

**ZONING
ORDINANCE
BUCHANAN, GEORGIA**

**Adopted
June 20, 2022**

**ZONING ORDINANCE
OF
BUCHANAN, GEORGIA**

Prepared by:

CITY OF BUCHANAN PLANNING COMMISSION

With assistance from

**THE NORTHWEST GEORGIA
REGIONAL COMMISSION**

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ZONING ORDINANCE

CITY OF BUCHANAN, GEORGIA

An Ordinance of the City of Buchanan, Georgia, regulating the location, height, bulk, number of stories and size of buildings and other structures, the size of yards, courts, and other open spaces, the percentage of lot that may be occupied, the density and distribution of population, the uses of buildings, structures, land and water for trade, industry, commerce, residences, recreation, public activities or other purposes, creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the method and administration and amendment; creating and defining the powers and duties of the Board of Zoning Appeals; providing penalties and remedies for violation; and repealing all amendments thereto and all conflicting Ordinances; and for other purposes.

AN ORDINANCE OF THE CITY OF BUCHANAN, GEORGIA:

REGULATING THE LOCATION, CONSTRUCTION, AND USE OF BUILDINGS, STRUCTURES, AND LAND: AND FOR DIVIDING THE INCORPORATED AREA INTO DISTRICTS FOR SUCH PURPOSES AND ESTABLISHING BOUNDARIES THEREFORE: PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT: AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BUCHANAN, GEORGIA:

ARTICLE I - SHORT TITLE AND PURPOSE

Section A. Short Title. This Ordinance shall be known and may be cited as "The Zoning Ordinance of the City of Buchanan, Georgia."

Section B. Purpose and Intent: The purpose of this Ordinance is to establish minimum standards for the use of land and improvements thereon in the incorporated area of the City of Buchanan, Georgia. The Ordinance will serve as a tool to promote health, safety, morals, convenience, order, prosperity or the general welfare of the present and future residents of the City of Buchanan; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population, to provide adequate transportation, water, sewerage, parks and open spaces and other public requirements; to protect properties against blight and depreciation; to promote desirable living conditions; to sustain the stability of neighborhoods and the value of buildings; to encourage the most appropriate use of land, buildings and other structures throughout the City; to protect and conserve irreplaceable natural resources; to secure economy in government expenditures; to minimize visual blight and enhance scenic characteristics and for other purposes, all in accordance with the adopted comprehensive plan of the City of Buchanan, or equivalent.

Authority: The Mayor and Council of the City of Buchanan, Georgia does hereby ordain and enact into law the following Articles, Sections and Maps of the Zoning Ordinance of the City of Buchanan in accordance with the authority contained in Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia, as amended.

The requirements of these regulations are minimum permissible standards; and it is expected that developers and the Buchanan Planning Commission will routinely strive for quality development which will exceed these minimum requirements.

ARTICLE II - DEFINITIONS

Section A. Rules. Words used in the present tense include the future tense; words used in the singular number include the plural and the plural, the singular; the word 'person' includes a firm, company, partnership or corporation; the word "building" includes the word "structure", the word "shall" is always mandatory; the word "may" is permissive; the word "erected" includes the word "constructed", "moved", "located", or "relocated"; the word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied"; the word "lot" includes the word "plot" or "parcel"; all measured quantities shall be to the nearest integral unit of measure, and if a fraction is one-half or greater, the next highest integral unit shall be used (note: except density computations which require the lowest, whole unit). "Map" means "Zoning Map" of the City of Buchanan, Georgia.

Section B. Use of Definitions. Any word not herein defined shall be as defined elsewhere in the Zoning Ordinance or, if not defined elsewhere in the Zoning Ordinance, as defined in Webster's New World Dictionary of the American Language - Second College Edition, the said definition to be read in context with the purposes and provision of the part of the Ordinance it is being used to define.

Section C. Definitions.

Accessory Building. A building subordinate or supplemental to the main building on a lot and used for purposes customarily incidental to that of a main or principal building and located on the same lot.

Accessory Structure. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building. See Figure 1: Accessory Structure.

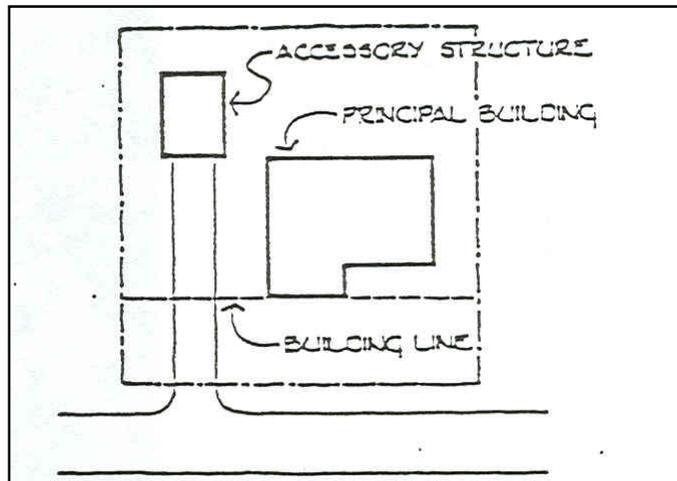


Figure 1: Accessory Structure

Accessory Use. A use customarily incidental and subordinate to the principal use or building, and located on the same lot with such principal use or building.

Addition. (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adult Business. 1) any business which is conducted exclusively for the patronage of adults and to which minors are specifically excluded from patronage there at either by law or by the operators of such business; or 2) any business where employees or patrons expose specified anatomical areas, as further defined in the City Ordinance or engage in specified sexual activities, as further defined in the

City Ordinance; or 3) any other business or establishment which offers its patrons services, products, or entertainment characterized by an emphasis on matter depicting, describing, discussing or relating to specified sexual activities or specified anatomical areas.

Agricultural. The cultivation or growth from or on the land of horticultural, floricultural, forestry, dairy, livestock, poultry, or apiarian products. Included within the definition of "agriculture" shall be the importation, storage, or distribution in bulk, unpackaged form of raw materials directly to persons engaged in agriculture. "Raw materials" for purposes of this definition shall include organic materials such as straw, hay, animal feeds, sawdust, mulches, and like items. "Raw materials" shall also include inorganic dolomitic lime. "Raw materials" shall not include farm equipment, building materials, chemicals, fertilizer, manure not produced on the premises, packaged materials not produced on the premises, materials distributed for resale not produced on the premises, or materials not expended in the production of the above listed products.

Agritourism. A portion of the travel industry which, for a fee, offers education, entertainment, relaxation, hospitality, shopping, or dining experiences in the context of outdoor adventures, while visiting working farms, orchards, ranches, wineries, and other agricultural operations.

Alley. A public or private thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alteration. Any change in the supporting members of a building or structure such as bearing walls, columns, and girders, except such emergency change as may be required for safety purposes; any addition to a building; any change in use from that of one district classification to another; or, any movement of a building from one location to another.

Amusements, Commercial. Businesses which operate for a profit by amusing or entertaining patrons through the use of electronic/video pinball games; pool/ping pong tables; miniature racetracks, gaming devices, etc.; services may include light food/refreshment services, but not including establishments serving alcoholic beverages or indoor/outdoor shooting ranges.

Animal Hospital. A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

Animal Husbandry. The production of animals (livestock) and/or the by-product thereof.

Animal Quarters. Any structure which surrounds or is used to shelter, care for, house, feed, exercise, train, exhibit, display or show any animals, other than fenced pasture land for grazing.

Animal Shelter. See Kennel.

Apartment. See Dwelling, Multi-Family.

Aquifer. Any Stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

Assisted Living Home/Facility. See "Personal Care Home."

Auditorium. An open, partially enclosed, or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions, competitions, and other public gatherings. The term includes civic centers, trade centers, arenas, stadiums, assembly halls, and community centers, but shall not include a cinema/movie or drama/dance theater.

Bed and Breakfast Home. A single family dwelling occupied by the owner as his/her principal residence that offers transient lodging accommodations and breakfast for compensation provided that: the rental occupants shall not reside at the bed and breakfast for more 7 consecutive days; breakfast is the only meal served and only to registered overnight guests; no person not a resident on the premises is employed; the exterior appearance of the dwelling is not altered from its residential character except for safety purposes; and, the identification sign shall be no larger than 2 square feet and not internally lighted.

Bed and Breakfast Inn. A building, not necessarily owner-occupied, that offers transient lodging accommodations and breakfast for four (4) or more guest rooms for compensation provided that:

- a) Compliance with the same licensing, inspection and taxation requirements as hotels, motels, and restaurants.
- b) If within a residential district, the building shall be residential in character.
- c) Breakfast is the only meal served and only to overnight guests.
- d) The owners may have employees.
- e) The owner shall provide one (1) off-street parking space for each rental room and one (1) space for each employee.
- f) In a residential district, signage shall be limited to one (1) sign and maximum size of two (2) square feet.

Berm. A mound of earth, or the act of pushing earth into a mound. See Figure 2: Buffer.

Boarding House. A dwelling, permanently occupied by the owner or operator, where sleeping accommodation and meals, served upon the table family style with no provision for cooking in any of the occupied rooms, are provided for five (5) or more persons not of the same family by prearrangement for definite periods and for compensation.

Buffer. A buffer is a portion of lot set aside for open space and/or screening purpose, to shield or block noise, light, glare, or visual or other nuisances; to block physical passage to dangerous areas; or to reduce air pollution, dust, dirt, and litter. A buffer may contain a

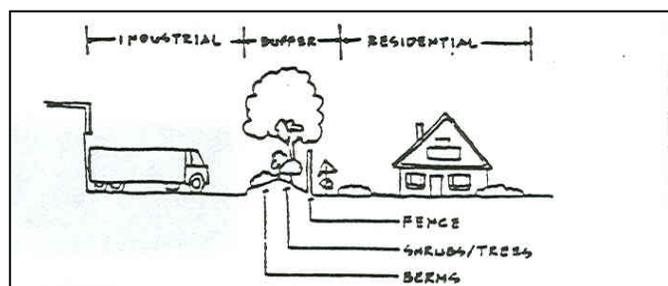


Figure 2: Buffer

barrier, such as a berm, wall or fence, where such additional screening is necessary to achieve the desired level of buffering between various activities. See Figure 2: Buffer.

Buffer, Natural. A natural buffer is an enhanced vegetated area with no or limited minor land disturbances, such as trail and picnic areas.

Building. Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

Building Height. The vertical distance measured from the highest grade adjacent to the highest point of roof surface of a flat roof, to the deck line of a mansard roof, or to the average height between eaves and ridges of a gable, hip, or gambrel roof.

Building Line. A line parallel to the street right-of-way line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located. When the lot frontage is an arc and less than the minimum required lot width, the building line is parallel to the chord of the arc and located where the minimum lot width requirement is obtained between the side lot lines. (See Setback).

Building, Principal. A building in which is conducted the main use of the lot on which said building is located.

Caliper. Diameter measurement of the trunk taken six (6) inches above ground level for trees up to and including four inch caliper size.

Campground, Public or Private. Land or premises used or occupied for compensation by campers traveling by passenger vehicles and utilizing tents, campers, travel trailers, or other recreation vehicles.

Cellar. A level within a building having more than on-half of its height on all sides below grade.

Caretaker Dwelling or Employee Residence. An accessory single-family dwelling placed on an occupied tract for use by a farm worker or other tract owned by the same owner of the agricultural activity and that is a part of the same farming operation.

Cattery. Any place that regularly breeds, boards, trains, buys, sells or trades any cat.

Cemetery, Private. Any plot of ground, building, mausoleum, other enclosure used for the burial of deceased persons of one collateral line of descent.

Cemetery, Public. A plot of ground, building, mausoleum, or other enclosure not located on property owned by or adjacent to a religious institution but used for the burial of deceased persons.

Cemetery, Religious Institution. A plot of ground, building, mausoleum, or other enclosure owned by or adjacent to a religious institution and used for the burial of deceased persons who are generally members of that religious institution.

Child Care Facility. A building or portion of a building wherein is provided care and supervision of persons away from their place of residence for less than twenty-four hours per day on a regular basis for compensation; serves nineteen (19) or more persons and is licensed by the State of Georgia; for children, the outdoor play area shall be enclosed by a fence of not less than four (4) feet in height in the rear yard only. For the purposes of this Ordinance, the term "Child Care" shall include but not be limited to the terms "Day Care", "Nursery School", "Early Learning Center", "Pre-kindergarten", "Private Kindergarten", "Play School", and "Pre-school".

Child Care Home, Family. A customary home occupation which provides, for six (6) or less persons who are not residents of the premises; care and supervision by a state of Georgia registered resident adult for less than twenty-four (24) hours per day on a regular basis for compensation.

Child Care Center, Group. A building or portion of a building wherein is provided care and supervision of persons away from their place of residence for less than twenty-four (24) hours a day on a regular basis for compensation; serves seven (7) to eighteen (18) persons and is licensed by the State of Georgia.

Church. A building in which persons regularly assemble for religious worship of the same faith and which is publicly designated as a church, but shall not include a parsonage, thrift or clothing store, food service, homeless shelters, or accessory uses of a church.

Church, Accessory Use of. A use customarily incidental and subordinate to the principal use of a building as a church, including uses such as day care facilities, kindergartens, family exercise or sport facilities, mausoleums, and columbariums.

Clinic. A building or a portion of a building, where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing together.

Club, Private. A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose but not primarily for profit or to render a service which is customarily carried on as a business.

Columbarium. A vault with niches for urns containing the ashes of cremated bodies.

Combination Park. Any plot or tract of land on which both a manufactured home park and a travel trailer park are located or intended to be located.

Commission. The Buchanan Planning Commission or equivalent.

Commissioners. The Board of Commissioners of Haralson County, Georgia.

Community Center. See Neighborhood Center.

Comprehensive Plan. The Buchanan comprehensive plan, or equivalent, currently known as *Haralson County, Bremen, Buchanan, Tallapoosa, and Waco Joint Comprehensive Plan, 2022-2026*, as adopted and as may be subsequently amended by the governing authority.

Conditional Use. A use not ordinarily permitted but which may be permitted in a particular zone district upon the imposition of conditions related to the promotion of the public health, safety, morals, or general welfare and designed to minimize the negative impact on surrounding lands. Review of any conditional use is required by the procedures established by the Buchanan Zoning Procedures and Standards Ordinance. (See Appendix)

Condominium. A building or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Convenience Store. Any retail establishment offering for sale prepackaged food products, beverages, household items, and other goods commonly associated with the same.

Cultural Facility. A structure or portion of a structure used as art gallery, museum, historical display, legitimate theatre, library, and other uses similar in character to those listed.

Day Care Facility. A building or portion of a building wherein is provided care and supervision of persons away from their place of residence for less than twenty-four hours per day on a regular basis for compensation; serves nineteen (19) or more persons and is licensed by the State of Georgia. For the purposes of this Ordinance, the term "day care" shall include but not be limited to the terms "child care", "nursery school", "early learning center", "pre-kindergarten", "private kindergarten", "play school", and "pre-school".

Day Care Home, Family. A customary home occupation which provides, for six (6) or less persons who are not residents of the premises; care and supervision is provided by a state of Georgia registered resident adult for less than twenty-four (24) hours per day on a regular basis for compensation.

Day Care Center, Group. A building or portion of a building wherein is provided care and supervision of persons away from their place of residence for less than

24 hours a day on a regular basis for compensation; serves seven (7) to eighteen (18) persons and is licensed by the State of Georgia.

DBH (diameter breast height). The diameter of a tree four and one-half (4 1/2) feet above average ground level.

Development. Subdividing a tract of land into two or more lots whether for sale or rental; construction, erection, or expansion of a structure; filling, grading, excavation or land disturbing activities affect more than one acre; recordation of a plat in the office of the Clerk of Superior Court (unless such recordation is to illustrate a deed line such as with a land boundary line agreement); or the location of a facility.

District. A delineated section or sections of the City of Buchanan for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Drive-In. Any use providing the opportunity of selling, serving, or offering goods or services directly to customers waiting in vehicles or customers who return to their vehicles to consume or use the goods or services while on the premises of the principal use.

Dwelling. A building which is designed or used exclusively for residential purposes, including single-family, and multi-family residential buildings, rooming and boarding houses, fraternities, sororities, dormitories, manufactured homes, and industrialized homes but not including hotels and motels.

Dwelling, Apartment. See "Dwelling, Multi-family."

Dwelling, Loft. A dwelling unit, occupied by no more than four (4) persons, and located only on the floor above a ground level commercial business.

Dwelling, Senior. A multi-family residence with eighty (80) percent or more of the dwelling units occupied by residents, ages 62 and over or handicapped; or couples where either the husband or wife is 62 years of age or older; does not include convalescent or nursing facilities.

Dwelling, Single-Family Attached. A building containing two (2) or more dwelling units, each of which is deeded with separate ownership and has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term can include fee-simple townhouses and condominiums.

Dwelling, Single-Family Detached. A residential building containing not more than one (1) dwelling unit entirely surrounded by open space. A single family detached dwelling includes site-built houses and industrialized homes.

(Manufactured HUD homes/housing and mobile homes are not single family detached dwellings).

Dwelling, Multi-Family. A building designed as two or more separate units for or occupied exclusively by two (2) or more families.

Dwelling Unit. One or more rooms located within a building and forming a single habitable unit with individual permanent sanitary and kitchen facilities and is used or intended to be used for living, sleeping, cooking, and eating purposes. Units in motels, or other structures designed for transient residence are not included.

Easement. The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Event Center. A facility used for weddings, anniversaries, birthdays, showers, reunions, recitals, dances, and ethnic and religious celebrations, etc. The accommodations can include sleeping, eating, and recreation. The site shall be of sufficient size to accommodate all off-street parking associated with an individual event.

Existing Construction. Any structure for which the "start of construction" commenced before the effective date of this ordinance.

Family. Except as otherwise provided in this definition, family means one (1) or more persons related by blood, legal adoption, or marriage occupying a dwelling where such persons are related to each other within the fourth degree, as defined in O.C.G.A. §53-2-1, which includes parents, children, grandparents, grandchildren, brothers and sisters. Great-grandparents shall also be included in the definition of family. State of Georgia authorized foster children of a family member shall also be deemed a member of the family for this purpose, or not more than five (5) adults, not necessarily related by blood or marriage, living together as a single housekeeping unit in a dwelling unit where compensation is not made for housekeeping service for room and board to the owner or operator of such dwelling unit. In zones R-15 and R-12, not more than two (2) adults, not related by blood or marriage, living together as a single housekeeping unit in a single-family dwelling unit where compensation is not made for housekeeping service for room and board to the owner or operator of such dwelling unit will be considered a family for the purpose of this definition.

For the purposes of this definition, a person shall be considered to reside in a dwelling unit if he or she stays overnight in a dwelling unit for more than 30 days within a 90-day period, receives mail at the dwelling unit, or lists the dwelling unit as his or her home address on any document. The term "family" does not include any organization or institutional group.

Fence. An artificially constructed barrier of any materials or combination of materials erected to enclosed or screen areas of lands. A privacy fence is one that is solid and of a height designed to effectively limit visibility.

Flea Market. A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Flood. A rise in stream flow or stage that results in temporary inundation of the areas adjacent to the channel.

Floor Area, Gross. The gross heated areas of all floors, measured from the exterior faces of the exterior walls of the building.

Frontage, Lot. The distance a lot abuts on a street; the front lot line. (See Figure 3: Lot)

Frontage, Street. The distance of a lot abuts on a street; the front lot line (See Figure 3: Lot).

Fur Farm. Any place that regularly breeds and raises rabbits, mink, foxes or other fur or hide-bearing animals for the harvesting of their skins.

Garage, Private. An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the buildings to which it is accessory.

Garage, General Service. A building or portion thereof, other than a private, storage, or parking garage, designed or used for equipping, servicing, repairing, hiring, selling, or incidental short term storing of motor-driven vehicles, but not including the storage of wrecked or junked vehicles, to which repairs are not intended to be made.

Garage, Storage or Parking. A building or portion thereof designed or used exclusively for storage of motor-driven vehicles, and within which motor fuels and oils may be sold, but no vehicles are repaired, equipped, or sold.

Grade. The average level of the finished ground surface adjacent to the exterior walls of the building.

Group Home. A single-family dwelling, housing persons who are mentally/physically handicapped, elderly, terminally ill, AIDS/HIV victims, Alzheimer's patients, or children and teens with emotional problems, operating as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing the organization and stability of a home environment. All group homes shall be approved and licensed by the State of Georgia, Department of Human Resources.

Halfway House. A building for temporary residence by non-related persons, who are recovering from alcohol abuse or other chemical-based substances, with one

or more surrogate parents that provide services that include room, meals, supervision, rehabilitation, and counseling to enable residents to move back into society and live independently.

Hardship. An unusual situation on the part of an individual property owner which will not permit him/her to enjoy the full utilization of his/her property which is given to others within the county. A hardship exists only when it is not self-created, or when it is not economic in nature.

Hazardous Waste. Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency (US EPA) pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3.

Health Clubs. A facility designed for the major purpose of physical fitness or weight reducing which includes, but is not limited to, such equipment as weight resistance machines, whirlpools, saunas, showers, and lockers. This shall not include municipal or privately owned recreation buildings.

Health Department. The Haralson County Health Department and/or the Georgia Department of Human Resources.

Health Officer. The legally designated health authority of Haralson County, or the State of Georgia, or an authorized agent.

Home Occupation. An occupation customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes and operated in accordance with the provisions of these regulations.

Horticulture. The cultivation of fruits, vegetables, flowers, and plants.

Hospice. A building or portion thereof, in which terminally ill persons live, in order to receive appropriate Medicare-certified hospice services.

Hotel. A building offering overnight sleeping accommodations for travelers; ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. Such use has eighty (80) percent of the rooms occupied by a different registered guest every five (5) days, provides patrons with daily maid service, twenty-four (24) hour desk/counter clerk service, and a telephone switchboard service to receive incoming/outgoing messages, and shall comply with the applicable requirements of the Haralson County Health Department and O.C.G.A. Section 31-28-1 et. seq., and may provide additional services such as restaurants, retail gift shops, meeting rooms, swimming pools, and exercise facilities.

Impervious Surface. A manmade structure or surface which prevents the infiltration of stormwater into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

Industrialized Building. A factory-fabricated dwelling or commercial unit built in one (1) or more sections designed to fit together on a permanent foundation, but which usually does not originally have wheels for movement, and which is constructed in accordance with the Georgia Industrialized Building Act, and which bears the seal of approval issued by the Commissioner of Community Affairs. (Includes the term “modular building”).

Industrialized Home. Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for 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. Industrialized buildings are constructed and regulated in accordance with the "Industrialized Building Act", Georgia Law 1982 pp. 1637-1643 (Official Code of Georgia Annotated, Title 8, Chapter 2, Article 2, Part 1).

An industrialized home is a single-family detached dwelling and includes the term “modular building.”

Institution. A public or semi-public building occupied by a governmental entity, nonprofit corporation or nonprofit establishment for public use.

Junk. Wrecked or inoperative (whether repairable or not) motor vehicle(s), scrap copper, scrap brass, scrap rope, scrap glass, scrap rags, scrap metal, scrap paper, scrap batteries, scrap appliance, scrap beds and bedding, scrap rubber, scrap tires, scrap motor vehicle parts, scrap furniture, scrap wood, scrap building materials, scrap tools or other used materials that have been abandoned from their original use but may or may not be used again in their present form or in a new form.

