

PART SEVEN: MAPPED APPROACHES TO LAND USE REGULATION

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§7-1 AGRICULTURAL LANDS

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§7-1-1 PURPOSE AND INTENT

It is found that non-agricultural uses when contiguous to farmland can affect how an agricultural use can be operated, which can lead to the conversion of agricultural land to urban, suburban, or other non-agricultural use. It is a goal of The City of Arnoldsville, Georgia Comprehensive Plan to preserve agricultural land in the jurisdiction that is not otherwise identified in the Comprehensive Plan as necessary for development.

It is the policy of The City of Arnoldsville, Georgia to preserve and encourage agricultural land use and operation within the jurisdiction, and to reduce the occurrence of conflicts between agricultural and non-agricultural land uses and to protect public health, safety, and welfare.

It is the policy of The City of Arnoldsville, Georgia to notify applicants for building permits for buildings or land use permits for uses on non-agricultural land abutting agricultural land or operations with notice about The City of Arnoldsville, Georgia support of the preservation of agricultural lands and operations. An additional purpose of the notification requirement is to promote a good neighbor policy by informing prospective builders and occupants of non-agricultural land adjacent to agricultural lands and operations of the effects associated with residing or operating activities close to agricultural land and operations. Another purpose of this Ordinance is to reduce the loss of agricultural resources in the jurisdiction by limiting the circumstances under which agricultural operations on agricultural lands may be deemed a nuisance.

It is further the policy of the City to require all new developments adjacent to agricultural land or operations to provide a buffer to reduce the potential conflicts between agricultural and non-agricultural land uses. By requiring a 150-foot agricultural buffer on abutting non-agricultural lands, the City finds it will be helping to ensure prime farmland remains an agricultural use.

§7-1-2 DEFINITIONS

Agricultural land: Those land areas within the City that are identified as agricultural on the "Official Map of Agricultural Lands and Operations."

Agricultural operations: Any agricultural activity, operation, or facility taking place on agricultural land shown on the "Official map of Agricultural Lands and Operations," including, but not limited to, the cultivation and the tillage of the soil; dairying; the production, irrigation, frost protection, cultivation, growing, harvesting, and processing of any commercial agricultural commodity, including timber, viticulture, apiculture or horticulture; the raising of livestock, fur-bearing animals, fish or poultry; agricultural spoils areas; and any practices performed by a farmer or on a farm as incidental to or in conjunction with such operations, including the legal application of pesticides and fertilizers, use of farm equipment, storage or preparation for market, delivery to storage or to market, or to carriers for transportation to market.

Official map of agricultural lands: That map, attached to and made a part of this Ordinance, which designates agricultural lands based on data for existing land use patterns, soils, property tax assessment, or other information.

§7-1-3 OFFICIAL DESIGNATION OF AGRICULTURAL LANDS

The agricultural lands to which this Ordinance applies are shown on a map titled "Official Map of Agricultural Lands" which is hereby attached to and made a part of this Ordinance.

§7-2 AGRICULTURAL USE NOTICE AND WAIVER

§7-2-1 REQUIRED

§7-2-2 CONTENT

§7-2-1 REQUIRED

As a condition of and at the time any land use permit, building permit, or occupancy permit is applied for on non-agricultural land abutting or within 1,000 feet of agricultural land, permit applicants shall be provided by the Land Use Officer with an "Agricultural Use Notice and Waiver." Prior to action on the issuance of a land use permit, building permit, or occupancy permit on property abutting or within 1,000 feet of agricultural land, the applicant for said permit shall be required to sign a waiver on a form prepared by the Land Use Officer which will indicate that the applicant understands that agricultural land exists near the subject property and an agricultural operation is ongoing adjacent to his existing or proposed use which may produce odors, noise, dust, and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of adjacent agricultural operations and uses on adjacent agricultural lands, the applicant agrees by executing the form to waive any objection to those effects and understands that his or her permit is issued and processed in reliance on his or her agreement not to bring any action against adjacent landowners whose property is agricultural land or an agricultural operation, or any local government, asserting that the adjacent agricultural operations or uses of agricultural land constitutes a nuisance. Any such notice or acknowledgment provided to or executed by a landowner adjoining agricultural land or agricultural operation shall be a public record.

§7-2-2

CONTENT

The Agricultural Use Notice and Waiver shall include the following information in substantially the same or similar format and content:

"You are hereby notified that the property you are proposing to use or build upon is located within 1,000 feet of agricultural land with one or more agricultural operations. You may be subject to inconvenience or discomfort from lawful agricultural operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents, and/or the operation of machinery (including aircraft) during any 24-hour period. One or more inconveniences may occur as a result of agricultural operations that are in compliance with existing laws and regulations and accepted customs and standards. If you live or operate a use near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. Your signature constitutes an agreement not to bring any action against adjacent landowners whose property is agricultural land or in agricultural operation, or against local government, asserting that the adjacent agricultural operation or uses of agricultural lands constitutes a nuisance.

Signature of Applicant: _____"

§7-3

AGRICULTURAL BUFFER REQUIREMENTS

- §7-3-1 PURPOSE
- §7-3-2 AGRICULTURAL BUFFERS REQUIRED
- §7-3-3 BUFFER SPECIFICATIONS
- §7-3-4 BUFFER SITE PLAN REQUIRED
- §7-3-5 BUFFER AS A CONDITION OF PERMIT
- §7-3-6 DESIGNATION OF BUFFER ON SUBDIVISION PLAT

§7-3-1

PURPOSE

Although intensive agricultural operations are not allowed at this time, should this be allowed in the future, the following ordinances shall apply. To minimize future potential conflicts between agricultural and non-agricultural land uses and to protect public health, safety, and general welfare, all new non-agricultural development adjacent to designated agricultural land shall be required to provide an agricultural buffer in accordance with the provisions of this section. In addition, for the same purposes, all new poultry houses and hog pens shall be required to provide a setback and agricultural buffer in accordance with the provisions of this section.

§7-3-2

AGRICULTURAL BUFFERS REQUIRED

§7-3-2.1 Buffer Abutting Agricultural Land. Any non-agricultural use on property abutting agricultural land as defined by this Ordinance shall provide an agricultural buffer with a minimum width of 150 feet along all property lines abutting designated agricultural land (see Figure).

§7-3-2.2 Setback and Buffer Required for New Poultry Houses and Hog Pens. When a new poultry house is proposed to be erected or a hog pen established on property, whether

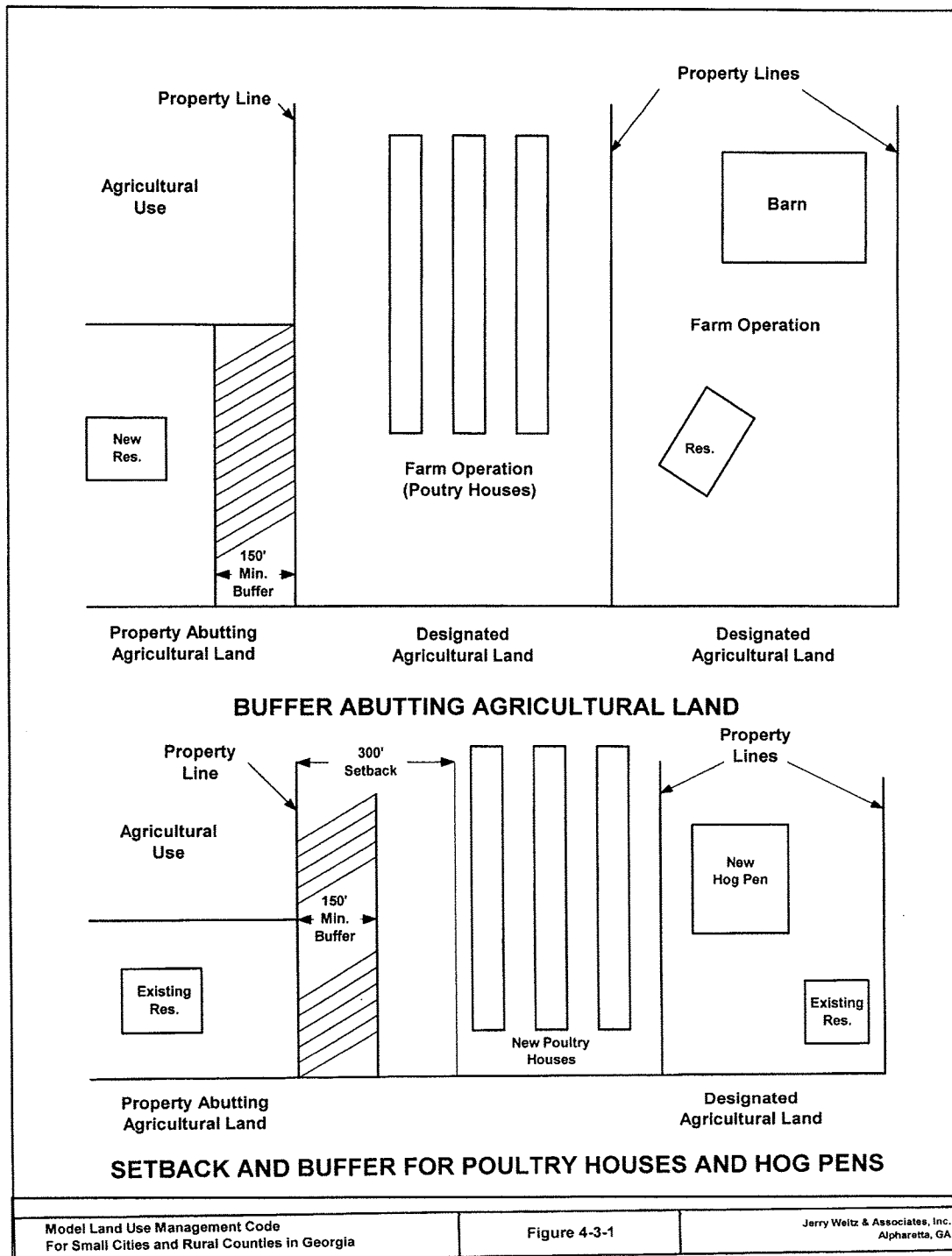
designated as agricultural land or not, there shall be a building and use setback of 300 feet, including an agricultural buffer with a minimum width of 150 feet, abutting any property not designated as agricultural land pursuant to this Ordinance (see Figure). (See §7-3-1)

§7-3-3 BUFFER SPECIFICATIONS

All required agricultural buffers shall consist of natural undisturbed areas to the extent that native plants, trees or hedge rows exist, and they shall be replanted where sparsely vegetated so that they provide a more or less opaque screen between the non-agricultural land and the agricultural land. Drainage features, determined by the Land Use Officer to be consistent with the use of the property as an agricultural buffer, may be permitted within a required buffer. (See §7-3-1)

§7-3-4 BUFFER SITE PLAN REQUIRED

Any applicant for a land use permit or building permit for non-agricultural use on property abutting agricultural land as defined by this Ordinance, or any applicant for a land use permit or building permit for a poultry house or hog pen on any property, shall submit a buffer site plan for review and approval. The buffer site plan shall include provision for the establishment, management and maintenance of the agricultural buffer. To ensure management of the agricultural buffer, the property owner may at his or her discretion dedicate the agricultural buffer as a conservation easement in favor of a land trust, provided that such easement is legally valid and an executed copy is submitted to the Land Use Officer. (See §7-3-1)



§7-3-5 BUFFER AS A CONDITION OF PERMIT

The Land Use Officer shall not issue a land use permit or authorize issuance of a building permit until and unless a buffer site plan has been submitted by the applicant and approved by the Land Use Officer, and until or unless the buffer has been installed by the applicant; provided, however, that if guarantees have been made by the applicant, acceptable to the Land Use Officer, that the agricultural buffer will be installed prior to occupancy of the building or initiation of use, the Land Use Officer may issue said land use permit or authorize issuance of a building permit subject to such assurances or guarantees. It shall be unlawful to destroy, remove, selectively clear, or otherwise modify an agricultural buffer required by this section after it is established.

§7-3-6 DESIGNATION OF BUFFER ON SUBDIVISION PLAT

If a non-agricultural property which abuts an agricultural land defined by this Ordinance is proposed for subdivision, the subdivider shall be required to designate all land within 150 feet of a property line of an agricultural land as an agricultural buffer on said subdivision plat.

§7-4 LAND USE INTENSITY DISTRICTS AND MAP

- §7-4-1 TITLE
- §7-4-2 DEFINITIONS
- §7-4-3 ESTABLISHMENT OF LAND USE INTENSITY DISTRICTS
- §7-4-4 OFFICIAL LAND USE INTENSITY DISTRICTS MAP
- §7-4-5 RULES GOVERNING BOUNDARIES
- §7-4-6 LAND USE INTENSITY DISTRICTS
- §7-4-7 GENERAL PROVISIONS
- §7-4-8 NONCONFORMING SITUATIONS
- §7-4-9 PARKING
- §7-4-10 LOADING

§7-4-1 TITLE

This title shall be known and may be cited as the Land Use Intensity District Ordinance of the City of Arnoldsville, Georgia.

DEFINITIONS

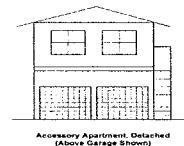
Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions. Unless otherwise expressly stated, the following words shall have the meaning herein indicated.

Abutting: Having property lines in common, or having property separated by only an alley. Separation by a street right-of-way is not considered abutting.

Access: A way or means of approach to provide physical entrance to a property.



Accessory dwelling unit, detached: A second dwelling unit that is added to an existing accessory structure (e.g., residential space above a detached garage), or as a new freestanding accessory building, for use as a complete, independent living facility for a single household, with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use to the principal dwelling. Includes the term garage apartment.



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

Adult business: Any "adult bookstore," "adult movie house," "explicit media" outlet, or any place involving "sexual conduct" or "sexually explicit nudity" for commercial purposes, as those terms are defined in O.C.G.A. 36-60-3 and as reiterated below.

