

LAND USE DISTRICT ORDINANCE

For

MURRAY COUNTY, GEORGIA

(ORDINANCE NO. 53)

Adopted
August 5, 2003

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ARTICLE 1 - TITLE

This ordinance shall be known as the Land Use District Ordinance of Murray County, Georgia, regulating the location, height, bulk and size of buildings and other structures; the use of buildings, structures, and land for business, industry, residence, public activities and other purposes; and for dividing the incorporated area into districts for such purposes and establishing boundaries therefore; providing for a Board of Appeals, defining its power and duties; the method of administration, amendment and enforcement; prescribing penalties for the violation of its provisions; repealing conflicting resolutions; and other matters.

ARTICLE 2 – ENACTMENT

WHEREAS, the Constitution of the State of Georgia, effective July 1, 1983, provides in Article IX, Section II, Paragraph IV thereof, that the governing authority of the County may adopt plans and exercise the power of zoning; and

WHEREAS, the Georgia General Assembly has enacted the Georgia Planning Act of 1989, (Georgia Laws, 1989, pp. 1317-1391, Act 634) which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use; and

WHEREAS, the Georgia Department of Community Affairs has promulgated Minimum Standards and Procedures for Local Comprehensive Planning (Chapter 110-3-2 of Rules of the Georgia Department of Community Affairs) to implement the Georgia Planning Act of 1989, said standards and procedures were ratified by the Georgia General Assembly, and said rules require local governments to describe regulatory measures and land development regulations needed to implement local Comprehensive Plans; and

WHEREAS, the Georgia Department of Natural Resources has promulgated Rules for Environmental Planning Criteria, commonly known as the “Part Five” Standards, said rules were ratified by the Georgia General Assembly, and said rules require local governments to plan for the protection of the natural resources, the environment, and vital areas of the state; and

WHEREAS, the Commissioner has adopted a Comprehensive Plan in accordance with the requirements of the Georgia Planning Act of 1989, Rules of the Georgia Department of Community Affairs, and Rules of the Georgia Department of Natural Resources, and said plan has been revised from time to time; and

WHEREAS, the Comprehensive Plan specifies a number of goals and policies that are not currently implemented by the County’s land use regulations; and

WHEREAS the Commissioner desires to help assure the implementation of its Comprehensive Plan; and

WHEREAS, the Commissioner desires to promote the health, safety, welfare, morals, convenience, order, and prosperity of the county and its citizens;

WHEREAS, the Commissioner desires to promote responsible growth, lessen congestion in the public thoroughfares, secure safety from fire and health dangers, and promote desirable living conditions; and

WHEREAS, the Commissioner desires to regulate the height, bulk, and the size of buildings and structures; and

WHEREAS, the Commissioner desires to classify land uses, establish procedures and regulations for the subdivision and development of land, and regulate the distribution and density

of uses on the land to avoid both the undue concentration of population and the inappropriate dispersion of population, prevent the encroachment of incompatible land uses within residential areas, and preserve property values; and

WHEREAS, the Commissioner desires to provide for economically sound and stable land development by assuring the provision in land developments of adequate streets, utilities, services, traffic access and circulation, public open spaces, and maintenance continuity; and

WHEREAS, the Commissioner finds that the regulations contained in this resolution are the minimum necessary to accomplish the various public purposes; and

WHEREAS, the General Assembly of the State of Georgia enacted Ga. Laws 1985, page 1139, Act. No. 662, providing for an amendment to Title 36 of the Official Code of Georgia Annotated, codified as O.C.G.A. Sections 36-66-1 *et seq.*, so as to provide procedures for the exercise of zoning powers by cities and counties; and

WHEREAS, appropriate public notice and hearing have been accomplished; and

WHEREAS, the planning commission has considered this matter;

NOW THEREFORE BE IT RESOLVED by the Commissioner, and it is hereby resolved by the authority of the same, that the following or chapters and sections known collectively as the Murray County Land Use District Ordinance is hereby enacted into law.

ADOPTION AND EFFECTIVE DATE

This ordinance is hereby adopted this 5 day of August, 2003, and shall be effective immediately upon its adoption, the public welfare demanding it.

COMMISSIONER



ATTEST:

Carol Beeson
County Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Justin P. Beeson
County Attorney

ARTICLE 3 - DEFINITIONS

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

3.1 Definitions.

Abandoned Property. Wrecked or derelict property having no value other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements and shall include wrecked, inoperative, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, and any other similar article which has no value other than nominal salvage value, if any, and which has been left abandoned and unprotected from the elements.

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

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

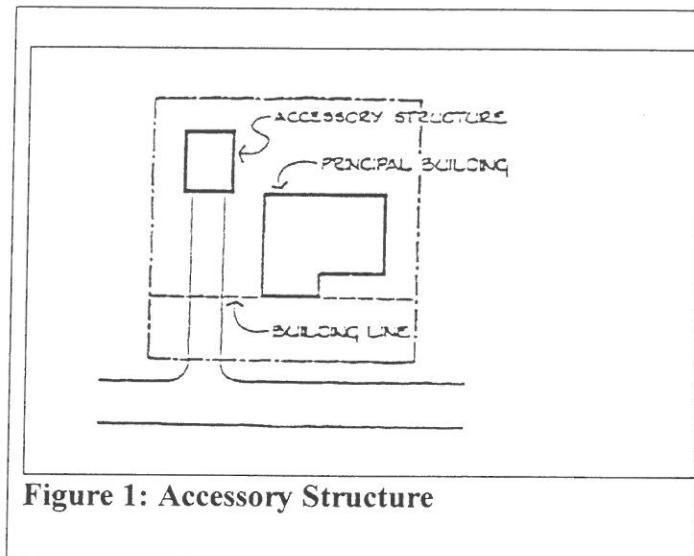


Figure 1: Accessory Structure

Agricultural. The commercial cultivation or growth from the land of agronomic, horticultural, floricultural, forestry, dairy, livestock, poultry, and aparian products.

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

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

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

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

Apartment. See "Dwelling, Multi-Family".

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

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

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

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

Buffer. A portion of a lot set aside for screening or blocking noise, light, glare, visual or other nuisances; to block physical passage to dangerous areas; or to reduce air pollution, dust, dirt, and litter. A buffer may contain a vegetated area or other barriers, such as a berm, wall or fence. See Figure 2: Buffer.

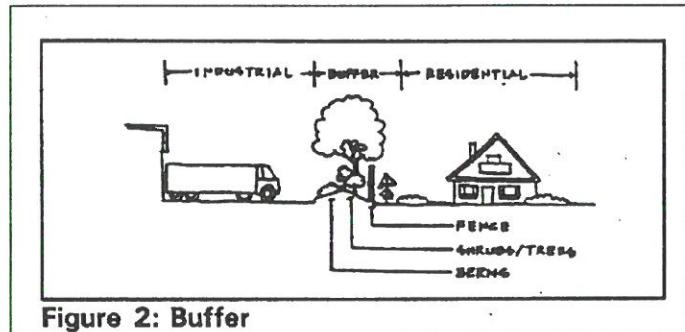


Figure 2: Buffer

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

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

Building Setback Line. A line establishing the minimum allowable distance between the main or front wall of a principal building and the street right-of-way line or another building wall and a

side or rear property line when measured perpendicularly thereto. Covered porches, whether enclosed or not, shall be considered as a part of the building and shall not project into any required yards. For purposes of this Ordinance, a building setback line and minimum required yard shall be considered the same. (See Setback Line).

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

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

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

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

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

Child Care Facility. A building or portion of a building wherein care and supervision of nineteen (19) or more persons away from their place of residence for less than twenty-four (24) hours per day on a regular basis is provided for compensation and is licensed by the State of Georgia. For children, the outdoor play area shall be enclosed by a fence of not less than four (4) feet in height in the rear yard only. For the purposes of this Ordinance, the term "Child Care" shall include but not be limited to the terms "Day Care", "Nursery School", "Early Learning Center", "Pre-kindergarten", "Private Kindergarten", "Play School", and "Pre-school".

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

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

Church. 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 Murray County Tax Assessor.

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

Commissioner. The Murray County Commissioner.

Comprehensive Plan. The Joint Murray County and Cities of Chatsworth and Eton Comprehensive Plan, as adopted and as may be subsequently amended by Murray County.

Conditional Uses. 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. Such conditions may include, but are not limited to, restriction on land use; height, setback and other non-use requirements; physical improvements to the property and infrastructure serving the property. A conditional use must be approved as specified in Article 12 of this Ordinance.

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

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

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

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

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

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

Dwelling, Loft. A dwelling unit located on the floor(s) above a ground level commercial business.

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

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

manufactured homes and industrialized homes. All single-family detached dwellings are further defined by Compatibility Standards as provided in Section 6.3.

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

Dwelling Unit. One (1) or more rooms located within a building and forming a single habitable unit with individual permanent sanitary and kitchen facilities and is used or intended to be used for living, sleeping, cooking, and eating purposes. Units in motels, or other structures designed for transient residence are not included.

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

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

Family. One (1) or more individuals permanently occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, group home, or hotel, as defined in this Ordinance.

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

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

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

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

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

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

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

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

Group Home. A residence composed of non-related 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 of Georgia Department of Human Resources.

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

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

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

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

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

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

Impervious Surface. A man-made structure or surface, which prevents the infiltration of storm water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

Industrialized Home. Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized buildings are constructed and regulated in accordance with the "Industrialized Building Act", Georgia Law 1982 pp. 1637-1643 (Official Code of Georgia Annotated, Title 8, Chapter 2, Article 2, Part 1).

An industrialized home is a single-family detached dwelling and its placement in a residential district must meet the Compatibility Standards as provided in Section 6.3.

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

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

Junkyard. A lot, parcel of land, structure, or part thereof involving the storage or disassembly of wrecked automobiles, trucks, machinery, or other vehicles; storage, baling or otherwise dealing in scrap metal, commercial/residential appliances, used paper, used cloth, used plumbing fixtures, used brick, wood or other building materials or other discarded 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.

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

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

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

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

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

Lot. A parcel of land separated from other parcels by description (such as on a subdivision plat of record or as a survey map or plat) or by metes and bounds, and intended for use, transfer of ownership, or for building development.

Lot area, minimum. The smallest permitted total horizontal area within the lot lines of a lot. Lot area shall not include any portion of a dedicated right-of-way. Lot size square footage calculations shall exclude any areas reserved for rights-of-way upon which 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 lots lines are radial to a curved street or cul-de-sac on a subdivision plat approved by the Planning Commission.

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

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

Lot of Record. A lot which exists prior to the first published notice or subsequent amendment of this Ordinance, as shown or described on a plat or deed in the records of the local registry of deeds.

Lot Width. The width of the lot at the front building setback line.

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

'Manufactured Home' means a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical system contained therein; except that such term shall include any structure which meets all the requirements and the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development complying with the standards established under this title.

A manufactured home is a single-family detached dwelling and its placement in a residential district must meet the Compatibility Standards as provided in Section 6.2.

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

Mobile Home. A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred and twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976.

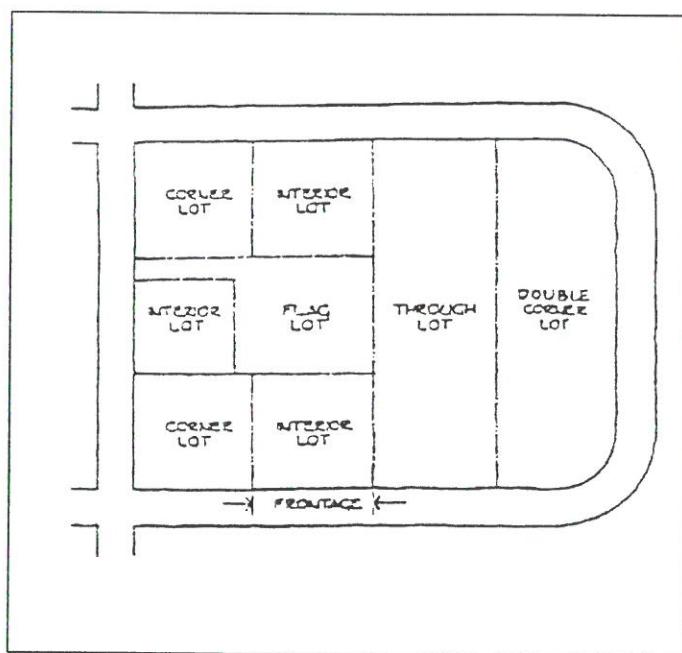


Figure 3: Lot

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

Modular Home. See "Industrialized Home".

