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CHAPTER 106

Zoning

State Law Reference: Authority to plan and zone, Georgia Constitution 1983, Article IX, Section II, Paragraph IV; Zoning Procedures Act, O.C.G.A., Title 36, Chapter 66.

Cross references: Any ordinance amending the zoning map or zoning atlas, or rezoning specific property saved from repeal, Ch. 1-11(14); buildings and building regulations, Ch. 18; environment, Ch. 42; floods, Ch. 50; cable services and other telecommunications services, Ch 54-19 et seq.; planning and development, Ch. 74; signs, Ch. 78; streets, sidewalks and other public places, Ch. 86; subdivisions, Ch. 90.

Historical note: The provisions of this chapter, unless otherwise indicated, are derived from Ordinance Number 1023, adopted April 4, 1961 and a substantive rewrite, primarily affecting Article 5, which occurred between January 2004 and July 2005.

Administrative note: The listed page numbers refer to pages in Chapter 106 only.

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NOTE: This zoning ordinance includes amendments through February, 2021. The amendments to this ordinance since December 12, 2005 are as follows:

Item #	Date of Amendment	Ord. Number	Code Section Amended	Details of Amendment
1	10/9/2006	01255	106-72	Amend side yard setbacks in M-1 & M-2 zone, depending on whether M land abuts other M land. Also, reduce minimum width for R-100 from 150 to 100'.
2	7/14/2008	01263	106-43	Change parking mins: Single house – 2 spaces up to 3 beds; 1 space for every 2 beds after Retail – 1 space for every 300 square feet.
3	7/14/2008	01264	106-72	Lot width for septic tanks – 100'
4	12/8/2008	01266	106-63	Allows mini-warehouse in basement of BLDG in CH district.
5	12/8/2008	01267	106-63	Allows apts in basement of BLDG in CH district.
6	12/8/2008	01268	106-72	Changes max height in C-I district from 35 to 50 feet.
7	12/8/2008	01269	CODE SECTION:106-45; and 106-51 through 106-71 (except 106-70) DETAILS OF AMENDMENT: Prohibits junkyards.	
8	12/8/2008	01270	106-71	Reduces threshold for PUDs from 100 to 25 acres.
9	12/9/2013	01280	106-52 and 106-85	Creation of the "High Density Historically Accurate Residential Infill Subdivision Overlay District"
10	6/13/2016	01283	106-51 thru 106-71	Prohibits commercial chicken growing houses (chicken houses) in all zoning districts; prohibits crematoriums in all zoning districts except M-1 and M-2 (N/A to 106-70).
11	6/13/2016	01283	106-51 thru 106-71	Prohibits crematoriums in all zoning districts except M-1 and M-2 (N/A to 106-70).
12	6/13/216	1284	106-3, (44) and 106-11	Changes definition of acre from 44,000 to 43,560.
14	6/3/2019		106-52 and 106-72	Creates two new zoning category districts – R-HH1 and R-HH2.
15	2/8/2021		106-69 (3)	Specifically permits wineries and complementary uses in the A-C, Agriculture Crops zone.
16	11/13/23	01308	106-140 (a); 106-141 (b)	Permits distilled spirit sales, pouring and package, in C-1; and package store and pouring in C-I.
17	11/13/23	01309	Repeals Article 8 Replaces Article 9	Article 8, Sec. 106-243 through 106-269 reserved.

ARTICLE 1 In General

Sec. 106-1 Short title.

This chapter shall be known and may be cited as "The Zoning Ordinance of the City Of Tallapoosa, Georgia."

Sec. 106-2 Interpretation of certain terms and words.

For the purpose of interpreting this chapter, certain words or terms used herein shall be defined as follows:

- (1) Words used in the present tense include the future tense.
- (2) Words used in the singular number include the plural, and words used in the plural include the singular.
- (3) The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- (4) The word "lot" includes the word "plot" or "parcel."
- (5) The word "building" includes the word "structure."
- (6) The word "shall" is always mandatory.
- (7) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- (8) The word "map," "zoning map," or "Tallapoosa Zoning Map" means the "Official Zoning Map of the City Of Tallapoosa, Georgia."

Sec. 106-3 Definitions. (Entire Section Amended 11/9/92 with the passage of Ordinance 01170; passed 11/9/92. Item 18a added with the passage of Resolution 05459, passed 5/14/01. Item 3a and 19a added, Item 22 amended, on 3/11/02 with the passage of Ordinance 01228, passed 3/11/02.)

Except as specifically defined herein all words are used in this chapter shall carry their customary meaning as defined by a standard dictionary.

- (1) Accessory use, decorative. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. Generally a structure which is strongly aesthetic, ornamental or decorative, such as a gazebo, well house and or water fountain. The primary purpose is to enhance the overall appearance of the owner's property and is not intended for

constant and overnight occupancy or storage. May be located in the front yard, as well as the side and rear yards.

- (2) Accessory use, utility. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. Generally utilized as a working area/storage area but also including a pool and pool house. Said use must be located in the side or rear yard. Structure must be designed and intended for long term, permanent storage. Old semi-truck trailers are hereby prohibited.
- (3) Acre. An acre of land in the City Limits of the City of Tallapoosa is hereby defined to contain not less than 44,000 square feet. This definition is hereby stated such that all required minimum lot sizes, and fractions thereof, shall be calculated utilizing 44,000 square feet as one single acre of land.
- (4) Building. Any structure having a roof supported by columns or by walls and intended for shelter, housing, or enclosure of persons, animals, or chattels.
- (5) Building, accessory. A building subordinate or supplemental to the main building on a lot and used for purposes customarily incidental to that of a main or principal building and located on the same lot therewith.
- (6) Building Line. The line, parallel to the street right of way, which indicates the minimum required front yard set-back at which building construction may begin. Said set-back shall be measured from the right of way of the individual street (whereby the right of way shall vary) and comply with the set-back requirements of the specific zoning district.
- (7) Building, principal. A building in which is conducted the main use of the lot on which said building is located.
- (8) Double and multi-fronted lots. Residential lots whose property lines abut more than one public street or alley.
- (9) Dwelling. A building designed, arranged, or used for permanent living quarters for one person or a single family.
- (10) Dwelling unit. A building or a portion of any building designed, arranged and used for living quarters for one (1) person or a single family living as a single housekeeping unit with cooking facilities, but not including units in hotels, motels, boarding houses or like uses.
- (11) Dwelling, Single Family: A building containing not more than one Dwelling Unit designed for residential use, which meets or

exceeds the following standards:

- (a) Minimum width in excess of 16 feet.
  - (b) Minimum square footage required by the zone in which located.
  - (c) I The roof shall have a minimum 3:12 roof pitch with a minimum twelve (12) inch roof overhang and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built up gravel materials, or other materials approved by the building official.
  - (d) The exterior siding material shall consist of wood, masonry, concrete, stucco, masonite, metal or vinyl lap or other materials of like appearance.
  - (e) Be attached to a permanent foundation.
  - (f) Be constructed according to standards established either by the State Minimum Standard Codes as amended from time to time or the Standard Building Codes if locally adopted for site-built homes, or the National Manufactured Housing Construction and Safety Standards Act for manufactured homes, or the State of Georgia Industrialized Buildings Act for residential industrialized buildings. Each of these codes shall be applicable to the specific structure to which it applies.
- (12) Family. One or more persons related by blood or marriage occupying a dwelling and living as a single housekeeping unit.
- (13) Flag developments/lots. A residential lot which has less than the required minimum lot width abutting a public street. Not a currently permitted method of land development.
- (14) Government land uses. Typical government land uses shall be defined and categorized in the following manner:
- (a) TYPE 1: Low intensity land uses which have minimal negative impacts upon surrounding property. Public schools of an elementary, primary, middle and high school nature are included (provided that schools with athletic fields provide a sight and sound barrier at the property lines when they abut residential property); as is land set aside for recreational and athletic parks, libraries, public cultural institutions such as museums, etc., provided that all these uses are located on either an arterial or collector (major or minor) type street. Water tanks are included in this definition. However,

water tanks and passive recreational and children's parks are not required to be situated upon an arterial or collector type street and the internal area under the water tank should be buffered from view as best as possible, up to a reasonable height (such as the planting of a line of Leland Cypress or similar plant).

- (b) TYPE 2: Mid-range intensity type land uses which can be fairly anticipated to cause observable detrimental affects to surrounding property. Included in this category are water treatment plants, City Halls, police and fire department stations and public works storage yards. Storage yards must be buffered from negative impacts upon residential property through the erection of a visual obstruction fence. All uses in TYPE 1 are allowed in TYPE 2.
  - (c) TYPE 3: High intensity type land uses which most reasonable persons would conclude that their proximity to their residential or commercial property shall have a substantial negative impact. Included in this category are sewer treatment plants (not including pumping/lift stations, which shall be located due to need), jails, military posts, airports, transportation depots, associated maintenance sheds, etc. TYPE 1 and 2 are permitted in TYPE 3.
- (15) Industrialized Building. 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 inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized Buildings are constructed and regulated in accordance with the "Industrialized Buildings Act, Georgia Law 1982 pp 1637-1643 (Official Code of Georgia Annotated, Title 8, Chapter 2, Article 2, Part 1)".
  - (16) Junk Yard. Any such use involving the storage or disassembly of wrecked automobiles, trucks, or other vehicles; storage, bailing or otherwise dealing in bones, animal hides, scrap metal, used paper, used cloth, used plumbing fixtures, and used brick, wood, or other building materials. Such uses shall be considered junk yards whether or not all or part of such operations are conducted inside a building or in conjunction with, addition to, or accessory to, other uses of the premises.
  - (17) Lot. A portion or parcel of land devoted to a common use or occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.



- (18) Lot, depth of. The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.
- (19) Lot, width of. The distance between side lot lines measured at the building line.
- (20) Lot, width of, at rear lot line. The distance between side lot lines measured at the rear property line. Such a rear lot line shall be the required minimum lot width, in accordance with the specific zoning district.
- (21) Lot, width of, at front lot line. The Distance between side lot lines measured at the front property line. Such a front lot line shall be of the required minimum lot width, in accordance with the specific zoning district.
- (22) Manufactured home. A building defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et seq. The definition at the date of adoption of this part is as follows:
- "Manufactured Home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty 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; except that such term shall include any structure which meets all the requirements of this paragraph except size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this title.
- (23) Mobile home or residential trailer. A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on 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. It does not include recreational vehicles or travel trailers.
- (24) Manufactured home park. A parcel of land, which has been planned and improved for the placement of, manufactured homes

for non-transient use.

- (25) Non-conforming use. A building, structure, or use of land existing at the time of enactment of this chapter, and which does not conform to the regulations of the district in which it is located.
- (26) Other manufactured homes. Any manufactured home not meeting the definition of DWELLING, SINGLE-FAMILY.
- (27) PESS: "Planned Elementary School Sub-division". Extremely large residential development (in excess of 200 acres and 400 homes), whereby the developer, with approval from the Haralson County BOE, constructs and pays for a standard elementary school and the homes which shall supply the students. May contain high density uses. To be approved by the Planning Coordinator, Planning Commission, Haralson County Board of Education and the Mayor and Council.
- (28) PMURD: "Planned Multi-Use Residential District". Minimum size of 100 acres. Similar to PUD, however, allows for the inclusion of commercial/retail development. Shall allow for denser residential development, provided that greenspace, pedestrian trails and recreational activity are provided for within the plan and paid for by the developer. Approved on a case by case basis, initial approval from the Planning Coordinator, then the Planning Commission, and final approval by the Mayor and Council.
- (29) PUD: "Planned Unit Development". Minimum size of 100 acres. Allows for unique features, such as smaller lot sizes than generally permitted, provided that greenspace, pedestrian trails and recreational activity are provided for within the plan and by the developer. Approved on a case by case basis, initial approval from the Planning Coordinator, then the Planning Commission and final approval by the Mayor and Council. Shall be applied only to residential development.
- (30) Planted buffer: A visual and sound screen between incompatible land uses. Generally 25' wide and a minimum of 6' high within three years of planting. The best plant material to accomplish this that the City recommends is Leyland Cypress, although similar plants such as red tips and Japanese Cryptomera are also excellent choices, as are various Arborvitae cultivars (however, slow growth), and other similar plants. If such a planted buffer is installed by the developer, it must be maintained in perpetuity (ie, if planted material dies, it must be replaced).
- (31) Public Right of Way: Land dedicated for the current construction of roads and street and the installation of other necessary public infrastructure. Also, land dedicated for

future, anticipated construction of public roads, streets and other necessary public infrastructure. No obstructions shall be constructed in the public right of way without permission from the City. May be abbreviated as "ROW" within this ordinance.

- (32) Residential Bed and Breakfast Facility. A residential Bed and Breakfast is defined as a structure occupied by its owner(s) of record, wherein lodging is provided to guests for compensation. The dwelling unit in which the Bed and Breakfast takes place shall be the principal residence of the operator(s) and said operator(s) shall live on the property where the structure is located when the Bed and Breakfast is in operation.
- (33) Reverse frontage lots. Lots which have a public street or alley abutting the front and rear lot lines. Generally, the residential structures' driveway shall empty out upon the less traveled, lower intensity level street.
- (34) Rooming or boarding home. A dwelling, other than a hotel or lodging house, where meals or housing accommodations, for three (3) or more persons, are provided for hire.
- (35) Set-back, front yard. Mandated minimum open space free of buildings intended for human occupation. Said space exists between the public street right of way and the location of a building. Said set-back shall be measured from the right of way of the individual street (whereby the right of way shall vary), and comply with the set-back requirements of the specific zoning district. Shall apply to all elements of a structure, including decks and covered porches or patios. Does not apply to driveways, patios with no overhead cover, fencing and decorative utility buildings, which have their own required set back; although fencing must not extend onto public right of way.
- (36) Set-back, rear yard. Mandated minimum open space free of buildings intended for human occupation. Said space exists between the rear property line and the location of a building. Said set-back shall be measured from the rear property line, and comply with the set-back requirements of the specific zoning district. Shall apply to all structures attached to the principal building, such as decks and covered porches. Does not apply to driveways, patios with no overhead cover, utility buildings (including pools and all-steel semi-portable car ports/pole barns), which have their own required set back, and fencing; although fencing must be set back adequately such that the post footing does not trespass onto a neighbors' property.
- (37) Set-back, side yard. Mandated minimum open space free of

buildings intended for human occupation. Said space exists between the side property line and the location of a building. Said set-back shall be measured from all property lines which are not front or rear property lines, and comply with the set-back requirements of the specific zoning district. Shall apply to all structures, including above and in-ground pools, decks and covered porches, and prefabricated, portable structures such as storage buildings and car ports, either for automobiles or recreation vehicles (trailers, fifth wheels, motorcoaches, etc.) Does not apply to driveways, patios with no overhead cover and fencing; although fencing must be set back adequately such that the post footing does not trespass onto a neighbors' property.

- (38) Sign, business. An attached or freestanding structure which directs attention to a business or profession conducted on the premises.
- (39) Sign, outdoor advertising. A structural poster panel or painted sign, either free-standing or attached to the outside of a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject either related or unrelated to the premises upon which located.
- (40) Single family. A single family is hereby defined as a cohesive unit of people, joined together by blood relationship or marriage (immediate family), for the purpose of efficient, convenient, life long dedication to each other such that safety is enhanced and the insecurities and pitfalls of life are reduced. The blood relationship is hereby restricted to grandparents, parents, siblings, children, grandchildren and the spouse, including the spouses' relations of the same level. Provided, however, that the number of people living in a single dwelling unit does not violate the requirement that each individual have at least 50 square feet of sleeping space. Sleeping space shall be restricted to those rooms dedicated for such activity and shall specifically NOT include bathrooms, closets, kitchens, utility rooms (where the washer, dryer, hot water heater, furnace, etc. are located), dining rooms and garages. Foster families recognized by Haralson County and the State of Georgia are hereby exempt from the blood relations aspect of this definition, and will still qualify as a single family.
- (41) Street. A public right of way, whether designated as an avenue, boulevard, road, highway, expressway, etc., which is intended to provide the principal means of access to abutting property. Said street shall attain the status of a public street through dedication, design and construction in accordance with Subdivision II, Street Design, of Division 2, Streets and other Rights-of-Way, of Chapter 90, SUBDIVISIONS of the Code of Ordinances for the City of Tallapoosa, and

final acceptance by the Mayor and Council.

