

ZONING ORDINANCE
CITY OF SKY VALLEY, GEORGIA

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF SKY VALLEY, GEORGIA ADOPTED ON AUGUST 11, 2003, FOR THE PURPOSE OF REGULATING THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND THE SIZE OF STRUCTURES; THE AMOUNT OF LOT WHICH MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACE; THE DENSITY AND DISTRIBUTION OF POPULATION; THE REGULATION OF SOLAR ENERGY SYSTEMS (SES), THE USE OF STRUCTURES, AND LAND FOR TRADE COMMERCE, RESIDENCE, RECREATION, CONSERVATION, WATER SUPPLY, SANITATION, PUBLIC ACTIVITIES, AND OTHER PURPOSES; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; DEFINING THE POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION, BUILDING INSPECTOR, AND GOVERNING AUTHORITY; PROVIDING PENALTIES FOR VIOLATION; REPEALING CONFLICTING REGULATIONS; AND FOR OTHER PURPOSES.

ARTICLE I

PREAMBLE AND ENACTMENT CLAUSE

Pursuant to the authority conferred by the 1983 Georgia State Constitution, Article IX, Section II, Paragraph IV, and for the purpose of promoting the health, safety, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City of Sky Valley and the State of Georgia, including among other purposes the lessening of congestion in the streets; securing safety from fire, flood, panic, and other dangers; promoting health and the general welfare; providing adequate light and air; preventing the overcrowding of land and avoiding both undue concentration of population and urban sprawl; facilitating the adequate provision of water, sewerage service, parks, and other public requirements; promoting such

distribution of population, classification of land uses, distribution of land uses and distribution of land development and utilization as will tend to facilitate and promote desirable living conditions and the sustained stability of neighborhoods; improving the aesthetic appearance of the City; protecting property against blight and depreciation; securing economy in governmental expenditures; conserving the value of property; and encouraging the most appropriate use of land, structures throughout the City of Sky Valley.

The Council of the City of Sky Valley hereby ordains and enacts into law the following Articles and Sections.

ARTICLE II

SHORT TITLE

These regulations shall be known and may be cited as the “Zoning Ordinance of the City of Sky Valley, Georgia.”

ARTICLE III

DEFINITIONS OF TERMS USED IN ORDINANCE

When used in this Ordinance, the following words and phrases shall have the meaning given in this Article. Terms not herein defined shall have their customary dictionary definitions where not inconsistent with the context. The term “shall” is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

Accessory Building or Use: A building or use (which includes a structure not otherwise identified as a building) which is subordinate to and serves a principal building or principal use; is subordinate in area, extent, or purpose to the principal building or use served; contributes to the comfort, convenience or necessity of occupants of the principal building or principal use; and is located on the same lot as the principal building or principal use.

Apartment Building: A multi-family dwelling located on a parcel of land under a single ownership, designed for use by three or more housekeeping units, living independently of each other, and doing their own cooking on the premises.

Building: Any structure, either temporary or permanent, above or below ground, having a roof or other covering, and designed, built, or used as a shelter or enclosure for persons, animals, or property of any kind, including tents, awnings, or vehicles used for purposes of a building.

Building Official: The Chief Building Inspector of the City of Sky Valley, or his authorized representative.

Building Setback Line: A line establishing the minimum allowable distance between the main or front wall of a building or any covered porches, and the street right-of-way or property line when measured perpendicularly thereto. In the case of corner lots or double frontage lots, front yard requirements shall be observed for those areas adjacent to street right-of- ways.

Certificate of Occupancy: A legal statement or document issued by the Building Official indicating that the building and use or reuse of a particular building or land is in conformity with all applicable codes and regulations, and that such building or land may be occupied for the purpose stated therein.

Conditional Zoning: The granting or adoption of zoning for property subject to compliance with restrictions as to use, size, density or actions stipulated by the City of Sky Valley to mitigate adverse impacts that are anticipated without imposition of such conditions.

Condominium (Residential Building): A building or complex of multiple-unit dwellings in which a tenant holds full title to his unit and joint ownership in the common grounds.

District, Zoning: A geographical area or areas, designated with use of symbols on the Official Zoning Map, wherein uses of land are restricted in type, size, height and other limitations as established in these regulations.

Dwelling: A building, other than a mobile home or house trailer, designed, arranged or used for permanent living, and/or sleeping quarters.

Dwelling Unit: A building, or portion thereof, designed, arranged and used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities,

but not including mobile homes and units in hotels or other structures designed for transient residence.

Dwelling, Multi-Family: A building designed for or occupied exclusively by three (3) or more single housekeeping units with separate kitchen or house-keeping facilities for each family or housekeeping unit, including apartment houses, row houses, town houses, and similar housing types but not including motels, hotels, lodging houses, hospitals, nursing homes, or public institutions such as prisons and mental institutions.

Dwelling, Single-Family: A building designed or arranged to be occupied by one (1) single housekeeping unit only.

Dwelling, Two-Family (Duplex): A building designed or arranged to be occupied by two (2) single housekeeping units living independently of each other.

Employee Housing: A Dwelling Unit for persons employed within the City boundaries of Sky Valley located exclusively within the resort commercial, (RC), or maintenance (M) districts. One individual within a family needs to be employed within Sky Valley in order to reside in Employee Housing. No more than 10 employee designated Dwelling Units may be located in the Resort Commercial zoning district. Notwithstanding any provision to the contrary no more than a total of 20 people will be allowed in employee housing in the Resort Commercial District. Only hospitality employees may be housed in the Resort Commercial zoning district. No more than 20 employees designated Dwelling Units may be located in the Maintenance Zoning district. Only maintenance employees may be housed in the Maintenance zoning district. Minimum size standards are 350 square feet per person within a structure. Staff accommodations shall mean the same thing as Employee Housing.

Fence: An enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other materials or combination of materials used as a boundary, means of protection, privacy screening, or confinement, including brick or concrete walls but not including hedges, shrubs, trees, or other natural growth.

Garage: An accessory building or portion of a principal building only for the private storage of motor vehicles and other personal property as an accessory use.

Height, Building: The distance measured from the grade to the highest point of the coping of a flat roof; to the deck lines of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

Home Occupation: An occupation carried on entirely within a residence by the occupants thereof, which activity is clearly incidental to the use of the residence as a dwelling and which does not change the residential character thereof and is conducted in a manner as to not give any outward appearance of a business in the ordinary meaning of the term. This occupation does not infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes for which purpose the residential use district was created and primarily intended.

Land-Distributing Activity: Any grading, scraping, excavating, or filling of land; clearing of vegetation; any other alteration of land which causes land and stream bank erosion situation or water pollution; and any construction, rebuilding or alteration of a structure.

Lodging Services: a facility that offers temporary shelter accommodations, or place for such shelter, open to the public for a fee such as a hotel or motel.

Lot: A parcel of land occupied or capable of being occupied for a /by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same and having principal frontage on a public street; a developed or undeveloped tract of land in one ownership legally transferable as a single unit of land.

Metes and Bounds: A system of describing and identifying land by distances or measures (metes) and bearings or direction (bounds) from an identifiable point of reference, such as a monument or other marker or the corner of intersecting streets.

Manufactured Home (Mobile Home): A structure to be located only in a manufactured home park, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Manufactured Home Park (Mobile Home Park): Property meeting the requirements of Article XIV of this ordinance on which three or more manufactured homes, recreational vehicles, or combination thereof are located or intended to be located for purposes of residential or recreational occupancy of a temporary, seasonal, or permanent nature. A campground designed to serve recreational vehicles is also included in this definition.

Non-Conforming Use: Any building or use of land or building lawfully existing at the effective date of these regulations or as a result of subsequent amendments to these regulations, which does not conform with the permitted use provisions established herein for the district in which it is located.

Official Zoning Map: The map, which accompanies the zoning ordinance text, that delineates the geographic location of the boundaries of zoning districts established in this ordinance in relation to natural features, man-made features and/or property uses.

Parking Space: An area having typical dimensions of not less than (9) feet by twenty (20) feet and three hundred (300) square feet including maneuvering space within a parking lot, to be used exclusively as a temporary storage space for a motor vehicle.

Passive Recreation: Recreational opportunities that occur in a natural setting which require minimal development or facilities, and the importance of the environment or setting for the activities is greater than in developed or active recreation settings. Passive recreation activities include bird watching, walking, photography, hiking, horseback riding, cross country skiing, kite flying, and bicycling.

Permitted Use: A use by right which is specifically authorized in a particular zoning district.

Planned Unit Development: A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, common open space, density increases, and a mix of building types and land uses.

Setback: The minimum horizontal distance between a street, alley, the property boundary lines of a lot and the front, rear, or side lines of a building located on that lot.

Site Plan: A graphic illustration, two-dimensional, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a lot or tract and the location of all buildings,

structures, uses and principal site development features proposed for a specific lot or tract of land.

Solar Energy System (SES): a device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications.

Subdivision: The division of a parcel or tract of land into two or more lots for the purposes of creation of lots for development, the rearrangement of existing lot lines, or for the purpose of transfer of ownership.