Junk Vehicles. Any motor vehicle, vehicle, trailer of any kind or type, or mechanical contrivance or part thereof, which is in an inoperative or junk condition by reason of its having been wrecked, dismantled, partially dismantled, inoperative, abandoned, discarded, or which does not have a valid license plate attached thereto (when the same is required by law). For the purpose of this article, a vehicle is 'inoperative' if it is incapable of movement by its own power, and it remains in place for a period of more than seven (7) days, and is not within a carport/garage.

Junkyard. Any such use involving the storage of disassembly of wrecked automobiles, trucks, or their vehicles; storage, baling or otherwise dealing in bones, animal hides, scrap metal, commercial/residential appliances, used paper, used cloth, used plumbing fixtures and use brick, wood or other building materials. Such uses shall be considered junkyards whether or not all or part of such operations are conducted inside a building or in conjunction with, addition

to, or accessory to other uses of the premises. A junkyard shall be presumed to exist if two or more inoperative motor vehicles are maintained for more than forty-five (45) days, except vehicles being held pursuant to a law enforcement agency impoundment; however, this presumption may be rebutted if no part of the motor vehicle is outside of a completely enclosed building and no part of the motor vehicle can be viewed from any portion of any adjoining property, road, or street.

Kennel. Any location where breeding, raising, boarding, caring for, and the keeping of more than three dog or cats or other small animals or combination thereof (except litters or animals not more than 6 months of age) is carried on for commercial purposes.

Kindergarten. Any premises or portion thereof used for educational work or parental care of children of less than the age required for enrollment in the public or private school system.

Land-Disturbing Activity. Any grading, scraping, excavating, or filling of land, clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single family dwelling, and the cutting of firewood for personal use.

Livestock. The "livestock" as used herein shall mean and include cattle, horses, goats, sheep, swine, poultry, ducks, geese and other fowl; and rabbits, minks, foxes, and other fur or hide bearing animals customarily bred or raised in captivity for the harvesting of their skins; whether owned or kept for pleasure, utility or sale.

Living Unit. One or more rooms within a building and forming a single habitable unit with permanent individual sanitary facilities but lacking a kitchen or cooking facilities.

Loading Space. A space having a minimum dimension of 13.5 by 60 feet and a vertical clearance of at least 14.5 feet within the main building or on the same lot, providing for the standing, loading, or unloading of trucks.

Lot. A portion or parcel of land separated from other portions or parcels by description (such as on a subdivision plat of record or as a survey map or plat) or described by metes and bounds, and intended for use, transfer of ownership, or for building development. *The word "lot" shall not include any portion of a dedicated right-of-way.* Minimum lot size square footage calculations shall not include any areas reserved for easements or rights-of-way upon which, by the nature thereof, construction is prohibited (i.e., easements for ingress and egress to other lots or properties, major power line transmission easements, etc.).

Lot size calculations shall not include strips of property with widths less than the minimum building line dimension of the particular use district intended to provide access to a given lot or parcel (ie. Flag pole of flag-shaped lots); provided, however, land less than the minimum building width requirements may be considered as part of the square footage lot size calculation in those instances where lots lines are radial to a curved street or cul-de-sac on a subdivision plat approved by the Buchanan Planning Commission (ie. Pie-shaped lots).

Lot, Corner. A lot abutting upon two or more streets at their intersection.

Lot Coverage. The area of a lot occupied by the principal building or buildings and accessory buildings.

Lot Depth. The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

Lot Line, Rear. The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet minimum in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side. Any lot line other than a front or rear lot line.

Lot of Record. A lot, which existed prior to the adoption or subsequent amendment of this ordinance, as shown or described on a plat or deed in the records of the local registry of deeds. (See Article III, Section O)

Lot, Through. A lot other than a corner lot abutting two streets.

Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at the front (building) setback line.

Lot Width (curvilinear street frontage). For a lot having frontage upon a curvilinear street, the lot width shall be the distance between the side lines of the lot where the minimum lot width is obtained, measured parallel to the chord of the arc formed by the two (2) outermost points of intersection of the side lines with the road right-of-way line. The lot width line is synonymous with the front setback line in this circumstance.

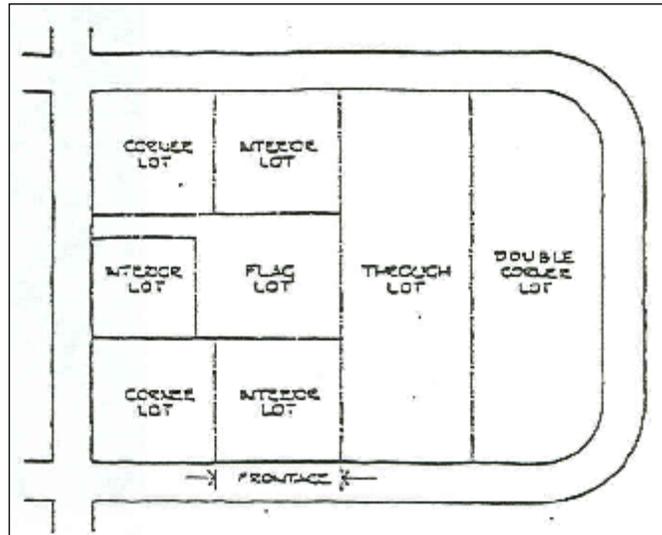


Figure 3: Lot

Manufactured Home. A structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et seq. The definition at the date of adoption of this part is as follows:

'Manufactured Home' means a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, 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 system contained therein; except that such term shall include any structure which meets all the requirements of this paragraph and the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under this title.

Manufactured Home Lot. A parcel of land in a manufactured home park for the placement of a single manufactured home and for the exclusive use of its occupants.

Manufactured Home/Mobile Home Park. Premises where three (3) or more mobile home/manufactured home dwelling units are parked for living or sleeping purposes, regardless of whether or not a charge is made for such accommodation, or where spaces or lots are set aside and offered for rent for use by mobile homes/ manufactured homes for living or sleeping purposes, including any land, building, structure or facility used by occupants of mobile homes/manufactured homes on such premises. This definition shall not include mobile homes/manufactured homes sales lots.

Manufactured Home Stand. A manufactured home stand is that part of a manufactured home lot or site which has been improved for the placement of a manufactured home.

Mausoleum. A building where bodies are interred above ground in stacked vaults.

Microbrewery. A craft or designer facility, absent food service, for the brewing of beer that produces less than 10,000 barrels per year and can include a tasting room and retail space to sell the beer to patrons for consumption on the premises or sale of packaged products to wholesalers. Also subject to other locally adopted ordinances.

Micro-distillery/winery. A craft or designer facility, including a tasting room, in which wine or alcoholic spirits are produced from non-animal agricultural

products (fruits, grains, or vegetables), subject to production limits of 60,000 gallons per year, and subject to applicable Georgia law, as amended. Also subject to other locally adopted ordinances.

Mini-Warehouse. A building in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for storing the excess personal property of an individual or family when such is not with their residence, such as a passenger motor vehicle, house trailer, motorcycle, boat, camper, furniture, limited commercial storage (items of local retail merchants, small contractors, and professionals), and other items of personal property generally stored in residential accessory structures. No business activities other than the rental of storage units shall be conducted on the premises.

Mobile Home. A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred and twenty (320) or more square feet 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 and manufactured prior to June 15, 1976.

Mobile Office. A factory fabricated structure designed to be transported on its own wheels, detachable wheels, flatbed or trailer and used or intended to be used or occupied for the transportation of business or the rendering of a professional service.

Modular Home. See "Industrialized Building."

Motel. A permanent building or group of permanent buildings in which overnight sleeping accommodations are provided for travelers and having a parking space near or adjacent to the entrance of the room. Such use has eighty (80) percent of the rooms occupied by a different registered guest every five (5) days, provides patrons with daily maid service, twenty-four (24) hour desk/counter clerk service, and a telephone switchboard service to receive incoming/outgoing messages, and shall comply with the applicable requirements of the Haralson County Health Department and O.C.G.A. Section 31-28-1 et. seq., and may provide additional services such as restaurants, retail gift shops, meeting rooms, swimming pools, and exercise facilities.

Motor Vehicle Repair Service, General. A building, lot, or both in or upon which comprehensive motor vehicle repair services are performed including painting, body and fender work, engine overhauling or other major repair; such facility commonly serves disabled or wrecked vehicles requiring occasional wrecker services and repair service time routinely exceeds more than 24-hours on-site, but excluding a junk yard and/or motor vehicle wrecking business.

Motor Vehicle Repair Service, Specialty. A building, lot, or both in or upon which specialty repair services are provided quickly for operational motor vehicles; services may include but are not limited to removal and/or replacement of oils, fluids, filters, grease, minor parts like mufflers, shocks, and brakes; and may include tuning of engines; service repair time is routinely less than 24-hours on-site.

Motor Vehicle Service Station. A building or lot for motor vehicle refueling using fixed dispensing equipment connected to pumps and storage tanks; where oils or accessories for the use of motor vehicles are dispersed, sold, or offered for sale at retail; and may include one or more service bays for vehicle washing, lubrication and minor replacement, or adjustment and repair services.

Multi-family Dwelling. See "Dwelling, Multi-family."

Neighborhood Center. A building or facility used to provide recreational, social, educational and cultural activities for an area of community, which is owned and operated by the management agency of that community, or the Homeowner's Association of that community. A community can be an incorporated area, a developed subdivision, or a planned development.

New Construction. Any structure for which the "start of construction" commenced on or after the effective date of this Ordinance.

Non-Conforming Use. The use of any building or land which was lawful at the time of passage of this ordinance, or amendment thereto, but which use does not conform, after the passage of this ordinance or amendment thereto, with the regulations of the district in which it is situated.

Nursery School. See "Kindergarten."

Nursing Home. An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

On-Site Sewerage Management System. See "Sewerage Management System, On-site."

Parking Area. An open, unoccupied space used or required for temporary parking of vehicles exclusively and in which no gasoline or vehicular accessories are sold or no other business is conducted.

Parking Lot. An open area used exclusively for the temporary storage of motor vehicles and within which motor fuels and oils may be sold and fees charged, but no vehicles are to be equipped, repaired, or sold.

Parking Space. A space, enclosed or unenclosed, having an area of not less than 180 square feet (9' x 20') exclusive of access, permanently reserved for the temporary storage of one vehicle and having access to a street or alley.

Permit. Any written authorization for building, construction, alteration, development, occupancy, or other matter required by this Ordinance to be approved a designated commission, board, official, or employee. The person to whom such permit is issued shall be known as the "permittee."

Personal Care Home or Home. A building or group of buildings, a facility or place in which is provided two or more beds and other facilities and services, including room, meals and personal care, for non-family ambulatory adults. For the purpose of these Rules, Personal Care Homes shall be classified as: Family Care Personal Care Home, Group Personal Care Home, or Congregate Personal Care Home. This term does not include buildings which are devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals or boarding facilities which do not provide personal care.

1. **"Family Personal Care Home"** means a home for adults in a family type residence, noninstitutional in character, which offers care to two through six persons.
2. **"Group Personal Care Home"** means a home for adult persons in a residence or other type building(s), noninstitutional in character, which offers care to seven through fifteen persons.
3. **"Congregate Personal Care Home"** means a home for adults which offers care to sixteen or more persons.

Planned Center, Shopping, Office or Industrial. Any planned concentration of at least three business establishments which also provides planned and shared parking, access, and service.

Planning Commission. The Buchanan Planning Commission or equivalent.

Plat. A map, plan or layout of a county, city, town, lot, section, subdivision, or development indicating the location and boundaries of properties.

Premises. A lot, together with all buildings and structures existing thereon.

Principal Building. A building in which is conducted the main or principal use of the lot in which said building is situated.

Principal Use. The primary purpose for which land or a building is used.

Private Land. All lands and buildings not owned by governments.

Putrescible Wastes. Wastes that are capable of being quickly decomposed by microorganisms. Examples of Putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, and garbage.

Recorded Plat. A plat recorded in the Office of the Clerk of Superior Court of Haralson County.

Recreational Facilities, Outdoor. Any commercial or non-commercial outdoor facility such as a miniature golf course, a golf or baseball driving range, tennis courts, swimming pools, drive-in theater, etc.

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

Recycling Center. A non-commercial facility in which recoverable resources, such as papers, glassware, plastics, and metal cans, or any non-hazardous recycling materials, are collected, stored, flattened, crushed, or bundled, by hand or machines within a completely enclosed building.

Recycling Collection Station. An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a commercial parking lot, or at other public/quasi-public areas, such as churches and schools.

Residence Inn. A permanent building or group of buildings consisting of single room dwellings and other living units. No more than 20 percent of the units may be living units as opposed to dwelling units.

Right-of-Way. An area or strip of land, either public or private, on which a right of use has been recorded. A right of way, as distinguished from an easement, is owned in fee-simple title by the City of Buchanan or other government, a duly organized homeowners' or property owners' association, or any other person.

Right-of-Way Line. The dividing line between a lot, tract, or parcel of land and a contiguous right of way.

Rooming House. A dwelling, permanently occupied by the owner or operator, where only sleeping accommodation is provided for three (3) or more permanent

occupants not of the same family by prearrangement for definite periods and for compensation and which makes no provision for cooking in any of the occupied rooms.

Salvage Yard. See "Junk Yard".

Satellite Dish Antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

Schools, Private, Parochial and other Elementary. Any places for teaching children grades one to eight, inclusive, which are not a part of the State of Georgia, but which teach the subjects commonly taught in the common elementary schools of the State.

Schools, Public. Any place for teaching children grades kindergarten to twelve inclusive and no other, and a part of the public school system as defined by the laws of the State of Georgia.

Senior Housing. A multi-family residence with eighty (80) percent or more of the dwelling units occupied by residents, ages 62 and over or handicapped; or couples where either the husband or wife is 62 years of age or older; does not include convalescent or nursing facilities.

Service Station. Any building, structure, or land use primarily for the dispensing, sale, or offering for sale at retail any automobile fuels, oils, or accessories, but not including major repair work such as motor overhaul, body and fender repair or spray painting.

Setback. The mean horizontal distance between the front street right-of-way line and the front line of the building or the allowable building lines as defined by the front yard regulations of this ordinance.

Setback Line (or Building Line). The line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which walls of the principal structure must be erected or placed. The minimum measurement is to the wall, not the eave/overhang, and a cantilever building design measures to any wall projecting nearest to the property lines. The area contained within the boundaries formed by the setback lines is considered the buildable area of the lot.

Sexual Activities. Includes any of the following: 1) Actual or simulated sexual intercourse, oral copulation, anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; 2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; 3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; 4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; 5) Torture; 6) Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; 7) Masochism, erotic or sexually oriented beating or the infliction of pain; or 8) Human excretion, urination, menstruation, vaginal or anal irrigation.

Sports Arena. See "Auditorium."

Sewerage Management System, On-Site. A sewerage management system other than a public or community sewerage system, serving single or multiple buildings, manufactured or mobile homes, residences or other facilities designed for human occupancy or congregation, as approved by the County Board of Health.

Sewerage Treatment System, Public or Community. Any sewerage treatment system, including pipe lines or conduits, pumping station, force mains and all other constructions, devices, and appliances appurtenant thereto, designed for treating or conducting sewerage for treatment and disposal into lakes, streams or other bodies of surface water.

Shopping Center. A group of two or more commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Start of Construction. Means erection of temporary forms, pouring of slabs or footings, installation of piers or columns; or the actual start of a building or altering a structure either temporary or permanent.

Stockyard. A place where transient cattle, sheep, swine, or horses are kept.

Story. That portion of a building between the surface of a floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling.

Story, Half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor areas is finished off for use. A

half-story containing independent apartment or living quarters shall be counted as a full story.

Street. A public or private thoroughfare which meets locally established design standards and which affords the principal means of access to abutting property however designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, or place.

- a. **Minor or Local Street.** Street used primarily for access to the abutting properties and serving travel demands in the immediate area.
- b. **Collector.** Those streets so designated on the County Functional Classification System Map, and those streets which otherwise function to serve local traffic movements by collecting or distributing traffic from or to local, other collector, and/or arterial streets. Such a street includes the principal entrance and circulation streets of a subdivision and may also function to provide access to abutting properties in the same manner as a local street.
- c. **Major Thoroughfare or Arterial.** Those streets so designated on the County Functional Classification System Map and those streets which otherwise function to move high volumes of traffic between principal traffic generators (such as residential, commercial, and industrial sectors) at moderate speeds and with minimum conflict to movements.

Street Line. A dividing line between a lot, tract or parcel of land and the right-of-way of a contiguous street.

Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but not limited to buildings, signs, billboards, back stops for tennis courts, fences, radio and water towers, grain and feed elevators.

Subdivision. For the purpose of this ordinance, a subdivision is the division, re-division, or separation of one parcel of land into two or more parcels, lots, building sites, or other divisions of land whether for the purpose of sale, legacy, or building development.

Temporary Structure. A structure with neither foundation nor footings, which is removed when either the designated time period or activity or use for which the temporary structure was erected has ceased. (See Article VIII- Supplementary Regulations, Section G.)

Tower, Telecommunications. A structure, such as a self-supporting lattice tower, guy tower, or monopole tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, on which is

located one or more antennae intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers. The term excludes any tower and antenna under seventy (70) feet in total height and owned and operated by an amateur radio operator licensed by the Federal Communications Commission, and satellite earth station antenna one meter in diameter or less, any receive-only home television antenna, and any satellite earth station antenna two meters or less in diameter which is located in a commercial or industrialized zoning district.

Townhouse. A single family attached dwelling that is erected in a row as part of a single building, on adjoining lots, each being separated from adjoining units by approved fire resistant wall extending from the basement of cellar floor to the roof along the dividing lot line. Each unit shall have its own front door, which opens to the outdoors, but no access between adjoining units.

Travel Trailer. See "Recreational Vehicle."

Travel Trailer Park. See "Campground, Public or Private."

Tree. A woody perennial plant having a single (usually elongate) main stem including but not limited to a shrub or vine of arborescent form.

Vendor Stands. Any cart, table, equipment, or apparatus which is not a structure, which is designed and intended so as to not be a permanent fixture on a lot, and which is used for the retail sale, display, and accessory advertising of merchandise or food.

Water System.

- 1. Public Water System** - a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections, or regularly serves an average of at least twenty five individuals daily, at least sixty (60) days out of the year in accordance with the Rules of Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-5, "Rules for Safe Drinking Water."
- 2. Governmental Water System** - a public water system, which is owned and operated by a governmental entity, or a legislatively-created authority.
- 3. Non-Governmental Water System** - a public water system, which is owned and operated by any non-governmental entity.

4. **Community Water System** - a system serving more than one single-family dwelling but fewer than the connections and/or persons required to be considered a public water system. Such systems are subject to approval of the Haralson County Health Department.
5. **"Individual Water Supply System"** means a system of piping, pumps, tanks, or other facilities, which utilizes groundwater to supply a single-family dwelling.

Wild Animal. Any living member of the animal kingdom, including those born or raised in captivity; but excluding human beings, livestock, dogs and cats, rodents, hybrid animals that are part wild, captive-bred species of common cage birds and aquarium-kept fish, amphibians and reptiles.

Yard. An open space on a lot situated between the principal building or use on the lot and a lot line and unoccupied by any structure except as otherwise provided herein. See Figure 10: Yard.

Yard, Front. An open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the right-of-way line and the front line of the building projected to the side lines of the lot. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear. An open space on the same lot with a principal building or use, unoccupied except by an accessory building or use, extending the full width of the lot and located between the rear line of the lot and the rear line of the building or use projected to the side lines of the lot.

Yard, Side. An open, unoccupied space on the same lot with a principal building or use, located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. See Figure 10: Yard.

Zone, Overlay. A district which applies supplementary regulations to land which is classified into a specific zoning district.

Zoning. The power of the City of Buchanan to provide within its territorial boundaries for the zoning of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which said zones or districts were established. (See Appendix – Zoning Procedures and Standards Ordinance.)

ARTICLE III - GENERAL PROVISIONS

Except as hereinafter provided:

- Section A. Use of Land: No land shall be used except for a purpose permitted in the district in which it is located.
- Section B. Location of Buildings: Every building hereafter erected, converted, enlarged, reconstructed, moved, or structurally altered shall be located on a lot as herein defined except as approved by the Zoning Board of Appeals under Article XVI.
- Section C. Use of Buildings: No building or structure shall be erected, converted, enlarged, reconstructed, moved, structurally altered, or used, except for a use permitted in the district in which such building or structure is located.
- Section D. Height of Buildings: No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered to exceed the height limit herein established for the district in which such building is located.
- Section E. Dimensional Regulations: No building or use shall be erected, converted, enlarged, moved or structurally altered except in conformity with the minimum space requirements (i.e., the lot area, floor area, and building height, etc.) for the district in which such building is located.
- Section F. Use of Yards: The minimum yards, parking spaces, and open spaces required by this ordinance for each building existing at the time of passage of this ordinance, or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as part of the yard, parking space or open space required for any other structure.
- Section G. Off-Street Parking and Loading: No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the off-street parking and loading regulations of Article XI.
- Section H. Signs: No sign shall be erected, converted, enlarged reconstructed, moved, or structurally altered except in conformity with the Buchanan Sign Ordinance.

- Section I. Accessory Structures: No permanent accessory structure shall be located, constructed, or moved upon a lot until the construction of the main building has actually been commenced. [See Article VIII, Section B (1).]
- Section J. Use and Construction of Temporary Buildings: Temporary buildings other than provided herein shall not be allowed in any district except that temporary buildings used in conjunction with construction work or pending completion of a permanent building for a period not to exceed one (1) year may be permitted in any district but shall be removed when the construction has been substantially completed.
- Section K. Requirements for Building Permit: No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except upon application for and issuance of a building permit by the Zoning Administrator.
- Section L. Rights of Way. No DOT, City, public, or private utility, or any other right-of-way not owned by the owner of a property may be utilized in the calculation of any setback, or any part of a setback, as required by Article V, Summary Zoning District Schedule.
- Section M. Density: No building or other structure shall hereafter be erected, constructed, reconstructed, or altered to house a greater number of dwelling units per acre; nor shall any lot area be reduced below the lot area per family requirements of this ordinance for the district in which such lot is located except as otherwise provided in this ordinance; or to occupy a greater percentage of lot area.
- Section N. Street Frontage: No principal building shall be erected on any lot which does not have immediate frontage on at least one public or private street or road for a distance of not less than fifty (50) feet. For lots that front on a private street, the building permit shall contain a signed statement that the petitioner acknowledges the private access to his property and understands that the city of Buchanan will not accept or maintain such access until such street is upgraded fully to public standards by the property owners having access to such private street; failure by the petitioner to provide such statement shall not void the requirements of this Section. [Exception: for townhouses or single family attached dwellings, the minimum frontage applies to the total lots contained in a single building, not the individual dwelling unit(s).]

Section O. Lots of Record: Any lot of record which is legal at the time of the adoption or amendment of this Ordinance, may be used, subject to the following exceptions and modifications.

Single Lots: Where the owner of a lot at the adoption of this Ordinance or his successor in title thereto does not own sufficient land, in width or area, to enable him to conform to the dimensional requirements of this ordinance, such lot may be used as a building site for a minimum building (ie. Single family detached home in residential zone districts) that is allowed in the district where the lot is located.

For such a lot, when it is not possible to provide the required side yards and at the same time build a minimum width building, the Zoning Board of Appeals is empowered to hear the request for a minimum variance.

Adjoining Lots: If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption of this ordinance and such lots individually are too small to meet the yard, width, and area requirements of the district in which they are located, such groups of contiguous lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subject to the requirements of this Ordinance.