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

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

Murray County. A political subdivision of the State of Georgia, which includes its governing Authority, the Commissioner, any and all departments of the County, and any other agency or entity created by the County.

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

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

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

Nursery School. See "Kindergarten".

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

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

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

Parking Lot. An open area used exclusively for the temporary storage of motor vehicles and within

which motor fuels and oils may be sold and fees charged, but no vehicles are to be equipped, repaired, or sold.

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

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

Personal Care Home or Home. Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one (1) or more personal services for two (2) or more adults who are not related to the owner or administrator by blood or marriage. For the purpose of these rules, Personal Care Homes shall be classified as: Family Care Personal Care Home, Group Personal Care Home, or Congregate Personal Care Home. This term does not include buildings, which are devoted to independent living units, which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals or boarding facilities, which do not provide personal care.

1. **"Family Personal Care Home"** means a home for adults in a family type residence, noninstitutional in character, which offers care to two (2) through six (6) persons.
2. **"Group Personal Care Home"** means a home for adult persons in a residence or other type building(s), noninstitutional in character, which offers care to seven (7) through fifteen (15) persons.
3. **"Congregate Personal Care Home"** means a home for adults, which offers care to sixteen (16) or more persons.

Planned Center, Shopping, Office or Industrial. Any planned concentration of at least three (3) business establishments, which also provides planned and shared parking, access, and service.

Planning Commission. The Murray County Land Use Planning Commission.

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

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

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

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

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

Putrescible Wastes. Wastes that are capable of being quickly decomposed by microorganisms.

Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, and garbage.

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

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

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

Rooming House. A dwelling, permanently occupied by the owner or operator, where only sleeping accommodation is provided for five (5) 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. Any building, structure, or land use that is primarily used for the dispensing, sale, or offering for sale at retail any automobile fuels, oils, or accessories, but not including major repair work such as motor overhaul, body and fender repair or spray painting.

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

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

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

Shopping Center. A group of two (2) or more commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

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

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

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

Story, Half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) 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. A public or private thoroughfare which meets locally established design standards and which affords the principal means of access to abutting property however designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, or place.

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

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

Townhouse. See "Dwelling, Multi-Family".

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

Water Systems.

Public Water System - a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections, or regularly serves an average of at least twenty five individuals daily, at least sixty (60) days out of the year in accordance with the Rules of Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-5, "Rules for Safe Drinking Water."

Governmental Public Water System - a public water system, which is owned and operated by a governmental entity, or a legislatively created authority.

Non-Governmental Public Water System - a public water system, which is owned and operated by any non-governmental entity.

Community Water System - a system serving more than one (1) single-family dwelling but fewer than the connections and/or persons required to be considered a public water system. Such systems are subject to approval of the Murray County Health Department.

Individual Water Supply System - a system of piping, pumps, tanks, or other facilities, which utilizes groundwater to supply a single-family dwelling.

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

Yard. An open space on a lot situated between the principal building or use on the lot and a lot line and unoccupied by any structure except as otherwise provided herein. See Figure 4: Yard.

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

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

Yard, Side. An open, unoccupied space on the same lot with a principal building or use, located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. See Figure 4: Yard.

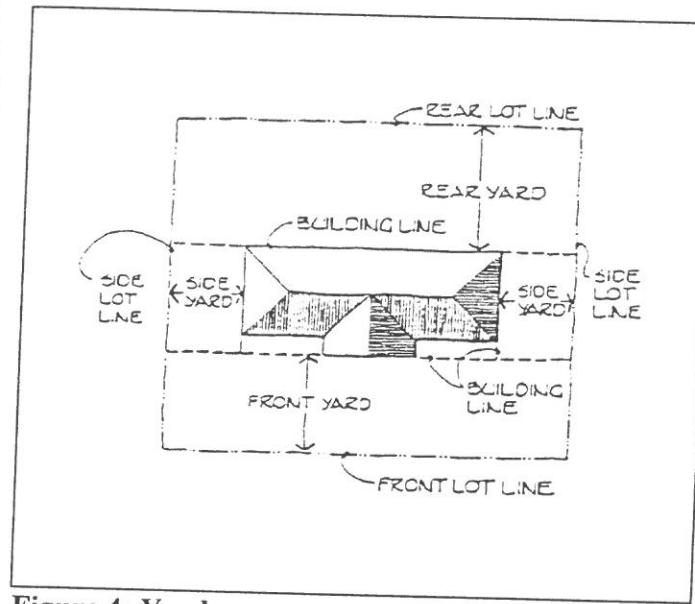


Figure 4: Yard

ARTICLE 4 - GENERAL PROVISIONS

4.1 Use of Land.

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

4.2 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.

4.3 Location of Buildings.

Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be located on a lot as herein defined except as approved by the Board of Appeals under Article 12.

4.4 Height of Buildings.

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

Belfries	Public monuments
Chimneys	Smoke stacks
Church spires	Stage towers or scenery lofts
Conveyors	Tanks
Cooling Towers	Water towers and stand pipes
Elevator Bulkheads	Ornamental towers & spires
Fire towers	Silos
Flag poles	Radio & television towers (125' max)

4.5 Minimum Space Requirements.

No building or use shall be erected, converted, enlarged, moved or structurally altered except in conformity with the minimum lot area or other space requirements for the district in which such building is located.

4.6 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 (1) year and shall be removed when the construction of the permanent building is completed.

4.7 Number of Single Family Detached Dwellings Per Lot.

No more than one (1) single-family dwelling shall be permitted on a lot in all zone districts except AG. In the AG zone there may be up to (4) single-family residential dwellings on any parcel of land under single ownership (three plus the owner's dwelling) where the following conditions can be met:

- a. The additional dwellings may be occupied by either blood relatives to the owner of the property and said blood relationships shall extend to but not beyond the second descending and ascending generation, or full time caretaker employees of the property

owner who are part of the farming operations and responsible for the agricultural production of the property.

- b. Each single family detached dwelling shall occupy a land area not less than 43,560 square feet in size, and so defined by permanent physical markers as to be given a numerical address and location designation.
- c. Each such land area shall receive approval from established county health authorities as to its suitability as a site for an effective sanitary sewage disposal system designed to accommodate wastes generated by the user of that land site.
- e. A water supply provided by either a governmental or non-governmental public water system, a community water system or individual water supply system, which meets the requirements of Murray County Health Department shall be available to all dwellings.
- f. No commercial use of the second, third, or fourth dwelling will be allowed and no rental charge can be placed on these residential uses.
- g. Each such dwelling shall be accessible, either by private drive or public roadway to the public thoroughfare system.
- h. Individual power supply sources shall be provided to each dwelling and each utility installation shall meet such standards as have been adopted by local authorities.
- i. Dwellings established under this special provision shall meet the requirements of local construction and use codes established by the Murray County Commissioner.
- j. Permits for construction will not be issued prior to the approval of each of the aforementioned conditions by the Land Development Officer. In addition, any change in use or occupancy must be approved by the Land Development Officer.

4.8 Number of Principal Buildings Per Lot.

Except for the following uses, only one (1) principal building, together with its customary accessory buildings, shall be permitted to occupy each lot:

- . Single family detached dwellings in the Agriculture District as specified in 4.7
- . Public/Institutional buildings.
- . Multiple-family dwellings in the Multi-Family Residential District.
- . Commercial/Industrial buildings in the Neighborhood Commercial, Highway Commercial and Industrial Districts

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

4.9 Use of Yards.

The minimum yards, parking spaces and open spaces required for each building existing on the

effective date of this Ordinance, or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as part of the yard, parking space or open space required for any other structure, nor shall any lot area be reduced below the lot area per requirements of this Ordinance for the district in which such lot is located except as otherwise provided in this Ordinance.

4.10 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 Building Inspector.

4.11 Streets.

Traffic Control Devices. If the traffic to be generated by a use in a non-residential district will demand traffic control devices to insure public safety, the developer shall install such necessary devices. Such determination shall be made by the Murray County Director of Public Works, in consultation with the Georgia Department of Transportation, and approved by the Murray County Commissioner.

State Department of Transportation Approval. All entrances or exits of any street or drive, public or private, from or to any State highway, or any planned or in progress Department of Transportation reconstruction projects where the State does not own right of way, 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.

ARTICLE 5 - LAND USE DISTRICTS AND BOUNDARIES

5.1 Establishment of Districts.

In order to carry out the intent and purpose of this Ordinance, unincorporated Murray County is hereby divided into the following districts:

AG	Agricultural
RR	Rural Residential
SR	Suburban Residential
MFR	Multi-Family Residential
MHP	Manufactured Home Park
NC	Neighborhood Commercial
HC	Highway Commercial
I	Industry

5.1-1 Agricultural (AG). This zoning district is comprised primarily of open farm land and land used for intensive agricultural, livestock and poultry production and forestry activity. The intent of the regulations is to encourage maintenance of the rural character of openness and discourage the subdivision of land, which is better suited to agricultural and forestry usage. Permitted and conditional uses shall be as provided in Table 6.4.

5.1-2 Rural Residential District (RR). This district is intended to permit a combination of low density residential uses of various types, limited agricultural activities, and other uses commonly found in rural areas. Low density development is required because areas may lack adequate public water and/or environmental constraints such as poor soils and steep slopes are present. Permitted and conditional uses shall be as provided in Table 6.4.

5.1-3 Suburban Residential District (SR). The purpose of this district is primarily to provide for single family residential development with a limited number of other uses. Permitted and conditional uses shall be as provided in Table 6.4.

5.1-4 Multi-Family Residential (MFR). This district is established as a medium density residential district allowing a minimum of two (2) and a maximum of four (4) dwelling units per lot. Multiple structures per lot shall be permitted in this district. Because of the increased density allowed in this district, any such lots shall be served by public water and shall meet the requirements of the Murray County Health Department for sewage disposal. Permitted and conditional uses shall be as provided in Table 6.4.

5.1-5 Manufactured Home Park District (MHP). This district is designed to encourage the development of manufactured home parks and related facilities within a well-planned environment. Permitted and conditional uses shall be as provided in Table 6.4.

5.1-6 Neighborhood Commercial District (NC). This district is designed to provide suitable areas for the retailing of goods and the provision of services to adjacent and nearby residential neighborhoods. Permitted and conditional uses shall be as provided in Table 6.4; however, business and service establishments shall not exceed 2,500 square feet in size.

5.1-7 Highway Commercial District (HC). The purpose of this district is to provide appropriate locations for a wide variety of commercial activities that will serve a large market area. This district will be generally located along the major arterial highways or where these highways meet. Emphasis is also placed on creating commercial nodes or cluster developments rather than strip developments. Permitted and conditional uses shall be as provided in Table 6.4.

5.1-8 Industrial District (I). The purpose of this district is to provide suitable areas for warehousing, distribution, manufacturing and other intensive activities of an industrial nature. Permitted and conditional uses shall be as provided in Table 6.4.

5.2 District Map.

The boundaries of the Land Use districts are shown on the map designated as the "Official Land Use District Map." This map and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the district map and all the notations, references and other information shown thereon were fully set forth and described herein, which district map is properly attested and is on file with the Murray County Clerk.

5.3 District Boundaries.

- 5.3-1** The district boundaries shown on the district map are generally intended to follow streets, alleys, or lot lines; where the districts designated on said map are bounded by such street, alley or lot line, the centerline of the street or alley or the lot line shall be the boundary of the district unless such boundary is otherwise indicated on the map. In all other cases, the district boundary line shall be determined by use of the scale appearing on the Land Use District Map.
- 5.3-2** When the boundary line of a district divides a lot or tract held in single ownership at the time of adoption of this ordinance, the boundary line may be allowed to extend a distance of not more than fifty (50) feet to the least restricted land use district.
- 5.3-3** Upon initial adoption of this land use district ordinance, properties held in single ownership that contain more than one principal use will be considered for land use district designations appropriate for acknowledging the existing use(s) or in cases where uses do not currently exist. Appropriate land use district designations will be considered for all or portions of property when such boundaries are consistent with the adopted Comprehensive plan, Future Land Use Map. The existence of principal uses and the area assigned to such use shall be based upon objective physical evidence of separate actual uses of the parcel present at the site at which it occurs. Any disputes regarding actual principal uses shall be resolved pursuant to the procedures set forth in the Land Use Procedures and Standards Ordinance of Murray County for the redistricting of property.
- 5.3-4** After the initial adoption of this land use district ordinance thru December 31, 2004, it is determined by the Land Development Officer that a parcel of property was not designated to the correct land use district, due to improper or out-dated information, he/she may at their discretion designate said parcel to the appropriate land use district.

