

ZONING ORDINANCE
OF PAULDING COUNTY, GEORGIA

An Ordinance regulating within the County of Paulding the location, height, bulk, number of stories and size of buildings and other structures; the sizes of yards, courts, and other open spaces; the density and distribution of population; and the uses of buildings, structures, and land for trade, industry, residence, recreation, mining, agriculture, forestry, conservation, sanitation, protection against floods, public activities, and boundaries thereof; defining certain terms used herein; providing for the method of administration and amendment; defining the powers and duties of the Board of Appeals; providing penalties for violations, repealing conflicting ordinances; and for other purposes.

ARTICLE I - PREAMBLE AND ENACTMENT CLAUSE

The County Board of Commissioners of Paulding County, pursuant to Article IX, Section 2, paragraph 4 of the 1983 Constitution of the State of Georgia, hereby ordains and enacts into law the following articles and sections:

ARTICLE II - SHORT TITLE

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

ARTICLE III. - [INTERPRETATIONS AND DEFINITIONS]

Sec. A. - Interpretations.

For the purpose of interpreting this ordinance, certain words or terms used herein shall be defined as follows: Words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural include the singular. The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual. The word "lot" includes the word "plot" or "parcel." The word "building" includes the word "structure." The word "shall" is always mandatory. 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", "zoning map", or "Paulding County Zoning Map" means the "Official Zoning Maps of Paulding County, Georgia."

(Res. No. 18-29, § 1(Exh. A), 6-26-2018)

Sec. B. - Definitions.

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

- (1) *Accessory building or structure:* A building or structure subordinate to the principal use or building on a lot or property and serving a purpose customarily incidental to the use of the principal building, provided any such structure or building is built with or after the construction of the principal building. Where an accessory building or structure is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building or structure shall be considered part of the principal building.
- (2) *Accessory retail uses:* Retail sales and services accessory to the operation of an office building or institutional use, motel, hotel, apartment development, conducted wholly within the building housing the use to which such activities are accessory, provided that the floor space used or to be used for such secondary uses shall be limited to a total of 25 square feet per dwelling unit in an apartment development or 25 square feet per room in a hotel or motel, or ten percent of the net floor area in an office building or institutional use, and provided that:
 - (a) Every public entrance to such a use shall be from a lobby, hallway or other interior portion of the primary use structure;
 - (b) No show window, advertising, or display shall be visible from the exterior of the primary use structure; and
 - (c) No merchandise shall be stored or displayed outside of the primary use structure.

However, the requirements of (1) and (2) above shall not apply to restaurants and cafeterias secondary to a hotel or motel and office building or institutional use; these secondary uses may be located in a structure other than the primary use structure. The following secondary uses are permitted: barbershops, beauty shops, laundry and dry cleaning pickup and distribution stations and other similar personal service establishments; drugstores; bookstores; florists; convenience food stores; gift shops; cafeterias and restaurants; private clubs; laundry facilities for the convenience of residents; newsstands. However, the total net floor space for such secondary building or structure uses shall be limited to 6,000 square feet.

- (3) *Accessory uses:* Uses subordinate to the principal use or building on a lot and serving a purpose customarily incidental to the use of the principal building, provided any such use is established with or after the construction of the principal building. Such uses include: garbage pads, heating and air conditioning units, Jacuzzis, tennis courts, swimming pools (private), playhouses, playgrounds, and the like.
- (4) *Adult entertainment establishment:* Any adult bookstore, adult business, adult dancing establishment, adult motion picture theater, adult mini-motion picture theater, adult hotel or motel, adult motion picture arcade, adult video store, bath house and massage parlors, erotic entertainment/dance establishment, encounter center or rap establishment, or escort bureau, or introduction service as defined in the ordinance regarding adult entertainment establishments in Paulding County as adopted July 8, 1997, and the premises on which defined establishments operate or on which defined activities occur.
- (5) *Agriculture:* Land shall be considered used for agriculture if the raising of crops or animals is a principal use of the property.
- (6) *Agricultural farm stand:* A structure not greater than 1,000 square feet for the sale and display of farm products raised on premises.
- (7) *Agricultural produce stand:* A structure not greater than 1,000 square feet for the purpose of seasonal sales of agricultural products.
- (8) *Alley:* A public or private way, at the rear or side of property, permanently reserved as a means of secondary vehicular access to abutting property. Frontage on said alley shall not be construed as satisfying the requirements of this ordinance related to frontage on a dedicated street.
- (9) *Ancillary retail sales (industrial districts):* Retail sale of goods and services which is secondary in nature to the primary industrial use of the property in so much that the goods for sale have been produced on site or are in storage at the site for planned distribution to other areas. The ancillary retail sale of goods shall only be conducted as part of the permitted industrial use and shall not be a free-standing business.
- (10) *Animal shows:* Exhibitions of domestic or large animals for a maximum of seven days.
- (11) *Arcade:* A building or part of a building in which five or more pinball machines, video games, or other children's rides or other similar player-operated amusement devices are maintained, not including a commercial recreation restaurant.
- (12) *Automobile service station (gas, filling station):* A building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental thereto; facilities for washing and for chassis and gear lubrication of vehicles are permitted if enclosed in a building.
- (13) *Automotive paint and body repair shops:* An establishment for restoring auto bodies, painting, or refinishing with all activities carried on entirely within an enclosed building.
- (14) *Automotive repair:* Any building, premises, and land in which or upon a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered; provided such activities must be conducted entirely within a fully enclosed building.
- (15) *Automotive salvage and wrecking yards:* Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.
- (16) *Basement:* A portion of the building partly underground which has more than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground; and not deemed a story unless the ceiling is six feet or more above the grade.
- (17) *Bed and breakfast facility:* Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation; and provided the proprietor of the dwelling resides on the premises.

- (18) *Bio-medical waste transfer and disposal facility*: A facility engineered and designed for the collection and/or transfer of bio-medical products such as used gauze, syringes, needles, bandages, test tubes, surgical wastes from a collector vehicle to a larger transport vehicle or another destination for incineration or disposal.
- (19) *Block*: A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.
- (20) *Board of commissioners*: The Board of Commissioners of Paulding County, Georgia.
- (21) *Board of zoning appeals*: The Zoning Board of Appeals of Paulding County, Georgia.
- (22) *Boarding house*: A building, house, or portion thereof, where persons reside and meals are provided to persons, who are not members of the operator's family, for compensation.
- (23) *Buffer*: A barrier which is created by the use of trees or other acceptable plant or vegetative material alone or in combination with berms, fencing, or walls used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, and/or dissimilar uses.
- (24) *Buffer, natural/undisturbed*: An existing natural barrier which contains a stand of evergreen trees or other acceptable vegetative material with a density or intensity which in the opinion of the planning staff meets the intent of the definition of buffer.
- (25) *Buffer, planted/landscaped*: A planted natural barrier which contains a stand of evergreen trees or other acceptable vegetative material with a density or intensity which in the opinion of the planning staff meets the intent of the definition of buffer.
- (26) *Building*: Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals or personal property of any kind.
- (27) *Building, accessory*: See Accessory building or structure.
- (28) *Building height (height of structure or building)*: The vertical distance measured from the grade at the structure to the highest point of the underside of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip, or gambrel roof.
- (29) *Building, principal*: A building in which is conducted the main use of the lot on which said building is located.
- (30) *Caliper*: The diameter of a tree measured at a point four and one-half feet above natural grade.
- (31) *Car wash*: A building, or portion thereof, where automobiles are washed with the use of a chain conveyor and blower, automated or mechanized washers, or hand-held steam-cleaning device.
- (32) *Christmas tree sales*: Retail sales of Christmas trees between Thanksgiving and December 26.
- (33) *Church*: A place where persons regularly assemble for religious worship.
- (34) *Circuses and carnivals*: Provision of games, eating and drinking facilities, live entertainment, animal exhibitions or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.
- (35) *Clinic*: A "medical or dental clinic" is an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall include laboratory facilities in conjunction with normal clinic services.
- (36) *Club or lodge*: Building and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
- (37) *Commercial indoor recreation uses*: Indoor recreational uses such as bowling alleys, driving ranges, batting cages, shooting ranges, and the like.
- (38) *Commercial outdoor recreation uses*: Outdoor recreation uses such as baseball and softball batting cages, shooting ranges, miniature golf, putt-putt golf, and the like.
- (39) *Commercial recreation restaurant*: Any establishment which provides as a principal use the combination of family-oriented recreation and on-premise dining where neither the recreation nor the on-premise dining is clearly accessory or incidental to the operation of the other. It may include, but is not limited to:
- (a) Television and motion pictures;
 - (b) Sound and sight systems;
 - (c) Mechanical and/or electronic operated games (subject to applicable licensing requirements);

- (d) Animated mechanical devices and/or rides; and
 - (e) Live entertainment.
- (40) *Commission*: Paulding County Board of Commissioners.
- (41) *Community fair*: A festival or fair provided that any activity is conducted at least 200 feet from any property line; any event shall not exceed 21 days.
- (42) *Conditional zoning*: The imposition of conditions in the grant of a rezoning application which are in addition to or different from the regulations set forth in this ordinance and which are related to the promotion of the public health, safety, morals, or general welfare and designed to minimize the negative impact on surrounding lands. Such conditions may include, but are not limited to, restrictions on land use, height, setbacks, and other non-use requirements, physical improvements to the property, and infrastructure serving the property.
- (43) *Conference center*: A facility used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, and meeting rooms.
- (44) *Congregate personal care home*: A home for adults in a family type residence, non-institutional in character, which offers care to 16 persons subject to licensing by the Georgia Department of Human Resources as well as applicable county licensing and inspection requirements, including state fire marshal or county fire department approval.
- (45) *Corral*: A small enclosure for restricting animals as distinguished from a fence.
- (46) *Convenience food store with self-service fuel sales*: Any retail establishment offering for sale automotive fuels, pre-packaged food products, beverages, household items, and other goods commonly associated with the same. Further there shall be no automotive repairs done on site.
- (47) *County*: Paulding County.
- (48) *County planner*: The manager of the Paulding County Planning and Zoning Division, or his/her designated representative.
- (49) *Cultural facilities*: Establishments that document the social and religious structures and intellectual and artistic manifestations that characterize a society and include museums, art galleries, botanical and zoological gardens, and such similar uses of a historic, educational, or cultural interest.
- (50) *Curve*: Any portion of a street right-of-way layout that is not straight or has an arc.
- (51) *Day care*:
- (a) *In-home day care*: Child care provided within a dwelling subject to the following limitations:
 - 1. The dwelling must be the primary residence of the child care provider.
 - 2. The child care provider is authorized to provide care to a maximum of six children, paying or non-paying, under 18 years of age whose parents or guardians are not residents in the same dwelling as the child care provider.
 - 3. The child care shall not create a nuisance to immediately adjacent property owners.
 - 4. Off-street parking must be provided for child pick-up and drop-off.
 - 5. No person other than a resident of the dwelling may be employed in the in-home day care unless so required by the state department of human resources.
 - 6. Must possess and provide to Paulding County a copy of the current registration/license by the Georgia Department of Human Resources.
 - 7. Must possess a current Paulding County business license with approval by the Paulding County Fire Department.
 - 8. Children attending the day care are not housed overnight at the day care home.
 - (b) *Group day care home*: A place operated by any person(s), partnership, association, or corporation wherein care is provided to not less than seven nor more than 18 children, paying or non-paying, under 18 years of age for less than 24 hours without transfer of legal custody. Must possess and provide to Paulding County a copy of the current registration/license by the Georgia Department of Human Resources, and must possess a current Paulding County business license and approval by the state fire marshal and/or Paulding County Fire Department.
 - (c) *Day care center*: Any place operated by a person, society, agency, corporation, institution, or group wherein care is provided, fewer than 24 hours per day without transfer of legal custody, to 19 or more children, paying or non-paying, under 18 years of age. Must possess and provide to Paulding County a copy of the current registration/license by the Georgia Department of Human Resources, and must possess a current Paulding County business license and approval by the state fire marshal and/or Paulding County Fire Department.

- (52) *Deck*: A roofless accessory attached or detached platform without exterior walls, generally constructed of wood, which adjoins a residence. Rails or safety features shall not be deemed to be exterior walls.
- (53) *Designated recycling collection location*: A location operated or sanctioned by the local government which may contain metal or heavy-duty plastic containers, bins, or dumpsters designed for short-term holding of pre-bagged recyclable items such as tin, aluminum, glass, and paper (no perishable or food items allowed) for scheduled minimum monthly pickup with no on-premise sorting. The center must be maintained in a safe, clean, neat, and sanitary fashion and shall be approved by Paulding County provided:
- (a) Such location shall be visually screened and maintained.
 - (b) Such location shall be within the building setbacks unless otherwise approved by the zoning division due to topography, safety, internal traffic flow, site distance, or for other site-related circumstances not created by the property owner.
- (54) *Drive-in establishment*: An establishment which is designed to provide, either wholly or in part, service to customers while in their automobiles parked upon the premises.
- (55) *Dwelling*: A building designed, arranged, or used for permanent living quarters for one or more persons living as a single housekeeping unit or family.
- (56) *Dwelling, condominium*: A building, or group of buildings, in which dwelling units or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis; subject to all applicable provisions of Georgia law.
- (57) *Dwelling, cottage*: A one-family dwelling with at least three, but no more than four, attached units in which each unit has at least two exterior walls and each unit is separated from any other unit by one or more vertical common fire resistance-rated walls. Cottages are exclusively single-story but may include a second story bonus room.
- (58) *Dwelling, duplex*: A dwelling containing two and only two dwelling units.
- (59) *Dwelling, multifamily*: A dwelling containing three or more dwelling units, including single-level units located in a multistory building. This definition does not include a townhouse.
- (60) *Dwelling, single-family*: A dwelling containing one and only one dwelling unit, other than a manufactured home.
- (61) *Dwelling, townhouse*: An attached house in a row or group, each house separated from adjoining houses in the same row or group by architectural style, changing of facade, offsets, and by fire walls or fire separations.
- (62) *Easement*: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity, and recorded in the clerk's office of superior court.
- (63) *Exotic and/or wild animals*: Any monkey or other non-human primate, such as a raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, rodent, wolf-hybrids, and reptiles, including, but not limited to crocodiles, alligators, snakes, caiman, and gavials, and any other animal so designated by the Paulding County Animal Control Division.
- (64) *Extended stay hotel/motel*: Any hotel or motel which more than ten percent of the units include kitchenettes or kitchen facilities within the suite. For the purpose of this ordinance, kitchenettes or kitchen facilities are defined as a kitchen sink, a stove/cook top, and/or microwave, and a refrigerator.
- (65) *Family*: An individual; or two or more persons related by blood, legal adoption or marriage within the third degree of consanguinity or within the second degree of affinity, and no more than two other persons who are not related within the third degree of consanguinity or within the second degree of affinity. The degree of consanguinity or affinity is computed by the civil law method. An individual's relatives within the third degree of consanguinity are the individual's parent or child (relatives in the first degree); brother, sister, grandparent or grandchild (relatives in the second degree); and great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual, or niece who is a child of a brother or sister of the individual (relatives in the third degree). Two individuals are related to each other by affinity if they are married to each other as defined by O.C.G.A. § 19-3-3.1 or the spouse of one of the individuals is related by consanguinity to the other individual. A husband and wife are related to each other in the first degree by affinity. For other relationships by affinity, the degree of relationship is the same as the degree of the underlying relationship by consanguinity.
- (66) *Family care home*: A home with support personnel that provide room and board, personal care and rehabilitation services in a family environment for up to nine resident handicapped persons who because of a temporary or permanent physical, emotional, or mental disability, including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing

and sight impairments, emotional disturbances, and orthopedic impairments, desire a substitute home; provided that persons with any of the following categories shall not be eligible for admission to a family care home: (a) mentally ill persons who are dangerous to others; (b) persons who are not handicapped persons, excluding supervisory personnel for the handicapped. As used herein, the term "handicapped" shall mean having: (a) a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; (b) a record of having such an impairment; or (c) being regarded as having such an impairment.

Must meet applicable state, federal, and/or county licensing and inspection requirements, including state fire marshal and/or county fire department approval.

- (67) *Family personal care home*: A home for adults and support personnel in a family type residence, non-institutional in character, which offers care to two through nine persons, subject to licensing by the Georgia Department of Human Resources as well as applicable county licensing and inspection requirements, including state fire marshal or county fire department approval.
- (68) *Floor area (space), gross*: The gross horizontal area of the several floors of a building, exclusive of garages, basements, open porches, and equipment and service areas measured from the exterior face of the exterior walls of a building.
- (69) *Floor area (space), net*: The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.
- (70) *Floor area ratio*: The gross floor area of all buildings or structures on a lot divided by the total lot area.
- (71) *Fraternity or sorority house*: A dwelling maintained exclusively for members of a social fraternity or sorority affiliated with an academic or professional college or university, or other recognized institution of higher learning.
- (72) *Frontage, lot*: The distance for which the front property line of the lot and the street line are coincident.
- (73) *Garage*: A structure or any portion thereof used or intended to be used for the parking and storage of one or more automobiles.
- (74) *Garage, repair*: See Automotive repair.
- (75) *Golf course*: A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.
- (76) *Golf driving range*: A tract of land dedicated to driving of golf balls off tees into a designated landing area.
- (77) *Grade*: An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
- (78) *Group home*: A dwelling shared by nine or less persons, excluding resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education/training, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential, subject to applicable state, federal, and/or county incensing and inspection requirements, including state fire marshal and/or county fire department approval. Congregate group home: Same as above but consists of more than nine persons.
- (79) *Group personal care home*: A home for adult persons in a residence or other type building(s), non-institutional in character, which offers care to ten through 16 persons, subject to applicable state, federal, or county licensing and inspection requirements including state fire marshal and/or county fire department approval.
- (80) *Guest house*: Guest houses are accessory buildings limited to one such structure per lot and shall not include manufactured, mobile or modular structures. The minimum lot size is two acres and shall be limited to the total area of all structures (existing and proposed) to be not more than 20 percent of the total lot area. The guest house requires a special use permit and is subject to the following at minimum:
 - (a) An approved special use permit issued by the board of commissioners and any stipulations imposed must be observed.
 - (b) A minimum heated floor area of 800 square feet.
 - (c) Septic system approval by state environmental health.
 - (d) It shall be used by a bona fide non-paying guest or relative of the occupants of the principal residence, and shall not be rented or leased.
 - (e) It shall not be sold as a separate unit from the principal residence.

- (f) Off-street parking shall be provided in accordance with this ordinance.
 - (g) All applicable permits shall be obtained.
- (81) *Handicapped*: With respect to a person, means having:
- (a) A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
 - (b) A record of having such an impairment; or
 - (c) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.
- (82) *Heavy industry*: Industrial uses that meet the standards and or requirements established in this ordinance.
- (83) *Heavy manufacturing establishment*: Manufacturing establishments, other than those classified as light manufacturing, including those involving the conversion of raw materials into usable finished products, provided that manufacturing that will generate liquid waste from the manufacturing process or air pollutants shall comply with anti-pollution standards established by the federal, state, and/or county as applicable.
- (84) *Home occupation*: See home office, residential business, or rural business.
- (a) *Home office*: An office use conducted entirely within a dwelling which is carried on by the occupant thereof and which is clearly incidental and secondary to the use of the dwelling for residential dwelling purposes subject to the following standards:
 - 1. No more than one room of the dwelling may be used for the home office. The home office shall not occupy more than 25 percent of the gross floor area of the dwelling.
 - 2. The appearance of the dwelling shall not be altered or the occupation within the residence shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds, vibrations, or other conditions that carry beyond the premises.
 - 3. The use shall not be visibly evident from outside the dwelling.
 - 4. The use shall not generate nuisances such as on-street parking, electrical interference, hazards, noise, or other nuisances.
 - 5. Traffic generation for the dwelling with a home office shall not exceed that normally generated without a home office.
 - 6. The use shall not include any business which involves the sale, manufacture, or repair of merchandise on the premises or the storage of inventory, raw materials, or other materials to be used in the business. This does not apply to a mail order type business which has no on-site customers.
 - 7. The use shall include no more than two clients per hour frequenting the services of the home office; however, during peak seasons (for example certified public accounts), up to eight clients per hour are permitted.
 - 8. The use shall not involve any outside operations or outside storage or display of products or materials.
 - 9. Only residents of the dwelling may be employed in the home office, except one incidental employee other than a resident of the dwelling is permitted.
 - 10. One business vehicle is permitted. The vehicle shall be no larger in size than a pick-up truck, panel truck, or van, and is limited in size to one-ton carrying capacity. No other larger business vehicles or equipment are permitted (such as tractor trailers, semi-trucks, or heavy equipment).
 - 11. Pickups from and deliveries to the site in regard to the business shall be limited to vehicles having no more than two axles and shall be restricted to no more than two pickups or deliveries per day.
 - (b) *Residential business*: An occupation or business which is conducted entirely within a dwelling, or customary accessory building, is carried on by the occupant(s) of the dwelling, is clearly incidental and secondary to the use of the dwelling for residential dwelling purposes, and which can only be conducted subject to approval of a land use permit by the board of commissioners. Residential businesses are subject to the following standards:
 - 1. The residential business shall not include the repair and/or maintenance of motor vehicles, large scale manufacturing, or any use which will create noise, noxious odors, or any hazard that may endanger the health, safety, or welfare of the neighborhood.

2. If the residential business involves group instruction or group assembly on the premises, the proposed size of group time of application for land use permit.
 3. The occupation or profession must be conducted entirely within the dwelling or accessory structure.
 4. The dwelling must be the bona fide residence of the principal practitioner at the time of the application, and, if approved, the residential business shall be valid only as long as the original principal practitioner resides in the dwelling, is conducting the business, and has a current business license.
 5. The residential business shall be limited to no more than 35 percent of the gross floor area of the dwelling. The proposed size of the residential business shall be specified at the time of application for land use permit.
 6. Any additions or alterations to the dwelling which will be used for the residential business must be of an architectural style in keeping with the surrounding residential and agricultural development.
 7. Only two employees in excess of family members who are residing on the premises shall be permitted. For uses where no customers or clients are coming to the site, the number of employees permitted at any one time may be increased to three.
 8. Parking for customers/clients must be provided in accordance with this ordinance, location of the parking to be specified in the land use permit application.
 9. Reserved.
 10. No outside storage or display shall be allowed other than as specified herein.
 11. Days and operation requiring access by the public, customers, vendors, and/or clients shall be Monday through Saturday, daylight hours only.
 12. No more than one residential business or rural business is allowed per residence.
 13. One commercial vehicle is permitted to be parked in the approved parking area. The commercial vehicle is limited to a passenger car, a van, or a light truck (up to one ton), or a personal business vehicle up to one and one-half tons.
 14. Any utility trailer or other accessory equipment needed for the orderly operation of the business must be specifically requested and approved by the board of commissioners. The request must include the proposed use and size of the trailer or accessory equipment.
 15. Pickups from and deliveries to the site in regard to the business shall be restricted to vehicles having no more than two axles and shall be restricted to no more than two pickups or deliveries per day. The pickups and deliveries are restricted to daylight hours only and shall not restrict traffic circulation.
 16. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided however that incidental retail sales may be made in connection with the permitted residential business. Also permitted is the sale of articles which have been produced or assembled on the premises, and the sale of items that are primarily shipped directly to the ultimate purchaser, provided that no retail inventory is maintained on the premises.
- (c) *Rural business*: An occupation or business which is conducted within a dwelling, an accessory structure, or outside, and which is carried on by a resident of the property, and which is clearly incidental and secondary to the use of the property for the residential dwelling purposes, and which can only be conducted subject to approval of a land use permit by the board of commissioners. Rural businesses may be less restrictive than a residential business in regard to access by the public, size, visibility, number of employees, and types of businesses. Rural businesses are subject to the following standards:
1. The minimum acreage requirement is three acres.
 2. The applicant must state what the proposed business will be and must submit a site plan/floor plan showing the area to be involved in the business as part of the land use permit application.
 3. The dwelling must be the bona fide residence of the principal practitioner at the time of the application, and, if approved, the rural business shall be valid only as long as the original principal practitioner resides in the dwelling, is conducting the business, and has a current business license.
 4. The business may include small repair shops for appliances, machinery, farm equipment, or automobiles with the following limitations: (1) they shall not create noise, noxious odors, or any hazard which would adversely affect

the health, safety, or welfare of the adjoining property owners or the neighborhood in general; (2) they shall operate during the daylight hours only; (3) outdoor storage of inoperable machinery, equipment, or vehicles is prohibited; (4) no more than two vehicles shall actually be serviced, actively worked on, or repaired at any one time; (5) all spare parts (new or used) shall be stored within a structure, and the storage space shall be included in the total space allocated for the rural business; and (6) all work shall be done within a fully enclosed building.

5. The business is limited to no more than 1,000 square feet if in an accessory structure, and 1,000 square feet of land if outside a structure. Outside operations or outside storage or display must be specified in the land use permit application and shall be maintained as specified therein. If the rural business is to be in the residence, no more than 35 percent of the gross floor area may be used for the business. The proposed size of the business shall be specified at the time of application.
 6. Any additions or alterations to the residence which will be used for the rural business must be of an architectural style in keeping with the surrounding residential and agricultural development. Any structure built to house the rural business must be located to the side or rear of the residence, or if the structure would be in front of the residence, it must be at least 100 feet from the front property line in addition to meeting the applicable side and rear setbacks. The structure must be readily and easily usable for customary agriculture and residential uses.
 7. Any outside area other than parking in which the business is conducted shall be enclosed in a manner that the business is not visible from the surrounding property by providing a buffer and/or fence (see buffer section). No equipment which would not ordinarily be found in agricultural or residential use may be used in the rural business.
 8. Only two employees in excess of family members who are residing on the premises shall be permitted. For uses where no customers or clients are coming to the site, the number of employees permitted at any one time may be increased to three.
 9. Parking for customers/clients must be provided in accordance with this ordinance with location specified in the land use permit application.
 10. Reserved.
 11. Days and operation requiring access by the public, customers, vendors, and/or clients shall be Monday through Saturday, daylight hours only.
 12. No more than one residential business or rural business is allowed.
 13. The board of commissioners may place any reasonable stipulations on the application deemed necessary to insure the orderly operation of the proposed business and its compatibility with the surrounding properties.
- (85) *Hospital*: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences, subject to applicable state, federal, or county licensing and inspection requirements including state fire marshal and/or county fire department approval.
- (86) *Hotel*: A building in which lodging or board and lodging are provided for at least 15 transient guests, and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours, and may include additional services such as restaurants, meeting rooms, entertainment, and recreation facilities. The units which may include kitchenettes or kitchen facilities are limited to ten percent. For the purpose of this ordinance, kitchenettes or kitchen facilities are defined as a kitchen sink, a stove/cook top, and/or microwave, and a refrigerator.
- (87) *Junk vehicle*: Any vehicle which is designed to move or draw any person or property which cannot be moved by its own power and which does not have a current registration or licensure.
- (88) *Junk yard*: Any such use involving the storage or disassembly of wrecked automobiles, junk vehicles, trucks, or other vehicles; storage, baling or otherwise dealing in bones, animal hides, scrap metal, commercial/residential appliances, used paper, used cloth, used plumbing fixtures and used brick, wood, or other building materials. Such uses shall be considered junk yards whether or not all or part of such operations are conducted inside a building or in conjunction with, addition to, or accessory to, other uses of the premises.
- (89) *Kennel*: Any premises where any person engages in the business of boarding, breeding, buying, letting for hire, training for a

fee, or selling animals.

- (90) *Landfill*: A disposal site licensed by applicable state, federal, and/or local government employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of the operating day.
- (91) *Land use permit*: An official authorization for use of land not to exceed two years which has been granted by the board of commissioners in accord with this ordinance.
- (92) *Light automotive repair establishment*: An indoor repair establishment (no outside storage) for performing light auto and small truck repair (under one ton) such as brakes, oil changes, lubrication, transmission, belts, hoses, inspections, and the like.
- (93) *Light manufacturing establishment*: An establishment for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products; however, the manufacturing and production of any product which emits noxious noise, odor or fumes, bulk storage of flammable materials for resale, and other heavy manufacturing uses listed herein, shall not be permitted. This use shall also allow incidental on-site sale of manufactured materials only.
- (94) *Live entertainment*: Music, comedy, readings, dancing, acting or other entertainment, excluding adult entertainment, performed on the site. This classification includes dancing by patrons to live or recorded music.
- (95) *Livestock*: Cows, pigs, non-domestic animals (excluding exotic and/or wild animals), poultry, and species of the aviary family which are, or may be, raised for the purpose of providing leisure, food, transportation, or being resold or bred (excluding only dogs, cats, rabbits, fish, pet mice, hamsters, gerbils, parrots and parakeets).
- (96) *Lot*: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon. A parcel of land, whether or not platted, in single ownership, and not divided by a street.
- (97) *Lot, corner*: A lot fronting on two streets at their intersection. When the frontage of one street exceeds the frontage of the other, the one with the least frontage shall be deemed the front of the lot. The side yard setback for a corner lot shall be 25 feet in all zoning districts except where otherwise noted herein.
- (98) *Lot, depth of*: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.
- (99) *Lot, double frontage*: Any lot, other than a corner lot, which has frontage on two streets.
- (100) *Lot of record*: A lot which is part of a subdivision, a plat of which has been recorded in the records of the Clerk of Superior Court of Paulding County; or a parcel of land, the deed and/or plat of which has been recorded in the office of the Clerk of Superior Court of Paulding County prior to the effective date of this ordinance.
- (101) *Lot, width*: The distance between side lot lines measured at the front building line.
- (102) *Manufactured home park*: A parcel of land which has been planned and improved for the placement of manufactured homes and/or mobile homes for non-transient use in accordance with requirements of this ordinance.
- (103) *Motel*: A building in which lodging or board and lodging are provided for transient guests and offered to the motoring public for compensation in which ingress and egress to and from all rooms are made primarily direct from an exterior walkway rather than from an inside lobby. Only ten percent of the units may include kitchenettes or kitchen facilities. For the purpose of this ordinance, kitchenettes or kitchen facilities are defined as a kitchen sink, a stove/cook top and/or microwave, and a refrigerator.
- (104) *Neighborhood retail uses*: Commonly found low scale and low intensity retail uses (square footages not to exceed 6,000 square feet unless noted below) that offer basic services and frequently purchased goods to the immediate surrounding residential areas such as but not limited to: antique shop, bakery, beverage shop, delicatessen, barber shop, beauty shop, hair salon, similar personal service establishments, bookstore (but not including adult bookstore), stationery store, bridal shop, clothing store, shoe repair, shoe store, tailor shop, specialty shop, camera shop, music store, china and pottery store, gift shop, dance studio, florist, hardware store (gross floor area not to exceed 10,000 square feet total), jewelry store, meat market/butcher shop, novelty shop, variety store, toy store, paint store, pet grooming shop, pharmacy/drug store, sporting goods store, supermarket or grocery (gross floor area not to exceed 50,000 square feet), and video store.
- (105) *Non-automotive repair uses*: Commonly found low intensity repair shops such as, but not limited to, jewelry, camera, home appliance, televisions, and video cassette recorders.

- (106) *Non-conforming lot*: A lot (which is part of a subdivision, a plat of which has been recorded in the records of the Clerk of Superior Paulding County; or a parcel of land, the deed of which has been recorded in the office of the Clerk of Superior Court of Paulding area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
- (107) *Non-conforming structure or building*: A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
- (108) *Non-conforming use*: A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
- (109) *Non-profit riding stable*: A building for the shelter and feeding of domestic animals, especially horses.
- (110) *Nursing home/rest home*: A home for aged or ill persons in which three or more persons not of the immediate family are provided with food, shelter and care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment, subject to applicable state, federal, and county licensing and inspection requirements including state fire marshal and/or county fire department approval.
- (111) *Office service and supply establishments*: Wholesale and retail commercial establishments that sell, service and supply small office equipment and supplies such as, but not limited to, stores that offer sales of copiers, facsimile machines, typewriters, ribbons, transcribers, dictation equipment, tape, staplers, and other general office equipment.
- (112) *Open space*: An area that is not used for or occupied by a driveway, an off-street parking area, a loading space, a yard, a refuse storage space, or a building.
- (113) *Ordinance*: This zoning ordinance and all amendments thereto including the official zoning maps of Paulding County and the Paulding County Land Use Map.
- (114) *Other consumer goods and services*: Businesses which cater to consumers such as awning shops and sales, burglar alarm systems, clothing (second-hand), exhibition house, furniture, home furnishings, equipment, and appliances (second-hand), glass, mirror, lawn mower and small motor, trading stamp redemption center, and the like.
- (115) *Other places of worship*: Places such as monasteries, convents, novitiates, parish houses, parsonages, rectories, manse.
- (116) *Other service establishments*: Businesses or locations catering to specialty services such as auction house or store, cabinet maker, caterer, delivery and express service, driving school (private), fur repair and storage, gunsmith shop, locksmith shop, safe and vault repair, scientific instrument repair, taxidermist, tool sharpener, and the like.
- (117) *Park*: Any lands or facility owned, operated, controlled or managed by any county, city, state, or federal government or any governmental entity in and upon which recreational activities or places are provided for the recreation and enjoyment of the general public.
- (118) *Parking for vehicles*: A location for on-site parking of automobiles, trucks, and recreational vehicles (with a manufacturer's towing and/or carrying capacity rating of less than one and one-half tons). This restriction shall not apply to vehicles parked on church property which are operated exclusively for church use.
- (119) *Parking space*: An area which has for its exclusive purpose the parking of a vehicle.
- (120) *Personal property sales*: Sales of personal property such as estate sales, yard sales, bakery sales, garage sales, bazaars, and the like; three weekends per calendar year, not to exceed three days per sale.
- (121) *Planned development*: An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, and maintained according to plan as a single entity and containing one or more structures with appurtenant common areas.
- (122) *Planning commission*: The Paulding County Planning Commission.
- (123) *Planned residential development (PRD)*: A residential area of a minimum contiguous size, as specified by ordinance, to be planned, developed, and maintained according to a plan as a single entity and containing one or more structures with appurtenant common areas.
- (124) *Plat*: A map, plan, or layout, to scale of a county, city, town, lot, section, subdivision or development indicating the location and boundaries of properties, and prepared by a registered land surveyor.
- (125) *Principal use*: The primary purpose for which land or a building is used.
- (126) *Rear of the principal building*: Shall be that point where the main portion of the building ends without consideration of

wings or annexes which are not parallel to the main portion of the building.

- (127) *Recreational building*: Recreational buildings are accessory buildings limited to one such structure per lot and shall not include manufactured, mobile or modular structures. The minimum lot size is ten acres and shall be limited to the total area of all structures (existing and proposed) to be not more than 20 percent of the total lot area. The recreational building requires a special use permit and is subject to the following at minimum:
- (a) An approved special use permit issued by the board of commissioners and any stipulations imposed must be observed.
 - (b) A minimum heated floor area of 1,100 square feet.
 - (c) Septic system approval by state environmental health.
 - (d) It shall be used by a bona fide non-paying guest or relative of the occupants of the principal residence, and shall not be rented or leased.
 - (e) It shall not be sold as a separate unit from the principal residence.
 - (f) Off-street parking shall be provided in accordance with this ordinance.
 - (g) All applicable permits shall be obtained.
- (128) *Recycling center*: A center or location approved by the local government designed for sorting or collection or recyclables from designated recycling collection locations and other private entity sources.
- (129) *Regional shopping mall*: A group of commercial enterprises offering a range of commercial goods and services in an aggregate of 500,000 square feet or more of net floor area which:
- (a) Are designed as a single commercial group; whether or not located on the same lot;
 - (b) Are under one common ownership or management, or having one common arrangement for the maintenance of the grounds;
 - (c) Are connected by party walls, partitions, covered canopies or other structural members to form one continuous structure;
 - (d) Share a common parking area; and
 - (e) Otherwise present the appearance of one continuous commercial area.
- (130) *Religious assembly*: Religious services conducted on a site that is not permanently occupied by a religious assembly use, for a period of not more than 30 days.
- (131) *Residence*: A house, apartment, manufactured home, boarding or rooming house, duplex, or other multi-family housing for human dwelling.
- (132) *Rest home*: See nursing home.
- (133) *Retail business*: A business consisting primarily of buying merchandise or articles in gross and selling to general consumers in small quantities or broken lots or parcels and not in bulk and not for resale.
- (134) *Retail sales, outdoor*: Retail sales of new merchandise on the site of a licensed, established retail business which has a direct relationship to existing businesses.
- (135) *Retirement communities (continuing care)*: An age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care; also known as assisted living community.
- (136) *Retirement communities (independent living)*: A managed housing complex designed for older adults who are generally able to live independently and care for themselves. Limited or no personal or healthcare services are offered; however, activities and socialization opportunities may be provided.
- (137) *Right-of-way line*: The dividing line between a lot, tract, or parcel of land and a contiguous right-of-way.
- (138) *Rooming house*: A building where housing accommodations are provided for compensation to three or more, but not exceeding 15 persons, subject to applicable approval by the state fire marshal or county fire department. A building which has accommodations for more than 15 persons shall be defined as a hotel under the terms of this ordinance.
- (139) *School*: Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.
- (140) *Self-service storage facility (mini-warehouse)*: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

- (141) *Shelter, homeless*: Charitable, non-profit, short-term housing and/or room and board accommodations for poor, transient, or individual(s) which must meet the following minimum criteria:
- (a) Adequate showers and restroom facilities must be provided at the location to meet the needs of the overnight guests;
 - (b) Beds must be provided for all overnight guests excluding staff and volunteer workers;
 - (c) No shelter shall be located closer than 500 feet to the nearest single-family residence;
 - (d) Guests of the shelter shall be required to leave the shelter premises no later than 7:00 a.m.;
 - (e) All premises shall be maintained in a clean, safe, and sanitary fashion; subject to approval by the state fire marshal and/or Paulding County Fire Department as applicable.
- While not specifically a permitted use under all districts, a shelter may be located in a church facility which meets the above minimum standards.
- (142) *Sign, business*: See chapter 67 of the Code of Ordinances.
- (143) *Sign, outdoor advertising*: See chapter 67 of the Code of Ordinances.
- (144) *Southern Standard Building Codes*: Minimum standards as set by the Southern Building Code Congress International, Incorporated, as may be amended from time to time, pertaining to building, fire prevention, gas, mechanical and plumbing.
- (145) *Special use permit*: A use permitted in a particular zoning district upon approval by the board of commissioners in accord with provisions of this ordinance.
- (146) *Street*: A way for vehicular traffic, whether designated as an avenue, road, boulevard, highway, expressway, lane, alley or other way. For the purpose of this ordinance, "streets" are divided into the following categories:
- (a) Alley - a minor way, public or private, used for service access to the back or side of properties otherwise abutting on a street;
 - (b) Cul-de-sac - a minor street having one end open to traffic and the other end terminated with a paved turn-around;
 - (c) Dead end - a stub street in a subdivision which will at a later time be continued into another portion of the subdivision;
 - (d) Major or arterial streets - those streets designed to serve moderately fast and voluminous traffic through and within the county with a minimum of traffic control devices;
 - (e) Minor or local streets - a street used primarily for access to adjacent and abutting properties;
 - (f) Secondary or collector streets - those streets designed to collect traffic to minor or local streets and distribute it to major or arterial streets.
- (147) *Story*: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.
- (148) *Street fairs*: Temporary provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.
- (149) *Structure*: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.
- (150) *Structural alteration*: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any structural change in the roof, or dimension of the rooms therein.
- (151) *Subdivision*: A tract of land divided into more than two lots and as set forth in the Development Regulations of Paulding County (refer to the Development Regulations of Paulding County).
- (152) *Temporary impound lot*: An establishment used for the short-term storage of damaged or confiscated vehicles.
- (153) *Temporary uses*: Specialized and intermittent uses of property such as animal shows, Christmas tree sales, circuses and carnivals, commercial filming limited, live entertainment, personal property sales, religious assemblies, retail sales outdoor, street fairs, and swap meets (non-recurring) not to exceed 30 days or the time period set forth in these definitions, whichever is lesser. Adequate off-street parking shall be provided for all such uses.
- (154) *Tent*: A temporary or permanent structure having a roof and/or walls of fabric.
- (155) *Travel trailer/recreational vehicle*: A portable structure whether self-propelled or pulled by a power unit, designed for temporary occupancy for travel, recreation or vacation uses.

