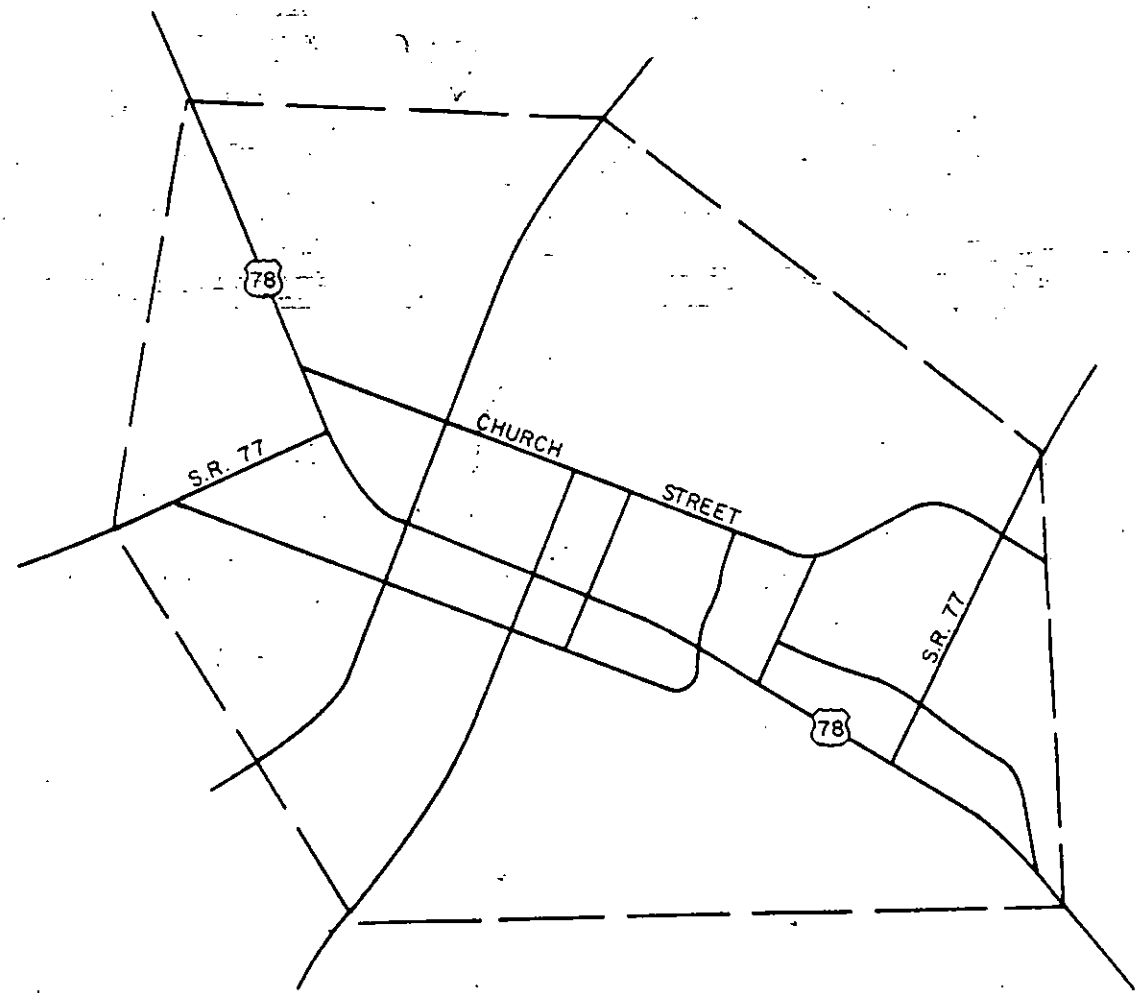


CITY HALL

9A2 RANFORD

ZONING ORDINANCE

City of Lexington, Georgia



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NORTHEAST GEORGIA AREA PLANNING AND DEVELOPMENT COMMISSION

THE ZONING ORDINANCE
OF
LEXINGTON, GEORGIA

Adopted November, 1983

With amendments through May, 1987

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THE ZONING ORDINANCE
OF
LEXINGTON, GEORGIA

ARTICLE I. TITLE

An ordinance of Lexington, Georgia, regulating the location, construction, and use of buildings, structures, and land; and for dividing Lexington into districts for such purposes, and establishing boundaries thereof; providing for the method of administration and amendment; prescribing penalties for the violation of its provisions.

Section 100. Short Title

This Ordinance shall be known as and may be cited as "The Zoning Ordinance of Lexington, Georgia."

ARTICLE II. ENACTMENT CLAUSE

The City Council of Lexington under the authority of the Constitution of Georgia, ratified November 2, 1976, Article IX, Section IV, and Home Rule Powers granted by the State of Georgia, for the purpose of promoting the health, safety, order, prosperity, and the general welfare of the City of Lexington hereby ordains and enacts into law the following Articles and Sections:

ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS

Section 300. Certification by Planning Commission

For the purpose of this Ordinance, Lexington, Georgia is hereby divided into ten (10) districts as shown on the official zoning maps dated October 18, 1979, as certified by the Planning Commission to the Mayor and Council. Said maps are hereby made a part of this Ordinance, made a public record, and shall be kept permanently in the City Hall, where said maps shall be available to the general public.

Section 301. Amendment of Maps

If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other information portrayed in the Official Zoning Maps, changes shall be made on the Official Zoning Maps promptly, after the amendment has been approved by the City Council of Lexington, together with a numerical entry on the Official Zoning Maps referring to the application on file which states the date of the official action and description of the nature of the changes. No amendment to this regulation which involves matter portrayed on the Official Zoning Maps shall become effective until after such change and entry have been made on said maps.

No changes of any nature shall be made on the Official Zoning Maps or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and is punishable as provided by Law.

Regardless of the existence of purported copies of the Official Zoning Maps, which may from time to time be made or published, the Official Zoning Maps which shall be located in the city hall shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

Section 302. Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Maps of Lexington, the following rules shall apply:

- 302.1 Unless otherwise indicated, the district boundary lines are center lines of streets or blocks or such lines extended, lot or property lines, corporate limit lines, the center line of the main tracks of a railroad, a line lying in the center of a stream or drainage way, or the city limits of Lexington.

302.2 Where district boundary lines parallel street rights-of-way or other discernable topographic features, the exact distance shall be scaled from the map.

302.3 Where a district boundary line divides a lot which is under single ownership at the time of this enactment, the use classification of the larger portion may be extended to the remainder without recourse to amendment procedure.

302.4 In case the exact location of a boundary cannot be determined by the foregoing methods, the Board of Appeals shall, upon application, determine the location of the boundary.

302.5 Where a public road, street, alley, or other right-of-way is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, alley, or right-of-way.

Section 303. Annexation and Other Adjustments to City Limits

Where city limit boundaries change by virtue of annexation or some other means, the following provisions shall apply:

303.1 The land areas incorporated shall be classified R-1 One-family Residential until such time as such classification is changed through normal amendment procedures or unless a different classification is called for in the annexation ordinance.

303.2 In all cases, where additions in the total land area require adjustments in the Zoning District boundaries, said adjustment shall be made on the Official Zoning Maps.

ARTICLE V
ZONING DISTRICT SCHEDULE

DISTRICT	EXAMPLES OF BASIC INTENT & USES*	CONDITIONAL USES*
PU-Public Use	Parks, recreation, public and private schools, hospitals Utilities, maintenance facilities, public garages, fire stations	Private day care centers, clinics, cemeteries. Radio transmitting tower; waste disposal treatment
R-1 One-family Residential	Low density, single-family dwellings.	Churches
R-1a One-family Residential	Low density, single-family dwellings.	Churches
R-2 One & Two-family Residential	Medium density one & two-family dwellings. R1, R1a & R2 uses.	Churches, day care & elderly care facilities, mobile home parks.
R-3 Multiple Unit Residential	Medium-high density residential, multiple family units.	
OIP Office, Institutional, Professional	Office, public or semi-public institutional use, club, related non-retail use, professional office.	Related services, limited retail business with parking in rear or side yards..
B1 Neighborhood Business	Convenience stores & services. R3 uses.	Auto service stations..
B2 General Business & Central Business	Retail, wholesale, storage, services, shops & offices to serve the county & Regional Trade areas.	Off-site signs, repair garage, & drive in service. R3 uses.
B3 Highway Business	Highway-oriented establishments.	Off-site signs, drive-in business.
LI Light Manufacturing	Limited manufacturing, warehouses, repair garages, industrial parks.	General commercial uses. Junk & salvage yards.

*See Classification List, Article VI for complete list of uses. This table shows only a representative list of the more common examples for illustration of intent. Any Historic District will appear on the Official Zoning District Maps as an overlay to other zoning districts and is not listed on this chart.

ARTICLE IV. GENERAL PROVISIONS

The regulations set by this Ordinance within each district shall be the minimum regulations and shall apply uniformly to each class or kind of structure of land, except as hereinafter provided.

Section 400. Use of Land or Buildings

400.1 No land or building shall hereinafter be used or occupied, and no building or parts shall hereafter be constructed, erected, altered, or moved, unless in conformity with all the regulations herein specified for the district in which it is located.

400.2 No building or other structure shall hereafter be erected or altered:

- a. To exceed the original size or bulk;
- b. to accommodate or house a greater number of families;
- c. to occupy a greater percentage of lot area;
- d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provision of this Ordinance.

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

400.4 Right-of-way easements for streets and roads shall not be considered a part of a lot or open space, or front, rear, or side yard for the purpose of meeting yard requirements.

