

ZONING ORDINANCE

CHICKAMAUGA, GEORGIA

JANUARY 12, 1998

(Revised November 7, 2005)

CONTENTS

ARTICLE I	1
<i>Introduction</i>	1
§1.1 Short Title	1
§1.2 Authority of Enactment	1
ARTICLE II	1
<i>Definitions</i>	1
§2.1 Definitions	1
ARTICLE III	13
<i>District Regulations</i>	13
§3.1 Division of City into Districts; Districts Enumerated	13
§3.2 Official Zoning Map	13
§3.3 Rules for Determining Boundaries	13
§3.4 Adopted by Reference	14
§3.5 Facsimile for Public Inspection	14
§3.6 Newly Annexed Land	14
§3.7 Continuance of Existing Uses Within Districts	14
§3.8 District Changes	15
ARTICLE IV	16
<i>Regulations Generally</i>	16
§4.1 Conformity with District Regulations	16
§4.2 Lot Regulations	16
§4.3 Prohibited Uses in all Residential Districts	17
§4.4 Accessory and Temporary Buildings	17
§4.5 Buildings to be Located on Lots	18
§4.6 Locations of Structures on Residential Lots	18
§4.7 Site Distance at Intersections	18
§4.8 Building Height Restrictions	19
§4.9 Yards	19
§4.10 Buffer Areas and Screening	20
§4.11 Fences, Walls and Hedges	20
§4.12 Automobile Service Stations	21
§4.13 Satellite Receiving Dish Antenna	21
§4.14 Compatibility Standards for Homes	22
§4.15 Area Yard and Height Requirements Chart Insert	24
ARTICLE V	25
<i>Home Occupations</i>	25
§5.1 Home Occupations	25

§5.2	Standards	25
§5.3	Home Occupations, Allowed	26
§5.4	Home Occupations Not Allowed	26
§5.5	Expiration	27
§5.6	Voidance of Permit	27
ARTICLE VI		28
	<i>Off-street Parking and Loading</i>	28
§6.1	General Requirements Off-Street Parking	28
§6.2	Drainage, Construction and Maintenance	28
§6.3	Separation from Walkways, Sidewalks and Streets	28
§6.4	Parking Area Design	28
§6.5	Pavement Markings and Signs	29
§6.6	Right-of-Way	29
§6.7	Landscaping and Green Space Requirements	29
§6.8	Parking Space Requirements for All Districts	29
§6.9	Off-Street Loading Requirements	31
§6.10	Storage and Parking of Trailers and Commercial Vehicles	31
ARTICLE VII		33
	<i>Administration</i>	33
§7.1	Administration and Enforcement of Provisions	33
§7.2	Basis for Provisions and Compliance with the Comprehensive Plan	33
§7.3	Interpretation of Provisions; Property Inadvertently Omitted from Districts	33
§7.4	Outline of Steps Required for Amendment to the Ordinance	33
§7.5	Zoning Policies and Procedures	34
§7.6	Policies and Procedures for City Initiated Zoning Activities	34
§7.7	Procedures for Rezoning Request by Citizens/Property Owner	36
§7.8	Procedures for the Planning Commission Concerning Variances	37
§7.9	Approval Period	37
§7.10	Administrative Assistance	38
§7.11	Fees	38
§7.12	Penalty for Violations of Provisions - Authorized	38
§7.13	Procedures – Defeated Amendments	38
ARTICLE VIII		40
	<i>R-1 Residential District</i>	40
§8.1	Intent	40
§8.2	Permitted Uses	40
§8.3	Conditional Uses	40
§8.4	Building Height Regulations	41
§8.5	Building Site Area Requirements	41
§8.6	Yard (Setback) Regulations	41

ARTICLE IX	42
<i>R-1A Agricultural/Residential Districts</i>	42
§9.1 Intent	42
§9.2 Permitted Uses	42
§9.3 Conditional Uses	43
§9.4 Building Height Setback and Site Area Requirements	44
ARTICLE X	45
<i>R-2 Single-Family Residential Districts</i>	45
§10.1 Intent	45
§10.2 Permitted Uses	45
§10.3 Conditional Uses	45
§10.4 Building Height Regulations	46
§10.5 Building Site Area Requirements	46
§10.6 Yard (Setback) Regulations	46
ARTICLE XI	47
<i>R-3 Two-Family Residential District</i>	47
§11.1 Intent	47
§11.2 Permitted Uses	47
§11.3 Conditional Uses	47
§11.4 Building Height Regulations	48
§11.5 Building Site Area Requirements	48
§11.6 Yard (Setback) Regulations	49
ARTICLE XII	50
<i>R-4 Manufactured Home District</i>	50
§12.1 Intent	50
§12.2 Permitted Uses	50
§12.3 Conditional Uses	51
§12.4 General Requirements	51
§12.5 Manufactured Home Subdivisions	52
§12.6 Manufactured Home Parks	52
ARTICLE XIII	55
<i>C-1 Neighborhood Commercial District</i>	55
§13.1 Intent	55
§13.2 Required Conditions	55
§13.3 Permitted Uses	55
§13.4 Conditional Uses	56
§13.5 Yard Requirements	58

§13.6	Building Height Regulations	58
ARTICLE XIV		59
<i>C-2 General Commercial District</i>		59
§14.1	Intent	59
§14.2	Required Conditions	59
§14.3	Permitted Uses	59
§14.4	Conditional Uses	60
§14.5	Yard Requirements	62
§14.6	Building Height Regulations	62
ARTICLE XV		63
<i>I-1 Industrial District</i>		63
§15.1	Intent	63
§15.2	Permitted Uses	63
§15.3	Conditional Uses	63
§15.4	Lot and Area Requirements	64
§15.5	Yard Requirements (Building Setback Distance)	64
§15.6	Building Height Regulations	64
ARTICLE XVI		65
<i>Flood Hazard Overlay District (FH)</i>		65
§16.1	Intent	65
§16.2	Permitted Uses	65
§16.3	Conditional Uses	65
ARTICLE XVII		66
<i>Planned Development – Mixed Use</i>		66
§17.1	Purpose	66
§17.2	determining if an Area is Suitable for Inclusion Within a P-M District	66
§17.3	Permitted Uses	66
§17.4	Plan Review and Approval Procedures	66
§17.5	Development Standards for P-M Districts	69
ARTICLE XVIII		73
<i>Legal Provisions</i>		73
§18.1	Seperability of Provisions	73
§18.2	Applicability to Subject Matter Covered by this and Other Ordinances	73
§18.3	Conflict with Other Law	73
§18.4	Repeal of Inconsistent Ordinances	73
§18.5	City Not Guarantor of Acts or Omissions of Other Entities	73
§18.6	Personal Service of Notice	74

§18.7	Criminal Acts and Penalties, Continuing Offenses; Jurisdiction over Offenses	74
§18.8	Civil Action By a Private Citizen	74
§18.9	Amendment	74
§18.10	Effective Date	75
APPENDIX A:	Building Diagrams	76

ZONING ORDINANCE CHICKAMAUGA, GEORGIA

Purpose

The Zoning Ordinance of the City of Chickamauga, Georgia regulates the use of land and buildings by dividing the City of Chickamauga into districts; defining certain terms used therein; imposing regulations, prohibitions and restrictions governing the erection, construction and reconstruction of structures and buildings and the use of lands for business, industry, residence, social and other specified purposes; regulating and limiting the height of buildings and open spaces; conserve the value of buildings and encourage the most appropriate use of land throughout the City in accordance with the Comprehensive Plan; regulating and limiting the density of population and overcrowding of land; limiting congestion on the public streets; facilitate the adequate provisions of water, sewerage, schools, parks and other public requirements. providing for the gradual elimination of non-conforming uses of land, buildings and structures; establishing the boundaries of districts; and providing the means of enforcing said Ordinance and providing a penalty for violation of said Ordinance, and repeal conflicting ordinances.

ARTICLE I

Introduction

§1.1 Short Title.

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Chickamauga, Georgia."

§1.2 Authority of Enactment.

The Mayor and Council of the City of Chickamauga enact this Ordinance under the exercise of powers conferred upon it by the Georgia State Constitution, Article IX, Section II, Paragraph IV, (Zoning Procedures Act). All amendments shall be made in compliance with the Zoning Procedures Act; Official Code of Georgia Annotated.

ARTICLE II

Definitions

§2.1 Definitions.

As used in this Ordinance, the following terms shall have the respective meanings indicated:

Accessory buildings. A building the use of which is incidental to that of the main building and located on the same lot or parcel of land.

Accessory use. A use incidental, subordinate and appropriate to the principal use or building and located on the same lot or parcel of land with such principal use or building.

Alley. A platted roadway which affords only secondary means of access to abutting property and not intended for general traffic circulation.

Alteration, structural. See structural alteration.

Amusement machines. Any mechanical, electronic and/or coin-operated game and/or device for the amusement of patrons. This definition shall not be construed to include coin-operated music players, coin-operated mechanical kiddy rides or coin-operated television.

Apartment hotel. A building designed for or containing both apartments and individual guest rooms or suites which may offer such services as are ordinarily furnished by hotels.

Apartment house. See dwelling, multiple.

Auction houses. Commercial establishments which cater to a wide segment of the population where tangible items excluding livestock, cars, boats, trailers, motor homes, trucks, motorcycles, other motorized, self-propelled machines and real estate, are sold on a scheduled, open competitive bid basis to more than two (2) people, provided that all sales, display, and storage be conducted within a completely enclosed building.

Boardinghouse, rooming house. A dwelling having one (1) kitchen and used for the purpose of providing meals or lodging or both for compensation to persons other than members of the family occupying each dwelling.

Buffer. That portion of a lot or parcel of land set aside for open space and/or visual screening purposes, pursuant to applicable provisions of this ordinance, to separate different use districts, or to separate uses on one (1) property from uses on another property of the same use district or a different use district. Such buffer area may be either a natural buffer or landscaped buffer.

Building. Any permanent structure attached to the ground designed or built for the support, shelter or protection of persons, animals, chattels or property of any kind.

Building, alterations of. Alterations of buildings include any change in the supporting members of a buildings (such as bearing walls, beams, columns, and girders); any addition to a building; or any change of a building from one location to another.

Building, height of. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs, and the mean height between the eaves and the ridge for gable, hip or gambrel roofs.

Building Permit. Issued by the Zoning Administrator for any permitted construction that creates a new Structure or expands or enlarges an existing Structure or Building. Included are swimming pools, advertising signs, billboards, backstops for tennis courts, fences and pergolas.

Building line. A line beyond which the foundation wall or any enclosed or covered porch, vestibule, or other enclosed or covered portion of a building shall not project.

Carport. A roofed area open on one, two, or three sides and attached to the main building, for the storage of one or more motor vehicles.

Cemetery. A cemetery is an area of land set apart for the sole purpose of the burial of bodies of dead persons or animals and for the erection of customary markers, monuments, and mausoleums.

Change of occupancy. The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Clinic. An establishment where patients, who are not lodged overnight, except for observation or emergency treatment, are admitted for examination and treatment by one person or group of persons practicing any form of healing or health building services to individuals, which is lawful in the State.

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

Commission. The Planning Commission of the City.

Conditional use. A use which may be allowed with or without restrictions when the Commission, after a review of the application and a hearing thereon, finds as a fact that the proposed use or uses:

- a) will be consistent with the comprehensive plan for the physical development of the district, including any master plan or portion thereof adopted by the Commission;
- b) will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions;
- c) will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood and will cause no objectionable noise, vibrations, fumes, odors, dust, glare, or physical activity;
- d) will not adversely affect the health, safety, security, morals, or general welfare or residents, visitors, or workers in the area; and
- e) will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewers, public roads, storm drainage, and other public improvements, As may be required by this ordinance or other applicable regulations.

Conditional Zoning. Rezoning subject to specific conditions, which are not applicable to other land similarly situated. The conditions are imposed by the City Council, as recommended by the Planning Commission and agreed to by the property owner.

Convalescent home. See Nursing Home.

Convenience Store. Any retail establishment offering for sale prepackaged food products, household items and other goods associated with the same and having a gross floor area of less than seven thousand five hundred (7,500) square feet.

Corner lot. See Lot, corner.

Day care center (adult). Any place operated by a person, society, agency, corporation, institution, or any other group for dependent adults in a supervised, protective, congregate setting during some portion of a twenty-four hour day. Services offered in conjunction with Adult Day Care and Adult Day Health typically include social and recreational, activities, training, counseling, meals for adult day care and services such as rehabilitation, and medication assistance. (Also see Group Personal Care Home and Personal Care Home).

Day care center (commercial). Any place operated by a person, society, agency, corporation, institution, or any other group wherein are received for pay seven (7) or more children under eighteen (18) years of age for group care, without transfer of custody, for more than four (4) hours and less than twenty-four (24) hours per day.

Day care home (residential). Any place operated by any person who receives for pay three (3) to six (6) children under eighteen (18) years of age for group care, without transfer of custody, for more than four (4) hours and less than twenty-four (24) hours per day.

Density. The number of dwelling units developed on an acre of land.

Development standards. Site design regulations such as lot area, lot coverage, height limits, frontage, and yard requirements (setback distances).

District (or zoning district). A section of Chickamauga designated in this ordinance and delineated on the official zoning district maps for Chickamauga, in which requirements for the use of land and building and development standards are presented with all such requirements being uniform in each district.

Depth of lot. See lot, depth of.

Double frontage lot. See lot, double frontage.

Drive-in restaurant. Food or refreshment place where space is provided for automobiles to park for the purpose of serving the occupants with food and refreshments. This includes barbecue stands and pits or other roadside facilities serving food or refreshments.

Duplex. See dwelling, two-family.

Dwelling. A building or portion thereof, designed or used exclusively for residential occupancy, but not including hotels, boarding houses or motels.

Dwelling, Condominium. A multi-family dwelling or apartment in which individual units are separately owned, while common areas and some outdoor areas may be owned in common. Also referred to as a "Condominium".

Dwelling, multiple; apartment house. A building designed for occupancy by three or more families living independently of each other, with separate housekeeping facilities for each family, including apartment houses, apartments and flats, but not including boarding homes, hotels or motels.

Dwelling, single-family. A building designed for or occupied exclusively by one family.

Dwelling, two-family; duplex. A building designed for or occupied exclusively by two families, living independently of each other.

Dwelling, Townhouse. A multi-family dwelling in which the dwelling units may adjoin one another only at the vertical walls and no dwelling unit may be located above another. Also referred to as a "Townhome."

Efficiency apartment. A dwelling unit consisting principally of one room and alcoves, equipped with kitchenette and bath.

Family. Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boardinghouse, lodging house or hotel.

Filling station./Gas Station Any building, structure or land used for the dispensing, sale or offering for sale at retail any automobile fuels, oils, accessories or services. No major repairs, such as auto body repair, welding, tire recapping or painting shall be permitted.

Flag Lot. See Lot, Flag.

Flea market. A market at which second-hand articles are displayed and sold.

Floor area. Except as may be otherwise indicated in relation to particular districts and uses, "floor area" shall be construed as the sum of the gross horizontal areas of the several floors, including basement areas, of a building. These areas are to be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, and exclude public corridors, common restrooms, attic areas with a headroom of less than seven feet, unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating, heating, or other building machinery and equipment, parking structures, and basement space where the ceiling is not more than an average of forty-eight (48) inches above the general finished and graded level of the adjacent portion of the lot.

Front yard. See yard, front.

