

STATE OF GEORGIA

COUNTY OF HALL

**RESOLUTION OBJECTING TO THE CITY OF GAINESVILLE'S
ANNEXATION OF THE PROPERTY OF 1376 EAST RIDGE ROAD LLC,
KNOWN AS HALL COUNTY TAX PARCEL 15033B000005**

WHEREAS, Hall County has received a notice of filing with the City of Gainesville, Georgia of a petition for annexation of the property of 1376 East Ridge Road, LLC, located at 1376 East Ridge Road, Gainesville, Georgia 30501, and bearing Hall County Tax Parcel Number 15033B000005 (the "Subject Property"); and

WHEREAS, the annexation petition seeks to rezone the Subject Property from Hall County's designation of Residential-1 (R-1) to the City of Gainesville's designation of R-II Residential District; and

WHEREAS, the proposed annexation and rezoning of the Subject Property, constituting 13.36 ± acres, for the development of a 93-unit townhome development (comprised of 16 townhome buildings) on the Subject Property represents a substantially more intense and significantly different use of the property than allowed by Hall County's existing low-density residential zoning of the property; and

WHEREAS, the proposed annexation, rezoning, and proposed use of the Subject Property as a high-density multi-unit townhome community would cause a substantial increase in the intensity of the allowable use of the Subject Property; and

WHEREAS, the proposed annexation, rezoning, and proposed use of the Subject Property as a high-density multi-unit townhome community would cause a dramatic deviation from the current low to moderate density of development in the immediate area; and

WHEREAS, the proposed annexation, rezoning, and proposed use of the Subject Property as a high-density multi-unit townhome community would create a significant increase in the demand on local infrastructure; and

WHEREAS, the Hall County Board of Commissioners has carefully reviewed the annexation and rezoning request, and the Board has determined that annexation, rezoning, and the proposed use of the Subject Property as a high-density multi-unit townhome community is not in the best interest of the residents of Hall County; and

WHEREAS, the Official Code of Georgia Annotated provides a procedure for resolving annexation disputes pursuant to O.C.G.A. § 36-36-110 et seq.; and

WHEREAS, the Board of Commissioners wishes to avail itself of the remedies provided by the annexation dispute resolution process through its objection to this annexation and rezoning request;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF HALL COUNTY DOES HEREBY OBJECT to the City of Gainesville's annexation and rezoning of Hall County Tax Parcel 15033B000005, as requested by the applicant, Bryan Brinson, and the property owner, 1376 East Ridge Road, LLC. This objection is based upon a material increase in burden on Hall County's infrastructure demands, an increase in density in the local area, and a significant deviation from the current use of the Subject Property directly related to the proposed change in zoning and land use.

Based upon the information presented in the application for annexation provided to Hall County, the County specifically objects to the proposed change in zoning and land use that would result from the annexation as follows:

The application for annexation of the Subject Property, approximately 13.36 ± acres, describes a rezoning from Hall County's Residential 1 (R-1) District to the City of Gainesville's R-II Residential District for the development of a 93-unit townhome community. Hall County attaches the City of Gainesville's Notice of Intent to Annex Property and Establish Zoning, the application for annexation and rezoning, and the supporting documents served upon Hall County. *See Exhibit A.* The Subject Property is bordered on the north by Hall County's R-1 zoning, on the south by I-985 and Hall County's Agricultural-Residential-1 (AR-1) district and the City of Gainesville's Planned Unit Development (PUD) district, on the east by I-985 and Hall County's AR-1 and R-1 zoning and Gainesville's PUD zoning, and on the west by Hall County's R-1 district.

The proposed high-density multi-unit townhome community to be developed on the Subject Property would directly contrast with the surrounding and existing uses permitted by Hall County. The County's existing R-1 zoning of the property permits detached single-family dwelling units for residential uses at a low density (approximately 1.2 units per acre), as shown in Section 4.3 of Hall County's Uniform Development Code, Appendix A of the Official Code of Hall County. *See Exhibit B.* The County's current recommended density for the Subject Property of 1.2 dwelling units per acre would be drastically increased by the proposed annexation and rezoning of the property to the City of Gainesville's R-II district, which would allow a maximum of twelve (12) units per acre as shown in Article 9-5, Chapter 9-5-4, of Gainesville's Unified Land Development Code. *See Exhibit C.* Per the site plan provided by the applicant, Bryan Brinson, the proposed high-density multi-unit townhome community would feature a density average of 7.46 dwelling units per acre. Construction of the proposed high-density multi-unit townhome development would be out of character with the Subject Property's immediate neighbors and would interfere with the existing landowners' quiet enjoyment of their properties through overcrowding and by upsetting their expectation of a lower density usage in the area. An aerial photograph of the area immediately surrounding the proposed annexation shows that there are no high-density residential subdivisions, let alone multi-unit townhome communities, near the Subject Property. *See Exhibit D.* Further,

the rise in density would result in substantially increased traffic on local roads in the immediate vicinity of the Subject Property. East Ridge Road, which the applicant and developer intends to use as the only means of ingress and egress to the townhome community, is insufficient in its current condition to handle the enormous increase in vehicular traffic that will result from the proposed townhome development. Further, the applicant has not proposed any road improvements that would sufficiently ameliorate this increase in traffic volume or offset the related infrastructure costs associated with the road congestion that will arise from the development. Thus, the proposed change in zoning and land use contained in the application for annexation would create a large material increase in burden upon Hall County directly related to the proposed change in zoning and land use.

Finally, the proposed change in zoning and land use, as described in the application for annexation of the Subject Property, would also result in a substantial increase in the intensity of the allowable use of the property and permit a change to significantly different allowable uses. A review of the City of Gainesville's zoning ordinance for its R-II district shows more permitted uses, including multi-family apartment buildings and industrialized buildings, with a higher intensity than that allowed by Hall County's current zoning of the property. These alternative uses provide for more intense uses of the Subject Property than intended by Hall County and would allow for significantly different uses of the property than are currently allowed; moreover, there is nothing to prevent the property from being converted to these other uses in the future following its annexation and rezoning.

For the foregoing reasons, the members of the Board of Commissioners have executed this objection to the annexation petition of Bryan Brinson and 1376 East Ridge Road, LLC, regarding Hall County Tax Parcel 15033B000005 this the 8th day of May, 2025.

[SIGNATURES ON FOLLOWING PAGE]

HALL COUNTY BOARD OF COMMISSIONERS

By: _____
David Gibbs, Chairman

By: _____
Kathy Cooper, Commissioner, District 1

By: _____
Billy Powell, Commissioner, District 2

By: _____
Gregg Poole, Commissioner, District 3

By: _____
Jeff Stowe, Commissioner, District 4

ATTEST:

By: _____
Jennifer Rivera, Commission Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
William J. Linkous, III, County Attorney

CITY OF
GAINESVILLE

COMMUNITY AND ECONOMIC DEVELOPMENT

April 3, 2025

**VIA FEDERAL EXPRESS, SIGNATURE REQUIRED**

Hall County Board of Commissioners
2875 Browns Bridge Road
Gainesville, GA 30504

RE: Notice of Intent to Annex Property and Establish Zoning

Dear Commissioners,

Please be advised that by the authority vested in the governing body of the City of Gainesville, Georgia, the City of Gainesville intends to consider the annexation of the property described in the enclosed annexation application and to establish a zoning classification of **Residential-II (R-II)** within the City of Gainesville. *(Currently R-I)*

The following application was received on **March 28, 2025** and is being scheduled for a public hearing by the Gainesville Planning and Appeals Board on **May 13, 2025**.