- (156) *Use, accessory*: See accessory use.
- (157) *Variance*: A modification of the literal provisions of this ordinance which the zoning board of appeals is permitted to grant when strict enforcement of said provisions would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.
- (158) *Veterinary clinic/hospital*: A place where animals are given medical care by a licensed veterinarian and the boarding of animals is indoors and limited to short-term care incidental to the hospital or clinic use.
- (159) *Veterinary care and associated boarding facility*: A place where animals are given medical care by a licensed veterinarian and may also include breeding and/or boarding of animals and kennel facilities as a function of the business provided no part of any outside structure, pen, run, enclosure, or fence for animals is located closer than 50 feet to any property line.
- (160) *Wholesale business*: A business primarily engaged in the selling of goods or articles in gross to retailers or jobbers for resale and not to the ultimate consumer.
- (161) *Yard*: An open space on the same lot with a principal building open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.
- (162) *Yard, front*: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street and the front line of the building projected to the side lines of the lot.
- (163) *Yard, rear*: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to side lines of the lot.
- (164) *Yard, side*: An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.
- (165) *Zoning administrator*: The director of the community development department or his/her designated representative.

(Res. No. 10-07, § 1, 5-25-2010; Res. No. 18-20, § 1(Exh. A), 4-24-2018; Res. No. 18-29, § 1(Exh. A), 6-26-2018)

ARTICLE IV - ESTABLISHMENT OF ZONING DISTRICTS

Sec. A. - Division into districts.

For the purpose of this ordinance, Paulding County is divided into the following zoning districts designated as follows:

- (1) A-1 agricultural
- (2) R-2 suburban residential district
- (3) R-2 with sewer sewered suburban residential district
- (4) R-4 multi-family non-fee simple (rental) unit dwellings
- (5) R-5 duplex district
- (6) R-6 manufactured home park district
- (7) R-7 multi-family fee simple (non-rental) unit dwellings
- (8) PRD planned residential development
- (9) LRO low rise office
- (10) O-I office/institutional
- (11) NB neighborhood business
- (12) B-1 general business
- (13) PSC planned shopping center
- (14) B-2 highway business
- (15) I-1 light industrial
- (16) I-2 heavy industrial
- (17) Low density quality residential development overlay district

Sec. B. - District boundaries.

The boundaries of each district are as shown on a map (or series of maps) which is entitled "The Official Zoning Map, Paulding County, Georgia" and certified by the planning and zoning division. Said map(s) and all explanatory matter thereon are hereby made a part of and incorporated into this ordinance. Said map(s) shall be retained in the office of the planning and zoning division.

Sec. C. - Rules for determining boundaries.

Where uncertainty exists with respect to the location of the boundaries of any zoning district as shown on the Official Zoning Map of Paulding County, Georgia, the following rules shall apply:

- (1) Where a zoning district boundary line is shown as approximately following a corporate limits line, a militia district line, a land lot line, a lot line, or the center line of a street, a county road, a state highway, an interstate highway, or a railroad right-of-way or such lines extended, then such lines shall be construed to be the zoning district boundary lines.
- (2) Where a zoning district boundary line is shown as being set back from a street, a county road, a state highway, an interstate highway, or a railroad right-of-way, and approximately parallel thereto, then such zoning district boundary line shall be construed as being at the scaled distance from the center line of the street, county road, state highway, interstate highway, or railroad right-of-way and as being parallel thereto.
- (3) Where a zoning district boundary line divides a lot, the location of the line shall be the scaled distance from the lot lines. In this situation, the requirements of the zoning district in which the greater portion of the lot lies shall apply to the balance of the lot except that such extension shall not include any part of a lot that lies more than 50 feet beyond the zoning district boundary line.
- (4) In the case of a through lot fronting on two approximately parallel streets that is divided by a zoning district boundary line paralleling the streets, the restrictions of the zoning district in which each frontage of the through lot lies shall apply to that portion of the through lot.

Sec. D. - Establishment and adoption of comprehensive future land use map.

By this section, the comprehensive future land use map adopted by resolution of the Board of Commissioners of Paulding County on April 22, 2003 is established as a guide for Paulding County concerning proposed land uses, under which the unincorporated areas of the county are divided into the following land use categories:

- (1) Commercial
- (2) Green Space
- (3) Industrial
- (4) High Density Residential 5 Units Per Acre Maximum
- (5) Medium Density Residential 3 Units Per Acre Maximum
- (6) Low Density Residential 2 Units Per Acre Maximum

Sec. E. - Comprehensive future land use map distinguished from zoning.

The comprehensive future land use map is a guide and is not binding; it does not alter or affect the existing zoning districts in the county, does not effectuate an amendment to the official zoning map, and does not itself permit or prohibit any existing land uses.

ARTICLE V - APPLICATION OF REGULATIONS

Sec. A. - Use.

Except as hereinafter provided, no building, structure, or land shall be used or occupied, and no structure or part thereof shall be erected, constructed, subdivided, moved, altered, added to, or enlarged for any purpose or in any manner other than is set forth in this ordinance or in amendments to this ordinance.

Sec. B. - Height.

Except as hereinafter provided, no building shall be erected, reconstructed or structurally altered, to exceed in height the limit established in this ordinance or amendments to this ordinance.

Sec. C. - Only one principal building.

Only one principal building and its customary accessory buildings may be erected on any one lot within agricultural, single-family residential, and manufactured housing subdivisions, or on lots containing a single-family residential use. In non single-family residential districts, any one lot may contain more than one primary structure provided: (a) Not more than one single-family residential structure is located on any one lot; multi-family uses may be located on the same lot subject to area, yard, setback, and zoning requirements; (b) a primary residential use cannot be combined or conducted on the same lot with a primary office, institutional, commercial, or industrial use except as hereinafter provided; and (c) parking, setbacks, loading, and unloading space, and other applicable development standards must be met for each structure or use as if it were on a separate lot.

Sec. D. - Reduction of lot area.

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that the lot width or depth, front, side or rear yard, lot area per family, or other requirements of this ordinance, are not maintained unless approved by the zoning board of appeals. This section shall not apply when a portion of a lot is acquired for public purposes.

Sec. E. - Lot abutting street.

No building shall hereafter be erected on a lot which does not abut for a minimum of 30 feet on a publicly dedicated, publicly approved, or publicly maintained street, or on a dedicated easement (which has been recorded in the clerk of superior court) connecting with a public way which guarantees ingress and egress for perpetuity (also subject to requirements of the subdivision regulation ordinance).

Sec. F. - Corner lot.

A lot fronting on two streets at their intersection. When the frontage of one street exceeds the frontage of the other, the one with the least frontage shall be deemed the front of the lot. The side yard setback for a corner lot adjacent to a local street shall be 25 feet in all zoning districts except where otherwise noted herein.

Sec. G. - Double frontage lots.

If a building or accessory building is constructed or a use of a lot occurs on a lot having frontage on two roads, a setback from each road shall be provided equal to the front yard setback requirements in which the lot is located.

Sec. H. - Unobstructed yard.

Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, except for the ordinary projection of a cornice, eave, belt cornice, sill, canopy or other similar architectural feature projecting not to exceed 36 inches into said yard.

Sec. I. - Required yard.

No yard provided for about a building for the purposes of complying with the provisions of this ordinance or amendments thereto shall be considered as providing a yard for any other building, and no yard on one lot shall be considered as providing a yard for a building on any other lot.

Sec. J. - Inspection of required buffers.

In the event a screen, wall, fence, planted dividing strip, or any other type of buffer is required by this ordinance for any use, such screen, wall, etc., will be subjected to periodic inspections by the planning and zoning division and/or county marshal to determine that such required walls, fences, etc., are being properly maintained. Failure to maintain such required walls, fences, etc. to an acceptable standard may be deemed a violation of this ordinance.

Sec. K. - General storage.

No outside storage of goods or materials shall be allowed except as hereinafter provided.

ARTICLE VI - GENERAL PROVISIONS

Sec. A. - Lots of record.

- (1) *Substandard size lots.* Where the owner of a lot at the time of the adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this ordinance, such lot may be used as a building site provided the yard and other space requirements of the district may be reduced by the smallest amount that will permit reasonable use of the property as a building site. However, in no case shall the setbacks be reduced to less than one-half of the least restrictive zoning district's minimum area and yard requirements set forth within this ordinance unless approved by the zoning board of appeals.
- (2) *Adjoining lots.* If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption of this ordinance and such lots individually are too small to meet the yard, width, and area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subject to the requirements of this ordinance. This does not apply to lots approved prior to the adoption of this ordinance.

(Res. No. 18-29, § 2(Exh. A), 6-26-2018)

Sec. B. - Maintenance of non-conforming buildings and structures.

- (1) A non-conforming building or structure shall be maintained upon the following conditions and not otherwise:
 - (a) No structural alterations except those required by law shall be made thereto.
 - (b) No enlargement or additions shall be made thereto.
 - (c) No repairs in excess of 50 percent of a building's or structure's valuation shall be made thereto, unless otherwise specified herein.
 - (d) A non-conforming building or structure which has been damaged by fire, explosion, act of God, or the public enemy may be restored to the size, shape, and/or height of the structure as it existed immediately prior to the damage provided this can be determined or documented.
- (2) Use of non-conforming building, structure or premises.
 - (a) The non-conforming use of a non-conforming building or structure lawfully existing at the time this ordinance became effective may be extended throughout the building or structure provided no structural alterations except those required by law, or for general maintenance, are made therein and provided further than the non-conforming use of a non-conforming building or structure may be changed only to another non-conforming use of the same or more restrictive classification.
 - (b) In no case shall a non-conforming building or structure be enlarged beyond the existing square footage for the purpose of extending the non-conforming use.
 - (c) In no case shall independent structures or buildings be constructed which will provide support to existing non-conforming uses.
 - (d) In the event that a non-conforming use of any building or structure is discontinued without interruption for a period of 12 months, the use of the same shall thereafter conform to uses permitted in the district in which it is located.
 - (e) Reserved.

(Res. No. 10-07, § 2, 5-25-2010; Res. No. 18-29, § 2(Exh. A), 6-26-2018)

Sec. C. - Non-conforming uses of land.

- (1) The non-conforming use of land lawfully existing at the time this ordinance became effective shall be discontinued within one year from the effective date of this ordinance and within said year shall be continued upon the following conditions and not

otherwise:

- (a) The non-conforming use of a piece of land shall in no way be expanded or extended either on the same or adjoining property.
- (b) The non-conforming use of a piece of land may in no way be changed to another non-conforming use, but only to a use conforming to the regulations of the district in which the land is located.
- (c) In the event that the original non-conforming use of a piece of land is discontinued for 60 days or more, the land shall thereafter conform to all regulations for the district in which the land is located.
- (d) The aforementioned provisions regarding non-conforming use of land shall apply where either:
 1. No building is employed in connection with such use.
 2. Buildings employed are accessory or incidental to such use.
 3. Such use is maintained in connection with a conforming building.
- (e) Non-conformance due to reclassification.
- (f) The aforementioned provisions of this article shall also apply to buildings, structures, land, and uses which hereafter become non-conforming due to any reclassification of districts under this ordinance or subsequent change in the regulations of this ordinance.

(Res. No. 18-29, § 2(Exh. A), 6-26-2018)

Sec. D. - Removal of destroyed buildings.

Any dwelling which is damaged beyond repair by fire, natural or manmade disaster shall be removed and disposed of in accordance with provisions of the Standard Unsafe Building Abatement Code as adopted by the State of Georgia.

(Res. No. 18-29, § 2(Exh. A), 6-26-2018)

Sec. E. - Buffers between dissimilar districts.

- (1) *Objective* . The objective of providing buffers and landscaped areas for screening between dissimilar districts is to protect and preserve the appearance, character, and value of adjacent land uses.
- (2) *Definitions* .
 - (a) *Buffer*: A barrier which is created by the use of evergreen trees or other acceptable plant or vegetative material alone or in combination with berms, fencing, or walls used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or dissimilar uses.
 - (b) *Natural/undisturbed Buffer*: An existing natural barrier which contains a stand of evergreen trees or other acceptable vegetative material with a density or intensity which meets the intent of the definition of buffer.
 - (c) *Planted/landscaped buffer*: A planted natural barrier which contains a stand of evergreen trees or other acceptable vegetative material with a density or intensity which meets the intent of the definition of buffer.
- (3) *Buffer requirements*. The buffer area may be included within the required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Buffers are required to be installed on properties adjacent to dissimilar districts in accordance with the following specifications:

Minimum Buffer Width Requirements ⁽¹⁾

		ABUTTING ZONING DISTRICT																
		A-1	R-2	R-2 Sewer	R-4	R-5	R-6	R-7	PRD	LRO	O-1	NB	B-1	PSC	B-2	I-1	I-2	R-55
P R O P O S E D	A-1*									15'	15'	15'	15'	15'	15'	15'	15'	15'
	R-2*									15'	15'	15'	15'	15'	15'	15'	15'	15'
	R-2 Sewer*									15'	15'	15'	15'	15'	15'	15'	15'	15'
	R-4	30'	30'	30'		25'	25'	25'	25'	15'	15'	15'	15'	15'	15'	15'	15'	10'
	R-5	15'	15'	15'	10'		10'	10'	10'	15'	15'	15'	15'	15'	15'	15'	15'	10'
	R-6	30'	30'	30'	25'	25'		25'	25'	15'	15'	15'	15'	15'	15'	15'	15'	10'
	R-7	15'	15'	15'	10'	10'	10'		10'	15'	15'	15'	15'	15'	15'	15'	15'	10'
	PRD	15'	15'	15'	15'	15'	15'	15'		15'	15'	15'	15'	15'	15'	15'	15'	10'
	LRO	15'	15'	15'	15'	15'	15'	15'	15'									15'
	D E V E L O P M E N T	O-1	20'	20'	20'	20'	20'	20'	20'	20'								
NB		25'	25'	25'	25'	25'	25'	25'	25'									15'
B-1		25'	25'	25'	25'	25'	25'	25'	25'									15'
PSC		25'	25'	25'	25'	25'	25'	25'	25'									15'
B-2		40'	40'	40'	40'	40'	40'	40'	40'									15'
I-1		50'	50'	50'	50'	50'	50'	50'	50'	25'	25'							15'
I-2		75'	75'	75'	75'	75'	75'	75'	75'	50'	50'	25'	25'	25'	25'	15'		15'
R-55		15'	15'	15'	10'	10'	10'	10'	10'	15'	15'	15'	15'	15'	15'	15'	15'	

(1) Note: reference paragraph (6) herein for required buffer area along stream banks, water ways, or watercourses.

*Must provide buffer area for subdivision developments.

- (4) *Standards*. Buffers are subject to review and approval by county planning staff. The landscaping policies and standards listed in this section are the minimum policies and standards for buffers. The following are required standards for buffers and shall be used by the county planning staff in reviewing development applications.
- (a) Buffers shall be designated on the site plan as a permanent buffer strip.
 - (b) Buffers shall be natural/undisturbed areas of existing mature trees which meet the intent of the definition of buffer. Where substantially devoid of existing trees, or where it is necessary to disturb the existing natural/undisturbed area, a planted/landscaped buffer shall be established in accordance with this section.
 - (c) Buffers shall be established and maintained along required adjoining property to meet the minimum width requirements for dissimilar districts as shown in the above table.
 - (d) Buffers shall be of such nature and density at species maturity to screen activities and uses on the lot from view from the normal level of a first story window on an abutting lot. Buffers shall not be closer than 15 feet to the street right-of-way unless approved by county planning staff.
 - (e) Buffers shall provide year-round visual screening from the ground to a height of at least six feet.
 - (f) Buffers that utilize trees and/or other vegetation shall be installed not only to provide visual screening but to allow for proper plant growth and maintenance.
 - (g) Buffer design shall be integrated with the overall design concept for the project.
 - (h) Existing tree cover and natural vegetation shall be undisturbed except for the addition of supplemental plantings or other approved screening devices, or for the provision of required access or utility crossings as approved by the county planning staff. Where a buffer is substantially devoid of trees or shrubbery, grading may be allowed within the buffer area prior to replanting or the provision of other screening devices as required.
 - (i) Said buffer areas may not be used for any parking or for the erection of any permanent structure thereon except a fence.
 - (j) No artificial plants, trees, or other artificial vegetation shall be installed.
 - (k) All existing, healthy deciduous and hardwood trees with a caliper of five or more inches at a point four and one-half feet above the natural grade shall be retained, whenever feasible; if not feasible the tree shall be replaced with the same or similar type of tree in accordance with the intent of paragraph (1) below.
 - (l) All planted trees shall be native to this region and, when planted, such replacement tree shall be a minimum height of six feet and be a species which will reach at least 20 feet in height at maturity or shall be a flowering tree with a minimum

height of six feet at time of planting. All plantings shall be in staggered rows, with vegetation spaced a minimum of ten feet apart (measured trunk to trunk) with a minimum of two staggered rows of plantings for every ten feet of buffer width. The following are approved for such plantings, but shall not be exclusive of other vegetation which may be suitable as approved by the county planning staff, provided they form a visible screen: Leyland Cypress, Bufordi Holly (Dwarf Holly), Ilex Opaca (Savannah Holly), Ilex Chinese (Nellie R. Stevens Holly), Pinus Strobus (White Pine), Magnolia Gradiflora (Southern Magnolia), Cleara Japonica, Green Ash, Mountain Laurel, Black Gum, Hop Horneam, Oak Species (Scarlet, Southern Red, Swamp Chestnut, Sawtooth, Chestnut), Linden or Basswood, Viburnum.

(5) *Maintenance* .

- (a) All buffers shall be installed in a sound workmanship-like manner and according to accepted and proper planting procedures which meet the intent of the buffer requirements.
- (b) Once installed, the owner shall be responsible for maintenance of all buffers, which shall be maintained in good condition to as to present a healthy, neat, and orderly appearance which meet the intent of the buffer requirements.
- (c) Should the vegetation die or be removed such that the buffer no longer functions as required, that vegetation must be replaced by the owner.
- (d) The owner shall have 30 days to replace missing or damaged trees, or restore buffer areas to meet the intent of the buffer requirements.

(6) *Required stream protection buffer* . In order to protect natural water ways within all zoning categories and enhance water quality within Paulding County, the following buffer areas will be required on all development construction drawings.

(a) *Definitions:* Water way and streams are defined as follows:

1. Any water course of 20 acres and larger.
2. Any water course as defined by the Georgia EPD within the Soil Erosion and Sedimentation Control Ordinance.

(b) *Requirements:*

1. There shall be a 40-foot undisturbed buffer area along all stream banks, water ways, or water courses.
2. This buffer shall be measured from the top of the stream bank on each side of the creek. On very small creeks this buffer shall be 80 feet minimum, being 40 feet each side of the creek.

(c) *Variance procedures:*

1. A variance request to disturb within the buffer areas shall be processed through the Paulding County Development Review Committee.
2. No variance shall be granted that is within the jurisdiction of the Georgia EPD, unless authorized by that agency. These buffer areas are 25 feet on streams and 100 feet on trout streams.
3. No variance shall be granted that is under the jurisdiction of the Army Corps of Engineer, unless authorized by that agency, for disturbance of more than one third acre of wetlands.

(7) *Variance from buffers.* The county planning staff may waive or vary the buffer requirements of this section as stated herein, if and only if:

- (a) It is clearly demonstrated that existing topography and/or vegetation achieve the purpose and intent of this section.
- (b) It is clearly demonstrated that for topographic reasons, a fence, wall, and/or other screening device required herein could not possibly screen activities conducted on ground level from view from the normal level of a first story window on any lot in a residential district abutting the use.

(Res. No. 18-29, § 2(Exh. A), 6-26-2018)

Sec. F. - General building, area, and yard provisions.

Except as herein otherwise provided:

- (1) No building or structure shall be erected, and no existing building or structure shall be moved, altered, added to, or enlarged, nor shall any land or building be used, designed, or intended to be used, for any purpose or in any manner other than is set forth in this ordinance or amendments thereto as permitted in the zoning district in which such building or land is located.
- (2) No building shall be erected, nor shall any existing building be reconstructed or structurally altered, to exceed in height the

limit established in this ordinance or amendments thereto designated for the zoning district in which such building is located.

- (3) No existing building or structure shall be enlarged unless the lot meets the minimum land area requirements of the zoning district in which said building is located.
- (4) Every building hereafter erected shall be erected on a lot as herein defined, and in no case shall there be more than one principal residential building on any one lot except in accordance with the provisions of this ordinance.
- (5) No building shall hereafter be erected on a lot which does not abut for at least 30 feet on a publicly dedicated, publicly approved, or publicly maintained street or on a dedicated easement connecting with a public way which guarantees ingress and egress for perpetuity subject to the provisions of this ordinance.
- (6) No accessory building, structure, or use shall be erected on or project into any required front or side yard.
- (7) Where a rear yard abuts upon a street, no accessory building, structure, or use shall be located nearer to the rear lot line than the required front yard depth of the zoning district in which the rear yard is located.
- (8) Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projection of a cornice, eave, belt cornice, sill, canopy, or other similar architectural feature projecting not to exceed 36 inches into said yard.
- (9) Landscape features such as trees, flowers, or plants shall be permitted in any required front, side, or rear yard provided they do not violate the provisions of paragraph (14) below.
- (10) No yard or other open space provided for about a building for the purposes of complying with the provisions of this ordinance or amendments thereto shall be considered as providing a yard or open space for any other building, and no yard, or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.
- (11) If a building is constructed on a through lot having frontage on two streets not at an intersection, a setback from each road shall be provided equal to the front yard requirements for the district in which the lot is located.
- (12) On a corner lot, when the frontage of one street exceeds the frontage of the other, the one with the least frontage shall be deemed the front of the lot. The side yard setback for a corner lot shall be 25 feet in all zoning districts except where otherwise noted herein.
- (13) No lot shall be so reduced or diminished so that the yard, or other open space, or total lot area, shall be smaller than prescribed by this ordinance, or amendments thereto, nor shall the allowable density of the zoning district be altered in any manner except in conformity with this ordinance.
- (14) In all zoning districts, no fence, structure, planting, or other obstruction (above a height of three feet) shall be maintained within 15 feet of the intersection of the right-of-way lines extended of two streets, or of a street intersection with a railroad right-of-way.
- (15) No residential or commercial building or any type residence including manufactured homes shall hereafter be erected or placed on a lot without prior application for an approved septic tank and nitrification field. No occupancy of such buildings or mobile homes is permitted until the approved septic tank and nitrification field have been completely installed. This shall not apply where public sewerage is used at the property, provided it is properly connected.

(Res. No. 10-07, § 3, 5-25-2010; Res. No. 18-29, § 2(Exh. A), 6-26-2018)

Sec. G. - Limited number of unrelated persons in certain residential districts.

- (1) All dwelling units within the single-family residential districts, including but not limited to R-2, R-2 with sewer, OSRD, PRD, low density quality residential district, low density quality residential overlay district and R-55, shall be restricted to occupancy by a family and up to no more than two other persons who are not related to any of the family members by blood, legal adoption or marriage within the third degree of consanguinity or within the second degree of affinity, except as specifically required by federal or state law.
 - (a) There shall be allowed a single exception, whereby a non-family member and/or his family may reside in a single-family residence for a period of not more than three months (90 days), with other persons who are not family, provided that such occupancy is due to either a medical hardship or when the persons residing as guests are in the process of building another single-family residence for their home and are staying by necessity of same.
 - (b) The non-family members may not reside in the home for more than the 90-day period provided for in this subsection, and

this exception may not be claimed at a single property location or address more than one time in any 12-month period.

- (c) In the event persons cited under this subsection raise this exception, the burden of proof is on the property owner/occupant to prove the exception, and rebut the citation. In doing so, the property owner and occupants of the home must show competent evidence of the short term occupancy due to medical hardship or the building of another single-family residence, with such evidence including, but not limited to documentation from a physician (in the case of medical hardship) and an executed contract for the purchase of a residence. The cited location shall be subject to re-inspection upon the end of the claimed 90-day period.
- (2) For the purpose of this ordinance herein, "family" shall be defined as set forth in the definitions section of the Paulding County Zoning Ordinance.
- (3) Prima facie proof of occupancy of a dwelling unit by more than two unrelated persons is established in any prosecution for violation of this section if it is shown that the same four or more vehicles with registration to persons having different surnames and addresses were parked overnight at the dwelling unit a majority of nights in any 30-day period. This establishment of a prima facie level of proof in this subsection does not preclude a showing of "occupancy" of a dwelling unit by a person in any other manner, including but not limited to driver's licenses and personal admissions.
- (4) The property owner and any agent of the property owner and/or the tenant of the property owner shall be legally responsible for directly or indirectly allowing, permitting, causing or failing to prohibit the occupancy of a dwelling unit by more than three unrelated persons.
- (5) Enforcement of the definition of the term "family" and this ordinance and subsection shall commence with a written notice of violation provided to the owner of the premises or their agent or tenant, whichever may apply, and shall be delivered personally or by first class mail to the owner's address as listed in the tax assessor's records at least seven days prior to citation being issued.
- (6) A violation of this ordinance and subsection shall be subject to the following penalties:
 - (a) *First offense*: a minimum fine of \$300.00, none of which may be subject to payment suspension, and 60 days in jail and 100 hours of community service or some combination thereof;
 - (b) *Second offense*: a minimum fine of \$400.00, none of which may be subject to payment suspension, and 60 days in jail and 100 hours of community service or some combination thereof;
 - (c) *Third offense*: a minimum fine of \$500.00, none of which may be subject to payment suspension, and with a mandatory court appearance and 60 days in jail and 100 hours community service or some combination thereof.
 - (d) The maximum penalties shall be set at \$1,000.00, 60 days in jail and 100 hours of community service or some combination thereof, per violation of this ordinance.

(Res. No. 18-29, § 2(Exh. A), 6-26-2018)

ARTICLE VII - PARKING AND OTHER REQUIREMENTS

Sec. A. - Design standards for off-street automobile parking.

Off-street automobile parking shall be provided in accordance with all applicable provisions of this section.

- (1) *Design standards*. All parking facilities, including entrances, exits and maneuvering areas, shall comply with the following provisions:
 - (a) Shall have access to a public street or easement approved by the county;
 - (b) Entrances and exits shall be graded and paved as specified by the county and shall be curbed when needed for effective drainage control;
 - (c) Paved parking facilities shall have all spaces marked with paint lines, curbstones or other similar designations in accord with the following:
 1. Each space set at a 90-degree angle shall have not less than 162 square feet and shall be not less than eight feet six inches wide and 19 feet deep, exclusive of passageways, which shall be not less than 24 feet wide;
 2. Each space set at a 60-degree angle shall have not less than 176 square feet and shall be not less than eight feet six inches wide and 20 feet eight inches deep, exclusive of passageways, which shall be not less than 18 feet six inches;

3. Each space set at a 45-degree angle shall have not less than 165 square feet and shall be not less than eight feet six inches five inches deep, exclusive of passageways, which shall be not less than 13 feet six inches wide;
 4. There shall be adequate interior drives to connect each space with a public street.
- (d) Shall be drained so as to prevent damage to abutting properties or public streets;
 - (e) Adequate lighting shall be provided if the facilities are to be used at night. Such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties.
 - (f) Any parking areas within the required front yard of any structure shall not be closer than ten feet to any public right-of-way.
 - (g) The provisions of subsections (c), (e), and (f) above shall not apply to single-family residential uses where three or less spaces are required.
- (2) *Location* . All parking facilities shall be located in accordance with the following provisions:
- (a) The required space shall be provided on the same plot with the use it serves, except as provided herein;
 - (b) If vehicular parking or storage space required cannot be reasonably provided on the same lot on which the principal use is conducted, the board of zoning appeals may permit such space to be provided on other off-street property provided such space lies within 400 feet of the main entrance to such principal use. Such vehicular parking space shall be associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner; and
 - (c) The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sunday may be assigned to a use which will be closed at nights or on Sundays.

(Res. No. 18-20, § 2(Exh. A), 4-24-2018; Res. No. 18-29, § 3(Exh. A), 6-26-2018)

Sec. B. - Required spaces.

The number of parking spaces or area required for a particular use shall be as follows:

Type of Use	Parking Requirements
Accessory retail sales and services	Number required for office or institutional, motel, hotel, high-rise apartment use to which it is accessory. If it is a permitted secondary use in a structure other than the primary use: one space per 200 sq. ft. (net) of floor space
Adult entertainment establishments	1 space per 100 sq. ft. (net) of floor space
Agricultural produce stands	3 spaces per stand
Ambulance services	1 space per employee, 1 space per ambulance parked on site
Ambulance services, if accessory to hospitals or funeral homes	1 space per ambulance parked on site
Amphitheaters	1 space per 4 seats in amphitheater
Amusement centers	1 space per 2,000 sq. ft. (gross) of site area with a minimum of 25 spaces required and a maximum of 100 spaces
Ancillary retail sales	Number of spaces required for the primary use
Animal hospitals	1 space per 285 sq. ft. (net) of floor space

Appliance repair (major)	1 space per 200 sq. ft. (net) of floor space, 1 space per loading dock
Arcades	1 space per 200 sq. ft. (net) of floor space
Asphalt plants	1 space per employee, 1 space per vehicle parked on site
Assembly halls	1 space per 3 seats for every person lawfully permitted within the assembly hall at one time
Athletic and health clubs	1 space per 200 sq. ft. (net) of floor space
Automobile, truck and trailer lease and rental facilities (accessory use)	1 space per employee, 1 space per vehicle parked on site
Automobile, truck and trailer lease and rental facilities (principal use)	1 space per employee, 1 space per 250 sq. ft. (net) of floor space, 1 space per vehicle parked on site
Automobile and truck sales and service facilities	1 space per 200 sq. ft. (net) of floor space, 1 space per vehicle parked on site
Automobile paint and body repair shops	1 space per 200 sq. ft. (net) of floor space, 1 space per vehicle parked on site
Automotive parking lots or garages	As may be required to serve the principal use (see specific principal use for requirement), for freestanding parking garage - not applicable
Automotive storage yards and wrecker services; salvage yards	1 space per 300 sq. ft. (net) of floor space, 1 space per employee, with minimum of 5 spaces
Automotive upholstery shops	1 space per 300 sq. ft. (net) of floor space, 1 space per employee
Aviation airports (private)	1 space per 500 sq. ft. (net) of floor space, 1 space per hanger or tie down pad
Banks/financial institutions with drive-in establishments and/or automated transfer machines	1 space per 285 sq. ft. (net) of floor space, 3 additional spaces per automated transfer machine, 5 queue spaces per drive-in teller
Billiards and pool halls	2 spaces per pool table
Bio-medical waste transfer and disposal facilities	1 space per employee
Boarding/rooming houses	1 space per guest room, 2 spaces for the owners if resident on premises
Boat sales and service establishments	1 space per 200 sq. ft. (net) of floor space, 1 space per employee, 1 space per boat parked on site
Bowling alley	2 spaces per alley, 1 space per employee
Breeding and boarding kennels	1 space per 250 sq. ft. (net) of floor space, 1 space per employee

Building materials stores	1 space per 100 sq. ft. (net) of floor space, 1 space per vehicle parked on site, 1 space per loading dock
Bus stations	1 space per 300 sq. ft. (net) of floor space
Bus stations for freight	1 space per 500 sq. ft. (net) of floor space, 1 space per loading dock
Car washes	1 space per 200 sq. ft. (net) of floor space, 5 queue spaces per service line
Cemeteries	1 space per 300 sq. ft. (net) of floor space
Chemical plants or storage facilities	1 space per 500 sq. ft. (net) of floor space, 1 space per employee, 1 space per vehicle parked on site
Churches, chapels, temples, synagogues, and other places of worship	1 space per 4 seats in the principal place of worship, provided that the number of spaces required may be reduced by not more than 50% if the place of worship is located within 500 feet of any public parking lot or any commercial parking lot where sufficient spaces are available by permission of the owner(s) without charge, during the time of services to make up the additional spaces required
Clinics, medical/dental	4 spaces per physician or dentist, 1 space per employee
Clubs or lodges (non-commercial)	1 space per 250 sq. ft. (net) of floor space
Coliseums, stadiums, and convention centers (privately owned)	1 space per 3 seats for every person lawfully permitted within the coliseum or stadium at one time, plus 1 space per employee
Colleges and universities (private), including but not limited to research and training facilities	1 space per each 10 students for whom the school was designed, plus 1 space per classroom and administrative office
Commercial greenhouses and plant nurseries	1 space per 200 sq. ft. (net) of floor space, 1 space per employee
Commercial indoor recreation uses	1 space per 200 sq. ft. (net) of floor space
Commercial recreation restaurant	1 space for each 4 seats, plus 1 for each 250 sq. ft. of gross floor area
Community fairs	1 space per 2,000 sq. ft. (net) of site area
Community retail uses	1 space per 200 sq. ft. (net) of floor space
Composting plants	1 space per employee, 1 space per vehicle parked on site
Concrete plants	1 space per employee, 1 space per vehicle parked on site
Condominiums	2 spaces per dwelling unit
Contractors (general, heavy, special)	1 space per 285 sq. ft. (net) of floor space, 1 space per vehicle parked on site

Convenience food stores with self-service fuels	A minimum of 5 spaces, 1 space per employee
Corporate or administrative offices for any permitted uses	1 space per 285 sq. ft. (net) of floor space
Cottage dwelling unit	2 spaces per dwelling unit
Crematories	1 space per employee
Cultural facilities	1 space per 400 sq. ft. (net) of floor space
Dairies	1 space per employee
Designated recycling collection locations	A minimum of 10 spaces
Dry cleaning plants	1 space per employee
Eating and drinking establishments (including drive-in fast food restaurants)	1 space per 100 sq. ft. (net) of floor space
Electrical supply stores	1 space per 100 sq. ft. (net) of floor space, 1 space per loading dock
Emissions inspections	2 spaces minimum, 5 queue spaces per bay, 1 space per employee
Exterminating facilities (insect and/or rodent)	1 space per 285 sq. ft. (net) of floor space, 1 space per vehicle parked on site
Farm and garden supply stores	1 space per 100 sq. ft. (net) of floor space, 1 space per loading dock
Farm equipment stores/repair establishments	1 space per 100 sq. ft. (net) of floor space, 1 space per loading dock
Farmers markets (fully enclosed)	1 space per 100 sq. ft. (net) of floor space, 1 space per loading dock
Flea markets	1 space per 500 sq. ft. (net) of site area
Freight terminals	1 space per 500 sq. ft. (net) of floor space, 1 space per employee, 1 space per vehicle parked on site
Fuel and ice dealers	1 space per employee, 1 space per vehicle parked on site
Full service gasoline stations	3 spaces per bay, 1 space per employee
Funeral homes	1 space per 4 seats in assembly room, 1 space per 250 sq. ft. (net) of floor space
Golf Courses	5 spaces per hole, 1 space per 300 sq. ft. (net) of floor space
Group homes	1 space per 2 residents

Halfway houses	1 space per 1.5 residents
Hazardous waste sites	1 space per employee, 1 space per vehicle parked on site
Heavy automotive repair establishments	1 space per bay, 1 space per loading dock, 1 space per employee
Heavy manufacturing establishments	1 space per employee, 1 space per loading dock
Heavy repair services and trade stores	1 space per 500 sq. ft. (net) of floor space, 1 space per employee, 1 space per vehicle parked on site
High-rise apartments	1.75 spaces per dwelling unit
Hospitals	1 space per 2 beds
Hotels	1.25 spaces per unit
In-home day care	Off street parking and loading/unloading must be provided
Landfills (private)	1 space per employee, with minimum of 5 spaces
Laundry and dry cleaning pick-up establishments	1 space per 200 sq. ft. (net) of floor space, 2 queue spaces each drive-in window
Light automotive repair establishments	3 spaces per bay, 1 space per employee
Light manufacturing establishments	1 space per employee, 1 space per loading dock
Linen and diaper services	1 space per employee, 1 space per vehicle parked on site
Livestock sales pavilions	1 space per 2,000 sq. ft. of site area
Machine shops	1 space per employee
Mausoleums	1 space per employee
Medical and dental laboratories, provided that no chemicals are manufactured on site	1 space per employee
Mining operations	1 space per employee
Motels/extended stay	1.25 spaces per unit
Motorcycle, all-terrain vehicles (ATV), and three-wheel vehicle sales and service facilities	1 space per 200 sq. ft. (net) of floor space
Multi-family dwelling units	1.75 spaces per dwelling unit

Neighborhood retail uses	1 space per 200 sq. ft. (net) of floor space
Newspaper publishing facilities	1 space per employee, 1 space per vehicle parked on site, 1 space per loading dock
Nightclubs	1 space per 200 sq. ft. (net) of floor space
Non-automotive repair service establishments	1 space per 200 sq. ft. (net) of floor space, 1 space per vehicle parked on site
Non-profit riding stables	1 space per employee, 1 space per stall
Non-profit (seasonal use) fishing lakes	Off-street parking area must be provided
Nursery schools and child day care centers	A minimum of 20 spaces
Offices not elsewhere classified	1 space per 285 sq. ft. (net) of floor space
Office service and supply establishments	1 space per 200 sq. ft. (net) of floor space, 1 space per employee
Other consumer goods and services	1 space per 200 sq. ft. (net) of floor space
Other facilities for disposal of the deceased	1 space per employee
Outdoor commercial racing (motorcycle, automobile, truck, tractor, and motorized vehicles)	1 space per employee, 1 space per 200 sq. ft. of site area
Outdoor golf driving ranges	1.5 spaces per tee, 1 space per 100 sq. ft. (net) of floor space for pro shop/clubhouses
Pawn shops	1 space per 200 sq. ft. (net) of floor space
Petroleum or bulk storage stations	1 space per employee, 1 space per vehicle parked on site
Photography studios	1 space per 200 sq. ft. (net) of floor space
Plumbing and/or heating equipment dealers	1 space per 200 sq. ft. (net) of floor space
Poultry hatcheries	1 space per employee, 1 space per vehicle parked on site
Printing, publishing, and lithography establishments	1 space per 200 sq. ft. (net) of floor space, 1 space per employee

Private community centers	1 space per every person lawfully permitted within the assembly area at one time plus 1 space per employee. In the absence of designated assemble area, 1 space per 300 sq. ft. (net) of floor space
Parks	1 space per 3,000 sq. ft. (net) of site area
Private schools of general and special education	1 space per classroom, 1 space per employee
Pro shops (accessory to driving ranges/golf courses)	1 space per 100 sq. ft. (net) of floor space
Professional offices	1 space per 285 sq. ft. (net) of floor space
Radio and television stations	1 space per 285 sq. ft. (net) of floor space, 1 space per employee
Rail stations	1 space per 300 sq. ft. (net) of floor space
Railroad car classification yards	1 space per employee
Railroad stations for freight	1 space per 500 sq. ft. (net) of floor space, plus 1 space per employee
Recreation grounds other than tennis courts and golf courses	1 space per 10,000 sq. ft. (net) of site area
Recycling drop-off centers	A minimum of 10 spaces
Research and development centers	1 space per 500 sq. ft. (net) of floor space, 1 space per employee
Research testing laboratories	1 space per 500 sq. ft. (net) of floor space, 1 space per employee
Rest/personal care/convalescent homes/Retirement Community (Continuing Care)	1 space per 4 beds
Re-upholstery and furniture repair	1 space per 250 sq. ft. (net) of floor space, 1 space per employee
Rooming and boarding houses	1 space per 2 residents
Self-service laundry facilities	1 space per 200 sq. ft. (net) of floor space
Self-services storage facilities	A minimum of 5 spaces
Shelters (homeless)	1 space per employee
Signs and outdoor advertising facilities	1 space per 300 sq. ft./ (net) of floor space, plus 1 space per employee
Single-family dwelling units (attached)	2 spaces per dwelling unit

Single-family dwelling units (detached)	2 spaces per dwelling unit
Studios and supplies	1 space per 250 sq. ft. (net) of floor space
Theaters	1 space per 100 sq. ft. (net) of floor space
Tire retreading and recapping facilities	1 space per employee, 1 space per vehicle parked on site
Townhouse dwelling units (attached)	2 spaces per dwelling unit
Trailer salesrooms and sales lots	1 space per 500 sq. ft. (net) of site area
Transportation equipment storage and maintenance facilities	1 space per employee
Truck terminals	1 space per employee
Two-family dwelling units	4 spaces per dwelling unit (duplex)
Utility facilities (private)	1 space per 500 sq. ft. (net) of floor space, 1 space per employee
Vending machine sales, service, rental, or repair establishments	1 space per 500 sq. ft. (net) of floor space, 1 space per loading dock
Vocational schools	1 space per each 10 students for whom the school was designed, plus 1 space per classroom and administrative office
Warehouse and storage facilities	1 space per 2,000 sq. ft. (net) of storage space, with a minimum of 5 spaces
Wholesale sales offices	1 space per 300 sq. ft. (net) of floor space
Wholesale trade and distribution facilities	1 space per 300 sq. ft. (net) of floor space, 1 space per loading dock

(Res. No. 18-20, § 2(Exh. A), 4-24-2018; Res. No. 18-29, § 3(Exh. A), 6-26-2018)

Sec. C. - Site distance at intersections.

