) Reference once made to a plat of a subdivision shall extend to any other reference to the subdivision by name without the place of record of the plat again being made.

(c) Where the boundary of a railroad right-of-way is the boundary of a district or zone or districts or zones and the total width of the right-of-way is not included by the word description in any district or zone, the total width of the right-of-way is included in the lower classification district or zone.

(d) Where a conflict exists between the map description and the word description of a zone or district, the word description shall control.

(e) The word description of zones or districts shall be used in interpreting the map descriptions.

(f) If any land area lying within the limits of the city (exclusive of railroad right-of-way) has been omitted from zoning classification in this chapter, the omission is unintentional. If by reference to the word descriptions and the map descriptions it cannot be determined whether any particular land area within the limits of the city has been zoned or classified such particular land area shall be construed to be included and zoned as a separate parcel or parcels in the A zone.

(g) If a district boundary line on the zoning map divides a lot of record held in one (1) ownership on the date of passage of the ordinance from which this section derives, each part of the lot so divided shall be used in conformity with the regulations established by this chapter for the district in which each such parcel is located; except, however, that if the property owner of such a lot, other than a through lot, so desires, he may extend a use allowed on the greater portion of such lot fifty (50) feet beyond the district into which he is encroaching.

(h) Where any public street or alley is vacated officially hereafter or abandoned, the zone classification and regulations of the larger portion shall apply to the remaining smaller portion of the lot.

(i) Where a street is in existence at the time of the effective date of the ordinance from which this section derives, and such existing street has less width than sixty (60) feet, it shall nevertheless be defined as a street.

(Code 1958, § 24-7.15)

Section 22-84 Historic district; conditional uses.

Structures located within the historic district of the city and which appear on the Thomasville Historic Building and Site Survey in section 22-86 may be appropriated to conditional uses which are restricted to cultural facilities, restaurant, tearoom, antique shop, art studio and outlet, craft shop and outlet, boutique,

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photographic studio, flower shop (retail), gift shop, professional offices, drugstore, bookstore, music school or studio, dance school or studio, ice cream parlor, multifamily dwellings (provided that the number of dwelling units be specified in the request for such conditional use). Such approval is to be granted according to the terms and conditions of section 22-382.

(Code 1958, § 24-8.03.1)

State law reference--Facade and Conservation Easements Act of 1976, O.C.G.A. § 44-10-1 et seq.

Section 22-85 Historic district boundaries.

The boundaries of the Thomasville Historic District are determined to be as follows: To find a point of beginning begin at the intersection of the center line of North Madison Street with the center line of West Walcott Street and from this point of beginning run thence south along the center line of North Madison Street to a point where that center line intersects the center line of West Washington Street; run thence in a westerly direction along the center line of West Washington Street to a point where that center line intersects the center line of North Oak Street; run thence in a southerly direction along the center line of North Oak Street to a point where that center line intersects the center line of West Jackson Street; run thence in a westerly direction along the center line of West Jackson Street to a point where that center line intersects the center line of Lee Street; run thence in an easterly direction along the center line of Lee Street to a point where that center line intersects the center line of Fletcher Street; and thence continuing along the center line of Fletcher Street to a point where that center line intersects the center line of South Madison Street; run thence in a southerly direction along the center line of South Madison Street to the point where that center line intersects the center line of Little Street; run thence in an easterly direction along the center line of Little Street to a point where that center line intersects the center line of Gordon Avenue; run thence in a southerly direction along the center line of Gordon Avenue to a point where that center line intersects the center line of West Loomis Street; run thence in an easterly direction along the center line of West Loomis Street to a point where that center line intersects the center line of Metcalf Avenue (unopened); run thence in a westerly direction along the center line of Metcalf Avenue (unopened) to a point where that center line intersects the center line of East Hansell Street; run thence in a northerly direction along the center line of East Hansell Street to a point where that center line intersects the center line of Smith Avenue; run thence in an easterly direction along the center line of Smith Avenue to a point where that center line intersects the center line of Bennett Street; run thence in a northerly direction along the center line of Bennett Street to a point where that center line intersects the center line of Remington Avenue; run thence in an easterly direction along the center line of Remington Avenue to a point where that center line intersects the center line of South Hansell Street; run thence in a northerly direction along the center line of South Hansell Street to a point where that center line intersects the center line of East Jackson Street; run thence in a westerly direction along the center line of East Jackson Street to a point where that center line intersects the center line of South Love Street; run thence in a northerly direction along the center line of South Love Street to a point where that center line intersects the center line of East Washington Street; run thence in a westerly direction along the center line of East Washington Street to a point where that center line intersects the center line of Young Street; run thence in a northerly direction along the center line of Young Street to a point where that center line intersects the center line of Walnut Street; run thence in a westerly direction along the center line of Walnut Street to a point where that center line intersects the center line of Chestnut Street; run thence in a southerly direction along the center line of Chestnut Street to a point where that center line intersects the center line of North Boulevard; run thence in westerly direction along the center line of North Boulevard to a point where that center line intersects the center line of North Crawford Street; run thence in a southerly direction along the center line of North Crawford to a point where that center line intersects the center line of East Walcott Street; run thence in a westerly direction along the center line of East Walcott Street to the point of beginning.

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(Code 1958, § 24-8.03.1;

Section 22-86 Thomasville Historic Building and Site Survey.

The following table identifies structures by street address within the historic district which may be appropriated to conditional uses, which are restricted as provided in section 22-84. Such structures are rated according to the following numerical designations:

Thomasville Historic Building and Site Survey

Legend:

- 1-- Outstanding
- 2--Excellent
- 3--Notable

<i>Street No.</i>	<i>Rating</i>	<i>Street No.</i>	<i>Rating</i>
<i>North Broad:</i>			
		312	1
108	3	320	2
122	3	329	1
135	1	418	3
210	3	425	1
215	1	503	3
		509	3
516	2	<i>Colton Avenue:</i>	
520	3	116	2
609	3		
610	3	<i>North Crawford:</i>	
615	3	312	3
621	3	316	3
700	3	320	1
Old Cemeteries	1	321	3
		Big Oak Park	1
<i>South Broad:</i>			
		407	3
101	2	411	3
103	2	415	3
105	2	419	3
107	2	422	3
108	3	429	3
109	1	432--34	3
116	1	502	3
124	3	513	3
126	2	518	3
128	2	City Park	3
130	1	817	3
132	3		
200	1	<i>South Crawford:</i>	
206	2	210	3
216	3	<i>North Dawson:</i>	
401	3	108	2

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502	2	115	2
508	3	116	2
704	2	130	3
		216	1
<i>East Calhoun:</i>		303	3
131	3	310	2
		316	3
<i>West Calhoun:</i>		319	3
104	3	324	1
110	3	329	3
		402	3
<i>East Clay:</i>		412	1
119	3	413	2
125	3	419	3
212	3	420	2
215	3	429	1
317	3	430	3
426	3	435	1
429	2	436	3
503	3	439	3
511	2	442	2
519	2	446	2
522	1	701	2
529	3	711	1
602	2	717	2
602 1/2	3	725	3
603	2	801	3
618	2	805	3
626	1	817	1
627	2	Paradise Park	1
704	1	110 West Hansell	3
709	2		
710	2	<i>East Jackson:</i>	
714	1	144	2
725	3	200	3
Log Cabin	1	218	2
Bowling Alley	1	221	3
732	3	225	1
803	1	226	3
806	3	330	3
817	2	331	3
820	2	340	2
830	1		
903	2	<i>West Jackson:</i>	
920	3	208	3
		210	3
<i>South Dawson:</i>		212	3
119	2	214	3
123	2	301	2

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		303	2
<i>South Hansell:</i>		309	3
120	3	311	3
206	3	312	2
403	1	313	3
404	2	315	3
411	2	316	3
420	1	319	3
421	2		
426	2	<i>North Madison:</i>	
		107	3
<i>East Jefferson:</i>		207	2
123	2		
134	2	<i>East Monroe:</i>	
210	3	125	3
219	3	207	3
312	1	214	2
326	3	218	3
327	3	222	3
330	3		
		<i>Park Avenue:</i>	
<i>West Jefferson:</i>		113	3
115	3		
117	3	<i>Remington Avenue:</i>	
203	2	117	3
300	3	128	3
		216	3
<i>East Jerger:</i>		229	3
204	3	330	2
319	3	331	1
323	3	406	1
327	3	432	3
328	3	437	2
331	3	445	1
		518	3
<i>East Loomis:</i>		520	3
213	3	524	3
		<i>Seward Street:</i>	
<i>North Love:</i>		128	3
115	3	129	3
121	3		
		<i>East Walcott:</i>	
<i>South Love:</i>		303	1
107	2	315	3
113	3	316	2
117	3		
118	3	<i>Warren Aveneue:</i>	
121	2		

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122	3	207	3
141	2	209--11	3
201	3	221	2
205	3	229	3
207	3	230	3
215	3	219	2
233	3	315	2
234	2	322	2
315	3		
327	2	<i>Webster Street:</i>	
333	3	111	3
<i>East Washington:</i>		<i>Young Street:</i>	
111	3	207	3
119	3	211	3
211	3	215	3
217	3		

(Code 1958, § 24-8.03.1)

Section 22-87 22-87--22-105. Reserved.

Section 22-105A ARTICLE IV. PERMITTED USES

Section 22-106 Schedule of permitted uses.

(a) *Table of permitted uses.* Within the various zoning districts as indicated on the comprehensive zoning map Thomasville, Georgia, no building, structure, or land shall be constructed, erected, altered, or used except as indicated in the following schedules.

(b) *Uses permitted by right.* Uses permitted as a matter of right are indicated on the following schedule by the letter "X" in the appropriate column.

(c) *Conditional uses.* Uses permitted only after special review and approval of the city council and planning commission (see section 22-382) are indicated on the following schedule by the letters "CU" in the appropriate column.

	A	R-1A	R-1B	R-1	R-2A	R-2	C-1A	C-1	C-2	M	M-1	M-H	R-TH	R-CD
<u>RESIDENTIAL AND RELATED USES</u>														
1. ACCESSORY BUILDINGS OR USES	X	X	X	X	X	X	X	X	X	X	X	X	X	X
2. BED AND BREAKFAST HOMESTAY	X	X	X	X	X	X	X	X	X			X	X	X

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related uses on the same premises and operated by the church provided that within an A, R-1A, R-1B, R-1, R-2, R-2A, and C-1A, the lot size shall be no less than two (2) acres	C U	CU	CU	C U	CU	X	X	X	X	X				
5. DWELLING, SINGLE-FAMILY	X	X	X	X	X	X	X	X	X			X	X	X
6. DWELLING, MULTIFAMILY					X	X	X	X	X					
7. DWELLING, TWO-FAMILY					X	X	X	X	X					
8. FRATERNITIES AND SORORITIES, located on a major or secondary street as specified on the Official Street and Road Classification and Major Thoroughfare Plan of Thomasville, Georgia	C U						X	X	X	X	X			

	A	R- 1A	R- 1B	R- 1	R- 2A	R- 2	C- 1A	C- 1	C- 2	M	M- 1	M H	R- TH	R- CD
9. GARAGE APARTMENT, provided no more than one (1) shall be permitted on a lot with another dwelling and provided such shall be permitted only within a rear yard and provided that the lot on which such use is to be established meets the minimum lot area requirements for two-family dwelling						X	X	X	X					
10. GUEST QUARTERS OR SERVANT QUARTERS, provided no more than one (1) shall be permitted on a lot with another dwelling and provided such shall be permitted only within a rear yard and provided that the lot on which such use is to be established meets the	X	X												

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minimum lot area requirements for a two (2) family dwelling and provided further that said property is not used as rental property																	
11. HOME OCCUPATION		X		X	X	X	X	X	X	X							
12. RECREATION VEHICLE PARKS	C U	C U	CU	C U	CU	C U	CU	C U	C U	C U							
13. MANUFACTURED HOUSING SUBDIVISION															X		
14. PUBLIC OWNED RECREATION CENTERS, Y.M.C.A., AND INSTITUTIONS OF A SIMILAR NATURE	C U	C U	CU	C U	CU	C U	CU	X	X	X							
15. SCHOOLS, ELEMENTARY, JUNIOR AND SENIOR HIGH, PUBLIC OR PRIVATE	C U	C U	CU	C U	CU	C U	CU	X	X	X							
16. SCHOOLS, KINDERGARTEN, provided that: (a) Off-street loading and unloading spaces are supplied; and, (b) At least one hundred (100) square feet of outdoor play area is supplied for each child accompanied; and (c) The entire play area is enclosed by a fence having a minimum height of four (4) feet and constructed in such a manner that maximum safety to the children is ensured.	C U	C U	CU	C U	CU	C U	CU	X	X	X							
<u>BUSINESS USES</u>																	
17. AMBULANCE SERVICE OR RESCUE SQUAD						C U	X	X	X	X							
18. AMUSEMENT																	

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OR RECREATIONAL ACTIVITIES (COMMERCIAL), carried on outside a building such as a golf or baseball driving range, miniature golf course, softball field, and uses of similar nature									X	X	X		X	CU	CU
19. AMUSEMENT OR RECREATIONAL ACTIVITIES (COMMERCIAL), carried on wholly within a building, such as cinema, theater, auditorium and uses of a similar nature							X	X	X	X					

	A	R-1A	R-1B	R-1	R-2A	R-2	C-1A	C-1	C-2	M	M-1	M	R-TH	R-CD
20. ANIMAL HOSPITAL, COMMERCIAL KENNELS, VETERINARY CLINIC OR ANIMAL BOARDING PLACE, located at least two hundred (200) feet from the nearest residential zoned district								X	X	X				
21. ART STUDIO							CU	X	X	X				
22. AUTOMOBILE, TRUCK, FARM EQUIPMENT, OR MOTORCYCLE SALES, REPAIR OF UPHOLSTERY; AUTO WASHETERIA, PAINT SHOPS, OR TIRE RECAPPING (Including rebuilding or parts or sales of parts and equipment indoors only, no outside storage of equipment or parts except for M district)								X	X	X				

	A	R-1A	R-1B	R-1	R-2A	R-2	C-1A	C-1	C-2	M	M-1	M	R-TH	R-CD
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23. AUTOMOBILE PARKING LOT OR PARKING GARAGE (COMMERCIAL)								X	X	X							
24. BAKERY								X	X	X							
25. BANKS, FINANCIAL INSTITUTIONS. Off-street parking requirements may be supplemented in R-2 zones provided that: (a) The parking lot is located within four hundred (400) feet of the property upon which the principal building is located on; and (b) Not more than fifty (50) percent of the required off-street parking shall be located in a R-2 zone								X	X	X	X						
26. BARBER OR BEAUTY SHOP								X	X	X	X						
27. BARN,SILOS,AND FARM BUILDINGS	X																
28. BOOKBINDING, PRINTING, ENGRAVING, BLUEPRINTING, PHOTOSTATING, OR LETTER SHOP									X	X	X						

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37. DRIVE-IN RESTAURANTS								X	X	X				
38. DRIVE-IN THEATRE								X	X	X				
39. DRUG STORES							X	X	X	X				
40. ELECTRICAL REPAIR and similar repair of a heavy commercial nature									C U	X				
41. EXPERIMENTAL LABORATORY								X	X	X				
42. FREIGHT EXPRESS OFFICE								X	X	X				
43. FARMERS MARKET										X				
44. FEED SEED, AND INSECTICIDES, AND FERTILIZER RETAIL SALES								X	X	X				
45. FLOWER SHOP (RETAIL)							X	X	X	X				
46. FLOWER SHOP (WHOLESALE)								X	X	X				
47. FOOD STORES, including retail bakeries, meat markets, dairy products, confectioner shops, liquor stores, and stores of a similar nature								X	X	X				
48. FUNERAL HOME							X	X	X	X				
49. FURNITURE UPHOLSTERY SHOP								X	X	X				

	A	R-1A	R-1B	R-1	R-2A	R-2	C-1A	C-1	C-2	M	M-1	M-H	R-TH	R-CD
50. GENERAL OFFICES							X	X	X	X				

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51. GLASS SALES AND STORAGE								X	X	X				
52. GOLF COURSE								X	X	X				
53. GOLF COURSE, provided that: (a) It shall be for daytime use only; and (b) All greens and fairways shall be set back at least one hundred (100) feet from any property line; and (c) All tees and structures shall meet minimum setback requirements for single-family residences within the district	C U	C U	CU	C U	CU	C U	CU	X	X	X				
54. GROCERY, FRUIT, OR VEGETABLE MARKET								X	X	X				
55. GROUP DEVELOPMENT PROJECTS				CU	C U	X	X	X						
56. GROWING OF CROPS, GARDENS (COMMERCIAL)	X							X	X	X				
57. HARDWARE APPLIANCE STORE OR ELECTRICAL								X	X	X				
58. HOME FURNISHINGS AND HARDWARE, such as appliance sales and repairs, hardware stores, paint stores, sporting goods stores, furniture stores, and stores of a similar nature								X	X	X				
59. HOSPITALS, NURSING AND SENIOR CITIZEN HOMES, provided that: (a) The lot size for hospitals and nursing homes shall be no less than eighty thousand (80,000) square feet, in area; (b) The lot size for														

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senior citizen homes shall be no less than sixty thousand (60,000) square feet in area;						X	X	X	X	X								
60. JEWELRY STORE								X	X	X								
61. HOTELS								X	X	X								
62. LABORATORY SERVICE PROFESSIONAL REQUIREMENTS-MEDICAL, DENTAL						X	X	X	X	X								
63. LAUNDERETTE OR WASHERTERIA (Self-service laundries)								X	X	X								
64. LIVESTOCK, such as horses, cows, chickens but not including pigs or hogs	X																	
65. LOCKSMITH, GUNSMITH								X	X	X								
66. MEDICAL, DENTAL, OR SIMILAR CLINIC						X	X	X	X	X								
67. MINI-STORAGE BUILDING provided that: (a) a solid fence, no less than 7 feet and no more than 8 feet in height, constructed of approved materials as defined in Sec. 22-182, shall be erected so as to screen the mini-storage buildings from view. Any portion of any mini-storage building which is more than 14 feet above ground shall be required to meet the architectural standards of Sec. 22-182. (b) a 6 foot landscaped perimeter adjacent of the fence required in (a) above, but no farther away from the fence than 10 feet, shall be required								X	X	X								

