



City of Waynesboro

Zoning Ordinance

Revised 2003

ARTICLE 1
PREAMBLE AND ENACTMENT CLAUSE

1-1 Authority and Purpose

Pursuant to the authority conferred by Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia and to guide development in accordance with existing and future needs; to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to protect scenic areas; to facilitate the adequate provision of transportation, water, sewerage, schools parks and other public requirements; in accordance with the Joint Burke County/City of Waynesboro Comprehensive Plan 1991-2010 adopted by the City Council of Waynesboro in January 1991, and with reasonable consideration of the character of each area and its peculiar suitability for particular uses, and with a view to promoting desirable living conditions and sustained stability of living areas, protect property against blight and depreciation, securing economy in governmental expenditure, conserving the value of land and buildings, and encouraging the most appropriate use of land, buildings and structures, the City of Waynesboro Council does order and enact into law the following regulations:

- 1) Dividing the city into districts and establishing the boundaries thereof;
- 2) Regulating the location, height, bulk, number of stories and size of buildings and other structures;
- 3) Regulating the percentage of lot which may be occupied;
- 4) Regulating the sizes of yards, courts and other open spaces;
- 5) Regulating the density and distribution of the population;
- 6) Regulating the uses and location of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities;
- 7) Providing for the method of administration and amendment of these regulations;
- 8) Defining the powers and duties of the Zoning Board/Planning Commission with respect to these regulations;
- 9) Defining certain terms used here;
- 10) Providing penalties for violations of these regulations.

BE IT ORDAINED BY THE CITY OF WAYNESBORO, GEORGIA, AS FOLLOWS;

"That all zoning provisions and maps previously adopted by the City of Waynesboro, Georgia, are herein repealed, and,
The following provisions shall hereafter constitute the Zoning Ordinance of the City of Waynesboro, Georgia." adopted _____ .

1-2 Title

These regulations shall be known and may be cited as the "Zoning Ordinance of the City of Waynesboro, Georgia". Such ordinance is permanently available as public record at the Waynesboro City Hall, Waynesboro, Georgia between the hours of 9am and 5pm, Monday through Friday, except holidays.

1-3 Jurisdiction

These regulations shall apply to all land, buildings, and structures within the corporate limits of the City of Waynesboro which are delineated by the officially adopted Zoning Map of Waynesboro, Georgia.

1-4 Zoning Map

The location and boundaries of the zoning districts established by this ordinance are defined and shown on the map entitled "Zoning Map of Waynesboro, Georgia," hereby made a specific part of this ordinance, and officially adopted by the Waynesboro City Council on _____. Such map is permanently available as public record at the Waynesboro City Hall, Waynesboro, Georgia in the Office of the Building Inspector, between the hours of 9am and 5pm, Monday through Friday, except holidays.

ARTICLE 2
DEFINITIONS OF TERMS USED IN THIS ORDINANCE

2-1 INTERPRETATION OF CERTAIN WORDS AND TERMS:

- 2-1.1 Words used in this ordinance shall have their customary meanings except for specific words which will be defined in this section.
- 2-1.2 Words used in the present tense shall include the future tenses.
- 2-1.3 Words in the singular number includes the plural number and the plural number includes the singular number.
- 2-1.4 The word "person" shall mean any individual, firm, association, partnership, trust, company, or corporation.
- 2-1.5 The word "shall" is mandatory. The word "may" is discretionary.
- 2-1.6 The words "used" or "occupied" as applied to any land or building shall include the words "intended, designed, or arranged to be used or occupied".
- 2-1.7 The word "building" includes the word "structure".

2-2 DEFINITIONS :

- 2-2.1 Accessory Use: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
- 2-2.2 Adjoining Lot: Land immediately adjacent to the lot in question, including lots located immediately across streets, alleys, water courses of less than one hundred (100) feet in width, drainage easements and other rights-of-way.
- 2-2.3 Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.
- 2-2.4 Alteration of Building: Any change in the supporting members of a building (such as bearing walls, beams, columns, girders) except such change as may be required for its safety; any addition to a building; or moving a building from one location to another; any change in use from that of one district classification to another.

2-2.5 Automobile Service or Convenience Gas Station: A building, lot, or both in or upon which gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made, and no other:

- a. Sale and servicing of spark plugs, batteries, and distributors and distributor parts.
- b. Tire servicing and repair, but not recapping or re-grooving.
- c. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like.
- d. Radiator cleaning and flushing.
- e. Washing and polishing and sale of automotive washing and polishing materials.
- f. Greasing and lubrication.
- g. Providing and repairing fuel pumps, oil pumps and lines.
- h. Minor servicing and repair of carburetors.
- i. Emergency wiring repairs.
- j. Adjusting or repairing brakes.
- k. Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
- l. Sale of cold drinks, packaged foods, tobacco, and similar convenience goods for service station customers as accessory and incidental to principal operation.
- m. Provision of road maps and other informational material to customers; provision of restroom facilities.

Uses prohibited at a automobile service/convenience station are: major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent (determined by the Zoning Board/Planning Commission) greater than normally found in service stations. A service station/convenience gas station is hereby declared not to be a repair and service garage or a body shop.

2-2.6 Automobile Garage, Private: An accessory building, carport or similar structure, or portion of a main building designed, arranged or used for the housing of private motor vehicles, only one of which may be a commercial vehicle.

- 2-2.7 Automobile Parking Lot or Garage, Commercial: A lot or building or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of six or more motor vehicles for a consideration where service or repair facilities are not permitted. Such parking lot or garage shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.
- 2-2.8 Auto Sales, Repair, and Service Garage: A building in which, the business of general motor vehicle repair and service is conducted, but excluding junk and/or auto wrecking business. (See also “automobile service station”).
- 2-2.9 Automobile Sales Lot: A lot arranged, designed, or used for the storage and display for sale of any motor vehicle or any type of trailer provided the trailer is unoccupied, and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises.
- 2-2.10 Automobile Wrecking: The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof (also see junk yard)
- 2-2.11 Bed and Breakfast Facility: A business establishment operated within a dwelling by the owner-occupant, offering temporary lodging to the traveling public while away from their normal places of residence, and containing no more than seven (7) bedrooms available for temporary lodging.
- 2-2.12 Billboards: Any sign or advertisement used as an outdoor display by the painting, posting, or affixing on any surface of a picture, emblem, words, figures, numbers, or letters; such sign or advertisement being remote from the point of sale.
- 2-2.13 Bookstore, Adult: An establishment having, as a substantial or significant portion of its stock-in-trade books, magazines, and other periodicals which are distinguished or relating to specified sexual activities or specified anatomical areas, as defined below, or an establishment with a segment or section devoted to the sale or display of such material.
- *Specified Sexual Activities*: Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitalia, pubic region, buttocks, or female breasts.
 - *Specified Anatomical Areas*: Less than complete and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the areola, and human male genitals in a discernibly turgid state even if completely and opaquely covered.
- 2-2.14 Buffer Strips: A portion of a lot set aside for open space and visual screening between land uses to minimize conflicts between them
- a) Natural Buffer: A visual screen created by vegetation of such density so as to present an

Opaque visual separation when viewed from one side to the other throughout the year.

b) Structural Buffer: A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, which may be supplemented with vegetation, so as to present an Opaque visual separation when viewed from one side to the other.

2-2.15 Building: Any structure having a roof supported by columns or by walls and which is permanently attached to the ground and intended for shelter, housing, support or enclosure of persons, animals, or property of any kind.

2-2.16 Building, Accessory: A building subordinate or supplement to the main building on a lot and used for purposes customarily incidental to that of a main or principal building and located on the same lot.

2-2.17 Building, Principal: A building in which is conducted the main use of the lot on which said building is located.

2-2.18 Club, Lodge, Civic or Fraternal Organization: An incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational, or like activities, but not including shooting clubs, operated for the benefit of its members and not open to the general public.

2-2.19 Customary Home Occupation: A business, profession, occupation, or trade conducted for gain or support by any occupant of a dwelling and located entirely within a residential building, or a structure accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building. Permitted home occupations are defined in Article 17, Section 17-19.1 of this code and must meet the conditions established in Article 17, Section 17-19.2 of this code.

2-2.20 Communication Towers: A tower of any size located on a non-residential site, which supports communication (broadcast or receiving) equipment utilized by commercial, government, or other public and quasi-public users. This does not include private home use of satellite dishes and television antennas or amateur radio operators as licensed by the Federal Communications Commission, and excluding those used exclusively for dispatch communications.