Frontage. All the property abutting one side of a street between two intersecting streets, measured along the street line.

Garage apartment. An accessory building, not a part of or attached to the main building, where a portion thereof contains living facilities for not more than one family and an enclosed space for one or more automobiles.

Garage, mechanical. Any building or land where automotive vehicles are repaired, rebuilt, reconstructed or painted; where tires are recapped and welding work is performed.

Garage, private. A detached accessory building or a portion of a principal building for the storage of automobiles of the occupants of the premises. "Private garage" shall include "carport."

Garage, storage. Any building or portion thereof other than a private or mechanical garage, used exclusively for the parking or storage of motor vehicles. Services other than storage shall be limited to refueling, lubrication, washing and polishing.

Gas station. See filling station.

Governing body. The mayor and council of the City of Chickamauga.

Grade. The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

Group personal care homes. A residential care facility wherein:

- a) the operator is not legally related to the individuals supervised and is licensed by the State of Georgia to provide community alternatives in a residential environment to institutional care for individuals in need of such care;
- b) more than four persons reside, including operators, supervisors, and individuals under care; and
- c) such individuals are provided with room, board, personal, physical care and supervision in a family environment. The term "group personal care home" shall include, without limitation by reason of enumeration, home as established under the "Community Services Act for the Mentally Retarded" (GA Laws 1972, page 700), and other homes of similar intention and purpose; but shall not include facilities housing persons convicted of crimes, but not houses in penal institutions. The number of persons occupying a group home as defined herein shall not exceed fifteen (15) in number at any given time, including a minimum of one supervisory personnel.

Half story. See story, half.

Half-way-home. A group home facility which is licensed or supervised by any federal, State, or county health/welfare agency relating to drug abuse problems, offender rehabilitation or similar purposes.

Height of building. See building, height of.

Home occupation. Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory building: provided that no trading of merchandise is carried on and in connection with which there is no display of merchandise or sign other than one non-illuminated nameplate not more than two square feet in area attached to the main or accessory building and no mechanical equipment is used or activity is conducted which creates any dust, noise, odor or electrical disturbance beyond the confines of the lot on which said occupation is conducted.

Hotel, motel. A building or group of buildings under one ownership containing sleeping rooms occupied, intended or designed to be occupied, as more or less temporary abiding place of persons who are lodged with or without meals for compensation but not including an auto or trailer court or camp, sanitarium, hospital, asylum, orphanage, or building where persons are housed under restraint. Hotel or motel includes tourist homes and bed and breakfasts.

Interior lot. See lot, interior.

Industrialized Housing. A factory fabricated dwelling or commercial unit built in one or more sections designed to fit together on a permanent foundation but which usually does not have wheels for movement and which is constructed in accordance with the Georgia Industrialized Building Act and which bears the seal of approval issued by the Commissioner of Community Affairs. (includes the term “Modular House”.)

Itinerant vendors. Shall include any person, whether a resident of the city or not, who has no permanent place of business within the city, and who engages in the transient business in one temporary fixed place of business or sells goods from a vehicle.

Junk yard. An open area where waste, used or second handed material are brought and sold or exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk yard includes automobile wrecking yards and includes any area for storage, keeping, or abandonment of junk but does not include uses established entirely within enclosed buildings.

Kennel. Any lot or premises on which three (3) or more dogs, four months or more old are kept either permanently or temporarily, for purpose of sale, care, breeding or training for which any fee is charged.

Kindergarten. A school for pre-elementary school children ranging in age from four through six years which operates for less than four hours per day.

Laundry, self-service. A business rendering a retail service by renting to the individual customer equipment for the washing and drying of laundry.

Loading space. A space on the lot or parcel of land accessible to an alley or street not less than twelve feet in width, four feet in depth and fourteen feet in height.

Lot. A parcel, plot or tract of land of varying sizes which is designated as a single unit of property and which is intended to be occupied by one building, or group of buildings, and its accessory buildings and uses as required by this ordinance.

Lot, corner. A lot abutting two (2) or more streets at their intersection.

Lot, depth of. The mean distance between front and rear lot lines.

Lot, double frontage. A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

Lot, Flag. A lot which has only sufficient frontage on a public street to comply with the required access width requirements of this ordinance, shaped in such a manner that the portion of the lot closest to the street (referred to as the *staff*) can only be used for access purposes and not as yard or buildable area. The *flag* area at the end of the staff must be sufficient to provide adequate space to meet yard or setback requirements.

Lot, interior. A lot other than a corner lot.

Lot, lines. The lines bounding a lot.

Lot of record. A lot which is a part of a subdivision, the map of which has been recorded in the office of the clerk of the Circuit Court of this county.

Lot, width of. The mean horizontal distance between the side lines of a lot measured at right angles to the depth.

Mechanical garage. See garage, mechanical.

Manufactured Housing. A factory built single family structure that is manufactured under the authority of 42 U.S.C. Section 5401, the National Manufactured Home Construction and Safety Standards Act and is transportable in one or more sections, is built on a permanent chassis, and is designed to be use as a place of human habitation with or without permanent foundation when connected to the required utilities. It is not constructed with a permanent hitch or other towing device allowing transportation of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. Manufactured Housing must bear the insignia issued by the U. S. Department of Housing and Urban Development (HUD).

Manufactured home park. A licensed business operation which leases spaces for permanent or for temporary occupancy for periods exceeding thirty days for manufactured homes.

Manufactured home subdivision. A Manufactured Home Subdivision is defined as at least a four-acre site which has been primarily designed for the subdivision of individual lots for manufactured home development.

Mini warehouse. A building(s) that contains varying sizes of individual, compartmentalized and control-access stalls or lockers for storing the excess personal property of an individual or family. No business activities other than the rental or storage units shall be conducted on the premises.

Mobile Home A transportable, factory built home, designed to be used as a year round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Mobile homes are not permitted uses in any zoning district.

Motel. See Hotel.

Multiple dwelling. See Dwelling, multiple.

Nonconforming use. Any building, structure or uses of land or building lawfully existing at the effective date of this Ordinance, which does not conform with the provisions of this Ordinance or amendments thereto.

Nursing home, convalescent home. A home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Off-street loading and unloading space. A space with dimensions no less than twelve feet in width, forty feet in length and fourteen feet in height, exclusive of access aisles, maneuvering space or alley right-of-way.

Off-street parking space. A minimum net area of two hundred square feet of appropriate dimensions, and not less than nine feet in width, for parking an automobile, exclusive of access drives or aisles thereto or any street or alley right-of-way.

Open space. A yard area which is not used for or occupied by a driveway, off-street parking, loading space, drying yard or refuse storage space.

Open air business uses. Open air business uses shall include the following:

- a) retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment;
- b) retail sale of fruit and vegetables;
- c) miniature golf, golf driving range, children's amusement park, or similar recreation uses;
- d) bicycle, trailer, motor vehicle, boats or home equipment sales, service or rental services; and
- e) outdoor display and sale of garages, swimming pools, and similar use.

Parking space. A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Peddler. See Street Vendor.

Permit. A certificate of zoning compliance or special zoning permit or any other permit required by this ordinance.

Permitted use. A use which is allowed in the district in which the land is situated. Where a proposed use is a permitted use in accordance with other regulations herein, a certificate of zoning compliance will be issued by the City of Chickamauga without a public hearing if such use otherwise complies with all applicable requirements of this ordinance. Where a permitted use would impact unfavorably on adjoining property the planning commission, and after a public hearing thereon, may stipulate, in appropriate situations, buffer areas, screening or other modifications.

Personal care home. A dwelling in which aged or infirmed persons are boarded and receive personal care (less than 4 infirm persons excluding operators and supervisors) on a 24-hour basis. All such homes shall be licensed by the appropriate state agency.

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

Principal use. The primary purpose or function that land serves or is intended to serve.

Private garage. See garage, private.

Rear yard. See yard, rear.

Restaurant. A public eating establishment in which the primary function is the preparation and service of food on the premises.

Right-of-way. Access over or across particularly described property for a specific purpose or purposes.

Right-of-way line. The dividing line between a lot, tract or parcel of land and a contiguous street, railroad, or other public utility right-of-way.

Rooming house. A building other than a hotel where lodging without meals for three (3) but not more than twenty (20) persons is provided.

Satellite dish antenna. A device which is used to intercept satellite television signals and consists of two (2) main components: the antenna itself, often called a dish, and low noise amplifier (LNA). Federal Communication Commission definition for a “dish” antenna is one that is one meter (39.37”) or less in diameter (or any size in Alaska) and is designed to receive direct broadcast satellite service, including direct to home satellite service.

Self-service laundry. See laundry, self-service.

Service station. See filling station.

Setback distance. The distance between the principal structure on a lot and a lot line (either front, side or rear setback distance).

Shopping center. A group of commercial establishments, exceeding in the aggregate of seven thousand five hundred (7,500) square feet of gross leasable area, planned and developed as a unit, with common off-street parking provided on the property.

Side yard. See yard, side.

Sign. Any words, lettering, parts of lettering, figures, numerals, phrases, sentences, emblems, or devices by which anything, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or a product, is made known and which are visible from any public way and used as an outdoor display.

Single-family dwelling. See dwelling, single-family.

Site Alteration Permit. A permit issued by the Zoning Administrator to a property owner permitting alteration of the property, not to include construction of a new Building or Structure. Examples include building demolition, tree clearing, grading, filling, and other similar activities. A building permit shall be considered to contain site alteration permission.

Storage garage. See garage, storage.

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

Story, half. A story under a gabled, hopped or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the finished floor of such story.

Street. A public thoroughfare which affords principal means of access to abutting property.

Street vendor/peddler. Shall include any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house, or from street to street carrying, conveying or transporting goods, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers or any person who, without traveling from place to place shall sell or offer the same.

Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but without limiting the generality of the foregoing: advertising signs, billboards, backstops for tennis courts, fences and pergolas. "Structure" shall include "building" and swimming pools.

Structural alteration. Any change in the supporting members of a building, such as bearing walls, bearing partitions, columns, beams or girders; or any complete rebuilding of the roof or the exterior walls.

Subdivision. A division of land into two or more lots, plats or sites.

Territorial boundary. The area lying within the corporate limits of the City of Chickamauga.

Trailer car. See Manufactured Home.

Travel trailer. A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses, which is not more than eight feet in body width and is of any weight, provided its body length does not exceed thirty five (35) feet.

Travel trailer park. Any lot on which are temporarily parked two or more travel trailers for a period of less than thirty days.

Two-family dwelling. See dwelling, two-family.

Used car lot. A lot or group of contiguous lots used for the storage, display and sale of used automobiles and where no repair work is done except the necessary reconditioning of the cars to be displayed and sold on the premises.

Used for. Includes "designed for".

Variance. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure, for size of yards and open spaces and for any rule or regulation herein involving distance, area, height or other dimension, to include by way of example but not limited to setback distances of buildings, distances of curb cuts from corners, etc.; establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Width of lot. See lot, width of.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as may otherwise be provided.

Yard, front. A yard across the full width of a lot, extending from the front line of the building to the front of the lot, excluding steps.

Yard, rear. A yard extending across the rear of a lot measured between lot lines of being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, side. A yard extending between a building and the side line of the lot, and extending from the front line to the rear lot line.

Zoning decision. The final action by mayor and council which results with:

- a) the adoption of a zoning ordinance;
- b) the adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance; or
- c) the adoption of an amendment to a zoning ordinance which rezones property from one zoning classification to another.

Zoning ordinance. An ordinance or resolution by the Mayor and Council of the City of Chickamauga establishing procedures and zones or districts within its respective territorial boundaries which regulate the uses and development standards of property within such zones or districts. The term also includes the zoning map adopted in conjunction with a zoning ordinance which shows the zones and districts and zoning classifications of property therein.

ARTICLE III

District Regulations

§3.1 Division of City into Districts; Districts Enumerated

In order to regulate and limit the height and size of buildings; to regulate and limit the intensity of the use of lot areas; to regulate and determine the area of open spaces within the surrounding buildings; to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified industrial, business, residential and other uses; the city is hereby divided into the following districts:

- R-1 Single Family Residential District
- R-1A Agricultural/Residential District
- R-2 Single Family Residential District
- R-3 Two Family Residential District
- R-4 Manufactured Home Parks and Manufactured Home Subdivisions
- C-1 Neighborhood Commercial District
- C-2 General Commercial District
- I-1 Industrial District
- FH Flood Hazard Overlay District
- P-M Planned Development-Mixed Use

§3.2 Official Zoning Map

The boundaries of all districts, as shown upon the official zoning map, are hereby adopted, established and declared to be in effect upon all land included within the boundaries of each district shown upon the official zoning map.

§3.3 Rules for Determining Boundaries

Where uncertainty exists as to boundaries of any district shown on the official zoning map, the following rules shall apply:

- a) Where such district boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be construed to be such boundaries.
- b) In unsubdivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the original map. Where a district boundary divides a lot, the zone classification of the greater portion shall prevail throughout the lot.
- c) In case any further uncertainty exists, the governing body shall interpret the intent of the map as to the location of such boundaries.
- d) Where any street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

§3.4 Adopted by Reference

The zoning map on file in the office of the City Clerk of Chickamauga, (adoption date as amended) is hereby adopted by reference as fully and to the same effect as though set out at length herein.

The Flood Damage and Prevention Ordinance of the City of Chickamauga, (adoption date as amended) is hereby adopted by reference as fully and to the same effect as though set out at length herein.

§3.5 Facsimile for Public Inspection

A facsimile copy of the original zoning map shall be framed and placed at some conspicuous place in the City Hall, so as to be subject to inspection at any time during regular office hours by any interested person.

§3.6 Newly Annexed Land

All land newly annexed to the corporate limits of the City of Chickamauga shall be regulated in accordance to the Zoning Procedures Law of the State of Georgia and zoning policies and procedures outlined in Article VII of this Ordinance. The required hearings will be held prior to annexation and an additional notice of annexation will be published in the local newspaper.

§3.7 Continuance of Existing Uses Within Districts

a) Land

1. The lawful use of land existing at the time of the enactment of the ordinance from which this section is derived, although such use does not conform to the provisions of this section, may be continued; provided, that no such nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of such enactment.
2. If such nonconforming use shall be discontinued for a continuous period of ninety (90) days, any future use of such land shall be in conformity with the provisions of this ordinance.

b) Buildings

1. The lawful use of a building or structure existing at the time of the enactment of the ordinance from which this section is derived may be continued, although such does not conform to the provisions of this section.
2. Such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinances, or ordered by an authorized officer to assure the safety of the building, are made therein.
3. No such use shall be extended to occupy any land outside such building.

4. If such nonconforming building is removed or the nonconforming use of such building is discontinued for a continuous period of ninety (90) days, every future use of such premises shall be in conformity with the provision of this section.

c) *Destroyed Buildings*

1. Nothing in this section shall be taken to prevent the restoration of a building destroyed by fire, explosion or other casualty, or act of God or the public enemy, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction.

§3.8 District Changes

- a) When a district shall be changed, any then existing nonconforming use in such changed district may be continued or changed to a use of similar or higher classification, provided all other regulations governing the new use are complied with.
- b) Whenever a nonconforming use has been discontinued or changed to a higher classification or to conforming use, such use shall not thereafter be changed to a nonconforming use or a lower classification.

ARTICLE IV

Regulations Generally

§4.1 Conformity with District Regulations

No building shall be moved, erected, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all the district regulations specified by this section for the district in which the building or land is located.

