

ARTICLE I. IN GENERAL

Sec. 94-1. Purpose and intention.

- (a) The intention of this chapter is to regulate:
- (1) The location, height, bulk and size of buildings and other structures;
 - (2) The use of buildings, structures, and land for business, industry, residence, public activities and other purposes; and
 - (3) The division of the incorporated area into districts and to establish boundaries for the following:
 - a. The methods of administration, amendment and enforcement;
 - b. Prescribing penalties for the violation of its provisions; and
 - c. Repealing conflicting resolutions and other matters.
- (b) The purpose of this chapter is to establish minimum standards for the use of land and improvements thereon in the city. The zoning regulations and districts established in this chapter are designed to:
- (1) Lessen congestion in the streets;
 - (2) Secure safety from fire, panic, and other dangers;
 - (3) Promote health, safety and the general welfare of community;
 - (4) Provide adequate light and air;
 - (5) Prevent overcrowding of the land;
 - (6) Avoid undue concentration of the population;
 - (7) Ease the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - (8) Promote desirable living conditions;
 - (9) Sustain the stability of neighborhoods;
 - (10) Protect property against blight and depreciation;
 - (11) Secure economy in governmental expenditures;
 - (12) Conserve the value of buildings;
 - (13) Encourage the most appropriate use of land and structures; and
 - (14) Improve the overall aesthetics of the community.
- (c) The requirements of these regulations are minimum permissible standards and it is expected that developers and the respective decision-making authority will normally strive for quality developments that will exceed these minimum requirements.
- (Code 1979, ch. 40, arts. 1, 2)

Sec. 94-2. Definitions and rules of constructions.

- (a) Any word not defined in this section, shall be as defined elsewhere in this chapter or, if not defined elsewhere in this chapter, as defined in Webster's New World Dictionary of the American Language, Second College Edition, the said definition to be read in context with the purposes and provision of the span of the chapter it is being used to define.
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning; words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the term "structure" shall include the term "building"; the term "shall" is mandatory and not discretionary:

Accessory structure means a structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building.

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

Adult business means the following:

- (1) Any business which is conducted exclusively for the patronage of adults and to which minors are specifically excluded from patronage there either by law or by the operators of such business;
- (2) Any business where employees or patrons expose specified anatomical areas or engage in sexual activities as defined by a separate ordinance of the city; or
- (3) Any other business or establishment which offers its patrons services, products, or entertainment characterized by an emphasis on matter depicting, describing, discussing or relating to sexual activities or anatomical areas.

Alley means a public thoroughfare which affords only a secondary means of access to abutting property.

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

Apartment. See *Dwelling, multifamily.*

Aquifer means any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

Assisted living home/facility. See *Personal care home/facility.*

Bed and breakfast home means rooms for rent that are within a single-family dwelling which:

- (1) Is occupied by the owner as his principal residence;
- (2) The same rental occupants shall not reside at for more seven consecutive days;
- (3) Breakfast is the only meal served and only to registered overnight guests;
- (4) No person who is not a resident on the premises is employed;
- (5) The exterior appearance of the dwelling is not altered from its residential character except for safety purposes; and
- (6) The identification sign is no larger than two square feet and not internally lighted.

Bed and breakfast inn means a building, not necessarily owner occupied, that offers transient lodging accommodations and breakfast for four or more guestrooms for compensation; provided that:

- (1) Compliance with the same licensing, inspection and taxation requirements as hotels, motels, and restaurants.
- (2) If within a residential district, the building shall be residential in character.
- (3) Breakfast is the only meal served and only to overnight guests.
- (4) The owners may have employees.
- (5) The owner shall provide one off-street parking space for each rental room and one space for each employee.

(6) In a residential district, signage shall be limited to one sign with a maximum size of two square feet.

Billboard means any sign used as an outdoor display for the purpose of making anything known, the matter advertised or displayed being remote from its origin or point of sale.

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

Buffer means a portion of lot set aside for open space and/or screening purpose, to shield or block noise, light, glare, or visual or other nuisances; to block physical passage to dangerous areas; or to reduce air pollution, dust, din, and litter. A buffer may contain a barrier, such as a berm, wall or fence, where such additional screening is necessary to achieve the desired level of buffering between various activities.

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

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

Building line means a line parallel to the street right-of-way line at a distance therefrom equal to the depth of the required front yard for the zoning district in which the lot is located. (See *Setback line.*)

Caliper means diameter measurement of the trunk taken six inches above ground level for trees up to and including four-inch caliper size.

