

Sec. 113-190. Conditional use approval.

Conditional uses include certain uses which are allowed in a particular zoning district provided that all conditions specified under this section are met. The zoning administrator shall issue a conditional use permit for each use listed below upon compliance with all specified conditions and approvals by the appropriate town/county officials.

- (a) *Special regulations.* Prior to the issuance of development and/or building permits, a site plan must be submitted to the zoning administrator and approved by the appropriate town/county officials. This requirement shall apply to all conditional uses allowed within the various zoning districts except for: farm outbuildings; home occupations; single-family residences; and temporary meeting and/or events which are conducted no longer than 14 days per year.
- (b) *Conditional uses allowed.* The following list comprises the conditional uses allowed pursuant to this section and the zoning districts within which such uses may be found.
 - (1) Accessory antenna structures (see also accessory uses). Accessory antenna structures for amateur radio service shall be located a distance of at least one-third the height of the tower from all property lines.
 - (2) Accessory retail sales and service (O-I)
 - . Retail sales and service accessory to the operation of an office building or institutional use, conducted wholly within the building housing the use to which these activities are accessory, provided that the floor space used or to be used for these secondary uses shall be limited to a total of ten percent of the net floor area in an office building or institutional use, provided that:
 - a. Every public entrance to this use shall be from a lobby, hallway or other interior portion of the primary use structure;
 - b. No merchandise shall be stored or displayed outside of the primary use structure; and
 - c. Restaurants and cafeterias as an accessory use may be located in a structure other than the primary use structure.
 - (3) Accessory uses and structures incidental to permitted uses. The following provisions apply to accessory uses and structures that are incidental to permitted uses:
 - a. An accessory structure shall be located on the same lot as the principal building to which it is accessory;
 - b. No accessory structure shall be constructed upon a lot until construction of the principal building has commenced;
 - c. An accessory structure shall not be permitted in a front yard in a residential zoning district;
 - d. No accessory structure in a non-residential zoning district shall be used by other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this section;
 - e. A residential accessory structure shall not be rented or occupied for gain; and
 - f. The maximum size of accessory buildings in residential zoning districts shall be according to the size of the lot as follows:

Lot Size	Building Size
0 to 0.999 acres	900 sq. ft.
1 to 1.999 acres	1,200 sq. ft.

2 to 4.999 acres	1,500 sq. ft.
5 to 7.999 acres	1,700 sq. ft.
8 to 9.999 acres	2,000 sq. ft.
10 or more acres	No size limit

(May 11, 2008)

- (4) Animal hospitals and veterinary clinics (O-1, C-1, C-2, M-1): All structures used as an animal hospital or veterinary clinic shall be located and the activities conducted at least 100 feet from any property zoned or used for residential purposes. The use shall comply with the following:
 - a. Adequate soundproofing and odor-proofing shall be provided so the use does not create a nuisance;
 - b. No boarding shall be allowed unless required in connection with medical treatment; and
 - c. No outside runs or kennels shall be allowed.
- (5) Arcade (C-1): Hours of operation shall be within 8:00 a.m. and 9:00 p.m.
- (6) Armored car service (C-2):
 - a. No outdoor storage; and
 - b. Additional parking space requirements.
- (7) Auction yards or establishments (M-1):
 - a. Not allowed within a radius of 500 feet of any public park, public playground, school, church, hospital, and cemetery; within 100 feet of any highway, nor within 500 feet of any residential zoning district;
 - b. Must be screened from view of the road and adjoining property with an opaque fence at least seven feet in height;
 - c. Maximum lot size—Ten acres;
 - d. A minimum 100-foot buffer shall be provided along every property line including a public right-of-way so that junk is not visible from a public street or adjoining properties;
 - e. All structures and storage areas shall be set back at least 200 feet from a public street and adjoining properties in the residential zoning district or the A-R zoning district; and
 - f. Must follow all current state and federal regulations.
- (8) Automatic teller machines (ATMs) (see also accessory uses) (all non-residential zoning districts): The ATM must be attached to an existing building.
- (9) Automobile brokers (C-1, O-1): No stock in trade may be kept on premises unless confined to interior storage.
- (10) Automobile repair. (C-1, C-2):
 - a. The use shall not be permitted within 300 feet of any property used for a school, park, playground or hospital.
 - b. No outdoor storage of equipment or inventory is permitted.
 - c. All activities shall be carried on entirely within an enclosed building.