§4.2 Lot Regulations

a) *Substandard lots.* Any residentially zoned lot which was of record at the time of the adoption of this Ordinance that does not meet the requirements of this Ordinance for yards or other area or open space, may be utilized for single residence purposes, provided:

1. the area for such yard or court in width, depth, or open space is not less than seventy-five (75%) percent of that required by the terms of this Ordinance, excepting that vacant lots having in the aggregate a continuous frontage of one hundred twenty (120) feet or more shall not be subject to this exception;
2. in the absence of an approved community water supply and/or wastewater treatment system, said lot can meet the requirements of the County Health Department for the installation of wells and/or septic tanks. The purpose is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable health and living standards can be provided.

When a subdivision of land or portion thereof contains lots or parcels of land that do not conform to the lot area or lot frontage provisions of this article and such tract of land is under one ownership and has remained unimproved or undeveloped for a period of two years from the effective date of the Ordinance from which this article is derived, it shall be incumbent upon the owner of such tract to replat the tract to conform to the minimum area and frontage provisions of this article for the district in which the lands are located. It shall be the property owner's responsibility to ensure the lots or parcels of land conform to the minimum area requirements of this ordinance before ownership is transferred to another party.

- b) *Lot may not be reduced in size below minimum requirements.* No parcel of land, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that lot width or depth, front, side, or rear yard, inner or outer courts, lot area per unit, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for public use.
- c) *Lot size.* All lots shall conform to the area requirements set forth in the zoning districts in which they are located. Residential corner lots shall have adequate width to permit appropriate building setbacks from and orientation to both abutting streets.

- d) *Building lines.* A building line, meeting the front, rear and side yard setback requirements of the zoning district in which the parcel of land is located, shall be established on all lots.
- e) *Double frontage lots.* Double frontage lots should be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. When allowed, a strip of land at least ten feet in width, and across which there shall be no right of access, shall be provided along the lot or line of lots abutting such traffic artery.
- f) *Lots must abut public street.* No building or structure shall be erected on a lot or portion of a lot which does not abut on a public street for at least twenty-five feet (see Flag Lot definition).
- g) *Access to public streets.* Access to public streets shall be maintained in accordance with a minimum twenty-five foot frontage on a public street.
- h) *Subdivision Lots.* Lots contained in a subdivision proposal or plat shall conform to the requirements set forth in the zoning districts within which the subdivision is located, as supplemented or amended by the Chickamauga Subdivision Regulations.
- i) *Permit Requirements.* No Building, Structure or site alterations shall be allowed on a Lot or a portion of a Lot before a Building Permit, Site Alteration Permit, and/or Land Disturbance Permit is obtained from the City of Chickamauga; to insure the provisions of this Ordinance are complied with by the petitioner.

§4.3 Prohibited Uses in all Residential Districts

- a) It shall be a prohibited use in all residentially zoned districts to park or store wrecked or junked vehicles, power driven construction equipment.
- b) Tractor trailer combinations, or detached commercial trailers shall not be placed or stored in residentially zoned districts or subdivisions. (see section 6.10)
- c) Kennels.
- d) Junk Yard

§4.4 Accessory and Temporary Buildings

- a) *Accessory buildings.* Location and uses of accessory buildings in all zoning districts shall be governed by the following conditions:
 1. *Attached to main dwelling.* Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building must be an integral part of the main building, and such accessory building must be attached to the main building in a substantial manner by a roof. Such attached accessory building shall comply in all respects with the requirements applicable to the main building.
 2. *Detached from main dwelling.* A detached accessory building shall not be closer than three feet to a lot line.

3. *Height and lot coverage* requirements for detached accessory building. A detached accessory building shall not exceed twelve feet in height and shall not be located in a front yard nor cover more than thirty-five percent of the side or rear yard.
- b) *Temporary buildings*. Temporary buildings may be used only in conjunction with construction work in any zoning district and shall be removed immediately upon the completion of construction. A certificate of zoning compliance must be obtained for use of a temporary building.
- c) *Satellite dish antennae*. Satellite dishes shall be treated as accessory structures. (see section 4.13).
- d) *Swimming Pools*. (Above-ground or In-Ground) will be treated as an accessory structure.

§4.5 Buildings to be Located on Lots

Every building hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one principal building and the customary accessory buildings on one lot or parcel of land.

§4.6 Locations of Structures on Residential Lots

- a) No detached accessory building shall be located on the front yard of a lot.
- b) When an accessory building is attached to a principal structure by a breezeway, roofed passage or otherwise, it shall comply with the dimensional requirements of the principal building.
- c) A detached accessory building shall not be constructed closer than three feet to the side and rear lot lines.
- d) An accessory building shall not exceed twelve feet in height, nor occupy more than thirty-five percent of a required rear yard.
- e) No dwelling shall be erected on a lot or portion of a lot which does not abut upon a public street with a minimum frontage of twenty-five feet.
- f) Accessory buildings will not be located or approved on a lot before the primary building has been approved and under construction.
- g) Flag lots are allowed only in single-family residential districts when the location of an existing house precludes a land division that creates another lot which meets the minimum street frontage requirements. A flag lot shall not be created in a proposed subdivision of three (3) or more lots.

§4.7 Site Distance at Intersections

In all zoning districts, no fence, wall, hedge, or shrub planting which obstructs the site lines at elevations between two and twelve feet above the roadways shall be placed on any corner

lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines.

§4.8 Building Height Restrictions

- a) *General application.* No building or structure shall hereafter be erected, constructed, or altered so as to exceed the height limits specified in this ordinance and set out for the district in which it is located.
- b) *Permitted exceptions to height regulations.* The building height restrictions imposed on buildings and structures by this ordinance for each zoning district shall not apply to the following buildings or structures:
 1. churches, schools, hospitals, sanitariums, and other public buildings and public utility structures. There shall be no restriction on the height of such buildings or structures, provided on the front, side, and rear yards required in the district in which such building is to be located shall be increased an additional one foot for each ten feet that the building exceeds the maximum height permitted in the district;
 2. barns, silos, grain elevators, other farm structures, belfries, cupolas, domes, monuments, water towers, transmission towers, windmills, chimneys, smoke stacks, flag poles, radio towers, masts, and aerials; and
 3. where located on building roofs, bulkheads, water tanks, scenery lofts, and similar structures, provided that such structures shall not cover more than twenty-five percent of the total roof area of the building.

None of these exceptions to height limits shall apply to temporary or business signs which shall be subject to all height limitations of the district in which they are located and other applicable requirements as required by the City of Chickamauga.

§4.9 Yards

- a) Every part of a required yard shall be open from its lowest point to the sky, unobstructed, except for the ordinary projections of sills, belt courses, cornices, buttresses, ornamental features, chimneys and eaves, but none of these projections shall project into a minimum side yard more than twenty-four inches.
- b) On double frontage lots, the required front yard shall be provided on each street.
- c) Open or enclosed fire escapes, fireproof outside stairways and balconies may project into a minimum yard or court not more than three and one-half feet. Ordinary projections of chimneys and flues shall be permitted.
- d) Where setback lines have been established on streets, roads or highways, the front yard of all lots and the side yards of corner lots shall be measured from such setback lines.

- e) The minimum yards and other open spaces required by this section for each building shall not be encroached upon, nor considered as a yard or open space for any other building.
- f) No yard, court or open space, or part thereof, shall be included as a part of the yard, court or open space similarly required for any other building, structure or dwelling.

§4.10 Buffer Areas and Screening

The use of buffer areas and screening reduces potential incompatibility between or among different uses of land in proximity to each other. Where the commission determines that a proposed use(s) of land or the granting of a variance from the requirements of this ordinance would have an unfavorable impact on adjoining use(s) or the granting of a permit for such use or variance, a permanent buffer area or screening will be established.

- a) *Buffer areas.* Buffer areas, when required, shall be established and permanently maintained under the following provisions:
 - 1. be maintained as a planted area (or landscaped berm), using existing vegetation, or, when required, additional plantings as provided below;
 - 2. be in such dimension as the Commission may determine necessary, but in no event less than twenty feet measured at right angles to property lines contiguous to the designated property line(s);
 - 3. be landscaped with trees, shrubs, flowers, grass, stone, rocks and other landscaping materials; landscaping plants shall be composed of healthy plants which possess growth characteristics of such a nature so as to produce a dense compact planting screen of not less than six (6) feet in height;
 - 4. be free of structures other than a fence, and not be used for parking, utility easements, or drainage improvements, unless the applicant can demonstrate that these improvements are necessary;
 - 5. the natural topography of the land shall be preserved and natural growth shall not be disturbed beyond that which is necessary to prevent a nuisance, or to thin this natural growth where too dense for normal growth, or to remove diseased or dangerous and decayed timbers. However, with Commission approval, a slope easement may be cleared and graded where required to prevent soil erosion. This easement may cover no more than twenty percent of the required buffer area, and shall be immediately replanted upon completion of easement improvement; and
 - 6. where, by reason of the topography of the land or by reason of the prior removal or lack of timber and foliage, the owner of the buffer area may be required to erect a permanent wall or fence of not less than six feet in height or screen of evergreen plantings, so designed and developed to provide visual screening. These plantings shall consist of evergreen shrubs which will, with normal growth, attain a height of six feet within three years.

§4.11 Fences, Walls and Hedges

- a) No fence, wall, structure, or hedge, or other continuous planting shall be erected, placed or maintained on any lot line or within any front, rear or side yard in residential areas more than six feet in height, measured from the natural contour of the ground adjoining lots or the particular lot (whichever is lower), except as follows:
 - 1. where a residential lot abuts a business or industrial lot upon which a business is located; and
 - 2. where peculiar circumstances warrant approval by the Planning Commission.
 - 3. as set forth in 4.10(3).
- b) On a corner lot in a residential area, no fence, wall or structure, or hedge, planting or other foliage shall be erected or established between a height of two feet and twelve feet within twenty-five feet of the street intersection.

§4.12 Automobile Service Stations

- a) All automobile service stations shall conform to the following requirements:
 - 1. all pumps shall be set back at least fifteen feet from the right-of-way line, or where a future widening setback line has been established, this setback shall be measured from such line. Pumps shall be set back at least fifteen feet from any property line;
 - 2. the number of curb breaks shall not exceed two for each one hundred feet of street frontage, each having a width of not more than thirty feet or less than twenty-five feet and located not closer than fifteen feet to a street intersection. Two or more curb breaks on the same street shall be separated by an area of not less than ten feet; and
 - 3. when the station abuts a residential district, it shall be separated there from by a solid wall or planting buffer at least six feet high (see 4.10 a3).
- b) No storage tank shall be placed above ground.

§4.13 Satellite Receiving Dish Antenna

- a) Satellite receiving dish antenna shall be allowed in all zoning districts.
- b) Antenna meeting the FCC definition for a “dish” (one meter/39.37” or less in diameter) will meet the setback requirements from the property line and will be the same as those required on an accessory building, for safety purposes.
- c) Antennas not meeting the FCC definition for “dish” (more than one meter in diameter) will be erected in a rear yard and the setback requirements from the property line will be the same as those required of an accessory building.

- d) In all zoning districts, antenna will be so placed as not to create a hazard to traffic or public utilities
- e) A property owner who has in place a nonconforming antenna at the effective date of this Ordinance may continue to maintain the antenna.

§4.14 Compatibility Standards For Homes

Manufactured homes are not allowed to be placed in R-1/R-1A Single-Family Residential Districts. Manufactured homes, site built, modular and other housing qualifying as a dwelling, single family shall meet the following compatibility standards to protect and preserve the overall existing character of established neighborhoods and the property values of the residential area. Compatibility standards 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 in size, siding material, roof material, foundation and general aesthetic appearance to:
 - (i) site built or other forms of housing which may be permitted in the same general area under this Ordinance;
 - (ii) existing development; or
 - (iii) proposed development in the same zoning district or area.
- b) All towing devices, wheels, axles and hitches must be removed.
- c) A solid facing from ground to floor will be required on all homes with materials approved by the Planning Commission.
- d) At each exit door there must be a landing that is a minimum of thirty-six inches by thirty-six inches with a fixed permanent platform or porch.
- e) The minimum width of the structure built or installed on the site shall be twenty four (24) feet in all R-1 and R-2 districts and sixteen (16) feet or greater in all other residential districts.
- f) The home has a length not exceeding four times its width.
- g) The minimum heated and cooled floor area shall be 960 square feet.
- h) The roof shall have a minimum 2:12 roof pitch and shall have a surface of wood shakes, asphalt composition, wood shingles, fiberglass or metal tiles, slate, materials or other materials approved by the Planning Commission. Corrugated metals or plastic panels are prohibited.

- i) The exterior siding materials shall consist of brick, wood, masonry, stucco, masonite, metal or vinyl lap designed for such purposes or other materials of like appearance approved by the Planning Commission, but shall not include corrugated metal or plastic panels.
- j) Be attached to a permanent foundation. A permanent foundation shall mean a concrete slab, concrete footers, foundation wall pilings or post construction which complies with the State Minimum Standard Codes as amended from time to time or the Standard Building Code (SBCCI), if locally adopted or the National Manufactured Housing Construction and Safety Standards Act or the State of Georgia Industrialized Buildings Act.
- k) Be constructed according to standards established either by the State Minimum Standard Codes as amended from time to time or the Standard Building Code (SBCCI), if locally adopted or the National Manufactured Housing Construction and Safety Standards Act or the State of Georgia Industrialized Buildings Act.
- l) The Planning Commission may approve deviations from one or more of the developmental or architectural standards provided herein on the basis of a finding that the materials to be utilized or the architectural style proposed for the dwelling will be compatible and harmonious with existing structures in the vicinity.
- m) These compatibility standards are not applicable and shall not be applied to manufactured homes, other manufactured homes or mobile homes when located in a manufactured home rental community or park (R-4 zoning district). Manufactured homes located in rental communities or parks (R-4 zoning district) shall comply with rules outlined in Article XI of this ordinance.

**§4.15
AREA, YARD, & HEIGHT REQUIREMENTS**

MINIMUM LOT SIZE			BLD. SET BACK FROM		MIN. YD. REQ.		
AREA IN SQUARE FEET		WIDTH IN FEET	R/W FEET		FEET		
DISTRICT	FIRST DWELLING UNIT	FIRST DWELLING UNIT	MAJOR	OTHER	SIDE	REAR	MAX BLD. HT.
R-1	10,000/15,000*	50/75*	30	30	10	30	35
R-2	8,000/15,000*	50/75*	30	30	7	30	35
R-3	(See Section 11.5)	60*	30	30	7	30	35
R-4	(See Section 12.5/12.6)	(See Section 12.5/12.6)					
C-1	10,000/15,000*	100	35	35	20	25	45
C-2	10,000/15,000*	100	35	35	20**	25**	45
I-1	10,000	50/75*	50	50	50	50	45
R-1A	10,000/15,000*	50/75*	30	30	25	25	45
P-M	(See Section 17.4 & 17.5)	(See Section 17.4 & 17.5)					

NOTE: THE REQUIREMENTS OF THE CHICKAMAUGA SUBDIVISION REGULATIONS MUST BE COMPLIED WITH IN ADDITION TO THE REQUIREMENTS OF THE ZONING ORDINANCE.

* LOTS NOT SERVED BY AN APPROVED COMMUNITY WASTEWATER TREATMENT SYSTEM OR REQUIREMENT OF THE HEALTH DEPARTMENT, WHICHEVER IS GREATER.