Section 401. Lot Reduction Prohibited

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 402. Use of Substandard Lots of Record

Where the owner of a lot at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may nonetheless be used as a building site provided that said lot requirements are not reduced below the minimum specified in this Ordinance by more than twenty (20) percent. If, however, the owner of two (2) or more adjoining lots

with insufficient land dimensions, decides to build on or to sell off these lots, he must first combine said lots to comply with the dimensional requirements of the Ordinance. Any lot requiring dimensional waivers below the twenty (20) percent minimum set forth in this Section may be approved by the Zoning Board of Appeals provided that further decreased dimensional requirements shall conform as closely as possible to the required dimensions.

Section 403. Public Street Frontage

No building shall be erected on a lot which does not abut for at least twenty-five (25) feet on a public street.

Section 404. One Principal Building on a Lot

Only one principal building and its customary accessory buildings may hereafter be erected on any one lot.

Section 405. Planted Buffer Strips

Where commercial or industrial districts abut residential districts, a ten (10) foot wide planted buffer strip shall be provided along the abutting property lines, and the ten (10) feet shall be added to the side or rear yard requirements as well as the lot width unless specified otherwise in this Ordinance.

Section 406. Vision Clearance

In all districts, no fence, wall shrubbery, or other obstruction to vision between the heights of two and one-half (2 1/2) feet and ten (10) feet above the finished grade of streets shall be erected, permitted, or maintained within twenty (20) feet of the intersection of the right-of-way lines of streets or of streets and railroads.

Section 407. Access to Public Streets

Access to public streets shall be maintained in accordance with the following requirements:

- 407.1 Each principal use shall be located on a lot or parcel which provides frontage on a public street having a right-of-way of not less than thirty (30) feet.
- 407.2 Any additional dwelling shall have access to a public street by means of a passageway open to the sky at least fifteen (15) feet in width.

407.3 Local streets which will carry less than six hundred (600) cars per day may have access points as needed to fit the development. Collector streets and arterial streets which are projected to carry more than six hundred (600) cars per day shall have a minimum distance between access points equal to seven (7) times the speed limit for that street and except in the B-2 General and Central Business District, shall be provided with a twenty (20) foot buffer planted in accordance with Section 902.4.

Section 408. Corner Lots

On lots having frontage on more than one street at an intersection, the minimum front yard requirement may be reduced to one-half the regulated distance on the portion of the lot fronting on the street or streets of less importance. However, in no case shall the setback be reduced to less than fifteen (15) feet. The minimum front yard for the portion of the lot fronting on the street of greater importance shall be provided in accordance with the provisions established by this Ordinance for the District in which the lot is located.

Section 409. Double Frontage Lots

On lots having frontage on two (2) streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance. On lots having frontage on more than two (2) streets, the minimum front yard shall be provided in accordance with the regulations set forth in this Ordinance on at least two (2) of the street frontage. The minimum front yard on the other frontage or frontages may be reduced along the other streets in accordance with the provisions of this Section.

Section 410. Front Yard Requirements

The setback requirements of this Ordinance shall not apply to any lot where the average setback on already built upon lots located wholly or in part within one hundred (100) feet on each side of such lot and within the block and zoning district and fronting on the same street as such lot is less than the minimum required setback. In such cases, the setback of such lot may be less than the requirement setback but not less than the average of the existing setbacks on the developed lots. However, in no case shall setbacks be less than fifteen (15) feet.

Section 411. Code Requirements

All structures shall meet the requirements of all adopted codes in effect including, but not limited to, Building Code, Plumbing Code, Electrical Code, Fire Prevention Code, and Housing Code. Where such codes exceed the minimum requirements of this Ordinance, the stricter provisions shall apply.

ARTICLE VI. LIST OF PERMISSIBLE AND CONDITIONAL USES

On the following table, an open circle "o" means that the use will be permitted in that district only if a conditional use permit is granted by the Board of Appeals. An "x" means that the use is permitted in the zoning district subject to the general provisions of the Zoning Ordinance. For uses not included on this table, the Lexington Mayor and Council must be consulted. If they are unable to make a determination, then application shall be made to the Lexington Board of Appeals for an interpretation.

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District Abbreviations

PU = Public Use
 R1 = Single Family Residential
 R1A = Single Family Residential
 R2 = Two Family Residential
 R3 = Multi-Family Residential
 B3 = Highway Business

OIP = Office, Institutional
 and Professional
 B1 = Neighborhood Business
 B2 = General and Central Business

LI = Light Industrial-Manufacturing

PERMISSABLE AND CONDITIONAL USES	P U	R1	R 1A	R2	O IP	B1	B2	B3	LI	R3		
Advertising display mfg., sales							O	O	X			
Association (clubs and lodges)					X	O	X	X				
Athletic Club					X	X	X	X				
Athletic Field	X				O					O		
Auditorium, Assembly Hall	X				X		X	X	X			
Auto-Truck Sales; Repair-parts							X	X	X			
Auto-Truck Salvage; Scrap yard									O			
Appliance Store							X	X				
Art/Antique Shop						O	X	X				
Agriculture		X										
Agricultural products, sale of												
Bait Sales						X	X	X				
Baked Goods-Home Operation				O		X	X	X				
Baked Goods-Large Scale							X	X	X			
Barber				O		X	X	X				
Beauty Shop				O		X	X	X				
Boarding House				X	O			O		O		
Bottle Gas, Storage and Dist.							O	X	X			
Bowling Alley							X	X				
Builder's Equipment-mater. stor							O	X	X			
Bicycle Shop						X	X	X				
Book Store						X	X	X				
Cabin, Seasonal-Recreational			O	O								
Cafe, Restaurant					O	X	X	X	O			
Camp, Private												
Campground, Public-Private												
Carpenter Shop, Woodworking	X					O	O	X	X			
Carpet and Rug Sales, Storage						O	X	X	X			
Cemetery	O											
Cesspool Builder, Sales-Service							O	O	X			
Child Care Center, Play School	O			O	X					O		
Church, Synagogue		O	O	O	X					O		
Clinic, Public-Private	O				X		X	X		O		
Community Center	X			X	X		X	X				
Contractor Equipment Mater.Stor							O	X	X			
Country Club	X											
Curio and Souvenir Shops	O				O	X	X	X				
Candy/Confectionary Store						X	X	X				

District Abbreviations

PU = Public Use
 R1 = Single Family Residential
 R1A = Single Family Residential
 R2 = Two Family Residential
 R3 = Multi-Family Residential

OIP = Office, Institutional
 and Professional
 B1 = Neighborhood
 Business
 B2 = General and Central
 Business

B3 = Highway Business

LI = Light Industrial - Manufacturing

PERMISSIBLE AND CONDITIONAL USES	PU	R1	R1A	R2	OIP	B1	B2	B3	LI	R3		
Disposal Plant, Sewage	x								x			
Dry Cleaning, Pick Up						x	x	x	o			
Dwelling, Single Family, exc MH*		x	x	x	X					x		
Dwelling, Single Family, inc. MH*				x								
Dwelling, Two Family				x						x		
Dwelling, Multi-Family, Group				y						x		
Drug Store	o				x	x	x	x				
Dress Shop						x	x	x				
Drive-In Restaurant						o		x				
Dry Cleaning, Plant							x	x	x			
Eggs, Poultry Processing									x			
Electric Substation; Power Yard	x	x	x	x	x	x	x	x	x	o		
Fire Station	x				x				x	o		
Fish-Meat, Wholesale and Curing							x	x	x			
Florist, Greenhouse, Nursery						x	x	x	x			
Frozen Food, Cold Storage Locker								x	x			
Funeral Home, Mortuary					x		x	x				
Furniture Store						x	x	x				
Forestry		x										
Garage, Public Storage	x						o	x	x			
Gasoline, Bulk Storage Tank								o	x			
Gasoline Service Station						x	x	x	x			
Golf, Miniature	x					o	o	x				
Gravel Pit	x							x	x			
Grocery Store						x	x	x				
Grocery Store, Convenience						x	x	x				
Garage, Repair Commercial						o	o	x	x			
Greenhouse, nursery		o										
Hardware Store						x	x	x				
Historic Site	x	x	x	x	x	x	x	x	x			
Home - Elderly, children, nursing				o	x			x				
Hospital	x									o		
Hotel						o	x	x				
Housing, Multifamily Project					x					x		
Home Occupation		x	x	x	x					x		
Ice, manufacturing, sales							o	x	x			
Imported Goods, Warehouse Sales						o	x	x	x			
Ice Cream Parlour						x	x	x				
Junk and Salvage									o			

*MH refers to a mobile home.