ARTICLE IV

ESTABLISHMENT OF DISTRICTS:

PROVISION FOR OFFICIAL ZONING MAP

Section 401. Use Districts.

The Land Use Districts established in this Ordinance are intended to: promote the orderly future development of the city in accordance with the Comprehensive Plan; discourage the size and type of development that would create excessive requirements and costs for public services; discourage uses which because of their size or type would generate an abnormal amount of traffic on minor streets; establish relationships between and among land uses that will ensure compatibility and maintain quality of life; and protect and promote suitable environments for residences, recreation, commercial and other uses. The following use districts are hereby established:

- (a) Single-Family Residential (SF)
- (b) Mixed Residential (MR)
- (c) Resort Commercial (RC)
- (d) Commercial and Municipal (CM)
- (e) Maintenance (M)
- (f) Recreation (REC)
- (g) Manufactured Home Park (MHP) – see Article XIV

Section 402. Official Zoning Map.

The location and boundaries of the above listed districts are hereby established as shown on a map entitled Official Zoning Map of the City of Sky Valley, Georgia. Said map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be located within the City Hall of the City of Sky Valley and identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the City or that of a Notary Public under the following words:

“This is to certify that this is the Official Zoning Map referred to in Article III of the Zoning Ordinance, City of Sky Valley, Georgia”, together with the date of the adoption of the Ordinance.

If in accordance with the provisions of this Ordinance and the applicable laws of the State of Georgia, as changes are made in boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with appropriate entry or indication of such amendment on the Official Zoning Map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered violation of this Ordinance.

Section 403. Interpretation of District Boundaries.

Where uncertainty exists with respect to the boundaries of any of the use districts as shown on the official zoning map, the following rules shall apply:

403.1 Surveyed property lines of adjacent property owners shall be construed as the use district boundary provided the surveyed property lines coincide.

403.2 Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines or such lines

extended, such center lines, street lines or highway right-of-way lines shall be construed to be such boundaries.

403.3 Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

403.4 Where district boundaries are so indicated that they are approximately parallel to the center lines of streets or highways, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official land use intensity districts map. If no distance is given, such dimension shall be determined by a survey to existing and known points.

403.5 Notwithstanding any provision to the contrary all district use boundaries must be capable of being identified by a survey or by surveys of adjacent properties or by established and surveyed rights of way. In instances where there are questions about a boundary of a use district which cannot otherwise be identified as specified in this section the City Council shall establish the use district boundary and thereafter confirm the boundary by a surveyed line.

ARTICLE V

NON-CONFORMING LOTS, BUILDINGS AND USES

Section 501. Purpose and Intent.

Within the districts established by this ordinance, there exist certain incompatible lots, buildings, structures, signs and uses of land which were lawful before these regulations were adopted but which would be prohibited, regulated or restricted under the terms of these regulations or future amendments.

It is the intention of this article to permit these non-conformities to continue until they are removed, but not to encourage their survival. Except as otherwise provided it is further the intent of these regulations that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for variances or for adding other structures or uses prohibited elsewhere in the same district.

Section 502. Non-Conforming Lots Of Record.

In any district, notwithstanding limitations imposed by other provisions of these regulations, a single-family dwelling and customary accessory buildings or any other permitted use may be erected on any single non-conforming lot of record, as defined by these regulations, even though such lot fails to meet the requirements for area or width, or both, applicable to the particular district involved, provided that yard dimensions and other requirements of the lot shall conform to the regulations for the district in which the lot is located, or a variance is obtained from the City Council.

Except for those lots described above, if two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption or amendment of these regulations, and if all or part of the lots do not meet the requirements for lot width and area as established by these regulations, the lands involved shall be considered an undivided parcel for the purposes of these regulations, and no portion of said parcel shall be used which does not meet lot width and area requirements established by these regulations, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the applicable requirements.

Section 503. Continuance of Non-Conforming Use.

The lawful use of any building, structure, sign or land existing at the time of enactment of these regulations may be continued, even though such use does not conform with the use provisions of these regulations, except that the use of a principal building, structure or land containing a non-conforming use shall not be:

503.1 Changed to another non-conforming use;

503.2 Reestablished after discontinuance or abandonment for one (1) year.

503.3 Expanded, enlarged or extended, unless such use is changed to a use permitted in the district in which such use is located;

503.4 Rebuilt, altered or repaired after damage exceeding seventy—five (75) percent of the fair sales value of the building immediately prior to damage.

503.5 Moved in whole or in part to any other portion of the lot occupied by such use, except in conformity with these regulations.

Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition any building, structure, or portion thereof, declared to be unsafe by an official charged with protecting the public safety or health, upon order of such official.

Changes in ownership or tenancy of a non-conforming use are permitted.

Section 504. Variances - Not Non-Conforming Use.

Notwithstanding any provision to the contrary any variance previously granted by the City of Sky Valley will be allowed to remain as a variance and the terms of the variance as authorized will not be considered in classifying a lot, building, structure, sign or land use as non-conforming.

Section 505. Expansion of Non-Conforming Buildings.

A non-conforming building which contains a conforming use may be expanded, enlarged or extended, provided that any such additions meet the applicable yard and building setbacks, buffer and landscape strip requirements and all other regulations for the district in which it is located. This section shall not, however, be construed as to authorize the expansion of a non conforming building for a use which is not permitted by the regulations for the district within which such building is located.

Section 506. Buildings Under Construction.

Nothing in this Article shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the adoption of these regulations.

ARTICLE VI

PARKING AND LOADING

Section 601. Off-Street Parking Required.

Off-street automobile parking spaces shall be provided on every lot on which any building, structure, or use is hereafter established in all use districts, except as otherwise specifically exempted by this Ordinance. Required parking spaces shall be available for the

parking of operable passenger vehicles for residents, customers, patrons, and employees, as appropriate given the subject use.

Section 602. Location of Off-Street Parking Areas.

All parking spaces required by this Ordinance shall be provided on the same lot with the main building or use that it serves. Upon demonstration that the parking spaces required are not available and cannot reasonably be provided on the same lot as the building, structure or use it serves, the Planning Commission may permit the required parking spaces to be provided on any lot, of which a substantial portion is within 400 feet of such building, structure, or use. This provision shall require submittal of evidence of ownership or valid agreement to lease the parking area off-site that is intended to be used to comply with this article.

Section 603. Parking Plan Required.

Before any building or land use permit is issued, the proposed parking lot layout and area must be found by the Planning Commission to be in compliance with all requirements of this Ordinance. A parking plan, for all but detached single-family uses, shall be submitted for approval by the Planning Commission. Occupancy of the land or use of a building shall not occur until the Planning Commission and City Council determines that parking facilities are available in accordance with the approved plan.

Section 604. Minimum Number of Parking Spaces Required.

On each lot where a building, structure, or use exists, hard surfaced and maintained off-street parking shall be provided according to Table 1. In the interests of reducing impacts and minimizing impervious surfaces at Sky Valley, shared/joint/mixed or consecutive parking to reduce the number of parking spaces is encouraged. No existing facility used for off-street parking shall be reduced in capacity to less than the minimum required number of spaces, or altered in design or function to less than the minimum standards.

Table 1	
Minimum Number of Off-Street Parking Spaces Required	
Use Example	Parking Spaces Required (Per Gross Floor Area Devoted to the Use, or Per Employee on Largest Shift, Except as Otherwise Specified)
COMMERCIAL USES	
Art gallery	One per 400 square feet
Bank, credit union,	One per 300 square feet (also see stacking requirements for drive-

savings and loan	through facilities)
Barber shop or beauty parlor	One and one-half per operator's chair, plus one per employee
Bed and breakfast inn	Two for the owner-operator plus one per guest bedroom
Conference center and retreat centers	One per 200 square feet if primary use, or one per 400 square feet if accessory use
Convenience store	One per 250 square feet plus one per employee
Home furnishing store	One per 1,000 square feet plus one per employee
Grocery or food store	One per 200 square feet
Health Spa or fitness club	Ten plus one per each 200 square feet over 1,000 square feet
Hotel	3/4 per guest room, plus one per employee, plus one per specified requirements for restaurants and meeting rooms as applicable
Nursery or greenhouse	One per 1000 square feet devoted to sales
Office	One per 300 square feet
Restaurant, bar, or tavern	One per Table
Shopping center	Four and one-half spaces per 1000 square feet
Theater, cinema	One per three fixed seats
INSTITUTIONAL USES	
Church, temple, synagogue and place of worship	One per four seats in room with greatest seating capacity
Day care center	One per employee, plus one per five children, plus one space for each vehicle associated with facility
Government office	One per 300 square feet
Hospital or clinic	One per four beds, plus one per two employees
Library or museum	One per 300 square feet
Post office	One per 200 square feet
RESIDENTIAL USES	
Multifamily, duplex	Three per unit
Multifamily, triplex	Four per unit
Multifamily, more than 3 units per structure	One and one half spaces per unit
Single-family detached or attached	Two per unit if under 2,500 s.f. Three per unit if 2,500-4,000 s.f. Four per unit if over 4,000 s.f.
Employee Housing/Staff Accommodations	One space for each bedroom
RECREATIONAL USES	
Active Recreational Facilities, such as tennis courts and pools, as principal uses	One per 400 square feet of gross floor area. Plus one and one-half per hole for golf course, three per tennis or racquetball court, and one per 100 square feet of surface water area for swimming pools
Active Recreational Facilities, such as tennis	One per 600 square feet of gross floor area. Plus three per tennis racquetball court, and one per 150 square feet of surface water

courts and pools, as accessory to one or more permitted uses (e.g. subdivision amenity)	area for swimming pools
Community center	One per 250 square feet
Country clubs, including golf courses and clubhouses including restaurants and golf pro shops as accessory uses	One per 400 square feet of gross floor area. Plus one and one-half per hole for golf course, two per tennis court, and one per 100 square feet of surface for swimming pools
Golf course	Three per hole
Golf driving range, principal use	One for every tee

Section 605. Interpretations of Parking Requirements.

Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be construed to be the next highest whole number. Where the parking requirement for a particular use is not described in this article, and where no similar use is listed, the Planning Commission shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, the total square footage, potential customer use, and other expected demand and traffic generated by the proposed use.

Section 606. Reduction of Required Parking for Mixed or Joint Use of Parking Spaces.

When more than one use is provided on a lot, and such uses operate more or less simultaneously, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses computed separately. The Planning Commission may authorize (and will encourage) a reduction in the total number of required off-street parking spaces for two or more uses jointly providing parking facilities when their respective hours of need of maximum parking do not normally overlap, provided that the developer submits sufficient data to demonstrate that the hours of maximum demand for parking at the respective uses do not normally overlap. The required spaces assigned to one use may not be assigned to another use at the same time, except that one-half of the parking spaces required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

Section 607. Off-Street Loading Areas Required for Specified Uses.

On the same lot with every building, structure or part thereof, erected or occupied for storage, market, hotel, or retail business, there shall be provided and maintained adequate space for the standing, loading and unloading of such materials to avoid undue interference with public use of streets, alleys, and parking areas.

Section 608. Loading Area Specifications.

Unless otherwise approved by the Planning Commission, loading spaces shall be a minimum of 14 feet wide, 40 feet long, with 14 feet of height clearance. Said loading area shall be located to the rear of the building unless site design precludes a rear location, in which case loading shall be to the side of a building.

Section 609. Minimum Number of Off-Street Loading Spaces Required.

One off-street loading space for the first 5,000 square feet of gross floor area or fractional part thereof for retail or other non-residential use for which a loading space is required. One additional space shall be required for each additional 10,000 square feet of gross floor area or fractional part thereof for retail or other non-residential use.

ARTICLE VII

GENERAL PROVISIONS

Section 701. Use, Occupancy and Erection.

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

Section 702. Minimum Requirements.

Within each district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of structure or land.

Section 703. Height Limitations.

All structures shall comply with the City of Sky Valley Ordinance to Protect the Mountains of Sky Valley, Georgia and to Provide for Future Growth and Development within the Protected Mountains, as adopted and amended from time to time, as well as other City of Sky Valley Building Code regulations presently in effect and/or hereinafter adopted by the City of Sky Valley.

The height limitations established herein shall not apply to chimneys, smokestacks, church spires and steeples, domes, flag poles, public monuments, observation towers, water towers, non-commercial radio and television towers, electricity transmission towers, utility poles and similar structures.

Section 704. Every Use Must Be Upon A Lot.

No structure shall be erected or use established unless upon a “lot of record” as defined by these regulations except as otherwise provided herein.

Section 705. One Principal Structure on a Lot.

Except as otherwise specifically provided in this Ordinance only one principal structure and its accessory buildings may hereafter be erected on any one lot intended for such use; provided, however, that more than one multiple dwelling, office, or commercial building may be located upon a lot, subject to setbacks and separation as provided in these regulations. This provision specifically excludes the erection of more than one (1) single-family dwelling on any given lot, and more than one (1) single-family dwelling hereafter erected on any given lot shall be considered a violation of these regulations. The City Council shall not be empowered to grant variances to this Section.

Section 706. Separation Between Principal Structures.

No principal structure shall be located closer than thirty (30) feet to another principal structure.

Section 707. Reduction In Lot Size Prohibited.

Without obtaining a variance no lot shall be reduced, divided or changed in size so that lot width, size of yards, lot area per dwelling unit or any other requirement of these regulations is not maintained, unless said reduction or division is necessary to provide land which is acquired for a public purpose.

Section 708. Street Frontage Requirement.

No structure shall hereafter be erected on a lot, and no lot shall hereafter be created or subdivided, that does not abut for at least thirty (30) feet on a public street.

Section 709. Use Prohibited When Not Specified.

Unless otherwise stated, any use not specifically permitted in a use district as provided in these regulations shall be prohibited in that district.

Section 710. Accessory Buildings and Uses.

Accessory buildings and uses shall be permitted only in side or rear yards, except as otherwise provided by these regulations.

Accessory buildings and uses shall be permitted only if they meet the following:

1. No accessory building or structure shall be erected on a lot prior to the time of construction of the principal building to which it is accessory.
2. Only one (1) detached accessory building or structure shall be permitted on a residential lot.
3. Accessory building or structure and use shall be setback a minimum of fifteen (15) feet from any lot line.
4. Any accessory building or structure shall be subject to and must conform to all structural regulations applicable to the principal structure.
5. In the case of double frontage lots, accessory building or structures shall observe front yard requirements on both streets.
6. Accessory building or structures in residential districts shall not be used for any type of commercial operation.
7. No accessory building or structure on a residential lot shall exceed a height of twenty (20) feet.
8. Detached accessory building or structures shall be located a minimum of ten (10) feet from the principal building on a lot.

9. In no instance shall an accessory building or structure exceed the gross ground floor area of the principal building.

Section 711. Regulations For Specific Accessory Structures.

The following specified structures shall conform to the following regulations:

1. Walls:

The erection of walls within the City of Sky Valley shall comply with the City of Sky Valley Building Code Ordinance, as adopted and amended from time to time, as well as other regulations presently in effect and/or hereinafter adopted by the City of Sky Valley. A permit shall be obtained from the Building Official.

2. Fences:

The erection of fences within the City of Sky Valley shall comply with the City of Sky Valley Fence Ordinance, as adopted and amended from time to time, as well as other regulations presently in effect and/or hereinafter adopted by the City of Sky Valley. A permit shall be obtained from the Building Official.

3. Swimming Pools:

Swimming pools shall be enclosed by a security fence a minimum of six (6) feet in height. Said fence shall offer security against unauthorized use of a swimming pool. A permit shall be obtained from the Building Official.

Section 712. Home Occupations.

A home occupation as defined by these regulations shall conform to the following requirements:

1. Only residents of the dwelling may be engaged in the home occupation. Employment of person(s) not residing in the dwelling is expressly prohibited.
2. The home occupation shall be clearly incidental and secondary to the residential use of the dwelling and shall not change the residential character of the building or lot.

3. No storage or display of products or materials shall be visible from the adjoining street or adjacent properties, and only products produced on the premises may be sold on the premises.
4. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of a home occupation.
5. No internal or external alterations of the dwelling solely for the accommodation of a home occupation are permitted.
6. No chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment shall be used primarily for commercial purposes, other than reproduction equipment and other equipment approved by the City Council for permitted home occupations.
7. Use of a building for a home occupation shall not exceed twenty-five (25%) percent of one (1) floor of the principal building. Home occupations are not permitted, in whole or part, within accessory buildings.
8. An occupational tax certificate shall be obtained from the City of Sky Valley prior to the operation of any home occupation pursuant to the City of Sky Valley Occupational Tax Ordinance, as adopted and amended from time to time, as well as other regulations presently in effect and/or hereinafter adopted by the City of Sky Valley.
9. The following uses are allowable as home occupations:

Tutoring, consultation and instruction in music, dance, arts, crafts and similar subjects, limited to two (2) students at one time; day care providers serving six (6) or less persons; professional services (i.e., attorneys, architects, accountants, realtors, insurance and travel agents; secretarial services and answering services; mail order and general offices not involving storage of equipment, materials or vehicles; phone solicitations; and food catering) . All other uses are prohibited.

Section 713. Visibility at Intersections.

No fence, wall, sign, hedge or planting which obstructs the sight lines at elevations between two (2) and twelve (12) feet above any roadway shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines, or such lines extended, and a line connecting such right-of-way lines at points twenty-five (25) feet from the intersection of the right-of-way lines.

Notwithstanding the above restrictions, the Code Enforcement Officer is hereby authorized to approve fences, walls, etc. within the above-described triangular area where, in his opinion, said fence, wall, etc. will not cause sight visibility problems for pedestrians and/or motorists, and where the application of the provisions of this section would pose an unnecessary or unreasonable hardship.

Section 714. Parking or Storage of Recreational Vehicles.

Unless parked in a totally enclosed area recreational equipment such as boats, boat trailers, travel trailers, pick-up campers or coaches, motorized dwellings, motor coaches, tent trailers and other vehicles may be parked or stored anywhere on residential premises for a period not to exceed forty-eight (48) hours during loading and unloading.