- (42) Street, primary. A street or thoroughfare designated as a major or collector street in the major thoroughfare plan of the city.
- (43) Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.
- (44) Tallapoosa acre. An acre of land in the City of Tallapoosa city limits, which for the purpose of calculating compliance with the minimum lot sizes contained in this Chapter shall be defined as containing 43,560 square feet.
- (45) Warehousing. This includes industrial space - from large square footage to mini (personal) space - being offered for rent or lease, with the intent to store material not for sale. Additionally, it includes personally owned commercial space which typically is not being offered for a fee (although that may be the case illegally), but is being used by the property/building owner to store personally owned material and products NOT being offered for sale to the general public.
- (46) Yard. A space on the same lot with a principal building open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.
- (47) Yard, front. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street and the front line of the building projected to the side lines of the lot.
- (48) Yard, rear. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to side lines of the lot.
- (49) Yard, side. An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line of the lot and extending from the front yard building line/set back line (front edge of the principal building) to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

(Ord. No. 01252, 106-3 - 12/12/2005; Ord. No. 01285, exh. 2016-C(106-3) - 6/13/2016)

EDITORS NOTE: Entire section amended November 9, 1992 with the passage of Ordinance No. 01170, passed November 9, 1992. Item 18a added with the passage of Resolution No. 05459, passed May 14, 2001. Item 3a and 19a added, Item 22 amended, on March 11, 2002, with the passage of Ordinance No. 01228, passed on March 11, 2002.

Secs. 106-4 through 106-24 reserved.

ARTICLE 2 Establishment of Districts

Sec. 106-25 Division into districts.

For the purpose of this chapter, the city is divided into nine land use categories, which are further divided into density/intensity control districts (Please note: for the purposes of calculating minimum lot size, one acre is defined as containing exactly 43,560 square feet.):

- (1) R, single family residential.
  - (a) RH, Residential Historic.
    1. RH-1.
    2. RH-2.
    3. RH-25.
    4. RHH-1.
    5. RHH-2.
  - (b) R-100.
  - (c) R-125.
  - (d) R-150.
  - (e) R-175.
  - (f) R-200 through R-275.
  - (g) R-300 through R-475 (increasing in minimum increments of 25)
  - (h) R-500 and up (increasing in minimum increments of 25).
  - (i) RM, Residential Manufactured Home.
- (DELETED R-50 AND R-75)
- (2) MFR, Multi-family Residential.
  - (a) MFR-D, Multi-family Duplex.
  - (b) MFR-T, Multi-family Townhome.
  - (c) MFR-C, Multi-family Condominium.
  - (d) MFR-A, Multi-family, Apartments.
  - (e) MFR-M, Multi-family, Manufactured Home Park.
- (3) P, Professional.

- (4) C, Commercial.
  - (a) CN, Commercial Neighborhood.
  - (b) CH, Commercial Historic.
  - (c) C-1, Modern Commercial.
  - (d) C-I, Commercial Interstate.
- (5) I, Institutional.
- (6) M, Manufacturing.
  - (a) M-1, Light Manufacturing.
  - (b) M-2, Heavy Manufacturing.
- (7) A, Agriculture.
  - (a) AP, Agriculture Pasture.
  - (b) AC, Agriculture Crops.
  - I AT, Agriculture Timber.
- (8) G, Government.
  - (a) GR, Government Recreation.
  - (b) GA, Government Administrative.
  - (c) GT, Government Transportation.
  - (d) GO, Government Operations.
  - (e) GS, Government Schools.
- (9) Planned communities.
  - (a) PUD, Planned Unit Development.
  - (b) PMURD, Planned Mixed Use Residential Development.
  - (c) PESS, Planned Elementary School Sub-division.

(Ord. No. 01252, sec. 106-11 - 12/12/2005; Ord. No. 01285, exh. 2016-C(106-11, 6/13/2016).

Sec. 106-26 District boundaries.

The boundaries of each district are as shown on a map entitled "Official Zoning Map, Tallapoosa, Georgia," adopted by the Mayor and Council and certified by the Mayor or city clerk. The map and all explanatory matter thereon accompanies and is hereby made part of this chapter. The map shall be retained in the office of the city clerk.

Sec. 106-27 Rules for determining boundaries.

Where uncertainty exists with respect to the boundaries of any of the zoning category districts as shown on the zoning map, the following rules shall apply:

- (1) Where district boundaries are indicated approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- (2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the boundaries.
- (3) Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways, or railroads, or right-of-way of same, such boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.
- (4) Where a zoning category district boundary line appearing on the zoning map divides a lot in single ownership at the time of this enactment, the district requirements for the most restricted portion, or least intense use (i. e., extremely low density single family residential district), of such lot shall be deemed to apply to the whole thereof, provided that such extensions shall not include any part of such a lot more than 250 feet beyond the district boundary line. Higher intensity uses may extend a maximum of 50' beyond the district boundary line.

Secs. 106-28 through 106-57 reserved.



ARTICLE 3 Application of Regulations

Sec. 106-58 Use.

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

Sec. 106-59 Height and density.

Except as hereinafter provided, no building or other structure shall hereafter be erected or altered:

- (1) To exceed the height limits;
- (2) To accommodate or house a greater number of families or occupy a smaller lot area per family; or
- (3) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than are herein required or specified; or in any other manner contrary to the provisions of the chapter.

Sec. 106-60 Yard service to one building.

Except as hereinafter provided, no part of a yard, or other open space, or off-street parking or loading space required about, or in connection with, any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

Sec. 106-61 Only one principal building.

Except as hereinafter provided, every building or structure hereafter erected shall be located on a lot or tract as defined herein; and there shall not be more than one (1) principal building on one (1) lot, plus its accessory buildings, except as provided in Article F, section 8-5-84 of this chapter.

Sec.106-62 Reduction of lot area.

Except as hereinafter provided, no lots, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in size so that the whole lot width or depth, front, side or rear yard, lot area per family, or other requirements of this chapter, are not maintained. This section shall not apply when a portion of a lot is acquired for public purposes.

Sec. 106-63 Street frontage.

Except as hereinafter provided, no principal building shall be erected on any lot which does not have immediate frontage on at least one (1) public street for a specified distance, as determined by the zoning district the property is located in. Said specified minimum distance shall be that which is indicated by the required minimum lot width for a lot in a specific zoning category district (See Sec. 106-148, Area, yard and height requirements).

Sec. 106-64 Corner and double frontage lots.

On lots having frontage on more than one (1) street in residential districts, the minimum front yard (minimum building set-back) shall be provided for each street in accordance with the provisions of this chapter.

Sec. 106-65 Inspection of required buffers.

Except as hereinafter provided, in the event a screen, wall, fence, planted dividing strip, or any other type of buffer is required by this chapter for any use, such screen, wall, etc., will be subjected to periodic inspections by the city manager or his designee to determine that such required walls, fences, etc., are being properly maintained. Failure to maintain such required walls, fences, etc., to an acceptable standard may be deemed a violation of this chapter.

Cross Reference: Building inspector, Sec. 18-3, 106-91

Sec. 106-66 Set-backs, front, rear and side yards.

All front yard set-backs shall be measured beginning at the street right of way and shall be free of all elements of the house or commercial structure intended for human occupation; as applicable (including roof overhang, which shall add 2 feet, and any porches, landings, decks, etc.). Does not apply to driveways, patios with no overhead cover and fencing. However, fencing must be set back adequately such that the post footing does not trespass onto a neighbors property or public right of way.

All rear yard set-backs shall be measured beginning at the rear property line and shall be free of all elements of the house or commercial structure intended for human occupation; as applicable (including roof overhang, which shall add 2 feet, and any porches, landings, etc). Above and in-ground pools, decks and covered porches, and prefabricated, portable structures such as storage buildings and car ports, either for automobiles or recreation vehicles (trailers, fifth wheels, motorcoaches, etc.) are excluded and have their own specific set back. Also does not apply to driveways, patios with no overhead cover and fencing. However, fencing must be set back adequately such that the post footing does not trespass onto a neighbors property or public right of way.

All side yard set-backs shall be measured beginning at all property lines which are not front or rear property lines and shall be free of all elements of the house or commercial structure intended for human occupation; as applicable (including roof overhang, which shall add 2 feet, and any porches, landings, etc). Including above or in-ground pools, decks and covered porches, and prefabricated, portable structures such as storage buildings and car ports, either for automobiles or recreation vehicles (trailers, fifth wheels, motorcoaches, etc.). These must be outside the set back area. Does not apply to driveways, patios with no overhead cover and fencing. However, fencing must be set back adequately such that the post footing does not trespass onto a neighbors property or public right of way.

Sec. 106-67            Driveways.

In single family residential districts (and elsewhere required), each separate residential building shall be served by a separate, single, dedicated driveway. Each separate, single family building located in a multi-family district shall be served by a separate, single, dedicated driveway. No driveway shall serve more than one residential lot.

Sec. 106-68            Building line and lot width.

The building line shall be located at the set back line, and in the case of corner and double frontage lots, the building line shall mimic the front yard set back and be established from each streets' public right of way. Lot width shall meet minimum lot widths as determined by the zoning district (See Sec. 106-72). No area of newly platted lots shall be less than the stated minimum lot width. Lots located on curves and cul-de-sacs shall have the minimum lot width measured in a straight line (non arc), from side lot line to side lot line, between such points of intersection (side lot line and nearest point to the public right of way where a straight line may be established, but no further than the building line). This lot width as measured in a straight line must comply with the minimum standards of the designated zoning district (Please note, set back on lot must still be in compliance with required set back of the specific zoning district, in other words, the arc shall mark the minimum set back distance or space from the public right of way, for the specific lot).

Secs. 106-69 through 106-94 reserved.

ARTICLE 4 Provisions Applicable to All Zoning Districts

Sec. 106-95 Continuanace of a non-conforming use.

Any building, structure, or use of land existing at the time of the enactment or subsequent amendment of this chapter but not in conformity with its use regulations and provisions, may be continued subject to the following limitations. A non-conforming use shall not be:

- (1) Changed to another non-conforming use;
- (2) Extended or enlarged except in conformity with this chapter;
- (3) Re-established after discontinuance for six (6) months; or
- (4) Rebuilt, altered, or repaired after damage exceeding 50 percent of the value of the building. The value shall be computed from the amount the building is assessed for tax purposes by the city/county.

(Ord. No. 01170, 11-9-1992; Ord No. 01252, 106-41, 12-12-2005)

Sec. 106-96 Newly annexed territory.

All territory which shall hereafter be annexed to the city shall be automatically classified as an R-100 residential district until otherwise classified by amendment to this chapter as provided herein. However, if the existing land use of the subject property being annexed is not residential, the city may, at its option, rezone the property to reflect the current land use, at the time said property is annexed.

Sec. 106-97 Off-street automobile parking and storage.

- (a) Off-street automobile parking or storage space shall be provided on every lot on which any of the following uses 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 use as set forth below.
- (b) If the required automobile parking or storage space cannot be provided on the same lot on which the principal use is located, the planning coordinator, City manager or his/her designate may permit such space to be provided on other off-street property provided such space is within 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.
- (c) All off-street automobile parking and storage space in non-

residential districts shall be so arranged that vehicles will not be required to back onto a public street, road, or highway when leaving the premises.

(d) All residential property which abuts upon arterial or major and minor collector streets and which has an enter/egress point onto that arterial or major and minor collector street shall be required to provide a turn around space such that backing out of the driveway and into the arterial or major and minor collector street is not required. Such type streets shall be defined in the Major Thoroughfare Plan of Tallapoosa of July, 1967 and updated from time to time.

(e) Schedule of requirements.

<u>Use Classification</u>	<u>Minimum Requirements</u>
Single-family residential structures	Two spaces for each dwelling unit up to three bedrooms; one space for every two bedrooms thereafter
Two-family and multi-family residential structures	Two spaces for each dwelling unit
Rooming or boarding houses; hotels	One space for each two rooms
Churches, synagogues, or other places of worship	One space for each four seats in the main assembly room
Fraternal organizations and other places of public assembly	One space for each four seats in the main assembly room
Tourist homes, tourist courts, or motels	One space for each accommodation
Hospitals, nursing homes, or similar institutions	One space for each two beds intended for patients, plus one space for each employee
Retail business	One space for each 300 square feet of sales floor area
Offices, including banks	One space for each 200 square feet of total floor area
Filling stations	Two spaces for each gas pump, plus three spaces for each grease rack or similar facility
Mortuary or funeral	One space for each four seats in the

parlor	chapel, one additional space for each two employees, one additional space for each resident family, and one additional space for each funeral vehicle
Restaurant or similar eating establishment	One space for each four seats provided for patron use and one additional space for each two employees
Wholesaling	One space for each two employees
Industrial	One space for each one and one half employees at maximum employment on a single shift
Schools	One space for each six (6) seats in the main assembly room or 1 space for each and all school employees; whichever is high.

(Ord. No. 01252, sec. 106-43, 12/12/2005; Ord. No. 01263, exh. 2006-E, 7/14/2008)

Sec. 106-98 Off-street loading and unloading.

Every building or structure used for business, trade or 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.

- (1) Retail business: One (1) space for each 3,000 square feet of floor area or any part thereof.
- (2) Wholesale and industry: One (1) space for each 10,000 square feet of floor area or any part thereof.
- (3) Bus and truck terminals: Sufficient space to accommodate the maximum number of buses or trucks to be loading or unloading at any one time.

Sec. 106-99 Junkyards.

Junkyards, or junk yards, as defined in Sec. 106-3, Definitions, subsection (16), are hereby prohibited in all zoning districts within the City Limits of the City of Tallapoosa. Sec. 106-146, G, Government, applicable to only government, and/or a government authority operated recycling operation, is hereby declared exempt from this prohibition.

Secs. 106-100 through 106-126 reserved.

ARTICLE 5 Use Requirements by Districts

Sec. 106-127 R, Single family residential.

(a) Single Family Residential, which is indicated by an "R" designation. This category is reserved solely for single family dwellings, and requires that at least 50 square feet of sleeping space be allocated per person living in the dwelling in accordance with the definition of single family (definition number 40), with a variety of densities; and the following other permitted land uses:

- (1) Churches, provided that:
  - a. They are located on an arterial or a collector street;
  - b. The buildings are placed not less than 50 feet from any property line;
  - c. There is a planted buffer strip at least 10 feet wide where the property abuts a neighboring residential property.
- (2) Nursery schools and kindergartens, provided that there is at least 150 square feet of outdoor play area for each child and the area is enclosed by a woven wire fence at least four feet high. Additionally, a 10 feet wide planted buffer strip along all property lines abutting other residential property.
- (3) Municipal land uses which fulfill the requirements of a Type 1 Government Use.
- (4) Public utilities such as electric transmission rights-of-way, gas pipe lines, water and sewage line and pumping stations.
- (5) Customary incidental home occupations such as workshop of a seamstress, music teacher, tutor and hairdresser provided there is no external evidence of such occupation, and operations are conducted within the dwelling by not more than one (1) person in addition to those persons resident therein. ALSO: Digital photo development, Billing offices,
- (6) Customary utility accessory buildings including private garages and non-commercial greenhouses and workshops, provided that they are located in the rear or side yard and not closer than 10 feet to any property line. This includes income producing, non-commercial hobby workshops. Old Semi-Truck trailers and former shipping containers are prohibited from being utilized as a utility accessory building.
- (7) Customary decorative accessory buildings, which are allowed

in the front, side and/or rear yard.

- (8) Portable metal carports shall be permitted in the front yard of residential structures which do NOT have a garage located on the property. Such portable metal carports shall be required to be adequately secured to the ground in the event of a high wind storm event, and must be at least five feet off the abutting public street ROW, ten feet off of collector/arterial streets.
- (9) Residential Bed and Breakfast facilities conforming to the following requirements:
  - a. There shall be no more than four (4) bedrooms per dwelling unit used for the Bed and Breakfast operation.
  - b. Maximum number of paying guests per day is eight (8). Pets are allowed at the discretion of the resident owner(s). All animal fecal excretions must be removed from city and state highway right of ways immediately. Bed and breakfast property must be kept thoroughly clean of pet fecal excretion at all times. Pets must reside indoors with the paying guest or in their rented accommodation, or be kept under control through the use of a collar and a leash when outdoors, at all times.
  - c. Paying guests shall be permitted to stay for no longer than ten (10) consecutive nights.
  - d. Alcoholic beverages shall not be sold or provided by the resident owner(s) to any paying guest at the premises.
  - e. The number and type of meals provided shall be at the discretion of the resident owner(s), but shall be provided only for registered, overnight, paying guests.
  - f. All Bed and Breakfast operations shall be subject to the hotel/motel tax of the City of Tallapoosa, Georgia.
  - g. All residential Bed and Breakfasts shall be located on a lot which complies with the required minimum lot area for existing uses.
  - h. There shall be a minimum of one full bath (commode, wash sink, shower/tub) for every two rooms dedicated for guests, in addition to one full bath dedicated solely for the use of resident owner(s). There shall



be one full bath on every floor of the Bed and Breakfast where rental rooms are available.