In all zoning districts, no fence, structure, planting, or other obstruction (above a height of three feet) shall be maintained with 15 feet of the intersection of the right-of-way lines extended of two streets, or of a street intersection with a railroad right-of-way.

(Res. No. 10-07, § 4, 5-25-2010; Res. No. 18-29, § 3(Exh. A), 6-26-2018)

Sec. D. - Off-street loading and unloading.

On the same premises with every building or structure erected hereafter and occupied for any manufacturing, processing, or related uses, storage, warehousing, wholesaling, or related uses, and retailing, trade, and its related uses involving the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot adequate space for standing, loading, and unloading in order

to avoid undue interference with the public use of sidewalk, street, or alley. Such space unless otherwise adequately provided for shall include at minimum:

- (1) A 12-foot by 25-foot loading space, with 14 feet overhead clearance for every 20,000 square feet or fraction thereof in excess of 7,000 square feet of floor area of land used for above-mentioned purpose.
- (2) An off-street loading space or spaces of sufficient dimensions and size to allow normal off-street loading and unloading operations of a kind appropriate to the property served thereby, where the floor area of land used for above mentioned purposes is less than 7,000 square feet.
- (3) In no case shall a loading berth or loading space be so located as to hinder the free movement of vehicles and pedestrians over a street, sidewalk, alley, or access route to or from an off-street parking area.
- (4) Any light used to illuminate any parking/loading area shall be so arranged as to reflect light away from adjoining premises in a residential district.

(Res. No. 18-29, § 3(Exh. A), 6-26-2018)

Sec. E. - Building, lot, and setback table.

(Reference article VI, sec. E. (6) pertaining to required buffer area along stream banks, waterways, or water courses.)

Zoning District	Designation	Minimum Lot Area (unless otherwise specified in ordinance)	Maximum Dwelling Units Per Acre	Minimum Heated Area (sq. ft.)	Min. Lot Width at Bldg. Line (feet)	Minimum Front Yard Setback (feet)	Minimum Side Yard Setback (feet)*	Minimum Rear Yard Setback (feet)*	Maximum Height
A-1	Agricultural	Five acres	1 Per 5 Ac.	1,100	125	50	20/25 (a)	30 *	45 feet
R-2	Suburban residential	20,000 sq. ft.	2	1,100	100/75 (b)	35	15/25 (a)	25 *	45 feet
R-2 with sewer	Sewered suburban residential	15,000 (c) sq. ft. w/ sewer & water	2.9	1,800 (c)	85/75 (b)	30	10/25 (a)	25 *	45 feet
R-4	Multi-family residential	Five acres w/ sewer & water	5/net acre	1 800 2 1,000 3 1,200	100	40	25/25 (a)	25 *	45 feet
R-5	Duplex	40,000 sq. ft. w/ sewer & water	1 duplex/acre	1,000/unit 2,000 total	100	40	20/25 (a)	25 *	45 feet
R-6	Manufactured home park	Fifteen acres total/park	6	N/A	400 (overall)	40	40 *	40 *	45 feet
R-7	Multi-family fee simple (non-rental)	Five acres	4/Net acre	1 800 2 1,000 3 1,200	100	40	25/25 (a)	25 *	45 feet

PRD	Planned residential development with public sewer and water	Fifty acres total 12,000 sq. ft. 8,000 sq. ft.	3	1,400 1,600	Per approved plan	Per approved plan	Per approved plan	Per approved plan	Per approved plan
OSRD	Open space residential development	10,000 sq. ft.	3	2,000	80	25	5/25 (a) *	25 *	45 feet
LRO	Low rise office	20,000 sq. ft.	N/A	N/A	100/75 (b)	30	15 /25 (a)	25 /35 (d)	2 stories
O-I	Office and institutional	20,000 sq. ft. with sewer/40,000 sq. ft. without	N/A	N/A	100/75 (b)	30	15/25 (a) * / 20 (d) *	25 /35 (d)	3 Stories
NB	Neighborhood business	20,000 sq. ft.	N/A	N/A	100/85 (b)	30	15/25 (a) (d) *	25 /35 (d)	3 Stories
B-1	General business	20,000 sq. ft.	N/A	N/A	75/60 (b)	40	10/25 (a) (d) *	15 /40 (d)	3 Stories
PSC	Planned shopping center	Five Acres	N/A	N/A	75/60 (b)	40	10/25 (a) (d) *	15 /40 (d)	3 Stories
B-2	Highway business	20,000 sq. ft.	N/A	N/A	100/85 (b)	50	15/25 (a) * / 40 (d) *	15 /40 (d)	4 Stories
I-1	Light industrial	40,000 sq. ft.	N/A	N/A	100/85 (b)	50	25/50 (a) (d) *	40 /50 (d)	3 Stories
I-2	Heavy industrial	40,000 sq. ft.	N/A	N/A	100/85 (b)	50	25/50 (a) * / 75 (d) *	40 /75 (d)	3 Stories
R-55	Active adult residential	Fifteen acres	5/acre	SF 1,100 CA 1,000 MF 1 = 1,000 2 = 1,200 3 = 1,400	50/50/125	20/0/35	5/0/25	25/0/25	SF & CA 2 MF 3 stories

¹ *Where required buffers exceed setback requirements, buffer widths shall be adhered to (see chart, p. 37) (a) Corner lot on local street (b) In Cul-de-sac (c) With public sewer & 1,800 sq. ft. heated area; otherwise, 20,000 sq. ft. lot and 1,100 sq. ft. heated area (d) If abuts residential.

Note— * Amended 8/24/99, *Resolution 99-48, §§ D, F, 9/28/99.

(Res. No. 18-29, § 3(Exh. A), 6-26-2018)

ARTICLE VIII - ZONING DISTRICT REGULATIONS

Sec. A. - A-1 agricultural zoning district.

- (1) *Purpose and intent.* The A-1 district is comprised of land having a predominantly rural character and provides locations for large parcels of undeveloped land, agricultural uses, and single-family residential uses on larger tracts of land. These areas are generally within or on the edge of properties delineated for residential categories.
- (2) *Permitted uses.* Within the A-1 agricultural zoning district, the following uses are permitted:
 - (a) Single-family dwellings and class II manufactured homes (in accordance with ordinance relating to erection, installation, and use of factory-built buildings and dwelling units, manufactured homes, and mobile homes) with a minimum of 1,100 square feet of heated area required.
 - (b) Accessory buildings and uses located on the same lot or parcel of land as the principal building and customarily incidental to the permitted use subject to the following:
 1. No accessory building shall be constructed on a lot until either (a) construction on the main building has been actually commenced or (b) until the applicant has received approval by the Paulding County Public Works Executive Committee for the construction thereof.
 2. All non-agricultural related accessory buildings, structures, and uses shall maintain a minimum setback of ten feet from side or rear yard property lines.
 3. Accessory buildings, structures, or uses shall not be erected on or project into any required front yard setback.
 4. Accessory buildings shall not be occupied by humans and may not be utilized for the operation of a business from the accessory building.
 - (c) *Recreational buildings:* If the agricultural property lot is larger than 25 acres, then it shall be permitted to construct a recreational building in addition to other permitted structures on the property, provided the same has a water and sewage/septic system, receives a valid certificate of occupancy and is subject to a minimum setback of 150 feet from all adjacent property lines.
 1. Recreational buildings shall not be utilized for the operation of a business from the recreation building nor shall it be occupied as a permanent residence.
 - (d) Agricultural facilities such as chicken houses, swine enclosures, dairy barns, stables, corrals, or other facilities used to house livestock, horses, non-domestic animals (excluding wild and exotic animals), poultry, or odor producing agricultural uses shall be located no less than 50 feet from the side and rear property lines and 100 feet from the front property line. Fences for horses and cows are excluded from these setbacks, but are recommended to be setback off the property line by a minimum of three inches.
 - (e) Agriculture, farming, and forestry activities; livestock, poultry production, and horses provided that all animals except those generally recognized as household pets are kept in a structure, pen, or corral and not permitted to roam at large. Structures, pens, fences, and corrals must meet setbacks as specified in (d) above.
 - (f) Churches, synagogues, and similar places of worship and their customarily related uses, on tracts of no less than five contiguous acres, provided that any building for such proposed use is located no less than 50 feet from front and rear property lines and 25 feet from the side property lines.
 - (g) Commercial and private dog kennels, provided all outdoor runs, fences, and related buildings/structures shall be located no less than 200 feet from any property line.

- (h) Home office, residential business, rural business, subject to provisions of this ordinance.
 - (i) In-home children's day care subject to a special use permit and all provisions identified within this ordinance.
 - (j) Landscaping nurseries (wholesale), green houses (wholesale), provided structures shall be located no less than 50 feet from the side and rear property lines and 100 feet from the front property line.
 - (k) Municipal, county, state, federal and other government uses.
 - (l) Sale of agricultural products raised on the premises; agricultural farm stands.
- (3) *Lot size, area, and setback requirements:* *
- *Unless otherwise specified; also subject to approval by state environmental health.
- (a) Minimum lot size: Five acres.
 - (b) Minimum public road frontage: 30 feet.
 - (c) Minimum lot width at building line: 125 feet.
 - (d) Minimum front yard setback: 50 feet.
 - (e) Minimum side yard setback: 20 feet; 25 feet if corner lot.
 - (f) Minimum rear yard setback: 30 feet.
 - (g) Maximum building height: 45 feet.
- (4) *Off-street parking:* See article VII of this ordinance.
- (5) *Required buffers:* See article VI, sec. E. of this ordinance.
- (6) *Sign regulations:* See article XII of this ordinance.

Sec. B. - R-2 suburban residential district.

- (1) *Purpose and intent.* The "R-2" district is composed of certain lands and structures in the county having a low density, predominantly single-family character and additional open area, where it is desirable and likely that such similar development will occur. This district emphasizes suburban-urban development rather than rural activities; however, it is recognized that agriculture and the raising of poultry and livestock may still be an activity in this district, and provision is, therefore, made for limited forms of such activity with appropriate safeguard for nearby residences.
- (2) *Permitted uses.* Within the R-2 suburban residential district, the following uses are permitted:
- (a) Single-family dwellings and class II manufactured homes (in accordance with ordinance relating to erection, installation, and use of factory-built buildings and dwelling units, manufactured homes, and mobile homes) with a minimum of 1,100 square feet heated, living space.
 - (b) Accessory buildings and uses located on the same lot or parcel of land as the principal building and customarily incidental to the permitted use subject to the following:
 1. No accessory building shall be constructed on a lot less than three acres until construction on the main building has been commenced.
 2. All non-agricultural related accessory buildings, structures, and uses shall maintain a minimum setback of ten feet from side or rear yard property lines.
 3. No accessory buildings, structures, or uses shall be erected on or project into any required front yard setback.
 4. Accessory buildings are limited in size to 1,000 square feet per acre of land within the parcel. There shall not be more than one accessory building which is 1,000 square feet or larger per parcel.
 5. Accessory buildings shall not be occupied by humans and may not be utilized for the operation of a business from the accessory building.
 - (c) *Recreational buildings:* If the residential property lot is larger than ten acres, then it shall be permitted to construct a recreational building in addition to other permitted structures on the property, provided the same has a water and sewage/septic system, receives a valid certificate of occupancy and is subject to a minimum setback of 150 feet from all adjacent property lines.
 1. Recreational buildings shall not be utilized for the operation of a business from the recreation building nor shall it be occupied as a permanent residence.

- (d) Churches, synagogues, and similar places of worship and their customarily related uses, on tracts of no less than five contiguous lots, provided that any building for such proposed use is located no less than 50 feet from the front and rear property lines and 25 feet from the side property lines.
 - (e) Sale of agricultural products raised on the premises.
 - (f) Home office, or residential business, or rural business, subject to provisions of this ordinance.
 - (g) Municipal, county, state, federal and other government uses.
 - (h) Agricultural facilities such as chicken houses, swine enclosures, dairy barns, stables, corrals or other facilities used to house livestock, horses, non-domestic animals (excluding wild and exotic animals), poultry or odor-producing agricultural uses shall be located no less than 200 feet from the side and rear property lines and 300 feet from the front property line. Fences for horses and cows are excluded from these setbacks, but are recommended to the setback off the property line by a minimum of three inches. The setbacks referenced above are required except as otherwise provided herein.
 - 1. *Backyard chickens.* The keeping of a female pullet or hen of the *Gallus gallus domesticus* (roosters prohibited) which may be used for the purpose of providing food or companionship as a pet, considering the following minimum conditions:
 - a. The backyard chickens shall not cause a nuisance, as defined by animal control ordinance sections 14-10 and 14-11.
 - b. Backyard chickens are prohibited from slaughter and/or breeding purposes.
 - c. All backyard chickens must be housed in a coop no larger than 100 square feet in size that is enclosed on all sides including the top. (Tarps, plastic or similar covering are prohibited.)
 - d. Backyard chicken coops must meet the following building setback requirements from front, rear and side property lines:
 - Front: One hundred feet from public right-of-way, private drive or easement, and/or property line. (Includes properties with multiple road/street frontages).
 - Side/Rear: Forty-five feet from a property line.
 - e. The coop must be located in the back/rear yard and be a minimum distance of 45 feet from the owner's residential dwelling.
 - f. Backyard chickens are not permitted to roam at-large or are allowed to be free-range.
 - g. There shall be a maximum of five backyard chickens allowed.
 - (i) Agriculture, farming, and forestry activities; livestock, poultry production, and horses provided that all animals except those generally recognized as household pets are kept in a structure, pen, or corral and not permitted to roam at large. Structures, pens, fences, and corrals must meet setbacks as specified in (h) above.
 - (j) In-home children's day care subject to all provisions identified within this ordinance.
 - (k) Recreational areas platted as part of a residential subdivision development, provided all buildings for such proposed use are located a minimum of 50 feet from any property line.
- (3) *Lot size, area, and setback requirements.* *
- *Unless otherwise specified; also subject to approval by state environmental health.
- (a) Minimum lot size: 20,000 square feet.
 - (b) Minimum public road frontage: 30 feet.
 - (c) Minimum lot width at building line: 100 feet; 75 feet curve or cul-de-sac.
 - (d) Minimum front yard setback: 35 feet.
 - (e) Minimum side yard setback: 15 feet; 25 feet if corner lot.
 - (f) Minimum rear yard setback: 25 feet.
 - (g) Maximum building height: 45 feet.
- (4) *Off-street parking:* See article VII of this ordinance.
- (5) *Required buffers:* See article VI, sec. E. of this ordinance.

- (6) *Sign regulations:* See article XII of this ordinance.
- (7) *Landscaping requirement:* All R-2 platted subdivision developments shall include a minimum of one tree planted in the yard of each unit. The trees shall be a minimum two inch caliper at the root ball when planted.

(Res. of 4-28-2015)

Sec. C. - R-2 with sewer sewerer suburban residential district.

- (1) *Purpose and intent.* This district is established to provide locations for single-family residential uses on lots in areas which are urbanizing and where public sewer is predominately available or proposed.
- (2) *Zoning required.* To develop in the R-2 with sewer district, a rezoning shall be required even on tracts currently zoned as R-2 suburban residential district.
- (3) *Permitted uses.* Within the R-2 with sewer-sewerer suburban residential district, the following uses are permitted:
 - (a) Single-family dwellings and class II manufactured homes (in accordance with ordinance relating to erection, installation, and use of factory-built buildings and dwelling units, manufactured homes, and mobile homes) with a minimum of 1,800 square feet of heated area required on lots with 15,000 square feet.
 - (b) Accessory buildings and uses located on the same lot or parcel of land as the principal building and customarily incidental to the permitted use subject to the following:
 1. No accessory building shall be constructed on a lot until construction on the main building has been actually commenced.
 2. All non-agricultural related accessory buildings, structures, and uses shall maintain a minimum setback of ten feet from side or rear yard property lines.
 3. No accessory buildings, structures, or uses shall be erected on or project into any required front yard setback.
 4. Accessory buildings are limited in size 1,000 square feet per acre of land contained in the parcel. There shall not be more than one accessory building which is 1,000 square feet or larger per parcel.
 5. Accessory buildings shall not be occupied by humans and shall not be used for agricultural purposes or for farm animals.
 6. Accessory buildings shall not be utilized for the operation of a business from the accessory building.
- (4) Churches, synagogues, and similar places of worship and their customarily related uses, on tracts of no less than five contiguous acres, provided that any building for such proposed use is located no less than 50 feet from the front and rear property lines and 25 feet from the side property lines.
- (5) Home office, or residential business, or rural business, subject to provisions of this ordinance.
- (6) Municipal, county, state, federal and other government uses.
- (7) In-home children's day care subject to all provisions identified within this ordinance.
- (8) Recreational areas platted as part of a residential subdivision development, provided all buildings for such proposed use are located a minimum of 50 feet from any property line.
- (9) *Lot size, area, and setback requirements; **

*Unless otherwise specified; also subject to approval by state environmental health.

 - (a) Minimum lot size: 15,000 square foot lot, with public sewer and 1,800 square foot home
 - (b) Minimum public road frontage: 30 feet
 - (c) Minimum lot width at building line: 85 feet; 75 feet curve or cul-de-sac
 - (d) Minimum front yard setback: 30 feet
 - (e) Minimum side yard setback: Ten feet; 25 feet if corner lot
 - (f) Minimum rear yard setback: 25 feet
 - (g) Maximum building height: 45 feet
- (10) *Off-street parking:* See article VII of this ordinance.
- (11) *Required buffers:* See article VI, sec. E. of this ordinance.

- (12) *Sign regulations:* See article XII of this ordinance.
- (13) All R-2 with sewer tracts which are platted as a subdivision shall be constructed in accordance with the Development Regulations of Paulding County, but also must include the following amenities: (a) Underground utilities; (b) Street lights; (c) Sidewalks on at least one side of each residential street and entrance drive.
- (14) Landscaping requirement: All R-2 with sewer developments shall include a minimum of two trees planted in the yard of each unit. The trees shall be a minimum two inch caliper at the root ball when planted.
- (15) Green space for sewer developments with 15,000 square foot lots: A platted R-2 with sewer subdivision developed with 15,000 square foot lots shall be designed to include at least ten percent of the total area designated for open space or public use. One hundred percent of the open space must be located outside of the floodplain as defined by the county. The open space areas must be defined and delineated on specific site plans for the subdivisions as open space or public use and must be accompanied by an appropriate deed and protective covenants stating the open space is perpetual. The required open space shall remain undeveloped or be developed and landscaped by the developer in accordance with an approved landscape plan through the county. The recreational and/or amenities areas of the subdivision may not be calculated as a portion of the greenspace requirement, unless such recreational areas are pervious in nature. In addition thereto, at least 50 percent of the designated greenspace area must be contiguous in nature.
- (16) Mandatory homeowners associations and required recreational areas and amenities: Each property developed in accordance within the R-2 with sewer requirements shall be required to provide for a mandatory incorporated homeowners' association and protective covenants. With regard thereto, the developer shall file a declaration of covenants and restrictions that will govern the association and the association must be established prior to selling any of the homes. The association must be mandatory for each homeowner and they must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
- (17) Buffer requirements: For all R-2 with sewer platted subdivisions, a minimum of a 25 foot natural and undisturbed perimeter buffer should be included, even if the proposed R-2 with sewer platted subdivision is contiguous to another R-2 with sewer zoned property, or other residentially zoned categories. The buffer requirements for R-2 with sewer platted properties when located contiguous to other zoning categories shall remain as listed in the table for buffer width requirements contained herein.

Sec. D. - R-4 multi-family non fee simple (rental) residential district.

- (1) *Purpose and intent.* This district is specifically created to provide an area for multi-family housing which is occupied as non fee simple, rental housing, including but not limited to, apartment homes and other such rental communities. Fee simple units which are sold to individual owners in fee simple, including but not limited to fee-simple townhomes, and condominiums, are not included in this district. Multi-family non fee simple housing shall be defined as residential dwellings of three or more units which are attached by either the roof line of the structure or attached through a common heated structural wall.
- (2) *Permitted uses.* Within the R-4 multi-family residential district, the following uses are permitted:
 - (a) Multi-family residential dwellings of three or more units, including but not limited to, apartment buildings, provided the units are attached as set forth above, with the following amount of heated area:
 - 1. One bedroom units, 800 square feet;
 - 2. Two bedroom units, 1000 square feet;
 - 3. Three bedroom units, 1200 square feet.
 - (b) Churches, synagogues, and similar places of worship and their customarily related uses, on tracts of no less than five contiguous acres, provided that any building for such proposed use is located no less than 50 feet from the front and rear property lines and 25 feet from the side property lines.
 - (c) Home office subject to provisions of this ordinance.
 - (d) Municipal, county, state, federal and other public uses, including parks and playgrounds.
 - (e) In-home children's day care subject to all provisions identified within this ordinance.
 - (f) Recreational areas developed as an amenity for the multi-family development provided all buildings for such proposed use are located a minimum of 50 feet from any property line.
- (3) *Lot size, area, and setback requirements.* *

*Unless otherwise specified; also subject to approval by state environmental health.

- (a) Minimum lot size: Five acres with public sewer and water
 - (b) Minimum public road frontage: 30 feet
 - (c) Minimum lot width at building line: 100 feet
 - (d) Minimum front yard setback: 40 feet
 - (e) Minimum side yard setback: 25 feet; also 25 feet if corner lot
 - (f) Minimum rear yard setback: 25 feet
 - (g) Maximum building height: 45 feet
 - (h) Maximum density: Five units per acre. Calculated as no more than five units within any one acre area zoned R-4 (gross density is not applicable)
- (4) *Off-street parking:* See article VII of this ordinance.
 - (5) *Required buffers:* See article VI, sec. E. of this ordinance.
 - (6) *Sign regulations:* See article XII of this ordinance.
 - (7) *Density:* Density shall be calculated based upon only property zoned R-4 within the development. There shall be no more than five units on any one acre of R-4 zoned property. Density shall not be calculated by the gross density of the entire project site.
 - (8) *Greenspace requirement:* An R-4 platted development of larger than five acres must include at least 15 percent of the total area designated for undisturbed open space. One hundred percent of the open space must be located outside of the floodplain as defined by the county. The undisturbed open space areas must be defined and delineated on specific site plans for the subdivisions as open space and must be accompanied by an appropriate deed and protective covenants stating the open space is perpetual. The required open space shall remain undeveloped or be developed and landscaped by the developer in accordance with an approved landscape plan through the county.
 - (9) *Parking lot cooling and landscaping requirement:* An R-4 platted development of larger than two acres must include a plan to create parking lot/asphalt cooling areas through landscaping including, but not limited to, the planting of a landscaped area of vegetation and at least one tree per eight parking spaces within the parking area of the development. Said parking lot cooling landscape plan shall be approved by the county.
 - (10) All R-4 developments shall be constructed in accordance with the Development Regulations of Paulding County, but also must include the following amenities: (a) Underground utilities; (b) Street lights; (c) Sidewalks on at least one side of each residential street and entrance drive; (d) Permanent entrance monuments made of all-weather material with associated landscaping; (e) all internal water and sanitary sewer systems shall be privately maintained with a master meter located on county right-of-way near the entrance to the development; (f) All infrastructure, including streets, roads, water and sewer systems shall be constructed in accordance with the county's development regulations and standard details.

Sec. E. - R-5 duplex district.

- (1) *Purpose and intent.* This district is established to provide an area suitable for the placement of duplex dwellings.
- (2) *Permitted uses.* Within the R-5 duplex district, the following uses are permitted:
 - (a) Duplexes containing a minimum size of 1,100 square feet of heated area per unit, (2,200 square feet of heated area minimum per building).
 - (b) Accessory buildings and uses located on the same lot or parcel of land as the principal building and customarily incidental to the permitted use subject to the following:
 - 1. No accessory building shall be constructed on a lot until construction on the main building has been actually commenced.
 - 2. All non-agricultural related accessory buildings, structures, and uses shall maintain a minimum setback of ten feet from side or rear yard property lines.
 - 3. Accessory buildings, structures, or uses shall not be erected on or project into any required front yard setback.
 - 4. Accessory buildings shall not exceed 500 square feet in size, nor shall there be more than one per dwelling unit.
 - 5. Accessory buildings shall not be occupied by humans and shall not be used for agricultural purposes or for farm animals.
 - 6. Accessory buildings shall not be utilized for the operation of a business from the accessory building.

- (c) Churches, synagogues, and similar places of worship and their customarily related uses, on tracts of no less than five contiguous lots, provided that any building for such proposed use is located no less than 50 feet from the front and rear property lines and 25 feet from the side property lines.
 - (d) Home office, or residential business, or rural business, subject to provisions of this ordinance.
 - (e) Municipal, county, state, federal and other public uses, including parks and playgrounds.
 - (f) In-home children's day care subject to all provisions identified within this ordinance.
 - (g) Recreational areas platted as part of a residential subdivision development, provided all buildings for such proposed use are located a minimum of 50 feet from any property line.
- (3) *Lot size, area, and setback requirements; **
- *Unless otherwise specified; also subject to approval by state environmental health.
- (a) Minimum lot size: One acre
 - (b) Minimum public road frontage: 30 feet
 - (c) Minimum lot width at building line: 100 feet
 - (d) Minimum front yard setback: 40 feet
 - (e) Minimum side yard setback: 20 feet; 25 feet if corner lot
 - (f) Minimum rear yard setback: 25 feet
 - (g) Maximum building height: 45 feet
- (4) *Off-street parking:* See article VII of this ordinance.
- (5) *Required buffers:* See article VI, sec. E. of this ordinance.
- (6) *Sign regulations:* See article XII of this ordinance.
- (7) *Greenspace requirement:* An R-5 platted development containing more than three duplex structures must include at least 15 percent of the total area designated for open space or public use. One hundred percent of the open space must be located outside of the floodplain as defined by the county. The open space or public use areas must be defined and delineated on specific site plans for the subdivisions as open space and must be accompanied by an appropriate deed and protective covenants stating the open space is perpetual. The required open space shall remain undeveloped or be developed and landscaped by the developer in accordance with an approved landscape plan through the county.
- (8) *Landscaping requirement:* All R-5 developments containing more than three duplex structures shall include a minimum of one tree planted in the yard of each unit. The trees shall be a minimum two inch caliper at the root ball when planted.

Sec. F. - R-6 manufactured home park district.

- (1) *Purpose and intent.* This district is established to provide an area for the placement of manufactured homes. This district shall be composed of certain land in the county where the construction of a manufactured home park district will not be inappropriate to the existing development of the district wherein the manufactured home park district is proposed. In addition, the manufactured home park district should be harmonious with the existing development which is in place in the area where the district is proposed. To determine the appropriateness of any application for rezoning of any land to the "R-6" category, the planning commission shall hold a public hearing in accordance with the provisions of this ordinance and shall make such recommendation to the board of commissioners as they deem appropriate. An affirmative recommendation to rezone to "R-6" shall include a description of the boundaries of the proposed "R-6" district. Any consideration of an application for rezoning to this category shall be made according to the standards and criteria for all other zoning matters.
- (2) *Permitted uses.* Within the R-6 manufactured home park district, the only permitted uses shall be for manufactured homes located in approved manufactured home parks, home office or residential business, in-home day care subject to provisions of this ordinance, and such accessory buildings or structures as may be appropriate and in conjunction with manufactured homes, subject to the following:
- (a) No accessory building shall be placed or constructed on a lot until a permit has been obtained for the manufactured home.
 - (b) All non-agricultural related accessory buildings, structures, and uses shall maintain a minimum setback of ten feet from side or rear yard property lines.
 - (c) Accessory buildings, structures, or uses shall not be erected on or project into any required front yard setback.

- (d) Accessory buildings shall not exceed 100 square feet in size, nor shall there be more than one per dwelling unit.
 - (e) Accessory buildings shall not be occupied by humans and shall not be used for agricultural purposes or for farm animals.
 - (f) Accessory buildings shall not be utilized for the operation of a business from the accessory building.
- (3) *Conditions of operation.* Each manufactured home park district shall provide the following minimum facilities on the site for the common use of all manufactured home occupants:
- (a) *Drives:* Paved drives shall be provided to each manufactured home space, to laundry or other service buildings, and to recreation areas. These drives shall be constructed to all specifications of the Paulding County Subdivision Regulations except for requirements regarding right-of-way dimensions and installation of utilities.
 - (b) *Utilities:* All utility services shall be underground provided, however, the Paulding County Planning Commission may indicate certain specific utility lines which may be left above-ground based upon the specific circumstances concerning the request after the public hearing on the application.
 - (c) *Landscaping:* Each district shall have adequate landscaping with shade trees and exterior screen planting as approved by the county planning staff.
 - (d) *Recreation area:* Each district will provide a minimum recreation area of 500 square feet for each lot in the manufactured home park. Any recreation area so designated shall be not less than one acre in size.
 - (e) *Storage area:* Each manufactured home park zone shall provide a fenced area for the storage of boats, trailers, etc. The minimum area for the storage area shall be one-half acre for each 50 manufactured home spaces which are provided in the district.
- (4) *Improvements to manufactured homes.*
- (a) Any permanent additions to any manufactured home located within the manufactured home park district must be approved by the Paulding County Inspection Department in the same manner as any other structure in Paulding County.
 - (b) The owner of the manufactured home park shall install a concrete patio or a wooden deck on each manufactured home lot.
- (5) *Required lot area and density.*
- (a) No manufactured home park district shall be constructed or maintained on a lot or tract which has an average width of less than 400 feet or a total area of less than 15 acres.
 - (b) Each manufactured home space shall be a minimum of 50 feet in width and shall provide a minimum of 6,000 square feet in area. On cul-de-sacs or curb street designs, the width shall be at least 50 feet at the location of the manufactured home unit.
 - (c) Each manufactured home lot shall be defined by a marker at each corner.
 - (d) The density of each manufactured home park district shall not exceed five units per acre. Density is not calculated based upon gross acreage and is exclusive of any recreation area, sewage treatment plant area, wetlands area, streets, or other areas which are not useable as lots but which are included within the boundary survey of the manufactured home park.
- (6) *Yard requirements.* No manufactured home shall be located within:
- (a) Ten feet of its individual lot line.
 - (b) Forty feet from any exterior boundary of the manufactured home park district.
- (7) *Buffer strip requirements.* A natural buffer strip of at least 25 feet in width shall be located adjacent to each exterior property line of the manufactured home park district (reference article VI, sec. E. of this ordinance).
- (8) *Off-street parking.* A paved driveway, connecting to the interior street, shall be provided on each manufactured home park lot, sufficient in length and width to serve as two off-street parking spaces.
- (9) Sewage and water supply shall be provided in accordance with the following:
- (a) A central sewage system, approved by the State of Georgia Environmental Protection Division and the appropriate Paulding County Department, must be utilized. There shall be no individual septic tanks in the manufactured home park district. The sewer system must be constructed in accordance with the Paulding County Development Regulations but shall remain private within the interior of the development.
 - (b) Water must be obtained through the public water supply. Water lines within the development shall be constructed in accordance with the Paulding County Development Regulations. A meter water meter for the development shall be placed within the county's right-of-way. Private wells will not be allowed in the manufactured home park district.

- (10) *Solid waste.* A solid waste collection system, approved by the appropriate department of Paulding County, shall be provided by the manufacturer of the manufactured home park.

Sec. G. - R-7 multi-family fee simple (non-rental) residential district.

- (1) *Purpose and intent.* This district is specifically created to provide an area for multi-family housing which is occupied as fee simple, non-rental housing. Units which are sold to individual owners in fee simple, including but not limited to fee-simple townhomes and condominiums are included in this district. Non-fee simple multi-family rental homes are not included in this district. Multi-family housing shall be defined as residential dwellings of three or more units which are attached by either the roof line of the structure or attached through a common heated structural wall.
- (2) *Permitted uses.* Within the R-7 multi-family fee simple residential district, the following uses are permitted:
- (a) Multi-family residential dwellings of three or more units, provided the units are attached as set forth above, with the following amount of heated area:
 - 1. One bedroom units, 800 square feet;
 - 2. Two bedroom units, 1,000 square feet;
 - 3. Three bedroom units, 1,200 square feet.
 - (b) Churches, synagogues, and similar places of worship and their customarily related uses, on tracts of no less than five contiguous acres, provided that any building for such proposed use is located no less than 50 feet from the front and rear property lines and 25 feet from the side property lines.
 - (c) Home office subject to provisions of this ordinance.
 - (d) Municipal, county, state, federal and other public uses, including parks and playgrounds.
 - (e) In-home children's day care subject to all provisions identified within this ordinance.
 - (f) Recreational areas developed as an amenity for the multi-family development provided all buildings for such proposed use are located a minimum of 50 feet from any property line.
- (3) *Lot size, area, and setback requirements.* *
- *Unless otherwise specified; also subject to approval by state environmental health.
- (a) Minimum lot size: Five acres with public sewer and water
 - (b) Minimum public road frontage: 30 feet
 - (c) Minimum lot width at building line: 100 feet
 - (d) Minimum front yard setback: 40 feet
 - (e) Minimum side yard setback: 25 feet; also 25 feet if corner lot
 - (f) Minimum rear yard setback: 25 feet
 - (g) Maximum building height: 45 feet
 - (h) Maximum density: Four units per acre. Calculated as no more than four units within any one acre area zoned R-4 (gross density is not applicable).
- (4) *Off-street parking:* See article VII of this ordinance.
- (5) *Required buffers:* See article VI, sec. E. of this ordinance.
- (6) *Sign regulations:* See article XII of this ordinance.
- (7) *Density:* Density shall be calculated based upon only property zoned R-7 within the development. There shall be no more than four units on any one acre of R-7 zoned property. Density shall not be calculated by the gross density of the entire project site.
- (8) *Greenspace requirement:* An R-7 platted development of larger than five acres must include at least 12 percent of the total area designated for undisturbed open space. One hundred percent of the open space must be located outside of the floodplain as defined by the county. The undisturbed open space areas must be defined and delineated on specific site plans for the subdivisions as open space and must be accompanied by an appropriate deed and protective covenants stating the open space is perpetual. The required open space shall remain undeveloped or be developed and landscaped by the developer in accordance with an approved landscape plan through the county.
- (9) *Landscaping requirement:* All R-7 developments shall include a minimum of one trees planted in the yard of each unit. The trees

shall be a minimum two inch caliper at the root ball when planted.

- (10) All R-7 developments shall be constructed in accordance with the Development Regulations of Paulding County, but also must include the following amenities: (a) Underground utilities; (b) Street lights; (c) Sidewalks on at least one side of each residential street and entrance drive; (d) Permanent entrance monuments made of all-weather material with associated landscaping; (e) a minimum of a one car garage per dwelling unit for one and two bedroom units and a two car garage for all three bedroom units, provided however, garage buildings may be constructed separately from the residential buildings; (f) all utilities shall be public and constructed according to the Paulding County Development Regulations and Standard Details.

Sec. H. - PRD planned residential development.

The planned residential development district is a district that promotes the proper use of larger tracts of land in a flexible, innovative, and creative concept. This district encourages the preservation of the natural amenities of the land, and provides a stable residential environment as it plans for an efficient use of the land by comprehensive and detailed use for streets, utilities, and building sites. These plans shall also include specific areas dedicated for open space use with the appropriate covenants to insure permanent maintenance of said areas. In addition, plans for approval by the governing authority shall require the provision of a central sewage disposal system as approved by county and state authorities. Major deviation from these detailed plans have to be re-submitted to the governing authority for approval.

A planned development district must consist of a minimum of 50 contiguous acres of land with at least ten percent of the total area designated for open space or public use. These areas shall be defined and delineated on specific site plans with appropriate deed covenants to insure that the plans are adhered to. Fifty percent of said open space must be located outside a floodplain and remain pervious and undisturbed as defined by the county.

The required open space shall be developed and landscaped by the developer in accordance with an approved landscaping plan.

Individual lot and dwelling sizes are to be approved when specific plans are submitted to the governing authority, with the provision that the maximum number of dwelling units per gross acre in a PRD shall not exceed 3.0 units. This allows for a more efficient lot layout in respect to the natural features of the property.

- (1) *Purpose.* The planned residential development district is a residential district that provides for the proper development of larger tracts of land in a coordinated, well planned manner. The features of this district include the following:
 - (a) Efficient land utilization.
 - (b) Innovative design.
 - (c) Provides a stable residential environment.
 - (d) Preserves and protects natural and environmentally sensitive areas.
 - (e) Encourages the use of open space and recreation areas.
 - (f) Provides for a plan of development that is compatible with adjacent and nearby properties.
 - (g) Insures compliance of objectives by the inclusion of protective deed covenants.
- (2) *Guidelines for review.* The review of the planned residential district shall consider the following general intentions, objectives, and purpose prior to approval by the governing authority:
 - (a) Whether the development will be compatible with the topography, hydrology, and other natural features of the land, and whether any unusual topographic or other natural features will be affected.
 - (b) Whether the character, design, and layout of the proposed uses will be adequate and appropriate to encourage a desirable living environment.
 - (c) Whether the development will adversely affect any adjacent properties.
 - (d) Whether the development will be able to preserve the natural amenities of streams, wooded areas, wetlands, and other similar features.
 - (e) Whether the existing and or proposed streets, utilities, and other public services are adequate to serve the development.
 - (f) Whether protective deed covenants are established to provide for the perpetual maintenance, security, and the continuation of dedicated area.
- (3) *Types of permitted uses.* The planned residential district is a planned district that permits uses that are primarily residential

in character and shall consist of single-family detached dwelling units and single-family detached senior living residential dwelling units with customary home occupations and appropriate accessory uses and structures, and limited recreational uses, as approved by the governing authority.

- (4) *Minimum site area.* The minimum site area shall be restricted to no less than 50 contiguous acres developed under one coordinated plan.
- (5) *Gross density.* The maximum number of dwelling units per gross acre in a PRD shall not exceed 3.0 units.
- (6) *Ownership.* The PRD site shall be under single ownership and a unified control until developed in accordance with an approved plan. If the common open space is to be deeded to a homeowner's association, the developer shall file a declaration of covenants and restrictions that will govern the association and the association must be established prior to selling any of the homes. The association must be mandatory for each homeowner and they must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
- (7) *Application for approval of a planned residential development.* An application for a planned residential development shall be submitted on forms provided by the planning and zoning division as provided for in this ordinance, and shall be advertised in the same manner as applications for rezoning. Public hearings will be held in the same manner as applications for rezoning are conducted. All applications shall be accompanied by an application fee as established by the board of commissioners.

The application shall be supported by a written statement of intent and a site development plan. At the time of construction, a more detailed site development plan shall be provided consistent with plan review standards established by the county.

- (8) *Site development plan.* At the time of application for PRD, the site development plan shall contain the following:
 - (a) A general location map indicating existing zoning on the site, adjoining roads, and the adjacent areas.
 - (b) Proposed land uses for the site and the acreage to be devoted to each land use category.
 - (c) Surveyed boundaries, prepared by a registered surveyor, of the entire tract and its relationship to adjoining properties and public right-of-way.
 - (d) Standard lot layout design.
 - (e) General street layout configuration.
 - (f) A 15-foot undisturbed buffer area on the perimeter of the property shall be indicated, and a landscape plan as applicable.
 - (g) Existing topographic condition with contour intervals of ten feet or less; areas that have slopes greater than 15 percent shall be identified.
 - (h) Location of any streams, lakes, swamps, wetlands, and the boundary and elevation of the 100-year floodplain if applicable, shall be identified.
 - (i) Locations of parks or common open space, tree areas to be retained or added, and other open spaces. Designation of all land to be reserved or dedicated for public use or used as a planned recreational area.
 - (j) A report setting forth the proposed development schedule, indicating sequence of development of these various sections thereof and the approximate time period required for completion of each phase. A soil erosion plan prepared by a registered engineer or soil scientist indicating all of the techniques that will be employed during construction must be provided prior to land disturbance.
 - (k) The minimum lot size for building lots in the development shall be not less than 12,000 square feet and the minimum house size shall be not less than 1,400 square feet of heated area. However, the minimum lot size may be reduced to 8,000 square feet with a minimum house size of 1,600 square feet of heated area.
 - (l) A note regarding the provision for sidewalks on one side of all streets.
- (9) *Landscaping requirement:* All PRD developments shall include a minimum of two trees planted in the yard of each unit. The trees shall be a minimum two inch caliper at the root ball when planted.
- (10) All PRD developments shall be constructed in accordance with the Development Regulations of Paulding County, but also must include the following amenities: (a) Underground utilities; (b) Street lights; (c) Sidewalks on at least one side of each residential street and entrance drive as set forth herein above; (d) Permanent entrance monuments made of all-weather material with associated landscaping; (e) a minimum of a two car garage per dwelling unit.