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- d. The use shall not be established on a lot which is either adjacent to or directly across the street from any residential zoning district.
 - e. All overhead doors must face the side and/or rear yard or be screened from view from the street.
 - f. In C-1 Districts, no automobile repair business shall be established along the street frontage. All such businesses shall be located behind an existing non-automotive business.
- (11) Automobile service stations (C-2):
- a. Service areas, facilities, and pump islands shall not be located any closer than 75 feet from a residential zoning district or the A-R zoning district;
 - b. Gasoline pump islands, air and water hoses, and vacuum cleaners shall be set back the following distances from street rights-of-way:
 - 1. Major thoroughfare:
 - (i) Arterial—35 feet;
 - (ii) Collector—30 feet;
 - 2. Minor thoroughfare—25 feet;
 - c. Canopies shall extend no closer than 15 feet from any street right-of-way;
 - d. Underground storage tanks shall be set back no closer than 20 feet from all property lines; and
 - e. No automotive repairs.
- (12) Automotive parking establishments (C-2). All stock-in-trade must be screened in accordance with screening provisions in the land development ordinance and stock-in-trade must be stored on an impervious surface.
- (13) Automotive rentals (M-1). Rental units must be screened in accordance with the land development ordinance screening requirements.
- (14) Baseball batting cages (C-2, M-1):
- a. The facility shall be enclosed by a wall or fence and buffer area ten feet in depth to screen adjacent property;
 - b. Loudspeakers shall be prohibited; and
 - c. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- (15) Bed and breakfast (AR, C-1, C-2). Individual guests are prohibited from staying at a particular bed and breakfast for more than 14 consecutive days or more than 45 days in a calendar year with breakfast served at no additional cost.
- (16) Boatyard, truck repair, boat repair, motorcycle repair, automotive parking establishment, golf cart sales and service, automobile impoundment yard, automobile impoundment area (C-2, M-1). All stock-in-trade must be screened in accordance with screening provisions in the land development ordinance and stock-in-trade must be stored on an impervious surface.
- (17) Campground facilities (AR):
- a. Campsites shall be utilized by recreational vehicles and tents (normally associated with outdoor camping), but not by manufactured housing;

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- b. The campground shall be utilized for short-term occupancy of 15 days or less; provided, however, that the property owner or resident manager may permanently occupy one single-family dwelling;
 - c. Said uses shall be permitted only on a lot which possesses at least 60 feet of frontage on a major thoroughfare;
 - d. Minimum lot area—Ten acres;
 - e. Maximum density—Four campsites per gross acre;
 - f. A minimum 50-foot planted buffer plus all required setbacks shall be established around the perimeter of the entire development. Buffer areas shall be continuous except for approved access, utility easements, and signs (pursuant to the sign ordinance);
 - g. Minimum setbacks for structures and use areas (including campsites) as measured from required buffers:
 - 1. Front yard—75 feet;
 - 2. Side yard—25 feet;
 - 3. Rear yard—25 feet;
 - h. At least ten percent of the gross acreage shall be reserved for recreational areas;
 - i. Accessory uses shall be allowed provided that the following requirements are met:
 - 1. Such uses and structures shall be restricted to the use of occupants of the park and their guests;
 - 2. All structures and use areas shall meet the minimum buffer and setback requirements;
 - 3. Such uses and structures shall be limited to the following: rental offices; shower and restroom facilities; coin-operated laundry facilities; convenience stores; and snack bars;
 - 4. Total floor area for all accessory structures listed above shall not exceed 3,000 square feet;
 - j. The sale of alcoholic beverages and/or automotive gasoline shall be prohibited; and
 - k. The site plan for the proposed campground (including all accessory structures) shall be approved by the Fayette County Health Department.
- (18) Car wash service (C-2). Any impervious surface shall be located on the same lot for the storage of vehicles awaiting service equal to one-third of the practical hourly capacity of the wash machines.
- (19) Cemeteries (C-1, O-1):
- a. Minimum lot area—Ten acres for a human cemetery and five acres for a pet cemetery;
 - b. A crematorium shall be allowed only in conjunction with a cemetery or a mausoleum; not in conjunction with a cemetery as a conditional use with a church;
 - c. Grave sites shall be set back at least 50 feet from all property lines;
 - d. A 20-foot buffer shall be provided in addition to required setbacks along all property lines adjoining an AR zoning district or a residential zoning district;