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STAND														
73. NURSERY SCHOOLS, provided that: (a) Off-street loading and unloading spaces are supplied; and						X	X	X	X	X				

	A	R-1A	R-1B	R-1	R-2A	R-2	C-1A	C-1	C-2	M	M-1	M-H	R-TH	R-CD
(b) At least one hundred (100) feet of outdoor play area is supplied for each child accommodated; and, (c) The entire play area is enclosed by a fence having a minimum height of at least four (4) feet and constructed in such a manner that maximum safety to the children is ensured.														
74. OFFICE EQUIPMENT SALES AND SERVICE								X	X	X				
75. PAWN SHOPS								X	X	X				
76. PERSONAL SERVICE SHOPS, such as shoe repair, laundry pickup stations, watch repair and services of a similar nature							X	X	X	X				
77. PEST CONTROL, providing no outside storage other than within an M district							X	X	X	X				
78. PHOTOGRAPHY STUDIO							X	X	X	X				
79. PROFESSIONAL OFFICES, such as tax consultant, attorney, insurance agent, real estate agent, or engineering office						X	X	X	X	X				
80. RADIO AND T.V. STUDIOS								X	X	X				
81. RADIO, TV, and TELE										C	C			

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- COMMUNICATIONS TOWERS Cannot be located within (500) five hundred feet from any residential dwelling, residential or commercial zoning districts or street right-of-ways. If tower is not in use or is abandoned for 12 months, it shall be removed at the expense of the owner, and a Bond shall be posted with the City of Thomasville before the tower is erected to cover the cost of the removal.										U	U						
82. RAILROAD OR BUS PASSENGER STATION								X	X	X							
83. RAILROAD FREIGHT STATION								X	X	X							
84. RESIDENTIAL MOBILE AND MODULAR HOME SALES LOT								X	X	X							
85. RESTAURANTS AND FOOD CATERING SERVICE								X	X	X							
86. RETAIL AUTO PARTS AND TIRE STORES								X	X	X							
87. RETAIL CANDY AND ICE CREAM STORES							X	X	X	X							
88. SERVICE STATION provided that major auto repair shall not be permitted, nor shall there be outside storage of equipment or materials other than merchandise offered for sale.								X	X	X							
89. SHELL HOME DISPLAY YARDS								X	X	X							

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90. SHOPPING CENTERS								X	X	X							
91. SMALL MOTOR REPAIR SHOPS								X	X	X							
92. SHRUBBERY SALES								X	X	X							
93.SPECIALTY SHOPS, such as novelty shops, gift shops, and stores of similar nature							X	X	X	X							
94.SWIMMING POOL (COMMERCIAL)								X	X	X							
95. SWIMMING POOL (RESIDENTIAL)	X	X	X	X	X	X	X	X	X	X					X	X	
96. TAILOR								X	X	X							
97. TAXIDERMIST								X	X	X							
98. TAXI OFFICE								X	X	X							
99. TELEGRAPH OR MESSENGER SERVICE								X	X	X							
100. TRADE SCHOOLS								X	X	X							
101. UTILITY TRAILER RENTALS AND RENT-ALLS								X	X	X							
102. VARIETY STORE								X	X	X							
103. VEGETABLE OR FLOWER GARDENS (RESIDENTIAL)	X	X	X	X	X	X	X	X	X	X			X	X	X		
	A	R-1A	R-1B	R-1	R-2A	R-2	C-1A	C-1	C-2	M	M-1	M-H	R-TH	R-CD			
104. VENDING MACHINES, of a size not to exceed H80", W40", D36" located out-of-doors subject to yard and setback requirements for the respective districts							X	X	X	X	X	X					
105. VENDING MACHINE DISTRIBUTOR								X	X	X							
<u>MANUFACTURING, WHOLESALING &</u>																	

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Thoroughfare Plan, Thomasville, Georgia; (b) If within five hundred (500) feet of a public right-of-way, an eight (8) foot high solid fence or wall shall be erected to screen the storage yard from view from the street.										C U	X						
<u>LIGHT MANUFACTURING</u> 112. APPLIANCE AND ELECTRONIC DEVICE ASSEMBLY PLANT including the manufacturing of parts for appliances and electronic devices										C U	X	X					
113. ASSEMBLY OF PRODUCTS from previously prepared materials										C U	X	X					
114. BOTTLING AND CANNING PLANT										C U	X	X					
115. CONSTRUCTION OF SIGNS, including painted signs							X	X	X	X	X						
116. CANNING PLANT											X	X					
117. CERAMIC PRODUCTS provided that kilns shall only be by gas or electricity									X	X	X						
118. COSMETIC AND PHARMACEUTICAL PRODUCTS											X	X					
119. FOOD MANUFACTURING, but not including fish, meat products, sauerkraut, vinegar, yeast, and rendering plants											X	X					
120. ICE MANUFACTURING										C U	X	X					

A	R-	R-	R-	R-	R-	C-	C-	C-	M	M-	M	R-	R-
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		IA	IB	I	2A	2	IA	I	2		I	H	TH	CD
121. LAUNDRY, cleaning and dyeing plants								X	X	X	X			
122. LIGHT SHEET METAL PRODUCTS such as ventilating ducts and eaves									C U	X	X			
123. MACHINE SHOP and related activities									C U	X	X			
124. MUSICAL INSTRUMENTS, toys, novelties, and similar products									C U	X	X			
125. TINSMITH AND ROOFING SERVICE									C U	X				
126. OTHER MANUFACTURING PROCESSING, packaging, or handling of a similar nature which shall not emit or produce more smoke, noise, odor, dust, vibration or fumes than the uses listed herein									C U	X				
127. LUMBER YARD, COAL STORAGE YARDS, OR OTHER STORAGE NOT SPECIFICALLY LISTED IN THIS COLUMN, such yards if within an M district shall be enclosed by a fence and no storage shall be permitted outside such fence											X			
128. PETROLEUM BULK PLANT (storage and refining)										C U	CU			
129. PLANING OR SAW MILL										X	X			
130. RAILROAD CLASSIFICATION AND REPAIR YARD										X	X			
131. RAISING OR SALE OF LIVESTOCK (STOCK YARD)										C U				

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132. SANITARY FILL OR INCINERATION											C U	CU			
133. TRUCK TERMINAL											C U	X			
134. WAREHOUSING (Not related to sales on the premises) provided that the requirements set forth for Mini-Storage Buildings in Sec. 106 (c)(67) are met.											C U	X	X		
135. WHOLESALING OF A LIGHT COMMERCIAL NATURE when operated in conjunction with or as part of a retail outlet									X		C U	X	X		
136. WHOLESALING (Not covered in other parts of this list)										C U	C U	X	X		
<u>MISCELLANEOUS</u>															
137. ARMORIES, for meetings and training of military organizations										C U	C U	X			
138. TEMPORARY STRUCTURES, but not including tents for religious meetings									X		X	X			

	A	R-1A	R-1B	R-1	R-2A	R-2	C-1A	C-1	C-2	M	M-1	M-H	R-TH	R-CD
139. TEMPORARY BUILDINGS AND STORAGE OF MATERIALS (in conjunction with construction of a building), on a lot where construction is taking place or on adjacent lots, such temporary uses to be terminated upon completion of construction	X	X	X	X	X	X	X	X	X	X	X	X	X	X
140. PUBLIC														

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<p>UTILITIES AND PUBLIC SERVICES including the construction, installation, operation, and maintenance for public utility purposes, of water and gas pipes, mains and conduits, electric light and electric power transmission and distribution lines, telephone and telegraph lines, oil pipe lines, sewer mains, incidental appurtenances and substation where permanent personnel will not be required</p>	X	X	X	X	X	X	X	X	X	X	X	X	X						
<p>141. MUNICIPAL STRUCTURES</p>	C U	C U	CU	C U	CU	C U	CU	C U	C U	C U	CU	C U							
<p>142. CEMETERIES. Cemeteries of a conventional type and nature serving the public and administered by a church or a group serving the public for general usage and also provided that a satisfactory site plan is submitted with evidence that: (a) The proposed cemetery is reasonably compatible with the existing land use and character of the neighborhood. (b) That traffic can be handled efficiently and with respect to existing conditions. (c) That appropriate landscaping, fencing and screening can be included if required in the site review</p>	C U	C U	CU	C U	CU	C U	CU	C U	C U										
<p>143. SATELLITE RECEIVING DISH ANTENNA. There are special requirements for</p>																			

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satellite dish antennae. These requirements can be found in Section 22-39, standards for satellite receiving dish antennae	X	X	X	X	X	X	X	X	X	X	X	X		
144. TATTOO PARLORS OR STUDIOS. There are special reuirements for tattoo parlors or studios which can be found in Sections 18-270 through 18-280. Tattoo parlors or studios are not allowed in any Historic District.								X	X	X	X			

(Code 1958, § 24-8; Ord. of 2-28-72; Ord. of 4-23-73; Ord. of 1-14-74; Ord. of 4-9-79; Ord. of 7-12-82; Ord. of 1-12-87(4); Ord. of 3-22-87, § I; Ord. of 12-28-87; Ord. of 1-23-89(3); Ord. of 8-28-95, § V; Ord. of 2-23-98, § I.

(Ord 2-22-10; 2006 (22-144), Added, 02/13/2006; 2005[22-106#2,5,6,7,9,55], Amended, 03/14/2005; 22-106 (c) (67 & 134), Amended, 02/14/2005; 22-106(55), Amended, 11/22/2004; 2003 (3a,b,c), Amended, 07/14/2003; Ord. 2003 (22-104), Amended, 06/26/2003; Ord. 2000 (22-106), Amended, 11/27/2000; Ord. 2000 (22-106-81), Amended, 09/25/2000)

Section 22-107 22-107--22-130. Reserved.

Section 22-130A ARTICLE V. ADMINISTRATION

Section 22-131 Zoning administrator appointed; duties.

The chief building official is hereby appointed as the zoning administrator and it shall be his duty to administer and to enforce this chapter.
(Code 1958, § 24-17)

Section 22-132 Reserved

Section 22-132, formerly captioned Building permit required, was repealed on 7-23-08 and replaced by the permitting requirements incorporated by reference in Section 5-31 of the Thomasville Municipal Code.

Section 22-133 Reserved

Section 22-133, formerly captioned Application for building permit., was repealed on 7-23-08 and replaced by the permitting requirements incorporated by reference in Section 5-31 of the Thomasville Municipal Code.

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Section 22-134 Sign permits.

The zoning administrator shall receive applications for the construction of signs, as required by this article. Such applications shall follow the same forms as required for building permits, and shall contain information required by section 5-500, compliance required. The zoning administrator shall process such sign applications and shall issue sign permits and sign permit numbers for proposed signs which comply with the requirements of this chapter.

(Code 1958, § 24-17.03)

Section 22-135 22-135--22-150. Reserved.

Section 22-150A ARTICLE VI. AMENDMENTS AND REZONING

Section 22-151 Alternative methods; preliminary review required.

This article, including the zoning map, may be amended by the city council:

- (a) On its own motion;
- (b) By petition of the property owner or the property owner's agent to whom the property owner has designated such authority in writing;
- (c) On recommendation of the planning and zoning commission, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the planning and zoning commission for review and recommendation.

(Code 1958, § 24-21; Ord. of 7-28-86, § I; Ord. of 7-28-97(2), § I)

Section 22-152 Application for amendment.

Applications for amendment of this article may be in the form of proposals for amendment of the text of this article or proposals for amendment of the zoning map. Applications for amendment shall be submitted to the zoning administrator and shall include a five hundred dollar (\$500.00) fee, payable to the city, to defray expenses, except that the application fee shall be one hundred fifty dollars (\$150.00) for zoning amendments involving single-family residential with one (1) to four (4) units. Any application for a zoning amendment which is denied by the city council shall not be reconsidered for one (1) year after the date of denial.

(Code 1958, § 24-21.01; Ord. of 7-28-86, § I; Ord. of 2-27-95(2), § I)

Section 22-153 Signature of applicant required.

All applications shall be signed by the applicant, and shall state the applicant's name and address.

(Code 1958, § 24-21.02; Ord. of 7-28-86, § I)

Section 22-154 Application for text amendment.

In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.

(Code 1958, § 24-21.03; Ord. of 7-28-86, § I)

Section 22-155 Applications for map amendment.

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An application for a map amendment shall include the following information:

- (1) The area in which the lot proposed to be rezoned is located and the street number, if any, or if none, the location with respect to the nearby public streets in common use; and,
- (2) A plat of the lot in question, or a description by metes and bounds, bearings, and distances of the lot, or, If the boundaries conform to the lot boundaries within a subdivision for which a plat is recorded in the land records of the county, then the lot, block, and subdivision designations with appropriate plat references and a copy of the deed to the land so described as required above; and,
- (3) The present zoning and the zoning proposed for the lot in question; and,
- (4) The name and address of the owners of the land; and,
- (5) The area of the land proposed to be rezoned stated in square feet if less than one (1) acre, and in acres if one (1) or more acres; and,
- (6) The application number, date of application, and action taken on all prior applications filed for the rezoning of the whole or part of the land proposed to be rezoned.

(Ord. of 7-28-86, § I; Ord. of 1-12-87(3))

Section 22-156 Public hearing and notification.

Before considering any proposed amendment which changes the text of this chapter or any amendment which rezones property from one (1) classification to another, a public hearing shall be held. No less than fifteen (15) days nor more than forty-five (45) days notice shall be given of the time and place of the public hearing. The notice shall give the time and place, application number and a summary of the proposed amendment, if a text amendment. In the case of a map amendment (rezoning), the location of the property, its area, name of owner and the proposed change of classification shall be stated. Such notices shall appear in at least two (2) consecutive issues of the newspaper used as the official legal organ of the city.

(Code 1958, § 24-21.06; Ord. of 7-28-86, § I)
(2005 (Sec.22-156), Amended, 06/29/2005)

Section 22-157 Notice to interested parties.

In the case of a map amendment (rezoning), a notice of the application number, the applicant's name, property location, current zoning classification and proposed zoning classification, and the date, time and location of the planning and zoning commission public hearing will be sent to all property owners within, but not limited to, four hundred (400) feet of the property proposed to be rezoned. Such notice shall be by U.S. mail, and shall be mailed so as to be received by local citizens not less than fifteen (15) days nor more than forty-five (45) days before the date of the hearing. Copies of each notice shall also be sent to each planning and zoning commission member. All application files shall be placed in the custody of the zoning administrator, and shall be open to public inspection during regular office hours.

(Code 1958, § 24-21.07; Ord. of 7-28-86, § I)

Section 22-158 Referral to planning commission.

Not less than seven (7) days prior to the scheduled hearing date, the zoning administrator shall transmit a copy of any application for amendment to each member of the planning and zoning commission for preliminary review. Additional copies of any application for amendment shall be made available in the hearing. The planning and zoning commission shall have a thirty-day period after a public hearing in which to submit its report to the city council.

(Code 1958, § 24-21.05; Ord. of 7-28-86, § I; Ord. of 2-24-03)
(22-158, Amended, 02/24/2003)

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Section 22-159 Rezoning policies and procedures.

The following policies and procedures are hereby adopted by the city to provide established guidelines for the following:

- (1) The adoption of an amendment to the Comprehensive Zoning Ordinance which changes the text of the zoning chapter;
- (2) The adoption of an amendment to the Comprehensive Zoning Ordinance which rezones property from one (1) zoning classification to another;
- (3) The adoption of an amendment to the zoning plan and map sponsored by the city;
- (4) The adoption of an amendment to the zoning plan and map sponsored by the planning and zoning commission;
- (5) The adoption of an amendment to the zoning plan and map sponsored by a citizen/property owner.

(Ord. of 7-28-86, § I)

Section 22-160 Policies and procedures for city planning commission initiated rezoning activities.

(a) All amendments to any existing zoning plan must be reviewed by both the planning and zoning commission and the city council. However, when the boundary lines of an established zoning district are proposed for change (rezoning), the planning and zoning commission shall prepare an evaluation and recommendation with regard to such proposed item of rezoning, considering each of the following factors:

- (1) Existing uses and zoning of nearby property;
- (2) The extent to which property values are diminished by the proposed zoning restrictions;
- (3) The extent to which the destruction of property values, resulting from existing zoning of specific parcels, promotes the health, safety, morals or general welfare of the public;
- (4) The relative gain to the public, as compared to the hardship imposed upon the individual property owner by the proposed zoning classification;
- (5) The suitability of the subject property for the zoning purposes as proposed;
- (6) 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;
- (7) Conformity with or divergence from the zoning map; and
- (8) Recommendations of the Zoning Administrator of the City of Thomasville Planning Department.

(b) The public hearing will be convened at the advertised time and place and will be presided over by the chairman of that meeting.

(c) At each public hearing, the chairman of the hearing must allow each side of the zoning issue a minimum of ten (10) minutes per side for the presentation of data, evidence, and opinions pursuant to. The chairman will review, for those present, the following operating procedures:

- (1) In order for a person in attendance to speak, the chairman must recognize that person. Upon rising to speak, the person recognized will first identify himself. The chairman may also request that the person furnish a home or business street address, as appropriate.
- (2) The person speaking will be allowed a reasonable amount of time to express opinions and make comments on each separate element of the proposed revisions which he wishes to address.
- (3) Additional persons will be recognized through the procedure described in subsections (1) and (2), for the purpose of addressing additional elements of the proposed revisions or to make additional points with regard to elements already addressed, but not to revisit points already made.
- (4) Appropriate notes or minutes will be recorded by the planning and zoning commission at its public hearing.
- (d) The planning and zoning commission shall prepare and submit the necessary minutes, evaluations

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and recommendations to the city council prior to the meeting of the city council at which action on the zoning request will be taken.

(e) The city council will review the evaluations and recommendations from the planning and zoning commission and may choose to adopt or reject or modify the planning and zoning commission's recommendations, considering the factors set forth in this section, or the business may be tabled for additional study to the next regular meeting.

(Ord. of 7-28-86, § I; Ord. of 12-23-96(3), § II)
(Sec.22-160-(a)8, Amended, 03/28/2005)

Section 22-161 Policies and procedures for citizen/property owner initiated rezoning activities.

(a) An application for rezoning must be filed with the zoning administrator at the municipal building as prescribed in sections 22-152 through 22-155.

