

Existing

102.01.02 - Residential zoning districts.

F. *RA-6 residential attached (six du/acre).* This district is intended to provide for single-family attached residences (duplexes, tri-plexes, and quad-plexes) which are connected to public water and public sewer systems. This district shall not be construed to permit stacked attached units or manufactured homes.

Proposed

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*.

Existing

103.02.02 - Design standards for lots, all development.

A.

Street frontage. No building shall be erected on a lot which does not abut for at least 50 feet on a public or private street, except 35 feet along the right-of-way on cul-de-sacs or as allowed in accordance with the provisions of the development standards table in chapter 102. The lot width at any point from the road right-of-way to the building line shall not be less than these minimum frontage widths.

B.

Access to public or private streets.

- 1) Each principal use shall be located on a lot or parcel which fronts on a public or private street having a right-of-way of not less than 50 feet.
- 2) Any accessory structure shall have access to a public or private street.
- 3) On double frontage lots, access shall be restricted to the street having the lower functional classification.
- 4) Local streets which will carry less than 600 cars per day may have access points as needed to fit the development pursuant to the requirements of this UDC. Collector streets and arterial streets which are projected to carry more than 600 cars per day shall have a minimum distance (in linear feet) between access points equal to seven times the speed limit for that street except in the Central Business District.

- 5) Private streets shall meet the design and construction standards for public streets, as prescribed in this UDC.
- 6) An individual recorded plat shall be required for each lot which fronts a private street prior to issuance of a building permit. Said plat shall include a statement indicating the street is private.

Proposed

- 5) Private streets shall meet the design and construction standards for public streets, as prescribed in this UDC. **Private streets shall only be allowed within gated or secured developments. Street signs within these developments shall contain the words “Private Street” on each sign.**

Existing

108.03.05 - Plan specifications; roads/streets, right-of-way and utilities.

- A. All existing roads, streets or alleys within 200 feet of subject property, showing right-of-way and pavement widths.
- B. Proposed street layout and inter-parcel connections.

Proposed

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- A. All existing roads, streets or alleys within 200 feet of subject property, showing right-of-way and pavement widths.
- B. Proposed street layout and inter-parcel connections. **Private streets shall only be allowed within gated or secured developments.**

Existing

109.03.09 - Private streets.

All private streets shall require the approval of the community development director and the city engineer, and shall be built to city standards. The following requirements shall also apply:

- A. A homeowner's association document requiring the subdivision property owners to maintain all private streets shall be recorded with and denoted on the final plat.
- B. Also, on the final plat it should be denoted that this is a private subdivision and not maintained by the city. See also the standards for all development and land uses section (design standards for lots, all development subsection) in chapter 103 for plat requirements.
- C. If requested by **all** the homeowners, the streets may become city accepted only if they are brought up to the existing city requirements.
- D. All private streets shall be constructed to city standards.

Proposed

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- B. Also, on the final plat it should be denoted that this is a private subdivision and not maintained by the city. See also the standards for all development and land uses section (design standards for lots, all development subsection) in chapter 103 for plat requirements.
- C. If requested by **all** the homeowners, the streets may become city accepted only if they are brought up to the existing city requirements.
- D. All private streets shall be constructed to city standards.
- E. Private streets shall only be allowed within gated or secured developments.**

Existing

103.03.04 - Interior parking lot planting requirements.

- A. For parking lots having more than ten parking spaces, there shall be a minimum eight-foot-wide (back of curb to back of curb) curbed, pervious landscape strip between rows of parking stalls. Trees shall be centered within the strip as to allow no less than four feet from trunk center to back of curb. The addition of a sidewalk would require a minimum 13 feet wide landscape strip

(back of curb to back of curb) to accommodate the minimum required sidewalk width of five feet.

B. Plantings shall include one canopy/shade tree per ten parking spaces and shall be spaced every ten parking spaces.

C. Trees shall be planted at a minimum of four feet from trunk center to back of curb, so as to prevent injury to trees by vehicle bumpers. Trees shall be planted in line with the striping between parking spaces in order to avoid injury to trees by vehicle bumpers.