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

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

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

Child care center, group, means a building or portion of a building wherein is provided care and supervision of persons away from their place of residence for less than 24 hours a day on a regular basis for compensation; serves seven to 18 persons and is licensed by the state.

Child care facility means a building or portion of a building wherein is provided care and supervision of persons away from their place of residence for less than 24 hours per day on a regular basis for compensation; serves 19 or more persons and is licensed by the state; for children, the outdoor play area shall be enclosed by a fence of not less than four feet in height in the rear yard only. For the purposes of this chapter, the term "child care" shall include but not be limited to the terms "day care," "nursery school," "early learning center," "pre-kindergarten," "private kindergarten," "play school" and "preschool."

Child care home, family, means a customary home occupation which provides, for six or less persons who are not residents of the premises; care and supervision by a state

registered resident adult for less than 24 hours per day on a regular basis for compensation.

Church means a religious institution that has been granted 501(c) tax exempt status by the Internal Revenue Service and whose property is deemed tax exempt by the county tax assessor.

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

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

Commission means the city planning commission.

Comprehensive plan means the Joint Pickens County-Jasper-Nelson-Talking Rock Comprehensive Plan as adopted and as may be subsequently amended by the county and the Cities of Jasper, Nelson, and Talking Rock.

Conditional uses means a use not ordinarily permitted but which may be permitted upon the imposition of conditions related to the promotion of the public health, safety, morals, or general welfare and designed to minimize the negative impact on surrounding lands. The term "conditional uses" may include, but is not limited to, restriction on land use; height, setback and other nonuse requirements; physical improvements to the property and infrastructure serving the property. A conditional use must be approved as specified in this chapter.

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

Council means the city council.

DBH (diameter breast height) means the diameter of a tree 4 1/2 feet above average ground level.

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

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

Dwelling means a building which is designed or used exclusively for residential purposes, including single-family, and multifamily residential buildings, roominghouses and boardinghouses, fraternities, sororities, dormitories and industrialized homes, but not including hotels and motels.

Dwelling, apartment. See *Dwelling, multifamily.*

Dwelling, loft, means a dwelling unit, occupied by no more than four persons, and located only on the floor above a ground level commercial business.

Dwelling, multifamily , means a building designed as two or more separate units for or occupied exclusively by two or more families.

Dwelling, single-family, attached, means a building containing two or more dwelling units, each of which is deeded with separate ownership and has primary ground floor

access to the outside and which are attached to each other by party walls without openings. The term "attached single-family dwelling" can include fee simple townhouses and condominiums.

Dwelling, single-family, detached, means a site specific built house or industrialized home serving as a residential building containing not more than one dwelling unit entirely surrounded by open space.

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

Dwelling, zero lot line, means a development of single-family detached residences in which one interior side yard may be lawfully reduced to zero on any lot for the purpose of creating larger, more usable, and more easily maintained yard spaces, particularly on smaller lots.

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

Existing construction means any structure for which the start of construction commenced before the effective date of the ordinance from which this chapter is derived.

Family means an individual, or two or more persons related by genetics, adoption, or marriage, or a group of six or fewer persons who are not related by genetics, adoption or marriage.

Farming means the business of cultivating land, or employing it for the purposes of husbandry; the cultivation and fertilization of the soil as well as caring and harvesting the crops.

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

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

Floor area, gross, means the gross heated areas of all floors, measured from the exterior faces of the building.

Frontage, street, means the distance of a lot abuts on a street; the front lot line.

Funeral home means a building used for human 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 storage of funeral vehicles. In addition, the actual cremation of the dead may occur within the building or accessory building.

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

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

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

Greenspace means naturalized area or areas set aside for alternate purposes other than roads or residences to be approved as part of the overall site plan prior to commencement of construction.

Group home means a residence composed of nonrelated individuals with one or more surrogate parents that function as a singular housekeeping unit. All group homes shall be approved and licensed by the state department of human resources.

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

Hazardous waste means any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency (USEPA) pursuant to the federal act, which are in force and effect as of February 1, 1988, codified as 40 CFR 261.3.

Health department means the county health department and/or the state department of human resources.

Health officer means the legally designated health authority of the county, the state, or an authorized agent.

Home occupation means an occupation customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes and operated in accordance with the provisions of these regulations. (See section 94-142.)

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

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

Industrialized home means any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized buildings are constructed and regulated in accordance with the Industrialized Building Act, 1982 Ga. Laws 1982, pp. 1637--1643 (O.C.G.A. §§ 8-2-110--8-2-121).

Institution means a public or semipublic building occupied by a governmental entity, nonprofit corporation or nonprofit establishment for public use.