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- e. A landscaped buffer ten feet in width and no less than six feet in height shall be installed along all side and rear lot lines; and
 - f. Road frontage shall have a fence of stone stucco, wrought iron or similar materials or combination thereof.
- (20) Cemetery as an accessory structure to a church:
- a. All such facilities shall front on a major collector for a distance for at least 100 feet;
 - b. Minimum lot size—One acre;
 - c. Maximum lot size—Three acres;
 - d. All buildings shall be set back at least 50 feet from the front property line (35 feet if a corner lot), 40 feet from the rear property line, and 20 feet from side property lines; and
 - e. A densely-planted buffer, no less than six feet in height, having a minimum width of ten feet shall be installed along all side and rear property lines which abut a residential zoning district.
- (21) Child caring institution (AR, RMF, O-I, E-I).
- a. Such facility shall obtain all necessary local and state licenses;
 - b. All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of child caring institutions, whichever is greater; and
 - c. Inspections may be performed by the town to determine whether or not said facility is in compliance with these conditions.
- (22) Commercial motor vehicle repairs. (M-1):
- a. The use shall not be permitted within 300 feet of any property used for a school, park, playground or hospital.
 - b. No outdoor storage of equipment or inventory is permitted unless screened entirely from adjacent properties and all rights-of-way by a solid opaque fence a minimum of six feet in height.
 - c. All repair activities shall be carried on entirely within an enclosed building.
 - d. The use shall not be established on a lot which is either adjacent to or directly across the street from any residential zoning district.
 - e. All overhead doors must face the side and/or rear yard or be screened from view from the street.
- (23) Commercial motor vehicle sales. (C-2, M-1):
- a. The use shall not be permitted within 300 feet of any property used for a school, park, or playground.
 - b. The use shall not be established on a lot which is either adjacent to or directly across the street from any residential zoning district.
 - c. Loudspeakers are prohibited.
 - d. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

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- e. Outside storage of other than stock-in-trade is prohibited.
 - f. Stock-in-trade must be stored on an impervious surface.
 - g. Outdoor activities are limited to operating hours from 7:00 a.m. to 9:00 p.m.
 - h. All activities except for sales shall be conducted entirely indoors.
 - i. All overhead doors must face the side and/or rear yard or be screened from view from the street.
- (24) Community living arrangement (AR, CR-2, CR-3, R-20, R-18, R-12, DR, TR, RMF, MHP).
- a. The principal structure shall contain a residential facade architecturally similar to adjacent buildings;
 - b. Such facility shall obtain all necessary local and state licenses;
 - c. The use is limited to the principal structure only;
 - d. All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of community living arrangements, whichever is greater;
 - e. The owner of the establishment must live on the premises;
 - f. Unless located in a district permitting two-family or multi-family dwellings, no more than four individuals not related to the owner by blood or marriage shall reside on the premises; and
 - g. Inspections may be performed by the town to determine whether or not said facility is in compliance with these conditions.
- (25) Construction equipment, truck rentals (C-2). Outdoor display must be screened in accordance with the land development ordinance screening requirements. All outdoor storage of equipment and trucks must be on an impervious surface.
- (26) Day care services; home occupation (all residential zoning districts). Home occupation day care services may be established and operated in the town in accordance with the guidelines and procedures set forth below:
- a. Guidelines:
 - 1. A home occupation day care service means a private residence operated by any person who receives pay for the supervision and care for fewer than 24 hours per day, without transfer of legal custody, not more than six children simultaneously, who are under 18 years of age, who are not related to such person and whose parents or guardians are not residents in the same private residence;
 - 2. Not more than 25 percent of a residence may be used for a home occupation day care service and an outdoor play area may be provided;
 - 3. No home occupation day care service may be established and operated in the town until a permit to do so has been obtained in accordance with the procedures set forth below;
 - 4. Must comply with all current state regulations for day care services;
 - b. Procedures:

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1. *Permit application.* Persons seeking to operate a home occupation day care service in the town must file a permit application with the town clerk. Each application shall also be accompanied by the applicant's affidavit certifying the maximum number of children that will be served simultaneously and that the proposed home occupation day care service will meet and be operated in accordance with all applicable state laws and regulations with all ordinances and regulations of the town;
 2. *Decision on application.* Within 30 days of the date the permit application is filed with the town clerk, the town council shall either approve or disapprove the application for a permit to be issued. An application shall be approved only upon a determination by the town council that the home occupation day care service proposed by the applicant will be operated in compliance with all state regulations, this section and the fire and safety codes of the county; will not constitute too great a concentration of such home occupations as to adversely impact a neighborhood; and that all other requirements of this section have been met; and
 3. *Issuance of permits.* Each permit shall become effective on the date it is issued by the town.