- (11) In the event that a PRD is submitted for review by the county and that PRD development contains a commercial component as overall development concept and the commercial component is a minimum of 25 percent of the overall acreage of the project, development may be considered a PRD-commercial concept development and the following shall apply:
- (a) The total development must consist of a minimum of 50 contiguous acres of land.
 - (b) *Gross density.* The maximum number of dwelling units per gross acre in a PRD shall not exceed 3.0 units; provided however, that gross density in a PRD-commercial concept development may be calculated by using the entire acreage of the concept development including the commercial component. This provision ensures the overall residential density of the total development will not exceed the 3.0 units per acre at any time and the commercial portion shall not be the subject of a residential rezoning in violation of the 3.0 units per acre density allowed.
 - (c) The greenspace requirement of a standard PRD zoning is not applicable to a PRD-commercial concept development applied for under subsection (11) herein.
 - (d) All other requirements with regard to a standard PRD, including, but not limited to minimum square footage for lots and heated area of homes, site plan requirements, and landscaping shall apply.
- (12) Senior living detached residential dwellings in PRD's.

Purpose: Senior living pods and/or phases are allowed to be development in planned residential development districts and must meet the following standards. The senior living pods and/or phases must be developed as an incorporated part of the overall PRD. Individually designated single-family dwellings units are not allowed within pods or phases approved for other types of PRD permitted uses.

The senior living pods/phases are designed to serve the housing needs of adults who are 55 years of age or older. It is recommended that these pods/phases be located in areas that facilitate pedestrian access to nearby commercial goods and services, and/or amenities/cultural facilities. These areas are intended to function as communities with parks and open spaces. At least 80 percent of the occupied units shall be occupied by at least one person who is 55 years of age or older. The other 20 percent is not intended as a set aside for younger residents and efforts should be made to minimize the number of units that do not meet this requirement.

The maximum area within a PRD allowed for a senior living component is 25 percent of the total site acreage. Other PRD standards, not specified in this section shall apply.

The following design standards shall apply to all senior living components of PRD's:

Site and Architectural Design Standards

- A. All grassed areas shall be sodded; excluding natural and landscaped areas;
- B. All dwellings shall contain single-car garages, at a minimum, which may be attached or detached. All units with front-loaded garages shall have garage faces with decorative design treatments to enhance their appearances, i.e. carriage-style doors, window inserts, etc.;
- C. Provide four-foot wide sidewalks and street trees adjacent to both sides of interior streets or private driveways;
- D. A four-foot wide walkway, constructed of concrete or decorative pavers, shall extend from the sidewalk to the steps, stoop, or porch of all homes;
- E. There shall be no open space requirement for developments of senior living pods/phases that is in addition to the overall PRD; and
- F. Street lights within the subdivision shall be located a minimum of 200 feet apart on average.

Building Design Standards

- A. Homes shall be constructed of traditional design with brick, stone, masonry horizontal siding, and masonry shakes/shingles. Brick and/or stone shall constitute no less than 70 percent (house front and sides) of the materials used, with accents of masonry siding or shakes/shingles for each building elevation; Building standards must incorporate at least five of the following building standards:
 - 1. Dormers.
 - 2. Bay or bow windows.
 - 3. Garage setback at least two feet behind the facade of the principal structure.

4. Covered porch entry (covered front porch).
 5. Transoms or sidelights.
 6. Off-sets on building face or roof (minimum two feet).
 7. A roof with a pitch greater than 8:12 and a minimum overhang of 12 inches on all sides.
 8. Columns, pillars, or posts on facade.
 9. Arched or Palladian windows.
 10. Hip or gable roof lines.
 11. Front stoops and/or step made of rock, brick, marble or other material as approved by the community development department.
- B. All dwellings shall incorporate accessibility standards which shall include the following:
- 1) A step-free feature to at least one entrance of the unit;
 - 2) 36-inch wide, clear passage doorways throughout the unit;
 - 3) Wheelchair, step-free access to the following areas, at a minimum: kitchen; dining area; entertainment area (e.g., living room/den, great room, etc.); at least one bedroom; at least one full bathroom; and laundry room with washer/dryer connection; and
 - 4) The installation of full sheets of $\frac{3}{4}$ inch plywood, blocking and/or its equivalent in all bathrooms to allow for future installation, if necessary, of grab bars.

Mandatory Homeowner's Association Required

The mandatory homeowner's association requirement for PRD's shall also apply to the senior living components of a PRD. The homeowner's association shall provide for building and grounds maintenance and repair, insurance and working capital. Said association shall publish and adhere to policies and procedures that demonstrate that the planned residential community has senior living pods/phases that are intended to provide housing for persons 55 years of age and older including maintaining surveys or affidavits verifying compliance with 55 years of age and older occupancy requirements as permitted by 42 U.S.C. Section 3607, (b)(2)(c) of the Federal Fair Housing Act and implementing regulations. Said association shall provide an affirmative declaration to be governed by the "Georgia Property Owners' Association Act" (POA) and the applicable provisions of O.C.G.A. § 44-3-220 et seq. Said association shall also include declarations and bylaws including rules and regulations, which shall at a minimum, regulate and control the following within the senior living pod/phases of the PRD:

- A. Restriction on homes being occupied, at least 80 percent of the occupied units must be occupied by at least one resident who is age 55 years of age or older. The other 20 percent is not intended as a set aside for younger residents and efforts should be made to minimize the number of units that do not meet this requirement.
- B. Restrictions on persons under 18 years of age permanently residing in the senior living component. Permanently residing in the senior living component shall mean longer than 90 consecutive days in any 180-day period or establishing residency as defined by state or local law. However, the HOA shall provide for a hardship provision allowing for an owner/occupant to house and care for a child less than 18 years of age in situations where the owner/occupant assumes responsibility for caring for the child due to urgent circumstances stemming from actions not under the owner/occupant's control. The association may, but is not required to, allow for hardship exceptions to this requirement;
- C. Restrictions on single-family residential use only and leasing of units. No more than five percent of the total units may be leased by individual owners at any one time;
- D. Except for a central amenity package designed for senior living, prohibit playground equipment, trampolines or like fixtures; Amenities designed for senior living shall be incorporated in the senior living component and may include the following:
Indoor lap pool, outdoor pool, health and fitness center, aerobics studio, amphitheatre, and card and billiards rooms, tennis courts and walking trails etc.
- E. The HOA shall also provide that the covenants automatically renew at the end of the 20-year term, unless 100 percent of the owners at that time vote that the covenants should not renew; and
- F. The HOA and/or community management association for the HOA shall give written notice to any grantee of the restrictions covered in this zoning at or before any sale or transfer of any property.

Legally binding covenants and/or deed restrictions that run with the land shall apply to all dedicated senior living pods/phases/areas/lots within a PRD that will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to the property. The grantor must state in any deed or instrument conveying title to an approved senior living housing unit, that the property conveyed is intended to be housing for older persons and is subject to the restrictions contained in this section. No covenant referencing any of the regulations or restrictions herein for housing for older persons housing unit shall be recorded until and unless said covenant contains restrictions approved by the planning and zoning division that are consistent with the requirements of this section. Such review and response shall be completed within 30 calendar days following date of submission of such documents to the planning and zoning division.

The planning and zoning division shall publish and the county shall adhere to policies and procedures that demonstrate that communities in approved senior living components of a PRD are intended to provide housing for persons 55 years of age and older including maintaining surveys or affidavits verifying compliance with 55 years of age and older occupancy requirements as permitted by 42 U.S.C. Section 3607, (b)(2) (c) of the Federal Fair Housing Act and implementing regulations.

Area, Dimensional, and Design Standards

- A. A landscape strip shall be provided on the property as follows:
 - 1. Minimum two-foot wide landscape strip is required adjacent to the curb on both sides of all streets and shall be subject to the following:
 - a. Landscape strips along local streets shall be planted with sod and may include a variety of low, hardy shrubbery and flowering plants with mulched beds. Areas of exposed earth shall not be allowed.
 - b. All landscape materials required by this ordinance shall be maintained by the property owner or property owners' association. Such maintenance shall keep landscape materials healthy, neat, and orderly in appearance and free of litter and debris.
- B. All dwellings shall have a minimum 1,800 square feet (1,400 heated space);
- C. All dwellings shall be limited to single story, however, bonus rooms over garages and/or basements shall be allowed (Excludes windowed basements due to topography); and
- D. Within the senior living component of a PRD, the following requirements shall be met:
 - 1. Maximum density: Five units per acre; however the maximum number of housing units and required greenspace approved for the overall PRD shall be maintained;
 - 2. Minimum lot area: 6,000 square feet;
 - 3. Minimum lot width: Fifty feet;
 - 4. Maximum height of building: Thirty-five feet;
 - 5. Minimum front yard: Fifteen feet from right-of-way line, including any porches; front entrance carports or garages must be 25 feet from right-of-way line.
 - 6. Minimum side yard: Five feet, with a minimum of at least 15 feet between buildings; and side yards adjacent to a street must be a minimum 25 feet from right-of-way line.
 - 7. Minimum rear yard: Twenty feet;
 - 8. Any senior living pod/phase/area of a PRD that abuts a low density residential land use zoning district (2.5 units per acre or less) shall be set back a minimum of 25 feet from said property line.
 - 9. The minimum 15-foot perimeter buffer shall be also required for the senior living component of a PRD.

(Res. No. 07-47, §§ 1, 2, 11-13-2007)

Sec. I. - OSRD open space residential development.

The open space residential development district (OSRD) promotes development strategies for large tracts of land that can help communities preserve open space and natural areas in residential housing developments. The OSRD strategically allows the clustering of houses and structures on less environmentally sensitive areas, which in-turn preserves groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat. The clustering of houses and structures also reduces the amount of infrastructure required to serve the development and lessens potential erosion and sedimentation impacts. The OSRD promotes interconnected greenways and corridors throughout the development and supports contiguous greenspace with adjacent communities. Walking trails, bike paths, public gathering

places, use of parks and community facilities, as focal points are requirements of an OSRD. Other OSRD standards to promote coherent aesthetics within the community include landscaping requirements, underground utilities, recreational amenities, streetlights, sidewalks, and primary building setbacks. In addition, plans for OSRD approval by the governing authority shall require the provision of a public sewage disposal system as approved by county and state authorities.

An open space residential development district must consist of a minimum of 50 contiguous acres of land with at least 40 percent of the total area designated for open space. Individual lot and dwelling sizes are to be approved when specific plans are submitted to the governing authority, with the provision that the maximum number of dwelling units per gross acre in an OSRD shall not exceed 3.0 units. This allows for a more efficient lot layout in respect to the natural features of the property.

- (1) *Purpose.* The open space residential development district is a residential district that provides for the proper development of larger tracts of land in a coordinated, well planned manner. The features of this district include the following:
 - (a) To provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.
 - (b) To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
 - (c) To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
 - (d) To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
 - (e) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
 - (f) To promote interconnected greenways and corridors throughout the community.
 - (g) To promote contiguous greenspace with adjacent jurisdictions.
 - (h) To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
 - (i) To encourage street designs that reduce traffic speeds and reliance on main arteries.
 - (j) To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
 - (k) To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
 - (l) To preserve important historic and archaeological sites.
- (2) *Guidelines for review.* The review of the open space residential development district shall consider the following general intentions, objectives, and purpose prior to approval by the governing authority:
 - (a) Whether the development will be compatible with the topography, hydrology, and other natural features of the land, and whether any unusual topographic or other natural features will be affected.
 - (b) Whether the character, design, and layout of the proposed uses will be adequate and appropriate to encourage a desirable living environment.
 - (c) Whether the development will adversely affect any adjacent properties.
 - (d) Whether the development will be able to preserve the natural amenities of streams, wooded areas, wetlands, and other similar features.
 - (e) Whether the existing and or proposed streets, utilities, and other public services are adequate to serve the development.
 - (f) Whether protective deed covenants are established to provide for the perpetual maintenance, security, and the continuation of dedicated area.
- (3) *Types of permitted uses.* The open space residential development district is a planned district that permits uses that are primarily residential in character and shall consist of single-family detached dwelling units with customary home occupations and appropriate accessory uses and structures, and limited recreational uses, as approved by the governing authority. Churches, schools, and limited day-care facilities planned as part of the OSRD, at its application inception, are also

allowed; provided however, that such uses, if introduced as a part of the OSRD development after the OSRD development has been reviewed and approved by the governing authority, shall require review and approval by the governing authority through a subsequent amended application process.

- (4) *Minimum site area.* The minimum site area shall be restricted to no less than 50 contiguous acres developed under one coordinated plan.
- (5) *Gross density.* The maximum number of dwelling units per gross acre in an OSRD shall not exceed 3.0 units.
- (6) *Ownership of development site.* The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.
- (7) *Application for approval of an open space residential development.* An application for an open space residential development shall be submitted on forms provided by the planning and zoning division as provided for in this ordinance, and shall be advertised in the same manner as applications for rezoning. Public hearings will be held in the same manner as applications for rezoning are conducted. All applications shall be accompanied by an application fee as established by the board of commissioners.

The application shall be supported by a written statement of intent and a site development plan. At the time of construction, a more detailed site development plan shall be provided consistent with plan review standards established by the county.

- (8) *Site development plan.* At the time of application for OSRD, the site development plan shall contain the following:
 - (a) A general location map indicating existing zoning on the site, adjoining roads, and the adjacent areas.
 - (b) Proposed land uses for the site and the acreage to be devoted to each land use category.
 - (c) General vegetation characteristics.
 - (d) General soil types.
 - (e) Surveyed boundaries, prepared by a registered surveyor, of the entire tract and its relationship to adjoining properties and public right-of-way.
 - (f) Standard lot layout design.
 - (g) General street layout configuration.
 - (h) A 25-foot undisturbed buffer area on the perimeter of the property shall be indicated, and a landscape plan as applicable.
 - (i) Existing topographic condition with contour intervals of ten feet or less; areas that have slopes greater than 15 percent shall be identified.
 - (j) Location of any streams, lakes, swamps, wetlands, and the boundary and elevation of the 100-year floodplain if applicable, shall be identified.
 - (k) Locations of parks or common open space, tree areas to be retained or added, and other open spaces. Designation of all land to be reserved or dedicated for public use or used as a planned recreational area.
 - (l) All primary and secondary conservation areas labeled by type, as described in subsection (9) herein below.
 - (m) Potential connections with existing greenspace and trails.
 - (n) A report setting forth the proposed development schedule, indicating sequence of development of these various sections thereof and the approximate time period required for completion of each phase. A soil erosion plan prepared by a registered engineer or soil scientist indicating all of the techniques that will be employed during construction must be provided prior to land disturbance.
 - (o) The minimum lot size for building lots in the development shall be not less than 10,000 square feet and the minimum house size shall be not less than 2,000 square feet of heated area.
 - (p) A note regarding the provision for sidewalks on one side of all streets.
- (9) *Open space.*
 - (a) *Definition.* Open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument.
- (10) *Standards to determine open space.*

- (a) The minimum restricted open space shall comprise at least 40 percent of the gross tract area.
 - (b) The following are considered primary conservation areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
 - 1. The regulatory 100-year floodplain;
 - 2. Buffer zones of at least 75-foot width along all perennial and intermittent streams;
 - 3. Slopes above 25 percent of at least 5,000 square feet contiguous area;
 - 4. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
 - 5. Populations of endangered or threatened species, or habitat for such species, and,
 - 6. Archaeological sites, cemeteries and burial grounds.
 - (c) The following are considered secondary conservation areas and should be included within the open space to the maximum extent feasible.
 - 1. Important historic sites;
 - 2. Existing healthy, native forests of at least one acre contiguous area;
 - 3. Individual existing healthy trees greater than eight inches caliper, as measured from their outermost drip line;
 - 4. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
 - 5. Prime agricultural lands of at least five acres contiguous area; and,
 - 6. Existing trails that connect the tract to neighboring areas.
 - (d) Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 40 percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.
 - (e) At least 75 percent of the open space shall be in a contiguous tract. The open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
 - (f) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.
- (11) *Permitted uses of open space.* Uses of open space may include the following:
- (a) Conservation of natural, archeological or historical resources;
 - (b) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
 - (c) Walking or bicycle trails, provided they are constructed of porous paving materials;
 - (d) Passive recreation areas;
 - (e) Active recreation areas, provided that they are limited to no more than ten percent of the total open space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space;
 - (f) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas;
 - (g) Nonstructural stormwater management practices;
 - (h) Easements for drainage, access, and underground utility lines; or
 - (i) Other conservation-oriented uses compatible with the purposes of this ordinance.
- (12) *Prohibited uses of open space.*
- (a) Golf courses;
 - (b) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
 - (c) Agricultural and forestry activities not conducted according to accepted Best Management Practices; and,
 - (d) Other activities as determined by the applicant or Paulding County and recorded on the legal instrument providing for permanent protection.

(13) *Ownership and management of open space.*

- (a) *Ownership of open space.* The applicant must identify the owner of the open space who is responsible for maintaining the open space and facilities located thereon. If a homeowners association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a homeowners association is the owner, the homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the owner.
- (b) *Management plan.* Applicant shall submit a plan for management of open space and common facilities ("plan") that:
1. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
 2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;
 3. Provides that any changes to the plan be approved by the board of commissioners; and,
 4. Provides for enforcement of the plan.
- (c) In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, Paulding County may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, homeowner's association, or to the individual property owners that make up the homeowner's association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

(14) *Legal instrument for permanent protection.*

- (a) The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
1. A permanent conservation easement in favor of either:
 - (i) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 - (ii) A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.
 - (iii) Provided however, if the entity accepting the easement is not Paulding County, then a third right of enforcement favoring Paulding County, Georgia shall be included in the easement;
 2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or,
 3. An equivalent legal tool that provides permanent protection, if approved by the Paulding County Community Development Department and Paulding County Attorney's Office.
- (b) The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the open space.

(15) *Landscaping requirement:* All OSRD developments shall include a minimum of two trees planted in the yard of each unit. The trees shall be a minimum two inch caliper at the root ball when planted.

(16) All OSRD developments shall be constructed in accordance with the Development Regulations of Paulding County, but also must include the following amenities: (a) Underground utilities; (b) Street lights; (c) Sidewalks on at least one side of each residential street and entrance drive as set forth herein above; (d) Permanent entrance monuments made of all-weather material with associated landscaping; (e) a minimum of a two car garage per dwelling unit; (f) amenity package subject to approval by the planning and zoning division.

(17) *Lot size, area, and setback requirement:* *

*Unless otherwise specified; also subject to approval by State Environmental Health.

- (a) Minimum lot size: 10,000 square foot lot, with public sewer and 2,000 square foot home;

- (b) Minimum public road frontage: 30 feet
- (c) Minimum lot width at building line: 80 feet
- (d) Minimum front yard setback: 25 feet
- (e) Minimum side yard setback: Five feet; 25 feet if corner lot
- (f) Minimum rear yard setback: 25 feet
- (g) Maximum building height: 45 feet

Sec. J. - LRO low rise office district.

- (1) *Purpose and intent.* The LRO district is comprised of land for low intensity professional offices and other non-retail commercial uses such as banks, offices, and nursery schools/daycare, which are on properties within or on the edge of an area transitioning from residential to light commercial. When located on the edge of a residential node, the LRO district should provide for office uses that are low in intensity to ensure compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this ordinance.
- (2) Within the LRO district, the following uses are permitted, provided all applicable activities are carried on entirely within an enclosed building and there is no outdoor storage of materials, supplies, inventory, accessories, etc.:
 - (a) Banks, including drive-in facilities provided vehicles awaiting service are located completely off the public right-of-way.
 - (b) Bed and breakfast facilities.
 - (c) Churches, synagogues, and similar places of worship and their customarily related uses, on tracts of no less than five contiguous acres provided that any building for such proposed use is located no less than 50 feet from the front and rear property lines and 25 feet from the side property lines.
 - (d) Community fairs.
 - (e) Cultural facilities, non-commercial clubs or lodges.
 - (f) Day care centers and group day care homes subject to all provisions identified within this ordinance.
 - (g) Designated recycling collection locations.
 - (h) Family personal care homes, family care homes, group personal care homes, battered women's shelter pursuant to O.C.G.A. Sec. 19-13-20 et seq., subject to applicable state, federal, and/or county licensing, including state fire marshal and/or county fire department approval.
 - (i) Golf courses.
 - (j) Non-profit (seasonal use).
 - (k) Professional and business offices (real estate, doctor's office, etc.).
 - (l) Accessory buildings and uses located on the same lot or parcel of land as the principal building and customarily incidental to the permitted use subject to the following:
 - 1. No accessory building shall be constructed on a lot until construction on the main building has been actually commenced.
 - 2. All non-agricultural related accessory buildings, structures, and uses shall maintain a minimum setback of ten feet from side or rear yard property lines.
 - 3. No accessory buildings, structures, or uses shall be erected on or project into any required front yard setback.
 - 4. Accessory buildings shall not exceed a maximum size of 1,000 square feet per acre of land.
 - 5. Accessory buildings shall not be occupied by humans and shall not be used for agricultural purposes or for farm animals.

(3) *Lot size, area, and setback requirements:* *

*Unless otherwise specified; also subject to approval by state environmental health.

- (a) Minimum lot size: 20,000 square feet
- (b) Minimum public road frontage: 30 feet
- (c) Minimum lot width at building line: 100 feet; 75 feet in curve/cul-de-sac
- (d) Minimum front yard setback: 30 feet

- (e) Minimum side yard setback: 15 feet; 25 feet if corner lot
 - (f) Minimum rear yard setback: 25 feet (35 feet if abut residential)
 - (g) Maximum building height: Two stories
- (4) *Off-street parking:* See article VII of this ordinance.
- (5) *Required buffers:* See article VI, sec. E. of this ordinance.
- (6) *Sign regulations:* See article XII of this ordinance.

Sec. K. - O-I office and institutional district.

- (1) *Purpose and intent.* A zoning district established for activities not involving the general sale, storage, or processing of merchandise, but limited to offices, institutions and limited commercial activities. This district would normally be located in areas that are in transition from residential use to a nonresidential use, similar to the LRO district, but with slightly more intense uses. This zoning category would also serve as a buffer between residential development and commercial development.
- (2) *Permitted uses.* Within the O-I district, the following uses are permitted, provided all activities are carried on entirely within an enclosed building and there is no outdoor storage of materials, supplies, inventory, accessories, etc.:
- (a) All uses permitted in the LRO district.
 - (b) Accessory retail sales and services.
 - (c) Ambulance service (maximum of two ambulances per location with no vehicle mechanical repair facilities or storage of disabled vehicles).
 - (d) Congregate personal care homes, rest homes, convalescent homes, subject to applicable state, federal, and/or county licensing and inspection requirements, including state fire marshal and/or county fire department approval.
 - (e) Retirement communities (continuing care) subject to applicable state, federal, and/or county licensing and inspection requirements, including state fire marshal and/or county fire department approval.
 - (f) Funeral homes.
 - (g) Hospitals.
 - (h) Medical clinics.
 - (i) Parking lots for vehicles.
 - (j) Pharmacies, limited to 6,000 square feet gross floor area.
 - (k) Photographic studios.
 - (l) Radio and television stations.
 - (m) Research and training facilities.
 - (n) Restaurant and apothecary when located within an office building.
 - (o) Rooming and boarding houses.
 - (p) Schools, public and private.
 - (q) Veterinary clinic/hospital.
- (3) *Lot size, area, and setback requirements:**
- *Unless otherwise specified; also subject to approval by state environment health.
- (a) Minimum lot size: 20,000 square feet with sewer, otherwise, 40,000 square feet.
 - (b) Minimum public road frontage: 30 feet.
 - (c) Minimum lot width at building line: 100 feet; 75 feet in curve/cul-de-sac.
 - (d) Minimum front yard setback: 30 feet.
 - (e) Minimum side yard setback: 15 feet; 20 feet if abut residential; 25 feet if corner lot.
 - (f) Minimum rear yard setback: 25 feet; 35 feet if abut residential.
 - (g) Maximum building height: Three stories.
- (4) *Off-street parking:* See article VII of this ordinance.
- (5) *Required buffers:* See article VI, sec. E. of this ordinance.

(6) *Sign regulations:* See Chapter 67 of the Code of Ordinances.

(Res. No. 07-46, § 1, 10-23-2007; Res. No. 18-20, § 3(Exh. A), 4-24-2018)

Sec. L. - NB neighborhood business district.

- (1) *Purpose and intent.* The NB district is established to provide locations for limited commercial uses often located on an arterial or collector street providing convenience goods and services for residents of the service area. Areas zoned for NB should generally be located at or near the center of the neighborhood residential areas they serve.
- (2) *Permitted uses.* Within the NB district, the following uses are permitted provided all activities are carried on entirely within an enclosed building and there is no outdoor storage of materials, supplies, inventory, accessories, etc.:
 - (a) All uses permitted within the LRO and O-I districts.
 - (b) Convenience food stores with self-service fuel sales (provided that the building shall not exceed 3,000 square feet in gross floor area) and that no automotive repairs will be done on site.
 - (c) Dry cleaning pick-up establishments, self-service laundry facilities.
 - (d) Neighborhood retail uses limited to 10,000 square feet of gross area unless otherwise noted below; including uses such as:
 1. Antique shop.
 2. Agricultural produce stand.
 3. Bakery, beverage shop, delicatessen.
 4. Barber shop, beauty shop, hair salon, similar personal service establishments.
 5. Bookstore (but not including adult bookstore), stationery store
 6. Bridal shop, clothing store, shoe repair, shoe store, tailor shop, specialty shop.
 7. Camera shop, music store.
 8. China and pottery store, gift shop.
 9. Dance studio.
 10. Florist.
 11. Hardware store (gross floor area not to exceed 15,000 square feet total with 5,000 square feet of covered outside storage.
 12. Jewelry store.
 13. Meat market/butcher shop.
 14. Novelty shop, variety store, toy store.
 15. Paint store.
 16. Pet grooming shop.
 17. Pharmacy/drug store.
 18. Sporting goods store.
 19. Indoor health/fitness centers.
 20. Supermarket or grocery (gross floor area not to exceed 50,000 square feet.
 21. Video store.
 - (e) Non-automotive repair establishments.
 - (f) Restaurants, excluding drive-in and fast food establishments.
- (3) *Lot size, area, and setback requirements:* *

*Unless otherwise specified; also subject to approval by state environmental health.

- (a) Minimum lot size: 20,000 square feet
- (b) Minimum public road frontage: 30 feet
- (c) Minimum lot width at building line: 100 feet; 85 feet in curve/cul-de-sac
- (d) Minimum front yard setback: 30 feet
- (e) Minimum side yard setback: 15 feet; 25 feet if corner lot or abut residential

- (f) Minimum rear yard setback: 25 feet; 35 feet if abut residential
 - (g) Maximum building height: Three stories
- (4) *Off-street parking:* See article VII of this ordinance.
- (5) *Required buffers:* See article VI, sec. E. of this ordinance.
- (6) *Sign regulations:* See article XII of this ordinance.

Sec. M. - B-1 general business district.

- (1) *Purpose and intent.* The B-1 district is composed of certain lands and structures in the county used primarily to provide for the retailing of goods and the furnishing of selected services to surrounding neighborhoods. Regulations within this district are intended to permit and encourage full development of necessary commercial use and at the same time protect nearby residential properties from possible adverse effects of such commercial activity. Any building or premises used for any of the permitted uses shall have not more than 40 percent of the total floor area of the building or premises devoted to storage or industry purposes incidental to the primary use.
- (2) *Permitted uses.* Within the B-1 district, the following uses are permitted provided all activities are carried on entirely within an enclosed building and there is no outdoor storage of materials, supplies, inventory, equipment, accessories, etc. unless specified:
- (a) All uses permitted within the LRO, O-I, and NB districts with no maximum square footage limit unless noted below.
 - (b) Appliance stores selling predominantly at retail.
 - (c) Auto parts store with no on-site repair.
 - (d) Catering establishments.
 - (e) Cleaning and pressing establishments for clothing; laundry pickup stations.
 - (f) Colleges, business colleges, music conservatories, dancing schools, and other similar activities offering training in specific fields.
 - (g) Commercial parking lots or garages.
 - (h) Car wash facilities
 - (i) Department stores.
 - (j) Greenhouses and nurseries of a commercial nature with outside storage limited to 5,000 square feet.
 - (k) Grocery, fruit, vegetable markets.
 - (l) Hotels, tourist courts, motels.
 - (m) Indoor health/fitness centers.
 - (n) Laboratories, medical, dental, and similar activities.
 - (o) Light automotive repair establishments, emissions inspection stations.
 - (p) Music studios.
 - (q) Newspaper offices and printing establishments.
 - (r) Package stores for alcoholic beverages subject to appropriate state and local licensing requirements.
 - (s) Restaurants, cafeterias, including drive-ins and fast food; commercial recreation restaurants.
 - (t) Temporary uses.
 - (u) Theaters.
 - (v) Veterinary care and associated boarding facility provided no part of any outside structure, pen, run, enclosure, or fence for animals is located closer than 50 feet to any property line.
 - (w) Other similar and like retail business or service establishments.

(3) *Lot size, area, and setback requirements:* *

*Unless otherwise specified; also subject to approval by state environmental health.

- (a) Minimum lot size: 20,000 square feet
- (b) Minimum public road frontage: 30 feet
- (c) Minimum lot width at building line: 75 feet; 60 feet in curve/cul-de-sac

- (d) Minimum front yard setback: 40 feet
 - (e) Minimum side yard setback: Ten feet; 25 feet if corner lot or if abut residential
 - (f) Minimum rear yard setback: 15 feet; 40 feet if abut residential
 - (g) Maximum building height: Three stories
- (4) *Off-street parking:* See article VII of this ordinance.
 - (5) *Required buffers:* See article VI, sec. E. of this ordinance.
 - (6) *Sign regulations:* See article XII of this ordinance.

Sec. N. - PSC planned shopping center district.

- (1) *Purpose and intent.* The PSC district is established to provide locations for retail commercial and service uses which are designed and oriented to serve several neighborhoods making up a community. Projects developed within the PSC zoning district should be done as planned, compact, unified centers. Projects developed within the PSC zoning district should usually occupy a quadrant of an intersection, with ingress and egress only from major streets or state highways within areas delineated for commercial development on the future land use plan. Regulations within this district are intended to permit and encourage full development of necessary commercial use and at the same time protect nearby residential properties from possible adverse effects of such commercial activity. What distinguishes the PSC district from other commercial districts is the pre-coordinated aspect of the category to allow planned centers and discourage commercial sprawl.
- (2) Within the PSC district, the following uses are permitted provided all activities are carried on entirely within an enclosed building and there is no outdoor storage of materials, supplies, inventory, accessories, etc.:
 - (a) All uses permitted within the B-1 district.
- (3) *Lot size, area, and setback requirements:* *

*Unless otherwise specified; also subject to approval by state environmental health.

- (a) Minimum lot size: Five acres (or out parcels of a planned developed with no minimum lot size if design and layout are consistent with overall development)
 - (b) Minimum public road frontage: 100 feet
 - (c) Minimum lot width at building line: 75 feet; 60 feet in curve/cul-de-sac
 - (d) Minimum front yard setback: 40 feet
 - (e) Minimum side yard setback: Ten feet; 25 feet if abut residential or if corner lot
 - (f) Minimum rear yard setback: 15 feet; 40 feet if abut residential
 - (g) Maximum building height: Three stories
- (4) *Off-street parking:* See article VII of this ordinance.
 - (5) *Required buffers:* See article VI, sec. E. of this ordinance.
 - (6) *Sign regulations:* See article XII of this ordinance.

Sec. O. - B-2 highway business district.

- (1) *Purpose and intent.* The B-2 district is composed of certain lands and structures located along state and federal roads which require high visibility, locations accessible to major highways and arterials, and serve significant portions of the community. It is also the intent of this district to provide areas for business to occur which, because of their intensity, some outside storage area or hours of operation may have a significant impact on adjoining properties. Because of the nature of the businesses permitted in the B-2 district, the zoning district should be limited to property fronting on major thoroughfares and/or in large commercial nodes.
- (2) *Permitted uses.* Within the B-2 district, the following uses are permitted provided all activities are carried on entirely within an enclosed building and any outdoor storage of materials, supplies, inventory, accessories, etc., is within a designated area enclosed by a six foot high opaque privacy fence unless otherwise stated herein.
 - (a) All uses permitted in the "B-1" district.
 - (b) Assembly halls.

- (c) Athletic and health clubs.
- (d) Indoor auction galleries, including furnishings and art memorabilia.
- (e) Automobile, boat, motorcycle, all-terrain (ATV) sales and service facilities.
- (f) Automobile, truck, and trailer lease and rental facilities (principal or accessory).
- (g) Automotive paint and body repair shops.
- (h) Automobile repair facilities.
- (i) Automotive upholstery shops.
- (j) Building lumber and supply establishments provided the entire storage area is enclosed within a solid wall or fence of at least six feet in height.
- (k) Commercial indoor recreation uses; commercial outdoor recreation uses; indoor amusement enterprises, including bowling alleys, pool halls, or the like.
- (l) Equipment rental, sales, or service, provided the storage of equipment areas are enclosed within a solid wall or fence at least six feet in height.
- (m) Exterminating facilities (insect and/or rodent).
- (n) Farm and garden supply stores; farm equipment sales and repair facilities.
- (o) Farmers markets (fully enclosed).
- (p) Film developing and printing facilities.
- (q) Full service gasoline stations provided said facility shall not be located adjacent to a residential zoning district.
- (r) Manufacture of pottery or other ceramic products, using only previous pulverized clay.
- (s) Manufacture of clocks, watches, musical instruments, and novelties.
- (t) Printing, publishing, and lithography establishments, provided that no more than 50 percent of total gross floor area will be used for storage.
- (u) Telecommunications towers and antennas subject to requirements of adopted ordinance.
- (v) Temporary uses.
- (w) Uses customarily incidental to the above uses and accessory buildings in accordance with this ordinance.

(3) *Lot size, area, and setback requirements:* *

*Unless otherwise specified; also subject to approval by state environmental health.

- (a) Minimum lot size: 20,000 square feet
 - (b) Minimum public road frontage: 30 feet
 - (c) Minimum lot width at building line: 100 feet; 85 feet in curve/cul-de-sac
 - (d) Minimum front yard setback: 50 feet
 - (e) Minimum side yard setback: 15 feet; 40 feet if abut residential 25 feet if corner lot
 - (f) Minimum rear yard setback: 15 feet; 40 feet if abut residential
 - (g) Maximum building height: Four stories
- (4) *Off-street parking:* See article VII of this ordinance.
- (5) *Required buffers:* See article VI, sec. E. of this ordinance.
- (6) *Sign regulations:* See article XII of this ordinance.

Sec. P. - I-1 light industrial district.

- (1) *Purpose and intent.* This district is established to provide locations for light industrial uses which are on properties delineated within or on the perimeter of an industrial node or compatible area and have ready access to a major street or state highway. The I-1 district should provide for uses that are low in intensity and scale to ensure compatibility with surrounding properties which makes it desirable to limit industrial operations and processes to those that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors and radiation and that do not create fire or explosion hazards or other objectionable conditions.

- (2) *Permitted uses.* Within the I-1 district, the following uses are permitted provided all activities are carried on entirely within an enclosed area and any outdoor storage of materials, supplies, inventory, accessories, etc., is within a designated area enclosed by a six foot high or privacy fence unless otherwise stated herein.
- (a) Accessory retail sales and services.
 - (b) Ambulance services.
 - (c) Any industry which does not cause injurious or obnoxious noise, vibrations, smoke, gas fumes, odor, dust, fire hazard, or other objectionable conditions and which conforms to all applicable state and federal regulations and have been permitted by all appropriate state and federal regulatory bodies.
 - (d) Appliance repair (major).
 - (e) Assembly halls.
 - (f) Automobile, truck, and trailer lease or rental facilities (principal or accessory use); automobile and truck sales and service; automotive repair and maintenance facilities; automotive upholstery shops.
 - (g) Automotive parking lots and garages.
 - (h) Automotive paint shops and body repair shops (such uses shall not be established on lots which are either adjacent to or directly across the street from any residential districts).
 - (i) Boat sales and service facilities, motorcycle, all-terrain (ATV), and three-wheel vehicle sales and service facilities.
 - (j) Building materials establishments, electrical supply establishments.
 - (k) Bus stations; bus stations for freight.
 - (l) Car washes.
 - (m) Clinics.
 - (n) Clubs or lodges (non-commercial).
 - (o) Colleges and universities (private), including research and training facilities; vocational schools.
 - (p) Commercial greenhouses and plant nurseries.
 - (q) Community fairs.
 - (r) Contractors (general, heavy, special).
 - (s) Corporate or administrative offices for any permitted uses within this district.
 - (t) Dairies.
 - (u) Designated recycling collection locations.
 - (v) Dry cleaning plants.
 - (w) Emissions/inspection stations.
 - (x) Farm and garden supply stores; farm equipment sales and repair facilities, trailer salesrooms and sales lots.
 - (y) Farmers markets (fully enclosed).
 - (z) Freight terminals; truck terminals; transportation equipment storage and maintenance facilities.
 - (aa) Heavy automotive repair services and trade shops.
 - (bb) Industrial and office parks.
 - (cc) Light manufacturing establishments.
 - (dd) Linen and diaper services.
 - (ee) Medical and dental laboratories.
 - (ff) Newspaper publishing facilities; printing, publishing, and lithography establishments.
 - (gg) Non-automotive repair service establishments.
 - (hh) Office service and supply establishments; other service establishments.
 - (ii) Plumbing and/or heating equipment dealers.
 - (jj) Poultry hatcheries.
 - (kk) Radio and television stations.
 - (ll) Radio, television, and other communication towers and antennae subject to requirements of adopted ordinance.

- (mm) Rail stations.
- (nn) Recreation grounds other than tennis courts and golf courses.
- (oo) Research and development centers; research testing laboratories.
- (pp) Reupholstery and furniture repair establishments.
- (qq) Storage yards, including building materials, and lumber yards, saw mills, but not junk/salvage yards or automobile junk/salvage yards, provided any such use is screened from view by a solid opaque wall, or existing natural screen at least eight feet in height.
- (rr) Taxi dispatching agencies.
- (ss) Temporary uses.
- (tt) Temporary impound lot.
- (uu) Utility facilities (private).
- (vv) Vending machine sales, service, rental, or repair establishments.
- (ww) Warehouse and storage facilities; wholesale sales offices; wholesale trade and distribution facilities; wholesale trade offices in conjunction with office showrooms.
- (xx) Accessory buildings and uses located on the same lot or parcel of land as the principal building and customarily incidental to the permitted use subject to the following:
 1. No accessory building shall be constructed on a lot until construction on the main building has been actually commenced.
 2. All non-agricultural related accessory buildings, structures, and uses shall maintain a minimum setback of ten feet from side or rear yard property lines.
 3. No accessory buildings, structures, or uses shall be erected on or project into any required front yard setback.
 4. Accessory buildings shall not exceed a maximum size of 1,000 square feet per acre.
 5. Accessory buildings shall not be occupied by humans and shall not be used for agricultural purposes or for farm animals.

(3) *Lot size, area, and setback requirements:* *

*Unless otherwise specified; also subject to approval by state environmental health.

- (a) Minimum lot size: 40,000 square feet
- (b) Minimum public road frontage: 50 feet
- (c) Minimum lot width at building line: 100 feet; 85 feet in curve/cul-de-sac
- (d) Minimum front yard setback: 50 feet from all streets, including corner lots
- (e) Minimum side yard setback: 25 feet; 50 feet if abut residential; or if corner lot
- (f) Minimum rear yard setback: 40 feet; 50 feet if abut residential
- (g) Maximum building height: Three stories

(4) *Off-street parking:* See article VII of this ordinance.

