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**Sec. 4-4. Sale, possession, etc., of alcoholic beverages on which state tax or license fee not paid prohibited.**

It shall be unlawful for any person to sell at retail or otherwise within the town, possess, conceal, store or convey any wine, malt beverage, distilled spirits or other alcoholic beverages on which any tax or license fee imposed by the laws of the state or this chapter have not been paid, and any such beverages as above described that are found without a state tax stamp shall be seized as contraband and immediately delivered to the state revenue commissioner as provided by law. Any violation of this section shall be punished as provided for in section 1-7.

(Code 1984, § 2-8-3)

State law reference(s)—Similar provisions, O.C.G.A. § 3-3-29.

**Sec. 6-3. Running at large prohibited.**

It shall be unlawful for any owner or person in control of any domestic animal to allow that animal to run at large within the town.

(Code 1984, § 9-3-3)

**Sec. 6-4. Keeping of fowl or livestock in town.**

- (a) For the purposes of this section, the term "livestock" is defined in the same way that said term is defined in the town's zoning ordinance.
- (b) The keeping of livestock shall be permitted in the town only on property zoned to the town's A-R agricultural residential zoning district. Furthermore, any such keeping of livestock must satisfy any conditions of zoning for said use provided by the town's zoning ordinance. The keeping of livestock in any manner not consistent with this subsection shall be declared a nuisance.
- (c) Notwithstanding the foregoing, the keeping of livestock shall be specifically declared a nuisance if the following conditions are not satisfied:
  - (1) Any housing or enclosures used by such livestock shall be well-drained, free from accumulations of animal excrement and objectionable odors, and otherwise clean and sanitary.
  - (2) Animal excrement shall be disposed of in a manner approved by the county health official.
- (d) No person shall create, maintain, support, aid, or continue a nuisance by failing to satisfy the requirements of subsections (b) and (c) above.

(Ord. No. 2013-04, § 1, 3-7-2013)

Editor's note(s)—Ord. No. 2013-04, § 1, adopted Mar. 7, 2013, repealed former § 6-4, and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Code 1984, § 9-3-4; Ord. No. 62, 2-18-1982.

**Sec. 14-26. Open burning.**

The provisions of this section amend the specific section of article II, Fire Prevention Code, specifically section 307 of the International Fire Prevention Code, and it is hereby amended or revised consistent with this section. No person shall cause, suffer, allow, or permit open burning in any area of the town, except as follows:

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- (1) *Open burning not requiring permit.* No person shall cause, suffer or allow open burning in any area of the town without a permit except as follows:
- a. For the recreational purpose of cooking food for immediate human consumption;
  - b. Fires set for the purpose of training firefighting personnel authorized by the county director of fire and emergency services;
  - c. Operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters, and other flame-making equipment where approved safety measures are used; and
  - d. Setting and maintenance by contractors and tradesmen of miscellaneous small warning fires for their workers.
- (2) *Fire extinguished.* The county department of fire and emergency services shall have the authority to order that any fire be extinguished if it is determined that there is a danger to public safety, a nuisance or sign of environmental harm.
- (3) *Permits required.* If, in the opinion of the fire marshal of the county, there are no adequate disposal facilities reasonably available for the particular combustible materials involved, the following open burning may be allowed with the appropriate permit so long as the burning pile size shall be no greater than ten feet wide, ten feet long, and ten feet high, or 1,000 cubic feet of material; and no more than one pile shall be burning at a time. In addition, all burning (both residential and commercial) shall occur consistent with the requirements of subsection (3)c of this section.
- a. *Residential permit.* A residential permit shall be issued without charge for the following types of open burning:
    1. Reduction of leaves, clippings, brush and limbs on residential property by or through direction of the owner of the premises;
    2. Disposal of tree limbs from storm damage; or
    3. For weed abatement, disease, and pest prevention.

Fire extinguishing equipment such as a garden hose, shovel, rake, or other device shall be readily available. The county department of fire and emergency services retains authority to extinguish any fire in the event that complaints are received.
  - b. *Commercial permit.* A commercial permit shall be issued by the county bureau of fire prevention for all types of open burning deemed commercial in nature. Commercial permits are available under certain circumstances at no charge. Unless the commercial permit falls clearly within the guidelines requiring no charge, a charge will be assessed for the commercial permit. All types of burning requiring permits are deemed commercial in nature unless they are designated under subsection (3)a of this section.
    1. The following types of open burning are available without charge but require a commercial permit:
      - (i) Carrying out recognized agricultural procedures necessary for production or harvesting of crops with the appropriate forestry permit.
      - (ii) Burning over of any forest land by the owner of such land with the appropriate forestry permit and a copy of the prescribed burning unit plan.
    2. The following types of open burning shall be assessed a permit fee as set from time to time by the county board of commissioners:

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- (i) Destruction of combustible demolition;
    - (ii) Open burning for the purpose of land clearing or construction of right-of-way-maintenance provided the prevailing winds at the time of burning are away from the major portion of the area's population.
  - 3. Air curtain destructor; requirements. All open burnings which require the type of commercial permit for which the requester is assessed a fee must be accomplished through the proper use of an air curtain destructor:
    - (i) The location of the air curtain destructor must be at least 500 feet from any occupied structure or public road;
    - (ii) No more than one air curtain destructor may be operated within a ten-acre area at one time or there must be at least 1,000 feet between any two air curtain destructors;
    - (iii) Only wood waste consisting of trees, logs, large brush and stumps which are relatively free of soil may be burned in the air curtain destructor;
    - (iv) Tires or other rubber products, plastics, heavy oils or asphaltic based or impregnated materials may not be used to start or maintain the operation of the air curtain destructor;
    - (v) The air curtain destructor must be constructed, installed and operated in a manner consistent with good air pollution control practice for minimizing emissions of fly ash and smoke; and
    - (vi) The cleaning out of the air curtain destructor pit is performed in a manner to prevent fugitive dust.
  - c. *Open burning requirements.*
    - 1. Materials such as heavy oils, gasoline, asphaltic materials, plastic, tires and items containing natural or synthetic rubber, or any other material producing dense smoke and/or obnoxious odors shall not be used for starting or maintaining an open fire.
    - 2. All burning shall be carried out between 8:00 a.m. and 6:00 p.m. and all fires shall be completely burned.
    - 3. All burning shall be located on private property so as not to interfere with any traffic on the public streets or sidewalks.
    - 4. All burning shall be conducted at least 50 feet from any structure or such other minimum distance requirement contained herein, whichever is greater.
    - 5. During any open burning, the burning activity shall be constantly attended by a competent person of at least 18 years of age.
  - d. *Exceptions.* The fire marshal may grant specific or general classes of exceptions to or variances from the particular requirements of any rule, regulation or general order upon such conditions as the director of fire and emergency services may deem necessary to protect the public health, safety, and general welfare, if, upon petition, the director of fire and emergency services finds that strict compliance with such rule, regulation, or general order is inappropriate for one of the following reasons:
    - 1. Because of conditions beyond the control of the petitioner, i.e., those conditions which, though ordinary diligence be employed, remain unforeseeable or unpredictable, e.g., strikes, walkouts, or other industrial disturbances, embargoes, or other causes of like