2-2.21 Comprehensive Land Use Plan: The Comprehensive Plan, and any amendments and/or modifications thereto, officially adopted by the Waynesboro City Council, January 1991, consisting of proposals as to the physical development and renewal of the city and county that should take place over a 20 year period.

2-2.22 Conditional Use: A use that would not be appropriate generally or without restriction throughout zoning districts, but which, if controlled as to the number, area, location, or relation to the neighborhood, would not be detrimental to the public health, safety or general welfare.

2-2.23 Day Care Center/Day Nursery: Any agency, institution, center, home, nursery school, kindergarten, play school, or other place, however, styled and whether operated under public auspices, as a private business, or by an established religious denomination, in which are received for temporary custodial care apart from their parents, part of the day or all of the day or night, and upon any number of successive days one or more children not related to the persons providing such temporary custodial care.

2-2.24 Dwelling: A building designed or used for permanent living quarters for one or more families.

2-2.25 Dwelling, Multi-family: A dwelling or dwellings on a single lot, designed for or occupied by three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

2-2.26 Dwelling, Single-Family: A structure containing not more than one Dwelling Unit designed for residential use, which meets or exceeds the following standards:

1. Minimum width in excess of 16 feet.
2. The roof shall have a minimum 2:12 roof pitch and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built up gravel materials, or other materials approved by the building official.
3. The exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, metal or vinyl lap or other materials of like appearance.
4. Be attached to a permanent foundation.
5. Be constructed according to standards established either by the State Minimum Standard Codes as amended from time to time or the Standard Building Code if locally adopted or the National Manufactured Housing Construction and Safety Standards Act, or the State of Georgia Industrialized Building Act.
6. Manufactured homes and modular homes placed in residential zoning districts or areas shall meet the minimum compatibility standards herein set forth and in Article 6.
7. The Building Inspector may approve deviations from one or more of the

developmental or architectural standards provided herein or in Article 6, on the basis of a finding that the materials to be utilized or the architectural style proposed for the dwelling will be compatible and harmonious with existing structures in the vicinity.

2-2.27 Dwelling, Two Family (duplex): A detached or semi-detached dwelling designed for or occupied exclusively by two (2) families in two separate dwelling units living independently of each other on a single lot.

2-2.28 Dwelling, Townhouse or Rowhouse: One of a series of three (3) or more attached one-family dwelling units on separate lots which: (1) may or may not have a common roof; (2) shall not have a common exterior wall; (3) are separated from each other by fire resistive party wall partitions extending at least from the lowest floor level to the roof.

2-2.29 Dwelling Unit: One or more rooms in a residential building which are arranged, designed, used or intended for use as living quarters for one family, are physically separated from any other rooms or dwelling unit which may be in the same structure, and contain independent cooking and sleeping facilities.

2-2.30 Family: A family shall be defined to include the following groups of persons and no others:

- 1) Any number of persons related by blood or marriage and living and cooking together as a single housekeeping unit, plus not more than two (2) unrelated roomers, boarders, or domestic servants; or
- 2) Not more than (3) unrelated persons living and cooking together as a single housekeeping unit.

2-2.31 Fast Food Restaurant: Any establishment, building or structure where food or drink are served for consumption, either on or off the premises, by order from or service to persons either over an interior counter, outside the structure or from an outdoor service window or automobile service (drive in) window or by delivery. This definition shall not include otherwise permitted restaurants where outdoor table service is provided to customers in established dining areas.

2-2.32 Flood: A temporary rise of water level in lakes, ponds, rivers, streams, natural drainage courses, artificial drainage courses, or other waterways that results in inundation of areas not ordinarily covered by water.

2-2.33 Flood Hazard Area: Those areas subject to periodic inundation by large floods which occur with calculable flood frequency and subject to flooding which may reasonably be expected to cause damage or hazard of damage sufficient to justify protection therefrom.

2-2.34 Garage: A building or structure used, or intended to be used, for the parking and storage of

motor vehicles (See also Automobile Garage).

- 2-2.35 Group Commercial or Industrial Development: More than one commercial or industrial structure erected on a single lot.
- 2-2.36 Group Residential or Housing Development: More than one residential structure (single family, multi-family, townhouse, or manufactured home) on a single lot.
- 2-2.37 Height of Building: The vertical distance measured from the mean finished ground level adjoining the building to the highest point of the roof.
- 2-2.38 Hotel: An establishment which is open to transient guests, in contradistinction to a boarding, rooming, or lodging house; and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, bellboy service and food service.
- 2-2.39 Industrialized Building: Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities or 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 Buildings Act", Georgia Law 1982 pp 1637-1643 (O.C.G.A. Annotated, Title 8, Chapter 2, Article 2, Part 1).
- 2-2.40 Junk Yard: Any use involving the storage or disassembly of wrecked automobiles, trucks, or other vehicles or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof; the keeping, abandonment, sale or resale of junk including scrap metal, used paper, or other scrap materials, salvaged house wrecking and structural steel materials and equipment, storage, bailing, or otherwise dealing in bones, animal hides, cloth or rags, used plumbing fixtures, appliances, furniture and used brick, wood or other building materials. Such uses shall be considered junk yards whether or not all or part of such operations are conducted inside a building or in conjunction with, in addition to, or accessory to, other uses of the premises.
- 2-2.41 Lot: A piece, parcel, or plat of land which may consist of one or more platted lots in one ownership, occupied or intended to be occupied by one principal building and its accessory building, including the open space required under this Ordinance.
- 2-2.42 Lot Frontage: The distance between the side lot lines measured at the street right-of-way line.
- 2-2.43 Lot Width: The distance between the side lot lines measured at the front building setback line.

2-2.44 Major Street: A street designated as a major street on the Zoning Map.

2-2.45 Manufactured Home: A Structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et seq. The definition at the date of adoption of this part is as follows:

“Manufactured Home: means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained herein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this title.

2-2.46 Mobile Home: A structure, transportable in one or more sections, which, in a traveling mode, is eight body feet or more in width or forty (40) feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating,, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976.

2-2.47 Mobile/Manufactured Home Park: Any plot or tract of land on which two (2) or more mobile homes/manufactured homes are to be located or intended to be located for purposes of residential occupancy.

2-2.48 Modular Home: A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with regulations of either the Southern Building Code Congress International or the Georgia Industrialized Building Act.

2-2.49 Mobile Office: A prefabricated structure designed to be transported on its own wheels, flatbed, trailer, or detachable wheels from place of manufacture or sale and used or intended to be used or occupied for the transaction of business or the rendering of professional services. Such structure arrives at the site ready for occupancy, except for minor installation requirements. (Such Structures are subject to the requirements of Article 6, Section 6-6).

2-2.50 Motel: A building or group of buildings containing apartments and/or rooming units, each of which maintains a separate outside entrance. Such building or group of buildings is

designed, intended, or used primarily for the accommodation of automobile travelers and provides automobile parking conveniently located on the premises.

- 2-2.51 Mini Warehouse: A one story building or series of one story buildings with separate enclosed areas available for rent for the storage of personal goods.
- 2-2.52 Non Conforming Use: The use of a building, structure or land existing at the time of the enactment of this Ordinance or subsequent amendment, which does not conform to the regulations for the district in which it is located (See Article 5, Section 5-1).
- 2-2.53 Nursing Home: Any dwelling in which aged, chronically ill or incurable persons are housed and furnished with meals and nursing care for compensation, but excluding alcoholic patients.
- 2-2.54 Off Street Parking Space: The area required to park one (1) automobile plus the necessary driveways and maneuvering areas (See Article 5, Section 5-2).
- 2-2.55 Off Street Loading Space: The area required to load or unload goods or other materials plus the necessary driveways and maneuvering area (See Article 5, Section 5-3).
- 2-2.56 Open Space: A privately owned area on the grounds of a premises outside of any Principal Building or parking area, that is set aside and intended for the outdoor enjoyment of occupants or visitors to the property, and which may but is not required to include such pedestrian oriented improvements as landscaping, sidewalks, walkway paths, gazebos, bikeways, active recreation facilities or play equipment, and benches and which may further include not more than 20% of its area in water bodies or other areas inappropriate for pedestrian use.
- 2-2.57 Personal Care Home: A building occupied as a permanent primary residence and also occupied by unrelated ambulatory adults who reside there temporarily or long-term and receive services, including room, meals and personal care from the permanent occupants. This term does not include buildings which are devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals or boarding facilities which do not provide personal care.
- 2-2.58 Personal Care: Shall mean protective care and watchful oversight of a resident who needs a watchful environment but who does not have an illness, injury or disability which requires chronic or convalescent care including medical and nursing services. Protective care and watchful oversight includes but is not limited to a daily awareness by the care provider of the resident's functioning, his or her whereabouts, the making and reminding a resident of appointments for medical checkups, the ability and readiness to intervene if a crisis arises for a resident, supervision in areas of nutrition, medication and actual provision of transient medical care, with a 24-hour responsibility for the well-being of the resident.