Section 715. Abandoned, Wrecked or Junked Vehicles and Materials.

Except as otherwise expressly permitted, it shall be prohibited in all districts to park or continuously store abandoned, wrecked, junked or inoperable vehicles, power-driven construction equipment, used lumber or metal, or any other miscellaneous scrap material in quantity that is visible from a public street or adjacent or abutting property. Said prohibition shall not be construed as to prohibit the temporary repair or maintenance of automobiles owned by the property owner or the storage of such vehicles, equipment or other materials within an enclosed building, provided that such vehicles, equipment or materials are not for commercial sale.

Section 716. Subdivision Plats Must Meet Zoning Requirements.

No proposed plat of a subdivision, nor any plat of re-subdivision, shall hereafter be approved by the City of Sky Valley or by the Planning and Zoning Commission unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various zoning districts in these regulations and unless such plat indicates conformity with the statutes of the State of Georgia and ordinances and regulations of the City of Sky Valley (to

include, but not limited to, the Mountain Protection ordinance and the Sky Valley Subdivision Ordinance).

Section 717. Yard Sales.

Yard sales, as herein defined, are permitted uses in any residential district, subject to the following requirements:

1. A permit shall be obtained from the Building Official.
2. The duration of such yard sale shall not exceed forty- eight (48) hours.
3. A permit shall not be issued for a yard sale on a particular property more often than once every year (12) months.
4. Yard sales shall only offer for display and/or sale those items owned by the person(s) who presently own, rent or lease the property on which the yard sale takes place.
5. Yard sale signs are prohibited except on the property where the yard sale is taking place and during the actual days of the sale.

Section 718. Buffer Required.

Upon any side or rear lot line in any non-residential district except the recreation district which abuts a residential district there shall be a dense planted buffer strip at least six (6) feet in height and fifty (50) feet in width along the rear and side lot lines abutting the residential properties, except where zoned specifically otherwise.

Section 719. Reference to Sign Regulations.

The erection and/or maintenance of signs within the City of Sky Valley shall comply with the City of Sky Valley Sign Ordinance, as adopted and amended from time to time, as well as other regulations presently in effect and/or hereinafter adopted by the City of Sky Valley.

Section 720. Reference to Soil Erosion and Sedimentation Control Ordinance.

Any land disturbing activity shall comply with the City of Sky Valley Soil Erosion and Sedimentation Control Ordinance, as adopted and amended from time to time, as well as other applicable State law presently in effect and/or hereinafter adopted by the City of Sky Valley.

Section 721. Manufactured Home.

Manufactured homes are only permitted in manufactured home parks as defined in this ordinance.

Section 722. Plat Approval Required.

No plat shall hereafter be recorded by the Rabun County Clerk of Superior Court unless such plat has been approved by the City Council of Sky Valley.

Section 723. Solar Energy Systems (SES).

For purposes of the Sky Valley zoning ordinance, SES refers only to (1) photovoltaic SESs that convert solar energy directly into electricity through a semiconductor device or (2) solar thermal systems that use collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

Integrated Solar Energy System means an SES where solar materials are incorporated into building material, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building façade, skylight, shingles, canopy, light, or parking meter.

Rooftop Solar Energy System means an SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.

Ground Mounted Solar Energy System means an SES that is structurally mounted to the ground and does not qualify as an Integrated SES. For purposes of the Sky Valley zoning code, any solar canopy that does not qualify as an Integrated SES shall be considered a Ground Mounted SES, regardless of where it is mounted.

PERMITTED USES BY ZONING DISTRICT

1. – Applicability

- (a) This article applies to the siting, construction, installation, and decommissioning of any new SES to be constructed or installed after January 14, 2025, within the jurisdiction of Sky Valley.
- (b) Any SES that, prior to January 14, 2025;
 - 1. is in operation;
 - 2. is being lawfully sited, constructed, or installed; or
 - 3. has caused the incurrence of substantial liabilities relating to siting, construction, or installation; shall be exempt from complying with this [ordinance], unless the surface area of an Integrated SES or Rooftop SES is increased by more than 50% after January 14, 2025.

Unless otherwise expressly stated herein, an SES shall comply with all applicable federal, state, and local laws, including the requirements of the Sky Valley zoning ordinance and applicable International Building Code, National Fire Code, National Electrical Code, and plumbing codes. If a provision in this ordinance directly conflicts with a requirement of the Sky Valley zoning ordinance, this ordinance shall control.

2. – Requirements for Solar Energy Systems

- (a) **Solar Access.** Consistent with O.C.G.A §44-9-20 et seq., a property owner may obtain a solar easement from another property owner for the purpose of ensuring the Rooftop SES adequate exposure to sunlight provided, however, that the terms of such easement shall comply with the requirements of the Sky Valley tree Cutting Ordinance.
- (b) **Tree Removal.** The removal of trees or natural vegetation for a Rooftop SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of the Sky Valley Tree Cutting Ordinance.
- (c) **Height.** A rooftop SES shall be given an equivalent exemption, if any, to the applicable height restrictions for roof-mounted mechanical devices or equipment, except a Rooftop SES mounted on a sloped roof shall not vertically exceed the highest point of the roof to which it is attached.
- (d) **Street Visibility.** SES installation on the street-facing side of a sloped roof shall not be permitted.
- (e) **Glint or Glare.** A rooftop SES shall be constructed of such materials and sited in such a way that glint or glare from the system will not reflect on a neighboring building or roadway.
- (f) **Firefighter Access.** The installation of a Rooftop SES shall comply with all provisions of the National Fire Code and International Building Code with respect to providing a firefighter clear access to the roof ridge as well as clearance along the ridge.

- (g) **Fire Protection Rating.** Rooftop SES components shall meet all UL 1703 fire safety requirements and carry a fire protection rating of Class B or better.
- (h) **Wiring Identification.** Different power lines must be clearly labeled so that first responders can identify which lines are connected to the SES.
- (i) **Disconnection Means.** A means of disconnecting the SES must be accessible to the fire department and must be able to disconnect all conductors of the SES from other conductors in the building.
- (j) **Battery.** If a storage battery is installed it must include a disconnection means to isolate it from the rest of the system.
- (k) **Labeling.** All parts of the SES must be labeled so the different components can be identified.

3. – Ground Mounted Solar Energy Systems

Ground Mounted SESs shall not be permitted within boundaries of Sky Valley.

4. – Permit

The installation of a SES shall require the issuance of a permit from the City of Sky Valley. The application for the permit shall include the following:

1. the address of the property on which the SES will be located;
2. the applicant's name, address, telephone number, and email address;
3. the property owner's name, address, telephone number, and email address;
4. the installation company's name, address, telephone number, email address, license number and insurance information.
5. payment of an application fee, the amount of which shall be determined by the City of Sky Valley, and which may change from time to time.

5. – Severability

In the event any section, subsection, sentence or word of this ordinance is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this ordinance, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this ordinance. The city governing authority declared that it would have enacted the remaining parts of this ordinance if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional.

ARTICLE VIII

SINGLE-FAMILY RESIDENTIAL DISTRICT (SF)

Section 801. Single-Family Residential (SF).

Purpose and Intent. The Single Family Residential District (SF) district is intended to provide for low density residential areas consisting of detached single-family dwellings with yards and landscaping that provide a desirable and healthy environment. SF districts must be served by public water. The SF district establishes a maximum density of 1 unit per acre, with a minimum lot size of one-half acre in areas outside the Mountain Protection Zone and served by sewer, and a minimum lot size of 1 acre for areas within the Mountain Protection Zone and/or areas not served by sewer. These districts are to be located in areas shown as single-family residential on the Sky Valley Land Use District Map.

Section 802. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 2, “Permitted and Conditional Uses by Land Use District.”

Section 803. Development Standards.

Development Standards shall be as provided in Table 3, “Dimensional Requirements by Land Use District.”

ARTICLE IX

MIXED RESIDENTIAL DISTRICT (MR)

Section 901. Purpose and Intent.

The Mixed Residential District (MR) district is intended to provide for a range of low to medium density residential development transitioning from the single-family residential areas to the higher density resort core, in districts which must be served by public water. These districts are to be located in transitional areas adjacent to residential neighborhoods and in areas shown as MR on the Sky Valley Land Use District Map.

Section 902. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 2, “Permitted and Conditional Uses by Land Use District.”

Section 903. Development Standards.

Development Standards shall be as provided in Table 3, “Dimensional Requirements by Land Use District.”

ARTICLE X

RESORT COMMERCIAL DISTRICT (RC)

Section 1001. Purpose and Intent.

The Resort Commercial District (RC) district is intended to provide suitable areas for the development of meeting space and accommodations, high and medium density dwelling units, recreation areas and commercial space in the resort core in districts which must be served by public water. The overall character of RC district is such that access by both vehicles and pedestrians are possible and development sites permit larger building lot coverage with minimal or no side yards. Development within RC district shall have: parking areas in proportion to the uses, and site development features that ensure a coexistence with the adjacent living environments. These districts are to be located in areas shown as RC on the Sky Valley Land Use District Map.