This notice is being sent to you pursuant to O.C.G.A. Sections 36-36-6 and 36-36-111. The enclosed annexation application includes a description of the property to be annexed and land use of the area to be annexed.

Acreage	13.36± acres
Tax Parcel Number(s)	15-033B-000-005
Property Location(s)	1376 East Ridge Road
Applicant(s)	Bryan Brinson
Request	Residential townhomes
Commission District	Three

If we may be of any assistance, please feel free to contact this office.

Sincerely,

Matt Tate, Deputy Director
Community & Economic Development

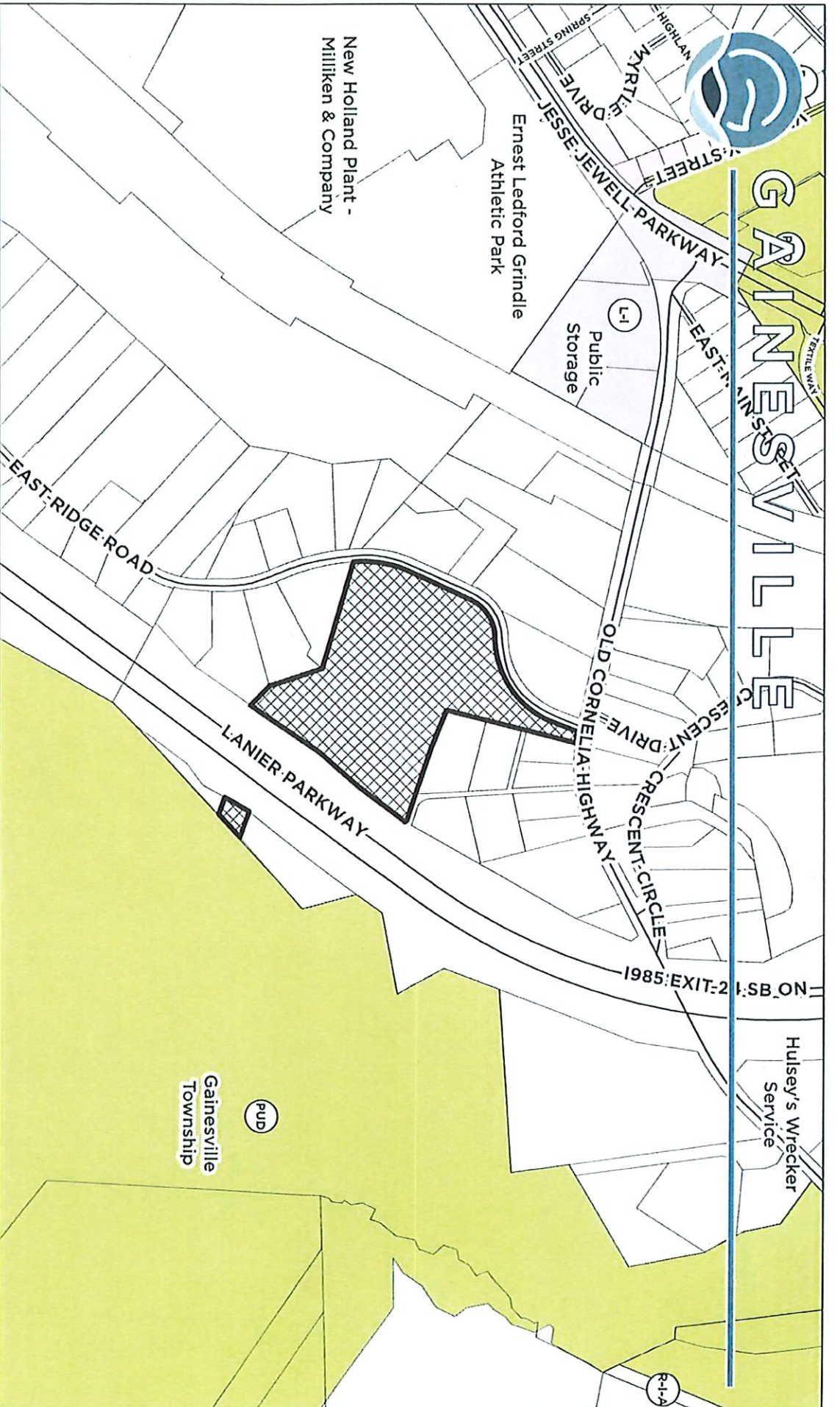
MT/gpf

Attachments

Cc: Zach Propes, Hall County Administrator
Beth Garmon, Hall County Planning Director



GAINESVILLE



Applicant:

BRYAN BRINSON

ANNEXATION REQUEST

Subject Property Address:
1376 East Ridge Road

Tax Parcel:
15033B-000005

Request:
Annex +/- 13.36 AC and establish zoning as Residential-II (R-II) for a residential townhome development.