2-2.59 Planned Unit Development (PUD): A Planned Unit Development (PUD) is defined as a development project comprehensively planned as an entity with an overall site plan which permits flexibility in building site, mixtures of land uses, and the provision of open spaces. All PUD's are subject to the provisions of Article 14, Section 14-3, shall be primarily residential in character, and may include the following:

- (a) Single-family detached dwellings;
- (b) Single-family attached dwellings such as, townhouses, condominiums, and duplexes;
- (c) Multi-family dwellings;
- (d) Public or semi-public institutions such as schools, churches, and community or club facilities;
- (e) Recreational facilities, including swimming pools, golf courses, tennis courts and other recreational facilities intended for the primary use of the residents of the development;
- (f) Open space;
- (g) Commercial, retail, and professional uses subject to the following limitations;
 - (1) The commercial, retail, or professional use is designed to primarily serve the residents of the development;
 - (2) The uses shall not, have adverse affects on the residential uses within the development or in adjacent developments, or create traffic hazards to pedestrian or vehicular traffic;

2-2.60 Public Notice: A notice published once in a newspaper of general circulation in the City of Waynesboro/Burke County, at least 15 days prior to a public hearing concerning proposed changes or amendments to this Ordinance including the maps thereto, setting forth the time, place and purpose of said hearing, shall be deemed a public notice.

2-2.61 Radial Lot: An irregular (pie shaped) lot fronting on a curved street, and which is formed by its side lot line(s) being established along the course of a radius from the axis of the street curve.

- 2-2.62 Restaurant: An establishment where food and drink are prepared to individual order, ordered and served at the table and consumed primarily within the Principal Building, as contrasted to a Fast Food Restaurant.
- 2-2.63 Satellite Dish Antenna: A round, parabolic antenna intended to receive signals from orbiting satellites and other sources. Noncommercial dish antennas are defined as being less than four meters in diameter, while commercial antennas are usually those larger than four meters and typically used by broadcasting stations. Satellite Dish Antennas are subject to the provisions established in Article 17, Section 17-18.
- 2-2.64 Setback Line, Building Set Back Line: A line beyond which no foundation wall, eave, or other part of any building shall project, unless specified exceptions are made elsewhere in these regulations.
- 2-2.65 Shopping Center: Three or more commercial establishments which are planned and developed as a unit and which provide free parking facilities on one lot or contiguous lots.
- 2-2.66 Sign: Any device designed to inform or attract the attention of persons not on the premises on which the device is located. All signs are subject to the provisions established in Article 17, Section 17-8 Sign Regulations.
- 2-2.67 Structure: Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to the following: site built buildings, manufactured homes, mobile homes, industrialized buildings, billboards, swimming pools, advertising signs, satellite dishes, and fall out shelters.
- 2-2.68 Yard: An open or unoccupied space on the same lot with a principal building and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.
- 2-2.69 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 or road right-of-way and the front setback line of the building. For the purposes of determining yard requirements on corner lots and double frontage lots, all sides of a lot adjacent to streets shall be considered as frontage.
- 2-2.70 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.
- 2-2.71 Yard, Side: An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot and extending from the front yard to the rear yard. Any

lot line not a rear or a front line shall be deemed a side line.

2-2-72 Use:

- a. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or
- b. Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

The term "Permitted use" or its equivalent shall not be deemed to include any nonconforming use.

2-2.73 Zone: a portion of the territory of the City of Waynesboro, exclusive of street, alleys, and other public ways, within which certain uses of land, premises and buildings are not permitted and within which certain yards and open spaces are required and certain height limits are established for buildings.

**ARTICLE 3
ESTABLISHMENT OF DISTRICTS**

3-1 Division of Area into Districts:

For the purposes of this Ordinance, the areas shown on the Zoning Map of the City of Waynesboro is divided into districts as follows:

DISTRICT	TITLE
D	Development District
R-1	Residential - Single Family (low density)
R-2	Residential - Single Family (medium density)
R-3	Residential - Multifamily (high density)
C-1	General Commercial
C-2	Highway Oriented/Heavy Commercial
P	Professional
I-1	Industrial, Light
I-2	Industrial, Heavy
FH	Flood Hazard Area

3-2 Zoning Map and District Boundaries:

The boundaries of the districts listed in Section 3-1 above, are hereby established as shown on the map entitled "Official Zoning Map of Waynesboro, Georgia" dated as of the effective date of this ordinance or any subsequent amendments hereto. An official copy of the Zoning Map shall be kept on file in City Hall at the Office of the Building Inspector for public record.

3-3 Rules for Determining Boundaries:

Where reasonable uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the Board of Adjustment shall decide the location of said boundaries, and in so doing shall be guided by the following rules:

1. Where district boundaries are indicated as approximately following the center lines of streams, railroads, streets or highways, or right of way lines, then such center lines shall be construed to be such boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.

ARTICLE 4 APPLICATION OF REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land or use, except as hereinafter provided:

4-1 Zoning Affects Every Building and Use:

No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

4-2 Height and Density:

No building or other structure shall hereafter be created or altered:

1. To exceed the height limits; or
2. To house a greater number of families or occupy a smaller lot area per family or occupy a greater percentage of the lot area or;
3. To have a narrower or smaller rear yard, front yard, side yard, or other open spaces than herein required, or in any other manner be created or altered to be contrary to the provisions of this Ordinance.

See Article 16 - Area, Yard and Height Requirements

4-3 Yard Service to One Building:

No part of a yard or other open space or off street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off street parking or loading space similarly required for any other building.

4-4 One Principal Building to a Lot:

Only one (1) principal building and its customary accessory buildings may hereinafter be erected on a any lot except as otherwise provided by this ordinance.

4-5 Reduction of Lot Area

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that the lot width or depth, front, side, or rear yard, lot area per family or other requirements of this Ordinance, are not maintained. This section shall not apply when a portion of a lot is acquired for public purposes.

See Article 16 - Area, Yard and Height Requirements

4-6 Street Frontage

No principal building shall be erected on any lot which does not have immediate frontage on at least one public street or road for a distance of not less than twenty-five (25) feet, except as otherwise provided by this ordinance.

See Article 16 - Area, Yard and Height Requirements

4-7 Corner Lots:

Corner lots shall be twenty percent (20%) wider than interior lots in order to meet minimum front yard requirements on the sides adjacent to a street.

4-8 Double Frontage Lots

On each double frontage lot, front yard requirements, as stated in **Article 16**, shall be observed for principal and/or accessory buildings on each street (See also Article 17, Section 17-2).

4-9 Inspection of Required Buffers

In the event a screen wall, fence, planted dividing strip or any other type of buffer is required by this Ordinance for any use or is required by the Zoning Board/Planning Commission, such screen, wall et cetera, will be subjected to periodic inspection by the building Inspector to determine that such required walls, fences, etc., are being properly maintained. In the case of landscaping, all planted material shall be maintained in a healthy, growing condition, neat and orderly in appearance. Failure to maintain such required walls, fences etc., to an acceptable standard may be deemed a violation of this Ordinance.

4-10 Sewage, Rubbish and other Liquid and Solid Waste:

No discharge into any private sewage disposal system, into the ground or into any stream of any materials of such nature or temperature as can contaminate any water supply or otherwise create a harmful effect on ground or surface waters shall be allowed except in accordance with county health standards and applicable laws. No garbage, rubbish or other solid wastes shall be stored outdoors or allowed to accumulate in areas that can be viewed from the streets or alleys adjoining the lots for periods in excess of 24 hours. All solid wastes so stored outdoors shall be kept in tightly covered containers. (See also City of Waynesboro Garbage and Junk Ordinance).

ARTICLE 5 GENERAL PROVISIONS

This article is intended to provide for general conditions applicable throughout all districts and to all uses within the City of Waynesboro.