(b) The zoning administrator will inform the applicant, in writing, of the public hearing date required under the provisions of section 22-156.

(c) The zoning administrator shall require to be erected upon the property for which rezoning is to be considered a sign of no less than eight (8) square feet announcing the public hearing; stipulating the date, time, and place for the hearing; the present zoning class; and the proposed zoning class. The sign shall be clearly visible from the street. It shall be erected not less than fifteen (15) days before the public hearing date. Failure to erect a sign will cause postponement of the hearing until this requirement is met.

(d) The public hearing held by the planning and zoning commission will follow the same procedure as prescribed in section 22-160(c). Thereafter the planning and zoning commission shall prepare an evaluation and recommendation for the city council with regard to the proposed action, considering each of the factors set out in section 22-160(a).

(Ord. of 7-28-86, § I; Ord. of 7-28-97(1), § I)

Section 22-162 22-162--22-180. Reserved.

Section 22-180A ARTICLE VII. DEVELOPMENT STANDARDS

Section 22-180D DIVISION 1. GENERALLY

Section 22-181 Specifications.

Within the various zoning districts as indicated on the "Zoning Map of the City of Thomasville, Georgia," no building or structure shall be constructed or erected except as indicated in the following schedule:

	<i>A</i>	<i>R-1A</i>	<i>R-1B</i>	<i>R-1</i>
Minimum Lot Area for Dwelling Units	15,000 sq. ft.	15,000 sq. ft.	10,000 sq. ft.	7,500 sq. ft.
Minimum Lot Width	100 feet	100 feet	80 feet	60 feet
Minimum Front Yard	40 feet*	40 feet*	30 feet*	30 feet*
Minimum Side Yards	10 feet*	10 feet*	8 feet*	8 feet*
Minimum Rear Yard	40 feet	40 feet	30 feet	30 feet
Maximum Height	35 feet	35 feet	35 feet	35 feet

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	30 percent	30 percent	30 percent	30 percent
	<i>R-2A</i>	<i>R-2</i>	<i>C-1A</i>	<i>C-1</i>
Maximum Lot Coverage	30 percent	30 percent	30 percent	30 percent
Minimum Lot Area Dwelling Units	One-Family Res. 6,000 sq. ft.	Same as R-2A	Same as R-2A	Same as R-2A
Two-Family Res. 7,000 sq. ft.				
Multiple Family Res. 3,630 sq. ft. per dwelling unit**				
Minimum Lot Width	60 feet	60 feet		
Minimum Front Yard	20 feet*	20 feet*	20 feet*	
Minimum Side Yards	8 feet*	8 feet*	8 feet*	12 feet on one side unless property abuts public alley
Minimum Rear Yard	20 feet	20 feet	20 feet	12 feet unless property abuts public alley
Maximum Height	35 feet	35 feet		
Maximum Lot Coverage	40 percent	40 percent	50 percent	None
Minimum Lot Area for Dwelling Units	<i>C-2</i> Same as R-2	<i>M</i> Same as R-2	<i>M-1</i>	<i>MH</i>
Minimum Lot Area for Nonresidential	None	None	None	
Minimum Lot Width	None	None	None	See Section
Minimum Front Yard	None*	None*	50 feet*	
Minimum Side Yards	12 feet on the side unless property abuts a public alley*	12 feet on one side unless property abuts a public alley*	25 feet	
Minimum Rear Yard	12 feet, unless property abuts public alley	12 feet, unless property abuts public alley	25 feet except where property adjoins a railroad	
Maximum Height	None	None	None	
Maximum Lot Coverage	None	None	None	

NOTE: Setbacks shall be determined by measuring as follows: The right angle distance from the property line to the nearest wall. When any portion of a building (such as patio covers, porches, etc.) have roofs supported by columns, the column line shall be considered the same as the wall line. In any case whenever the roof overhang is more than four (4) feet, the setback will be measured to a point four (4)

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feet inside the outer edge of the roof nearest to the property line.

* On streets having special setbacks, the special setbacks shall be required.

** This change became effective January 1, 1983.

(Code 1958, § 24-8.04; Ord. of 2-28-72; Ord. of 7-12-82)

Section 22-182 Architectural standards for commercial buildings

Architectural styles should be consistent with the character of architectural styles found within the City of Thomasville as listed in the City of Thomasville Commercial Design Guidelines, to the extent deemed applicable by the Architectural Review Board. The following architectural standards shall be applied to all new commercial buildings within the City of Thomasville, excluding designated industrial areas, and shall be applied to development and redevelopment:

(a) Exterior finish material on every facade facing a public right of way and 30 percent on the remaining facades shall be limited to stone, brick, stucco, synthetic stucco, pre-cast concrete, clapboard siding, textured block, and wood shingles.

(b) No blank facades are permitted for all facades facing a public right-of-way. All building facades facing a public right of way shall have glazed areas or areas of glazed appearance and openings of at least 20 percent and no more than 75 percent of the facade area. The Planning Department is authorized to allow a variance up to 5% of the required glazed, glazed appearing, and opening façade area. The glazed and glazed appearance areas, and openings shall meet the following requirements:

(1) Storefronts shall be directly accessible from the sidewalk and shall have glazed areas no more than ten feet from the ground, equal to a maximum of 75 percent of its primary facade area.

(2) Windows shall be recessed a minimum of two inches from the exterior face of the façade except when clapboard siding is used on the facade.

(3) Multiple windows in the same rough opening shall be separated by a minimum of a two inch wide post and sit on one continuous sill.

(4) All visible building facades shall have a Typical Window. It is recommended that the typical window be rectangular and vertically oriented or square in proportion, but may include side or fan lights. Once a Typical Window is designated, any window, which is not typical shall be considered an "Accent Window." The primary facade shall have no more than three (3) Accent Windows. All other visible facades may have up to five (5) Accent Windows. An Accent Window may not be larger in area than four times a Typical Window. Sidelights and fanlights abutting a door shall not be considered as separate windows.

(5) If shutters are used, they shall be sized to match the opening, and be provided for all windows on a given wall.

(6) If security bars are used, they shall be located on the interior of the structure and designed in such a manner so they appear as muntins in a divided light window. Mesh and chain link are not permitted to cover openings.

(c) Mechanical systems, backflow preventers, television antennae, satellite dishes and communication devices shall be screened from view by landscaping or built elements designed as an integral part of the building architecture.

(d) Any building constructed as new Development or Redevelopment as defined in Section 22-6 is required to have a symmetrical pitched roof with a slope of no less than 5:12. Any building constructed as new Development or Redevelopment as defined in Section 22-6, which utilizes a barrel tile roof shall have a symmetrical pitch of no less than 3:12. Any building with a roof pitch of less than 5:12, whether new Development or Redevelopment, with the exception of one which utilizes a barrel tile roof, shall utilize a parapet or false mansard of no less height than necessary to obscure the roof line from view of the public right of way and no more than six (6) feet in height as measured from the bottom of the parapet or mansard or no more than the maximum height as permitted under Section 22-181 for the zone in which the building is constructed.

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(e) Architectural details such as texture, pattern, color, and building form used on the front facade should be incorporated on all visible building facades, but does not apply to any facade facing service courts or other areas generally not visible to the public.

(f) In order to avoid “cookie cutter” style buildings and in recognition of the fact that corporations have available a minimum of two design options, individual “corporate image” architectural design elements and colors shall be incorporated only as secondary elements to the buildings and not as the dominant element.

(g) No fencing in any commercial and manufacturing zones shall exceed seven (7) feet in height. A list of approved fencing materials is maintained in the Planning Department. Chain link fencing will only be permitted in the rear setbacks and must be coated.

(h) All awnings shall be consistent with the architecture of the building. Signs displayed on awnings shall comply with the City of Thomasville Commercial Design Guidelines.

(i) To the fullest extent possible, all utility connections including, but not limited to, electric and phone shall be placed underground.

(2005 (22-182), Amended, 05/12/2005; 22-182 (8-13), Renumbered-Reletter, 04/22/2005, changed numbered sections starting with (8-13) to lettered sections (c) -(h) for consistency of format; 20-182(a), Amended, 02/14/2005; 2004 (22-182), Amended, 12/13/2004; 20-182, added, 07/26/2004)

Section 22-183 Procedural requirements for approval of permit

Detailed architectural renderings demonstrating compliance with the architectural standards may be submitted for review along with the site plan checklist and site plans to the Planning Department. They shall be drawn to a minimum scale of 1” = 20’-0” (1/20”). If not submitted previously, the applicant shall submit the detailed architectural drawings at the time of submission of the building plans for plan review for building permit approval. No plans shall be accepted without drawings in sufficient detail to allow Planning Department staff to assess compliance with the architectural standards of this division. No building permit shall be issued until the Planning Department has determined that the building plans are in compliance with the architectural standards of this division.

(2005 (22-183), Amended, 05/09/2005, added)

Section 22-184 Appeals and variance requests.

It is the intent of the City Council that all development and redevelopment shall conform to the standards set forth in this division. If modifications are required any person, firm, group or organization may apply for relief from the requirements set forth in this division to the Architectural Review Board, unless otherwise specified in this division. An appeal of a decision made by the Planning Department for this division or a request for a variance from these architectural standards can be heard by the Architectural Review Board. Any such application shall be accompanied by the necessary information in order for the Architectural Review Board to make a determination whether the alternate design proposal meets the intent of the requirements. The Architectural Review Board, as part of an approval of the variance request, may include conditions, modifications, or requirements necessary to mitigate the impact of such variance. See Article XV, Division 22-435 through 22-444 for Board governance, policy, and procedures.

(2005 (22-184), Amended, 05/09/2005, added)

Article VII Development Standards Division I-A Planned Unit Development

Section 22-185 Purpose and Intent

This code section provides the procedures and minimum requirements for a PUD Conditional Use

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approval to implement the goals of development and redevelopment, preserving the natural environment, encouraging high quality development through innovative design and ensuring adequate access to facilities and services.

It is intended that development in a PUD district be superior to that which would occur under conventional zoning regulations.

Developments occurring under this code section should:

- A. Have unique, flexible, creative and imaginative arrangements and mixes of land uses in site planning and development where the various land uses are complimentary to each other
- B. Develop tracts of land as single developments that promote self contained communities including residential uses and civic, educational, recreational and/or other public and private facilities.
- C. Preserve the natural amenities of the land through maintenance of conservation areas, open spaces and recreational facilities (i.e. baseball fields, soccer fields, gymnasiums...)
- D. Provide for the more efficient use of land through clustering and other flexible, innovative development arrangements that will result in smaller networks of utilities and streets thereby lowering development costs and housing/commercial costs
- E. Provide for a more desirable living environment than would be possible through the strict application of conventional requirements
- F. Provide for slightly higher gross and net development densities and intensities as an inducement to develop in a manner consistent with the purposes of this ordinance
- G. Ensure that the designs of building forms are interrelated and architecturally harmonious

Sec. 22 -186 Definitions

Development Plan means a to – scale drawing of single and/or multi-family residential, institutional, office, commercial or industrial development, or some combination thereof, showing the general layout of a proposed development including among other features the location of buildings, parking areas, buffers and landscaping and open/recreational spaces. The development plan and related information form the basis for the approval or disapproval of the development of a PUD.

Planned Unit Development means a form of development characterized by a unified site design for a number of housing units, clustered buildings, common open / recreational spaces and a mix of building types and land uses.

Sec. 22 -187 Permitted Locations and Uses

Planned unit developments shall be permitted in all zoning districts excluding R-1A. Any use may be permitted in a PUD if said use is shown on the Development Plan and referred to in the PUD application and approved in accordance with this ordinance. The permitted uses of property located in a PUD shall be proposed by the applicant and approved at the time the PUD application is approved if the proposed uses are consistent with the comprehensive plan and meet the criteria for approval specified in this code section. The Planning & Zoning Commission, in recommending approval of any PUD, may designate the maximum height, floor area and/or other restrictions on the development of such uses.

Sec. 22-188 Requirements

A. Dimensional - A planned unit development may depart from strict conformance with the required dimensions, setbacks, area, height, bulk, use and specific content regulations of the city's land use regulations to the extent specified in the PUD application if approved, so long as the PUD provides tangible benefits in the form of provisions of open / recreational space, amenities, superior design, etc. Said benefits must be identified in accordance with the Community Benefit Statement as provided for in this ordinance. Departure from any requirements specified in this ordinance and other city regulations is a privilege and shall be granted only upon approval by the City Council after review and recommendation

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by the Planning & Zoning Commission.

A PUD development plan shall not have to follow the regulations for the zoning district in which the development is located, unless otherwise provided in this code section. There shall be no requirements for minimum lot size, minimum lot width, lot coverage, yards and building setbacks or height requirements that apply to a PUD unless said requirements are specified by Planning & Zoning or Mayor & Council at time of approval. Dimensional requirements shall be as proposed by the applicant and recommended for approval by the Planning & Zoning Commission during the PUD application plan review process.

B. Minimum Open Space - A minimum of twenty (20) percent of the total land area included within the PUD shall be open / recreational space, including active or passive recreation. This requirement can include open land which is otherwise unbuildable (i.e. floodplains and wetlands) so long as the applicant proposes appropriate improvements to these areas such as trails, ball fields... Proposed PUDs within 1/4 mile radius of an existing City of Thomasville Park may calculate the existing park acreage in complying with this code section so long as the applicant proposes direct pedestrian access to the park being utilized in complying with this code section. In no case shall the level of service for the existing park fall below 2 acres per 1,000 persons within a ¼ mile circumference around park. This calculation shall be provided by the applicant at the time of the pre-application conference. Said pedestrian access shall comply with City of Thomasville standards for sidewalk construction. Where existing sidewalks provide access to and from the PUD, applicant shall review the City of Thomasville Sidewalk Inventory, a copy of which is on file in the Planning Department, and propose improvements where the Sidewalk Inventory identifies “no sidewalk” or “needs improvement”. Logical termini shall be proposed by the applicant in the PUD application and approved by the Planning & Zoning Commission. Pedestrian scale streetlights shall be proposed by the applicant along the pedestrian corridor linking the PUD to the Park. It is defined, unless otherwise approved by the Planning & Zoning Commission, that the pedestrian corridor extend through the PUD at its widest width and connecting to the park.

C Density - The minimum allowable density for residential components of PUDs shall be six (6) dwelling units per gross acre of land devoted to residential uses. Within any PUD, a minimum of 30% of the total development site (excluding non-developable lands such as wetlands and floodplains) shall be designated on the Development Plan as residential use.

Sec 22-189 General Considerations for Land Use Mix and Design

A. Comprehensive Plan - Uses within the PUD shall be predominantly in accordance with the use recommendations and policies of the comprehensive plan.

B. Housing Unit Diversity - Where appropriate, the PUD should provide for more than just one type of dwelling unit, such as townhouses, duplexes and multi-family dwellings in addition to or in lieu of detached, single family dwellings. Multi-family dwellings should comprise at least twenty (20) percent, but no more than sixty (60) percent of the total dwelling units within the PUD without explicit approval from the Planning & Zoning Commission. In PUDs designed for post secondary educational uses with limited quasi-public facilities, multi-family dwelling units are to be construed as dormitories and may comprise one hundred (100) percent of the dwelling units and shall be excluded from the housing affordability component prescribed in this ordinance.

All PUDs shall contain a housing affordability component. A minimum of ten (10) percent of the dwelling units shall be reserved for those whose household income is between eighty (80) percent and one hundred twenty (120) percent of the area median income as defined by the most recent U.S. Census or other approved source. The exterior of these dwelling units shall be composed of similar materials and design and shall be indiscernible from all other dwelling units within the PUD.

In areas where a PUD is proposed that contains existing housing, a housing survey must be

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completed prior to submittal of a formal application. The housing survey must include all existing structures within the area to be designated as a PUD. The housing survey should include property address and year of construction. For structures and dwelling units aged 50 years or more, photo documentation of all sides of the structure and/or dwelling unit shall be provided, bounded in a booklet titled "Proposed PUD – Historic Structures & Housing Survey". For each photo documented structure and dwelling unit, The Chief Building Official shall provide an assessment identifying each structure and dwelling unit as Standard, Substandard, Dilapidated or Deteriorated as defined by the U.S. Department of Housing & Urban Development. The Proposed PUD – Structures & Housing Survey shall then be delivered to the applicant who shall conduct an assessment by a qualified person skilled in historic preservation and tasked in determining contributing and non-contributing structures and dwelling units. Those structures and dwelling units identified as contributing and standard or substandard shall be identified on the Concept & Development Plan and shall be reserved for rehabilitation (existing lot sizes can be altered to reflect the typical lot size of the proposed development). It is the intent of this code section to promote the preservation of Thomasville's historic homes. However, should the cost of rehabilitating those structures and/or dwelling units, based on a submitted feasibility study, be determined to be cost prohibitive, a sign shall be posted in a conspicuous location on site, visible from the public rights of way, for a minimum of 30 days stating the following: "This home is a contributing structure / dwelling unit within a proposed PUD. Rehabilitation of this structure has been determined to be cost prohibitive based on a feasibility study. The feasibility study is on file in the Planning Department of the City of Thomasville. This structure / dwelling unit is slated for demolition or removal unless written notice is provided to the City of Thomasville Planning Department indicating your intention to purchase and rehabilitate according to the standards prescribed for this PUD or your intention to purchase and remove this structure / dwelling unit from this site within thirty (30) days of submission of your written inquiry." For structures within a historic district, treatment of those structures shall be in accordance with the existing City of Thomasville Historic Preservation Ordinance.

C Civic, Educational and Institutional Uses - PUDs shall contain sites for, residential uses and at a minimum, at least one of the following: church, educational facility, community or club buildings and/or similar public or quasi-public facilities.

D. Retail Component - Retail trade establishments and personal service establishments shall be located in careful relation to other land uses within and outside of the proposed development. Such uses need to be scaled and designed to/for the pedestrian and to the PUD itself. Appropriate hardscape and landscape elements shall be proposed which compliment and enhance the relationship between the residential and non-residential uses within and outside but adjacent to the PUD. The amount of land in a PUD devoted to retail trade and personal service establishments shall be a minimum of five (5) percent but not exceed thirty (30) percent of the total site area of the development. In PUDs devoted primarily to educational uses, the retail component may include concession stands, laundry facilities, vending areas and other retail uses such as a student bookstore, student cafeteria or private or public daycare center or other use proposed by applicant that could reasonably be considered a retail or personal service establishment.