- (1) Adult bookstore: Any commercial establishment in which is offered for sale any book or publication, film, or other medium which depicts sexually explicit nudity or sexual conduct.
- (2) Adult movie house: Any movie theater which on a regular, continuing basis shows films rates "X" by the Motion Picture Coding Association of America or any movie theater which presents for public viewing on a regular, continuing basis so-called "adult films" depicting sexual conduct.

- (3) Explicit media outlet: Any commercial establishment which has an inventory of goods that is composed of 15 percent or more of books, pamphlets, magazines, or other printed publications, films, or other median which depict sexually explicit nudity or sexual conduct, or that devotes 15 percent or more of its floor area to such inventory of goods.
- (4) Sexual conduct: Acts of masturbation, homosexuality, sodomy, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such a person is female, breast which, to the average person, applying contemporary community standards, taken as a whole, lacks serious literary, artistic, political, or scientific value and predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity or sex.
- (5) Sexually explicit nudity: A state of undress so as to expose the human male or female genitals or pubic area with less than a full opaque covering or the depiction of covered or uncovered male genitals in a discernibly turgid state which, to the average person, applying contemporary community standards, taken as a whole, lacks serious literary, artistic, political, or scientific value and predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity or sex.

Agriculture: Those practices involving the establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land; farm ponds; dairy operations; livestock and poultry management practices; the construction of farm buildings; The plowing, tilling, or preparation of soil at an agricultural facility; The planting, growing, fertilizing, harvesting, or otherwise maintaining of crops; The application of pesticides, herbicides, or other chemicals, compounds, or substances to crops, weeds, or soil in connection with the production of crops, timber, livestock, animals, or poultry; The breeding, hatching, raising, producing, feeding, keeping of livestock, hogs, equines, chickens, turkeys, poultry or other fowl normally raised for food, mules, cattle, sheep, goats, dogs, rabbits, or similar farm animals for commercial purposes, but not the regular slaughtering, or processing of such animals; The production and keeping of honeybees, the production of honeybee products; The production, of eggs or egg products; The manufacturing of feed for poultry or livestock; The rotation of crops, including without limitation timber production; Commercial aquaculture; and the application of existing, changed, or new technology, practices, processes, or procedures to any agricultural operation. (based on Georgia Code Sections 1-3-3 and 41-1-7). Agricultural operation does not include a roadside stand or agricultural processing.

Agricultural processing: Activities distinguished from the raising, cultivating, harvesting of food and fiber products (i.e., agriculture) because they go beyond the basic production cycle and involve significant manufacturing or processing operations so that the naturally grown or raised product is changed for consumer use, or where some physical, chemical, or similar change of an agricultural product occurs. Such activities include but are not limited to: cotton ginning, grist mills, milling of flour, feed, or grain, packaging of fresh or dried foods and fibers for wholesale or retail sale, slaughterhouses, refineries, wineries, canneries, and milk processing plants. Agricultural processing is considered a manufacturing use.

Aircraft landing area: Any landing area, runway, or other facility designed, used, or intended to be used for the taking off or landing of aircraft (airplanes, helicopters, gliders, ultralights, and any contrivance now known or hereafter invented for use in or designed for navigation of or flight in air) and which may include, aircraft storage, tie-down areas, hangars, and other

necessary buildings and appurtenances. This term includes private use heliports. This use may be a principal or accessory use.

Alley: A public or private thoroughfare, narrower than a street, which affords a secondary means of access to abutting property at the rear of buildings.

Amusement park: A commercially operated park operating in the outdoors where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment. An amusement park is an outdoor commercial recreation facility.

Animal hospital: An establishment designed or used for the care, observation, or treatment of domestic or farm animals. This definition includes veterinary clinics.

Animal shelter: Any premises designed or operated for impounding and caring for stray, homeless, abandoned, or unwanted animals (usually cats and dogs), or that are otherwise subject to impoundment. An animal shelter is usually intended to provide only temporary kenneling of such animals until a permanent home is found.

Antenna: Any exterior apparatus designed for telephone, radio, or television communications or data transmission through the sending and/or receiving of electromagnetic waves. See also wireless telecommunication facilities.

Antique shop: A retail establishment primarily engaged in the offering of products with value derived because of their age or historic significance, including but not limited to works of art, pieces of furniture, decorative objects, clocks, lamps, clothing, rugs, toys, and the like. Unless specifically provided otherwise in this ordinance, antique shops operating within buildings are enclosed retail trade establishments, and those operating in the open air are open-air businesses.

Apartment building: A building designed for or occupied exclusively by three (3) or more families with separate housekeeping facilities for each family for rent or lease. An apartment building is considered a multi-family residential use.

Appeal: A request for a review of the Land Use Officer's interpretation of any provision of this ordinance, or a request for a review of an action taken by an administrative official in the application or enforcement of this ordinance.

Applicant: A property owner or their authorized representative who has petitioned the City for approval of an application under the terms of this ordinance.

Arcade, amusement: A place or facility where pinball or electronic games are played for amusement. Amusement arcades are indoor commercial recreation facilities.

Art gallery: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This use does not include libraries and museums. An art gallery is an enclosed retail trade establishment unless operated by a public entity in which case it is considered a public use.

Assisted living facility: Residences for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services incidental to the above. For purposes of this ordinance, assisted living facilities are considered institutionalized residential living and care facilities.

Auction house or auction yard: Any building, structure, enclosure, or place where goods or livestock are sold by auction (i.e., through bid in competition with others). This use is a wholesale trade establishment.

Automated teller machine: A mechanized consumer banking device offered by a bank, whether outside or in an access-controlled facility operated by walk-up customers only and not necessarily accessible to customers in vehicles.

Automobile sales: A premises designed or used for storage and display for sale, rental, or lease of cars, trucks, tractors, trailers, campers, recreational vehicles, motorcycles, and agricultural implements, all of which are complete and operable.

Automobile service establishment: Top and body, paint, automotive glass, transmission, and tire repair shops, and oil change and lubrication facilities.

Automobile sales and service establishment: A premise that includes both automobile sales and automobile services, as defined in this ordinance.

Bank or financial establishment: A business that accepts money for deposit into accounts from the general public or other financial institutions, and which may include personal or business loans, wire transfers and safe deposit boxes. Such uses include but are not limited to banks, savings and loan institutions and credit unions, and security and commodity exchanges.

Barn: A building or structure accessory to agriculture or single-family residential use which is used for the storage of grain, hay, and other farm products, or the sheltering of livestock, or the storage of farm equipment produced, housed, or used on the premises.

Basement: That portion of a building having its lowest floor subgrade (below ground level) on two or more sides.

Batching plant: A plant for the manufacture or mixing of asphalt, concrete, cement, or concrete or cement products, including any apparatus incidental to such manufacturing and mixing.

Bed and breakfast inn: A facility where overnight accommodations not exceeding six (6) guest rooms are provided to transients for compensation, with or without a morning meal, and which may include afternoon and/or evening meal for guests, and where the operators of the facility live on the premises. A bed and breakfast inn does not include retail uses, public bar, conference center, or special event facilities.

Berm: An earthen mound or embankment, usually less than three feet if designed to provide visual interest only, and usually six feet or more in height if intended to screen views or reduce noise.

Boarding house: See rooming house.

Borrow site: A site used for the extraction of earthen materials such as sand, gravel, rock, dirt, etc., where the material is removed from the site.

Botanical garden: A private facility, either nonprofit or operated for a fee, for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants.

Brewery: An industrial use that brews ales, beers, and/or similar beverages on site.

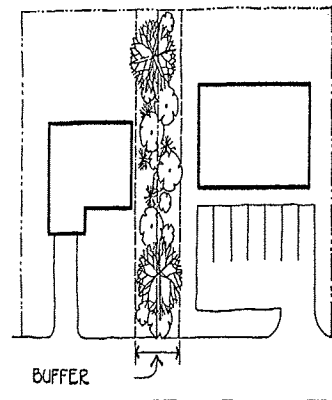
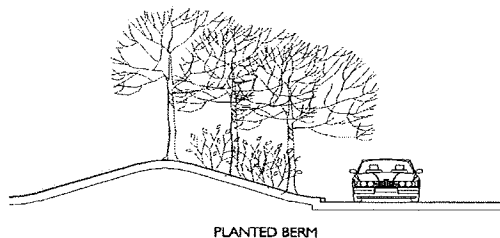
Broadcasting studio: A building or structure operated as a radio or television broadcasting studio or station with local broadcast capability or intended for satellite distribution of programs, and usually including satellite dishes, microwave dishes, and/or other communications equipment.

Buffer: A strip of land located between a side or rear property line and a building, structure, or use, intended to separate and obstruct the view of the site on which the buffer is located from an abutting property. A buffer is usually intended to provide screening, as defined and as may be required by this ordinance. (see illustration)

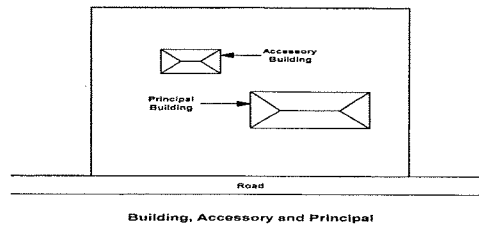
Buffer, natural undisturbed: A buffer that contains a natural area consisting of trees and/or other vegetation, undisturbed except for approved access and utility crossings, and replanted where sparsely vegetated.

Buildable area: The portion of a lot which is not located within any minimum required yard, landscape strip/area or buffer; that portion of a lot wherein a principal building may be located.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.



(1) Building, accessory: A building subordinate to the main (principal) building on a lot and used for purposes incidental to the main or principal building and located on the same lot therewith.



(2) Building, principal: A building in which is conducted the main or primary use of the lot on which said building is situated. In any residential zoning district, any structure containing a dwelling unit shall be defined to be the principal building on the lot on which same is situated, except for detached accessory apartments.

Building height: The vertical distance measured from the grade to the highest point of the roof.

Building materials sales: An establishment offering lumber or other construction materials used in buildings for sale to contractors or the general public. When operated in whole or part outside the confines of a building, a building materials sales establishment is an open air business.

Building sales establishment: A lot on which the principal use is the sale of manufactured homes and/or modular buildings. This use is an open-air business.

Building setback line: A line establishing the minimum allowable distance between the front wall of a principal building (excluding roof overhangs of 36 inches or less) and the road right-of-way line or a side or rear building wall and a side or rear property line when measured perpendicularly thereto. For purposes of this ordinance, a minimum required building setback line and minimum required yard shall be considered the same.

(1) Front building setback: The minimum allowable distance between the right-of-way line of any abutting road and any part of a principal building on a lot (excluding roof overhangs of 36 inches or less). The front setback distance is applied along the full length of the right-of-way line and is parallel to it.

(2) Rear building setback: The minimum allowable distance between a rear lot line and any part of a principal building on a lot (excluding roof overhangs of 36 inches or less). The rear building setback extends along the full length of the rear lot line.

(3) Side building setback: The minimum allowable distance between a side lot line and any part of a principal building on a lot (excluding roof overhangs of 36 inches or less). The side building setback extends along the side lot line between the front building setback and a rear building setback (if any).

Bulk storage: The storage of chemicals, petroleum products, or similar materials in above ground or below-ground storage containers designed for wholesale distribution or mass consumption. This includes fuel oil distributors with storage of products.

Business service establishment: A business activity engaged in support functions to establishments operating for a profit and individuals and institutions on a fee or contract basis, including but not limited to: advertising agencies, photocopying, blueprinting and duplication services, mailing agencies, commercial art and graphic design; personnel supply services and employment agencies, computer and data processing services, detective, protective, and security system services, accounting, auditing, and bookkeeping services, publications and business consulting firms, food catering, interior decorating, and locksmiths.

Camp or campground: Any place established or maintained for two or more individual spaces or sites for temporary living quarters in cabins, structures, or tents for recreation or vacation purposes for a fee.

Carport: A roofed, accessory building or structure, not necessarily fully enclosed on the sides and usually open on two or more sides, made of canvas, aluminum, wood, or any combination thereof, including such materials on movable frames, for the shade and shelter of private passenger vehicles or other motorized or non-motorized equipment such as tractors and boats.

Car wash: The use of a site for washing and cleaning of passenger vehicles, other vehicles, or other light duty equipment. Car washes consist of self-service, staffed, or mechanically automated facilities.

Caretaker's residence: A dwelling unit within a principal building or any freestanding building or structure that is accessory to an institutional, commercial, or industrial use, and located on the same lot there with, which is used for occupancy as a dwelling by an owner, security agent, or caretaker.

Carnival: Any use which constitutes a traveling or transportable group or aggregation of rides, shows, gaming booths, and concessions, and where the public either pays admission or participation fees. A carnival is a temporary use.

Catering service: An establishment that serves and supplies food to be consumed off-premises. A catering service is a business service establishment.

Cemetery: The use of property as a burial place.

Church: A building or structure, or groups of buildings or structures that by design and construction are primarily intended for conducting organized religious services. Associated accessory uses include but are not limited to: residence for pastor, minister, priest, or rabbi, schools, meeting halls, indoor recreational facilities, day care, and kitchens. This term includes synagogues, temples, and other places of worship.

Christmas tree sales facility: A facility conducted on a temporary basis during holiday season, generally conducted wholly outdoors but which may involve a tent or other temporary structure, that offers for sale Christmas trees and incidental holiday items such as wreaths and Christmas tree stands. Such facility is a temporary open-air business establishment.

Clinic: An institution or professional office, other than a hospital or nursing home, where persons are counseled, examined, and/or treated by one or more health professionals providing any form of healing or medical health service. Persons providing these services may offer any combination of counseling, diagnostic, therapeutic or preventative treatment, instruction, or

services, and which may include medical, physical, psychological, or mental services and facilities for primarily ambulatory persons.