** WHEN ABUTTING A DIFFERENT DISTRICT, A SIDE & REAR YARD SHALL BE PROVIDED AS STATED. WHEN ABUTTING AN AREA ZONED THE SAME AS THE SUBJECT PROPERTY, NO SIDE OR REAR YARD SHALL BE REQUIRED.

ARTICLE V

Home Occupations

§5.1 Home Occupations

Home occupations are accessory uses in residential districts and shall be governed by the standards set out in this section. These standards are intended to ensure compatibility with the residential character of the neighborhood and to emphasize the clearly secondary or incidental status of the home occupation in relation to the residential use of the main building. Home Occupations will be authorized upon issuance of a permit from the City of Chickamauga.

§5.2 Standards

The following standards must be met for all home occupations:

- a) Such occupation shall be located and conducted in such a manner that the average neighbor, under normal circumstances, would not be aware of its existence.
- b) Such occupations shall be conducted solely by occupants at the residence.
- c) No structural alteration of the residence, accessory buildings, or the property shall be made, and no more than twenty-five (25) percent of the gross floor area shall be utilized.
- d) The applicant must be the owner of the property on which the home occupation is to be located; or, if applicant is a tenant, he must have written approval of the owner of the property.
- e) Stock in trade, to be sold or displayed on the premises shall be limited to no more than twenty-five (25) percent of the gross floor area and will be enclosed within said structure or building.
- f) No outside storage related to the home occupation shall be permitted.
- g) No uses shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced in an average residential occupancy.
- h) One sign advertising the home occupation no greater than two square feet in size, non illuminated and attached to the main building or accessory structure.
- i) One commercial vehicle is permitted in connection with the home occupation.

§5.3 Home Occupations, Allowed

Home occupations include, but are not limited to, the following:

- a) Telephone and office use;
 - 1. Applicant's business activities at the residence shall be confined to telephone and office use.
 - 2. No employee or jobbers shall meet or congregate at the applicant's residence.
- b) Antique shops;
- c) Artists, sculptors, authors, or composers;
- d) Barber or beauty shops;
- e) Dressmakers, seamstresses, or tailors;
- f) Gift shops;
- g) Home crafts, such as model making, rug weaving, and lapidary work;
- h) Office facility for a minister, rabbi, or priest;
- i) Office facility for a salesman, sales representative, or manufacturer's representative, provided that no retail or wholesale transactions are made on the premises;
- j) Printing establishments;
- k) Tutors and musical instructors;
- l) Professional offices; and
- m) Any other occupation that the Commission finds compatible with the purposes and intent of this section.

§5.4 Home Occupations Not Allowed

Home occupations allowed shall not, in any event, be deemed to include the following:

- a) Funeral chapels or funeral homes;
- b) Nursery schools, kindergartens, day care homes, or centers;
- c) Private clubs;
- d) Restaurants;
- e) Tourist homes;

- f) Stables or kennels;
- g) Auto repair or similar establishments; or
- h) Any other occupation that the Commission finds incompatible with the purposes and intent of this section.

§5.5 Expiration

A zoning permit for home occupations shall expire:

- a) Whenever the applicant ceases to occupy the premises for which the home occupation permit was issued. No subsequent occupant of such premise shall engage in any home occupation until proper application has been made, and a new permit issued.
- b) Whenever the holder of such permit fails to carry on the occupation for which the permit was issued for any period of six consecutive months.

§5.6 Voidance of Permit

If the Commission finds that a home occupation is being conducted in violation of this or any other provision of these regulations, then such permit may be suspended or rendered void, provided that a regular hearing shall be conducted prior to any such suspension or voiding.

ARTICLE VI

Off-street Parking and Loading

§6.1 General Requirements Off-Street Parking

- a) Parking spaces for all dwellings shall be located on the same lot with the main building.
- b) Parking spaces for other uses shall be provided on the same lot or not more than three hundred feet distance, measured along the nearest pedestrian walkway.
- c) Parking requirements for two or more uses of the same or different types may be satisfied by the allocation of the required number of spaces for each use in a common parking facility, provided, that the total number of spaces is not less than the sum of the individual requirements and that the requirements of location are complied with.
- d) Areas reserved for off-street parking or loading shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, or unless equivalent parking or loading is provided on another approved site or parking structure to the satisfaction of the Planning Commission.
- e) Lighting facilities shall be so arranged that light is reflected away from adjacent properties.
- f) Along lot lines of a parking area which abut a residential district, a dense planting of trees and shrubs shall be established on a strip of land not less than eight feet in width adjacent to the districts, and such planting shall not be less than six feet in height and a substantial bumper rail of wood, metal, or concrete shall be installed on the inside of the planting strip except where topography or other conditions would make the bumper rail unnecessary.

§6.2 Drainage, Construction and Maintenance

All off-street parking, loading, and service areas shall be constructed of concrete or asphalt unless otherwise approved by the Chickamauga Planning Commission. All such areas shall be at all times maintained at the expense of the owners thereof, in a clean, orderly, and dust-free condition. Construction of parking areas should accommodate drainage so that water runoff does not accumulate on adjacent properties.

§6.3 Separation from Walkways, Sidewalks and Streets

All off-street parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective device. Curbing and other protection devices must be set back a minimum of three feet to prevent vehicle overhang.

§6.4 Parking Area Design

Parking stalls shall have a minimum width of nine feet and length of eighteen feet. There shall be provided adequate interior driveways to connect each parking space with a public

right-of-way. Interior driveways shall be at least twenty-four feet wide where used with ninety degree angle parking, at least eighteen feet wide where used with sixty degree angle parking, at least thirteen feet wide where used with forty-five degree parking, and at least twelve feet wide where used with parallel parking, or where there is no parking, interior driveways shall be at least ten feet wide for one-way traffic movement and at least twenty feet wide for two-way traffic movement.

§6.5 Pavement Markings and Signs

Each off-street parking space shall be clearly marked, and pavement directional arrows or signs shall be provided in each travel way wherever necessary. Markers, directional arrows and signs shall be properly maintained so as to ensure their maximum efficiency.

§6.6 Right-of-Way

No sign, whether permanent or temporary, shall be placed within the public right-of-way. Signs and planting strips shall be arranged so that they do not obstruct visibility for drivers or pedestrians.

§6.7 Landscaping and Green Space Requirements

Landscaping for any parking lot of twenty or more spaces shall provide interior landscaping according to the following standards. For each twenty (20) parking spaces there shall be required adjacent to the parking spaces three (3) canopy trees, two (2) understory trees and six (6) shrubs. Unless otherwise specifically indicated by the Planning Commission, all plant materials required shall meet the following minimum size standards, when planted.

- Canopy Tree 12 feet in height
- Understory Tree 4 feet in height
- Shrub 1 foot in height

§6.8 Parking Space Requirements for All Districts

At the time of erection of any principal building or structure, or at any time any principal building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor space or seats, there shall be provided minimum off-street parking space with adequate means in ingress and egress from a public street or alley by an automobile of standard size, in accordance with the following requirements:

<i>Residential</i>	<i>Parking Spaces</i>
Apartments, Duplexes, Townhouse, Condominium	2 per dwelling units
Efficiency apartments, housing for the elderly	1 per dwelling unit; 1 per 2.5 dwelling units
Manufactured Homes (parks)	2 per Manufactured Home space
Rooming houses	1 per each guest room
Single-family homes	2 per dwelling unit
Personal care homes & group personal care houses	1 space for each two beds intended for patients plus one space for each three employees
<i>Commercial</i>	<i>Parking Spaces</i>
Amusement centers, arcades, assembly halls, or pool halls (without fixed seating arrangements)	1 per 100 square feet of gross floor space
Animal hospital or kennels	Parking area equals 30% of the total enclosed or covered area
Athletic hospital or health spa	1 per 100 square feet of gross floor area (excluding courts); 3 per court (racquet ball or tennis)
Auto repair services, garages	1 for each 400 square feet or retail area plus 2 for each service bay. Minimum of 4 spaces
Bowling alleys	3 per alley
Funeral parlors	1 for every 4 seats in main assembly hall
Furniture store	1 per 400 square foot of floor area
General business; retail	1 for every 200 square feet of floor area designated for retail sales only
Grocery and food store	1 for every 100 square feet of floor area designated for retail sales only
Hotels and motels	1 for every sleeping unit
Medical offices	4 for every doctor and/or dentist; 1 for every 200 square feet of floor area
Mini-warehouse	1 for every 10 storage cubicles (parking equally distributed throughout site); 2 for every manager or quarters
Manufacturing, industrial and warehouses	1 for every 3 employees or the largest shift of the day. 1 for every 200 square feet exclusive of storage area
Office buildings (business, professional, commercial)	1 for every 300 square feet of floor area
Personal service establishments	1 for every 200 square feet of floor area
Restaurant (food consumed on premises)	1 for every 3 seats; Minimum of 10
Restaurant (carry out only)	1 for every 150 square feet of gross floor area; minimum of 10
Shopping centers	1 for every 250 square feet of gross floor area
Skating rink	1 for every 200 square feet of gross floor area
Theater or auditorium	1 for every 4 seats
Travel trailer parks	1 for every trailer site; 1 for every 2 employees

<i>Institutional</i>	<i>Parking Spaces</i>
Churches	1 for every 4 seats in main assembly hall (seats mean seating capacity)
Governmental offices	1 for every 300 square feet of floor area
Hospital	2 for every 3 beds
Libraries	1 for every 300 square feet of floor space
Nursing homes	1 for every 2 beds plus 1 for every employee on largest shift
Private club or lodge	1 for every two employees plus 1 for every 200 square feet of gross floor area
Schools, Day Care Centers	1 for every 4 seats in assembly hall or 1 for every employee plus 5 for every classroom for high schools and colleges

§6.9 Off-Street Loading Requirements

On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot of adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets and alleys.

- a) Such loading and unloading space, unless otherwise adequately provided for, shall be an area twelve feet by fifty feet, with fifteen foot height clearance, and shall be provided according to the following schedule.
- b) Off-street loading spaces shall be provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses.
- c) Off-street loading spaces shall be designed and constructed so that all maneuvering to park and unpark is within the property lines of the premises. Loading spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrian on public rights-of-way.

Square Footage of Facility	Number of Spaces
0 - 10,000	One
10,001 - 100,000	One space for the first 10,001 square feet plus one additional space for each additional 40,000 square feet in excess of 10,001 square feet
100,001 - 500,000	Three spaces for the first 100,001 square feet plus one additional space for each 60,000 square feet in excess of the 100,001 square feet
Over 500,000	Seven spaces for the first 500,001 square feet plus one space for each additional 100,000 square feet in excess of 500,001 square feet

§6.10 Storage and Parking of Trailers and Commercial Vehicles

Commercial vehicles and trailers of all types, including travel, boat, camping and hauling shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district except in accordance with the following requirements:

- a) No more than one commercial vehicle per dwelling shall be permitted, and in no case shall a commercial vehicle used for hauling explosives or flammable products be permitted.
- b) A commercial vehicle shall be of a size no greater than twenty-two (22) thousand pounds gross vehicle weight.
- c) Travel trailers, hauling trailers, or boat trailers shall be permitted if parked or stored behind the front yard building line; and/or in the driveway area, for single family homes.
- d) A travel trailer shall not be occupied for a period in excess of 72 hours except when it is located in a travel trailer park authorized under this ordinance.

ARTICLE VII

Administration

§7.1 Administration and Enforcement of Provisions

The Planning Commission shall administer and enforce the provisions of this Ordinance.

§7.2 Basis for Provisions and Compliance with the Comprehensive Plan

The regulations and requirements set forth in this Ordinance are promulgated in accordance with a comprehensive plan, with reasonable consideration, among other things, to the prevailing land uses, growth characteristics and the character of the respective districts and their peculiar use of land throughout the City.

§7.3 Interpretation of Provisions; Property Inadvertently Omitted from Zoning Districts

- a) In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public, health, safety, morals and general welfare of the community.
- b) It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this Ordinance shall control.
- c) If, because of error or omission in this Ordinance or the zoning map any property within the city is not shown as being included in a zoning district, the classification of such property shall be R-1 district (single-family residence), unless changed by an amendment to this Ordinance.
- d) Annexation of property shall follow the requirements of the Zoning Procedures Law. A notice of the annexation of property shall be provided to the County (as required by O.C.G.A. 36-36-6) and the required hearing held prior to the annexation. A notice of said hearing will be published in the county's general circulation newspaper and all other zoning policies and procedures regarding hearings, notices and amendments, as outlined in 7.5 and 7.6 of this Ordinance shall be followed.

§7.4 Outline of Steps Required for Amendment to the Ordinance

Amendments to the text of this Ordinance or to the accompanying Official Zoning Map may be initiated at the request of a private petitioner or the City Council of Chickamauga. Requests for a conditional use or variance to the provisions regulating districts may be similarly initiated by a private petitioner.

In general, all private petitions for text amendments, changes in zoning districts (rezonings), and conditional uses shall follow the following steps in order to secure approval or denial.

- a) Any petition for a zoning change must be filed in the form of a written application with the City Clerk and/or his or her designee and fees paid at that time.
- b) The City Clerk and/or his or her designee will inform the applicant of the public hearing dates at which his/her petition will be considered.
- c) The City of Chickamauga will advertise the public hearing(s) and provide notification to affected parties by written notice and by the posting of a notice on the subject property.
- d) Consideration of the proposed zoning change shall be carried out as prescribed in the policies and procedures section below.
- e) Consideration of a request for a conditional use shall be carried out according to the criteria enumerated in Section 2.01, Conditional Use.
- f) Variance requests will be reviewed by the Planning Commission. Variances may be granted only in so far as the proposed action meets the requirements enumerated in Section 7.8. In no case may a variance be granted for a use of land or building (a "use variance") that is prohibited within the zoning district. The Planning Commission shall keep a record of all variances granted or denied.

§7.5 Zoning Policies and Procedures

The following policies and procedures are herein established to provide guidelines for the following zoning activities:

- a) the adoption of a new city zoning ordinance;
- b) the adoption of an amendment to the zoning ordinance which changes the text of the ordinance (text amendment);
- c) the adoption of an amendment to a zoning ordinance (map amendment) which rezones property from one zoning classification to another;
- d) the procedural requirements for zoning amendments sponsored by the City of Chickamauga;
- e) the procedural requirements for zoning amendments sponsored by a citizen or property owner; and
- f) annexation of property by the City of Chickamauga.

§7.6 Policies and Procedures for City Initiated Zoning Activities

- a) *Amendment to Zoning Ordinance.* In the case of developing an initial zoning plan (map and text), or updating or amending an existing zoning plan, the City of Chickamauga Planning Commission and the City Council will, where appropriate, utilize any new or existing land use studies, land use plans or other relevant documents as a resource for ordinance development or ordinance amendment. The Chickamauga City Council and the Chickamauga Planning Commission will each hold at least one public hearing on

any new zoning ordinance development or any proposed amendment to the current Zoning Ordinance.