D. No more than 50 percent of the remaining ground area shall be sodded.

E. Curb openings that allow stormwater to enter landscape strips used for stormwater bio-retention areas are required.

Proposed

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D. No more than 50 percent of the remaining ground area shall be sodded.

E. Curb openings that allow stormwater to enter landscape strips used for stormwater bio-retention areas are required.

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.

Existing

103.04.01 - Off-street parking requirements.

A. It shall be required that in all zoning districts, with the exception of the Central Business District (CBD), off-street parking shall be provided at the time of initial construction of any principal building or when a structural alteration or change in the principal building produces an increase in dwelling units, guestrooms, floor area, seating, or bed capacity or when a conversion in use occurs.

B. Off-street parking spaces shall have direct access to a street or alley and shall be provided and maintained in accordance with the requirements identified in table 103-3 (off-street parking standards).

C. In the case of mixed uses, or uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

1)

Any subsequent change in use that requires additional parking spaces based on the requirements in table 103-3 shall require action by the applicant to satisfy any additional parking requirements.

2)

A request to waive the requirement to satisfy any additional parking requirements may be made in writing to the director that provides documentation from a parking demand analysis indicating the total parking demand of all the uses at any one time will be met by the total number of existing parking stalls.

D. The parking requirements in table 103-3 are in addition to handicapped parking spaces and loading spaces that are required in accordance with this section.

E. Vehicle parking spaces may exceed the maximum number allowed by up to 20 percent if the additional spaces are designed with porous materials in accordance with the Georgia Stormwater Management Manual, Volume 2.

1)

A request to exceed the maximum number of spaces shall be made in writing to the director that provides documentation from ITE, ULI, APA or a traffic engineering study indicating a need for more parking.

2)

A request to exceed the maximum number of spaces by more than two percent or to utilize non-porous materials shall be made in writing to the director that provides documentation from a traffic engineering study indicating a need for the request.

3)

Upon approval of the request by the director, a parking plan shall be submitted for review and approval by the director.

Proposed

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Upon approval of the request by the director, a parking plan shall be submitted for review and approval by the director.

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 (50%) 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.

Existing

103.05.07 - Exempt signs.

The following signs are exempted from the permit requirements of this section; however, exemption from the permit requirement does not relieve a sign owner from compliance with the remaining provisions of this section or UDC.

A. Any sign or banner erected and maintained by a governmental entity.

- B. Official notices or advertisements posted or displayed by or under the direction of any public official or court officer in the performance of official or court-directed duties or by trustees under deeds of trust, deeds of assignment, or other similar instruments.
- C. Directional signs measuring less than two and one-half square feet along private streets and driveways, and in off-street parking areas. Notices of any railroad, bridge, ferry, or other transportation or transmission company necessary for the direction or safety of the general public.
- D. Drive-thru menu sign accessory panel exchanges.

Proposed

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- C. Directional signs measuring less than two and one-half square feet along private streets and driveways, and in off-street parking areas. Notices of any railroad, bridge, ferry, or other transportation or transmission company necessary for the direction or safety of the general public.
- ~~D. Drive-thru menu sign accessory panel exchanges.~~

D. Information signs

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

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.

Existing

103.05.11 - Temporary signs.

- 4) *Weekend directional signs (WEDS)* used to convey directions to a specific, time-limited weekend place or event are allowed in all zoning districts subject to the following provisions:
- a. There shall be no more than one sign per parcel of property.
 - b. All WEDS must be placed on private property with the owner's permission. Written permission of the property owner must be provided to the community development department indicating the property owner allows the display of the WEDS sign on his or her property. Further, each sign shall prominently display identification issued by the community development department indicating the property owner's permission and the sign location with contact number and responsible party.
 - c. WEDS shall be allowed from 3:00 p.m. on the Friday immediately preceding the event to 7:00 a.m. on the Monday immediately following the event. The responsibility to remove all WEDS is that of the sign owner.
 - d. WEDS shall not exceed four square feet in area and three feet in height and shall be mounted on an independent single or double pole device.
 - e. WEDS shall be constructed of metal, plastic, laminated cardboard or some other durable and waterproof material. No sign shall be constructed of paper.
 - f. No sign shall be illuminated.