District Abbreviations

PU = Public Use
 R1 = Single Family Residential
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 R3 = Multi-Family Residential

OIP = Office, Institutional and Professional
 B1 = Neighborhood Business
 B2 = General and Central Business

B3 = Highway Business LI = Light Industrial-Manufacturing

PERMISSIBLE AND CONDITIONAL USES	PU	R1	R1A	R2	OIP	B1	B2	B3	LI	R3			
Jewelry Store						O	X	X					
Kennel, Dog								X					
Laboratory, Research-Commercial					X		O	X	X				
Laundry, Self-serve; pick-up						X	X	X	O				
Laundry, Plant							X	X	X				
Livestock, non-commercial		X											
Livestock production, commercial		O											
Machine Shop, Metal Fabrication						O	X	X	X				
Mobile Home Park													
Motel				X			O	X					
Museum, historical, natural, art	X				X		X	O					
Manufacturing, light, limited									X				
Mobile Home, Individual Owner				X									
Mobile Home, Renter				X									
Oil, Fuel Sales						X	X	X	X				
Oil, Fuel Storage								O	X				
Parking Lot	X			X	X	X	X	X	X	X			
Playground	X	X	X	X	X	X							
Park	X	X	X	X	X	X		X					
Paving, Temporary Batch Plant	X							X	X				
Police, Sheriff;	X				X		X	X					
Printing, Photo-Engraving	X				X		X	X	X				
Professional Office					X	O	X	X					
Public Building, Utility Plant	X				X		O	O	O				
Public Service, Except Util.	X				X	X	X	X	X				
Real Estate Office					X	X	X	X					
Retail Store						X	X	X					
Restaurant, Cafe					O	X	X	X	O				
Roadside Park, wayside	X							X	X				
Rooming House				O	X		O	X					
Sewage Disposal Plant	X								X				
School, Public-Private	X				X					O			
School, Commercial	O				O		X	X	X				

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R3 = Multi-Family Residential -

Business

LI = Light Industrial and
Manufacturing

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ARTICLE VII

AREA, YARD, AND HEIGHT REQUIREMENTS

DISTRICT	MINIMUM LOT AREA SQ. FT. (per unit)	MINIMUM LOT WIDTH (in feet)	MINIMUM SET BACKS			MAXIMUM TOTAL BLDG. COVERAGE**	MAXIMUM HEIGHT IN FEET*
			FRONT YARD (in feet)	SIDE YARDS (in feet)	REAR YARD (in feet)		
PU	---	---	---	---	---	---	---
R-1	15,000	100	35	10	20% of lot depth	60%	60
R-1A	12,000	75	35	10	lot depth	30%	30
R-2	15,000 + 5,000 each additional unit****	75	25	10	but need not exceed 50 feet	40%	30
OIP	10,000	75	25	10	50 feet	60%	40***
B-1	---	---	---	---	25 feet	40%	40
B-2	---	---	---	---	---	40%	40
B-3	---	---	---	---	---	50%	40
LI	---	---	---	---	---	60%	60
						60%	60

* plus an additional 5 feet for each additional story

** as a percent of total lot area

*** any greater height of a building proposed to be constructed in this zone must be approved by the Board of Appeals upon certification by the Fire Chief that the structure will contain adequate fire protection systems, including sprinkler systems

**** except for mobile home parks, where the area must encompass 6,000 square feet per mobile home.

ARTICLE VIII. NONCONFORMING USES

Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. To avoid undue hardship, the lawful use of any building or land use at the time of the enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance except that the nonconforming building or land shall not be:

- a. Changed to another nonconforming use.
- b. Reestablished after discontinuance for sixty (60) days or more.
- c. Repaired, rebuilt, or altered after damage exceeding fifty (50) percent of its replacement cost at the time of destruction. If the building is not cleaned up or removed after a period of ninety (90) days, the city will remove the debris and expenses will be paid by the owner or the property will be sold by the city to pay expenses.
- d. Enlarged or altered in a way which increases its nonconformity.

Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety or health, upon order of such official.

Section 800. Nonconforming Use Discontinuance

Notwithstanding other provisions of this Ordinance, certain nonconforming land uses, after this Ordinance is enacted into law, shall be discontinued, and/or shall be torn down, altered, or otherwise made to conform with this Ordinance within the periods of time set forth below. Upon application to the Board of Appeals, the Board, either according to general rule or upon findings in the specific case, may permit not more than one (1) extension for not more than the time indicated.

Notice shall be sent by the Mayor and Council to all nonconforming users stating wherein they do not conform to said Ordinance and stating the date by which they must either comply or cease to exist. The date that a nonconforming use must either comply or cease to exist shall be measured from the date of enactment of this Ordinance and shall be observed regardless of whether notice of nonconformity is sent by the Mayor and Council or received by the affected owner.

<u>Nonconformities</u>	<u>To Be Discontinued Within</u>	<u>Maximum Extension That May Be Permitted</u>
Wrecking, junk, scrap, or salvage yards and other open uses of land, signs, outdoor advertising structures, automotive storage and sales lots, outdoor storage yards for lumber, building materials, contractor's equipment	Three years	One year
Nonconforming fences, walls, and hedges impeding vision at intersections	One year	60 days

ARTICLE IX. SUPPLEMENTARY REGULATIONS

Section 900. Home Occupation

A home occupation shall be permitted in any dwelling, in the R1, R1A, and R2 Zones, provided that such occupation:

- a. Is conducted by no other persons than members of the family residing on the premises;
- b. is conducted entirely out-of-sight of neighboring properties within the principal building or customarily accessory structure;
- c. utilizes not more than twenty-five (25) percent of the total floor area of the principal building;
- d. produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling;
- e. involves no sale or offering for sale of any article not produced or assembled by members of the family residing on the premises;
- f. creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, parking problem, voltage fluctuation, radio or television interference, open storage of materials or stock, unhealthy or unsightly condition;
- g. is not visibly evident from outside the dwelling except for a sign no larger than one (1) square foot in size.

Section 901. Accessory Uses

In addition to the principal uses, each of the following uses is considered to be a customary accessory use, and as such, may be situated on the same lot with the principal use or uses to which it serves as an accessory provided that setback and yard requirements are met.

901.1 Uses customarily accessory to dwellings

- a. Private garage not to exceed the following storage capacities:
one or two-family dwelling -- four (4) automobiles;
multi-family dwelling -- two (2) automobiles per dwelling unit;
group dwelling -- 1.5 automobiles per sleeping room.
- b. Open storage space or parking area for motor vehicles provided that such space does not exceed the maximum respective storage capacities listed above; and provided that such space shall not be used for more than one (1) commercial vehicle licensed as one (1) ton or less in capacity per family residing on the premises.

- c. Shed or tool room for the storage of equipment used in grounds or building maintenance.
- d. Children's playhouse and play equipment.
- e. Quarters for the keeping of pets owned by occupants for noncommercial purposes provided that such use does not generate a nuisance to adjoining properties.
- f. Private swimming pool and bath house or cabana.
- g. Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
- h. Noncommercial greenhouse or slat house.

901.2 Uses customarily accessory to church buildings

- a. Religious education buildings.
- b. Parsonage, parsonium, or parish house, together with any use accessory to a dwelling as listed above.
- c. Off-street parking area for the use without charge of members and visitors to the church.
- d. Cemeteries.

901.3 Uses customarily accessory to retail businesses, office uses, and commercial recreational facilities

- a. Off-street parking or storage area for customers, clients, or employee-owned vehicles.
- b. Completely enclosed building for the storage of supplies, stock, or merchandise.
- c. Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat, or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.

901.4 Uses customarily accessory to public uses, buildings, or activities

There shall be no limitations regarding accessory uses to any use, building, or activity operated within the public domain except that such uses, buildings, or activities must be directly related and subordinate to the principal public use.

Section 902. Off-street Parking

Areas suitable for parking or storing automobiles in off-street locations shall hereafter be required in all districts, except in the B2, General Business District, at the time of the initial construction of any principal building; or when a structural alteration or other change in a principal building produces an increase in dwelling units, guest rooms, floor area, seating or bed capacity, or when a conversion in use occurs. Such off-street parking spaces shall have direct access to a street or alley and shall be provided and maintained in accordance with the following requirements:

RESIDENTIAL ACTIVITIES

REQUIRED PARKING

Single-Family Dwellings

Two (2) spaces

Any residential use consisting of two (2) or more dwelling units

One and one-half (1 1/2) space for each dwelling unit

Tourist homes, boarding houses, and motels

One (1) space for each accommodation plus one (1) space for each three (3) employees

Hotels

One (1) space for each three (3) guest rooms plus one (1) space for each five (5) employees

Group dwellings

One (1) space for each two (2) bedrooms

PUBLIC & SEMIPUBLIC USES

REQUIRED PARKING

Hospitals, Clinics, and Nursing Homes

One (1) space for each two (2) beds plus one (1) space for each staff or visiting doctor plus one (1) space for each four (4) employees including nurses at maximum employment on a single shift

Churches, Stadium, and other places of Public Assembly

One (1) space for each two (2) staff members or employees plus one (1) space for each four (4) seats in the principal assembly room

Places of assembly or indoor recreation without fixed seats

One (1) space for each two hundred (200) square feet of gross floor space directed to patron use

Schools; elementary, and junior high

One (1) space for each classroom and administrative office

Schools; senior high

One (1) space for each classroom and administrative office plus one (1) space for each twenty (20) seats or one (1) space for each four hundred (400) square feet of area used for public assembly whichever is greater

Other Public Buildings

One (1) space for each two hundred (200) square feet of gross floor space

BUSINESS USES

REQUIRED PARKING

Medical, Dental, and Optical Office

Five (5) spaces per doctor, dentist, and optician

Professional and Business Offices not otherwise specifically enumerated

One (1) space for each one hundred (100) square feet of gross floor space

Banks

One (1) space for each one hundred (100) square feet of gross floor space

Service and Repair Establishments not otherwise specifically enumerated

One (1) space for each two hundred fifty (250) square feet of floor area not used for storage

Retail businesses not otherwise specifically named

One (1) space for each two hundred (200) square feet of retail floor space

Auto, Truck, and Mobile Home sales, Outdoor Equipment and Machinery sales, Commercial Nurseries

Four (4) spaces for each sales person plus one (1) for each other employee

Restaurants, Theaters, Night Clubs, and other such places of public assembly

One (1) space for each four (4) seating accommodations plus one (1) space for each two (2) employees on shift of greatest employment

Service Stations

Two (2) spaces for each gasoline pump plus three (3) spaces for each grease rack and wash rack

Funeral Homes

One (1) space for each four (4) seats in chapel or parlor plus sufficient space to park or store all company vehicles

WHOLESALE AND INDUSTRIAL USES

Wholesaling and Industrial
Uses including lumber, brick,
coal, junk, and supply yards

REQUIRED PARKING

One (1) space for each two (2)
employees at maximum employment on a
single shift, plus space for all
company vehicles operating from the
premises

902.1 Parking space area requirements

Including aisles, entrances, and exits, each required off-street parking area, lot, or other facility shall contain a minimum of three hundred (300) square feet of space for each automobile to be accommodated.