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character; provided, however, that this shall not include conditions solely because they are dependent upon contingencies, i.e. including, but not limited to, the variable cost or availability of maintenance, equipment, labor, raw materials, fuel or energy;

2. Because of special circumstances which would render strict compliance unreasonable, unduly burdensome, or impracticable due to special physical conditions or causes;
  3. Because strict compliance would result in substantial curtailment or closing of the business operation; or
  4. Because no alternative method of handling is available.
- e. *Additional safety precautions; restrictions.* If the fire marshal of the county determines that certain open burning otherwise permitted imposes a threat to the public health, safety and general welfare, the fire marshal shall have the authority to impose additional safety precautions or restrict the burning, including the issuance of a complete ban on the open burning in the particular location.
- f. *Permits prohibited.* During an air pollution emergency declared by the town council or other proper county or state authorities, no open burning of any kind shall be permitted unless open burning is required in the performance of an official duty or any public office, or fires necessary to thwart or prevent a hazard which cannot be properly managed by any other means, or as necessary for the protection of public health.
- g. *Penalty.* Persons violating this article shall be subject to a fine not to exceed \$1,000.00 per violation.
- h. *Blanket prohibition; exceptions.* Beginning January 1, 1996, all open burning shall be prohibited during the months of May, June, July, August, and September. The only exceptions to this general prohibition against open burning during the months of May, June, July, August and September shall be:
1. For the recreational purpose of cooking food for human consumption;
  2. Fires set for the purpose of training firefighting personnel when authorized by the county director of fire and emergency services;
  3. Operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters, and other flame-making equipment where approved safety measures are used.

(Code 1984, § 3-2-24)

## **Sec. 22-126. When tax due and payable; delinquency of tax.**

- (a) The amount of occupational tax shall be payable to the town, at the office of the town manager, on or before January 1 of each year and delinquent if not paid on or before February 1 of each year. In the event that any person commences business on any date after January 1, the tax shall be due and payable upon the commencement of the business and shall become delinquent if not paid within 30 days of the commencement of the business. If the tax remains delinquent for 90 days from the due date described above, the person or business liable for the tax shall pay a penalty of ten percent of the initial fee with an additional 1.5 percent for each month until paid.
- (b) In the event that any person commences business on or after July 1 in any year, the occupation tax for the remaining portion of the year shall be 50 percent of the tax imposed for the entire year, except that:
- (1) The administrative fee described in section 22-122 shall not be reduced; and

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- (2) A practitioner of a profession or occupation who elects as his or her occupation the tax the amount described in subsection 22-123(2) shall receive no reduction in such amount.
- (c) The tax registration herein provided for shall be issued by the town manager or designee. If any person, firm or corporation whose duty it is to obtain registration, after said offer to transact business in the town any kind of profession, trade or calling in this article specified without having first obtained said registration, such offender shall, upon conviction, be guilty of an offense. Notwithstanding the criminal provisions contained herein, such criminal provisions shall not apply to those professions for which a state license or registration is required by state law, unless otherwise specifically allowed for by state law.
- (Code 1984, § 2-5-38; Ord. No. 2014-04, § 3, 2-20-2014)

State law reference(s)—Payment due date, O.C.G.A. § 48-13-20; penalty and interest for late payment, O.C.G.A. § 48-13-21.

### **Sec. 22-287. Evidence of good character; issuance of identification badge; possession, display.**

- (a) Each applicant shall show evidence of good character as required by the chief of police, who is hereby directed to require photographs and fingerprints of each applicant. If, after proper inquiry and investigation, the chief of police shall determine that the applicant is of good character and that the safety of the citizens and property of the town are protected, each applicant shall be issued an identification badge with the applicant's photograph thereon indicating that the registration fee has been paid in full, that the applicant has been duly registered, the applicant's name, the organization which the applicant represents, and showing thereon the days for which the applicant has registered.
- (b) The identification badge shall be worn on the applicant's person in a prominent place, or, if a transient or itinerant merchant, displayed in a prominent place within the temporary location so as to be visible and legible. Possession of this identification badge shall not in any way represent an endorsement or approval of any product or project by the town.
- (c) It shall be unlawful for any person to peddle, canvass or solicit or occupy a temporary location as a transient or itinerant merchant without having registered with the town clerk in accordance with section 22-285 and this section or to peddle, solicit or canvass without wearing the identification badge in accordance with this section. Any person violating this article shall be punished as provided in section 1-7.

(Ord. No. 2011-08, § 1(7-7-4), 5-5-2011)

### **Sec. 26-1. Abandoned, junked or inoperative items.**

- (a) It shall be unlawful for the owner, tenant, lessee, occupant or person in possession of any lot or parcel of land in the town, to keep or permit to be kept or stored on said land any abandoned, wrecked, junked, dismantled or inoperative furniture, appliance, machinery or equipment or parts of same, which are not completely enclosed within a building.
- (b) For purposes of this section, the term "abandoned, junked or inoperative furniture, appliances, machinery or equipment" shall be items incapable of and not being used for the purpose for which they were intended.
- (c) Any items covered by this section which are in the process of being repaired or restored may be kept on the property provided they are covered or otherwise effectively screened and provided that there are no more than five such items being repaired or restored on the property at any one time.
- (d) Should any person fail to comply with this section upon five days' written notice from the town clerk, said person shall be charged as for the violation of any other town ordinance. Each day shall be deemed a separate offense, and upon conviction, he shall be punished as provided by section 1-7.

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(Code 1984, § 9-1-6; Ord. No. 61, 1-21-1982; Ord. No. 262, 3-16-1994)

State law reference(s)—Authority to require removal of junked vehicles, O.C.G.A. § 36-60-4.