5-1 Continuance of Non-Conforming Uses:

The lawful use of any building or structure or land existing at the time of the enactment or subsequent amendment to this Ordinance may be continued subject to the restrictions contained in this Ordinance even though such use does not conform with the provisions of this Ordinance. If a building permit has been issued prior to the enactment or subsequent amendment of this Ordinance, plans may continue for the establishment of a non-conforming use. The non-conforming structure or use shall not be:

1. Changed to another non-conforming use;
2. Torn down and rebuilt as a non-conforming use;
3. Extended, enlarged, or altered except in conformity with this Ordinance;
4. Re-established after vacancy or discontinuance for one (1) year;
5. Rebuilt, altered, or repaired, except in conformity with this Ordinance, after damage exceeding seventy-five (75) percent of the fair market value of the improvement as determined from the tax records of the City of Waynesboro provided, however, this provision shall not apply to owner-occupied dwellings; or
6. Repaired or altered to an extent exceeding ten (10) percent of the current replacement cost of the building within a period of twelve (12) consecutive months. Work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content of the buildings as it existed at the effective date of this Ordinance shall not be increased, and that the cost and time limits set by this section are not exceeded.

5-2 Off-Street Automobile Parking and Storage:

Off-street automobile parking and storage space shall be provided on every lot on which any of the uses mentioned in this section are hereafter established. Such automobile parking or storage space shall be provided with vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific uses as set forth below.

- (a) Each automobile parking space, along with its necessary maneuvering space, shall have an area of at least three hundred (300) square feet.
- (b) If the required automobile parking or storage space cannot be provided on the same lot on which the principal use is located, the Planning Commission may permit such space to be provided on other off-street property provided such space is within five hundred (500) feet of such principal use. Such spaces shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- (c) All off-street parking and storage space except for single-family residential uses shall be so arranged, designed and of such size that vehicles will not be required to back onto a public street, road, or highway when leaving the premises.
- (d) Off-street automobile parking and storage spaces shall be equal in number to at least the minimum requirements for the specific uses set forth below:
 - 1. Auto Sales and Repair: One (1) space for each one hundred and fifty (150) square feet of auto repair or maintenance space: plus one space per (2) employees.
 - 2. Churches, Synagogues, or Other Places of Worship: One (1) space for each four (4) seats in the main assemble room or sanctuary; or 12 feet of benches or per 30 square feet of usable floor area in the largest assembly room.
 - 3. Filling Stations: Three (3) spaces for each grease rack, service bay, or similar facility, plus one (1) space for each employee on the shift with highest employment;
 - 4. Hospitals, Nursing Homes, Sanitariums, or Similar Institutions: One (1) space for each two (2) beds intended for patients, not including bassinets, plus one (1) space for each three employees on the shift with highest employment;
 - 5. Industries: One (1) space for each three (3) employees on the shift with highest employment;
 - 6. Mortuaries or Funeral Parlors: One (1) space for each four (4) seats in the chapel, one (1) additional space for each two (2) employees, one (1) additional space for each resident family, and one (1) additional space for each funeral vehicle;
 - 7. Motels, Hotels, Tourist Homes, Rooming and Boarding Houses: One (1) space for each room to be let, plus one (1) space for each two (2) employees on the shift with highest employment;

8. Offices, including Banks but excluding Doctor's and Dentist's Offices: One (1) space for each three hundred (300) square feet of gross floor area;
 9. Offices for Doctors and Dentists: Seven (7) spaces for each doctor or dentist; plus one space for each two (2) employees.
 10. Places of Public Assemble, Fraternal Organizations: One (1) space for each four (4) seats of maximum seating capacity in the main assembly room;
 11. Restaurants: One (1) space per one hundred fifty (150) square feet of Gross Floor Area).
 12. Fast Food Restaurants: One (1) space for each fifty (50) square feet of Gross Floor Area.
 13. Residences, Single-Family, Duplex and Multi-Family: Two (2) spaces for each dwelling unit;
 14. Retail and Service Businesses: One (1) space for each three hundred (300) square feet of sales floor area;
 15. Schools, Elementary, Junior High, and Middle Schools: One (1) space for each classroom and administrative office; plus one additional space for each six (6) seats in the largest assembly area or room.
 16. Schools, Senior High, Business, and Vocational Schools: One (1) space for each classroom and administrative office; plus one space for every 4 students in High School and one space per student in business or vocational/technical school.
 17. Shopping Centers: One (1) space for each one hundred and fifty (150) square feet of gross floor area;
 18. Wholesaling and Warehousing: One (1) space for each three (3) employees on the shift with the highest employment; plus one space for each 200 square feet of selling area.
- (e) Restriction on use of required parking: The required off street parking shall be for employees, occupants, customers, clients and visitors and shall be limited in use to temporary parking of motor vehicles with current license plates. The storage or parking of merchandise or motor vehicles for sale, the servicing or repairing of vehicles or equipment and regular truck loading and unloading thereon is prohibited.

- (f) Administrative variation of parking requirements: The number of parking spaces required by this section may be increased or decreased upon approval by the Director based on the actual use of the Property.

5-3 Off-Street Loading and Unloading Space:

In any district and on the same premises with every building, structure or part thereof erected and occupied for manufacturing, storage, warehousing, retail selling, wholesaling, hospital, funeral home or other uses which in the opinion of the building inspector involve the receipt and/or distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading or unloading service adjacent to the space or opening used for loading and unloading in order to avoid undue interference with public use of the streets or alleys.

Each loading space provided shall be an area twelve (12) feet by forty-five (45) feet with a fourteen (14) foot height clearance where uses require trailer-truck loading or ten (10) feet by twenty-five (25) feet with a height clearance of fourteen (14) feet for uses not requiring trailer truck loading.

A sufficient number of loading spaces shall be provided as follows:

TOTAL FLOOR AREA OF USE IN SQUARE FEET	# OF LOADING SPACES REQUIRED
Less than 100,000	1 Space per 20,000 sq. feet of Total Floor Area
100,000 to 500,000	5 Spaces plus 1 space per 40,000 square feet in excess of 100,000 square feet of Total Floor Area
Over 500,000	15 Spaces plus 1 space per 80,000 square feet in excess of 500,000 square feet of Total Floor Area

5-4 Determination of Unclassified/Unlisted Uses:

It is not the intent of these regulations to prohibit any valid use of land or structures where it can be shown that such use is essential or desirable to the public convenience or welfare and is in harmony with the objectives and elements of the city's development plan.

When such a use (uses) is not specified as a permitted use in any zoning district, the Planning

Commission shall determine the appropriate zoning district (districts) in which such use may be located.

In the event an applicant wishes to use property for a use which is not specifically identified under the Table of Uses or Conditional Uses and where such use is not specifically prohibited from the district, the following provisions shall apply:

- (1) The building official shall submit to the Planning Commission written request for a determination of the unclassified use.
- (2) The Planning Commission shall review the request as submitted and determine if the proposed use is of a similar character to the district in which it is proposed.
- (3) If the Planning Commission determines that the use is of a similar character and meets the intent of the uses permitted inherently within the district, then they shall instruct the building official to issue a permit.
- (4) In the event that the Planning Commission determines that the proposed use in the district is consistent with the character and intent of the conditional uses within the district, then the applicant shall apply for a conditional use permit in the normal manner.
- (5) In no event shall the provisions of this section be used to allow an incompatible use or a use specifically prohibited by this resolution within a certain district.
- (6) Once a use has been allowed or disallowed by the Planning commission, it shall then be considered classified under the appropriate category in the district.

5-6 Flood Hazard, Drainage and Storm Water Control Provisions:

All development is subject to review for compliance with Article 15 of this ordinance.

ARTICLE 6
PROVISIONS FOR MANUFACTURED HOUSING

6-1. Manufactured Homes as Single-Family Dwellings

- A. Intent: It is the intent of this ordinance to encourage the provision of affordable housing in a general residential environment by permitting the use of Manufactured Homes meeting the definition of Dwelling, Single-Family as defined herein, in all residential districts in which similar dwellings constructed on the site are permitted, subject to the requirements and procedures set forth herein to assure similarity in exterior appearance between such residentially designed Manufactured Homes and dwellings which have been constructed under these and other lawful regulations on adjacent lots in the same district, zoning classification or general area.

Manufactured Homes meeting the definition of Dwelling, Single-Family (Article 2, Section 2-2.25), either individually or by specific model, shall be permitted in residential districts subject to the requirements and limitations set forth in this Ordinance which are applicable to Manufactured Homes and the requirements and limitations applying generally to residential use in such zoning classifications or districts, including minimum lots, yard and building spacing, percentage of lot coverage, off-street parking requirements and approved foundations as described herein.