ARTICLE IV - ZONING DISTRICTS AND BOUNDARIES

Section A. Establishment of Districts: In order to carry out the intent and purpose of this ordinance, Buchanan is hereby divided into the following districts:

R-15 Residential Agriculture: This district encourages a compatible relationship between low density residential development and limited mixed uses in fringe areas of the city where development is generally sparse and the growth pattern is not yet well established. Historical land patterns include larger than average lots and limited livestock, along with small-scale agricultural and horticultural practices. Multiple buildings may occur per lot/parcel depending on the lot/parcel size.

R-20 Residential Estate: This district encourages a low-density estate environment for single family detached homes where the minimum square footage per home is larger than any other zone district in Buchanan. Homes in this district shall maintain a roof pitch not less than four (4) feet to twelve (12) feet. Only one principal building is allowed per lot, along with customary accessory uses.

R-12 Low Density Residential: A district designed to protect single family detached dwellings, developed at a moderate density, from unrelated and incompatible uses. The lots are characterized by one principal building per lot with customary accessory uses allowed.

R-10 Medium Density Residential: A medium density zone district allowing a mix of single family detached homes, multi-family dwellings, and other related compatible uses at an approximate maximum density of six (6) dwelling units per acre. The intensity of the multi-family uses is limited to not more than four (4) dwelling units per building and the district design limits the allowed permitted uses to one principal building per lot.

HDR High Density Residential: A high density zone district allowing typical residential dwelling types, all multi-family developments, and other uses compatible with such residential

character. Multiple buildings per lot are allowed and the maximum density is twelve (12) dwelling units per acre. As such, the provision of both public water and sewer is required to serve the uses allowed in this zone district.

O-R Office Residential: A district generally characterized by low-traffic commercial uses oriented to busy streets where limited residential uses are transitioning to commercial function. A mix of residential and commercial uses is allowed but the commercial uses are generally less intensive and of smaller scale than the use found in general commercial zones. Residential conversions to commercial function are common so parking in the side yard or rear yard is desirable.

MHP Manufactured Home Park: A district designed to encourage the placement of multiple manufactured homes on a large lot. A manufactured home park, based upon allowed density, is similar to a multi-family development, thus issues related to ingress/egress, internal streets, infrastructure, waste collection, recreation, and other support facilities are a consideration, as well as the relationship with other surrounding land uses.

C-1 Neighborhood Commercial: A district catering to retail and service businesses often beneficial to the short distance needs of neighborhoods. The district can serve as a small-scale transition area between residential areas and more intense commercial areas, but the district is characterized by distinct commercial uses and does not mix residential uses, except loft-living. The district can be suitable to locations at intersections where local streets join collector streets.

C-2 General Commercial: A district offering the broadest and most intense mix of commercial uses in the community, including professional offices, retail and service businesses, institutional uses, light wholesaling, and shopping centers, all oriented to major streets. The district combines large and small tracts with multiple buildings allowed per lot to create maximum shopping and service opportunities for local residents. Cross-access easements for access between uses are desirable to improve traffic safety.

C-3 Commercial Parkway District: A district allowing a broad and intense mix of commercial uses, but excluding some institutional uses and wholesaling activities. Major streets, often collectors or arterial in nature, characterize this district and lots are conventional in design with multiple buildings allowed per lot. Cross-access easements for access between uses are desirable to improve traffic safety.

CBD Central Business District: The central business district is the traditional center for commercial retail and service uses, financial, office, government, and limited residential uses of the city. The district is characterized by shared parking and loading, and buildings typically occupy the full area of the lot, sharing common walls with adjacent buildings. The CBD is the core activity center around which the city has historically developed and remains central to the development success of the entire community and trade area as a whole.

M-1 Light Industry: This district provides a mix of commercial and light industrial uses that typically create a minimum of environmental pollution in the form of traffic, noise, odors, smoke, fumes, glare, or heat. Tract sizes can be larger than a general commercial area, helping to minimize impacts on adjacent properties. Multiple buildings are allowed per tract.

M-2 Heavy Industry: This district allows the heaviest, most intense industrial uses. Characterized by large tracts of land occupied by large buildings or multiple buildings per tract, the district is dedicated to full manufacturing, processing, assembly of raw materials, fabrication, or warehousing. Some operations occur continuously, around the clock and delivery by truck or rail may be a necessary by-product of the uses allowed in this district. Some uses in this district can be considered incompatible to residential uses, and those that emit any noise, odors, smoke, dust, fumes, or other incompatibilities shall meet general environmental requirements of the local, State, or Federal governments.

Section B. Zoning District Map: The boundaries of zoning districts are shown upon the map designated as the "Zoning District Map." The Zoning District Map and all notations, references, and other information shown thereon are a part of this ordinance and have the same force

and effect as if the Zoning District Map and all the notations, references, and other information shown thereon were fully set forth and described herein, which Zoning District Map is properly attested and is on file with the City Clerk of Buchanan, Georgia.

Section C. District Boundaries: The district boundaries shown on the Zoning District Map are generally intended to follow streets, alleys, or lot lines; where the districts designated on said map are bounded by such street, alley or lot line, the centerline of the street or alley or the lot line shall be the boundary of the district unless such boundary is otherwise indicated on the map. In all other cases, the district boundary line shall be determined by use of the scale appearing on the Zoning District Map.

ARTICLE V. SUMMARY ZONING DISTRICT SCHEDULE

Zoning District	Minimum Lot Area		Lot Width (min)	Front Setback (min)	Side Yard (min)	Rear Yard (min)	Building Height		Maximum Lot Coverage
							Stories	Feet	
Residential Agriculture (R-15) ¹	Single Family	w/o sewer-½ acre w/sewer-15,000 sf	90	30	20	30	2-½	30	25%
	Duplex	22,500 sf	100	30	20	30	2-½	30	25%
	Other	22,500 sf	100	30	20	30	2-½	30	25%
Residential Estate (R-20) ¹		20,000 sf	110	30	20	30	2-½	30	25%
Low Density Residential (R-12) ¹	All Uses	12,000 sf	90	25	15	20	2-½	30	25%
Medium Density Residential (R-10) ²	Single Family Detached	10,000 sf	80	25	15	25	2-½	30	30%
	Multi-Family	6,250 sf/unit Not to exceed four (4) units/building.	100	20	15	20	2-½	30	30%
	Other	10,000 sf	80	25	15	25	2-½	30	30%
High Density Residential (HDR) ³ and Office Residential (O-R) ³	Single Family	10,000 sf	60	20	10	20	2-½	30	40%
	Multi-Family	7,500 1st unit 3,200 for each add unit, not to exceed 12 units per acre.	80	20	10	20	3	30	40%
	Other	10,000 sf	60	20	10	20	2-½	30	40%
Manufactured Home Park (MHP)	Single Family	5 acres	80	See Article XII					40%
Neighborhood Commercial (C-1)	Residence Inn	Not to exceed 20 units per acre	40	5	10	10	2-½	35	60%
	Other Uses	10,000 sf	70	25	10	15	2-½	35	60%
General Commercial (C-2)	Residence Inn	Not to exceed 20 units per acre	60	25	10	15	2-½	35	60%
	Other Uses	None	60	25	10	15	2-½	35	60%
Commercial Parkway District (C-3) (See Special Requirements, next page)	Other Uses	None	50	30	0-12	0-15	3	35	N/A

Zoning District	Minimum Lot Area		Lot Width (min)	Front Setback (min)	Side Yard (min)	Rear Yard (min)	Building Height		Maximum Lot Coverage
							Stories	Feet	
Central Business District (CBD)	Other Uses	None	None	None	None	None	None	None	None
Light Industry (M-1)	Other Uses	None	70	25	20	20	3	45	60%
Heavy Industry (M-2)	Other Uses	None	70	25	20	20	3	65	60%

FOOTNOTES:

1. Required minimum heated square footage for single family dwellings: 1,200 sq. ft.
2. Required minimum heated square footage for single family dwellings: 1,000 sq. ft.
3. Required minimum heated square footage for a single family detached dwelling is 1,000 square feet; multi-family/townhouses/condominiums shall meet minimum heated square footage as follows: one-bedroom, 850 sq. ft.; two- bedroom, 1,000 sq. ft.; and three-bedroom 1,200 sq. ft.

Appearance Standards for Single-Family Detached Dwellings

Footnotes:

- (1) The roof shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built-up gravel materials or other materials approved by the building inspector.
- (2) The exterior siding materials shall consist of wood, masonry, concrete, stucco, metal or vinyl lap or other materials of like appearance.
- (3) Permanent foundation shall meet the requirements of the standard building code.

TYPE	TYPE I	TYPE II
PERMITTED ZONES	R-15, R-20, R-12	R-10, O-R, HDR
Minimum Dwelling Width	24 feet	20 feet
Minimum Roof Pitch	5/12	4/12
Minimum Floor Area	1,200 s. f.	1,000 s. f.
Roof Materials	(1)	(1)
External Siding Materials	(2)	(2)
Permanent Foundation	Required (3)	Required (3)

ZONING DISTRICT SCHEDULE (Continued)

Special Requirements. No building, structure or land in the commercial parkway district (C-3) shall be used or occupied except in conformance with the following requirements:

- A. Rear setbacks may be less than 15' if the lot abuts an alley.
- B. Side yard setbacks may be 0' on one side of a lot, provided that the building has a four-hour fire wall on that side, and has a 12' setback on the other side. An automatic sprinkler system may be substituted for the fire wall.
- C. Location of Off-Street Parking Spaces
 - (1) Parking spaces may be located in the required front, rear, and side yards in accordance with the following:
 - (a) Twenty percent (20%) of the required front yard must be provided for green areas that shall be landscaped and maintained at all times.
 - (b) No spaces shall be arranged so as to permit a vehicle to back into any publicly dedicated right-of-way other than an alley.
 - (c) In no case shall any space be located within five (5) feet of the front property line and within three (3) feet of any side or rear property lines.
 - (2) Parking facilities on adjoining lots may be interconnected in order to allow patrons easier access.
- D. Required Buffers and Visual Screening

Where a commercial use in a C-3 district abuts any conforming residential district or use, the owner shall provide one of the following:

- (1) A buffer area along the abutting side and/or rear property line as required in Article VI; or
- (2) When a commercial use employs a rear setback of 15 or less feet as permitted in Article VI, a wall or barrier constructed of stone, brick or block, wood, or other materials which will have a uniform surface and provide 90% visual blockage of at least six feet (6') in height, may be provided in lieu of (a) above along any adjoining rear property lines. Concrete block walls shall have a painted surface with struck mortar joints or a stucco or other finished surface on the side of such wall facing property adjacent to the property for which the permit for such wall was issued.

ARTICLE VI - BUFFER REQUIREMENTS

A buffer shall be required whenever two adjoining properties are in dissimilar zone districts as shown in the following Table 6.1.

**TABLE 6.1
DEVELOPING PROPERTY**

Least Intensive Uses Most Intensive Uses

	R-15, R-20, R-12	R-10	HDR, O-R	MHP	C-1, C-2, C-3, CBD	M-1, M-2
R-15, R-20, R-12						
R-10	Buffer "A"					
HDR, O-R	Buffer "A"	Buffer "A"				
MHP	Buffer "A"	Buffer "A"	Buffer "A"			
C-1, C-2, C-3, CBD	Buffer "B"	Buffer "B"	Buffer "B"	Buffer "B"		
M-1, M-2	Buffer "B"	Buffer "B"	Buffer "B"	Buffer "B"	Buffer "B"	

Section A. Determination of Buffer Requirements Between Residential, Commercial and Industrial Zones. When two adjoining properties are in dissimilar residential, commercial or industrial zone districts as indicated in Table 6.1, the property within the zone district allowing more intensive uses is required to provide the buffer when acquiring a building permit unless the buffer was pre-existing. When two adjoining vacant parcels are in dissimilar zone districts as indicated in Table 6.1, no buffer is required when the parcel zoned for the less intensive use acquires a building permit.

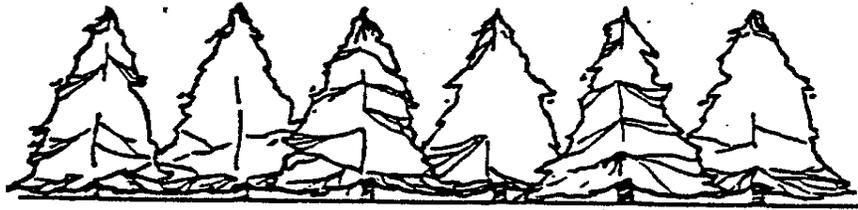
- 1. Buffer A Requirement.** The required buffer shall consist of plantings or a fence, wall (not otherwise part of a structure or accessory structure), or a berm, which meets the screening standards of Section B. If plantings are chosen method of screening, the planting area shall have a minimum base width of 12 feet.
- 2. Buffer B Requirement.** The required buffer shall have not less than a twenty (20) foot base width and shall consist of plantings plus a fence, wall (not otherwise part of a structure or accessory

structure), or a berm, or any combination thereof, which meets the screening standards of Section B.

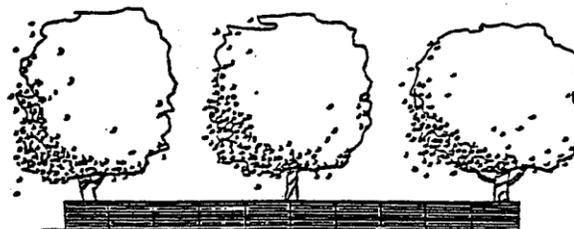
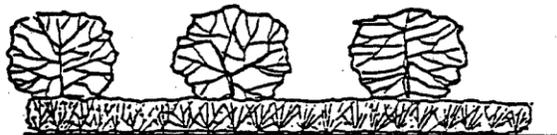
Section B. Screening Standards. Screening is a method of visually shielding or obscuring one use from another by fence, walls, berms or densely planted vegetation.

Plantings. Plantings shall consist of either trees or shrubs or any combination of both. Planted areas shall be located along the abutting property lines or in areas that will provide the best screening effectiveness.

If trees or large shrubs are used solely as the screening device, they shall be any evergreen species from the list provided by the Zoning Administrator which, under normal growing conditions, will attain a minimum height of eight (8) feet and a canopy spread of ten feet within four (4) years. They shall be planted a minimum twenty (20) feet on center as shown in the following illustration.



If trees are used in combination with shrubs, they may be of any species from the list provided by the Zoning Administrator. Small trees shall be planted thirty (30) foot on center, and large trees forty (40) foot on center as shown in the following illustration. Shrubs shall be any evergreen species from the list provided by the Zoning Administrator planted four (4) feet on center as shown in the following illustration. Shrubs shall initially be of any size, which would normally attain a minimum height of six (6) feet within three (3) years after planting.



Walls. Walls shall be of masonry construction and a minimum height of eight (8) feet. The wall shall be placed on the edge of the buffer nearest the most intense land use.

Fences. Fences shall be a minimum of eight (8) feet in height and constructed of standard wood fencing materials and methods or chain link with woven inserts that will provide ninety percent (90%) visual blockage as shown in the examples provided by the Zoning Administrator. The fence shall be placed on the edge of the buffer nearest the most intense land use.

Berms. Earthen berms shall have a minimum height of eight (8) feet.

Section C. Buffer Design. All buffers required by this article shall conform to the following specifications:

1. Prior to development, a buffer plan shall be required to show the types and locations of all plantings within a required buffer. If a site plan is required, a buffer plan shall be incorporated as part of the site development plan.
2. Landscaping within buffer areas shall be used to screen objectionable views or nuisances, such as parking and service areas, refuse containers, air conditioning units and transformers.
3. Existing on-site trees may be credited as meeting the requirements of this Article if the Zoning Administrator determines that such plant materials achieve the purposes of this Article.

Section D. Location of Buffers. Buffers shall be located on the outer perimeter of a lot or parcel along all lot lines adjoining dissimilar zones including adjacent property lines, which may be separated by an existing or proposed public right-of-way. Buffers shall not be located on any portion of existing, dedicated, or reserved public or private street right-of-way.

Section E. Variances. The requirements of this Article may be waived by the appropriate agency under any of the following conditions:

1. If it is clearly demonstrated that the existing topography and/or vegetation will achieve the purposes of this Article.

2. If it is clearly demonstrated that for topographic reasons, no required screening device could possibly screen the ground level activities of the use from the first-floor view of the residential structure abutting the use.
3. The adjoining property owners mutually agree in writing that the required buffer is not necessary for a satisfactory use and enjoyment of their property rights.
4. It is clearly demonstrated that an existing (or proposed) public right of way separation between adjoining properties will achieve the purposes of this Article.

Section F. Use of Buffers. A buffer may be used for some forms of passive recreation such as pedestrian, bike or equestrian trails, or as a storm water retention area provided that: 1) no planted materials shall be eliminated; and 2) the total width of the required buffer area shall be maintained.

Section G. Buffer Installation and Maintenance. Buffer areas shall be established and maintained by the property owner under the following provisions:

1. A buffer shall be maintained as a planted area, using existing vegetation or, when required, additional plantings.
2. A buffer shall be landscaped with trees, shrubs, flowers, grass, stone, rocks and other landscaping materials. To preserve the intended mitigation purpose of the buffer relative to adjacent properties, regularly scheduled maintenance of the buffer is required, including possible replacement of a dead or diseased plant(s), fertilization, mowing grass, pruning, replenishing ground cover, or general care.
3. A buffer shall not be used for parking or a structure other than a fence or drainage improvements required by the City. However, a buffer may be used as utility easement and for drainage improvements as required by the City.
4. Except as provided above, the natural topography of the land shall be preserved and all natural vegetation shall not be disturbed beyond that which is necessary to prevent a nuisance, or to thin vegetation where it is too dense for normal growth, or to remove diseased, misshapen or dangerous and decayed timbers. The latter sentence shall not be construed to provide an exemption from the general care and maintenance of the buffer as required in Section G (2) above. However, a slope easement may be cleared and graded where required to

prevent soil erosion upon approval by the Zoning Administrator; such easement may cover no more than twenty percent (20%) of the required buffer area and shall be immediately replanted upon the completion of easement improvements.

5. Where the conditions described in the preceding paragraph cannot be met by reason of topography, or the prior approval of or lack of timber and foliage, the owner of said buffer area shall erect a screen of evergreen plantings, so designed and developed to provide visual screening between the properties as described in Section A and Section B herein.
6. All buffers shall be designated on plats and recorded as permanent easements.

Section H. Failure to Comply with these Provisions. See Article XV of this Ordinance for Enforcement and Penalty provisions.

Section I. Surety for Buffer Installation. Prior to the issuance of a certificate of occupancy for a development, the developer or owner shall provide a surety for all required buffer materials such that the developer or owner shall guarantee the work for a period of at least one (1) year after the issuance date of the certificate of occupancy. No certificate of occupancy shall be issued for any use until the required buffer is either fully installed and approved or guaranteed for installation per the following paragraphs.

When the date for issuing the certificate of occupancy does not coincide with the planting season that is necessary to install the required buffer, the Zoning Administrator shall accept a letter of credit or other acceptable surety in the name of the city of Buchanan for the buffer installation. Such surety shall be in the amount and form satisfactory to the Zoning Administrator and shall certify the following:

1. That the creditor does guarantee funds in an amount to cover the cost of installing the required buffer as estimated by the developer and approved by the Zoning Administrator. The guaranteed amount accepted by the Zoning Administrator shall equal the actual buffer costs (plants plus installation), plus fifteen (15) percent in the event of default.
2. That in the case of failure on the part of the developer to complete the specified improvements within six (6) months of the issue date of the credit, the creditor shall pay to the city of Buchanan immediately and without further action such funds

as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.

- 3.** That the letter of credit or other acceptable surety may not be withdrawn or reduced in amount until released by the Zoning Administrator after the installed buffer has received a final inspection of approval.
- 4.** Prior to the end of the first year after the buffer installation, the Zoning Administrator shall make an inspection and notify the owner or developer of any required replacement or restoration.

ARTICLE VII - LIST OF PERMISSIBLE AND CONDITIONAL USES

List of Permissible and Conditional Uses. No principal building, structure, or land use shall be permitted except in the zone districts indicated and for the purposes permitted in the following table. Each use is mutually exclusive and does not encompass other uses listed in the table. A principal use denoted by the Letter "X" is allowed in that zone district by right, subject to any special requirement that may be applicable to that use. A principal use denoted by the letter "C" is permitted only if a conditional use permit is granted by the Mayor and Council after review under the Zoning Procedures and Standards Ordinance, City of Buchanan, Georgia. For uses not listed in the following table, the Zoning Administrator can determine that said use is similar in impact and intensity to another use that is currently allowed in a zone district and shall rule that the said use is therefore allowed. In the event, that no similarity exists then the proposed use is not allowed or if the interpretation of the Zoning Administrator is questioned, then the Board of Zoning Appeals, properly convened, can make a judgment as to whether said use is allowed in Buchanan and such ruling shall be final regarding that interpretation. In the event that the Board of Zoning Appeals cannot rule about a specific use then amendment of the Zoning Ordinance shall be required to determine where such use is properly allowed.