ARTICLE 6 - DISTRICT STANDARDS AND PERMITTED USES

6.1 District Lot Area, Yard and Height Standards.

The requirements regarding lot size, building size, and building placement on the lot for each district shall be met as indicated in Article 4: General Provisions, and Table 6.1: District Area, Yard, and Height Requirements.

**Table 6.1: District Area
Yard and Height Requirements**

Land Use District	Minimum Lot Area	Minimum lot width at setback line (feet)	Front Yard (feet) from arterial & collector/ local street	Side Yard (feet)	Rear Yard (feet)	Max. Building Height (feet)
AG Agricultural	25 acres for all commercial livestock uses	225	40 / 25	50	50	40
	5 acres for all other uses*	225	40 / 25	50	50	40
RR Rural Residential	1 Acre	150	40 / 25	15	20	40
SR Suburban Residential	<u>Single Family:</u> See Table 6.2	100	40 / 25	10	20	40
	<u>Duplexes:</u> See Table 6.2	110	40 / 25	10	20	40
	<u>All Other uses:</u> 24,000 sq. ft.	100	40/25	15	20	40
MFR Multi-Family Residential	Multi-family See Table 6.2	150	40 / 25	20	20	40
	<u>All Other uses:</u> 24,000 sq. ft.	100	40 / 25	15	20	40
MHP Manufactured Home Park	---See County Manufactured Home Ordinance for Requirements---					
NC Neighborhood Commercial	None - Subject to approval of Health Dept.	None	40 / 25	15	20	40
HC Highway Commercial	None - Subject to approval of Health Dept.	None	40 / 25	15	20	40
I Industry	None - Subject to approval of Health Dept.	None	40 / 25	20	20	75

*Except allowed by Section 4.7

Table 6.2

Minimum Lot Sizes (in Square Feet) for Single Family Residential Use Utilizing Individual On-Site Sewage Systems and Water Systems						
		Soil Grouping*				
Class	Slope%	1	2	3	4	5
AB	0-5%	30,000	39,000	48,000	51,000	60,000
C	5-15%	33,000	42,000	51,000	54,000	66,000
D	15-25%	36,000	45,000	54,000	57,000	N/A
E	25-35%	39,000	54,000	57,000	60,000	N/A

*Soil Grouping refers to Table CT-2, Manual for On-Site Sewage Management Systems, Georgia Department of Human Resources. Contact Murray County Environmental Health Department for specific guidance on these soils.

- a.) Where on-site sewage management systems and community or public water are provided, minimum lot sizes may be reduced by up to 50 percent; however, no lot shall be less than 24,000 square feet.
- b.) Duplexes and multi-family buildings must meet the requirements of the Murray County Health Department, which will review each lot on its own merit, and size the lot for system installation. Property owners must fully and completely replace the system if requirements are not met.
- c.) Where public water and public sewer are present, the minimum lot area shall be:
 - i. Single Family dwellings – 14,520 square feet
 - ii. Duplex – 21,780 square feet
 - iii. Multi-family buildings – 43,560 square feet

6.2 Dwelling Compatibility Standards.

All single family detached dwellings including site-built homes, industrialized homes, and manufactured homes must comply with the compatibility standards of the Land Use District where they are proposed to be located. When a building permit is sought, the Land Development Officer shall make a determination if the proposed dwelling meets the Compatibility Criteria for the Type allowed in the Land Use District as shown in Table 6.3.

If the Land Development Officer finds that the proposed dwelling meets the Compatibility Criteria, approval of the building permit will be granted. Those who disagree with the Land Development Officer's findings may appeal the decision through the Board of Appeals as described in Article 12.

Table 6.3:
Compatibility Standards for
Single Family Detached Dwellings

MINIMUM REQUIREMENTS	TYPE 1 DWELLINGS	TYPE 2 DWELLINGS	TYPE 3 DWELLINGS
Heated Floor Area:	1,200 square feet	864 square feet	576 square feet
Foundation:	Must be attached to a permanent foundation per Building Codes. The structure cannot be built upon a frame and must have outside load bearing walls.	Must be attached to permanent foundation per Building Codes.	Permanent foundation not required, but must be installed on an approved pier system, and secured with approved tie-down devices.
Hitches, wheels, axles and other towing devices:	If present, must be removed.	If present, must be removed.	If present, do not have to be removed, but the space beneath the floor shall be fully enclosed except for ventilation and access openings. Enclosing materials shall be approved by the Zoning Administrator.
Entry ways and landing areas:	Must be similar to houses within 500 feet in the same Land Use District.	Must be similar to houses within 500 feet in the same Land Use District.	At each exterior door, there must be an entry way/landing area that is at least 36" by 48".
Minimum Roof Pitch:	5 / 12	None	None
Roof Materials:	Must be of wood shakes, wood or asphalt composition shingles, standing seam metal, or other materials similar to houses within 500 feet in the same Zone District.	Must be of wood shakes, wood or asphalt composition shingles, standing seam metal, or other materials similar to houses within 500 feet in the same Zone District	Must conform to June 15, 1976 National Manufactured Home Construction and Safety Standards.
External Siding Materials:	Must be of brick, stucco, wood, masonite, metal or vinyl lap siding or other materials similar to houses within 500 feet in the same Zone District.	Must be of brick, wood, stucco, masonite, metal or vinyl lap siding or other materials similar to houses within 500 feet in the same Zone District.	Must conform to June 15, 1976 National Manufactured Home Construction and Safety Standards.

6.3 Permitted Uses.

Permitted and conditional uses shall be as provided in Table 6.4. Each use is mutually exclusive and does not encompass other uses listed in the table. A use denoted by the letter "X" means it is permitted outright. A use denoted by the letter "C" is permitted only if a conditional use permit is granted by the Board of Appeals. A blank space means it is not permitted. For uses not included on this list and where the Land Development Officer is unable to determine clear placement, application shall be made to the Board of Appeals for interpretation.

Table 6.4:
PERMITTED USES

LAND USE DISTRICTS

PERMITTED USES	AG	RR	SR	MFR	MHP	NC	HC	I
Accessory Uses- subject to the requirements of 8.4 - Supplementary Regulations	X	X	X	C	X	X	X	X
Acid Manufacture								C
Adult Business - provided that they meet all the requirements of the County Ordinance for Licensing and Regulation of Adult Businesses.							C	
Advertising Display, Sales and Manufacturing								X
Agricultural Equipment Sales, Supply & Storage	X						X	X
Ambulance Services							X	X
Amusement Park - provided that facilities are not located closer than 1000 feet to a residential district.							C	X
Animal Shelter	C	C	C			C	C	C
Antique Shop		C				X	X	
Apparel and Accessory Store						X	X	
Appliance Sales and Repair						X	X	
Art Gallery						X	X	
Athletic/Health Club & Facilities							X	X
Auditorium, Assembly Hall, Civic Center							X	X
Auto/Motor Vehicle Race Track - provided that facilities are not located closer than 1000 feet to a residential district.							C	X
Automobile and Truck Sales, Service & Repair							X	X
Automobile Repair and Body Shop							X	X
Bait & Tackle Shop						X	X	
Bakery/Pastry Shop						X	X	
Bank or Financial Institution, Full Service							X	X
Bank, AutoTeller						X	X	X
Bar, Cocktail Lounge, Tavern, Night Club							X	
Barber Shop		C				X	X	
Baseball Batting Cages							X	X
Beauty Shop		C				X	X	
Bed and Breakfast Home	X	X	C			X	X	
Bed and Breakfast Inn	X	C				X	X	
Boat Storage							X	X
Boat Sales, Service and Repair							X	X
Books, Cards and Stationary Store						X	X	
Bottle Gas, Storage & Distribution Center							X	X
Bottling Plant								X
Bowling Alley							X	
Builder Supplies and Storage							X	X
Building Materials Sales, Supplies and Storage							X	X
Bus Station							X	

PERMITTED USES	AG	RR	SR	MFR	MHP	NC	HC	I
Business Service Establishments						X	X	X
Car Wash - Manual or Automatic							X	X
Caretaker Dwelling or Employee Residence: An accessory single family dwelling placed on an occupied tract for use by a farm worker. (See Article 4).	X							
Carpet and Rug Sales, Floor Covering & Storage							X	X
Cement, Lime Gypsum Manufacture								C
Cemetery, Private	C	C	C	C	C	C	C	C
Cemetery, Religious Institution	C	C	C	C	C	C	C	C
Cemetery, Public	C	C	C	C	C	C	C	C
Child Care Center, Group (7 to 18 children)		C		C			X	
Child Care Facility (19 or more children)			C			X	X	
Child Care Home, Family (6 or less children)	X	X	C		X	X	X	X
Churches	X	X	C	C	C	X	C	X
Cinema, Movie Theater								X
Clinic, Public or Private							X	X
Clubs and Lodges							X	X
College, University or Junior College							X	X
Concrete/Stone Cutting, Fabrication								X
Contractor Equipment - Material Storage							X	X
Convenience Stores without Fuel Pump Service						X	X	X
Convenience Stores with Fuel Pump Service - provided that all fuel pumps shall be at least 15 feet from the street right of way.						X	X	X
Convent and Monastery	X	C						
Crematorium							C	X
Curio and Souvenir Shops						X	X	
Drug Stores, Pharmacies						X	X	
Dwelling, Multi-Family/ Townhouse		C	C	X		C	C	
Dwelling, Single-Family Detached - Type I (See Section 6.3)	X	X	X					
Dwelling, Single-Family Detached - Type II (See Section 6.3)	X	X			X			
Dwelling, Single-Family Detached - Type III (See Section 6.3)	X				X			
Dwelling, Loft - providing each dwelling has a private entry door accessible by an interior or exterior stairway to the ground floor, individual heating and cooling facilities, two off-street parking spaces per dwelling, and meet all other county housing and building codes.						X	X	
Dwelling, Condominium		C	C	X		X	X	
Equipment Rental, Industrial							X	X
Equipment Supplies (Business/Industrial)							X	X
Explosive Manufacture								C
Farmers's Market - Provided that permanent sanitary facilities are permitted by applicable authority, no	X	X					X	X

PERMITTED USES	AG	RR	SR	MFR	MHP	NC	HC	I
overnight camping on the property is permitted and such use shall be located on a major or minor collector street only.								
Farming, Crop Production	X	X						
Farming, Horticulture for Commercial use including the growing of flowers, shrubs, fruits, tree nuts and vegetables - Provided that no structure used in such processing is located closer than fifty (50) feet to any property line.	X	X						
Feed Mill, Seed Mill Production & Packing - Provided that any structure for such processing is located no closer than one hundred (100) feet to any property line.	X	C						X
Flea Market							X	X
Florist Shop						X	X	
Funeral Home, Mortuary							X	
Furniture, Home Furnishing and Equipment Store							X	
Game Room, Arcade							X	
Garden, Landscaping Supplies						X	X	X
Gasoline Station w/Auto Service - provided that all fuel pumps shall be at least 15 feet from the street right of way.						X	X	X
Golf Courses and Club Houses	C	C	C	C	C	C	X	X
Golf Driving Range	C	C					X	X
Government Buildings	X	C	C			X	X	X
Grocery/General Merchandise Store						X	X	
Hardware, Paint & Wallpaper Store							X	
Hazardous Wastes Handling and Processing								C
Hobby, Toy and Game Store							X	
Home Occupation – Subject to Supplementary Regulations, Article 8	X	X	X	X	X	X	X	X
Hospital, Health and Medical Institution							X	
Hotel							X	
Ice, Manufacturing & Sales								X
Jewelry Store							X	
Junk Yard								C
Kennel - provided structures housing animals are no closer than 100 feet from adjoining property lines.	X							
Laboratory Research Facilities							X	X
Landfill/Hazardous Waste Facility								C
Laundry, Commercial Services							X	X
Laundry, Pick-up and Dry Clean Services	X					X	X	X
Laundry, Coin-Operated				C		X	X	
Library			C			X	X	
Liquor/Beer/wine Package Store						C	X	
Livestock - Raising of 50 animals or less - provided that all structures used for housing or feeding livestock shall be at least 100 feet from adjoining properties zoned RR, SR & MHP.	X	C	C					X
Livestock - Commercial operations of more than 50	X							