- i. The residential Bed and Breakfast shall conform to all codes and regulations of the City of Tallapoosa, Georgia, Haralson County, where applicable, and the State of Georgia.
- j. The resident owner(s) shall keep a current guest register including names, addresses and dates of occupancy of all guests.
- k. All Bed and Breakfasts shall comply with local and state Fire Escape and related fire code regulations for lodgings.
- l. Only one (1) freestanding sign, limited to 16 square feet of message space, requiring the street address to be placed at the top-center of the sign and at the bottom stating "Bed & Breakfast". Sign may not exceed five (5) feet wide and five (5) feet high including message area, frame and support apparatus. Sign may be "spot light" illuminated (from the ground or designed such that an arm extends out from the top of the sign and suspends the floodlight, focused on the message conveying the name of the Bed and Breakfast), but this light must be extinguished no later than 11:00 pm nightly. Back-lit commercial type and neon signs are strictly prohibited. Sign must not intrude onto the City Street or State Highway right-of-way and must not block line-of-sight from any entry/egress point.
- m. At least one (1) off street parking space must be provided on the property for the owner and one and one-half spaces for each guest room. Parking lots and spaces must be designed and painted in accordance with the Tallapoosa Standard Parking Lot Design Code. The Parking lot shall be screened from all adjoining residential properties with a solid fence, of a minimum of six (6) feet in height, or evergreen trees and shrubs densely planted which will provide a visual screen height of six (6) feet within two (2) years of planting.
- n. No trees shall be removed or be permitted to be damaged during the construction of the off-street parking and sign installation regardless of the tree size.
- o. The parking lot shall be paved and comply with all building set-back lines requirements (as if the parking lot were a building) of the zoning category.

- p. All newly constructed parking spaces constructed for the purpose of complying with the Residential Bed and Breakfast Facility ordinance must be constructed in either the side yard or back yard of the prospective Residential Bed and Breakfast Facility, as defined in section 106-3(47) and (48) of the Amended Zoning Ordinance of Tallapoosa.
  
- q. It shall be unlawful for any person to operate a Bed and Breakfast establishment without having first obtained a Bed and Breakfast license from the City of Tallapoosa's City Manager or his/her designee, the cost of which shall be set by the Mayor and City Council for the whole or any part of one (1) year and which must be renewed annually by December 31<sup>st</sup> of each year; resident owner must also obtain a Business License from the City of Tallapoosa and a Food Service Permit from the Haralson County Environmental Health Department.
  
- r. Application, License and Permit:
  - 1. Applications for residential Bed and Breakfasts shall be notarized and include the location and owner of the property, a site plan of the lot showing all trees as they presently exist, the location of the required off street parking space and design of the parking lot buffer (include list and size of plants to be installed or type of solid fence), the location and appearance of the proposed sign and a photograph of the current principal view or view of the structure where the proposed Bed and Breakfast use is to be located. The application shall also include a statement which the resident owner(s) must sign acknowledging that he or she has reviewed and understands the requirements of this section. Upon submission of these plans to the Planning Commission, the Planning Commission shall hold a public hearing and verify that all required elements are present and have been adhered to, and will recommend or deny the application which will then be forwarded to the City Council for final approval. Once the City Council has issued its final approval, the applicant resident owner(s) shall have a Special Parking Lot Construction permit issued. Parking lots must be constructed in accordance with submitted site plan. Upon verification of construction compliance with approved plans by the city manager or his/her designee, application shall be presented to the

City Manager or his/her designee for final approval and issuance of the Bed and Breakfast Operating License.

2. Upon a change in ownership of a property and prior to the issuance of a new business license to allow continuation of an existing permitted residential Bed and Breakfast use upon said property, the new property owner(s) shall be required to certify re-compliance of the residential Bed and Breakfast use with the City Manager or his/her designee by having an application for re-certification of the Bed and Breakfast use notarized, filed with, and approved by the City Manager or his/her designee.

(b) Within R, Single family residential, the following uses are strictly prohibited:

- (1) Junkyards.
- (2) Crematoriums.
- (3) Commercial Chicken Growing Houses (Chicken houses).
- (4) Using semi-truck trailers and former shipping containers for storage.

(Ord. No. 01252, sec. 106-51, 12/12/2005; Ord. No. 01269, exh. 2008-I(106-51), 12/8/2008; Ord. No. 01284, exh. 2016-B(106-52), 6/13/2016)

Sec. 106-128 RH, Residential Historic district.

(a) Within RH, residential historic, single family residential district, the following uses shall be permitted:

- (1) All uses permitted in Section 106-127.
- (2) RH - Residential Historic: Restricted to the historical, standard city lot, normally less than a half acre, which was generally 50 X 150; also, additional minimum standards shall apply (See Secs. 106-97 & 106-148). This zoning district shall only be applied to those lots in existence at the time of the adoption of this zoning ordinance. No new lots platted in the future shall be allowed to be done so at this high a density. Except for those lots located in the "High Density Historically Accurate Infill Subdivision Overlay District" and which shall comply with the eligibility requirements contained in Section 106-175. Its purpose is to eliminate non-conforming parcels. Any lots which were at one time platted in this manner but, over the intervening years, were combined to create larger lots and reduce the number of tax bills received (or any other purpose) are also prohibited from being re-subdivided at

this high density, unless that parcel is located in the "High Density Historically Accurate Infill Subdivision Overlay District". Manufactured homes are prohibited. This category is further divided into the following districts:

- a. RH-1: Parcels up to 7500 square feet, in addition to other required minimum standards (See Secs. 106-97 & 106-148).
- b. RH-2: Parcels with 7501 square feet up to 10999 square feet, in addition to other required minimum standards (See Secs. 106-97 & 106-148).
- c. RH-25 - Residential with a minimum of a quarter acre lot size (minimum of 11,000 square feet) and other required minimum standards (See Secs. 106-97 & 106-148).
- d. R-HH1 - Residential "Habitat for Humanity". A unique Designation designed to provide affordable housing. Only 501c3 IRS designated charitable organizations dedicated to providing high quality, affordable, resident owned homes may apply for this designation. No other entity, including city initiated rezoning efforts, are permitted to apply this designation to a parcel of land. Other required minimum standards apply (See Secs. 106-97 and 106-148).
- e. R-HH2 - Residential "Habitat for Humanity". A unique Designation designed to provide affordable housing. Only 501c3 IRS designated charitable organizations dedicated to providing high quality, affordable, resident owned homes may apply for this designation. No other entity, including city initiated rezoning efforts, are permitted to apply this designation to a parcel of land. Other required minimum standards apply (See Secs. 106-97 and 106-148).

(3) Permitted conditionally: None.

(b) Within RH, residential historic district, the following uses are strictly prohibited:

- (1) Junkyards.
- (2) Crematoriums.
- (3) Commercial Chicken Growing Houses (Chicken houses).

- (4) Using semi-truck trailers and former shipping containers for storage.

(Ord. No. 01252, Sec. 106-52, 12-12-2005; Ord. No. 01269, exh. 2008-I (106-52, 12-8-2008; Ord. No. 01280, exh. 2013-C(106-52), 12-9-2013; Ord. No. 01284, exh. 2016-B(106-52), 6-13-2016)

Sec. 106-129 R-50 through R-475; single-family residential district.

(a) Within R-50 through R-475, single family residential district, the following uses shall be permitted:

- (1) Any use permitted in RH (minimum required lot size must be met) provided, however, that manufactured homes meeting the definition of single-family dwellings shall not be permitted in R-50 through R-475; and additional minimum standards shall apply (See Secs. 106-97 & 106-148).

(2) Permitted conditionally:

- a. Professional office of a physician, dentist, lawyer and the like provided that there is no external evidence of such occupation except for an announcement or professional sign not more than two (2) square feet in area and which shall not be illuminated, and activities are conducted within a dwelling by not more than one (1) person in addition to those residents therein. Professional office hours of operation are restricted to no greater than from 8:00 am to 6:00 pm, Monday through Saturday. No business may be transacted on Sunday.
- b. Private stables. Provided they shall be on a lot not less than (2) two acres, which shall be restricted to (1) one horse owned by the property owner (one horse is permitted for every two acres available; if there is four acres, two horses would be permitted).

(b) Within R-50 through R-475, single family residential district, the following uses are strictly prohibited:

- (1) Junkyards.
- (2) Crematoriums.
- (3) Commercial Chicken Growing Houses (Chicken houses).
- (4) Using semi-truck trailers and former shipping containers for storage.

(Ord. No. 01252, Sec. 106-53, 12-12-2005; Ord. No. 01269, exh. 2008-I (106-53, 12-8-2008; Ord. No. 01284, exh. 2016-B(106-53), 6-13-2016)

Sec. 106-130 R-500 and above, single family residential district.

- (a) Within R-500 and above, the following uses shall be permitted:
  - (1) All uses permitted in RH and R-50 through R-475, provided that manufactured homes are not permitted; and additional minimum standards shall apply (See Secs. 106-97 & 106-148).
  - (2) Permitted conditionally:
    - a. Customary agricultural operations, including landscaping businesses and animal kennels, provided that all structures erected for the purpose of housing animals must be a minimum of 100' from any property line. However, structures erected for housing chickens and other fowl must be 150' from all property lines. All other structures related to commercial activity shall be a minimum of 50' from any property line (such as green houses or maintenance/ tractor barns).
- (b) Within R-500 and above, single family residential district, the following uses are strictly prohibited:
  - (1) Junkyards.
  - (2) Crematoriums.
  - (3) Commercial Chicken Growing Houses (Chicken houses).
  - (4) Using semi-truck trailers and former shipping containers for storage.

(Ord. No. 01252, Sec. 106-54, 12-12-2005; Ord. No. 01269, exh. 2008-I (106-54, 12-8-2008; Ord. No. 01284, exh. 2016-B(106-54), 6-13-2016)

Sec. 106-131 RM, Single family residential manufactured home.

- (a) All uses permitted in R-500 (provided that minimum acreage requirements have been met), and additional minimum standards shall apply (See Secs. 106-97 and 106-148).
- (b) Manufactured homes, provided they meet the definition of dwelling, single family and meet all compatibility standards required for manufactured homes as contained in section 106-149, and additional minimum standards shall apply (See Secs. 106-97 & 106-148).
- (c) Permitted conditionally: None.

(d) Within RM, single family residential manufactured home, the following uses are strictly prohibited:

- (1) Junkyards.
- (2) Crematoriums.
- (3) Commercial Chicken Growing Houses (Chicken houses).
- (4) Using semi-truck trailers and former shipping containers for storage.

(Ord. No. 01252, Sec. 106-55, 12-12-2005; Ord. No. 01269, exh. 2008-I (1-6-55, 12-8-2008; Ord. No. 01284, exh. 2016-B(106-55), 12-9-2016)

Sec. 106-132 MFR - D, Multi-family residential - duplex.

- (a) All uses permitted in any "R" district, provided that minimum lot sizes are adhered to; however, manufactured homes are prohibited; and additional minimum standards shall apply (See Secs. 106-97 & 106-148).
- (b) Normally rental units, with a density no higher than 2 units per acre. Each unit serviced by a separate driveway. Any property line which abuts "R" districts must have a 10-foot (ten) wide, and a minimum of 6-foot (six) high within three years of planting, planted buffer along this line. Must submit request for "Group Project" status if the two dwelling units are detached from each other.
- (c) Municipal land uses which fulfill the requirements of a Type 1 or Type 2 Government Use.
- (d) Prohibited uses:

- (1) Junkyards.
- (2) Crematoriums.
- (3) Commercial Chicken Growing Houses (Chicken houses).
- (4) Using semi-truck trailers and former shipping containers for storage.

(Ord. No. 01252, Sec. 106-56, 12-12-2005; Ord. No. 01269, exh. 2008-I (1-6-56, 12-8-2008; Ord. No. 01284, exh. 2016-B(106-56), 12-9-2016)

Sec. 106-133 MFR - T, Multi-family residential - townhome.

- (a) All uses permitted in any "R" district; provided that

minimum lot sizes are adhered to; however, manufactured homes are prohibited; and additional minimum standards shall apply (See Secs. 106-97 & 106-148).

- (b) Primarily resident owned homes. Density shall be no higher than 5 units per acre or fraction thereof. Normally, a two story, upstairs/downstairs unit. Any property line which abuts "R" districts must have a 10-foot (ten) wide, and a minimum of 6-foot (six) high within three years of planting, planted buffer along this line.
- (c) Municipal land uses which fulfill the requirements of a Type 1 and Type 2 Government Use.
- (d) Prohibited uses:
  - (1) Junkyards.
  - (2) Crematoriums.
  - (3) Commercial Chicken Growing Houses (Chicken houses).
  - (4) Using semi-truck trailers and former shipping containers for storage.

(Ord. No. 01252, Sec. 106-57, 12-12-2005; Ord. No. 01269, exh. 2008-I (106-57, 12-8-2008; Ord. No. 01284, exh. 2016-B(106-57), 6-13-2016)

Sec. 106-134 MFR - C, Multi-family residential - condominium.

- (a) All uses permitted in any "R" district, provided that minimum lot sizes are adhered to; however, manufactured homes are prohibited; and additional minimum standards shall apply (See Secs. 106-97 & 106-148).
- (b) Primarily resident owned homes. Density shall be no higher than 8 units per acre or fraction thereof, and generally shall be single story, stacked housing units. Any property line which abuts "R" districts must have a 10-foot (ten) wide, and a minimum of 6-foot (six) high within three years of planting, planted buffer along this line.
- (c) Municipal land uses which fulfill the requirements of a Type 1 and Type 2 Government Use.
- (d) Prohibited uses:
  - (1) Junkyards.
  - (2) Crematoriums.
  - (3) Commercial Chicken Growing Houses (Chicken houses).



(4) Using semi-truck trailers and former shipping containers for storage.

(Ord. No. 01252, Sec. 106-58, 12-12-2005; Ord. No. 01269, exh. 2008-I (106-58, 12-8-2008; Ord. No. 01284, exh. 2016-B(106-58), 6-13-2016)

Sec. 106-135 MFR - A, Multi-family residential - apartment.

- (a) All uses permitted in any "R" district provided that minimum lot sizes are adhered to; and all other MFR districts with the exception of MFR-M, which is prohibited (manufactured homes are prohibited); provided that minimum lot sizes are adhered to; and additional minimum standards shall apply (See Secs. 106-97 & 106-148).
- (b) Maximum density 8 units per acre or fraction thereof, dependent upon proximity of arterial and major collector roads, surrounding land use and proximity of negative land uses. Parking lot for the complex shall be constructed such that curb and gutter are installed and that all storm-water run-off associated with the development is controlled through subterranean sewer pipe. Parking lot must be designed and marked in accordance with ARTICLE M, Parking Lot Design And Construction Standards, of the subdivision ordinance. Parking lot must be maintained in an excellent condition in perpetuity. Ditches are prohibited. Minimum mandatory number of parking spaces controlled by Sec. 106-43. Primarily rental property. Any property line which abuts "R" districts must have a 10-foot (ten) wide, and a minimum of 6-foot (six) high within three years of planting, planted buffer along this line. Each parcel so dedicated for this purpose must abut a public street. Ownership and maintenance of sanitary sewer, storm sewer and water lines shall be determined by the Department of Public Works, and/or Department of Planning and/or City Manager with consent of the Mayor and Council on a case by case basis.
- (c) Municipal land uses which fulfill the requirements of a Type 1 and Type 2 Government Use.
- (d) Prohibited uses:
  - (1) Junkyards.
  - (2) Crematoriums.
  - (3) Commercial Chicken Growing Houses (Chicken houses).
  - (4) Using semi-truck trailers and former shipping containers for storage.

(Ord. No. 01252, Sec. 106-59, 12-12-2005; Ord. No. 01269, exh. 2008-I (106-59, 12-8-2008; Ord. No. 01284, exh. 2016-B(106-59), 6-13-2016)

Sec. 106-136      MFR - M, Multi-family residential - manufactured home  
park.

- (a) All uses permitted in any "R" district provided that minimum lot sizes are adhered to; and all other MFR districts, provided the restrictions in those districts are adhered to; and additional minimum standards shall apply (See Secs. 106-97 & 106-148).
  