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

Junkyard means any such use involving the storage of disassembly of wrecked automobiles, trucks, or their vehicles; storage, baling or otherwise dealing in bones, animal hides, scrap metal, commercial/residential appliances, used paper, used cloth, used plumbing fixtures and use brick, wood or other building materials. Such uses shall be considered junkyards whether or not all or part of such operations are conducted inside a building or in conjunction with, addition to, or accessory to other uses of the premises. A junkyard shall be presumed to exist if two or more inoperative motor vehicles are maintained for more than 45 days, except vehicles being held pursuant to a law enforcement agency impoundment; however, this presumption may be rebutted if no part of the motor vehicle is outside of a completely enclosed building and no part of the motor vehicle can be viewed from any portion of any adjoining property, road, or street.

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

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

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

Lot means a portion or parcel of land separated from other portions or parcels by description (such as on a subdivision plat of record or as a survey map or plat) or described by metes and bounds, and intended for use, transfer of ownership, or for building development. The term "lot" shall not include any portion of a dedicated right-of-way. Lot size square footage calculations shall also exclude any areas reserved for easements or rights-of-way upon which, by the nature thereof, construction is prohibited (i.e., easements for ingress and egress to other lots or properties, major power line transmission easements, etc.). Lot size calculations shall not include strips of property with widths less than the minimum building line dimension of the particular use district intended to provide access to a given lot or parcel; provided, however, land less than the minimum building width requirements may be considered as part of the square footage lot size calculation in those instances where lot lines are radial to a curved street or cul-de-sac on a subdivision plat approved by the planning commission.

Lot, corner, means a lot abutting upon two or more streets at their intersection.

Lot of record means a lot which exists prior to the adoption or subsequent amendment of the ordinance from which this chapter is derived, as shown or described on a plat or deed in the records of the local registry of deeds.

Lot, through, means a lot other than a corner lot abutting two streets.

Lot width means the width of the lot at the front building setback line.

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

Modular home. See *Industrialized home.*

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

Multifamily dwelling. See *Dwelling, multifamily.*

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

New construction means any structure for which the start of construction commenced on or after the effective date of the ordinance from which this chapter is derived.

Nonconforming use means the use of any building or land which was lawful at the time of passage of the ordinance, or amendment thereto, from which this chapter is derived, but which use does not conform, after the passage of the ordinance, or amendment thereto, from which this chapter is derived with the regulations of the district in which it is situated.

Nursery school. See *Kindergarten.*

Nursing home means an extended or intermediate care facility licensed or approved to provide fulltime convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

On-site sewerage management system. See *Sewerage management system, on-site.*

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

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

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

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

Personal care home/facility.

(1) The term "personal care home/facility" means a building or group of buildings, a facility or place in which is provided two or more beds and other facilities and services, including room, meals and personal care, for nonfamily ambulatory adults. For the purpose of this chapter, personal care homes shall be classified as the following:

a. *Congregate personal care home* means a home for adults which offers care to 16 or more persons.

b. *Family personal care home* means a home for adults in a family-type residence, noninstitutional in character, which offers care to two through six persons.

c. *Group personal care home* means a home for adult persons in a residence or other type building, noninstitutional in character, which offers care to seven through 15 persons.

(2) The term "personal care home/facility" does not include buildings which are devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals or boarding facilities which do not provide personal care.

Planned center, shopping, office or industrial, means any planned concentration of at least three business establishments which also provides planned and shared parking, access, and service.

Planning commission means the city planning commission.

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

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

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

Principal use means the primary purpose for which land or a building is used.

Private land means all lands and buildings not owned by government.

Recorded plat means a plat recorded in the office of the clerk of superior court of the county.

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

Right-of-way line means the dividing line between a lot, tract, or parcel of land and a contiguous right-of-way.

Roominghouse means a dwelling, permanently occupied by the owner or operator, where only sleeping accommodation is provided for three or more permanent occupants not of the same family by prearrangement for definite periods and for compensation and which makes no provision for cooking in any of the occupied rooms.

Service station means any building, structure, or land use primarily for the dispensing, sale, or offering for sale at retail any automobile fuels, oils, or accessories, but not

including major repair work such as motor overhaul, body and fender repair or spray painting.

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

Sewerage management system, on-site, means a septic tank, seepage tile sewage disposal system or any other sewerage management system other than a public or community sewerage system, serving single or multiple buildings, residences or other facilities designed for human occupancy or congregation, as approved by the county board of health.

Sewerage treatment system, public, means a municipal or community sewerage treatment system, including pipe lines or conduits, pumping station, force mains and all other constructions, devices, and appliances appurtenant thereto, designed for treating or conducting sewerage for treatment and disposal into lakes, streams or other bodies of surface water.