Subject Property

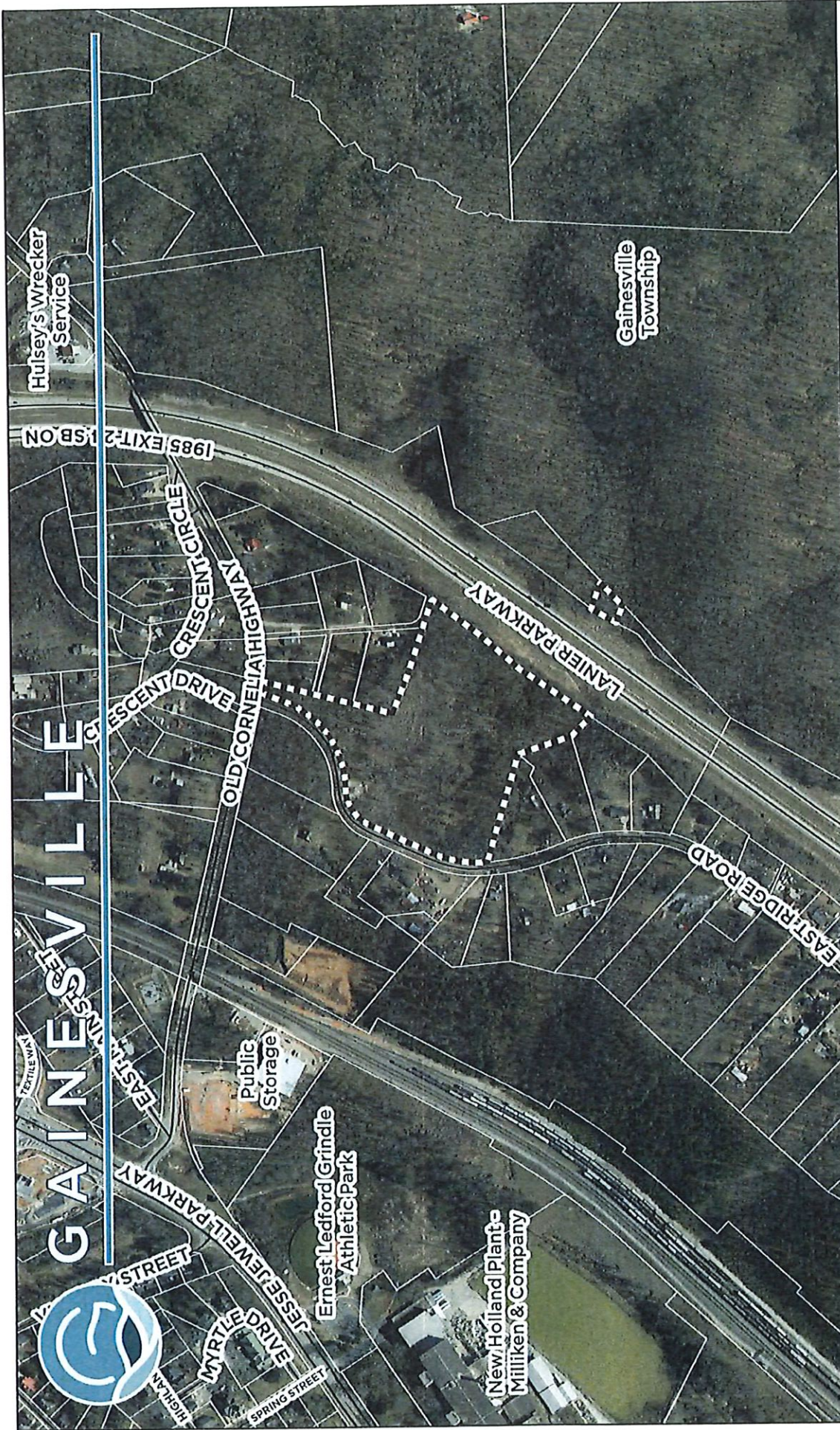
Meeting Date: 05/13/2025

Map Prepared: 04/02/2025

0 300 500 800 1,000 Feet

Scale: 1" = 500'





Applicant: BRYAN BRINSON		Request: Annex +/- 13.36 AC and establish zoning as Residential-II (R-II) for a residential townhome development.	
ANNEXATION REQUEST			
Subject Property Address: 1376 East Ridge Road	Tax Parcel: 15033B-000005	Subject Property Aerial from 2023	
Meeting Date: 05/13/2025	Map Prepared: 04/02/2025	Scale: 1" = 500' 	





GAINESVILLE

APPLICATION FOR ZONING ACTIONS

PAB Meeting Date: 5.13.25Council Meeting Date: 6.3.25

Applicant Information

Name	Bryan Brinson
Address	1299 Springdale Road
City/State/Zip	Gainesville, GA 30501
Phone/Cell	404-323-5461
Email	BryanBrinson@outlook.com

Property Owner Information

Name	1376 East Ridge Road LLC
Address	1376 East Ridge Road
City/State/Zip	Gainesville, GA 30501
Phone/Cell	404-323-5461
Email	BryanBrinson@outlook.com

Applicant Status

<input checked="" type="checkbox"/>	Current Property Owner
<input type="checkbox"/>	Option to Purchase
<input type="checkbox"/>	Area Resident
<input type="checkbox"/>	Representative
<input type="checkbox"/>	Government

Zoning Request

Existing Zoning	R-I
Rezone To / Establish As	R-II
<input checked="" type="checkbox"/> Annexation	<input type="checkbox"/> De-annexation
<input checked="" type="checkbox"/> Rezoning	<input type="checkbox"/> Zoning Amendment
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Road Action Request

Parcel Information

Tax Parcel Number(s)	15033B000005	Ward No.	3
Location (Address)	1376 East Ridge Road, Gainesville, GA 30501	Acres	13.36
Existing Structure(s)	none		
Description of Proposed Use	For Sale Housing		

Connect to City Sewer (For Annexations Only)

Does the applicant wish to connect to city sewer?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the applicant plan to request the city to share in the cost of the sewer line extension as a condition of annexation?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If Yes to cost sharing, provide a Letter of Cost Estimate from the Department of Water Resources		

Fee Information

Annexation or De-annexation, Rezoning, or Zoning Amendment	\$500.00
Special Use Permit	\$400.00
Road Action Request	\$250.00
Amount Due (Include all fees required)	\$500.00

Method of Payment

<input checked="" type="checkbox"/> Paid by Check	Check No. <u>31206</u>
<input type="checkbox"/> Paid Cash	Receipt No. <u>91257</u>

Supporting Documents Required in PDF Format

<input checked="" type="checkbox"/>	Concept Plan - Prepared by a Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect
<input checked="" type="checkbox"/>	Plat
<input checked="" type="checkbox"/>	Legal Description of Property - Word DOC or DOCX format
<input checked="" type="checkbox"/>	Narrative Report
<input checked="" type="checkbox"/>	Architectural Rendering
<input type="checkbox"/>	Traffic Impact Study - If applicable
<input type="checkbox"/>	DRI Review - Large scale projects only
<input type="checkbox"/>	Other - Explain

Applicant's Certification: I hereby certify the above information, and all attached information, is true and correct; and that I have read, understand, and have received a copy of the Public Notice Requirements.

Signature of Applicant [Signature]Date March 28, 2025Application Taken By [Signature]Date 3.28.25

Application WITHDRAWAL Notification: I hereby withdraw the above application.

Signature of Applicant _____

Date _____

Zoning Action Request

PROPERTY OWNER AUTHORIZATION

As the owner of the subject property, I hereby authorize the person named below to act on my behalf as Applicant in the pursuit of zoning action for this property.

Applicant's Name, if not Owner	Bryan Brinson, Contact: Steven P. Gilliam, Attorney
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OWNER INFORMATION CERTIFICATION

I swear that I am the owner of the property which is the subject matter of this application, as shown in the records of Hall County, Georgia:

Name of Owner	Bryan Brinson
Owner's Address	1299 Springdale Road
City / State / Zip Code	Gainesville, GA 30501
Owner's Phone Number	404-323-5461
Owner's Cell Phone Number	404-323-5461


NOTARY PUBLIC CERTIFICATION

Personally appeared before me the following:



Signature of Property Owner

who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.



Notary Public
March 28, 2025

Date



In the event there is more than one property owner, a separate Property Owner Authorization page must be completed by each property owner.

Zoning Action Request

PUBLIC NOTICE REQUIREMENTS

City of Gainesville zoning regulations require public notice to be given on all zoning applications as follows:

1. A legal advertisement shall be published no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing. (This requirement is covered by Planning Division staff.)
2. A public notice sign shall be placed in a conspicuous location on the property which is subject to the zoning application. The original public notice sign will be posted by Planning Division staff.
3. It is City policy to notify, by letter, the surrounding property owners within three hundred feet (300') of the applicant's property that an application has been filed and when it will be considered. (This requirement is covered by Planning Division staff.)

As the applicant, you are responsible for ensuring the public notice sign remains on the site during the entire zoning process. The Planning Division staff will prepare and place a sign (or signs) for you. If any problem arises with regard to the sign, notify the City of Gainesville Community Development Department immediately by calling 770-531-6570 so the sign can be replaced. Failure to report problems with the sign during the entire period of the hearings will also result in a delay.