Club or lodge, nonprofit: A building or premises, used for the assembly of members of associations or organizations of an educational, fraternal, or social character, not operated or maintained for profit. Representative organizations include Elks, Veterans of Foreign Wars, and Lions. The term shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

Club, hunting: Areas reserved or set aside for public or private hunting of wildlife, including accessory structures in support of such activities, and which may require the payment of a fee for hunting or where such privileges are derived from membership.

Club, private: Buildings and facilities owned or operated by a corporation, association, person, or persons, and used for assembly of members for a social, educational, or recreational purpose, to which membership is required and where use of premises is restricted to members and their guests. The definition "private club" shall also include a "bona fide private club" as that term is defined in Georgia Code Section 3-7-1.

Co-generation facility: An installation that harnesses energy that normally would be wasted to generate electricity, usually through the burning of waste, and which may use, distribute through connection, or sell the energy converted from such process.

College or university: An educational use that provides training beyond and in addition to that training received in the 12th grade (i.e., undergraduate and graduate), and which has students regularly attending classes, and which confers associate, bachelor, master, or doctoral degrees.

Commercial recreational facility, indoor: A use that takes place within an enclosed building that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: assembly halls, amusement arcades, auditoriums, billiard halls and pool rooms, bowling alleys, dance halls, ice and roller skating rinks, and fully-enclosed theaters.

Commercial recreational facility, outdoor: A use of land and/or buildings that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: amusement parks, stadiums, amphitheaters, fairgrounds, drive-in theaters, golf driving ranges, miniature golf courses, batting cages, race tracks for animals or motor-driven vehicles, unenclosed firearms shooting ranges and turkey shoots, fishing ponds, equestrian centers and horse and pony riding rinks, botanical and zoological gardens, zoos for exotic animals or wildlife, recreational vehicle parks, and ultra-light flight parks. A golf course and private club that is built as part of a single-family residential subdivision and that operates in a quasi-public manner is not considered to be an outdoor commercial recreational facility.

Common area: Land within a development, not individually owned or dedicated to the public, and designed for the common usage of the development. These areas include green open spaces and yards and may include pedestrian walkways and complimentary structures and improvements for the enjoyment of residents of the development. Maintenance of such areas is the responsibility of a private association, not the public.

Community recreation: A private recreational facility for use solely by the residents and guests of a particular residential development, including indoor facilities such as community meeting

rooms and outdoor facilities such as swimming pools, tennis courts, and playgrounds. These facilities are usually proposed, planned, and provided in association with a development and are located within the boundaries of such development.

Compost: A humus-like, organic material produced from composting, which may be used to spur plant growth and condition soil or as top soil.

Composting facility: A facility where compost or organic matter that is derived primarily from off-site is processed by composting and/or processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

Comprehensive plan: Any plan by a county or municipality covering such county or municipality or any plan by a regional development center covering the center's region proposed or prepared pursuant to the minimum standards and procedures for preparation of comprehensive plans and for implementation of comprehensive plans, established by the Department of Community Affairs. (Georgia Code Section 50-8-2)

Concept plan: A document submitted with an application for a rezoning or other type of application upon which the applicant has shown the intended development and its design.

Condition of approval: A requirement adopted by the Governing Body at the time of approval of a change in zoning district or approval of a conditional use or variance; placing greater or additional requirements or restrictions on the property than provided in this ordinance in order to reduce an adverse impact of the request and to further protect the public health, safety, or general welfare.

Conditional use: A use which is not automatically permitted by right, but which may be permitted within a zoning district (approved through a public hearing process by the Governing Body, subject to meeting specific requirements of this ordinance.

Condominium: A form of ownership as defined by state law in which common elements are jointly owned.

Condominium building: A building containing one (1) or more individually owned units or building spaces and related, jointly-owned, common areas as defined by laws of the State of Georgia. When a building on property under condominium ownership contains only one dwelling unit, that building is considered a detached, single-family residential condominium building. When a building on property under condominium ownership contains two or more dwelling units, that building is considered an attached, multi-family residential condominium building.

Conservation: The management of natural resources to prevent waste, destruction, or degradation.

Conservation area: Any land set aside for conservation of the land in its natural state.

Conservation subdivision: A subdivision where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary and all or some of the secondary conservation areas within the boundaries of the subdivision.

Construction field office: A manufactured home, travel trailer, truck trailer, and/or other structure used temporarily as an office in conjunction with a construction project. A construction field office is a temporary use.

Construction yard: An area on or immediately adjacent to a construction site used on a temporary basis for the parking and storage of equipment used in a construction project, and the storage and preparation of materials and other items used in the construction project. Such yards may include one or more construction field offices.

Continuing care retirement community: An institutional residential living facility providing multiple, comprehensive services to older adults. Such facility normally contains a combination of independent living units, assisted living, and skilled nursing care units.

Contractor's establishment: An establishment engaged in the provision of construction activities, including but not limited to, plumbing, electrical work, building, grading, paving, roofing, carpentry, and other such activities, including the storage of material and the overnight parking of commercial vehicles. This use includes landscaping companies.

Convenience store: A retail store, usually with a floor area less than 6,000 square feet, that sells convenience goods, such as prepackaged food items and a limited line of groceries. Convenience stores may or may not sell gasoline, diesel, and kerosene but do not include automotive services. A convenience store is an enclosed retail trade establishment.

Cooperative building: A building containing one or more dwelling units under cooperative ownership. Cooperative residential buildings are considered multi-family dwellings.

Cottage industry: A use or activity which is accessory to a single-family residence or a commercial establishment that produces one or more goods on the premises through hand-made workmanship craft for retail sale. Such goods-producing activities include but are not limited to candle-making, glass blowing, pottery making, weaving, woodworking and the production by hand and small tools of furniture, sculpting, and other similar or associated activities.

Crisis center: A facility or portion thereof and premises that are used for the purposes of emergency shelter, crisis intervention, including counseling, referral, hotline response, and similar human social service functions. Said facility may include meal preparation, distribution, or service for residents of the center as well as nonresidents, merchandise distribution, or shelter, including boarding, lodging, or residential care. This term includes domestic violence and centers, homeless shelters, and halfway houses.

Curb: A boundary, usually constructed of concrete, usually marking the edge of a roadway or paved area, which is designed to channel stormwater to drainage inlets and/or prevent or deter access.

Curb cut: The providing of vehicular ingress and/or egress between property and an abutting road; the physical improvement designed to provide such ingress/egress.

Custom order shop: A business establishment that offers merchandise but which maintains no merchandise inventory on site other than display items (which are not visible from the exterior of the building).

Day care center: Any place operated by a person, society, agency, corporation, institution or group, and licensed or registered by the State of Georgia as a group day care home or day care center, wherein are received for pay for group supervision and care, for fewer than twenty-four (24) hours per day, seven (7) or more children under eighteen (18) years of age.

Density: The quantity of building per unit of lot area; for example, the number of dwellings per lot area (gross square foot or per acre).

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials; any land-disturbing activity which alters the elevation of the land, removes significant vegetation, or causes structures of any kind to be erected or removed.

Development plan: Any plan containing substantial information required to be filed by this ordinance, which shows how the property to be affected by the development will be changed and improved in a specific manner, including the installation of roads and utilities and the erection of buildings and structures, among other specific requirements.

Discontinuance: A lapse in the activity or operation of a nonconforming use for a period of six (6) months but less than twelve (12) months. Discontinuance for twelve (12) months or more shall be considered "abandonment."

Distribution center: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

Dormitory: A building intended or used principally for sleeping accommodations where such building is related (an accessory use) to an educational, civic, or religious institution or commercial purposes.

Drive-through: An accessory use where a good is sold to customers in vehicles.

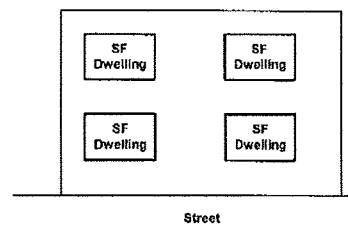
Driving range: An area equipped with distance markers, clubs, balls, and tees for practicing golf drives, chipping, and putting, and which may include a snack bar and pro shop. A driving range is an outdoor commercial recreation facility.

Dry cleaning plant: A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion or agitation, or by immersions only, in volatile solvents included, but not limited to, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

Dumpster: A container designed to hold refuse that has a hooking connection that permits it to be raised and dumped into a sanitation truck for disposal, or a container (excluding temporary placements) designed to hold refuse that is loaded onto a truck.

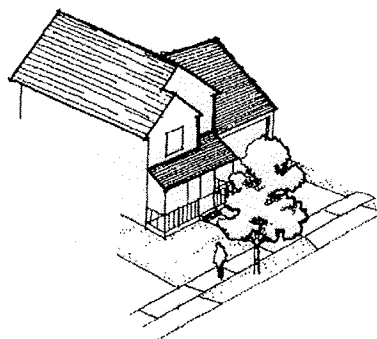
Dwelling: A building, or portion thereof, designed, arranged or used for permanent living, and/or sleeping quarters.

Dwelling, single-family detached, condominium: A residential building designed for occupancy by one family only, where more than one dwelling is located on a single lot and the land is owned in common.

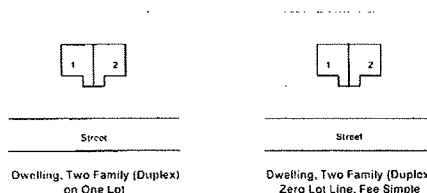


Dwelling, Single-Family Detached, Condominium

Dwelling, single-family detached, fee-simple: A building designed, arranged to be occupied or used by one (1) family only and where each dwelling is located on its own lot in fee-simple title.



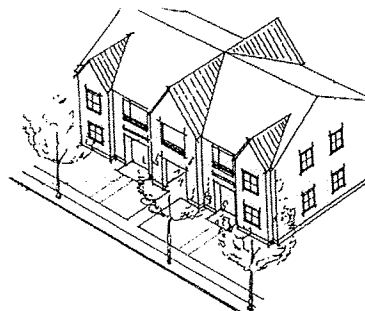
Dwelling, two-family (duplex): A building designed or arranged to be occupied by two (2) families living independently of each other and where each dwelling is located on its own lot in fee-simple title, but where the two dwelling units are attached along a common property line, or where the two dwellings are located on the same lot.



Dwelling, Two Family (Duplex) on One Lot

Dwelling, Two Family (Duplex) Zero Lot Line, Fee Simple

Dwelling, multi-family: A building other than a duplex, designed for or occupied exclusively by three (3) or more families or households with separate housekeeping facilities for each family or household. Apartment houses and residential condominium buildings are considered multi-family dwellings.



Dwelling unit: A building, or portion thereof, designed, arranged or used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

Exterminator: An establishment engaged in pest control for businesses, institutions, residences, or industries.

Extraction: Removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged. This term includes gravel pits, mines, quarries, and similar operations, but not "borrow site" as defined herein.

Fallout shelter: An accessory building or underground facility designed for the protection of life from radioactive fallout. A fallout shelter may be an accessory use to a dwelling or other principal use.

Fairgrounds: An area of land including, but not limited to: agricultural-related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions. Fairgrounds are considered outdoor commercial recreation facilities unless publicly owned, in which case they are public uses.

Family: An individual; or two (2) or more persons related by blood, marriage, or guardianship, limited to the occupant, his or her spouse, and their parents and children; or a group of not more than seven (7) persons, who need not be related by blood, marriage, or guardianship, living together in a dwelling unit as a family or household.

Family day care home: A private residence in which is operated by any person who receives therein (for pay) for supervision and care for fewer than twenty-four (24) hours per day, three (3) to not more than six (6) children under eighteen (18) years of age who are not residents in the same private residence. For purposes of this ordinance, a family day care home may be operated as a home occupation, subject to the requirements of this ordinance.

Fee simple: A form of ownership where the owner is entitled to the entire property with unconditional power of disposition during his or her life and which descends to his or her heirs and legal representatives upon his or her death intestate.

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

Fence, barbed wire: One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals, including vertical supports.

Fence, chain-link: An open mesh fence made entirely of wire woven in squares of approximately 1.5 inches with vertical supports, usually spaced at an interval of six (6) feet, usually at a height of three (3) or more feet.

Fence, solid: A fence, including entrance and exit gates where access openings appear, through which no visual images can be seen.

Finished ground level: The elevation of the ground after final cutting and filling.

Flea market: The use of land, structures or buildings for the sale of produce or goods, usually second-hand or cut-rate. A flea market is an open air business.

Floor area: The sum of the gross horizontal areas of each floor of the principal building, and any accessory buildings, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

Food processing plant: A manufacturing establishment producing or processing foods for human or animal consumption and certain related products or by-products, including but not limited to the following products: sugar, dairy, fruit and vegetable (including canning, preserving and processing), grain mill products and by-products, meat, poultry and seafood (including by-product processing but not including the slaughtering of animals), and miscellaneous food preparation from raw products. This is a manufacturing use.

Forestry: An operation on a tract or parcel of land involving the growing, conserving, and managing of forests and forest lands (includes the term "silviculture"). Forestry operations or practices include the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes. Incidental uses to forestry include the erection of accessory structures and improvements normally associated with timber production, including but not limited to storage buildings, the construction of roads, insect and disease control, fire protection, and may include the temporary operation of a sawmill and/or chipper to process the timber cut from the parcel or parcels. This term does not include the cutting of timber associated with approved land development. This definition does not include processing of timber into finished or semi-finished products or other than temporary storage of logs.

Frontage or road frontage: The width in linear feet of a lot where its front lot line abuts the right-of-way of any road from which access may be directly gained.

Funeral home: A building used for human funeral services. Such building contains a chapel and may include space and facilities for embalming and the performance of other services used in the preparation of the dead for burial or cremation, the performance of autopsies and other surgical procedures, the indoor storage of caskets, funeral urns, and other related funeral supplies, and the indoor or outdoor storage of funeral vehicles.