Section 1002. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 2, “Permitted and Conditional Uses by Land Use District.”

Section 1003. Development Standards.

Development Standards shall be as provided in Table 3, “Dimensional Requirements by Land Use District.”

ARTICLE XI

COMMERCIAL AND MUNICIPAL DISTRICT (CM)

Section 1101. Purpose And Intent.

The purpose of the Commercial and Municipal District (CM) is to provide and reserve suitable areas for operations activities for the City, such as City Hall and offices and other municipal support activities. This district is also intended to provide areas for commercial and retail operations. CM districts are only intended to be located in areas with relatively level topography, and relatively easy access to arterial streets. CM districts must be served by public water. These districts are to be located in areas shown as Commercial and Municipal on the Sky Valley Land Use District Map.

Section 1102. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 2, “Permitted and Conditional Uses by Land Use District.”

Section 1103. Development Standards.

Development Standards shall be as provided in Table 3, “Dimensional Requirements by Land Use District.”

ARTICLE XII

MAINTENANCE DISTRICT (M)

Section 1201. Purpose and Intent.

The purpose of the Maintenance District (M) district is to provide and reserve suitable areas for maintenance activities for golf, the City, other support activities, such as laundry and employee housing/staff accommodations. M districts are only intended to be located in areas with relatively level topography, and access to arterial streets and/or highways. M districts must be served by public water. These districts are to be located in areas shown as Maintenance on the Sky Valley Land Use District Map.

Section 1202. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 2, “Permitted and Conditional Uses by Land Use District.”

Section 1203. Development Standards.

Development Standards shall be as provided in Table 3, “Dimensional Requirements by Land Use District.”

ARTICLE XIII

RECREATIONAL DISTRICT (REC)

Section 1301. Purpose and Intent.

The purpose of the Recreational District (REC) is to provide and reserve suitable areas for active and passive recreation. No dwelling units may be constructed within the REC zone. REC districts are to be located in areas shown as Recreation on the Sky Valley Land Use District Map.

Section 1302. Permitted and Conditional Uses.

Permitted and conditional uses shall include parks, trails, amphitheaters, plaza areas, natural unimproved and planted landscaping, open space, golf, play fields, bathrooms and kiosks, clubhouse facilities, golf amenities including restaurants within the clubhouse or restaurants within recreational facilities and other support recreation activities.

Table 2 Permitted and Conditional Uses by Land Use District					
The following table shows uses that are permitted (P), conditionally permitted (C), and not permitted (prohibited) (X).					
USE DESCRIPTION	SF	MR	RC	CM	M
Accessory uses and structures not otherwise listed in this table, normally incidental to one or more permitted principal uses	C	C	C	C	C
Active recreational facilities, such as tennis courts and swimming pools, as principal uses or as accessory to one or more permitted uses	P	P	P	X	X
Agriculture production for home consumption	P	X	X	X	X
Apartment building	X	X	X	X	X
Bed and breakfast inns	X	C	P	X	X
Cemeteries	X	X	X	X	X

Churches, temples, synagogues, and places of worship, including cemeteries as accessory uses	X	C	C	X	X
Commercial recreational facility, indoor	X	C	P	X	X
Commercial recreational facility, outdoor	X	X	P	X	X
Conference centers and retreat centers	X	X	P	X	X
Conservation areas, open space and passive recreational facilities	P	P	P	P	P
Country clubs, including golf courses and clubhouses with restaurants and golf pro shops as accessory uses	C	C	P	X	X
Day care centers serving more than six persons	X	X	C	X	X
Dwellings, single-family detached	P	C	C	X	X
Dwellings, single-family attached (townhouses)	X	P	P	X	X
Dwellings, two-family (duplexes)	X	P	C	X	X
Dwellings, multifamily (condominiums)	X	P	P	X	X
Dwellings, located within a building containing another principal use	X	X	P	X	P
Employee Housing and Staff Accommodations	X	P	P	X	P
Entry sign/statement into City (Max two per entrance)	P	P	P	P	C
Extraction industries – extraction and removal of sand, gravel, top soil, clay, and dirt	X	X	X	X	X
Finance, insurance and real estate establishments, less than 3,500 square feet of gross floor area per establishment	X	X	P	X	X
Health services, clinics	X	X	C	X	X
Health Spas and/or Fitness Club	X	C	P	X	X
Home occupations	P	P	P	X	X
Lockout Units	X	P	P	X	X
Lodging services	X	P	P	P	X

Table 2

Permitted and Conditional Uses by Land Use District

The following table shows uses that are permitted (P), conditionally permitted (C), and not permitted (prohibited) (X).

USE DESCRIPTION	SF	MR	RC	CM	M
Manufactured homes	X	C	X	X	X
Municipal Offices, City Hall and City Services	X	X	P	P	X
Offices	X	X	P	P	X
Public and semi-public uses	X	P	P	P	P
Recycling centers, collection points	X	X	X	P	P
Rental of dwelling units:					
Long-term rentals (7 days or more)	P	P	P	X	P
Nightly rentals (less than 7 days)	P	P	P	X	X
Restaurants, including outside seating areas but not including drive-ins or drive-through facilities	X	X	P	P	X

Retail trade establishments, enclosed, not exceeding 2,500 square feet of gross floor area	X	X	P	P	X
Solar Energy Systems (SES)	P	C	C	C	C
Retail trade establishments, enclosed, exceeding 2,500 square feet of gross floor area	X	X	P	P	X
Subdivision Entry/Identification Sign	C	C	C	X	X
Temporary structures and uses approved by the City Council after recommendation by the Planning and Zoning Commission	C	C	C	C	C
Warehouses and storage buildings	X	X	X	P	P
Uses not specified in this table	(2)	(2)	(2)	(2)	(2)

(1) Manufactured homes are only permitted in manufactured home parks. Manufactured home parks are allowed in the manufactured home park district subject to the meeting the requirements for establishing a manufactured home park.

(2) In cases where a use is proposed but is not listed in this table, the City Council after recommendation from the Planning and Zoning Commission shall make a determination at a public hearing as to whether or not the use is permitted in the Land Use District or districts in question. The City Council may determine that such use is substantially similar to a permitted use and allow that use to be permitted. The City Council may determine that such use is substantially similar to a conditional use, and permit that use as a conditional use. The City Council may determine that such use is prohibited altogether in the use district or districts in question. In making such determinations, the City Council shall consult the purpose and intent statements of the Land Use District or districts in question, in addition to comparing the use in question to uses specifically listed in this table.

Table 3					
Dimensional Requirements by Land Use District					
DIMENSIONAL REQUIREMENTS	SF	MR	RC	CM	M
Maximum Height	40 feet	45 feet	60 feet Limited to no more than 4 floors	35 feet	40 feet
Maximum Density:					
Maximum Density outside the Mountain Protection Zone served by water and sewer	1 unit per acre	18 units per acre, but not to exceed on	20 units per acre	NA	NA

		the average 10 units per acre The density requirements herein do not include units, existing or under permitted construction, as of the adoption of this ordinance.			
Maximum density for areas outside the Mountain Protection Zone not served by water and sewer (must have approved septic from Dept. Health)		6 units per acre	6 units per acre		
Maximum density for areas within the Mountain Protection Zone served by public water and sewer		6 units per acre	6 units per acre		
Maximum density for areas within the Mountain Protection Zone not served by public water and sewer (must have approved septic from Dept. Health)		4 units per acre	4 units per acre		
		No portion of a building pad can be located on ground over 35 % slope.			

Table 3

Dimensional Requirements by Land Use District

DIMENSIONAL REQUIREMENTS	SF	MR	RC	CM	M
Minimum Lot Size:					
Minimum lot size for areas outside of Mountain Protection Zone served by sewer	1/2 acre	6,000 s.f. for unattached single-family homes, (for attached units see Lot Width and Setbacks below)	See Lot Width and Setbacks below	12,500 s.f.	20,000 s.f.
Minimum lot size for areas within Mountain Protection Zone <u>and/or</u> not served by sewer	1 acre				
Minimum Lot Width:					
Minimum lot width for areas outside of Mountain Protection Zone	90 l.f. at front of building pad	50 l.f. at front of building pad	25 l.f. at front of building pad	100 l.f. at front of building pad	100 l.f. at front of building pad
Minimum lot width for areas within the Mountain Protection Zone	100 l.f. at front of building pad	100 l.f. at front of building pad	100 l.f. at front of building pad		
Minimum Yard Setback					
Front yard	15	15	15	(D)	30 (B)
Rear yard	15	15 (A)	15 (A)	20 (A)	20 (B)

Side yard	15	15 (A)	15 (A)	20 (A)	20 (B)
Minimum Unit Size (for residential units only):	1,750 f.s.f. total for single-family homes	1,200 f.s.f. total for unattached single-family homes, 1,000 f.s.f. total for 2 bedroom and 1,200 f.s.f total for 3 bedroom + for townhomes and condos.		Not Applicable	
Minimum Open Space:	NA	50%	40%	50%	30%
***Abbreviations	S.f = .square feet, l.f. = lineal feet, r-o-w = right-of-way, f.s.f. = Finished square feet				

YARD SETBACK NOTE:

(A) Where a lot abuts any residential district there shall be a side or rear yard clearance of at least seventy-five (75) feet on the side and/or rear yard abutting the residential district.