(27) Day nurseries and kindergartens (O-I, E-I, C-1):

- a. There shall be not less than 30 square feet of indoor play area for each child at maximum licensed enrollment, and not less than 100 square feet per child of outdoor play area at maximum licensed enrollment;
- b. The outdoor play area shall be enclosed by a fence not less than six feet in height in a location other than the front yard;
- c. A circular drive shall be provided for off-street loading and unloading; and
- d. Must comply with all current state regulations for day care services.

(28) Dog grooming shops (C-1).

- a. All outdoor areas accessible to animals while off-leash shall be enclosed by a fence of at least six feet in height which is secured at the bottom to prevent an animal from digging out of the enclosed area.
- b. Animals shall be supervised at all times while off-leash in outdoor areas.
- c. No breeding of animals shall occur at the facility.
- d. Adequate sound-proofing and odor-proofing shall be provided so that the use does not create a nuisance.
- e. The facility shall be located at least 100 feet from any property residentially zoned or used for residential purposes.
- f. The facility shall obtain all necessary state licenses and shall be in compliance with all applicable state regulations.

(29) Dry cleaning plants (M-2):

- a. Dry cleaning plants using cleaning systems which make use of solvents rated at above 40 by the Underwriter's Laboratories, Inc. Standard of Classification, known as Class I Systems, shall be prohibited;

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- a. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five but not less than 40 according to the Underwriter's Laboratories, Inc. Standard Classification, known as Class II and Class III Systems, shall not be established in a building with other occupancy;
 - c. The building for a dry cleaning plant shall not contain more than 4,000 square feet of floor area inclusive of dry cleaning pickup facility within the building;
 - d. Fuel for operation of the equipment shall be smokeless fuel; and
 - e. Central water and central sanitary sewage for systems are required.
- (30) Electric transformer stations, gas regulator stations and telephone exchanges (all zoning districts). The following provisions apply to electric transformer stations, gas regulator stations and telephone exchanges:
- a. These uses shall be essential for service to the area in which they are located;
 - b. Any building or structure, except a fence, shall be set back not less than 20 feet from any property line and shall meet all applicable yard requirements;
 - c. These uses shall be enclosed by a fence not less than eight feet in height;
 - d. The required front yard and other open space on the premises outside the fenced area shall be grassed, landscaped and maintained in an appropriate manner; and
 - e. The storage of vehicles and equipment on the premises shall be prohibited.
- (31) Electrical supply stores (C-1, M-1):
- a. Except in the M-1 zoning district there shall be no outdoor storage of materials, supplies or equipment except within a completely fenced area, which is adequately buffered to provide visual screening from the adjoining properties; and
 - b. In the M-1 zoning district, outdoor storage shall be at least 50 feet from the street right-of-way line.
- (32) Farmers' markets (C-2):
- a. Weekend business license only;
 - b. Written permission of the property owner shall be obtained prior to licensing and permitting of the operation; and
 - c. Hours of operation limited from 8:00 a.m. to sundown.
- (33) Farming structures (AR). All farming-related structures shall be located at least 100 feet from property lines, and must comply with the conditions set out for accessory structures.
- (34) General building contractors (O-I, C-1, C-2, M-1, M-2). There shall be no exterior storage of equipment, materials or construction vehicles in any district other than the M-2 zoning district. Any outdoor storage must be placed on an impervious surface.
- (35) Golf cart sales and service (C-2). All stock-in-trade must be screened in accordance with screening provisions in the land development ordinance and stock-in-trade must be stored on an impervious surface.
- (36) Golf driving ranges (C-2, M-1):
- a. All structures, greens, fairways, and parking areas shall be set back at least 100 feet from any AR or residential zoning district;