E. Industrial Uses - Industrial uses are not typically considered to be appropriate for inclusion within PUDs; however, such uses are not prohibited and may be considered appropriate and desirable uses in PUDs consisting of twenty (20) acres or more where living and working areas need to be proximate to one another, subject to separation and landscape / screening requirements to ensure that landscape and hardscape elements compliment and enhance the relationship between the residential and non-residential uses.

F. Interconnectivity - All new streets within the proposed PUD shall contain a travel lane(s) of no more than 12' for one way traffic and no more than 24' for two way traffic. All streets, existing or

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proposed, shall include curb and gutter, a minimum of 2' wide grass strip between the curb and sidewalk and a minimum of a 4' wide sidewalk. Crosswalks shall be appropriately defined. Painted crosswalk sections do not constitute appropriately defined crosswalks. Streetscape elements such as street trees, pedestrian oriented lighting and decorative traffic signs (including street names) shall be provided for all streets within the PUD. Traffic signs including, street names, yield and stop signs should be located on a shared, decorative pole. While pedestrian oriented lighting is encouraged along all pedestrian facilities, at a minimum, decorative street lighting is required at all street intersections or along the entire street/pedestrian section. It is preferable that street lighting be solar powered. It is preferable that traffic signs be co-located on decorative, pedestrian oriented light poles on all corners of the intersection. Renderings of typical traffic signs, crosswalk sections and street lighting shall be provided with the Concept & Development plan submitted for approval. A typical street section detail shall be provided with the Concept & Development plan submitted for approval.

G. Landscape Elements - A landscape plan shall be proposed and submitted for approval prior to issuance of a building permit. At the time of the PUD application, the applicant must provide a written statement identifying the general guidelines for landscape installation for each type of use proposed in the PUD (residential, commercial, retail...) and provide a general rendering of the proposed landscape for each type of use (residential, commercial, retail...). The general rendering provides for a visual representation of what the written statement would provide for. The written statement should identify the general dimensions of proposed buffers and landscape requirements for all land uses. The general rendering shall graphically illustrate the dimensional requirements and landscape elements identified in the written statement. The landscape plan submitted prior to the issuance of a building permit shall be in substantial compliance with the written statement and general renderings depicting the proposed landscape at the time of the PUD approval. Native species and non-invasive plants are permissible. Where feasible, existing trees shall be preserved. It is the intent of this code section to promote the use of native species and reduce water usage for landscaped elements. Non-native species shall be watered by an automated watering system. All watering systems shall be required to have a rain sensor. The use of invasive plants is prohibited.

H. Signs - Typical sign plans and/or sign standards showing maximum widths and heights and construction materials shall be proposed by developer and approved inclusive with the PUD approval. A written statement identifying the sign dimension and construction materials shall be provided and rendering graphically illustrating the written statement shall be provided at the time of PUD approval. Prior to the issuance of a building permit, detailed construction drawings shall be provided and said drawings shall be in substantial compliance with the written statement and rendering provided at the time of the PUD approval.

Sec. 22-190 Application Requirements

An application form for PUD – Conditional Use approval, and the fee schedule for filing an application for PUD – CU, shall be on file in the administrative office of the City of Thomasville Planning Department. Fees are due and must be paid at the time a formal application is submitted.

All applications for PUD shall contain the following:

A. Concept & Development Plan - Applications shall include a Concept and Development plan which unless specifically stated otherwise shall be a condition of PUD approval. A Concept Plan shall be presented at a pre-application conference with the City Planner to discuss the proposed PUD application. The Concept and Development plan shall include:

1) A graphic representation of existing topography, major vegetative growth, floodplains, significant water bodies, landfills, rock outcroppings and areas of historic significance. This representation can be an aerial photograph of the site. If required, the Historic Structures & Housing Survey must be submitted.

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- 2) The Concept & Development Plan shall provide for a delineation of the proposed uses of land including numbers and types of structures on each proposed use of land (residential, commercial, retail, open spaces...). The plan shall illustrate the general conditions of the site including street grid layout and points of access to the site. The plan shall also identify proposed parking areas. This plan shall be consistent the density requirements and dimensional requirements set forth in this code section. The applicant shall also provide a statement regarding the identification of housing unit diversity and affordability requirements.
- 3) A statement and analysis demonstrating the manner in which the proposed development will result in a more efficient and desirable development than could be accomplished by the use of conventional zoning categories and a statement regarding the PUD's consistency with the Comprehensive Plan and Future Land Use Map.
- 4) Statements relating to proposed restrictions, agreements or other documents indicating the manner in which any land intended for common or quasi-public use but not proposed to be in public ownership will be held, owned and maintained in perpetuity for the indicated purpose.
- 5) A list of proposed development standards consisting of landscape / hardscape improvements, lot area or size, yard setbacks, lot widths at building lines, building heights, maximum lot coverage of buildings and structures, proposed development standards such as distances between all structures and buildings and parking requirements.
- 6) Such other material as the applicant may consider of importance in the evaluation of the plan
- 7) The applicant shall, prior to approval of the PUD, present firm evidence of the unified control of the entire area within the proposed PUD district.

B Architectural Elevations - Applications shall include perspective front, side and rear elevation drawings of representative building types. The intent of this section is not to provide a detailed architectural rendering; rather these drawings shall indicate general architectural characteristics (typical construction materials and façade elements). Any elements identified in a rendering must be included in construction. If the PUD is approved, general architectural elements identified as part of the application shall be considered binding unless specifically noted otherwise in the approval. The intent of this section is to provide an illustrative, conceptual example of general building characteristics and is not intended to be an architectural plan. At a minimum, appropriate design guidelines and renderings should be provided.

C. Land Uses and Development Summary - The application shall include a list of all land uses, as shown on the Concept & Development plan, proposed to be included in the PUD, the total land area devoted to each of the land uses proposed, the percentage of the land area within the PUD devoted to each proposed land use, the number of residential units by type and density, and the estimated maximum square footage of all buildings in the PUD. All building plans submitted for permit approval shall be in substantial compliance with the building square footages identified in the Land Use and Development Summary. Deviations from these shall be approved by the Planning & Zoning Commission. In addition, the application shall contain a development schedule indicating the approximate dates for beginning and completing the project, or each phase if the development is to be phased, and the extent of development and types of land uses in each phase. Such phasing shall be identified on the Concept & Development plan. PUD's established primarily for post secondary educational use may have unique development circumstances that inhibit the ability to establish a development schedule. Such circumstances shall be identified during the application process and explained to the Planning & Zoning Commission. At a minimum, the development phasing shall be identified in terms of construction priorities.

D. Performance Standards Comparison - The application shall contain all minimum dimensional requirements that are proposed to apply within the PUD, including minimum lot sizes, minimum lot widths, maximum lot coverage, front side and rear yards and building setbacks, maximum heights and landscape / hardscape requirements. Such proposed performance standards shall be presented in a table and in written text accompanying the application that shows the proposed lot, height, coverage

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and other dimensional standards in relation to the performance standards required for the underlying zoning district or districts in which the PUD and subject property is located.

E. Improvement Requirements Comparison - The application shall contain descriptions of improvements to be constructed within the PUD, such as but not limited to street types, right of way widths, sidewalk locations and dimensions, and other improvements such as lighting, landscapes and hardscapes including open / recreational spaces. Such proposed improvements shall be presented in a table and in the written text accompanying the application that shows the proposed improvements in comparison with improvements that would be required otherwise without approval of a PUD.

F. Community Benefit Statement - The applicant shall submit a written statement identifying the relative benefits that will accrue to the community as a result of the property being developed under PUD provisions. Specific mention should be made of mix of uses included, open / recreational spaces provided, natural features retained and architectural design to be provided. This statement is a developer's opportunity to define why the PUD proposal is superior and merits approval and how it will serve the community better than a conventional development.

In determining the extent to which a proposed PUD development district would be superior to that which would occur under conventional zoning and subdivision regulations, the Planning & Zoning Commission and Mayor & Council may consider the following and any other criteria they deem appropriate:

Open Space Provides for proportional enhancements (connectivity) to existing or planned trails, parks or other recreational / open spaces in consultation with the Planning Department

Environment Does not request exceptions to or modifications of environmental regulations

Provides enhanced water quality controls

Provides for the use of native plants

Prohibits the use of invasive species

Modifies proposed building footprints to accommodate existing exceptional trees or relocates said trees and plants to other on-site locations (the intent of this section is to promote creative building solutions to accommodate existing trees and plants and to re-use, onsite, existing trees and plants)

Reduces impervious surfaces

Clusters disturbed areas in a manner that reserves the most environmentally sensitive areas of the site that are not otherwise protected

Provides pervious paving for at least 25% of all paved areas

Provides for decorative lighting and landscape features

Construction Construction shall comply with the codes and standards adopted by the Green Building Council

Art Includes public art displays

Streets Incorporates principles identified in the American Planning Association's "Complete Streets"

Provides pedestrian / bicycle facilities that connect to existing or planned bicycle routes and existing or planned parks

Community Amenities Provides public or quasi – public facilities which may include ball fields, spaces for community meetings, day care facilities or other uses that fulfill an identified community need

Parking In non-residential uses, parking is accommodated to the rear of a building and the building is oriented to the pedestrian

Housing Provides or participates in programs to provide affordable housing

Ensures the preservation and rehabilitation of historic structures

Accessibility Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements

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G Traffic Analysis - A study providing information on the existing road network and associated vehicle volumes and the effect the proposed PUD will have on the existing (or improved) road network. If traffic or roadway improvements external to the subject site are anticipated as a result of the proposed development, the applicant shall submit a statement indicating the nature and extent of those contemplated improvements. Included in said statement shall be information pertaining to what proportion of the external traffic and roadway improvements are made necessary as a result of the PUD and improvement costs provided by developer. All internal traffic and roadway improvements associated with the PUD shall be paid for by the developer.

Section 22-191 Approval Procedures

A. Pre-application Conference - Prior to filing a formal application for a PUD, the applicant is required to confer with the City Planner in order to review the general character of the plan and to obtain information on the nature and extent of the proposed development. A concept plan illustrating the proposed elements of the PUD shall be provided by the applicant during the conference.

During the pre-application conference, the City Planner and applicant shall discuss the following items required to complete an application:

- 1) Concept & Development Plan
- 2) Identification of decorative lighting elements
- 3) Illustration of typical street sections including an illustration of crosswalk treatments
- 4) Written statement and general renderings of landscape elements
- 5) Written statement and general renderings of all proposed signs
- 6) General architectural renderings
- 7) Land use and development summary
- 8) Performance standards comparison
- 9) Improvements requirements comparison
- 10) Community benefit statement
- 11) Traffic analysis discussion

B Recommendation and Approval Authority - Submitted with the formal application for PUD approval, the applicant shall provide the 11 items noted above. The Planning Department shall, within thirty (30) days review the application and any appropriate comments during the pre-application conference and determine the sufficiency of information provided in regards to the requirements set forth in this code section. Within thirty (30) days of receipt of a complete application, the City Planner shall notify the applicant that the appropriate information has been provided and shall place the PUD application on the Planning & Zoning agenda. The City Planner shall process the application utilizing the following procedures:

- 1) The Zoning Administrator shall review the proposal to determine if it meets the requirements of these regulations.
- 2) The Zoning Administrator shall transmit the application and any accompanying material to other city staff for review. Staff shall prepare a professional opinion regarding:
 - a. The verification of data shown on the application or in accompanying materials;
 - b. The proposed development's relationship with existing zoning regulations and with the comprehensive plan;
 - c. The compatibility of the proposed development with surrounding development; and
 - d. Provide for an analysis of the Community Benefit Statement, Performance Standards Comparison and Improvements Requirements Comparison
 - e. Such other factors or considerations as may be appropriate considering the merit of the proposed development.

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3) Upon completion of the application procedure, the matter will be placed on the Planning & Zoning Commission agenda.

All applications for PUD shall be processed and considered by the Planning & Zoning Commission and decided upon by the Mayor and Council as if the PUD applications are presented for a Conditional Use approval and shall be subject to the public hearing and notice requirements specified in this code. After review by the Planning & Zoning Commission and public hearing in accordance with the aforementioned procedures, the Mayor and Council may disapprove, approve, or approve with modifications and / or conditions, the PUD.

C. Criteria for Approval - In considering and acting upon applications for PUDs, the Planning & Zoning Commission and the Mayor and Council shall consider and base their recommendation and decision, respectively, on the following criteria and any other factors it may consider appropriate in reaching such a decision:

- 1) Consistency with the comprehensive plan
- 2) Assessment of the Community Benefit Statement, Performance Standards Comparison and Improvements Required Comparison
- 3) The character, location and appropriateness of the proposed mix of land uses
- 4) The extent to which the proposed architectural, landscape, hardscape and streetscape features within and adjacent to the PUD are desired and harmonious
- 5) The adequacy of open / recreational spaces that are included

D. Binding Nature of PUD approval - All terms, conditions, safeguards, and stipulations made or imposed at the time of approval shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to comply with any requirement, condition, or safeguard without commission approval shall constitute a violation of this ordinance.

Where a PUD project is proposed in phases and the commission finds that the development of all phases is necessary for the development of any part to be approved, the commission may require that the applicant agree to the following:

- 1) Proceed with the proposed development according to the provisions of the approval and the proposed development plan for the area and such conditions as may be attached to the land in the planned unit development;
- 2) Provide agreements, contracts, deed restrictions, and sureties acceptable to the commission for completion of the development according to the PUD approval and for continuing operation and maintenance of such areas, functions, and facilities and;
- 3) Bind their successors in title to any commitments made under (a) and (b) preceding.

All such agreements and evidence of unified control shall be examined by the City Attorney and no PUD approval shall be adopted without a certification by the City Attorney that such agreements and evidence of unified control meet the requirements of these regulations.

E. Revisions - Amendments to approved PUDs shall be permitted but governed by the procedures and provisions for approving the original PUD application.

Sec. 22-192 Post Approval Requirements

A Construction Plans - Upon approval of a PUD application, the land developer may apply for construction plan approval. Construction plans must be submitted within a two-year period following PUD approval or the PUD authorization shall expire. The construction plan approval process is generally an administrative process. Applications for construction plan approval shall be made in accordance with the building permit approval process identified in the City of Thomasville code of ordinances.

B Site Plan - If not submitted and approved as part of the PUD approval process, a site plan

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is required prior to the issuance of a land disturbance permit or building permit. In addition, a preliminary plat is required to be submitted for review by the Planning Department if one was not submitted at the time of the PUD approval process. Upon receipt of the site plan and preliminary plat, the City Planner shall provide written notice to the applicant regarding the consistency between the site plan, preliminary plat and the Concept & Development Plan. The applicant shall revise the site plan and the preliminary plat if so needed and submit a final plat for approval. If not completed as part of the PUD approval process, a final plat is required prior to issuance of a land disturbance permit or building permit. Plat approval shall follow the process in place established and codified in the City of Thomasville ordinances. The site plan shall be scaled to 1"=20' and shall include:

- 1) Be in accordance with the Concept & Development Plan to include stated development standards;
- 2) Include all of the information required for the submission of a preliminary and final subdivision plan and/or preliminary and final plat, as set forth in the City of Thomasville Land Subdivision Regulations;
- 3) Include a grading plan, showing the existing topography and proposed grading of the site at contour intervals of not more than five (5) feet;
- 4) Show water runoff drawings, calculations, and plans for soil erosion and sedimentation control, both during and after construction;
- 5) Show existing vegetation, tree line, and other natural features, rock outcroppings, bodies of water and watercourses, and the hundred-year floodplain. Retention ponds shall be a decorative water feature associated within the PUD. Water levels within the retention pond shall be kept at minimum depth of 4' and shall include a water circulation feature such as a spraying fountain. Detention ponds shall be a decorative feature integrated into the overall design of the PUD's landscape.
- 6) Show location, height, ground coverage, and use of all structures and location and areas of open spaces, parking facilities and areas dedicated to public spaces. Calculations of building coverage, numbers of parking spaces, and areas devoted to open spaces shall also be indicated;
- 7) Show all utility service lines, and all easements and rights-of-way, existing or proposed; In PUDs proposed on undeveloped sites, all utilities shall be placed underground
- 8) Show adjacent highways and streets serving the site, noting centerlines, widths of paving, grades, and median break points;
 - a. Show the location of all roads, streets, driveways, parking facilities, loading areas, points of access surrounding streets, and pedestrian walks and pathways;
 - b. Statement to the Planning & Zoning Commission that prior to the issuance of a building permit, the applicant will provide building plans showing the architectural layout for all floors and architectural elevations for review and approval by the Planning Department and submittal to the Commission should the renderings be inconsistent with the approved Concept & Development Plan.
 - c. Show, for each residential structure, the number and type of dwelling units;
 - d. Floor areas of all nonresidential buildings shall be shown for building permit approval.
 - e. Contain a landscaping and screening plan, showing all man-made features and the location, size, and species of all planting materials;
 - f. Contain an exterior lighting plan, covering all parking areas, driveways, and pedestrian ways, and including the height, number, and type of fixtures to be installed;
 - g. Show the location of the nearest public schools, parks, and other community recreational facilities, indicating the location and use of all land to be dedicated to public use;
 - h. Provide documents indicating in detail the manner in which any land intended for common or quasi-public use, but not proposed to be in public ownership, will be held, owned, and maintained in perpetuity for the indicated purposes;
 - i. If a detailed site plan is one of a number of detailed site plans within a planned development, each detailed site plan shall show how it is related to and coordinated with other detailed site plans
 - j. Contain any additional information which may be required by the commission in order to enable it to evaluate the detailed site plan.

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C Private Restrictions - PUDs shall have private restrictions and covenants established. These restrictions and covenants shall promote the preservation of the unique characteristics of the PUD and shall not be inconsistent with the standards approved at the time of the PUD approval. The developer shall submit to the Zoning Administrator a declaration of covenants, conditions and restrictions, articles of incorporation and by laws for the property owners or home owners association prior to the issuance of a certificate of occupancy for any structure. The declaration shall confer membership to the owner of property subject to assessment by the association, provide for voting rights in the association with suggestions for the division of power between the developer and the property owner(s) and provide for maintenance assessments, among other items. For PUD's designed primarily for post secondary educational use, private restrictions shall at a minimum describe the landscape and building maintenance requirements for the overall site whether or not buildings and spaces are tenant or owner occupied.