- B. Permitted Locations: Manufactured Homes which meet the definition and standards established in Article 2, Section 2-2.25 and Article 6, Section 6-1 C, as follows, shall be allowed in **all residential districts**.
- C. Compatibility Standards for Manufactured Homes meeting the definition of Dwelling, Single-Family are as follows:
- (1) Manufactured Homes qualifying as Dwelling, Single-Family shall be compared to site built and other housing in the immediate general area within the same zoning or residential district or area. Approval shall be granted upon the finding, that the Manufactured Home is substantially similar in size, siding material, roof material, foundation and general aesthetic appearance to: (i) site-built or other forms of housing which may be permitted in the same general area under this Ordinance or (ii) existing development or (iii) proposed development in the same zoning district or area.
 - (2) All towing devices, wheels, axles and hitches must be removed.
 - (3) At each exit door there must be a landing that is a minimum of 6 feet (length) by 4 feet (width).

62. Other Manufactured Homes and Mobile Homes

- A Intent: It is the further intent of this Ordinance to permit the use of manufactured housing not meeting the definition of dwelling, single-family as hereinabove set out in certain residential districts further subject to the requirements and procedures set forth in this Ordinance.
- B Permitted Locations: Manufactured Homes which do not meet the definition of dwelling, single-family or which do not conform to the standards established in Section 6-1 C, shall be permitted within areas designated Residential R-3, and in Mobile Home Parks, provided that each home complies with the district standards in which it is located.
- C Compatibility standards for placement of manufactured homes not meeting the definition of dwelling, single-family or which do not conform to the standards established in Article 6, Section 6-1 C are required to meet to the following minimum standards:
- (1) Structure must be connected to the water and sewerage system (including well and septic tank, if applicable) approved by the County Health Department.
 - (2) In the event minimum installation standards have not been adopted by the State of Georgia, the structure must be installed according to the manufacturer's installation instructions when available or Appendix "H" of the Standard Building Code.
 - (3) The area beneath each such structure must be enclosed with materials manufactured for such purposes, including but not limited to brick, concrete, rock or other materials which have been approved by the building inspector. In addition, all towing devices, wheels, axles and hitches must be removed in areas designated R-3 Residential.
 - (4) The standards set out in this Section 6-2 C, are not applicable and shall not be applied to Manufactured Homes, other manufactured homes or Mobile Homes when located in a Manufactured Home rental community or park or Mobile Home rental community or park. All manufactured home communities are subject to the requirements of Article 14, Section 14-2.
- D. Each newly installed manufactured home or mobile home in the City of Waynesboro shall conform to the minimum construction standards required by the U.S. Department of Housing and Urban Development before said manufactured or mobile home is entitled to receive any utility service to said home. It is the intent of this section of this Ordinance to prohibit moving mobile homes into Waynesboro that do not conform to the applicable construction standards established in the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, et seq. To that end, no mobile home shall be allowed to locate for permanent or temporary occupancy in this City unless that manufactured home or mobile home complies with the minimum construction standards required by the U.S. Department of Housing and Urban Development. Provided, however, that any mobile home that is located

in Waynesboro at the time of the passage of this Ordinance shall not be affected by the passage of this Ordinance regarding construction standards. Said existing mobile home shall be relocatable in Waynesboro subject to the inspection of the mobile home to ensure that said mobile home meets the minimum standards under which it was constructed and that it meets the zoning regulations of the area in which it is to be relocated. Said inspection shall be conducted by the Building Inspector or in lieu thereof, tests are to be certified and documented by persons holding current licenses issued by the Georgia State Licensing Board to ensure that the plumbing, electrical and heating systems are safe and adequate and that said mobile home is habitable.

6-3. Located Only on Individual, Separate Lots

No mobile home/manufactured home shall be located on any lot, parcel or tract of land occupied by any other dwelling unit or mobile home/manufactured home. Only one mobile home/manufactured home shall be located on each individual lot, parcel or tract, except in an approved mobile home park/manufactured housing community, which are subject to the provisions of Article 14, Section 14-2 of this ordinance.

6-4. Temporary Occupancy

A mobile home/manufactured home or travel trailer may be placed on a lot occupied by a permanent building, where it is necessary to provide for the preparation of the construction site, the completion of a construction project, or the care of a sick or infirm resident on that lot. A special permit authorizing temporary occupancy shall be required. Such a temporary permit shall be issued for a period not exceeding one year.

6-5. Procedures for Approval of Manufactured Homes Classified as Dwelling, Single-Family, Other Manufactured Homes and Mobiles Homes.

- A. Applications for approval of placement of Manufactured Homes or Mobile Homes shall be made on a form or forms developed for that purpose and shall be submitted to the Building Inspector for review and approval in accordance with this Ordinance.
- B. Such applications shall include all information necessary to make determinations as to conformity with the provisions of this Ordinance as applicable to each such Structure and, as applicable, conformity with the standards herein, including photographs or renderings of the front and side of the Manufactured Home or Mobile Home exterior finish, and other information necessary to make determinations required by this Ordinance.
- C. Approval or denial of the application shall be within five days of receipt of the application and all required materials. The applicant shall be notified in writing of the approval, conditional approval or denial of the application within five (5) working days after such decision is made. Conditional approval shall require that the conditions and reasons therefore be stated in writing and be agreed to by the applicant; such conditions shall be

binding upon the applicant. In the case of disapproval, the reasons therefore shall be stated in writing.

6-6. Mobile Offices:

The following requirements shall apply to the use and placement of mobile offices:

Mobile homes equipped, designed and/or used on separate, individual lots as permanent offices or other commercial or industrial purposes may be permitted in zoning districts **C-2 and I-1 Districts**, provided that the site and placement of the mobile office conforms to the requirements for commercial structures in the zone in which located and permitted and complies with all the requirements of this Code.

6-6.1 Minimum Requirements for Mobile Offices:

Mobile offices or sales areas shall fully comply with the zoning district requirements for lot size, setbacks and other restrictions applicable to permanent commercial or industrial structures as well as the provisions of these regulations. In all respects, mobile offices shall be considered permanent structures and as such subject to any applicable building codes.

Mobile offices shall be provided with the following improvements to the site and lot:

- A. Individual connection to the city's water, sewerage and electrical systems.
- B. The chassis of each mobile office shall be supported by and firmly anchored to a permanent concrete block or brick foundation properly closed and vented.
- C. Each mobile office lot shall contain parking spaces as required by the zoning regulations for similar or like uses.
- D. All wheels, axles, and towing devices must be removed.

ARTICLE 7 CONDITIONAL USES

7-1 Conditional Uses

This Ordinance provides for a number of uses to be located by right in each general purpose zoning district subject to the use meeting certain area, height, yard requirements. In addition to these uses, the Ordinance allows some uses in districts subject to the issuance of a Conditional Use Permit. The purpose of having such "conditional uses" is to insure that they will be compatible with surrounding development in keeping with the purpose of the general zoning district in which they are located.

After the review and recommendation of the Planning Commission, the City of Waynesboro Zoning Board of Adjustment shall approve or disapprove a Conditional Use Permit, which may contain fair and reasonable conditions upon which the permit is predicated.

Those uses for which a Conditional Use Permit is required, as well as the procedures for seeking and securing a Conditional Use Permit are outlined in this Chapter.

7-2 Procedures

The procedures for securing a Conditional Use Permit shall be as follows:

- A. A completed application and associated fee of \$100.00 for a Conditional Use Permit shall be filed with the Building Inspector of the City of Waynesboro. Said application shall be in the form of a letter requesting such a use and shall be accompanied by a plot plan of the lot drawn to an accurate scale and showing the proposed uses of land and buildings, parking, loading, building line setbacks, and such other information as may be required for review and decision.
- B. The Building Inspector shall present the application to the Planning Commission at the next regularly scheduled meeting, for review and recommendation. The Planning Commission shall have a maximum of forty-five (45) days from the date at which it received the application to review the application and submit its recommendation to the Zoning Board of Adjustment.

7-5 Planning Commission Consideration of Use Effect

The planning commission shall make a determination regarding the effect of a conditional use or building upon the character of the neighborhood in which it is proposed for location, the traffic conditions, public utility facilities and other matters pertaining to the public health, safety, and general welfare.

The planning commission will consider the following guidelines in making any Conditional Use Permit Recommendations to the Board of Zoning Appeals.

- a. the effect of the proposed activity on traffic flow along the joining streets;
- b. the location of off street parking facilities;
- c. the number, size and type of signs proposed for the site;
- d. the amount and location of open space;
- e. protective screening and buffers;
- f. hours and manner of operation of the proposed use;
- g. outdoor lighting requirements;
- h. ingress and egress to the property;
- i. compatibility with the surrounding land uses.

7-4 Public Hearing Required:

As a part of its consideration and recommendation the Planning Commission shall hold a public hearing on each application for a conditional use permit. Notice of the time, place, and purpose of the hearing shall be published in the newspaper at least fifteen (15) days but not greater than 45 days prior to the scheduled date of the hearing. Said advertisement shall be in the same newspaper in which all legal advertisements of the City are published.