(B) Upon any front, rear, and side lot line which abuts a residential district there shall be a densely planted buffer strip at least six (6) feet in height and ten (10) feet in width along the front, rear and side lot line abutting the residential properties. No such buffer shall however, extend nearer to a street right-of-way than the established building line of the adjoining residential lot.

(C) Corner lots must meet front yard setbacks from all rights of way.

(D) From the common right of way the setback for parking shall be ten (10) feet. The setback for the building shall be forty (40) feet.

TABLE 3 DIMENSIONAL NOTES:

(1) All setbacks are to be measured from road right-of-way and not from the center line of the road.

(2) Unroofed platforms, terraces, steps, landings, balconies, cornices, sills, eaves, chimneys or other similar architectural features are to be considered a part of the structure for purposes of compliance with this definition.

(3) Standard overhangs, not to exceed two (2) feet as measured from the wall, will be excluded and not considered a part of the structure for purposes of compliance with this definition.

(4) The minimum setback requirement shall not apply to side or rear yard property lines which adjoin or abut the Corps of Engineers' or the United States Forest Services' jurisdiction, provided that the owner's sewage treatment system is located wholly on private property or is otherwise permitted by the Rabun County Health Department and the City Council of Sky Valley.

(5) The front yard setback requirements of this Ordinance for structures shall not apply to any lot where the average setback of existing structures located wholly or partially within one hundred (100) feet on either side of the proposed structure and on the same side of the

same block and use district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case the setback on such lots may be less than the required setback, but not less than the average of the existing setbacks on the aforementioned lots, or a distance of ten (10) feet from the street right-of-way line, whichever is greater.

(6) Height: The vertical distance measured parallel from the grade at the designated front door to the highest point of the coping of a flat roof; to the deck lines of a mansard roof; or to the mean height level between the eaves and ridge of a gable or hip roof. Max height does not pertain to chimneys, venting, church steeples, and other appurtenances that do not contain dwelling space; however these aspects will be reviewed by City Council with final height decision by the Council.

(7) Open space: Open Space includes undeveloped natural areas, landscaped areas, parks, playgrounds, pocket parks, plazas, courtyards and other public spaces.

(8) Building Area and Building Pad: The buildable area is the three (3) dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, yard setbacks and building coverage. The building pad is the actual foundation area of a building and reasonable area around the foundation necessary for construction and grade transitions.

ARTICLE XIV MANUFACTURED HOME PARK

Section 1401. Purpose.

This ordinance regulates mobile home parks, manufactured home parks, and recreational vehicle and travel trailer parks and campgrounds, which provide for affordable permanent and temporary housing or seasonal recreational developments. Manufactured home parks are intended to provide for the leasing of spaces for the placement of manufactured homes, owned or rented by tenants, as well as spaces or camp sites for recreational vehicles, within a planned residential community, park, or campground. A manufactured home park is different from a residential subdivision in that the individual spaces for manufactured homes, campsites, or recreational vehicles are leased rather than platted and sold. By requiring less land per home or vehicle space, manufactured home parks are built at densities greater than those for other detached dwellings. Service facilities such as laundry and leasing office are often planned and provided as a part of the park development.

Section 1402. Definitions.

Accessory building: A building subordinate to the main building on a lot or space and used for purposes customarily incidental to those of the main building or use.

Active recreational facilities: Equipment and areas prepared for active use for recreational and leisure purposes, including but not limited to: playground equipment (swing sets and climbing structures); courts for basketball, volleyball, and tennis; leveled, striped fields for football, soccer, or all-purpose fields; community picnic pavilion (including covered facilities with grills and/or fire pits); and community buildings for recreational events. Trails and bikeways through open spaces shall not be considered active recreational facilities.

Manufactured home (mobile home): A structure, transportable in one or more sections which, in the traveling mode is eight body feet or more in width or 40 body feet or more in length; when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a “manufactured home” under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Manufactured home park: Any property on which three or more manufactured homes, recreational vehicles, or combination thereof are located or intended to be located for purposes of residential or recreational occupancy of a temporary, seasonal, or permanent nature. A campground designed to serve recreational vehicles is also included in this definition.

Manufactured home space: An area within a manufactured home park, distinguished from a lot in a subdivision under fee-simple ownership, upon which a single manufactured home or recreational vehicle is or may be placed. If designed for seasonal or permanent occupancy, a manufactured home space may provide area and be used for storing the belongings of the occupant.

Recreational vehicle: A vehicular-type, portable structure without a permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational, camping, and travel use which includes, but is not limited to, travel trailers, truck campers, camping trailers, and self propelled motor homes.

Section 1403. Site Plan Review and Land Use Permit Required.

No manufactured home park shall be developed until and unless a site plan shall have been approved by the City of Sky Valley, and a land use permit issued by the City of Sky Valley. The City of Sky Valley shall not issue a land use permit for a manufactured home park unless it is in conformity with all the provisions of this ordinance.

Section 1404. Site Conditions and Site Planning.

Section 1404.1 Site Conditions. Manufactured home parks shall be sited on land that is not subject to hazards such as flooding, erosion, land subsidence, and areas with possible insect or rodent infestation. The condition of the soil, ground water level, drainage, rock formations, and topography shall be appropriate for the use to ensure that no hazards to the property or to the health and safety of the occupants occurs.

Section 1404.2. Site Planning.

Planning for the manufacturing home park should be adapted to individual site conditions and the type of use or uses served, reflect advances in site planning techniques, and be adapted to the trends in the design of the manufactured home or recreational vehicle itself. Site planning and improvements shall: provide for facilities and amenities appropriate to the needs of the occupants; safe, comfortable, and sanitary use by the occupants under all weather conditions; and practical and efficient operation and maintenance of all facilities at reasonable costs. The street and block pattern for the park shall be designed to attain proper sizes and shapes of manufactured home spaces so as to provide desirable areas and to reduce excessive length of street construction without impairing convenient circulation and access.

Section 1405. General Development Requirements.

Manufactured home parks shall meet the following requirements:

Section 1405.1. Site Frontage, Access, and Minimum Width.

Properties containing manufactured home parks shall have a minimum of 200 feet of property frontage on a public street, and direct vehicular access to the manufactured home park shall be provided by means of an abutting public street with at least 200 feet of property frontage. The manufactured home park shall have a minimum lot width of 200 feet throughout the entire depth of the developed portion of the property.

Section 1405.2 Perimeter Buffer or Landscape Screen.

A minimum 20 foot wide buffer, where natural vegetation exists and provides a more or less opaque screen; or, where no natural vegetation forming an opaque screen exists, a minimum 20 foot wide landscape strip with evergreen trees that will grow to a height of at least six feet within three years shall be installed and maintained around the entire perimeter of the development, except for approved access and utility crossings.

Section 1405.4. Open Space and Recreational Areas.

A minimum of 20 percent of the site area shall be open space and recreational area, including the required perimeter buffer or landscape screen. A minimum of eight percent of the total site area, counted as part of the required 20 percent site area that is open space and recreation area, shall be devoted to one or more active recreation facilities.

Section 1405.4. Community Services.

As part of the site plan review process, the developer may propose and the City may approve one or more other structures for manufactured home park occupants, such as laundries, storage, garages, and a park leasing or management office. Any structure that draws its trade from outside the park boundaries is prohibited.

Section 1405.5. Interior Access Roads, Addresses, and Signing.

The road system within the manufactured home park shall be designed to meet the requirements of all emergency services and the traveling public to include the following:

- (a) All interior roads shall be private but constructed to provide fire apparatus access and paved.
- (b) One-way interior roads shall be constructed with a minimum surface width of 14 feet, and shall be designated “no parking.”
- (c) Two-way interior roads shall be constructed with a minimum surface width of 24 feet, and shall be designated “no parking.”
- (d) Interior roads shall be clearly marked at each intersection with signs to identify traffic directions and space numbers served by the road.

- (e) Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other material, and elsewhere as needed.

Section 1405.6. Guest Parking.

In addition to on-site parking, guest parking spaces shall be provided as part of the development, at a ratio of one parking space per each six manufactured home spaces. Guest parking spaces shall be grouped and distributed evenly throughout the manufactured home park.

Section 1405.7. Utilities.

All manufactured home parks, and each manufactured home space within the park, shall be served by approved public water and public sanitary sewer or community sewerage system, and electricity. All utilities shall be installed underground with above ground connections.

Section 1405.8. Drainage.

Drainage facilities shall be designed by an engineer and are subject to the approval of the City of Sky Valley as part of the site plan review process.

Section 1405.9. Refuse Collection.

Each manufactured home park shall provide refuse collection pads at locations convenient to each manufactured home space.

Section 1405.10. Park Rules.

The property owner or manager shall submit operating rules and regulations governing the park to the City of Sky Valley prior to occupancy.

Section 1406. Requirements for Manufactured Home Spaces.