### **Sec. 26-2. Abandoned or junked motor vehicles.**

- (a) It shall be unlawful for the owner, tenant, lessee, occupant or person in possession of any lot or parcel in the town to keep or permit to be kept or stored on said land any abandoned, wrecked, junked, dismantled or inoperative motor vehicle which is not completely enclosed within a building.
- (b) For purposes of this section, an "abandoned or junked motor vehicle" is defined as one that is in such a state of disrepair as to be incapable of operating under its own power, or which does not have a current license plate or tag.
- (c) Any such vehicle covered by this section which is in the process of being repaired and/or restored and is on property zoned as residential (R), may be kept on the property, exterior to a residential garage for a period of 90 days, provided it is covered with an opaque motor vehicle tarpaulin, and/or otherwise effectively screened from view from adjoining, and/or abutting streets and properties; and further provided that there are no more than two such vehicles being repaired and/or restored on the property at any time.
- (d) Any violation of this section and/or request to investigate possible violations may be reported to the proper authority by the following:
  - (1) Any person having attained the age of majority and residing within the corporate limits of the town;
  - (2) Any police officer employed by the town; or
  - (3) The building inspector for the town.
- (e) After ten days' legal notice, all violations shall be cited by an officer of the police department.
- (f) Any notice of violation shall state specifically which type and/or color of motor vehicle, and the general location of such vehicle on the person's property.
- (g) Any person and/or entity failing to comply with this chapter shall, ten days after receipt of legal notice, be charged as for the violation of any other town ordinance, and upon conviction shall be punished as provided by section 1-7.
- (h) Ten days after legal notice is given, each day thereafter shall be deemed a separate offense until such situation is rectified by the noticed party.

(Code 1984, § 9-1-7; Ord. No. 90, 6-21-1984; Ord. No. 261, 3-16-1994)

State law reference(s)—Abandoned motor vehicles, O.C.G.A. § 40-11-1 et seq.

### **Sec. 26-67. Duty of owner.**

Whenever any structure within the town shall be found to be dangerous unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove same.

(Code 1984, § 3-4-9)

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### **Sec. 28-21. Damaging property.**

It shall be unlawful for anyone to alter, damage, deface or destroy any public property. The term "public property" means any property belonging to the town, regardless of its nature.

(Code 1984, § 9-1-5)

State law reference(s)—Similar provisions, O.C.G.A. § 16-7-20 et seq.

### **Sec. 28-22. Posting signs on poles without consent.**

It shall be unlawful for any person to post or display in or upon any bridge any sign or advertisement, or to post or display upon any telegraph, telephone or electric company's pole, or upon any public property or the private property of any person any bills, signs or advertisements without the consent in writing of the owner thereof.

(Code 1984, § 9-1-8)

State law reference(s)—Similar provisions, O.C.G.A. § 16-7-58.

### **Sec. 28-74. Disorderly conduct.**

It shall be unlawful for any person or persons within the corporate limits of the town to engage in any conduct described in the following subsections; provided, however, that no person shall be convicted of any of the following subsections upon a showing that the predominant intent of said conduct was to exercise a constitutional right:

- (1) To act in a violent or tumultuous manner toward another whereby any person is placed in fear of the safety of his life, limb or health;
- (2) To act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being damaged or destroyed;
- (3) To cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;
- (4) To assemble or congregate with another or others for the purpose of, or with the intent to engage in gaming;
- (5) To be in or about any place, alone or with another or others with the purpose of or intent to engage in any fraudulent scheme, trick or device to obtain any money or valuable things; or to aid or abet any person or persons in doing so;
- (6) To be in or about any place where gaming or the illegal sale or possession of alcoholic beverages or products or dangerous drugs is practiced, allowed or tolerated, for the purposes of or intent to engage in gaming or the purchase, use, possession or consumption of said illegal drugs, narcotics or alcoholic beverages;
- (7) To direct fighting words toward another, that is, words which by their very nature tend to incite a breach of the peace;
- (8) To interfere, by acts of physical obstruction, with another's pursuit of a lawful occupation;

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- (9) To congregate with another or others in or on a public way so as to halt the flow of vehicular or pedestrian traffic, and to fail to clear the public way after being ordered to do so by a police officer or other lawful authority;
  - (10) To disrupt by actions which tend to incite a breach of the peace the undisturbed activities of any house of worship, hospital or home for the elderly; or
  - (11) To throw bottles, paper, cans, glass, sticks, stones, missiles or any other debris on public property.

(Code 1984, § 9-1-1; Ord. No. 48, 7-17-1980; Ord. No. 75, 8-18-1983)

### **Sec. 28-75. Public drunkenness.**

It shall be unlawful and punishable as provided in section 1-7 for any person to appear on the streets of the town, or in an automobile, or in any public place or place of business patronized by the public in an intoxicated condition. The term "intoxicated condition" as used in this section shall be interpreted to mean that said person is under the influence of intoxicating liquor, beer, wine or drugs to such a degree as to cause him to act in an unruly, boisterous, indecent or profane manner, or which renders him in a condition which is hazardous to himself or to others.

(Code 1984, § 9-1-2; Ord. No. 80, 10-20-1983; Ord. No. 99, 6-27-1985)

### **Sec. 32-7. Violations deemed public nuisances and prohibited.**

The following conditions are hereby determined to be detrimental to the health, safety and welfare of the citizens of the town and are therefore determined to be a public nuisance and are prohibited:

- (1) Any portion of a lot or parcel of land on which the grass is in excess of 12 inches in height, except those portions that are set aside for landscape buffers or screening as required by the town's land development ordinance or any other ordinance of the town; or
- (2) Except as legally permitted in an industrial zoning district, or except as temporarily located for regular removal by a garbage removal company, any portion of a lot or parcel of land upon which is located an accumulation of garbage, garden trash or rubbish.

(Code 1984, §§ 4-2-12, 4-2-13; Ord. No. 2011-07, § 1, 4-7-2011)

### **Sec. 32-8. Duty of owners and occupants.**

- (a) *General requirement.* It shall be the responsibility of each owner, agent, occupant, or lessee to keep his property free of litter.
- (b) *Litter prohibited.* No owner, agent, occupant, or lessee of any property shall allow the storage or accumulation of litter on the exterior of said property outside of a receptacle that is covered, secured, and maintained so as to prevent blowing, spilling, scattering, or leaking of the litter and waste contained therein, except that this requirement shall not apply to an area designated and approved by the county as a permitted disposal site.
- (c) *Adjacent and surrounding areas.* It shall be the responsibility of each proprietor and each operator of any business, industry, or institution to keep the adjacent and surrounding areas free of litter. These areas include, but are not limited to public and private sidewalks, roads, and alleys; grounds; parking lots; loading and unloading areas; and all vacant lots that are owned or leased by such establishment or institution. Removal of any litter shall be performed in accordance with this chapter.



