

## ORDINANCE OF THE CITY OF CANTON

**WHEREAS**, the City of Canton is authorized by the constitution of the State of Georgia to adopt rules, regulations, laws, and ordinances protecting the public health, safety and welfare of the citizens of the City.

**WHEREAS**, the City by and through its Mayor and Council have deemed it in the best interest of the health, safety and welfare of the citizens of the City of Canton, to adopt an ordinance governing Zoning.

**NOW THEREFORE**, be it ordained by the Mayor and Council of the City of Canton, Georgia and it is hereby ordained by the authority thereof, that:

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code) Ch. 102 Sect. 102.01.02 (F), BE AMENDED AS FOLLOWS:**

**Paragraph F, RA-6, residential attached (six du/acre) is hereby amended** by deleting said paragraph in its entirety, and replacing it with the following:

*F. This district is intended to provide for single family attached (duplexes, tri-plexes and quad-plexes) and detached residences which are individually connected to public water and public sewer systems. This district shall not be construed to allow stacked units or manufactured housing. And;*

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code) Table 102-4 Land Use Table, BE AMENDED** by allowing a Congregate personal care home (16 or more residents) as a conditional use in the SU (Special Use) zoning district. **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code), BE AMENDED** by adding the following language to **Ch.103 Sect. 103.02.02(B)(5)** "Private streets shall only be allowed within gated or secured developments. Street signs within these developments shall contain the words "Private Streets on each sign". **Also** adding the following language to **Ch. 108 Sect. 108.03.05(B)** "Private streets shall only be allowed within gated or secured developments. Street signs within these developments shall contain the words "Private Streets on each sign". **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code), BE AMENDED** by adding the following word to **Ch.109 Sect. 109.03.09(C)** "If requested by *all* the homeowners, the streets may become city accepted only if they are brought up to existing

city standards.” **Also** adding by adding to **Ch.109 Sect. 109.03.09** “E. Private streets shall only be allowed within gated or secured developments. Street signs within these developments shall contain the words “Private Streets on each sign” **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code), BE AMENDED** by adding the following requirement to **Ch. 103.03.04,**

**F.** All parking areas that are constructed where there is only a single or double bay of parking and contains more than ten (10) spaces shall be required to install a landscape island after each tenth parking space. This landscape island shall contain one (1) overstory tree and shall be the same size as a regular parking space. **And,**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code) Ch.103 Sect. 103.04.01, BE AMENDED** by adding the following, “F. The parking of vehicles in the front yard or of property zoned or used for single family uses shall be restricted to impervious surfaces (concrete or asphalt). Impervious surface area shall not exceed fifty percent of the front yard area.” “G. All areas designated for parking of vehicle, drive aisles, loading/unloading zones shall be constructed of impervious material such as concrete or asphalt. The allowance for pervious material as noted in Ch. 3.04.01(E) is excepted.” **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code), Ch.103.05.07(D) BE AMENDED** by deleting “D” in it is entirety and adding a new “D” which shall read:

D. Information signs

- 1) Drive thru menu signs/boards
- 2) Fuel price signs
- 3) Services offered
- 4) Hours of operation

**Also,** adding a new subsection to allow for directional signage within O-I and L-I zoning districts when the sign is directional in nature for office and industrial parks. The new subsection shall have the following language;

M. Directional signs within an office or industrial park which is zoned O-I or L-I shall be allowed. The sign size shall be limited to ten feet in height, contain no more than thirty two square feet of sign area and have a brick or stone base of eighteen to twenty four inches. **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code), Ch. 103.05.11(4) BE AMENDED** by adding the following sentence:

“Weekend directional signs shall also include the sale of real estate.” **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code), Ch.103.05.11(A)(5) BE AMENDED** by adding the following language “Temporary signs or banners erected on residentially zoned property or on property with a residential use that pertains to graduation, wedding, anniversary, birth of a child or similar type event cannot exceed thirty two square feet in area, cannot be placed more than fourteen days prior to the event and must be removed fourteen days after the event. **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code), Ch.103.05.13, BE AMENDED** by deleting the section in its entirety and adding the following:

Any commercial, office, mixed use or industrial zoned property or any residential zoned property that is ten acres or larger in area, that is not occupied on a regular basis and any commercial, office, mixed use or industrial zoned property or residential zoned property that is ten acres or larger in area that is not developed property, and any commercial, office, mixed use or industrial zoned property or residential zoned property that is ten acres or larger in area undergoing development may contain only one free standing sign authorized by section 103.50.00, except during an election period. Such sign may be a double faced sign consisting of two sign panels erected back to back or in a V formation, provided that such sign faces shall be part of the same sign structure and shall not be more than 42 inches apart from any point of the sign, and the angle of separation for the V-shaped structure shall not exceed 30 degrees. Each sign face shall be limited to 32 square feet of sign area and the sign shall be erected to a height of no more than 10 feet. **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code) Ch. 103.07.02(B) BE AMENDED** by adding the following;