Proposed

- 4) *Weekend directional signs (WEDS)* used to convey directions to a specific, time-limited weekend place or event are allowed in all zoning districts subject to the following provisions:
- a. There shall be no more than one sign per parcel of property.
 - b. All WEDS must be placed on private property with the owner's permission. Written permission of the property owner must be provided to the community development department indicating the property owner allows the display of the WEDS sign on his or her property. Further, each sign shall prominently display identification issued by the

community development department indicating the property owner's permission and the sign location with contact number and responsible party.

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d. WEDS shall not exceed four square feet in area and three feet in height and shall be mounted on an independent single or double pole device.

e. WEDS shall be constructed of metal, plastic, laminated cardboard or some other durable and waterproof material. No sign shall be constructed of paper.

f. No sign shall be illuminated.

Weekend directional signs shall also include the sale of real estate.

Existing – **TO REMAIN**

6. *Campaign signs, political signs.*

c. *Height.* No freestanding campaign sign may exceed four feet in height (to bottom of sign).

Proposed

6. ~~*Campaign signs, political signs.*~~

~~c. *Height.* No freestanding campaign sign may exceed four feet in height as measured from the top of the sign to the ground.~~

Existing

103.05.11 - Temporary signs.

5) *Signs for community events.* Temporary signs pertaining to events of a civic, community, philanthropic, memorial, educational, religious or other noncommercial nature; provided however, the total aggregate area of such signs shall not exceed 100 square feet in area, shall not be posted more than

one week before such event and must be removed within three days after the event.

Proposed

5) *Signs for community events.* Temporary signs pertaining to events of a civic, community, philanthropic, memorial, educational, religious or other noncommercial nature; provided however, the total aggregate area of such signs shall not exceed 100 square feet in area, shall not be posted more than one week before such event and must be removed within three days after the event. **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.**

Existing

103.05.13 - Vacant and undeveloped property.

~~Any commercial, office, mixed use, or industrial zoned property that is not occupied on a regular basis, any commercial, office, mixed use, or industrial zoned property that is not developed property, and any commercial, office, mixed use, or industrial zoned property undergoing development may contain only one freestanding sign authorized by section 103.05.00, 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 a V-shaped structure shall not exceed 30 degrees. Each sign face shall be limited to 64 square feet of sign area, and the sign shall be erected to a height of no more than ten feet.~~

Proposed

Any commercial, office, mixed use, industrial or residential zoned property that is not occupied on a regular basis, any commercial, office, mixed use, industrial or residential zoned property that is ten acres or larger in area, that is not developed property, and any commercial, office, mixed use, industrial or residential zoned property that is ten acres or larger in area undergoing

development may contain only one free standing sign authorized by section 103.05.00, 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 a 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 ten feet.

Existing

103.07.02 - Applicability.

B. Review of community design plans for structures as outlined above shall be required prior to issuance of a building permit or any land disturbance permit, if applicable. Review shall be completed by the City of Canton Oversight Committee.

Proposed

B. Review of community design plans for structures as outlined above shall be required prior to issuance of a building permit or any land disturbance permit, if applicable. ~~Review shall be completed by the City of Canton Oversight Committee.~~ **Review and approval or denial of community designs 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.**

Existing

104.03.20 - Sexually oriented business.

S. *Prohibited conduct.*

1) It is unlawful for a sexually oriented business licensee to violate the following regulations or to allow an employee or any other person to violate the following regulations:

- a. ~~It shall be a violation of this section for a patron, employee, or any other person to, in a sexually oriented business, appear in a state of nudity, regardless of whether such public nudity is expressive in nature.~~

Proposed. *Prohibited conduct.*

1) It is unlawful for a sexually oriented business licensee to violate the following regulations or to allow an employee or any other person to violate the following regulations:

- 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.**
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Existing

105.02.03 - Policies and procedures.