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(Code 1984, § 4-2-3)

### **Sec. 32-9. Dumping and littering prohibited.**

- (a) The purpose of this section is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter. The objectives of this chapter are:
  - (1) Provide for uniform prohibition throughout the town of any and all littering on public or private property; and
  - (2) Prevent the desecration of the beauty and quality of life of the town and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.
- (b) This section shall apply at all public and private property within the town. This section is not intended to interfere with, abrogate, and/or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this section should be considered minimum requirements, and where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(Code 1984, § 4-2-4)

### **Sec. 32-11. Unauthorized accumulation of solid waste.**

- (a) *Methods of disposal.*
  - (1) All waste and related materials described in section 32-1 shall be discarded in containers, landfills and/or sanitary dumps.
  - (2) Residential garbage and trash accumulated in the town shall be collected, conveyed and disposed of in manners described in this chapter.
  - (3) All such persons shall conduct their activities in full compliance with state laws and regulations and the town ordinances detailing the solid waste management plan regulating the collection, transportation and/or disposal of such waste.
- (b) *Cleanliness of premises; generally.* For the purpose of promoting the health, safety and welfare of the people of the town, every owner or occupant of a lot or parcel of land, any portion of which lies within 40 feet of any dwelling, house or place of business, is required to keep such portion of such land within 40 feet of any such dwelling, house or place of business cleared of all brush, garbage, garden trash, rubbish or noxious material of any kind which tends to be a breeding place for mosquitoes, or tends to be a breeding place or haven for snakes or vermin of any kind or character, or which tends to create a fire hazard or which endangers the lives and property of the citizens of the town, or which tends to create a nuisance or other unsightly or unsanitary condition. The owner or occupant shall be required to keep such land cleared whether or not such land lies within a public right-of-way.

(Code 1984, § 4-2-7)

### **Sec. 32-17. Litter receptacles at places frequented by the public.**

- (a) *Receptacles required.* Every owner, occupant, tenant, or lessee in control of any property that is held out to the public as a place for assemblage, for the transaction of business or recreation, or as a public way shall

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provide adequate receptacles of sufficient number and size to contain all litter generated by those persons frequenting that public place. The owner, occupant, tenant, or lessee in control of any property shall determine the number and size of the receptacles, except that no less than one receptacle shall be placed at each site. Receptacles shall be no less than ten gallons in capacity and clearly marked and designed to prevent the escape of litter and waste. Any person owning or in control of any property at which receptacles are required by this chapter shall at his own expense be responsible for the placement, and maintenance of such receptacles as required by this chapter.

- (b) *Periodic emptying of receptacles.* All litter and solid waste shall be removed from receptacles as necessary, but not less frequently than weekly, and all receptacles shall be maintained in a sanitary and serviceable condition.

(Code 1984, § 4-2-15)

### **Sec. 34-2. Film permits.**

- (a) *Purpose.* The purpose of this ordinance is to provide guidelines for the issuance, approval, and fees associated with the granting of permits for filming by television companies, movie companies, or other media in the town.
- (b) *Permit required.* A film permit shall be obtained by any person working on behalf of television companies, movie companies, or other media, company or agency filming on town-owned property. For purposes of this ordinance, "town-owned property" includes, but is not limited to, town right-of-way. There shall be a consistent and uniform process for the issuance of film permits in the town. Any person planning a filming shoot which could impact public safety and/or disrupt town business is required to obtain a film permit. Failure to obtain a film permit shall be a violation of this section. Each day a film permit is not obtained shall be a separate violation.
- (c) *Procedure for issuance of permits.*
- (1) *Application.*
- a. Any person desiring to obtain a film permit shall make application to the town clerk on a form prescribed by said official and shall meet the conditions set out in this ordinance.
  - b. An application for a film permit shall be accompanied by a copy of a certificate of liability insurance for the person, company or agency filming, with at least \$1,000,000 of coverage. The certificate of liability shall list the "Town of Tyrone" as an additional insured.
  - c. In the event that special provisions are made to secure locations, including parking areas, for traffic enforcement, or other items/issues of an exclusive nature, supporting documentation shall be attached to the film permit application.
  - d. Upon request by the town manager, a copy of the portion of the script of the scene that will be filmed on town-owned property shall be included with the film permit application.
- (2) *Application review.*
- a. The town clerk or his/her designee will coordinate with all necessary department heads in a joint effort to determine if a film permit should be approved or denied.
  - b. The town reserves the right to deny a film permit based on the expected disruption to the town's business/operations and in cases deemed to be detrimental to the town's best interests. The town further reserves the right to deny a film permit based on the script of the scene to be filmed on town-owned property.

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- c. Every effort will be made by the town to expedite the processing of a film permit application. However, if the timeframe for which the film permit is needed is not deemed reasonable by the town for processing, the town reserves the right to reject an application for a film permit immediately upon receipt.
  - d. The town manager shall determine whether a film permit should be approved or denied.
  - e. The town clerk or his/her designee will contact the requesting party or their agent to communicate the decision of the town manager.
- (3) *Fees.* A fee shall be charged for filming on town-owned property in the following amounts:
- a. One hundred dollars per day for filming at passive locations that do not produce disruption to routine town business/operations or to the general public.
  - b. Five hundred dollars per day for filming at active locations that may produce disruption to routine town business/operations or to the general public.
  - c. The town manager or his/her designee shall have discretion to determine whether a particular application requires filming at a passive or active location, as those terms are used in paragraphs a. and b. above.
- (4) *Records retention.* At the conclusion of the application process and granting of a film permit, two copies of the film permit shall be signed by the town manager and by the authorized representative of the company or agency applying for the permit. One copy of the approved permit, along with any supporting documentation, shall be kept on file in the town's office of administration for one year. The second copy shall be kept on the site of the filming and is the property of the person listed on the permit application. Electronic copies of these documents may also be kept in the same manner as described.

(Ord. No. 2020-03, § 1, 7-16-2020)

### **Sec. 34-56. Intent and purpose.**

The town is vitally concerned with the use, construction within, and occupancy of all rights-of-way in the town as such rights-of-way are a valuable and limited resource which must be utilized to promote the public health, safety, welfare, and economic development of the town and to protect public work infrastructure. Therefore, the town, under the authority of the laws and Constitution of the state, including, but not limited to, article 9, section 1, paragraphs 2 and 3 of the state Constitution and O.C.G.A. §§ 36-35-3 and 32-4-92(10), has adopted the ordinance from which this article is derived for the purpose of regulating public and private entities which use the town rights-of-way.

(Ord. No. 2009-008, § 1(8-2-1), 6-18-2009)

### **Sec. 36-8. Restriction of truck traffic on Senoia Road.**

All vehicles exceeding six tons in weight, whether fully loaded or not, shall be prohibited from using Senoia Road in the town, beginning at the intersection of Senoia Road and Georgia Highway 74 and continuing in a southerly direction down Senoia Road to the intersection of Senoia Road and Dogwood Trail. This section shall not prohibit any local traffic by trucks which exceed six tons. The exemption for trucks exceeding six tons in weight as to local traffic shall be limited solely to those vehicles which are owned by or connected to businesses which have their physical situs on Senoia Road, or, are vehicles which are making deliveries to or from businesses and residences whose physical situs is on Senoia Road, or who have no other means of ingress and egress than by the utilization of Senoia Road, or those who have their situs on streets and roads which have no other means of

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ingress and egress than by way of Senoia Road. Any person convicted of violation thereof shall be punished as set forth in the town charter for violations of this Code. Nothing contained herein shall limit or restrict the travel of vehicles or the use of roads by vehicles when travelling on either Dogwood Trail or Georgia Highway 74.