7-5 Conditional Use Restrictions:

In addition to the conditional use requirements provided in this Article and in individual district regulations, additional regulations may be deemed necessary by the Planning Commission to permit the proposed use to be in harmony with the existing development may be required, and the Planning Commission may require as part of its recommendation for approval, certain other performance or design considerations including but not limited to the following:

- a. Planted or screened buffers to reduce adverse or potentially adverse effects on adjoining properties.
- b. The location, design or limitation of street access ways, parking areas, and loading docks.

- c. The rearrangement of structures on the development site
- d. Increases in maximum building height
- e. Increases in the district requirements for lot size and building line setbacks, but not a reduction of these requirements.
- f. Limitations on the hours of business operation when it can be shown that a proposed operation at times would cause an adverse effect on adjoining, existing uses.
- g. Specified distances from existing residential, public or institutional developments.

In no case, however, shall any conditional use be exempt from meeting the minimum lot and structure requirements required in this article or of the district in which the proposed use is to be located.

7-6 Board of Zoning Appeals and Adjustments:

The Board of Zoning Appeals and Adjustments shall issue a Conditional Use Permit only after having evaluated the application and the Planning Commission Recommendations including comments of the public hearing.

7-6 Conditional Use Permit:

Upon the Board of Zoning Appeals and Adjustment's approval of all plans, including any additional restrictions or modifications as may be required, the Building Inspector shall issue a Conditional Use Permit which shall authorize the applicant to apply for a Building Permit. The Building inspector shall be responsible for enforcing the provisions of the Conditional Use Permit and for determining whether or not a Building Permit is to be issued.

7-7 Conditional Uses:

Conditional Uses of land and structures include but are not limited to the following and similar uses as determined upon review by the Planning commission in Accordance with Article 5, Section 5-4. All such uses require the approval of the Zoning Board of Adjustments and the issuance of a Conditional Use Permit in accordance with the provisions of this article.

Such permit will be granted where such uses are deemed, upon review by the planning commission, as essential or desirable to the public convenience or welfare and are in harmony with the various elements or objectives of the Future Land Use Plan.

- 1. Public and Private schools offering general educational courses; including colleges and universities.

2. Vocational/Technical Schools
3. Churches and other places of worship, including Sunday school and education buildings;
4. Schools for the handicapped
5. Buildings used by federal, state, county or city governments;
6. **IN RESIDENTIAL ZONES:** Public utilities, distribution lines, transformer stations, water tanks and towers, and telephone exchanges. All district yard requirements must be met and all such uses must be suitably screened against light, fumes, noise or unsightliness, protected against becoming "attractive nuisances", and designed so as not to cause interference with radio and television reception;
7. Rest homes, convalescent homes, nursing homes, personal care homes, orphanages, sanitariums, and hospitals provided that no such facility shall have a lot area of less than five acres and no building in connection with such facility shall be closer than fifty (50) feet from the lot line.
8. Day Care/Day Nurseries, Kindergartens

All Day Care Centers/Day Nurseries and Kindergartens shall comply with the following minimum standards:

- a. A fenced play area of no less than one hundred (100) square feet shall be provided for each child. No play area shall be closer than twenty (20) feet to any residential lot line.
 - b. A solid wall, or vegetative screening which furnishes equal protection against noise, shall be provided when determined by the Building Inspector to be appropriate;
 - c. Facilities, operation and maintenance shall meet all requirements of the Burke County Health Department and the Georgia Department of Human Resources, Division of Community Services.
 - d. An area adequate for loading and unloading children to be accommodated shall be provided and such area shall not be located within any public right-of-way.
9. Cemeteries.

All cemeteries which are adjacent to lots which are zoned or used for residential purposes shall comply with the following standard;

No cemetery plots or other facilities for the burial of the dead shall be closer than fifty (50) feet from the property line of a lot zoned or used for residential purposes.

10. Clubs, Lodges, Fraternal and Social Organizations
11. Funeral Homes in Residential Zones
12. Parks, public and semi public areas for games and sport, country clubs, recreation or neighborhood buildings not operated for profit in Residential Zones, subject to Article 17, Section 17-11.
13. Group Residential Developments in Commercial or Industrial Zones.
14. Communication Towers in C-1 and C-2 Districts.
15. Residential Housing in Commercial and Professional Districts. (Added July 19, 2004)

ARTICLE 8
USE REQUIREMENTS FOR DEVELOPMENT DISTRICT (D)

8-1 Purpose

To establish a district on the fringe of urban growth where the predominant character of development has not yet been fully established, but where the current characteristics of use are predominantly residential and agricultural. As urban growth continues, demand will grow for amendments to remove land from the Development District and place it in more intensely developed zones, but the intent is to reserve the bulk of the land for low density residential uses.

8-2 Permitted Uses:

- a) See Table of Permitted Uses - Article 13
- b) Agriculture, horticulture, animal husbandry (excluding feed lots, hog operations, dairy farming, and commercial chicken operations), forestry, and similar agriculturally-related uses;
- c) Retail activities associated with agricultural uses, including sales of farm products on the premises, sales of plants at greenhouses and nurseries, and stands or shelters for the sale or display of seasonal agricultural produce, provided that all setback and yard requirements are met and at least four (4) off street parking spaces are provided and suitably maintained.
- d) Single Family Dwellings
- e) Manufactured Homes on individual lots provided they meet the requirements of Article 6 and the Minimum lot and Structure Requirements for the Development (D) zone, established in Article 16.
- f) Group Residential/Housing Developments (as defined in Article 2) subject to the requirements of Article 14.
- g) Mobile/Manufactured Housing Parks (as defined in Article 2) subject to the provision of Article 14.
- h) Accessory buildings and uses of structures customarily incidental to any permitted use, including buildings used for agricultural purposes, provided such structures shall not be less than five (5) feet from any property line;
- i) Customary Home Occupations as defined in Article 2 and subject to the provision

established in Article 17, Section 17-19.1

- j) Signs, subject to the provision of Article 17 Section 17-8.
- k) Satellite Dish Antennas, subject to the Provisions of Article 17, Section 17-18.
- l) Conditional Uses as provided in Article 7.

ARTICLE 9
USE REQUIREMENTS FOR RESIDENTIAL DISTRICTS

General Purpose - Residential Districts: To establish residential districts and to protect property in the districts from the depreciating effects of incompatible land uses. Residential uses are intended to be the primary use within each district. Certain structures and uses necessary to serve governmental, educational, religious, noncommercial, recreational, and other such needs are permitted either outright or as conditional uses, subject to restrictions intended to preserve and protect the residential character of the districts.

9-1 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT (LOW DENSITY)

9-1.1 Purpose: To establish a low density, single family residential district and to protect property in the district from the depreciating effects of incompatible land uses.

9-1.2 Permitted Uses:

- a) See Table of Permitted Uses - Article 13
- b) Single Family Dwellings
- c) Accessory building and uses of structures customarily incidental to any permitted use, including buildings used for agricultural purposes, provided such structures shall not be less than five (5) feet from any property line;
- d) Signs, subject to the provisions of Article 17, Section 17-8
- e) Satellite Dishes, subject to the Provisions of Article 17, Section 17-18.1
- f) Conditional Uses as provided in Article 7.
- g) Yard Sales - provided that not more than two (2), lasting no more than three (3) days per time, are conducted at a single address during a calendar year.
- h) Parks, public and semi public grounds for games and sports, country clubs, recreational and community centers or neighborhood buildings, not operated for profit, subject to the requirements of Article 17, Section 17-11.
- i) Conditional Uses as provided in Article 7.

9-2 R-2 SINGLE FAMILY RESIDENTIAL DISTRICT (MEDIUM DENSITY)

9-2.1 Purpose: To establish a **medium density** single family dwelling residential district and to protect property in the district from the depreciating effects of incompatible land uses.

9-2.2 Permitted Uses:

- a) See Table of Permitted Uses - Article 13
- b) All uses permitted in R-1 Residential Districts
- c) Customary Home Occupations as defined in Article 2 and subject to the provision established in Article 17, Section 17-19.
- d) Bed and Breakfast Facilities
- e) Conditional Uses as provided in Article 7.

9-3 R-3 RESIDENTIAL DISTRICT (MULTI-FAMILY) HIGH DENSITY

9-3.1 Purpose: To establish a **medium to high density** residential district and to protect property in the district from the depreciating effects of incompatible land uses.