Garage: A building, or part thereof, used or designed to be used for the parking and storage of vehicles. A garage in the customary sense is distinguished from a carport in that it is fully enclosed. It may be attached to a single-family dwelling or may be an accessory building. In such context a garage is an accessory use to a single-family dwelling.

Gas tank sales: The retail sale of bulk storage tanks for flammable and combustible liquids, compressed gases or liquefied petroleum (LP) gas. Gas tank sales are considered open air business uses.

Group home: A single household of more than two unrelated persons, whether or not they are developmentally disabled, under the supervision of a resident manager.

Greenhouse: A building designed or used for growing or propagating plants, with walls or roof usually designed to transmit light. Greenhouses can be principal or accessory uses of a commercial nature or they can be private, such as one on a farm or as an accessory structure to residential use.

Guest house: A lodging unit for temporary guests in a building accessory to a detached, single-family dwelling unit, and which is not rented or otherwise used or occupied as a separate dwelling. A guest house is an accessory use to a detached, single-family dwelling.

Hazardous waste materials: Any materials defined or customarily defined as hazardous waste by the Environmental Protection Division of the Georgia Department of Natural Resources; generally, any refuse or discarded material or combination of refuse or discarded materials in solid, semisolid, liquid or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological or physical properties.

Health spa: An establishment which for profit or gain provides as one of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance through change in weight, weight control, treatment, dieting, or exercise. The term includes establishments designated as "reducing salons," "exercise gyms," "health studios," "health clubs," and other terms of similar import. Not included within this definition are facilities operated by nonprofit organizations, facilities wholly owned and operated by a licensed physician at which such physician is engaged in the practice of medicine, or any establishment operated by a health care facility, hospital, intermediate care facility, or skilled nursing care facility.

Home occupation: Any use, occupation or activity conducted entirely within or on the same lot as a dwelling by a resident or residents thereof, which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof.

Hospital: An institution licensed by the state and providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity or other abnormal physical or mental conditions, and including as an integral part of the institution, such related facilities as laboratories, outpatient facilities, or training facilities.

Hotel: A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via a central lobby. A hotel may include as accessory uses the following: full dining, public bar, retail uses, and special event or conference center facilities.

Improvements: The physical addition and changes to land that may be necessary to produce usable, desirable and acceptable lots or building sites.

Incinerator: A facility with equipment that uses a thermal combustion process to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste, not including animal or human remains.

Industrial use: An activity or structure in which the primary purpose involves manufacturing, assembly, fabrication, and processing, bulk handling of products, warehousing, heavy trucking, power generation facilities, etc. Such use may also include such activities as research and technological processes.

Industrialized building: Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. (O.C.G.A. 8-2-111(3)).

Institutional residential living and care facilities: An umbrella term that encompasses the following uses: assisted living facility, intermediate care home, nursing home, skilled nursing care facility, continuing care retirement facility, and personal care home.

Intermediate care home: A facility which admits residents on medical referral; it maintains the services and facilities for institutional care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term "intermediate care" means the provision of food, including special diets when required, shelter, laundry and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed patients except on an emergency or temporary basis.

Intra-family land transfer: A division of land that creates additional lots, each of which is not less than one and one half acre nor more than five acres in size, where each and every lot within the subdivision is conveyed to the children, spouse and children, surviving heirs, in-laws, or immediate relatives of the property owner, or some combination thereof, and where no more than one (1) lot in the subdivision is deeded to any one individual. Each lot created in an intra-family land transfer is conveyed by final plat, and each lot meets the requirements of this ordinance for access and lot width. This definition shall not include or authorize any land subdivision that involves or will involve the creation of lots for sale or otherwise involves a property transfer for money, tangible or intangible personal property, real property exchanges, or other conveyances for consideration.

Intensive agricultural uses: Intensive agricultural uses include, but are not limited to, dairy farms, hog farms, farrowing houses, poultry houses (broilers, pullets and layers), livestock feed lots or holding lots and accessory buildings and uses customarily incidental to the intensive agricultural operation such as waste lagoons, basins or pits, stackhouses, barns, sheds and storage structures directly related to agricultural use

Junk: Scrap or waste material of any kind or nature collected for resale, disposal, or storage, or by accumulation.

Kennel: Any facility used for the purpose of commercial boarding or sale of domestic animals or pets such as but not limited to dogs and cats, and any other customarily incidental treatment of the animals such as grooming, cleaning, selling of pet supplies, or otherwise.

Kitchen: Any room or part of a room designed, built, used, or intended to be used for cooking, the preparation of food, or dishwashing. The presence of a range, oven, or dishwasher, or utility connections suitable for serving a range or oven, shall normally be considered as establishing a kitchen.

Laboratory: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

Landfill, construction and demolition: A disposal facility accepting waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material and other inert wastes which have a low potential for groundwater contamination.

Landfill, inert waste: A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves, and specifically excluding industrial and demolition waste.

Landfill, sanitary: The burial of non-hazardous waste where such waste is covered on a daily basis, as distinguished from a construction and demolition landfill.

Land-disturbing activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices. (Georgia Code Section 12-7-3)

Landscape strip: A area of landscaping of specified width.

Landscaping: The modification of the landscape for an aesthetic or functional purpose. The area within the boundaries of an individual lot that includes the preservation of existing vegetation and the continued maintenance thereof, as well as, the installation of trees, shrubs, ground covers, grass, and flowers. Landscaping areas may also include decorative rock, bark, mulch and other similar approved materials in addition to vegetation and live plant material.

Landscaping company: A business engaged in the provision of landscaping services and/or the wholesale or retail sale of landscaping products including but not limited to sod, trees, landscaping timbers, and earth covering materials. The processing of wood into timbers, mulch, and/or chips is considered an incidental use of a landscaping company whose primary purpose is the wholesale or retail sale of landscaping products.

Laundromat: A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron. A laundromat is considered a personal service establishment.

Live-work unit: Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the two uses are physically connected in one unit and residential use of the space is accessory to the primary use as a place of work. This term is distinguished from a home occupation and from a mixed-use building. Live-work units may have larger work spaces than permitted by home occupation, and live/work units design the floor space for both

living and working areas. Live-work units are distinguished between mixed-use buildings in that a mixed-use building has residential and nonresidential uses in the same building, but the residential and nonresidential spaces are not necessarily connected or used by the same person.

Livestock: Cattle, horses, pigs, sheep, goats, llamas, emus, ostriches, donkeys, mules, goats, sheep, chickens, ducks, geese, and other fowl, rabbits, minks, foxes and other fur or hide-bearing animals, customarily bred or raised in captivity, whether kept for pleasure, utility, or sale.

Lodging service: A facility that offers temporary (15 days or less in one room) shelter accommodations, or place for such shelter, open to the public for a fee, including "hotel" and "motel" as defined. "Bed and breakfast inn" is defined separately.

Logging yard: Areas where logs of wood are stored on a regular basis before transfer by truck or railroad.

Lot: A portion or parcel of land intended as a unit for transfer of ownership or for development or both, intended to be devoted to a common use or occupied by a building or group of buildings devoted to a common use, and having principal frontage on a public road or an approved private road. In determining the area and dimension of a lot, no part of the right-of-way may be included.

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

Lot, double frontage: Any lot, other than a corner lot, which has frontage on two (2) streets.

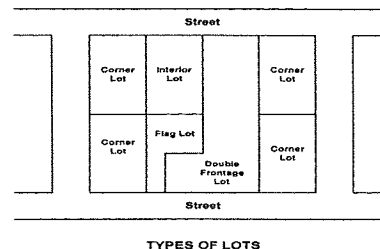
Lot, flag: A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot. Also called a panhandle lot. Such lots have elongated access from the road and a conventionally proportioned building site at the rear of the lot.

Lot, interior: A lot having frontage on only one street.

Lot area: The total horizontal area within the lot lines of a lot, exclusive of public road right-of-ways or private road or access easements, where they exist.

Lot area, minimum: Minimum lot area means the smallest permitted total horizontal area within the lot lines of a lot, exclusive of street right-of-ways but inclusive of easements.

Lot coverage: The part or percent of a lot occupied by buildings and structures, including accessory buildings and structures, but not including unenclosed parking or loading areas.



TYPES OF LOTS

Lot depth: The average horizontal distance between the front and rear lot lines.

Lot frontage: The width in linear feet of a lot where it abuts the right-of-way of any public road, or where it exists, a private road.

Lot width: The distance between side lot lines measured at the regulatory/required building line.

Lot of record: A lot which is part of a subdivision, a plat of which has been recorded in the records of the Clerk of Superior Court of Oglethorpe County prior to the enactment of a zoning ordinance on _____; or a parcel of land, the deed of which was lawfully recorded in the same office as of _____; or any lot lawfully established by plat after the effective date of this ordinance.

Lumber yard: A facility where wood materials such as lumber, plywood, panels or other wood products are processed and sold for retail sale or wholesale. Such use may involve performing millwork, planing, cutting, and/or other customizing processes.

Manufactured 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, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Manufactured home park: A parcel of land or any portion thereof under which has been designed, planned, or improved for the placement of two or more manufactured homes for residential use, including land, buildings, and facilities used by the occupants of manufactured homes on such property. Also referred to as "land lease communities."

Manufactured home space: A parcel of land within a manufactured home park which is reserved or leased for the placement of an individual manufactured home and accessory structures for the exclusive use of its occupants.

Manufacturing, processing, assembling: The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins, or liquors.

Marina: A facility for the mooring, berthing, storing, or securing of watercraft, and which may include boat sales, boat fuel sales, boat construction, boat repair, marine equipment sales, boat and jet ski rental, and other uses clearly incidental to watercraft activities.

Materials recovery facility: A solid waste handling facility that provides for the extraction from solid waste of recoverable material, materials suitable for use as a fuel or soil amendment, or any combination of such materials. (Georgia Code 12-8-22)

Micro-brewery: A facility for the production and packaging of malt beverages for distribution, retail or wholesale, on or off the premises, and which has a capacity of no more than 15,000 barrels per year. The development may include other uses such as a restaurant, bar or live entertainment.

Mining: All or any part of the process involved in the mining of aggregates and/or minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger methods, dredging, and quarrying, underground mining, and surface work incidental to such activities. See also the term, "extraction."

Mixed-use development: A single building containing more than one type of land use; or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified, complementary whole.

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, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and which has not been inspected and approved as meeting the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Model home: A principal residential building, temporarily open to viewing by prospective homebuyers, on property containing or proposed to contain a residential subdivision, and which may also be used temporarily as real estate sales office for lots in the residential subdivision.

Modular home: Any structure or component thereof, designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on the building site, and which is designed and constructed to conform to the local or state building code rather than a national housing or construction code. For purpose of this ordinance, a modular home that meets the local or state building code shall be considered the same as a site-built, detached, single-family dwelling and permitted under the same zoning districts as a detached, single-family dwelling. Also see the term, "industrialized building."

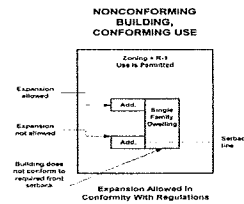
Mortgage Lot: A lot which is created for the primary or sole purpose of meeting the requirement of a bank or lending institution for a loan or mortgage, in cases where property descriptions must be smaller than the total acreage of the tract on which the principal building that is the subject of the loan is located.

Motel: A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via the exterior of the building rather than through a central lobby.

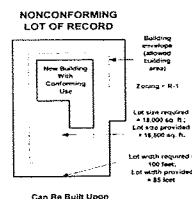
Museum: A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be

viewed by members of the public with or without an admission fee, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

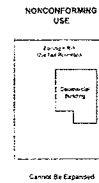
Nonconforming building or structure: A building or structure that does not meet one or more height, setback, building coverage, or other dimensional requirements for the land use intensity district in which said building or structure is located; or a building or structure occupied by a use subject to the specific use provisions of this ordinance, and which does not meet one or more height, setback, building coverage, or other such dimensional requirements for said specific use.



Nonconforming lot of record: A lot of record which legally existed prior to the adoption of this ordinance but which, due to the adoption of this ordinance, does not conform to the minimum access, frontage, lot size, lot width, or other lot requirements of the land use intensity district in which the lot is located as established by this ordinance; or a lot of record lawfully established after the effective date of this ordinance which, due to an amendment to this ordinance, does not conform to the minimum access, frontage, lot size, lot width, or other lot requirements of the land use intensity district in which the lot is located.



Nonconforming use: A use or activity that: was lawfully established prior to the adoption of this ordinance, but which, by reason of such adoption or amendment, is no longer a use or activity permitted by right in the land use intensity district in which said use or activity is located as established in this ordinance; or a use or activity that was lawfully established prior to the amendment of this ordinance, but which, by reason of such amendment, is no longer a use or activity permitted by right in the land use intensity district in which said use or activity is located as established in this ordinance or an amendment thereto.



Nuisance: Anything that causes hurt, inconvenience, or damage to another and the fact that the act done may otherwise be lawful shall not keep it from being a nuisance. The inconvenience complained of shall not be fanciful, or such as would affect only one of fastidious taste, but it shall be such as would affect an ordinary, reasonable man or woman. (Georgia Code Section 41-1-1)

Nuisance, public: A nuisance which damages all persons who come within the sphere of its operation, though it may vary in its effects on individuals. A private nuisance is one limited in its injurious effects to one or a few individuals. (Georgia Code Section 41-1-1)

Nursery or kindergarten school: Any building used routinely for the daytime care or education of preschool age children and including all normal accessory and play areas. For purpose of this ordinance, a nursery or kindergarten school is considered to be a day care center.

Nursing home: A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home; it complies with rules and regulations of the Georgia Department of Human Resources. A nursing home is an institutionalized residential living facility for purposes of this Ordinance.

Occupied: The word "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

Office: A building or portion thereof wherein services are performed involving predominantly administrative, professional or clerical operations and not involving retail sales or other sales of any kind on the premises.