COMMERCIAL ZONING DISTRICTS

PERMITTED USES

RESIDENTIAL ZONING DISTRICTS

C-1	C-2	C-3	CBD	M-1	M-2		R-15	R-12	R-10	HDR	R-20	O-R	MHP
X	X	X	X	X	X	ACCESSORY USES - subject to the requirements of VIII-B.1 Supplementary Regulations	X	X	X	X		X	X
					C	Acid Manufacture							
	C					Adult Business - provided that they meet all the requirements of the Ordinance for Licensing and Regulation of Adult Businesses.							
	X		X	X	X	Advertising Display, Sales and Manufacturing							
	X	X		X		Agri-businesses, cooperatives							
	X	X	X	X		Agricultural Equipment Sales, Supply & Storage							
						Agritourism	C						
X	X	X				Ambulance Services							
X	X	X	X			Amusements, Commercial							
	C			C	C	Amusement Park - provided that facilities are not located closer than 1,000 feet to a residential district.							
						Animal Hospital (See Veterinarian Clinic)							

C-1	C-2	C-3	CBD	M-1	M-2		R-15	R-12	R-10	HDR	R-20	O-R	MHP
X	X	X	X			Antique Shop							
X	X	X	X			Apparel and Accessory Store							
	X	X	X			Appliance, Radio and TV, Sales and Repair							
X	X	X	X			Art Gallery						X	
X	X	X	X			Athletic Club and Facilities, Public/Semi-Public							
X	X	X	X			Athletic/Health Club & Facilities							
	X	X				Auditorium, Assembly Hall, Civic Center							
	X					Motor Vehicle Race Track - provided that facilities are not located closer than 1,000 feet to a residential district.							
	X	X				Bait Shop							
X	X	X	X			Bakery/Pastry Shop							
	X	X	X			Bank or Financial Institution, Full Service							
	X	X	X			Bank, Auto Teller (ATM)							
	X	X	X			Bar, Cocktail Lounge, Tavern							
X	X	X	X			Barber Shop						X	
	X	X				Batting Cages							
X	X	X	X			Beauty Shop						X	
X	X	C	X			Bed and Breakfast Home - provided that rooms for rent are within a single family dwelling occupied by the owner as his/her principle residence; the same rental occupants shall not reside at the bed and breakfast for more than 7 consecutive days; breakfast is the only meal served and only to registered overnight guests; no person not a resident on the premises is employed; the exterior appearance of the dwelling is not altered from its residential character except for safety purposes; and, the identification sign shall be no larger than 2 square feet and not internally lighted.	C	C	X	X		X	X

C-1	C-2	C-3	CBD	M-1	M-2		R-15	R-12	R-10	HDR	R-20	O-R	MHP
X	X	C	X			Bed and Breakfast Inn - A building, not necessarily owner-occupied, that offers transient lodging accommodations and breakfast for four (4) or more guest rooms for compensation provided that: a) There is compliance with the same licensing, inspection and taxation requirements as hotels, motels, and restaurants. b) If within a residential district, the building shall be residential in character. c) Breakfast is the only meal served and only to overnight guests. d) The owners may have employees. e) The owner shall provide one (1) off-street parking space for each rental room and one (1) space for each employee. f) In a residential district, signage shall be limited to one (1) sign and maximum size of two (2) square feet.	C	C	X	X		X	X
	C			X		Boat Storage							
	X	X		C		Boat Sales, Service and Repair							
X	X	X	X			Books, Cards/Stationary Store							
				X	X	Bottled Gas, Storage & Distribution Center							
				X	X	Bottling Plant							
	X	X	X			Bowling Alley							
	X	X	X	X		Broadcasting Studio (Radio, TV)							
	X	X	X	X		Builder Supplies and Storage							
	X	X	X	X		Building Materials Sales, Supplies and Storage							
	X	X	X			Bus Station							
						Camp, Private	C						
	X					Campground, Public/Private (Tents or Recreational Vehicles – See Article XII, (F))							
						Car Wash (See Motor Vehicle Car Wash)							
	X		X	X		Carpenter Shop, Woodworking							
	X	X	X	X		Carpet Cleaning Store							
	X	X	X	C		Carpet and Rug Sales, Floor Covering & Storage							
				C	X	Cement, Lime Gypsum Manufacture							

C-1	C-2	C-3	CBD	M-1	M-2		R-15	R-12	R-10	HDR	R-20	O-R	MHP
X	C					Cemetery, Private - Any plot of ground, building, mausoleum, columbarium or other enclosure used for the burial of deceased persons of one collateral line of descent.	C		C	C		C	C
X	X	X	X	C	C	Cemetery, Religious Institution - A plot of ground, building, mausoleum, columbarium, or other enclosure owned by or adjacent to a religious institution and used for the burial of deceased persons who are generally members of that religious institution.	C		C	C		C	C
X	C					Cemetery, Public - A plot of ground, building, mausoleum, columbarium, or other enclosure not located on property owned by or adjacent to a religious institution but used for the burial of deceased persons.	C		C	C		C	C
	X			X	X	Cesspool Builder, Sales and Service							
X	X	C	X			Churches, Accessory Uses of (Minimum site area of sufficient acreage for such accessory use is required; minimum parking requirements of a church shall not be reduced.)	X		C	C	C	C	C
X	X	C	X			Churches	X		C	C	C	C	C
	X	X	X			Cinema/ Movie, Dance/Drama Theater							
X	X	X	X			Clinic, Public or Private						X	
X	X	X	X			Club and Lodges							
	X	X		C		College, University or Junior College							
X	X	X				Community Center	C						
				C	C	Concrete/Stone Cutting, Fabrication							
	X			X	C	Contractor Equipment - Material Storage							
X	X	X	X			Convenience Stores without Fuel Pump Service		C					
	X	X	X			Convenience Stores with Fuel Pump Service - provided that all fuel pumps shall be at least 15 feet from the street right of way.		C					
						Convent and Monastery	C	C	X	X		X	X
						Country Club, Private Golf Course	C						

C-1	C-2	C-3	CBD	M-1	M-2		R-15	R-12	R-10	HDR	R-20	O-R	MHP
C	X	X	X			Cultural Facility						X	
	X	X	X			Curio and Souvenir Shops							
	X			X		Dairies, Milk Processing							
X	X	X	X	C		Day Care Center, Group				C		C	C
X	X	X	X	C		Day Care Facility				C		C	C
						Day Care , Family Home			C	X		X	X
	X					Driving Range, Golf	C						
X	X	X	X			Drug Stores, Pharmacies							
X	X	X	X			Dwelling, Loft - providing each dwelling has a private entry door accessible by an interior or exterior stairway to the ground floor, individual heating and cooling facilities, two off-street parking spaces per dwelling, and meet all other city housing and building codes.						X	
			C			Dwelling, Multi-Family/Condominium	X		X	X		X	
						Dwelling, Senior				X		X	
						Dwelling, Single-Family Detached	X	X	X	X	X	X	
						Dwelling, Townhouse (Subdivision Approval Required)		X	X	X		X	
	X					Eggs, Processing							
	X	X		X		Equipment Rental, Industrial							
	X	X		X		Equipment Supplies (Business/Industrial)							
	X	X				Event Center							
X	X	X	X			Exercise Establishments						X	
					C	Explosive Manufacture/Storage [Minimum ten (10) acre site; minimum building setback is 300 feet within M-2 district and 1,000 feet from a residential district.]							
	X	X				Farmer's Market - Provided that permanent sanitary facilities are permitted by applicable authority; no overnight camping on the property is permitted; permanent electrical power is provided; off-street parking is provided; and such use shall be located on a major or minor collector street only.							
						Farming, Horticulture for Personal Use.	X	X	X	X		X	

C-1	C-2	C-3	CBD	M-1	M-2		R-15	R-12	R-10	HDR	R-20	O-R	MHP
	X	X		X		Farming, Horticulture for Commercial use including the growing of flowers, shrubs, fruits, tree nuts and vegetables - Provided that no structure used in such processing is located closer than fifty (50) feet to any property line.							
	X			X		Feed Mill, Seed Mill Production & Packing - Provided that any structure for such processing is located no closer than one hundred (100) feet to any property line.							
	X	X	X	X	X	Fire Station, Fire Tower	C						
	X	X	X			Fish, Meat; Wholesale, Cure, Store, Retail							
	X	X				Flea Market - Provided that permanent sanitary facilities are permitted by applicable authority; no overnight camping on the property is permitted; off-street parking is provided; permanent electrical power is provided; and such use shall be located on a major or minor collector street only.							
X	X	X	X			Florist, Greenhouse, Nursery, Retail Sales	X						
X	X	X	X			Florist Shop	X						
						Forest, Commercial	X						
	X	X	X			Frozen Food, Cold Storage Locker							
X	X	X				Funeral Home, Mortuary						X	
	X	X	X			Furniture, Home Furnishing and Equipment Store							
X	X	X	X			Game Room, Arcade							
						Garage/Basement/Yard Sales - provided that 1) sales last no longer than 3 days, 2) sales are held no more than four times per year, 3) sales are conducted on the owner's property, (multiple family sales are permitted if they are held on the property of one of the participants), 4) no goods purchased for resale may be offered for sale, and 5) no consignment goods may be offered for sale.	X	X	X	X		X	X
X	X	X				Garden, Landscaping Supplies							
						Gasoline Station (See Motor Vehicle Service Station)							

C-1	C-2	C-3	CBD	M-1	M-2		R-15	R-12	R-10	HDR	R-20	O-R	MHP
		X				Go-Kart, Motor Bike Track							
						Golf Courses and Club Houses	X						
	X	X				Golf Driving Range							
X	X	X	X	C	C	Government Buildings	C	C	C	X		X	C
X	X	X	X			Grocery/General Merchandise Store							
						Group Home: 1) shall be approved and licensed by the State of Georgia, Dept. of Human Resources or any agency through which it acts; 2) the outward appearance of the structure shall have the same or similar appearance of the dwellings within the same residential district and shall meet the minimum square footage requirements of the district; 3) the number of occupants served must comply with the housing code.	X	X	X	X	X	X	
	X					Halfway House (Special Approval Requirements – See O.C.G.A 36-66-4)				C			
X	X	X	X			Hardware, Paint & Wallpaper Store							
					C	Hazardous Wastes Handling and Processing [Minimum ten (10) acre site; minimum building setback is 300 feet within M-2 district and 1,000 feet from a residential district.]							
						Health Club (See Athletic Club)							
X	X	X	X			Hobby, Toy and Game Store							
	X	X				Homeless Shelter							
						Home Occupation, Residential - Subject to Article VIII, (B)(2).	X	X	X	X		X	X
	X	X				Hospital, Health and Medical Institution						X	
	X	X	X			Hotel							
						Industrialized Home – (See Dwelling, Single Family Detached)							
				X	X	Ice, Manufacturing & Sales							
X	X	X	X			Jewelry Store							
	C			C	C	Junk Yard, Salvage Yard							

C-1	C-2	C-3	CBD	M-1	M-2		R-15	R-12	R-10	HDR	R-20	O-R	MHP
	X					Kennel, Commercial							
	X	X		X	X	Laboratory Research Facilities							
				C	C	Landfill/Sanitary/Hazardous Waste Facility							
X	X	X	X			Laundry, Commercial Services							
X	X	X	X			Laundry, Pick-up and Dry Clean Services							
X	X	X	X			Laundry, Coin-Operated							
X	X	X	X			Library							
						Livestock Raising/Keeping for Personal Pleasure - Provided that all structures used for housing or feeding livestock shall be at least fifty (50) feet from any property line. See Article VIII Section B-4.	X						
				X	X	Livestock Sales or Auction Facilities - Provided that no structure for feeding or housing animals shall be located closer than one hundred (100) feet to any property line and that adequate off-street parking shall be provided for livestock trailers, recreational trailers, etc.							
	C			X	X	Machine Shop, Fabrication, Welding, Sales							
	X			X		Machinery Sales, Service and Repair							
					X	Manufacturing Establishment involving the mechanical or chemical conversion of raw materials into semi- finished or finished products.							
	X			X	X	Manufacturing Establishments involving only the assembly of pre-manufactured component parts.							
						Manufactured Home							X
				X	X	Meat Packing & Processing, Slaughter Yards							
	X	X	C			Microbrewery, micro-distillery/winery							
					C	Mineral Extraction & Processing							
C	X	C		X		Mini-Warehouse (Self-Service Storage Facility)							
C	X	C				Miniature Golf Game							
--	--	--	--	--	--	Mobile Home	--	--	--	--	--	--	--
	X	X				Motel							
	X	X				Motor Vehicle Parking Lot, Commercial							

C-1	C-2	C-3	CBD	M-1	M-2		R-15	R-12	R-10	HDR	R-20	O-R	MHP
	X					Motor Vehicle Race Track – provided that facilities are located closer than 1,000 feet to a residential district.							
	X	X	X	X		Motor Vehicle Repair Service, General							
X	X	X	X	X		Motor Vehicle Repair Service, Specialty							
	X	X	X	X		Motor Vehicle Sales, Service, & Repair							
	X	X	X			Motor Vehicle Service Station - provided that all fuel pumps shall be at least 15 feet from the street right of way.							
	X	X		X		Motor Vehicle Wash – Manual or Automatic							
	C					Movies, Drive-In							
X	X	X	X			Museum						X	
C						Neighborhood Center - provided that a site plan is approved to assure compatibility with the neighborhood in which it is located.			C	C		C	C
	X	X	X			Newsstands							
X	X	X	X			Nursery and Green House - (Retail) Provided that no structure shall be located closer than one hundred (100) feet to any adjoining residential property.							
	X	X		X	X	Nursery and Green House - (Wholesale) Provided that no structure shall be located closer than one hundred (100) feet to any adjoining residential property.							
X	X	X	X	X	X	Office, Business & Professional						X	
X	X	X	X	X		Office Supplies						X	
	X	X	X			Package Store, Alcoholic Beverage - provided that it meets all the requirements of the City's Beer and Wine Ordinance.							
					X	Paper or Paper Pulp Manufacture							
						Parking Lot (See Motor Vehicle Parking Lot, Commercial)							
X	X	X	X			Parks and Recreational Facilities			C	C		C	C
					X	Paving, Concrete and Asphalt Plant							
						Personal Care, Congregate	C	C	X	X		X	X

C-1	C-2	C-3	CBD	M-1	M-2		R-15	R-12	R-10	HDR	R-20	O-R	MHP
						Personal Care, Family Home	C	C	X	X		X	X
						Personal Care, Group	C	C	X	X		X	X
X	X	X	X			Pet Shop and Animal Grooming Shop							
				X	X	Petroleum Products, Bulk Storage Tank							
X	X	X	X			Print Shop (Quick Print Copying and Office Supplies)						X	
	C		X	X	X	Printing, Photo- engraving							
				X	X	Printing, Publishing and Sampling							
	X	X				Produce Stand - Provided that a minimum of four (4) off-street parking spaces are provided and that such stand is used only for selling products grown or produced by the owners or tenants of the premise.							
	C	C	C	X	X	Radio, TV & Communication Transmission Tower - subject to requirements of Article VIII, (E).							
	C	C		C	C	Railroad Station							
	X	X				Recreation Facilities, (Outdoors)							
	X	X	X			Recreation Centers, Public	X		X	X		X	
					X	Recycling Center (w/processing facilities)							
				X	X	Recycling Collection Station							
					X	Refining of Petroleum Products							
X	X	X	X			Repair Service, General Merchandise							
	X			X	X	Repair Service (Heavy Equipment) & Trade Shop							
X	X					Residence Inn						C	
	X	X				Restaurant - drive in							
	X	X	X			Restaurant -non drive in							
	X	X	X			Retail Stores offering common merchandise							
						Riding Stables and Academies	X						
X						Rooming and Boardinghouse				X		X	
						RV Park, Campground - subject to Article XII, (F).	C						
	X			X	X	Saw Mill, Lumber Yard							
				X	X	Saw Mill, Temporary or Portable							
	X	X	X			School, Commercial							
C	X	X				School, Public, Private or Parochial	X	X	X	X		X	C

C-1	C-2	C-3	CBD	M-1	M-2		R-15	R-12	R-10	HDR	R-20	O-R	MHP
					X	Sewage Treatment Facilities, Public or Private							
X	X	X	X			Shoe Repair							
	X	X				Shooting Range, Indoor							
	X	X				Shopping Center							
	X	X				Skating Rink, Roller-Ice							
	C			X	X	Storage Yard, Equipment							
	X		X	X	X	Storage Warehouse							
X	X	X	X	X		Studio for Art, Photography and Similar Uses						C	
X						Swimming Pools (Public or Private Membership)	X		X	X		X	X
X	X	X	X			Tanning Beds						X	
X	X	X				Tattoo Parlors; Body Art							
	X	X	X			Taxidermy							
	X	X	X			Taxi Stands, Dispatching							
						Theater, Drama (See Cultural Facility)							
C				C	C	Timber Harvesting, Logging							
	X	X	X	X		Tire Sales and Service							
	C	C	C	X	X	Tower, Telecommunications - subject to the provisions of Article VIII, (E).							
	X		X			Trade Shops							
	X	X		X		Trailers, Manufactured Home Sales & Service							
				X	X	Transfer Station, Solid Waste							
						Travel Trailer Park – (See Campground, Public/Private)							
				X	X	Truck Terminals, Freight Handling							
C	C	C	C	C	C	Utility Facilities (gas, electric, telephone transformer stations) - subject to Supplementary Use Regulations in Article VIII (B)(3).	C	C	C	C		C	C
	X	X				Veterinary Clinic/Animal Hospital/Grooming House							
	X	X	X	X	X	Vendor Stand							
X	X	X	X			Video Sales and Rental							
	X	X		C		Vocational School							
C	C	C	C	C	C	Water Treatment Facilities	C	C	C	C		C	C

C-1	C-2	C-3	CBD	M-1	M-2		R-15	R-12	R-10	HDR	R-20	O-R	MHP
	X	X	X	X	X	Welding Shop							
	X		X	X	X	Wholesale Sales, Warehouses							
	X	X	X	X	X	Wholesale Trade/Warehouse/Distribution Facilities							
	X			X	X	Wreckage Services, Temporary Storage – all storage to be located in the side yard and rear yard and enclosed by a sight impermeable fence eight (8) feet high.							

ARTICLE VIII - SUPPLEMENTARY REGULATIONS

The regulations set forth in this section qualify or supplement the district regulations in Article V through Article XV of this Ordinance.

Section A. Supplementary Area, Yard, and Height Regulations:

1. Mixed Uses: Where more than 25 percent of the total floor area of any building in a commercial district is used for dwelling purposes, even though it also supports non-residential uses, the minimum area, yard and height requirements for residential development applicable in the district in which such building is located shall apply, subject to the side yard modification for mixed uses contained elsewhere in this article. Where 25 percent or less of the total floor area of such building is used for dwelling purposes, the building shall be subject to the area, yard, and height requirements applicable to non-residential buildings in the district.

2. Exceptions to Height Regulations:

- a. The height limitations of this ordinance shall not apply to:

Belfries	Public Monuments
Chimneys	Commercial radio and television towers
Church Spires	less than 125 feet in height
Conveyors	Silos
Cooling Towers	Smoke Stacks
Elevator Bulkheads	Stage Towers or Scenery Lofts
Fire Towers	Tanks
Flag Poles	Water Towers and Stand Pipes
Ornamental	Towers and Spires

- b. Public and semi-public service buildings, hospitals, institutions, and schools when permitted in a district, may be erected to a height not exceeding 100 feet, and churches and temples may be erected to a height not exceeding 75 feet, provided the required side yard and rear yards are each increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

3. Lot Area:

- a. Requirements for lot area per family do not apply to dormitories, fraternities, sororities, and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms or apartments.

- b. Requirements for lot area per family do not apply to rental units in a hotel, motel, motor lodge, tourist home, or to rooms in a rooming or boarding house.

4. Yards and Open Space - General

- a. Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.
- b. Where these regulations refer to side streets, the Administrator shall be guided by the pattern of development in the vicinity of the lot in question in determining which of two streets is the side street.
- c. Every part of a required yard shall be open to the sky, except as authorized by this article, and excepting ordinary projections of sills, window air conditioning units, chimneys, cornices, and ornamental features which may project to a distance not to exceed 24 inches into a required yard.
- d. Except when prohibited by other provisions of this ordinance, fences, walls, and hedges, driveways, and buffer areas may be permitted in any required yard or along the edge of any yard provided that no fence, wall or hedge along the street sides of corner lots violates the corner visibility provisions of this ordinance.
- e. Except for the following instances, only one principal building, together with its customary accessory buildings, shall occupy each lot:
 - (1) Institutional Buildings
 - (2) Public or Semi-Public Buildings
 - (3) Multiple-Family Dwellings
 - (4) Business or Commercial Buildings
 - (5) Homes for the Aged
 - (6) Planned Developments

The provisions of this exception shall not be construed to allow the location or erection of any building or portion of a building outside the buildable area of the lot or the intermingling of uses.

- f. In the event that a lot is to be occupied by a group of two or more related buildings to be used for residential purposes such dwelling structures shall not be situated so as to face the rear of another dwelling structure within the development or on adjoining properties, unless differences in terrain and elevation would provide effective visual separation or unless the units are more than 60 feet apart.

- g. Dwelling structures which are front face to front face or back face to back face or front face to back face shall not be less than 60 feet apart. Dwelling structures which are side face to side face shall not be less than 20 feet apart. Dwelling structures which are side face to front face or back face shall not be less than 40 feet apart.

5. Front Yards:

- a. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- b. On through lots, the required front yard shall be provided on each street.
- c. There shall be a yard of at least 20 feet on the side street of a corner lot in any district provided, however, that the buildable width of a lot of record at the time of issuance of this ordinance shall not be reduced to less than 28 feet.
- d. Open, unenclosed porches, platforms, or paved terraces, not covered by a roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into the required setback requirements not more than six feet.
- e. When the setback of existing buildings located within 200 feet of each side of a lot within the same block and zoning district, and fronting on the same street as that lot, is less than the minimum required setback, the setback on that lot may be the average of the existing setbacks.

6. Side Yards:

- a. For the purpose of the side yard regulations, a group of business or commercial buildings separated by common or party walls shall be considered as one building occupying one lot.
- b. The minimum width of side yards for schools, libraries, churches, and other public and semi-public buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a business or commercial district, in which case the width of that yard shall be as required for the district in which the building is located.

7. Rear Yards: Open or lattice-enclosed fire escapes, outside stairways, and balconies opening upon fire towers and the ordinary projections of chimneys and flues, may project into the required rear yard for a distance of not more

than five feet, but only where the same are so placed as not to obstruct light and ventilation.

8. Corner Visibility: No sign, fence, wall, hedge, planting, or other obstruction to vision, extending to a height in excess of three feet above the established street grade, shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points 25 feet distant from the intersection of the street lines.
9. Fences and Walls: No fence or freestanding wall in a required yard other than a retaining wall shall be more than eight feet in height, or be constructed in a public right-of-way.

Section B. Supplementary Use Requirements:

1. Accessory Uses and Structures

- a. Such structures shall be located on the same lot as the principal building to which it is accessory.
- b. Such structures shall not be permitted in any required front yard.
- c. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
- d. Residential accessory uses such as garages, greenhouses, or workshops, shall not be rented or occupied for commercial purposes.
- e. No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
- f. Where a corner lot adjoins in the rear of a lot in a residential district, no accessory building shall be located closer to the side street right-of-way line than the principal building or closer than five feet to the rear property line.
- g. No garage or other accessory building shall be located closer than three feet to a side or rear lot line in a residential district.
- h. When an accessory building is attached to the principal building by a breezeway, passageway, or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
- i. No accessory building shall be located closer than 20 feet to the principal building or to any other accessory building in a residential district.

- j. All residential accessory buildings must be located at least 20 feet to the rear of the principal building.
- k. Areas in which the accessory storage of a boat, boat trailer, or travel trailer is permitted shall not include the required front yard.
- l. Filling station pumps and pump islands where permitted may occupy the required yards, provided, however, that they are not less than 15 feet from the street lines.
- m. No residential accessory building shall be used by other than employees of the owner, lessee, or tenant of the premises.
- n. Accessory uses in an apartment development may include, but shall not be limited to, laundry facilities for the convenience of residents, which must be housed in a primary use structure.
- o. Accessory swimming pools, open and unenclosed, may occupy a required rear or side yard, provided that they are not located closer than six feet to a rear lot line or ten feet to an interior side lot line. A walk space at least three feet wide shall be provided between pool walls and protective fences or barrier walls. On double fronting lots, an open or enclosed swimming pool, located in the rear of the dwelling, shall meet the front setback requirement for the district where the lot is located. Chain-link fencing, not higher than four (4) feet, or site impermeable privacy fencing, not higher than six (6) feet, shall enclose all in-ground pools or other above-ground pools that require permanent power connections.
- p. An ornamental fence or wall may project into or enclose the front, side, or rear yard provided such fences and walls do not exceed a height of six (6) feet and, if the curb or pavement edge happens to be the right-of-way line, then such fencing/wall shall not be closer than ten (10) feet to such right-of-way line. In order to maintain residential values and minimize negative neighborhood effects, chain link fencing of any type shall not be allowed to enclose any residential front yard.

2. Customary Home Occupation

- a. There shall be no exterior evidence of the home occupation other than a nonilluminated identification sign having an area of not more than two square feet which shall be attached wholly to the dwelling structure within such activity is conducted.

- b. Such use shall be conducted entirely within the dwelling unit and only persons living in the dwelling unit shall be employed in such occupation.
- c. No more than 25 percent of the dwelling unit may be used for the operation.
- d. There shall be no group instruction, assembly or activity.
- e. No commodity shall be stocked or sold on the premises.
- f. No materials, equipment, or business vehicles may be stored or parked on the premises except that one business vehicle (the carrying capacity of which shall not exceed one and a half tons) used exclusively by the resident may be parked in a carport, garage, or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business or home occupation.