PERMITTED USES	AG	RR	SR	MFR	MHP	NC	HC	I
animals including livestock grazing, dairies, stock yards, feed lots, fowl raising, egg production, animal breeding and boarding, fowl hatcheries, fur farms and animal waste facilities - providing that all structures, meet the buffer requirements found in Article 7.								
Livestock Sales or Auction Facilities - Provided that all structure for feeding or housing animals shall be no closer than one hundred (100) feet to any properties zoned RR, SR, & MHP and adequate off-street parking shall be provided for livestock trailers, recreational trailers, etc.	X	C						X
Machine Shop, Fabrication, Welding, Sales							X	X
Machinery Sales, Service and Repair							X	X
Manufactured Home Sales & Service							X	X
Manufacturing Establishment involving the mechanical or chemical conversion of raw materials into semi-finished or finished products.								X
Manufacturing Establishments involving only the assembly of pre-manufactured component parts.							X	X
Meat Pack & Processing, Slaughter Yards	C							X
Mineral Extraction & Processing								X
Mini-Warehouse (Self-Service Storage Facility)	C	C		C		X	X	X
Miniature Golf Game							X	
Motel							X	
Museum						X	X	X
Neighborhood Center - provided that a site plan is approved by the County Commission to assure compatibility with the neighborhood in which it is located.	C	C	C	C	C			
Nursery/Green House - (Retail) Provided that no structure shall be located closer than one hundred (100) feet to any adjoining residential property.	X	C				X	X	X
Nursery/Green House - (Wholesale) Provided that no structure shall be located closer than one hundred (100) feet to any adjoining residential property.	X	C						
Office, Business & Professional						X	X	X
Office Supplies							X	X
Paper or Paper Pulp Manufacture								X
Parking Lot or Garage, Commercial							X	X
Parks and Recreational Facilities	X	X	C	C	C	C	C	X
Paving, Concrete and Asphalt Plant								X
Personal Care Home, <i>Family</i> (2 through 6 persons)	X	X	C					
Personal Care Home, <i>Group</i> (7 through 15 persons)		C				X	X	
Personal Care Home, <i>Congregate</i> (16 or more persons)	C	C				X	X	
Pet Shop and Dog Grooming Shop						X	X	
Petroleum Products, Bulk Storage Tank								X
Print Shop							X	X
Printing, Publishing and Sampling							X	X
Produce Stand - Provided that such stand is used only for selling products grown or produced by the owners of the	X	X						

PERMITTED USES	AG	RR	SR	MFR	MHP	NC	HC	I
premise.								
Railroad Station							X	X
Recycling Center (w/processing facilities)								X
Recycling Collection Station							X	X
Refining of Petroleum Products								X
Repair Service, General Merchandise							X	
Repair Service (Heavy Equipment) & Trade Shop							X	X
Restaurant - drive in							X	
Restaurant -non drive in						X	X	
Retail Stores offering common merchandise								X
Riding Stables and Academies	X	C						
Rooming and Boardinghouse		C					X	
RV Park. Campground - subject to County Ordinance for Recreational Vehicle Parks and Campgrounds, as may be amended.	C	C					X	X
Saw Mill, Lumber Yard	X	C						X
Saw Mill, Temporary or Portable	X	C						X
School, Public, Private or Parochial	X	X	C			X	X	X
Sewage Treatment Facilities, Public or Private	C	C	C	C	C			X
Shoe Repair							X	
Shooting Gallery, Indoor							X	X
Shopping Center							X	
Storage Yard, Equipment							C	X
Storage Warehouse							X	X
Studio for Art, Photography and Similar Uses						X	X	
Swimming Pools, Commercial		C			C		X	
Taxidermy						X	X	X
Timber - Commercial Harvesting - To qualify as a commercial timber tract the tract must be under an approved forestry management plan per the Georgia Forestry Commission.)	X	X						
Tire Sales and Service							X	X
Towers, Telecommunications	C	C	C	C	C	C	C	C
Transfer Station, Solid Waste								
Truck Terminals, Freight Handling								X
Utility Facilities (gas, electric, telephone transformer stations) - subject to Supplementary Use Regulations in Article 8.	X	X	C	X	X	X	X	X
Veterinary Clinic/Animal Hospital/Grooming House	C	C				X	X	
Video Sales and Rental						X	X	
Vocational School		C					X	X
Water Treatment Facilities		C		C				X
Wholesale Trade/Warehouse/Distribution Facilities								X
Wrecker Services, Temporary Storage								X

ARTICLE 7 - BUFFER REQUIREMENTS

To minimize future potential conflicts between non-compatible land uses and to protect the health, safety, and general welfare, a buffer shall be required whenever two (2) adjoining properties are in different land use districts as shown in the following Table 7.1.

TABLE 7.1
BUFFER REQUIREMENTS BETWEEN LAND USE DISTRICTS

Least Intensive District.....Most Intensive District

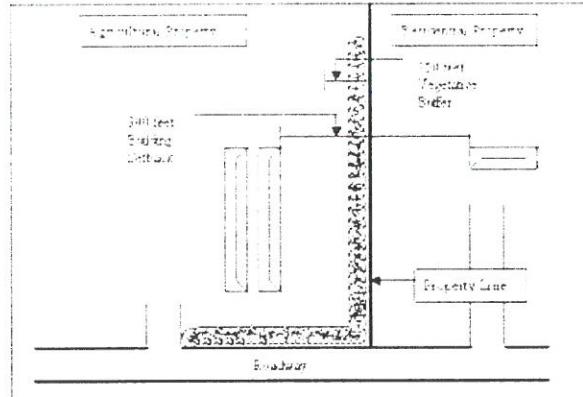
	AG Agriculture	RR Rural Residential	SR Suburban Residential	MFR Multi- Family Residential	MHP Manufactured Home Park	NC Neighborhood Commercial	HC Highway Commercial	I Industry
AG Agricultural		Buffer 7.1	Buffer 7.1	Buffer 7.1	Buffer 7.1	Buffer A	Buffer B	Buffer B
RR Rural Residential				Buffer B	Buffer B	Buffer A	Buffer B	Buffer B
SR Suburban Residential				Buffer B	Buffer B	Buffer A	Buffer B	Buffer B
MFR Multi-Family Residential				Buffer A	Buffer A	Buffer A	Buffer B	Buffer B
MHP Manufactured Home Park				Buffer A	Buffer A	Buffer A	Buffer B	Buffer B

7.1 **Buffer Requirements Between Commercial Livestock Operations and Residential Uses.**

When a property located within the Agriculture District proposes to engage in commercial livestock operations adjacent to properties located within the Rural Residential, Suburban Residential, or Manufactured Home Park districts, or if properties located within these residential districts propose to develop adjacent to commercial livestock operations, either property or both properties (when both are initially undeveloped) will be subject to a three hundred (300) foot building or use setback including a one hundred fifty (150) foot vegetated buffer from the adjoining property line.

This vegetative buffer shall extend along the entire portion of the property line abutting the commercial livestock facilities plus 100 feet in each direction beyond the facilities as shown in the following illustration.

(Illustration)



7.2 Buffer Requirements Between Residential, Commercial and Industrial Districts.

When two (2) adjoining properties are in different land use districts, the property within the more intensive district is required to provide the buffer type as indicated in Table 7.1 when acquiring a building permit unless the buffer was pre-existing. When two (2) adjoining vacant parcels are in different zone districts as indicated in Table 7.1, no buffer is required when the parcel in the less intensive district acquires a building permit.

Type A Buffer Requirement. The required buffer shall have not less than a twelve (12) foot width and shall consist of plantings which meet the screening standards of Section 7.3.

Type B Buffer Requirement. The required buffer shall have not less than a thirty (30) foot width and shall consist of plantings plus a fence, wall (not otherwise a part of a structure), or a berm, or any combination thereof, which meets the screening standards of Section 7.3.

7.3 Screening Standards.

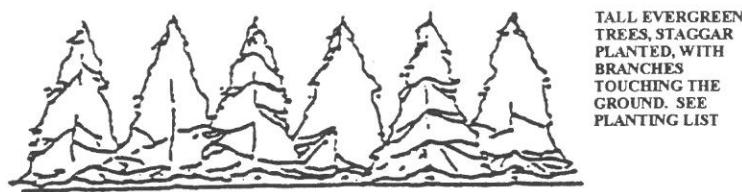
Screening is a method of visually shielding or obscuring one use from another by fence, walls, berms or densely planted vegetation.

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

If trees or large shrubs are used solely as the screening device, they shall be any evergreen species from the list provided by the Land Development Officer which, under normal growing conditions, will attain a minimum height of eight (8) feet and a canopy spread of ten (10) feet within four (4) years. They shall be planted a minimum

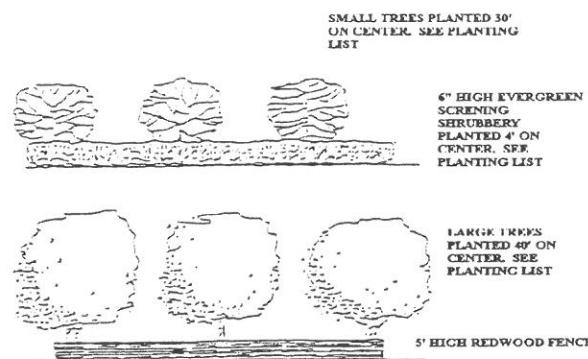
twenty (20) feet on center as shown in the following illustration.

(Illustration)



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

(Illustration)



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

Fences. Fences shall be a minimum of eight (8) feet in height and

constructed of standard wood fencing materials and methods or chain link with woven inserts that will provide ninety percent (90%) visual blockage as shown in the examples provided by the Land Development Officer. The fence shall be placed on the edge of the buffer nearest the more intense land use.

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

7.4 Buffer Design.

All buffers required by this article shall conform to the following specifications:

- 7.4-1** Prior to development, a buffer plan shall be required to show the types and locations of all plantings within a required buffer. If a site plan is required, a buffer plan shall be incorporated as part of the site development plan.
- 7.4-2** Landscaping within buffer areas shall be used to screen objectionable views or nuisances, such as parking and service areas, refuse containers, air conditioning units and transformers.
- 7.4-3** Existing on-site trees may be credited as meeting the requirements of this Article if the Land Development Officer determines that such plant materials achieve the purposes of this Article.

7.5 Location of Buffers.

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

7.6 Variances.

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

- 7.6-1** If it is clearly demonstrated that the existing topography and/or vegetation will achieve the purposes of this Article.
- 7.6-2** If it is clearly demonstrated that for topographic reasons, no required screening device could possibly screen the ground level activities of the use from the first floor view of the residential structure abutting the use.
- 7.6-3** The adjoining property owners mutually agree in writing that the required buffer is not necessary for satisfactory use and enjoyment

of their property rights.

7.6-4 It is clearly demonstrated that an existing (or proposed) public right-of-way separation between adjoining properties will achieve the purposes of this Article.

7.7 Use of Buffers.

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

7.8 Maintenance.

The responsibility for maintenance of buffers shall remain with the owner of the property. Any required plant that has died shall be replaced. Maintenance of planted areas shall consist of mowing, removal of litter and dead plant materials, and necessary pruning. Fences and walls shall be kept in a condition that meets the requirements of this Article.

7.9 Failure to Comply with these Provisions.

See Article 15 and 18 of this Ordinance for Enforcement and Penalty provisions.