Office/Warehouse: A building that combines office and warehouse or storage functions, where the majority of the area of the building is devoted to warehouse or storage functions, and which does not involve retail sales.

On-site sewage management system: A sewage management system other than a public or community sewage treatment system serving one or more buildings, mobile homes, recreational vehicles, residences, or other facilities designed or used for human occupancy or congregation. Such term shall include, without limitation, conventional and chamber septic tank systems, privies, and experimental or alternative on-site sewage management systems which are designed to be physically incapable of a surface discharge of effluent that may be approved by the Georgia Department of Human Resources (Ga. Code 31-2-7).

Open air business: Any commercial establishment with the principal use of displaying products in an area exposed to open air on three or more sides, including but not limited to rock yards, nurseries and garden supply stores, lumber and building materials yards, flea markets, statuary and monument sales establishments, liquid petroleum dealers and tank sales. A produce stand is not considered to be an open air business.

Open space: Land and water areas retained for use as passive recreation areas or for resource protection or conservation in an essentially undeveloped state.

Open space, landscaped: That portion of a given lot, not covered by buildings, parking, access and service areas, that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening and buffering for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to, grass lawns, decorative planting, berms, walls and fences, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural and man-made objects, wooded areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within and exterior to the development.

Orchard: An establishment which cares for and harvests fruit- or nut-bearing trees, bushes, or vines.

Outdoor storage: The keeping of any goods, junk, material, merchandise or commercial vehicles in the same outdoor place for more than twenty-four hours.

Parking lot, off-site: A parcel of land or portion thereof principally used for the parking or storage of motor vehicles whether or not a fee is paid for parking, not located on the same site as the destination of the motor vehicle operator.

Parking space: A space identified and set aside for the temporary parking of an automobile or other motor vehicle.

Parking structure: A structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

Passive recreation: Recreational activities and places that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking, provided that such activities occur in a manner that is consistent with existing natural conditions.

Pawn shop: A type of used merchandise store in which merchandise is offered as collateral for obtaining loans and wherein such merchandise is offered for sale in recompense for default of

loan repayment. A pawn shop is an enclosed retail trade establishment when operated wholly within a building.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.

Personal care home: Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. Personal care tasks include assistance with bathing, toileting, grooming, shaving, dental care, dressing, and eating. This use is an institutionalized residential living facility for purposes of this ordinance.

Personal service establishment: A facility engaged in the provision of services for a fee to persons and their apparel, including but not limited to barber and beauty shops, coin-operated and full service laundries and dry cleaners, photographic studios, shoe repair and shoeshine shops, tanning studios, and travel agencies.

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

Power plant, private: A facility, distinguished from a public use, that converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power, or solar power, into electrical energy or steam, the primary function of which is the provision of electricity to the use on the site the facility is located, or off-site.

Preserve: An area in which beneficial uses or natural landforms in their present condition are protected; for example, a nature preserve or wildlife habitat management area.

Public use: Any building, structure, or use owned and/or operated by the federal government, state of Georgia, a County, a municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, such as but not limited to the following: government administrative buildings, post offices, police and fire stations, libraries and museums, public health facilities, public works camps, parks and community centers, public roads and streets, airports, water and sanitary sewerage intake, collection, pumping, treatment, and storage facilities, emergency medical facilities, and jails and correctional facilities.

Recreational vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. This term includes motorized homes, motorized campers, pick-up campers, travel trailers, camping trailers, and tent trailers, among others.

Recreational vehicle park: Any lot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy on a temporary basis by recreational vehicles as temporary living quarters by campers, vacationers or travelers. This definition also includes developed campgrounds, governed by a set of public or private management rules, that accommodate recreational vehicles on camping spaces for paying guests and which may

include park-owned recreational vehicle(s) for rent. A recreational vehicle park is distinguished from a campground in that all or some of the camping sites provide recreational vehicle utility connection assemblies to enable the camping unit to connect with water, sewage disposal, electric power, and/or other utilities and services.

Recovered materials: Those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing. (Georgia Code Section 12-8-22)

Recovered materials processing facility: A facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste. (Georgia Code Section 12-8-22)

Recycling center: Any facility utilized for the purpose of collecting, sorting and processing materials to be recycled, including but not limited to, plastics, glass, paper and aluminum materials.

Relocated residential structure: A detached, site-built single-family dwelling (i.e., excluding a manufactured home, mobile home, modular home, or industrialized building) that is moved (or disassembled into more than one structure and moved) to another site, whether temporarily or permanently.

Restaurant: Any establishment in which the principal business is the sale of foods and beverages to customers in a ready-to-consume state, and in which customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed, or customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building. This term includes bars, taverns, pubs, and sidewalk cafés.

Restaurant, drive-through: Any establishment in which the principal business is the sale of foods and beverages to customers in a ready-to-consume state and in which the principal or accessory method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle either in a parked state or in vehicle aisles, without the need for the customer to exit the motor vehicle.

Retail trade establishment, enclosed: Any business offering goods and products for sale to the public, which may include the incidental repair of such goods and products, that operates entirely within a structure containing a roof and walls on all sides, except for outdoor display during business hours and accessory storage in enclosed, subordinate buildings. These include but are not limited to the following: convenience stores including the sale of gasoline, hardware, paint, glass and wallpaper stores, grocery and miscellaneous food stores including retail bakeries, apparel, shoe, and accessory clothing stores, furniture, upholstery, floor covering, household appliance and home furnishing stores, musical instrument stores, radio, television, and computer stores, record, tape, compact disc and DVD stores, drug stores, apothecaries and proprietary stores, liquor stores and bottle shops, used merchandise stores and pawn shops, sporting goods stores and bicycle shops, art and stationery stores, hobby, toy, and game shops, jewelry, gift, novelty, souvenir shops, camera and photographic supply stores, luggage and leather goods stores, sewing, needlework, and piece goods stores, catalogue and mail order

stores, news stands, florists, tobacco shops, automotive parts stores not involving repair, video rental and sales stores (except adult businesses as defined), and watch and clock sales and repair shops.

Retreat center: A facility used for professional, educational, or religious meetings, conferences, or seminars and which may provide meals in a single building, lodging, and recreation for participants during the period of the retreat or program only. Such center may not be utilized for the general public for meals or overnight accommodations. Housing is usually in lodges, dormitories, sleeping cabins or other such temporary quarters, which do not contain kitchens.

Riding academy or equestrian center: An establishment where horses are kept for riding or are kept for competition or educational purposes incidental to a club, association, ranch, educational institution or similar establishment but which does not involve commercial sales and is not open to the general public for a fee.

Riding stable: An establishment where horses or other animals that can be ridden by humans are kept for riding and which offers the general public rides for a fee. A riding stable is an outdoor commercial recreation facility.

Road: A state highway, a county road, a road adopted as a county-owned right of way approved for county maintenance by the County Board of Commissioners, a street owned and/or maintained by a municipality, or where permitted, a private road. Roads afford the principal means of access to abutting property or properties and are required to meet specifications contained in this ordinance. The term includes "street" but does not include "access easement."

Road, private: An improved road, distinguished from a public road in that the right-of-way which affords a principal means of access to abutting property or properties is privately owned and maintained.

Road, public: A state highway, county road, a road adopted as a county-owned right of way approved for county or City maintenance by the County Board of Commissioners or Mayor and City Council, or a street owned and/or maintained by a municipality.

Roadside stand: A use offering either farm-grown, prepared food products such as fruits, vegetables, canned foods, or similar agricultural products for sale on the premises within a temporary structure on the premises with no space for customers within the structure itself, or without using such temporary structure.

Rooming house: A residential building in which three or more rooms are rented but are not open to the public or overnight guests. Includes the term boarding house.

Salvage yard: A place of business primarily engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not usually intended for reuse in their original forms. Typical uses include paper and metal salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies. This term includes junk yards.

Sawmill: A facility where logs or partially processed wood are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products. This term does not apply to the temporary processing of timber for use on the same lot by the owner or occupant of that lot.

School for the arts: An educational use not operated by the County Board of Education that offers or provides instruction to more than two students at a time in dance, singing, music, painting, sculpting, fine arts, or martial arts.

School, private, elementary, middle, or high: An educational use for students in grades one through twelve or for only certain ranges of grades one through twelve, not operated by the County Board of Education, which has a curriculum at least equal to a public school with regard to the branches of learning and study required to be taught in the public schools of the state of Georgia.

School, professional: An educational use not operated by the County Board of Education and having a curriculum devoted primarily to business or professions, including but not limited to barbers and beauticians, dentists, and real estate agents and brokers.

School, special: An educational use not operated by the County Board of Education that provides special education to more than two students at a time, including but not limited to the training of gifted, learning disabled, and mentally or physically handicapped persons.

School, trade: An educational use not operated by the County Board of Education and having a curriculum devoted primarily to industry, trade, or other vocational-technical instruction.

Screening: A method of visually shielding or obscuring one abutting or nearby building, structure, or use from another by fencing, walls, berms, densely planted vegetation, or some combination thereof, according to specifications of this ordinance.

Self-service storage facility: A structure, building or group of buildings divided into separate compartments, spaces, or stalls, which may be of different sizes and which may or may not be climate controlled, and which are leased or rented on an individual basis to businesses and residents for temporary storage needs, but where no commercial transactions or activities take place other than the rental of the storage units. Also referred to as mini-warehouses.

Semi-public use: Any building, structure, or use, owned and/or operated by private utilities or private companies for a public purpose, or that is reasonably necessary for the furnishing of adequate service by such utilities, such as but not limited to the following: underground and overhead gas, electric, steam, or water distribution or transmission lines or systems, including incidental wires, cables, and poles but not towers. Includes utility company substations as defined herein.

Septic tank: An approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewerage solids, and discharging sewage effluent to an absorption field or other management system.

Service and fuel filling station: Any building, structure or land use for the retail sale of motor vehicle fuel, oil accessories and which may include the servicing of motor vehicles, except that major repairs, body repairs and painting of motor vehicles shall not be considered servicing of motor vehicles. Such uses are automobile service establishments.

Sight visibility triangle: The areas at the corners of an intersection of roads, or at the intersection of a road and driveway, which may vary based on type of road, that are to be kept free of

shrubs, ground covers, berms, fences, structures, or other materials or items over two and one-half (two and ½) and twelve (12) feet in height as measured from the ground.

Silviculture: The scientific management of forest trees; the ongoing growing, cultivation and reforestation of trees. Silviculture is included in the term "forestry."

Skilled nursing care facility: A facility which admits residents on medical referral; it maintains the services and facilities for skilled nursing care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. For purposes of this Ordinance, this use is an institutionalized residential living facility.

Slaughterhouse: A facility for the slaughtering and processing of animals and the refining of their byproducts.

Solid waste handling: The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste or any combination of such activities. (Georgia Code Section 12-8-22)

Solid waste handling facility: Any facility the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste. (Georgia Code Section 12-8-22)

Solid waste transfer facility: A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

Special event facility: A facility or assembly hall available for lease by private parties for special events including but not limited to weddings, birthdays, reunions, anniversaries, and the like.

Story: That portion of a building comprised between a floor and the floor or roof next above. The first floor of a two (2) or multi-story building shall be deemed the story that has no floor immediately below it and that is designed for living quarters or for human occupancy. Those stories above the first floor shall be numbered consecutively.

Structure: Anything built, constructed or erected, or established or composed of parts joined together in some definite manner, the use of which requires location on the ground or which is attached to something having permanent location on the ground. For purposes of this ordinance, swimming pools, tennis courts, signs, dog houses, and outdoor fenced animal runs are considered structures. Tents, vehicles, trailers, and play equipment attached to the ground in some permanent or temporary way shall be considered structures. A structure may or may not be easily moved from a given location on the ground. Walls and fences are considered structures but are subject to setback regulations for walls and fences rather than principal or accessory building setback regulations. Driveways and parking lots are not considered structures.

Subdivision: The division of a tract or parcel of land into two (2) or more lots, building sites, lease lots, or other divisions for the purpose, whether immediate or future, of sale, lease, legacy, or building development. The term shall include the opening of a new road, or a change in existing roads; or divisions of land involving the extension of water, sewer, or gas lines and includes re-subdivision and where appropriate to the context, relates to the process of subdivision or to the land or area subdivided.

Taxi-cab or limousine service: Any place used to dispatch motor vehicles with drivers for hire.

Taxidermy: A business engaged in preparing, stuffing, and mounting of the skins of animals.

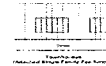
Temporary use: A use or structure is in place for only a short period of time.

Therapeutic camp: A child-caring institution which provides a variety of outdoor activities taking place in a wilderness or camp environment that are designed to improve the emotional and behavioral adjustment of the residents participating in the activities; it is regulated by the Georgia Department of Human Resources.

Tow service: An establishment that dispatches towing vehicles and which provides for the temporary storage of vehicles but does not include disposal, disassembly, salvage, or accessory storage of inoperable vehicles. This term is distinguished from "wrecked motor vehicle compound" and "salvage yard" as defined herein.

Tower, amateur radio: A freestanding or building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.

Townhouse: One (1) of a group of three or more single-family, attached dwelling units under fee simple ownership.



Tree: Any self-supporting, woody perennial plant usually having a single trunk diameter of three (3) inches or more which normally attains a mature height of a minimum of fifteen (15) feet, measured four (4) feet from the ground.

Truck stop: An establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, and which may include the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck drivers.

Truck terminal: A facility or premise for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

Use, accessory: A use of land subordinate to the principal building or use on a lot for purposes incidental and related to the principal building or use and located on the same lot therewith.

Use, conditional: A use that would not be appropriate generally or without restriction throughout the particular zoning district and is not automatically permitted by right within a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, may be found to

be compatible and approved by the Governing Body within a particular zoning district as provided in certain instances by this ordinance. An approved conditional use runs with the property.

Use, permitted: A use by right which is specifically authorized in a particular zoning district, or permitted by right in a particular overlay district if established.