- b) *Public Hearing.* Upon the completion of a preliminary zoning document(s) by the Planning Commission and after this draft document has been presented to and reviewed by the City Council, public hearings will be scheduled by both the Chickamauga Planning Commission and the City Council, respectively. The official public hearing will be held by the City Council, and public notice will be given no less than 15 days nor more than 45 days prior to the official hearing date.
- c) *Required Notices.* Notice of public hearings will be published within a newspaper of general circulation within Walker County. The public notice will state the time, place, and purposes of the hearing.
- d) *Review of Amendments.* All amendments to any existing zoning plan must be reviewed by both the Chickamauga Planning Commission and the City Council. However, when the boundary lines of an established zoning district are proposed for changes (rezoning), the City Council shall have the Planning Commission prepare an evaluation of each such proposed rezoning considering each of the following factors:
 - 1. existing uses and zoning of nearby property;
 - 2. the extent to which property values are diminished by the present zoning restrictions;
 - 3. the extent to which the destruction of property values, resulting from existing zoning of the applicant's parcel(s) promotes the health, safety, morals or general welfare of the public;
 - 4. the relative gain to the public, as compared to the hardship imposed upon the individual property owner;
 - 5. the suitability of the subject property for the zoning purposes as proposed;
 - 6. 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; and
 - 7. conformity with or divergence from the Comprehensive Plan.
- e) *Place of Hearing.* The public hearings will be convened at the advertised time and place and will be presided over by the appropriate officials.
- f) *Conduct of Hearing.* The presider of each respective public hearing will review for those present, the following operating procedures for the public hearing.
 - 1. In order for a person in attendance to speak, the Chair must recognize him/her. Upon rising to speak, the person recognized will first identify himself/herself. The Chair may also request that the person furnish a home or business street address, as appropriate.

2. The person speaking will be allowed a reasonable amount of time, to express opinions and make comments on each separate element of the proposed revisions which they wish to address. Provided however that the proponents and opponents of each zoning decision or application shall have an equal minimum time period of not less than ten (10) minutes per side for presentation of data, evidence and opinion. A designated time keeper shall record the time expended by each speaker.
 3. Additional persons will be recognized per the above procedure for the purpose of addressing additional elements of the proposed revisions or to make additional points with regard to elements already addressed, but not to rehash points already made.
 4. Appropriate notes or minutes will be recorded by the City Council and the Planning Commission at their respective public hearings.
- g) *Recommendation of Planning Commission.* The Chickamauga Planning Commission shall prepare and submit the necessary minutes, evaluations and/or recommendations to the City Council prior to the City Council's public hearings. If additional study of a petition is required, the business may be tabled to the next regular Planning Commission meeting.
- h) *Consideration by City Council.* The City Council at its official public hearing will review the evaluations and recommendations from the Planning Commission and may choose to adopt or reject or modify the Planning Commission recommendations, or the business may be tabled for additional study to the next regular Council meeting.

§7.7 Procedures for Rezoning Request by Citizens/Property Owner

- a) *Application.* An application for a rezoning or conditional use must be filed with the City Clerk and/or his or her designee at City Hall on a prescribed form. Fees shall be paid at the time of application.
- b) *Public Hearing Dates.* The City Clerk and/or his or her designee will inform the applicant of the public hearing dates. Although the Chickamauga Planning Commission will convene a public hearing on each proposal, the official public hearing will be held by the City Council. Public notice of the hearing will appear in a newspaper of general circulation within Walker County no less than fifteen days nor more than forty-five days before the date of the official public hearing.
- c) *Hearing Notice.* The public hearing notice will name the applicant, the location of property to be affected, the present zoning class, the proposed zoning class and the date, time and place of both the Planning Commission hearing and the public hearing held by the mayor and council.
- d) *Notification of Affected Parties.* In order to inform those parties directly affected by the proposed action and the general public, City Officials shall do the following:
 1. Have erected upon the property for which rezoning is to be considered a sign of no less than seventeen inches by twenty-four inches announcing the public hearings, stipulating the dates, times, and places for the two hearings, the present zoning class and the proposed zoning class. The sign shall be clearly visible from a public

street. It shall be erected not less than 15 days nor more than 45 days before the first public hearing date.

2. Give due notice to the parties concerned, including all property owners of record within three hundred feet of the premises in question. Said notices shall be delivered by first class mail, mailed at least 14 days prior to the Planning Commission public hearing, addressed to the respective owners at the addresses listed on the most recent tax assessment roll. Copies of said notices will be maintained in the petitioner's file at the City.
- e) *Review of Petitions by the Planning Commission.* The Planning Commission shall review all petitions for a rezoning or Conditional Use in accordance with, respectively, the provisions of Section 7.6(d) and Section 2.1 Conditional Use of this Ordinance. All meetings of the Planning Commission shall be held at the call of the Chairman, or in his absence, the Vice Chairman, and at such time as the Board may determine. All meetings of the Planning Commission shall be open to the public.
 - f) *Conduct of Hearing.* The place and conduct of the public hearing shall be in accordance with the provisions of Section 7.6(e)-(h).

§7.8 Procedures of The Planning Commission Concerning Variances

To authorize upon appeal in specific cases such variance from the terms of the Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in unnecessary hardship so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon finding by the Planning Commission that:

- 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 Ordinance to this particular piece of property would create an unnecessary hardship;
- c) such conditions are peculiar to the particular piece of property involved, and not of the making of the applicant;
- d) relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and
- e) hearings relating to the review of a Variance shall be carried out in accordance with the requirements of section 7.6 (e) and (f) and section 7.7(d) of this Ordinance.

§7.9 Approval Period

No order of the Planning Commission permitting the erection or alteration of a building shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that where such use permitted is dependent upon the

erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

§7.10 Administrative Assistance

The City of Chickamauga shall provide such technical, administrative, and clerical assistance and office space as is required by the Planning Commission to carry out its function under the provisions of these regulations. In providing a Zoning Administrator, the City of Chickamauga by and through the Mayor and Council, shall solicit recommendations from the Planning Commission as to who to hire, but the Mayor and Council shall have the final decision making authority as to the hiring of a Zoning Administrator.

§7.11 Fees and Permits

- a) All applicants for annexation, rezoning, text amendment, conditional use, variance, home occupation license, building permit, site alteration permit, land disturbing activity permit, or a plat review within a district, shall be accompanied by a fee payable to the City to defray expenses incidental to the processing of such applications. Attorney fees, survey expenses and any other costs associated with completing the requested application will be the responsibility of the applicant. A listing of all applicable scheduled fees is available in the Office of City Hall. All applications and/or permits are valid for a period of no more than six months from date of issue, unless work is started within said six months and proceeds to completion in accordance with such permit.
- b) City taxes shall be current on property prior to the submittal of any application for any permit or improvement.
- c) Site alteration and building permit fees shall be waived for projects involving medical or disability hardships.
- d) Applicants shall be the property owner unless written notarized authorization is received from the property owner for the applicant to serve as the property owner's agent.

§7.12 Penalty for Violations of Provisions - Authorized

- a) Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance shall be guilty of a misdemeanor and subject to a fine of five hundred (\$500) dollars after receiving thirty days notice of the violation. Said notice shall be in writing and issued by the City of Chickamauga.
- b) Each day that a violation is permitted to exist after due notice is given shall constitute a separate offense.
- b) In addition, the Planning Commission or City Council may seek injunctive relief in the Superior Court of Walker County, Georgia, for any continuing violation of the Zoning Ordinance.

§7.13 Procedures – Defeated Amendments

If the zoning decision before the City Council is for the re-zoning of property, amendment to the zoning map and ordinance, or a conditional use, and the request is defeated by the City Council, then the same property may not again be considered for re-zoning, the same amendment to the zoning map and ordinance considered, or the same conditional use considered, until the expiration of at least six (6) months from the date of the defeated action.

If a request for a variance before the Planning Commission is defeated by the Planning Commission and the applicant does not concur with the Planning Commission's decision, the applicant may request a hearing before the City Council. If a variance is defeated by both the Planning Commission and the City Council, based upon an appeal, or the Planning Commission, if no appeal is made, the same or similar variance will not be accepted from the applicant for the same property for a period of 6 months following the date of the last hearing to which the request for the variance was defeated.

ARTICLE VIII

R-1 Residential District

§8.1 Intent

R-1 Single-Family Residential Districts are established to provide for low density residential development.

§8.2 Permitted Uses

- a) *Single-family dwellings*; that meet all compatibility standards outlined in section 4.14 of this ordinance.
- b) *Accessory buildings* and uses located on the same lot or parcel of land as the main structure and customarily incidental to the permitted or conditional use.
- c) *Home swimming pool*, provided the location is not closer than ten feet to any property line and the pool is enclosed by a wall or fence at least four feet in height.
- d) *Home occupations*, provided the requirements of this ordinance are met.
- e) *Personal Care Home*, (See Definition).

§8.3 Conditional Uses

- a) Churches and their attendant educational and recreational facilities, and public schools, provided that:
 1. adequate ingress and egress to a major street is assured;
 2. they are provided with adequate, paved off-street parking areas;
 3. the buildings are placed not less than thirty feet from street lines and not less than twenty-five feet from property lines; and
 4. adequate provisions are made for maintaining a planted buffer strip along adjoining property lines.
- b) General farming and horticulture, except that the raising of livestock or poultry shall not be permitted; and provided that an appropriate buffer area of one hundred (100) feet be maintained between the agricultural use on any abutting residential property.
- c) Kindergartens, playschools, and day care centers.
 1. At least 200 square feet of outdoor play or open space area must be provided;
 2. At least thirty-five (35) square feet of indoor space per child/person must be provided;

3. Outdoor play areas must be enclosed by a fence at least four (4) feet high.
 4. A buffer (see definition) must be provided along all side and rear property lines.
- d) Private and public schools and libraries, excluding business trade schools.
 - e) Public utility structures and buildings, provided that the installation is properly screened and services the immediate area. No office shall be permitted and no equipment shall be stored on the site.
 - f) Golf, swimming, tennis or country clubs, public and private community clubs or associations, athletic fields, parks and recreation areas, provided that no building for such proposed use is located within one hundred feet of any property line.
 - g) Daycare homes.

§8.4 Building Height Regulations

No building or structure shall exceed thirty-five feet in height.

§8.5 Building Site Area Requirements

- a) Every principal building shall be located on a lot or parcel of land having an area of not less than ten thousand (10,000) square feet, provided that the district is served by an approved community water supply and wastewater treatment system. For areas not served by an approved community wastewater treatment system, the minimum lot area requirement shall be fifteen thousand (15,000) square feet unless a larger minimum lot area is required by the County Health Department. Such lots or parcels of land shall have minimum widths, measured at the building line, of fifty (50) or seventy five (75) feet; as required by this ordinance.
- b) For Subdivision lots, the requirements of the Chickamauga Subdivision Regulations must also be complied with.

§8.6 Yard (Setback) Regulations

- a) *Front Yard* (setback) from front property line. There shall be a front yard of not less than thirty feet in depth measured from the street right-of-way line (property line) to the walls of any principal building. On through lots having frontages on two streets, the required front yard setback shall be observed on both streets.
- b) *Rear Yard*. There shall be a rear yard of not less than thirty feet measured from the rear lot line to the wall of any principal building.
- c) *Side Yard*. There shall be a side yard on each side of any dwelling of at least ten feet, and on each side of any non-residential structure of at least twenty-five feet.

ARTICLE IX

R-1A Agricultural/Residential District

§9.1 Intent

R-1A Agricultural/Residential Districts are established to provide for low density residential development. Incidental farming, raising of livestock and related uses consistent with certain land resources of the City are permitted where compatible with a low-density residential neighborhood.

§9.2 Permitted Uses

- a) *Single-family dwellings*; that meet all compatibility standards outlined in section 4.14 of this ordinance.
- b) *Accessory buildings* and uses located on the same lot or parcel of land as the main structure and customarily incidental to the permitted or conditional use.
- c) *Home swimming pool*, provided the location is not closer than ten feet to any property line and the pool is enclosed by a wall or fence at least four feet in height.
- d) *Home occupations*, provided the requirements are met.
- e) *Personal Care Home*. (See Definition)
- f) Garden, Crop growing.
- g) General farming and horticulture, provided that an appropriate buffer area of one hundred (100) feet be maintained between the agricultural use on any abutting residential property.
- h) Agriculture, meeting the following requirements:
 - 1. the raising of poultry (poultry houses). Swine. Dairies or feed lots shall not be permitted.
 - 2. the raising of livestock shall be permitted by the following formula:

<u>SPECIES</u>	<u>FORMULA</u>	<u>SPECIES</u>	<u>FORMULA</u>
Cattle	1 ½ acre per cow & calf unit	Horses/Other Equine	2 acres per unit
Sheep/Goats	4 units per acre	Honey Bees	No Regulations
Potbellied Pigs	Considered Pets (as dogs)	Llama	2 acres per unit
Rabbits	Caged	Ratite(Ostrich, Emu, Rhea)	5 acres per bird
Show Chickens	Caged	Yard Chickens	No Regulations
Fish Farming	Natural Resources Conservation	Wildlife (Quail, Pheasant)	Lic. By NRCS

- i) Accessory building and areas of accessory use (barns, sheds, pens, corrals, etc.) associated with livestock no closer than 30 feet from adjoining property boundaries. This open space will not be used to store or otherwise dispose of litter or carcasses of dead livestock.
- j) Utility Substation meeting the following development standards:
 - 1. Structures must be placed at least thirty (30) feet from all property lines.
 - 2. Structures must be enclosed by a woven wire fence at least eight (8) feet high with bottom of fence either flush with the ground or with masonry footing.
 - 3. No vehicles or equipment may be stored on the lot.
 - 4. An appropriate buffer (see definition) must be maintained along the side and rear property lines.

§9.3 Conditional Uses

- a) Churches, synagogues, chapels or other places of religious worship or educational schools- elementary, middle, high- public or private and libraries meeting the following development standards:
 - 1. adequate ingress and egress to a major street is assured;
 - 2. they are provided with adequate, paved off-street parking areas;
 - 3. the buildings are placed not less than thirty (30) feet from street lines and not less than twenty-five (25) feet from property lines; and
 - 4. adequate provisions are made for maintaining a planted buffer strip along adjoining property lines.
- b) Nursery schools, kindergartens, day care centers and group personal care homes meeting the following development standards:
 - 1. At least 200 square feet of outdoor play or open space area must be provided;
 - 2. At least thirty-five (35) square feet of indoor space per child/person must be provided;
 - 3. Outdoor play areas must be enclosed by a fence at least four (4) feet high.
 - 4. A buffer (see definition) must be provided along all side and rear property lines.
- c) Golf, swimming, tennis or country clubs, public and private community clubs or associations, athletic fields, parks and recreation areas, provided that no building for such proposed use is located within one hundred feet of any property line.

- d) Radio or television tower meeting the following development standards:
 - 1. All such structures, guide wires, and support facilities must be set back at least 200 feet from adjacent property lines:
 - 2. All Federal Aviation Administration requirements must be met.
 - 3. All other requirements of the Chickamauga Telecommunications Tower and Antenna Ordinance are met.
- e) Airport-public, private, or commercial-paved or unpaved.
- f) Ambulance or emergency service.
- g) Armory.
- h) Crematory.
- i) College or university with dormitories, fraternity and/or sorority houses when located on main campus.
- j) Hospital meeting the following development standards:
 - 1. Must have a minimum lot area of three (3) acres.
 - 2. Must have minimum side and rear yards of fifty (50) feet.
 - 3. Lot must front on an arterial road.
- k) Cemetery.
- l) Daycare homes.