- (b) Manufactured homes, provided they meet the definition of dwelling, single family and meet all compatibility standards required of manufactured homes as contained in Section 106-73. Maximum density of 10 homes per acre, provided that public sanitary sewer is available. Each unit to be served by a separate driveway. Private roads within the park/complex must be constructed with the following minimum standards: 22' (twenty-two foot) wide travel way (lane) with curb and gutter installed such that all storm water run-off associated with the development is controlled through subterranean sewer pipe. All sewer (storm and sanitary) lines, road and water lines shall be private property and the cost of maintenance shall be born by the park owner/management. All sewer, roads and lines must be maintained in an excellent condition in perpetuity. Ditches are prohibited. Minimum mandatory number of parking spaces controlled by Sec. 106-97. Primarily rental property. Any property line which abuts "R" districts must have a 10-foot (ten) wide, and a minimum of 6-foot (six) high within three years of planting, planted buffer along this line. Any property which abuts railroad right of way must have a 6' (six foot) high chain link fence or equivalent erected along this property line to prevent access.
  
- (c) Manufactured homes that do not meet the definition of dwelling, single family, including single-wides; provided they comply with the following standards:
  - (1) Manufactured homes owned by the same entity that owns the manufactured home park may be single or double wide, and may be up to five years old. However, the following standards must be met:
    - a. Installed upon a standard permanent masonry foundation wall and slab.
    - b. All towing devices must be removed.
    - c. All wheels must be removed.
    - d. Decks, in conformity with section 106-149, shall be installed at required structure entrances.

- (2) Manufactured homes owned by other than the same entity that owns the manufactured home park, and shall not be in the same park in excess of 3 years. On the third anniversary of the trailer being in the same park, the trailer shall have to be re-installed upon a permanent masonry foundation wall (however, said 5 year restriction shall not apply to re-installed manufactured homes). Trailer may be single or double wide. May be up to five (5) years old as of the date it is being moved. Removal of the tow hitch and wheels is not required, but adequate, well attached skirting is required. Must have required decks at all exits and be secured to the ground in compliance with applicable building safety codes.
- (d) Manufactured home parks and customary accessory uses, but not to include the sale of or service to mobile homes or manufactured homes, and provided the following minimum standards are met:
  - (1) The applicant presents plans and specifications for the proposed park in a form suitable for making the determinations required herein.
  - (2) The proposed site shall contain a minimum area of five (5) acres.
  - (3) There shall be a maximum of 10 manufactured home spaces per acre.
  - (4) Each manufactured home space shall have a minimum lot area of 3,200 square feet and a minimum width of 40 feet.
  - (5) A planted buffer strip, not less than six (6) feet in height, shall be provided along the lot lines of the park.
  - (6) All sanitary facilities for the park shall be approved by the county health officer or State Department of Human Resources.
- (e) Manufactured homes as defined in Sec. 106-3(22) which meet the definition of single family dwelling as defined in Sec. 106-3(11).
- (f) Municipal land uses which fulfill the requirements of a Type 1 and Type 2 Government Use.
- (g) Prohibited uses:

- (1) Junkyards.
- (2) Crematoriums.
- (3) Commercial Chicken Growing Houses (Chicken houses).
- (4) Using semi-truck trailers and former shipping containers for storage.  
(Ord. No. 01252, Sec. 106-60, 12-12-2005; Ord. No. 01269, exh. 2008-I (106-60, 12-8-2008; Ord. No. 01284, exh. 2016-B(106-60), 6-13-2016)

Sec. 106-137 P, Professional.

- (a) Within P, Professional, the following uses shall be permitted:
  - (1) Hospitals and medical clinics of various types (dental, optical, etc.) for the treatment of human ailments, except for treatment of insane, feeble minded, epileptic, drug and alcohol patients or treatment of contagious diseases, and provided that:
    - (a) They are located on an arterial or a collector street;
    - (b) The buildings are placed not less than 50 feet From any property line;

I There is a planted buffer strip at least six (6) feet high where the property abuts a neighboring residential (R or MFR) property.
  - (2) Professional offices, provided the off-street parking requirements of this chapter are met, including those of a lawyer, doctor, veterinarian; provided that there are NO outdoor animal boarding facilities (kennels), accountant, real estate firm, corporate headquarters, etc.; additional minimum standards shall apply (See Secs. 106-97 & 106-148).
  - (3) Drug stores and apothecaries.
  - (4) Funeral homes.
  - (5) Municipal land uses which fulfill the requirements of a Type 1 Government Use.
- (b) Within P, Professional, the following uses are strictly prohibited:

- (1) Junkyards.
- (2) Crematoriums.
- (3) Commercial Chicken Growing Houses (Chicken houses).
- (4) Using semi-truck trailers and former shipping containers for storage.

(Ord. No. 01252, Sec. 106-61, 12-12-2005; Ord. No. 01269, exh. 2008-I (106-61, 12-8-2008; Ord. No. 01284, exh. 2016-B(106-61), 6-13-2016)

Sec. 106-138 CN, Commercial Neighborhood.

(a) Within CN, Commercial neighborhood, the following uses shall be permitted, provided they abut an arterial or major or minor collector:

- (1) Retail services such as banks, insurance, real estate, beauty and barber services, apparel and apparel repair, convenience stores, florists and convenience stores that sell automotive fuel, restaurants that do not serve liquor or beer and wine; however, all such businesses in operation in this district must close for business no later than 12:00 midnight each day they are open; and additional minimum standards shall apply (See Secs. 106-97 & 106-148).
- (2) Business and incidental signs (not to include billboards).
- (3) Municipal land uses which fulfill the requirements of a Type 1 Government Use.
- (4) Hours of businesses in this low intensity commercial district shall be restricted - all businesses must be closed between the hours of midnight and five am (5:00 am).
- (5) All parcels of land within this district must provide an undisturbed twenty-five (25') foot buffer between the commercial activity and all abutting zoned residential property. If said buffer can not be maintained in its natural vegetative state, once the parcel has been developed, a planted buffer in accordance with definitions included within this ordinance (106-3, (30)) must be installed, and shown on site plans.
- (6) All exterior lighting must be designed such that it does not cause a nuisance to neighboring home owners and passing vehicles. Security illumination on

commercial property should not extend beyond the near side of abutting ROW of public streets.

(b) Within CN, Commercial Neighborhood, the following uses are strictly prohibited:

- (1) Overnight semi-truck parking.
- (2) Bars.
- (3) Vehicle repair shops.
- (5) Junkyards.
- (6) Crematoriums.
- (7) Commercial Chicken Growing Houses (Chicken houses).
- (8) Residential dwellings (apartments) in basement or available loft space.
- (8) Using semi-truck trailers and former shipping containers for storage.

(Ord. No. 01252, Sec. 106-62, 12-12-2005; Ord. No. 01269, exh. 2008-I (106-62, 12-8-2008; Ord. No. 01284, exh. 2016-B(106-62), 6-13-2016)

Sec. 106-139 CH, Historic Downtown Commercial District.

(a) Within CH, Historic Downtown Commercial District, the following uses are permitted:

- (1) Retail commercial activity, including general merchandise, food, hardware, apparel, furniture, prescription drugs, pet stores, herbs, antiques, jewelry and the like; and additional minimum standards shall apply (See Secs. 106-97 & 106-148).
- (2) Restaurants and entertainment endeavors including theaters, video rental stores, embroidery shops, web page design companies, office supply companies and the like. Restaurants that serve beer and wine are permitted, provided they follow the requirements of serving licensing process; however, property in the CH district shall be exempt from the space buffer requirement of the beer and wine serving license stipulation; lastly, restaurants in this zone which utilize this exemption must only serve beer and/or wine.
- (3) Loft and basement apartments with the following standards and restrictions:

- a. Minimum of 900 square feet of living space per unit, or one unit constructed in the available space (must contain at least 500 square feet).
  - b. A monthly rental lease agreement.
  - c. No outside laundry facilities.
  - d. No intrusive outside lighting.
  - e. No modifications to the existing structure that will compromise the historical integrity.
  - f. Remove existing trees on the property only if absolutely necessary.
  - g. May only be constructed in the basement and the upper, non-street level area of the structure. Provided that such basements do NOT have a viable street level double-frontage condition (front and rear of building ONLY - building sides will NOT be considered a prohibitive situation). If this is the case, then there must be a rentable, viable retail space in the basement, said rentable retail space must abut the back public street, with the residential dwelling being located behind the retail space.
- (4) All uses permitted in the P, Professional district.
  - (5) All uses permitted in the CN, Commercial Neighborhood district.
  - (6) Municipal land uses which fulfill the requirements of a Type 1 and Type 2 Government Use.
  - (7) Fraternal organizations and clubs not operated for profit.
  - (8) All exterior lighting must be designed such that it does not cause a nuisance to neighboring home owners and passing vehicles. Security illumination on commercial property should not extend beyond the near side of abutting ROW of public streets.
- (b) Within CH, Commercial Historic, the following uses are strictly prohibited:
- (1) Overnight semi-truck parking.
  - (2) Warehousing. Based on the definition of warehousing contained within this ordinance (Section 106-3 (45)).

An exception is hereby provided, which shall allow for mini-warehousing uses in the basement of a commercial building located in the CH district. If a particular building has double frontage on two city streets (front and back of the building), and the building basement constitutes the street level retail floor space of the building on the back street, then only the rear portion of the building basement (relative to the back street frontage) could be used for mini-warehouse purposes. The portion of the building nearest the city street, must be dedicated to permitted, viable commercial use. Entrance to the mini-warehouse section must be separate from the regular main retail entrance. Entrance must be from the side or rear street. Flammable materials are banned from the mini-warehouse area. Smoking in the mini-warehouse area is prohibited, and a sign indicating such must be posted at the entrance.

- (3) Pawn shops.
- (4) Junkyards.
- (5) Crematoriums.
- (6) Commercial Chicken Growing Houses (Chicken houses).
- (7) Using semi-truck trailers and former shipping containers for storage.

(Ord. No. 01252, Sec. 106-63, 12-12-2005; Ord. No. 01266, exh. 2008-G, 12-8-2008; Ord. No. 01267, exh. 2008-J, 12-8-2008; Ord. No. 01269, exh. 2008-I (106-63, 12-8-2008; Ord. No. 01284, exh. 2016-B(106-63), 6-13-2016)

Sec. 106-140 C-1, Modern Retail Commercial district.

- (a) Within C-1, Modern Retail Commercial district, the following uses shall be permitted:
  - (1) All uses permitted in CN and CH; additional minimum standards shall apply (See Secs. 106-97 & 106-148).
  - (2) Any typical retail business, including but not limited to; grocery stores, department stores, sporting goods stores, pharmacies, etc.
  - (3) Government Type 1 or 2 land uses. Provided they abut an arterial roadway and establish a buffer along property lines which abut R and MFR.
  - (4) Private or public museums, private or public libraries, movie theaters, bowling alleys, etc.



- (5) Automobile and other types of durable goods dealers and repair shops.
  - (6) Hotel/motel establishments.
  - (7) Billboards, provided that the required set backs are met.
  - (8) Automotive repair and service stations.
  - (9) The package sale of distilled spirits may be allowed as a conditional use in this district.
  - (10) All exterior lighting must be designed such that it does not cause a nuisance to neighboring home owners and passing vehicles. Security illumination on commercial property should not extend beyond the near side of abutting ROW of public streets.
- (b) Within C-1, Modern Retail Commercial district, the following uses are strictly prohibited:
- (1) Overnight semi-truck parking, except guests of a hotel/motel establishment where the semi-truck is parked in the parking lot of the hotel/motel establishment.
  - (2) Junkyards.
  - (3) Crematoriums.
  - (4) Commercial Chicken Growing Houses (Chicken houses).
  - (5) Residential dwellings (apartments) in basement or available loft space.
  - (6) Using semi-truck trailers and former shipping containers for storage.

(Ord. No. 01252, Sec. 106-64, 12-12-2005; Ord. No. 01269, exh. 2008-I (106-64, 12-8-2008; Ord. No. 01284, exh. 2016-B(106-64), 6-13-2016)

Sec. 106-141 C-I, Commercial Interstate.

- (a) Unique designation that, due to its proximity to Interstate 20, allows for more liberal and all inclusive commercial use of land. Shall include all uses permitted in C-1, CN and CH; and additional minimum standards shall apply (See Secs. 106-97 & 106-148).
- (b) The sale of distilled spirits for consumption by the drink

pouring) shall be allowed in this district. The package sale of distilled spirits may be allowed as a conditional use in this district.

- (c) Overnight semi-truck parking, large scale truck stops and truck repair businesses.
- (d) All night restaurants and convenience stores.
- (e) Large scale commercial developments such as malls, Tanger discount outlet centers, Cabelas Outfitters, etc.
- (f) Small scale manufacturing and repairs shops which also sell those products they service and produce.
- (g) Outdoor advertising signs (billboards), provided they comply with the setback requirements of the district.
- (h) Home improvement businesses, such as electricians, plumbers, building contractors, and related businesses such as cabinet shops.
- (i) Municipal land uses which fulfill the requirements of a Type 1, Type 2 and Type 3 Government Use.
- (j) Within C-I, Commercial Interstate, the following uses are strictly prohibited:
  - (1) Junkyards.
  - (2) Crematoriums.
  - (3) Commercial Chicken Growing Houses (Chicken houses).
  - (4) Residential dwellings (apartments) in basement or available loft space.
  - (5) Using semi-truck trailers and former shipping containers for storage.

(Ord. No. 01252, Sec. 106-65, 12-12-2005; Ord. No. 01269, exh. 2008-I (106-65, 12-8-2008; Ord. No. 01284, exh. 2016-B(106-65), 6-13-2016)

Sec. 106-142 I, Institutional.

- (a) Within I, Institutional district, land uses which include caring for the elderly, young and disabled; in both short term and long term scenarios (to include nursing homes). Does not include caring for those infected with contagious diseases, drug and alcohol dependency or half-way houses for criminals, both adult and juvenile. Includes licensed personal care facilities of all sizes, provided state approval is received. Any property lines abutting "R" or

"MFR" districts must establish a 25' (twenty-five foot) buffer along these lines. Property must abut arterial or major collector street; buildings must be placed not less than 50 feet from any property line; additional minimum standards shall apply (See Secs. 106-97 & 106-148).

(b) All exterior lighting must be designed such that it does not cause a nuisance to neighboring home owners and passing vehicles. Security illumination on institutional property should not extend beyond the near side of abutting ROW of public streets.

(c) Within I, Institutional district, the following uses are strictly prohibited:

- (1) Junkyards.
- (2) Crematoriums.
- (3) Commercial Chicken Growing Houses (Chicken houses).
- (4) Using semi-truck trailers and former shipping containers for storage.

(Ord. No. 01252, Sec. 106-66, 12-12-2005; Ord. No. 01269, exh. 2008-I (106-66, 12-8-2008; Ord. No. 01284, exh. 2016-B(106-66), 6-13-2016)

Sec. 106-143 M - 1, Light Manufacturing Industrial district.

(a) Within M-1, light manufacturing industrial district, the following uses shall be permitted:

- (1) Railroad, bus and truck terminals, warehousing and wholesaling; and additional minimum standards shall apply (See Secs. 106-97 & 106-148).
- (2) Any retail or service establishment dependent on, or closely related to the manufacturing industries to include service stations.
- (3) Public utilities.
- (4) Storage yards including building materials and lumberyards provided such uses are screened from view by a buffer strip at least six (6) feet high. Such buffer strip shall comply with all setback requirements of the district.
- (5) Outdoor advertising signs (billboards), provided they comply with the setback requirements of the district.
- (6) Cell tower and other radio/television transmission

towers, including radio stations themselves.

- (7) Mini-warehouses.
- (8) Industries manufacturing cotton, thread and yarn, apparel, furniture, machine shops, dairy products and the like, provided they are not injurious to adjacent land uses by reason of noise, smoke, vibration, dust, odors, fire and explosive hazards.
- (9) Municipal land uses which fulfill the requirements of a Type 1, Type 2 and Type 3 Government Use.
- (10) Flea Markets.
- (11) Pet stores / animal shelters / kennels.

(b) Within M-1, Light Manufacturing Industrial district, the following uses are hereby prohibited:

(1) Junkyards.

(2) Commercial Chicken Growing Houses (Chicken houses).  
(Ord. No. 01252, Sec. 106-67, 12-12-2005; Ord. No. 01269, exh. 2008-I (106-67, 12-8-2008; Ord. No. 01284, exh. 2016-B(106-67), 6-13-2016)

Sec. 106-144 M - 2, Heavy Manufacturing Industrial district

(a) All uses permitted in M-1, are permitted in M-2; and additional minimum standards shall apply (See Secs. 106-97 & 106-148).

(b) Industry which generates excessive noise, light and odor, such as steel building material, rubber compound companies, etc.