902.2 Location on other property

If the required automobile parking space cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on the other off-street property provided such property lies within five hundred (500) feet of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner.

902.3 Common off-street parking areas

Two (2) or more principal uses may utilize a common area in order to comply with off-street requirements, provided that the total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of this Section, and provided that the owner of said lot relinquish his development rights over the property until such time as parking space is provided elsewhere.

902.4 Screening of parking lots

Off-street parking lots, whether public or private, for more than five (5) vehicles shall be effectively screened by a fence, wall, or evergreen plant material located within or visible from an R1, R1A, R2, or OIP zoning district meeting the following standards:

- a. If located adjacent to one of the aforementioned zoning districts or if located adjacent to a thoroughfare as shown on the comprehensive plan, the last ten (10) feet adjoining such district and adjoining such thoroughfare right-of-way shall be developed as a planted landscape buffer with plant materials to be installed and maintained by the property owner.
- b. A landscape planting plan is to be submitted to the Mayor and Council and approved prior to the issuance of a land use permit. Installation of plant materials or other screening devices shall have been completed prior to the issuance of a certificate of occupancy.

- c. Plant materials shall consist of at least one (1) tree, with a minimum trunk diameter of two (2) inches, for each twenty-five (25) lineal feet of buffer screen.
- d. Where healthy trees or other native plant materials exist on a site prior to its development, islands and buffers of such material shall be incorporated into the parking lot design with special attention to the saving and preservation of trees with trunk diameters of four (4) inches or more.
- e. An overall minimum average of one (1) tree as described above occupying a planting space of sixty-four (64) square feet shall be furnished for each ten (10) cars on the interior and for each five (5) cars on the perimeter of the parking lot.

902.5 Access to parking lots

A plan of entrances, exits, and storm water drainage shall be submitted to the Mayor and Council and approved prior to the issuance of a land use permit for off-street parking lots, whether public or private, for more than five (5) vehicles. Installation of entrances, exits, and drainage systems shall have been completed prior to the issuance of a certificate of occupancy. Unless special circumstances make it impractical, curb cuts shall not be wider than twenty-four (24) feet for entrances into or exits from parking lots and shall be no closer than one hundred (100) feet apart measured from center line to center line.

902.6 Extension of parking space into a residential district

Required parking space may extend up to three hundred (300) feet in an adjoining residential district provided that:

- a. It has its access to or fronts upon the same street as the property in the commercial or industrial district for which it provides the required parking space;
- b. it is separated from abutting properties in the residential district by a ten (10) foot-wide buffer strip, screened and maintained by a fence, wall, or evergreen plant material.

Section 903. Off-street Loading and Unloading Spaces

Every lot on which a business, trade, or industry is hereafter established shall provide space off the street as indicated herein for loading and unloading vehicles. Such space shall have access to an alley or, if there is no alley, to a street. For the purpose of this Section, an off-street loading space shall have the minimum dimensions of twelve (12) feet by forty (40) feet and be clear and be free of obstructions at all times. Required space shall be considered as follows:

- a. Retail business: One (1) space for each five thousand (5,000) feet of gross floor area.

- b. Wholesale, industrial, governmental, and institutional uses, including public assembly places, hospitals, and educational institutions, one (1) space for the first twenty-five thousand (25,000) square feet of total floor area. For anything in excess of twenty-five thousand (25,000) square feet, such uses shall provide loading spaces according to the following schedule:

<u>Square Feet</u>	<u>Number of Spaces</u>
25,001 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 349,999	5
for each additional 100,000 or fraction thereof	1 additional

Section 904. Parking, Storage, or Use of Boats and Recreational Vehicles

No major recreational equipment such as boats, travel trailers, and recreational vehicles shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the nearest portion of a building to a street, provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. Such equipment shall observe all setbacks, yard, and other requirements set forth within the residential districts in which they are located. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such uses.

Section 905. Parking and Storage of Certain Vehicles

No automotive vehicles or trailers of any kind or type without current license plates shall be parked or stored on any residentially-zoned property other than in completely enclosed buildings.

Section 906. Mobile Home Parks

Mobile Home Parks hereafter established or expanded shall meet the following minimum requirements:

- Lot area per mobile home site shall not be less than an average of six thousand (6,000) square feet.
- No mobile home or related accessory structure shall be closer than thirty (30) feet to any other mobile home or accessory, nor closer than forty (40) feet from any other structure.
- Shall conform to all specifications of the Federal Housing Administration as expressed in publications relating to minimum property requirements for mobile home parks.

- d. Shall be provided with a twenty (20) foot planted buffer screen between the Mobile Home Park and all other land uses and between the Mobile Home Park and any public street frontage consisting of shrubs not less than six (6) feet tall and at least one (1) tree with a minimum trunk caliper of two (2) inches for each twenty-five (25) lineal feet of buffer screen.
- e. Shall have a minimum of two (2) occupied spaces to be considered a mobile home park. Either the spaces and/or the mobile home must be rented in order for the premises to be considered a mobile home park.

Section 907. Townhouses

Within the R3 district, which permits townhouses, the following requirements shall apply:

- a. No more than ten (10) or fewer than five (5) continuous townhouses shall be built in a row with approximately the same front line.
- b. No side yard is required except that on corner and interior lots the end of the building in any townhouses grouping shall conform to the side yard requirements of that district.
- c. Not more than forty (40) percent of the lot area shall be occupied by buildings.
- d. All townhouse complexes shall be required to provide a sanitary sewer system which meets the requirements of the State Health Department if public sanitary service system is available within thirty (30) feet of the development the developer must tie into it at his expense.
- e. Insofar as practicable, off-street parking facilities shall be grouped into bays, either adjacent to streets or in the interiors of blocks; and no off-street parking space shall be more than one hundred (100) feet by the most direct pedestrian route, from a door of the dwelling unit it is intended to serve.
- f. All other requirements within the district in which the townhouses are located shall prevail.
- g. All townhouse complexes shall be approved by the Oglethorpe County Planning Commission.

Section 908. Apartments

Apartments may be constructed only in the R3 zone and subject to the following conditions:

- a. The Mayor and Council of Lexington shall approve:
 1. Building placement on lot.
 2. Maximum density per net acre of development.
- b. All parking shall be off-street.
- c. All streets, drives, or alleys in the development serving more than one principal use shall:
 1. Have a minimum right-of-way of fifty (50) feet.
 2. Have a bituminous or concrete surface.
- d. Minimum building setback shall be the minimum setback for the zone in which the apartments are located provided that in no case shall it be less than twenty-five (25) feet.

Section 909. Automobile Service Station

Within the districts permitting automobile service stations, the following requirements shall apply:

- a. Location. The building in which an automobile service station is located shall not be within fifty (50) feet of any residential district, or any property containing a school, public playground, church, hospital, public library, institution for children or dependents.
- b. Site requirements. An automobile service station shall have a minimum frontage on the primary street of one hundred twenty (120) feet and a minimum lot area of twelve thousand (12,000) square feet. All buildings shall be setback forty (40) feet from all street right-of-way lines and all canopies shall be setback fifteen (15) feet from all street right-of-way lines.
- c. Access to site. Vehicular entrances or exits at an automobile service station:
 1. Shall not be provided with more than two (2) curb cuts for the first one hundred twenty (120) feet of street frontage or fraction thereof.
 2. Shall contain an access width along the curb line of the street of not more than forty (40) feet as measured parallel to the street at its narrowest point and shall not be located closer than twenty (20) feet to a street intersecting or closer than ten (10) feet to the adjoining property.

3. Shall not have any two (2) driveways or curb cuts any closer than twenty (20) feet at both the right-of-way line and the curb or edge of the pavement along a single street.
- d. Gasoline pump islands. All gasoline pump islands shall be setback at least fifteen (15) feet from the right-of-way line, or where a future widening line has been established, the setback line shall be measured from such line; and where pump islands are constructed perpendicular to the right-of-way line; however, the pumps shall be at least sixty (60) feet from the center line of an arterial street, fifty-five (55) feet from the center line of a collector street, and forty-five (45) feet from the center line of other streets.
- e. Off-street parking. A minimum of two (2) off-street parking spaces are required with an additional off-street parking space for each lubrication and wash bay.
- f. Other site improvements. In addition to the above requirements, the following additional site improvements shall be adhered to:
 1. A raised curb of at least six (6) inches in height shall be erected along the street property lines, except for driveway openings.
 2. A solid fence or wall six (6) feet in height shall be erected along all property lines abutting any adjacent residential lot.
 3. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and streets.
 4. Signs, whether permanent or temporary, shall not be placed within the public right-of-way and shall be arranged so that they do not obstruct visibility for drivers or pedestrians.
 5. All drives, parking storage, and service areas shall be paved and curbed and a good stand of grass shall be maintained on the remainder of the lot.
- g. Storage of inflammable products. Outside above-ground tanks for the storage of gasoline, liquified petroleum gas, oil, or other inflammable liquids or gases shall be prohibited at any automobile service station in all zoning districts.