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- b. All structures, greens, fairways, and parking areas shall be set back at least 50 feet from any non-residential zoning district;
 - c. Said facilities shall be for daytime use only except that lighting may be provided for facilities which are located more than 350 feet from a single-family or multi-family residence provided that lighting is oriented away from adjacent property; and
 - d. No outside loudspeaker system shall be utilized.
- (37) Golf courses and clubhouses (A-R, M-1, C-2):
- a. The golf course shall be a minimum of nine holes;
 - b. Any building or structure established in connection with this use shall be set back not less than 100 feet from any property line, except where the property line is a street line. The front yard setback established for the zoning district shall apply. When a property line is on a natural waterway, a property line setback shall be in accordance with the Soil Erosion and Sediment Control Act and this section, whichever is greater; and
 - c. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and or roadways.
- (38) Group home (AR, CR-2, CR-3, R-20, R-18, R-12, DR, TR, RMF, MHP).
- a. The principal structure shall contain a residential facade architecturally similar to adjacent buildings;
 - b. Such facility shall obtain all necessary local and state licenses;
 - c. The use is limited to the principal structure only;
 - d. All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of group homes, whichever is greater;
 - e. The owner of the establishment must live on the premises;
 - f. Unless located in a district permitting two-family or multi-family dwellings, no more than four individuals not related to the owner by blood or marriage shall reside on the premises; and
 - g. Inspections may be performed by the town to determine whether or not said facility is in compliance with these conditions.
- (39) Gun shops (C-2):
- a. Must have 12 inch bollards 42 inches high four feet apart which are designed to prevent vehicles from entering the front doors and which meet ADA standards;
 - b. Must have a steel roll down gate in front of the entrance to prevent unauthorized entry;
 - c. Operating hours must be limited to the time period between 10:00 a.m. and 8:00 p.m.;
 - d. Must have an alarm system on the building to notify of unauthorized entry;
 - e. Must have a camera security system to monitor building at all times for unauthorized activity;
 - f. Must have concrete poured walls in any area involving discharge of fire arms;
 - g. Must have a certified range safety officer on duty at all times;

- h. Must meet all applicable standards established for lead management and Occupational Safety and Health Administration (OSHA) compliance for indoor shooting ranges, as published by the National Association of Shooting Ranges and OSHA;
 - i. Must install an intercom system within the facility; and
 - j. Must install a seven-inch wide, four-foot tall concrete block wall along the property line shared with any other business for a distance of at least 65 feet.
 - k. Gun shops may also have a firing range as an accessory use.
- (40) Health clubs or day spas (O-I, C-1, C-2). Private treatment rooms are required for each client receiving a personal service, and the use must comply with all state requirements.
- (41) Home occupations (All residential zoning districts):
- a. No use shall create noise, dust, vibration, smell, smoke, glare or electrical interference that would be detectable beyond the dwelling unit or accessory building;
 - b. The use shall be conducted entirely within the dwelling unit or accessory building and only persons living in the dwelling unit shall be employed at the location of the home occupation;
 - c. No more than 30 percent of the dwelling unit may be used for the conduct of the home occupation;
 - d. No materials, equipment shall be stored or parked on the premises of the home occupation unless they are confined entirely within the residence. In addition, there shall be no storage of mechanical earthmoving equipment at the location of the home occupation unless the property area exceeds five acres; and
 - e. No home occupation shall be operated so as to create or cause a nuisance.
- (42) Hospital (C-2, M-1, M-2, O-I):
- a. Minimum lot size—Ten acres;
 - b. Such use shall be permitted only on a lot which fronts on an arterial thoroughfare;
 - c. A minimum 50-foot buffer plus the required setbacks shall separate all buildings from any residential or AR zoning district;
 - d. Minimum setbacks:
 - 1. Front yard—100 feet;
 - 2. Side yard—50 feet;
 - 3. Rear yard—50 feet; and
 - e. Support services, such as pharmacies, public cafeterias and gift shops, are allowed provided such services are in conjunction with, and accessory to, the hospital structure. Such businesses shall be conducted within the primary use structure.

(43) Hotels (Including motels, lodging houses, inns, tourist courts, and extended stay hotel)

- a. Minimum lot size – 3 acres;
- b. A minimum 100' buffer shall separate the development from residential or AR zoning districts;
- c. Exterior lighting shall be designed to be completely downward facing and shielded to prevent light spillage onto neighboring residential or mixed-use properties;

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d. Service entrances, loading docks, and garbage collection areas shall not be located adjacent to residential property lines and shall be screened with landscaping or architectural features;

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e. Windows, balconies, and rooftop amenities such as pools or lounges, facing any residential district shall be designed to be screened from direct line of sight into neighboring residential properties. A line-of-sight study may be required;

f. Hotels shall be required to provide main access to all guest rooms through a lobby of at least one thousand (1,000) square feet;

g. All guest rooms shall be accessed through an interior hallway and shall not have direct access to the exterior of the building unless required by fire safety regulations.