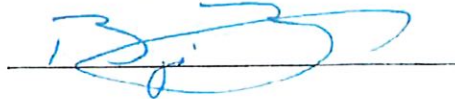
The purpose of the public notice sign is to inform the surrounding property owners that an application has been filed. Placement of the sign in a manner that is not clearly visible violates the requirements. Failure to place the sign in a conspicuous location will result in your request being tabled until the sign is posted as required. Failure to ensure the sign remains posted on the site during the entire zoning process means there will be a delay in the hearing date set for your request. Legally, the City cannot consider a request until proper notice has been given. If it is determined at any time during the zoning process that the sign is not properly placed on the site, the Gainesville Planning and Appeals Board has no choice but to table the request, even if there is no opposition to the application. Many of the board members, as well as the planning staff, visit the sites and will be looking for the sign. Additionally, local citizens, particularly those who receive notice letters, often report when a sign is not visible. The City will not consider your request until it is satisfied that proper public notice has been given.

Multiple sign posting on a site may be required if it is so determined by Planning Division staff to be necessary. Signs should be placed as near to the road as possible so they are clearly visible. The sign(s) cannot be obstructed by vegetation, etc.; may not be placed at an inappropriate distance from the road; or placed on something in such a manner so as to blend into the scenery.

When the zoning process is complete and final action has been taken by the Gainesville City Council, it is the responsibility of the applicant to remove the sign (or signs).

Applicant's Certification: I hereby certify the above information, and all attached information, is true and correct; and that I have read, understand, and have received a copy of the Public Notice Requirements.

Signature of Applicant:



Date: March 23, 2025

Zoning Action Request

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

NOTE: This form is required for all annexation and/or zoning actions

- (a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
- (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- (c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:
- (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

APPLICANT'S CERTIFICATION

I hereby certify that I have read the above campaign disclosure information and declare that (select have or have not)



I have within the two years immediately preceding this date made any campaign contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.




I have not within the two years immediately preceding this date made any campaign contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

*NOTE: If you are an applicant and you have made any such contribution(s), you must provide the information required in subsection (a) above within ten (10) days after the rezoning action is first filed. If you are an opponent and you have made a contribution, you must provide the information required in subsection (c) above at least five (5) calendar days prior to the public hearing by the City Council or any of its agencies on the rezoning application.

(1) Sam Couvillon (Congressional Campaign)
(Name and official position of the City Council Member of the City of Gainesville, Georgia to whom campaign contribution was made)

(2) Amount: \$ 3,300 Date of Contribution: 2/11/25

Signature of Applicant: 

Date: March 28, 2025



SMITH GILLIAM WILLIAMS & MILES

Project Narrative for

1376 East Ridge Road – 13.36 +/- Acres

Website: sgwmfirm.com

Phone: 770.536.3381

Fax: 770.531.1481

Mailing Address: P.O. Box 1098
Gainesville, GA 30503

LOCATION – 1376 East Ridge Road

Gainesville, GA 30501

APPLICANT – 1376 East Ridge Road, LLC, *Brian Brinson*

CONTACT – Steven P. Gilliam, Attorney

CURRENT ZONING – R-I

PROPOSED ZONING – R-II

ACRES – 13.36 +/- Acres

SUMMARY

The accompanying Application seeks a Rezoning from R-I to R-II for 13.36 acres of property located at 1376 East Ridge Road, Gainesville, Georgia 30501. The intent is to develop 93 townhome units of quality, 20' and 24' wide traditional single-family fee simple townhomes with an amenity area and mail kiosk with parking. The proposed use is consistent with the City of Gainesville Future Land Use Plan for residential use and appropriate for the City of Gainesville R-II District for this location, which is residential.

SITE DESCRIPTION

The overall tract is 13.36 acres with direct access from East Ridge Road. The water and sanitary sewer services are provided by the City of Gainesville. There are no known impediments to its successful development for the purposes intended. All roadways within the development shall be designed and constructed to City of Gainesville standards and dedicated to the City of Gainesville for public use. Thereafter, the City of Gainesville will maintain the roads. There shall be a Homeowners Association (HOA) with a Declaration of Restrictive Covenants. The HOA shall be professionally managed until Developer has sold 100% of the units.

Street Address:

Smith Gilliam Williams & Miles, P.A.
340 Jesse Jewell Parkway, Suite 300
Gainesville, GA 30501

In Your Community. In Your Corner.

ADJACENCIES & ACCESS

The property is surrounded by R-I to the north, PUD to the east, AR-1 and I-1 to the south, and H-B and L-I to the west. Access to the property is from East Ridge Road and is adjacent to Lanier Parkway (Hwy 23) to the southeast.

PROJECT DIMENSIONAL STANDARDS

Parcel Size	13.36 +/- acres
Proposed Number of Lots	93
Proposed Density	7.45 U/A
Streets	Public
Water and Sewer Provider	City of Gainesville
Lot Sizes	20' x 100' and 24' x 90'
Amenities	Dog Park; Mail Kiosk with parking
Storm Water Management Areas	2
Minimum Setback from Sidewalk	20.42 feet from back of sidewalk to garage on the 24' lot and 20 feet from back of sidewalk to garage on the 20' lot
Sidewalks – Both Sides of the Street	5 feet
Mail Kiosk (CBU)	1 with parking
Setback from Right of Way	30 feet

ARCHITECTURAL MATERIALS & SITE IMPROVEMENTS

All facades of all residences shall be finished with masonry (brick or stone), wood, or fiber cement/Hardi-plank type siding. The builder intends to build:

- Single Family Fee Simple attached dwellings with one-car garages for the 20' x 100' townhomes, and two-car garages for the 24' x 90' townhomes.
- Front facades with a combination of masonry and fiber cement siding materials
- Side and rear facades with masonry, fiber cement siding, or shake siding
- Speed tables in coordination with City of Gainesville Engineering
- Each unit will be offset 3-4 feet from the neighboring units.
- All buildings contain six units.

SIGNAGE

Entry monument signs shall be located at the northeast and southeast entrances at East Ridge Road. All permanent signage must be outside of any Right of Way or Utility Easement with a Landscape and Signage easement recorded on the Final Plat.

AMENITIES

- Dog Park
- Guest Parking Spaces: 37
- Mail Kiosk (CBU)

CONCEPTUAL MASTER PLAN

The development of the community shall be controlled by the Conceptual Master Plan (the "Plan") attached as exhibit "A". The plan is considered conceptual in nature, and as such, may require minor modifications during the engineering and development process. Modifications to the locations and arrangement of lots, roads, amenities, and other improvements that do not conflict with specific standards and requirements of these conditions may be made by the Developer so long as such modifications do not change the land use, increase the overall density of the project or reduce any established exterior buffers or setbacks.

REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE

Georgia law and the procedures of Hall County requires the Applicant to raise Federal and State constitutional objections during the R-II master plan application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, the following constitutional objections are stated:

The portions of the City of Gainesville Ordinance Code, facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the City of Gainesville Ordinance Code, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by

the City of Gainesville to approve the zoning conditions as requested would constitute a taking of the Applicant's property.

A denial of this Application would constitute an arbitrary and capricious act by the City of Gainesville without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the R-II zoning request would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by the City of Gainesville City Council to approve this Application for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth 8 hereinabove.