Section 910. Individual Mobile Homes.

An individual mobile home located on a single lot shall be a permitted use in the R2 zone.

The use of a mobile home or any other mobile home unit designed for long term use for any purpose other than as a single-family residence is prohibited in all zones.

Section 911. Requirements for Agricultural Uses.

The non-commercial keeping of cows, horses, sheep, goats, or other large animals or of fowl shall be permitted only on lots of one (1) acre or more in size. The total number of all such animals (other than their young under the age of six months) or fowl allowed on a lot shall be limited to the square footage of the lot, divided by the total minimum areas required per animal or fowl as listed below:

Sheep or goat	20,000 sq. ft.
Horse	43,560 sq. ft.
Cow	43,560 sq. ft.
Fowl	50 per 43,560 sq. ft.

(Area requirements are based on minimum acreages recommended by the Georgia Agricultural Extension Service.)

Any such animal shall be placed to the rear of all adjacent and adjoining residences and shall be either penned or tied not closer than seventy-five (75) feet to a side property line or shall be confined to the lot by means of a suitable fence. Any fowl kept on the lot shall be kept in a clean pen or structure.

Commercial agriculture, production of livestock or poultry or their products, and forestry shall be permitted only on lots of ten (10) acres or more in size. No structure accessory to such use that contains poultry, livestock, manure, or other odor or dust producing substance or use shall be located within two hundred (200) feet of a property line, provided, however, that any such structure existing at the time of the passage of this amendment shall be allowed to extend to the existing building line but no nearer the property line than any existing portion of such structure. All livestock and poultry kept on any such lot shall be limited to the square footage limitations listed above.

The sale of agricultural products in the R1 zone shall be limited to those produced on the premises.

ARTICLE X. SIGN REGULATIONS

Section 1000. General Provisions

The following regulations shall apply to all permitted signs:

1000.1 A sign permit shall be required for the erection, alteration, or reconstruction of any sign unless otherwise noted.

1000.2 Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.

Section 1001. Prohibited Signs

1001.1 Signs imitating warning signals. No signs shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, nor shall any sign use the words "stop," "danger," or any other word, phrase, symbol, or character in a manner that might mislead or confuse an automobile or other vehicle driver.

1001.2 Signs within street or highway rights-of-way. Except as herein provided, no sign whatever, whether temporary or permanent, except traffic signs, signals, and information signs erected by a public agency, is permitted within any street or highway right-of-way.

1001.3 Certain attached and painted signs. Signs painted on or attached to trees, fence posts, and telephone or utility poles or signs painted on or attached to rocks or other natural features or painted on the roofs of buildings are prohibited.

1001.4 Fluttering ribbons and banners. Fluttering ribbons and banners and similar devices are prohibited, except for flags of governments and their agencies.

Section 1002. Signs for Which a Permit is Not Required

A permit is not required for the following types of signs in any Zoning District:

1002.1 Traffic, directional, warning, or information signs authorized by any public agency.

1002.2 Official notices issued by any court, public agency, or officer.

1002.3 One nonilluminated "for sale," "for rent," or "for lease" sign not exceeding nine (9) square feet in area in residential districts and twenty (20) square feet in other than residential districts and located no less than ten (10) feet back from the street right-of-way line, unless attached to the front wall of a building.

1002.4 One permitted home occupation sign, provided it is not illuminated, no larger than one (1) square foot, and mounted against a wall of the principal building.

Section 1003. Regulations Applying to Specified Types of Signs

The following regulations apply to the following specified types of signs:

1003.1 Roof signs. Not more than one (1) roof sign structure may be erected on the roof of any one (1) building. No roof sign shall extend more than twenty (20) feet above the elevation of the roof.

1003.2 Wall signs. Signs on the walls of a building, including signs attached flat against the wall, painted wall signs, and projecting signs shall meet the following requirements:

- a. Signs on the front surface of a building. The total area of signs on the exterior front surface of a building shall not exceed twenty (20) percent of the front surface of the building.
- b. Signs on the side and rear surface of a building. The total area of signs on a side or rear surface of a building shall not exceed twenty-five (25) percent of the exterior side or rear surface of the building respectively.
- c. The combined sign area on the front, side, and rear surface of a building must not exceed six hundred (600) square feet.
- d. Projecting signs. Wall signs attached flat against a wall may extend not more than twenty-four (24) inches beyond the wall. Signs projecting from a wall may extend outward from the wall of a building not more than six and one-half (6 1/2) feet and may be located not closer than eighteen (18) inches to a vertical plane at the street curb line. A projecting sign shall not extend above the roof line a distance greater than the height of the roof above the ground level. In no case shall signs project beyond property lines. The minimum height above grade or sidewalk level of such signs shall be no less than ten (10) feet.

Section 1004. Lighting Requirements

1004.1 Lighted neon, or luminous signs giving off light resulting in glare, blinding, or other such adverse effect on traffic shall not be erected or maintained.

1004.2 The light from illuminated signs 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.

1004.3 No illuminated signs shall be constructed or maintained within fifty (50) feet of any residential district or dwelling.

1004.4 Signs with flashing, intermittent, or animated illumination or effect shall be excluded from all districts; provided however, that time and weather informational signs, official warning, traffic, or regulating signs shall be exempt from this requirement.

1004.5 No sign shall be erected which simulates an official traffic control, working signal, or emergency light in such a manner as to confuse or mislead the traffic or hide from view any traffic or street sign or signal. Any such sign now existing shall be removed within sixty (60) days of the effective date of this Article.

Section 1005. Area Limitations

1005.1 When a sign or signs are attached to the wall of a building in a commercially zoned district, the total area of attached signs shall not exceed 20% of the total area of the wall to which attached. The total area of internally lighted attached signs shall not exceed 10% of the area of the wall to which attached.

1005.2 For free standing signs, each business establishment with less than one hundred feet (100') of street frontage may erect free standing signs on its own property so as not to obstruct traffic, with a total area not to exceed fifty (50) square feet. Such free standing sign(s) may not be internally lighted.

1005.3 Each business establishment with one hundred (100) or more feet of street frontage may erect free standing signs on its own property so as not to obstruct traffic, with a total area not to exceed 240 square feet. The total area of internally lighted free standing signs may not exceed 120 square feet.

1005.4 The above area limits on free standing signs refer to the total area of the portion of the sign containing writing or other graphics, or (if internally lighted) of the internally lighted portion of the sign. Signs may have identical writing on both sides without increasing the measured area beyond the area of one side.

1005.5 The above area limitations shall not apply to temporary non-lighted window graphics or temporary external graphics in place less than fourteen (14) days.

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ARTICLE XI. SPECIAL EXCEPTIONS FOR PLANNED UNIT
DEVELOPMENTS, PATIO HOUSES, AND CLUSTER DEVELOPMENTS

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Section 1100. Exceptions for Innovative Design

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Planned unit developments, patio houses, and cluster developments as defined in this Ordinance are recognized as being desirable for the conservation and more efficient use of open space, utilities, energy, and public services than the conventional pattern of land development. In the best interest of the long-range development plans of the City, therefore, the Mayor and Council are hereby empowered to make certain exceptions to the provisions of this Ordinance in order to encourage new and innovative approaches to design and construction and provide for ways to enclose outdoor space as a useful extension of living areas in a manner consistent with the preservation of property values within established areas but shall not permit structures or use of land that might endanger health, safety, or natural drainage.

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Section 1101. Procedure

Any request for the establishment of a PUD, Planned Unit Development, or for the design of a patio house or cluster development that does not meet all of the requirements of this Ordinance, shall be considered an amendment to the Zoning Ordinance and shall be administered and processed in accordance with the procedure set forth in Article XIV, Section 1402.

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Section 1102. Professional Design

To assure developments of the quality desired by the City, to establish an optimum living environment between indoor and outdoor living, and to provide for good design and use of proper materials in the structures and landscape design, the professional talents of qualified architects, urban planners, and/or landscape architects shall be utilized in the design of PUD's, Patio Houses, and Cluster Developments.

ARTICLE XII. ADMINISTRATION, ENFORCEMENT, APPEAL, COMPLAINTS, REMEDIES

Section 1200. Administration and Enforcement

It shall be the duty of the Mayor and Council to administer and enforce the provisions of this Ordinance.

If the Mayor and Council shall find that any of the provisions of this Ordinance are being violated, they shall notify in writing the person responsible for such violation(s), indicating the nature of the violation(s) and ordering the action necessary to correct it. They shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 1201. Application for Permits

All applications for land use permits, sign permits, and temporary certificates of zoning compliance shall be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; location of all trees of four (4) inches or larger in diameter measured at breast height; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Mayor and Council, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance.

One copy of the plans shall be returned to the applicant by the Mayor and Council after they shall have marked such copy either as approved or disapproved and attested to same by the signature of the Mayor on such copy. The original copy of the plans, similarly marked, shall be retained by the Mayor and Council.

Section 1202. Land Use and Sign Permits Required

No building, sign, or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the Mayor and Council. No land use or sign permit shall be issued by the Mayor and Council except in conformity with the provisions of this Ordinance, unless they receive a variance as provided by this Ordinance.

The Mayor and Council shall issue sign permits in accordance with the provisions of the Building Code or other laws in effect. Unlawful signs shall be made to comply with all regulations or shall be removed in accordance with the appropriate provisions set forth in the Building Code or this Ordinance.

Section 1203. Conditional and Temporary Uses

Conditional uses, as listed in Article VI, are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the District within which they are proposed for location.