Review and approval or denial of community design plans shall be performed by the City of Canton Oversight Committee. The Canton Oversight Committee shall not review any project within the Canton Historic District. Projects within the historic district are reviewed by the Historic Preservation Commission when warranted. **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code), Ch.104.03.20(S)(1)(a) BE AMENDED** by deleting (a) in its entirety and adding the following:

- a. It shall be a violation of this Section for a person to, in a sexually oriented business, appear in a nude condition unless the person is an employee who, while nude, remains at least 6 feet from any patron or customer and on a stage at least 18 inches from the floor in a room of at least 1,000 square feet. **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code), Ch. 105.02.03(D)(7) BE AMENDED** by adding the following language;

Should the applicant fail to appear on the date of the scheduled meeting the Planning Commission may table the matter until the next regularly scheduled Meeting or recommend denial of the application. The applicant shall be responsible for any monetary expenditures required due to failure to show. These fees shall be remitted to the city two weeks prior to the next meeting at Which the application is to be heard. **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code), Ch. 105.02.03(A) BE AMENDED** by deleting (A) in its entirety and adding the following language;

- A. The Planning Commission shall meet as needed at a regularly scheduled date and time. This meeting will include all public hearings to be heard by the Planning Commission scheduled for the month. **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code) Ch. 105.03.03 (A) BE AMENDED** by deleting (A) in its entirety and adding the following language;

- A. The Board of Zoning Appeals shall meet as needed at a regularly scheduled date and time. This meeting will include all public hearings to be heard by the Board of Zoning Appeals scheduled for the month. **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code) Ch. 105.06.01(A) BE AMENDED** by removing the year 2009 and replacing it with 2012. **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code) Ch. 105.07.02(B) BE AMENDED** by adding the following;

- 3) A concept plan shall also be submitted. This plan shall provide enough detail so that the Planning Commission and Mayor and City Council can ascertain the scope of the

project. This plan may be made a condition of zoning if so approved by the Mayor and City Council. **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code) Ch. 105.14.02 BE AMENDED** by deleting B. and C. in their entirety and adding the following;

- B. Any party aggrieved by any decision of the BZA may take an appeal to the Cherokee County Superior Court by writ of certiorari within 30 days after the decision of the BZA is rendered. **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code) Ch. 105.14.03 BE AMENDED** by deleting B. and C. in their entirety and adding the following;

Any party aggrieved by any decision of the Board may take an appeal to the Cherokee County Superior Court by writ of certiorari within 30 days after the decision of the Board is rendered. **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code) Ch. 6 BE AMENDED** by adding the following definition;

*Fast Food.* Food that is prepared / cooked prior to being ordered or food that Takes a minimal amount of time to prepare when ordered. Fast food may be take out or consumed on premise. **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code) Ch. 107 BE AMENDED** by adding Ch. 107.08.16 Free Standing Walls which shall read as follows;

- A. Any wall that exceeds a height of four (4) feet along any portion of the wall shall require a separate wall permit.
- B. Walls exceeding thirty (30) inches in height shall be required to have a guardrail. For guardrail design use the requirements as shown in the Deck Construction Guide as shown in the International Residential Code.
- C. An engineer's letter approving the structural safety of any wall exceeding four (4) feet in height must be provided prior to receiving a Certificate of Occupancy. **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code) CH. 108.03.12 BE AMENDED** by adding the following;

6) *City officials* This plat has been found to be in accordance with all the rules, regulations of the City of Canton and is hereby approved for recording.

Date: Zoning Administrator \_\_\_\_\_  
Date: City Engineer \_\_\_\_\_ **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code) Ch. 111.02.02(F) BE AMENDED** by deleting this section in its entirety. **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code) Ch. 111.02.09(L) BE AMENDED** by adding the following;

6) Any dumpster pad that has a drain that connects to the sanitary sewer line shall be covered in such a manner that will not allow any type of water to enter the sewer system. **And;**

**THE CITY OF CANTON CODE OF ORDINANCES PART III, DEVELOPMENT CODE (a.k.a. Unified Development Code) BE AMENDED** by adding the following;

Chapter 114 WATER AND WASTEWATER (copy attached)

All ordinances or parts of ordinances or regulations in conflict herewith are hereby repealed.

Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of the ordinance shall become and be made part of the Code of Ordinances, City of Canton, Georgia and the section of this ordinance may be renumbered to accomplish such intention.

This ordinance shall take affect and be in force on the date of approval appearing below, the public welfare demanding it.

The above ordinance was read and approved by the Mayor and Council this 17<sup>th</sup> day of November, 2016.

\_\_\_\_\_  
Gene Hobgood, Mayor

Attest: \_\_\_\_\_  
City Clerk, Susan Stanton

Approved as to form and content:

\_\_\_\_\_  
City Attorney, Robert M. Dyer

First Reading: November 3, 2016

Adopted by Council: November 17, 2016

Approved by Mayor: \_\_\_\_\_

Veto by Mayor: \_\_\_\_\_

Second vote by Council: \_\_\_\_\_

Effective Date: \_\_\_\_\_