7.10 Surety for Buffer Installation.

When the date for issuing a Certificate of Occupancy does not coincide with the planting conditions that are necessary to install a required buffer, the Land Development Officer shall accept a letter of credit or other acceptable surety for the buffer installation. Such surety shall be in the amount and form satisfactory to the Land Development Officer and shall certify the following:

- a. that the creditor does guarantee funds in an amount to cover the cost of installing all buffers as estimated and approved by the Land Development Officer;
- b. that in case of failure of the developer to complete the specified improvements, the creditor shall pay the government immediately, and without further action, such funds as are necessary to finance the completion of those improvements up to the limit of the secured credit; and
- c. that the letter of credit or other surety may not be withdrawn or reduced in amount until released by the after final inspection and certification of approval of the buffer by the Land Development Officer.

ARTICLE 8 - SUPPLEMENTARY REGULATIONS

8.1 Lots of Record.

Any lot of record which is legal on the date of the first published notice of this Ordinance, may be used subject to the following exceptions and modifications.

8.1-1 Use of Substandard Lots. Where the owner of a lot at the time of the adoption or amendment of this Ordinance does not own sufficient area and width to enable him to conform to the dimensional requirements of this Article, such lot may be used as a building site.

8.1-2 Individual Lot Not Meeting Minimum Lot Dimension Requirements. In addition to Section 8.1-1, in any residential district, any lot of record existing at the time of adoption or amendment of this Ordinance which has a width or area less than that required by this Ordinance may be used as a building site for a single-family dwelling only.

In the case of such a lot, when it is not possible to provide the required side yards and at the same time build a minimum width single-family dwelling, the Board of Appeals is empowered to hear the request for a minimum variance.

8.2 Area, Yard, and Height Regulations.

8.2-1 Lot Area. Hereafter, no lot shall be reduced in size so that lot width, size of yards, lot area per family or any other requirement of this Ordinance is not maintained under the following conditions. This limitation shall not apply:

- a. When a portion of a lot is acquired for a public purpose.
- b. To dormitories, fraternities, sororities and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms.
- c. To rental units in a hotel, motel, motor lodge, tourist home or to rooms in a rooming or boarding house.

8.2-2 Yards and Open Space.

- a. Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.
- b. Every part of a required yard shall be open to the sky so that projections such as sills, window air conditioning units, chimneys or cornices and ornamental features may not extend into a required yard.
- c. Notwithstanding other provisions of this Ordinance, fences, walls, and hedges, driveways, and buffer areas may be permitted in any required yard or along the

edge of any yard provided that no fence, wall or hedge along the street sides of corner lots shall violate the corner visibility provisions of this Ordinance.

d. Minimum distances between principle buildings located on the same lot:

1) Front to front arrangements	50 feet
2) Front to rear arrangements	50 feet
3) Rear to rear arrangements	50 feet
4) Front to side arrangements	40 feet
5) Side to side arrangements	20 feet
6) All other arrangements	20 feet

8.2-3 Front Yards.

- a. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- b. On through lots, the required front yard shall be provided on each street.
- c. Corner lots shall meet the minimum front yard requirements on the sides adjacent to both streets and the remaining yards shall be considered side yard requirements.
- d. Open, unenclosed porches, platforms, or paved terraces, which are not covered by a roof or canopy and do not extend above the level of the first floor of the building, may extend or project into the required setback area if it is less than six (6) feet long.
- e. Within the same block and zoning district, when twenty-five percent (25%) or more of the existing buildings which are located within two hundred (200) feet of each side of a lot have less than the minimum required setback, the required front setback of such lot should not exceed the average of the existing front setbacks.

8.2-4 Side Yards.

- a. For the purpose of the side yard regulations, a group of commercial buildings separated by common or party walls shall be considered as one building occupying one lot.

8.2-5 Fences and Walls. No fence or freestanding wall in a required yard other than a retaining wall shall be more than eight (8) feet in height, or be constructed in a public right-of-way unless otherwise specified.

8.3 Corner Visibility.

No sign, fence, wall, hedge, planting, or other obstruction to vision, extending to a height in

excess of three (3) feet above the established street grade, shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points twenty-five (25) feet distant from the intersection of the street lines.

8.4 Accessory Uses and Structures.

8.4-1 An accessory structure shall not be permitted in any required front yard setback in the SR district.

8.4-2 No accessory building or structure shall be erected beyond a required yard line along any street.

8.4-3 Residential accessory uses in the RR, SR, MFR and MHP districts, such as garages, greenhouses or workshops, shall not be rented or occupied for commercial purposes.

8.4-4 All residential accessory buildings must be located at least ten (10) feet from the principal building.

8.4-5 Filling station pumps and pump islands where permitted may occupy the required yards, provided that they shall not be less than fifteen (15) feet from street lines; canopies, whether attached or detached from the principal building must be at least fourteen (14) feet in height and the outermost edge shall be five (5) feet from any property line.

8.4-6 All non-residential accessory buildings shall only be used by the owners, employees, lessee, or tenants of the premises, and shall meet the setback requirements of the principal building.

8.4-7 An open or unenclosed swimming pool may occupy a required rear or side yard, provided that the pool is not located closer than six (6) feet to a rear lot line or ten (10) feet to an interior side lot line. A three (3) feet wide walk space shall be provided between pool walls and protective fences or barrier walls.

8.5 Home Occupations.

The conduct of business in residential units in the AG, RR, SR, MFR and MHP Districts is permitted under the provisions of this section. The intent of this section is to ensure the compatibility of home occupations with other uses permitted in these districts and not create a nuisance to residents from excessive noise, traffic, smoke, fire hazards, and other possible negative effects from commercial activity. Therefore, home occupations must meet the following requirements:

8.5-1 A home occupation must be clearly subordinate to the principle use of a parcel. In the RR, SR, MFR and MHP Districts, no more than twenty-five percent (25%) of the floor area of the dwelling unit may be used for home occupation purposes or for storage purposes in connection with a home occupation. An accessory building cannot be used in conjunction with a home occupation in the SR, MFR and MHP Districts.

In RR Districts, no more than 600 square feet or in AG Districts, no more than 2400 square feet of an accessory building may be used for home occupation purposes or for storage purposes in connection with a home occupation.

8.5-2 The home occupation is limited to employment of residents of the property plus not more than one (1) additional person.

8.5-3 A home occupation shall not produce objectionable noise, dust, vibrations, glare, fumes, or electrical interference detectable by normal means outside the structure.

8.5-4 A home occupation shall not constitute a fire hazard to neighboring residences.

8.5-5 No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off-street.

8.5-6 On premise retail sales are prohibited except for the sale of products or goods produced or fabricated on the premises as a result of the home occupation.

8.5-7 There shall be no exterior indication of the home occupation or variation from the residential character of the principal use.

8.5-8 There shall be no more than two (2) clients on premises at a time for any home occupation.

8.5-9 No commercial telephone directory listing, newspaper, radio, or television service shall be used to advertise the location of a home occupation to the general public.

8.5-10 The following is a non-exhaustive list of examples of permissible home occupations providing they meet the above criteria:

- a. Architectural services
- b. Art Studio
- c. Consulting Services
- d. Data Processing
- e. Dental technician and laboratory
- f. Direct sale product distribution (Amway, Avon, Jaffra, Tupperware, Herbalife) provided there is no production on premises
- g. Drafting and graphic services
- h. Dressmaking, sewing, tailoring, contract sewing (1 machine)
- i. Electronic assembly

- j. Engineering service
- k. Financial planning or investment services
- l. Flower arranging
- m. Home Office
- n. House cleaning service
- o. Insurance sales or broker
- p. Interior design
- q. Laundry and ironing service
- r. Locksmith
- s. Real estate sales or broker
- t. Telephone answering, switchboard call forwarding
- u. Tutoring, including all indoor and outdoor instructional services limited to two (2) students at a time
- v. Writing, computer programming

8.5-11 The following is a non-exhaustive list of examples of prohibited home occupations:

- a. Ambulance service
- b. Appliance repair
- c. Auto Repair
- d. Restaurants, food preparation
- e. Tow truck services
- f. Veterinary uses (including care, grooming or boarding)

8.6 Electric Transform Station, Gas Regulator Station and Telephone Exchange.

8.6-1 Such uses shall be essential for service to the area in which located.

8.6-2 Any building or structure, except an enclosing fence, shall be setback not less than twenty (20) feet from any property line and shall meet all applicable yard requirements in excess thereof.

8.6-3 Such uses shall be enclosed by a fence not less than eight (8) feet in height.

8.6-4 The required front yard and other open space on the premises outside the fenced area shall be grassed, landscaped, and maintained in an appropriate manner.

8.6-5 The storage of vehicles and equipment on the premises shall be prohibited.

8.6-6 The site and development plans shall be approved by the Enforcement Officer to ensure compatibility of facilities with the neighborhood in which they are located.

ARTICLE 9 - OFF-STREET PARKING AND LOADING

9.1 Purpose.

The purpose of this article is to provide regulations to foster safe and efficient circulation of vehicles and pedestrians on private and public streets and to minimize nuisances from on-street parking.

9.2 Off-Street Parking.

- a. **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 in Table 9.1. Each automobile parking space shall be at least eight (8) feet six (6) inches wide and eighteen (18) feet long.

If the required automobile parking or storage space cannot be provided on the same lot on which the principal use is located, the Board of Appeals 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 space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

All off-street automobile parking and storage space except for single family residential uses shall be so arranged that vehicles will not be required to back onto a public, street, road, or highway when leaving the premises.

Gross leasable area (GLA) is the total building floor area in square feet that a developer may lease. Gross floor area (GFA) is the sum of the areas of several floors of a building, including all areas for human occupancy, as measured from the exterior faces of the walls, but excluding unenclosed porches, interior parking spaces, or any space where the floor to ceiling height is less than six (6) feet, six (6) inches.

- b. **Improvement and Maintenance.** Off-street parking areas shall be graded to insure proper drainage, surfaced with all-weather gravel, asphalt or concrete materials, and maintained in a clean, orderly, and dust-free condition.
- c. **Marking.** In all commercial and industrial zone districts, if the off-street parking area is surfaced with concrete or asphalt, each parking space shall be painted with stripes, not less than three (3) inches wide, running the length of each of the longer sides of the space or by other acceptable methods which clearly delineate the parking space within the parking lot. If the off-street parking area is surfaced with all-weather gravel materials, a bumper guard or wheel stop shall be installed to mark each space.

d. **Handicapped Parking.** Parking for the handicapped within a non-residential district shall be provided at a size, number, and location according to the requirements of the American Disabilities Act Accessibility Guidelines (ADAAG), published by the U.S. Architectural and Transportation Barrier Compliance Board (ATBCB), as amended.

9.3 Residential Parking.

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

a. If garages or carports are converted to living area, then the off-street parking requirements must be met elsewhere on the lot.

Table 9.1

MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES	
USES	PARKING SPACES
RESIDENTIAL	
Dormitory for Worker Employed on the Premises	1 per 3 employees plus 1 per dormitory manager.
Dwelling, Multi-family /Townhouse (including one bedroom. units)	2 per dwelling unit.
Dwelling, Single-family Detached	2 per dwelling unit.
Dwelling, Condominium	2 per dwelling unit.
Senior Housing	1 space per dwelling unit.
Group Home	1 per employee plus 1 per 2 bedrooms.
Manufactured Home, Industrialized Home	2 per dwelling unit.
Neighborhood Center	1 per 250 sf GFA.
Nursing Home	1 for 4 beds + 1 per 2 employees.
Rooming and Boardinghouse	1 per room to be let.
COMMERCIAL – RETAIL	PARKING SPACES
Automobile, Truck Sales & Service	1.0 space per 250 sf of sales floor area + 2 spaces per service bay.
Auto Parts Store	1 per 400 sf GFA + 1 per employee on max. work shift.
Boat Sales, Service and Repair	1 per 300 sf GFA, 2 spaces minimum.
Convenience Store (can include fuel service)	5 per 1,000 sf GFA.
Furniture, Home Furnishing & Equipment Store	1 per 500 sf GFA, 2 spaces minimum.
Grocery Store	1 per 200 sf GFA.
Hardware Store	1 per 200 sf GFA.
Liquor Store	1 per 400 sf GFA.
Manufactured Home Sales	4 per sales person plus 1 per employee.
Restaurant, Cafeteria, Fast-Food (with seating)	1 per 4 seats, 1 add'l space for 2 employees.
Restaurant, Fast Food w/Drive-in Facility (no seating)	1 per employee on maximum shift.
	1 per 200 sf GLA.

MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES	
USES	PARKING SPACES
Retail Stores, General Merchandise	
Shopping Center, Planned - Under 400,000 sf GLA	5 per 1,000 sf GLA.
Shopping Center, Planned - Over 400,000 sf GLA	5.5 per 1,000 sf GLA.
Tire Sales, Service and Vulcanizing	1 per 300 sf GFA.
COMMERCIAL - SERVICE & ENTERTAINMENT	PARKING SPACES
Amusement Center, Game Room	1 per 200 sf GFA, plus 1 per two tables/machines.
Amusement Park	Spaces equal in number to 30% of capacity.
Automobile Repair & Body Shop	1 per 150 sf GFA.
Auto Oil Change Shop	2 per service bay.
Auto/Motor Vehicles Race Track	1 per 4 seats.
Bait Shop	1 per 250 sf GFA.
Bank or Financial Institution, Full Service	1 per 175 sf GFA.
Bar, Cocktail Lounge, Tavern, Night Club	1 per 4 seats.
Barber Shop, Beauty Salon	3 per workstation on maximum capacity.
Bed and Breakfast Home	1 per guest room, plus 2 per owner's dwelling unit.
Bowling Alley	4 per alley.
Dry Cleaning	1 per 200 sf GFA.
Funeral Home/Mortuary	1 per 4 seats in chapel + 1 per 2 employees + spaces for company vehicles.
Gas Station, Full Service	1 per employee plus 3 per service bay.
Gas Station, Self-Serve (fuel only)	1 per employee.
Health Club and Facilities	1 per 200 sf GFA.
Hotel, Motel, Motor Lodge	1 per sleeping room or suite, 1 add'l space for @ 2 employees.
Laboratory, Research & Development Facilities	1.5 per employee.
Laundromat	1 per 200 sf GFA.
Machinery Sales, Service and Repair	4 per sales person plus 1 for @ other employees.
Miniature Golf Course	3 per hole + 1 per employee on maximum shift.
Offices (business, medical, dental, and professional)	1 per 225 sf GFA for single floor designs; 1 per 275 sf GFA for designs with two or more floors.
Pet Shop and Dog Grooming Shop	1 per 400 sf GFA w/a minimum of 4 spaces.
Printing, Publishing and Engraving	1 per 2 employees on premises + 1 per 300 sf of sales space.
Repair Service, General Merchandise	1 per 2 employees on premises + 1 per 300 sf of sales space.
RV Sales and Camper Sales, Service & Repair	4 spaces for sales person plus 1 per employee.
Shooting Range, Indoor	1 per employee plus 1 per shooting lane.
Studio for Art, Photograph and Similar Uses	1 per 400 sf GFA, 3 spaces minimum.
Theater, Movie or Drama	1 per 3 seats.
Truck Terminal	1 per 1,000 sf GFA.
Veterinary Clinic	4 spaces per doctor, plus 1 per additional employee.
Video Store	1 per 200 sf GFA.
INDUSTRIAL - STORAGE/WAREHOUSING/	PARKING SPACES

MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES	
USES	
WHOLESALE TRADE	
Mini-Warehouse (Self-Service Storage Facilities)	1 per 10 storage units + 1 per employee.
Warehouse and Storage Buildings	1 per employee on maximum working shift, plus space for storage of truck or vehicles used.
Junkyard, Salvage Yard.	2 per employee.
Wholesale, Trade Establishments	1 per employee, plus 1 per 200 sf of sales floor area
	PARKING SPACES
Manufacturing and Industrial Uses	1 per employee on the maximum working shift.
Contract Construction	1 per 250 sf of gross office space + 1 per non-office on-site employee.
Mineral Extraction & Processing	1 per 2 employees on maximum working shift.
PUBLIC/INSTITUTIONAL	
Ambulance Services	1 per emergency vehicle plus 1 add'l space for each employee.
Art Gallery	1 per 250 sf GFA.
Auditorium, Assembly Hall, Civic Center, Community Center	1 per 4 seats or bench seating spaces.
Cemetery, mausoleum	1 per employee.
Childcare Facilities	1 per 1.5 employees + 1 per 4 pupils.
Church	1 per 4 seats or bench seating spaces.
Club and Lodges, Non-Commercial	1 per 100 sf GFA.
Convent & Monastery	1 per 2 beds.
Fire Station	1 per each employee on the maximum working shift.
Hospital, Health and Medical Institution	1 per 2 patient beds, 1 additional for 3 employees.
Library	1 per 400 sf GFA + 1 per 2 employees.
Museum	1 per 250 sf GFA.
Police Station/Correctional Facility	2 per employee on the maximum working shift, plus 1 per 8 inmates considering the maximum inmate holding capacity.
Post Office	1 per 200 sf GFA + 1 per employee on maximum working shift.
Recycling Center	1 per employee.
School, Public or Private Elementary/Middle	1 per 10 students or 1 per five (5) seats in the main assembly area whichever is greater
School, Public or Private High	1 per 3 students + 1 per employee, plus 1 per classroom
School, College	15 per classroom.
School, Vocational/Technical	15 per classroom.
TRANSPORTATION/COMMUNICATION UTILITIES	
Bus Terminal	4 per loading and unloading bay.
Radio, TV & Communication Transmission Tower	1 per 2 employees on premises + 1 per 300 sf of sales or customer space.
Utility Facilities	1 per employee + 1 per stored vehicle.
Water Treatment Facilities	1 per employee.
PARK/RECREATION/CONSERVATION	
Golf Courses and Club Houses, Private	Four per hole, plus additional spaces for each accessory facility.
Golf Courses and Club Houses, Public	Four per hole, plus additional spaces for each accessory facility.

MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES	
USES	
Golf Driving Range	2 per driving tee.
Park with Recreational Facilities	Spaces equal in number to 30% of capacity.
Recreation Vehicle Park	1.5 per RV space.
Shooting Range, Outdoor	Skeet Range & Trap Range: 1 per employee plus 1 for shooter. Target Range: 1 per employee plus 1 per shooting lane.
Skating Rink, Roller and Ice	5 spaces per 1,000 sf of GFA
Swimming Pool, Public	30 spaces minimum.
AGRICULTURAL	PARKING SPACES
Agricultural Services	2 per 3 employees or 1 per 400 sf GFA.
Kennel	1 per employee + 1 per 1,000 sf GFA.
Lumber Yard	1 per 500 sf GFA.
Meat Pack & Processing/Slaughter Yard	1 per 1,000 sf GFA.
Nursery/Greenhouse	1 per 400 sf of GFA, plus 1 per 2,000 sf of exterior nursery area.
Saw Mill	1 per employee.
Stock Yard	1 per employee on maximum shift.

9.4 Off-Street Loading and Unloading Space.

Every building or structure used for business, trade for industry, shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley or if there is no alley, to a street. Such space shall be so arranged that no vehicle is required to back onto a public street, road or highway in order to leave the premises.

a. Retail Business and Services. space ten (10) feet by twenty-five (25) feet for each 20,000 square feet of total floor area or fraction thereof.

b. Wholesale and Industry. One space ten (10) feet by fifty (50) feet for each 10,000 square feet of floor area plus one (1) additional space for each 60,000 additional square feet of total floor area or fraction thereof.

c. Bus and Truck Terminals. Sufficient space to accommodate the maximum number of busses or trucks to be stored or to be loading or unloading at the terminal at any one time.

ARTICLE 10 - NON-CONFORMITY

10.1 Purpose.

The purpose of this article is to provide for the continuation and, within a suitable period of time, elimination of existing uses of property that do not conform to the requirements of this Ordinance upon its adoption or subsequent amendment.

10.2 Non-conforming Use.

Any structure or use of land existing at the time of enactment or subsequent amendment of this zoning ordinance, but not in conformity with its use provisions, may be continued with the following limitations:

- a. A non-conforming use may not be changed to another non-conforming use.
- b. A non-conforming use may not be reestablished after discontinuance of that use for one year.
- c. A non-conforming use or structure may not be enlarged beyond its size at the time the use or structure becomes non-conforming. This includes, but is not limited to, the size of the building, the number of employees, operation during other hours of the day or night, the use of additional land, and more powerful or additional equipment.
- d. A non-conforming structure may not be rebuilt, altered, repaired or replaced after incurring damages that exceed 75% of the fair market value of the structure at the time immediately preceding the occurring of such damage. A non-conforming mobile home may not be replaced after it is removed from the property.
- e. The Board of Appeals may grant the change, reestablishment or enlargement of a non-conforming use or the enlargement, rebuilding, alteration, repair or replacement of a non-conforming structure upon the following findings:
 1. The change, reestablishment, enlargement, rebuilding, alteration, repair or replacement would be no more detrimental to the surrounding area than the existing or previous use;
 2. The structure cannot be economically modified so as to be suitable for uses in the district;
 3. The structure would have to be removed to permit development of the property for conforming uses;
 4. The structure has such value that removal to permit development of the conforming uses would cause economic hardship to the owner,
 5. The proposed change, reestablishment, enlargement, rebuilding, alteration, replacement or repair would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.

6. The requirements for changing to a different Land Use District would prevent the current District from being changed to a classification that would allow the proposed change, reestablishment, enlargement, rebuilding, alteration, repair or replacement.

10.2-2 Applications submitted to the Board of Appeals requesting the change, reestablishment, enlargement, rebuilding, alteration, repair or replacement of a non-conforming use structure shall include the following information:

- a. The applicant shall bear the burden of providing conclusive evidence to the Board of Appeals that the use or structure is legally non-conforming. The evidence may include, but is not limited to, business licenses, tax receipts, utility bills, telephone bills, IRS documents and affidavits.
- b. The applicant shall submit a plat or an accurate site plan, drawn to scale, showing the dimensions of the lot, size and location of all structures and their distance from all property lines, the names of all streets which the property abuts, and parking spaces.
- c. If the request is for a commercial use or structure, a written description shall be submitted to describe the business. This description shall include hours of operation, number of employees, equipment used, products made or sold, type of signs, and other information as needed for the Board of Appeals to reach a decision.
- d. The applicant shall provide evidence to the Board of Appeals on how the proposed change, reestablishment, enlargement, rebuilding, alteration, repair or replacement will comply with the current zoning, health and building requirements.

10.2-3 If the requested change, reestablishment, enlargement, rebuilding, alteration, repair or replacement is approved, the Board of Appeals may place conditions on the approval to ensure protection of the surrounding area. The applicant is responsible for conformance with these conditions.

ARTICLE 11 - ADMINISTRATION

11.1 Enforcement Officer.

The provisions of this Ordinance shall be administered and enforced by the Land Development Officer who is given the authority to perform these functions. The Land Development Officer's duties shall include receiving applications, inspecting premises, issuing building permits and Certificates of Occupancy for uses and structures that meet the requirements of this Ordinance and other duties that are authorized by the Commissioner.

11.2 Building Permit and Manufactured Home Location Permit.

11.2-1 Building Permit. A building permit, to indicate and insure compliance with all provisions of this Ordinance, shall be required for any proposed use of lands or buildings before any improvements or grading of lands or any alteration or construction of buildings commences.

11.2-2 Manufactured Home Location Permit. A building permit shall be required for the construction of a manufactured home stand, or the placement of a manufactured home on an individual lot.

11.3 Application.

All applications for building permits shall be made to the Land Development Officer. A dimensioned site plan may be required.

11.3-1 Site Plan Requirements. The dimensioned site plan may be required to include any/or all of the following information:

- a. **Name.** Name(s) of the proposed development. Names, address(es), and phone number(s) of the owner(s) and the designer(s) of the site plan and his seal.
- b. **Date.** Date, north arrow, and graphic scale.
- c. **Survey Boundaries.** Surveyed boundaries of the entire tract and their relationship to adjoining properties, public rights-of-way, and easements.
- d. **Location Map.** A general location map at a scale of one inch equals two thousand feet (1"=2,000') indicating existing zoning on or adjacent to the site, adjoining roads, and the adjacent areas are required.
- e. **Building Locations.** Location of all proposed buildings, their shape, size, and setback in appropriate scale.
- f. **Parking and Loading.** All required parking and loading facilities for non-residential uses.