Used: The word "used" as applied to any land, building or structure shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Utilities: All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and including facilities for the generation of electricity.

Utility company: A private business providing electricity, natural gas, telephone or other services under the regulation of Georgia Public Service Commission. This use includes equipment and vehicle storage.

Utility company substation: A facility used for the transmission or distribution of services provided by a utility company, such as an electrical transformer station, telephone junction box, cable box, television box, or natural gas regulator station.

Variance: A grant of relief from the requirements of this ordinance which permits construction or use in a matter otherwise prohibited by this ordinance, which may be approved in individual cases upon application and applied to specific property where compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit. A variance is a minimal relaxation or modification of the strict terms of the regulations of this ordinance which are dimensional in nature as applied to specific property.

Vehicle emission testing facility: A building or structure used for testing vehicles for compliance with air quality standards.

Vicinity map: A map, not necessarily to scale, showing the general location of the proposed subdivision or land development in relation to major roads and/or natural features.

Warehouse: A use involving the storage of products, supplies, and equipment, and which typically involve truck or rail transportation to and from the site.

Wastewater treatment plant: A facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gasses removed from such waste, whether or not such facility is discharging into state waters (includes spray fields).

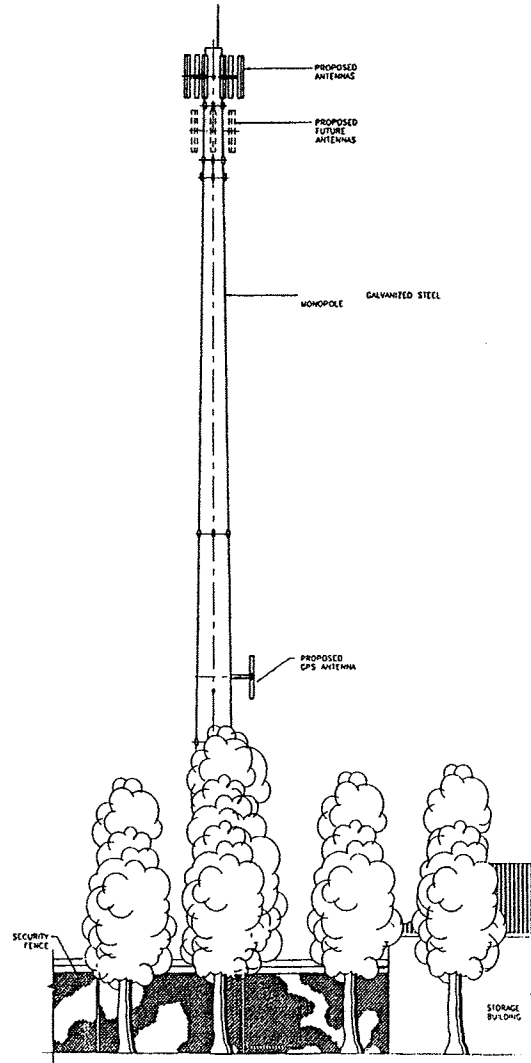
Well: A hole or shaft excavated, bored, drilled, dug, or driven for to tap an underground supply of water.

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wholesale trade establishment: An establishment engaged in the selling or distribution of merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers.

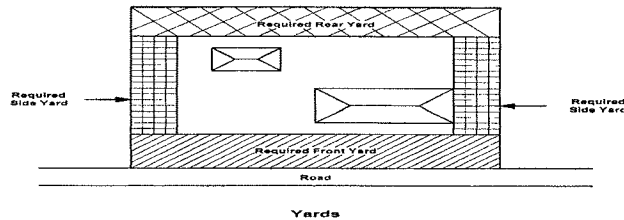
Wireless telecommunication equipment: Any equipment used to provide wireless telecommunication service, but which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. Wireless telecommunication equipment also includes a ground mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

Wireless telecommunication facility: Any freestanding facility, building, pole, tower, or structure used to provide wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.



Wrecked motor vehicle compound: An area used to store disabled or impounded motor vehicles until such time as their disposition (either by junk, salvage, repair, etc.) has been determined by an insurance company, the owner of the vehicle, or his or her legal representative.

Yard: A space on the same lot with a principal building, open unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings or structures are expressly permitted. See also terms under "building setback."



(1) Yard, front: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot. For corner and double frontage lots, front yard requirements apply to all road frontages.

(2) Yard, rear: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

(3) Yard, side: An open, unoccupied space on the same lot with the principal building, situated between the building 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.

Zero lot line: The location of a building on a lot in such a manner that one or more building sides have no (zero) front, side or rear building setback (or yard requirements) and rests directly on a front, side, or rear lot line. A zero lot line development is one where houses in the development on a common street frontage are shifted to one side of their lot.



§7-4-3 ESTABLISHMENT OF LAND USE INTENSITY DISTRICTS

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

for residences, institutions, commercial and other employment centers, and other uses. The following use districts are hereby established:

§7-4-4 OFFICIAL LAND USE INTENSITY DISTRICTS MAP

§7-4-4.1 Map. The boundaries of land use intensity districts created by this Ordinance are hereby established as shown on a map entitled "Official Land Use Intensity Map of The City of Arnoldsville, Georgia," which is incorporated into this Ordinance by reference. Said map and all explanatory matter thereon accompanies and is hereby made a part of this Ordinance. Upon adoption of this Ordinance, the said map shall be signed by the clerk of the City with certification that the map was duly adopted by the City of Arnoldsville, Georgia and the date of adoption. It shall be displayed for public view in the Land Use Officer's office at all times.

§7-4-4.2 Map Amendment. If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other subject matter portrayed on the official land use intensity districts map, such changes shall be made on the official land use intensity district map promptly after the amendment has been approved by the Governing Body.

§7-4-4.3 Use District of Vacated Right-Of-Ways. Whenever any street, alley or other public way is vacated or abandoned by official action of the Governing Body, the use district adjoining each side of such street, alley, or public way shall be automatically extended to the center of same.

§7-4-5 RULES GOVERNING BOUNDARIES

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

§7-4-5.1 Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines or such lines extended, such center lines, street lines or highway right-of-way lines shall be construed to be such boundaries.

§7-4-5.2 Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

§7-4-5.3 Where district boundaries are so indicated that they are approximately parallel to the center lines of streets or highways, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the official land use intensity districts map. If no distance is given, such dimension shall be determined by the use of the scale shown on said official land use intensity districts map.

§7-4-6 LAND USE INTENSITY DISTRICTS

§7-4-6.1 Agricultural District (AG).

Located within the City of Arnoldsville, Georgia are several areas that contain soils highly suitable for the cultivation of agricultural crops and forests. Land in the agricultural district constitutes a valuable natural resource, and protection is in the public's interest. Agriculture and forestry are major components of the county's economy, and they remain viable economic enterprises if that land is held in relatively large tracts (40 acres to hundreds of acres). The continuation of agriculture and forestry as viable land uses and components of the local economy, is threatened by rural residential, suburban, and urban land uses, and land subdivision. When land is divided into smaller tracts, it becomes less suitable for agriculture

and forestry production because the assembly of enough acreage for a farm of minimum efficient size becomes difficult. Smaller tracts generally sell for a higher price per acre, and subdivision of large agricultural or forest tracts generally results in the increase of per-acre land values. The availability of smaller tracts at lower cost attracts exurban and suburban residential and non-farm buyers into the market, thereby increasing adjacent land values for residential uses and decreasing land values for agricultural and forest uses. The cumulative impact of the subdivision of farm and forest lands into small lots increases the level of conflict between farmers/foresters and non-farmers, makes farming more difficult, and eventually leads to dissolution of the agricultural and forest economy. Therefore, pursuant to the many goals, objectives, policies, and recommendations of the Comprehensive Plan for the county, an agricultural land use intensity district is hereby established for the purposes of maintaining the agricultural and forest land resources in a form amenable to the continuation of agriculture; restricting the division of farmland so that it does not become broken up into small parcels, thereby avoiding the accelerated conversion of land to residential uses, and discouraging the shift of the land market from agricultural and rural, to suburban and urban. These districts are most appropriately located in areas shown as agriculture/forestry on the future land use map of the Comprehensive Plan.

The City of Arnoldsville, Georgia is largely a residential community. No Intensive agricultural Activities shall be allowed within the incorporated City limits.

Permitted and conditional uses shall be as provided in Table 1, "Permitted and Conditional Uses by Land Use Intensity District....."

Dimensional requirements shall be as provided in Table 2, "Dimensional Requirements by Land Use Intensity District."
.....

An intrafamily land transfer, as defined by this Ordinance, is permitted within the AG district, subject to the following requirements:

- (1) Subdivision plat. A final subdivision plat shall be prepared in accordance with the provisions of this Ordinance and submitted for administrative approval by the Land Use Officer. The name of each grantee shall be shown on each lot within the subdivision.
- (2) Lot specifications. Each lot shall be at least one and one-half acre in size. Each lot shall have a minimum lot width of 200 square feet. No lot created by a subdivision plat for an intrafamily land transfer shall be further subdivided except in conformity with the requirements of this Ordinance.
- (3) Deeds and Affidavits. Simultaneously with the submittal of the final plat, the applicant shall submit property transfer deeds to grantees, which shall be intrafamily members and which shall be recorded simultaneously with the recording of the final plat. The Land Use Officer shall review said deeds to ensure they are being granted to persons consistent with the requirements of this Ordinance for intrafamily land transfers. Any inconsistency with these regulations shall be cause for denying the application for final subdivision plat for an intrafamily land transfer. No intrafamily land transfer shall take place which involves the conveyance of

a lot to a person that has already received a property transfer deed as grantee for property created by a previously approved subdivision plat for an intrafamily land transfer. An affidavit, signed by all Grantors and Grantees in a form approved by the Land Use Officer, stating that no consideration for the transfer of the property shall pass other than love and affection, shall be filed with the Land Use Officer.

§7-4-6.2 Rural Residential District (RR)

- (a) RR districts are intended to provide for low-density residential areas consisting of detached single-family dwellings surrounded by yards that provide a desirable and healthy environment. RR districts are not served by sanitary sewer or by public water supply. The RR district establishes a minimum lot size of one unit per one and one-half acres but also establishes a maximum gross density to enable conservation subdivisions as an alternative to conventional rural residential subdivision patterns. Because RR districts are served by on-site sewage management systems, maximum density is based generally on public health requirements that lots must be large enough to accommodate a septic tank drain field and replacement drain field area. These districts are most appropriately located in areas shown as single-family residential [rural residential] on the future land use map of the Comprehensive Plan.
- (b) Permitted and conditional uses shall be as provided in Table 1, "Permitted and Conditional Uses By Land Use Intensity District."
- (c) Dimensional requirements shall be as provided in Table 2, "Dimensional Requirements by Land Use Intensity District."

§7-4-6.3 Suburban Residential District (SR)

- (a) SR districts are intended to provide for moderate density residential areas consisting of detached single-family dwellings surrounded by yards that provide a desirable and healthy environment. SR districts are not served by sanitary sewer, but have a public water supply available. The SR district establishes a minimum lot size of 65,340 square feet per dwelling but also establishes a maximum gross density to enable conservation subdivisions as an alternative to conventional suburban residential subdivision patterns. These districts are most appropriately located in areas shown as single-family residential [suburban residential] on the future land use map of the Comprehensive Plan.
- (b) Permitted and conditional uses shall be as provided in Table 1, "Permitted and Conditional Uses by Land Use Intensity District."
- (c) Dimensional requirements shall be as provided in Table 2, "Dimensional Requirements by Land Use Intensity District."

§7-4-6.4 Urban Residential District (UR).

- (a) UR districts are intended to provide for urban density residential areas consisting of detached single-family dwellings surrounded by yards that provide a desirable and healthy environment. UR districts are served by sanitary sewer and public water supply. The UR district establishes a minimum lot size of 65,340 square feet per dwelling. These districts are most appropriately located in areas shown as urban residential [residential] on the future land use map of the Comprehensive Plan.
- (b) Permitted and conditional uses shall be as provided in Table 1, "Permitted and Conditional Uses by Land Use Intensity District."
- (c) Dimensional requirements shall be as provided in Table 2, "Dimensional Requirements by Land Use Intensity District."

§7-4-6.5 Office Residential District (OR).

- (a) These districts are appropriate in transitional areas between commercial or industrial districts and residential districts. OR districts are intended to provide for low intensity, small-scale offices that do not exceed 5,000 square feet of gross floor area devoted to offices on an individual site. Development is intended to be of an intensity, scale, and character similar to nearby residential development to promote compatibility with the surrounding area. OR districts are particularly appropriate for properties that front collector or arterial streets on the fringe of stable residential neighborhoods. Development within OR districts is expected to have roof-pitches and architectural treatments similar to detached single-family residences, parking areas in proportion to single-family residential uses, and site development features that ensure a coexistence with the adjacent quiet residential living environment. These districts are most appropriately located in transitional areas adjacent to residential neighborhoods and in areas shown as office on the future land use map of the Comprehensive Plan.
- (b) Permitted and conditional uses shall be as provided in Table 1, "Permitted and Conditional Uses by Land Use Intensity District."
- (c) Dimensional requirements shall be as provided in Table 2. "Dimensional Requirements by Land Use Intensity District."

§7-4-6.6 Neighborhood Commercial District (NC).

- (a) The neighborhood commercial district is intended to provide suitable areas for the retailing of goods and the provision of services to adjacent and nearby residential neighborhoods. Most of the uses permitted in this district are not auto-oriented in nature, and the overall character of neighborhood commercial districts is such that access by both vehicles and pedestrians are possible. These districts are most appropriately located in areas shown as neighborhood commercial [commercial] on the future land use map of the Comprehensive Plan.
- (b) Permitted and conditional uses shall be as provided in Table 1, "Permitted and Conditional Uses by Land Use Intensity District."
- (c) Dimensional requirements shall be as provided in Table 2, "Dimensional Requirements by Land Use Intensity District."