(Code 1984, § 8-2-7; Ord. No. 331, 2-6-1997; Ord. No. 337, 3-20-1997)

### **Sec. 36-9. Restriction on through traffic on Ashland Trail.**

All motor vehicles shall be prohibited from using Ashland Trail as a cut through street between Castlewood Road and Senoia Road in the town and motor vehicle use shall be restricted to motor vehicle traffic use by residents except as hereinafter set forth and shall be posted "No Through Traffic Permitted." This section shall not prohibit any local traffic by residents and their visitors, school buses, emergency vehicles, service vehicles and to those motor vehicles which are making deliveries to or from residences located on Ashland Trail.

(Ord. No. 484, § 8-2-7, 1-19-2006)

### **Sec. 36-10. Restriction of truck traffic on Swanson Road.**

All vehicles exceeding six tons in weight, whether fully loaded or not, shall be prohibited from using Swanson Road in the town, beginning at the intersection of Swanson Road and Georgia Highway 74 and continuing in an easterly direction down Swanson Road, up to the junction of the municipal limits of the town and the limits of the county. This section shall not prohibit any local traffic by trucks which exceed six tons. The exemption for trucks exceeding six tons in weight as to local traffic shall be limited solely to those vehicles which are owned by or connected to businesses which have their physical situs on Swanson Road; or are vehicles which are making deliveries to or from businesses and residences whose physical situs is on Swanson Road; or who have no other means of ingress and egress than by the utilization of Swanson Road; or those who have their situs on streets and roads with no other means of ingress and egress than by way of Swanson Road.

(Code 1984, § 8-2-8; Ord. No. 357, 6-4-1998)

### **Sec. 36-45. Parking trucks in residential areas.**

- (a) No person shall park or stand any semi-trailer or other vehicle exceeding 3½ tons upon any property zoned for residential use or upon any public street or highway within or adjacent to property zoned for residential uses.
- (b) The police department shall have authority to enforce this section as provided by law.

(Code 1984, § 8-3-4; Ord. No. 107, 10-17-1985)

### **Sec. 36-48. Parking on town-owned property restrictions.**

Except as to deliveries of goods or merchandise to town property lasting no longer than 15 minutes and waivers specifically approved by the mayor and town council:

- (1) It shall be unlawful for any person to park or cause to be parked, any automobile, truck, motorcycle or other motor vehicle or unmotorized trailer on town-owned property except in those areas specifically designated for parking. Any vehicles parked in violation of this subsection shall be subject to removal and impoundment by the town police department according to regulations to be established by the chief of police.

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- (2) It shall be unlawful for any person to park or cause to be parked, any automobile, truck, motorcycle or other motor vehicle or unmotorized trailer in any town park or within 100 feet of the playing fields, adjacent to the concession areas, fan viewing areas or other landscaped or grassed areas, except in those areas specifically designated for parking. Parking shall be permitted only in those areas specifically designated for parking. Any vehicles parked in violation of this subsection shall be subject to removal and impoundment by the town police department according to regulations to be established by the chief of police.

(Ord. No. 488, § I, 5-18-2006)

### **Sec. 36-75. Operation regulations.**

- (a) Only those persons who hold a valid motor vehicle driver's license may drive a golf cart or low-speed motor vehicle on the streets or paved recreational paths of the town. Exception: Those persons who are 12 years of age or older may drive a golf cart or low-speed motor vehicle on designated streets and paved recreation paths of the town if they are accompanied in the front seat by a person at least 18 years of age who holds a valid motor vehicle driver's license. In addition, those persons who are 15 years of age or older may drive a golf cart or low-speed motor vehicle on designated streets and paved recreation paths of the town if they hold a valid learner's permit.
- (b) Golf carts and low-speed motor vehicles may be operated on public streets within the town limits where the posted speed limit is 35 miles per hour or less. The operator of a golf cart or low-speed motor vehicle shall not operate such vehicle on any street where the posted speed limit exceeds 35 miles per hour. This does not prohibit golf carts or low-speed motor vehicles from crossing any road or street at properly marked crossings. No all-terrain vehicles (ATVs) are permitted to operate on town streets or recreation paths.
- (c) All golf cart and low-speed motor vehicle operators shall abide by all traffic regulations applicable to vehicular traffic when using the streets and paved recreation paths of the town. All golf cart and low-speed motor vehicle operators are required to use available paved recreation paths where present in lieu of town streets.
- (d) Golf carts may be operated on sidewalks only if the driver yields the right-of-way to all pedestrians, bicycle riders or others not using a golf cart.
- (e) No low-speed motor vehicles or golf carts shall be permitted to operate over, along, or across Georgia Highway 74 within the boundaries of the town except where authorized crossings are provided.
- (f) It shall be unlawful for the owner of any low-speed motor vehicle or golf cart or for any other person operating, employing, or permitting the use of, or otherwise directing the use of such vehicle, to operate or permit the operator of any such vehicle to drive over the streets or paved recreation paths in violation of this article.
- (g) No low-speed motor vehicle or golf carts shall be permitted to operate on the following streets within the boundaries of the town, except where authorized crossings are provided:
- (1) Palmetto Road.
  - (2) Tyrone Road.
  - (3) Dogwood Trail.
  - (4) Jenkins Road.
  - (5) Sandy Creek Road.
  - (6) Peggy Lane.

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(Ord. No. 2013-07, § 1, 3-21-2013)

**Sec. 38-57. Waste disposal, unlawful methods designated.**

- (a) It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner, upon public or private property within the town or in any area under the jurisdiction of the town, any human or animal excrement, garbage or other objectionable waste.
- (b) It is unlawful to discharge to any natural outlet within the town or in any area under the jurisdiction of the town any sanitary sewage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this article.
- (c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(Code 1984, § 6-9-16; Ord. No. 321, 5-15-1996)

**Sec. 38-116. Sewage.**

No sewage, as defined herein, shall be discharged directly or indirectly onto any street or other surface, nor into any storm sewer, stream or body of water.