D. Permits and Certificates - No building permit or certificate of occupancy shall be issued for a building, structure or use, nor shall any excavation, grading or land disturbance applications be approved, for any PUD that has not been approved in accordance with the provisions of this ordinance. The City Planner shall authorize the issuance of building permits for buildings and structures in the area covered by the approved PUD if they are in substantial conformity with the approved PUD, after improvements are installed in accordance with applicable improvement requirements, and if found to be in conformance with all other applicable regulations. The City Planner shall authorize the issuance of a Certificate of Occupancy for any completed building, structure or use located in the area covered by the PUD if it conforms to the requirements of the approved PUD and all other applicable regulations. After completion of a PUD, the use of land and construction, modification or alteration of any buildings, structures or uses within the area covered by the PUD shall be regulated by the approved development plan for the PUD.

E. Appeals - Any person aggrieved by an interpretation or decision of the City Planner in the administration of this ordinance may file an appeal to the Architectural Review and Zoning Appeals Board (ARZA) in accordance with this code. The ARZA Board shall hear appeals related to interpretation of the ordinance and shall not hear appeals related to development standards that would change the plans approved by the Planning & Zoning Commission. Under no circumstances shall any development standard approved by the Planning & Zoning Commission be allowed an appeal. All changes to the plans approved by the Planning & Zoning Commission shall be resubmitted to the Planning & Zoning Commission for approval

Section 22-193 - 22-204 RESERVED

Section 22-205D DIVISION 2. R-TH TOWNHOUSE DISTRICTS

Section 22-206 Permitted uses.

The following uses are permitted in R-TH townhouse districts:

- (a) Single-family residence townhouses;
- (b) Accessory buildings.

(Ord. of 9-22-86(1), § III)

Section 22-207 Density standards.

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Maximum density shall be eight (8) townhouse units per acre. New rights-of-way developed by the owner and dedicated to the city shall not be included as a part of the acreage for purposes of computing density requirements.
(Ord. of 12-23-96(3), § III)

Section 22-208 Common areas.

If common areas are used, the following shall apply:

(a) A townhouse development allows individual lot areas which may have less than the minimum lot area for dwelling units required in the zoning district from which the townhouse zoning district was created; provided, however, that land area at least equal to the reduction in each individual lot area shall be placed in common areas or open space.

(b) The land in streets, common off-street parking areas, and storm drainage detention facilities shall not be included as part of the open space or common areas requirement. However, full credit for lot reduction shall be allowed for detention facilities meeting the following criteria:

(1) The maximum depth of the detention facility shall not exceed two and one-half (2 1/2) feet below the existing ground elevation measured beneath the rim of the depression.

(2) The detention facility shall be designed and constructed to drain completely after each rain event.

(3) The detention facility shall be designed and constructed with a minimum of three to one (3:1) slide slopes.

(4) The detention facility shall be grassed or sodded or both.

(5) Any other unique detention facility that is designed to be usable and maintained for recreation and/or landscaping features may be allowed for lot reduction credit if approved by the city engineer to meet this intent. In addition, each two (2) square feet of existing and/or natural water surface or periodically flooded (based upon the one hundred (100) year flood contour elevation) or inundated land may be credited as one (1) square foot of land area for lot reduction purposes. Land below the one hundred (100) year flood elevation can only be substituted for one-half (1/2) of the required open space or common areas.

(c) The plan for townhouse development shall provide for ownership, maintenance, and control of common areas and open space.

(d) Within districts allowing townhouse development, the usable common area or open space shall be fully credited to calculations of density.

(Ord. of 9-22-86(1), § III; Ord. of 12-23-96(3), § IV)

Section 22-209 Minimum design and development criteria.

All townhouse developments in the R-TH zone must comply with the following standards:

(a) A townhouse development shall be located on a site that measures a minimum of three (3) acres in area.

(b) Each interior townhouse lot shall be at least twenty (20) feet in width. Each townhouse lot on a corner shall be at least forty-five (45) feet in width. Each interior townhouse lot that is intended to be at the end of a row of townhouses shall be at least thirty (30) feet wide. Each lot shall contain two thousand (2,000) square feet of area or more.

(c) The setback from an interior side lot line shall be a minimum of ten (10) feet for the townhouse which is located at the end of a row of townhouses. A minimum setback of twenty-five (25) feet from side streets shall be maintained. Front yard setback will be no less than thirty (30) feet. Rear yard setback will be no less than thirty (30) feet, exclusive of accessory buildings.

(d) An accessory building may abut an accessory building located on an adjacent lot in the townhouse district.

(e) No more than four (4) townhouses shall be built in a row having the same building line. In setting

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forth this requirement, the city council intends to discourage the creation of long unbroken lines of townhouses. In a townhouse complex having more than four (4) dwelling units, the required minimum offset in the building line shall be three (3) feet. A row or grouping of townhouses shall not exceed two hundred (200) feet in length.

(f) Not more than one (1) single-family residence shall be located on a townhouse lot.

(g) A minimum of two (2) paved off-street parking spaces shall be provided for each townhouse.

(h) Each townhouse lot shall have its own parking spaces with direct access to an alley or street. If parking spaces and driveways are located in the front yard of a lot, a setback of fifty (50) feet must be maintained for landscaping and other improvements.

(i) The off-street parking provided for a townhouse may have direct access to a service street only if the service street has a minimum right-of-way width of thirty (30) feet.

(j) Maximum height of a townhouse unit shall be thirty-five (35) feet.

(k) Maximum lot coverage shall be thirty-five (35) percent.

(Ord. of 12-23-96(3), § V)

Section 22-210 Procedure for rezoning.

Prior to commencing any construction within a proposed townhouse development, an application for rezoning along with a site plan as required shall be submitted to the zoning administrator. After review by appropriate city staff, the planning and zoning commission shall hold a public hearing and shall recommend to the city council, approval with modification, or denial of the townhouse district rezoning request. The city council shall give final approval, shall give final approval with modification, or deny the townhouse district application, pursuant to the same procedure as required for any rezoning application as set forth in this zoning chapter. Each site plan submitted for review pursuant to this section shall be drawn to an appropriate engineer's scale and shall contain the following minimum requirements:

(a) Total acreage of the entire site and the density of the project calculated by dividing the total number of dwelling units by the total net acreage excluding rights-of-way dedicated to the public and storm drainage detention facilities, except as allowed in section 22-208(b). This calculated density figure shall in no event exceed the density figure listed in the density standards of this section;

(b) The approximate lot layout including lot location, size, width, depth, orientation, and minimum building setbacks;

(c) The applicant must submit drawings indicating the general architectural themes, appearance and representative building types, as well as definitive covenants, easements, dedications and restrictions to be imposed on the land, buildings and structures.

(Ord. of 12-23-96(3), § VI)

Section 22-211 Review criteria.

In reviewing a townhouse development site plan, the city staff and the planning and zoning commission shall consider the following criteria to the extent relevant in each case, in evaluating the merits and purpose of a townhouse development. Individual lots, buildings, streets and parking areas should be designed and situated to:

(a) Minimize alteration of the natural features and topography;

(b) Minimize the adverse effects of noise and traffic on off-site residents;

(c) Minimize the area devoted to serve motor vehicles;

(d) Allow for proper and adequate access for firefighting purposes and access to service areas to provide garbage and waste collection and for other accessory services; and

(e) Achieve a compatible relationship between development and the land as well as with adjacent developments and land.

(Ord. of 9-22-86(1), § III)

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Section 22-212 Identification on official zoning map.

Any parcel approved for a townhouse site plan shall be identified on the official zoning map of the city.
(Ord. of 9-22-86(1), § III)

Section 22-213 22-213--22-230. Reserved.

Section 22-230D DIVISION 3. R-CD CLUSTER HOUSING

Section 22-231 Permitted uses.

The following uses are permitted in R-CD cluster housing:

- (a) Single-family residence cluster housing;
- (b) Accessory buildings.

(Ord. of 9-22-86(1), § IV)

Section 22-232 Density standards.

The number of dwelling units permitted in a cluster housing development is related to the zoning classification of the property being developed. The cluster housing development shall in no case exceed the following:

<i>Zoning classification</i>	<i>Density</i>
A	One (1) dwelling unit per 15,000 sq. ft. of land
R-1A	One (1) dwelling unit per 15,000 sq. ft. of land
R-1B	One (1) dwelling unit per 10,000 sq. ft. of land
R-1	One (1) dwelling unit per 7,500 sq. ft. of land
R-2A	One (1) dwelling unit per 6,000 sq. ft. of land
R-2	One (1) dwelling unit per 6,000 sq. ft. of land

(Ord. of 9-22-86(1), § IV; Ord. of 12-23-96(3), § VII)

Section 22-233 Common areas.

(a) A cluster housing development allows individual lot areas which may have less than the minimum lot area for dwelling units required in the zoning district from which the cluster housing zoning district was created; provided, however, the land area at least equal to the reduction in each individual lot area shall be placed in common areas or open space.

(b) The land in streets, common off-street parking areas, and storm drainage detention facilities shall not be included as part of the open space or common area requirement. However, full credit for lot reduction shall be allowed for detention facilities meeting the following criteria:

- (1) The maximum depth of the detention facility shall not exceed two and one-half (2 1/2) feet below the existing ground elevation measured beneath the rim of the depression.
- (2) The detention facility shall be designed and constructed to drain completely after each rain event.
- (3) The detention facility shall be designed and constructed with a minimum of three to one (3:1)

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slopes.

- (4) The detention facility shall be grassed and/or sodded.
 - (5) Any other unique detention facility that is designed to be usable and maintained for recreation or landscaping features or both may be allowed for lot reduction credit if approved by the city engineer to meet this intent. In addition, each two (2) square feet of existing and natural water surface, or periodically flooded (based upon the one hundred (100) year flood contour elevation) or inundated land may be credited as one (1) square foot of land area for lot reduction purposes. Land below the one hundred (100) year flood elevation can only be substituted for one-half (1/2) of the required open space or common areas.
- (c) The plan for cluster housing development shall provide for ownership, maintenance and control of common areas or open space or both.
- (d) Within districts allowing cluster housing developments, the usable common area or open space shall be fully credited to calculations of density.
- (Ord. of 9-22-86(1), § IV; Ord. of 12-23-96(3), § VIII)

Section 22-234 Minimum design and development criteria.

- (a) Minimum cluster housing group site size shall be three (3) acres;
- (b) The minimum development standards for individual lot size, width and depth shall not apply if modifications or variations from these standards are shown on an approved site plan. Building setbacks may also be modified or varied except for the following:
 - (1) Within the A, R-1A, R-1B, and R-1 districts:
 - a. Buildings shall set back twenty-five (25) feet from any street right-of-way.
 - b. Within a cluster housing development, the rear of a cluster housing dwelling unit will have no setback requirement and the sides of a cluster housing dwelling unit will have no setback requirement for one (1) side only; provided, however, that every cluster housing dwelling unit shall have at least one (1) side with a setback of at least fifteen (15) feet from another cluster housing dwelling unit. In addition, a cluster housing dwelling unit shall have a side setback of at least fifteen (15) feet and a rear setback of at least forty (40) feet from the property line of any adjacent property that is not developed as a part of the cluster development.
 - (2) Within the R-2A, and R-2 districts:
 - a. Buildings shall set back a minimum of fifteen (15) feet from any street right-of-way.
 - b. Side setbacks for cluster housing dwelling units from the perimeter property boundary shall be as follows:
 1. For a cluster group of four (4) or less dwellings, eight (8) feet each side;
 2. For a cluster group of five (5) or more dwellings, fifteen (15) feet.
 - c. The rear of any cluster housing development unit shall have a rear setback of at least twenty-five (25) feet from the property line of any adjacent property that is not developed as a part of the cluster housing development.
 - d. Otherwise, in such districts and within a cluster development, a cluster housing dwelling unit shall have no rear setback requirements and the sides of a cluster housing dwelling unit will have no setback requirement for one (1) side only; provided, however, that every cluster housing dwelling unit shall have at least one (1) side with a setback of at least fifteen (15) feet from a side lot line;
- (c) Maximum building height--thirty-five (35) feet;
- (d) Maximum land coverage:
 - (1) Within the A, R-1A, R-1B, R-1, R-2A, and R-2 districts, maximum land coverage shall be the same as the maximum building lot coverage listed within the development standards of the residential district, calculated by dividing the total ground coverage of the several buildings

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within a cluster housing development by the total lot area of the several lots and the common open space.

- (2) No more than sixty (60) percent of the gross land area may be covered by impermeable surfaces including, but not limited to, buildings, off-street parking and drives, tennis courts, and the like, nor by swimming pools and drainage facilities. On the remaining forty (40) percent of the gross land area, permeable surfaces may be contained within either individual building lots or common areas or within a combination of the two (2) areas. Detention facilities meeting the following criteria may be used to help achieve the forty (40) percent permeable surface requirement:
- a. The maximum depth of the detention facility shall not exceed two and one-half (2 1/2) feet below the existing ground elevation measured beneath the rim of the depression.
 - b. The detention facility shall be designed and constructed to drain completely after each rain event.
 - c. The detention facility shall be designed and constructed with a minimum of three to one (3:1) side slopes.
 - d. The detention facility shall be grassed or sodded.
 - e. Any other unique detention facility that is designed to be usable and maintained for recreation or landscaping features or both may be used to meet the thirty (30) percent permeable surface requirement if approved by the city council to meet this intent. In addition, each two (2) square feet of existing or natural water surface or both or periodically flooded (based on the one hundred (100) year flood contour elevation) or inundated land may be credited as one (1) square foot of land area to meet the thirty (30) percent permeable surface requirement;

(e) To preserve the integrity of the surrounding area, the city council may require certain screening buffers as part of the new development, all as provided for elsewhere in this chapter;

(f) All cluster housing developments shall be designed so that no separate dwelling unit will be constructed on top of another separate dwelling unit.

(Ord. of 12-23-96(3), § IX)

Section 22-235 Procedure for rezoning.

Prior to commencing any construction within a proposed cluster housing development, an application for rezoning along with a site plan as required shall be submitted to the zoning administrator. After review by appropriate city staff, the planning and zoning commission shall hold a public hearing and shall recommend to the city council approval, approval with modification, or denial of the cluster housing rezoning request. The city council shall give final approval, shall give final approval with modification, or deny the cluster development application, pursuant to the same procedure as required for any rezoning application as set forth in this zoning chapter. Each site plan submitted for review pursuant to this section shall be drawn to an appropriate engineer's scale and shall contain the following minimum requirements:

(a) Total acreage of the entire site and the density of the project calculated by dividing the total number of dwelling units into the total net acreage excluding rights-of-way dedicated to the public common off-street parking areas and storm drainage detention facilities, except as allowed in section 22-233(b). This calculated density figure shall in no event exceed the density figure listed in the density standards of this section;

(b) The approximate lot layout including lot location, size, width, depth, orientation, and minimum building setbacks;

(c) The applicant must submit drawings indicating the general architectural themes, appearance and representative building types, as well as definitive covenants, easements, dedications and restrictions to be imposed on the land, buildings and structures.

(Ord. of 12-23-96(3), § X)

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Section 22-236 Review criteria.

In reviewing a cluster housing development site plan, the city staff and the planning and zoning commission shall consider the following criteria to the extent relevant in each case, in evaluating the merits and purpose of a cluster plan. Individual lots, buildings, streets and parking areas should be designed and situated to:

- (a) Minimize alteration of the natural features and topography;
 - (b) Minimize the adverse effects of noise and traffic on off-site residents;
 - (c) Minimize the area devoted to serve motor vehicles;
 - (d) Allow for proper and adequate access for firefighting purposes and access to service areas to provide garbage and waste collection and for other accessory services;
 - (e) Achieve a compatible relationship between development and land as well as with adjacent developments and land.
- (Ord. of 9-22-86(1), § IV)

Section 22-237 Identification on official zoning map.

Any parcel approved for a cluster housing site plan shall be identified on the official zoning map of the city.

(Ord. of 9-22-86(1), § IV)

Section 22-238 D DIVISION 5 TRADITIONAL NEIGHBORHOOD DISTRICT

(2005 (22-238), Amended, 05/23/2005, ADDED DIVISION 5 TND)

Section 22-239 Purpose; design guidelines adopted

(a) The purpose of the TND District is to create an innovative residential zoning classification that encourages a pattern of neighborhood development that will be consistent with the traditional qualities of the City of Thomasville Historic Districts and that will be compatible with surrounding residential areas of the City. The TND District is distinguished from other residential zoning districts through a unified plan for a neighborhood that includes a diversity of land uses and lot sizes, housing types and sizes to accommodate persons of a variety of stages of life in a pedestrian-oriented setting that is well integrated with City neighborhoods, parks, civic spaces, and commercial uses. The TND District results in fewer burdens on present and projected public services and utilities than would result from conventional subdivision development.

(b) The TND Design Guidelines are hereby adopted and shall apply to property in the TND. A copy of the TND Guidelines shall be kept on file in the administrative offices of the City of Thomasville Planning Department. Within the TND District, design and construction of new buildings that are not in substantial conformity with the TND Design Guidelines is prohibited. In cases of a conflict between the TND Design Guidelines and the text of this Article, the text of this Article shall govern.

(2005 (22-239), Added, 05/23/2005)

Section 22-240 Criteria for TND applications; program for unified control; legal instrument for permanent protection of common spaces

(a) The applicant for the TND District shall demonstrate that the site development concept satisfies the following requirements: A minimum of 10 acres, with net benefit to City demonstrated by the following factors:

1. Inclusion of a variety of residential uses.

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2. Creation of a community of compact scale and design, which encourages pedestrian circulation.
3. A network of connected streets with sidewalks and landscaping to facilitate convenient, efficient and safe movement within surrounding neighborhoods and business areas.
4. Design of streets, sidewalks and buildings to provide an attractive and lively streetscape that encourages pedestrian activity.
5. Creation of a design featuring amenities and accessory uses that increases the energy efficiency and self-sufficiency of the neighborhood so as to encourage pedestrian activities without undermining the basic residential character of the neighborhood.
6. Civic facilities, common space, and conditional use commercial uses are provided and are within walking distance to residents of the community.
7. Interconnected and usable open space is provided.
8. Adequate ingress and egress of vehicular traffic.
9. There are adequate provisions for community facilities such as water, sewer, recreation and open space.