9-3.2 Permitted Uses:

- a) See Table of Permitted Uses - Article 13
- b) Any use permitted in an R-2 Single Family District
- c) Two-Family Dwellings
- d) Multi-Family Dwellings (Duplexes)
- e) Town Homes
- f) Group Residential Developments, as defined in Article 2, including single family, two family, and multi family residences, mobile home/manufactured housing parks, subject to the provisions of Article 14.
- g) Manufactured/Mobile Homes on individual lots provided they meet the requirements of Article 6 and the Minimum lot and Structure Requirements for the R-3 zone, established in Article 16.

- h) Central laundry or sanitation facilities accessory to a mobile home park, apartment complex, or other residential group development.
- i) Bed and Breakfast Facilities
- j) Conditional Uses as provided in Article 7

ARTICLE 10
USE REQUIREMENTS FOR COMMERCIAL DISTRICTS

General Purpose:

Commercial districts should have access from major traffic arteries, however, it is not the intent of this Ordinance to encourage the development of long, narrow strips of commercial development fronting on major arteries, often referred to as "strip commercial" areas. Strip commercial development leads to the eventual formation of commercial slums, damages the traffic carrying capacity of streets, increases congestion, is often incompatible with adjacent residential areas, encourages undue scattering of commercial facilities to the inconvenience of the public, and creates disproportionate costs in the provision of governmental services. Extensions of commercial zoning via amendments to this Ordinance should be made principally for the provision of planned, unified commercial areas, and not in such a way that strip commercial areas are encouraged. Extension of commercial zoning should only be made after careful consideration of compatibility with adjacent use and whether or not other land is available which is already zoned for commercial use.

10-1 C-1 COMMERCIAL DISTRICT (GENERAL COMMERCIAL)

10-1.1 Purpose: This district is intended to be a general commercial zone to provide a wide variety of commercial facilities serving a large market area.

10-1.2 Permitted Uses: (See Table of Permitted Uses - Article 13)

- a) In general permitted commercial uses include, but are not limited to convenience food stores, book stores, drug stores, news stands, general merchandise convenience stores, gift shops, barber and beauty shops, shoe repair shops, laundry and dry cleaning pickup station (without laundry or cleaning plant) self service laundry and dry cleaning establishments; branch banks or post office, medical and dental clinics.
- b) All uses permitted in the (P) Professional District
- c) Financial institutions;
- d) General retail establishments, including those dealing in secondhand merchandise, automobiles, or used automotive equipment and supplies, including yards for storage of new building materials, but excluding yards for storage or display of any scrap or salvaged operations.
- e) Personal service establishments;
- f) Eating and drinking establishments; including drive in restaurants.

- g) Commercial recreational uses such as theaters, bowling alleys, pool rooms, miniature golf courses, driving ranges, swimming areas, and the like; subject to the provisions of Article 17, Section 17-11;
- h) Parks, public and semi-public grounds for games and sports, county clubs, recreational and community centers or neighborhood buildings, subject to the provisions of Article 17, Section 17-11;
- i) Motels and hotels;
- j) Funeral homes;
- k) Service and repair establishments including automobile service stations and repair garages, and automobile washing establishments that dispense gasoline; subject to the provisions of Article 17, Section 17-14;
- l) Commercial parking facilities;
- m) Public utilities and utility substations water tanks, towers and telephone exchanges, including grounds for materials and equipment. All district yard requirements must be met and all such uses must be screened against light, fumes, noise or unsightliness, protected against becoming "attractive nuisances" and designed so as not to cause interference with radio or television reception.
- n) Signs, subject to the provisions of Article 17, Section 17-8;
- o) Accessory buildings and uses of structures customarily incidental to any permitted use, provided such structures shall not be less than five (5) feet from any property line;
- p) Private heliports;
- q) Cold storage and freezer locker facilities;
- r) Retail or wholesale business outlets operated as part of a manufacturing establishment, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation, and provided that the outlet is incidental to the operation;
- s) Private recreational facilities, provided such facilities are incidental to a permitted use and located on the same premises subject to the provisions of Article 17, Section 17-11;

- t) Public facilities, including all facilities, structures, or uses associated therewith;
- u) Commercial establishments;
- v) Commercial Group Developments and Residential Group Developments excluding Mobile Home Parks, and subject to the provisions of Article 14.
- w) Veterinary clinics, provided that all animals shall be kept inside enclosed **air conditioned** buildings;
- x) Conditional Uses, Subject to the provisions of Article 7.

10-2 C-2 COMMERCIAL DISTRICT (HIGHWAY ORIENTED)

10-2.1 Purpose: This district is intended to be a heavy commercial zone to provide a wide variety of commercial facilities, areas for wholesaling and distribution uses, commercial uses needing access to major streets, and commercial uses utilizing large sites, as well as the coordinated development of high-density group residential uses.

10-2.2 Permitted Uses:

- a) All uses permitted in the C-1 General Commercial District.
- b) Signs, subject to the provisions of Article 17, Section 17-8;
- c) Radio and television stations;
- d) Accessory buildings and uses of structures customarily incidental to any permitted use, provided such structures shall not be less than five (5) feet from any property line;
- e) Hospitals, sanitariums, rest homes, convalescent homes, nursing homes, and orphanages, provided that no such facility shall have a lot area of less than five (5) acres, and no building in connection with such facility shall be closer than fifty (50) feet from the lot lines;
- f) Commercial group developments and residential group developments, subject to the provisions of Article 14;
- g) Wholesaling, warehousing, bulk storage, supply, and distributing operations;
- g) Truck and bus terminals, freight and passenger terminals;

- h) Mobile home sales lots, new farm equipment sales lots, boat sales lots, other lots for the sale of large items which cannot reasonably be stored indoors, but excluding the display of scrap, salvaged, or second-hand products;
- i) Cold storage and freezer locker facilities;
- j) Central laundry or sanitation facilities accessory to mobile home parks, apartment complexes, or other residential group developments.
- k) Distributors of gasoline, fuel oil, agricultural chemicals and fertilizers, and liquified petroleum gases.
- l) Conditional uses subject to the provisions of Article 7.

ARTICLE 11
USE REQUIREMENTS FOR PROFESSIONAL DISTRICT

11-1 Purpose

This district is intended to provide areas for professional uses and related uses such as prescription shops and optical sales, and to complement the character of adjacent districts. This district is not intended to accommodate general and heavy/highway oriented commercial uses or residential uses.

11-2 Permitted Uses

- a) Physicians, lawyers, accountants, engineers, architects and similar professional occupations, excluding veterinarians;
- c) Offices of services not involving resident human or animal patients, including medical, dental and other human health services, governmental, civic, social, welfare and charitable services.
- d) Offices of business services, *excluding* stock, sales, rental of retail goods or warehousing, maintenance, rental sales and storage of vehicles, bulky supplies, and equipment, but *including* finance, credit, insurance, real estate, and legal services.
- e) Businesses commercial and retail which are incidental to the above professional practices, e.g. prescription shops, pharmacies and optical sales.
- f) Tailors, dressmakers and millinery shops;
- g) Accessory buildings and uses of structures customarily incidental to any permitted use, provided such structures are located in the rear yard and not less than five (5) feet from any property line;
- h) Bed and Breakfast Facilities
- i) Conditional Uses as provided in Article 7.

ARTICLE 12 USE REQUIREMENTS FOR INDUSTRIAL DISTRICTS

General Purpose: The industrial districts established in this ordinance are designed to promote and protect public health, safety and general welfare. The general goal of such districts is to provide sufficient space, in appropriate locations to meet the needs of the City's expected future economy for all types of manufacturing and related activities, with due allowance for the need for a choice of sites. In addition such districts are designed to protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of manufacturing and related activities, by restricting those manufacturing activities which involve danger of fire, explosions, toxic and noxious matter, radiation and other hazards, or create offensive noise, vibration, smoke and other particular matter, odorous matter, heat humidity, glare and other objectionable influences to those limited areas for which such protection is appropriate. In addition these regulations are designed to protect manufacturing and related development against congestion, as far as is possible and appropriate in each area by limiting the bulk of building in relation to the land around them and to one another, and by providing space off public streets for parking and loading facilities associated with such activities.

12-1 I-1 Industrial District (Light Industrial)

12-1.1 Purpose: This district is intended to provide areas for light industrial uses and related uses such as wholesaling, warehousing, and storage, and to protect adjacent districts from potentially harmful effects. This district is not intended to accommodate general commercial uses or residential uses.