Section 1406.1 Design. Each manufactured home space shall be designed and constructed at such elevation, distance, and angle with respect to its access to provide for safe and efficient placement and removal of manufactured homes or recreational vehicles, as the case may be. Each manufactured home space shall be designed with no more than a five- percent gradient and compacted with appropriate material to support maximum anticipated loads during all seasons.

Section 1406.2. Width, Depth, and Size of Spaces and Markings.

Each manufactured home space shall be at least 40 feet wide and 75 feet in depth. The minimum area for a manufactured home space shall be 3,000 square feet. The corners of each manufactured home space shall be clearly marked on the ground by permanent flush stakes, makers, or by other similar means.

Section 1406.3. Stands.

Each manufactured home space shall be provided with a concrete pad of sufficient size to accommodate the typical manufactured home to be located within that space, and the pad should be large enough to accommodate a patio of at least 180 square feet and also provide for the anchoring of the home to secure it against movement; provided, however, that any individual stand shall be no less than 14 feet by 60 feet and spaces intended to serve double-wide homes shall be at least 24 feet by 60 feet.

Section 1406.4. Use of Spaces.

No more than one manufactured home or recreational vehicle shall occupy any individual space. Use of a mobile home shall not be permitted in the manufactured home park. Accessory uses and structures on individual spaces may be permitted, subject to compliance with the development standards provided in this ordinance.

Section 1406.5. Space Identification Numbers.

Manufactured home space numbers at least four inches in height shall identify each space and shall remain readily identifiable while in use.

Section 1406.6. Parking.

Two on-site parking spaces shall be provided on each manufactured home space or immediately off-site.

Section 1406.7. Walkways.

A walkway at least two feet wide must be provided from each individual space to connect the manufactured home with the common walk or street.

Section 1406.8. Setbacks.

No manufactured home shall be located closer than five feet to a manufactured home space boundary, and spaces shall be designed to provide for a minimum of 15 feet of separation between manufactured homes on abutting spaces.

Section 1406-9. Additions and Accessory Structures.

Decks, porches, outdoor storage, or other exterior additions may be constructed or erected on a manufactured home space, subject to the approval of the manufactured home park management. No such accessory structure shall be located closer than five feet to a manufactured home space boundary.

Section 1406.10. Maximum Density.

The total number of spaces and total number of manufactured homes or recreational vehicles within the manufactured home park shall not exceed 10 homes or vehicles or combination thereof per acre.

ARTICLE XV

PLANNING AND ZONING COMMISSION

Section 1501. Creation and Appointment.

The Planning and Zoning Commission for the City of Sky Valley is hereby created. The Planning and Zoning Commission as it exists at the time of the adoption of this Ordinance will continue serving subject to elections as provided herein. The Planning and Zoning Commission shall be composed of five (5) members appointed by the City of Sky Valley in such a manner as hereinafter provided. Three (3) members present shall be required to constitute a quorum. One (1) such member shall be annually elected chairman of the Planning and Zoning Commission by the Planning and Zoning Commission members. All members appointed to the Planning and Zoning Commission shall be residents of the City. The members shall serve concurrent terms of three (3) years and shall serve until their successors are appointed. The compensation of the members of the Planning and Zoning Commission shall be as established by the City of Sky Valley. Any vacancy in the membership of the Planning and Zoning Commission shall be filled for the unexpired term of such vacancy in the same manner as the original appointment. The City of Sky Valley may remove any member of the Planning and Zoning Commission for due cause

after written notice to such member and after a public hearing. Members of the Planning and Zoning Commission shall appoint a secretary, or in lieu of such appointment, the City Clerk shall serve as the secretary of the Planning and Zoning Commission

Section 1502. Meetings and Records.

The Planning and Zoning Commission shall meet at the call of the chairman, or at such other times as the Planning and Zoning Commission may determine, and all such meetings shall be open to the public. The Planning and Zoning Commission shall adopt rules for the transaction of business, or in lieu of such rules, the Commission shall follow “Robert’s Rules of Order,” latest edition. The Planning and Zoning Commission shall keep record of its resolutions, recommendations, transactions, findings, and determinations, and all such records shall be public record and available for purchase by interested parties at a reasonable cost.

Section 1503. Powers and Duties.

The Planning and Zoning Commission shall have the following functions, powers and duties:

1. Prepare and recommend for adoption by the City of Sky Valley zoning regulations, zoning amendments, subdivision regulations and other such land use regulations; prepare and recommend for adoption by the City of Sky Valley amendments to any of the land use regulations; and to review and make recommendations concerning applications for zoning map amendment, special exception approvals, variances, conditional zoning, or other such applications.
2. Perform other planning functions and duties as may be required by the City of Sky Valley.

ARTICLE XVI

ZONING APPEALS

Section 1601. Creation and Appointment.

The City Council of Sky Valley shall serve as the Board of Zoning Appeals. The Board of Zoning Appeals shall perform all of its duties and exercise all of its powers in such a way that the purpose and intent of the zoning regulations shall be accomplished, public health, safety and welfare secured, and substantial justice done.

Section 1602. Appeals.

The Board is empowered to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the City Manager, Building Inspector, or City Engineer in the interpretation or enforcement of these zoning regulations.

The Board is empowered to hear an appeal made by any person, firm, or corporation, or by any officer, department, board, or bureau affected by any decision of the Planning and Zoning Commission, Building Official or other employee based on the zoning regulations.

Such appeal shall be taken within sixty (60) days, or as provided by the rules of the Board, by filing with the City Clerk notice of appeal specifying the grounds thereof. All papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted to the Board of Zoning Appeals.

The Board shall select a reasonable time and place for the hearing of the appeal and give at least fifteen (15) days of public notice thereof and due notice to the parties in interest and shall render a decision on the appeal within a reasonable time.

Section 1603. Determination of District Boundaries.

The Board of Zoning Appeals shall have original jurisdiction to, upon application, determine the location of a particular district boundary in question as specified in Section 404 of these regulations.

Section 1604. Variances.

The Board of Zoning Appeals is hereby empowered to authorize upon application in specific cases such variance from the terms of these regulations 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 unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. The existence of a non-conforming use of neighboring land, buildings or structures in the same

zoning district or of permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance. A variance may be granted in an individual case of unnecessary hardship, after appropriate application in accordance with Article XVII, upon specific findings that all of the following conditions exist. The absence of any one (1) of the conditions shall be grounds for denial of the application for variance.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district; and
2. A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; and
3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; and
4. Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonable affect their value; and
5. The special circumstances are not the result of the actions of the applicant; and
6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and
7. The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved.

Applications for variances in all zoning districts shall require review and recommendation by the Planning and Zoning Commission.

Section 1605. Conditional Approval Permitted.

In exercising the powers to grant appeals and approve variances, the City of Sky Valley may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the requirements of these regulations.

In exercising its powers, the City of Sky Valley may, in conformity with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all of the powers of the Building Inspector, City Manager, or City Engineer and may issue or direct the issuance of a permit. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, City Manager, or City Engineer.

Section 1606. Approval Period Limited.

No order of the Board permitting the erection or alteration of a building or other variance shall be valid for a period of longer than six (6) months unless such use is established within such period; provided, however that such order by the Board shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

Section 1607. Application, Hearings and Notice.

Applications for variance shall be made in accordance with all applicable provisions of Article XVII.

ARTICLE XVII

AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS

Section 1701. Authority to Amend.

The City of Sky Valley may from time to time amend the number, shape, boundary or area of any district, or may amend any regulation pertaining to any district; or may amend any Article or Section of these regulations. The procedure for amending these regulations shall be as provided in this Article and as otherwise provided by law.

Section 1702. Initiation of Zoning Amendments.

Notwithstanding any provision to the contrary, procedures for any zoning decision in the City of Sky Valley will be governed by the Zoning Procedures Law of the State of Georgia (O.C.G.A. §36-66-1, et seq.) as the same currently exists or may be amended and said Zoning Procedures Law is hereby adopted by reference.

Section 1703. Withdrawal of Amendment Application.

Any petition for any amendment to the zoning regulations, official zoning map, special exception approval, or variance may be withdrawn, at the discretion of the person or agency initiating such a request, at any time prior to final action by the City of Sky Valley upon written notice. Any required application fees shall be refunded to the applicant only if such application has not been prepared and submitted for advertisement.

Section 1704. Application Requirements.

All applications for any amendment to this Zoning Ordinance to specifically include an amendment otherwise defined as a “zoning decision” will be on such forms and contain such information as required by the City of Sky Valley. The City of Sky Valley will establish, from time to time, rules and requirements, to include administrative costs, for amendments and variances to the zoning ordinance.

Section 1705. Site Plan Requirements.

All site plans required by this ordinance shall, at a minimum, contain the following information:

1. Title of the proposed development and the name, address and telephone number of the property owner.
2. The name, address and telephone number of the architect, engineer or other designer of the proposed development.
3. Scale, date, north arrow, and general location map showing relationship of the site to streets or natural landmarks.
4. Boundaries of the subject property, all existing and proposed streets, including right-of-way and street pavement widths; structures; water courses; parking and

loading areas; driveways; retaining walls; and other physical characteristics of the property and proposed development. Any and all items to be constructed shall be shown on the site plan.