~~A. The planning commission shall meet in regular session at canton city hall, or as otherwise designated by the planning commission. The third Monday of each month shall be the regular meeting which will include all public hearings scheduled for the month. The public hearings begin at 7:00 p.m. with a planning commission work session/agenda review beginning at 6:00 p.m. Meetings which conflict with official City of Canton holidays will be rescheduled in accordance with public notification procedures.~~

Proposed

- 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.
-

Existing

105.02.03 - Policies and procedures.

D. For all meetings of the planning commission, the following shall be observed:

- 7) By a written showing of reasonable cause received in the community development department by 4:00 p.m. at least eight calendar days before a scheduled meeting, an applicant may request postponement of a case. Upon finding the cause to be reasonable, the community development department shall remove the case from the agenda, and reschedule the case to the next regular meeting. If the community development department does not find the cause given is reasonable, or a longer postponement is requested, planning commission approval is required. Applicants must confirm whether the community development department has approved a postponement. No more than two postponements may be requested and approved.

Proposed

- 7) By a written showing of reasonable cause received in the community development department by 4:00 p.m. at least eight calendar days before a scheduled meeting, an applicant may request postponement of a case. Upon finding the cause to be reasonable, the community development department shall remove the case from the agenda, and reschedule the case to the next regular meeting. If the community development department does not find the cause given is reasonable, or a longer postponement is requested, planning commission approval is required. Applicants must confirm whether the community development department has approved a postponement. No more than two postponements may be requested and approved. **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.**

Existing

105.03.03 - Policies and procedures.

A. ~~The BZA shall meet in regular session at Canton City Hall, or as otherwise designated by the BZA. The second Tuesday of each month shall be the regular meeting which will include all public hearings scheduled for the month. The public hearings begin at 6:00 p.m. and will be preceded by a 5:30 p.m. work session. Meetings which conflict with official City of Canton holidays will be rescheduled in accordance with public notification procedures.~~

Proposed

105.03.03 - Policies and procedures.

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.

Existing

105.06.01 - Generally.

A. The enforcement of the 2009 International Property Maintenance Code as amended by Canton ("property maintenance") code shall be the responsibility of the Canton Code Enforcement Division as assigned by the city manager, and the executive official in charge thereof shall be known as the code official.

Proposed

105.06.01 - Generally.

A. The enforcement of the **2012** International Property Maintenance Code as amended by Canton ("property maintenance") code shall be the responsibility of the Canton Code Enforcement Division as assigned by the city manager, and the executive official in charge thereof shall be known as the code official.

Existing

105.07.02 - Standards for zoning decisions.

B. In addition to the above-referenced standards the planning commission and city council shall also take into consideration the following when making a zoning decision:

- 1) A planning and zoning technical report that may include conditions which may be considered by the planning commission during planning commission deliberations and said conditions may be communicated to the applicant after presentation to the planning commission supplied by the director;
- 2) Any additional information considered to be relevant to the proposed amendment by the director.

Proposed

105.07.02 - Standards for zoning decisions.

B. In addition to the above-referenced standards the planning commission and city council shall also take into consideration the following when making a zoning decision:

- 1) A planning and zoning technical report that may include conditions which may be considered by the planning commission during planning commission deliberations and said conditions may be communicated to the applicant after presentation to the planning commission supplied by the director;
- 2) Any additional information considered to be relevant to the proposed amendment by the director.
- 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.**

Existing

105.14.02 - Appeal from Canton Board of Zoning Appeals decision.

A. Any judgment or decision of the BZA is conclusive insofar as the individual appeal decided or the decision rendered may not be reappealed to the BZA.

~~B. Any party aggrieved by any decision of the BZA may take an appeal to the Cherokee County Superior Court within 30 days after the decision of the BZA is rendered.~~

~~C. Said appeal to the superior court shall be the same as an appeal to the superior court from any decision made by the probate court, except, however, that the appeal may be filed within 30 days from the date of the decision of the BZA, and upon failure to file the appeal within 30 days, the decision of the BZA shall be~~

~~final. Provided, however, that on appeal the case shall be heard by the judge of the superior court without a jury, unless one of the parties files a written demand for a jury trial within 30 days from the filing of the appeal.~~

Proposed

105.14.02 - Appeal from Canton Board of Zoning Appeals decision.