(Code 1984, § 6-9-26; Ord. No. 321, 5-15-1996)

**Sec. 105-120. Violation and penalty.**

Any person, firm or corporation violating a provision of this article shall be deemed guilty of an offense. As a condition of suspension of any fine or sentence, the court may require payment of restitution or impose other punishment allowed by law which may include mandatory attendance at an educational program concerning tree preservation. Each day's continuance of a violation may be considered a separate offense. Each tree cut, damaged or poisoned shall constitute a separate offense. The owner of any property wherein a violation exists, and any architect, developer, builder, contractor, tenant or agent who commits or may have assisted in the commission of any such violation shall be guilty of a separate offense.

(Ord. No. 423, § 1(exhibit A, § 1-032), 5-1-2002)

**Sec. 107-4. Violations, enforcement and penalties.**

- (a) *Enforcement.* Any action or inaction which violates the provisions of this chapter or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in this section shall not prevent such equitable relief.
- (b) *Notice of violation.* If the town manager or his designee determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this chapter, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this chapter without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
  - (1) The name and address of the owner or the applicant or the responsible person;

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(Supp. No. 14)

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- (2) The address or other description of the site upon which the violation is occurring;
  - (3) A statement specifying the nature of the violation;
  - (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this chapter and the date for the completion of such remedial action;
  - (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
  - (6) A statement that the determination of violation may be appealed to the town manager or his designee by filing a written notice of appeal within 30 days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient).
- (c) *Penalties.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the town manager or his designee shall first notify the applicant or other responsible person in writing of its intended action and shall provide a reasonable opportunity of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the town manager or his designee may take any one or more of the following actions or impose any one or more of the following penalties.
- (1) *Stop work order.* The town manager or his designee may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein; provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
  - (2) *Withhold certificate of occupancy.* The town manager or his designee may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
  - (3) *Suspension, revocation or modification of permit.* The town manager or his designee may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein; provided such permit may be reinstated (upon such conditions as the town manager or his designee may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
  - (4) *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the town manager or his designee shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) after the town manager or his designee has taken one or more of the actions described above, the town manager or his designee may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

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- (5) *Criminal penalties.* For intentional and flagrant violations of this chapter, the town manager or his designee may issue a citation to the applicant or other responsible person, requiring such person to appear in the town municipal court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. No. 500, § 1(10-188), 5-17-2007; Ord. No. 2019-02, § 1, 5-2-2019)

#### **Sec. 111-4. Violations, penalties.**

- (a) *Illegal signs.* No person shall erect on any premises owned or controlled by him/her any sign which does not comply with the provisions of this chapter.
- (b) *Dangerous, defective condition.* No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises, or as otherwise provided for in this chapter.
- (c) *Separate violations.* Each sign installed, created, erected, or maintained in violation of this chapter shall be considered a separate violation when applying the penalty portions herein.
- (d) *Public nuisance.* Any violation of this chapter is hereby declared to be a public nuisance.
- (e) *Misdemeanor.* In case any sign or other device covered by this chapter is, or is proposed to be, erected, constructed, altered, converted or used in violation of any provision of this chapter, the town manager shall cause a citation to issue. Additionally, the town may seek an injunction for a continuing violation or take other appropriate action to prevent such unlawful erection, construction, alteration, conversion, or use to correct or abate such violation.

(Ord. No. 2009-006, § 1(6-6-21), 5-21-2009)

#### **Sec. 111-5. Prohibited signs and devices.**

The following signs shall be prohibited under this chapter. Such signs include, but are not limited to:

- (1) Animated or flashing signs;
- (2) Rotating, animated signs, or any sign which requires either natural or artificial wind current or energy for motion or gives the appearance of movement;
- (3) Portable or trailer display signs when not attached to a motor vehicle;
- (4) Signs on courtesy benches, trash cans, and similar devices on which advertising is displayed;
- (5) Search lights, beacons, or similar devices;
- (6) Roof signs;
- (7) Pennants, streamers;
- (8) Attention-getting devices, including but not limited to balloons (including all inflatable air signs) and lights, shall not be used to attract attention to any sign or business. This includes neon tubing or bare bulb lights encircling a window or outlining the structure;
- (9) Signs or other advertising structures that contain obscene or indecent material.



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- a. Material is obscene if either, or both, of the following apply:
    - 1. To the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex, or excretion; or
    - 2. The material depicts or describes, in a patently offensive way, sexual conduct specifically defined as follows:
      - (i) Acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated;
      - (ii) Acts of masturbation;
      - (iii) Acts involving excretory functions or lewd exhibition of the genitals;
      - (iv) Acts of bestiality or the fondling of sex organs of animals; or
      - (v) Sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship.
  - b. Material is indecent if the sign depicts the following portions of human anatomy:
    - 1. Any portion of the female breast below the top of the areola;
    - 2. Any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva and genitals;
- (10) No lettering, logos or other graphics are allowed on any awning, canopy (including a gasoline canopy), marquee, umbrella or other similar devices;
  - (11) Kiosks;
  - (12) Changeable copy signs;
  - (13) All signs attached to light poles, power poles or trees (when in the right-of-way);
  - (14) Any privately-owned sign located within or partially within a road right-of-way;
  - (15) Billboards; and
  - (16) Murals.

(Ord. No. 2009-006, § 1(6-6-15), 5-21-2009)

### **Sec. 111-77. Sign location.**

- (a) *Obstructions to doors, windows, or fire escapes.* No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window, or fire escape.
- (b) *Signs not to constitute traffic hazard.* No sign or part thereof, except authorized traffic signs, shall be located in any state, county or town right-of-way. No sign may be located any closer than 20 feet from an intersection as measured from the intersection of the two rights-of-way.

(Ord. No. 2009-006, § 1(6-6-31), 5-21-2009)

### **Sec. 111-124. Residential freestanding signs.**

- (a) *Number, size and height of signs.* Lots located in a residential zoning district shall be allowed no more than four freestanding signs not to exceed six square feet each sign. Signs shall not exceed four feet in height. Sign

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structures shall not exceed five feet in height. For purposes of determining the maximum height of signs and sign structures, the measurements shall be taken from the grade level of any adjacent street or the grade level of the lot, whichever is higher. Banners shall not be exempt from this section. The freestanding signs allowed in this section shall be temporary signs as that term is defined in this chapter. However, one of the four signs allowed in this section may be a permanent sign. No permit shall be required.