3. Electric Transformer Station, Gas Regulator Station, and Telephone Exchange

- a. Such uses shall be essential for service to the area in which located.
- b. Any building or structure, except an enclosing fence, shall be setback not less than 20 feet from any property line and shall meet all applicable yard requirements in excess thereof.
- c. Such uses shall be enclosed by a fence not less than eight feet in height.
- d. The required front yard and other open space on the premises outside the fenced area shall be grassed, landscaped, and maintained in an appropriate manner.
- e. The storage of vehicles and equipment on the premises shall be prohibited.
- f. Site and development plans shall be approved by the Zoning Administrator to insure compatibility of facilities in the neighborhood in which they are to be located.

4. Animals

- (a) Raising and keeping livestock, ten (10) or more pounds in weight shall be permitted upon a lot or parcel in the R-15 Residential zoning districts, or upon a lot in a commercial or manufacturing zoning district upon which there is located a non-conforming single family dwelling occupied as a residence,

provided that there is a minimum of two (2) acres, with no more than four (4) total animals per two (2) acres prorated, and all structures used for housing and feeding the animals shall be located at least twenty-five (25) feet from any lot line.

(b) Raising and keeping small animals, under ten (10) pounds in weight, shall be permitted upon a lot or parcel in the R-15 Residential zoning district, or upon a lot in a commercial or manufacturing zoning district upon which there is located a non-conforming single-family dwelling occupied as a residence, subject to the following:

(1) Condition, size. All such animals must be provided with adequate, secure enclosure(s) while not within the immediate presence of the owner. The pens or other enclosures wherein such animals are kept shall have a solid floor of suitable washable material, except when the pens are seventy-five (75) feet or more from the nearest neighbor's dwelling or place of business. Floor space in all such pens or enclosures, wherever located, shall contain not less than six (6) square feet per animal. In order to promote good hygiene and to eliminate nuisance odors, pens must be regularly cleaned and animal waste must be properly disposed.

(2) Location. Pens or yards where such animals are kept shall be placed at the following minimum distances from any dwelling or business structure:

i. Distance from any dwelling, except that of owner, or any business structure, fifty (50) feet

ii. Distance from owner's dwelling, five (5) feet.

(3) Maximum number. The maximum number of such animals, in any combination, which may be kept upon a single lot or parcel shall be limited as follows:

i. On lots up to five (5) acres in size, a total of no more than ten (10) small animals. No roosters, peafowl or any other fowl whose calls are audible to an adjoining lot shall be permitted.

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ii. On lots five (5) or more acres in size, there is no limit to the number of non-commercial small animals permitted.

Section C. Dwelling Standards

All structures used as dwellings shall conform to the "City of Buchanan Housing Code."

Section D. Landscaping Requirements:

The following requirements apply to all developers and/or owners of real property involved with the erection, repair, alteration or removal of any building or structure, as well as the grading in anticipation of such development in the C-1, C-2, C-3, M-1 and M-2 Zone Districts.

1. Tree Planting

- a. Street Frontage Planting Requirements. A tree planting strip, exclusive of access driveways, with an average width of ten (10) feet is required along all property lines abutting the public right-of-way. If large maturing trees are used, the planting strip shall include two (2) trees with a minimum of two (2) inches of caliper and eight (8) feet in height in the first forty (40) feet and one (1) tree per forty (40) feet thereafter or fraction thereof. If small maturing trees are used, the same conditions apply; but the increment drops to thirty (30) feet.

When a building permit is requested for renovation of a previously developed site and where the required frontage planting strip does not exist, trees are still required. However, in lieu of an ten foot wide planting strip, a pavement cutout of a minimum of eighty (80) square feet and with a minimum dimension of five (5) feet may be substituted. This substitution, if so agreed upon by all parties, must be constructed within the designated front setback area for the particular property as set forth in the Buchanan City Zoning Ordinance.

When a railroad or utility right-of-way separates the property from a county right-of-way, the planting strip requirement and the tree planting requirements must still be met.

- b. Internal Lot Planting Requirements. Whenever the impervious cover of a lot exceeds ten thousand (10,000) square feet, an area equal to five (5) percent of the total impervious surface must be provided for landscaping and tree planting. Tree planting is required at the rate of one (1) tree per ten thousand (10,000) square feet of impervious cover.

Trees must be planted within the paved area so that no parking space is more than ninety (90) feet from a tree. Minimum unpaved landscape area per tree shall be one hundred sixty (160) square feet with a minimum dimension of eight (8) feet.

When a building permit is requested for the renovation of a site previously developed, internal tree planting is still required; and the minimum planting area shall be one hundred sixty (160) square feet per tree. Five (5) percent of the total impervious cover must be open for landscape purposes.

c. Tree specifications. The trees to be planted must be from an approved list supplied by the City. Minimum tree caliper measured six (6) inches aboveground on all trees shall be two (2) inches, and the minimum height shall be eight (8) feet. No trees identified as "large maturing" shall be planted within (20) feet of an electrical transmissions or distribution line. This does not include low voltage insulated or covered lines of two hundred forty (240) volts or less of telephone or cable vision lines.

2. Utility Responsibility. Public and private utilities which install overhead and underground utilities including CATV installations, and water and sewer by or at the direction of all utility departments shall be required to accomplish all work on property subject to this article in accordance with the company's written pruning and trenching specifications or as mutually agreeable to the property owner and the utility. Written specifications shall have been first approved by the City.

Section E. Telecommunications Antenna and Towers:

The location of freestanding communication towers may be permitted under the provision of this section. The intent of this section is to: provide for the appropriate location and development of communication towers and antennae to serve the residents and businesses of the City of Buchanan; minimize adverse visual impacts of towers and antennae through careful design, siting, landscape and innovative camouflaging techniques; and to encourage and promote the location of new communication towers in areas which are not zoned for residential use.

1. Height Requirements. No antenna or tower shall exceed 250 feet in height. Antenna and towers located in the General Commercial (C-2), Commercial Parkway (C-3), or Central Business District (CBD) shall not exceed the following height limitations.

a. For a single user, no more than seventy (70) feet in height;

b. For two users, no more than (100) feet in height; and

c. For three users, no more than one hundred and fifty (150) feet in height.

2. Roof Top Mounted Antennas. Rooftop mounted communications towers and antennae may be located on any nonresidential buildings and alternative tower structures in the City of Buchanan so long as:

a. Such tower or antenna is set back from any existing or planned off-site residence and separated from any residentially zoned property at least a distance equal to two times the full height of the tower and antenna, but in no event less than one hundred (100) feet;

- b. The existing free-standing nonresidential structure other than a tower on which such tower or antenna will be placed is fifty (50) feet in height or greater and the tower and antenna will add no more than twenty (20) feet total to the height of said existing structure;
 - c. No signs or illumination are permitted on an antenna or tower unless required by the FCC, FAA or other state or federal agency of competent jurisdiction in which case the enforcement officer may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views; and
 - d. The number and location of antennae, communication towers or other receiving or transmitting devices located on a single structure that is not excessive and does not adversely affect adjacent properties and views.
- 3. Safety Standards. To ensure the structural integrity of communication towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. Tower owners shall conduct periodic inspections of communication towers at least once every three years to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in the State of Georgia.
- 4. Regulatory Compliance. All towers and antennae must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate communications towers and antennae. If such standards and regulations are changed then the owners of the communications towers and antennae into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Tower owners shall provide documentation showing that each communication tower is in compliance with all federal requirements. Evidence of compliance must be submitted every 12 months.
- 5. Security. Communication towers shall be enclosed by decay-resistant security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device.
- 6. Lighting. No illumination is permitted on an antenna or tower unless required by the FCC, FAA or other state or federal agency of competent jurisdiction in which case the Zoning Board of Appeals may review the available lighting alternatives

and approve the design that would cause the least disturbance to the surrounding uses and views.

7. Advertising. No advertising is permitted on an antenna or tower.
8. Visual Impact.
 - a. Towers shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color, so as to reduce visual obtrusiveness.
 - b. At a tower site the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
 - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - d. Towers clustered at the same site shall be of similar height and design.
 - e. Towers shall be at a minimum height necessary to provide parity with existing similar tower supported antenna, and shall be freestanding where the negative visual effect is less than would be created by use of a guyed tower.
9. Landscaping. Landscaping shall be used to effectively screen the view of the tower compound from adjacent public ways, public property and residential property and shall be as follows:
 - a. A buffer area no less than 6 feet wide shall commence at the property line.
 - b. The buffer zone is to consist of materials of a variety which can be expected to grow to form a continuous hedge at least five feet in height within two years of planting.
 - c. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff/maintenance.

- d. Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be replanted to replace that lost.
- e. In lieu of these standards, the Enforcement Officer may allow use of an alternate detailed plan and specifications for landscape and screening, including plantings, fences, walls and other features designed to screen and buffer towers and accessory uses. The plan shall accomplish the same degree of screening achieved by the provisions above, except as lesser requirements are desirable for adequate visibility for security purposes and/or for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries and tree farms. In certain locations where the visual impact of the tower would be minimal, such as remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be reduced or waived by the Zoning Board of Appeals.

Section F. Flood Hazard Area Development Requirements

See the Flood Damage Prevention Ordinance in the Appendices.

Section G. Requirements for Temporary Structures / Uses.

The City of Buchanan acknowledges that temporary structures, such as tents, may be periodically used for special events, activities, entertainment, temporary sales of various products, and the like. However, the City of Buchanan has determined that specific requirements are necessary to secure the health, safety, and welfare of the entire community by regulating temporary structures/uses, as follows:

- 1) A temporary structure/use permit shall be required from the City of Buchanan for such temporary structure/use;
- 2) The use sheltered by the temporary structure shall be limited to not more than fourteen (14) days, not more than twice annually, non-consecutively, at any location with the City of Buchanan, except that seasonal events, such as holiday tree sales lots shall be permitted to operate for up to two (2) consecutive fourteen (14) day periods annually;
- 3) A temporary structure shall be promptly removed at the conclusion of the temporary use associated with such temporary structure;
- 4) A temporary structure shall require either permanent restroom facilities upon the same lot/parcel or the placement of portable toilets on-site, in the discretion of the Zoning Administrator;

- 5) A temporary structure shall require the installation of temporary electrical power, rather than the use of batteries or motorized generators;
- 6) No overnight camping shall be allowed in conjunction with a temporary structure/use;
- 7) Setback requirements of the applicable zone district shall apply and shall be measured from the outermost edge of the temporary structure to the property lines;
- 8) Off-street parking requirements shall be required in conjunction with the applicable use: e.g. seating capacity of a church facility, or parking spaces per square feet of gross floor area for the use sheltered by the temporary structure. Temporary structures used in conjunction with permanent structures shall be exempt from additional off-street parking requirements.
- 9) Food service providers shall comply with all requirements of the Haralson County Environmental Health Department, as applicable.

ARTICLE IX - PLANNED UNIT DEVELOPMENTS (PUD)

SECTION A. Intent. It is the intent of this provision to encourage flexible and creative concepts in site planning and building arrangements under a unified plan of development rather than under conventional lot-by-lot regulation. The developer benefits from better land utilization, economy in the provision of roads and utilities, and flexibility in design. The community benefits from efficient use of land, preservation of natural amenities and environmentally sensitive areas, and lower development and housing costs. Review and approval of the development plan provides the opportunity to assure that the development will be in harmony with the character of the neighborhood in which it is located.

SECTION B. Guidelines for Review of Planned Unit Developments. The review shall consider the following general objectives and purposes to result in approval or denial of a proposed Planned Unit Development:

1. Whether the development will be compatible with the topography, hydrology, and other natural features of land; and whether any unusual topographic or other natural features will be disturbed.
2. Whether the character, design, and layout of proposed land uses are adequate and appropriate to encourage desirable living conditions, and to provide for separation and screening between dissimilar uses within and adjacent to the PUD.
3. Whether the development will be able to preserve and protect the natural amenities including watersheds, wetlands, groundwater recharge areas, floodplains, steep slopes and wooded areas.
4. Whether the development will adversely affect developed or undeveloped neighboring properties.
5. Whether the existing and/or proposed streets, utilities, and other public services are adequate to serve the development, including perpetual maintenance and adequate security.

SECTION C. Types and Permitted Uses of Planned Unit Developments.

1. **Planned Unit Development - Residential (PUD-R).** PUD-R is a planned residential development without commercial facilities. The minimum acreage requirement is two (2) acres. A development may contain any combination of residential uses plus the following: Accessory uses - subject to the requirements of VIII-B.1 Supplementary Regulations; Dwellings: multi-family, single-family detached, townhouse/condominium; Zero lot line development; Group personal care homes; Neighborhood centers; Bed and Breakfast home; Cemeteries, Religious and Private; Child care home, family; Churches; Government buildings; Schools, public, private or

parochial; Sewage treatment facilities, public or private; Utility facilities (gas, electric, telephone, transformer stations); Water treatment facilities; Golf courses and club houses; Parks and recreation facilities.

2. Planned Unit Development - Commercial (PUD-C). PUD-C is a planned residential development with commercial uses as listed in IX.C.1 and also including: Bakeries/Pastry shops; Book, card, and stationary stores; Convenience stores without fuel pump service; Drug stores/pharmacies; Florist shop; Retail stores offering common merchandise; shoe repair shops; Banks and auto-tellers; Clinics, public and private; Coin laundries; Laundry pick-up and dry clean services; Office, business and professional; Video sales and rental; Child care center, group; Child care facility. The minimum acreage requirement is fifty (50) acres and the following criteria shall apply:

a. Amount and Type of Commercial Uses. The proposed commercial uses shall be designed to primarily serve the planned development and shall be justified by the developer in a required market analysis report that contains the following information:

- 1) The trade area of the proposed commercial facilities including present and prospective population.
- 2) The effective buying power in such trade area.
- 3) The extent that the proposed commercial facilities already exist in the trade area.
- 4) The need for the proposed facilities.

b. Floor Area Ratio. There shall not be less than four (4) square feet of commercial lot area for each (1) square foot of permitted commercial floor area (FAR = .25).

c. Design Layout. Layout of parking areas, service areas, entrances, exits, yards, courts and landscaping serving commercial facilities permitted in a Planned Unit Development and control of signs, lighting, noise or other potentially adverse influences shall be designed to protect the residential character within the Planned Unit Development and any adjoining residential district.

d. Retail Sales and Service. All retail sales and services permitted in a PUD-C shall be conducted entirely within a wholly and permanently enclosed building(s) which shall be of an architectural design compatible with the residential structures within the Planned Unit Development.

e. Building Permit Approval. No building permit for any approved commercial facility shall be issued until at least twenty-five percent (25%) of all planned residential dwelling units have received a Certificate of Occupancy.

SECTION D. General Development Criteria for a Planned Unit Development.

1. PUD Locations and Abutting Developments. A PUD may be located within any residential district if it meets all the required standards for Planned Unit Developments and a rezoning request is approved. Commercial uses, attached dwelling units, or multi-family developments within a proposed PUD shall be designed with sensitivity to existing single-family residential dwellings that surround the PUD. Access to such facilities shall be from internal streets serving the planned development.

2. Minimum Lot Area and Yard Requirements. Such requirements for each use may be waived upon the approval of a final plan and a final plat.

3. One Principal Building per Lot. Lots developed for single-family detached dwellings shall have only one principal building per lot.

4. Separation of Buildings. The minimum distance between all buildings shall be twenty (20) feet, except for ZLL developments which shall be fifteen (15) feet. Such distance shall be measured from the outermost projection of any part of the building.

5. Minimum Floor Area. The minimum floor area for each residential use is as follows:

Single-family detached dwelling – 1,200 square feet.

Single-family attached dwelling – 1,000 square feet.

Multi-family dwelling:

- 850 sf per one (1) bedroom dwelling.

- 1,000 sf per two (2) bedrooms dwelling.

- 1,200 sf per three (3) bedrooms dwelling.

6. Gross Density. The maximum gross density in a PUD shall not exceed eight (8) dwelling units per acre.

7. Ownership. Planned Unit Development sites shall be under single ownership and/or unified control until developed. If upon application, the applicant does not have a full ownership interest in the land, then evidence of full ownership by a single individual, a partnership, tenants in common, a corporation, or by some other legal entity must be provided before the final plan and final plat are approved.

8. Streets and Parking Requirements. Principal vehicular access points to a Planned Development shall be designed to permit smooth traffic flow and minimum hazards to

vehicular or pedestrian traffic. Internal traffic circulation systems must be designed to assure safety, convenience, and adequate access by both the public and emergency vehicles to dwelling units and non-residential facilities.

a. Public or Private Streets. The application for a Planned Unit Development shall stipulate whether the streets within the development are to be public or private. If the streets are proposed to be private, the developer shall submit a legal instrument or instruments setting forth a plan for the perpetual maintenance and repair of the proposed private streets. Regardless whether the streets are publicly or privately owned and maintained, they shall be constructed to the minimum standards specified in the Buchanan Subdivision Regulations.

b. Parking. Parking facilities within a Planned Unit Development shall meet the minimum standards per use as specified in Article XI, Section I and J of this Ordinance.

9. Buffer Requirements.

a. The perimeter of the PUD must at a minimum, comply with the buffer requirements provided in Article VI of this Ordinance.

b. All buffer areas shall be designated on the appropriate permit applications(s) and indicated as a permanent buffer areas on the required buffer plan or final subdivision plat, as appropriate.

c. When the uses proposed within a PUD are adjacent to existing dissimilar uses outside the PUD, a buffer is required for the PUD boundary.

d. When the uses proposed within a PUD are adjacent to vacant land that is zoned for dissimilar uses, the buffer shall be required on the property that allows the more intensive uses to develop; if the property adjacent to the PUD is vacant and unzoned, the PUD is not required to provide a buffer.

e. If due to the topography or other conditions, the Planning Commission determines that the buffer requirements of this article are not adequate, the Commission may then recommend such additional buffer for cause.

10. Utilities. All Planned Unit Developments shall be served by a public water system and a public sewage disposal system or a community sewage treatment system approved by the appropriate state or local authorities.

11. Deed Covenants. The entire Planned Unit Development shall be included within private deed covenants running with the land to assure the continuance of the Planned Unit Development in accordance with approved plans and developments.

12. Homeowners Association. If a homeowners association is proposed, a declaration of covenants and restrictions that will govern the association shall be submitted as evidence that the Association is established before any homes are sold and shall include provisions requiring that:

- a. Membership must be mandatory for each buyer and any successive buyer.
- b. The open space restrictions must be permanent, not just for a period of years.
- c. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
- d. The association must be able to adjust the assessment to meet changing needs.

13. Coordination with Subdivision Regulations. Review of a Planned Unit Development under this section shall be submitted in a form and sequence that satisfies the preliminary and final plat requirements of the Buchanan Subdivision Regulations. The approved final plat shall be recorded in the same manner as other subdivision plats along with the necessary covenants and restrictions applicable to the development. Individual properties in a Planned Unit Development may not be sold until the final plat is approved and recorded.

14. Open Space Requirements.

- a. Common open space shall comprise at least ten percent (10%) of the gross area of the Planned Unit Development to be used as recreational or park facilities, or as an environmental amenity for the collective enjoyment of the occupants of the development. Common open space shall not include public or private streets, parking areas, driveways, or utility right-of-ways.
- b. For density purposes, land area proposed for common open space may be allocated to single-family detached, single-family attached, and multi-family uses areas in proportion to the ratio of each use to the total area of residential use, provided that open space acreage allocated to a use must be reasonably accessible to that use.
- c. A Planned Unit Development shall be approved subject to the submission of a legal instrument (ie. Homeowners Association) setting forth a plan for the permanent care and maintenance of such open spaces, recreation areas, private streets and other communally owned facilities. Such instrument shall be approved by the City Attorney as to legal form and effect.

d. The required open space shall be developed and landscaped by the developer in accordance with an approved plan.

15. Signage. Signage within a PUD are limited to only ground, window, or wall signs as defined in Article X of this Ordinance.

SECTION E. Application for Approval of a Planned Unit Development.

1. Pre-Application Conference. Prior to filing a formal application for a PUD, the applicant is encouraged to confer with the Zoning Administrator to review the general character of the plan, and to obtain information on projected programs and other matters.

2. Plan Application. An applicant shall file an application for rezoning. This application shall be supported by a written statement of intent and a Site Development Plan.

a. Site Development Plan. A site development plan shall be required to encourage logical and innovative design and also assure that the proposed development will be compatible with surrounding areas. Such site development plan shall be submitted in conjunction with the application for rezoning and the City Council may approve the rezoning request based on conditions stipulated in an approved site plan that is recommended by the Planning Commission. For a property requiring a subdivision approval, the City of Buchanan Subdivision Regulation Regulations shall apply in addition to the site plan requirements. The Site Development Plan shall be prepared according to the requirements in Article IX, Section D of this Ordinance.

b. Statement of Intent. A narrative shall be submitted with the preliminary plan to describe the following:

- 1) A statement of planning objectives to be achieved by the Planned Development (ie., rationale for the proposal).
- 2) An explanation regarding the status of ownership of the proposed tract(s).
- 3) The proposed market selling price of each type of dwelling unit; or if rental, the proposed rent structures.
- 4) A description of the proposed recreation facility improvements in the development.
- 5) A statement to determine whether the streets are to be dedicated to the city or reserved as private streets.

6) The developer should address the current traffic volume on the roads that access his proposed development and analyze the impact of his proposed development on these streets; estimate the number of turning movements in all directions per day; address the need for traffic control devices; address the need for lane separation devices or the development of acceleration/deceleration lanes into and out of the development; and include the proposed schedule for the completion of all traffic-related mechanisms.

7) A general statement of the proposed development schedule, (if known).

SECTION F. Procedures for Review and Action.

1. Zoning Procedures, Public Notices and Public Hearing. An application on a Planned Unit Development is a request for a zoning decision and will be subject to the adopted Buchanan Zoning Procedures and Standards.

2. Submission of Final Plans and Plats. The final site development plans, consistent with any requested modifications, and final plats, consistent with the adopted subdivision regulations, shall be submitted by the developer for action by the Planning Commission, the final platting authority.

3. Major Revision of the Planned Development Plan. Major or substantial changes in an approved Planned Unit Development plan that affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets, or similar substantial changes shall require the developer to submit a written request for revision of the development plan and shall require a new public hearing to review such changes. Actions on the revisions shall be consistent with the Buchanan Zoning Procedures Ordinance.

4. Failure to Report Revisions. Should any revisions in the approved plan not be reported by the developer to the Zoning Administrator, in writing, the approval of the plan shall stand revoked unless and until the required approval is obtained.

SECTION G. Permits and Certifications.

1. Grading Permits. A grading permit shall be required for any proposed Planned Development before any improvement or grading of land commences.

2. Building Permits. After approval of the PUD plan and recording of the final plat(s), the Building Inspector shall issue building permits for the buildings and structures in the Planned Unit Development if they are in substantial conformity with the approved development plan, and other applicable regulations.

3. Control of Area Following Completion. After completion of a Planned Unit Development, the use of land and construction, modification or alteration of any buildings or structures within the area covered by the plan shall be regulated by the approved development plan and the provisions of this resolution.

4. Lapse of Approval. Under the following two situations, a PUD reverts to its original zoning district.

a. Lack of Construction. Approval of an area as a Planned Unit Development shall lapse one (1) year from the date of the zoning decision by the Mayor and Council unless actual construction has been initiated or a request for an extension of one (1) year is granted by the Mayor and Council. Not more than one (1) extension shall be granted.

b. Default of the Developer. If the developer should default regarding the implementation of an approved PUD, the approval of an area as a Planned Unit Development shall lapse one (1) year from the date of the default, unless other developer('s) initiate efforts to continue the approved PUD plan within the one (1) year period. New developer(s) must submit their revised schedule for construction to the Mayor and Council for acknowledgment and approval.