I Within M-2, Heavy Manufacturing Industrial district, the following uses are hereby prohibited:

(1) Junkyards.

(2) Commercial Chicken Growing Houses (Chicken houses).  
(Ord. No. 01252, Sec. 106-68, 12-12-2005; Ord. No. 01269, exh. 2008-I (106-68, 12-8-2008; Ord. No. 01284, exh. 2016-B(106-68), 6-13-2016)

Sec. 106-145 A, Agriculture.

(a) Restricted to parcels of land five (5) acres or larger. Restricted to customary agricultural pursuits, with the following stipulations:

(1) All structures dedicated to housing animals of any

type (hogs, cows, horses, etc.) shall be a minimum of 100' from any property line. Structures dedicated to housing chickens or other types of fowl must be a minimum of 150'. Additional minimum standards shall apply (see Secs. 106-97 & 106-148).

- (b) AP districts are dedicated to pasture land.
- (c) AC districts are dedicated to prime farmland capable of growing crops.
  - (1) A winery/distillery shall be permitted by right under this zoning designation, which will include the growing of grapes for harvest, direct sale to the public and the production of wine and other fermented/processed liquids.
  - (2) Additional complimentary uses of such land dedicated to the growing of grapes and zoned AC which shall be permitted include: A tasting room, which shall include tourist activities such as a restaurant and gift shop, etc. The restaurant shall follow the standard licensing processes for any typical eating establishment. The gift shop will include items promoting the winery, in addition to any other items offered by the winery owner.
  - (3) Any distillery located herein must be dedicated to distilling products grown on site of the permitted winery/agriculture operation.
- (d) AT districts are dedicated to growing timber and generally are under conservation.
- (e) All residential uses and restrictions mandated in R-500, provided that the minimum lot size is met.
- (f) Within A, Agriculture, the following uses are strictly prohibited:
  - (1) Junkyards.
  - (2) Crematoriums.
  - (3) Commercial Chicken Growing Houses (Chicken houses).
  - (4) Shipping containers being used as storage sheds. UNLESS the shipping container is enclosed in a barn-type exterior for necessary security. Such a shipping container must not be viewable by passersby and neighbors.

(Ord. No. 01252, Sec. 106-69, 12-12-2005; Ord. No. 01269, exh. 2008-I (106-69, 12-8-2008; Ord. No. 01284, exh. 2016-B(106-69), 6-13-2016)

Sec. 106-146      G, Government.

- (a) Restricted to various government uses, under the following categories:
- (1) GR - Government Recreation. Parks, passive recreation and athletic complexes operated for public enjoyment. Athletic complexes must be located on arterial or major and minor collectors. Typically Type 1 use.
  - (2) GA - Government Administrative. Primarily City Hall and other public property/structures dedicated to controlling the operation of the governments' various segments. Typically Type 2 use.
  - (3) GT - Government Transportation. Property owned and operated by the government for the purpose of mass transit and maintenance associated with mass transit. Typically Type 3 use.
  - (4) GO - Government Operations. Property owned and operated by the government which does not address mass transit fields, such as police and fire departments, sewer and water treatment facilities. Typically Type 2 or 3 use.
  - (5) GS - Government Schools. Property owned and operated by the government which is utilized for the education of the public. Typically Type 1 use.

(Ord. No. 01252, Sec. 106-70, 12-12-2005)

Sec. 106-147      Planned Communities.

- (a) Large scale (minimum of 25 acres), master planned development which may allow for residential development at higher density than is allowed in other developments, provided that greenspace, pedestrian trail and recreational areas are set aside and fully developed prior to a Certificate of Occupancy being issued for any structure.
- (1) PUD - Planned unit development. Master planned residential district, usually a mix of rental/resident owned property. Must have open space/recreational land set aside and dedicated for such (development rights assigned to a land trust in perpetuity [such as the Nature Conservancy]), as well as being completely installed prior to, a Certificate of Occupancy being issued. Property density in section developed may be

much higher than regularly permitted. Must receive permission from planning coordinator, Planning Commission and the Mayor and Council.

- (2) PMURD - Planned mixed-use residential development. Master planned, primarily residential district, mixed use development, which also contains commercial/retail land uses. Must have open space/recreational land set aside and dedicated for such (development rights assigned to a land trust in perpetuity [such as the Nature Conservancy]), as well as being completely installed prior to, a Certificate of Occupancy being issued. Property density in section developed may be higher than regularly permitted. Must receive permission from planning coordinator, Planning Commission and the Mayor and Council.
- (3) PESS - Planned elementary school sub-division. Extremely large, minimum of 200 acres; master planned, residential sub-division based upon the construction of a single elementary school and the residential dwellings which are anticipated to, when the development is complete, provide all the students which shall attend this elementary school (it is intended that all students within this development shall be able to, and shall be anticipated to, walk to this school). All costs associated with the construction of this school shall be borne by the developers (and thus passed on to the home purchasers), and these plans must be approved by the Haralson County Board of Education. Development density may be substantially higher than permitted in other districts. Must have open space/recreational land set aside and dedicated for such, as well as being completely installed, as well as have the public school constructed (or a bond dedicated equal to the cost of the school construction plus 25%), prior to a Certificate of Occupancy being issued (such as the development rights being deeded to land trust/conservancy in perpetuity). If enacted at the time, various impact fees may be waived by the Mayor and Council and/or Haralson County Board of Education (or whatever governmental unit adopted, instituted and collects such fees). Must receive permission from planning coordinator, Planning Commission, Haralson County Board of Education and the Mayor and Council.
- (4) Approval process. The purpose of these large scale master planned communities is to provide greater efficiency/economy of scale through higher density residential development, permanently preserved conservation tracks and close proximity of retail

stores, where appropriate; which hopefully will increase walk-ability and decrease the number of car trips generated daily on a per capita basis. In relation to PESS, it is intended to strive for a Garden City environment similar to Radburn, N. J.; where the elementary school/civic area/green pasture are the prime focal points, and where housing is arranged around this focal point, and lastly, where pedestrian activity is separated from automotive movement, thus substantially increasing family safety. An application fee of \$150.00, in addition to any fees for rezoning and other site plan review fees, is required.

(a) A planned unit development shall be located in an area where public and private facilities and services are available, or will be made available by the time the development reaches the stage of any initial availability of occupancy and shall not be on less than 25 acres. The following shall be filed with the application for rezoning, in addition to any information otherwise required of all rezoning applications:

1. The proposed name of the PUD, PMURD or PESS.
2. An aerial photograph of the area and \ vicinity.
3. A complete and legal description of the proposed planned unit development, to include a legal plat.
4. A tabulation of total acreage of the site and the designation for various uses, such as parking, structures, streets, parks, playgrounds, schools, residential areas, commercial areas.
5. Building density of residential areas.
6. Preliminary site plan/subdivision plans. Must meet all subdivision regulations in relation to road and infrastructure requirements (sewer, storm, potable water design).
7. Proposed circulation of vehicle and pedestrian traffic.
8. Approval block for the Haralson County Board of Education, City of Tallapoosa Planning



Commission and the Mayor and Council of the City of Tallapoosa.

9. Statement of Concurrence/Awareness: All public facilities, including schools (if applicable) and recreation areas/conservation areas (conservation easement), sewer and water, streets, etc., shall be completed prior to a Certificate of Occupancy being issued for any residential structure.
10. Plans shall be submitted to the Planning Coordinator, City Manager or his/her designee. They shall be reviewed for compliance and, if in the opinion of that official, are deemed to meet all standards, a public hearing with the Planning Commission shall be scheduled. If the Planning Commission provides its approval, the plans shall be presented to the Mayor and Council of Tallapoosa (except PESS). Upon receiving approval from the Mayor and Council, the plans final plat shall be recorded and the rezoning affective for one year, if construction does not begin.
11. PESS. Prior to being submitted to the Mayor and Council, these plans must be approved by the Haralson County Board of Education, or its successor (including whatever approval is required from the State Board of Education).

(b) Within all planned community districts, the following uses are strictly prohibited:

- (1) Junkyards.
- (2) Crematoriums.
- (3) Commercial Chicken Growing Houses (Chicken houses).
- (4) Using semi-truck trailers and former shipping containers for storage.

(Ord. No. 01252, Sec. 106-71, 12-12-2005; Ord. No. 01270, exh. 2008-K, 12-8-2008; Ord. No. 01269, exh. 2008-I (106-71, 12-8-2008; Ord. No. 01284, exh. 2016-B(106-71), 6-13-2016)

Sec. 106-148 Area, yard and height requirements.

Dimensional requirements for the various districts shall be as follows:

Minimum Lot Size<sup>1</sup>

Minimum Yard requirements  
(Set back)

District	Lot Area (sq. ft.)	Lot area per dwelling (sq. ft.)	Lot Width (feet)	Minimum Floor Area per dwelling (sq. ft.)	Front		Side	Rear	Maximum Height (feet)
					Arterial	All other Streets			
Accessory, utility <sup>2</sup>	N/A	N/A	N/A	N/A	25 (in side yard)	20 (in side yard)	10	10	35
Accessory, decorative <sup>3</sup>	N/A	N/A	N/A	N/A	25 (front)	20 (front)	10	10	35
Accessory, portable metal carport	N/A	N/A	N/A	N/A	10 (front)	5 (front)	10	10	35
Dumpster corrals	N/A	N/A	N/A	N/A	5	5	5	5	N/A
RH-1	5000	5000	50	1200	15	10	10	20	35
RH-2	7501	7501	50	1500	15	10	10	20	35
RH-25	11000	11000	100	1200	15	10	10	20	35
R-HH1	5000	5000	50	850	15	10	10	20	35
R-HH2	5000	5000	50	1000	15	10	10	20	35
R-100	44000	44000	100	1500	30	25	10	20	35
R-125	55000	55000	150	1500	30	25	10	20	35
R-150	66000	66000	200	1500	30	25	10	20	35
R-175	77000	77000	200	1700	30	25	10	20	35
R-200	88000	88000	250	1700	30	25	10	20	35
R-225	99000	99000	250	1700	30	25	10	20	35
R-250	110000	110000	250	1700	30	25	10	20	35
R-275	121000	120000	250	1700	30	25	10	20	35
R-300	132000	132000	300	2000	50	50	25	50	35
R-325 AND UP (INCREASING IN INCREMENTS OF 25)	TBD	TBD	300	2000	50	50	25	50	35
RM	44000	44000	100	1500	30	25	10	20	35
MFR-D	44000	22000	150	900	30	25	10	20	35
MFR-T	44000	8800	200	1200	30	25	10	20	35
MFR-C	44000	5500	200	1500	30	25	10	20	35
MFR-A	44000	5500	100	1000	30	25	10	20	35
MFR-M	220000	4400	200	1000	30	25	10	20	35
P	N/A	N/A	N/A	N/A	25	20	10	20	35
CN	N/A	N/A	N/A	N/A	20	15	10	20	35
CH	N/A	N/A	N/A	N/A	0	0	0	0	50
C-1	N/A	N/A	N/A	N/A	25	20	10	10	35
C-I	N/A	N/A	N/A	N/A	25	20	10	10	50
I	N/A	N/A	N/A	N/A	50	50	50	50	35
M-1 (property line)	N/A	N/A	N/A	N/A	40	35	25	50	50

<sup>1</sup> All lots not served by public sewer shall have a minimum area of 43560 sq. ft. per dwelling unit and a minimum width of **100 feet. Septic tank permits shall be administered by the Haralson County Department of Environmental Health (HCDEH), and all minimum standards shall be complied with (HCDEH may require larger lots than required by the City zoning ordinance, as per the soil scientist evaluation.)**

<sup>2</sup> Minimum yard requirements (“set back”) for accessory uses (both types) shall not exceed the set back for the principal use structure (such as in RH districts), but shall be identical to the mandatory set back for principal use structures, unless the stated set back is less than that for the principal use.

<sup>3</sup> See footnote number 2.

abuts non-M-1 or M-2 property)									
M-2 (property line abuts non-M-1 or M-2 property)	N/A	N/A	N/A	N/A	40	35	50	50	50
M-1 (any/all property lines abut other M districts)	N/A	N/A	N/A	N/A	40	35	<u>10</u>	10	50
M-2 (any/all property lines abut other M districts)	N/A	N/A	N/A	N/A	40	35	<u>10</u>	10	50
AP	220000	220000	200	1500	30	25	25	25	35
AC	220000	220000	200	1500	30	25	25	25	35
AT	220000	220000	200	1500	30	25	25	25	35
GR	N/A	N/A	N/A	N/A	N/A	N/A	25	25	35
GA	N/A	N/A	N/A	N/A	N/A	N/A	25	25	35
GT	N/A	N/A	N/A	N/A	N/A	N/A	50	50	35
GO	N/A	N/A	N/A	N/A	N/A	N/A	30	30	35
GS	N/A	N/A	N/A	N/A	N/A	N/A	50	50	35
PUD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
PMURD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
PESS	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
District	Lot Area (sq. ft.)	Lot area per dwelling (sq. ft.)	Lot Width (feet)	Minimum Floor Area per dwelling (sq. ft.)	Front		Side	Rear	Maximum Height (feet)
					Arterial	All other Streets			

(Ord. No. 01252, Sec. 106-58, 12-12-2005; Ord. No. 01255, exh. 2006-G, 10-9-2006; Ord. No. 01264, exh. 2008-B, 7-14-2008; Ord. No. 01268, exh. 2008-H, 12-8-2008

Sec. 106-149 Regulation of Manufactured Homes, Industrialized Buildings, Other Manufactured Homes and Mobile Homes:  
(Entire Section added on 11/9/92 by Ordinance 01170; passed 11/9/92)

(a) Manufactured Homes as Single-Family Dwellings:

- (1) Permitted locations: Manufactured Homes qualifying as Dwelling, Single-Family shall be allowed in the RM residential district and MFR-M district, and shall be regulated uniformly with other housing constructed on site, subject to requirements and limitations set forth in this section. Approval shall be provided for and either granted or denied in accordance with Section 106-73(4).
- (2) Compatibility Standards for Manufactured Homes Meeting the Definition of Dwelling, Single-Family are as Follows:
  - a. Manufactured Homes qualifying as Dwelling, Single-family shall be compared to site built and other housing in the immediate general area within the same zoning or residential district or area. Approval

shall be granted upon the finding that the manufactured Home is substantially similar or superior in size, siding material, roof material, foundation and general aesthetic appearance to:

1. Site-built or other forms of housing which may be permitted in the same general area under this Chapter
  2. Existing development or
  3. Proposed development in the same zoning district or area.
- b. All towing devices, wheels and hitches must be removed.
- c. At each exterior rear and side door there must be a landing that is a minimum of thirty-six inches by forty-eight inches. Each landing shall be permanently mounted to the structure. At the main exterior front door, there must be a porch or deck, the surface of said porch or deck to be not less than fifty (50) square feet. No temporary steps are allowed. Handrails shall be permanently attached to all steps of more than three (3) for safety measures.
- (b) Industrialized Building as Single-Family Dwellings; permitted locations: Industrialized Buildings qualifying as Dwelling, Single-Family shall be allowed in the RM and MFR-M residential districts and shall be regulated uniformly with other housing constructed on site, subject to requirements and limitations set forth in this section. Approval shall be provided for and either granted or denied in accordance with subsection (d) of this section.
- (c) Other Manufactured Homes and Mobile Homes Used for Residential Purposes:
- (1) Permitted locations: Manufactured Homes which do not meet the definition of Dwelling, Single-Family, shall be permitted within areas designated as MFR-M, provided that each home complies with the standards hereinafter set forth. Mobile homes shall not be permitted in any zoning district.
  - (2) Standards for Placement of Manufactured Homes Not Meeting the Definition of Dwelling, Single-Family:
    - a. Manufactured homes not meeting the definition of Dwelling, Single-family shall be allowed only in manufactured home parks.
    - b. The manufactured home must be connected to the water

and sewerage system (including well and septic tank, if applicable) approved by the Health Department and shall have at least two (2) smoke detectors installed inside the home.

- c. In the event minimum installation standards have not been adopted by the State of Georgia, the structure must be installed according to the manufacturer's installation instructions when available or Appendix "H" of the Georgia State Building Code.
- d. The area beneath each such structure must be enclosed with materials manufactured for such purposes, including but not limited to brick, concrete, rock or other materials which have been approved by the Building Inspector. The manufactured home shall be set upon a permanent foundation.