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h. Outside storage or long-term parking over 24hours of heavy equipment, construction or related equipment shall be prohibited;

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i. No business shall be allowed to operate from a guest room within a hotel;

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k. If within 300' of residentially zoned properties, hotels shall implement noise-control measures, such as soundproofing assembly areas and soundproofing or restrictions on outdoor assembly activities during the hours of 9:00pm – 8:00am;

l. No guest rooms shall be utilized for occupancy beyond 30 days; and

m. Guest rooms shall not include facilities for the preparation of food such as a cooktop stove, or oven. This excludes the use of mini-fridges and microwaves.

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(43) Independent living facilities (C-1). Must be part of a care home facility campus.

(44) Indoor pet boarding (C-1):

- a. All outdoor areas accessible to animals while off-leash shall be enclosed by a fence of at least six feet in height which is secured at the bottom to prevent an animal from digging out of the enclosed area.
- b. Animals shall be supervised at all times while off-leash in outdoor areas.
- c. No breeding of animals shall occur at the facility.
- d. Adequate sound-proofing and odor-proofing shall be provided so that the use does not create a nuisance.
- e. The facility shall be located at least 100 feet from any property zoned or used for residential purposes.
- f. The facility shall obtain all necessary state licenses and shall be in compliance with all applicable state regulations.

(45) Junkyard (M-2):

- a. Not allowed within a radius of 500 feet of any public park, public playground, school, church, hospital, and cemetery; within 100 feet of any highway, nor within 500 feet of any residential zoning district;
- b. Must be screened from view of road and adjoining property with an opaque fence at least seven feet in height;
- c. Maximum lot size—Ten acres;

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- d. A minimum 100-foot buffer shall be provided along every property line including public right-of-way so that junk is not visible from a public street or adjoining properties;
 - e. All structures and storage areas shall be set back at least 200 feet from a public street and/or adjoining residential or AR zoning district; and
 - f. Must follow all current state and federal regulations.
- (46) Kennels (M-2, AR). All structures used as boarding or breeding kennels shall be located and activities conducted at least 400 feet from any property zoned or used for residential purposes.
- (47) Laundromat, self-service or otherwise (C-2). Central water and central sanitary sewage systems are required.
- (48) Laundry and dry cleaning establishments, including pick-up stations, package plants and coin-operated facilities (C-1, C-2). The establishment is limited to a floor area not exceeding 4,000 square feet.
- (49) Livestock (AR):
- a. Livestock shall only be permitted on a fenced lot containing two or more acres for one animal, or one and one-half acres for each animal if more than one; and
 - b. All buildings used for animals shall be set back not less than 200 feet from any property line.
- (50) Lumber, hardware and other building material establishments (C-2, M-1). Outdoor storage shall be at least 50 feet from the street right-of-way line.
- (51) Miniature golf courses (C-2):
- a. The facility shall be enclosed by a wall or fence and buffer area ten feet in depth to screen the adjacent properties, the fence or wall must be at least six feet in height and any portion over six feet must be transparent;
 - b. Loudspeakers shall be prohibited;
 - c. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways; and
 - d. No outdoor activities after 11:00 p.m.
- (52) Automobile sales. (C-2, M-1):
- a. The use shall not be permitted within 300 feet of any property used for a school, park, or playground.
 - b. The use shall not be established on a lot which is either adjacent to or directly across the street from any residential zoning district.
 - c. Loudspeakers are prohibited.
 - d. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
 - e. Outside storage of other than stock-in-trade is prohibited.
 - f. Stock-in-trade must be stored on an impervious surface.
 - g. Outdoor activities are limited to operating hours from 7:00 a.m. to 9:00 p.m.