ARTICLE X – [RESERVED]

ARTICLE XI - TRAFFIC AND PARKING REGULATIONS

Each use permitted by these regulations shall meet the following requirements:

- Section A. Street Access: Except as otherwise permitted in these regulations, each building shall be located on a lot or parcel which abuts a public street or has access to a public street by means of a recorded access easement.
- Section B. Street Right-of-Way: Future street right-of-ways in any land development may be required in concert with the approval of plats submitted for approval under the terms of the Buchanan Subdivision Regulations.
- Section C. Street Improvements: Street improvements required to accommodate traffic generated by a use and improvement of new street right-of-ways as established by the Buchanan Subdivision Regulations shall be made in accordance with City policy.
- Section D. Extension of Existing Streets: Existing streets shall be connected and extended appropriately within the limits of a development. However, streets or portions of streets adjacent to a proposed nonresidential use, which are developed and are being used exclusively for residential access shall not be connected, extended, or in any way provide access to a nonresidential use. In addition, private drives which provide access to a nonresidential use shall not be permitted in any residential district.
- Section E. Street Access Curb Cuts in Nonresidential Districts: Curb cuts for service drives, entrances, exits, and other similar facilities on public streets in nonresidential districts shall not be located within 20 feet of any intersection or within 40 feet of another curb cut. A curb cut shall be no greater than 40 feet in width and no closer than 20 feet to any property line, unless approved by the Zoning Administrator.
- Section F. Traffic Control Devices: If the traffic forecasted to be generated by a use within a nonresidential district will necessitate, in order to handle turning movements into and out of the use on a major thoroughfare, traffic control devices for that use to insure public safety, the developer shall install such devices as are necessary to handle the traffic generated by the development. Such determination shall be made by the Zoning Administrator and approved by the Mayor and Council.
- Section G. State Department of Transportation Approval: All entrances or exits to any street or drive, public or private, from or to any State highway shall be approved by the State Department of Transportation prior to the construction of such street or drive, or the issuance of any development permit for any

improvement to be served by such street or drive, but permit approval shall not be held longer than 30 days.

Section H. Private Streets: Private streets within any district shall not be used to satisfy the off-street parking requirements of this ordinance. Private streets within any district shall be assigned names and locations and names shall be shown on plans required for the issuance of building and development permits as provided in Article XIV. All private street names shall be approved by the Zoning Administrator to avoid conflicting names.

Section I. Off-Street Automobile Parking: Off-street automobile parking shall be provided in accordance with all applicable provisions of this section.

1. Plans Required: A parking plan for all but single family residential uses shall be submitted to the Zoning Administrator with the building plans. He shall review the proposed parking plan to insure its conformance with all applicable provisions of this ordinance.
2. Design Standards: Except provisions for single family residences, all parking facilities, including entrances, exits, and maneuvering areas, shall comply with the following provisions:
 - a. shall have access to a public street;
 - b. shall be graded and paved, including access drive(s), and be curbed when needed for effective drainage control as determined by the Zoning Administrator;
 - c. shall have all spaces marked with paint lines, curb stones, or other similar designations;
 - d. each space shall have not less than 162 square feet, and shall not be less than 9 feet wide and 18 feet deep, exclusive of passageways. There shall be adequate interior drives to connect each space with a public street;
 - e. shall be drained so as to prevent damage to abutting properties or public streets;
 - f. shall be separated from sidewalks and streets in public right-of-way by wheel bumpers and an adequate reserve strip;
 - g. the parking area including space and driveway arrangement shall conform to the geometric design standards established by the City;

MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES	
USES	PARKING SPACES
RESIDENTIAL	
Dormitory for Worker Employed on the Premises	1 per 3 employees plus 1 per dormitory manager.
Dwelling, Multi-family (including one bedrm. units)	2 per dwelling unit.
Dwelling, Single-family Detached	2 per dwelling unit.
Dwelling, Townhouse/Condominium	2 per dwelling unit.
Senior Housing	1 space per dwelling unit.
Group Home	1 per employee plus 1 per @ 2 bedrooms.
Manufactured Home, Industrialized Home	2 per dwelling unit.
Neighborhood Center	1 per 250 sf GFA.
Nursing Home	1 for @ 4 beds + 1 per 2 employees.
Boardinghouse	1 per room to be let.
COMMERCIAL - RETAIL	
Boat Sales, Service and Repair	1 per 300 sf GFA, 2 spaces minimum.
Convenience Store (can include fuel service)	5 per 1,000 sf GFA.
Furniture, Home Furnishing & Equipment Store	1 per 500 sf GFA, 2 spaces minimum.
Food/Grocery Store	1 per 200 sf GFA.
Hardware Store	1 per 200 sf GFA.
Liquor Store	1 per 400 sf GFA.
Manufactured Home Sales	4 per @ sales person plus 1 for @ employee.
Motor Vehicle Parts Store	1 per 400 sf GFA + 1 per @ employee on max. work shift.
Motor Vehicle, Sales & Service	1.0 space per 250 sf of sales floor area + 2 spaces per service bay.
Restaurant, Cafeteria, Fast-Food (with seating)	1 per 4 seats, 1 add'l space for @ 2 employees.
Restaurant, Fast Food w/Drive-in Facility (no seating)	1 per employee on maximum shift.
Retail Stores, General Merchandise	1 per 200 sf GLA.(retail space only, not storage)
Shopping Center, Planned - Under 400,000 sf GLA	4 per 1,000 sf GLA.
+ Over 400,000 sf GLA	4.5 per 1,000 sf GLA.
Tire Sales, Service and Vulcanizing	1 per 300 sf GFA.

MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES

USES	PARKING SPACES
COMMERCIAL - SERVICE & ENTERTAINMENT	
Amusement Center, Game Room	1 per 200 sf GFA, plus 1 per two tables/machines.
Amusement Park	Spaces equal in number to 30% of capacity.
Bait Shop	1 per 250 sf GFA.
Bank or Financial Institution, Full Service	1 per 175 sf GFA.
Bar, Cocktail Lounge, Tavern, Night Club	1 per 4 seats.
Barber Shop, Beauty Salon	3 per workstation on maximum capacity.
Bed and Breakfast Home	1 per guest room, plus 2 per owner's dwelling unit.
Bowling Alley	4 per alley.
Dry Cleaning	1 per 200 sf GFA.
Funeral Home/Mortuary	1 per 4 seats in chapel + 1 per 2 employees + spaces for company vehicles.
Gas Station, Full Service	1 per @ employee plus 3 per service bay.
Gas Station, Self-Serve (fuel only)	1 per employee.
Health Club and Facilities	1 per 200 sf GFA.
Hotel, Motel, Motor Lodge	1 per sleeping room or suite, 1 add'l space for @ 2 employees.
Laboratory, Research & Development Facilities	1.5 per employee.
Laundromat	1 per 200 sf GFA.
Machinery Sales, Service and Repair	4 per @ sales person plus 1 for @ other employees.
Miniature Golf Course	3 per @ hole + 1 per employee on maximum shift.
Motor Vehicle Oil Change Shop	3 per service bay.
Motor Vehicle Race Track	1 per 4 seats.
Motor Vehicle Repair & Body Shop	1 per 150 sf GFA.
Offices (business, medical, dental, and professional)	1 per 225 sf GFA for single floor designs; 1 per 275 sf GFA for designs with two or more floors.
Pet Shop and Dog Grooming Shop	1 per 400 sf GFA w/ a minimum of 4 spaces.
Printing, Publishing and Engraving	1 per 2 employees on premises + 1 per 300 sf of sales space.
Repair Service, General Merchandise	1 per 2 employees on premises + 1 per 300 sf of sales space.
RV Sales and Camper Sales, Service & Repair	4 spaces for @ sales person plus 1 per employee.
Shooting Range, Indoor	1 per employee plus 1 per shooting lane.
Studio for Art, Photograph and Similar Uses	1 per 400 sf GFA, 3 spaces minimum.
Theater, Cinema/Movie or Drama/Dance	1 per 3 seats.
Truck Terminal	1 per 1,000 sf GFA.

MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES	
USES	PARKING SPACES
Veterinary Clinic	4 spaces per doctor, plus 1 per additional employee.
Video Store	1 per 200 sf GFA.
INDUSTRIAL - STORAGE/WAREHOUSING/ WHOLESALE TRADE	
Mini-Warehouse (Self-Service Storage Facilities)	1 per 10 storage units + 1 per employee.
Warehouse and Storage Buildings	1 per employee on maximum working shift, plus space for storage of truck or vehicles used.
Junkyard, Salvage Yard.	2 per employee.
Wholesale, Trade Establishments	1 per employee, plus 1 per 200 sf of sales floor area
INDUSTRIAL - MANUFACTURING ESTABLISHMENT/PROCESSING	
Manufacturing and Industrial Uses	1 per employee on the maximum working shift.
Contract Construction	1 per 250 sf of gross office space + 1 per non-office on-site employee.
Mineral Extraction & Processing	1 per 2 employees on maximum working shift.
PUBLIC/INSTITUTIONAL	
Ambulance Services	1 per @ emergency vehicle plus 1 add'l space for each employee.
Art Gallery	1 per 250 sf GFA.
Auditorium, Assembly Hall, Civic Center, Community Center; Stadiums; Sports Arena	1 per 4 seats or bench seating spaces.
Cemetery, mausoleum	1 per employee.
Childcare Facilities	1 per @ 1.5 employees + 1 per 4 pupils.
Church	1 per 4 seats or bench seating spaces.
Club and Lodges, Non-Commercial	1 per 100 sf GFA.
Convent & Monastery	1 per 2 beds.
Fire Station	1 per each employee on the maximum working shift.
Hospital, Health and Medical Institution	1 per 2 patient beds, 1 additional for @ 3 employees.
Library	1 per 400 sf GFA + 1 per 2 employees.
Museum	1 per 250 sf GFA.

MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES	
USES	PARKING SPACES
Police Station/Correctional Facility	2 per employee on the maximum working shift, plus 1 per 8 inmates considering the maximum inmate holding capacity.
Post Office	1 per 200 sf GFA + 1 per employee on maximum working shift.
Recycling Center	1 per employee.
School, Public or Private Elementary/Middle	2 per classroom, but not less than 1 per full-time employee.
School, Public or Private High	1 per 3 students + 1 per full-time employee.
School, College/Vocational/Technical	10 per classroom.
TRANSPORTATION/COMMUNICATION/UTILITIES	
Bus Terminal	4 per a loading and unloading bay.
Radio, TV & Communication Transmission Tower	1 per 2 employees on premises + 1 per 300 sf of sales or customer space.
Utility Facilities	1 per employee + 1 per stored vehicle.
Water Treatment Facilities	1 per employee.
PARK/RECREATION/CONSERVATION	
Golf Courses and Club Houses, Private	Six per hole, plus additional spaces for each accessory facility.
Golf Courses and Club Houses, Public	Eight per hole, plus additional spaces for each accessory facility.
Golf Driving Range	2 per driving tee.
Neighborhood Recreation/Community Center, Private	15 spaces minimum
Park with Recreational Facilities	Spaces equal in number to 30% of capacity.
Recreational Vehicle Park	1.5 per @ RV space.
Shooting Range, Outdoor	Skeet Range & Trap Range: 1 per employee plus 1 for @ shooter. Target Range: 1 per employee plus 1 per shooting lane.
Skating Rink, Roller and Ice	5 spaces per 1,000 sf of GFA
Swimming Pool, Public	30 spaces minimum.
AGRICULTURAL	

MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES	
USES	PARKING SPACES
Agricultural Services	2 per 3 employees or 1 per 400 sf GFA.
Kennel	1 per employee + 1 per 1,000 sf GFA.
Lumber Yard	1 per @ 500 sf GFA.
Meat Pack & Processing/Slaughter Yard	1 per 1,000 sf GFA.
Nursery/Greenhouse	1 per 400 sf of GFA, plus 1 per 2,000 sf of exterior nursery area.
Saw Mill	1 per employee.
Stock Yard	1 per employee on maximum shift.

8. Interpretation of Required Spaces: In connection with Section I-7 above, the following shall apply:

- a. The parking requirements in the chart do not limit other parking requirements contained in these regulations.
- b. The parking requirements in the chart do not limit special requirements which may be imposed with special use exceptions approved under Article XVI.
- c. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
- d. The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation.

9. Residential Parking.

All parking areas serving single-family detached or attached dwellings shall conform to the following requirements:

- a. The maximum number of parking spaces allowed on any residential lot in addition to those provided by a garage or carport shall be determined by the number of bedrooms in the dwelling located on that lot.

One to two bedroom dwellings shall be permitted two parking spaces.

Three bedroom dwellings shall be permitted three parking spaces.

Four or more bedroom dwellings shall be permitted four parking spaces.

- b. Parking shall not be allowed directly in front of any single-family dwelling, nor shall the area of parking exceed fifty percent of the area of the front yard as measured from the front of the principal facade, except in those cases where (an) improved parking space(s) was (were) in existence prior to the adoption of this Amendment, or where a garage or carport facing the street on which the dwelling fronts is built into the dwelling as an integral part of the structure.
- c. All off-street residential spaces and driveways shall be improved in compliance with Section I.2 of the Article, and in the case of a gravel surface, shall be curbed on all sides with a durable material in a such a way as to prevent dispersal or erosion of the surface.
- d. Parking spaces and driveways may be located in one side yard only, and in back yards, except where a garage or carport facing the street on which the dwelling fronts is built into the dwelling as an integral part of the structure.
- e. If garages or carports are converted to living area, then the off-street parking requirements must be met elsewhere on the lot.
- f. No inoperable vehicle shall be permitted in any residential district for more than 14 days unless it is in an enclosed garage. All repairs shall be made in an enclosed garage. Bona fide automobile restorations shall be excluded from this provision so long as the same shall be completed within one year and limited to two vehicles which shall be maintained under a full car cover.
- g. No commercial vehicle as licensed by the State with gross vehicle weight exceeding 11,000 lbs shall be allowed to park in the R-12, R-12A, or R-10 zoning districts.
- h. Recreational vehicles are prohibited from parking in the front yard of R-12, R-12A, and R-10 zoning districts.
- i. Commercial Vehicles licensed by the State shall not be allowed to park overnight in the street in a residential district.

Section J. Off-Street Loading Requirements: Off-street loading shall be established in accordance with all applicable provisions of this section.

1. **Design Standards:** Where required, one or more off-street loading spaces shall be provided on the same or adjoining premises with the facility it serves, either inside or outside a building and shall:
 - a. have a minimum dimension of 13.5 feet by 60 feet by 14.5 feet overhead clearance;
 - b. be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys, and surfaced with erosion-resistant material;
 - c. be located so as not to hinder the free movement of vehicles or pedestrians over a street, sidewalk, or alley.

2. **Use of Area:** Loading space(s) shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee and not used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.

3. **Mixed Uses in a Building:** Where a building is used for more than one use or for different uses, and where the floor area used for each use for which loading space is required is below the minimum for required loading spaces but the aggregate floor area used is greater than such minimum, then off-street loading spaces shall be provided as if the entire building were used for that use in the building for which the most spaces are required. In such cases, the Zoning Administrator may make reasonable requirements for the location of required loading spaces.

4. **Required Spaces:** The number of spaces required for a particular use shall be as follows:

Use of Use Category	Floor Area	Loading Spaces Required
Retail Store, Department Store, Restaurant, Wholesale House, Warehouse, General Service, Manufacturing, or Industrial Establishments	2,000 - 10,000	One
	10,000 - 20,000	Two
	20,000 - 40,000	Three
	40,000 - 60,000	Four
	Each 50,000 over 60,000	One Additional
Apartment Building, Motel, Hotel, Offices or Office Building, Hospital or similar Institutions or places of public assembly	5,000 - 10,000	One
	10,000 - 100,000	Two
	100,000 - 200,000	Three
	Each 100,000 over 200,000	One Additional

5. Interpretation of Required Spaces: In connection with Section J-4 above, the following shall apply:
- a. The loading space requirements apply to all districts but do not limit the special requirements which may be imposed in these regulations.
 - b. The loading space requirements in this Article do not limit special requirements which may be imposed in connection with special use exceptions which may be permitted under Article XV.
 - c. Under the provisions of Article XVI the Board of Appeals may waive or reduce the loading space requirements whenever the character of the use is such as to make unnecessary the full provisions of loading facilities, where provision is made for community loading facilities, or where provision of loading space requirements is impractical under certain conditions for uses which contain less than 10,000 square feet of floor area.

ARTICLE XII - MANUFACTURED HOME AND RECREATIONAL VEHICLE REGULATIONS

Section A. Purpose: The purpose of this Article is to provide policies and technical standards for the approved use of manufactured homes and recreational vehicles in the City.

Section B. Administration:

1. General Provisions:

- a. All manufactured homes and recreational vehicles shall provide for a healthful environment, with living and service facilities arranged and equipped to assure such a condition;
- b. Utility services such as public water, gas, electricity, sewer, etc., shall not be provided to any manufactured home or Recreational Vehicle until the permit requirements of these regulations are met;
- c. No manufactured home or recreational vehicle shall be used for overnight occupancy in any place, public or private, except in accordance with these regulations.

2. Manufactured Home Building Permit Required: It shall be unlawful for any person to begin the excavation for or construction of a manufactured home, Recreational vehicle, or combination park, or to begin the excavation for or construction of a manufactured home stand on an individual lot, or to place a manufactured home on an individual lot or on a manufactured home lot in a park until a building permit authorizing such action has been properly issued by the Zoning Administrator.

- a. Manufactured homes within the City of Buchanan, whether established or erected as a single family detached home or as a unit within a manufactured home park, shall not be older than five (5) years, as measured from the date of the application for a building permit. Such age requirement shall also be applicable to the replacement or relocation of pre-existing manufactured homes in Buchanan.

3. Temporary Location Provisions:

- a. Manufactured homes and occupied Recreational vehicles may be temporarily placed on an individual vacant or occupied lot where the applicant shows it is essential to provide for the preparation of a construction project, to provide security or night watchmen quarters or to

allow temporary parking or storage of an unoccupied manufactured home on other than a sales lot or inventory area.

- b. In such cases, temporary placement of manufactured homes and Recreational vehicles may be allowed for a period up to six months, renewable in increments of six months, provided temporary special exception approval is granted by the Zoning Board of Appeals, a building permit and temporary location permit are properly issued by the Administrator, and where cooking, sleeping, and waste disposal facilities are to be used, the unit placement is developed consistent with the other applicable provisions of these regulations.
4. Application Procedures: Applications for manufactured home building permits involving the placement of a manufactured home and/or Recreational vehicle on an individual lot or manufactured home lot in a park shall be made on standard forms established by the Zoning Administrator. Applications for the excavation for or construction of a manufactured home, Recreational vehicle, or combination park shall be in writing, accompanied by three copies of the required plans, and contain the following information:
- a. Name and address of applicant;
 - b. Location and description of the proposed site;
 - c. Plot plan, at a scale of 1 inch equals not more than 100 feet, indicating the size and location of proposed spaces or areas for the placement of the manufactured homes and/or Recreational Vehicles;
 - d. Utilities plan, at a scale of 1 inch equals not more than 100 feet, showing the size and location of all existing or proposed gas, water, sewer, electrical, or other utility features;
 - e. Site feature plan, at a scale of 1 inch equals not more than 100 feet showing locations of drive(s), walk(s), parking area(s), storage facility(ies), other accessory uses or buildings, surface water drainage pattern drainage structures, areas of disturbed soils, and existing and proposed planting and screening;
 - f. Floor plans and specifications of any park service buildings or other structures;
 - g. Scaled layout of the park's typical manufactured home and/or Recreational vehicle sites or integrated grouping of sites;

- h. Such additional information as may be required by the Administrator to determine if the proposed use will comply with provisions of these regulations.
- 5. Permit Fees: Fees for any permits required shall be paid by the developer, manufactured home lot tenant or property owner, as appropriate, according to fee schedules established by the City.

Section C. Existing Uses:

- 1. Existing Individual Manufactured Homes and Recreational Vehicles:
 - a. After the effective date of these regulations, any existing manufactured home or mobile office on an individual lot may be continued and maintained although its location and use may not conform to these regulations.
 - b. No existing manufactured home, mobile office, or recreational vehicle on an individual lot for either temporary or permanent occupancy shall be relocated to another site and no manufactured home, mobile office, or recreational vehicle shall be placed on a site vacated by an existing manufactured home, mobile office, or recreational vehicle unless such relocation or placement complies with these regulations.
 - c. In all other respects, existing manufactured homes, mobile offices, and recreational vehicles not in compliance with these regulations shall be subject to the nonconforming use provisions of Article XIII.
- 2. Existing Parks:
 - a. Manufactured home, recreational vehicle, and combination parks existing after the effective date of these regulations may be continued and maintained except that each shall not be enlarged, expanded or altered unless such enlargement, expansion, or alteration is in full compliance with these regulations.
 - b. In all other respects, existing manufactured home, recreational vehicle, and combination parks not in compliance with these regulations shall be subject to the nonconforming use provisions of Article XIII.

Section D. Manufactured Home Park Requirements:

- 1. Minimum Park Size: All manufactured home parks shall contain a minimum area of 5 acres; and so located, dimensioned, and related as to facilitate efficient park design and management.

2. Minimum Number of Spaces: All manufactured home parks shall contain at least 20 percent of all manufactured home spaces fully completed and ready for occupancy before a manufactured home building permit for any manufactured home lot will be granted.
3. Access to Site: Direct vehicular access to the manufactured home park shall be provided by means of an abutting, paved public street.
4. Site Conditions and Improvements:
 - a. The park site shall be such that condition of the soil, ground water level drainage, and topography do not create hazards to the property or to the health and safety of the occupants.
 - b. The park, including manufactured home stands, patios, convenience structures, streets, and other features, shall be developed in harmony with the topography, shape of the site, and existing site features, and to protect the park and adjoining properties from objectionable views, and to provide for the practical and efficient operation and maintenance of water, sewerage, and refuse collection facilities.
5. Internal Streets: All manufactured home parks shall contain a street system designed to provide convenient circulation within the park. The following requirements shall apply to the development of a park's street system:
 - a. All park streets shall be provided with a smooth paved surface which shall be durable and well-drained under normal use and weather conditions. The surface shall be maintained in a state of good repair at all times.
 - b. All streets shall be well-drained and have a minimum pavement width of twenty-two (22) feet.
 - c. Pavement surface material shall be as required by the City's street and road standards. Written approval of the street system and surface material by the Mayor and Council shall be required before the first manufactured home building permit will be issued.
 - d. Street grades should not exceed ten percent (10%) slope.
 - e. On-street parking shall not be permitted on any park street.

6. Water Supply System: Each park shall provide an accessible, adequate, potable water supply. The following requirements shall apply to the park's water system:
 - a. The water system shall be such that it meets standards and requirements of the City and/or the State of Georgia. The design and size of the water system shall be based on the maximum number of manufactured home spaces to be contained in the park.
 - b. The location, design, and construction of a park's water supply and distribution system requires the approval of the appropriate water supply authority. Written approval of the water system by said authority shall be required before the first manufactured home building permit will be issued.
7. Sewage Disposal System: A safe and sanitary method of sewage collection and disposal shall be provided in all manufactured home parks. The location, design, and construction of a park's sewerage system requires the approval of the local health authority, the State of Georgia environmental protection agency, and/or the appropriate local sewerage system by the appropriate authority(ies) shall be required before the first manufactured home building permit will be issued. The design and size of the sewerage system shall be based on the maximum number of manufactured home spaces to be contained in the park.
8. Refuse Collection System: Each manufactured home park shall be provided with a sanitary method of solid waste collection and disposal meeting the requirements of the City and the State of Georgia. The following requirements shall apply to a park refuse collection system:
 - a. Each manufactured home stand shall be provided with at least two watertight, covered refuse containers each having a capacity of thirty gallons.
 - b. Refuse shall be collected at least weekly. Where such collection frequency is not feasible, screened, centrally located bulk storage containers shall be provided within the park.
 - c. Where available, refuse collection service should be provided by a qualified public or private agency. In such instances the park operator is not directly responsible for the method of disposal. In parks where the owner or operator provides the collection service, refuse shall be conveyed to the nearest approved sanitary landfill.