§7-4-6.7 Highway Business District (HB).

- (a) The highway business district is intended to provide suitable areas for those business and commercial uses which primarily serve the public traveling by automobile and which benefit from direct access to major streets. HB districts provide the automobile precedence over the pedestrian. Generally, highway commercial districts are considered unsuitable abutting single-family residential districts because of the uses permitted in the district and their associated off-site impacts. These districts are most appropriately located in areas shown as highway business [commercial] on the future land use map of the Comprehensive Plan.
- (b) Permitted and conditional uses shall be as provided in Table 1, "Permitted and Conditional Uses by Land Use Intensity District."
- (c) Dimensional requirements shall be as provided in Table 2, "Dimensional Requirements by Land Use Intensity District."

§7-4-6.8 Central Business District (CBD).

- (a) The central business district is intended primarily to apply to the area within the city's downtown that contains commercial storefront area and related uses within a compact business district. This district is distinguished from other commercial land use intensity districts in that greater building lot coverage is permitted and no minimum front, side, or rear yards are required. Permitted uses are those that contribute to a pedestrian-friendly central business district that maintain the character of the city's downtown. Automobile-related facilities and services are not appropriate to this character and are therefore not permitted in this district. These districts are most appropriately located in areas shown as central business district [commercial] on the future land use map of the Comprehensive Plan.
- (b) Permitted and conditional uses shall be as provided in Table 1, "Permitted and Conditional Uses by Land Use Intensity District."
- (c) Dimensional requirements shall be as provided in Table 2, "Dimensional Requirements by Land Use Intensity District."

§7-4-6.9 Light Industrial District (LI).

- (a) The purposes of these districts are to provide and reserve suitable areas for a variety of industrial uses including manufacturing, wholesale trade, and distribution activities. LI districts are only intended to be located in areas with relatively level topography, adequate water and sewerage facilities, and access to arterial streets and highways. LI districts may be appropriate at the single lot level of development; however, LI-type uses are encouraged to locate in planned industrial parks where possible. Vehicular activities in light industrial districts consist predominantly of trucks, with some passenger vehicle traffic, and the road system is built to support truck traffic. The industries locating in this district are characterized as lower in intensity, cleaner, and generally more compatible when located adjacent to commercial areas than are heavy manufacturing uses. Light industrial districts are intended to permit only those light industrial and other uses that will not generate excessive noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation and other nuisance characteristics. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as odors, vibrations, emissions, or other nuisance characteristics through prevention or

mitigation devices and conduct of operations within the confines of buildings. Heavy commercial activities and open storage businesses are also included as permitted uses in these districts; however, light industrial districts do not service the general public and, therefore, business uses are generally not permitted. Heavier industrial activities may be permitted if approved as a conditional use. These districts are most appropriately located in areas shown as light industrial [industrial] on the future land use map of the Comprehensive Plan.....

- (b) Permitted and conditional uses shall be as provided in Table 1, "Permitted and Conditional Uses by Land Use Intensity District."
- (c) Dimensional requirements shall be as provided in Table 2, "Dimensional Requirements by Land Use Intensity District."

Table 1

Permitted and Conditional Uses by Land Use Intensity District

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

USE	AG	RR	SR	UR	OR	NC	HB	CBD	LI
Accessory uses and structures not otherwise listed in this table, determined by the Zoning Administrator to be normally incidental to one or more permitted principal uses	P	P	P	P	P	P	P	P	P
Accessory dwelling unit, attached	P	P	P	P	X	X	X	P	X
Accessory dwelling unit, detached	P	P	C	C	X	X	X	P	X
Adult business	X	X	X	X	X	X	C	X	P
Agriculture	P	P	P	P	X	X	X	X	P
Agricultural processing	C	X	X	X	X	X	X	X	P
Aircraft landing area	C	X	X	X	C	X	C	X	C
Animal hospital	C	X	X	X	C	P	P	P	X
Animal shelter	C	X	X	X	P	P	P	X	P
Antique shop	P	P	X	X	X	P	P	P	X
Auction house or auction yard	C	X	X	X	X	C	P	C	P
Automobile sales establishment	X	X	X	X	X	X	P	C	X
Automobile service establishment	X	X	X	X	X	C	P	C	P
Automobile sales and service establishment	X	X	X	X	X	X	P	C	X
Bank or financial establishment	X	X	X	X	P	P	P	P	P
Batching plant	X	X	X	X	X	X	X	X	C
Bed and breakfast inn	P	C	X	X	P	P	P	P	X
Borrow site	P	X	X	X	X	X	P	X	P
Botanical garden	P	X	X	X	P	P	P	P	X
Brewery	X	X	X	X	X	X	C	C	P
Broadcasting studio	X	X	X	X	P	P	P	P	P
Building materials sales	X	X	X	X	X	C	P	C	P
Building sales establishment	X	X	X	X	X	X	P	C	P
Bulk storage	X	X	X	X	X	X	C	X	P
Business service establishment	X	X	X	X	P	P	P	P	P
Camp or campground	C	X	X	X	X	X	C	X	X
Car wash	X	X	X	X	X	X	P	C	P
Caretaker's residence	X	X	X	X	C	C	P	P	P
Cemetery	P	C	C	C	P	P	P	C	P
Church	P	P	P	P	P	P	P	P	P
Christmas tree sales facility	P	X	X	X	X	P	P	P	P
Clinic	X	X	X	X	P	P	P	P	P
Club or lodge, non-profit	C	X	X	X	P	P	P	P	P
Club, hunting	C	X	X	X	X	X	X	X	X

USE	AG	RR	SR	UR	OR	NC	HB	CBD	LI
Club, private	C	C	X	X	X	C	P	C	X
Co-generation facility	C	X	X	X	X	X	X	X	P
College or university	X	X	X	X	P	X	P	P	P
Commercial recreational facility, indoor	X	X	X	X	X	X	P	P	P
Commercial recreational facility, outdoor	X	X	X	X	X	X	C	C	C
Composting facility	P	X	X	X	X	X	X	X	P
Conservation area	P	P	P	P	P	P	P	P	P
Conservation subdivision	P	P	P	P	X	X	X	X	X
Continuing care retirement community	X	X	X	X	P	X	C	C	X
Contractor's establishment	X	X	X	X	X	C	P	C	P
Convenience store	X	X	X	X	X	P	P	P	P
Cottage industry	C	C	X	X	X	P	P	P	P
Crisis center	X	X	X	X	P	X	P	P	P
Custom order shop	X	X	X	X	P	P	P	P	P
Day care center	X	X	X	X	C	P	P	P	X
Distribution center	X	X	X	X	X	X	C	C	P
Dwelling, farm	P	P	X	X	X	X	X	X	X
Dwelling, single-family attached (townhouse)	X	X	X	P	P	X	X	P	X
Dwelling, single-family detached, condominium	X	C	C	P	P	X	X	P	X
Dwelling, single-family detached, fee-simple	P	P	P	P	P	P	P	P	X
Dwelling, two-family (duplex)	X	X	C	P	C	X	X	P	X
Dwelling, multi-family (including apartment)	X	X	X	P	C	X	X	C	X
Exterminator	X	X	X	X	C	P	P	P	P
Extraction or mining	C	X	X	X	X	X	C	X	C
Fairgrounds	C	X	X	X	X	X	P	P	P
Farm and feed store	P	X	X	X	X	P	P	P	P
Food processing plant	X	X	X	X	X	X	X	X	P
Food processing plant	P	P	X	X	X	X	X	X	X
Forestry	X	X	X	X	C	P	P	P	P
Funeral home	P	X	X	X	X	P	P	C	P
Greenhouse, commercial	X	X	X	X	P	X	P	P	X
Group home	X	X	X	X	X	X	X	P	C
Hazardous waste materials	X	X	X	X	C	P	P	X	C
Health spa	X	X	X	X	X	P	P	P	P
Home occupation (including family day care home)	P	P	P	P	P	P	P	P	X
Hospital	X	X	X	X	P	P	P	P	P
Incinerator	X	X	X	X	X	X	X	X	C
Institutional residential living and care facilities	X	X	X	X	P	X	P	P	X
Kennel	C	X	X	X	X	P	P	X	P
Landfill, construction and demolition	X	X	X	X	X	X	X	X	C
Landfill, inert waste	X	X	X	X	X	X	X	X	C
Landfill, sanitary	X	X	X	X	X	X	X	X	C
Landscaping company	C	X	X	X	X	C	P	C	P

USE	AG	RR	SR	UR	OR	NC	HB	CBD	LI
Live-work unit	X	C	X	X	P	P	P	P	X
Lodging service, including hotels and motels	X	X	X	X	X	C	P	P	X
Logging yard	P	X	X	X	X	X	P	X	P
Lumber yard	X	X	X	X	X	X	P	C	P
Manufactured home	X	X	X	X	X	X	X	X	X
Manufactured home park	X	X	X	X	X	X	X	X	X
Manufacturing, processing, assembling	X	X	X	X	X	X	C	C	P
Marina	X	C	X	X	X	C	P	X	X
Materials recovery facility	X	X	X	X	X	X	X	X	P
Micro-brewery	C	X	X	X	X	X	P	P	P
Mixed-use development	X	X	X	X	C	P	P	P	X
Model home	X	P	P	P	P	X	X	P	X
Museum	C	X	X	X	P	P	P	P	P
Office	X	X	X	X	X	X	P	P	P
Office/warehouse	X	X	X	X	X	C	P	P	P
Open air business	X	X	X	X	P	P	P	P	P
Parking lot, off-site	X	X	X	X	P	X	P	P	P
Parking structure	X	X	X	X	P	X	P	P	P
Personal service establishment	C	C	X	X	C	P	P	P	P
Power plant, private	X	X	X	X	X	X	C	X	C
Public use	P	P	P	P	P	P	P	P	P
Recreational vehicle park	X	X	X	X	X	X	C	X	X
Recovered materials processing facility	X	X	X	X	X	X	X	X	C
Recycling center	X	X	X	X	X	X	P	P	P
Restaurant	X	X	X	X	C	P	P	P	P
Restaurant, drive-through	X	X	X	X	X	C	P	C	P
Retail trade establishment, enclosed	X	X	X	X	X	P	P	P	P
Retreat center	C	X	X	X	C	C	P	P	X
Riding academy or equestrian center	P	P	X	X	P	P	P	X	X
Roadside stand	P	P	X	X	X	P	P	P	X
Rooming house	X	X	X	X	P	X	X	C	X
Salvage yard	X	X	X	X	X	X	C	X	P
Sawmill	C	X	X	X	X	X	P	X	P
School for the arts	X	X	X	X	P	P	P	P	P
School, private, elementary, middle, or high	X	X	X	X	P	P	P	P	P
School, professional	X	X	X	X	P	P	P	P	P
School, special	X	X	X	X	P	P	P	P	P
School, trade	X	X	X	X	P	P	P	P	P
Self-service mini-storage facilities (mini-warehouses)	X	X	X	X	X	X	C	C	P
Semi-public use	P	P	P	P	P	P	P	P	P
Service and fuel filling station	X	X	X	X	X	P	P	P	P
Slaughterhouse	X	X	X	X	X	X	X	X	X

USE	AG	RR	SR	UR	OR	NC	HB	CBD	LI
Solid waste transfer facility	X	X	X	X	X	X	X	X	C
Special event facility	C	X	X	X	X	P	P	P	X
Taxi-cab or limousine service	X	X	X	X	X	X	P	P	P
Taxidermy	C	X	X	X	C	P	P	P	P
Therapeutic camp	C	C	X	X	X	X	X	X	X
Tow service	X	X	X	X	X	X	P	C	P
Truck stop	X	X	X	X	X	X	P	X	P
Truck terminal	X	X	X	X	X	X	P	X	P
Utility company substation	P	P	P	P	P	P	P	P	P
Vehicle emission testing facility	X	X	X	X	X	X	P	C	P
Warehouse	X	X	X	X	X	X	C	C	P
Wastewater treatment plant, private	X	X	X	X	C	X	C	X	X
Wholesale trade establishment	X	X	X	X	X	X	C	C	P
Wireless telecommunication facility and/or equipment	C	X	X	X	C	X	C	C	C
Wrecked motor vehicle compound	X	X	X	X	X	X	C	X	P

- (1) In cases where a use is proposed but is not listed in this table, the Land Use Officer shall make an administrative determination as to whether or not the use is permitted in the land use intensity district or districts in question. The Land Use Officer may determine that such use is substantially similar to a permitted use and allow that use to be permitted. The Land Use Officer may determine that such use is substantially similar to a conditional use, and permit that use as a conditional use. The Land Use Officer may determine that such use is prohibited altogether in the use district or districts in question. In making such determinations, the Land Use Officer shall consult the purpose and intent statements of the land use intensity district or districts in question, in addition to comparing the use in question to uses specifically listed in this table.