- (b) *Subdivision signs.* Notwithstanding anything herein to the contrary, the sign area of signs at the entrance of a subdivision shall be limited to 40 square feet and six feet in height. If used in conjunction with a wall, the wall shall not exceed five feet in height. The decorative facade, including post and/or columns, shall not exceed seven feet in height. No more than two signs shall be allowed to be placed at each entrance of a subdivision. Signs shall be placed on common property under the ownership of the home owners association (HOA) and shall not be allowed to be on private property. A permit shall be required.
- (c) *Banners.* Banners shall not be more than 24 square feet in size to be displayed not more than 30 days in a calendar year. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet and shall not extend more than four feet above grade when mounted on the ground. There shall be only one banner displayed at a time. No permit shall be required.
- (d) *Multi-family parcels.* For any multi-family residential property, the number of allowable freestanding signs shall not exceed eight signs not more than six square feet each. Such developments shall also be entitled to two permanent signs at the entrance to the development as regulated in subsection (b) of this section. The property owner shall be responsible for all signage posted on the property. Notwithstanding any provisions within this section to the contrary, signs within the DR-15 zoning district shall be regulated in the same manner as single-family residential zoning districts are regulated. For purposes of this chapter, a DR-15 zoning district shall not be considered to be a multifamily zoning district. A permit shall not be required.

(Ord. No. 2009-006, § 1(6-6-62), 5-21-2009)

## **Sec. 111-157. Freestanding signs.**

- (a) *Number, height and dimensions.* Unless otherwise provided herein, each parcel is allowed one permanent freestanding sign, not to exceed six feet in height, ten feet in width and not more than 40 square feet in area.
- (b) *Multiple businesses parcel.* Each parcel containing multiple businesses shall be entitled to display one permanent freestanding sign. Individual business names are included in the total square footage. The maximum area of the sign shall not exceed seven feet in height, ten feet in width, and not more than 60 square feet in area.
- (c) *Illumination; permit.* Freestanding signs may be externally illuminated. A permit shall be required.
- (d) *Drive-through signs.* Signs as part of a drive-through facility, not visible or legible by the traveling public shall not be regulated by this chapter; however, no individual drive-through sign may exceed 40 square feet.
- (e) *Temporary signage.* Each parcel containing a single business shall be allowed not more than eight aggregate square feet of temporary signage. Each parcel containing multiple businesses shall be allowed not more than 12 aggregate square feet of temporary signage. No temporary sign shall be greater than four feet in height. A permit shall not be required. Sidewalk, sandwich, and A-frame signs may be used as the temporary signage as described in this section. The limitation on aggregate maximum square feet for temporary signage applies to sidewalk, sandwich, and A-frame signs. Sidewalk, sandwich, and A-frame signs may only be displayed during business hours.
- (f) *Subdivision entrance/exit signs.* Notwithstanding anything herein to the contrary, the area of signs at the entrance/exit of a subdivision shall be limited to 40 square feet and six feet in height. If used in conjunction with a wall, the wall shall not exceed five feet in height. The decorative facade, including posts and/or

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columns, shall not exceed seven feet in height. No more than two signs shall be allowed to be placed at each entrance of a subdivision. Signs shall be placed on common property under the ownership of the property owners association (POA) and shall not be allowed to be on private property. A permit shall be required.

(Ord. No. 2009-006, § 1(6-6-72), 5-21-2009)

### **Sec. 111-160. Banners.**

Banners shall be allowed for a period not exceeding 21 days, with not more than four such 21-day periods being permitted per calendar year.

- (1) *Size.* Banners shall not be more than 32 square feet. A permit shall be required.
- (2) *Height.* No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet or shall not extend more than five feet above grade when on the ground.

(Ord. No. 2009-006, § 1(6-6-75), 5-21-2009; Ord. No. 2013-03, § 4, 2-7-2013)

### **Sec. 113-163. Recreational vehicle parking.**

Camping trailers, recreational vehicles, travel trailers, camper pick-up coaches, motorized homes, boat trailers and boats shall not be parked on any residentially-zoned or AR lot that has not been improved with a dwelling nor any non-residential lot that has been not been improved with a principal building except in conjunction with the construction of a dwelling or principal building for which a building permit has been issued. Application for a permit for the parking of such recreational vehicles shall be made to the zoning administrator. Such permit shall be issued for a period not to exceed six months and shall not be renewable when associated with the construction of a dwelling. This provision shall not be interpreted as precluding the parking of such recreational vehicles for a period not to exceed 14 days. When parked in conjunction with a dwelling or principal building, the recreation vehicle must meet all applicable setbacks, shall not be parked in the front yard, nor on the street adjacent to the lot, and shall be parked on an improved surface.

### **Sec. 113-164. Non-residential service areas.**

All service areas for non-residential uses shall be established so as not to infringe upon any yard requirement and shall be visually screened from adjacent residential properties.

### **Sec. 113-166. Exterior storage.**

Exterior storage (but not including the parking of vehicles for sale or lease) shall not be permitted in the front yard of any non-residential zoning district and shall be permitted in only the industrial (M-1, M-2) zoning districts and the educational-institutional (E-I) zoning district. Exterior storage located in the educational-institutional (E-I) zoning district shall be screened or fenced or located in a receptacle not to exceed 65 square feet.

(Revised October 3, 2013)

### **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.

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- (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)

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- (4) Animal hospitals and veterinary clinics (O-I, 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-I). 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.
  - 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):

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- 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;
  - 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;

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- 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-I):
- 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;
  - 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;

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- 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.
  - 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).



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- 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:
    - 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

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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;
- 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.

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- (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;
  - 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;

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- 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.

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- (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) 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.

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- 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;
  - 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.

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- 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.
  - 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.

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- (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;
  - 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;



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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;
  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-I, 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.

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(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;
- 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;

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- 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):
- 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).

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(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)

### **Sec. 113-211. Off-street automobile parking.**

- (a) *Plans required.* A parking plan for all non-residential and multi-family uses shall be submitted to the town with the site plans.
- (b) *Design standards.* All parking facilities, including entrances, exits and maneuvering areas, shall:
  - (1) Have access to a public street;
  - (2) Be graded and paved (including access drive(s)), including access drive(s), and be curbed when needed for effective drainage control as determined by the Town of Tyrone Engineer and Environmental Specialist;
  - (3) Have all spaces marked with paint lines, curb stones or other similar designations;
  - (4) Be drained so as to prevent damage to abutting properties or public streets;
  - (5) If a parking area is established within a residential zoning district for a non-residential use, provide a 20-foot wide continuous visual buffer at least four feet in height between the parking area and the abutting residential property;
  - (6) Provide adequate lighting if the facilities are to be used at night. The lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties or streets;
  - (7) Not be established in the front yard of any residential zoning district except for a single-family residential use; no more than 35 percent of the front yard may be paved or used for parking; and
  - (8) The provisions of paragraphs (2), (3), (5), and (6) of this subsection shall not apply to single-family residential uses where three or less spaces are required.
- (c) *Parking area:*
  - (1) Parking stalls shall have a minimum width of nine feet and a minimum length of 18 feet;
  - (2) There shall be provided adequate interior driveways to connect each parking space with a public right-of-way;
  - (3) Interior driveways shall be:
    - a. At least 24 feet wide where used with 90 degree angle parking;
    - b. At least 18 feet wide where used with 60 degree angle parking;
    - c. At least 12 feet wide where used with 45 degree angle parking;
    - d. At least 12 feet wide where used with parallel parking, or where there is no parking;
    - e. At least 12 feet wide for one-way traffic movement; and
    - f. At least 24 feet wide for two-way traffic movement.
  - (4) Curb return radii shall not exceed 15 feet nor be less than ten feet.
- (d) *Joint use of parking facilities.* The required parking space for a number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that one-half of the parking spaces required for churches, theatres or assembly halls whose peak