§9.4 Building Height Setback and Site Area Requirements

- a) Every building hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one principal building and the customary accessory buildings on one lot or parcel of land.
- b) Every principal building shall be located on a lot or parcel of land having an area of not less than ten thousand (10,000) square feet, provided that the district is served by an approved community water supply and wastewater treatment system. For areas not served by an approved community wastewater treatment system, the minimum lot area requirement shall be fifteen thousand (15,000) square feet unless a larger minimum lot area is required by the County Health Department. Such lots or parcels of land shall have minimum widths, measured at the building line, of fifty (50) or seventy five (75) feet; as required by this Ordinance.
- c) For Subdivision lots, the requirements of the Chickamauga Subdivision Regulations must also be complied with.

ARTICLE X

R-2 Single-Family Residential Districts

§10.1 Intent

R-2 Single-Family Residential Districts are established to provide for low to medium density residential development.

§10.2 Permitted Uses

- a) *Single-family dwellings*; that meet all compatibility standards outlined in section 4.14 of this ordinance.
- b) *Accessory buildings* and uses located on the same lot or parcel of land as the main structure and customarily incidental to the permitted or conditional use.
- c) *Home swimming pool*, provided the location is not closer than ten feet to any property line and the pool is enclosed by a wall or fence at least four feet in height.
- d) *Home occupations*, provided the requirements are met.
- e) *Personal Care Home*, (See Definition)

§10.3 Conditional Uses

- a) Churches and their attendant educational and recreational facilities, and public schools, provided that:
 1. adequate ingress and egress to a major street is assured;
 2. they are provided with adequate, paved off-street parking areas;
 3. the buildings are placed not less than thirty feet from street lines and not less than twenty-five feet from property lines; and
 4. adequate provisions are made for maintaining a planted buffer strip along adjoining property lines.
- b) General farming and horticulture, except that the raising of livestock or poultry shall not be permitted; and that an appropriate buffer are of one hundred (100) feet be maintained by the Agricultural use and any abutting residential property.
- c) Kindergartens, playschools, day care centers and group personal care homes.
 1. At least 200 square feet of outdoor play or open space area must be provided;
 2. At least thirty-five (35) square feet of indoor space per child/person must be provided;

- 3. Outdoor play areas must be enclosed by a fence at least four (4) feet high.
- 4. A buffer (see definition) must be provided along all side and rear property lines.
- d) Private and public schools and libraries, excluding business trade schools.
- e) Public utility structures and buildings, provided that the installation is properly screened and services the immediate area. No office shall be permitted and no equipment shall be stored on the site.
- f) Golf, swimming, tennis or country clubs, public and private community clubs or associations, athletic fields, parks and recreation areas, provided that no building for such proposed use is located within one hundred feet of any property line.
- g) Daycare homes.

§10.4 Building Height Regulations

No building or structure shall exceed thirty-five feet in height, (see section 2.1; Building, Height of).

§10.5 Building Site Area Requirements

- a) Every principal building shall be located on a lot or parcel of land having an area of not less than eight thousand (8,000) square feet, provided that the district is served by an approved community water supply and wastewater treatment system. For areas not served by an approved community wastewater treatment system, the minimum lot area requirement shall be fifteen thousand (15,000) square feet unless a larger minimum lot area is required by the County Health Department. Such lots or parcels of land shall have minimum widths, measured at the building line, of fifty (50) or seventy five (75) feet; as required by this ordinance.
- b) For Subdivision lots, the requirements of the Chickamauga Subdivision Regulations must also be complied with.

§10.6 Yard (Setback) Regulations

- a) *Front yard* (setback from front property line). There shall be a front yard of not less than thirty feet in depth measured from the street right-of-way line (property line) to the walls of any principal building. On through lots having frontages on two streets the required front yard setback shall be observed on both streets.
- b) *Rear yard*. There shall be a rear yard of not less than thirty feet measured from the rear lot line to the wall of any principal building.
- c) *Side yard*. There shall be a side yard on each side of any dwelling of at least seven feet and on each side of any non-residential structure of at least twenty-five feet. (see side yard diagrams)

ARTICLE XI

R-3 Two-Family Residential District

§11.1 Intent

R-3, Two-Family Residential Districts, are designed to accommodate increased density of development (medium density) by decreasing lot size requirement, and allowing two-family dwellings (duplexes). Medium density multi-family developments and uses designed to serve primarily the governmental, educational and religious organizations, are allowed as conditional uses, subject to requirements necessary to preserve and protect their medium density residential character.

§11.2 Permitted Uses

- a) *Single-family dwellings*; that meet all the compatibility standards outlined in section 4.14 of this ordinance.
- b) *Two-family dwellings (duplexes)*.
- c) *Accessory buildings* and uses located on the same lot or parcel of land as the main structure and customarily incidental to the permitted or conditional uses.
- d) *Home swimming pool*, provided the location is not closer than ten feet to any property line and the pool is enclosed by a wall or fence at least four feet in height.
- e) *Home occupations*, provided the requirements of this ordinance are met.
- f) *Personal Care Home*, (See Definition)

§11.3 Conditional Uses

- a) Churches and other places of worship and related accessory buildings, provided they are located on a lot fronting an arterial or collector street and are placed not less than fifty feet from any property line.
- b) Kindergarten, playschools, day care centers and group personal care homes.
 1. At least 200 square feet of outdoor play or open space area must be provided;
 2. At least thirty-five (35) square feet of indoor space per child/person must be provided;
 3. Outdoor play areas must be enclosed by a fence at least four (4) feet high.
 4. A buffer (see definition) must be provided along all side and rear property lines.
- c) Public and private schools and libraries, excluding business or trade schools.

- d) Public utility structures and buildings, provided that the installation is properly screened and serves the immediate area. No office shall be permitted, and no equipment shall be stored on the site.
- e) Golf, swimming, tennis or country clubs, public and private community clubs or associations, athletic fields, parks, and recreation areas, provided that no building for such purposes is located within one hundred feet of any property line. The size and intensity of the proposed use as it relates to adjacent land uses shall be a determinative factor.
- f) Multi-family dwellings, condominiums, and townhomes.
- g) General farming and horticulture, except the raising of livestock or poultry shall not be permitted; and that an appropriate buffer area of one hundred (100) feet be maintained by the Agricultural use and any abutting residential property.
- h) Daycare homes.

§11.4 Building Height Regulations

No building or structure shall exceed thirty-five feet in height, (see Section 2.1; Building, Height of).

§11.5 Building Site Area Requirements

Within areas served by an approved community water supply and wastewater treatment system, the minimum building site area shall be a lot or parcel of land conforming to the following:

- a) For a single-family dwelling, 8,000 square feet per dwelling unit.
- b) For a two-family dwelling, 5,000 square feet per dwelling unit.
- c) For multiple dwellings (including Townhomes and Condominiums), 10,000 square feet plus 1,000 square feet for each additional dwelling unit over two.
- d) For a non-residential use, 7,500 square feet.
- e) There shall be a minimum lot width of sixty feet for all uses, measured at building line.
- f) For Subdivision lots, the requirements of the Chickamauga Subdivision Regulations must also be complied with.

Within areas not served by an approved community water supply and/or wastewater treatment system, the requirements of the Walker County Health Department shall regulate minimum lot sizes.

§11.6 Yard (Setback) Regulations

- a) *Front yard* (setback from front property line). There shall be a front yard of not less than thirty feet in depth measured from the street right-of-way line (property line) to the walls of any principal building. On through lots having frontages on two streets, the required front yard setback shall be observed on both streets.
- b) *Rear yard*. There shall be a rear yard of not less than thirty feet measured from the rear lot line to the wall of any principal building.
- c) *Side yard*. There shall be a side yard on each side of any dwelling of at least seven feet, and on each side of any non-residential structure of at least twenty-five feet. (please see side yard diagrams)

ARTICLE XII

R-4 Manufactured Home District

§12.1 Intent

The Manufactured Home District is established to provide for the placement of manufactured home subdivisions and manufactured home parks in suitable areas of the city. In promoting the general purpose of the Ordinance, the specific intent of this section is:

- a) to require adequate space and facilities for healthful living conditions for occupants of such manufactured home parks and manufactured home subdivisions;
- b) to require all such districts to have access to a paved roadway for easy accessibility;
- c) to insure that suitable water and sewer facilities will be provided in accordance with all applicable State and County health regulations and statutes; and
- d) to encourage the development of manufactured home parks for long-term residential use rather than transient travel trailer use.

These regulations shall govern the design and improvement of manufactured home parks and subdivisions within the city limits of Chickamauga.

§12.2 Permitted Uses

- a) *Single-family dwellings.*
- b) *Home swimming pool*, provided the location is not closer than ten feet to any property line and the pool is enclosed by a wall or fence at least four feet in height.
- c) *Manufactured homes*, provided that:
 - 1. The manufactured home unit shall bear an insignia issued by the Department of Housing and Urban Development (HUD) certifying that the unit is constructed in conformance with the Federal Manufactured Home Construction and Safety Standard which came into effect on June 15, 1976;
 - 2. The manufactured home unit shall be oriented with its long axis parallel to the street on which the subdivision lot fronts;
 - 3. The manufactured home unit must be skirted completely enclosing the undercarriage, and it must be connected to water and sewage in compliance with the applicable regulations; and
 - 4. A tax decal must be obtained from the Walker County Tax Commissioners Office. Proof of a valid tax decal is required upon application for city utilities service.
- d) *Home Occupations*, provided the requirements of this Ordinance are met.

§12.3 Conditional Uses

- a) Churches and related accessory buildings, provided they are located on a lot fronting an arterial or collector street and are placed not less than fifty feet from any property line.
- b) Kindergartens, playschools, day care centers and group personal care homes.
 - 1. At least 200 square feet of outdoor play or open space area must be provided;
 - 2. At least thirty-five (35) square feet of indoor space per child/person must be provided:
 - 3. Outdoor play areas must be enclosed by a fence at least four (4) feet high.
 - 4. A buffer (see definition) must be provided along all side and rear property lines.
- c) Public and private schools and libraries.
- d) Public utility structures and buildings, provided that the installation is properly screened and serves the immediate area. No office shall be permitted, and no equipment shall be stored on the site.
- e) Golf, swimming, tennis, or country clubs, public and private community clubs or associations, athletic fields, parks, and recreation areas provided that no building for such proposed use is located within one hundred feet of any property line.
- f) Daycare homes.

§12.4 General Requirements

Any occupied Manufactured Home located within the City of Chickamauga for a period exceeding forty-eight hours which is not to be permanently sited according to the standards of another appropriate residential district, shall be located within a Manufactured Home park or a Manufactured Home subdivision meeting requirements and minimum standards set forth herein. Manufactured Homes shall meet the following general requirements of the codes of the City:

- a) *Housing and construction codes.* No Manufactured Home shall be admitted to any Manufactured Home park or subdivision or allowed to be placed within the City for a period exceeding forty-eight hours unless it can be demonstrated that it bears the insignia issued by the U. S. Department of Housing and Urban Development (HUD).
- b) *Health.* Prior to the allowance of permanent occupancy of a Manufactured Home site within the City such Manufactured Homes shall be connected with an approved water source and an approved sewage disposal system in such a manner as to comply with the City of Chickamauga's requirements and any applicable State health codes, which codes are insofar as they are applicable, hereby made a part of these regulations to the same extent as though herein set out in full.

§12.5 Manufactured Home Subdivisions

- a) *Manufactured Home site area requirements.* Every principal building shall be located on a lot or parcel of land having an area of not less than 8,000 square feet provided that the district is served by an approved community water supply and wastewater treatment system. For areas not served by an approved community wastewater treatment system, the minimum lot area requirement shall be 15,000 square feet. Such lots or parcels of land shall have minimum widths, measured at the building line, of one hundred (100) feet.
- b) *Front yard (setback form front property line).* There shall be a front yard of not less than thirty feet in depth measured from the street right-of-way line (property line to the wall of any principal building). On through lots having frontage on two streets, the required front yard setback shall be observed on both streets.
- c) *Rear yard.* There shall be a rear yard of not less than thirty feet measured from the rear lot line to the wall of any principal building.
- d) *Side yard.* There shall be a side yard on each side of any dwelling of at least seven feet. (see side yard diagrams)

§12.6 Manufactured Home Parks

- a) *General Requirements.* The following general requirements shall apply to the construction or remodeling of all Manufactured Home parks within the corporate limits of Chickamauga:
 1. *Minimum area.* A Manufactured Home park shall have as a minimum size of four acres and shall front upon a public highway or public street.
 2. *Minimum number of spaces.* A Manufactured Home park shall have as a minimum ten spaces prepared with all utilities in place prior to its approval for occupancy.
 3. *Length of residential occupancy.* No space within a Manufactured Home park, except as provided below, shall be rented for residential use of a Manufactured Home except for periods of thirty days or more.
 4. Manufactured Home parks shall have visual buffers such as shrubbery and/or fencing at least six (6) feet in height between the park and adjacent non manufactured home residential units. Buffer strips shall meet the requirements as defined in section 4.10.
- b) *Design.* The design of a Manufactured Home park shall conform to the following design requirements:
 1. *Density.* A maximum of eight Manufactured Home stands per acre, excluding streets, is allowed.
 2. *Setback.* The Manufactured Home parks shall be designed so that mobiles and their accessory structures shall be a minimum distance of fifteen feet from adjoining property lines, twenty feet from internal park streets and at least thirty

feet from any publicly dedicated street. Manufactured Home stands shall be designed so as to provide a distance of at least twenty feet between Manufactured Homes.

3. *Access.* The Manufactured Home park shall front upon at least one publicly dedicated street for a minimum width of fifty feet. Each Manufactured Home site and its parking area shall have direct access to the internal street system of the park.
 4. *Streets.* Streets within a manufacturing home park shall be privately owned, privately constructed, and privately maintained. Such private streets shall be well drained and provided with a hard surface treatment with a minimum surface of ten feet for one-way streets and twenty feet for two-way streets.
 5. *Parking.* Each manufactured home shall be provided with a minimum of two off-street parking spaces which are side by side. Parking on interior streets within a park is hereby prohibited. The required front yard may be used for the minimum parking, however, required side and rear yards may not be utilized for the minimum parking.
 6. *Utilities.*
 - A. *Sewage.* The Manufactured Home park shall be provided with an approved sewage collection and treatment system.
 - B. *Water.* An adequate potable water supply meeting State department of public health requirements shall be provided by the park operator. If a public water system is available at the park site, water service shall be connected to the system.
 - C. *Easements.* Publicly dedicated easements of proper size for their intended purpose shall be provided within the park if individual Manufactured Home stands and accessory park uses are to be serviced by a public system.
 - D. *Utility Placement.* All water, sewer or gas lines shall be buried a minimum of eight inches below the finished ground surface of the pad area and twenty-four inches in depth below the finished ground surface of any street right-of-way and shall be provided with adequate valve systems to allow the cut-off utility service to a Manufactured Home stand at the Manufactured Home stand and at the entrance of the utility service from the stand to the trunk line of the utility system. If overhead service lines are provided within the park, such lines shall be a minimum of twenty-five feet above the grade of interior streets and so placed that no wires extend over a Manufactured Home stand.
- c) *Improvements required for Manufactured Home stands.* Each Manufactured Home stand shall meet the following minimum requirements:
1. *Interior street access.* Each stand shall be provided with access frontage of at least forty feet.