(d) Procedures For Approval of Manufactured Homes Classified as Dwelling, Single Family, and of other Manufactured Homes:

- (1) *Statement of Intent.* It is the intent of this section to provide procedures for approval of permits for Manufactured Homes classified as Dwelling, Single-Family, and other Manufactured Homes.
- (2) *Form of Application and Procedure for Filing.* Applications for approval of placement of all Manufactured homes shall be made on a form or forms developed for that purpose and shall be submitted to City Hall for review and approval in accordance with this Ordinance, provided, however, that no applications for approval of placements will be accepted for any Manufactured Home where said home is more than 5 years Old. No applications for approval of mobile homes will be accepted.
- (3) *Information Required for Application.* Such applications shall include all information necessary to make determinations as to conformity with the provisions of this Ordinance as applicable to each such building and, as applicable, conformity with the standards herein, including photographs or renderings of the front and side of the Manufactured Home, exterior finish, and other information necessary to make determinations required by this Ordinance. The filing of an application is not complete until the non-refundable application fee is paid.
- (4) *Procedure for Approval/Denial of Application.* The decision to approve or to deny the application shall

be made within five days of receipt of the application, the non-refundable application fee, and all required supporting materials. The applicant shall be notified in writing of the approval, conditional approval or denial of the application within five (5) working days after such decision is made. Conditional approval shall require that the conditions and reasons therefore be stated in writing and be agreed to by the applicant; such conditions shall be binding upon the applicant. In the case of disapproval, the reasons therefore shall be stated in writing.

(5) *Procedure for Deviations from Standards.*

The building official may approve deviations from the definitional or compatibility standards or architectural standards set forth in Standards (c), (d), or (e) under the definition of Dwelling, Single-Family on the basis of a finding that the materials to be utilized or the architectural style proposed for the dwelling unit will be compatible and harmonious to or superior to existing structures in the vicinity.

(6) *Annual Permit Requirement for Manufactured Homes classified as a Single-Family Dwelling, Other Manufactured Homes and Mobile Homes.*

- a. All Manufactured Homes classified as dwelling, single-family, and other Manufactured homes, and Mobile Homes shall have annual permits which can be obtained through City Hall. All subsequent annual permits shall be obtained through City Hall. The initial applications shall have attached thereto a plat or scale drawing of the property showing the proposed manufactured home thereon.
- b. The City Manager may recommend and the City Council may impose certain conditions and restrictions on the granting of this permit.
- c. Twelve (12) months from the date the permit is granted will be the expiration date. A renewal of the permit must meet all requirements of a new application.
- d. Applicant must produce a recorded warranty deed showing the applicant is the owner of record along with the application for the annual permit. Transfer of ownership of the property shall cause immediate revocation of the land use permit. The Applicant must also produce documentation which shows that the applicant is the current owner of the manufactured

home. Must be no older than five years.

- e. All Manufactured homes must have electrical and sewerage hookups inspected and approved by the designated building inspector. All electrical service hookups must be mounted to the manufactured home and secured properly pursuant to the standards contained in the most current edition of the National Electrical Code as well as pursuant to the requirements of the electrical utility company.

- (7) *Appeals.* Appeals of the decisions of the Building Official in interpretations, conditional grants, or denial of permits shall be made to the Board of Zoning Appeals in accordance with Article 8 of Chapter 106 of the Code of Ordinances of the City of Tallapoosa, Georgia. The decision of the Board of Zoning Appeals shall be based on the purpose and intent of the Ordinance, provided that the spirit of the ordinance shall be observed, public welfare and safety be secured, and substantial justice done.

(Ord. No. 01170, 11-9-1992; Ord. No. 01252, Sec. 106-73, 12-12-2005)

Sec. 106-150 Table of permitted uses.

- (a) All specific, current, easily identified land uses, locally identified, shall be maintained in a separate document known as the "TABLE OF PERMITTED USES". All current, locally known, or commonly and generally known, land uses shall be identified in this table and assigned, a zoning district category, where they shall be permitted to be established. Said table shall be made available to the public for their use, at the Offices of the Department of Planning or at the desk of the City Clerk. Copies shall be made available to the public for a fee of \$1.00 as of the adoption of this ordinance and said fee may be amended by resolution by the Mayor and Council from time to time.
- (b) Any land use not locally identified and brought to the attention of the City by an individual interested in pursuing this land use within the City limits, shall be assigned a temporary permitted land use district by the Planning Coordinator, City Manager or his designate, provided that such a business is similar to those businesses already permitted in such a specific district and which shall not distort or irreparably damage the character or violate the restrictions, of such a specific district . This designation shall be relayed to the interested party in writing within 5 business days of the decision. This recommendation shall be presented by the planning coordinator (or designate) to the Planning Commission at their regular monthly meeting for final approval or final

assignment. If the individual interested in pursuing this type of land use feels the permitted land use zoning district category designation is incorrect, he/she may appeal to the planning commission, City Council or Board of Zoning Appeals in writing, in hopes that the designated zoning district category can be altered from that which was recommended by the planning coordinator. Failure to appeal this decision, or a subsequent change by the Planning Commission, within 45 days from the latter decision being rendered, voids this appeal process.

Sec. 106-151 Approval Process for Conditional Uses.

- (a) Approval shall be provided by the **Mayor and Council** of Tallapoosa.
- (1) An application shall be submitted on a form to be provided by the Department of Planning. An application fee of \$150.00 shall be included with the application. Said fee shall be amended from time to time by the Mayor and Council by resolution. The application for a Conditional Use permit shall be advertised in the Tallapoosa Journal or similar newspaper of general circulation in a similar fashion as a rezoning application (including posting the property): at least 15 days prior to, but no more than 45 days prior to, the upcoming **Mayor and Council** meeting. A site plan must be provided that shows the following:
    - a. The specific type of conditional use requested must be plainly stated.
    - b. A plat of the property showing dimensions of parcel. Also include location and size of structures to be constructed (barns, signs, etc.), zoning of the property and list of adjoining property owners.
  - (2) If the **Mayor and Council** requires additional information, the Conditional Use request may be tabled to the next meeting. If the requested information is not supplied by the next scheduled or called meeting, the permit application shall be denied without appeal.
  - (3) Upon approval of the requested Conditional Use Permit, the Department of Planning shall issue a Certificate of Approval: Conditional Use. This permit shall state the property owner, address and tax map identification of the impacted property and the specific condition which has been permitted. This Certificate shall be issued no later than (5) five days after the Planning Commission meeting where the conditional use was



approved.

- (b) This permit is non-transferable. Upon the transfer of the property to an owner not listed on the Certificate, the Certificate of Approval: Conditional Use shall be terminated and the new property owner must re-apply for the Conditional Use Permit, under the standards then in affect for approving a conditional use request.
- (c) **All decisions of the Mayor and Council are final, and can not be appealed unless to a court having competent jurisdiction.** All appeals must be filed in writing within 30 days of the **Mayor and Councils'** decision.
- (d) Failure to comply with all conditions placed upon the approval of this permit, or failure to maintain the necessary minimum standards, shall be cause for the conditional use permit to be repealed. Such a repeal shall be determined by the Planning Commission, appeal, if desired, to the Mayor and Council, as required in number (3) directly above.
- (e) If Conditional Use request is denied, a second request can not be submitted for a minimum of 12 months from the date of the denial.

(Ord. No. 01252, Sec. 106-75, 12-12-2005)

Secs. 106-152 through 106-170 reserved.

ARTICLE 6 **Exceptions and Modifications**

Sec. 106-171 Lots of record.

- (a) Single Lots. Where the owner of a lot at the time of the adoption of this chapter or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this chapter, such lot may be used as a building site for a single family residence in a district where residences are permitted.
- (b) Adjoining lots. If two (2) or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption of this chapter and such lots individually are too small to meet the yard, width, and area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one (1) ownership shall be subject to the requirements of this chapter.

Sec. 106-172 Front-yard setbacks for dwelling.

The setback requirements of this chapter for dwellings shall not apply to any lot where the average existing building setback line on lots located wholly or in part within 100 feet on each side of such lot, within the same block and zoning district, and fronting on the same side of the street as such lot, is less than the minimum setback required. In such cases the setback on such lots may be less than the required setback, but not less than the average of the existing setbacks on the aforementioned lots, and in no case less than 10 feet from the street right-of-way.

Sec. 106-173 Height limits.

The height limitations of this chapter shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; turrets with "witches' hats", monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyers, flag poles, radio towers, television towers, masts, aerials, the roof area (attic) of residential structures where no space for temporary or overnight occupancy has been designed or scheduled, and only storage space/use shall exist, and similar structures.

Sec. 106-174 Group projects.

- (a) A group project (including, but not limited to, residential, commercial, industrial, educational, medical, religious, or civic uses) of two (2) or more buildings to be constructed on a plot of land at least two (2) acres not subdivided into customary streets and lots, and which will not be so subdivided, may be constructed provided:

- (1) Such uses are limited to those permitted within the district in which the project is located;
  - (2) The over-all intensity of land use is no higher, and the standard of open space is no lower, than that permitted on the district in which the project is located;
  - (3) The distance of every building from the nearest property line shall meet the front-yard setback and side-yard requirements of the district in which the project is located;
  - (4) The building heights do not exceed the height limits permitted in the district in which the project is located; and
  - (5) On property that lies within or abuts upon a residential district, there shall be a 10 foot planted buffer strip along the rear and/or side lot lines abutting the residential properties.
- (b) Approval process. Approval shall be provided by the Planning Commission of Tallapoosa. An application form/request letter, which may be provided by the Department of Planning, shall be presented. An application fee of \$150.00 shall be included with the application. Said fee shall be amended from time to time by the Mayor and Council by resolution. The application for group project status shall be advertised in the **legal advertising organ of Haralson County** or similar newspaper of general circulation in a similar fashion as a rezoning application (including posting the property): at least 15 days prior to, but no more than 45 days prior to, the upcoming Planning Commission meeting. A site plan must be provided that shows the following:
- (1) A plat of the property showing dimensions of parcel. Also include location and size of structures to be constructed, parking spaces allocated to new construction and their location on the property. If required, the 10' planted buffer zone, indicating type of plant to be installed.
  - (2) Verification of available sewer and water (statement from Public Works Director or City Manager).
  - (3) The Planning Coordinator, City Manager or his/her designee, shall conduct a preliminary evaluation of the submitted site plan to verify that all required information has been included. Site plan review shall

require a fee of \$50.00. Said fee shall provide two reviews of the site plan. If still not correct after the second review, an additional fee of \$25.00 per review shall be assessed. Said fees may be amended by the Mayor and Council from time to time by resolution. If site plan is not complete at the time the Planning Commission convenes, this shall be grounds for denying the Group Project Status request. Plans must be submitted at the time of the application being submitted. Application must be submitted in a timely fashion to allow all necessary advertising to be accomplished.

- (4) If the request is denied, a second request for the same property shall not be submitted for a minimum of 12 months from the date of the denied Group Project request.
- (5) Based upon the Planning Commissions' review of the supplied information, including public comments upon the proposal, the Planning Commission shall approve or deny the Group Project request. If any party is aggrieved of the decision by the Planning Commission, the aggrieved party may appeal to the City of Tallapoosa's Mayor and Council for review of the decision.

(Ord. No. 01252, Sec. 106-84, 12-12-2005)

Section 106-175 Requirements and standards.

Requirements to comply with; which shall allow the platting applicant to utilize the traditional, historically accurate high density lot size permitted in Section 106-128 RH, Residential Historic District, provided that such land is located within the "High Density Historically Accurate Infill Subdivision Overlay District", and complies with the following standards):

- (1) *Purpose and intent.* It is in the public interest to maximize efficiency of the utilization of public services, infrastructure, and facilities as a means to achieve balanced growth and to provide a cost effective method for municipal service delivery. Within the residential areas of the identified traditional, high density, walk-able, core historic City residential district, and delineated on the "High Density Historically Accurate Infill Subdivision Overlay District", there exists an opportunity to achieve maximum utilization of land resources that have been bypassed or under-utilized in the development of the traditional, historic urban area. An increase in the density normally allowed by the underlying zoning district (RH) is deemed an appropriate incentive to promote infill

development and redevelopment within this historic urban residential core for single-family residential detached district. Provided that the preferred neighborhood compatibility standards are respected.

- (2) *Applicability.* The High Density Historically Accurate Infill Subdivision Overlay District (the overlay district) implements the infill development zone. The provisions of this overlay district apply to all parcels designated within the overlay district which wish to utilize the platting density permitted in the underlying zoning district (an RH option), *and/or parcels of land which contain TWO ACRES or less; and comply with the eligibility criteria standards.* The boundary of this district shall be shown in the Official Zoning Map of the City of Tallapoosa and all parcels contained within the zone, which meet the eligibility section below, are able to utilize the provisions set forth in this section.
- (3) *Land Development Regulations.* All land use and development, including but not limited to buildings, driveways, parking areas, street buffers, tree protection/landscaping and pedestrian/bicycle ways, shall be located and/or provided for in accordance with the provisions of the zoning ordinance and land development regulations, except as modified by this section.
- (4) *Eligibility.* Properties may utilize the high density subdivision allowed in the overlay districts' infill development zone (RH district density) provided they meet the following criteria:
  - (a) The original/initial parcel of land which the proposed subdivision is coming from does not exceed two acres.
  - (b) The parcel must be served by public water and sanitary sewer (septic tanks are prohibited).
  - (c) Parcel must be zoned one of the three RH designations, or R-200, R-150, R-100, R-75 or R-50, as shown on the Tallapoosa Zoning Map adopted on December 12, 2005, or on subsequently adopted maps.
  - (d) The new parcel must contain at least 5000 square feet and a minimum of 50 feet street frontage.
  - (e) The original parcel, after the proposed subdivision is complete, must contain at least 5000 square feet and have at least 50 feet street frontage. Proposed submitted plat must show all parcels; those newly created and those from the original, source parcel.

(f) Proposed new homes must contain a minimum of 1200 heated square feet.

(5) *Architectural consistency.* It is presumed that homes constructed shall be architecturally consistent with the characteristics of the surrounding homes and area.

(6) *Approval process.* Standard plat approval process must be followed.

(Ord. No. 01280, exh. 2013-C(106-85), 12-9-2013)

**Secs. 106-176 through 106-203 reserved.**

ARTICLE 7 **Administration, Enforcement, and Penalties**

Sec. 106-204 Zoning enforcement officer.

The provisions of this chapter shall be administered and enforced by the city manager or his designee.  
(Ord. No. 01252, Sec. 106-91, 12-12-2005)

Sec. 106-205 Building permit required.

It shall be unlawful to commence the excavation or filling of any lot for any construction of any building, or to commence construction of any building, or to commence the moving or alteration of any building or to commence the development of land for a use not requiring a building, until the city manager or his designee has issued a building permit for such work.  
(Ord. No. 01252, Sec. 106-92, 12-12-2005)

Sec. 106-206 General conditions which require the acquisition of a building permit, various permits and permit fees.

- (a) All construction projects in excess of \$100.00 shall be subject to the requirement of acquiring of a building permit prior to work beginning. Projects with a value less than \$5000.00 shall be issued permits with no fee. Permits for projects between \$100.00 and \$5000.00 shall be issued if the following conditions are met. (This fee structure does not affect electrical, mechanical or plumbing permits; if the building project/repair exceeds \$5000.00, the standard fee shall apply - currently \$50.00 for the building permit. Said fee shall be amended by the Mayor and Council by resolution from time to time.):
  - (1) All projects which include the construction or repair of load bearing elements (such as a deck, porch, roof replacement, detached or attached garage, storage shed, wall, etc.).
  - (2) All projects which have a potential bearing upon a property line of a neighbor or right of way line (such as an accessory building [utility or decorative], a deck/porch, new or replacement sidewalk or driveway and a fence); essentially any project which requires a set-back inspection.
- (b) New home/residential projects in excess of \$5000.00 shall be assessed a fee equal to .25 per square foot of heated space. Commercial projects shall be assessed a fee in accordance with the fee schedule contained in the "Commercial Building

Fees" schedule (based upon the total cost of the commercial project). Any mechanical, electrical or plumbing work which exceeds \$2500.00, and on any new home construction work, or which requires an inspection shall be assessed a fee of \$50.00. These fees are in effect as of the date of adoption of this ordinance and may be changed from time to time by the Mayor and Council by resolution.