9. Recreation Area: In each manufactured home park accommodating or designed to accommodate 25 or more manufactured homes, there shall be one or more recreational areas which shall be easily accessible to all park residents and conform to the following minimum requirements:
 - a. The size of such recreational areas shall be based upon a minimum of 10 percent (10%) of the total gross land area of the manufactured home park.
 - b. Swimming pools, recreational buildings, and child play areas may be included as part of the required recreational area.
 - c. Such recreational areas shall be located where they are free of traffic hazards.

10. Service and Convenience Buildings: Service buildings such as shelters, restrooms, management offices, and storage facilities permitted in each manufactured home park are subject to the following requirements:
 - a. Such buildings and their parking areas shall not occupy more than ten percent (10%) of the gross land area of the park.
 - b. All service and convenience buildings shall be subordinate to the residential use and character of the park, and shall be located, designed, and intended to serve only the trade or service needs of the park's residents.
 - c. The Zoning Board of Appeals may review and approve or disapprove the use and type of such service and convenience buildings that may be permitted within a park.
 - d. All service and convenience buildings shall be required to conform to any applicable building codes of the City.
 - e. All service and convenience buildings shall conform to any lot size, parking, setback, as provided in the regulations or as may be established as conditions of approval.

11. Manufactured Home Spaces and Improvements: Each manufactured home space within a manufactured home park shall meet the following minimum requirements:
 - a. Each manufactured home space shall contain at least forty-five hundred (4,500) square feet of area with a minimum frontage on an interior park street of forty-five (45) feet.

- b. Each manufactured home space shall be adequately marked by permanent lot markers.
 - c. Each space shall contain a permanent manufactured home stand constructed of at least four (4) inches of concrete on a suitable subgrade material to support the manufactured home. A solid pad measuring at least ten feet wide by sixty feet long (10' X 60') or tandem strips at least two feet wide by sixty feet long (2' X 60') positioned parallel and eight feet (8') on-center are considered acceptable forms of manufactured home stands.
 - d. Each manufactured home space shall be provided with a permanent concrete patio, four inches (4") thick, measuring at least eight feet by twelve feet (8' X 12') and located convenient to the entrance of the manufactured home.
 - e. An accessway not less than twelve feet (12') wide shall be provided from the fronting street to each manufactured home stand. Paving of this accessway is not required.
 - f. Each manufactured home space shall be provided with at least two (2) off-street parking spaces. Parking spaces may be either located on each manufactured home space or in integrated groupings (bays, clusters, etc.) provided that no parking space shall be further than fifty feet (50') from the manufactured home space it is to serve.
 - g. Each manufactured home space shall be provided with its own connection to the park's sewer, water, electrical, and gas systems.
 - h. Each manufactured home shall be appropriately anchored to its manufactured home stand to acceptably meet minimum established standards for high wind tie down.
 - i. Each manufactured home space shall be given a lot number and accordingly marked to be visible from the street providing access thereto.
12. Manufactured Home Placements: The following minimum requirements shall apply to the placement of a manufactured home on a lot (space) within a manufactured home park:
- a. No manufactured home shall be located closer than twenty-five feet (25') from the centerline of any interior park street.
 - b. No manufactured home shall be located closer than twenty feet (20') to another manufactured home.

- c. No manufactured home shall be located closer than fifty feet (50') from the right-of-way line of any abutting public street.
 - d. No manufactured home shall be located closer than twenty-five feet (25') from any manufactured home park tract boundary.
13. Supervision and Maintenance: The person to whom a building permit is issued for a manufactured home park shall be responsible for providing adequate supervisors of the park to maintain it in full compliance with these regulations, and keep the park's facilities and equipment in good repair and in a clean and sanitary condition.
14. Tenant Register: The manager of a manufactured home park shall keep an up-to-date register of the park's residents by lot or street address, and maintain such register of departed occupants for a period of three (3) years following their departure. Such register shall be made available to any authorized person inspecting the park, and shall contain the following information:
- a. Names of all occupants of the manufactured home quartered on each designated space and ages of minors;
 - b. Make, model, and year of the manufactured home occupied and serial number, state, and license number, or other designation or description;
 - c. Date of registration and departure of the manufactured home and its occupants.

Section E. Mobile Offices and Commercial Establishments:

1. Compliance with District Zoning: Mobile offices shall fully comply with zone district requirements within which one is located for lot size, setbacks, and other restrictions applicable to permanent commercial or industrial structures as well as the provisions of these regulations. In all respects, mobile offices, except as provided for in Section C-1, shall be considered permanent structures and as such subject to any applicable building codes.
2. Minimum Site Improvements: Mobile offices, other than those authorized for temporary use, shall comply with the following minimum improvements to the mobile office and lot:
- a. Each mobile office shall be supported by and firmly anchored to a permanent concrete block or brick foundation, fully closed and vented.

- b. Each mobile office shall be served by an acceptable water supply and method of sewage disposal subject to the written approval of the local authority having jurisdiction over such matters.
- c. Each mobile office shall have an individual connection to public electrical power.
- d. Each mobile office lot shall contain parking spaces as required by these regulations for similar or like use.

Section F. Recreational Vehicle Park Requirements:

- 1. Minimum Park Size: All Recreational vehicle parks shall contain a minimum of one (1) acre of land, unless otherwise specified in the zone district where allowed; and be so located, dimensioned, and related as to facilitate efficient park design, use and management. Recreational vehicle parks may be located jointly on a lot with another commercial use.
- 2. Minimum Number of Spaces: All recreational vehicle parks shall contain at least ten (10) recreational vehicle spaces fully completed and ready for occupancy before any use of the facility is permitted.
- 3. Access to Site: Direct vehicular access to a recreational vehicle park site shall be provided from an abutting, paved public street. However, the entrance drive may be shared with another use to which the recreational vehicle park is accessory or secondary.
- 4. Site Conditions and Improvements:
 - a. The recreational vehicle park site shall be such that the condition of the soil, ground water level, drainage, and topography do not create hazards to the property or to the health and safety of the occupants.
 - b. The park and its features shall be designed and developed in harmony with the topography, shape of the site, and existing site features, and to protect the park and adjoining properties from objectionable views, and to provide for the practical and efficient operation and maintenance of the park and its facilities.
 - c. Any Recreational vehicle park developed jointly with another commercial use or uses shall be so designed, located, and developed to assure the adequate separation of the park functions from those of the other commercial enterprises.

5. Internal Streets: All Recreational vehicle parks shall contain a street system, properly adapted to the site's topography, designed to provide convenient vehicular circulation within the park and access to each Recreational vehicle space. The following requirements shall apply to the development of a park's street system:
 - a. All park streets shall be provided with a smooth, hard, and dense surface which shall be durable and well-drained under normal use and weather conditions. Street surfaces and drainage facilities shall be maintained in a state of good repair at all times.
 - b. Park streets shall have a surface width of fifteen feet (15') for one-way streets and twenty-two feet (22') for two-way streets. Where on-street parking is to be permitted, on either one-way or two-way streets, the surfaced width shall be increased by eight feet (8') to allow for parking on one side of the street only, and by sixteen feet (16') for parking on both sides.
 - c. Street surface material shall be at a minimum compacted gravel unless otherwise required by the City's street and road standards. Written approval of the proposed street system and surface material by the Mayor and Council shall be required before a building permit will be issued.
 - d. Street grades should not exceed ten percent (10%) and curb radii should not be less than twenty feet (20').
6. Water Supply System: Each park shall provide an accessible, adequate, and potable water supply. The following requirements shall apply to the park's water system:
 - a. The water system shall be such that it meets standards and requirements of City and/or State of Georgia. The design and size of the water supply system shall be based on the maximum occupancy to be accommodated by the park.
 - b. The proposed location, design, and construction of a park's water supply and distribution system requires the written approval of the appropriate water supply authority before a building permit will be issued.
7. Sewage Disposal System: Recreational vehicle parks shall be served by public sewer as arranged with the applicable authority of the city of Buchanan.

8. Refuse Collection System: Each recreational vehicle park shall contain adequate facilities for the collection and disposal of refuse and other such solid waste. The following requirements shall apply to a park's refuse system:
 - a. All refuse shall be stored in watertight, rodent proof containers, which shall be located not more than one hundred fifty feet (150') from any trailer space. Containers shall be provided in sufficient number and capacity to properly store all refuse.
 - b. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped to minimize spillage and container deterioration.
 - c. All refuse containing garbage shall be collected as necessary by at least twice weekly. The owner or operator of the recreational vehicle park shall provide for this service.
 - d. The owner or operator of the recreational vehicle park shall provide for proper disposal of the refuse in an approved sanitary landfill.

9. Recreational Area: Each recreational vehicle park shall contain a recreational area appropriately developed for both active and passive recreation. The following requirements shall apply to a park's recreational area:
 - a. At least eight percent (8%) of the gross land area of a park or eight thousand (8,000) square feet, whichever is larger, shall be reserved, developed, and maintained for recreational purposes.
 - b. No areas used for motor vehicle parking, setback, service buildings, recreational vehicle space, or other such function shall be counted as part of the required recreational area, except those recreational buildings may be included as part of this required acreage.
 - c. Recreational areas shall be so located as to be easily accessible for all park tenants, but shall not be located in areas where traffic hazards may exist.

10. Restroom and Bathing Facilities:
 - a. Each recreational vehicle park shall provide on-site toilet and bathing facilities for the exclusive use of park tenants.

- b. Such toilet and bathing facilities shall consist of at least one lavatory, one water closet, and one shower stall for each sex (distinctly marked) per each ten recreational vehicle spaces available for occupancy in the park.
 - c. Toilet and bathing facilities shall be properly connected to the park's approved water and sewerage systems and conveniently located within the areas intended to be served.
11. Other Service Buildings: Service buildings such as management offices, storage facilities, coin-operated laundries, and indoor recreational buildings may be permitted in trailer parks subject to the following restrictions:
- a. Such buildings and their parking areas shall not occupy more than five percent (5%) of the gross land area of the park.
 - b. All service buildings shall be subordinate to the character and function of the park, and shall be located, designed, and intended to serve the exclusive service needs of the park's residents.
 - c. The Zoning Board of Appeals may review and approve or disapprove the use and type of such service buildings that may be permitted within a recreational vehicle park.
 - d. All service buildings shall conform to any lot size, parking, setback, and buffer requirements as may be provided in these regulations or as may be established as conditions of approval.
 - e. All service buildings shall conform to any applicable building codes.
12. Recreational Vehicle Spaces and Improvements: Each trailer space within the recreational vehicle park shall be of sufficient size to accommodate the recreational vehicle to be placed. The following minimum requirements shall apply to the development of each recreational vehicle space:
- a. Each trailer space shall measure at least twenty feet wide by fifty feet long (20' X 50').
 - b. Each recreational vehicle space shall be provided with a parking stand or space for the recreational vehicle and shall be composed of not less than six inches (6") of compacted gravel or other acceptable surface material.
 - c. Each space shall have an accessway constructed of compacted gravel or other acceptable material connecting an interior park street with the trailer stand. Said accessway shall be at least ten feet wide and twenty feet long (10' X 20'). Vehicular parking may be permitted in this accessway.

- d. Each recreational vehicle space shall be provided with a weather proof electrical connection supplying 110 volts.
 - e. Each recreational vehicle shall be provided with an individual connection to the park's water system; or be convenient to a service hydrant.
 - f. Each recreational vehicle space shall be provided with ample room to assure that a typical trailer shall not be located closer than twenty feet (20') to the center line of any interior park street; and closer than thirty-five feet (35') to any park service building, park property line, or a public street right-of-way; and closer than twenty feet (20') to any other recreational vehicle.
 - g. Each recreational vehicle space shall be given a lot number and accordingly marked to be visible from the street providing access thereto.
13. Supervision and Maintenance: The person to whom a building permit for a recreational vehicle park is issued shall be responsible for providing adequate supervision of the park to maintain it in full compliance with these regulations, and to keep the park's facilities and equipment in good repair and in a clean and sanitary condition.
14. Tenant Register: The manager of a recreational vehicle park shall keep an up-to-date register of the park's occupants and maintain such register of departed occupants for a period of one (1) year following their departure. The park's register shall be made available to any authorized person inspecting the park, and shall contain the following information:
- a. Name of the occupants quartered on each designated trailer coach space;
 - b. Description, make, model, and year of all recreational vehicles and towing vehicles and state and license number of each; and
 - c. Dates of arrival and departure of occupants of each trailer coach space.

ARTICLE XIII - NONCONFORMING USES

- Section A. Continuation of Use: A nonconforming use may be continued, but no nonconforming use which has been discontinued for a continuous period of twelve months shall be reestablished.
- Section B. Extension of Use or Building: No nonconforming building or use shall be extended, nor shall its total value be enhanced, unless such extensions or alterations conform with the use and development provisions of the district in which it is located. However, such extension limitation shall not apply to maintenance of the appearance or structural condition of the nonconforming use or building. Furthermore, a nonconforming use may be extended throughout those interior parts of a building which were designed for such use prior to the advent of the nonconforming use status, even though such extension may enhance its total value.
- Section C. Building Use and Enlargement: The uses permitted by this Ordinance may be established as a new use within any existing structure which does not conform with the development requirements of the district, provided the off-street parking requirements of that use are complied with, and provided further that if any structure or any part thereof is remodeled or rebuilt to an extent exceeding one-third of its then replacement value, exclusive of foundations, as determined by the Zoning Administrator, or if any additions or new structures are erected, the entire such building or structure must be in conformance with the development requirements of the district.
- Section D. Restoration: Any nonconforming building or any building containing a nonconforming use, which has been damaged by fire or other causes may be reconstructed and used as before if it be done within one year of such damage. If such repair or reconstruction has not begun within one year of such damage, then any subsequent repair or reconstruction shall be in conformity with all provisions of this Ordinance.
- Section E. Existence of a Nonconforming Use: In case of doubt, and on a specific question raised, whether a nonconforming use existing shall be a question of fact and shall be decided by the Zoning Board of Appeals after public notice and hearing and in accordance with the rules of the Board.
- Section F. Continued Construction of a Nonconforming Use: Any nonconforming use, nonconforming only as being in a district where such use is not permitted, if such nonconforming use was existing and established before the Zoning Ordinance became effective, shall be permitted to continue construction until such time as contemplated construction is completed, provided such

construction complies with all other district regulations pertaining to yard area, etc. This shall apply only to the immediate property which was recorded in the developers name before the effective date of this Ordinance. It shall be the duty of the Mayor and Council to determine the eligibility of the owner to continue construction. This shall not include signs, billboards, or junkyards.

ARTICLE XIV - ADMINISTRATION

Section A. Administration: Except as otherwise provided in these regulations the Zoning Administrator shall administer, interpret, and enforce this Ordinance.

Section B. Building, Development Permits and Site Plan Requirements:

1. *Building Permit.* A building permit, approved by the Zoning Administrator, shall be required for the erection, construction or alteration of any building, structure, sign or canopy within the City of Buchanan. All applications for a building permit shall include a legal survey and sufficient information for the Zoning Administrator to evaluate compliance with all provisions of this Ordinance and all other City regulations.
2. *Development Permit.* A development permit, approved by the Zoning Administrator, shall be required for all non-residential development on single lots, planned commercial developments, Single Family Attached Subdivisions, Planned Community Developments, Apartment Developments, and Industrial Park Developments as defined in Article II, conventional residential subdivisions, and Manufactured Home Parks, before any improvements or grading of land commences. Such development permits shall not be in lieu of building permits required for any structures within such developments. All applications for a development permit shall include a legal survey prepared by a registered surveyor and a Site Plan meeting the requirements of Paragraph 3, below.
3. *Site Plan Requirements.* All applications for development permits shall include a current survey and a Site Plan, signed by the owner in duplicate. Site plans shall be prepared by a Georgia registered surveyor, engineer or architect and include all information outlined below:
 - a) Name, location, owner and designer/engineer (if applicable) of the proposed development.
 - b) Present zoning and special exceptions (if any) for the subject site.
 - c) Location of the site in relation to surrounding properties, including the means of ingress and egress to such properties and any screening or buffers on such properties.
 - d) Date, north arrow and graphic scale (not less than one inch equals fifty (50) feet.
 - e) Location of all property lines, existing and proposed pavement driveway approaches, sidewalks, curbs and gutters.

- f) Location and dimension of all existing and proposed utility poles and guylines, fire hydrants, meters, water and sewer lines.
- g) The actual dimensions of the lot to be built upon.
- h) The size of the building(s) to be erected.
- i) The location of the building(s) on the lot.
- j) The location of existing structures on the lot, if any.
- k) The number of dwelling units each building is designed to accommodate.
- l) Location of all trash receptacles and related screening.
- m) Location of all proposed signs.
- n) The setback lines of buildings and structures on adjoining lots.
- o) The layout of all off-street parking and loading spaces, subject to the standards of Article XI.
- p) If applicable, Soil Erosion and Sedimentation Plan and a Flood Plan in accordance with the provisions of this Ordinance and the Buchanan Subdivisions Regulations.
- q) Such information as may be required by the Zoning Administrator or required by any other city ordinance.

Upon final review of a site plan and development permit approval, the development shall be built substantially in accordance with the site plan and its specifications. If after such approval, should the owner/applicant desire to alter the plan, such changes shall be submitted to the zoning administrator. If the zoning administrator deems that there is a substantial change or deviations from that which is shown on the approved site plan, the owner/applicant of his successors shall be required to resubmit a fully revised site plan before approval is granted.

Section C. Issuance: All development or building permits shall be issued by the Zoning Administrator, who shall in no case grant any development or building permit for the use, construction or alteration of any land or building if the land or building as proposed to be used, constructed, or altered would be in violation of any of the provisions of this Ordinance or any other codes and laws of the City, County, or the State, except as provided herein.

Section D. Duration of Permit Validity: A development or building permit shall be valid for two years from its issuance providing the work described in any development or building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire.

Section E. Appeals From Decisions of the Zoning Administrator: It is the intention of this Article that all questions arising in connection with the administration and enforcement of this Ordinance shall be presented to the Board of Appeals only on appeals from the decision of such official.

Section F. Maximum Number of Permits. The Zoning Administrator shall neither provide nor approve more than ten (10) permit applications to any one (1) applicant within a ninety (90) day period absent proof that the requested activity shall commence within the ninety (90) day period. For purposes of this section, one (1) applicant shall constitute any person, corporation, partnership, proprietorship, limited liability company, or other business organization, and shall include any immediate family member such person and/or any other principal within any such business organization with which such person is affiliated.

ARTICLE XV - REMEDIES AND PENALTIES

- Section A. Remedies: In case any building or 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 this Ordinance, the Zoning Administrator, City Attorney, or other appropriate authority of the City or any adjacent or neighboring property owner who would be especially damaged by such violation may, in addition to other remedy, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use or to correct or abate such violation, or to prevent the occupancy of such building, structure, or land.
- Section B. Penalties: Any firm, person or corporation who shall do anything prohibited by these regulations as the same exist or as they may hereafter be amended or who shall fail to do anything required by these regulations as they now exist or as they may hereafter be amended is hereby declared to be guilty of a misdemeanor and shall be punished as provided by law. Each and every day that such violation occurs shall be deemed a separate offense.

ARTICLE XVI - ZONING BOARD OF APPEALS

Section A. Creation and Membership: The Zoning Board of Appeals is hereby established. The word "Board" when used in this Ordinance shall be construed to mean the Zoning Board of Appeals. The Board shall consist of the members of the Planning Commission. Any vacancy in the membership of the Board shall be filled for the unexpired term in the same manner as the initial appointment.

Section B. Organization. The Board shall elect one of its members as Chairman, who shall serve for one year or until he or she is re-elected or his or her successor is elected. Meetings of the Board shall be held regularly each month and at such other times as the Board may decide. The meetings may be canceled by the Chairman if there are no matters to be acted upon by the Board. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Zoning Administrator and shall be public record.

Section C. Powers and Duties. The Board of Appeals shall have the following powers and duties:

1. Variances: The Board shall hear and decide applications for variances from the development requirements of this Ordinance, but only where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, which at the time of adoption of this Ordinance, was a lot or plat of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of a piece of property, the strict application of the said development requirements of this Ordinance would result in practical difficulties to, or undue hardship upon the owner of such property. In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure, or use as it may deem advisable so that the purpose of this Ordinance will be served. However, the Board shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited.

No variance shall be authorized unless the Board finds that all of the following conditions exist:

- a. That the special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.
 - b. That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as convenience to the applicant.
 - c. That the condition from which relief of a variance is sought did not result from action by the applicant.
 - d. That the authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of the City.
2. Appeals. The Board shall hear and decide appeals where it is alleged by the appellant that there is an effort in any order, requirement, development, or building permit, decision, determination, or refusal made by the Zoning Administrator or other administrative officials in the administration or enforcement of any provision of this Ordinance. Such appeals shall be in accordance with the following:
- a. An appeal to the Board of Appeals may be taken by any person, firm, or corporation aggrieved or by any governmental officer, department, board or agency affected by any decision of the Zoning Administrator with respect to this Ordinance. Such appeal shall be made within ten (10) days following notification of the decision appealed from, by filing with the Zoning Administrator a notice of appeal and specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
 - b. An appeal stays all legal proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction.

- c. The appellant and any public agency or private individual shall be entitled to present evidence on matters before the Board.
 - d. The Board may, in conformity with this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed for, and to that end shall have all the powers of the Zoning Administrator. The Board may direct the issuance of a permit. It shall be the duty of the Zoning Administrator to carry out the decisions of the Board.
3. Special Exceptions and Interpretations:
- a. To hear and decide the following exceptions to the terms of this Ordinance provided that such exceptions shall impose appropriate conditions and safeguards:
 - 1. The extension of a district for a distance of not more than 50 feet where the boundary line of a district divides a lot or tract held in single ownership at the time of the passage of this Ordinance.
 - 2. Zone district boundary interpretations as provided in Article IV, Section C.
 - 3. Questions relating to allowed permitted uses or interpretation of use restrictions.
 - 4. Questions relating to the existence of a non-conforming use.

Section D. Public Hearings. The Board shall hold a public hearing before making its decision on all requests for special exceptions, variances, and appeals on which it acts, and shall act within a reasonable time after receiving an application.

- 1. Applications. Application for a hearing and decision on requests for variances, appeals, and special exceptions shall be filed with the Zoning Administrator on forms he or she shall provide at least 30 days prior to the meeting at which they are to be heard. Each application for a variance shall include a plat drawn to scale showing the following information:
 - a. All property lines, with dimensions.
 - b. Location of buildings and other structures, creeks, and easements referenced to the property line of the tract.
 - c. North arrow, land district and land lot marker.