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- h. All activities except for sales shall be conducted entirely indoors.
 - i. All overhead doors must face the side and/or rear yard or be screened from view from the street.
- (53) Nursing home (RMF, O-I, E-I, C-2).
- a. Such facility shall obtain all necessary local and state licenses; and
 - b. There shall be a maximum of 20 beds per gross acre of development.
- (54) Outdoors sports facilities and swimming pools (C-2):
- a. The facility shall be enclosed by a wall or fence and buffer area ten feet in depth to screen the adjacent properties, the fence or wall must be at least six feet in height and any portion over six feet must be transparent;
 - b. Loudspeakers shall be prohibited;
 - c. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways; and
 - d. No outdoor activities after 11:00 p.m.
- (55) Paint, glass and wallpaper stores (C-1, C-2). There shall be no outdoor storage of materials, supplies or equipment.
- (56) Personal care home (AR, CR-2, CR-3, R-20, R-18, R-12, DR, TR, RMF, MHP).
- a. The principal structure shall contain a residential facade architecturally similar to adjacent buildings;
 - b. Such facility shall obtain all necessary local and state licenses;
 - c. The use is limited to the principal structure only;
 - d. All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of personal care homes, whichever is greater;
 - e. The owner of the establishment must live on the premises;
 - f. Unless located in a district permitting two-family or multi-family dwellings, no more than four individuals not related to the owner by blood or marriage shall reside on the premises; and
 - g. Inspections may be performed by the town to determine whether or not said facility is in compliance with these conditions.
- (57) Plant nurseries (C-2, M-1). Any structure used as a commercial plant nursery shall be set back at least 100 feet from any property zoned or used for residential purposes.
- (58) Public utility facilities (O-I, C-1, C-2, M-1, M-2):
- a. Minimum lot size—Five acres;
 - b. All structural parts of the facility shall be contained within the boundaries of the parcel;
 - c. An eight-foot high fence capped with barbed wire with a locked gate shall surround the facility;

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- d. If electrical current is present in the facility, signs stating "high voltage" shall be attached to the fence every 20 linear feet; and
 - e. A 100-foot undisturbed buffer is required adjacent to all property lines.

(59) Recycling facility (M-1):

- a. All separation and processing (baling, compacting, grinding or shredding) must occur entirely within an enclosed building;
- b. A convenient paved drop-off area must be provided, permitting vehicles to re-enter the public street in a forward manner. Traffic circulation patterns must be indicated on the site plan;
- c. All outside storage of recyclable materials must be on a paved surface within fully enclosed bins with hinged lids or other access points which can be closed; and
- d. All outside storage areas shall be screened according to the development regulations. Storage bins cannot be greater in height than the screening.

(60) Religious institutions (all residential zoning districts):

- a. Religious institutions must be located on a lot of at least five acres and have 100 feet of street frontage;
- b. A 50-foot buffer adjacent to residential zoning district is required;
- c. Driveways and parking areas are exempt from setbacks;
- d. The scale, intensity, and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to contiguous residential properties;
- e. Additional accessory uses and facilities that are customarily associated with religious institutions and intended primarily for the use of worshipers are permitted such as:
 - 1. Outdoor recreation facilities 10,000 square feet or smaller;
 - 2. Indoor recreation facilities such as gymnasiums, health, and fitness facilities;
 - 3. Recreation center and club;
 - 4. Cemetery or mausoleum;
 - 5. Museum;
 - 6. Adult day care center;
 - 7. Child day care center;
 - 8. Kindergarten;
 - 9. Private school;
 - 10. One dwelling for an employee of the place of worship;
 - 11. No outdoor activities are permitted to take place after 10:00 p.m.;
 - 12. The scale, intensity and operation of the accessory use or facility shall not generate unreasonable noise, traffic congestion, or other potential nuisances or hazards to contiguous residential properties;
 - 13. Must comply with the AR zoning district setbacks;

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14. Landscape area shall be required in accordance with the land development regulations;
 15. The construction of one open air pavilion utilized for picnics /social gatherings only is allowed under the following conditions:
 - (i) Minimum lot size—15 acres;
 - (ii) The pavilion must be at least 150 feet from any property line;
 - (iii) The pavilion must be constructed following the construction of the main sanctuary building;
 - (iv) The floor area cannot exceed 20 percent of the square footage of the main sanctuary building;
 - (v) The pavilion may not be lighted or used after 10:00 p.m.; and
 16. Church or religious tent meetings must comply with and obtain a special events permit.
- (61) School (private, parochial and/or special) and incidental sports arena, stadium or recreational field (E-1, C-1, C-2):
- a. Minimum lot size—One acres;
 - b. A minimum 100-foot wide buffer plus required setbacks shall be provided adjacent to any residential or AR zoning district;
 - c. Outdoor recreation areas shall not be located within 150 feet of an adjoining residential or AR zoning district. Outdoor lighting for recreation purposes shall not be permitted after 10:00 p.m.;
 - d. Student drop-off and vehicular turn-around facilities shall be provided on the site;
 - e. The construction of one open air pavilion over 900 square feet utilized for picnics/social gatherings only is allowed under the following conditions
 1. Minimum lot size—40 acres;
 2. The pavilion must be at least 150 feet from any property line;
 3. The pavilion must be constructed following the construction of the main school building;
 4. The floor area cannot exceed 20 percent of the square footage of the main school building; and
 5. If the pavilion is built in conjunction with an attached storage building, the overall square footage shall not exceed 20 percent of the main school building square footage.
- (62) Self-storage warehouses (M-1):
- a. The development will be screened from view from any right-of-way;
 - b. Development with visible exterior "drive-up" doors shall be limited to a single story. Development with all indoor storage units only accessible through interior corridor hallways shall be limited to two stories with an interior mezzanine level that is not visible to the right-of-way;