1203.1 General requirements. Conditional uses shall be permitted subject to a determination by the Mayor and Council that they conform to all conditions set forth by the Board of Appeals as required by Article XIII, subsection 1304.3 (powers and duties of the Board of Appeals hearing and deciding exceptions).

1203.2 Conditional use administration and duration. Applications for permission to build, erect, or locate a conditional use shall be permitted and processed in accordance with the regulations set forth in this Article, prior to the issuance of any permits.

1203.3 Temporary uses. The Mayor and Council authorized to issue a Temporary Certificate of Zoning Compliance for temporary uses, as follows:

- a. Carnival, circus, or fair, for a period not to exceed twenty-one (21) days, subject to the approval of the City Council.
- b. Religious meeting in a tent or other temporary structure in B2 and B3 Districts, for a period not to exceed sixty (60) days.
- c. Open lot sale of Christmas trees, fruits, and vegetables, and other harvested products in the B1, B2, B3, and L1 Districts for a period not to exceed forty-five (45) days.
- d. Real estate sales office, in any district, for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure.
- e. Contractor's office and equipment sheds, in any district, for a period of one (1) year, provided that such office be placed on the property to which it is appurtenant.
- f. All Temporary Certificates of Zoning Compliance may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no increased traffic congestion, and will not create a nuisance to surrounding uses.

Section 1204. Expiration of Building Permit

If the work described in any permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Mayor and Council and written notice thereof shall be given to the persons affected.

Section 1205. Complaints Regarding Violations and Remedies

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Mayor and Council. They shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

Section 1206. Penalties for Violation

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined, as determined by the Court, for each offense. Each day such violation continues shall constitute a separate offense.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 1207. Appeal from the Decision of the Mayor and Council

It is the intention of this Ordinance that all questions arising in connection with the enforcement of the Ordinance shall be presented first to the Mayor and Council and that such questions shall be presented to the Board of Appeals, only on appeal from the decision of the Mayor and Council.

ARTICLE XIII. BOARD OF ZONING APPEALS

Section 1300. Establishment of Board of Zoning Appeals

A Board of Zoning Appeals is hereby established. Said Board shall consist of three (3) members who shall be citizens of the city, none of whom shall hold any other public office or position in the city or county except that one member may also serve on the Planning Commission. They shall be appointed by the City Council for overlapping terms of three (3) years. Initial appointment shall be as follows: One (1) member for a term of five (5) years, one (1) member for a term of four (4) years, and one (1) member for a term of three (3) years or thereafter until their successors are appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any authorized travel expenses incurred while representing the Board.

Section 1301. Proceedings of the Board of Zoning Appeals

The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until re-elected or until their successors are elected. The Board shall appoint a nonvoting secretary, who may be a city officer, an employee of the city, or a member of the Planning Commission. The Board shall adopt rules and bylaws. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public.

Section 1302. Decisions of the Board of Appeals

The concurring vote of three (3) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Mayor and Council, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation of this Ordinance. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. On all appeals, applications, and matters brought before the Board of Appeals, the Board shall inform in writing all the parties involved of its decisions and the reasons therefor.

Section 1303. Appeals, Hearings, and Notices

Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality or county. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Appeals' notice of said appeal specifying the grounds thereof. The Mayor and Council shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

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

The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

Section 1304. Powers and Duties of the Board of Appeals

The Board of Zoning Appeals shall have the following powers and duties:

1304.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Mayor and Council in the enforcement of this Ordinance.

1304.2 To authorize, upon appeal, in specific cases a variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Appeals that:

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

1304.3 To hear and decide special exceptions by the granting of conditional use permits upon a finding by the Board of Appeals that:

- a. The special exception or conditional use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity nor diminish and impair property valued within the surrounding neighborhood;
- b. the proposed conditional use will not increase local or state expenditures in relation to cost of servicing or maintaining neighboring properties;
- c. the establishment of the conditional use will not impede the normal and orderly development of surrounding property for uses predominant in the area; and
- d. the location and character of the proposed conditional use is considered to be consistent with a desirable pattern of development for the locality in general.

1304.4 To decide on other matters where a decision of the Board of Appeals may be specifically required by the provisions of this Ordinance. In exercising these powers, the Board of Appeals may, in conformity with the provision of this Act, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the Superior Court.

Section 1305. Appeals from Decisions of Board of Appeals

Any person aggrieved by any decision of the Board of Appeals may take an appeal to the Superior Court within thirty (30) days after the decision of the Board is rendered. Such appeal shall be as specified in Chapter 6-2 of the Code of Georgia.

ARTICLE XIV. THE HISTORIC DISTRICT

Section 1400. The Historic District

This is a special zoning overlay district which is superimposed on other zoning districts in the city. This district is taken from the description of the district under #10 Geographical Data, Verbal Boundary description, in the U.S. Department of Interior National Register of Historic Places nomination form. The description of the district is as follows:

Moving in a counterclockwise direction and starting from the southernmost point of the district, which is about 125 feet east of U.S. Highway 78 and 875 feet southeast of the intersection of U.S. Highway 78 and Georgia Highway 77 North, the boundary line of the historic district moves in a straight line in an east-northeast direction for approximately 250 feet to a point which is about 125 feet east of U.S. Highway 78 and about 875 feet southeast of the intersection of Georgia Highway 77 North and U.S. Highway 78; from this reference point, the boundary line moves in a straight line in a north direction for approximately 1750 feet to a reference point, the boundary line runs in a straight line in a northwest direction for about 2375 feet to a point which is about 250 feet southeast of Blackbottom Road and approximately 1750 feet northeast of the intersection of U.S. Highway 78 and Georgia Highway 77 South; from this reference point, the boundary line runs in a straight line in a northeast direction for about 875 feet to a point approximately 200 feet south of Georgia Highway 22; from this reference point, the boundary line follows Blackbottom Road in an eastward direction for about 750 feet to a point 1875 feet east of the intersection of U.S. Highway 78 and Georgia Highway 22; from this reference point, the boundary line moves in a west northwest direction for approximately 1500 feet to a point on Georgia Highway 22 about 375 feet northeast of U.S. Highway 78; from this point, the boundary line moves along Georgia Highway 22 in a southwest direction to the intersection of U.S. Highway 78 and Georgia Highway 22; from this intersection, the boundary line moves in a southeast direction along U.S. Highway 78 for about 500 feet; from this point, the boundary line moves eastward in a straight line for about 375 feet to a point about 1000 feet northwest of the intersection of U.S. Highway 78 and Georgia Highway 77 South; from this point, the boundary line moves southward in a straight line for about 1750 feet to a point about 625 feet south of Georgia Highway 77 South and 750 feet southwest of U.S. Highway 78; from this point, the boundary line moves in a east south-east direction in a straight line for about 4000 feet to the southern most point of the historic district.

ARTICLE XV. AMENDMENTS

Section 1500. Authority

This Ordinance, including the Official Zoning Map, may be amended from time to time by the City Council as herein specified:

Section 1501. Requirements for Change

When the public necessity, convenience, general welfare, or good zoning practice justify such action, the City Council may undertake the necessary steps to amend the Zoning Ordinance.

Section 1502. Procedure for Amendments

Requests to amend the Zoning Ordinance shall be processed in accordance with the following requirements:

1502.1 Initiation of amendments. A proposed amendment to the Zoning Ordinance may be initiated by the City Council or by application filed with the city clerk by the owners of the property proposed to be changed, provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property or any part thereof, and requesting the same change in district classification by a property owner or owners more often than once every twelve (12) months.

1502.2 Application procedure. Application forms for amendment requests shall be obtained from the city clerk. Completed forms, together with an application fee to cover administrative costs, plus any additional information the applicant feels to be pertinent, will be filed with the city clerk. Any communication purporting to be an application for an amendment shall be regarded as a mere notice to seek relief until it is made in the form required.

Applications for amendments must be submitted in proper form at least three (3) weeks prior to a City Council hearing in order to be heard at that hearing.

1502.3 Public Hearing by the Mayor and Council. All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Mayor and Council.

Before enacting an amendment to this ordinance, the City Council shall hold a public hearing thereon. Notice of the time, place, and purpose of the hearing shall be published in a newspaper of general circulation in the city at least fifteen (15) days and no more than forty-five (45) days before the date of the hearing.

All hearings and other meetings of the Mayor and Council shall be open to the public and any party may appear in person or by agent or by attorney.

The City Government has adopted policies and procedures governing the calling and conducting of public hearings. Copies of the policies and procedures to be followed at a public hearing are available to the general public at City Hall.

Procedural Rules - Public Hearings. All public hearings shall follow as closely as is practical the following procedural rules:

The presiding officer will review for those present these procedures and set forth the operating procedures for the hearing:

1. In order for a person in attendance to speak, the presiding officer must recognize them. Upon rising to speak the person recognized will first identify themselves. The presiding officer may also request that the person furnish a home or business street address as appropriate.
2. Each person will be allowed a maximum total of fifteen (15) minutes to express opinions and make points on the proposed revisions. The City Council may extend the allotted time at their discretion.
3. Additional persons and previous speakers will be recognized per the above procedure for the purpose of addressing additional elements of the proposed revisions or to make additional points and rebuttals with regard to elements already addressed.

1502.4 Changes in the zoning maps. Following final action by the City Council, any necessary changes shall be made in the Zoning Maps.

A written record of the type and date of such changes shall be maintained by the City Clerk. Until such change is made, no action by the City Council on map amendments to the Zoning Ordinance shall be considered official unless the City Clerk fails to make the change within seven (7) days after formal action by the City Council. In the latter event, action by the City Council shall be considered official seven (7) days after the date of the action even if the City Clerk has failed to make the appropriate changes.