Table 2
Dimensional Requirements by Land Use Intensity District

DIMENSIONAL REQUIREMENT	AG	RR	SR	UR	OR	NC	HB	CBD	LI
Minimum lot area to rezone to this district (acres)	NA	1.5	NA	NA	1.5	1.5	NA	NA	1
Maximum height (feet)	40	35	35	35	40	40	50	50	50
Maximum residential density (units per acre)	Note 1	1	2	4	5	5	5	10	NA
Minimum lot size (acres or square feet)	1.5 AC Note 1	1.5 AC	1.5 AC	1.5 AC	1.5 AC	1.5 AC	1.5 AC	1.5 AC	N/A
Minimum lot width, all uses (feet)	200	140	100	70	70	100	100	25	100
Minimum principal building setback, front, major street (feet)	60	50	40	30	20	20	20	None	75
Minimum principal building setback, front, minor street (feet)	40	40	30	25	20	10	20	None	50
Minimum principal building setback, side (interior lot line) (feet)	25	20	15	10	10	10	10	None	50
Minimum principal building setback, rear (feet)	40	30	20	15	10	10	25	None	50
Minimum principal building setback abutting a RR, SR, UR or OR land use intensity district boundary (feet)	Minimum front, side, and rear setbacks shall apply						50	None	60
Minimum width of natural buffer abutting an RR, SR, UR or OR land use intensity district boundary, (feet measured from property line within required setback)	Minimum front, side, and rear setbacks shall apply						40	None	60
Minimum landscape strip abutting road right-of-way, all uses except single-family dwelling or manufactured home (width in feet)	10	10	10	10	10	10	20	None	20
Minimum landscape strip along side property lines, all uses except single-family dwelling or manufactured home (width in feet)	None	None	None	None	10	10	10	None	None
Maximum lot coverage (percent of lot)	20	20	25	25	25	25	30	None	40
Minimum landscaped open space (percent of lot)	None	None	None	None	25	20	20	None	10

NA = Not Applicable

Note 1: Within an AG district, the minimum lot size for any subdivision of land except those allowed for an intrafamily land transfer shall be 1.5 acres per lot. Lot sizes for lots within intrafamily land transfers shall be subject to the provisions of Section 1.

§7-4-7.1 Use. No building, structure, land, or water shall hereafter be used or occupied, and no building or structure or part hereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with the regulations of this Resolution Ordinance or amendments thereto, including the use provisions for the use district in which it is located. Except as otherwise provided for in this Resolution Ordinance pursuant to interpretation of the Land Use Officer, any use not specifically permitted in a use district shall be prohibited in that district.

§7-4-7.2 Height. No building or structure shall hereafter be erected or altered so as to exceed the height limits as may be generally established by this Resolution Ordinance for different types of buildings and structures, and as provided for the use district in which the property is located. The height limitations of this Resolution Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, or public utility facilities.

§7-4-7.3 Maximum Density, Minimum Lot Size, and Minimum Lot Width. No lot shall hereafter be developed with a number of housing units that exceeds the residential density for the use district in which the lot is located as established by this Resolution Ordinance. No lot shall hereafter be developed that fails to meet the minimum lot size and minimum lot width for the use district in which the lot is located as established by this Resolution Ordinance, except as otherwise specifically provided.

§7-4-7.4 Minimum Required Yards and Building Setbacks. No building shall hereafter be erected in a manner to have narrower or smaller rear yards, front yards, or side yards than specified for the use district in which the property is located, or for the specific use if yards and setback regulations pertain to a specific use in this Resolution Ordinance. No lot shall be reduced in size, and no principal building shall hereafter be constructed, so that the front, side, or rear yards required by the use district in which said lot and building are located are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose. No part of a yard shall be included as a part of the yard required for another building. As established by this Resolution Ordinance, the application of buffer requirements supersede these minimum required yards.

§7-4-7.5 One Principal Building on a Lot. Only one principal building and its customary accessory buildings may hereafter be erected on any lot, unless this Resolution Ordinance specifically provides otherwise; further provided, that more than one multi-family dwelling, office, institutional, commercial, or industrial building may be located on a lot or tract.

§7-4-7.6 Coverage and Open Space Requirements. No lot shall hereafter be developed to exceed the maximum lot coverage specified for the use district in which it is located. No lot shall be developed with less than the minimum landscaped open space specified for the use district in which said lot is located.

§7-4-7.7 Buffer and Landscape Strip Requirements. No lot shall hereafter be developed with less than the minimum buffers and landscape strips specified for the use district in which said lot is located.

§7-4-7.8 Visibility at Intersections and Driveway Entrances. At the intersection of public streets, at the intersection of any vehicular access drive with a public street, and at the intersection of any vehicular access drive with another vehicular access drive, no plant, structure, fence, wall, sign or other element shall be placed or maintained in a manner that obstructs vision.

§7-4-8.1 Nonconforming Lots. A lot of record, as defined by this Resolution Ordinance, that does not conform to the minimum lot size or minimum lot width for the use district in which it is located or a specific lot size requirement of this Resolution Ordinance may be used as a building site, provided that the access, height, buffer, setback, and other dimensional requirements of the use district in which the lot of record is located are complied with and, provided further, that the lot meets all the current standards and requirements of the _____ County Health Department.

§7-4-8.2 Expansion of Nonconforming Buildings and Structures. A non-conforming building or structure, as defined by this Resolution Ordinance, may be expanded, enlarged, or extended if such expansion, enlargement, or extension is for a use that conforms to the requirements for the use district in which the building or structure is located. Any such expansion, enlargement, or extension of a nonconforming building or structure shall meet the minimum yard, setback, buffer, height, bulk, and other dimensional requirements for the use district in which said non-conforming building or structure is located.

§7-4-8.3 Nonconforming Uses. A use of land, building, or structure which, at the time of the enactment or amendment of this Resolution Ordinance, does not comply with the provisions for the use district in which it is located as defined in this Resolution Ordinance as a nonconforming use, may be continued even though such use does not conform with the use provisions of the district in which said use is located. except that the use of a principal nonconforming building, structure or land shall not be:

- (a) Changed to another nonconforming use. A change in tenancy or ownership shall not be considered a change to another nonconforming use, provided that the use itself remains unchanged;
- (b) Re-established after discontinuance for one year. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision. If a business registration is required for said nonconforming use and the business registration pertaining to said use has lapsed in excess of six months, said lapse of business registration shall constitute discontinuance;
- (c) Expanded, enlarged or extended, in land area or in floor space or volume of space in a building or structure, except for a use which complies with the use district in which said use is located; or,
- (d) Rebuilt, altered or repaired after damage exceeding 50 percent of its replacement cost at the time of damage as determined by the building official, except for a use that conforms with the use district in which said use is located, and provided such rebuilding, alteration or repair is completed within one year of such damage.

It shall be the responsibility of the owner of a nonconforming use to prove to the Land Use Officer that such use was lawfully established and existed on the effective date of adoption or amendment of this Resolution Ordinance.

§7-4-9 PARKING AND LOADING

§7-4-9.1 Off-Street Parking Required. Off-street automobile parking spaces shall be provided on every lot on which any building, structure, or use is hereafter established in all use districts, except as otherwise specifically exempted by this Ordinance. Required parking spaces shall be available for the parking of operable passenger vehicles for residents, customers, patrons, and employees, as appropriate given the subject use.

§7-4-9.2 Location of Off-Street Parking Areas. All parking spaces required by this Ordinance shall be provided on the same lot with the main building or use that it serves. Upon demonstration that the parking spaces required are not available and cannot reasonably be provided on the same lot as the building, structure or use it serves, the Land Use Officer may permit the required parking spaces to be provided on any lot, of which a substantial portion is within 400 feet of such building, structure, or use. This provision shall require submittal of evidence of ownership or valid agreement to lease the parking area off-site that is intended to be used to comply with this article.

§7-4-9.3 Parking Plan Required. Before any building or land use permit is issued, the proposed parking lot layout and area must be found by the Land Use Officer to be in compliance with all requirements of this Ordinance. A parking plan, for all but detached single-family uses, shall be submitted for approval by the Land Use Officer. Occupancy of the land or use of a building shall not occur until the Land Use Officer determines that parking facilities are available in accordance with the approved plan.

§7-4-9.4 Minimum Number of Parking Spaces Required. On each lot where a building, structure, or use exists, off-street parking shall be provided according to Table 3. No existing facility used for off-street parking shall be reduced in capacity to less than the minimum required number of spaces, or altered in design or function to less than the minimum standards.

Table 3

Minimum Number of Off-Street Parking Spaces Required

Use	Parking Spaces Required (Per Gross Floor Area Devoted to the Use, or Per Employee on Largest Shift, Except as Otherwise Specified)
COMMERCIAL USES	
Art gallery	One per 400 square feet
Auto parts store	One per 400 square feet plus one per employee
Automobile sales	One per employee, plus one per 150 square feet of repair space, plus one per 600 square feet of showroom
Automobile service and repair	Two per service bay
Bank, credit union, savings and loan	One per 300 square feet (also see stacking requirements for drive-through facilities)
Barber shop or beauty parlor	One and one-half per operator's chair, plus one per employee
Bed and breakfast inn	Two for the owner-operator plus one per guest bedroom
Billiard hall/amusement arcade	One per 200 square feet
Bowling alley	Two for each alley, plus one per each employee
Convenience store	One per 250 square feet plus one per employee
Dance hall or school	One space per 150 square feet
Funeral home or mortuary	One per four seats, plus one per two employees, plus one for each hearse, ambulance, or company vehicle
Furniture, carpet, appliance and home furnishing store	One per 1,000 square feet plus one per employee and one per delivery truck
Grocery or food store	One per 200 square feet
Hardware store	One per 400 square feet plus one per employee
Health or fitness club	Ten plus one per each 250 square feet over 1000 square feet
Hotel or motel	One per guest room, plus one per employee, plus one per specified requirements for restaurants and meeting rooms as applicable
Kennel	One per 400 square feet, plus one per employee
Laundromat	One per each two washer/dryer combinations
Nursery or greenhouse	One per 1000 square feet devoted to sales
Office	One per 300 square feet
Photographic studio	One per 400 square feet
Restaurant, bar, or tavern	One per 100 square feet
Self storage facility (mini-warehouse)	One per facility manager, plus one per each forty storage units, with two spaces total minimum
Service station	One per two employees plus three for each service bay
Shopping center	Four and one-half spaces per 1000 square feet
Theater, cinema	One per three fixed seats
Veterinarian, animal hospital	Four per practitioner

Table 3 (Cont'd)

Minimum Number of Off-Street Parking Spaces Required

INDUSTRIAL USES	
Use	Parking Spaces Required (Per Gross Floor Area Devoted to the Use, or Per Employee on Largest Shift, Except as Otherwise Specified)
Manufacturing, processing, assembling	Two per three employees
Warehouse	One per two employees or one per 1,500 square feet, whichever is greater
Wholesale merchandise	One per 2,000 square feet
INSTITUTIONAL USES	
Church, temple, synagogue and place of worship	One per four seats in room with greatest seating capacity
Day care center	One per employee, plus one per eight children, plus one space for each vehicle associated with facility
Government office	One per 300 square feet
Hospital	One per four beds, plus one per two employees
Library or museum	One per 300 square feet
Nursing home	One per three patient beds
Post office	One per 200 square feet
School – elementary	One per employee plus one additional per 10 employees
School – middle	One per ten students or one per five seats in auditorium or main assembly area, whichever is greater
RESIDENTIAL USES	
Apartment, one bedroom	One per unit
Apartment, two bedroom	One and one-half per unit
Apartment, three bedroom	Two per unit
Boarding or rooming house	One space for each two guest rooms, plus one additional space for the owners, if resident on the premises
Residence within building containing a non- residential use	One per unit
Single-family detached or attached (including manufactured home)	Two per unit
Two family dwelling	Two per unit

Table 3 (Cont'd)
Minimum Number of Off-Street Parking Spaces Required

RECREATIONAL USES	
Use	Parking Spaces Required (Per Gross Floor Area Devoted to the Use, or Per Employee on Largest Shift, Except as Otherwise Specified)
Amusement park	Per parking generation study funded by applicant and approved by the Land Use Officer
Assembly hall or auditorium	One per four fixed seats, or one per 150 square feet of seating area, whichever is less
Basketball court	Five per court
Billiard hall	Two per table
Community center	One per 250 square feet
Country club	One per 400 square feet of gross floor area. Plus one and one-half per hole for golf course, two per tennis court, and one per 100 square feet of surface for swimming pools
Golf course	Three per hole
Golf driving range, principal use	One for every tee
Miniature golf	Two per hole
Skating rink	One per 250 square feet
Stadium or sport arena	One per twelve feet of bench seating
Swimming pool – subdivision amenity	One per 150 square feet of surface water area
Swimming pool – public	One per 100 square feet of surface water area
Tennis or racquet ball court	Three spaces per court

§7-4-9.5 Interpretations of Parking Requirements. Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be construed to be the next highest whole number. Where the parking requirement for a particular use is not described in this article, and where no similar use is listed, the Land Use Officer shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, the total square footage, potential customer use, and other expected demand and traffic generated by the proposed use.

§7-4-9.6 Reduction of Required Parking for Mixed or Joint Use of Parking Spaces. When more than one use is provided on a lot, and such uses operate more or less simultaneously, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses computed separately. The Land Use Officer may authorize a reduction in the total number of required off-street parking spaces for two or more uses jointly providing parking facilities when their respective hours of need of maximum parking do not normally overlap, provided that the developer submits sufficient data to demonstrate that the hours of maximum demand for parking at the respective uses do not normally overlap. The required spaces assigned to one use may not be assigned to another use at the same time, except that one-half of the parking spaces required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

7-4-10 LOADING

§7-4-10.1 Off-Street Loading Areas Required for Specified Uses. On the same lot with every building, structure or part thereof, erected or occupied for manufacturing, storage, warehouse, truck freight terminal, department store, wholesale store, market, hotel, hospital, mortuary, dry cleaning plant, retail business, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for the standing, loading and unloading of such materials to avoid undue interference with public use of streets, alleys, and parking areas.

§7-4-10.2 Loading Area Specifications. Unless otherwise approved by the Land Use Officer, loading spaces shall be a minimum of 14 feet wide, 40 feet long, with 14 feet of height clearance. Said loading area shall be located to the rear of the building unless site design precludes a rear location, in which case loading shall be to the side of a building.

§7-4-10.3 Minimum Number of Off-Street Loading Spaces Required. One off -street loading space shall be provided for the first 10,000 square feet of gross floor area or fractional part thereof for light industrial use and one off-street loading space for the first 5,000 square feet of gross floor area or fractional part thereof for retail or other non-industrial use for which a loading space is required. One additional space shall be required for each additional 25,000 square feet of gross floor area or fractional part thereof for light industrial use and for each additional 10,000 square feet of gross floor area or fractional part thereof for retail or other non-industrial use.