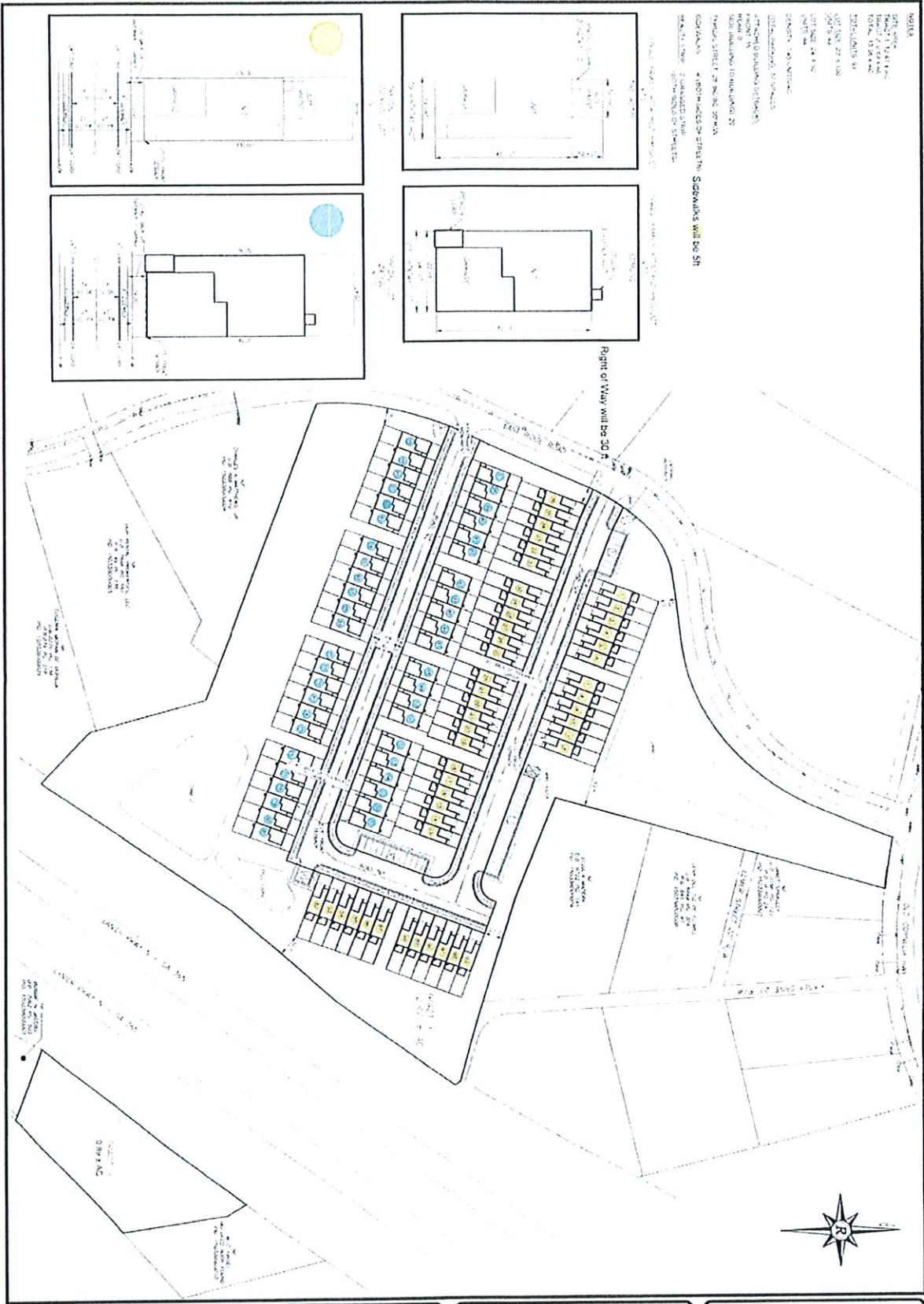
Applicant reserves all due process rights granted to them under O.C.G.A. 36-66-5.1. et. seq, to petition the courts for review of a local government's exercise of zoning, administrative, or quasi-judicial powers, as set forth in those code sections and statutes.

Conclusion

For the foregoing reasons, the Applicant respectfully requests that this requested Rezoning to R-II to the existing R-I zoning be granted as requested by the Applicant. If there are any questions about this request, you may contact:

Bryan Brinson
1376 East Ridge Road, LLC
bryanbrinson@outlook.com
404-323-5461

Steven P. Gilliam
Smith, Gilliam, Williams & Miles, P.A.
sgilliam@sgwmfirm.com
770-536-3381



1
1

DATE: 10/10/18
 BY: [Signature]
 FOR: [Signature]

SITE EXHIBIT

1376 EAST RIDGE ROAD

PID: 15033B000005

1/4 SECTION 16
 TOWNSHIP 1 NORTH
 RANGE 14 EAST
 COUNTY OF ROCK, ILL.

Rochester

DCCM

1000 E. 1st Street, Suite 100
 Rochester, NY 14604
 Tel: 716.255.1234



Sec. 4.3. - Residential 1 (R-1)

4.3.1. Intent

The R-1 district is to be utilized and reserved for low-density single-family residential and agricultural purposes on medium sized lots.

4.3.2. Uses

As defined in Article 7 (Use Provisions), Sec. 7.2 (Allowed Use Table).

4.3.3. Dimensional Standards

See Table 4.3.1 for district standards and Sec. 2.1 (Measurements and Exceptions) for additional requirements.

Table 4.3.1. R-1 Dimensional Standards

Site	
Density:	1 dwelling per lot
Site coverage:	35% max.
Lots	
Lot area: (notes 1, 2)	21,780 sq. ft. min. when serviced by public sewer or private system 35,000 sq. ft. min. otherwise
Lot frontage (regular street, cul-de-sac):	50 ft. min.
Lot width:	See Sec. 2.1.3.E.
Yards	
Front yard:	30 ft. min. or average per Sec. 2.1.4.C.
Side yard:	10 ft. min.

Rear yard:	20 ft. min.
Building Height	
Maximum:	50 feet
Table Notes: 1. Health department requirements regarding minimum lot size and width may differ from these requirements and will prevail where they exceed these requirements. 2. Lots of record as of December 1, 1991, 2 acres in size or less which are serviced by public water and a private septic system may be subdivided into lots at least 30,000 square feet in area through the minor subdivision process.	

4.3.4. Overlay Compliance

See [Article 6](#) (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

4.3.5. Other Standards

See [Article 2](#) (Rules Common to All Districts) and [Article 7](#) (Use Provisions) and [Article 8](#) (Site Development) for additional standards which may be applicable.

CHAPTER 9-5-4. - R-II RESIDENTIAL DISTRICT

EXHIBIT C

Sec. 9-5-4-1. - Purpose and intent.

The R-II Residential District is established to provide for single-family, two-family and multifamily residential development, along with other uses that are compatible with a residential environment such as recreational, educational and religious facilities. This district is intended to implement the following categories of the city's future land use map: urban residential low, including areas containing or planned for urban residential development at a density range of four to five dwelling units per acre; urban residential medium, including areas containing or planned for urban residential development at a density range of five to ten dwelling units per acre; and urban, high-density residential, including areas containing or planned for urban residential development at a density range of ten to 12 dwelling units per acre.

(ULDC 2005, § 9-5-4-1)

Sec. 9-5-4-2. - Permitted and special uses.

Permitted and special uses shall be as provided in table 9-5-1, permitted and special uses for residential zoning districts.

(ULDC 2005, § 9-5-4-2)

Sec. 9-5-4-3. - Dimensional requirements.

Dimensional requirements shall be as provided in table 9-5-2, dimensional requirements for residential zoning districts.

(ULDC 2005, § 9-5-4-3)

Sec. 9-5-5-3. - Dimensional requirements.