1502.5 Standard. The City Council has adopted standards governing the exercise of zoning power. Such standards are available to the the general public at City Hall. The standards to be specifically considered in all appropriate zoning decisions are:

1. Existing uses and zoning of nearby property.
2. The extent to which property values are diminished by the particular zoning restrictions of current zoning.
3. The extent to which the destruction of property values of the

plaintiffs promotes the health, safety, morals or general welfare of the public.

- a. Would the change alter the population density pattern and thereby increase the load on community facilities (such as schools, sewers, and streets)?
 - b. Will a change adversely influence living conditions in the neighborhood?
 - c. Will a change stimulate any adverse environmental impact (light, soil erosion, air, drainage problems)?
 - d. Will a change adversely affect property values in adjacent areas and to what extent is the property value of the subject site diminished by the present zoning?
4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.
 5. The suitability of the subject property for its current zoning.
 6. The suitability of the subject property for the proposed zoning.
 7. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property.
 8. Conformity with or divergence from nearby established, land use patterns.
 9. The availability of adequate sites for the proposed use in districts that permit such use.
 10. The suitability of the site for the proposed use relative to the requirements set forth in the zoning ordinance (such as off-street parking, set-backs, buffer zones, and open space).
 11. Consideration of the preservation and protection of historic structures.

1502.6 Notification Requirements. Upon the filing of a petition for a change in zoning, the applicant shall at their expense cause to be erected in a conspicuous place on the property in question a sign of not less than nine (9) square feet, with not less than three (3) inch black letters upon a white background which shall read as follows:

NOTICE TO THE PUBLIC

A petition has been filed requesting that this property

be changed from (insert present district name) to
(insert district requested). A public hearing will be
held at (insert place) on (date) at (time).

All those having an interest in this petition should be
present.

/s/ (Property Owner)
(Address)

ARTICLE XVI. DEFINITIONS

Section 1600. Interpretation of Certain Terms or Words

Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions. For the purpose of this Ordinance, certain words or terms used herein are defined as follows:

Words used in the present tense include the future tense.

Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel."

The word "structure" includes the word "building."

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."

The word "maps" or "zoning maps" shall mean the official Zoning Maps of the City of Lexington, Georgia, and may include a series of maps in sections.

The term "Planning Commission" refers to the Oglethorpe County Planning Commission.

The term "Board of Appeals" refers to the Board of Zoning Appeals of the City of Lexington.

The term "City Clerk" refers to the City Clerk of Lexington or authorized representative of that office.

The terms "Council," "City Council," or "Mayor and Council" refer to the legally constituted and elected governing body of the City of Lexington.

When used in this Ordinance, the following words and phrases shall have the meaning giving in this Section:

ACCESSORY USE: A use customarily incidental to the principal use of land or building and located on the same lot with such principal use or building.

AIRPORT: A transportation terminal facility where aircraft take-off and land.

ALLEY: A platted service way providing a secondary means of access to abutting properties.

AUTOMOBILE SERVICE STATION: Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories and incidental services including facilities for lubricating, washing and cleaning, or otherwise servicing automobiles, but excluding painting and major repair.

AUTOMOBILE WRECKING YARD. AUTOMOBILE USED PARTS LOT ON JUNKYARD: Any place where three (3) or more vehicles not in running condition, or the parts thereof, are stored in the open, or any building or structure used principally for wrecking or storage of automobiles not in running condition.

BLOCK: A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.

BOARDING HOUSE: A building other than a hotel where, for compensation and/or by pre-arrangement, meals or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

BUILDING: Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of persons, animals, or chattels.

BUILDING ACCESSORY: A subordinate building, the use of which is incidental to that of the dominant use of the main building or land.

BUILDING. ALTERATIONS OF: Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) except such change as may be required for its safety; and addition to a building; any change in use from building from one location to another.

BUILDING. HEIGHT OF: The vertical distance measured from the average elevation of the proposed finished grade at the front to the height level between the eaves and ridge for gable, hip, and gambrel roofs and to the deck-line of a mansard roof.

BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the lot on which it is situated.

CLINIC: An establishment where patients, who are not lodged overnight, are admitted for examination and treatment.

CLUB, NON PROFIT: Buildings and facilities owned or operated by a corporation, association, person, or persons for social, educational, or recreational purposes, but not primarily for profit or to render a service to the general public.

COMPREHENSIVE PLAN: Any part or element of the Comprehensive Plan adopted by the Planning Commission.

COUNCIL: "The Mayor and Council for the City of Lexington, Georgia."

DENSITY: The number of dwelling units per gross or net acre of land.

DISTRICT: A section of the City of Lexington within which the zoning regulations are uniform.

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

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

DWELLING: Any building or portion thereof which is designed for or used for residential purposes.

DWELLING, MULTI-FAMILY: A building designed for or occupied exclusively by three (3) or more families living independently of each other.

DWELLING, SINGLE-FAMILY: A building designed for or occupied exclusively by one (1) family.

DWELLING, TENANT: A residential structure located on a farm and occupied by a non-transient farm worker and employed by the owner of the farm.

DWELLING, TWO-FAMILY (DUPLEX): A building designed for and occupied exclusively by two (2) families living independently of each other.

DWELLING UNIT: A dwelling or portion thereof providing permanent living quarters for one or more persons living as a single housekeeping unit.

EASEMENT: A grant by a property owner of the use of land for a specific purpose or purposes by the general public or a corporation or a certain person or persons.

ENTRY, SIDE: The side of a mobile home where the principal entrance doorway is located.

FALL-OUT SHELTER: A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fall-out, air raids, storms, or other emergencies.

FAMILY: One (1) or more person occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, lodging house, or hotel, as herein defined.

FLOOR AREA: The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces the exterior walls or from the center line of walls separating two (2) buildings, but not including the attic space providing headroom of less than seven (7) feet; unusable basement or cellar space not used for retailing; uncovered steps for fire escape; open porches; accessory water or cooling towers; accessory off-street parking spaces; and accessory off-street loading berths.

FRONTAGE, LOT: The distance for which the front boundary line of the lot and the street line are coincident.

FRONTAGE, STREET: All the property on the side of a street between two intersecting streets (crossing or terminating), or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

GARAGE APARTMENT: A dwelling unit for one (1) family erected above a private garage detached from the main dwelling.

GARAGE, PARKING: A building or portion thereof designed or used for storage of motor-driven vehicles, and at which motor fuels and oils may be sold, and in connection with which may be performed general automotive servicing as distinguished from automotive repairs.

GARAGE, PRIVATE: An accessory building or a portion of a main building used for the parking or storage of automobiles of the occupants of the main building. A carport shall be considered as a private garage.

GARAGE, REPAIR: A building or portion thereof, other than a private or parking garage, designed or used for the storage, servicing, repairing, equipping, and hiring of motor driven vehicles.

GROSS ACRE: Total acreage included in property.

HOME OCCUPATION: An occupation for gain or support conducted only by members of a family residing on the premises and not more than two (2) non-dwelling members and entirely within the main dwelling.

HOTEL: A building in which lodging or board and lodging are provided for more than twenty (20) persons and offered to the public for compensation and in which ingress and egress to and from each sleeping room is generally made through the interior of the building.

INSTITUTION: A non-profit corporation or a non-profit establishment.

JUNK AUTOMOBILE: Any automobile not bearing a current Georgia State Motor Vehicle Tag.

KENNELS: Any location where raising, grooming, caring for, boarding, or treating of dogs, cats, or other small animals for commercial purposes is carried on within the City of Lexington.

KINDERGARTEN: A school for pre-elementary school children ranging in age from four (4) through six (6) years; which operate for less than five (5) hours per day.

LANDING AREA: The area of an airport used for landing, taking off, or taxiing of an aircraft.

LAUNDROMAT: A business that provides home-type washing, drying, ironing machines and/or coin operated dry cleaning machines.

LAUNDRY AND DRY CLEANING PICK-UP: A business that provides only for the convenience of taking and picking up of laundry and dry cleaning, such as establishments not having any equipment for processing of the laundry or dry cleaning.

LOADING SPACE: A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks and other carriers.

LODGING OR BOARDING HOUSE: A building designed or used for the more or less permanent occupancy, with or without meals, of more than two (2) lodgers or boarders whether the compensation be paid directly or indirectly.

LOT: A parcel of land occupied or to be occupied by one or more main buildings and its accessory buildings with such open and parking spaces as are required by the provisions of this Ordinance and having its frontage upon a public street or streets.

LOT DEPTH: The distance between front and rear lot lines. If two (2) opposite sides of said lot are not parallel, the depth shall be deemed to be the mean distance between the front and rear lot lines.

LOT OF RECORD: A lot or parcel of land whose existence, location, and dimensions have been recorded in the Office of the Clerk of the Superior Court of Oglethorpe County before the effective date of this Ordinance.

LOT CORNER: A lot abutting upon two (2) or more streets at their intersection.

LOT DOUBLE FRONTAGE: A lot having a frontage on two (2) streets as distinguished from a corner lot.

LOT INTERIOR: A lot other than a corner lot.

LOT WIDTH: The distance between the side boundaries of a lot measured at the front building line but not more than fifty (50) feet from the front lot line.

LOT LANE LOCKED: A lot which is not recorded, and does not meet the minimum frontage requirements of the zone in which it is located, but which is defined by existing recorded lots on both sides.