12-1.2 Permitted Uses:

- a) Light manufacturing operations including predominately indoor industrial activities involving only those operations generating no significant particular or gaseous emissions which could create harmful or unpleasant effects outside the immediate area of activity, including operations such as assembly, binding, engraving, fabricating, freezing, optical goods, grinding, packaging, printing, physical processing, research, storage or testing of previously manufactured components or previously prepared materials.
- b) Wholesaling, warehousing, bulk storage, supply, and distribution operations;
- c) Truck and bus terminals;
- d) Business offices associated with, and secondary to, individual industrial uses within the district;

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- e) Junk yards, salvage yards, scrap yards, and second-hand materials operations, including processing, display, and sale thereof;
- f) Automotive repair garages;
- g) Laundry and dry cleaning processing plants;
- h) Trade schools and technical schools engaging in activities of an industrial nature;
- i) Lumber and building supply yards, offices, yards for storage of contractors, equipment and supplies, outdoor storage of material, supplies, or equipment;
- j) Scientific, technical, and medical laboratories, and research facilities;
- k) Radio and television stations; including communication towers.
- l) Veterinary clinics, kennels, and animal hospitals;
- m) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, forestry, wild crop harvesting, vineyards, and orchards;
- n) Accessory buildings and uses of structures customarily incidental to any permitted use, provided such structures shall not be less than five (5) feet from any property line;
- o) Commercial group developments, subject to the provisions of Article 14;
- p) Signs, subject to the provisions of Article 17, Section 17-8;
- q) Coal yards;
- r) Distributors of gasoline, fuel oil, agricultural chemicals and fertilizers, and liquified petroleum gases;
- s) Public or private primary or secondary schools.
- t) Conditional uses as provided in Article 7.

12-2 I-2 INDUSTRIAL DISTRICT (HEAVY INDUSTRIAL)

12-2.1 Purpose: This district is intended to provide areas for basic and heavy industrial and related

uses, to encourage the proper design, placement, and grouping of industrial uses, and to protect adjacent districts from potentially harmful effects. This district is not intended to accommodate general commercial uses or residential uses.

12.2 Permitted Uses:

- a) All uses permitted in the I-1 Zone
- b) Manufacturing plants, processing plants, and industrial uses which would not produce excessive noise, vibration, smoke or particulate matter in the atmosphere, offensive odors, excessive levels of toxic or noxious matter in the atmosphere or in water bodies, dangerous levels of radiation, hazards of fire or explosion, excessive heat, humidity, or glare, or electromagnetic interference, or other similar conditions which would be incompatible with adjacent development outside of the Heavy Industrial District in which the use is located;
- c) Warehousing, wholesaling, bulk storage, supply, and distribution;
- d) Public utilities, including all facilities, structures, or uses associated therewith;
- e) Truck terminals;
- f) Business offices associated with, and secondary to, individual industrial uses within the district;
- g) Junk yards, salvage yards, scrap yards, and second-hand materials operations, including processing, display, and sale thereof;
- h) Laundry and dry cleaning processing plants;
- i) Automotive repair garages;
- j) Trade schools and technical schools engaging in activities of an industrial nature;
- k) Lumber and building supply yards, offices, yards for storage of contractors, equipment and supplies, outdoor storage of materials, supplies, or equipment;
- l) Scientific, technical, and medical laboratories, and research facilities;
- m) Radio and television station; including communication towers
- n) Veterinary clinics, kennels, and animal hospitals'

- o) Buildings used by Federal, State, County, or City governments;
- p) Private heliports.
- q) Signs, subject to the provisions of Article 17, Section 17-8;
- r) Agricultural uses, such as general farming, truck farming, pasture, grazing, outdoor plant nurseries, horticulture, forestry, wild crop harvesting, vineyards, and orchards;
- s) Accessory buildings and uses of structures customarily incidental to any permitted uses, provided such structures shall not be less than five (5) feet from any property line;
- t) Distributors of gasoline, fuel oil, agricultural chemicals and fertilizers, and liquefied petroleum gases.
- u) Industrial Group Developments, subject to the provisions of Article 14;
- v) Single-family or two-family dwellings for watchmen or caretakers, provided that such a dwelling is located on the premises of a permitted uses, and provided the head of the household is employed by the industry as a watchman or caretaker;
- w) Retail or wholesale business outlets operated as part of a manufacturing establishment;
- x) Coal yards.
- y) Fairgrounds.
- z) Conditional Uses as provided in Article 7.

**ARTICLE 13
TABLE OF PERMITTED USES**

TABLE OF PERMITTED USES

The following uses are subject to the applicable provisions of the district in which they fall, unless specified otherwise:

- P = PERMITTED USE
- CU = CONDITIONAL USE (PERMIT REQUIRED)
- X = PROHIBITED IN THAT DISTRICT

13-1 TABLE OF USES IN RESIDENTIAL ZONES

USE	D	R-1	R-2	R-3
Single Family Dwellings	P	P	P	P
Two Family Dwellings	X	X	X	P
Multi Family Dwellings	X	X	X	P
Agricultural pursuits including field crop farming and forestry but excluding poultry houses, dairies, ranges, and feedlots for the commercial sale of meat or eggs	P	x	x	x
Accessory Uses, customary and incidental to a permitted use, provided they are located in either the side or rear yard and not closer than 5 feet to any lot line.	P	P	P	P
Non Commercial Agricultural Pursuits (ie: Gardens, Private Greenhouses)	P	P	P	P
Bed and Breakfast Inns	CU	X	P	P
Boarders: The keeping of not more than 2 non-transient boarders or roomers by a family.	P	P	P	P
Cemeteries	CU	CU	CU	CU
Child Care Centers or Day Nurseries or Day Care Centers	CU	CU	CU	CU
Churches and other places of worship	CU	CU	CU	CU
Communication Towers	CU	X	X	X
Government Buildings	CU	CU	CU	CU
Group Residential Housing Developments, subject to Article 16, Section 16-19.1	P	X	X	P
USE	D	R-1	R-2	R-3
Home Occupations, subject to the requirements of Article 16, Section 16-19.1	P	X	P	P

Manufactured Homes on individual lots, Subject to Article 6 and Article 15	P	x	x	P
Mobile home/manufactured home parks, subject to Article 13	P	x	X	P
Nursing Homes, Personal Care Homes, Hospitals and sanitariums	CU	CU	CU	CU
Parks - public and semi public areas for games and sport, country clubs, recreation or neighborhood buildings, not operated for profit in residential zones, subject to Article 16, Section 16-11	CU	CU	CU	CU
Public Elementary Schools and High Schools or private schools offering general education courses;	X	CU	CU	CU
Public Utilities and Distribution Facilities	CU	CU	CU	CU
Private Recreation Facilities	P	P	P	P
Retail activities associated with agricultural uses	P	X	X	X
Rest Homes, Personal Care Homes, Orphanages etc.	CU	CU	CU	CU
Satellite Dish Receiving Stations - Subject to Article 16, Section 16-18	P	P	P	P
Schools, public and private offering general education courses;	CU	CU	CU	CU
Signs - subject to the requirements of Article 16, Section 16-8	P	P	P	P
Town Homes	X	X	P	P

13-2 TABLE OF USES FOR PROFESSIONAL, COMMERCIAL, INDUSTRIAL ZONES

USE	P	C-1	C-2	I-1	I-2
Animal hospital and veterinarian establishments provided that all animals shall be kept inside sound proof and air conditioned buildings	X	X	P	P	P
Auto and Truck major repairs such services as repair, reconditioning, painting, body and fender work, upholstering work, and seat covering	X	X	P	P	P
Auto and Truck Minor Repairs and Maintenance Shops with such services as installation of carburetors, ignition parts, and other minor accessory parts, incidental to normal auto upkeep, provided all minor repairs, maintenance services, storage or similar activities shall be carried on entirely within an enclosed building.	X	P	P	P	P
Auto and Truck sales, rental and minor repair (new & used)	X	P	P	P	P
Auto Parts Sales, retail and wholesale	X	P	P	P	P
Automobile garages, private	P	P	P	P	P
Automobile garages, commercial	X	P	P	P	P
Accessory uses, customary and incidental to permitted uses in each district, provided any accessory structures are located in the rear yard and not less than 5 feet from any property line	P	P	P	P	P
Bed and Breakfast Facilities	P	P	P	X	X
Branch Banks	P	P	P	P	P
Banks and Financial Institutions including drive through service	X	P	P	P	P
Barber and Beauty Shops	X	P	P	X	X
Bottle gas storage and distribution	X	X	P	P	P
Cafes, delis and sandwich shops serving only breakfast and/or lunch; without alcohol sales	X	P	P	P	P
Cemeteries	X	CU	CU	CU	CU
Churches	X	CU	CU	CU	CU
USE	P	C-1	C-2	I-1	I-2