Dimensional requirements shall be as provided in table 9-5-2, dimensional requirements for residential zoning districts.

Table 9-5-1. Permitted and Special Uses for Residential Zoning Districts


• = Permitted	O = Special Use	X = Not permitted
Permitted use: A use by right which is specifically authorized in a particular zoning district, or permitted by right in a particular overlay zone.	Special use: A use that would not be appropriate generally or without restriction throughout a particular zoning district and is not automatically permitted by right within said zoning district, but which, if controlled as to number, area, location, relation to the neighborhood or other pertinent considerations, may be found to be compatible and approved by the governing body in accordance with this Unified Land Development Code. An approved special use runs with the property.	Use is prohibited.

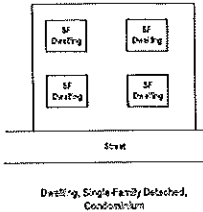
<i>Use</i>	<i>Definition</i>	<i>Specific Regulations</i>	<i>R-I-A</i>	<i>R-I</i>	<i>N-C</i>	<i>R-II</i>	<i>R-O</i>
<i>Agricultural Uses</i>							

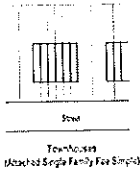
Agriculture	<p>Agriculture: Farming, including plowing, tilling, cropping, utilization of best management practices, seeding, cultivating or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise. The term "agriculture" specifically includes "horticulture," (i.e., orchards), or the growing of fruits, vegetables, herbs, flowers or ornamental plants. The term "agriculture" also includes plant nurseries and greenhouses, where lands or structures are used primarily to cultivate trees, shrubs, flowers or other plants.</p>	•	X	X	X	X	
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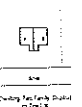

Animal quarters for horses only, with an allowable intensity of one horse per two acres (principal use)	Animal quarters: Any building or structure which surrounds or is used to raise, breed (husbandry), house, shelter, care for, feed, exercise, train, exhibit, display, or show any animals or livestock other than domestic pets. This is not intended to apply to nonstructural, fenced land for grazing. This includes the term "barn" when used to shelter livestock or other animals.	Section <u>9-10-3-8</u>	•	X	X	X	X
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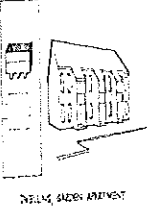
Forestry	Forestry: An operation involved in the growing, conserving, and managing of forests and forest lands. Forestry operations or practices include the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes, the construction of roads, insect and disease control, fire protection, and may include the temporary operation of a sawmill and/or chipper to process the timber cut from the parcel or parcels. The term "forestry" does not include the cutting of timber associated with approved land development.	•	X	X	X	X	
Riding academy or equestrian center	Riding academy or equestrian center: An establishment where horses are kept for riding or are kept for competition or educational purposes incidental to a club, association, ranch, educational institution or similar establishment but which does not involve commercial sales and is not open to the general public for a fee.	O	X	X	X	X	
<i>Residential Uses</i>							

Dwelling, single-family, detached, fee- simple	 <small>RESIDENTIAL, SINGLE-FAMILY, DETACHED</small>	Dwelling, single-family, detached, fee- simple: A site- built residential building, or a single-family residential industrialized building designed for occupancy by one family only, where each dwelling is located on its own lot. The term "dwelling, single-family, detached, fee- simple," does not include manufactured homes or mobile homes.	Section <u>9-10-2-6</u>
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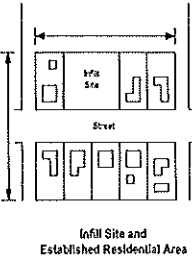
<p>Dwelling, single-family, detached, condominium</p>	 <p>Dwelling, Single-Family Detached, Condominium</p>	<p>Dwelling, single-family, detached, condominium:</p> <p>A site-built residential building, or residential industrialized building designed for occupancy by one family only, where more than one dwelling is located on a single lot and the land is owned in common. The term "dwelling, single-family, detached, condominium," does not include manufactured homes or mobile homes.</p>	<p>Section <u>9-10-2-3</u></p>	X	X	X	•	•
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Dwelling, single-family attached (townhouse)		Dwelling, single-family attached, fee- simple (townhouse): One of a group of three or more single- family, attached dwelling units under fee- simple ownership. Attached single-family dwellings that are not under fee-simple ownership are considered row houses (multifamily dwellings).	Section <u>9-10-2-5</u>	X	X	X	•	•
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Dwelling, two-family (duplex)	  <p>Diagram 1: Dwelling Two-Family Duplex on One Lot</p> <p>Diagram 2: Dwelling Two-Family Duplex, Each Unit on Its Own Lot</p>	<p>Dwelling, two-family (duplex):</p> <p>A building designed or arranged to be occupied by two families living independently of each other. The building contains two dwelling units either on one lot, or, each dwelling is located on its own lot in fee-simple title and the two dwelling units are attached along a common property line.</p>	Section <u>9-10-2-6</u>	X	X	X	•	•
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Dwelling, multifamily, including apartments, condominiums, and cooperatives		Dwelling, multifamily, including apartments, condominiums, and cooperatives: A building other than a duplex, designed for or occupied exclusively by three or more families with separate household facilities for each family. The term "dwelling, multiple-family, including apartments, condominiums, and cooperatives" includes attached residential condominiums, row houses (not fee-simple	Section <u>9-10-2-3</u>	X	X	X	•	•
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		ownership) and apartments.						
Industrialized building (home)	Industrialized building home: Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.			X	X	X	•	•

<p>Infill residential development project</p>		<p>Infill residential development project: A development containing detached, site-built, single-family dwellings or single-family residential industrialized buildings constructed on property in an established residential area containing detached, single-family dwellings on individual lots. This use does not prevent the redevelopment or further subdivision of property within the R-I-A, R-II and R-O zoning districts.</p>	<p>Chapter <u>9-10-12</u>, section <u>9-10-2-6</u></p>	<p>X</p>	<p>•</p>	<p>•</p>	<p>X</p>	<p>X</p>
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Model home	Model home: A principal residential building, temporarily open to viewing by prospective homebuyers, on property containing or proposed to contain a residential subdivision, and which may also be used temporarily as real estate sales office for lots in the residential subdivision.	•	•	•	•	•	
Relocated residential structure	Relocated residential structure: A detached, site-built, single-family dwelling or single-family residential industrialized building (i.e., excluding a manufactured home or mobile home) that is moved or disassembled into more than one structure and moved to another site, whether temporarily or permanently.	Sections <u>9-10-2-4</u> , <u>9-10-2-6</u>	•	•	•	•	•
<i>Recreational Uses</i>							

Community recreation facility	Community recreation facility: A private recreational facility for use solely by the residents and guests of a particular residential development and located within the boundaries of such development, which may include any of the following: indoor facilities such as community meeting rooms; and outdoor facilities such as swimming pools, tennis courts, and playgrounds.	Section <u>9-10-2-1</u>	•	•	•	•	•
Conservation area	Conservation area: Any land set aside for conservation of the land in its natural state.		•	•	•	•	•
Golf course as part of residential subdivision	Golf course as part of residential subdivision: A recreational facility involving the game of golf, designed within or around but on the same development site as a residential subdivision, for members which include, but may not be limited to, residents of the residential subdivision of which it is a part.	O	O	O	O	X	
<i>Institutional Uses</i>							