(5) *Required buffers:* See article VI, sec. E. of this ordinance.

(6) *Sign regulations:* See article XII of this ordinance.

Sec. Q. - I-2 heavy industrial district.

(1) *Purpose and intent.* This district is established to provide locations for heavy industrial uses which are on properties delineated within an industrial node or compatible area and have ready access to a major street or state highway. The I-2 district provides for uses that are more intense than the light industrial district and provides those industrial operations and processes that are not public nuisances and are not dangerous to health, safety or the general welfare.

(2) *Permitted uses.*

- (a) Any use permitted in an I-1 industrial district.
- (b) Any industrial use not listed as requiring a special use permit which involves manufacturing, processing, or assembly

operations or the storage and sale of heavy materials, products, or equipment, but including uses which may cause injurious or obnoxious noise but which may generate acceptable noise levels, smoke, gas fumes, odor, or dust, provided the same are permitted by all federal and state regulatory bodies.

- (c) Fuel storage for on-site use of vehicles and equipment.
 - (d) Railroad station for freight.
 - (e) Saw mills.
 - (f) No wholesaling activity shall be permitted which processes goods handled in a manner that produces liquid or solid waste or noise, odor, fumes or dust which can be detected beyond the walls of the building in which such wholesaling activity is housed.
- (3) *Lot size, area, and setback requirements:* *

*Unless otherwise specified; also subject to approval by state environmental health.

- (a) Minimum lot size: 40,000 square feet
 - (b) Minimum public road frontage: 50 feet
 - (c) Minimum lot width at building line: 100 feet; 85 feet in curve/cul-de-sac
 - (d) Minimum front yard setback: 50 feet (from all streets, including corner lots)
 - (e) Minimum side yard setback: 25 feet; 50 feet if corner lot; see buffer chart if abuts another district
 - (f) Minimum rear yard setback: 40 feet; see buffer chart if abut another district
 - (g) Maximum building height: Three stories
- (4) *Off-street parking:* See article VII of this ordinance.
- (5) *Required buffers:* See article VI, sec. E. of this ordinance.
- (6) *Sign regulations:* See article XII of this ordinance.

Sec. R. - Low density quality residential development overlay district.

- (1) *Purpose and intent.* The purpose and intent of the low density quality residential development overlay district is to promote the highest and best quality residential development while protecting the health, safety and welfare of current and future residents of Paulding County by:
- (a) Setting high standards for quality residential design.
 - (b) Incorporating attractive and functional open space in residential development.
 - (c) Preserving natural resources and landscape features.
 - (d) Encouraging a diversity of housing types that will accommodate persons of a variety of stages of life.
 - (e) Improving traffic flow and traffic safety by providing a system of interconnected streets.
- (2) *Boundaries.*
- (a) Concept plan. The boundaries of the low density quality residential overlay district are determined by the Sweetwater Drainage Basin Boundary Map, which is hereby incorporated into and made part of this ordinance. Any parcel of land that is wholly or partly within the boundary shall be included.
 - (b) Map amendments. No change in the boundary of the low density quality residential overlay district shall be authorized, except by the board of commissioners pursuant to procedures in Article XVI of the Paulding County Zoning Ordinance.
- (3) *Effect of the low density quality residential overlay district provisions.*
- (a) Application. The provisions of this section shall apply to all parcels of land, or portions thereof, within the boundaries of the low density quality residential overlay district that are now, or in the future, zoned R-2 with sewer (sewered suburban residential), R-5 (duplex district), R-7 (multi-family fee simple—non-rental—residential) PRD (planned residential development) and OSRD (open space residential development) in accordance with the Paulding County Zoning Ordinance, except for those subdivisions in which more than ten percent of the lots have been granted a building permit prior to the effective date of this section or if a final plat for a subdivision was recorded prior to the effective date of this section, the

entire subdivision shall be exempt. Area/property additions to the current/proposed subdivision development would be subject to these overlay standards. This exception does not include prior approved zoning concept plans, grading plans, development plans, construction plans or preliminary plans.

- (b) Effect. This low density quality residential overlay district is supplemental to the underlying zoning district classifications established in the Paulding County Code of Ordinances located within this low density quality residential overlay district. These low density quality residential overlay district regulations shall be overlaid upon and shall be imposed in addition to said underlying zoning regulations, the Paulding County Subdivision Regulations and other applicable ordinances of Paulding County.
 - (c) All plan reviews, road and utility projects, plat approvals, and permits for parcels meeting the standards of subsection R.(3)(a) and (b) shall meet all of the requirements of the base zoning district in which it is located and, in addition, shall meet the requirements of the low density quality residential overlay district applicable to the parcel as well as the low density quality residential overlay district design standards applicable thereto.
 - (d) Relationship to underlying zoning district standards. In any case where the standards and requirements of the low density quality residential overlay district conflict with those of the base zoning district or other provisions of the Paulding County Code of Ordinances including, but not limited to, subdivision regulations, the standards and requirements of the low density quality residential overlay district shall govern.
- (4) *Design guidelines.*
- (a) The low density quality residential overlay district design guidelines are hereby adopted and made part of this ordinance and shall apply to property in the low density quality residential overlay district subject to subsection R.(3)(a), (b) and (c).
 - (b) Within the designated properties in the low density quality residential overlay district, design and construction of new buildings that are not in substantial conformity with the low density quality residential overlay district guidelines is prohibited.
 - (c) In cases of a conflict between the low density quality residential overlay district design guidelines and the text of this article, the text of this section shall govern. In cases of a conflict between the low density quality residential overlay district design guidelines and other ordinances and regulations of Paulding County, the applicable low density quality residential overlay district design guidelines shall govern.
- (5) *Property development standards.*
- (a) Permitted uses. This overlay district shall not affect the list of uses permitted by the underlying zoning district.
 - (b) The maximum density of a PRD or OSRD within the low density quality residential overlay district is 2.6 dwelling units per acre.
 - (c) Minimum lot sizes (PRD's only): 8,000 square feet for a maximum of 60 percent of the total number of lots, 10,000 square feet for 40 percent of the total number of lots. All lots less than 10,000 square feet must be interior lots and shall not be located along any perimeter boundary of the proposed development.
 - (d) Open space. (PRD's only)
 - 1. Developments containing more than 50 lots shall set aside a minimum of ten percent of the total gross acreage of the site as permanently protected open space.
 - 2. Fifty percent of the required open space may include floodplain. Site areas used for amenities such as swimming pool, tennis courts, clubhouse and other similar facilities are encouraged, but may not be counted in the required open space.
 - 3. Open space areas shall be held in common ownership and shall conform to the requirements as follows:
 - a. Each open space area must comprise an area of least 10,000 square feet with a minimum dimension of 15 feet of width or depth.
 - b. At least one-half of required common open space shall be located in a contiguous area.
 - c. No more than ten percent of required open space may be areas of impervious surface.
 - d. A system of pedestrian pathways consisting of sidewalks or trails shall be provided linking each lot containing one or more dwelling units to at least one open space area.
 - e. Within the required open space, provide a minimum 14-foot-wide easement dedicated to Paulding County in the approximate locations designated as Greenway Corridors. The easement shall be outside the required

undisturbed stream buffer and shall be improved with a multi-use trail meeting the standards of subsection (7)(a) of this ordinance.

- (e) Dimensional standards for single-family, detached dwellings in PRD's and OSRD's.
 - 1. Front yard setbacks for single-family detached dwellings: Minimum 25 feet from right-of-way line.
 - 2. Building height: Maximum two stories above front yard grade.
 - 3. Minimum spacing between buildings: 15 feet.
 - 4. House sizes: PRD's - 80 percent of total dwellings must be 2,400 square feet or larger with a minimum heated area of 2,000 square feet.
 - 5. Minimum lot width: 70 feet (PRD's) 80 feet (OSRD's)
- (f) Building design. All dwelling units including attached that are subject to the low density quality residential overlay district shall be designed with traditional architectural design elements. Each dwelling unit that is part of a residential development subject to the low density quality residential overlay district must utilize at least six of the following architectural design features:
 - 1. Dormers.
 - 2. Bay or bow windows.
 - 3. Garage setback at least 20 feet behind the facade of the principal structure.
 - 4. Covered porch entry (covered front porch).
 - 5. Transoms and sidelights.
 - 6. Off-sets on building face or roof (minimum two feet).
 - 7. A roof with a pitch greater than 8:12 and a minimum overhang of 12 inches on all sides.
 - 8. Columns, pillars, or posts on facade.
 - 9. Shutters and other window decorations.
 - 10. Arched or Palladian windows.
 - 11. Hip and gable roof lines.
 - 12. Rock, brick, marble or other material as approved by the community development department.
- (g) Building materials. Dwellings constructed in each zoning district as established by subsection R, (3)a. shall be subject to the following requirements.
 - 1. Building materials for exterior walls are limited to the following: brick, stone, cement board siding, and glass (vinyl components - not horizontal siding) be permitted for aesthetic purposes with community development department approval.
 - 2. Building materials for roofs may be one of the following:
 - a. Architecturally textured composition shingles.
 - b. Slate shingles.
 - c. Standing seam metal roof approved by the director of community development.
 - 3. Flat roofs (pitch less than 1:12) shall not be permitted on any building roof consisting of more than 200 square feet in area.
- (h) Site development standards.
 - (1) Landscaping of lots.
 - a. A minimum of 100 percent of the areas of front, side, and rear yards shall be grass sod; excluding natural and landscaped areas.
 - b. A single species of trees may be used for no more than 25 percent of the total number of new trees planted in a development.
 - c. Two trees must be planted in the front yard of each dwelling unit. (Existing trees may be considered adequate by the community development department.)
 - (2) Buffers:
 - a. A minimum 25-foot buffer must be provided along the perimeter of any subdivision development or else

otherwise approved by the community development director for necessary intrusions such as required infrastructure, stormwater management and/or future street connectivity points. The buffer shall conform to requirements of article VI, section E. of the Paulding County Zoning Ordinance.

- b. A 20-foot wide, "no access" easement shall be required along the right-of-way of arterial and collector streets. The easement shall provide for utilities, slopes and drainage and shall be continuous except for the intersection with another public street. The "no access" easement shall contain a minimum ten feet deep landscape strip along the edge of the easement that is abutting residential lots. The landscape strip shall be continuous except for 35-foot wide clear zones adjacent to the right-of-way of each intersecting street in order to maintain visibility at intersections.

(3) Environmental standards.

- a. Retain natural vegetation and topography to the maximum extent feasible.
- b. Maximum of 40 contiguous acres may be mass graded in any single phase.

(4) Sidewalks. A minimum four-foot wide sidewalk is required on both sides of all local streets.

(5) Landscape strips.

- a. A minimum two-foot wide landscape strip is required adjacent to the curb on both sides of local streets.
- b. Landscape strips along local streets shall be planted with sod and may include a variety of low, hardy shrubbery and flowering plants with mulched beds. Areas of exposed earth shall not be allowed. Landscaping shall be approved by the community development department.
 - (i) All landscape materials required by this ordinance shall be maintained by the property owner or property owners' association. Such maintenance shall keep landscape materials healthy, neat, and orderly in appearance and free of litter and debris.

(6) *Program for unified ownership and control.*

- (a) A development within the low density quality residential overlay district shall provide evidence of the unified control of the entire project. During the development process, more than one builder may participate in the development of the approved plan so long as each parcel of land remains subject to all of the terms and conditions of the plat approved by Paulding County for the property as a whole.
- (b) Legal instrument for permanent protection of common areas and open space.
 1. The common areas and open space shall be protected in perpetuity from further development by a binding legal instrument that is recorded with the deed. If the common areas are to be controlled by an association of property owners, then membership in such association shall be mandatory for all property owners within the project.
 2. The instrument protecting the common areas from further development shall be one of the following:
 - a. A permanent conservation easement (excluding recreation areas and amenities) in favor of either:
 - (i) A land trust or similar conservation-oriented, non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence, and the conveyance instruments shall contain an appropriate provision for transfer in the event the organization becomes unable to carry out its functions; or
 - (ii) A governmental entity with an interest in pursuing goals compatible with the purposes of this zoning ordinance; if the entity accepting the easement is not the county, then a third right of enforcement favoring the county shall be included in the easement; or
 - b. As set forth in O.C.G.A. § 44-5-60(c) as hereinafter may be amended, a permanent restrictive covenant for conservation purposes in favor of a governmental entity; or,
 - c. An equivalent legal tool that provides permanent protection, if approved by the county.
 3. The instrument for permanent protection shall incorporate restrictions on the use of the open space contained in this article, as well as any further restrictions, as approved by the Paulding County Board of Commissioners.

(7) *Public improvements standards.*

- (a) Multi-use trail. Multi-use trails shall be incorporated within the overall development to provide connectivity to amenities, open space areas and other adjacent developments. The trails are also intended for recreation use. Trails may be located in floodplain areas.

1. Maximum grade of six percent.
2. Minimum right-of-way width: 14 feet.
3. Minimum paved width of travel way: Ten feet (travel way may be constructed with organic pervious material with community development department approval.)
4. Shoulder width variable, based on topography.
5. Five-foot flare at street intersections, with ramp to street and bollards spaced seven ft. apart to block motorized traffic, except golf carts.

(b) Street network standards.

1. An interconnected grid pattern is encouraged.
2. If a tract of land in the low density quality residential overlay district abuts another undeveloped parcel along a common boundary of 600 feet or more (other than where the common property line falls along a stream) then the PRD parcel shall provide a minimum 50 feet wide right-of-way for a future street connection for every 600 feet of the common boundary.
3. If a new residential development is proposed, it shall incorporate and continue all stub streets or future street connections provided on abutting residential properties.

(c) Underground utilities. For all new construction and redevelopment, utilities along public streets must be placed underground. The director of community development may approve an exception, if subsurface rock or other unique hardship makes such installation infeasible.

(8) *Procedures.*

- (a) Traffic study. A traffic impact study is required for developments with more than 200 dwelling units.
- (b) Review of building plans. Prior to issuance of a building permit for any occupied structure to be located within a development that is subject to this section, the builder shall provide architectural plans and elevations at a scale no smaller than one-eighth inch = one foot that demonstrate compliance with the requirements of this article. The director shall have the authority to review and approve building plans for conformity with the requirements of this section and the low density quality residential overlay district design guidelines, building codes, and other requirements of the Paulding County Development Code of Regulations.

(9) *Exceptions.*

- (a) Residential developments of three lots or less are not subject to the low density quality residential overlay district.

(10) *Effective date.* This section shall become effective upon the date of its adoption by the Paulding County Board of Commissioners.

Note— Reserved. This portion of the low density quality residential overlay district is reserved for photographic and/or other visual aids or schematics, which are intended to demonstrate overlay designs and standards.

(Ord. of 10-25-2016)

Sec. S. - Low density quality residential development district.

- (1) *Purpose and intent.* The Low Density Quality Residential Development District is considered by Paulding County to be the highest and best residential zoning category. The low density quality residential development district will promote developments of the highest residential quality in Paulding County. The purpose and intent of the low density quality residential development district is to promote the highest and best quality residential development while protecting the health, safety and welfare of current and future residents of Paulding County by:

- a. Setting high standards for quality residential design.
- b. Incorporating attractive and functional open space in residential development.
- c. Preserving natural resources and landscape features.
- d. Encouraging a diversity of housing types that will accommodate persons of a variety of stages of life.
- e. Improving traffic flow and traffic safety by providing a system of interconnected streets as well as providing vehicle and/or intermodal connectivity to adjoining parcels.

(2) *Effect of the low density quality residential development district provisions.*

- (a) Application. The provisions of this Section shall apply to all parcels of land, or portions thereof, within the boundaries of the

Low Density Quality Residential Development District.

- (b) All plan reviews, road and utility projects, plat approvals, and permits for parcels meeting the standards of the Low Density Quality Residential Development District.
- (3) *Design guidelines.*
- (a) The low density quality residential development district design guidelines are hereby adopted and made part of this ordinance and shall apply to property in the low density quality residential development district subject to subsection S.(3)(b).
 - (b) Within the designated properties in the low density quality residential development district, design and construction of new buildings that are not in substantial conformity with the low density quality residential development district guidelines is prohibited.
- (4) *Property development standards.*
- (a) Permitted uses. The low density quality residential development district is a planned district that permits uses that are residential in character and shall consist of single-family detached dwelling units with customary home occupations and appropriate accessory uses and structures, and limited recreational uses, as approved by the governing authority. Churches, schools, and limited day-care facilities planned as part of the low density quality residential development, at its application inception, are also allowed; provided however, that such uses, if introduced as a part of the low density quality residential development after the low density quality residential development has been reviewed and approved by the governing authority, shall require review and approval by the governing authority through a subsequent amended application process.
 - (b) Minimum site area. The minimum site area shall be restricted to no less than 35 contiguous acres developed under one coordinated plan. For an adjoining property to be included in an overall development within a low density quality residential development district there must be a minimum of 100 feet of a shared boundary line (excluding rights-of-way).
 - (c) The maximum density of the low density quality residential development district is 2.5 dwelling units per acre.
 - (d) Minimum lot sizes: 12,000 square feet.
 - (e) Open space.
 - 1. Developments containing more than 50 lots shall set aside a minimum of ten percent of the total gross acreage of the site as permanently protected open space.
 - 2. No more than 50 percent of the required open space may include floodplains (including nature areas, walkways, pathways and trails within floodplains). Site areas used for amenities such as swimming pool, tennis courts, clubhouse and other similar facilities are required and may not be counted in the required open space. Amenities including sports fields and other passive recreation facilities with pervious surfaces may be located within open space areas or counted toward the required open space.
 - 3. Open space areas shall be held in common ownership and shall conform to the requirements as follows:
 - a. Each open space area must comprise an area of at least 10,000 square feet. with a minimum dimension of 15 feet of width or depth.
 - b. At least one-half of required common open space shall be located in a contiguous area.
 - c. No more than ten percent of required open space may be areas of impervious surface.
 - d. A system of pedestrian pathways consisting of sidewalks or trails shall be provided linking each lot containing one or more dwelling units to at least one open space area.
 - (f) Dimensional standards for single-family, detached dwellings in the low density quality residential development district.
 - 1. Front yard setbacks for single-family detached dwellings: Minimum 25 feet from right-of-way line. (Dwellings may be allowed to be a minimum of ten feet from the right-of-way with the following two requirements. (1) Attached or detached garages or carports must be setback a minimum of 25 feet from right-of-way line or (2) rear entrance parking is planned and developed through a rear drive or alley system that has been approved by the Paulding County Department of Transportation.
 - 2. Building height: Maximum three stories above front yard grade. (Excludes windowed basements due to topography). Additional stories may be approved by the community development department upon submission of a unified building design plan for a development.
 - 3. Minimum spacing between buildings: 15 feet.

4. House sizes: Dwellings must be 2,400 square feet or larger with a minimum heated area of 2,000 square feet.
 5. Minimum two car garage per dwelling unit.
 6. Minimum lot width: 80 feet.
- (g) Building design. All dwelling units including attached garages or carports that are subject to the low density quality residential development district shall be designed with traditional architectural design elements. Each dwelling unit that is part of a residential development subject to the low density quality residential development district must utilize at least (five) of the following architectural design features:
1. Dormers.
 2. Bay or bow windows.
 3. Garage offset two feet in front of or set back behind the facade of the principal structure.
 4. Covered porch entry (covered front porch).
 5. Transoms or sidelights.
 6. Off-sets on building face or roof (minimum two feet).
 7. A roof with a pitch greater than 8:12 and a minimum overhang of 12 inches on all sides.
 8. Columns, pillars, or posts on facade.
 9. Arched or Palladian windows.
 10. Hip or gable roof lines.
 11. Front stoops and/or step made of rock, brick, marble or other material as approved by the community development department.
- (h) Building materials. Dwellings constructed in the low density quality residential development district shall be subject to the following requirements.
1. Building materials for exterior walls are limited to the following: brick, stone, cement board siding, and glass. Vinyl components - not horizontal siding may be permitted for aesthetic purposes with community development department approval.
 2. Building materials for roofs may be one of the following:
 - a. Architecturally textured composition shingles.
 - b. Slate shingles.
 - c. Standing seam metal roof approved by the director of community development.
 3. Flat roofs (pitch less than 1:12) shall not be permitted on any building roof consisting of more than 200 square feet in area.
- (i) Site development standards.
- (1) Landscaping of lots.
 - a. A minimum of 100 percent of the areas of front, side, and rear yards shall be grass sod; excluding natural and landscaped areas.
 - b. A single species of trees may be used for no more than 25 percent of the total number of new trees planted in a development.
 - c. Two trees must be planted in the front yard of each dwelling unit. (Trees must be native to this region and be a minimum of six feet in height.) (Existing trees may be considered adequate by the community development department.)
 - d. Entrance signs shall not be located on residential lots without a permanent sign easement that must be recorded with the Paulding County Superior Court Clerk.
 - (b) Buffers.
 - a. A minimum 25-foot undisturbed or planted buffer must be provided along the perimeter of any subdivision development or else otherwise approved by the community development director for necessary intrusions such as required infrastructure, storm water management and/or future street connectivity points. The buffer shall conform to requirements of article VI, section E of the Paulding County Zoning Ordinance.
 - b. A 20-foot wide, "no access" easement shall be required along the right of way of arterial and collector streets.

(State or county roads, parkways, boulevards excluding subdivision streets) The easement shall provide for utilities, slopes and drainage and shall be continuous except for the intersection with another public street. The "no access" easement shall contain a minimum ten-foot deep landscape strip along the edge of the easement that is abutting residential lots. The landscape strip shall be continuous except for 35-foot wide clear zones adjacent to the right-of-way of each intersecting street in order to maintain visibility at intersections.

- (c) Environmental standards.
 - a. Retain natural vegetation and topography to the maximum extent feasible.
 - b. A maximum of 35 acres exposed, excluding infrastructure (rough grading streets, storm water management, sanitary sewer, water lines and required PCDOT improvements).
- (d) Sidewalks and amenities. A minimum four-foot wide sidewalk is required on both sides of all local streets. Amenities (passive and/or active recreation (such as swimming pool, tennis courts, clubhouse and other similar facilities) are required and subject to community development department approval through the plan review process.
- (e) Landscape strips.
 - a. A minimum two-foot wide landscape strip is required adjacent to the curb on both sides of local streets.
 - b. Landscape strips along local streets shall be planted with sod and may include a variety of low, hardy shrubbery and flowering plants with mulched beds. Areas of exposed earth shall not be allowed. Landscaping shall be approved by the community development department.
- (i) All landscape materials required by this section shall be maintained by the property owner or property owners' association. Such maintenance shall keep landscape materials healthy, neat, and orderly in appearance and free of litter and debris.

(5) *Program for unified ownership and control.*

- (a) A development within the low density quality residential development district shall provide evidence of the unified control of the entire project. During the development process, more than one builder may participate in the development of the approved plan so long as each parcel of land remains subject to all of the terms and conditions of the plat approved by Paulding County for the property as a whole.
- (b) Legal instrument for permanent protection of common areas and open space.
 - 1. The common areas and open space shall be protected in perpetuity from further development by a binding legal instrument that is recorded with the deed. If the common areas are to be controlled by an association of property owners, then membership in such association shall be mandatory for all property owners within the project.
 - 2. The instrument protecting the common areas from further development shall be one of the following:
 - a. A permanent conservation easement (excluding recreation areas and amenities) in favor of either:
 - (i) A land trust or similar conservation-oriented, non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence, and the conveyance instruments shall contain an appropriate provision for transfer in the event the organization becomes unable to carry out its functions; or
 - (ii) A governmental entity with an interest in pursuing goals compatible with the purposes of this zoning ordinance; if the entity accepting the easement is not the county, then a third right of enforcement favoring the county shall be included in the easement; or
 - b. As set forth in O.C.G.A. § 44-5-60(c) as hereinafter may be amended, a permanent restrictive covenant for conservation purposes in favor of a governmental entity; or,
 - c. An equivalent legal tool that provides permanent protection, if approved by the community development director.
 - 3. The instrument for permanent protection shall incorporate restrictions on the use of the open space contained in this article, as well as any further restrictions, as approved by the Paulding County Board of Commissioners.

(6) *Public improvements standards.*

- (a) Street network standards.
 - 1. An interconnected grid pattern is encouraged.
 - 2. If a tract of land in the low density quality residential development district abuts another undeveloped parcel along a common boundary of 1,000 feet or more (other than where the common property line falls along a stream) then the

development shall provide a minimum 50 ft. wide right of way for a future street connection for every 1,000 feet of the common boundary.

3. If a new residential development is proposed, it shall incorporate and continue all stub streets or future street connections provided on abutting residential properties.

(b) **Underground utilities.** For all new construction and redevelopment, utilities along public streets must be placed underground. Underground utility service units (boxes) must be landscaped. The director of community development may approve an exception, if subsurface rock or other unique hardship makes such installation infeasible. Developer would be required to submit evidence including borings, soil maps/analysis or other information requested by the community development department.

(7) *Procedures.*

(a) **Traffic study.** A traffic impact study is required for developments with more than 400 dwelling units.

(b) **Review of building plans.** Prior to issuance of a building permit for any occupied structure to be located within a development that is subject to this section, the builder shall provide architectural plans and elevations at a scale no smaller than 1/8 inches = 1 foot that demonstrate compliance with the requirements of this article. The director shall have the authority to review and approve building plans for conformity with the requirements of this section and the low density quality residential development district design guidelines, building codes, and other requirements of the Paulding County Development Code of Regulations.

(Res. No. 07-30, § 1(Exh. A), 8-14-2007; Res. No. 10-07, § 5, 5-25-2010)

Sec. T. - Paulding Airport Master Overlay District (PAMOD).

- (a) *Intent.* The intent of the Paulding Airport Master Overlay District (PAMOD) is to create a mixed use zoning district which enhances and promotes economic development within its boundaries as well as within Paulding County, and which provides for quality and consistency in design and development while still maintaining flexibility in design and development standards.
- (b) *Permitted principal uses and structures.* The uses and structures listed in subsection T(g)4 shall be considered permitted principal uses and structures within this district; provided that any use or structure on a particular property also shall be consistent with the future land use map designation and all other provisions contained in the comprehensive plan applicable to the subject property. Structures and land uses are also may be subject to the Paulding County Airport Overlay District regarding safety zone areas and noise zones.
- (c) *Permitted accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district. In addition, crew quarters consisting of sleeping, kitchen, bath, and sanitary facilities for the accommodation of on-call personnel associated with uses that provide public or private emergency services (including but not limited to fire stations, emergency medical transportation, and similar uses) shall be considered accessory to the uses and structures listed in subsection T(g)4. During times of emergency, the quartering of emergency personnel shall be considered accessory to the uses and structures listed in subsection T(g)4. A use that clearly contains aviation related elements, but which is not specifically listed in subsection T(g)4, shall be considered accessory to the uses and structures listed in subsection T(g)4.
- (d) *Prohibited uses and structures.* Any use or structure not expressly or by reasonable implication permitted herein or permitted by special use or special exception shall be unlawful in this district.
- (e) *Special uses.* The uses listed in this section shall be considered special uses within this district and shall be allowed only by special use permit approval granted pursuant to the provisions hereof and of article X of the zoning ordinance. In addition to the petition requirements contained in article X of the zoning ordinance, any petition for one of the uses listed in this section must also contain any additional data, documentation or information as the or the planning and zoning division and/or airport director deems relevant or pertinent to the petition, and any additional data, documentation or information as the applicant or the planning and zoning division and/or airport director deems necessary or relevant to any standards for approval of such petition contained in this section. In addition to the requirement for meeting the standards for approval contained in article X of the zoning ordinance for the granting of a special use permit, any special use listed below must also meet the additional standard(s) for approval listed for that use in order to be granted a special use permit for that use. The uses in this district that shall be considered special uses requiring a special use permit, and their related standards for approval are as follows:
- (1) Uses that require structures with heights in excess of 90 feet. Additional standards for approval for this use shall be:

- a. Conflicts with the airport and FAA. The petition for the requested use must demonstrate that there will be no adverse impact result of such use to the Paulding County Airport property or to the operations of the Paulding County Airport.
 - b. Light attenuation. The petition for the requested use must demonstrate that all outside lighting shall be designed to prevent direct glare, light spillage, or hazardous interference with aircraft operation and flight patterns.
- (2) A commercial/retail development, as categorized in subsection t(g)4a, containing 100,000 or more square feet. Additional standards for approval for this use shall be:
 - a. Land use suitability. The petition for the requested use must demonstrate that the proposed use requires convenient access to U.S. Highway 278 and the general aviation facility, and that the proposed location is more suited to use as a commercial/retail facility than other properly zoned vacant land outside of the PAMOD District.
 - b. Economic development. The petition for the requested use must demonstrate that the proposed use will create and maintain at least 75 percent of the jobs to be available at the facility.
 - c. Light attenuation. The petition for the requested use must demonstrate that all outside lighting shall be designed to prevent direct glare, light spillage, or hazardous interference with aircraft operation and flight patterns.
- (f) *Existing uses.* The PAMOD Zoning District classification shall not render an existing use on that property as non-conforming, even if such existing use is not a principal permitted use or a permitted accessory use in the PAMOD. Any such existing use shall be considered non-conforming, however, if any of the following occur:
 - (1) An existing non-residential use shall be considered non-conforming if a valid occupational license (business license) related to the use expires and is not renewed. The county shall allow a grace period not to exceed 60 days between the expiration and renewal of an occupational license for such use. If an occupational license expires during a period of inactivity caused by a natural disaster such as a fire or other natural disaster, the county shall not count the time which passes during which repairs are being made against the 60-day grace period. If applications for the permits necessary to effect repairs are not received by the county within 120 days of the cessation of the use, the use will be considered non-conforming.
 - (2) An existing residential use shall be considered non-conforming if, for any reason other than a natural disaster such as a fire or other natural disaster, the structure containing such residential use is declared uninhabitable by the building official. In cases where a residential use ceases due to the damage or destruction of a residential structure arising from a natural disaster such as a fire or other natural disaster, the county shall allow the owner to apply for permits to effect repairs to the structure, during which time the existing residential use shall not be considered non-conforming. If applications for the permits necessary to effect repairs are not received by the county within 120 days of the damage or destruction of the residential structure, the use will be considered non-conforming.
- (g) *Design and development standards.*
 - (1) Intent of design and development standards. The overall objective of these design and development standards is to promote the creation of an attractive, value-apparent environment. All design and development elements of a development shall appear integrated into an overall project concept. The preferred style shall be that depicted in the illustrations of meeting architectural and Leed building standards. Designs and developments that are inconsistent in form are not acceptable. Detached structures, satellite buildings, and site infrastructure are also required to be integrated into the overall project design.
 - (2) Applicability. The design and development standards provided for in this section are applicable in all areas of the PAMOD district unless otherwise provided herein. Any regulation or standard contained in this section governing any particular aspect of design or physical layout of a development located within the PAMOD district shall supercede any other regulation or standards contained elsewhere in the Paulding County Development Regulations and Zoning Ordinance, governing that same aspect of design or development. In the event there is some aspect of design or physical layout of a development that is not expressly governed or regulated by the provisions of this section, but that is governed by another county law, ordinance, code, rule or regulation, such other law, ordinance, code, rule or regulation shall apply to that aspect of design or physical layout of a development in the PAMOD district. Structures and land uses are also may be subject to the Paulding County Airport Overlay District regarding safety zone areas and noise zones. Developments that are subject to, or exempted from, the design and development standards contained in this section are as follows:
 - a. New development. Any new development in the PAMOD district that is not otherwise exempt from this section shall comply with the design and development standards contained herein. Any new development of a party (or successor-in-interest) to the settlement agreement (judicial agreement or order) shall comply with the design and development

standards contained herein to the extent of any variation from requirements of this zoning district, but only to the extent of any variation. The parties thereto will be subject to all standards of this zoning district that have not been expressly exempted or changed by the settlement agreement (judicial agreement or order).

- b. Renovations. In the case of renovations to a building's facade(s), or in the case of reconfiguration of vehicular use area(s), or in the case of expansion, addition, or redevelopment of an existing building the cost of which expansion, addition or redevelopment exceeds 30 percent of the value of the existing structure(s) or development, the design and development standards contained herein shall be applied as they relate to the specific areas of renovation, reconfiguration, or expansion, addition or redevelopment, with the exception that all of the landscaping and buffering elements of this section shall be enforced in full on the entire property which contains such renovation, reconfiguration, or expansion, addition or redevelopment, and shall not be limited to the specific areas of such renovation, reconfiguration, or expansion, addition or redevelopment.
 - c. Cessation of use. With the exception of new construction, if the use of a structure ceases for any reason for more than a one-year period, prior to re-occupancy of the structure, the structure shall be brought into compliance with the design and development standards contained herein.
 - d. Aircraft hangars. The development of aircraft hangars shall be exempt from the design and development standards contained herein, except that aircraft hangars shall be of a design including style and color that is consistent with other hanger development as approved by the Paulding County Airport Director or his/her designee.
- (3) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them herein. In the absence of a definition in this section, words, terms, and phrases shall have the meaning ascribed to them in the development regulations and/or zoning ordinance. In the event of conflict between these meanings and meanings provided elsewhere in the Paulding County Code, the meanings provided in this section shall prevail. Words, terms, and phrases which are undefined in either this section or elsewhere in the Paulding County Codes shall be ascribed their meaning in common usage which provides the most reasonable application.

Airport service function area: Any property subject to an aviation related use, and where aircraft require access to runways, tarmac, or other air operation areas. An airport service function area shall be limited to the space containing the aviation related use and the runway, tarmac, or other air operation area. Airport terminal(s) shall not be included in this definition.

Building footprint: The total area of land covered or occupied by an individual building, including all roofed areas, whether habitable or uninhabitable.

Building height: The vertical distance measured from the lowest minimum habitable floor elevation for which a building permit may be issued to the highest point of the roof structure.

Building trades contractors: Destination-oriented service and subcontractors or construction-type companies, such as plumbing, electrical, roofing, pool construction, etc., for which space requirements are for the most part office and storage, with potentially some showroom area for the display of merchandise.

Development. Any nonagricultural activity that includes any of the following:

- a. Clearing, scraping or removing vegetation from a site;
- b. Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, grubbing, or otherwise significantly disturbing the soils of a site;
- c. Construction, reconstruction, conversion, structure alteration, relocation, enlargement, or change in the use or appearance of any structure or improvement on a site; or
- d. Mining, excavation, landfill, or land disturbance on a site.

The term development shall not include the following:

Work by a highway or road agency, or local government, or railroad company or the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way; or

Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, or water, or sanitary sewer services, for the purpose of inspecting, repairing, renewing or construction on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, poles, tracks, or the like.

Division of land into three or more parcels.

Developments of countywide economic impact: Any development with greater than 250,000 square feet of industrial or distribution center floor area.

Facade: The exterior walls of a building visible to the public, which may or may not include a portion of the roof, and includes design treatments, entryways and the like.

Interior access drive/street: Any vehicular roadway, excluding alleys or driveways, located within the confines of the airport property.

Internal drive aisles or internal driving aisles: Non-dedicated vehicular travel ways with two or fewer through lanes which include driveways, internal connections between buildings and parking areas, and other vehicle lanes internal to a development site.

Metallic materials or colors: Materials or colors having the characteristic, appearance or suggestion of metal.

Non-intuitive circulation scheme: A walkway that is overly complicated or one that does not provide a near direct path between connecting points.

Parapet: A low protective wall at the edge of a terrace, balcony or roof.

Predominant exterior building material: Any exterior building material constituting 30 percent or more of coverage of a building facade.

Predominant exterior building color: Any exterior building color constituting 30 percent or more of coverage of a building facade.

Primary colors: Paints, pigments or materials that are red, yellow, or blue.

Primary facade: Any facade of a building which is adjacent to a public or private street, or vehicular use area, excluding those vehicular use areas primarily intended for service vehicles or employee parking.

Right-of-way or ROW: Any public or private road, access easement intended to provide vehicular access to any lot or development, but excluding any internal driving aisles.

Secondary colors: Colors which are derived from the mixture of any two primary colors.

Storefront: The wood or metal armature of a window or door system, located within a ground-floor opening in the facade of a building.

Vehicular areas: Areas that include parking areas, vehicular circulation drives, and service and loading areas.

Wholesale business: The sale of goods by an individual or firm, usually in large quantities and at lower prices, to another individual or firm for the purpose of resale. A business that sells

goods in large quantities and at lower prices to an individual or firm for personal consumption or even which sells such goods for both personal consumption as well as for resale will be considered a retail business.

(4) Categorization of uses. Any development proposed within the PAMOD district will be assigned to one of the categories listed below to determine which development standards are applicable to that development. If a development contains uses that reasonably may be classified into more than one of the categories listed below, the category that contains the greater impacts and is the most intensive shall be the applicable category. All repair, construction, and manufacturing uses must be conducted in fully enclosed buildings.

- a. Commercial/Retail (CR). This category shall include the following uses: convenience and variety stores; drug and sundry shops; bakeries and coffee shops; restaurants; gift shops and stationary stores; florists, jewelers, and art shops; photocopying shops; sporting goods shops; health and fitness clubs; garden shops; laundromats and dry cleaning facilities; child day care facilities; barbershops or beauty salons; car washes; grocery stores; hotels, motels, and conference centers; automobile rental agencies, (not including camper, trailer, moving trucks or other such vehicle rentals); home hardware stores; apparel and appliance sales and repair stores; auto and truck parts sales and service; gas stations; airport terminals. Multi-use, mixed use, and traditional neighborhood developments are also included in this category. Commercial/retail developments containing 100,000 or more square feet may be granted as a special use by way of special exception as provided in subsection T(e) and article X of the zoning ordinance.
- b. Industrial (I). This category shall include the following uses: building trades contractors; heavy machinery and

equipment sales, service, and rental; lumber and building supply establishments; farm equipment supply establishments; light manufacturing, processing, and assembly (including food processing and packaging); carpentry, cabinet, and machine shops; printing, lithographing, and similar establishments; service establishments catering to industry, telephone exchanges, business machine services; and any other use which by reasonable implication would be similar to one of the other uses listed in this category.

- c. Distribution (D). This category shall include the following uses: warehousing; storage and distribution centers; wholesale businesses: bulk storage of other than flammable liquids; and any other use which by reasonable implication would be similar to one of the other uses listed in this category.
 - d. Office/Governmental/Institutional (O). This category shall include the following uses: post offices; professional services; business services; banks and other financial institutions; vocational, trade, and business schools; colleges and universities; essential and emergency services; telephone call centers; radio and television stations; hospitals; medical and dental clinics; governmental uses; and any other use which by reasonable implication would be similar to one of the other uses listed in this category.
 - e. Aviation and Related Industries (A). This category shall include aircraft hangars and other aviation related uses requiring access to the runways, tarmac, or other air operation areas which fit the definition of an airport service function area, as provided in this section; and any other use which by reasonable implication would be similar to one of the other uses listed in this category.
 - f. Agriculture (AG). This category shall include the following uses: public and private game preserves, fish and wildlife management areas, hatcheries and refuges, parks and open spaces; water conservation areas, reservoirs and control structures, drainage systems and water wells; limited educational facilities such as canoeing, hiking and nature study, and outdoor education; boating, swimming, fishing, diving, water skiing, wading and similar activities; public utility lines; raising of cattle, horses, sheep, swine, or other animals associated with or kept in support of agricultural operations, provided no swine shall be kept within 1,000 feet of a nonagricultural use; raising of poultry; raising of dairy herds and production and processing of dairy products; breeding, training and boarding of animals associated with or kept in support of agricultural operations; barns, workshops and other structures incident to agricultural uses; harvesting, cultivation, processing and sale of crops grown on premises, including silviculture, aquaculture, and harvesting of timber; and any other use which by reasonable implication would be similar to one of the other uses listed in this category.
- (5) Lot sizes. Minimum lot sizes for the district shall be determined by review of the following criteria:
- a. The uses allowed for the subject property under the provisions of the PAMOD district and the future land use map designation of the comprehensive plan and future land use map; and
 - b. The minimum lot size(s) contained in the standards for the other zoning districts in the zoning ordinance that would apply to the allowed or proposed use(s) for the subject property, subject to setbacks, landscaping and buffering, drainage, parking, and all other development standards contained herein.
- (6) Building setbacks. The minimum distance from any structure within the PAMOD district and the boundary of the property on which it is proposed or the ROW, whichever is applicable. These setbacks are based on the compatibility of any structure's proposed use with allowable uses on adjacent properties. The minimum setbacks are based on the underlying zoning district standards for the proposed use. Setbacks may vary due to FAA rules and regulations for development. Structures being used for light manufacturing, processing and assembly, storage and distribution and other similar uses shall be set back a minimum of 500 feet from any residential use and 300 feet from any existing professional service; business service; bank and other financial institution; elementary, middle, or high school; vocational, trade, and business school; college and university; hospital and clinic; governmental use; group home facility, nursing home, and continuing care retirement facility; hotel, motel and conference center. If a proposed use is on a lot or parcel abutting the Paulding County Airport property that constitutes a glide slope, then there shall be no minimum setback width from the Paulding County Airport glide slope property. However, such uses shall, however, be subject to the Airport Overlay District and FAA height restrictions associated with the subject glide slope.
- (7) Landscaping /buffering.
- a. Criteria. Unless otherwise exempt from the provisions of this subsection, any use or development shall be required to plant and maintain the type of landscape buffer required herein between that use or development and the adjacent properties. In order to determine the type of landscape buffer required for a particular use or development, the two

tables below, which provide the landscape buffering standards applicable within the PAMOD district, must be utilized. "N/A" shall indicate that no landscape buffer is required.