(b) Program for unified control

Each applicant for the TND District shall provide evidence of the unified control of the entire parcel. During the development process, more than one builder may participate in the development of the approved plan so long as each parcel of land remains subject to all of the terms and conditions of the plan approved by the City Council for the property as a whole.

(c) Legal instrument for permanent protection of common spaces and open space

The common spaces shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:

1. A permanent conservation easement in favor of either:
 - a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements with a third party right of enforcement in the City. The organization shall be bona fide and in perpetual existence, and the conveyance instruments shall contain an appropriate provision for transfer in the event the organization becomes unable to carry out its functions; or
 - b. A governmental entity with an interest in pursuing goals compatible with the purposes of this Zoning Ordinance; if the entity accepting the easement is not the City, then a third right of enforcement favoring the City shall be included in the easement; or
2. As set forth in O.C.G.A. § 44-5-60(c) as hereinafter may be amended, a permanent restrictive covenant for conservation purposes in favor of a governmental entity; or,
3. An equivalent legal tool that provides permanent protection, if approved by the City.

The instrument for permanent protection shall incorporate restrictions on the use of the open space contained in this Article, as well as any further restrictions, as approved by the City Council. Membership in a property owners' association shall be mandatory for all property owners within the development.

(2005 (22-240), Added, 05/23/2005)

Section 22-241 Phasing of projects

Development within the TND District may be phased. In all cases where a project is to be phased, each phase of the project shall contain the required streets, access, sidewalks, parking spaces, common space, recreation space, trees, landscaping and utilities required for that phase unless specifically approved by the Planning Department subject to a Developer Agreement approved by City Council.

(2005 (22-241), Added, 05/23/2005)

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Section 22-242 Permitted uses; additional accessory uses authorized; prohibited uses

(a) Within the TND District all principal, accessory and conditional uses shall be as authorized in Section 22-242 and 22-249 provided that they are in conformity with the TND Design Guidelines. Single-family detached dwellings shall be in conformity with Figures 1 and 2 of the TND Design Guidelines and single-family attached dwellings shall be in conformity with Figure 3 of the TND Design Guidelines.

(b) Detached accessory units (maximum 900 square feet) or accessory dwelling units are authorized uses subject to the following standards:

1. One unit is allowed by right for any single-family detached dwelling.
2. An accessory unit shall be owned by the owner of the principal dwelling.
3. An accessory unit shall be no larger than 50 percent of the floor area of the principal dwelling.
4. An accessory unit may be in a separate structure, attached to the principal structure, or located above a garage.
5. If in a separate structure or located above a garage, the building containing the accessory unit shall have a height no greater than the height of the principal dwelling.
6. An accessory unit shall provide at least one additional parking space.
7. Architectural style shall be compatible with the principal unit: same type of building materials, similar roof pitch, and similar types and sizes of windows.

(c) Prohibited Uses

1. All uses not specifically listed herein or authorized in Section 22-106, are prohibited in the TND District, subject to interpretation of definition of uses by the Planning Department.
 2. All outdoor storage not contained in accessory units is prohibited.
- (2005 (22-242), Added, 05/23/2005)

Section 22-243 Property development standards

(a) Density: Except as provided in 22-239 (c) of this Article, development in a TND District may not exceed a gross density of 8.0 dwelling units per total acreage of land. Accessory uses and structures are not included in density calculations.

(b) Common Space:

1. Minimum common space: 20 percent for each TND development.
2. Each common space area must comprise an area of at least 10,000 square feet.
3. A minimum of 50 percent of common space shall be used for passive parks, greenways, trails, squares or greens.
4. No more than 20 percent of required common space may be areas of impervious surface, including but not limited to pools, paved trails, community center, picnic pavilions, gazebo, or recreational courts.
5. No dwelling unit shall be more than 1,000 feet from a public park or common space.
6. Single-family attached residences must be adjacent to, or directly across the street from a common space such as a public park, green or square.
7. A system of pedestrian pathways consisting of sidewalks or trails shall be provided linking each lot containing one or more dwelling units to at least one common space

(c) Density bonus: Developments that contain more than 20 percent common space required in paragraph B of this subsection are permitted an increase in the maximum residential density in accordance with the following:

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AUTHORIZED BONUS DENSITY

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- 21-25 percent
- 5 percent
- 26-30 percent
- 10 percent
- 31-35 percent
- 15 percent
- 36-40 percent
- 20 percent
- over 40 percent
- 25 percent

(d) Front yard setback: Minimum 15 feet; maximum 25 feet, except that front-facing garages shall be set back a minimum of 30 feet from right of way line.

(e) Building height: maximum 3-stories, except that no building shall have a height that is more than 10 feet greater or lesser than the buildings on abutting properties.

(f) Maximum ground floor area, per building: 5,000 sq. feet gross floor area

(g) Building length: maximum 200 feet.

(h) Minimum spacing between detached buildings: 15 feet.

(i) Land Use Mix: Each TND development shall include a mix of land uses, as follows:

<u>LAND USE</u>	<u>percentage of total net land area</u>	
	<u>minimum</u>	
<u>maximum</u>		
Single-family residential	80%	100%
Conditional commercial	0%	10%
Civic	0%	20%

Net land area: the total land in the development minus common space

(j) Mix of Housing Options: A diversity of housing types is encouraged. Each TND development shall include a minimum of 20 percent of the total number of lots in each of at least 3 of the lot size categories as follows:

1. Single-family detached dwellings on large lots (> 12,000 sq. feet)
 2. Single-family detached dwellings on mid-size lots (9,001 - 12,000 sq. feet)
 3. Single-family detached dwellings on small lots (6,001 – 9,000 sq. feet)
 4. Single-family attached or zero lot-line dwellings (2,500 – 6,000 sq. feet)
- (Minimum lot size 2,500 sq. feet)

Average widths of all lots in each single-family category must differ by at least 10 feet from average width of lots in all other single-family categories.

(k) Single-family detached dwellings on lots of varying sizes shall be combined on the same block as shown in Figure 4 of the TND Design Guidelines. Minimum lot size 6,000 sq. feet for single-family detached units.

(l) Building types: Each development in the TND district shall have a range of building types and land uses as follows:

<u>RESIDENTIAL BUILDING TYPE</u>	<u>TOTAL SINGLE FAMILY DWELLING UNITS</u>
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	<u>MINIMUM</u>	<u>MAXIMUM</u>
Detached House	40%	100%
Attached House	0%	60%

(m) House Sizes: Each development in the TND district shall have a range of house sizes as follows, with a minimum of 900 sq. feet heated living area:

<u>HOUSE SIZE</u>	<u>HEATED FLOOR AREA OF</u>	<u>MINIMUM</u>
<u>PERCENTAGE OF ALL</u>	<u>DWELLING UNIT</u>	
<u>HOUSES IN DEVELOPMENT</u>		
Small	900 -1600 sq. feet	
20 percent		
Mid-sized	1601 - 2000 sq. feet	
20 percent		
Large	over 2000 sq. feet	
20 percent		

(n) Architectural variety: The same front elevation shall not be used twice on the same block face and shall not be used on lots that are opposite one another on the same street.

(o) Principal uses in the TND District shall be located in buildings that have common architectural design elements. See Figure 2 of the TND Design Guidelines. Each principal building in the TND District must utilize at least four of the following architectural design features: dormers; bay or bow windows; separate garage; covered porch; transoms and sidelights; off-sets on building face or roof (minimum 2’-0”); a roof with a pitch greater than 8:12; columns, pillars, or posts on façade.
(2005 (22-243), Added, 05/23/2005)

Section 22-244 Site development standards

(a) Outdoor lighting on private lots.

1. Parking lots containing 25 or more spaces shall be properly illuminated for the safety and security of pedestrians and vehicles.
2. Lighting shall be designed to preclude light spillover on to adjacent properties.
3. Outdoor lighting on private lots abutting residential uses shall use only cut-off luminaire fixtures mounted in such a manner that its cone of light is directed downward and does not cross any property line of the site.

(b) Landscaping of lots.

1. The front setback area, excluding the impervious areas, shall be planted with trees and/or a variety of shrubbery and flowering plants with a minimum of 25% in solid sod.
2. Tree preservation and replacement shall result in at least 6 hardwood trees per acre (minimum 2” caliper dbh).
3. A single species of trees may be used for no more than 25 percent of the total number of new trees planted in a development, except that designated hardwoods may comprise up to 50% of that total as long a minimum of three different species are used.
4. All landscape materials required by this ordinance shall be maintained by the property

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owner or property owners' association. Such maintenance shall keep landscape materials healthy, neat and orderly in appearance and free of litter and debris. Landscape materials that die shall be replaced by the property owner or property owners' association within 120 days of notification by the Planning Department.

(c) Environmental Standards.

1. Retain natural vegetation and topography to the maximum extent feasible.
2. Maximum impervious surface cover: 40% average for the overall development (including lots, streets, and common space), with limits on individual lots, based on building type:
 - a. 35% for Single-family residential, large lot;
 - b. 40% for single-family residential, mid-size lot;
 - c. 45% for single-family residential, small lot;
 - d. 50% for single-family attached.

(d) Parking: In addition to the parking requirements of Article 9 the following parking standards apply in the TND District:

1. The maximum number of off-street parking spaces constructed with impervious materials on any lot shall be 25.
2. Parking spaces constructed with pervious materials shall be constructed of gravel or other pervious paving materials described in Volume 2 – Technical Handbook of the Georgia Stormwater Management Manual (First Edition, August 2001, or as subsequently amended) as the Porous Concrete or Modular Porous Paver Systems under the Limited Application Stormwater Structural Controls.

(e) Driveways and Alleys: Driveway and alley connections to public streets shall be consistent with the following standards:

1. No residential driveways shall be permitted on arterial streets.
2. If a block contains a majority of lots less than 60 feet in width, individual lot access for that block shall be from an alley, not a public street.
3. Alleys serving four or more occupied structures shall provide a continuous connection between two public streets
4. Driveways and alleys shall not be located within 150 feet of the centerline of an intersecting collector or arterial street.
5. Driveways and alleys shall not be located within 50 feet of the centerline of a local street not in the TND district.
6. No paved alley or driveway shall be in excess of 18 feet in width without approval of the Planning Department.
7. Joint driveways shall be encouraged for adjacent properties

(2005 (Sec. 22-244), Added, 05/23/2005)

Section 22-245 Public improvement standards

All streets in a TND District, except for alleys, shall be public streets, and shall be designed as follows:

(a) Arterial Street (See Figure 5 of TND Design Guidelines)

1. 35-mph design speed.
2. Minimum 82 feet right-of-way.
3. Four travel lanes at 12 feet each.
4. 24-in. wide curb and gutter.
5. 5-feet (minimum) wide landscaped strip along outside curb (both sides of street).
6. 6-feet wide sidewalk outside landscaped strip.

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7. Streetlights required in landscaped strip (See TND Design Guidelines, on file in the administrative offices of the Planning Department).
8. Street trees required in landscaped strip. Spaced an average of 30 feet on center.
9. Paving and base must be constructed to standards of Georgia Department of Transportation and Section 17-188(3) of the Code of the City of Thomasville.

(b) Collector Street (See Figure 6 of TND Design Guidelines.)

1. 30-mph design speed.
2. Minimum 67 feet right-of-way;
3. 38 feet paved section, back of curb to back of curb. Alternate configurations:
 - a. Two travel lanes at 12 feet each and a two-way left turn lane 14 feet wide; or
 - b. Two travel lanes and two on-street parking lanes with curbed bulb-outs at intersections, where appropriate.(See Figure 7 of TND Design Guidelines.)
4. 24-in. wide curb and gutter.
5. 5-feet (minimum) wide landscaped strip along outside curb.
6. 6-feet (minimum) wide sidewalk outside landscaped strip.
7. Maximum street grade of 6 percent.
8. Street lights required in landscaped strip. (See TND Design Guidelines.)
9. Street trees required in landscaped strip. Spaced an average of 30 feet on center.
10. Street furniture is encouraged. (See Figure 11 of TND Design Guidelines.)
11. Paving and base must be constructed to standards of Section 17-188 (3) of the Code of the City of Thomasville.

(c) Neighborhood Street (See Figure 8 of TND Design Guidelines)

1. 25-mph design speed.
2. Minimum 50 feet right-of-way.
3. 30 feet wide paved street to back of curbs (two travel lanes at 10 feet each and one 7 feet wide on-street parallel parking lane with curbed bulb outs at intersections, where appropriate)
4. 18-inch wide curb and gutter.
5. 5-feet (minimum) wide landscaped strip along outside curb.
6. 5-feet (minimum) wide sidewalk outside landscaped strip.
7. Maximum street grade: 8 percent.
8. Streetlights required in landscaped strip. (See TND Design Guidelines).
9. Street trees required in landscaped strip. Spaced an average of 30 feet on center.
10. Paving and base must be constructed to standards of Section 17-188 (3) of the Code of the City of Thomasville

(d) Alleys (See Figure 9 of TND Design Guidelines)

Alleys are permitted as public or private streets providing secondary or service access, subject to the following standards:

1. Minimum width of right of way or easement: 20 feet
2. Minimum 14-foot wide paved travel lane.
3. 24 inches rolled curb and gutter. Inverted crown asphalt may be used as an alternative to curb and gutter for drainage purposes.
4. Minimum 4 feet setback from the edge of the pavement.
5. Utility easements as required by Planning Department.
6. Maximum street grade of 8 percent.
7. Paving and base must be constructed to standards of Section 17-188 (3) of the Code of the City of Thomasville

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(e) Multi-use Paths (See Figure 10 of TND Guidelines)

1. No motorized vehicles, except those with less than 10 horsepower and electric motors.
2. Maximum grade of 6 percent.
3. Minimum right-of-way width: 14-feet
4. Minimum paved width of travel way: 10 feet
5. Shoulder width variable, based on topography.
6. 5 feet flare at street intersections, with ramp to street and bollards spaced 7 feet apart to block motorized traffic, except for vehicles with less than 10 horsepower and electric motors
7. Path may be constructed of impervious materials or materials as specified in Section 22-244 (d-2)

(f) Street Network Standards

An interconnected grid pattern is encouraged.

1. No streets may be longer than 600 feet without an intersection with another public street.
2. Blocks that are longer than 400 feet (measured inside right of way) must be broken by an alley.
3. Average perimeter measured around right of way lines of all blocks in the development may not exceed 1,600 feet.
4. Cul-de-sacs are prohibited, except where approved by the Planning Department because of unusual site conditions, such as: steep topography, streams, lakes, floodplains, wetlands, or stream crossings, safety hazards or other unusual property development or access constraints.

(g) Crosswalks

1. All intersections shall contain crosswalks that connect to sidewalks in all quadrants.
2. Crosswalks shall be demarcated either with high-reflectivity thermoplastic paint or brick pavers.

(h) Street Trees

1. Street trees shall be provided in required landscaped strips adjacent to all streets.
2. Street trees shall be a minimum of 2 inch diameter breast height (dbh) at the time of planting, and be warranted by the developer for a period of 2 years.
3. Spacing of street trees and streetlight standards may be adjusted to account for driveways, utility poles, fire hydrants and other obstructions and to provide adequate visual clearance for intersections, driveways and traffic control devices.
4. No street tree or streetlight standard shall be placed within 10 feet of another tree, streetlight standard, utility pole or within 5 feet of a fire hydrant.
5. A list of appropriate large and small street trees is on file in the administrative offices of the Planning Department.
6. No more than 25 (or 50 percent of the total number, whichever is greater) of the trees installed may be of any one specie, as long as a minimum of three different species are used.
7. No more than 25 percent of the street trees used in a TND development shall be one of the small tree species.

(i) Landscaping

Landscape strips shall be planted with trees, grass and a variety of low, hardy shrubbery and flowering plants with mulched beds. Areas of exposed earth shall not be allowed. Landscaping shall be approved by the Planning Department.

(j) Streetlights

Streetlights shall be provided on all arterial streets, collector street, and neighborhood streets. Only metal halide may be used. See the TND Design Guidelines for example. Streetlights on collector and neighborhood streets shall be pedestrian scaled and be between 8 – 15 feet in height.

(k) Underground Utilities For all new construction and redevelopment, utilities along public streets must

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be placed underground. The Engineering Department may approve an exception, if subsurface rock or other unique hardship makes such installation infeasible.

1. Water and sewer utilities shall be located in either street rights of way or easements located at the outer edge of street rights of way.

2. At the option of the City, electric, gas, telephone, and cable utilities may be located underground in easements located on the shoulders of alleys.

(2005 (22-245), Added, 05/23/2005)

Section 22-246 Procedures for rezoning

After the effective date of this Ordinance, rezoning application procedures for property within the TND District shall be as provided in Chapter 22, Article VII of the Code of the City of Thomasville with the following modifications:

(a) All such rezoning applications shall contain all information necessary to demonstrate that it achieves the criteria provided in Sec.22-240 of this article.

(b) The Planning Department and the Planning and Zoning Commission shall review and comment on the Concept Plan as a part of making recommendations regarding the City Council's action on the application for rezoning of the property. The review shall consider the criteria enumerated in Sec. 22-240 of this article.

(c) If the rezoning application is approved by the City Council, then such rezoning shall be conditioned to the applicant's developing in substantial conformity with the Concept Plan, including any modifications or conditions approved by the City Council pursuant to its deliberations of the application.

(d) Modification of Concept Plan.

1. Minor modifications: The Planning Department is authorized to approve minor changes in a concept plan that was approved at the time of rezoning, such as minor shifting of the location of streets, easements or incidental features of the plan, provided that such minor modifications:

a. Do not increase densities; and

b. Do not change the outside boundaries of the development tract; and

c. Do not affect any change to a condition of zoning or any deviation from the requirements of the Code of the City of Thomasville.

2. Major modifications: Any requested modification of a concept plan approved as a condition of zoning that does not meet the requirements of a minor modification in paragraph (d)1, above, shall be deemed a major modification..Major modifications in a concept plan approved as a condition of rezoning within the TND shall require a new application subject to all the requirements of Chapter 22, Article VII of the Code of the City of Thomasville.