Cemetery	Cemetery: The use of property as a burial place.		X	O	O	O	O
Church, temple, synagogue, or place of worship	Church, temple, synagogue, or place of worship: A building or structure, or group of buildings or structures, which, by design and construction, are primarily intended for conducting organized religious services. Associated accessory uses include, but are not limited to, schools, meeting halls, indoor recreational facilities, unlighted outdoor recreational facilities, day care, counseling, and kitchens. The term "church, temple, synagogue, or place of worship" includes synagogues, temples, and other places of worship.	Section <u>9-10-5-1</u>	•	•	•	•	•

Club or lodge, nonprofit	<p>Club or lodge, nonprofit: A building or premises, used for associations or organizations of an educational, fraternal, or social character, not operated or maintained for profit.</p> <p>Representative organizations include Elks, Veterans of Foreign Wars, and Lions and for youth activities such as boys and girls clubs. The term "club or lodge, nonprofit" includes civic, social, fraternal organizations operating on a nonprofit basis.</p> <p>The term "club or lodge, nonprofit" shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.</p>	Section <u>9-10-5-2</u>	O	O	O	O	O
Continuing care retirement community	<p>Continuing care retirement community: A residential facility providing multiple, comprehensive services to older adults. Such facility normally contains a combination of independent living units, assisted living, and skilled nursing care units.</p>	Section <u>9-10-5-3</u>	X	X	X	O	O

Crisis center	Crisis center: A facility or portion thereof and premises that are used for the purposes of emergency shelter, crisis intervention, including counseling, referral, hotline response, and similar human social service functions. Said facility may include meal preparation, distribution, or service for residents of the center as well as nonresidents, merchandise distribution, or shelter, including boarding, lodging, or residential care. The term "crisis center" includes domestic violence and centers, homeless shelters, and halfway houses.		X	X	X	O	O
Group home	Group home: A single household of four or more unrelated persons, whether or not they are developmentally disabled, and whether or not they are under the supervision of a resident manager.	Section <u>9-10-5-5</u>	X	X	X	O	O

Institutionalized residential living and care facilities, serving 18 persons or less	Institutional residential living and care facility, serving 18 persons or less: An umbrella term that encompasses the following uses: assisted living facility, convalescent home, personal care home, intermediate care home, nursing home, and skilled nursing care facility.	Section <u>9-10-5-4</u>	X	X	X	O	O
Roominghouse	Roominghouse: A single household within which a resident family or manager offers lodging or lodging and meals to two or more unrelated adults in exchange for monetary compensation or other consideration.	Section <u>9-10-5-5</u>	X	X	X	O	O
School, private: elementary, middle, or high	School, private, elementary, middle, or high: An educational use for students in grades K through 12 or for only certain ranges of grades K through 12, not operated by the city school system or the county board of education, which has a curriculum at least equal to a public school with regard to the branches of learning and study required to be taught in the public schools of the state.	

School, professional	School, professional: An educational institution with a curriculum and offering instruction in a profession devoted primarily to business, such as, but not limited to, dancing, acting, barbers and beauticians, broadcasting, bartending, and including medical specialties (e.g., therapeutic massage). This is distinguished from a trade school and other types of schools, as defined.		X	X	X	X	•
School, special	School, special: An educational use not operated by the city school system or the county board of education that provides special education to more than two students at a time, including, but not limited to, the training of gifted, learning disabled, and mentally or physically handicapped persons.		O	O	O	O	•
<i>Office and Commercial Uses</i>							

Adaptive reuse of a detached, single-family dwelling for an office	Adaptive reuse of a detached, single-family dwelling for an office: The conversion of a detached, single-family dwelling to a new, different use.		X	X	X	X	•
Adaptive reuse of a detached, single-family dwelling for personal service establishment	Adaptive reuse of a detached, single-family dwelling for personal service establishment: The conversion of a detached, single-family dwelling to a new, different use.		X	X	X	X	O
Adaptive reuse of a detached, single-family dwelling for a restaurant without drive-through	Adaptive reuse of a detached, single-family dwelling for a restaurant without drive-through: The conversion of a detached, single-family dwelling to a new, different use.		X	X	X	X	O
Adaptive reuse of a detached, single-family dwelling for an enclosed retail establishment	Adaptive reuse of a detached, single-family dwelling for an enclosed retail establishment: The conversion of a detached, single-family dwelling to a new, different use.		X	X	X	X	O

Bed and breakfast inn	Bed and breakfast inn: A business establishment operated within a dwelling by the owner-occupant, offering temporary lodging and one or more meals to the traveling public while away from their normal places of residence.	Section <u>9-10-6-2</u>	X	X	X	X	O
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Business service establishment, not exceeding 2,500 square feet of gross floor area	Business service establishment, not exceeding 2,500 square feet of gross floor area: The use of a building or premises primarily for rendering a service to other business establishments on a contract or fee basis, such as advertising, credit reporting, computer programming and data processing, photocopying, blueprinting and duplication services, commercial art and graphic design, mailing agencies, employment services, detective, protective, and security system services, accounting, auditing, and bookkeeping services, messenger services and couriers, business consulting firms, interior decorating, and locksmiths. This use is distinguished from an "office" use in that business service establishments have frequent visitations by patrons or clients of such business services.		X	X	X	X	O
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Clinic	Clinic: An institution or professional office, other than a hospital or nursing home, where persons are counseled, examined, and/or treated by one or more persons providing any form of healing or medical health service. Persons providing these services may offer any combination of counseling, diagnostic, therapeutic or preventative treatment, instruction, or services, and which may include medical, physical, psychological, or mental services and facilities for primarily ambulatory persons. Patients are not lodged overnight and are admitted for examination or treatment requiring only short (e.g., a matter of a few hours) recovery time.		X	X	X	X	O
Custom order shop	Custom order shop: A business establishment that offers merchandise but which maintains no merchandise inventory on site other than display items (which shall not be visible from the exterior of the building).		X	X	X	X	O

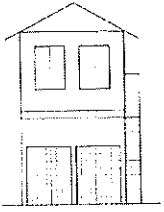
Day care center serving 18 persons or less	Day care center serving 18 persons or less: Any place operated by a person, society, agency, corporation, institution or group, and licensed or registered by the state as a group day care home or day care center, wherein are received for pay for group supervision and care, for fewer than 24 hours per day, seven or more children under 18 years of age.	Section <u>9-10-6-4</u>	X	X	X	O	O
Museum	Museum: A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public with or without an admission fee, and which may include as an accessory use the sale of snacks and goods to the public as gifts or for their own use.		X	X	X	X	•

Office	Office: A building or portion thereof wherein services are performed involving predominantly administrative, professional or clerical operations and not involving retail sales or other sales of any kind, or business service establishments on the premises.		X	X	X	X	•
Personal service establishment, 2,500 square feet or less of gross floor area per establishment	Personal service establishment, 2,500 square feet or less of gross floor area per establishment: A facility engaged in the provision of services to persons and their apparel, including, but not limited to, barbershops and beauty shops, coin-operated laundromats, full-service laundries, dry cleaners, photographic studios, massage therapy, shoe repair and shoeshine shops, tattoo parlor and travel agencies.		X	X	X	X	O