2. *Garbage cans.* Each stand shall be provided with a rollaway durable fly-tight, water-tight, rodent-proof container of at least seventy gallons capacity or a centralized container adequate to meet the needs of the park.
 3. *Electric power supply.* Each stand shall be provided with a properly grounded, water-proofed electrical receptacle with a minimum rated capacity of one hundred amperes. A properly sized over-current device shall be installed as a part of each power outlet.
 4. *Stand identification.* A property and street number designation or other appropriate numbering device properly identifying each Manufactured Home stand shall be placed at the interior side lot line at a point ten to fifteen feet from the interior road system of the park. Such device shall be a minimum of six inches in height.
- d) *Accessory uses permitted.* The following establishments of a commercial nature may be permitted as customary accessory uses in a manufactured home park, provided such uses do not occupy more than ten percent of the area of the park, are located a minimum distance of one hundred feet from any adjoining property line or street or highway right-of-way, and are primarily intended for the convenience of and service to the occupants of the park.
1. *Coin operated laundry.*
 2. *Coin operated vending machines,* provided such devices are located within a building and are not visible from the street or from adjoining property lines.
 3. *One or more signs* identifying the name of the park and the services provided therein; signs regulating traffic or provided for the convenience and welfare of park residents.

ARTICLE XIII

C-1 Neighborhood Commercial District

§13.1 Intent

The purpose of this district is to provide locations for neighborhood shopping facilities in which are found retail commercial uses which have a neighborhood orientation and which supply necessities usually requiring frequent purchasing with a minimum of consumer travel. Such facilities should be located so that their frequency and distributional patterns reflect their neighborhood orientation. In addition, such facilities should not be so large or so broad in scope of services as to attract substantial amounts of trade from outside the neighborhood commercial zone and should not be located in close proximity to other commercial areas.

§13.2 Required Conditions

Retail sales, displays of merchandise, and storage must be within a completely enclosed building, except that the Commission may grant an exception to this requirement (as a conditional use) where it finds that enforcement would create an unreasonable hardship. No single business activity shall occupy more than forty thousand square feet of building area.

Residential uses may be permitted in the C-1 District as Conditional Uses after review and approval by the Planning Commission and City Council.

§13.3 Permitted Uses

- a) Appliance stores, including repairs and services.
- b) Art and antique stores.
- c) Bakeries employing not more than ten persons.
- d) Health clubs, spas, and other similar activities.
- e) Bicycle stores.
- f) Book, stationery, camera, or photographic supply stores, and newsstands.
- g) Confectionery stores.
- h) Clothing, shoe, millinery, dry goods and notion stores.
- i) Ice cream parlor.
- j) Drugstores.
- k) Furniture and home furnishings stores.
- l) Florist, nurseries, and gift shops.

- m) Grocery, fruit, vegetable, meat markets, delicatessens, catering stores, and supermarkets.
- n) Hardware and paint stores.
- o) Jewelry stores.
- p) Barber and beauty shops.
- q) Dressmaking and tailoring shops.
- r) Laundry and dry cleaning pickup stations and self-service laundries.
- s) Shoe repair shops.
- t) Garden supply stores.
- u) Any other retail sales or service establishments similar in character to those permitted.
- v) Professional and business offices, including banks and financial institutions.
- w) Accessory buildings and uses located on the same lot or parcel of land as the main structure and customarily incidental to the permitted or conditional use.
- x) Pet shops, pet grooming.
- y) Cafes, grills, lunch counters, and restaurants.
- z) Adult entertainment establishment, so long as the establishment is not located in the historic area which has been defined in Exhibit 'A' of the adult entertainment regulation ordinance and which is also set forth herein as Exhibit 'A'.

§13.4 Conditional Uses

- a) Automobile service stations.
- b) Auction houses.
- c) Print shops.
- d) Theater, but not including drive-in theaters.
- e) Public utility structures and buildings, including electric and natural gas substations, telephone exchanges, and similar structures for the storage of supplies, equipment, or service operations when properly screened.
- f) Churches and other places of worship attendant educational and recreational buildings.
- g) Veterinary hospitals, treating small animals only, provided any structure or outside area used for such purposes shall be a minimum of one hundred feet from any residential district.

- h) Kindergartens, playschools, and day care centers and group personal care homes.
 - 1. At least 200 square feet of outdoor play or open space area must be provided;
 - 2. At least thirty-five (35) square feet of indoor space per child/person must be provided;
 - 3. Outdoor play areas must be enclosed by a fence at least four (4) feet high.
 - 4. A buffer (see definition) must be provided along all side and rear property lines.
- i) Golf, swimming, tennis, or country clubs, public and private community clubs or associations, athletic fields, parks and recreational areas. The size and intensity of the proposed use as it relates to adjacent land uses shall be a determining factor.
- j) Private clubs, and fraternal order of lodges.
- k) Variety stores.
- l) Hospitals, clinics, and convalescent or nursing homes.
- m) Temporary uses including sale of Christmas trees, carnivals, church bazaars, and sale of seasonal fruits and vegetables from roadside stands, but such use is not to be permitted for a period to exceed two months in any calendar year.
- n) Dry cleaning and laundry establishments, provided that such operation is for local service only and no work is done on the premises for other similar establishments or pickup stations.
- o) Shopping centers. The following guidelines govern construction of shopping centers.
 - 1. Shopping centers should not exceed sixty thousand square feet in gross floor area.
 - 2. Leading tenants shall be a grocery store or a drug store, neither shall exceed forty thousand square feet in gross floor area.
 - 3. Shopping centers shall be located along arterial, collector or secondary streets.
 - 4. Required green space and open space buffers as required by this ordinance.
- p) Colleges, public and private schools, and libraries.
- q) Group personal care homes and personal care homes.
- r) Recreational, amusement, or entertainment facilities.
- s) Tent revivals.
- t) Funeral homes.

- u) Used car sales lot; provided, however, that such lot shall not maintain for sale more than ten cars at any one time, and provided further that said used car sales lot is located on an arterial.
- v) Self-serve car washing facilities, provided they are located on an arterial.
- w) Bed and Breakfast Inns; provided all parking can be maintained on the lot and not along collector or secondary streets.
- x) Residential uses.

§13.5 Yard Requirements

The following minimum building setback requirements shall be provided for all buildings and structures as measured from street right-of-way lines:

- a) front yard - 35 feet;
- b) rear yard - 25 feet; and
- c) side yard - 20 feet.

§13.6 Building Height Regulations

No building or structure shall exceed forty-five feet in height.

ARTICLE XIV

C-2 General Commercial District

§14.1 Intent

The C-2, General Commercial Districts, are intended to promote general commercial activities in appropriate and concentrated locations along major streets and the existing city center. Development of strip commercial areas is not encouraged.

§14.2 Required Conditions

Retail sales, displays of merchandise, and storage must be within a completely enclosed building, except that the commission may grant an exception to this requirement (as a conditional use) where it finds that enforcement would create an unreasonable hardship.

Specified residential uses will be permitted in the C-2 district, as conditional uses; after review by the Planning Commission and City Council (see section 14.4 hh-ll). This mixed use environment will help preserve the historic character of the downtown area and allow for a greater degree of flexibility in dealing with existing properties. Specified residential uses may include second story apartments or single residential housing located in the C-2, General Commercial Districts, and is intended to protect existing single family type homes from being removed in favor of new commercial structures.

§14.3 Permitted Uses

- a) All permitted uses in a C-1 Neighborhood Commercial District.
- b) Bottling works for soft drinks.
- c) Painting, blueprinting, bookbinding, photostatting, lithograph, and publishing establishments.
- d) Undertaking or mortuary establishments and ambulance services.
- e) All uses of a predominantly retail nature, including:
 1. Electric supplies.
 2. Heating and plumbing.
 3. Dairy products.
 4. Bakeries.
 5. Tires, batteries, and other automotive accessories, including the installation of accessories sold.
 6. Sporting goods.
 7. Farm and garden supplies.

- 8. Real estate offices.
- 9. Home building supplies, provided the entire storage area is fenced and screened.
- f) Newspaper publishing establishments.
- g) Dry cleaning and laundry establishments.
- h) Theaters, except drive-in theaters.
- i) Private clubs, and fraternal orders or lodges.
- j) Sanitariums, convalescent and nursing homes.
- k) Bowling alleys and billiard rooms.
- l) Office buildings.
- m) Radio and television broadcasting studios.
- n) Telephone offices or communications centers.
- o) Accessory buildings and uses located on the same lot or parcel of land as the main structure and customarily incidental to the permitted or conditional uses.
- p) Adult entertainment establishment, so long as the establishment is not located in the historic area which has been defined in Exhibit 'A' of the adult entertainment regulation ordinance and which is also set forth herein as Exhibit 'A'.

§14.4 Conditional Uses

- a) Specified residential uses and existing homes.
- b) Ice plants.
- c) Drive-in theaters.
- d) Public utility structure and buildings, including electric and natural gas substations, telephone exchanges, communication towers, radio and television stations and similar structures for the storage of supplies, equipment, or service operations when properly screened.
- e) Churches and other places of worship with attendant educational and recreational buildings.
- f) Colleges, private and public schools, and libraries.
- g) Kindergartens, playschools, and day care centers.

- h) Golf, swimming, tennis, or country clubs, public and private community clubs or associations, athletic fields, parks and recreational areas. The size and intensity of the proposed use as it relates to adjacent land uses shall be a determinative factor.
- i) Hospitals or clinics.
- j) Motels and hotels.
- k) Temporary uses including sale of Christmas trees, carnivals, church bazaars, and sale of seasonal fruits and vegetables from roadside stands, but such use is not to be permitted for a period to exceed two months in any calendar year.
- l) Food locker plant where lockers are rented for the storage of food, including sale at retail, delivery, including slaughtering.
- m) Automobile, travel trailer, and Manufactured Home sales, need not be enclosed. However any required parts for repair may not be stored outside nor may any waste material from repairs be stored outside.
- n) Bus, railroad, and air terminal facilities.
- o) Drive-in restaurant.
- p) Automobile laundries or car washes.
- q) Milk bottling and distribution plants and ice cream manufacturing.
- r) Places of assembly including auditoriums, stadiums, coliseums, dance halls and nightclubs.
- s) Produce and farmer's markets.
- t) Wholesale warehouse.
- u) Garages, tire re-treading and recapping establishments, provided that no buildings for such use is located within one hundred feet of a residential district.
- v) Veterinary hospitals or clinics, provided any structure used for such purpose shall be a minimum of one hundred feet from any residential district, and provided further that such use shall not adversely affect adjacent uses.
- w) Recreational, amusement, or entertainment facilities.
- x) Trade shops including sheet metal, roofing, upholstering, electrical, plumbing, venetian blind, cabinet making and carpentry, rug and carpet cleaning and sign painting shops, provided that all operations are conducted entirely within a building and are not within one hundred feet of any residential district.
- y) Temporary tents for revivals.
- z) Trade or business schools.

- aa) Group personal care homes and personal care home.
- bb) Bakeries.
- cc) Automobile service stations.
- dd) Shopping centers.
- ee) Mini-warehouses, subject to the following conditions:
 1. Shall be limited to storage only.
 2. All storage shall be within the building area.
 3. No auctions or commercial sales or uses shall be conducted on the site.
 4. A fencing and landscaping plan shall be approved by the commission.
- ff) Retail sales, displays of merchandise, and storage.
- gg) Museums and institutions of a similar nature.
- hh) Auction house.
- ii) Dwelling, single family.
- jj) Dwelling, two family.
- kk) Dwelling, multiple (apartments, townhomes, condominiums).
- ll) Rooming houses.
- mm) Efficiency apartments.
- nn) Bed and Breakfast Inns; provided all parking can be maintained on the lot and not along collector or secondary streets.

§14.5 Yard Requirements

The following minimum building setback requirements shall be provided for all buildings and structures as measured from the street right-of-way lines:

- a) front yard - 35 feet;
- b) rear yard - 25 feet; and
- c) side yard - 20 feet.

§14.6 Building Height Regulations

No building or structure shall exceed forty-five feet in height.

ARTICLE XV

I-1 Industrial District

§15.1 Intent

The I-1, Industrial District, is intended for wholesale and light industrial uses where resultant noise, odors, pollution, and congestion are minimized. Residential development is prohibited. This district is not suitable for heavy industrial uses.

§15.2 Permitted Uses

- a) Office buildings.
- b) Ice plants.
- c) Public utility structures and buildings, including electric and natural gas substations, telephone exchanges, communication towers, radio and television stations, and similar structures for the storage of supplies, equipment or service operations.
- d) Automobile, travel trailer, and Manufactured Home sales (new and used).
- e) Vehicle repair garages, mechanical and body.
- f) Vehicle laundries or car washes.
- g) Drive-in restaurants.
- h) Milk bottling and distribution plants and ice cream manufacturing plants.
- i) Dry cleaning and laundry facilities.
- j) Veterinary hospitals or clinics.
- k) Recreation, amusement, and entertainment establishments.
- l) Contractors' storage and equipment yards.
- m) Building and lumber supply establishments.
- n) Establishments for repair, assembly or processing and light manufacturing which is not objectionable by reason of smoke, dust, odor, bright lights, noise, or vibration.
- o) Wholesale warehouse.
- p) Vehicle service stations.

§15.3 Conditional Uses

- a) Churches and other places of worship with attendant educational and recreational buildings.

- b) Clinics.
- c) Theaters, including drive-in theaters.
- d) Bus, railroad and air terminals.
- e) Places of assembly including auditoriums, stadiums, coliseums and dance halls.
- f) Produce and farmers' market.
- g) Temporary tents for revivals.
- h) Motels and hotels.
- i) Truck terminals.
- j) Auto auctions.
- k) Development of natural resources including the removal of minerals and natural materials together with necessary buildings, machinery, and appurtenances related thereto.
- l) Trade shops including sheet metal, roofing upholstering, electrical, plumbing, venetian blinds, cabinet making and carpentry, rug and carpet cleaning, and sign painting, provided that all operations are conducted entirely within a building.
- m) Food processing plants, such as bakeries, meat packers, or fish and poultry houses.
- n) Frozen dessert and milk processing plants.

§15.4 Lot and Area Requirements

No development or construction shall be located on a tract containing less than ten thousand square feet.

§15.5 Yard Requirements (Building Setback Distance)

The following minimum setback requirements shall be provided for all buildings or structures, as measured from street right-of-way lines:

- a) front yard 50 feet;
- b) rear yard 50 feet; and
- c) side yard 50 feet.

§15.6 Building Height Regulations

No structure shall exceed forty-five feet in height.

ARTICLE XVI

Flood Hazard Overlay District (FH)

§16.1 Intent

The Flood Hazard District is an overlay zone of permitted and proposed uses that fall in areas prone to flooding. All permitted and proposed uses within the Flood Hazard Overlay District must comply with the Flood Damage Prevention Ordinance of the City of Chickamauga, Georgia, adopted March 1, 1993, as amended.

§16.2 Permitted Uses

- a) All permitted uses in R-1, R-2, R-3, and R-4 Residential Zoning Districts; after review by the Planning Commission to insure compliance with the Flood Damage Prevention Ordinance of the City of Chickamauga, as amended.
- b) All permitted uses in the C-1 and C-2 Commercial Zoning Districts; after review by the Planning Commission to insure compliance with the Flood Damage Prevention Ordinance of the City of Chickamauga, as amended.
- c) All permitted uses in the I-1, Industrial Zoning District; after review by the Planning Commission to insure compliance with the Flood Damage Prevention Ordinance of the City of Chickamauga, as amended.

§16.3 Conditional Uses

All Conditional Uses listed in this Ordinance and proposed for development in the Flood Hazard District shall be reviewed by the Planning Commission, to insure compliance with the Flood Damage Prevention Ordinance of the City of Chickamauga, as amended.