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attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

- (e) *Shared parking arrangements.* Two or more uses may share parking without providing the minimum number of on-site required spaces for each use, under all of the following conditions:
- (1) The minimum required number of parking spaces for the combined uses may be reduced by 20 percent for shared parking when hours of operation overlap.
  - (2) Off-site spaces shall be within 1,000 feet walking distance of a building entrance or use as measured from the parking area entrance along pedestrian walkways. If the pedestrian walkway access is to cross an arterial street, appropriate safety measures must be present to help the pedestrian cross the street. In any event, safe and convenient pedestrian access, such as a sidewalk, crosswalk, or path, must exist or be provided from the structure or use to the parking area.
  - (3) When the hours of operation do not overlap, the parking area to be shared must contain at least the minimum required spaces of the largest individual use sharing the lot and shall be developed to the extent of at least being designated according to the standards of this chapter.
  - (4) The parking area to be shared must be owned by the owner of one of the uses or leased for at least a 20-year term or through a permanent easement by the owner of the uses being served.
  - (5) No changes shall be made to the shared parking area which would reduce the parking provided for the uses, unless the owner of one of the uses makes other arrangements to provide parking. No such changes shall be made without Town approval.
  - (6) Handicap parking spaces cannot be shared, unless the uses that are to share the spaces are adjacent to the handicap spaces and no inconvenience to the users of such spaces would be created.
  - (7) Loading spaces shall not be shared.
  - (8) Any proposed change in the use of a structure that shares a parking area will require proof that adequate parking is available.
- (f) *Proximity to public parking.* If a site lies within 1,000 feet walking distance of a public parking area, the minimum parking requirements shall be 20 percent less than otherwise required by this section.
- (g) *Use of area.* No parking area may be used for the sale, repair, dismantling, servicing or long-term storage of any vehicles or equipment unless such activity is allowed in the zoning district in which the parking area is located.
- (h) *Location and surface of parking areas.* The parking of any vehicle on any lot in any zoning district on other than a surface treated and hardened to accommodate the vehicle is prohibited. In addition, parking of vehicles in the front yard or in front of the principal building line in a residential zoning district shall be prohibited except on a hard-surfaced driveway or in a carport or garage.
- (i) *Parking of business vehicles.* In any residential or multi-family zoning district, no prohibited business vehicle or school bus used for transporting students to either public or private schools shall be allowed to park on parcels so zoned or on streets abutting such parcels except during daylight hours and only for the purpose of making deliveries, pickups and providing services. A prohibited business vehicle is defined as a vehicle with a gross vehicle weight rating (GVWR) in excess of 26,000 pounds, or a vehicle with more than two axles, or a vehicle designed to transport at least 15 passengers (including the driver). Business vehicles with a GVWR of less than 26,000 pounds, or less than three axles, or those designed to carry less than 15 passengers (including the driver) shall not be parked on streets abutting such parcels. This provision shall not be construed as restricting in any way the normal business vehicle activity associated with development and construction.
- (j) *Required spaces.* The number of parking spaces or area required for a particular use shall be as follows:

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- (1) *Automobile sales and repair garage.* One space per employee plus one space for each 150 square feet of gross floor area;
  - (2) *Automobile service station.* Three spaces for each service bay, with a minimum often spaces required;
  - (3) *Business, professional offices and clinics.* One space per 250 square feet of gross floor area;
  - (4) *Bowling alleys, religious institutions and other places of assembly.* One space per four seats in the main auditorium or 100 square feet in the largest assembly room (10/18/07);
  - (5) *Commercial, manufacturing and industrial establishments.* One space per 2,000 square feet of gross office, plant and storage area;
  - (6) *Delivery, ambulance and other similar services.* One space for each vehicle, plus one additional space for each two employees;
  - (7) *One-, two- and three-family dwellings.* Two spaces per dwelling unit plus one space for each 200 square feet of clubhouse, or other common structure;
  - (8) *Food stores.* One space per 100 square feet of gross floor area;
  - (9) *General business, commercial or personal service establishments.* Five and one-half spaces per 1,000 square feet of gross floor area;
  - (10) *Hospitals, care homes and similar institutions.* One space per two beds plus one space for each staff member or visiting doctor, plus one space for each employee;
  - (11) *Hotels and motels.* One space for each guest room plus one space for each 200 square feet of accessory uses such as convention halls, banquet rooms, lounges, restaurants or similar accessory uses;
  - (12) *Lodges, fraternal or social organizations.* One space per 100 square feet of gross floor area;
  - (13) *Manufactured homes.* Two spaces for each manufactured home lot;
  - (14) *Restaurants, night clubs, taverns and similar establishments serving food or beverages and providing patron use area.* One space per 75 square feet of gross floor area;
  - (15) *Restaurants, drive-in (without area provided for patron use).* One space per 100 square feet of gross floor area;
  - (16) *Shopping centers.* Five and one-half spaces per 1,000 square feet of gross floor area;
  - (17) *Schools, public or private elementary.* Two spaces per classroom;
  - (18) *Schools, public or private middle, high, trade, exam preparation and tutoring, colleges and universities.* Five spaces per classroom;
  - (19) *Skating rinks, dance halls, poolrooms, and other places of amusement or assembly without fixed seating.* One space per 200 square feet of gross floor area;
  - (20) *Swimming pool, golf course, neighborhood recreation center or similar use.* One space per five members but not less than 20 spaces except that golf courses shall require a minimum of 20 spaces per nine holes;
  - (21) *Theaters, auditoriums funeral homes, gymnasiums, stadiums and other places of assembly with fixed seating.* One space per three seats;
  - (22) *Theaters, auditoriums, funeral homes, gymnasiums, stadiums and other places of assembly without fixed seating for the accommodation of movable seats in the largest assembly room.* One space per 25 square feet of gross floor area available; and

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(23) *Wholesale establishments or other similar uses.* One space per 200 square feet of gross floor area devoted to sales or display plus two spaces per 2,000 square feet of gross storage area.

( Ord. No. 2021-03 , § 1, 2-18-2021)