- (c) Additions to homes; heated space. The minimum fee charged for this type of permit shall be \$50.00. In the case where the heated square footage, when multiplied by .25, exceeds the fee of \$50.00, the higher fee shall be charged. These fees are in effect as of the date of adoption of this ordinance and may be changed from time to time by the Mayor and Council by resolution.
- (d) Moved in homes and structures (to include manufactured homes), shall have the fee charged for this action based on the square footage of the structure being moved. The square footage shall be multiplied by .25 to determine the fee, as done in subsection (2) just above.
- (e) Pool permits. This type of construction requires inspections to verify proper plans design, set back and grounding. The fee for any permanent pool (a structure which shall not be dismantled each winter) shall be \$75.00 and include all inspections related to the construction of a pool, either above or below/in-ground. This fee is in effect as of the date of adoption of this ordinance and may be changed from time to time by the Mayor and Council by resolution.
- (f) Renovation/remodeling permits. Any work in which the construction project is addressing an existing structure, and the construction work value exceeds \$5000.00, a permit must be purchased. The permit fee shall be \$50.00. In the case of major renovations, an initial evaluation shall be conducted by the City inspector and all necessary work and additional permits (mechanical, plumbing, electrical) shall be identified. If needed, the additional permits shall be purchased at the standard price for such a permit. This fee is in effect as of the date of adoption of this ordinance and may be changed from time to time by the Mayor and Council by resolution.
- (g) Grading permits shall be required when the ground is disturbed in preparation of, or during a construction project. The fee for this permit shall be \$25.00 per parcel being developed under one acre (43560 square feet). Grading projects which exceed one acre shall be charged an additional fee of \$25.00 per additional acre. Farming and gardens are exempt. This fee is in effect as of the date of



adoption of this ordinance and may be changed from time to time by the Mayor and Council by resolution.

- (h) Demolition permits. The fee for a demolition permit shall be \$50.00 and shall require the City inspector to conduct a preliminary evaluation of the structure to identify potential asbestos contamination. If the City inspector can detect no asbestos, then the demolition shall be permitted to proceed. This fee is in effect as of the date of adoption of this ordinance and may be changed from time to time by the Mayor and Council by resolution.
  - (1) Fire damaged homes. Owners of homes which have been damaged to such an extent that they are no longer inhabitable shall be required to efficiently address the damaged house, either through demolition or repair. Either a demolition permit, or a repair building permit must be obtained no later than 90 days after the fire which damaged the building occurred.
- (i) Right of way (ROW) permits. Any activity within the City ROW which alters the use of, or appearance of, or installs a permanent improvement (such as the proposal to construct a masonry mailbox, a retaining wall, any and all new ditching or piping, driveway cuts where there is City curb [and which shall require a cement driveway cut/ramp/entry, extending at a minimum to the edge of the City ROW], install a tree, etc.), is hereby required to submit to the City an Application for ROW Improvement Permit. All such projects which affect the ROW of the City must receive permission from the City prior to proceeding. Said application shall be submitted to the Department of Planning or the City Manager or his/her designee upon a form supplied for that purpose by the City. Said application shall be reviewed by the Department of Public Works, Planning and any other needed City Department and shall be approved or denied, and if denied, reasons for the denial being annotated; said approval/denial shall be completed no later than 14 days after a complete application has been submitted. The application shall not be complete until adequate drawings depicting the planned improvement and payment of the \$25.00 permit application fee has been received. The right of way permit shall require any and all utility companies, and/or their sub-contractors, wishing to install or make changes to any and all equipment and/or facilities in the right of way owned by the City (such as, but not limited to, Comcast Cable, AT&T, BellSouth, Georgia Power [including tree removal or trimming activity]), to obtain a ROW permit prior to work beginning. Driveway cuts where there is no existing City curb and no required piping shall be exempt. This exemption shall be determined by the City. This fee is in effect as of the date of adoption of this ordinance and may

be changed from time to time by the Mayor and Council by resolution.

- (j) Re-inspection fees. In the event that the City is requested to conduct a progress inspection of a project and that project is for whatever reason unready to be inspected or fails said inspection, a \$25.00 re-inspection fee shall be charged. This fee is in effect as of the date of adoption of this ordinance and may be changed from time to time by the Mayor and Council by resolution.
- (k) Site plan/building plan/plat plan review. The review of preliminary and final site/plat plan review shall require the payment of \$100.00 per requested plan review (prelim. & final). Additionally, there shall be an \$8.00 recording fee charged for final plat recording. Commercial building plan review shall require a payment, included at the time the building permit is purchased or plans submitted, of \$50.00. House plan review shall require a payment of \$25.00 per building permit issued, at the time the building permit is purchased. These fees are in effect as of the date of adoption of this ordinance and may be changed from time to time by the Mayor and Council by resolution. Plat review where no new road is planned and one parcel is divided ONLY into two or three parcels (minimum of 5 acres per parcel) shall be completed for no fee, except the recording fee. Project site review which consists of an extension of public sewer or water, or which consists of a private sewer and water system extension that requires an engineering review by the City engineer; shall be subject to City engineering review fees. These fees shall be in addition to the standard site plan review. The applicant/developer shall be responsible for paying these fees. An estimate shall be provided to the developer/applicant at the time the plans are submitted. Review of these plans shall not occur until this fee has been paid. If the end cost of the review exceeds the paid estimate fee, applicant/ developer shall be responsible for paying the additional fee to the City. Failure to do so will prevent a building permit being issued to the applicant/developer for this, and any other project the applicant/developer has within the City limits of Tallapoosa; additionally, a STOP WORK order may be issued for in-progress construction projects of a developer who fails to pay all City engineering fees.
- (l) Building permit requests from non-profit organizations (including Churches, public schools and any organization recognized as a 501c3 organization by the I.R.S.), shall have all required permits issued to, and the inspections required and performed, at no charge (free), provided that the contractor completing the work is doing so pro bono

(for no charge/free). This fee free status is in effect as of the date of adoption of this ordinance and may be changed from time to time by the Mayor and Council by resolution.

- (m) Building permit applications in MFR districts. Each dwelling unit proposed in an MFR district, or any project which proposes multiple dwelling units under a single roof, shall be treated as a distinct construction project, with each dwelling unit having a separate building permit, plumbing, electrical and mechanical permit (each with a separate fee) being issued. Additionally, each dwelling unit shall be subject to the requirement that a new sewer and water tap be purchased.

(Ord. No. 01252, Sec. 106-93, 12-12-2005)

Sec. 106-207 Application for building permit.

All applications to the city manager or his designee for building permits shall be accompanied by plans in duplicate, drawn to scale, showing:

- (1) The actual dimensions of the lot to be built upon;
- (2) The size of the building to be erected;
- (3) The location of the building on the lot;
- (4) The location of existing structures on the lot, if any;
- (5) The number of dwelling units the building is designed to accommodate;
- (6) The setback lines of buildings on adjoining lots;
- (7) The layout of off-street parking and loading spaces;
- (8) Such other information as may be essential for determining whether the provisions of this chapter are being observed.

(Ord. No. 01252, Sec. 106-94, 12-12-2005)

Sec. 106-208 Posting of issued permits.

Upon the adoption of this ordinance, all purchased permits shall be required to be posted conspicuously in a manner which allows the permits to be viewed from the public street. Said permits may be posted in the window of an existing house, a post on the porch or on a sign board (temporary single use, or multi-repeat use) designed/erected for this purpose. The permit must be displayed for the entire construction period. The permit can NOT be posted on the

side of a tree or other living bush/vegetative stalk. If the permit is damaged beyond recognition, lost or stolen, a new permit display sheet must be purchased for \$5.00. Failure to post and maintain posting will result in a STOP WORK order being issued, until the time that the permit is properly posted. This fee is in effect as of the date of adoption of this ordinance and may be changed from time to time by the Mayor and Council by resolution.  
(Ord. No. 01252, Sec. 106-95, 12-12-2005)

Sec. 106-209 Construction progress.

- (a) Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months of the date of issue or if the work authorized by the permit is suspended or abandoned for a period of six (6) year.
- (b) Any permit issued after the adoption of this ordinance shall be valid for a maximum of 12 months, from the date of issue. Upon the expiration of this permit, if work has not passed a FINAL inspection and received a Certificate of Occupancy, a STOP WORK order shall be issued and a new permit, at the current fee schedule then in effect, shall be required to be purchased. Any permit issued prior to this ordinance being adopted shall be valid for no more than 18 months from the date of issue. Any of the previously issued permits which are currently past the 18 month maximum validity period or shall expire in the upcoming months, shall be notified of this expiration in the following manner:
  - (1) The permit holder shall be given a NOTICE OF EXPIRATION. Said NOTICE shall inform permit holder of the controlling regulation and the fact that their permit has expired. This NOTICE shall give the permit holder an additional 30 days, from the date of the NOTICE being issued, to complete the work authorized in said original and now expired, permit. If at the expiration of this 30 day period the work has not been completed and the project given and passed a FINAL inspection, the holder shall be informed that the previous permit has expired, all work must cease, and a new permit purchased at the rates in effect at the current time, and as though no other permits have been purchased (i. e., if it is a new home project, the building permit, plumbing, electrical, mechanical and grading permit must all be purchased again). The City inspector shall inspect the construction project and provide a list of items to be completed by the holder of the expired permit. The second, or reissue permit, shall be valid for a period no longer than six (6) months. If it too expires, than a third permit, valid

no longer than thirty (30) days, shall be issued. All permits shall be purchased at the then current fee schedule. If the third permit expires, the City shall seek a court injunction and take action under the Standard Unsafe Building Abatement Code.

- (2) If the original permit was issued without cost, the second and third permits acquired due to a lack of completing the project in a workman like manner shall be reissued only after a reissue fee of \$50.00 is assessed for the subsequent permits.
- (c) STOP WORK orders. The Planning Coordinator, City Building Inspector, Chief of Police, City Manager or his/her designee, is duly authorized to issue STOP WORK orders for cause (such as failure to obtain a building permit, unsafe work conditions or violations of Soil and Erosion Control Law, etc.). Said STOP WORK order shall be issued to the property owner and general contractor and require that the job site be conspicuously posted by the Planning Coordinator, or a City official so designated by the City Manager. Any and all employees who defy this posted STOP WORK order shall be arrested and cited and be subject to punishment in accordance with Section 1-7 of the Code of Ordinances of the City of Tallapoosa. Destruction and/or removal of the posted STOP WORK ORDER shall result in the property owner and/or the general contractor's agent responsible for the work, being cited in accordance with Section 1-7.
- (d) Failure to obtain a building permit prior to work begun. If a project is begun without having received a building permit prior to the work beginning, an additional fee, the higher of either double the regular fee to be charged or \$50.00, shall be assessed; regardless of whether the work needing the permit would otherwise be assessed a fee or not. This fee shall not be assessed until the City effectively advertises the requirement to obtain a building permit, either through Notices in the water bills or articles in the Tallapoosa Journal. A minimum of six (6) individual publication efforts, at least one month apart from each other, must be accomplished prior to this Failure to Obtain a building permit in a timely manner fee being assessed. This fee is in effect as of the date of adoption of this ordinance and completion of the advertising requirements, and may be changed from time to time by the Mayor and Council by resolution.

(Ord. No. 01252, Sec. 106-96, 12-12-2005)

Sec. 106-210 Preventing intentional avoidance of paying permit fees.

To prevent the intentional staging of property improvements in such a manner that the improvements to a single property are separated/staggered so that the cost of the project is less than the threshold whereby a permit fee is required, the following regulation shall apply:

- (1) Upon the issuance of a permit, which due to the declared value of the property improvement (if said value declaration is conspicuously low and inaccurate, the building inspector is authorized to assign a project value based upon the standard cost estimation process), is issued without a fee being charged, any project which is begun within 12 months of the date of this permit being issued and which has not been identified upon this permit, shall be added to the original permit which was issued without any fee. If the accumulative combination of these projects exceeds the fee threshold, a fee shall than be assessed. A certificate of occupancy or passage of a final inspection prior to this 12 month period passing shall not affect this regulation.
- (2) It is recommended that, upon the fee threshold being reached and a fee charged, all potential projects planned during the next 12 months be included upon this permit; to avoid multiple permits being issued to a single property improvement project within a period of 12 months after the initial permit has been obtained.

(Ord. No. 01252, Sec. 106-97, 12-12-2005)

Sec. 106-211 Certificate of Occupancy required.

- (a) A Certificate of Occupancy, issued by the city manager or his designee is required in advance of occupancy or use of:
  - (1) A building hereafter erected, altered or moved.
  - (2) A change of use of any building or land.
  - (3) Each non-conforming use created by the passage of and subsequent amendments to this chapter. Such non-conforming use shall obtain a certificate of occupancy within 30 days of the date of said passage or amendments.
- (b) Upon payment of any required fees, the city manager or his designee 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 chapter, and if the building, as finally

constructed, complies with the plans submitted for the building permit.

(Ord. No. 01252, Sec. 106-98, 12-12-2005)

Sec. 106-212 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 chapter, or unless the building, as finally constructed, complies with the sketch or plan upon which the building permit was issued. The city manager or his designee shall state in writing the reasons for denying such certificate of occupancy.

(Ord. No. 01252, Sec. 106-99, 12-12-2005)

Sec. 106-213 Penalties for violation.

Any person violating any provision of this chapter shall be guilty of an offense and, upon conviction, shall be punished for each offense as provided by section 1-7 of this code. Each day such violation continues shall be deemed a separate offense.

(Ord. No. 01252, Sec. 106-100, 12-12-2005)

Sec. 106-214 Remedies.

In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this chapter, the city manager or his designee or any person who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation in the case of each building or use of land.

(Ord. No. 01252, Sec. 106-101, 12-12-2005)

Sec. 106-215 Discontinuance of city services.

In the event any non-compliance with this zoning chapter is determined to exist as to any particular tract or parcel of property in the city, then after 10 days' notice to the owner of that tract, or the person otherwise in control thereof, all city service and utilities to that tract or parcel of land shall be discontinued and terminated, pending compliance with the zoning chapter.

(Ordinance Of 1/4/90; Ord. No. 01252, Sec. 106-102, 12-12-2005)

Sec. 106-216 Verification of Compliance with Permitted Land Use Classification in specific Zoning Districts for new businesses.

As of the date of the adoption of this ordinance, any new (previously not existing in Tallapoosa OR which did not obtain a occupational tax permit the previous year) business which applies for an occupational tax permit must obtain a Certificate of Zoning Compliance. No business which does not comply with section 106-150 shall be issued a occupational tax permit. Said business must be specifically permitted in the district which it is applying to be located in. If the subject business has not been previously identified, the locally and commonly/generally unknown business shall be assigned a temporary commercial zoning district in accordance with section. 106-150. Failure to obtain a Certificate of Zoning Compliance shall void the issued occupational tax permit. Fees which were paid for the occupational tax permit may be refunded. (Ord. No. 01252, Sec. 106-103, 12-12-2005)

Sec. 106-217 Limited power of Authorized Administrative Variance.

For the purpose of substantially reducing and/or eliminating hardship in the form of time frame delays and unacceptable fees, the following AUTHORIZED ADMINISTRATIVE VARIANCE(S) is hereby established:

- (1) *Conditions.* The Planning Coordinator, if so designated by the City Manager, the City Manager, or his/her designate, is hereby authorized to issue an administrative variance under the following severely restricted situation:
  - a. The property must be utilized as residential property. The property must constitute a non-conforming use. The property must have been damaged by either fire or act of god to such an extent that under section 106-95, it would NOT be allowed to be rebuilt.
  - b. The administrative variance shall be granted by the authorized City official to only accomplish the following: To rebuild a residential structure in the exact location, with/upon the exact foundation OR where a newly reconstructed foundation located in the exact position as the old, existing, but damaged beyond safe and economical use foundation, was located at. Said structure shall not be allowed to be expanded or reclassified as another non-conforming use, unless in accordance with Section 106-95.
- (2) *Issuance of authorized administrative variance.* Upon the determination by the designated City official that the requested administrative variance is appropriate, a signed CERTIFICATE OF APPROVED AUTHORIZED ADMINISTRATIVE VARIANCE shall be issued by the authorized City Official. If said administrative variance is denied, reason for doing so shall be stated. The requesting individual may appeal this denial to the Board of Zoning Appeals.

(Ord. No. 01252, Sec. 106-104, 12-12-2005)



Secs. 106-218 through 106-242 reserved.

ARTICLE 8 Variances and Appeals - Board of Appeals.

Sec. 106-243 Establishment of board of appeals.

- (a) A board of zoning appeals is hereby established. Said board of appeals activity and authority shall be assigned to and operated by the Mayor and Council of Tallapoosa.

(Ord. No. 01252, Sec. 106-111, 12-12-2005)

Sec. 106-244 Proceedings of the board of zoning appeals.