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

Sign means a name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly, upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business located on the premises. The term "sign" shall not be deemed to include official court, governmental notices, traffic warning or control devices or street signs, flag, emblem or insignia of a nation, political unit, school, or religion.

Sign, canopy, or marquee means a sign affixed to, superimposed upon or painted on any rooflike structure either permanently or temporarily extended over a sidewalk or walkway.

(1) *Flushmounted* means a sign mounted in such a manner that a continuous plane with the canopy is formed.

(2) *Hanging* means a sign suspended from beneath the canopy.

Sign display surface means the area made available on the sign structure for the purpose of displaying a message:

(1) The area shall be considered to include all lettering, wording, and accompanying design and symbols, together with the background, whether open or enclosed, with or without trim, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself;

(2) For a sign painted or applied to a building, the area shall be considered to include all lettering, wording, and accompanying design and symbols, together with the background of a different color than the natural color of the building;

(3) Where the sign consists of individual letters or symbols attached to or painted on a surface, building, canopy, awning, wall, or window, the area shall be considered to be the smallest rectangle or other geometric shape which encompasses all of the letter or symbols.

Sign, freestanding, means a permanently affixed sign which is wholly independent of any building for support.

Sign, illuminated, means a sign designed to emit light.

Sign, portable, means a sign that can be moved from place to place that is not permanently affixed to a building, structure or the ground, including, but not limited to:

- (1) Signs with wheels removed;
- (2) Signs with chassis or support constructed without wheels;
- (3) Signs designed to be transported by trailer or wheels;
- (4) A-frame or T-frame signs;
- (5) Menu, sandwich or sidewalk type signs;
- (6) Searchlight stands; and
- (7) Signs painted or attached on air-inflated, hot-air, or gas-filled.

Sign, roof, means any sign erected, constructed or maintained upon a roof of a building.

Sign, wall, means any sign attached to or erected against a wall which is an integral part of the building and which shall project not more than 12 inches from the wall of the building.

Sign, window, means a sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

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

Story, half, means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

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

(1) *Minor or local street.* Street used primarily for access to the abutting properties and serving travel demands in the immediate area.

(2) *Collector.* Streets bringing traffic to arterials, or inter connecting arterials. They provide for relatively easy movement at moderate speeds from homes and businesses to arterials.

(3) *Major thoroughfare or arterial.* Streets which function to move high volumes of traffic between principal traffic generators (such as residential, commercial, and industrial sectors) at moderate speeds and with minimum conflict to movements.

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

Subdivision means the division, redivision, or separation of one parcel of land into two or more parcels, lots, building sites, or other divisions of land whether for the purpose of sale, legacy, or building development.

Tower, telecommunications, means a structure, such as a self-supporting lattice tower, guy tower, or monopole tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, on which is located one or more

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

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

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

Water system, public, means a system, owned and operated by a city, county, or a legislatively-created authority, for the provision to the public of piped water for human consumption, if such system has at least 15 service connections, or regularly serves an average of at least 25 individuals daily, at least 60 days out of the year in accordance with the Rules of Georgia Department of Natural Resources, Environmental Protection Division, Rules for Safe Drinking Water (Ga. Comp. Rules and Regs. 391-3-5 et seq.).

Yard means an open space on a lot situated between the principal building or use on the lot and a lot line and unoccupied by any structure except as otherwise provided herein.

Yard, front, means an open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the right-of-way line and the front line of the building projected to the side lines of the lot.

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

Yard, side, means an open, unoccupied space on the same lot with a principal building or use, located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

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

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

(Code 1979, §§ 40-3.1--40-3.3; Ord. of 10-5-09)

Sec. 94-3. Use of land.

No land shall be used except for a purpose permitted in the district in which it is located.

(Code 1979, § 40-4.1)

Sec. 94-4. Use of buildings.

No building or structure shall be erected, converted, enlarged, reconstructed, moved, structurally altered or used, except for a use permitted in the district in which such building or structure is located.

(Code 1979, § 40-4.2)

Sec. 94-5. Location of buildings.

Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be located on a lot as defined in section 94-2, except as approved by the zoning board of appeals.

(Code 1979, § 40-4.2-1)

Sec. 94-6. Height of buildings.