MOBILE HOME: A detached unit designed for long-term occupancy as a single-family dwelling unit, a business, or for any other purpose and constructed originally with wheels for movement

(whether or not such wheels have later been removed) and which has plumbing and electrical connections provided for attachment to outside systems.

MOBILE HOME PARK: Any lot which is customarily used for parking two (2) or more mobile homes for a longer period of time than thirty (30) days.

- a. LOT, MOBILE HOME: A parcel of land located in a mobile home park rented for the exclusive use of the occupants of a single mobile home.
- b. LOT, MOBILE HOME AREA: The total area reserved for exclusive use of the occupants of a mobile home.
- c. LOT, MOBILE HOME LINE: A line bounding a mobile home lot as shown on the accepted mobile home park plan.
- d. NON ENTRY SIDE: That side of a mobile home opposite the principal entry side.
- e. MOBILE HOME STAND: That part of an individual home lot which has been reserved for the placement of a mobile home, appurtenant structures, or additions.

MOTEL: A building or a group of buildings containing sleeping accommodations for rental primarily to automobile transients and in which ingress and egress to and from each sleeping room is generally to the outside of the building.

NET ACRE: Gross acre less all land dedicated to public use.

NON-CONFORMING USE: A use of land building or premises existing at the time of the enactment of this Ordinance, or at the time of a Zoning Amendment and which does not conform with the regulations of the use district in which it is located.

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

PARKING, OFF-STREET: An area designated for automobile storage which is wholly beyond any public street right-of-way.

PLAYSCHOOL: A school for pre-kindergarten children ranging in age from three (3) to four (4) years and which is operated for less than five (5) hours per day.

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

PRINCIPAL USE: The primary purpose for which land or a building is used.

PROFESSIONAL: When used in connection with "use" and "occupancy" a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance officers, real estate offices, religious organizations, stock brokers, and administrative agencies considered professional in character. The term, however, does not include repairs or sales of tangible personal property stored or located within the structure nor any use which would create any loud noise or noxious odors within the City of Lexington.

RESTAURANT, DRIVE-IN: An eating and/or drinking establishment which caters to motor-driven vehicle business where the person being served consumes his food and/or drink while sitting in a motor-driven vehicle, as opposed to a restaurant serving exclusively inside an enclosed building.

RIGHT-OF-WAY: Access over or across particularly described property for a specific purpose or purposes.

RIGHT-OF-WAY LINE: The dividing line between a lot, tract, or parcel of land and a contiguous right-of-way.

ROOMING HOUSE: A building other than a hotel where lodging for three (3) but not more than twenty (20) persons is provided with no meals served.

SHOPPING CENTER: A group of commercial establishments, planned and developed as a unit, with common off-street parking provided on the property.

STORY: That portion of a building, other than a cellar, included between the surface of the floor and the ceiling above it.

STREET: A public or private thoroughfare which affords the principal means of access to abutting property.

STREET, HALF: A street which does not meet the minimum right-of-way widths as set forth in this Ordinance.

STREET LINE: The legal line between street right-of-way and abutting property.

STREET, MAJOR: A street designated as a Major Street on the Major Street Plan Map.

STRUCTURE: Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.

SUBDIVIDER: Any person who undertakes the subdivision of land as herein defined within the confines of Lexington.

SUBDIVISION: Any division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes any division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate to the context, relates to the process as subdividing or to the land or area subdivided; provided, however, that the following are not included in this definition:

- a. The division of land into parcels of five (5) acres or more where no new street is involved; and
- b. the sale or exchange of parcels of land between separate or common owners of adjoining properties, provided that additional lots are not thereby created, and that the lots created are in accordance with the provisions of this Ordinance.

TOWNHOUSE: A single-family dwelling unit which is erected in a row as part of a single building, on adjoining lots, each being separated from the adjoining unit or units by an approved fire resistant party wall or walls extending from the foundation to two (2) feet through the roof along the dividing lot line.

TRAVEL TRAILER: A vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation uses, not more than eight (8) feet in body width and is of any weight, provided its body length does not exceed thirty-two (32) feet.

TRAVEL TRAILER PARK: Any lot on which are temporarily parked two (2) or more travel trailers for a period of less than thirty (30) days.

YARD: A space on the same lot with a main building, such space being open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

YARD, FRONT: An open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building projected to the side lines of the lot and the right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension minimum front required setback of the zone shall be met from both sides.

YARD, REAR: An open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side lines of the lot. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

YARD, SIDE: An open, unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

ARTICLE XVII. SCHEDULE OF FEES

The schedule of fees listed below shall be posted in the office of the City Clerk and may be altered or amended from time to time by the City Council to help defray the costs of zoning administration.

No land use permit, sign permit, certificate of occupancy, demolition permit, or temporary certificate of zoning compliance shall be issued until such fees have been paid in full in the office of the City Clerk, nor shall any action be taken on proceedings before the Board of Appeals or Planning Commission until the following application fees have been paid in full:

Building Permit Ten (10) dollars plus the following, when applicable:

- a. Twenty-five (25) cents per dwelling for each apartment or unit exceeding two (2).
- b. One (1) dollar per 1,000 square feet of gross floor area to all commercial structures or commercial portions of structures.
- c. Fifty (50) cents per 1,000 square feet of gross floor area of all industrial structures or industrial portions of structures.

Demolition Permit Ten (10) dollars

Sign Permit Five (5) dollars

Temporary Certificate of

Zoning Compliance Twenty-five (25) dollars for one (1) year certificates and each renewal.

Twenty (20) dollars for sixty (60) day certificate and each renewal.

Fifteen (15) dollars for forty-five (45) day certificate and each renewal.

Ten (10) dollars for twenty-one (21) day certificate and each renewal.

The following filing fees are to help defray expenses of legal notices, hearings, and other extra administrative costs and are in addition to permit and certificate fees listed herein:

Certificate of Appropriateness

Application Ten (10) dollars

Conditional Use Permit

Application Fifteen (15) dollars

Variance Application. Fifteen (15) dollars

Amendment of Ordinance of

Zoning Map; Review of PUD,

Patio House, or Cluster

Developments. Twenty-five (25) dollars

No application fees or filing fees shall be returned in the event that the project is denied, not constructed for any reason, or if a permit is cancelled as provided for in Article XII, Section 1205.

ARTICLE XVIII. LEGAL STATUS PROVISIONS

Section 1800. Conflict with Other Laws

Whenever the regulations of this Ordinance require a greater width or size of yards or require a greater percentage of lot or be left unoccupied or impose other more restrictive standards than are required in or under any other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

Section 1801. Validity

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not effect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 1802. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

Section 1803. Enactment Procedure-Effective Date

This Ordinance shall take effect and be in force from and after the date of its adoption by the City Council. Before enactment, the City Council shall hold a public hearing thereon with at least fifteen (15) days notice of the time and place published in a newspaper of general circulation in the municipality. No change in or departure from the text or maps as certified by the City Council shall be made unless such change or departure be first submitted to the City Council for approval.

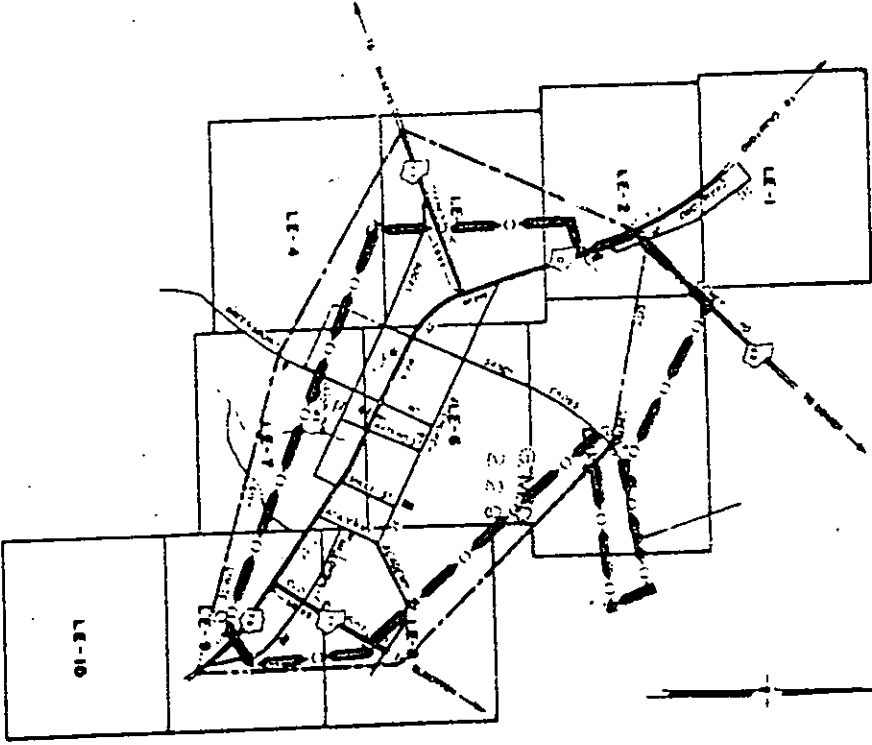
Zoning maps



CITY OF
LEXINGTON



Historic Places
District Boundary



Return to
City Clerk
Mr. Crawford
copy

This document is approved as to legal form and sufficiency

[Signature]
City Attorney Date

Legal notice published in The Aglaithrops Echo Nov. 10 1983
Newspaper Date

Public hearing held: Nov. 14th 1983
Date

This Zoning Ordinance becomes effective on the 14th day of
November, 1983 incorporating the Official Zoning
Map of Lexington, adopted on the 18th day of October, 1979, as amended.

[Signature]
City Clerk

[Signature]
Mayor