(2005 (22-249), Added, 05/23/2005)

Section 22-247 Procedures for review and approval of development

Development within the TND shall be authorized subject to the procedures provided in Chapters 17 and 22 with the following modifications:

(a) Prior to approval of a preliminary plat, the applicant for preliminary plat approval shall prepare a plan and statistical summary of the distribution of land, lots, and dwellings for each phase of the development that indicates the location, acreage

and percentage of common space and the location and mix of land uses, building types, housing sizes and lot sizes that demonstrate compliance with the requirements in sections 22-243 (c), (i) (j) (l) and (m) of

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this Article.

(b) Review of Building Plans. Prior to issuance of a building permit for any occupied structure to be located within a TND development, the builder shall provide architectural plans and elevations at a scale no smaller than 1" = 20' that demonstrate compliance with the requirements of this Article. The Planning Department shall have the authority to review and approve building plans for conformity with the requirements of this Article, the TND Design Guidelines, Building Codes, and other requirements of the Code of the City of Thomasville.

(c) Those development issues not particularly addressed within this Chapter are subject to Chapter 17 Subdivision requirements.
(2005 (22-247), Added, 05/23/2005)

Section 22-248 Procedures for appeals

(a) It is the intent of the City Council that all development shall conform to the standards and procedures set forth in this Article. In the event that the intent of this Article can be achieved with minor deviations that do not substantially impair the purpose or intent of this Article, the Planning Department has the authority to modify the specific provisions to allow for such minor deviations.

(b) If substantial modifications or changes are necessary, any person, firm, group or organization may apply for relief from the requirements set forth in this article to the Architectural Review Board, unless otherwise specified in this Article.

(c) Appeals from requirements set forth in this chapter pertaining to landscaping, lighting, tree planting, facades and building architecture can be heard by the Architectural Review Board through submittal of an Application for Modification of Traditional Neighborhood Development standards. Any such application shall be accompanied by the necessary information in order for the Architectural Review Board to make a determination as to if the alternate design proposal meets the intent of the requirements. The Architectural Review Board as part of an approval may include conditions, modifications or requirements necessary to mitigate the impact of such modification so approved. The Planning Department shall determine the specific filing requirements as needed for each application.
(2005 (22-248), Added, 05/23/2005)

Section 22-249 Conditional Commercial uses

Structures located within the TND district of the city may be appropriated to the conditional uses listed below. Such approval is to be granted according to the terms and conditions of section 22-382 or may be specified and authorized as part of the rezoning for the creation of the district:

- a. Church or other place of worship.
- b. Publicly owned recreation centers and institutions of a similar nature
- c. Ambulance service or rescue squad.
- d. Banks, financial institutions.
- e. Barber or beauty shop
- f. Clothing and dry goods stores
- g. Cultural facilities
- h. Drug stores
- i. Flower shops (retail)
- j. Food stores including retail bakeries, meat markets, dairy products, confectioner shops,

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- liquor stores, and stores of a similar nature
- k. Grocery, fruit, or vegetable market
 - l. Launderette or washeteria (self-service laundries)
 - m. Medical, dental, or similar clinic
 - n. Nursery schools or day care facility. Such facility shall comply with the requirements listed for use in 22-106 Schedule of uses.
 - o. Person service shops such as shoe repair, laundry pickup stations, watch repair and services of a similar nature
 - p. Restaurants and food catering services
 - q. Retail candy and ice cream stores
 - r. Specialty shops
 - s. Commercial swimming pool
 - t. Municipal structures
 - u. Satellite receiving dish antenna. There are special requirements for satellite dish antennae. These requirements can be found in section 22-39, standards for satellite receiving dish antennae.

Signs for conditional use commercial uses shall be governed by the TND development covenants and sign regulations for R-2 zoned districts found in Section 5 – 500 through Section 5 – 525 of the Code of the City of Thomasville, whichever is most restrictive.

(2005 (22-249), Added, 05/23/2005)

Section 22-250 Parking requirements

Parking requirements for the TND listed conditional commercial uses in Section 22-249 shall not exceed the minimum parking standards established in Section 22-291. On-street parking within 600 feet may be counted toward the required number of spaces if it is demonstrated to the satisfaction of the Planning Department that the intent of the parking requirements is met. Shared parking spaces, which serve complimentary needs such as a church and a bank, may be counted toward the minimum parking requirement as long as the Planning Department has determined that the intent of the code is met.

(2005 (22-250), Added, 05/23/2005)

Section 22-251 Identification on official zoning map

Any parcel approved for a TND Development shall be identified on the official zoning map of the City.

(2005 (22-251), Added, 05/23/2005)

Section 22-252-254 reserved

Section 22-255A ARTICLE VIII. MANUFACTURED HOUSING SUBDIVISIONS AND RECREATIONAL VEHICLE PARKS*

***Editor's note--**Section VI, of an ordinance adopted August 28, 1995, deleted §§ 22-256--22-261 and substituted in lieu thereof §§ 22-256--22-260. Formerly, such sections pertained to similar provisions and derived from § 24-13, 24-13.1, 24-22--24-26 of the 1958 Code.

Section 22-256 Purpose of the MH zone (one-family manufactured housing residential district).

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The purpose of this zone is to provide a zone where lots may be purchased by individuals for the purpose of permanently locating a manufactured home or constructing a single-family residence. All subdivisions developed in these zones shall be developed according to the requirements of the Land Subdivision Ordinance of the city.

(Ord. of 8-28-95, § VI)

Section 22-257 Regulations and uses applicable to the MH zone.

The following uses and regulations shall govern and control in the MH zone, to wit:

(a) *Minimum subdivision size.* The minimum subdivision size shall be five (5) acres.

(b) *Uses permitted.*

(1) One-family dwellings, detached;

(2) One-family manufactured homes;

(3) Accessory buildings.

(c) *Building setbacks.* There shall be a front setback for structures in a MH zone of not less than thirty (30) feet from the building to the front lot line.

(d) *Building side yard requirements.* Each lot shall have two (2) side yards, each having a width of not less than eight (8) feet, except on corner lots in which case the side yard adjacent to the street shall be not less than twenty (20) feet.

(e) *Rear yard requirements.* There shall be a rear yard in an MH zone of not less than twenty (20) feet.

(f) *Building site area required.* Every lot in an MH zone shall have a minimum width of sixty (60) feet and a minimum area of seven thousand five hundred (7,500) square feet.

(g) *Lot coverage.* Not more than thirty (30) percent of the area of a lot in an MH zone shall be covered by buildings or structures.

(h) *Other requirements.*

(1) Any additions to a manufactured home or accessory buildings constructed on a lot shall comply with the requirements of the building, electrical, plumbing and gas codes.

(2) The wheels shall be removed from each manufactured home occupying a lot in the subdivision.

(3) Each manufactured home shall be sufficiently supported, tied down and the under carriage completely enclosed.

(4) Before a certificate of occupancy is issued, the required permits and inspections must be obtained from the building department and waterproof storage building (minimum size one hundred fifty (150) cubic feet) must be constructed on the lot.

(Ord. of 8-28-95, § VI)

Section 22-258 Recreation vehicle parks.

(a) Recreation vehicle parks are permitted pursuant to the following regulations.

(b) Recreation vehicle parks or both will be permitted only upon the approval of location by the planning commission. Such approval will be based upon but not necessarily limited to being an acceptable location with reference to the following criteria:

(1) Environmental compatibility;

(2) Availability of community facilities, utilities and services;

(3) Traffic hazards; and

(4) Suitability of the site for such development.

(c) An applicant may make application for approval of a site by sending to the city planning director a certified letter, at least ten (10) days prior to the regular meeting of the planning commission, which outlines the request. The request shall state whether the petitioner desires the approval of a site for the construction of a recreation vehicle park. It shall also include an adequate description of the property

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proposed, including the acreage of the property. The request shall also include the name and address of the person to be notified of the hearing.

(d) The planning commission will approve the location of a recreation vehicle park only after a public hearing has been held.

(e) After the planning and zoning commission has approved the location of the site, the development plan must be approved by the planning and zoning commission before development can begin. To secure approval of the development plan, submit a letter of request by registered mail to the city planning director at least ten (10) days prior to the next regular meeting of the planning and zoning commission, including four (4) copies of the scaled drawings that give all the information as required by this section, including plans for the required improvements. Include the name and address of the person to be notified of the hearing.

(Ord. of 8-28-95, § VI)

Section 22-259 General requirements for recreation vehicle park.

General requirements that must be met for development of a recreation vehicle park are as follows:

- (1) The minimum gross area of a recreation vehicle park shall be five (5) acres, and it shall front on a street designated as a major thoroughfare according to the street and traffic or major thoroughfare plan of the city.
- (2) No recreation vehicle or camping trailer or other such unit shall be located closer than fifty (50) feet from the right-of-way of any public street or highway. No unit may be located less than thirty (30) feet from the centerline of any interior street in the park. No unit shall be allowed within one hundred (100) feet of an existing residence.
- (3) A dense green belt of evergreen trees or shrubs or both not less than six (6) feet high after one (1) growing season and which at maturity is not less than twelve (12) feet high shall be located and effectively maintained at all times along all park boundary lines except the street side.
- (4) Each park shall provide a recreational area equal in size to at least eight (8) percent of the gross area of the park. Streets, roads, drives, parking areas, required setbacks and park service facility areas shall not be included in the required recreational area. The recreational areas must be land that is usable for the purpose and not, for example, low wetland.
- (5) Coin-operated laundries, laundry and dry cleaning pick-up stations and other commercial convenience establishments may be permitted in the recreation vehicle park provided:
 - a. They are subordinate to the residential character of the park.
 - b. They are located, designed and intended to serve only the needs of persons living in the park.
 - c. Sufficient parking as normally required for the type of business is provided; provided, however, that not more than ten (10) percent of the total amount of the park is used for a combination of these establishments and their parking, and
 - d. The establishment shall present no visible evidence of their commercial nature to the areas outside the park.
- (6) All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.
- (7) Each recreation vehicle site shall have a minimum width of forty (40) feet and, if situated on a public street corner, it shall have an additional width above forty (40) feet to provide for the additional street setback.
- (8) Recreation vehicle travel trailer and camper stands shall be designed to provide an average of at least twenty-five (25) feet between units, and provided further that no unit or part of its structure shall be closer than fifteen (15) feet to any other unit or any part of its structure. Each unit shall be located at least ten (10) feet from the green belt.
- (9) Each recreation vehicle, travel trailer or camper trailer site shall be provided with a stand consisting of either a solid concrete slab or two (2) concrete ribbons of a thickness and size

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adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock.

(Ord. of 8-28-95, § VI)

Section 22-260 Improvements required for recreation vehicle park.

(a) Improvements required for development of a recreation vehicle park are as follows:

- (1) *Sanitary sewers.* The recreation vehicle park shall be provided with an adequate sanitary sewer system that complies with the requirements of the state health department and the city so that each recreation vehicle or travel trailer stand and buildings are sewerred.
- (2) *Interior streets or roads.* Streets dedicated to the public use shall be planned and developed in accordance with the land subdivision ordinance of the city. In general, however, streets within a recreation vehicle park shall be privately owned, constructed, paved and maintained. Such streets shall be well drained, provided with a minimum paved surface of twelve (12) feet for one-way streets and twenty-four (24) feet for two-way streets and meet the requirements of the city engineer.
- (3) *Water* A potable water supply and system meeting the requirements of the state health department and the city shall be provided by the park owner.
- (4) *Easements.* Publicly dedicated easements of proper size for their intended purpose shall be provided within the park.
- (5) *Utility placement.* All water, sewer or gas lines shall be buried a minimum of twenty-four (24) inches below the finished ground surface of the park and shall be provided with adequate valve systems to allow the cutoff of utility service to a recreation vehicle stand at the recreation vehicle stand and at the entrance of the utility service from the stand to the trunk line of a utility system. If overhead service lines are provided within the park, such lines shall be a minimum of eighteen (18) feet above the grades of the interior streets (except that a fourteen-foot minimum be maintained at the service entrance).
- (6) *Lighting.* All park streets, pedestrian easements and areas around commercial buildings when allowed shall be illuminated to at least 0.3 foot candles.
- (7) *Garbage and refuse.* Adequate garbage and refuse containers, maintained attractively in a rodent and vermin proof condition, shall be easily accessible to the pickup vehicle and within or easily accessible to each recreation vehicle stand, each commercial building and in sufficient number and placement for recreation areas.
- (8) *Electrical power supply.* Each stand shall be provided with an adequate, properly grounded waterproofed electrical receptacle with a minimum rated capacity of one hundred (100) amperes.
- (9) *Entrances and exits.* Entrances and exits shall meet the standards of the state highway department.

(b) All of the above improvements shall be done in strict accordance with the ordinances and standards of the city and approval of the appropriate city officials.

(c) The fee for issuing such permit and inspection by the city to see that the work is done in accordance with these regulations shall be five dollars (\$5.00) for each such permit issued. No permit shall be required for city work done by city crews. City permits for work on state highway rights-of-way shall only be issued contingent upon approval of the work by the state department of transportation.

(Ord. of 8-28-95, § VI)

Section 22-261 22-261--22-280. Reserved.

Section 22-280A ARTICLE IX. OFF-STREET PARKING AND SERVICE

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REQUIREMENTS

Section 22-281 Scope.

Except as provided in this article, no application for a building permit shall be approved unless there is included with the plan for such building, improvements, or use, a plot showing the required space reserved for off-street parking and service purposes. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on the approved plan.

(Code 1958, § 24-11)

Section 22-282 Parking spaces may not be reduced.

Off-street parking spaces shall not be reduced below the minimum required number for the use or facility to which they are assigned.

(Code 1958, § 24-11.01)

Section 22-283 Drainage, construction, and maintenance.

All off-street parking, loading, and service areas shall be constructed of concrete or asphalt. All such areas shall be at all times maintained, at the expense of the owners thereof, in a clean, orderly, and dust-free condition.

(Code 1958, § 24-11.02)

Section 22-284 Separation from walkways, sidewalks and streets.

All off-street parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective device.

(Code 1958, § 24-11.03)

Section 22-285 Parking area design.

Parking stalls shall have a minimum width of nine (9) feet and length of nineteen (19) feet. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways shall be at least twenty-four (24) feet wide where used with ninety-degree angle parking, at least eighteen (18) feet wide where used with sixty-degree angle parking, at least thirteen (13) feet wide where used with forty-five-degree parking, and at least twelve (12) feet wide where used with parallel parking; or, where there is no parking, interior driveways shall be at least ten (10) feet wide for one-way traffic movement and at least twenty (20) feet wide for two-way traffic movement.

(Code 1958, § 24-11.04)

(2005 (Sec.22-285), Amended, 06/29/2005)

Section 22-286 Joint parking facilities.

Two (2) or more neighboring uses of the same or different types may provide joint facilities, provided the number of off-street parking spaces is not less than the sum of the individual requirements.

(Code 1958, § 24-11.05)

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Section 22-287 Pavement markings and signs.

Each off-street parking space shall be clearly marked, and pavement directional arrows or signs shall be provided wherever necessary. Markers, directional arrows and signs shall be properly maintained so as to ensure their maximum efficiency.

(Code 1958, § 24-11.06)

Section 22-288 Number of parking spaces.

In order to assure a proper and uniform development of public parking areas throughout the area of jurisdiction of this chapter, to relieve traffic congestion on the streets, and to minimize any detrimental effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the table in section 22-291. For any use or class of use not mentioned in this schedule, the requirements shall be the same as a similar use as mentioned therein. Parking requirements for additions to existing uses shall be based only upon the new addition even if the existing use is deficient.

(Code 1958, § 24-11.07)

Section 22-289 Off-street parking requirements.

(a) In all zoning districts off-street parking spaces for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, or enlarged after the effective date of the ordinance from which this section derives, shall be provided as herein prescribed. The remodeling or alteration of present buildings in the downtown C-2 district shall be exempt from these provisions if:

- (1) The exterior dimensions are not changed; and
- (2) Any increase in floor space is confined within the basic structure;
- (3) Apartments in the downtown C-2 district shall provide the required number of parking spaces, no farther than one thousand five hundred (1,500) feet from the apartment.

(b) Required parking spaces shall be maintained and shall not be encroached upon so long as such main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this chapter. The owner of a building structure or other land use requiring off-street parking space must show, to the satisfaction of the zoning administrator, that he is the record title holder of the property devoted to such principal land use and of the property proposed for off-street parking use, or that he is the lessee of such property.

(Code 1958, § 24-11.08)

Section 22-290 Location of parking space for other land uses.

The off-street parking facilities required for all other uses shall be located on the lot or within one thousand (1,000) feet of the permitted use requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facilities to the building to be served.

(Code 1958, § 24-11.09)

Section 22-291 Off-street parking standards.

The following table of off-street parking standards specifies the number of parking spaces required for each designated use:

<i>Use</i>	<i>Number of Parking Spaces Required</i>
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- (1) Apartment and multi-family dwelling. 2 spaces for each dwelling unit plus 1 space for each 10 units for travel trailers, boats, and other vehicles.
- (2) Apartments for the elderly. 1 space for each dwelling unit.

Use

*Number of Parking
Spaces Required*

- (3) Appliance store. 1 space for each 400 square feet of gross floor area.
- (4) Auditorium, stadium, assembly hall, gymnasium, theater, community recreation center. (a) 1 space per 3 fixed seats in largest assembly room or area, or (b) 1 space for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or combination of fixed and movable seats; or (c) 1 space per each 150 square feet of gross floor area; whichever is greatest.
- (5) Automobile fueling stations. 1 space (in addition to service area) for each pump and grease rack and 1 space for each 2 employees during period of greatest employment but not less than 4 spaces.
- (6) Automobile parts and accessories. 1 space for each 400 square feet of gross floor area.
- (7) Automobile sales and repair, service stations and auto washeterias Same as use (5) above plus 1 space for each 500 square feet of gross floor area of the shop or washeteria.
- (8) Automobile service and appliance centers. 1 space for each 400 square feet of retail area plus 2 spaces for each service bay.
- (9) Bowling area. 4 spaces per alley plus requirements for any other use associated with the establishment such as a restaurant, etc.
- (10) Club or lodge. 1 space for each 2 employees plus 1 space for each 200 square feet of gross floor area within the main assembly area plus additional spaces for other uses permitted within the premises.
- (11) Church 1 space per 4 seats in main place of assembly.
- (12) Combined uses. Parking spaces shall be the total of the spaces required for each separate use established by this schedule.
- (13) Dance school. 1 space for each employee plus 1 space per 150 square feet of gross floor area plus safe and convenient loading and unloading of students.