- (a) The Mayor and Council of Tallapoosa in executing its duties as the board of Zoning Appeals for the City of Tallapoosa shall have full authority and discretion to exercise this authority as the Mayor and Council sees fit and necessary for the continued progress of the City.
- (b) Meetings of the board shall be held at the usual, regular monthly meeting of the Mayor and Council of Tallapoosa.
- (c) The Mayor and Council shall keep minutes of its proceedings as the Board of Zoning Appeals for the City of Tallapoosa, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- (d) All meetings of the board of appeals shall be open to the public

(Ord. No. 1023, 4-4-61; Ord. No. 01252, Sec. 106-112, 12-12-2005)

Sec. 106-245 Powers and duties of the board of appeals.

The board of zoning appeals shall have the following powers and duties:

- (1) Administrative review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the city manager or his designee in the enforcement of this chapter.
- (2) Variances. To authorize upon appeal in specific cases such variance from the terms of the chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the chapter will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done. (The existence of a

non-conforming use of neighboring land, buildings, or structures in the same district or of permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance.) Such variance may be granted in such individual case of unnecessary hardship upon a finding by the board of appeals that all of the following conditions exist:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
- b. The application of this chapter to this particular piece of property would create unnecessary hardship.
- c. Such conditions are peculiar to the particular piece of property involved.
- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this chapter.

PLEASE NOTE: Authorized administrative variances are exempt from this section. Please see Section 106-217 for details.  
(Ord. No. 01252, Sec. 106-113, 12-12-2005)

Sec. 106-246 Appeals, hearings, and notice.

- (a) Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the city affected by any decision of the city manager or his designee. Such appeal shall be taken within 30 days of the event or written notice which prompted said appeal, by filing with the city manager or his designee and with the board of appeals a written notice of appeal specifying the grounds thereof. The city manager or his designee shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.
- (b) Written notice shall be submitted upon a form provided by the Department of Planning. Said application form shall contain the following mandatory minimum information:
  - (1) A completed application form signed by the owner and applicant.
  - (2) A completed Certificate of Ownership provided by the Department of Planning and a Warranty or other proof of ownership, if deemed necessary.

- (3) A survey of the property with nine total copies, prepared by a registered surveyor, drawn to scale depicting dimensions, acreage, and proposed location of structure(s) needing the variance, with proposed set backs depicted.
  - (4) The names and mailing address of all adjoining property owners, including the owners directly across the road and all abutting property owners to the rear.
  - (5) The filing fee as set by the Mayor and Council by resolution.
- (c) The board of appeals shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give at least 15 days, but not more than 45 days, public notice thereof in the same manner as prescribed in the Zoning Ordinance for public notice of rezoning requests, as well as direct notice by mail (such as by Post Card - certified mail not required), to all those listed in sub-section (4) above, as well as due notice to the parties in interest, and decide that same within a reasonable time. Upon a hearing, any party may appear in person, or by agent or by attorney.

(Ord. No. 01252, Sec. 106-114, 12-12-2005)

Sec. 106-247 Stay of proceedings.

An appeal stays legal proceedings in furtherance of the action appealed from, unless the city manager or his designee certifies to the board of appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the city manager or his designee, and on due cause shown.

(Ord. No. 01252, Sec. 106-115, 12-12-2005)

Sec. 106-248 Decisions of the board of appeals.

- (a) In exercising its powers, the board of appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the city manager and may issue or direct the issuance of a building permit.
- (b) The concurring vote of the majority of boardmembers present,

provided that a quorum has been reached, shall be necessary to reverse any order, requirement, decision or determination of the Planning Coordinator or City Manager or his/her designee, or to decide in favor of the applicant for a variance on any matter upon which it is required to pass under this chapter or to affect any variation of this chapter.

- (c) On all appeals, applications and other matters brought before the board of appeals, the board shall inform, in writing, all the parties involved of its decisions and the reasons therefore. Recourse from a decision by the board of appeals shall be to a court of competent jurisdiction in such matters, within 30 days of the written decision being issued.

(Ord. No. 01252, Sec. 106-116, 12-12-2005)

Sec. 106-249 through 106-269 reserved.

ARTICLE 9 Amendments

Sec. 106-270 Policies and procedures; text changes or text and map  
Changes initiated by the City.

- (a) Zoning decision for purposes of this Article 9 means final action by a local government which results in:
- (1) The adoption or repeal of a new city zoning ordinance;
  - (2) The adoption of an amendment to this chapter which changes the text of this chapter (text amendment);
  - (3) The adoption or denial of an amendment to this chapter (map amendment) which rezones property from one zoning classification to another;
  - (4) The procedural requirements for zoning amendments sponsored by the city;
  - (5) The procedural requirements for zoning amendments sponsored by a citizen or property owner;
  - (6) Annexation of property by the city;
  - (7) Annexation of property by a private petitioner which requests zoning of the property for a certain specific zoning classification, and the request is contained in the annexation petition, whether such request is granted or denied. If there is no request for zoning classification of such property, then the property shall be annexed and designated as the most restrictive and highest use district, until changed by an amendment to this chapter;
  - (8) The granting or denial of conditional use requests or special use permits, as well as variances.
- (b) After the preparation of a draft of a city-initiated zoning decision, the mayor and council shall review the draft.
- (c) Changes made at the review session, if any, to the text and zoning district map will be corrected and prepared as a second draft, as needed, with a proposed district boundary map for public view, if changes are being suggested to the map.
- (d) The mayor and council will establish the date, time and place for holding a public hearing.
- (e) The city manager or his designee will prepare the hearing notice for publication in the official county organ at least

15 days, but not more than 45 days, before the hearing date. The notice shall contain a summary of the proposal to be considered and the date, time, and place of the public hearing.

- (f) The public hearing shall be convened at the advertised time and place and presided over by the mayor and council at the scheduled time.
- (g) The person conducting the public hearing shall review the following procedures that will be adhered to for the duration of the public hearing:
  - (1) Any person in attendance at the public hearing wishing to speak must be recognized by the chairperson at which time they will be asked to state their name and place of residence.
  - (2) The person recognized to speak will be allowed two (2) minutes to express themselves on any point relevant to the zoning text, district boundary, or any proposed revisions, with a maximum total of five (5) minutes allowed per person. The preceding procedure will be followed until all persons have been given an opportunity to speak.
  - (3) When all presentations have been made relative to the zoning proposals (pro and con) the secretary or clerk of the body conducting the hearing shall restate each point according to the notes taken. The chairperson may ask a for show of hands of the attendees of those who support each point as they are restated. A count of the supporters will be recorded as part of the hearing minutes.
- (h) Proposed revisions and recommendations obtained from the public hearing, pertaining to the zoning text and zoning district boundary map, will be evaluated by the mayor and council or its designee, as to their need for being added, deleted, or otherwise modified.
- (i) Any proposed zoning district boundary changes will be evaluated using the following zoning review standards:
  - (1) Whether the zoning proposal will permit a use that is suitable in view of the use & development of adjacent and nearby property. [Scoring: Yes: +2; Maybe: 0; No - 2]
  - (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property. [Scoring: Yes: -1; Neutral: 0; No: +1]

- (3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned. [Scoring: Yes: -1; No: +1]
- (4) Whether the zoning proposal will result in a use which will cause an excessive or burdensome use of existing streets, transportation facilities, water and sewer or schools. [Scoring: -1 for each burden; -2 for schools; No: +1]
- (5) Is the proposed rezoning in conformity with the policies and intent of the future land use plan and/or comprehensive plan? [Scoring: Yes: +1; No: -2]
- (6) Are there other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request? [Scoring: Approval: +1; None: 0; Disapproval: -1]
- (7) What is the existing land use and zoning Classification of nearby and adjacent property (if the property IS rezoned as requested)? [Scoring: None Adjacent similar: -2; One: 0; Two: +1; Three: +2; All around: +3 // Nearby: Predominantly the same: +1; No dominant type: 0; Predominantly different: -1]
- (8) The extent to which property values are diminished by the present particular zoning restrictions placed upon the property. [Scoring: None: -1; Neutral: 0; Some affect: +1; Heavy affect: +2]
- (9) The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public (by NOT rezoning the property). [Scoring: None: +2; Neutral: 0; Medium promotion: -1; Substantial promotion: -2]
- (10) The relative gain to the public, as compared to the hardship imposed upon the individual property owner (if property is NOT rezoned). [Scoring: Substantial loss to public: +2; Minimal loss to the public: +1; None: 0; Medium gain: -1; Substantial gain: -2]
- (11) The suitability of the subject property for the proposed zoned purposes. [Scoring: Bad: -1; Adequate: 0; Good: +1]
- (12) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property.



[Scoring: Not vacant: -1; Vacant less than 6 months: 0; Vacant 6-12 months: +1; Vacant over 12 months: +2]

- (13) Whether there are substantial reasons why the property can not be used IAW existing zoning. [Scoring: NONE: -1; Moderate reasons: 0 Substantial reasons: +1]
- (14) Whether changed or changing conditions make the passage of the proposed amendment necessary. [Scoring: No change: -1; Changing: 0; Changed: +1]
- (15) Will this rezoning create an isolated district unrelated to adjacent and nearby districts? [Scoring: Yes: -2; Yes, but no impact: 0; No: +1]
- (16) Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change. [Scoring: Yes: +1; No: -1]
- (17) Whether the proposed rezoning will adversely influence living conditions in the neighborhood (traffic, noise, bright light, etc.). [Scoring: Yes: -1 per adverse subject; Neutral: +1]
- (18) Relative to population density, will the rezoning cause an overtaxing of public facilities including, but not limited to: schools, utilities and streets? [Scoring: Yes: -2; Very minimal: 0; No: +2]
- (19) Will proposed change cause a drainage problem? [Scoring: Yes: -3; Potentially: -1; No: +1]
- (20) Will the proposed change seriously reduce light and air to adjacent areas? [Scoring: Yes: -1; No: +1]
- (21) Whether the change suggested is out of scale with the needs of the neighborhood or the city /county. [Scoring: Yes:-1; No: +1]
- (22) Whether the proposed change will be a deterrent to the improvement of adjacent property in accordance with existing regulations. (Will the allowance of this change prohibit more desirable future growth?) [Scoring: Yes: -2; Maybe: -1; No: +1]
- (23) Any other factors relevant to balancing the interest in promoting the public health, safety, morality or general welfare against the right to the unrestricted use of property? [Scoring: Yes: -1 to -3; No: +1]

- (j) The preceding rezoning application review standard questions, in subsection (i), above, shall be answered and a score assigned to the rezoning request. Said score shall be placed upon the following table to assist in determining if the rezoning request should be approved or denied:
  - (1) Score of 5 points or less, DENIAL.
  - (2) Score of 6 to 15 points, NEUTRAL REVIEW. Application Can be denied or approved.
  - (3) Score of 16 to 25 points, APPROVAL, unless substantial public outcry and protest over the rezoning request.
  - (4) Score of 26 to 30 points, STRONGLY APPROVE. Request should be approved, regardless of public sentiment.
- (k) An acting secretary or clerk of the City shall be present at all public hearings on which a zoning decision will be made for the purpose of recording the minutes.
- (l) When the public hearing is conducted at a regular or special called meeting by the mayor and council for making the final zoning decision, action may be taken approving, rejecting, or modifying the proposal, or the question may be tabled for consideration at its next regular meeting.

Sec. 106-271      Procedures for making a zoning decision when the applicant for a zoning district map change is a property owner and/or their designated agent verified in written form.

- (a) Application is to be filed at the office of the city manager during normal working hours, with payment of any fees required.
- (b) Prior to the public hearing to be held by the mayor and council, an assessment of the proposed amendment to the zoning district boundary map using the zoning review standards in section 106-270 (i)(1) through (23) and (j) shall be prepared.
- (c) Upon receipt of the review and recommendation for a rezoning application, the city shall:
  - (1) Establish a date, time and place for conducting the public hearing;
  - (2) Cause to be published in the official organ a public

hearing notice that shall include:

- a. Time;
- b. Place;
- c. Purpose;
- d. Location of property;
- e. Current zoning classification;
- f. Proposed zoning classification;

(3) Require a sign to be posted on the property for which a rezoning has been applied, which is at least 11 inches by 17 inches in size and contains the following:

- a. Time;
- b. Place;
- c. Purpose;
- d. Location of property;
- e. Current zoning classification;
- f. Proposed zoning classification.

(4) Require that a NOTICE OF REZONING APPLICATION SUBMISSION, be sent to all property owners abutting the property identified in the application. Abutting property shall also include any and all property directly across the street, as though the City right of way does not exist. This notice may be done by postcard or standard letter. Certified mail is NOT required.

- (d) Items under subsection (c) (2) and (3) shall be performed at least 15 days, but not more than 45 days, prior to the public hearing.
- (e) The public hearing shall be convened by the mayor (or other persons that have been designated by ordinance or resolution) at the scheduled time.
- (f) The person presiding over the public hearing shall review the procedures to be followed as outlined in section 106-270 (g) (1) through (3).
- (g) The person conducting the public hearing shall allow each person or their designee to present their zoning case in the order as published on the agenda, ensuring there be limited time of equal duration for the proponents of the zoning proposal and the opponents of the zoning proposal.
- (h) After each zoning case, ensuring that all proponents and opponents have been given an opportunity to speak, the person conducting the public hearing may read the results of the evaluation prepared using the zoning review standards

contained in section 106-270 (i) (1) through (23).

- (i) If the hearing was conducted by any designated agency, then it shall, within five (5) working days, prepare minutes of the public hearing and transmit them along with their recommendations on the zoning question (including an evaluation based on the zoning review standards) to the mayor and council for placement on its agenda for the next regular meeting.
- (j) When the public hearing is conducted at a regular or special called meeting by the mayor and council for making the final zoning decision, action may be taken approving, rejecting, or modifying the proposal, or the question may be tabled for consideration at its next regular meeting.
- (k) If the rezoning request, initiated by a private individual, is denied, a second rezoning request affecting the same parcel of land shall not be accepted for a minimum of 12 months from the date of denial.

(Ord. of 1-4-1990; Ord. No. 01252, Sec. 106-122, 12-12-2005)

Sec. 106-272 Procedures for City of Tallapoosa initiated rezoning of property, from Single-family residential, to an MFR designation (MFR-D, MFR-T, MFR-C, MFR A, MFR-M).

- (a) Notwithstanding any other provisions of this chapter to the contrary, when a proposed zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property (or any other zoning classification designation) so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decision must be adopted in the following manner:

- (1) The proposed text amendment to the City of Tallapoosa's Zoning Ordinance shall follow the regular prescribed process - a public hearing review by the Tallapoosa Planning Commission, which will recommend the text amendment to the Mayor and Council. A second public hearing for this text amendment held by the Tallapoosa Mayor and Council. Once this standard process has been

completed, the following extra steps are required as follows:

- a. The zoning decision shall be adopted at two regular meetings of the Mayor and Council making the zoning decision, during a period of not less than 21 days apart (essentially a first and second reading of this action). It is recommended that the first of these meetings be held 60 days after the second meeting required in subparagraph "b." below is completed; and
- b. Prior to the first meeting provided for in subparagraph "a." of this paragraph, at least two preliminary public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to any hearing required under subsection 106-271 (d) of this Code section. The local government shall give notice of such hearing by:
  1. Posting notice on each affected premises in the manner prescribed by Section 106-271 (c)(3) of this Code Article; provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and
  2. Publishing in a newspaper of general circulation within the territorial boundaries of the local government a notice of each hearing at least 30 days and not more than 45 days prior to the date of the hearing.
  3. Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize

multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses (or other zoning designation classifications in this zoning ordinance). The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording office of the local government and in the office of the clerk of the superior court of the county of the legal situs of the local government for the purpose of examination and inspection by the public. The local government shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

- (b) The provisions of paragraph (a) of this subsection shall also apply to any zoning decision that provides for the abolition of all single-family residential zoning classifications within the territorial boundaries of a local government or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of a local government to multifamily residential uses of property.
- (c) If portions of 2022's HB 1405 are declared Unconstitutional, only those portions which have been declared Unconstitutional, and have direct bearing on text within this section, shall be deleted from this section. The remainder of the section NOT declared Unconstitutional shall remain enforce, and be legally binding.

Secs. 106-273 through 106-290 reserved.

ARTICLE 10

Legal Status Provisions

Sec. 106-291 Conflict with other regulations.

- (a) Whenever the regulations of this chapter require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of the lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the regulations and requirements of this chapter shall govern.
- (b) Whenever the provisions of any other statutes require more restrictive standards than are required by this chapter, the provisions of such statute shall govern.

Sec. 106-292 Severability.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Chapter 106, Zoning, shall be declared unconstitutional, invalid or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, that unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Code Chapter, since they would have been enacted without the incorporation in this Code Chapter of the unconstitutional, invalid or unenforceable phrase, clause, sentence, paragraph or section.