- g. **Right-of-Way.** Show the location, with lengths and widths, and the name or purpose of all right-of-ways of streets, roads, alleys, railroads, public crosswalks, and applicable easements.
- h. **Buffers.** Show the location and design of the proposed buffer and landscaping for the proposed development.
- i. **Environmentally Sensitive Areas.** Location of major river corridors, steep slopes, and elevation of the 100-year floodplain as determined by the past history of flooding or the best available data.
- j. **Proposed Improvements.** The names, where appropriate, and locations and dimensions of proposed streets, alleys, sidewalks, easements, buildings, parking and loading, dumpsters, recreation areas and facilities, yards and other open spaces.
- k. **Adjacent Developments.** All other information concerning the lot or adjoining lots as may be essential to determine whether the proposed development meets the provisions of this Ordinance shall be included in the sketch plan.

11.4 Issuance.

If the proposed excavation, filling, or construction as set forth in the application is in conformity with the provisions of this Ordinance, then the Land Development Officer of Murray County shall issue a building permit upon payment of the required fee. If a building permit is refused, the Land Development Officer shall state such refusal in writing with cause. The Land Development Officer shall not issue any permit if the land or building as proposed to be used, constructed or altered would be in violation to any provisions of this Ordinance or any codes and laws of Murray County, or the State, or Federal Government, except as provided herein.

11.5 Duration of Permit Validity.

The permit shall become invalid if the work authorized by the permit is suspended or abandoned for a period of one (1) year.

11.6 Appeals From Decisions.

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

11.7 Certificate of Occupancy.

A certificate of occupancy issued by the Land Development Officer is required in advance of the occupancy or use of the following:

11.7-1 Any building, structure, land, or premises.

11.7-2 Any building or structure hereafter erected or moved.

11.7-3 Any building hereafter altered, so as to affect the front, side, or rear yards thereof, or its height.

11.7-4 Any building, structure, or premises in which there is a change of occupancy or use.

Within five (5) days after the application for a certificate of occupancy and payment of any required fees, the Land Development Officer shall sign and issue a certificate of occupancy if the proposed use of land or building, as stated on the certificate of occupancy and signed by the owner or his appointed agent, is found to conform to the applicable provisions of this Ordinance, and if the building, as finally constructed, complies with the plans submitted for the building permit.

11.8 Denial of Certificate of Occupancy.

A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this Ordinance, or unless the building, as finally constructed, complies with the plans upon which the building permit was issued. The Land Development Officer shall state in writing the reasons for denying such certificate of occupancy.

11.9 Records of Applications and Certificates.

Records of application for all building permits, occupancy certificates with said permits, and occupancy certificates and denials shall be kept on file in the office of the Land Development Officer, and copies shall be furnished on request per county policy.

ARTICLE 12 - APPEALS

12.1 Board of Appeals.

The Board of Appeals of Murray County shall hear all appeals to this ordinance. The word "Board" when used in this Ordinance shall be construed to mean the Board of Appeals.

12.2 Powers and Duties.

The Board of Appeals shall have the following powers and duties in regards to this ordinance:

12.2-1 Variances. The Board shall hear and decide applications for variances from the development requirements of this Ordinance, but only where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, which at the time of adoption of this Ordinance, was a lot or plat of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of a piece of property, the strict application of the said development requirements of this Ordinance would result in practical difficulties to, or undue hardship upon the owner of such property. In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure, or use as it may deem advisable so that the purpose of this Ordinance will be served. However, the Board shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited.

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

- a. That the special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.
- b. That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.
- c. That the condition from which relief of a variance is sought did not result from action by the applicant.
- d. That the authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of Murray County.

12.2-2 Appeals. The Board shall hear and decide appeals where it is alleged by the appellant that there is an effort in any order, requirement, development or building permit decision, determination or refusal made by the Land Development Officer or other administrative officials in the administration or enforcement of any provisions of this Ordinance. Such appeals shall be in accordance with the following:

- a. An appeal to the Board of Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, board or agency affected by any decision of the Land Development Officer with respect to this Ordinance. Such appeal shall be made within ten (10) days following notification of the disputed decision, by filing with the Land Development Officer a notice of appeal and specifying the grounds thereof. The Land Development Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- b. An appeal stays all legal proceedings in furtherance of the action appealed from unless the Land Development Officer certifies to the Board of Appeals, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction.
- c. The appellant and any public agency or private individual shall be entitled to present evidence on matters before the Board.
- d. The Board may, in conformity with this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end shall have all the powers of the Land Development Officer. The Board may direct the issuance of a permit. It shall be the duty of the Land Development Officer to carry out the decisions of the Board.

12.2-3 Special Exceptions. To hear and decide the following exceptions to the terms of this Ordinance provided that such exceptions shall impose appropriate conditions and safeguards:

- a. District boundary interpretations as provided in Section 5.3.
- b. Temporary Use.
- c. Interpretation of uses not listed in Table 6.4.

12.3 Public Hearings.

Within a reasonable time after receiving an application and before making a decision, the Board shall hold a public hearing, then shall act on all requests for variances, appeals and special exceptions.

12.3-1 Applications. Application for a hearing and decision on requests for variances, appeals and special exceptions shall be filed with the Land Development Officer on forms provided by Murray County at least thirty (30) days prior to the meeting at which they are to be heard. Each application shall contain such information as the Land Development Officer may require to enable the Board to make its decision. Each application for a variance shall include a plat drawn to scale showing the following information:

- a. All property lines, with dimensions.
- b. Location of buildings and other structures, creeks, and easements referenced to the property line of the tract.
- c. North arrow, land district and land lot marker.
- d. Location of setback lines or other dimensional requirements from which the variance is sought.

12.3-2 Notice of Hearing.

- a. At least fifteen (15), but not more than forty-five (45) days prior to the date set by the Board of Appeals for the hearing, a written notice shall be published in a newspaper of general circulation in Murray County setting forth the time, place, and purpose of the hearing.
- b. At least fifteen (15) days notice of the time and place of the hearing shall be sent to the applicant and the owners of all properties abutting or across the street from the property with which the hearing is concerned. In addition, the Land Development Officer shall post, in a conspicuous place on the property a sign or signs which shall contain information as to the date, time, and purpose of the hearing before the Board, at least fifteen (15) days before the hearing. However, acts of vandalism or natural occurrences which limit the effectiveness of posting the property for public notice shall not void the proceedings or actions taken under this Article.

12.3-3 Hearing Procedure. The Board shall adopt such rules and regulations for the conduct of the public hearings as are consistent with State law and are appropriate to its responsibilities, which shall be published and available to the public, including rules on the presentation of evidence.

12.4 Assistance by Land Development Officer.

The Land Development Officer shall provide such technical and clerical assistance as the Board may require and shall maintain permanent and complete records of the activities of the Board.

12.5 Fees.

To defray a portion of the costs occasioned thereby, no appeal from the decision of the Land Development Officer and no application for a special exception, variance, or conditional use shall be entered on the docket of, heard by, or ruled by the Board until there has been paid to the office of the Board by the appellant, an administrative fee, which fee shall be remitted to the Murray County Clerk. No fee shall be required for an interpretation of this Ordinance when there is a variation between the street layout on the ground and the street layout as shown on the zone district map. Neither Murray County nor any officer, agent or employee of Murray County acting in his official capacity, nor any agency of the County shall be required to pay a fee under this Article.

12.6 Appeals from Action of the Board.

Any party aggrieved by a final judgment or decision of the Board may within thirty (30) days thereafter appeal therefrom to the Superior Court. The appellant shall furnish the Board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the Board shall cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken and the case shall, in such court, be a new trial.

ARTICLE 13 - AMENDMENTS

13.1 Amendments.

This Ordinance, including the Official Land Use District Map, may be amended by the Murray County Commissioner upon his/her own motion, in accordance with the requirements of the adopted Murray County Land Use Procedures Ordinance, as amended (See Appendix A). All applications to amend the Official Land Use District Map shall be filed in the office of the Murray County Clerk.

ARTICLE 14 - REMEDIES AND PENALTIES

14.1 Remedies.

14.1-1 Whenever any work is being done in violation of any provision of this ordinance, or in variance with the terms of any permit issued for such work, the Land Development Officer may order all work on the job stopped until such violation or variance is eliminated and any work or installation made in violation of the ordinance corrected. Such stop order, if oral, shall be followed by a written stop order within twenty-four (24) hours (excluding Saturday, Sunday or holidays). It shall be unlawful to do or perform any work in violation of such stop order except as may be necessary to prevent injury or damage to persons or property. Such stop order may be revoked by the Land Development Officer or by ordinance of the Murray County Commissioner.

14.1-2 Whenever any building or structure is being erected, constructed, re-constructed, rehabilitated, altered, repaired, converted, or maintained in violation of any provision of this ordinance, Murray County may file appropriate action for equitable relief on emergency basis or otherwise in a court of proper jurisdiction to prevent the violation, further violation or damage resulting from such violation and shall be entitled to all relief as provided under applicable law.

14.2 Penalties for Violation.

Any person who is guilty of violating, by act or omission, any provision of this Ordinance shall be punishable by a fine not exceeding one thousand dollars (\$1,000) or six (6) months in jail or both, in the Magistrate Court of Murray County. Where such an act or omission is continued in violation of the provisions of these regulations after notice of such violation by the Land Development Officer, each day such violation continues may be deemed a separate punishable violation.

ARTICLE 15- LEGAL STATUS PROVISIONS

15.1 Validity.

Should any article, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the Ordinance as a whole or any part hereof other than the part so declared to be invalid; each article, clause and provision hereof being declared severable.

15.2 Repeal of Conflicting Ordinances and Validity of Prior Approvals and Actions.

This is the Land Use District Ordinance of Murray County, Georgia, and all other conflicting ordinances are hereby repealed; provided, that nothing herein shall be construed as repealing or modifying the conditions of operation or conditions of site development accompanying the zoning approvals or use permits issued for developments already in progress before adoption of this Ordinance; however, modification or repeal of these past conditions of approval may be accomplished as provided by this Ordinance.

All variances and exceptions heretofore granted by the Commissioner or other applicable authority shall remain in full force and effect; all terms, conditions and obligations previously imposed shall remain in effect and be binding. Prior Ordinances shall remain in effect insofar as required for the initiation of any proceedings against such violations and for the prosecution of any violations heretofore commenced.

APPENDIX A - PROCEDURES AND STANDARDS ORDINANCE

LAND USE PROCEDURES AND STANDARDS
ORDINANCE

For Murray County, Georgia

ORDINANCE NO. 52

Adopted
October 15, 2002

**LAND USE
PROCEDURES AND STANDARDS ORDINANCE
ORDINANCE NO. 52**

MURRAY COUNTY, GEORGIA

An Ordinance of the Murray County, Georgia establishing minimum procedural regulations, notice of public hearings, conduct of public hearings, standards, and factors, governing the land use power of Murray County, Georgia, and repealing all conflicting resolutions, Ordinances, and amendments thereto, and for other purposes.

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

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

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

Land Use District. A delineated section or sections of Murray County for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Land Use Decision. The final legislative action by Murray County, which results in:

- a) The adoption of a land use ordinance;
- b) The adoption of an amendment to a land use ordinance, which changes the text of the land use ordinance;
- c) The adoption of an amendment to a land use ordinance which changes property from one land use district to another; or
- d) The approval of a conditional use (special use) of property.

Land Use Regulations. The power of Murray County to provide within its territorial boundaries for the districting of property for various uses and the prohibition of other or different uses within such land use districts and for the regulation of development and the improvement of real estate within such districts in accordance with the uses of property for which said land use districts were established.

Land Use Ordinance. An Ordinance for Murray County establishing procedures and land use districts within its territorial boundaries, which regulate the uses and development standards of property within such land use districts. The term also includes the Land Use Map (as hereinafter amended) adopted in conjunction with the Land use Ordinance of Murray County, which shows the land use districts and the classification of property therein.

Local Government. The local government of Murray County, which means the Office of the Murray County Commissioner, or equivalent, hereafter, referred to as the Murray County Commission, which exercises land use power within the territorial boundary of Murray County, Georgia.