ARTICLE XVII

Planned Development – Mixed Use

§17.1 Purpose

- A. P-M zoning districts are intended to:
1. Encourage the development of large tracts of land as planned neighborhoods or communities.
 2. Encourage flexible and creative concepts in site planning.
 3. Preserve the natural amenities of the land by encouraging scenic and functional open areas within residential areas.
 4. Create a more desirable environment than would be possible through the strict application of minimum requirements of other sections of this Ordinance.
 5. Provide for efficient use of land resulting in smaller networks of utilities and streets as well as lower development and housing costs.
 6. Provide an environment of stable character which is compatible with surrounding residential areas.
- B. Within the planned area, a variety of land uses may be permitted in an orderly relation to one another and to existing land uses. This may be accomplished through the application of sound comprehensive planning principles.

§17.2 Determining if an Area is Suitable for Inclusion Within a P-M District

The factors contained in Section 17.1 of this Ordinance, as well as data submitted with the development plan of the applicant for a planned development, must be thoroughly considered by the Planning Commission as well as the Mayor and City Council when determining in which zoning district an area of land is to be placed. This will assure that rational comprehensive planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of Chickamauga.

§17.3 Permitted Uses

As shown in the approved development plan.

§17.4 Plan Review and Approval Procedures

- A. Pre-application Conference: Prior to filing a formal application for a P-M, the applicant is encouraged to confer with the Zoning Administrator and the Planning Commission in order to review the general character of the plan (on the basis of tentative land use sketch if available), and to obtain information on development standards and ordinances affecting the proposed project.

B. Submission of Application for P-M Approval:

1. The applicant must file a petition with the Zoning Administrator for approval of the proposed P-M. This application must be supported by a development plan and a written summary of intent. The relationship between the proposed development and the surrounding area, both existing and proposed, must be shown. The following information must be presented with the application:
 - a. A general location map.
 - b. Existing topographic conditions, including contour intervals of no more than five (5) feet based on field surveys or photogrammetric methods.
 - c. The existing and proposed land uses and the approximate location of all buildings and structures.
 - d. The approximate location of existing and proposed streets.
 - e. The approximate location of all existing and proposed utilities, including a preliminary utility and drainage plan.
 - f. The present zoning pattern in the area.
 - g. A legal description of the subject property.
 - h. The location and use of existing and proposed public, semi-public, and community facilities such as schools, parks, and open areas on the site. This includes areas proposed to be dedicated or reserved for community or public use.
 - i. Perspective drawings of representative building types; however, this is not required for single family detached dwellings.
2. Additional information may be required in order to properly evaluate the proposal as follows:
 - a. An off-street parking and loading plan.
 - b. An economic feasibility report or market analysis.
 - c. A traffic study of the area, and a circulation plan within the proposed development as well as to and from existing streets adjacent to the site.
3. The written summary of intent submitted with the development plan must include the following information:
 - a. A statement of the present ownership of all land within the proposed development.

- b. An explanation of the character of the proposed development; this includes a summary of acres, number and types of dwelling units, and gross density by type of land use.
- c. A general statement of the proposed development schedule.
- d. Agreements, provisions, and covenants which govern the use, maintenance and protection of the development and any common or open areas.

C. Review and Approval of P-M Application:

1. An application for approval of a P-M is treated administratively as an application for an amendment to this Ordinance (rezoning). This is because P-M districts are created only upon request of a developer, whose application materials demonstrate a firm commitment to construction of a well-designed P-M. Upon approval of the P-M, existing zoning must be changed to a P-M zone—which is an amendment to the Ordinance. The amendment procedures contained in Article VII must be followed in granting the amendment to permit the P-M.
2. The Zoning Administrative Officer will turn over the application materials to the planning Commission for its recommendation. The Planning Commission will thoroughly study the materials and make written recommendations to the Mayor and City Council stating the reasons for its recommendations (according to procedures contained in Article VII).
3. The power to approve an amendment creating a P-M district rests with the Mayor and City Council. After conducting the public hearing and considering recommendations from the Planning Commission (Section 7.6(d)), the Mayor and City Council will then make an official decision on the proposed P-M. The Mayor and City Council may approve, disapprove, or conditionally approve the development plan.
4. If the development plan is approved as submitted, the Official Map will be changed to indicate P-M district. If the plan is approved with modifications, the applicant must file with the Zoning Administrator the following:
 - a. Written notice of consent to the modifications.
 - b. A properly revised site plan.
5. The Official Map will then be changed. The site plan and supporting information of any approved plan will be properly identified and permanently filed with the Planning Commission.
6. No Building Permits will be issued by the Building Inspector until the development plan has been approved by the Mayor and City Council.

D. Issuance of Building Permits:

The Building Inspector will issue Building Permits for building and structure in the area covered by the approved development plan if proposed buildings and structures are in conformity with the approved development plan, the development schedule, and all other applicable regulations.

E. Revision of Development Plan After Approval of Plan:

1. Minor extensions, alterations, or modifications of existing buildings or structure may be permitted after review and approval by the Zoning Administrator; such changes must be consistent with the purpose and intent of the development plan. A request for a revision of the development plan must be supported by a written statement indicating the nature of the revision and the reasons it is considered necessary or desirable to revise the development.
2. Any major or substantial change in the approved development plan which affects the intent and character of the development, the density of land use patterns, the location or dimensions of streets, or singular substantial changes must be reviewed and approved by the Mayor and City Council after receipt of recommendations from the Planning Commission. A request for a revision of the development plan must be supported by a written statement indicating the nature of the revision and the reasons it is considered necessary or desirable to revise the development.
3. For the purposes of this section whether a change is minor or major shall be at the sole discretion of the Zoning Administrator.

F. Approval of P-M Revoked if Construction Not Begun:

Construction of the planned development must begin within one (1) year of the approval of the P-M. If no construction has begun by then, or if the applicant fails to maintain the approved development schedule, approval of the development plan will lapse. At the discretion and for good cause, the Mayor and City Council may extend the period for beginning construction of any phase of the project for one (1) additional year. If approval of the development plan lapses under this provision, the subject P-M district will be removed from the Official Map and the zoning districts and regulations which were in effect prior to the approval of the development plan will be reinstated.

§17.5 Development Standards for P-M Districts

In addition to the development standards contained in Article IV of this Ordinance, the following standards are required within P-M districts:

- A. Development Plan: Approved development plan must be carried out.

- B. Density requirements or dwelling units (du) per acre shall be determined by the Planning Commission and recommended to the City Council for approval. The intent of density requirements for mixed use development is to allow higher densities along heavy traffic areas and roadways adjacent to more intense uses such as commercial or industrial development. The lesser density development requirements would be more compatible adjacent to single family or other residential development.

Dwelling Units per acre allowed:

- 5 dwelling units per acre (lesser density)
- 7.5 dwelling units per acre (higher density)

C. Deviation From Required Densities:

1. The Mayor and City Council may allow higher net or gross residential densities, as well as a higher density of a particular residential use, as long as the applicant can show that such a higher density will not be detrimental to the surrounding neighborhood.
2. The Mayor and City Council will consider a deviation from the specified maximum density only upon a favorable recommendation from the Planning Commission.

- D. Dimensional and Bulk Regulations: The location of all proposed buildings and structures must be shown on the approved development plan; minimum lot sizes, setback lines, lot coverages, and floor areas shown on the development plan must be adhered to. The proposed location and arrangement of structures must not be detrimental to existing or proposed adjacent dwellings or to the development of neighborhood.

- E. Perimeter Requirements: The Mayor and City Council upon recommendation of the Planning Commission, may impose the following requirements to protect the privacy of existing adjoining uses:

1. Structures or buildings located at the perimeter of the P-M must be set back a distance of thirty (30) to fifty (50) feet from the boundary of the P-M.
2. Mixed use development shall have a minimum thirty percent (30%) of gross acreage set aside as open space and shall provide recreational areas within said open space.

- F. Control of Area After Completion: After completion of a planned development, the use of land and the construction, modification, or alteration of any buildings or structures within the P-M must conform to the approved development plan. If community needs are found to be changing in the future and a revision of the approved development plan is thought to be needed, procedures outlined in the revision of the Development Plan after approval of plan must be followed. See Section 17.4(E)

- G. Sight Distance: In order to assure maintenance of adequate sight distances at intersections, no fence, wall, shrubbery, or other obstruction to vision between the heights of three (3) feet and fifteen (15) feet above the ground is permitted within twenty (20) feet of the intersection of the right-of-way of streets or of streets and railroads.

- H. Applicability to Land, Buildings, and Open Space: No building, structure, land, or open space may be used or occupied-and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered-unless in conformity with all of the regulations specified for the district in which it is located.
- I. Every Use Must Be on a Lot: No building or structure may be erected or use established unless upon a lot as defined by this Ordinance.
- J. Open Space Not to Be Encroached Upon: No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in the Ordinance. Shrubbery, driveways, retaining walls, fences, curbs, and buffers (see definition in Article 2) are not considered to be encroachments of yards. Open space areas as required by this Ordinance must be permanently maintained as open space in accordance with the requirements of this Ordinance.
- K. Reduction of Yards or Lot Area: Except as otherwise provided in this Ordinance, a lot existing at the time of passage of this Ordinance may not be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this Ordinance for the district in which it is located unless that reduction or division is necessary to provide land which is needed and accepted for public use.
- L. Lots with Multiple Frontage: In case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street.
- M. Landlocked Lots: Landlocked lots are not eligible for placement within a P-M zoning district.
- N. Yards and Other Spaces: No part of a yard, other open space, off-street parking, or loading space required for one building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this Ordinance.
- O. Substandard Lots: Substandard lots are not eligible for placement within a P-M zoning district.
- P. Encroachment on Public Rights-of-Way: No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.
- Q. Physical Design Standards: Minimum design standards loading areas, and other such physical site improvements in applicable development regulations of this ordinance. Consult the Zoning Administrator for specific requirements.
- R. Off-Street Parking and Service Requirements: Minimum standards for Off-Street Parking and Service Requirements are contained in this ordinance. Consult the Zoning Administrator for specific requirements.

- S. Other Applicable Development Regulations: Information concerning any other applicable development regulations may be obtained from the Zoning Administrator.
- T. Signs: Minimum design and location standards for signs as required by the Planning Commission.
- U. Development Standards Shown in Approved Development Plan: Other development standards shown in an approved development plan apply only to the development shown on the specific development plan. Such development standards must be maintained.
- V. Design Standards for all P-M Developments:
 - 1. General: Condition of soil, ground water level, drainage, and ground slope must not create hazards to the property, or to the health or safety of residents. The site must not be exposed to objectionable smoke, noise, odors, or other adverse conditions; and no part subject to flooding or erosion can be used for any purpose that would expose people or property to danger.
 - 2. Soil and Ground Cover: Exposed ground surfaces throughout the development must be protected with a vegetative growth that prevents soil erosion, standing puddles, and dust. If this is not possible, such areas may be covered with a solid material such as stone, or may be paved.
 - 3. Site Drainage: The ground surfaces throughout the development must be equipped to drain all surface water in a safe, efficient manner, either through grading or installation of drains.
 - 4. Required Buffer. A buffer (see Section 4.10) is required along all lot lines of the development. This is in addition to common open space.

ARTICLE XVIII

Legal Provisions

§18.1 Separability Of Provisions

Should any Article, Section, Sub-section, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this Ordinance as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

§18.2 Applicability To Subject Matter Covered By This And Other Ordinances

This Ordinance shall apply to all subject matter that is regulated both by this and other Ordinances, including but not limited to ordinances for the development and maintenance of land, and such other ordinances are hereby amended to reflect this. The Mayor and City Council may attach statements to such other ordinances to the effect that compliance with this Ordinance is required by such other ordinances.

§18.3 Conflict With Other Law

Whenever the provisions and requirements of this Ordinance or of any rule, regulation, or order pursuant hereto are more restrictive than those under any other statute, law, rule, regulation, ordinance, or order of the City of Chickamauga, the State of Georgia, or the United States, the provisions and requirements of this ordinance, and the rules, regulations and orders pursuant hereto shall govern to the extent permissible by law. Whenever the provisions of any other statute, law, rule, regulation, ordinance, or order of the City of Chickamauga, the State of Georgia, or the United States are more restrictive than this Ordinance, or any rule, regulation, or order pursuant hereto, then the provisions of such other statute, law, rule, regulation, ordinance, or order shall govern.

§18.4 Repeal Of Conflicting Zoning Regulations

All ordinances, resolutions, and regulations regarding the zoning of land adopted prior to this Zoning Ordinance are hereby repealed.

§18.5 City Not Guarantor Of Acts Or Omissions Of Other Entities

No act or omission of the City, Mayor and City Council, or Planning Commission shall be an assurance or guarantee that the United States or any department or agency thereof, or the State of Georgia or any department or agency thereof, or any other county or any municipality or any department or agency of any other county or of any municipality, has taken, is taking, or will take any action or has made, is making, or will make any omission. No act or omission of the City, Mayor and City Council, or Planning Commission shall be construed as the rendering of advice or an opinion as to the status of legal requirements, policies, acts, or omissions of any of the other aforesaid entities.

§18.6 Personal Service Of Notice

The Mayor and City Council may serve or cause to be served copies of this Ordinance upon any persons believed to be owners or operators of facilities or activities subject to this Ordinance.

§18.7 Criminal Acts And Penalties; Continuing Offenses; Jurisdiction Over Offenses

Notwithstanding provisions elsewhere in this Ordinance, the following are declared to be crimes:

- a) It shall be unlawful to engage in any activities in violation of applicable requirements, rules, regulations, permit conditions, and orders established under this Ordinance.
- b) It shall be a criminal violation of this Ordinance to furnish false or materially incomplete or misleading information to the Planning Commission, or a lawful designee of the Planning Commission, on any application, investigation, or proceeding regarding this Ordinance.
- c) Each day that a violation continues shall be deemed a separate offense. At the discretion of the presiding judge, a violator of this Ordinance may be given a reasonable length of time to rectify or correct the violation.
- d) Jurisdiction over offenses under this Ordinance shall be in the Magistrate Court of Walker County, Georgia.. Any person violating the terms of this Ordinance or any permit condition, rule or regulation promulgated pursuant thereto, may be punished by fine of not less than \$50.00 nor more than \$500.00, or imprisonment in the County jail, not to exceed sixty (60) days, or both.

§18.8 Civil Action By Private Citizen

Nothing in this Ordinance shall prevent an adjacent or neighboring property owner who would be damaged by a violation, or any other person who would have standing, to bring a civil action for damages, injunctive relief, to abate a nuisance, for a writ of mandamus, or other appropriate relief.

§18.9 Amendment

The governing authority taking action resulting in adoption of an amendment to this Ordinance shall provide for a public hearing on the proposed action. At least 15 but not more than 45 days prior to the date of the hearing, the governing authority shall cause to be published within a newspaper of general circulation within the territorial boundaries of the City of Chickamauga a notice of the hearing stating the time, place, and purpose of the hearing.

§18.10 Effective Date

This Ordinance shall take effect and be in force from and after January 12, 1998, the public welfare of the City of Chickamauga demanding.

Adopted January 12, 1998, as amended April 15, 1999; November 1, 1999; May 6, 2002; August 4, 2003; September 7, 2004, and November 7, 2005.

CITY OF CHICKAMAUGA, GEORGIA

MAYOR

ATTEST:

Clerk