No building shall be erected, convened, enlarged, reconstructed, moved or structurally altered to exceed the height limit herein established for the district in which such building is located except for the following:

- (1) Belfries.
- (2) Chimneys.
- (3) Church spires.
- (4) Conveyors.
- (5) Cooling towers.
- (6) Elevator bulkheads.
- (7) Fire towers.
- (8) Flagpoles.
- (9) Public monuments.
- (10) Smokestacks.
- (11) Stage towers or scenery lofts.
- (12) Tanks.
- (13) Water towers and stand pipes.
- (14) Ornamental towers and spires.
- (15) Silos.
- (16) Radio and television towers.
- (17) Public and semipublic service buildings, hospitals, institutions and schools, may be erected to a height not to exceed 100 feet; churches and temples may be erected to a height not exceeding 75 feet; provided the required side yard and rear yards shall be increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

(Code 1979, § 40-4.2-2)

Sec. 94-7. Dimensional regulations.

No building or use shall be erected, convened, enlarged, moved or structurally altered except in conformity with the minimum space requirements (i.e., the lot area, floor area, and building height, etc.) for the district in which such building is located.

(Code 1979, § 40-4.2-3)

Sec. 94-8. Temporary buildings.

Temporary buildings shall not be permitted in any district except when they are used in conjunction with construction work or pending completion of a permanent building. Such building shall be used for a period not to exceed one year and shall be removed when the construction of the permanent building is completed.

(Code 1979, § 40-4.2-4)

Sec. 94-9. Use of yards.

The minimum yards, parking spaces and open spaces required by this chapter for each building existing on the effective date of the ordinance from which this chapter is derived, or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as part of the yard, parking space or open space required for any other structure, nor shall any lot area be reduced below the lot area pursuant to the requirements of this chapter for the district in which such lot is located except as otherwise provided in this chapter.

(Code 1979, § 40-4.3)

Sec. 94-10. Requirements for building permit.

No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered except upon application for and issuance of a building permit by the enforcement officer.

(Code 1979, § 40-4.4)

Sec. 94-11. Streets.

(a) *Street access.* Except as otherwise permitted in these regulations, each buildup shall be located on a lot or parcel which abuts a public street or private street.

(b) *Extension of existing streets.* Existing streets shall be connected and extended appropriately within the limits of a development. However, streets or portions of streets adjacent to a proposed nonresidential use, which are developed and are being used exclusively for residential access shall not be connected, extended or in any way provide access to a nonresidential use. In addition, private drives which provide access to a nonresidential use shall not be permitted in any residential district.

(c) *Street access in nonresidential districts.* Driveway cuts for service drives, entrances, exits and other similar facilities on public streets in nonresidential districts shall not be located within 20 feet of any street intersection or within 40 feet of another curb cut. A curb cut shall be no greater than 40 feet in width and no closer than 20 feet to any property line.

(d) *Traffic control devices.* If the traffic to be generated by a use in a nonresidential district will demand traffic control devices to ensure public safety, the developer shall install such necessary devices. Such determination shall be made by the enforcement officer, in consultation with the state department of transportation, and approved by the city council.

(e) *State department of transportation approval.* All entrances or exits of any street or drive, public or private, from or to any state highway shall be approved by the state department of transportation prior to the construction of such street or drive, or the

issuance of any development permit for any improvement to be served by such street or drive.

(f) *Private streets not to be used to satisfy off-street parking requirements.* Private streets shall not be used to satisfy the off-street parking requirements of this chapter. Private streets shall be assigned names and locations, and shall be shown on plans required for the issuance of building and development permits. All private street names shall be approved by the enforcement officer to avoid conflicting names.

(g) *Street frontage for residential lots.* No residential structure shall be erected on any lot which does not have immediate frontage on at least one street for a distance of not less than 25 feet.

(Code 1979, § 40-4.5)

Sec. 94-12. Amendments not repealed.

Amendments not repealed from the previous zoning ordinance are as follows:

(1) *Numbering of houses.*

a. All houses in the city shall be numbered. They shall be numbered by lots of lands so that the respective numbers shall be in order and that one side of the street shall be uneven numbers.

b. The mayor and council shall have the right to fine any person who refuses to number their respective house in an amount not to exceed \$25.00.

(2) *Naming of streets.*

a. All streets in the city shall be named. A street sign shall be placed on all streets so designating said streets by their individual names.

b. The city map detailing the streets in the city, dated 1962, designate the official names of all streets in the corporate limits of the city.

(3) *Trailer in the city limits.* No trailers are permitted to park in the city limits. Those already parked may remain until removed by owner, but no replacements will be allowed.

(4) *Zoning and subdivision regulations.* Zoning and subdivision regulations shall be kept on file in the city clerk's office at all times.

(Code 1979, ch. 40, app. A)

Secs. 94-13--94-25. Reserved.