Short-term rental	Short-term rental: The occupancy of all or a portion of a residential structure, rented to the public for a fee for the purpose of overnight lodging for a period not more than 15 days. The term "short-term rental" includes Airbnb, Vrbo and the like.		X	X	X	X	•
Special event facility	Special event facility: A facility or assembly hall available for lease by private parties or special events such as weddings.		X	X	X	X	O
<i>Other Uses</i>							
Mixed-use building	Mixed-use building: A building designed, planned and constructed as a unit, used partially for residential use and partially for office, personal service, retail, entertainment or public uses. The term "mixed-use building" includes live-work units, which are jointly used for commercial and residential purposes but where the residential use of the space is secondary or accessory to the primary use as a place of work.		X	X	X	X	O

Public use	Public use: Any building, structure, or use owned and/or operated by the federal government, state, county or other county, the city, another municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, such as, but not limited to, the following: government administrative buildings, post offices, police and fire stations, schools, libraries and publicly operated museums, public health facilities and public hospitals, public works camps, parks and community centers, public roads and streets, airports, water and sanitary sewerage intake, collection, pumping, treatment, and storage facilities, emergency medical facilities, and jails and correctional facilities.	
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Utility company substation	Utility company substation: A facility used for the transmission or distribution of services provided by a utility company, such as an electrical transformer station, telephone junction box, cable box, television box, or natural gas regulator station.	Section <u>9-10-10-4</u>	•	•	•	•	•
<i>Accessory Uses</i>							
Accessory use or structure	Accessory use or structure: A use or structure that is permitted on a property in conjunction with a principal use. An accessory use or structure is incidental to the principal use and would not exist independent of the principal use.	Sections <u>9-10-1-1</u> , <u>9-10-3-2</u>	•	•	•	•	•

Accessory apartment, detached	 <p>Accessory Apartment Detached above Garage Structure</p>	Accessory apartment, detached: A second dwelling unit that is added to an existing accessory structure (e.g., residential space above a detached garage), or as a new freestanding accessory building, for use as a complete, independent living facility for a single household, with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is considered an	Section <u>9-10-3-4</u>	X	X	X	.	.
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		accessory use to the principal dwelling. The term "accessory apartment, detached," includes the term "garage apartment."						
Accessory apartment, attached	Accessory apartment, attached: A second dwelling unit that is added to the structure of an existing site-built single-family dwelling or residential industrialized building, for use as a complete, independent living facility for a single household, with provision within the accessory apartment for cooking, eating, sanitation and sleeping (e.g., "in-law suite"). Such a dwelling is considered an accessory use to the principal dwelling.	Section <u>9-10-3-4</u>	X	X	X	•	•	

Construction field office	Construction field office: A building or structure temporarily located on a site under development and/or construction which houses offices of the construction contractor. The term "construction field office" includes the term "construction trailer."		•	•	•	•	•
Family day care home	Family day care home: A private residence in which a business, registered by the state, is operated by any person who receives therein (for pay) for supervision and care for fewer than 24 hours per day, three to not more than six children under 18 years of age who are not residents in the same private residence. For purposes of this Unified Land Development Code, a family day care home may be operated as a home occupation, subject to the requirements of this article.	Chapter <u>9-10-4</u>	•	•	•	•	•

Guesthouse	Guesthouse: An accessory use to a dwelling designed and intended for the occasional housing of visitors to a property at the behest of the property residents for no fee or other consideration, not rented or otherwise used as a separate dwelling.	Section <u>9-10-3-3</u>	•	•	•	•	•
Home occupation	Home occupation: Any use, occupation or activity conducted entirely within a dwelling by the residents thereof, which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof.	Chapter <u>9-10-4</u>	•	•	•	•	•
Tower, amateur radio	Tower, amateur radio: A freestanding or building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.		O	O	O	O	O

Yard sale	Yard sale: The temporary sale of home furniture, appliances, clothing and/or domestic items owned by an occupant of a residential dwelling and taking place on the premises on which such occupant resides, whether in the yard or in a carport or garage. Yard sales which do not take place on the premises where such occupant resides are considered open-air businesses, except that this shall not be construed to prevent the sale of such items by another family or household in connection with an event where such items are sold by the occupant of a residence on the premises where the yard sale occurs. The term "yard sale" includes garage sales.	Section <u>9-10-3-6</u>
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Table 9-5-2. Dimensional Requirements For Residential Zoning Districts

	<i>R-I-A</i>	<i>R-I</i>	<i>N-C</i>	<i>R-II</i>	<i>R-O</i>
<i>Building and Site Requirements</i>					
Maximum residential density (dwelling units per acre)	2.18	2.18	2.18	12.0	12.0

Minimum lot size, detached, single-family dwelling (square feet)	20,000	20,000*	20,000*	7,500	10,000
Minimum lot size, two-family dwelling (square feet)	NP	NP	NP	7,500	10,000
Minimum lot size for other permitted uses (square feet)	20,000	20,000	20,000	7,500	10,000
Minimum road frontage (feet)	40	40	40	40	40
Minimum lot width, all uses (feet)	100	75	60	60	75
Maximum building coverage (percent of lot area)	20	25	25	35	35
Maximum impervious surface coverage (percent of lot area)	40	50	50	60	60
Minimum landscaped open space for non-single-family residential use if permitted (percent of lot area)	20	20	20	20	20
<i>Height Requirements</i>					
Maximum height (feet)	50	50	50	60	50
Maximum height (number of stories)	3	3	3	4	3
<i>Principal Building Setbacks and Buffers</i>					
Front setback, all streets (feet)	40	30	30	30	30

Side setback (unless otherwise specified) (feet)	15	10	10	10	10
Rear setback (unless otherwise specified) (feet)	25	20	20	20	20
Side or rear vegetative/structural buffer** when abutting an R-I-A, R-I, or N-C district (feet)	-	-	-	20	20
U.S. Army Corps of Engineers property line (unless otherwise specified) (feet)	-	-	-	-	-
<i>Accessory Building Setbacks and Buffers</i>					
Front setback (feet)	NP	NP	NP	NP	NP
Side setback (unless otherwise specified) (feet)	10	10	10	10	10
Rear setback (unless otherwise specified) (feet)	10	10	10	10	10
Side or rear vegetative/structural buffer** and building setback when abutting an R-I-A, R-I, or N-C district (feet)	10	10	10	20	20
U.S. Army Corps of Engineers property line (unless otherwise specified) (feet)	-	-	-	-	-
<i>Landscape Strips</i>					

Minimum landscape strip required along rights-of-way for any non-single-family residential use (width in feet)	20	20	20	20	20
Minimum landscape strip required along right-of-way of existing street for any residential subdivision involving a new street with more than five lots (along that part of the frontage not used for the new street). Plantings within landscape strips shall not obstruct sight visibility triangle easements.	20	20	20	20	20

NP = Not Permitted

*Lot size may be reduced in this zoning district to 10,000 square feet within infill residential development projects, subject to the requirements of chapter 9-10-12.

**Required zoning buffers may be reduced in width with installation of a structural buffer as provided in chapter 9-16-2.

(ULDC 2005, § 9-5-5-3; Ord. No. 2008-43, § III, 11-18-2008; Ord. No. 2009-47, §§ III, IV, 12-15-2009; Ord. No. 2011-02, § II, 1-18-2011; Ord. No. 2013-10, § I, 6-13-2013; Ord. No. 2022-09, § I, 3-1-2022)

City of Gainesville Annexation - Bryan Brinson