Proposed Use	Existing Use							
	AG	R	O	CR	D	I	A	ROW
Agriculture (AG)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Office (O)	A	C	A	A	A	A	A	A
Commercial/Retail (CR)	A	C	A	A	A	A	A	A
Distribution (D)	A	E	C	B	A	A	A	A
Industrial (I)	A	E	C	B	A	A	A	A
Aviation (A)	A	E	D	D	A	A	N/A	A

Note: For residential uses refer to the Paulding County Zoning Ordinance (Article VI Sec. E.) buffer standards. Buffers shall be designed to encourage interconnectivity to the maximum extent possible. Landscape buffers shall be designed to encourage tree groupings adjacent to loading areas to promote vegetative screening.

Buffer Types (Per 100 Linear Feet)

Buffer Types	A	B	C	D	E
Minimum Width in Feet	15'	20'	25'	30'	40'
Minimum # of Tree	4 trees plus 2 accent trees	5 trees plus 2 accent trees	5 trees plus 3 accent trees	10 trees plus 4 accent trees	10 trees plus 6 accent trees
Minimum # of Shrubs	10	15	Single Hedge	Double Hedge	Double Hedge

Where a Type A buffer is required to separate a proposed use from an existing use of equal or greater intensity, the minimum width shall be ten feet. A ROW shall not be considered an existing use of equal or greater intensity. Clustering of vegetation is encouraged in these areas to provide for property interconnects, access drives, and other similar uses.

Exceptions. Use or development of individual lots within a platted subdivision will be required to meet the buffer standards of the zoning ordinance for the zoning category. The community development department director or his/her designee may reduce and/or eliminate the buffer requirement through an administrative variance as long as the adjoining property owner has agreed with the buffer reduction or elimination in writing.

- (8) Structure heights. Heights of structures shall be limited to 60 feet, except that an additional foot of height will be allowed

provided an additional two feet of building setback is provided for every additional foot of height to a maximum of 90 feet. It is recognized that uses that may be desirable for the district may require heights in excess of 90 feet; therefore, additional building height may be granted through the zoning board of appeals per variance application. Note that building and structure heights are also regulated by the Airport Overlay District and the FAA. Residential base zoning districts are subject to the established height restrictions per the zoning ordinance.

- (9) Project entryways. The provisions contained in this subsection apply to developments in categories CR, O, I, D and A.
- a. Design intent/objective. Each development shall provide a visually appealing, well-articulated, identifiable path of entry for pedestrian and vehicular users from the street into the site, and from within the site to the buildings themselves. Landscaping, hardscaping, and building design elements for development site and building entries must work together to create a sense of arrival.
 - b. Criteria. The use of any two of the following items shall fulfill this requirement:
 - Entry markers [Minimum height of five feet and minimum width of two feet].
 - Decorative gates (Decorative shall mean that the gates have additional detailing other than the screen field).
 - Landscape groupings [of three or more trees with a height of 18 feet, and 100 square feet of landscaping around the grouping].
 - Gate house. (Must coincide with architectural standards of primary building(s) and structure(s)).
 - Decorative pavers at entry area with a minimum of width of 15 feet for a minimum length of 25 feet.
 - Decorative entry monument sign [Decorative shall mean that the signage has three dimensional qualities that are greater than six inches and 25 percent of the sign must be dedicated to architectural features].
 - Landscape median divider with a minimum width of eight feet.
 - c. Exceptions. Development of individual lots within a platted subdivision will not be required to meet the project entryway requirements contained in this section.
- (10) Commercial vehicle access. The provisions contained in this subsection apply to developments in categories I, D, and A.
- a. Design intent/objective. All sites shall provide vertical clearance for commercial and service vehicles to enter and load or unload on-site.
 - b. Criteria. The following standards shall apply:
 - A minimum clearance of 14'-0" shall be provided at a minimum of one entry.
- (11) Internal access. The provisions contained in this subsection apply to developments in categories CR, I, D, and O.
- a. Design intent/objective. To provide convenient, safe, and attractive access from within a development for vehicular and pedestrian movement.
 - b. Criteria. The following standards shall apply:
 - Internal street lanes shall be no less than ten feet and no more than 14 feet in width.
 - Streets and sidewalk access shall be provided up to adjacent properties for future connectivity.
- (12) Building placement and orientation. The provisions contained in this subsection apply to developments in the categories as indicated herein.
- a. Design intent/objective. The orientation of a building or structure on a site must not only reflect functional needs, but must also be responsive to the individual parcel's characteristics and sensitive to adjacent land uses and the surrounding community. It is important that the three-dimensional character of each structure be considered as it relates to the specific parcel. Design standards have been created to allow flexibility and functionality for site development of large and small tracts of land.
 - b. Corner lots at the intersection of road ROWs. The provisions contained in this subsection apply to developments in categories CR, I, D, and O.
 - (i) Design intent/objective. These parcels shall be designed to emphasize their location while maintaining safe visibility triangles for ingress and egress. Buildings and structures on corner lots shall be designed with additional

embellishments to emphasize their location as gateways and transition points within the district.

(ii) Inclusion of anyone of the following criteria shall fulfill this requirement:

- Developments or buildings may utilize a corner tower element.

- A landscape mass [minimum four trees of overall height at planting of 18 feet and 100 square feet of landscaping at base of landscape mass] may be planted at the corner to create a landscaped tower. Landscape markers [minimum of four and not less than six feet in height] may be utilized.

A hardscape structure like a trellis or a monument sign with dimensional qualities that are greater than three inches for a minimum of 15 percent of the road faced signage (meeting county standards) located in the corner to create a threshold element, may be incorporated at the corner creating a landmark.

(iii) Exceptions. Development of individual lots within a platted subdivision will not be required to meet the project entryway requirements contained in this section provided further; that each entryway into the platted subdivision provides a gateway feature that meets the design intent/objective and criteria contained in subsection T(g)(9)a. b.

b. Buildings along roads that are within 300 feet of public/private ROW of a street, road, highway, or pedestrian trail. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A.

(i) Design intent/objective. To frame major commercial and industrial roadways, thus creating boulevards and gateways into and out of the community.

(ii) Criteria. The following standards shall apply:

Must provide one additional building design element from the design elements contained in subsection T(g)(37)b.

Must provide additional landscaping along the roadway consisting of a simple hedgerow.

(13) General parking requirements. The provisions contained in this subsection apply to developments in categories CR I, D, O, and A.

a. Design intent/objective. To provide for off-street parking facilities that are attractively designed, well maintained, safe, and unobtrusive to the adjacent properties. The standards for parking are intended to ensure adequate off-street parking and loading facilities are provided for all potential uses. In addition, these standards are intended to ensure off-street parking is designed in a manner that is easily accessible, incorporating barrier free design, and access for emergency vehicles.

b. Conformity to standards. While the parking requirements provided herein are generally consistent with the requirements of the zoning ordinance, changes have been made to more fully respond to specific uses.

c. Applicability. The following standards shall apply to all off-street parking facilities within the PAMOD district. All proposed development shall be evaluated against the parking requirements set forth in this section. References to spaces per square foot are to be computed on the basis of the existing county standards. (Zoning Ordinance).

(i) Minimum and maximum parking and loading calculation. Minimum off-street parking and loading spaces requirements are outlined in article VII of the zoning ordinance. Maximum number of parking spaces for commercial, governmental, and office use shall not exceed 20 percent over the required minimum without an approved variance. Variances shall only be granted through the provision of an increase in landscaping.

(ii) Multiple uses/mixed uses/TND's. Where there is a combination of uses on one lot, the number of required spaces shall be the sum of those required for each use. Fractional parking space requirements shall be rounded up to the closest whole number per each use and then totaled per lot. If the uses do not operate simultaneously, the required number of spaces may be determined by a shared parking analysis provided by the developer.

(iii) On-site maneuvering. All spaces within a parking facility shall be accessible without re-entering the public and non-public ROW.

(iv) Stall striping. All parking and loading areas shall be paved and adequately marked by paint or means integral to the pavement design, or by other methods acceptable to the Paulding County DOT Director.

(v) Large vehicles. Parking areas for oversized (utility, commercial, and recreational type) vehicles shall be sized and configured so that they can be parked and maneuvered without adversely affecting safe vehicular or pedestrian movement.

- (vi) Curbs, overhangs, and wheel stops. The use of continuous concrete curbs with or without curb stops, separating parking areas, shall be required. The two-foot overhang shall not diminish the required landscape setback.
- (vii) Parking area landscaping. Except as otherwise exempt or amended in this section, the provisions of the Paulding County Zoning Ordinance standards (highway overlay district) shall apply to parking area landscaping.
- (viii) Landscape islands. All internal and terminus islands shall be a minimum of ten feet in width and 18 feet in length.
- (ix) Parking lighting. All parking areas shall be illuminated. Such lighting shall not cast glare onto adjacent streets, into the air space above the light fixture with a 90 degree cut off or onto adjacent properties, in accordance with the lighting standards contained herein. Lighting and landscape plans shall coordinate to avoid conflicts.

*Excluding onsite parking when located in an airport service function area. Airport service function areas shall be exempt from this requirement when it is demonstrated that satisfaction of such requirement will interfere with the ability of aircraft to traverse an airport service function area.

The above parking standards may be varied through an administrative variance process with an explanation and documentation that the intent of this ordinance will be upheld.

(14) Specific parking requirements. The provisions contained in this subsection apply to developments in categories as indicated.

- a. Design intent/objective. To create attractive parking areas that can provide convenient and safe movement of vehicular, bicycles and pedestrian traffic.
- b. Parking for multi-use/mixed use occupancy developments. The provisions contained in this subsection apply to developments in categories CR and O. Multi use/Mixed occupancy developments/TND's shall be designed to adhere to the following standards:
 - (i) Parking design (angle of parking) shall be unified except at perimeter areas which may utilize for one row deep a different angle to maximize the parking design of the lot.
 - (ii) All parking lots shall be interconnected.
- c. Parking structures. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A.
 - (i) Design intent/objective. Parking beneath buildings or in parking structures, if proposed, must be carefully integrated into the architectural and landscape design of a development.
 - (ii) Standards. The following design standards shall apply to all above ground parking structures:
 - Corners of the building shall not be open;
 - Decorative metal grille work of similar detailing which provides texture and partially and/or fully covers the parking structure's opening(s);
 - Structure shall be designed so as to be compatible and of equal or greater detail as the primary building that it will serve.
- d. Carport standards. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A.
 - (i) Design intent/objective. Covered parking (carport), if proposed, must be carefully integrated into the design of the building when located within the front of the property.
 - (ii) Standards. The following design standards shall apply to all carports:
 - Roof material and detailing shall be consistent with that of the main building and or utilize a pitched roof system with a minimum of 3/12 pitch.
 - Vertical supports shall be a minimum of six inches.
 - Similar materials/colors and details shall be used on the vertical support structure of the carport as the main building.
 - Must meet base zoning district or low density quality overlay district standards for residential dwellings.

(15) Lighting standards. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A.

- a. Design intent/objective. Lighting shall be designed to provide safe, convenient, and efficient illumination for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for an entire

development site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual appearance of the community or blend into the landscaping.

- b. Shielding standards. Lighting shall be designed so as to prevent direct glare, light spillage and hazardous interference with automotive, aircraft, and pedestrian traffic on adjacent streets, and all adjacent properties and air flight patterns. Lighting shall not exceed a 90 degree cut off.
- c. Fixture height. Lighting fixture shall not exceed a height of 30 feet.
- d. Design standards. Lighting shall be used to accent key architectural elements and/or to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of a development through style, or by blending into the landscape material. Bright colors such as primary and secondary colors including white are prohibited for use for light poles. Raw metal and raw concrete poles are prohibited and must be finished with a coating approved by the community development director.

(16) Service function areas. The provisions contained in this subsection apply to developments in categories CR, I, D, and O.

- a. Design intent/objective. To visually diminish service related functions that may deter from the streetscape, landscape and/or the overall district's image, in a safe and effective manner.
- b. Standard. All service areas shall be screened from public view with a wall and/or landscaping consisting of a minimum Type B buffer with a minimum width of ten feet.

(17) Screening walls and fences. The provisions contained in this subsection apply to developments in categories as indicated.

- a. Design intent/objective. Fencing and screening treatments shall be an integral part of the overall building and landscape design when in view [within 500 feet] from a road ROW. While landscaping may be used as an acceptable screen for passenger vehicles, landscaping alone is not acceptable to screen service equipment when within 100 feet of a road ROW.
- b. Materials and construction. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A.

Screen walls, security fences, and retaining walls shall be constructed of durable materials. The following are acceptable materials for fencing (per community development department approval):

Painted wrought iron or aluminum, split face masonry, plaster coated or textured finished concrete block, tilt-up concrete walls, with a decorative finish, black or dark green vinyl coated chain link within a landscaping buffer of type "A" or better is acceptable.

Bollards may only be used as perimeter fencing provided it is painted dark green or black and is intermixed with a double row landscape hedge.

- c. Prohibited materials.
 - (i) The following materials are prohibited for fencing for developments in categories CR, I, D, O, and A, when such fencing is within 500 feet of a road ROW or pedestrian way:
 - Bare metal chain link.
 - Barbed or razor wire toppings.
 - (ii) The following materials are strictly prohibited:
 - Wood fencing,
 - Bare metal chain link with slats.

*Airport service function areas shall be exempt from this prohibition.

*Barbed or razor wire toppings are not permitted anywhere in this district unless utilized with a prison/jail type of facility, or unless it is barbed wire being used by the Paulding County Airport Authority for an airport service function area, or unless the barbed wire being used for security purposes (for barbed wire being used for security purposes, an applicant for a proposed development shall be required to provide evidence satisfactory to the airport director and planning and zoning manager that the use of barbed wire is necessary for such security purposes and that no other material would suffice).

d. Screen wall placement. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A. Screen walls, fences, and retaining walls shall observe the parking setback requirements along road ROWs. Perimeter landscape requirements remain in effect even within or adjacent to the screened portion of a development along internal property lines.

e. Retaining walls. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A. Retaining walls visible from any road ROW shall not exceed six feet in height. Grade changes that require retaining walls exceeding this height must be terraced with a maximum three-foot clear separation between each wall. The following are acceptable materials for retaining walls (community development department approval must be obtained):

- Split face masonry,
- Plaster coated or textured finished concrete block
- Tilt-up concrete walls, with a decorative finish,
- Landscaping timbers.

(18) Loading and service areas. The provisions contained in this subsection apply to developments in categories CR, L D, O, and A.

a. Design intent/objective. To diminish both the visual and noise pollution that these facilities can create.

b. Criteria. The following standards shall apply:

- Service and loading areas, including overhead doors, shall observe the vehicular area setback requirements.
- When a loading area is facing a road ROW, a landscape buffer, Type B, must be provided.
- Loading areas more than 250 feet from a road ROW may utilize a Type A buffer.
- Service and loading areas shall be designed to accommodate all backing and maneuvering on-site without encroachment into a road travel lane.

(19) Outdoor storage. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A, and shall not apply to temporary outdoor storage, which is outdoor storage that does not exceed 120 days within a calendar year.

a. Design intent/objective. Outdoor storage shall be permitted only when completely screened with 100 percent opacity from eyelevel view or when outside storage areas are more than 500 feet from a road ROW.

b. Screening criteria. See subsection (17) governing screened walls and fences.

c. Commercial vehicles. All commercial/utility vehicles stored on-site must be inside a closed building or within a screened portion of the site. It is understood that complete truck screening is impractical. Partial screening up to the eight foot level is sufficient. See subsection (17) governing screen walls and fences.

Aircraft parking or storage are excluded from this requirement.

(20) Refuse storage and collection areas. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A.

a. Design intent/objective. To provide aesthetically inoffensive and completely screened refuse storage and collection areas.

b. Criteria. The following standards shall apply:

- Refuse storage and collection areas shall be fully enclosed.
- Enclosures shall be constructed and finished to match the primary building's design, and painted the same base color as the main building.
- Enclosures shall be provided with opaque, painted steel, aluminum or wood gates and designed to be subject to abuse without short-term deterioration.

c. Placement. See subsection (17) governing screened walls and fences.

- (21) Mechanical equipment screening. The provisions contained in this subsection apply to developments in categories CR, I, D, O, a
- a. Design intent/objective. Exterior components, whether roof or ground mounted, shall be screened from ground view on all sides by a screening device, such as a screen wall or parapet wall that shall be aesthetically compatible with the design of the building or blend into the landscape.
 - b. Criteria. The following standards shall apply:
 - Equipment screening shall be at least the height of the exterior components to be screened.
 - Equipment screening should occur as monolithic unit(s) versus several small individual screens.

Screens of the same material or cladding of the building directly linked to the building form itself are appropriate screening examples.
 - Expanded metal lath and chain links are not acceptable equipment screening materials. See walls and fences for appropriate screening material based on distance.
 - Roof access ladders shall be located internally on all buildings.
 - c. Screening certification on plans. To ensure that all roof-mounted equipment is screened from public view, such screening shall be illustrated on the elevations by "dotted lines" to show that the parapet wall or other proposed method of screening is effective.
- (22) Utilities and communication devices. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A.
- a. Design intent/objective. The design objectives for utilities are to incorporate utility structures and apparatuses into the parcel/building in a visually unobtrusive manner.
 - b. Criteria. The following standards shall apply:
 - (i) Electrical equipment. Electrical equipment shall be mounted on the interior of a building wherever practical. When interior mounting is not practical, such equipment shall be located along the side or rear of a building shielded from public view with either a wall, landscaping, or by the building itself. Such equipment must be included on the development plans submitted to the county.
 - (ii) Antennae and dishes. Antennas and satellite dishes, if provided, must be shown on the plans submitted to the county. In all cases, these devices are to be located in unobtrusive locations. Ground mounting for satellite dishes is preferred. Where ground mounted, these devices shall be buffered by landscape or screening so as not to be seen.
 - (iii) Transformers. On-site transformers shall be screened from street view with landscape and other materials acceptable to the appropriate utility company. Where at all possible, transformers should be located in a visually unobtrusive portion of the site.
 - (iv) Backflow prevention devices. All backflow prevention devices, including fire sprinkler connections and above grade utility connections, shall be screened by landscaping and painted, when allowed by code, so as to blend in with their adjacent background. Approximate locations for these various elements shall be shown on plans submitted to the county.
 - (v) Fire sprinklers. Fire sprinkler valves, gongs and detector checks shall be placed to visually minimize their presence from view. Approximate locations for these various elements shall be shown on plans submitted to the county for review.
- (23) Environmental control. The provisions contained in this subsection apply to developments in categories CR, I, D, and O.
- a. Design intent/objective. To ensure that non-residential uses within the PAMOD district do not become a nuisance to adjacent properties within or around the PAMOD district.
 - b. Criteria. The following standards shall apply:
 - All non-residential activities shall be performed or carried out entirely within a building or a screened portion of the site so that the operations and uses do not cause or produce nuisances for, or visual distraction to, adjacent uses through noise, air born particles, smell(s), or vibration. This standard shall not apply to excavation activities. This

standard shall not apply to aircraft maintenance and repair activities when such activities take place within the airport service function area.

- The burden shall be on the applicant to clearly demonstrate how a proposed development will comply with this standard. The planning and zoning manager may withhold approval of a development until such time as he/she is satisfied that a proposed use will not create a nuisance.

(24) Pedestrian walkways. The provisions contained in this subsection apply to developments in categories CR, I, and O.

- a. Design intent/objective. All site layouts shall be designed to direct people and vehicles through the site in a safe manner that considers vehicle and pedestrian circulation. Clear, logical, and identifiable circulation paths shall be provided for both vehicles and pedestrians. Non-intuitive circulation schemes and lengthy dead-end parking arrangements will generally not be acceptable. Pedestrian paths shall be provided from the building entry(s) to surrounding streets, external sidewalks, and out parcels. Pedestrian ways shall be clearly defined, separate and apart from vehicular traffic circulation on site. Pedestrian ways shall be designed to provide access between parking and the building entrance(s) in a coordinated and safe manner. Pedestrian ways may be incorporated into a required landscape perimeter buffer, provided said buffer is not less than ten feet in width on average. Shared pedestrian walkways are encouraged between adjacent commercial developments.
- b. Criteria. Each development shall provide a direct pedestrian link onto the site from all pedestrian trail/sidewalk systems. Each link shall meet the following standards:
 - Minimum ratios. Pedestrian ways shall be provided at a minimum ratio of one per vehicular entrance.
 - Minimum dimensions. Pedestrian walkways shall be a minimum five feet wide.
 - Materials. Pedestrian walkways shall be constructed of materials consistent with the Americans with Disabilities Act (ADA) Accessibility Guidelines, Section 4.5, including, specialty pavers, and concrete, colored concrete or stamped pattern concrete.
 - Shade. Pedestrian walkways shall provide intermittent shaded areas when the walkway exceeds 100 linear feet. Shade may consist of canopy trees.
 - Pedestrian crosswalks at building perimeter. Building perimeter crosswalks shall be designed and coordinated to move people safely from building to parking area and vice versa.

(25) Drainage. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A. The provisions contained in this subsection shall not apply, however, to lakes or drainage facilities in existence as of the effective date of the ordinance adopting this subsection that are incorporated as part of a development's stormwater management system.

- a. Design intent/objective. To provide safe and efficient stormwater drainage that blends into the community and serves multiple functions as open space and landscape amenities. Care shall be taken so that these features do not attract wildlife when located in close proximity to aviation use.
- b. Criteria. The following standards shall apply:
 - All stormwater management retention/detention areas, whether wet or dry, greater than five feet in width and longer than 15 feet, shall be designed to appear natural by having offsets in the edge alignment that do not create straight lines and/or hard corners.
 - Landscaping in association with retention/detention areas shall be of plant materials which provide minimal forage value to wildlife. The sides of wet retention ponds shall be sloped so as discourage the establishment of littoral zones.

(26) Landscaping. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A.

- a. Design intent/objective. To provide enhanced landscaping within the vehicular and pedestrian use areas of buildings and developments. Such landscaping is intended to enhance the visual experience of the motoring and pedestrian public, commonly referred to as the "streetscape" while adhering to the purpose and intent set forth in this ordinance. Landscaping should be used to enhance and complement the site design and building.
- b. Criteria. The following standards shall apply:

- All landscaping for parking areas shall comply with the provisions in section (14) and article VII of the zoning ordinance, except as modified herein.
- Trees in vehicular use areas shall be a minimum of ten feet in height with a four-foot spread and a two-inch caliper and shall have a clear trunk area to a height of four feet.
- Shrubs shall be a minimum of 24 inches in height at planting, and spaced 24 inches to 36 inches on center.
- The first row of landscape islands located closest to the building front and sides shall be landscaped with trees, shrubs and groundcover (sod).

*Airport service function areas shall be exempt from any requirement of this subsection when it is demonstrated that satisfaction of such requirement will interfere with the ability of aircraft to traverse an airport service function area.

(27) Building perimeter plantings. The provisions contained in this subsection apply to developments in categories CR, I, O, and A.

- a. Design intent/objective. Perimeter plantings are to be provided around the building to soften the hard lines of the structure with landscaping.
- b. Criteria. The following standards shall apply.
 - Perimeter landscape plantings shall be located adjacent to the primary building façade to the maximum extent possible, including building entrance areas, plazas, and courtyards. These areas shall be landscaped with any combination of trees, shrubs and ground covers (sod).
 - The building perimeter shall be planted in the amount of 100 square feet of planting area per 1,500 square feet of gross building ground floor area. Planting areas shall be raised or ground level and be a minimum of eight feet wide. Seating courtyards, eating areas and plazas may be incorporated within the planting areas.

Excluding the portion of the building(s) consisting of distribution.

Airport service function areas shall be exempt from any requirement of this subsection when it is demonstrated that satisfaction of such requirement will interfere with the ability of aircraft to traverse an airport service function area.

(28) Satellite and outparcel buildings. The provisions contained in this subsection apply to developments in categories CR, I, D, and O.

- a. Design intent/objective. To ensure consistent design among buildings and individual development sites within a project under unified control.
- b. Criteria. Detached and satellite buildings shall, at a minimum share three of the following elements as the main building:
 - Roof material
 - Roof pitch/design
 - Roof color
 - Building wall material
 - Building accent material
 - Same building base color
 - Window design
 - Detail at windows
 - Detail at fascia or parapet
 - Column details
 - Detail at eaves

(29) Building design. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A.

- a. Design intent/objective. Each development typically adopts a design style and modifies it to its own particular needs. A development's appearance must be considered in terms of basic massing, shape and character versus an attempt to mimic a particular style or perceived details and ornaments. Design elements throughout a development must be consistent with the nature of the building materials selected. Building design should endeavor to adhere to the classical principles of design and avoid cliché or garish motifs, while seeking to invoke a "timeless" quality. Green Building design is also an important aspect to the overall design. Leed Green Building standards may be applied.
 - b. Criteria. All primary facades of a building shall be consistent in architectural detailing with respect to architectural design treatments.
- (30) Building massing and form. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A.
- a. Design intent/objective. To enhance the attractiveness of the streetscape and the built environment of the PAMOD district. Buildings shall have design features and patterns that provide visual interest at the scale of the pedestrian and the motorist; reduce massing aesthetic, and be site responsive. Facades shall be articulated to reduce the mass/scale and uniform monolithic appearance of large unadorned walls when in view of the general public, while providing visual interest that will be consistent with the district's vision. Articulation is accomplished by varying the building's mass in height and width so that it appears to be divided into distinct massing elements and details that can be perceived at the scale of the pedestrian and the motorist entering the site. Building massing shall possess a balance in form and composition. Large, flat, non-articulated building elevations or long undifferentiated walls are not permitted.
 - b. Criteria. Exterior facades shall comply with the following standards:
 - No horizontal length or uninterrupted curve of a building facade shall exceed 100 linear feet. For buildings with arcades, no horizontal length or uninterrupted curve of a building facade shall exceed 120 feet, varied lengths are desirable. Projections and recesses shall have a minimum depth of three feet with 25 percent of these having a varied length with a minimum differential of one foot.
 - Exterior wall planes shall not constitute more than 50 percent of each affected ground floor facade. The wall plane shall be measured at one foot off the exterior wall surface on each side of the wall.
 - Primary facades on the ground floor shall have features along a minimum of 50 percent of their horizontal length per affected side and may include: arcades, minimum of eight feet clear in width; display windows; entry areas; or other such devices. Awnings are excluded from this calculation unless associated with windows/doors and are in increments of ten feet or less.

These requirements are only required when the building is within 500 feet of a road ROW.

Airport service function areas shall be exempt from this provision.

Metal, stucco, efis are only allowed as accent material and requires planning and zoning division approval.

- (31) Building entrances. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A.
- a. Design intent/objective. To ensure that a structure's design clearly indicates the primary building entrance. Primary building entrances should be obvious. A clearly defined primary pedestrian entry linking to an enhanced hardscaped foreground is required for each building. Entrances are to be integrated into a comprehensive design style for the development. Entryway design elements and variations are intended to give orientation and protection from the elements.
 - b. Building orientation. The principal public entrance shall face the primary collector or arterial street when the property is situated along a road ROW. Additional entrances and windows adjacent to additional abutting rights-of-way or adjacent buildings are encouraged.
 - c. Consistency. Design features used to emphasize building entrances require integration into the overall building design. Elements that appear "tacked on" will not be approved. A tacked on element shall be defined as an element without a minimum dimension of two feet from the adjacent facade.
 - d. Configuration. A relationship between the site and each building shall be firmly established. Site features that create a link to the building and develop a sense of place must be integrated into every development. Appropriate examples include:

- Entry areas differentiated by enhanced hardscape areas, framed by special planters and plantings, trellised entry courts, and/or architectural building forms.
- Recesses and overhands appropriate to the specifics of the site.
- Clear linkage to the pedestrian sidewalk system is required.

Inappropriate examples include:

- A primary building entry served solely by a narrow sidewalk that can only be reached by walking between a row of parked cars.
- A primary building entry as a non-recessed doorway within a glass wall.
- An entry into which a narrow walkway abruptly dead-ends.

- (32) Building materials and colors. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A, and as otherwise noted.
- a. Design intent/objective. To provide aesthetically pleasing building exteriors. Colors and materials can contribute significantly to the visual impact of a building in either a positive or negative way. Material and colors shall be well designed and integrated into a comprehensive design style for the building. Exterior materials selected for a building should be consistently applied or linked throughout a specific development including auxiliary structures.
 - b. Exterior building materials standards. The provisions contained in this subsection apply to exterior building materials standards for developments in categories CR, I, D, O, and A.
 - (i) Predominant exterior building materials shall include, but are not limited to:
 - Brick;
 - Tinted, textured, other than smooth or ribbed, concrete masonry units;
 - Stucco, efis as an accent only per planning and zoning division approval;
 - Vinyl as an accent only per planning and zoning division approval;
 - Wood (wood exterior components must have planning and zoning approval);
 - Stone; and
 - Tilt up walls.
 - (ii) Predominant exterior building materials that are prohibited include:
 - Plastic siding;
 - Wall tile;
 - Metal
 - Smooth or rib faced concrete block; and
 - GLASS BOXES: Monolithic glazing may be used in special applications, but should be avoided as a singular design theme. Nonarticulated "Glass Box" designs will not be allowed.
 - (iii) Metal airport buildings, hangars and accessory structures as allowed only with approval of the airport authority.
 - c. Predominant exterior colors. The provisions contained in this subsection apply to predominant exterior colors for developments in categories CR, I, D, O, and A.
 - (i) Design intent/objective. Building colors should reflect or complement the natural background environment. Colors should blend, rather than clash, with this natural setting. Good design will provide the quality and character of the buildings; therefore, it should not be necessary to have colors provide identification or dominance.
 - (ii) Criteria. The following standards shall apply:

- The use of primary and secondary metallic, bright orange, pink, lime green, bright yellow, purple, violet, black, or florescent colors is prohibited as the predominant building color(s).
- Building trim and accent areas may feature any color(s), limited to ten percent of the affected facade segment, with a maximum trim height of 24 inches total for its shortest distance.
- Neon or neon type tubing shall be prohibited on the outside of the building or used to outline windows or doors openings.

(33) Roof design. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A.

- a. Design intent/objective. Roof features should be in scale with the building's mass and complement the character of adjoining and/or adjacent buildings and neighborhoods. Variations in rooflines shall be used to add interest to, and reduce the massing of buildings.
- b. Roofing material shall be of durable, high quality construction and material to enhance the appearance and attractiveness of the district.
- c. Criteria. To fulfill this objective, roofs shall incorporate least three of the following criteria:
 - Parapets that conceal flat roofs;
 - Overhanging eaves that are greater than 1' -6" where overhanging eaves are used;
 - Fascia of eight inches or greater where overhanging eaves are used;
 - Three or more roof slope planes;
 - Tile roof;
 - Metal roof;
 - Combination of roofs (i.e.. flat and a pitched roof);
 - A tower element;
 - Dormer;
 - Copula element;
 - Covered entry projection;
 - Clear story element(s);
 - More than five changes in the roof height;
 - Decorative cornice or banding greater than six inches in width; or
 - Awnings.

Airport service function areas shall be exempt from this provision.

(34) Roof edge and parapet treatment. The provisions contained in this subsection apply to developments in categories CR, I, D, and O.

- a. Design intent/objective. To add variety to a development by providing for variations in the edge of the roof condition.
- b. Criteria. To meet this objective, the roof edge and or parapet shall, at a minimum of two locations, have a vertical change from the dominant roof condition for a minimum of three feet. At least one location of such change shall be located on a primary facade adjacent to a collector or arterial right-of-way.

(35) Prohibited roof types and material/s. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A.

- a. Design intent/objective. To create a minimum standard for the roof materials in the district.
- b. The following of types and materials are prohibited:
 - Asphalt shingles, except laminated, 320 pound, 30 year architectural grade asphalt shingles or better;

- Roofs pitches of less than 2:12 without a parapet wall on three sides;
- Backlit awnings used as a mansard or roof.

Airport service function areas shall be exempt from this provision.

(36) Wall openings and attachments. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A.

- a. Design intent/objective. Openings must be carefully composed to complement a building's basic solid massing.
- b. Criteria. The following standards shall apply:
 - (i) Openings. Windows, doors, arcades and other openings in the façade shall be squared or vertical in proportion. Arched windows shall be approved as a window or door type provided they are square or vertical in their overall proportions. A minimum of 15 percent of an elevation width facing a ROW shall provide some form of openings unless a buffer or berm covers the area.
 - (ii) Shutters. Shutters shall be sized and shaped to match the opening to which they are attached.
 - (iii) Awnings. Awnings shall not have a bottom soffit panel nor shall they be backlit. Awnings shall be sized to match the window or door openings to which they correspond, and shall not extend more than one foot on either side of the opening, or the outer and inner edge of the building. Finally, awnings shall not be used at the corner of buildings to transition from one façade to the next.

(37) Overall project standard. The provisions contained in this subsection apply to developments in categories CR, I, D, O, and A.

- a. Design intent/objective. To provide minimum standards for the overall design of developments in the PAMOD district.
- b. Design elements. The elements listed below are to be integral parts of the building's exterior facade and shall be integrated into the overall design style. These elements shall not be superficially applied trim, graphics, or paint. CR or O uses must incorporate a minimum of four from the list below, while I, D, and A uses must provide a minimum of three from the list below.
 - Decorative landscape planters or planting areas, a minimum of five (5) feet wide and ten feet long located within 50 feet of the entry of the building;
 - Canopies or porticos, integrated with the building's massing and style;
 - Overhangs (minimum of 1' 6");
 - Arcades, minimum of eight feet clear in width;
 - Sculptured artwork;
 - Raised cornice parapet over door;
 - Shutters;
 - Awnings;
 - Peaked roof forms;
 - Arches;
 - Water element(s), 150 square feet minimum area;
 - Ornamental and structural details, other than cornice; which is integrated into the building structure and overall design;
 - Exterior window trim or detail;
 - Clock or bell towers;
 - Integration of specialty pavers, or stamped concrete along the building's walkway. Said treatment shall constitute a minimum of 60 percent of walkway area;
 - Banding;

- Expression of architectural or structural, through a change in plane no less than 12 inches in width, such as a reveal, an offset, or a projecting rib;
- Pattern change;
- Color change;
- Texture change;
- Material module change;

(38) Blank wall areas. The provisions contained in this subsection apply to developments in categories CR I, D, O, and A.

- a. Design intent/objective. To provide options to reduce the impact of large walls which, if left blank, detract from a site's appearance.
- b. Treatment options. When a blank wall greater than 20 feet in the vertical direction and 20 feet in horizontal direction is located adjacent to a road ROW, one of the following options must provided:
 - A Type B buffer in front of the wall to mitigate its impact on the district.
 - Additional design elements as approved by the planning and zoning division manager which break up the wall including landscape material.
- c. Exceptions. Development of individual lots within a platted subdivision will not be required to meet the blank wall area treatment requirements contained in this section, provided the platted subdivision contains a perimeter screen around the entire perimeter of the subdivision.

(39) Miscellaneous structures. The provisions contained in this subsection apply to developments in all categories, as applicable.

- a. Outside play structures. Outside play structures not associated with a public type park shall not exceed 50 percent of coverage along the affected facade. No portion of any play structure located between the front building line and any adjacent ROW shall exceed a height of 12 feet. In all other cases, no portion of any play structure shall exceed a maximum height of 16 feet.
- b. Drive through windows. Drive through windows and lanes are prohibited from being placed between a primary collector or arterial and the associated building, unless a Type B landscape buffer is installed and maintained along the entire length of the drive through lane, between the drive through lane and the adjacent ROW, or a permanent covered structure, other than awning/canvas type structure(s) extending the width of the drive and covering the service window(s), which is integrated structurally and architecturally into the design and massing of the building.

(40) Reserved.

(41) Internal and road access management. The provisions contained in this subsection apply to developments in categories as indicated.

- a. Design intent/objective. To create a functional transportation system within the district and to raise the design standard to the median acceptable use which is safe for vehicular as well as pedestrian traffic.
- b. Road access management. The provisions contained in this subsection apply to road access management for developments in categories CR, I, D, O, and A.
 - (i) Criteria. Any development shall provide minimal curb cuts on the roads while providing shared access to adjacent properties when possible. Taxiways for aeronautical uses are exempt from these standards. New roads in the district meeting a collector standard shall be a divided roadway with a raised landscape median no less than 12 feet in width. All streets, as defined in the Paulding County Comprehensive Transportation Plan and Paulding County Development Regulations, must adhere to these plans.

(h) Site plan approval process for developments within the district. Except for the changes noted below. Development proposals within the PAMOD district shall be subject to the provisions set forth by the Paulding County Development Regulations and Zoning Ordinance.

(1) The thresholds for development requiring site plan review and approval are as follows:

- a. No plan review is required of residential developments of three lots or less.
- b. Any new building additions or expansion of less than 2,500 square feet. (Larger additions may be exempt from the

plan review process with approval of the community development director or his/her designee.

- (2) Status of site plan approvals. When rendering a decision on a site plan, the county shall attach appropriate conditions of approval based on federal, state or local requirements, regulations, statutes, laws, codes or ordinances or comprehensive plans.
- a. Preliminary site plan approval shall be valid for a period of 24 months from the date of issuance of such approval and within which application for final approval must be filed with the community development department. A one-time extension of 12 months may be granted by the community development director upon filing such request in writing a minimum of one month prior to the expiration date of the preliminary plans.
 - b. Final site plan approval shall be valid for a period of 24 months from the issuance of such approval. A one-time extension of 12 months may be granted by the community development director upon filing such request in writing a minimum of one month prior to the expiration date.
- (i) *Temporary or seasonal sales.* Temporary or seasonal sales are allowed along the highway corridor on a case-by-case basis for a maximum of four-times per year with written approval from the director of community development for a maximum of 30 days. Request for temporary or seasonal sales shall be made in writing accompanied by a recorded plat of the site and written permission by the property owner to the director of community development. A Paulding County business license is required of all approved temporary or seasonal sales.
- (j) *Severability.* If any subsection, sentence, clause, phrase, or portion of these sections of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not effect the validity of the remainder of this ordinance and shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Note— Reserved. This portion (Exhibit B) of the Paulding Airport Master Overlay District (PAMOD) is reserved for photographic and/or other visual aids or schematics, which are intended to demonstrate overlay designs and standards.

(Res. No. 08-25, § 1(Exh. A), 9-23-2008; Res. No. 10-07, § 6, 5-25-2010)

Sec. U. - Paulding County Airport Overlay District.

Purpose and intent. The purpose and intent of the Paulding County Airport Overlay District is to reduce the potential for airport hazards, based on the following findings:

1. An airport hazard endangers the lives and property of users of landing fields and property or occupants in the vicinity of landing fields within Paulding County.
2. An airport hazard of the obstructive nature in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of an airport and the public investment therein.
3. The creation or establishment of an airport hazard is a public nuisance and detrimental to the region served by the airport affected.
4. It is necessary to prevent the creation or establishment of airport hazards in order to protect the public health, safety, and general welfare, and to promote the most appropriate use of land.

In order to carry out the purpose and intent of the Paulding County Airport Overlay District, the following development standards shall apply to the described conical areas, approach areas and accident potential zones indicated on the official Paulding County Zoning Map.