5. Building setbacks, buffers, landscape strips, and tree protection zone.

Section 1706. Criteria to Consider for Amendments to the Zoning Ordinance.

The applicant, staff, Planning and Zoning Commission and the City of Sky Valley should review an application for zoning amendments with regard to the following criteria:

1. The existing land use pattern;
2. The possible creation of an isolated district unrelated to adjacent and nearby districts;
3. The population density pattern and possible increase or overtaxing of the load on public facilities including utilities and streets;
4. The cost of the local government in providing, improving, increasing or maintaining public utilities, streets and public safety measures;
5. Impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality and quantity;
6. Whether the proposed change will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;
7. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning;
8. The aesthetic effect of existing and future use of the property as it relates to the surrounding area;
9. The extent to which the zoning decision is consistent with the comprehensive plan of the local government;
10. Any other factors relevant to the balancing interest in promoting the public health, safety, morality or general welfare against a right to unrestricted use of property.

Section 1707. Criteria to Consider for Special Exception Uses.

The applicant, staff, Planning and Zoning Commission and the City of Sky Valley should review applications for special exception uses with regard to the following criteria:

1. Off-street parking and loading facilities are adequate in terms of location, amount, and design to serve the use.
2. The number, size and type of signs proposed are compatible with the surrounding area.
3. The amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved.
4. Ingress and egress to the property is suitable and safe, and the effect of the proposed activity on traffic flow along adjoining streets is not adverse.
5. The location and intensity of outdoor lighting is such that it does not cast light on adjacent, adjoining or neighboring properties.
6. Hours and manner of operation of the proposed use are not inconsistent with adjacent and nearby uses.
7. Public facilities and utilities are capable of adequately serving the proposed use.
8. The proposed use will not have a significant adverse effect on the level of property values or the general character of adjacent land uses or the general area.
9. The physical conditions of the site, including size, shape, topography and drainage, are suitable for the proposed development.
10. The proposed use is consistent with the goals and objectives of the Comprehensive Plan of the City of Sky Valley.

The Planning and Zoning Commission and the City of Sky Valley may consider other factors deemed relevant before formulating recommendations and taking action on a particular special exception application.

Section 1708. Recommendation by City Manager.

The City Manager after consultation with the Building Inspector will, as appropriate, customarily submit to the Planning and Zoning Commission and/or the City of Sky Valley, prior

to a scheduled public hearing, copies of the site plan and letter of intent along with a written recommendation for approval, disapproval, deferral, withdrawal or other recommendation. Said recommendation shall include reasons for said recommendations, considered within the context of the appropriate criteria as specified by these regulations. The recommendations of the City Manager shall have an advisory effect only and shall not be binding on the Planning and Zoning Commission or the City of Sky Valley. Copies of the City Manager's recommendations shall be made available to the applicant and other interested parties upon completion and distribution to the appropriate bodies and at the public hearing.

Section 1709. Planning and Zoning Commission Recommendation.

Prior to the public hearing held by the City of Sky Valley, the Planning and Zoning Commission shall hold a public hearing on all applications for amendment to the text of the zoning regulations, amendments to the official zoning map, special exception permit applications, petitions for alteration or extension of conditional zoning, request for development plan approval for site plan approval, variances, or other actions that may ultimately lead to a zoning decision as defined by O.C.G.A. §36-66-3(4) as the same currently exists or as may be amended.

After completing its studies of the particular petition, the Planning and Zoning Commission shall submit a recommended action in writing to the City of Sky Valley. The Planning and Zoning Commission may submit any additional report it deems appropriate. The recommendations of the Planning and Zoning Commission shall have an advisory effect only and shall not be binding on the City of Sky Valley. Copies of the Planning and Zoning Commission's recommendations and reports shall be made available to the applicant and other interest parties upon completion and distribution to the City of Sky Valley and at the public hearing before the City of Sky Valley.

The Planning and Zoning Commission shall have thirty (30) days within which to submit its recommendations. The City of Sky Valley shall not take action on any of said applications, until it has received the recommendation of the Planning and Zoning Commission within the specified time period. If the Planning and Zoning Commission fails to submit a recommendation within the thirty (30) day period, it shall be deemed to have approved the proposed application.

Section 1710. Conduct of Public Hearings.

All public hearings regarding applications considered by the Planning and Zoning Commission and the City of Sky Valley shall be held in accordance with procedures adopted by the City of Sky Valley and the law of Georgia.

ARTICLE XVIII

ADMINISTRATION, INTERPRETATION, ENFORCEMENT,

PENALTIES AND REMEDIES

Section 1801. Administration and Interpretation.

The provisions of this ordinance shall be administered by the City Manager. The City Manager shall be responsible for interpretation of the provisions of these regulations and for maintenance of the official zoning map.

Section 1802. Enforcement.

The provisions of these regulations shall be enforced by the Building Inspector and City Manager.

Section 1803. Development Permit Required.

A development permit shall be required for any proposed use of land(s) or structure(s) to indicate and insure compliance with all provisions of these regulations before any building permit is issued or any improvement, grading, tree cutting, land disturbing activity or alteration of land(s) or structure(s) commences; provided, however, that development permits for individual structures within approved single-family residential subdivisions or for single-family dwelling units on individual lots shall not be required. Approval of a preliminary plat in accordance with all applicable provisions of the Subdivision Regulations shall constitute approval of the development permit for each subdivision or condominium development as specified in these regulations shall constitute approval of a development permit.

All development permits shall be issued by the Building Inspector only after prior approval by the City Manager, who shall in no case approve a development permit for the use, construction, or alteration of any land or structure if the land or structure as proposed to be used, constructed or altered would be in violation of any of the provisions of these regulations or any

other codes and laws. Development permits shall be valid for two (2) years from its issuance. If work described in any development permit has not begun within one hundred twenty (120) days from the date of issuance thereof, said permit shall expire, and further work shall not proceed until a new development permit has been obtained.

Section 1804. Building Permit Required.

No structure or sign, except as specifically exempted by these regulations, shall be erected, moved, extended, enlarged or structurally altered, nor shall any excavation or filling of any lot for the construction of any structure be commenced until the Building Inspector has issued a building permit for such work in conformity with the provisions of these regulations.

All building permits shall be issued by the Building Inspector. In cases of uncertainty regarding whether a proposed structure or structure conforms to any provisions within these regulations, the Building Inspector shall consult with the City Manager for his interpretation and ruling. Building permits shall become invalid unless the work authorized by it shall have been commenced within ninety (90) days of its date of issue, or if the work authorized by it is suspended or abandoned for a period of three (3) months or more.

Section 1805. Certificate of Occupancy Required.

A Certificate of Occupancy issued by the Building Inspector is required in advance of occupancy or use of any lot or change or extension in the use of any lot; any structure hereafter erected; or any change in the use of an existing structure.

All Certificates of Occupancy shall be issued by the Building Inspector, and no such Certificate shall be issued unless the proposed use of a structure or land conforms to the applicable provisions of these regulations and all applicable codes. Businesses shall conform to the regulations of the district in which it is located and a valid Certificate of Occupancy must be obtained from the City of Sky Valley before any business activities can commence.

Section 1806. Penalties for Violation.

Any person, firm or corporation violating, neglecting or refusing to comply with any of the provisions of this ordinance shall be subject to fines and other penalties and/or punishment as authorized by the Code of Ordinances of the City of Sky Valley.

Section 1807. Remedies.

In case any structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building structure or land is or is proposed to be used in violation of any provision of these regulations, the Building Inspector, City Manager or any other appropriate authority may, in addition to other remedies, and after due notice to the owner of the violation, issue a citation for violation of these regulations requiring the presence of the violator in the court of proper jurisdiction; institute injunction, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to correct or abate such violation or to prevent the occupancy of such building, structure or land. Where a violation of these regulations exists with respect to a structure or land, the Building Inspector may, in addition to other remedies, require that utility service be withheld therefrom until such time as the structure or premises is no longer in violation of these regulations.

ARTICLE XIX

LEGAL STATUS PROVISIONS

Section 1901. Conflict With Other Laws.

Whenever the provisions of this ordinance impose more restrictive standards than are required in or under any other statute, the provisions of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

Section 1902. Separability.

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

Section 1903. Repeal of Conflicting Ordinances.

All ordinances and resolutions and parts thereof in conflict herewith are repealed.

Section 1904. Effective Date.

This ordinance shall become effective upon adoption by the City Council and approval by the Mayor as provided by the Charter of the City of Sky Valley.

It is so ordained and approved by vote of the City Council of the City of Sky Valley this 14th day of January, 2024.5

Approved:



Hollie Steil, Mayor

William Oliver, Council President

Tony Allred, Councilor

Jim Curtis, Councilor

Dan McAfee, Councilor

Bruce Turner, Councilor

Attest:

Karen Fleming
Karen Fleming, City Clerk

Doug Kidd, City Attorney

1st Reading and introduction: 15th day of October, 2024.

2nd Reading and adoption: 14th day of January, 2024.5