A. Any judgment or decision of the BZA is conclusive insofar as the individual appeal decided or the decision rendered may not be reappealed to the BZA.

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.

Existing

105.14.03 - Appeal from Canton Board of Construction Adjustment and Appeals.

The word "board" when used in section 105.14.00 shall mean the board of construction adjustment and appeals.

- A. Any judgment or decision of the board is final and may not be reconsidered by the board.
- B. Any party aggrieved by any decision of the board may take an appeal to the Cherokee County Superior Court within 30 days after the decision of the board is rendered.
- C. Said appeal to the superior court shall be the same as an appeal to the superior court from any decision made by the probate court, and upon failure to file the appeal within 30 days, the decision of the board shall be final. Provided, however, that on appeal the case shall be heard by the judge of the superior court without a jury, unless one of the parties files a written demand for a jury trial within 30 days from the filing of the appeal.

Proposed

105.14.03 - Appeal from Canton Board of Construction Adjustment and Appeals.

The word "board" when used in section 105.14.00 shall mean the board of construction adjustment and appeals.

- A. Any judgment or decision of the board is final and may not be reconsidered by the board.
- B. 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.

Existing

Chapter 106 – GLOSSARY

Proposed

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.

Existing

Ch. 107.08.16 Free Standing Walls – Not in Unified Development Ordinance

Proposed

Ch. 107.08.16 Free Standing Walls

- 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.

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.

Existing

108.03.12 - Signature blocks and stamps.

D. Requirements specific to final plats:

Proposed

108.03.12 - Signature blocks and stamps.

D. Requirements specific to final plats:

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 _____

Existing

111.02.02 - Sewer types and funding.

F. *Developer agreements.* The City of Canton recognizes that major sewer extensions are costly but must be made by private developers to make some developments workable. It is the intent of the City of Canton to indirectly assist in these major extensions of sewer lines by adopting the following policy:

1) A major sewer extension shall be defined as a sewer line extension by a private developer that costs in excess of \$100,000.00 and is not located within a new residential subdivision.

2) The private developer will be eligible to recover, over a maximum of three years from the date the sewer line is accepted by the city, up to 75 percent of the cost of the sewer extension. This recovery shall be as follows:

a. The city will collect the tap fees for all services that connect into the collection lines paid for by the developer as provided for in part A above. For a period for three years, the city will keep 25 percent of these fees and will remit 75 percent of the fees collected to the private developer up to a maximum of 75 percent of his total recoverable cost.

b. After a period of three years or after a developer has recovered 75 percent of the allowable cost, the city shall retain 100 percent of the sewer tap fees.

Proposed

Delete section

Existing

111.02.09 - Construction methods.

L. Sewer services.

- 1) A sewer service shall be provided for every existing or proposed lot or building. All services shall be shown on the construction and as-built drawings. A common service shall not be allowed for two or more buildings. The service shall extend to the property line of the lot being served and shall normally be within ten feet of the lower corner of the lot. Each service shall terminate with a six-inch PVC clean-out stubbed out of the ground and sealed with a temporary PVC cap.
- 2) After the curb and gutter are installed, a letter "S" shall be placed on the curb directly above the service. This shall be done by either casting the letter while the concrete is green or by saw cutting it into the curb. The letter shall be four inches to six inches tall.
- 3) The developer shall be responsible for serving all lots developed. On any lot where the service cannot be found, the developer shall be responsible for payment of the cost of installation of the service. Also, unless noted on the final plat, the service shall be low enough to serve the first floor elevation at building line.
- 4) The builder shall be responsible for the location of the service prior to the pouring of the foundation, driveway or other appurtenance. The city will not be responsible for any house built too low to be served nor for any service covered by construction.
- 5) No plumber or contractor will be allowed to connect to the sewerage system except to the end of the service provided for his connection. Also, any service provided will be utilized without the installation of additional services. The builder will be responsible for replacing the temporary PVC cap with a traffic rated brass cap flush with grade.

Proposed

111.02.09 - Construction methods.

L. *Sewer services.*

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.

Add:

New Chapter 114 WATER AND WASTEWATER

See attachment.