Planning Commission. The Murray County Land Use Planning Commission or any other agency hereafter designated by the governing authority of Murray County which is authorized to investigate any proposal for a land use decision properly coming before it, to conduct any public hearings necessary for the exercise of any land use power, and to provide an advisory recommendation to the governing authority concerning the proposed land use decision.

Territorial Boundaries. The unincorporated areas of the Murray County, State of Georgia.

Section 3.0 Adoption of the Ordinance. Initial adoption of this Ordinance and the Land Use Ordinance by Murray County, State of Georgia shall occur without presentation to or recommendation by the Murray County Land Use Planning Commission. At least one public hearing shall be held prior to the adoption of this Ordinance and/or the Land Use Ordinance by the Murray County Commission and such proceeding shall comply with the following Sections of this Ordinance:

- Section 5.1 regarding written notice;
- Section 6.0 regarding public hearings;
- Section 7.0 regarding conduct of hearings;
- Section 8.0 regarding land use/conditional use standards; and
- Section 9.0 regarding official action.

4.0 Amendment. This Ordinance and the Land Use Ordinance of Murray County, Georgia may be amended from time to time subject to the following conditions:

4.1 No Amendment shall become effective unless it shall have been initiated by either the Murray County Commission, the Murray County Land Use Planning Commission, the property owner(s) or an individual who has the owner(s)' power-of-attorney authorizing him/her to act, or a request signed by sixty (60) percent of the property owners who hold not less than sixty (60) percent of the affected land; or a valid conditional use (special use) application for a specific property.

4.2 All proposed land use decisions shall be initiated by an application filed with the Land Development Officer of Murray County on forms provided by Murray County. A standard fee to be set from time to time by the governing authority shall be paid with the application.

5.0 Public Notice. Notice of public hearing on a proposed amendment to this Ordinance shall be given as hereinafter set forth:

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

5.2 Except for the initial adoption of the Land Use Ordinance, in addition to the requirements of subsection 5.1, if the proposed amendment calls for a land use decision for 1) changing the land use district of property; or 2) review of a conditional (special) use permit, and the proposed amendment is initiated by a person other than the Murray County Commission:

5.2-1 The published notice shall include the location of the property and state the present land use classification of the property (if applicable) and the proposed land use classification of the property (if applicable); and the proposed use requiring a special use (conditional use) review (if applicable); and

5.2-2 A sign shall be placed in a conspicuous location on the property that is the subject of the land use decision setting forth the time, place and purpose of the public hearing, the present land use classification of the property, and the proposed land use classification of the property (if applicable), and (if applicable) the proposed use requiring a special use (conditional use) review. Acts of vandalism or natural occurrences limiting the effectiveness of notice by a sign posted on the property shall not invalidate any proceedings or action taken on the proposed amendment.

6.0 Public Hearing. A public hearing for the initial adoption of this Ordinance or the Land Use Ordinance of Murray County shall be held before the Murray County Commission. Public notice shall apply as set forth in Section 5.1 and the public hearing shall be conducted as set forth in Section 7.0 with the Commissioner or his/her delegate conducting the public hearing, as would the Chairman of the Planning Commission or his/her delegate.

After initial adoption, a public hearing on any proposed amendment to this Ordinance or the Land Use Ordinance of Murray County or conditional use review shall be held before the Planning Commission on behalf of the Murray County Commission. A public hearing shall be conducted at the time and place specified by the Planning Commission and as set forth in the public notice described in Section 5.0 of this Article. The purpose of such hearing shall be to present to the public the proposed land use amendment, and to receive comments thereon from the public. The Planning Commission shall consider the proceedings and comments of such hearing, in addition to the applicable land use/conditional use standards in Section 8.0 of this Ordinance, in making any recommendation on the proposed land use decision. The Planning Commission shall prescribe the rules of order for its deliberations on matters with which it is charged under this Ordinance, and said rules of order shall be consistent with the general requirements and purposes set forth in this Ordinance and other laws of the State of Georgia concerning conduct of proceedings of public commissions, bodies, and governmental units.

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

7.1 The Chairman of the Planning Commission or his/her delegate on the Commission shall open any hearing with an explanation of the purpose of the hearing and a description of the general rules for the conduct of the hearing. The Chairman or his/her delegate may describe the authority and role of the Planning Commission in any land use decision. The Chairman or his/her delegate must recognize an individual requesting to be heard on a matter germane to the purpose of the hearing before addressing the Planning Commission. The Chairman or his/her delegate shall chair the hearing and shall determine germaneness of any proposed comment or presentation to the Planning Commission in the hearing and is authorized to rule any individual or a portion of any presentation out of order if not germane to the published purpose of the hearing. Any person requesting to address the Planning Commission upon being recognized by the Chairman or his/her delegate shall state his name and residence address before proceeding with any comment, remarks, or presentation. Any person addressing the Planning Commission shall respond to questions of the Chairman or any member of the Commission. The Chairman or his/her delegate may pre-determine the length of any hearing allotting equal time to proponents and opponents of any proposed land use decision to the extent that there are both proponents and opponents who desire to be heard. The Chairman or his/her delegate shall only be required to offer equal time to both proponents and opponents of any proposed land use decision and the fact that equal time is not in fact utilized by either position shall not invalidate any proceedings or action taken on the proposed land use decision. The Chairman, however, shall allow a minimum time period to be no less than ten (10) minutes per side for the presentation of data, evidence, and opinion.

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

7.3 The Chairman or his/her delegate shall allow the person initiating the proposed land use decision or his/her/its designee to present a description of the proposed land use decision and the reason(s) for initiating the proposed land use decision. A failure of the applicant or his/her representative holding power-of-attorney to be present for the hearing shall result in automatic termination of any proceedings on the land use decision and an adverse recommendation on the land use decision shall be forwarded to the Murray County Commission.

7.4 The Chairman or his/her delegate shall enter into the record after the presentation of the applicant or his/her/its representative any written comment, petition, or similar written statement, photographs, or any other evidence received by the Planning Commission prior to the hearing and the same shall be considered by the Murray County Commission in its analysis, in addition to the relevant land use/conditional use standards in Section 8.0 of this Ordinance, as applicable.

7.5 The Chairman or his/her delegate shall give persons opposed to the proposed land

use decision the opportunity to address the Planning Commission.

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

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

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

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

8.0 Land Use/Conditional Use Standards. Exercise of the land use power of Murray County shall constitute an effort to balance the interest of the community in promoting the public health, safety, morality, or general welfare against the right of property owners to the unrestricted use of their property. The following standards are determined to be relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to unrestricted use of the property:

8.1 Land Use.

8.1-1 Whether the proposed land use decision would allow a use that is generally suitable for the site compared to other possible uses and the uses and land use district classification of adjacent and nearby properties;

8.1-2 Whether the proposed land use decision would adversely affect the economic value or the uses of adjacent and nearby properties;

8.1-3 Whether the property to be affected by the proposed land use decision can be used under its current land use district classification;

8.1-4 Whether the proposed land use decision, if adopted, would result in a use, which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities;

8.1-5 Whether the subject property under the proposed land use decision is in conformity with the policies and intent of the adopted Murray County, Chatsworth, and Eton Joint Comprehensive Plan, 1994-2015, as amended.

8.1-6 Whether there are other conditions or transitional patterns affecting the use and development of the subject property, if applicable, which give grounds for either approval or disapproval of the proposed land use decision.

8.2 The Murray County Commission shall consider any proposed land use decision properly initiated in light of the standards set forth in Section 8.0, as applicable. In evaluating the standards set forth in Section 8.0, it shall be the policy of Murray County to exercise its land use power in conformity with the policy and intent of the Murray County, Chatsworth, and Eton Joint Comprehensive Plan, 1994-2015 insofar as that plan is current in its application to the specific property that is the subject of the proposed land use decision. It is further the policy of Murray County to exercise the land use power for purposes of assuring the compatibility of the use of adjacent and nearby properties and the preservation of the economic value of adjacent and nearby properties while enabling a reasonable use of all property.

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

8.3-1 Whether the proposed use impacts negatively or positively the anticipated volume of traffic flow or pedestrian safety in the vicinity;

8.3-2 Whether the hours and manner of operation of the conditional use (special use) have no adverse effects on other properties/uses in the vicinity;

8.3-3 Whether refuse areas, parking, or loading/service areas on the property will be located or screened to protect other properties in the vicinity from noise, light, glare, or odors; and

8.3-4 Whether the height, size, or location on the building or other structures on the property are compatible with the height, size, or location of buildings or other structures on neighboring properties.

8.3-5 Whether the size of the lot is sufficient for the proposed use, accounting for growth opportunity that will not infringe upon the requirements of the land use ordinance nor infringe upon the relationship to surrounding land.

8.3-6 And satisfying the foregoing criteria, whether the benefits of and need for the proposed use are greater than any possible depreciating effects and damages to the neighboring properties.

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

9.1 The land development officer/planning staff of Murray County shall make a report of its investigation of the proposed land use decision to the Planning Commission commenting on the advisability of adopting any proposed land use decision. The report of the land development officer/planning staff shall be in writing addressed to the Planning Commission. Further, the land development officer/planning staff's report shall provide an evaluation of each of the standards set forth in Section 8.1 (or Section 8.3, as applicable) and describe how the land development officer/planning staff's advice is considered to be consistent with the exercise of land use power set forth in Section 8.2. A summary of the proceedings of the public hearing shall accompany the Planning Commission's written recommendation to the Murray County Commission.

9.2 Upon conclusion of the public hearing, the Planning Commission may approve, disapprove, or table the proposed land use decision. The Planning Commission may recommend and/or the Murray County Commission may amend an application prior to acting thereon: 1) to reduce the size of the area affected by the land use decision; 2) to change the requested land use district to a less intensive or lower density district than the requested land use district; 3) to specify conditions that are deemed relevant to the public interest regarding site plans, ingress/egress, buffers, and infrastructure related to drainage, utilities, traffic, and other matters. The foregoing powers are not in limitation of any other land use powers accorded Murray County under the laws of the State of Georgia. If consideration of the proposed land use decision is tabled, it shall be reconsidered by the Planning Commission not later than its next regular monthly meeting. If the Planning Commission fails to recommend action on the land use decision in writing within sixty (60) days of the close of the public hearing or the applicant does not agree in writing to an extension of the sixty (60) day time limit, the applicant may take the proposed land use decision to the Murray County Commission without a Planning Commission recommendation.

Once an application for a land use decision has been filed and the Planning Commission opens the public hearing, the Planning Commission may make a recommendation on the proposed land use decision, and the Commissioner shall take a final action, regardless that the applicant withdraws the application for the proposed land use decision.

9.3 The authority of the Planning Commission and land development officer/planning staff in any land use decision shall be advisory only. The Murray County Commission shall await either the Planning Commission's recommendation or the sixty (60) days

referenced in Section 9.2 above, prior to making a final land use decision. Any final land use decision shall be made by the Murray County Commission, who shall either approve or disapprove the proposed land use decision. Any approval of a proposed land use decision may be subject to any and all lawful conditions determined by the governing authority that are attached to the ordinance approving the proposed land use decision.

9.4 If the Murray County Commission shall take official action defeating a proposed change in a land use district or disapproving a conditional (special) use on a specific property, the same property may not be considered again for a change of the land use district or conditional (special) use consideration until the expiration of twelve (12) months from the date of the official action of the Murray County Commission.

10.0 Distribution. Copies of this Land Use Procedures and Standards Ordinance, as amended, shall be printed and copies thereof made available for distribution to the general public in the offices of the County Clerk of Murray County, Georgia. Distribution to the general public shall be upon request of a member of the general public who shall be entitled to one copy. The Office of the Commissioner, Murray County, Georgia, is authorized to print copies of this Ordinance and any amendments thereto from time to time for purposes of public information.

11.0 Legal Status.

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

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

11.3 Effective Date. This Ordinance shall take effect and be enforced from and after its adoption, the public welfare of Murray County, Georgia requiring it.

ADOPTED AND APPROVED on the 15 th day of OCTOBER, 2002, at a regular meeting of the Murray County Commission.

APPROVED:



TYSON HAYNES,
SOLE COMMISSIONER
MURRAY COUNTY, GEORGIA

ATTEST



David Butler, Murray County Clerk

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