- d. Location of setback lines or other dimensional requirements from which the variance is sought.
2. Notice of Hearing. At least 15 days notice of the time and place of the hearing shall be sent to the applicant and the owners of all properties abutting or across the street from the property with which the hearing is concerned. In addition, the Zoning Administrator shall post, in a conspicuous place on the property a sign or signs which shall contain information as to the date, time, and purpose of hearing before the Board, at least 15 days before the hearing. However, acts of vandalism or natural occurrences which limit the effectiveness of such public notice as posting the property shall not void the proceedings of actions taken under this Article.
3. Hearing Procedure. The Board shall adopt such rules and regulations for the conduct of the public hearings as are consistent with State law and are appropriate to its responsibilities, which shall be published and available to the public, including rules on the presentation of evidence.

Section E. Assistance by Zoning Administrator. The Zoning Administrator shall provide such technical and clerical assistance as the Board may require, and he or she shall maintain permanent and complete records of the activities of the Board.

Section F. Fees. To defray a portion of the costs occasioned thereby, no appeal from the decision of the Zoning Administrator and no application for an exception, variance or other matter, shall be entered on the docket of, heard by, or ruled by the Board until there has been paid to the Buchanan City Clerk an application fee in an amount established by the Mayor and Council. No fee shall be required for an interpretation of this Ordinance when there is discrepancy between the street layout on the ground and the street layout as shown on the zone district map. Neither the City nor any officer, agent or employee of the City acting in his official capacity, nor any agency of the County shall be required to pay a fee under this Article.

Section G. By-Laws. The Board shall adopt such rules for its own internal administration and procedures, including but not limited to, conflict of interest rules, to ensure that no member is entitled to rule on or adjudicate a matter in which he has an interest directly or indirectly.

Section H. Appeals From Action of the Board. Any party aggrieved by a final judgment or decision of the Board may within thirty (30) days thereafter appeal by *Writ of Certiorari* directly to the Haralson County Superior Court. There shall be no intermediate appeal to the Buchanan Mayor and Council or any other administrative body.

ARTICLE XVII - AMENDMENTS

- Section A. Amendments. The Mayor and Council of Buchanan may from time to time amend the text of this Ordinance or the Official Zoning Map that is part of the Ordinance, according to the procedures separately adopted as “Zoning Procedures and Standards Ordinance of the City of Buchanan, Georgia,” which is included herein in Appendix C. Appendix C fully describes the applicable final zoning decisions, the notice requirements to the public, the procedures for conducting public hearings, the standards use to review any proposed zoning decision, and the procedures to obtain a final zoning decision.
- Section B. Application Process. Any amendment to the text of this Ordinance or the Zoning Map shall be filed upon an application form. Such form shall include a listing of any and all requirements to be included as part of the application for consideration of any matter requiring a final zoning decision. Failure to comply with the requirements of the application shall constitute an incomplete application which will not be processed for conclusion of the requested final zoning decision. An application fee, which is established by the Mayor and Council and may be adjusted from time to time, may apply. Failure of the Zoning Administrator/Building Inspector or their appointee(s) to collect a fee from the Mayor and Council of Buchanan or the Buchanan Planning Commission (or equivalent), when they are initiating a proposed zoning amendment, shall not void the validity of the application.

ARTICLE XVIII - LEGAL STATUS PROVISIONS

- Section A. Validity. Should any article, clause or provision of the Ordinance be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the Ordinance as a whole or any part hereof other than the part so declared to be invalid, each article, clause and provision hereof being declared severable.
- Section B. Effective Date. This Ordinance shall be effective immediately upon its adoption by the Mayor and Council.
- Section C. Repeal of Conflicting Ordinances and Validity of Prior Approvals and Actions. This is the Zoning Ordinance of the City of Buchanan, Georgia, and all other conflicting ordinances or resolutions are hereby repealed; provided, that nothing herein shall be construed as repealing or modifying the conditions of operation or conditions of site development accompanying those zoning approvals or use permits issued under previous zoning ordinances or resolutions; however, modification or repeal of these past conditions of approval may be accomplished as provided by this Ordinance.

All variances and exceptions heretofore granted by the Zoning Board of Appeals shall remain in full force and effect, and all terms, conditions, and obligations imposed by the Zoning Board of Appeals shall remain in effect and be binding. Prior ordinances shall remain in effect insofar as required for the initiation of any proceedings against such violations and for the prosecution of any violations heretofore commenced.

June 20, 2022

Date of Adoption

APPENDIX

- A. Record of Amendments to Text
- B. Zoning Procedures and Standards Ordinance, City of Buchanan, Georgia

APPENDIX A

RECORD OF AMENDMENTS TO TEXT

Date

Description

APPENDIX B

RESOLUTION REPEALING IN ITS ENTIRETY
*THE ZONING PROCEDURES AND STANDARDS ORDINANCE OF
THE CITY OF BUCHANAN, GEORGIA, DATED June 20, 2022, AND ADOPTING
HEREWITH AN ORDINANCE TO BE KNOWN AS,*

ZONING PROCEDURES AND STANDARDS ORDINANCE CITY OF BUCHANAN, GEORGIA

WHEREAS, The City of Buchanan, Georgia last adopted *The Zoning Procedures and Standards Ordinance of the City of Buchanan, Georgia*, dated June 20, 2022, and

WHEREAS, The Mayor and Council of the City of Buchanan deems that, for the protection of the health, welfare, safety, and morals of the citizens of the City of Buchanan, it shall be necessary to set forth certain standards and procedures for use by it when it shall exercise its zoning authority so as to ensure that due process is afforded to the general public as required by the Constitution of the United States and of the State of Georgia;

NOW, THEREFORE, BE IT RESOLVED, that *The Zoning Procedures and Standards Ordinance of the City of Buchanan, Georgia*, dated June 20, 2022 shall herewith be repealed in its entirety and replaced herewith by the adoption of a new ordinance, to be known as *Zoning Procedures and Standards Ordinance, City of Buchanan, Georgia*, as follows:

ZONING PROCEDURES AND STANDARDS ORDINANCE CITY OF BUCHANAN, GEORGIA

An Ordinance of the City of Buchanan, Georgia establishing minimum procedural regulations, notice of public hearings, conduct of public hearings, standards, and factors, governing the zoning power of the City of Buchanan, Georgia, as of the effective date hereof; and for other purposes.

1.0 Preamble and Enactment Clause. For the purpose of insuring that due process is afforded to the general public when the City of Buchanan, Georgia regulates the use of property through the exercise of zoning power, and pursuant to the authority and mandates of the Constitution of the State of Georgia of 1983, Article IX, Section II, Paragraph IV and Chapter Sixty-Six of Title Thirty-Six of the Official Code of Georgia Annotated (*OCGA §36-66-1 et seq.*), the City of Buchanan, Georgia does hereby adopt, order, and enact into law this Ordinance.

2.0 Definitions. When used in this Ordinance, the following terms shall have the definitions and meaning hereafter set forth, alphabetically:

Conditional Use (synonymous with Special Use). A use approved within a zone district, generally considered compatible with the other uses allowed in the district, only after due consideration of objective criteria as applicable to the proposed conditional use.

Planning Commission. The Buchanan Planning Commission or any other agency hereafter designated by the governing authority of the City of Buchanan which is

authorized to investigate any proposal for a zoning decision properly coming before it, to conduct any public hearings necessary for the exercise of any zoning power, and to provide an advisory recommendation to the governing authority concerning the proposed zoning decision.

Territorial Boundaries. The incorporated areas of the City of Buchanan, State of Georgia.

Zoning. The power of the City of Buchanan to provide within its territorial boundaries for the zoning and districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which said zones or districts were established.

Zoning Decision. The final legislative action by the City of Buchanan which results in:

- a) the adoption of a zoning ordinance;
- b) the adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;
- c) the adoption of an amendment to a zoning ordinance which rezones property from one zoning classification to another;
- d) the adoption of an amendment to a zoning ordinance which zones property that is annexed to the territorial boundaries of the City of Buchanan, State of Georgia; or
- e) the approval of a conditional use (special use) of property.

Zoning Ordinance. An Ordinance for the City of Buchanan establishing procedures and zones or districts within its territorial boundaries, which regulate the uses and development standards of property within such zones or districts. The term also includes the Zoning Map (as hereinafter amended) adopted in conjunction with the Zoning Ordinance of the City of Buchanan, which shows the zones and districts and zoning classification of property herein.

3.0 Amendment. This Ordinance and the Zoning Ordinance of Buchanan, Georgia may be amended from time to time subject to the following conditions:

3.1 No Amendment shall become effective unless it shall have been initiated by either the Mayor and Council of the City of Buchanan, the Planning Commission, the property owner(s) or an individual who has the owner(s)' power of attorney authorizing such person to act, or a request signed by sixty (60) percent of the property owners who hold not less than sixty (60) percent of the affected land; or valid annexation procedures as defined by *OCGA §36-36-1 et seq.*

3.2 All proposed amendments or conditional use reviews shall be initiated by an application filed with the Zoning Administrator of Buchanan upon forms provided by the City of Buchanan. A standard fee to be set from time to time by the governing authority shall be paid with the application.

4.0 Public Notice. Notice of the public hearing upon a proposed amendment to this Ordinance or for a proposed zoning decision shall be given as hereinafter set forth:

4.1 At least fifteen (15), but not more than forty-five (45) days prior to the date set for the public hearing, a written notice shall be published in a newspaper of general circulation in the City of Buchanan setting forth the time, place, and purpose of the hearing.

4.2 In addition to the requirements of subsection 4.1, if the proposed amendment calls for a zoning decision for the 1) rezoning of property; 2) annexation to the territorial boundaries of the City of Buchanan; or 3) approval of a conditional (special) use permit, and the proposed amendment is initiated by a person other than the Mayor and Council of the City of Buchanan:

4.2-1 The published notice shall include the location of the property and state the present zoning classification of the property (if applicable) and the proposed zoning classification of the property (if applicable); and the proposed use requiring a special use (conditional use) review (if applicable); and

4.2-2 A sign shall be placed in a conspicuous location on the property that is the subject of the zoning decision setting forth the time, place and purpose of the public hearing, the present zoning classification of the property, and the proposed zoning classification of the property (if applicable), and (if applicable) the proposed use requiring a special use (conditional use) review. Acts of vandalism or natural occurrences limiting the effectiveness of notice by a sign posted on the property shall not invalidate any proceedings or action taken on the proposed amendment.

4.2-3 The City of Buchanan shall notify by regular mail all abutting property owners, including those that would abut if not separated by the width of a public street or railroad right-of-way, as to the date, time, and purpose of the proposed zoning decision, at least seven (7) working days prior to the date of the public hearing. Notification shall be sent to those property owners shown to be the owners by the Haralson County Tax Records upon the date of the filing of the application for zoning decision. Failure of an abutting owner to receive timely notice shall not void the proceedings.

4.3 If the zoning decision is for property to be annexed into the City of Buchanan, then:

4.3-1 The City of Buchanan shall complete the procedures required by this chapter for such zoning, except for the final vote of the municipal governing authority, prior to adoption of the annexation ordinance or resolution or the effective date of any

local Act but no sooner than the date the notice of the proposed annexation is provided to the governing authority of the county as required pursuant to *OCGA* §36-36-6;

4.3-2 In addition to the requirements of Section 4.3-1, the City of Buchanan shall provide notice of the hearing as required under the provisions of Section 4.0, herein; and

4.3-3 The hearing required by Section 4.0 of this Ordinance shall be conducted prior to the annexation of the subject property into the City of Buchanan;

4.3-4 The zoning classification approved by the City of Buchanan following the hearing required herein, shall become effective on the later of a) the date the zoning is approved by the City of Buchanan; or b) the date that the annexation becomes effective pursuant to *OCGA* §36-36-2.

5.0 Public Hearing. A public hearing upon the adoption of or for any proposed amendment to this Ordinance or to the Zoning Ordinance of Buchanan shall be held before the Planning Commission on behalf of the Mayor and Council of Buchanan. A public hearing shall be conducted at the time and place specified by the Planning Commission and as set forth in the public notice described in Section 4.0 of this Article. The purpose of such hearing shall be to present to the public the proposed zoning amendment, and to receive comments thereon from the public. The Planning Commission shall consider the proceedings and comments of such hearing in making any zoning recommendation on the proposed zoning amendment. The Planning Commission shall prescribe the rules of order for its deliberations on matters with which it is charged under this Ordinance, and said rules of order shall be consistent with the general requirements and purposes set forth in this Ordinance and other laws of the State of Georgia concerning conduct of proceedings of public commissions, bodies, and governmental units.

6.0 Conduct of Hearings. The following policies and procedures shall govern the conduct of public hearings under this Ordinance:

6.1 The Chairman of the Planning Commission or his/her delegate on the Commission shall open any hearing with an explanation of the purpose of the hearing and a description of the general rules for the conduct of the hearing. The Chairman or his/her delegate may describe the authority and role of the Planning Commission in any zoning decision. An individual requesting to be heard on a matter germane to the purpose of the hearing must be recognized by the Chairman or his/her delegate before addressing the Planning Commission. The Chairman or his/her delegate shall chair the hearing and shall determine germaneness of any proposed comment or presentation to the Planning Commission in the hearing and is authorized to rule any individual or a portion of any presentation out of order if not germane to the published purpose of the hearing. Any person requesting to address the Planning Commission upon being recognized by the Chairman or his/her delegate shall state his name and residence address before proceeding with any comment, remarks, or presentation. Any person addressing the Planning Commission shall respond to questions of the Chairman or any member of the

Commission. The Chairman or his/her delegate may pre-determine the length of any hearing allotting equal time to proponents and opponents of any proposed zoning amendment to the extent that there are both proponents and opponents who desire to be heard. The Chairman or his/her delegate shall only be required to offer equal time to both proponents and opponents of any proposed zoning amendment and the fact that equal time is not in fact utilized by either position shall not invalidate any proceedings or action taken on the proposed amendment. The Chairman, however, shall allow a minimum time period to be no less than ten (10) minutes per side for the presentation of data, evidence, and opinion.

6.2 The Chairman or his/her delegate shall determine whether any application for zoning amendment is properly filed and the type of zoning decision for which the proposed amendment calls. The Chairman or his/her delegate shall confirm the giving of proper public notice of the hearing on the proposed zoning amendment in accordance with this Ordinance.

6.3 The Chairman or his/her delegate shall allow the person initiating the proposed zoning amendment or his/her/its designee to present a description of the proposed zoning amendment and the reason(s) for initiating the proposed zoning amendment. A failure of the applicant or his/her representative holding power-of-attorney to be present for the hearing shall result in automatic termination of any proceedings on the amendment and an adverse recommendation on the proposed amendment shall be forwarded to the Mayor and Council of the City of Buchanan, unless the applicant can show just cause by reason of health emergency, in which case the application may be re-filed by the applicant for consideration at a later date.

6.4 The Chairman or his/her delegate shall enter into the record after the presentation of the applicant or his/her/its representative any written comment, petition, or similar written statement received by the Planning Commission prior to the hearing and the same shall be considered by the Mayor and Council with comments and proceedings of the hearing in making any zoning decision concerning the proposed zoning amendment.

6.5 The Chairman or his/her delegate shall give persons opposed to the proposed amendment the opportunity to address the Planning Commission.

6.6 The Chairman or his/her delegate may alternate the presentations of persons speaking in favor of and opposed to the proposed zoning amendment beginning with the presentation of the applicant or his/her/its representative, or the Chairman or his/her delegate may divide such presentations into blocks of time beginning with proponents of the proposed zoning amendment, and thereafter moving to the presentations of opponents of the proposed zoning amendment. Further, the Chairman or his/her delegate may direct that proponents and opponents designate one or more spokesperson(s) for representations of favorable and opposing views of the proposed zoning amendment. The Chairman or his/her delegate may poll the public assemblage at the hearing concerning their concurrence in the remarks of any speaker.

6.7 Any remark amounting to attack on the character or personal integrity of another individual, or comment not factually supportable, or comment in the form of an emotional outburst, shall be non-germane to the purpose of any hearing and may be ruled out of order.

6.8 Upon conclusion of the presentation of persons opposing the proposed zoning amendment, the Chairman or his/her delegate shall afford the person initiating the petition an allotted time to address the Planning Commission in rebuttal of any issue(s) raised by persons addressing the Planning Commission in opposition to the proposed zoning amendment. The Chairman or his/her delegate may rule out of order the raising of any new issue(s) in rebuttal unless he deems the raising of such new issues useful to the purposes of the hearing, in which case those persons present and opposing the proposed zoning amendment shall be allocated an equal amount of time through a spokesperson or otherwise to address such new issue(s).

6.9 When proponents and opponents of the proposed zoning amendment have been heard in accordance with the foregoing procedures, the Chairman or his/her delegate shall declare the public hearing closed. No further public hearing on the proposed zoning amendment shall be required prior to the final zoning decision.

7.0 Zoning Standards. Exercise of the zoning power of the City of Buchanan shall constitute an effort to balance the interest of the community in promoting the public health, safety, morality, or general welfare against the right of property owners to the unrestricted use of their property. The following standards are determined to be relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to unrestricted use of the property.

7.1 Standards:

7.1-1 Whether the proposed amendment would allow a use that is generally suitable for the site compared to other possible uses and the uses and zoning of adjacent and nearby properties;

7.1-2 Whether the proposed amendment would adversely affect the economic value or the uses of adjacent and nearby properties;

7.1-3 Whether the property to be affected by the proposed amendment can be used as currently zoned;

7.1-4 Whether the proposed amendment, if adopted, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities;

7.1-5 Whether the subject property under the proposed amendment is in conformity with the policies and intent of the adopted *Haralson County, Bremen, Buchanan, Tallapoosa, and Waco Joint Comprehensive Plan, 2022-2026* or equivalent, as amended.

7.1-6 Whether there are other conditions or transitional patterns affecting the use and development of the subject property, if applicable, which give grounds for either

approval or disapproval of the proposed amendment.

7.2 The City of Buchanan shall consider any proposed zoning amendment properly initiated in light of the standards set forth in Section 7.1. In evaluating the standards set forth in Section 7.1 it shall be the policy of the City of Buchanan to exercise its zoning power in conformity with the policy and intent of the Joint Comprehensive Plan for Haralson County and the Cities of Bremen, Buchanan, Tallapoosa, and Waco insofar as that plan is current in its application to the specific property that is the subject of the proposed amendment. It is further the policy of the City of Buchanan to exercise the zoning power for purposes of assuring the compatibility of the use of adjacent and nearby properties and the preservation of the economic value of adjacent and nearby properties while enabling a reasonable use of all property.

7.3 Conditional Use (Special Use). The granting of a conditional use does not constitute a permanent change in zoning or use. The conditional use may be forfeited if it does not meet the review criteria. To ameliorate the impact of a conditional use upon surrounding property, no conditional use may be granted without special provisions for conditions, criteria, standards, and/or requirements as to the particular use. A permit for a conditional use (special use) shall be approved or denied, provided that due consideration is given to the following objective criteria as applicable to the specific use proposed at the specific site requested:

7.3-1 Whether the proposed use impacts negatively or positively the anticipated volume of traffic flow or pedestrian safety in the vicinity;

7.3-2 Whether the hours and manner of operation of the conditional use (special use) have no adverse effects on other properties/uses in the vicinity;

7.3-3 Whether refuse areas, parking, or loading/service areas on the property will be located or screened to protect other properties in the vicinity from noise, light, glare, or odors;

7.3-4 Whether the height, size, or location on the building or other structures on the property are compatible with the height, size, or location of buildings or other structures on neighboring properties;

7.3-5 Whether the size of the lot is sufficient for the proposed use, accounting for growth opportunity that will not infringe upon the requirements of the zoning ordinance nor infringe upon the relationship to surrounding land;

7.3-6 And satisfying the foregoing criteria, whether the benefits of and need for the proposed use are greater than any possible depreciating effects and damages to the neighboring properties.

8.0 Official Action. Consideration of any proposed zoning decision properly initiated and subsequent to the public hearing shall be as follows:

8.1 The planning staff of the City of Buchanan shall make a report of its investigation of the proposed zoning decision to the Planning Commission commenting on the advisability of adopting any proposed zoning amendment. The report of the planning staff shall be in writing addressed to the Planning Commission. Further, the planning staff's report shall provide an evaluation of each of the standards set forth in Section 7.1 (or Section 7.3, as applicable) and describe how the planning staff's advice is considered to be consistent with the exercise of zoning power set forth in Section 7.2. A summary of the proceedings of the public hearing shall accompany the Planning Commission's written recommendation to the Mayor and Council.

8.2 Upon conclusion of the public hearing, the Planning Commission may approve, disapprove, or table the proposed zoning decision. The Planning Commission may recommend and/or the Mayor and Council may amend an application prior to acting thereon: 1) to reduce the size of the area affected by the amendment; 2) to change the requested zone district to a less intensive or lower density district than the requested zone; 3) to specify conditions that are deemed relevant to the public interest regarding site plans, ingress/egress, buffers, and infrastructure related to drainage, utilities, traffic, and other matters. The foregoing powers are not in limitation of any other zoning powers accorded the City of Buchanan under the laws of the State of Georgia. If the Planning Commission fails to recommend action on the zoning decision in writing within forty-five (45) days of the close of the public hearing and the applicant does not agree in writing to an extension of the time limit, the applicant may take the proposed zoning decision to the Mayor and Council without a Planning Commission recommendation.

If consideration of the proposed zoning amendment is tabled, it shall be reconsidered by the Planning Commission not later than its next regular monthly meeting. In any event, the Commission shall have forty-five (45) days from the date of the close of the public hearing before the Planning Commission to review and submit its written recommendation to the Mayor and Council of Buchanan. Once an application for a zoning decision has been filed and the Planning Commission holds the public hearing, the Planning Commission shall make a recommendation on the proposed zoning decision and the Mayor and Council shall take a final action, regardless of whether or not the applicant withdraws his/her/its application for the proposed amendment.

8.3 The authority of the Planning Commission and planning staff in any zoning decision shall be advisory only. Any zoning decision shall be made by the Mayor and Council of the City of Buchanan, who shall either approve or disapprove the proposed zoning amendment. Any approval of a proposed zoning decision may be subject to any and all lawful conditions determined by the governing authority that are attached to the ordinance approving the proposed zoning decision.

8.4 If the Mayor and Council of the City of Buchanan shall take official action defeating a proposed zoning amendment which seeks to rezone property or approve a conditional (special) use, the same property may not be considered again for rezoning or conditional (special) use until the expiration of twelve (12) months from the date of the official action of the Mayor and Council.

9.0 Distribution. Copies of this Zoning Procedures and Standards Ordinance, as amended, shall be printed and copies thereof made available for distribution to the general public in the offices of the City Clerk or Zoning Administrator of the City of Buchanan, Georgia. Distribution to the general public shall be upon request of a member of the general public who shall be entitled to one copy. The Clerk of the City of Buchanan, Georgia, is authorized to print copies of this Ordinance and any amendments thereto from time to time for purposes of meeting distribution requirements of *The Zoning Procedures Law* (Title 36, Chapter 66 of the Official Code of Georgia Annotated).

10.0 Legal Status.

10.1 Separability. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

10.2 Repeal of Conflicting Resolutions and Ordinances. All resolutions and Ordinances and parts of resolutions and Ordinances in conflict herewith are repealed.

10.3 Effective Date. This Ordinance shall take effect and be enforced from and after its adoption, the public welfare of the City of Buchanan requiring it.

ADOPTED AND APPROVED on the 20th day of June, 2022, at a regular meeting of the Mayor and Council of the City of Buchanan.

APPROVED:

AJ Scott_____

MAYOR, CITY OF BUCHANAN, GEORGIA

ATTEST:

Sherry Taylor_____

CITY OF BUCHANAN CITY CLERK