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- c. Hours of operation will be limited to 7:00 a.m. to 9:00 p.m. (does not prohibit access to storage units);
 - d. All lighting will be directed downward and inward. After hours lighting will be reduced as to minimize lighting impacts on adjacent and nearby developments;
 - e. Impervious surface area is limited to 70 percent of the parcel (May 5, 2007);
 - f. Storage of vehicles, boats, and trailers, shall be located so that they are not visible from view from adjacent residential areas and public roads with any combination of privacy fence and /or berm, and vegetation. Covered vehicle storage up to 850 square feet per parking space, shall be allowed provided it does not exceed 25 percent of the overall gross square footage of all buildings. All covered storage must have a peaked roof, be closed on any side that is visible from a residential or A-R zoning district or from any street and must be built of materials consistent with the main structure. Aisles adjacent to boat and RV parking shall be a minimum of 50 feet wide unless it is angle parking; and
 - g. No exterior loudspeakers or paging equipment shall be permitted on the site.
- (63) Sexually oriented business (M-2):
- a. It is not located within 1,000 feet of:
 - 1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - 2. A public or private educational facility including but not limited to child daycare facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. School includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
 - 3. A boundary of a residential zoning district;
 - 4. A public park or recreational area which has been designated for park or recreational activities included but not limited to a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path, wilderness area, or other similar public land which is under the control, operation or management of the town parks and recreation authorities;
 - 5. The property line of a lot devoted to a residential use;
 - 6. An entertainment business which is oriented primarily toward children or family;
 - 7. The premises of a business licensed pursuant to the alcoholic beverage regulations of the state;
 - b. It is not located within 1,500 feet of another sexually oriented business; and
 - c. It is not located within the same building, structure or portion thereof containing another sexually oriented business.
- (64) Small engine sales and repair. (C-1, C-2, M-1):

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- a. The use shall not be permitted within 300 feet of any property used for a school, park, playground or hospital.
 - b. No outdoor storage of equipment or inventory is permitted.
 - c. All activities shall be carried on entirely within an enclosed building.
 - d. The use shall not be established on a lot which is either adjacent to or directly across the street from any residential zoning district.
 - e. All overhead doors must face the side and/or rear yard or be screened from view from the street.
- (65) Special trade contractors (O-I, C-1, M-1, M-2). There shall be no exterior storage of equipment, materials or construction vehicles in any district other than the M-2 zoning district. Any outdoor storage must be placed on an impervious surface.
- (66) Temporary carnival or rodeo (AR):
- a. Said carnival or rodeo shall not be operated longer than seven days;
 - b. Tents shall require the approval of the Fayette County Fire Marshal;
 - c. Off-street parking shall be required; and
 - d. Outdoor lighting for activities shall not be permitted after 11:00 p.m.
- (67) Tennis court, club and facilities (C-2);
- a. The facility shall be enclosed by a wall or fence and buffer area ten feet in depth to screen the adjacent properties, the fence or wall must be at least six feet in height and any portion over six feet must be transparent;
 - b. Loudspeakers shall be prohibited;
 - c. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways; and
 - d. No outdoor activities after 11:00 p.m.
- (68) Waste facility (M-2):
- a. No outside storage of waste or waste containers shall be permitted;
 - b. No waste shall be stored on-site over 24 hours;
 - c. No waste facility shall be located within 1,000 feet of any AR or residential zoning district, park, playground, or other public land;
 - d. No waste facility shall be located within 5,000 feet of another waste facility; and
 - e. No waste facility shall be located within 1,000 feet of any state or federal highway right-of-way (November 20, 1997).

(Revised March 1, 2012; June 6, 2013; February 6, 2014; June 5, 2014; October 2, 2014; April 2, 2015; August 6, 2015; Ord. No. 2017-01, §§ 1, 2, 5-4-2017; Ord. No. 2017-07, § 1, 7-6-2017; Ord. No. 2018-07, §§ 5—9, 5-17-2018; Ord. No. 2018-08, § 1, 10-18-2018; Ord. No. 2020-05A, § 2, 9-17-2020)