Use

*Number of Parking
Spaces Required*

- (14) Duplex dwelling unit. 1 unpaved space per each unit. Residential driveways will satisfy this need.
- (15) Financial institutions. 1 space for each 250 square feet of gross floor area and 2 waiting spaces for each drive-through window.
- (16) Fraternity or sorority or college dormitories. 1 parking space for each 2 residents and 1 space for each 2 employees.
- (17) Furniture store. 1 space for each 400 square feet of gross floor area.
- (18) Golf course. 2 spaces for each hole and 1 space for each 2 employees plus requirements for any other use associated with the golf course.

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- (19) Grocery store (including small convenience type store). 1 space for every 250 square feet of gross floor area.
- (20) High schools, trade schools. 1 space for each teacher, employee, and administrative personnel plus safe and convenient loading of students plus 5 spaces for each classroom.
- (21) Hospital. 1 space for each bed plus 1 space for each employee (nurse, attendant, etc.) per shift plus 1 space for each staff or visiting doctor.
- (22) Hotel. 1 space for each guest room, suite, or unit plus 1 space for each 2 employees.
- (23) Indoor and outdoor. (a) 1 space for each 150 square feet of gross floor, building, ground area or combination devoted to use; or (b) 1 space per each 4 seats or facilities available for patron use, whichever is greater.
- (24) Industrial or manufacturing establishments or warehouse. 2 spaces for each 3 employees on shift of greatest employment, plus 1 space for each vehicle used directly in the conduct of business.
- (25) Kindergarten and nursery schools. 1 space for each employee plus safe and convenient loading of children.
- (26) Motel. 1 space for each unit plus 1 space for each 2 employees.

*Number of Parking
Spaces Required*

- | <i>Use</i> | <i>Number of Parking
Spaces Required</i> |
|---|---|
| (27) Nursing home. | 1 space for each 2 beds plus 1 space for each employee on shift of greatest employment. |
| (28) Office, professional building, or similar use. | 1 space for each 350 square feet of the gross floor area, or 1 space for each 2 employees, whichever is greater. |
| (29) Personal service establishment. | 1 space for each 350 square feet of the gross floor area, or 1 space for each 2 employees, whichever is greater. |
| (30) Repair shop. | 1 space for every 300 square feet of gross floor area plus 1 space for each employee. |
| (31) Restaurant or place dispensing food, drink or refreshments to be consumed on the premises. | 1 space for each 100 square feet of gross floor area with a minimum of 10 parking spaces. |
| (32) Restaurant or place dispensing food, drink or refreshments for carry out only (and having outdoor seating area). | 1 space for each 150 square feet of gross floor area (with a minimum of 10 spaces); plus 1 additional space for each 3 outdoor seats provided. |
| (33) Restaurant or place dispensing food, drink or refreshments for carry out (no seating area provided). | 1 space for each 150 square feet of gross floor area; with a minimum of 10 parking spaces. |
| (34) Restaurant or place dispensing food, drink or refreshments to be consumed on the premises and also having a drive-through service. | 1 space for each 100 square feet of gross floor area; with a minimum of 10 parking spaces, and providing an adequate lane for through traffic which will not obstruct the required parking and driveway for the restaurant. |
| (35) Schools, elementary. | 1 space for each teacher, 1 space for each 2 employees and administrative personnel, and 1 space |

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| | for each classroom, plus safe and convenient loading and unloading of students. |
| (36) Senior citizen homes. | 1 space for each 2 beds, plus 1 space for each employee on the shift of greatest employment. |
| (37) Shopping center (if over 35,000 square feet of gross floor area). | 1 space for every 300 square feet of gross floor area. |
| (38) Shopping center (if 35,000 square feet or less of gross floor area). | 1 space for every 300 square feet of gross floor area. |

<i>Use</i>	<i>Number of Parking Spaces Required</i>
(39) Swimming pool.	1 space for each 200 square feet of water surface area plus requirements for additional uses in association with the establishment such as a restaurant, etc.
(40) Recreation vehicle parks.	1 space for recreation vehicle stall plus 1 space for each 2 employees.
(41) Retail stores of all types not mentioned otherwise.	1 space for every 300 square feet of gross floor area.
(42) Wholesale establishment.	1 space for each employee plus sufficient spaces to accommodate vehicles used in the conduct of the business.

(Code 1958, § 24-11.10; Ord. of 3-23-72; Ord. of 3-27-72; Ord. of 4-24-72; Ord. of 9-25-72; Ord. of 4-23-73; Ord. of 3-25-74; Ord. of 6-24-75; Ord. of 8-26-85; Ord. of 8-28-95, § VII)

Section 22-292 Off-street loading requirements.

(a) On the same premises with every building structure or part thereof, erected and occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets and alleys.

(b) Such loading and unloading space, unless otherwise adequately provided, shall be an area ten (10) feet by fifty (50) feet, with fifteen (15) foot height clearance, and shall be provided according to the following schedule:

<i>Gross Floor Area in Square Feet</i>	<i>Loading and Unloading Spaces Required in Terms of Square Feet of Usable Floor Area</i>
0--10,000	None
10,001--100,000	1 space for the first 10,001 square feet plus 1 additional space for each additional 40,000 square feet in excess of the 10,001 square feet.
100,001--500,000	3 spaces for the first 100,001 square feet plus 1 additional space for each additional 60,000 square feet in excess of 100,001 square feet.
Over 500,000	7 spaces for the first 500,001 square feet plus 1 space for each additional 100,000 square feet in excess of 500,001 square feet.

(Code 1958, § 24-12; Ord. of 8-26-85)

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Section 22-293 Minimum number of loading spaces required.

Industrial, wholesale, and retail operations shall provide space as follows:

(a) Off-street loading spaces shall be provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses.

(b) Off-street loading spaces shall be designed and constructed so that all maneuvering to park and unpark vehicles for loading and unloading can take place entirely within the property lines of the premises. Loading spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on public rights-of-way.

(c) Ingress and egress to off-street loading spaces shall conform to driveway entrance regulations of the city.

(Code 1958, § 24-12)

Section 22-294 Rules and regulations for protection of city rights-of-way.

(a) The rules and regulations for the control and protection of the city rights-of-way shall be those promulgated by the city for the control and protection of city rights-of-way.

(b) Application and permit forms shall be filed with the chief building official of the city.

(Code 1958, §§ 24-13, 24-13.1)

Section 22-295 22-295--22-310. Reserved.

Section 22-310A ARTICLE X. (Reserved)

Section 22-311 22-311--22-355. Reserved.

Editor's note--An ordinance adopted March 24, 1997(1), § I, repealed provisions formerly set out as §§ 22-311--22-355 of the Code, which pertained to sign regulations and derived from the 1958 Code, §§ 24-14.01--24-14.04, 24-14.06, 24-14.09 and 24-15.03, and an ordinance adopted 1-23-89(3), § 1, as amended by ordinances adopted 10-9-89, §§ 1--3, 1-8-90, § I, 4-9-90(2), § I, 5-10-93, § I and 5-9-94, § I.

Section 22-355A ARTICLE XI. CERTIFICATE OF OCCUPANCY

Section 22-356 Required.

A certificate of occupancy issued by the zoning administrator is required in advance of occupancy or use of:

(a) Commercial, public assembly, and industrial building; and

(b) Any building or premises where a change in the type of occupancy or use will occur.

(Code 1958, § 24-18.03)

Section 22-357 Issuance.

Upon payment of any required fees, the zoning administrator shall sign and issue a certificate of

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occupancy if the proposed use of land or building as stated on the certificate of occupancy is signed thereto by the owner or his appointed agent and is found to conform to the applicable provisions of this chapter, and if the building, as finally constructed, complies with the sketch or plan submitted and approved for the building permit. One (1) copy of all certificates of occupancy issued which contain a statement of the intended use of the applicable property, floor loads, and other pertinent information, signed by the owner or his agent, shall be kept on file in the office of the zoning administrator.
(Code 1958, § 24-18.04)

Section 22-358 Denial.

A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this chapter, and the structure conforms with the applicable provisions of the building code and complies with the sketches or plans submitted for obtaining the building permit.
(Code 1958, § 24-18.05)

Section 22-359 22-359--22-375. Reserved.

Section 22-375A ARTICLE XII. THOMASVILLE PLANNING AND ZONING COMMISSION*

***State law reference**--Authority to exercise the power of zoning, Ga. Const., art. 9, sec. 2, par. 4.

Section 22-376 Created.

In order to guide and accomplish coordinated and harmonious development of the municipality and county which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development, the Thomasville Planning and Zoning Commission, referred to throughout this division as the planning and zoning commission, is hereby created and established.
(Code 1958, § 2-26; Ord. of 8-12-91, § II)

Section 22-377 Composition; appointment of members.

The Thomasville Planning and Zoning Commission shall consist of nine (9) members appointed by the city council. The seven (7) city appointees to the former city-county planning commission shall continue to serve on the new Thomasville Planning and Zoning Commission until the ends of their present terms. Thereafter the terms of all members shall be as set forth in section 22-378. Attendance by five (5) members at any regular or specially scheduled meeting of the Thomasville Planning and Zoning Commission shall constitute a quorum.
(Code 1958, § 2-27; Ord. of 8-12-91, § III(2-27))

Section 22-378 Terms, removal and compensation of members; vacancies.

The two (2) new members of the new Thomasville Planning and Zoning Commission named concurrently with the adoption of this ordinance shall serve until December 31, 1993. Thereafter the terms for members appointed to those two positions shall be four (4) years, and the terms of all other members of the Thomasville Planning and Zoning Commission shall be four (4) years. Any vacancy in membership shall be filled for the unexpired term by the city council, which shall also have the authority

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to remove any member for cause, on written charges, after a public hearing. Each member of the Thomasville Planning and Zoning Commission shall be paid per diem compensation of forty dollars (\$40.00) for each day during which such member attends public hearings held by such board on planning and zoning matters.

(Code 1958, § 2-28; Ord of 8-12-91, IV(2-28))

Section 22-379 Officers; rules of procedure; meetings and records to be public.

The planning and zoning commission shall elect its chairman from among its members. The term of the chairman shall be one (1) year with eligibility for reelection. The commission shall appoint a secretary who may be an officer or employee of the municipality or the county. The planning commission shall make its own rules of procedure and determine its time of meeting. All meetings of the planning and zoning commission at which official action is taken shall be open to the public and all records of the commission shall be public records.

(Code 1958, § 2-29)

Section 22-380 Reserved.

Editor's note--An ordinance adopted Aug. 12, 1991, § V(2-30), repealed provisions formerly set out as § 22-380 of the Code, which pertained to powers and duties of the planning and zoning commission and derived from the 1958 Code, § 2-30.

Section 22-381 Employees and staff; contracts; expenditures.

The planning and zoning commission may appoint such employees and staff as it may deem necessary for its work and may contract with the state planning agency and with city planners and other consultants for such services as it may require. The expenditures of the planning and zoning commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the governing authorities of the city and the county.

(Code 1958, § 2-31)

Section 22-382 Public hearing on conditional uses.

(a) The planning and zoning commission shall hear and recommend after a public hearing conditional uses as authorized by section 22-106(c), schedule of permitted uses, or section 22-84, conditional uses, historic district. The application to establish use shall be approved on a finding by the city council that:

- (1) The proposed use will not be contrary to the purpose of this article.
- (2) The proposed use will not be detrimental to the use of development of adjacent properties or the general neighborhood nor affect adversely the health and safety of residents and workers.
- (3) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement noise or fumes generation, or type of physical activity.
- (4) The proposed use will not be affected adversely by the existing uses, and the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use.
- (5) The parking and all development standards set forth for each particular use for which a permit may be granted have been met.

(b) The city council may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the

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value and use of property in the general neighborhood, provided that whenever the city council shall find, in the case of any permit granted pursuant to the provisions of this article that any term, conditions or restrictions upon which such permit was granted are not being complied with, the council shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

(Code 1958, § 24-20; Ord. of 3-22-76)

Section 22-383 22-383--22-400. Reserved.

Section 22-400A ARTICLE XIII. THOMASVILLE BOARD OF ARCHITECTURAL
REVIEW AND ZONING APPEALS

Section 22-401 Created.

There is hereby established, under the power vested in the city by virtue of the terms and provisions of the General Planning and Zoning Enabling Act of 1957, the Thomasville Board of Architectural Review and Zoning Appeals, referred to throughout this article as the board, to be governed by the following provisions.

(Code 1958, § 2-41; Ord, of 10-14-91; Ord of 12-19-07 § I)

Section 22-402 Membership and appointments.

The Thomasville Board of Zoning Appeals shall consist of five (5) members appointed by the city council. None of the board members shall hold any other public office. One member shall be a design professional. Board members shall be removed for cause, upon written charges, and after public hearing. Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.

(Code 1958, § 24-19; Ord. of 10-14-91, § II(24-19) Ord of 12-19-07)

Section 22-403 Term of office.

The term of office for each member of the board shall be for three (3) years. However, in the appointment of the first board, two (2) members shall be appointed for three (3) years and two (2) for two (2) years and one (1) for one (1) year. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

(Code 1958, § 24-19.01; Ord of 12-19-07)

Section 22-404 Compensation.

Each member of the board of appeals appointed by the city shall be paid a per diem compensation of forty dollars (\$40.00) for each day during which such member attends public hearings held by such board on matters of the board.

(Code 1958 § 24-19.02; Ord. of 7-13-87(2), § I)

Section 22-405 Rules and procedures.

The board shall elect one (1) of its members as chairman, who shall serve for one (1) year or until he is reelected or his successor is elected. The board of appeals shall appoint a secretary who may be an

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officer of the city, or of the planning and zoning commission. The board shall have authority to adopt rules of procedure. Meetings of the board shall be held at the call of the chairman, or in his absence the acting chairman. The chairman, or the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of such board and shall be a public record. The decisions of the board shall be by resolution, which resolution shall contain a statement of the grounds of its decision or action. The full text of the resolution shall be sent to the appellant. No appeal requesting the same relief in regard to the same property shall be received or heard by the board for a period of twelve (12) months following the date of such resolution, except that this limitation shall not affect the right of such board to grant a rehearing as provided in the rules of procedure adopted by the board.

(Code 1958, § 24-19.03)

Section 22-406 Administrative assistance.

The zoning administrator shall provide such technical, administrative, and clerical assistance and office space as is required by the board to carry out its function under the provisions of this article.

(Code 1958, § 24-19.04)

Section 22-407 Who may appeal.

Appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the governing authority affected by any decision of the zoning administrator. Such appeals shall be filed no later than thirty (30) days after the date of notification of the decision appealed from by filing with the zoning administrator and with the board a notice of appeal specifying the grounds of the appeal. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(Code 1958, § 24-19.05)

Section 22-408 Legal proceedings stayed.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the board or by a court of record on application, on notice to the zoning administrator, and on due cause shown.

(Code 1958, § 24-19.06)

Section 22-409 Presentation of evidence.

The appellant and any public agency or private individual shall be entitled to present evidence on matters before the board, and the board may request technical service, advice, data or factual evidence from the planning commission and the city council for assistance in reaching decisions.

(Code 1958, § 24-19.07)

Section 22-410 Extent of board of appeals' power.

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The board may, in conformity with the provisions of this article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the zoning administrator, and to that end shall have all the powers of the zoning administrator. The board may direct the issuance of a permit. It shall be the duty of the zoning administrator to carry out the decisions of the board.

(Code 1958, § 24-19.08)

Section 22-411 Notice of hearing.

Before making its decision on any matter within the board's purview, the board shall hold a public hearing thereon. At least fifteen (15) days notice of the time and place of such hearing shall be sent to the appellant or petitioner by U.S. mail at his last known address and to the owners of all properties either adjoining the property with which the hearing is concerned or situated directly across a public right-of-way from such property. Such notice shall contain the name of the appellant or petitioner, the date, time, and place set for the hearing, and a brief statement of the nature of the hearing.

(Code 1958, § 24-19.09)

Section 22-412 Newspaper notice; appearances; time limit.

(a) The board shall give public notice of the hearing in the newspaper used as the official legal organ of the city, published for two (2) consecutive issues at least fifteen (15) days prior to the date of the public hearing.

(b) Any party may appear at the public hearing in person or by agent or attorney.

(c) The board shall reach a decision following a public hearing within thirty (30) days.

(Code 1958 §§ 24-19.10--24-19.12)

Section 22-413 Appeals from decisions of the zoning administrator.

The board shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning administrator in the enforcement of this article.

(Code 1958, § 24-19.13)

Section 22-414 Request for a variance.

(a) The board may authorize upon appeal in specific cases such variance from the terms of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done; provided, however, that a variance shall not be granted for a use of land or building or structure that is prohibited by this article in the district in question. Such variance may be granted in an individual case upon a finding by the board that one or more of the following exists:

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;

(2) The application of this article to this particular piece of property would create a practical difficulty or unnecessary hardship; and,

(3) Such conditions are peculiar to the particular piece of property involved;

(4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this article;

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(5) A literal interpretation of this article would deprive the applicant of any rights that others in the same district are allowed;

(b) Provided that the board of appeals may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood.

(c) Wherever the board of appeals shall find, in the case of any permit granted pursuant to the provisions of this article, that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, the board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

(Code 1958, § 24-19.14)

(2005 (Sec.22-414a), Amended, 06/29/2005)

Section 22-415 Forms for appeal; fee.

Appeals shall be made on forms provided by the administrative offices of the Planning Department, and all information required on such forms shall be provided by the appellant. Forms shall be filed with the board, and the appellant shall pay the board for expenses incidental to the appeal. No form shall be accepted by the board unless it contains all pertinent information and is accompanied by a fee payable to the City to defray expenses, the amount of which fee shall be on file at the administrative offices of the Planning Department.

(Code 1958, § 24-19.15)

(Sec.22-415, Amended, 11/22/2004)

Section 22-416 through 22-444 RESERVED

[Architectural Review Board Combined with Zoning Board of Appeals and Article XIV, captioned Architectural Review Board, repealed by ordinance passed on second reading on 12-19-07.]