The following subsections provide additional specific detail concerning safe airport operations and use of surrounding properties.

Applicability. The Paulding County Airport Overlay District applies to the Paulding County Airport in Paulding County, Georgia.

Airspace and accident potential areas. In order to carry out the purpose and intent of the Paulding County Airport Overlay District as set forth above, and to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from airports within Paulding County, the following air space and land use safety areas are established.

1. Conical Area (CA): The conical area is all that land which lies directly under an imaginary three-dimensional surface (the conical surface) extending outward from the primary surface at an elevation of 35 feet above the elevation of the centerline

of the runway for a distance of 3,500 feet. The conical surface continues upward and outward at a slope of one vertical foot for every 100 horizontal feet for a horizontal distance of 30,000 feet as measured radially outward from the edge of the primary surface.

2. Approach Area (AA): The approach area is all that land which lies directly under an imaginary trapezoid-shaped approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is the same width and elevation as the end of the primary surface. The approach area extends outward from the ends of the primary surface a minimum of 10,000 feet.
 - a. For those runways 10,000 feet or less in length the approach area expands uniformly to a width of:
 - i. Four thousand feet for existing or planned precision instrument runways or nonprecision instrument runways having visibility minimums as low as $\frac{3}{4}$ of a statute mile.
 - ii. Three thousand five hundred feet for existing or planned nonprecision instrument runways having visibility minimums greater than $\frac{3}{4}$ of a statute mile.
 - iii. Two thousand five hundred feet for existing or planned visual runways other than utility.
 - iv. Two thousand two hundred fifty feet for existing or planned visual utility runways.
3. Accident Potential Zone A (APZ-"A"): Accident Potential Zone "A" is all land in that portion of the approach area of the runway as defined hereinabove which extends outward from the end of the primary surface a distance equal to $\frac{1}{3}$ of the existing or planned length of the runway.
4. Accident Potential Zone B (APZ-"B"): Accident Potential Zone "B" is all land in that portion of the approach area of a runway as defined hereinabove which extends outward from Accident Potential Zone "A" a distance equal to $\frac{2}{3}$ of the existing or planned length of the runway.

General use restrictions.

1. No use shall be made of any land in the conical area defined hereinabove that would cause any one of the following circumstances.
 - a. The use creates or causes interference with the operations of radio or electronic facilities at the airport or with radio or electronic communications between airport and aircraft.
 - b. The use makes it difficult for pilots to distinguish between airport lights and other lights.
 - c. The use results in glare in the eyes of pilots using the airports.
 - d. The use impairs visibility in the vicinity of the airport.
 - e. The use endangers the landing, taking off, or maneuvering of aircraft.
 - f. The use creates a bird attractant that, in the opinion of the airport, could interfere with aircraft operations.
2. The following restrictions also apply:
 - a. Paulding County Airport: Prior to development or issuance of a building permit in any of the airspace and/or Accident Potential Areas defined herein, the awarding of an aviation easement by the property owner(s) to the appropriate airport(s) shall be required and recorded with the Paulding County Clerk of Court's Office.
 - b. In all cases, the filing of an FAA Form 7460-1 with the FAA Southeast Region may also be required by the airport(s), based on the overall height, location, and/or nature of the proposed construction as directed by CFR Part 77.13.

Height restrictions. Structures or vegetation may not be constructed, altered, maintained, or allowed to grow in any air space area as described hereinabove so as to project above the conical surface. The following items are exempt from this provision.

1. Any structure or object that would be shielded by existing permanent structures or by natural terrain or topographic features of equal or greater height.
2. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Federal Aviation Administration, or an appropriate military service at military airports, with a fixed location and height.
3. Incinerator(s) and/or associated structure(s) owned and/or operated by a municipal corporation or political subdivision, either individually or jointly.
4. Structures necessary and incidental to airport operations.

Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail. No structure shall be erected so high as to increase the Federal Aviation Administration landing and/or approach and/or departure minimums for aircraft using the runways of the affected airports, unless the airport operator approves of such action.

Administrative height exception. The Director of the Paulding County Airport may administratively grant height exceptions after review of a proposal under the following:

1. A finding by the Director of the Paulding County Airport that the structure will not exceed specifications identified in the Federal Aviation Regulations, Part 77 (Objects Affecting Navigable Airspace).

Approach Areas (AA). Building permits will not be issued until the final site development plans have been approved. Such approval may include requirements to mitigate impacts of the project and to ensure that the standards of the zone are upheld. The Director of the Paulding County Airport at his/her option may require approval of site development plans consistent with the procedural requirements for residential or non-residential development application as set forth by the Paulding County Development Regulations.

Accident Potential Zone A (APZ-"A"). Within areas designated as Accident Potential Zone "A" no buildings or premises shall be used nor any building or structure be erected or altered unless otherwise provided in this ordinance except for one or more of the following uses when allowed in the underlying zone.

1. Warehousing/self storage facility including building(s) for commercial storage of personal property.
2. Outdoor storage of equipment, automobiles, machinery, building materials, and contractor's equipment storage yards.
3. Cemetery.
4. Nursery.
5. General agricultural use except feed lots or other agricultural uses which attract substantial quantities of birds.
6. Public utility local distribution or transmission facilities necessary for public service.
7. Maintenance and repair facility.
8. Open storage area for commercial storage of personal property such as boats and travel trailers.
9. Auto wrecking, junk, and salvage yard.
10. Rail or trucking freight terminal.

Accident Potential Zone B (APZ-"B"). The following uses are specifically prohibited in Accident Potential Zone "B".

1.	Child day-care center	9.	Manufactured home park
2.	Church	10.	Motel
3.	Community residential facility	11.	Nursing home
4.	Community treatment facility	12.	Participant sports and recreation
5.	Family day-care provider	13.	Recreational vehicle park
6.	Heliport or helipad	14.	School
7.	Hospital	15.	Spectator sports facility
8.	Hotel	16.	Theater

Substantial Noise Impact Areas (Ldn-65).

1. Substantial Noise Impact Areas are defined as those areas where it has been determined that existing or potential noise

levels exceed 65 Ldn (day-night average sound level). The official Paulding County Zoning Map shall show where substantial noise impact areas occur or are anticipated and shall be amended when conditions change or as new information becomes available.

2. In areas where substantial noise impacts exist, as shown on the official Paulding County Zoning Map, the following uses are prohibited.

a.	Church	g.	Library
b.	Child day-care center	h.	Manufactured home park
c.	Community residential facility	i.	Nursing home
d.	Community treatment facility	j.	Residential subdivision
e.	Family day-care provider		
f.	Hospital	k.	School

Note— Reserved. This portion (Exhibit B) of the Paulding Airport Master Overlay District (PAMOD) is reserved for photographic and/or other visual aids or schematics, which are intended to demonstrate overlay designs and standards.

(Res. No. 08-25, § 1(Exh. A), 9-23-2008)

Sec. V. - R-55 active adult residential district.

(1) *Purpose and intent.* The active adult residential district (R-55) is intended for single-family detached, cottage style attached and/or multifamily residential uses of a medium density on land served by a sanitary sewage system. R-55 is designed to serve the housing needs of senior residents who are 55 years of age and older. R-55 is appropriate in the community residential character area of the Future Development Map of the Paulding County, Georgia, 2017 Comprehensive Plan.

(2) *Permitted uses.* Within the R-55 zoning district, the following uses are permitted:

- (a) Single-family detached dwellings with a minimum of 1,100 square feet of heated area required.
- (b) Attached cottage dwellings with a minimum of 1,000 square feet of heated area required.
- (c) Retirement community (independent living) of three or more units, including, but not limited to, apartment buildings with the following amount of heated area:
 - 1. One bedroom units, 1,000 square feet;
 - 2. Two bedroom units, 1,200 square feet;
 - 3. Three bedroom units, 1,400 square feet.

(3) *Lot size, area, and setback requirements.*

(a) Single-family detached dwellings:

1. Minimum tract size:	5 acres
2. Maximum density:	5 units per acre
3. Minimum lot size:	4,800 square feet
4. Minimum lot width at building line:	40 feet

5. Minimum front yard setback:	5 feet, except front-facing garages shall be setback a minimum of 15 feet
6. Minimum side yard setback:	5 feet
7. Minimum rear yard setback:	25 feet
8. Maximum building height:	2 stories

(b) Attached cottage dwellings:

1. Minimum tract size:	5 acres
2. Maximum density:	5 units per acre
3. Minimum public road frontage:	50 feet or 50-foot access easement to public road
4. Minimum lot area:	No minimum
5. Minimum lot size:	No minimum
6. Minimum unit width:	28 feet
7. Internal yard requirements:	A 20-foot grassed or landscape strip shall be located between all buildings and a 10-foot grassed or landscaped strip shall be provided between all buildings and interior driveways/streets
8. Overall front setback:	20 feet
9. Overall side setback:	20 feet
10. Overall rear setback:	25 feet
11. Maximum building height:	2 stories

(c) Retirement community (independent living):

1. Minimum tract size:	15 acres
2. Maximum density:	5 units per acre
3. Minimum public road frontage:	50 feet or 50-foot access easement to public road
4. Minimum lot width at building line:	125 feet

5. Overall front yard setback:	35 feet
6. Overall side yard setback:	25 feet
7. Overall rear yard setback:	25 feet
8. Maximum building height:	3 stories

(4) *Architectural and landscape standards.*

- (a) All single-family detached and attached cottage dwellings shall contain a master bedroom and bath on the main floor. Second story living square footage may not exceed 50 percent of the main level heated square footage.
- (b) All single-family detached and attached cottage dwellings shall contain an attached garage. A minimum of two parking spaces per unit is required. The parking spaces must be in the driveway or the garage. All dwellings must have a double-car garage.
- (c) All dwellings shall incorporate the following accessibility standards:
 - 1. Step free easy access to the dwelling unit.
 - 2. Easy passage feature requiring clear passage doorways 32 inches wide for easy passage to all living spaces throughout the dwelling.
 - 3. Easy step free access to the bedroom, bathroom, kitchen and gathering area on the main floor.
- (d) Buildings shall be constructed of traditional design with brick, stone or fiber cement siding, shakes or shingles on the exterior. Vinyl accessories and trim are allowed. No vinyl siding is not permitted.
- (e) All grassed areas shall be sodded; excluding natural and landscaped areas unless otherwise specified.
- (f) In single-family detached and attached cottage dwelling developments at least one two-inch caliper street tree shall be planted along the road frontage per lot.
- (g) Projects must incorporate an area designated as common space or recreational space.
- (h) Structure over two stories are required to have elevators.

(5) *Public improvement standards .*

- (a) Single-family detached and attached cottage dwellings.
 - i. All streets should be designed to general layout requirements for local streets as defined in the development regulations.
 - ii. Streetlights shall be provided on all streets.
 - iii. Sidewalks shall be provided on at least one side of each street.
 - iv. Utilities shall be placed underground.
 - v. Water and sewer utilities shall be located in street rights-of-ways or easements located at the outer edge of street right-of-way.
- (b) Retirement community (independent living).
 - i. Streetlights shall be provided.
 - ii. Sidewalks on at least one side of each residential street and entrance drive shall be provided.
 - iii. Utilities shall be placed underground.
 - iv. All internal water and sanitary sewer systems shall be privately maintained with a master meter located on county right-of-way near the entrance to the development.

(6) *Mandatory homeowner's association for single-family and cottage attached developments .* The R-55 district shall require a mandatory homeowners association. The association shall publish and adhere to policies and procedures that demonstrate that the community is intended to provide housing for persons 55 and over including maintaining surveys or affidavits verifying

compliance with 55 and older occupancy requirements as permitted by 42 U.S.C. section 3607(b)(2)(c) of the Federal Fair Housing Act. The association shall also include declarations and bylaws including rules and regulations, which at a minimum shall regulate and control the following:

- (a) Restriction on homes being occupied, with at least 80 percent of the occupied units occupied by at least one resident who is age 55 or older.
 - (b) Restrictions on single-family detached and attached cottage residential use only and leasing of units. No more than ten percent of the total units may be leased by individual owners at any one time.
 - (c) Exterior items such as fences, lawn ornaments and restrictions on removal of landscaped areas and buffers.
 - (d) Maintenance of private streets, detention ponds, common areas and entrance features.
- (7) *Off-street parking.* See article VII of this ordinance.
- (8) *Required buffers.* See article VI, sec. E. of this ordinance.
- (9) *Sign regulations.* See chapter 67 of the Code of Ordinances.

(Res. No. 18-29, § 3(Exh. A), 6-26-2018)

ARTICLE IX - LAND USE PERMITS

A land use permit is hereby defined and required for those uses which can ordinarily be carried on out of a residence and lot or other structure without having any significant effect on the neighborhood or area from which such land use is carried on. For example: concrete figurine sales where a single operator is involved; sale of crafts or other items made by the resident; other like and similar uses of a limited nature which are carried on by those who regularly occupy the household and which are not a permissible use as a home occupation.

Sec. A. - Granting of land use permits.

- (1) The board of commissioners is hereby authorized to grant land use permits for businesses compatible with the neighborhood from which such business or occupation is operated and where no nuisance as defined in Georgia law or other significant adverse effect would result to the area or district zoned. Also, the board of commissioners may grant land use permits in commercial areas for structures to be used for dwelling purposes by the proprietor or manager of the commercial use.

Sec. B. - Application procedures and considerations.

- (1) An application for a land use permit shall be submitted on forms provided by the planning and zoning division as provided for in this ordinance, and shall be advertised in the same manner as applications for rezoning. Public hearings will be held in the same manner as applications for rezoning are conducted. All applications shall be accompanied by an application fee as established by the board of commissioners.
- (2) In no event shall the governing authority grant a land use permit for a period of time in excess of 24 months except on re-application, re-advertisement, and public hearing.
- (3) The applicant or operator must reside full time at the residence where the land use permit is granted if the property is located in a platted subdivision.
- (4) If the application is for use of a portion of a business for residential use, the proprietor or landlord must reside thereon.
- (5) The governing authority shall consider, at a minimum, the following in its determination of whether or not to grant a land use permit:
 - (a) Safety, health, welfare and moral concerns involving the surrounding neighborhood;
 - (b) Parking and traffic considerations;
 - (c) Number of non-related employees;
 - (d) Number of commercial and business deliveries;
 - (e) The impact of the business on the surrounding neighborhood as it relates to increased noise, traffic, pollution, safety, and general welfare of the area;
 - (f) Whether the proposed business is compatible with existing conditions in the neighborhood;
 - (g) The hours of operation;

- (h) Existing business uses in the vicinity;
- (i) Circumstances surrounding neighborhood complaints;
- (j) Type of use and intensity of proposed business; and
- (k) Location of use within the neighborhood.

ARTICLE X - SPECIAL USE PERMITS

Within the unincorporated areas of Paulding County, no building, premises, or land shall be used for any of the following uses which may cause objectionable conditions including, but not limited to, noise, vibrations, smoke, gas, fumes, odors, dust, fire hazards, or other objectionable conditions unless the proposed location, construction, and operation of said use shall be found to be not unduly injurious to surrounding developments or to the community in general based upon the standards and criteria set forth in this ordinance, after a study by the Paulding County Planning Commission and approval from the Paulding County Board of Commissioners. In addition to the standards and criteria, all requests for any uses shown as objectionable uses herein shall obtain a favorable report from the Paulding County Fire Department that the proposed use will be safe and a recommendations from the Paulding County Health Department that the proposed use is acceptable according to state health department guidelines.

The planning commission and board of commissioners shall give careful consideration to the reasonably foreseeable negative effects upon and risks to the environment and public health and safety for a use or facility that is, or would be, located within a significant groundwater recharge area, wetland, or water supply watershed. The planning commission and board of commissioners may request such studies and investigations at the cost of the applicant as the planning commission and board of commissioners may deem necessary to make such determination. Furthermore, the planning commission and board of commissioners may, upon approval of a special use permit, require other such terms and conditions as deemed necessary to protect the environment, public health, safety and welfare.

Sec. A. - Requirement of special use permit for certain activities, applications; evaluation; issuance.

- (1) Uses controlled in this article are prohibited unless an approval for a special use permit has been granted by the board of commissioners after a recommendation by the planning commission based on requirements of this chapter and all other applicable provisions of this ordinance.
- (2) An application for a special use permit shall be submitted on forms provided by the planning and zoning division as provided for in this ordinance, and shall be advertised in the same manner as applications for rezoning. Public hearings will be held in the same manner as applications for rezoning are conducted. All request shall be accompanied by the application fee as established by the board of commissioners, as well as, plats and all data specified by the special use permit application form.
- (3) The board of commissioners may grant special use permits for any period of time at the discretion of the governing authority.
- (4) In addition to general zoning district requirements, the governing authority of Paulding County shall consider, at a minimum, the following in its determination of whether or not to grant a special use permit:
 - (a) Whether or not there will be a significant adverse effect on the neighborhood or an area in which the proposed use will be located.
 - (b) Whether or not the use is otherwise compatible with the area.
 - (c) Whether or not the use proposed will result in a nuisance pursuant to O.C.G.A. § 41-1-2.
 - (d) Whether or not quiet enjoyment of surrounding property will be adversely affected.
 - (e) Whether or not adequate provisions are made for parking and traffic considerations.
 - (f) Whether or not the site or intensity of the use is appropriate.
 - (g) Whether or not special or unique conditions overcome the governing authority's general presumption that residential neighborhoods should not allow non-compatible business uses.
 - (h) Whether or not adequate provisions are made regarding hours of operation.
 - (i) Whether or not adequate controls and limits are placed on commercial and business deliveries.
 - (j) Whether or not adequate landscape plans are incorporated to insure appropriate transition.
 - (k) Whether or not the public health, safety, welfare, or moral concerns of the surrounding area will be adversely affected.
 - (l) Whether or not the use shall be consistent with the comprehensive plan for the area.

- (m) Whether or not the proposed use is able to be served by adequate public utilities.
 - (n) Whether or not adequate traffic routes and entrances must be established, including consideration of the deterioration of the existing roadway, expenditure of public funds to maintain roadways, adequacy and safety of road intersections, road widths on roads within and leading to the property, pavement conditions (material, thickness, age, etc.) width and length of property boundaries at road access areas and type of vehicles that may be used at the property.
- (5) Each special use permit shall contain such terms and conditions as are deemed necessary by the board of commissioners to protect the environment, public health, and safety, and welfare. The board of commissioners may require such testing and construction supervision as it deems necessary to protect the environment and public health and safety.

Sec. B. - Uses which require a special use permit.

The following are classified as uses which require a special use permit under the zoning category as stated herein:

- (1) *Special use permits within any zoning district.* Unless already specified as a permitted use within a particular district, the following uses may be permitted in any zoning district with a special use permit approved in accordance with this section where such use is in general conformance with the comprehensive plan for the area in question; provided that the said use should not adversely affect health and safety of persons residing or working in the area of the proposed use or be detrimental or injurious to property or improvements in the vicinity, and provided further that all applicable requirements of these zoning regulations shall be complied with:
- (a) Cemeteries.
 - (b) Churches on tracts less than five contiguous acres and other places of worship with attendant educational and recreational buildings provided that such structures shall be set back 50 feet from the front and rear property lines and 25 feet from the side property lines.
 - (c) Breeding, boarding kennels, commercial and/or private kennels, provided all outdoor runs, fences, and related building/structures shall be located no less than 200 feet from the side and rear property lines and 300 feet from the front property line.
 - (d) Landscaping nurseries (wholesale), green houses (wholesale), provided structures shall be located no closer than 50 feet to the side and rear property lines and 100 feet to the front property line.
 - (e) Parks, playgrounds, golf courses, swimming pools, gardens, and similar public recreational facilities provided all buildings for such proposed use are located a minimum of 50 feet from any property line.
 - (f) Raising of exotic and/or wild animals provided structures for animals shall be located no less than 200 feet from the side and rear property lines and 300 feet from the front property line.
 - (g) Telecommunication towers in accordance with the adopted ordinance for tele-communication antennae and towers.
 - (h) Sand dredging subject to applicable permits from the state and county.
 - (i) Family personal care home, group home, group personal care home, and congregate personal care home (minimum three acre lot size).
 - (j) Recreational vehicle parks and campgrounds subject to the following:
 - 1. General requirements. A recreational vehicle park or campground shall meet the following general requirements:
 - a. It shall be primarily for recreational use by persons with transportable recreational housing, with appropriate accessory uses and structures.
 - b. The land on which it is developed shall be under unified control and shall be planned and developed as a whole in a single development operation or programmed series of development operations for recreational vehicles and related uses and facilities. Subsequent subdivision of lots or conveyance of sites to individual owners by any means is prohibited.
 - c. The principal and accessory uses and structures shall be substantially related to the character of the development in the context of the district of which it is a part.
 - d. The park shall be developed according to comprehensive and detailed plans that include streets, utilities, lots, and building sites.
 - e. The park shall have a program for provision, maintenance, and operation of all areas, improvements, and facilities for the common use of all or some of the occupants of the park, but will not be provided, operated

- or maintained at general public expense.
- f. A 100-foot buffer shall be maintained along the perimeter of the park.
 - g. Continuous parking for RV's and tent sites shall be restricted to a period of no more than 14 days.
 - h. All recreational vehicle parks and campgrounds shall meet the requirements of the "Rules of Department of Human Resources Tourist Accommodations" as now or hereafter amended.
2. Allowable uses. The allowable uses in a recreational vehicle park include the following:
- a. Recreational vehicles.
 - b. Tent camping.
 - c. Convenience establishments for the sale or rental of supplies or for provision of services, for the satisfaction of daily or frequent needs of campers, within the park may be permitted. These establishments may provide groceries, ice, sundries, bait, fishing equipment, self-service laundry equipment, bottled gas, and other similar items needed by users of the park. These establishments shall be designed to serve only the needs of the campers within the park and shall not, including their parking areas, occupy more than five percent of the area of the park, and shall not be located as to attract patronage from outside the grounds, nor have the adverse effects on surrounding land uses.
3. Site design requirements. The following site design requirements shall be met:
- a. The minimum land area for a recreational vehicle park shall be eight acres.
 - b. The maximum density for a recreational vehicle park shall be six spaces per gross acre. Storage spaces shall be included in the density calculation.
 - c. Individual spaces shall take access to internal streets and shall not take direct access to adjoining public rights-of-way.
 - d. Access to the recreational vehicle park shall be from a collector or arterial roadway.
 - e. Internal streets (minimum 20 feet in accordance with the "Rules of Department of Human Resources Tourist Accommodations") shall provide safe and convenient access to spaces and appropriate park facilities. Alignment and gradient shall be properly adapted to topography. Construction and maintenance shall provide a well-drained surface that is of adequate width to accommodate anticipated traffic.
 - f. Camping spaces shall be so located in relation to internal streets as to provide for convenient vehicular ingress and egress if the space is intended for use by wheeled units. Where back-in or back-out spaces are used, appropriate maneuvering rooms shall be provided in the adjacent internal street and within the space.
 - g. Where spaces are to be used exclusively for erection of tents on the ground, provision for vehicular access onto such spaces shall not be required, but parking areas shall be located within 100 feet, except in circumstances in which providing such vehicular accessibility would result in excessive destruction of trees or other vegetation, or where it would be impractical to provide such parking areas within such distances for particularly desirable campsites.
 - h. Spaces shall be so related to pedestrian ways and principal destinations within the park as to provide for convenient pedestrian access to such destinations by the pedestrian systems.
 - i. No minimum dimensions are specified for spaces, but each shall provide the clearances specified herein, and the boundaries of each space shall be clearly indicated.
 - j. RV sites shall be at least 20 feet apart, edge to edge, and the center of all camping units shall be at least 30 feet from the edge of the campground road.
 - k. In relation to toilet, washroom, and bath facilities, spaces for RV units shall be located in accordance with the "Rules of Department of Human Resources Tourist Accommodations."
4. All proposed and required water sources and sanitary facilities serving parks for recreational vehicles shall conform with the requirements of the Georgia Department of Human Resources, Public Health Division, and the Georgia Department of Natural Resources Water Supply Section, as appropriate.
- a. Water supply: Each campground shall have access to a source of potable water approved by the applicable health authority. It is preferable to provide one water outlet per camping unit; however, a minimum of one outlet for every two units shall be provided with two hose bibs equipped with vacuum breakers. Each unit

shall have access to water within 50 feet of and RV pad. All water taps or outlets serving campsites shall be of a type compatible with garden hoses connections. The location of water outlets and electrical outlets shall be in accordance with applicable standards specified by the state electrical codes.

- b. Sewage disposal: Sewage disposal shall be in accordance with the "Rules of the Department of Human Resources Tourist Accommodations."
 - c. Solid waste disposal: All parks shall provide fly-proof, watertight, rodent-proof containers for the disposal of refuse. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse for camping areas shall be collected at least once a week.
5. Any other requirements as may be deemed necessary by the Paulding County Planning Commission or Board of Commissioners as part of the special use permit public hearing process.
- (2) *Special use permits within any A-1, R-2, zoning district.* The following uses may be permitted in an A-1, R-2, zoning district with a special use permit approval in accordance with this section where such use is in general conformance with the comprehensive plan for the area in question; provided that the said use will not adversely affect the health and safety of persons residing or working in the area of the proposed use or be detrimental or injurious to property or improvements in the vicinity, and provided further that all applicable requirements of these zoning regulations shall be complied with:
- (a) Guest house as accessory building provided it is limited to one such structure per lot and will not include manufactured, mobile or modular structures. The minimum lot size requirement is two acres total for the primary residence and the guest house. The guest house is subject to the following, at minimum:
 1. It shall have a minimum heated floor area of 800 square feet.
 2. It shall have a septic system approval by state environmental health.
 3. It shall be used by a bona fide non-paying guest or relative of the occupants of the principal residence, and shall not be rented or leased.
 4. It shall not be sold as a separate unit from the principal residence.
 5. Off-street parking shall be provided in accordance with this ordinance.
 6. All applicable building, electrical, HVAC, plumbing, and septic permits shall be obtained after approval of the special use permit.
- (3) *Special use permits within any R-4 or O-I zoning district.* The following use may be permitted in an R-4 or O-I zoning district with a special use permit approval in accordance with this section where such use is in general conformance with the comprehensive plan for the area in question; provided that the said use will not adversely affect health and safety of persons residing or working in the area of the proposed use or be detrimental or injurious to property or improvements in the vicinity, and provided further that all applicable requirements of these zoning regulations shall be complied with:
- (a) Group home, congregate group home.
 - (b) Homeless shelter.
- (4) *Special use permits within any non-residential zoning district.* The following uses may be permitted in any non-residential zoning district with a special use permit approval in accordance with this section where such use is in general conformance with the comprehensive plan for the area in question; provided that the said use should not adversely affect the health and safety of persons residing or working in the area of the proposed use or be detrimental or injurious to property or improvements in the vicinity, and provided further that all applicable requirements of these zoning regulations shall be complied with:
- (a) Race tracks (including drag strips).
 - (b) Rifle, pistol, and skeet ranges.
 - (c) Heliports.
- (5) *Special use permits within a B-2 highway business zoning district.* The following uses may be permitted in a B-2 highway business zoning district with a special use permit approval in accordance with this section where such use is in general conformance with the comprehensive plan for the area in question; provided that the said use should not adversely affect the health and safety of persons residing or working in the area of the proposed use or be detrimental or injurious to property or improvements in the vicinity, and provided further that all applicable requirements of these zoning regulations shall be complied with:

- (a) Adult entertainment establishments per adopted county ordinance.
 - (b) Automobile and cattle auctions.
 - (c) Bus stations.
 - (d) Contractor's offices with outdoor storage of equipment or materials, provided the storage of equipment areas are enclosed with a solid wall or fence at least six feet in height.
 - (e) Drive-in theaters, provided that the screen is so arranged that no portion of the projection surface is visible from public roads or highways.
 - (f) Extended stay hotel/motel.
 - (g) Manufactured housing and truck sales and service facilities.
 - (f) Nightclubs.
 - (g) Outdoor amusement enterprises.
 - (h) Pawn shops, subject to applicable permitting.
 - (i) Self-storage (mini-warehouse) facilities with accompanying residence manager living quarters.
 - (j) Temporary impound lot.
- (6) *Special use permits within an I-2 heavy industrial zoning district.* The following uses may be permitted in an I-2 heavy industrial zoning district with a special use permit approval in accordance with this section where such use is in general conformance with the comprehensive plan for the area in question; provided that the said use should not adversely affect the health and safety of persons residing or working in the area of the proposed use or be detrimental or injurious to property or improvements in the vicinity, and provided further that all applicable requirements of these zoning regulations shall be complied with:
- (a) Acid manufacture; hydrochloric, nitric, picric, sulfuric and like acids.
 - (b) Airports and landing fields.
 - (c) Animal or food processing plants, including, but not limited to poultry, veal or beef.
 - (d) Asphalt manufacture or refining; or asphalt plant.
 - (e) Cement, cement products, concrete, clay products, lime, gypsum, brick, tile, or plaster manufacture.
 - (f) Chemical and pharmaceutical products manufacture or storage in bulk.
 - (g) Distillation of bones, coal, petroleum, animal refuse, grain, tar and wood.
 - (h) Explosives, including but not limited to fireworks, manufacture or storage in bulk.
 - (i) Fertilizer manufacture.
 - (j) Gas manufacture or storage in bulk, including but not limited to propane, chlorine or other toxic, noxious, or pyrophoric gases.
 - (k) Glue or gelatin manufacture.
 - (l) Grain elevators or commercial feed mills.
 - (m) Incinerators, commercial, including but not limited to those handling garbage and medical waste.
 - (n) Landfills, including but not limited to sanitary landfills.
 - (o) Paint, oil, shellac, turpentine or varnish manufacture.
 - (p) Mineral/rock extraction, including but not limited to quarrying stone, crushing and mining.
 - (q) Paper and pulp mills.
 - (r) Petroleum or its related products manufacture, storage in bulk or wholesaling; refining.
 - (s) Refining or manufacture of tallow, grease or lard from or of animal fat.
 - (t) Rendering plants.
 - (u) Rock or gravel distribution, storage or excavation.
 - (v) Slaughter of animals, commercial.
 - (w) Stock yards for animals or other uses; livestock sales pavilions.
 - (x) Tanning, curing or storage of raw hides or skins.

- (y) Other similar uses, due to their impact on air and water quality, use of hazardous materials, tendency to emit excessive le vibration, odor, smoke, particulate matter, fumes, and/or radiation, or due to other reasons, are deemed by the planning to appeal to the board of commissioners, to be an impact to the public health, safety or welfare.
- (7) The following uses may be permitted in an I-2 zoning district with a special use permit approved by the board of commissioners subject to the additional requirements specified below.
- (a) Automobile salvage yard or parts yard.
 - (b) Junk yard, salvage yard, used metal storage yard; used building material salvage or storage yard, equipment salvage or storage yard, and metal processing (new or used).
 - (c) Steel mill; foundry or forging of iron, steel, brass, copper and other metals; smelting of metal ores, including but not limited to tin, copper, zinc or iron; metal processing of any kind, new or used.
 - (d) Any other operation which, in the opinion of the board of commissioners or the planning commission, is similar in operation or appearance to the above listed uses.
 - (e) All uses specified in (a) through (d) above shall be conducted in strict compliance with the following regulations:
 - 1. The minimum land area shall be ten acres; provided that the board of commissioners may authorize less area if all other provisions of this section and the zoning ordinance are observed and a smaller area would best serve the public interest.
 - 2. The uses shall be completely enclosed, and not visible from a public street, by a solid fence of wood or masonry wall, with necessary gates for ingress and egress, and such fencing/wall shall be not less than eight feet in height measured from the grade at the structure; provided that a steel mesh fence may be substituted for a solid fence on the rear of the use and up to the rear three-fourths of the side of the use when the use abuts either an industrial park development, any class of business district, or undeveloped suburban or urban fringe residential district, provided that at any time residential development occurs within 100 feet of said use, a solid fence as provided in this section shall be installed by the operator of the special use permit. Provided, however, nothing in this section shall be construed as permitting any portion of the use to be seen from a public street or road. Fencing and access gates shall be set back a minimum of 50 feet from the right-of-way along public streets.
 - 3. Buffers shall be provided as required in article VI, sec. E, outside the fence or wall.
 - 4. All uses shall be located on well drained areas; provided that no drainage channel or watercourse shall traverse storage and dismantling operations areas; provided further that all drainage channels terminating in public watercourses or public waters shall be constructed in accordance to the specifications provided by the county engineer, state environmental health department, and other agencies as required. Furthermore, all uses involving dismantling or storage of any products subject to the emission of petroleum products, or other poisonous or obnoxious substance, onto the ground, or other product which may in any manner encourage the harboring or collecting of obnoxious or poisonous wastes or vermin, shall be prohibited within 100 feet of the centerline of any watercourse or tributary, or as otherwise more stringently regulated by applicable state or federal regulations.
 - 5. Non-conformance. For purposes of this section there shall be three classifications of non-conformance: (a) a non-conforming operation in a non-conforming location (i.e., an operation which does not follow the provisions of this zoning ordinance, and which is not a permitted use in the zoning district where located); (b) a conforming operation in a non-conforming location (i.e., same as (a) above except the operation of said yard is in conformance with said regulations); (c) a non-conforming operation in a conforming location (i.e., a permitted use within the district where situated, but not operating in accordance with the provisions of said regulations).
 - (a) Non-conforming operation in non-conforming location. The amortization period for any establishment covered by this ordinance which is non-conforming both in operation and location is three years from the date of passage of this ordinance; the owners or operators shall utilize this three-year period to conform to these regulations or remove said operations from said district; provided that whenever an owner or representative of a non-conforming use in a zoning district applies for and is granted favorable zoning (I-2 with special use permit), such person shall have a period not to exceed three months to bring the operation or establishment into complete conformity with the provisions of this ordinance.
 - (b) Conforming operating in non-conforming location. The amortization period for any establishment covered by this section which conforms to the provisions of this ordinance, but is not a permitted use within the

district in which said operation or establishment is situated, is three years from the date of passage of this amendment; provided, however, whenever an owner or representative of said conforming use in a non-conforming location applies for and is granted favorable zoning (I-2 with special use permit), such person shall have a period not to exceed three months after said rezoning becomes effective to bring the operation or establishment into complete conformity with the provisions of this ordinance.

(c) Non-conforming operation in conforming location. The owner or operator of a non-conforming establishment which is a permitted use within the zoning district in which such operation is situated is allowed three months from the date of passage of this amendment to bring said operation into conformance with the provisions of this ordinance or such non-conforming operation shall be declared a nuisance.

6. Time limit for special use permit approvals. The approval for a special use permit under this section will expire and be void after two years from the date of issuance by the permit by the county unless a final inspection has been made and the operation is in conformance with the provisions of this ordinance.

(8) *Off-street parking*: See article VII of this ordinance.

(9) *Sign regulations*: See article XII of this ordinance.

ARTICLE XI - DETERMINATION OF UNCLASSIFIED USES

Sec. A. - Procedure; criteria.

In the event an applicant wishes to use property for a use which is not specifically identified under inherent uses, or uses allowed with the approval of a special use permit, and where such use is not specifically prohibited from the district, the following provisions shall apply:

- (1) The applicant shall submit to the community development director a written request for a determination of the unclassified use.
 - (a) The planning staff shall review the request as submitted and determine if the proposed use is of a similar character to the district in which it is proposed.
 - (b) If the planning staff determines that the use is of a similar character and meets the intent of the uses permitted inherently within the district, they shall instruct the county planner to allow said use.
 - (c) In the event the planning staff determines the proposed use in the district is consistent with the character and intent of a special use permit within the district, then the applicant shall apply for a special use permit subject to approval in the normal manner.
- (2) If the planning staff is unable to make the determination within 14 days or the applicant chooses to appeal the staff decision, the following procedure shall apply:
 - (a) The county planner shall submit to the planning commission and county attorney a written request for a determination of the unclassified use at the next regular scheduled planning commission meeting.
 - (b) The planning commission and county attorney shall review the request as submitted and determine if the proposed use is of a similar character to the district in which it is proposed.
 - (c) If the planning commission and county attorney determine that the use is of a similar character and meets the intent of the uses permitted inherently within the district, they shall instruct the county planner to allow said use.
 - (d) In the event the planning commission and county attorney determine the proposed use in the district is consistent with the character and intent of a special use permit within the district, then the applicant shall apply for a special use permit subject to approval in the normal manner.
- (3) In no event shall the provisions of this article be used to allow an incompatible use or a use specifically prohibited by this ordinance within a certain zoning district.
- (4) Once a use has been allowed or disallowed by the planning commission and or planning staff, it shall then be considered classified under the appropriate category in the district.

ARTICLE XII. - RESERVED

Editor's note— Res. No. 17-37, § 1, adopted Nov. 14, 2017, repealed Art. XII, §§ A—CC, which pertained to signs and derived from Res. No. 10-07, § 7, 5-25-2010. For current provisions, see Chapter 67.

ARTICLE XIII - C-O, CORRIDOR OVERLAY DISTRICT

Sec. A. - Purpose, intent and authority.

- (1) *Statement of purpose.* It is the purpose of this district to establish standards for the design of sites, buildings, structures, plantings, signs, street hardware and such other improvements that are visible to the public and affect the physical development of land within certain designated transportation corridors.

The following standards shall be considered in evaluating projects proposed within the corridor overlay district.

- (a) All structures will be evaluated on the overall appearance of the project and shall be based on the quality of its design and its relationship to the surrounding area.
 - (b) The quality of design goes beyond the materials of construction to include scale, mass, color, proportion, and compatibility with adjoining developments.
 - (c) Colors shall be harmonious and only the use of compatible accents shall be permitted.
 - (d) Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
 - (e) Any design in which the structure frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
 - (f) Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.
- (2) *Statement of intent.* These standards are intended to promote high quality creative development that will combine imagination, innovation and variety in the appearance of buildings and sites in the overlay zone. These standards are further intended to preserve and enhance property values and to promote the public health, safety and welfare by providing for consistent, and coordinated treatment of the property encompassed by the selected transportation corridors.

Originally, a public meeting was held on March 18, 2004 in an effort to seek citizen preference regarding current growth and development patterns in Paulding County. An additional public hearing was held for this amendment on January 24, 2006. Public information was obtained in 2004 through a visual preference survey (VPS). The survey allowed citizens an opportunity to state whether they liked a photo of a development or disliked it based on design standards. Those citizens that provided input through the VPS expressed an interest in promoting developments that will allow Paulding County to grow in positive, sustainable patterns. These standards include regulatory control and design of building development and materials, parking areas, signage, transportation (pedestrian and vehicular), greenspace and trees/vegetation.

- (3) *Authority.* Authority underlying creation of the corridor overlay zones district is provided for in O.C.G.A. § 36-66-2, Section 11 of the Paulding County Enabling Legislation and the Paulding County Code of Ordinances, 2003 Zoning Ordinance, article XV (now to be renumbered as article XVI).
- (4) *Statement of significance.*
 - (a) State Route 120 (Marietta Highway) traverses the County from the east to the southwest providing access to Cobb County and Haralson County. State Route 120 (Marietta Highway) is a divided, four-lane with median from the Cobb County line to its intersection and convergence with U. S. Highway 278. For initial purposes, only the portion of Marietta Highway from the Cobb County line to the intersection with Highway 278 was included in the corridor overlay zone. Marietta Highway is considered by the Paulding County Comprehensive Plan and associated future land use map to be one of the county's primary commercial corridors. Future development of this highly visible corridor will dramatically change the image of Paulding County. With this amendment, the remaining portion of State Route 120, traversing to the west from US 278 through to the Haralson County line shall be included as a transportation corridor in order to create continuity with the other portions of State Route 120.
 - (b) Bill Carruth Parkway f/k/a West Hiram Parkway is located in the east-central portion of the county, west of the City of Hiram.

The Parkway begins at the intersection of Marietta Highway with U. S. Highway 278 and extends southward until it intersects with State Route 92 (Hiram-Douglasville Highway), south of Hiram. The highway serves as both connector and bypass route. Bill Carruth Parkway is expected to continue to have significant development over the next five years. This development will change the suburban character of the corridor into a more intense urban environment. The impact of new development upon this corridor will create a setting that commands the highest standards of development which encourage efficient use of land, promote coordinated development, permit innovative site designs, establish development standards and preserve the integrity of the roadways within this corridor.

- (c) In addition thereto, State Route 92 and State Route 61 traverse the county from Douglasville to Acworth and Villa Rica to Cartersville, respectively. Both State Routes are heavily traveled and are the sites of varied new developments. The introduction of the corridor overlay district will encourage the development in this area to project a uniform, high-quality appearance.
- (d) US Highway 278 is the most heavily traveled roadway in Paulding County, and is one of only two four-lane highways in the county. It traverses the county from Powder Springs in Cobb County to Rockmart in Polk County. US 278 travels through the county's current commercial center, Hiram. As US 278 is considered by the Paulding County Comprehensive Plan and associated future land use map to be one of the county's primary commercial corridors, future development of this highly visible corridor will dramatically change the image of Paulding County.
- (e) The East Hiram Parkway is a proposed highway corridor which will begin at the terminus of the Bill Carruth Parkway and continue through the eastern portion of Paulding County. The highway serves as both connector and bypass route. East Hiram Parkway is expected to have significant development over the next five years. This development will change the suburban character of the corridor into a more intense urban environment. The impact of new development upon this corridor will create a setting that commands the highest standards of development which encourage efficient use of land, promote coordinated development, permit innovative site designs, establish development standards and preserve the integrity of the roadways within this corridor.
- (f) In addition thereto, all state routes in the county are designated as commercial areas in the future land use map and comprehensive plan. Paulding County does not have interstate access and therefore, the state routes remain the only other viable commercial corridors. Thus, it is important that these areas develop in a consistent manner to ensure the highest standards of development which encourage efficient use of land, promote coordinated development, permit innovative site designs, establish development standards and preserve the integrity of the roadways within this corridor.
- (g) In recent years, Ridge Road has emerged as a mixed use corridor in the New Georgia area with commercial and residential developments throughout the length of the thruway. Ridge Road extends from State Route 92 to State Route 61. As Ridge Road continues to develop, it will be important to ensure continuity with design, quality, workmanship and materials in order to complete a visually pleasing development area.
- (h) Finally, the airport access road will serve as the gateway to the newly constructed Paulding County General Aviation Airport.
- (i) Based upon the data set forth above, the transportation corridors subject to these provisions are as follows:
 - 1. State Route 101 and State Route 113
 - 2. State Route 120 a/k/a Buchanan Highway
 - 3. State Route 120 a/k/a Marietta Highway
 - 4. State Route 120 Connector a/k/a Scoggins Road and Hiram Sudie Road
 - 5. US Highway 278
 - 6. State Route 61 a/k/a Cartersville Highway and Villa Rica Highway
 - 7. State Route 92 a/k/a Hiram-Acworth Highway, Hiram-Douglasville Highway and Dallas-Acworth Highway
 - 8. East Hiram Parkway
 - 9. Bill Carruth Parkway (West Hiram Parkway)
 - 10. Business Route SR 6 a/k/a Atlanta Highway
 - 11. Macland Road, including State Route 360
 - 12. Dallas-Acworth Highway f/k/a/ State Route 381
 - 13. Ridge Road
 - 14. Access Road to the Paulding County General Aviation Airport, to be located off US 278

(5) *Title.* This portion of the zoning ordinance shall be known as the corridor overlay district of the County of Paulding.

Sec. B. - Boundaries.

- (1) *General provisions.* The boundaries of the roadways set forth are located on either side of the centerline of the roadway and incorporate any parcel of land with right-of-way frontage on or that is visible from the highway corridor.
- (2) Roadways named. The transportation corridors subject to these provisions are as follows:
 1. State Route 101 and State Route 113
 2. State Route 120 a/k/a Buchanan Highway
 3. State Route 120 a/k/a Marietta Highway a/k/a Charles Hardy Parkway
 4. State Route 120 Connector a/k/a Scoggins Road and Hiram Sudie Road
 5. US Highway 278
 6. State Route 61 a/k/a Cartersville Highway and Villa Rica Highway
 7. State Route 92 a/k/a Hiram-Acworth Highway, Hiram-Douglasville Highway and Dallas-Acworth Highway
 8. East Hiram Parkway
 9. Bill Carruth Parkway (West Hiram Parkway)
 10. Business Route SR 6 a/k/a Atlanta Highway
 11. Macland Road, including State Route 360
 12. Dallas-Acworth Highway f/k/a/ State Route 381
 13. Ridge Road
 14. Access Road to the Paulding County General Aviation Airport, to be located off US 278

For the purposes of this ordinance herein, these roadways and areas shall be collectively set forth as the "transportation corridors" in all definitions and sections herein below.

Sec. C. - Community development department approval.

Approval by the community development department shall be required for any proposed or revised development plan or structure or structural alteration in the corridor overlay district. Community development department approval of the architectural design, landscaping, sewerage, drainage, parking, signage, lighting and access to the property shall be necessary prior to: (1) the establishment of any use of the land; (2) the issuance of any improvement location permit; (3) the erection, construction or structural alteration of any building(s) in the transportation corridors as part of the corridor overlay district; or (4) modification or revision of any site development plan. (Access to the property and sewerage service shall also require approval from the appropriate department or agency including the Paulding County Department of Transportation, Paulding County Water & Sewer System Department, the Georgia Department of Transportation), and the Georgia Department of Environmental Health.

The community development department, in reviewing applications, shall examine factors concerning the site, site plan, and the surrounding area, which include but are not limited to the following items:

- (1) Topography;
- (2) Zoning on site;
- (3) Surrounding zoning and existing land use;
- (4) Streets, curbs, gutters, and sidewalks;
- (5) Access to public streets;
- (6) Driveway and curb cut locations in relation to other sites;
- (7) General vehicular and pedestrian traffic;
- (8) Internal site circulation including connectivity with adjoining parcels and developments;
- (9) Special and general easements for public or private use;
- (10) On-site and off-site surface and subsurface storm and water drainage;
- (11) On-site and off-site utilities;

- (12) The means and impact of sanitary sewage disposal and water supply technique;
- (13) Dedication of Paulding County approved streets and right-of-way;
- (14) Protective restrictions or covenants and/or recorded commitments;
- (15) Outdoor storage areas;
- (16) Provisions for adequate and acceptable setbacks, lighting, signage, screening, landscaping, and compatibility with existing platted residential use; and
- (17) Effects the proposed project may have on the entire corridor overlay district.

In addition thereto, the community development department, at its discretion, may request and require architectural drawings which are to be stamped/certified by a professional architect and/or specific engineering plans, stamped by a professional engineer, for any and all buildings, outparcels or other such aspects of the site as the department may deem necessary for its review of the application and development plans and proposal.

Sec. D. - Building design standards.

(1) *Architectural design requirements/non-residential.*

- (a) Exterior metal walls shall be prohibited on all buildings erected, constructed, altered, repaired or used in this overlay zone, which abut, are adjacent to or are visible to the transportation corridors.
- (b) Building facades may be constructed from masonry or glass, as defined below, or other materials or products which provide the same desired stability and quality. Products other than those listed below must be approved by the community development department. (Please note: The building facades also includes all building sides which are visible from a highway corridor).
 - 1. Masonry construction: Which shall include all masonry construction that is composed of solid, faced, or veneered-wall construction with standard brick size (excluding masonry boards and cinder blocks, unless otherwise approved by the community development department).
 - (i) Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard or durable all weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable.
 - (ii) Brick material used for masonry construction shall be composed of hard fired (Kiln-fired) all weather standard size brick or other all weather facing brick.
 - 2. Glass walls: Which shall include glass curtain walls or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries no floor or roof loads, and which may consist of a combination of metal, glass and other surfacing materials supported in a metal framework.
 - 3. Wood construction.
- (c) The materials and finishes of exposed roofs shall compliment those used for the exterior walls. Exposed roofs shall be defined as that portion of a roof visible from ground level of the corridor or any adjacent public thoroughfare or residentially zoned or used area.
- (d) Roof mounted equipment on exposed roofs shall be screened from view. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.
- (e) All building mechanical and electrical equipment located adjacent to the building and visible from a public thoroughfare or a residentially zoned or used area shall be screened from view. Such screens and enclosures shall be treated as an integral element of the building's appearance.
- (f) The exposed walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition; free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked or otherwise deteriorated shall be refinished, repainted or replaced.
- (g) Refuse and waste removal areas, loading berths, service yards, storage yards, and exterior work areas shall be screened from view from public ways.

(2) *Relationship of buildings to site.*

- (a) The site shall be planned to accomplish a desirable transition with the streetscape and provide for adequate planting, safe

pedestrian movement, and parking area.

- (b) Site planning in which setbacks and yards are in excess zoning restrictions is encouraged to provide an interesting relationship between buildings.
 - (c) Parking areas shall be treated with decorative elements, buildings wall extensions, plantings, berms, or other innovative means so as to attractively landscape and/or screen parking areas from view public ways.
 - (d) Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
 - (e) Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
- (3) *Minimum building height.*
- (a) All transportation corridors: All uses shall have a minimum building height of 14 feet with a minimum of 12 feet to the lowest eaves for a building with a gable, hip, or gambrel roof.

Sec. E. - Reserved.

Editor's note— Res. No. 10-07, § 8, adopted May 25, 2010, repealed in its entirety § E, which pertained to signage standards. This section bore no history note. This section was subsequently repealed by Res. No. 17-37, § 2, adopted Nov. 14, 2017.

Sec. F. - Landscaping plan.

- (1) A landscaping plan shall be submitted to the community development department for their approval at the same time other plans (i.e. architectural design, lighting, parking, signage, and site plans) are submitted to Paulding County Plan Review. This plan shall be drawn to scale, including dimensions and distance, shall delineate all existing and proposed structures, private parking areas, walks, ramps for handicapped, terraces, driveways, signs, lighting standards, steps and other similar structures; and shall delineate the location, size, and description of all landscape materials. Landscape treatment for plazas, roads, paths, service and private parking areas shall be designed as an integral and coordinated part of the landscape plan for the entire lot. Additional information may be requested by the community development department for the filing of landscaping plans.
- (2) *Areas to be landscaped.*
 - (a) Greenbelt. (Non-residential) The greenbelt (located on the front-side of buildings) shall be suitably landscaped and shall be otherwise unoccupied except for steps, walks, terraces, driveways, lighting standards, and other similar structures, but excluding private parking areas. The greenbelt shall be a minimum of ten feet wide. Mounding and other innovative treatments are to be especially encouraged in this area.

(Residential) The greenbelt shall include a 20-foot landscaped strip along the site's frontage along the corridor and other public roads excluding curb-cut right(s)-of-way. Landscaping shall include evergreen trees, other acceptable vegetative material, berms, or a combination thereof.
 - (b) Peripheral planting. There shall be peripheral landscaping strip, four feet in depth, located along the side of any private parking area which abuts any front, side or rear property line.
 - (c) Planting within parking lots. All parking lot landscaping shall be a quality to improve and enhance the site and its surrounding area. Effective use of mounding and existing topography is encouraged. Landscaping and planting areas shall be reasonably dispersed throughout the parking area, and not less than five percent of a private parking lot shall be landscaped. (For purposes of this computation, landscaping in: (1) the greenbelt; (adjacent to buildings;) and (2) on the periphery of the lot shall not be included.) Landscaping shall be specifically provided at the ends of parking rows and as a means of separating parking from major circulation isles within lots.
- (3) *Landscaping standards.*
 - (a) The interior dimensions, specifications and design of any planting area or planting medium proposed to be constructed shall be sufficient to protect the landscaping materials planted therein and to provide for proper growth.
 - (b) Primary landscaping materials used in the greenbelt and adjacent to buildings shall consist of one or a combination of the following: shade trees, ornamental trees, shrubs, ground covers, grass, mulches, etc.
 - (c) The primary landscaping materials used in and around private parking areas shall be trees, which provide shade at maturity. Shrubbery, hedges, and other planting material may be used to compliment tree landscaping, but shall not be the sole contribution to the landscaping.

- (d) All shade trees proposed to be used in accordance with any landscaping plan shall be a minimum of eight feet in overall height minimum trunk diameter, 12 inches above the ground of two inches upon planting. They should be of a variety which will attain mature spread greater than 20 feet. The types of trees shall be those specified in the buffer sections of the zoning ordinance—section E, (4) Standards, (l).
 - (e) Landscaping materials selected should be appropriate to local growing and climatic conditions. Wherever appropriate existing trees should be conserved and integrated into the landscaping plan. Plant material shall be selected for interest in its structure, texture, color and for its ultimate growth. Indigenous and other hardy plants that are harmonious to the design, and of good appearance shall be used.
 - (f) The landscaping plan shall ensure that sight distances are not obstructed for drivers of motor vehicles.
 - (g) Where natural or existing topography patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography shall be permitted where it contributes to good appearance.
 - (h) Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
 - (i) Landscape treatment shall be provided to enhance architectural features, strengthening vistas and important axis, and provide shade. Spectacular effects shall be reserved for special locations only.
 - (j) Unity of designs shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
 - (k) In locations where plants will be susceptible to injury by pedestrians or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.
 - (l) Where building sites limit planting, the placement of trees in parkways or paved areas is encouraged.
 - (m) Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of these. Screening shall be equally effective in winter and summer.
 - (n) In areas where general planting will not prosper, other materials such as fences, walls, and pavings of wood, brick, stone, gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.
 - (o) Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be good, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.
 - (p) Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to site, landscape, buildings and signs.
- (4) *Landscaping installation and maintenance.*
- (a) Installation. All landscaping required by the approved landscaping plan shall be installed prior to the issuance of a building certificate of occupancy permit if said permit is issued during a planting season, or within six months of the date an occupancy permit is issued during a non-planting season. If not planted, a bond shall be required for plantings for a period of one year (12-months) from date of certificate of occupancy.
 - (b) Maintenance. It shall be the responsibility of the owners and their agencies to insure proper maintenance of the landscaping, in accordance with the standards set by this ordinance and as indicated on the landscaping plan, which has been approved by the community development department. This is to include, but not limited to, replaced dead plantings with identical varieties or a suitable substitute, and keeping the area free of refuse and debris.
 - (c) Changes after approval. No landscaping which has been approved by the community development department may later be altered, eliminated, or sacrificed, without first obtaining further approval from the community development department.
 - (d) Inspection. The community development department shall have the authority to visit any lot within the corridor overlay zone to inspect the landscaping and check it against the approved plan on file.

Sec. G. - Sidewalk requirements.

The installation of sidewalks and crosswalks in all developments, residential and commercial, shall be required for developments subject to this ordinance. The sidewalks shall be constructed of concrete and shall be subject to review and approval by the community development staff as to size, location, design and materials during the plan review process.

Sec. H. - Parking requirements.

Efforts to break up large expanse of pavement are to be encouraged by the interspersing of appropriate planting areas wherever possible. The number of parking spaces required is established in article VII of the zoning ordinance, depending upon the zoning and the intended land use. Alternatives to the established parking requirements may be granted to developments which have a mixture of uses whose peak parking requirements do not coincide in time and thereby may share parking spaces. The applicant shall provide expertly prepared justification for seeking such exception (i.e., a reference such as "shared parking," Urban Land Institute). There shall be an appropriate number of parking spaces, accessible to the building(s) and identification as reserved for use by handicapped individuals, and these spaces shall be of sufficient width to accommodate their needs. All parking standards shall comply with article VII of this zoning ordinance.

Sec. I. - Lighting requirements.

In reviewing the lighting plan for a lot proposed to be developed in the corridor overlay district, factors to be considered by the community development department shall include but are not limited to:

- (1) Safety provided by the lighting;
- (2) Security provided by the lighting;
- (3) Possible light spillage or glare onto adjoining properties or streets. (Down-shielding is encouraged and spillage or glare onto adjoining properties is prohibited);
- (4) Attractiveness of the lighting standards and their compatibility with the overall treatment of the property;
- (5) Height and placement of lighting standards considering the use (maximum height of 30 feet); and
- (6) Exterior lighting, when used, shall enhance the building and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.

Sec. J. - Access to individual sites.

The transportation corridors by their functional nature as primary thoroughfares, must have reasonable restrictions as to the number and location of access points within the overlay zones.

All roadways listed as transportation corridors represent major thoroughfares, which must be controlled as to the number of access points (curb cuts) permitted.

Therefore, in order to provide safe and sufficient traffic movement to and from adjacent lands and to protect the functional integrity of the corridors primary thoroughfares, in many cases frontage roads, access roads, and distributors roads, will have to be built. Such roads shall be coordinated with those of continuous lots and designed to preserve the aesthetic benefits provided by the greenbelt areas. Access at the side or rear of buildings is encouraged. New access points onto the primary thoroughfares in the corridor shall be coordinated with existing access points whenever possible. The following curb cut policy shall apply throughout all corridors:

Access to proposed developments shall be provided per Georgia Department of Transportation and/or Paulding County Department of Transportation access management standards, policies, guidelines and regulations.

Sec. K. - Access to potential development sites.

Stub streets shall be built in all cases where adjacent lots have reasonable potential for development. Reasonable potential shall include any adjacent parcel of adequate size for commercial or residential development or any adjacent parcel so determined by the community development department in association with the Paulding County Department of Transportation.

Sec. L. - Other standards.

- (1) *Outside storage prohibited (seasonal sales)*. No outside, unenclosed storage of refuse (whether or not in containers) or display of merchandise shall be permitted on any lot. All refuse shall be contained completely within the principle or accessory building(s). Exceptions to this requirement will be made on a case-by-case basis by the board of zoning appeals using the variance procedure

outlined in article XV. Seasonal sales are allowed four times a year with written approval from the director of community development for a maximum of 30 days. Outdoor sales (if allowed by the underlying zoning district) must be covered. Examples of coverings include but are not limited to tents and awnings.

- (2) *Loading berth requirements.* Loading berth requirements shall be as specified in the underlying zone district(s), except that any loading or unloading berth or bay shall be screened from view beyond the site by landscaping or other screening.
- (3) *Accessory buildings and uses.* All accessory buildings and uses which are permitted in the underlying zoning district(s) shall be permitted within the corridor overlay district, except that any detached accessory building on any lot shall be designed to be architecturally designed and constructed with the same material as the principle building as to be compatible with the principle building which it is associated. All accessory building shall have a roof.
- (4) *Paving requirements.* All parking areas shall be finished with a hard surface such as asphalt, concrete or other materials approved by the community development department.
- (5) All utilities including but not limited to electric, cable, and phone services shall be underground unless otherwise approved by the community development department after written submittal providing justification for overhead utility services.
- (6) *Temporary or seasonal sales.* Temporary or seasonal sales are allowed along the highway corridor on a case-by-case basis for a maximum of four times per year with written approval from the director of community development for a maximum of 30 days. Request for temporary or seasonal sales shall be made in writing accompanied by a recorded plat of the site and written permission by the property owner to the director of community development. A Paulding County business license is required of all approved temporary or seasonal sales.

ARTICLE XIV - ADMINISTRATION, ENFORCEMENT, AND PENALTIES

Sec. A. - Enforcement of the zoning ordinance.

The provisions of this ordinance shall be administered by the zoning administrator and enforced in coordination with the county marshal, with the powers provided in the laws of the State of Georgia and in the charter and resolutions of Paulding County. For the purpose of serving citations for violations of this ordinance, such citations may be referred to the County Marshal's Department of Paulding County for service.

Sec. B. - Building permit required.

It shall be unlawful to commence the construction of any building, or to commence the moving or alteration of any building which requires a permit in accordance with the policies and procedures of the Paulding County Community Development Department until a permit for such work has been issued.

Sec. C. - Application for building permit.

All applications to the planning and zoning division for building permits shall be accompanied by a site plan and survey, as applicable; however, accessory buildings located in agriculture and residential areas may be excluded if setbacks and other requirements can be determined. The site plan or survey must include:

- (a) The actual dimensions of the lot to be built upon;
- (b) The size of the building to be erected;
- (c) The location of the building on the lot;
- (d) The location of existing structures on the lot, if any;
- (e) The number of dwelling units the building is designed to accommodate;
- (f) The setback lines of buildings on adjoining lots;
- (g) The layout of off-street parking and loading spaces;
- (h) Such other information as may be requested for determining whether the provisions of this ordinance are being observed;
and
- (i) Such other information as may be requested by the planning and zoning division; and
- (j) Certification by the applicant that he has complied or will comply with the applicable health department regulations, the

road construction ordinance, flood ordinance, and all other applicable ordinances of Paulding County.

Sec. D. - Violation and penalties.

Any person, firm, corporation, or any agent, servant, employee, officer, or contractor for any person, firm, or corporation who shall violate any provision, requirement, term, or condition of this ordinance shall be subject to a fine of up to \$500.00 or up to 60 days' imprisonment in the county jail, or both, per violation. Each day of any violation of this ordinance shall constitute a separate offense. The violation of any provision, requirement, term, or condition of this ordinance shall also constitute a nuisance and any person aggrieved thereby may abate the same or the same may be abated as a public nuisance. Continuous violation thereof may be restrained in a court of equity having jurisdiction thereof, and such remedy shall not be the exclusive remedy for any violation.

Sec. E. - Prosecution.

Any violations of this ordinance may be tried before the magistrate's court of Paulding County upon a citation. Each citation shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the magistrate's court, shall indicate the identity of the accused and the date of service, and shall be signed by the county officer who completes and serves it. In any case necessary, the county attorney is designated as prosecuting attorney.

ARTICLE XV - ZONING BOARD OF APPEALS

Sec. A. - Establishment of zoning board of appeals.

- (1) The zoning board of appeals is hereby established which shall consist of not more than five members who shall be appointed for a term of not more than one year each.

All proposed appointments to the zoning board of appeals shall be subject to the nomination and confirmation process whereby recommendations for nominations shall be submitted to the Chairman of the Paulding County Board of Commissioners who shall present formal nomination to the board of commissioners for a vote and confirmation.

- (2) In making these nominations for the Paulding County Zoning Board of Appeals, the Chairman of the Paulding County Board of Commissioners shall seek proposed recommendations of members to make up the Paulding County Zoning Board of Appeals as follows:

The Chairman of the Paulding County Board of Commissioners shall recommend one member to serve on the zoning board of appeals from the county at large and each of the four post commissioners shall recommend one member to serve on the zoning board of appeals from each of the post commissioners respective electoral districts.

- (3) Each member so appointed shall serve for a term as designated and until a successor shall be appointed to replace such member as provided herein. All nominees shall be residents of Paulding County, Georgia.
- (4) In the event any recommendation is not received or not nominated by the chairman of the board of commissioners or not confirmed by the board of commissioners, the chairman of the board of commissioners may make a substitute nomination of another resident of Paulding County subject to confirmation by the board of commissioners.
- (5) Members shall be paid as set forth by the Paulding County Board of Commissioners and may be reimbursed for approved expenses within amounts appropriated for the purpose by the governing authority. None of the members shall hold any other public office or position in the county except that the members may also be members of the Paulding County Planning Commission.
- (6) Any vacancy in the membership of the zoning board of appeals shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removed for cause by the Paulding County Board of Commissioners upon written charges and after a public hearing.
- (7) Any member of the zoning board of appeals shall be disqualified from acting upon a matter in which a member has an interest.

Sec. B. - Proceedings of the zoning board of appeals.

- (1) The zoning board of appeals shall elect a chairman and vice-chairman from among its appointive members. The term of office of

the chairman and vice-chairman shall be for one year or until re-elected or their successors are elected. The board shall appoint a secretary, who may be a county employee, or a member of the zoning board of appeals. The board shall adopt such rules and by-laws as they deem appropriate.

- (2) Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine, such meetings to be held at a time, place, and date as prescribed according to an established schedule. This schedule of meetings shall be posted and maintained in a conspicuous place accessible to the public outside of the regular meeting place of the board. The chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses by subpoena.
- (3) 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.
- (4) All meetings of the board of appeals shall be open to the public.

Sec. C. - Powers and duties of the zoning board of appeals.

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

- (1) Appeal of administrative decision. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this ordinance.
- (2) Granting of variances to terms of this ordinance. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of provisions of this ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding of 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, character, topography, and
 - (b) The application of this zoning ordinance to this particular piece of property would create an unnecessary hardship, and
 - (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 this ordinance.
- (3) Provided, however, that no variance shall be granted for a use of land or building or structure that is prohibited by this ordinance.
- (4) In exercising the powers in this section conferred upon it, the board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from; and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

Sec. D. - Appeals, hearings, and notice.

- (1) Appeals to the zoning board of appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of Paulding County affected by any decision of the zoning administrator. Such appeal shall be made within 30 days by filing with the planning and zoning division a written notice of appeal specifying the grounds thereof.
- (2) Applications for a variance must be filed on forms provided by the planning and zoning division according to the schedule established by the division. Applications shall be submitted and the following provided at the date of filing:
 - (a) A completed application form signed by the owner and the applicant.
 - (b) Warranty deed or other proof of ownership of the property and documentation by the tax commissioner that the ad valorem taxes levied against the property have been paid.
 - (c) A survey plat of the property (number of copies as specified by the planning and zoning division) which demonstrates a true and accurate boundary of the property and illustrates the variance requested, prepared by a registered surveyor, drawn to scale, showing north arrow, land lot and district, the dimensions, acreage, and location of the tract. The preparer's seal shall be affixed to the plat. Indicate on the plat structures which are currently located on the property and depict the variance requested on the plat to scale.
 - (d) The names and mailing addresses of all adjoining property owners, including the owners across the road and to the rear.

- (e) The filing fee as set by the board of commissioners.
 - (f) Such other additional information as may be requested by the planning and zoning division in the procedures for the filing of applications.
- (3) Prior to the date of the hearing, a notice of the hearing shall be published within a newspaper of general circulation within the county in which are carried the legal advertisements of the county.

Sec. E. - Decisions of the board of appeals.

- (1) In exercising its powers, the board of appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the zoning administrator and may issue or direct the issuance of a building permit.
- (2) The concurring vote of a majority of the members present of the board shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, 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.
- (3) On all appeals, applications and other matters brought before the board of appeals, said board shall inform the applicant of its decisions and the reasons therefore.

Sec. F. - Conduct of hearing.

- (1) The public hearing shall be presided over by the chairman of the zoning board of appeals or another officer of the board in the absence of the chairman. A secretary shall be present at all public hearings to take minutes.
- (2) The chairman or any other board member shall review the following procedures that will be adhered to during the public hearing:
 - (a) Anyone in attendance at the public hearing wishing to speak on behalf or in opposition to applications that are on the agenda must be recognized and they will be asked to state their name and place of residence, and then to sign his or her name on a sheet provided by the staff.
 - (b) The person recognized to speak will be allowed to speak on any point relevant to the petition being considered. Applicants and opponents shall be given a maximum of 15 minutes each to present their case. Any groups which are present are encouraged to choose a spokesperson to present their views. The chairman may request representatives of each side to speak for the entire group. If more than one speaker represents a group, the 15 minutes shall be divided among the various speakers. Speakers are encouraged to refrain from presenting information that has previously been stated by others. In no case, however, shall any group be allowed more than the allotted time no matter how many speakers represent the group unless extended by the zoning board of appeals. A designated staff member will be responsible for keeping time.
 - (c) Proposals for each agenda item should be presented orally to the board by applicant(s), and/or their representative, along with any documentation necessary to demonstrate the justification for such request.
 - (d) During and following the applicant's presentation, the board may ask any pertinent questions of the applicant or their representative to aid in their understanding of the case.
 - (e) After such presentation, and discussion with the applicant, the chairman of the board shall ask if there be anyone present who is present in opposition to the granting of such request.
 - (f) Those appearing in opposition may offer oral evidence and any documentation to demonstrate their position.
 - (g) During and following the presentation of those in opposition to the application or proposal, the zoning board of appeals may ask any pertinent questions of the opposition to aid in their understanding of the case. Questions and responses shall not be counted as part of the maximum 15-minute presentation time limit.
 - (h) No further public input will be allowed without consent of the board.
 - (i) At the conclusion of the public hearing, the chairman will call for a motion and oral vote on each case.

Sec. G. - Appeals from decisions of the board.

Any person or persons severally or jointly aggrieved by any decision of the zoning board of appeals may file an appeal to the superior court. However, said appeal must be filed within 30 days from the date of the decision of the zoning board of appeals; and upon failure to file said appeal within 30 days the decision of the zoning board of appeals shall be final.

Sec. H. - Administrative variances.

The community development director shall have the power to grant variances (except for density and use variances) from the dimensional standards of the ordinance where, in his opinion, the intent of the ordinance can be achieved and equal performance obtained by granting a variance. The authority to grant such variances shall be limited to variances from the following requirements:

- (1) Front yard or yard adjacent to public street - Variance not to exceed five feet.
- (2) Side yard - Variance not to exceed three feet.
- (3) Rear yard - Variance not to exceed five feet.
- (4) Height - Variance not to equal or exceed ten feet, provided that no variance may result in an increase in the number of stories than would otherwise be allowed under the applicable zoning district.
- (5) A reduction of the minimum number of required parking spaces up to a maximum of ten percent.
- (6) A reduction of the minimum distance to any property line for animal quarters (agricultural facilities, kennels, etc.) up to a maximum of 50 feet.

The director shall not have the authority to grant any additional administrative variances after a variance has been approved by the zoning board of appeals.

(Res. No. 10-07, § 2, 5-25-2010)

ARTICLE XVI - AMENDMENTS

Sec. A. - Planning commission to propose or review amendments.

This ordinance, including the comprehensive land use map and the official zoning map(s), may be amended by the board of commissioners on its own motion, or on recommendation of the planning commission, but no amendment shall become effective unless it has been proposed by or has first been submitted to the planning commission for review and recommendation. Before enacting an amendment, public notice shall be given and a public hearing held as required herein.

Sec. B. - Initiation of amendments.

- (1) Applications to amend this ordinance may be in the form of proposals to amend the text or the official zoning maps.
 - (a) An application to amend the text of this ordinance may be initiated by the planning commission or be submitted to the planning commission by the board of commissioners or by any person having an interest in the county.
 - (b) An application to amend the official zoning map may be initiated by the planning commission, or may be submitted to the planning commission by the board of commissioners, or may be submitted by any person having an interest in the county.
- (2) Unless initiated by the board of commissioners or the planning commission, all applications (rezoning, land use, special use, or medical hardships) must be submitted by the owner of the affected property or the authorized agent of the owner. If submitted by an agent of the owner, such authorization shall be notarized and attached to the application.

An application may be withdrawn without prejudice at any time prior to the date scheduled for the hearing by the planning commission. Unless withdrawn at the hearing, the withdrawal must be in writing, signed and dated by the applicant. If an application is withdrawn by the applicant after the legal advertising as required by this article shall have first appeared, the cost of the advertising and any other expenses incurred may be deducted from any refund of fees.

The applicant, or his/her representative, must be present at the hearing or the application may not be heard.

Sec. C. - Applications for amendments.

Applications for text amendments, rezonings, land use permits, special use permits, and/or medical hardships shall be filed with all accompanying documents with the planning and zoning division in accordance with the filing deadline established by the division.

Application fees are non-refundable and are established by the board of commissioners and made available by the planning and zoning division. A fee shall not be charged for applications initiated by the board of commissioners or planning commission. Applications shall be submitted and the following provided at the date of filing:

- (1) Text amendment applications shall include the following:
 - (a) Name and current address of the applicant;
 - (b) Current provisions of the text to be affected by the amendment;
 - (c) Proposed wording of text change; and
 - (d) Reason for the amendment request.
- (2) Applications for rezonings, special use permits, and land use permits shall contain the following:
 - (a) A completed application form signed by the owner and the applicant (if applicable).
 - (b) A warranty deed or other proof of ownership of the property.
 - (c) Documentation by the tax commissioner that the ad valorem taxes levied against the property have been paid.
 - (d) A legal description of the tract of property.
 - (e) A survey plat of the property which demonstrates a true and accurate boundary of the property, prepared by a registered surveyor, drawn to scale, showing north arrow, land lot and district, the dimensions, acreage and location of the tract. The preparer's seal shall be affixed to the plat.
 - (f) A site development plan prepared by a registered surveyor, engineer, land planner, or architect (with preparer's seal affixed) drawn to scale of the subject property, including proposed building locations, proposed use of the property within the requested zoning classification, parking areas, access points, creeks, streams, floodplain, etc., and any buffers that may be required (number of copies specified by the planning and zoning division). The applicant may also furnish additional material which may aid in the understanding of the request.
 - (g) The names and mailing addresses of all adjoining property owners, including the owners across the road and to the rear.
 - (h) The filing fee as set by the Paulding County Board of Commissioners.
 - (i) Such other additional information as may be requested by the planning and zoning division in the procedures for the filing of applications.
- (3) Applications for medical hardships shall contain the following:
 - (a) A completed application form signed by the owner, the applicant, and the person with the medical hardship.
 - (b) A warranty deed or other proof of ownership of the property.
 - (c) Documentation by the tax commissioner that the ad valorem taxes levied against the property have been paid.
 - (d) A legal description of the tract of property.
 - (e) A current survey plat of the property (number of copies specified by the planning and zoning division) prepared by a registered surveyor whose state registration is current and valid, drawn to scale, showing north arrow, land lot and district, the dimensions, acreage and location of the tract. The preparer's seal shall be affixed to the plat. Indicate on the plat structures which are currently located on the property (such as house or storage building) and indicate on the plat where the mobile home will be positioned.
 - (f) The names and mailing addresses of all adjoining property owners, including the owners across the road and to the rear.
 - (g) The filing fee as set by the Paulding County Board of Commissioners.
 - (h) An original, notarized doctor's certificate stating the name of the person with the medical hardship, a description of the physical condition, and explanation of why the person needs to live in close proximity to receive care, and any other evidence to support the medical hardship application.
 - (i) Such other additional information as may be requested by the planning and zoning division in the procedures for the filing of applications.
- (4) If an application is withdrawn by the applicant after the legal advertising as required by this article shall have first appeared, the cost of advertisement and any other expenses incurred may be deducted from any refund of fees.
- (5) With respect to amendments to the official zoning map, an applicant may file renderings, construction specifications, written

development restrictions and other conditions which the applicant proposes as binding conditions upon the development and use of the property involved in the application; provided, however, that such conditions or alterations or changes thereto shall be filed with the zoning administrator at least seven days prior to the public hearing before the planning commission. If such conditions or alterations or changes thereto are proposed by an applicant and have not been filed as required by this paragraph, the board of commissioners, at the time of the public hearing on the application, may defer any action on such application to a specific meeting date which will permit the planning commission to conduct another hearing to consider the applicant's proposal prior to consideration of the application by the board of commissioners.

At the hearing in which the deferral is granted, the board of commissioners shall specify the date of the hearing before the planning commission and the subsequent hearing before the board of commissioners and this action shall constitute public notice of such hearings and no additional notices shall be required prior to the hearings so scheduled by the board of commissioners. The date designated for action on the application shall be set at a time which will allow the applicant to comply with the filing requirements of this paragraph.

- (6) An application for rezoning, special use permit, land use permit or medical hardship may be forwarded by the applicant from its scheduled public hearing date to the next available public hearing date with the planning commission a maximum of two times. The request to forward an application must be written with the applicant's (or representative's) signature and submitted to the planning and zoning division prior to the hearing date. Each request must include the application number, explanation for the request to forward the application, and date of the next scheduled public hearing at which the application will be considered by the planning commission. Payment of an additional application fee in the full amount of the original application fee is required upon written request to forward the application in order to pay for the additional costs associated therewith.

Applications which must be forwarded as a result of the actions or omissions of the applicant, resulting in an incomplete or deficient application will also be subject to the payment of the additional application fee in the full amount of the original application. Payment is due immediately upon the forwarding of said deficient application.

Applications that are forwarded by the planning and zoning division or planning commission or by the county at the request of the planning and zoning staff will not be considered as an applicant's request to forward an application and no additional fees will be due.

(Res. No. 07-29, § 1, 6-26-2007)

Sec. D. - Planning commission action.

- (1) The zoning ordinance, including the zoning map, may be amended from time to time by the board of commissioners, but no amendment shall become effective unless it shall have been proposed by, or shall first have been submitted to, the planning commission for review and recommendation.
- (2) The planning commission shall be allowed to hold its public hearing for an application and to table its recommendation until its next scheduled meeting for the purpose of considering more information. If the planning commission fails to submit a recommendation at its next scheduled meeting, it shall be deemed to have approved the proposed amendment.

Sec. E. - Public notification.

- (1) *Legal notice.* Before the board of commissioners takes action on any proposed amendment, the planning commission shall hold a public hearing thereon. At least 15 days, but not more than 45 days, prior to the date of the hearing, a notice of the hearing shall be published within a newspaper of general circulation within the county in which are carried the legal advertisements of the county. This notice shall state the time, date, place, and purpose of the hearing. If a rezoning application is initiated by a party other than the board of commissioners, the notice of hearing as provided herein shall also include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property.
- (2) *Sign(s) posted.* A sign shall be placed in a conspicuous location on the property not less than 15 days prior to the date of the hearing. The sign shall state the time, date, and place of the hearing, the present zoning classification of the property, and the proposed zoning classification of the property. Such signs shall be visible from each public right-of-way fronting the property.
- (3) *Letters to property owners.* The planning and zoning division must notify in writing all owners of property abutting any tract or lot for which a rezoning has been filed in accordance with the list of owners provided by the applicant of the nature of the request and the date of the hearing before the planning commission. This notification is in addition to and not in lieu of, any other notice

or publication required under this ordinance.

Sec. F. - Conduct of hearing.

- (1) The public hearing of the Paulding County Planning Commission shall be held at regularly scheduled meetings, such meetings to be held at a time, place, and date as prescribed according to a schedule which shall be approved and adopted as provided in subsection 5 of Section 16 of the Paulding County Code of Ordinances. The public hearing shall be presided over by the chairman of the planning commission or another officer of the planning commission in the absence of the chairman. A secretary shall be present at all public hearings to take minutes.
- (2) The chairman or any other planning commission member shall review the following procedures that will be adhered to during the public hearing:
 - (a) Anyone in attendance at the public hearing wishing to speak on behalf or in opposition to petitions that are on the agenda must be recognized and they will be asked to state their name and place of residence, and then to sign his or her name on a sheet provided by the staff.
 - (b) The person recognized to speak will be allowed to speak on any point relevant to the petition being considered. Applicants and opponents shall be given a maximum of 15 minutes each to present their case. Any groups which are present are encouraged to choose a spokesperson to present their views. The chairman may request representatives of each side to speak for the entire group. If more than one speaker represents a group, the 15 minutes shall be divided among the various speakers. Speakers are encouraged to refrain from presenting information that has previously been stated by others. In no case, however, shall any group be allowed more than the allotted time no matter how many speakers represent the group unless extended by the planning commission. A designated staff member will be responsible for keeping time.
 - (c) Proposals for each agenda item should be presented orally to the planning commission and board of commissioners by applicant(s), and/or their representative, along with any documentation necessary to demonstrate the justification for such request.
 - (d) During and following the applicant's presentation, the planning commission and/or the board of commissioners may ask any pertinent questions of the applicant or their representative to aid in their understanding of the case.
 - (e) After such presentation, and discussion with the applicant, the chairman of the planning commission shall ask if there be anyone present who is present in opposition to the granting of such request.
 - (f) Those appearing in opposition may offer oral evidence and any documentation to demonstrate their position.
 - (g) During and following the presentation of those in opposition to the application or proposal, the planning commission and board of commissioners may ask any pertinent questions of the opposition to aid in their understanding of the case. Questions and responses shall not be counted as part of the maximum 15-minute presentation time limit.
 - (h) No further public input will be allowed without consent of the planning commission and/or board of commissioners.
 - (i) At the conclusion of the public hearing, the chairman of the planning commission will state to the board of commissioners the recommendation of the commission, concerning each application. The board of commissioners shall make its final determination at a future meeting of the board of commissioners. The public hearing is concluded at the time the planning commission makes its recommendation to the board of commissioners.

Sec. G. - Zoning review standards.

Any proposed rezoning will be evaluated using the following zoning review standards:

- (1) Existing land use and zoning classification of nearby property.
- (2) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (3) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
- (4) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- (5) Whether the proposed use is supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties; and
- (6) Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan.

Sec. H. - Decision by board of commissioners.

The board of commissioners shall address the applications at their next meeting and may approve, deny, or table the applications using the same standards and criteria as set forth herein. An action by the board of commissioners to defer the application shall include a statement of the date and time of the next meeting at which the application(s) will be considered, which shall constitute public notice of the hearing on the application(s) and no further notice shall be required. If an application for a rezoning is denied, no re-application shall be allowed until 12 months have passed from the date of final decision by the board of commissioners.

Sec. I. - Site plan amendment.

- (1) At the time the site is developed, if the submitted site plan reflects a proposed use which is an allowable use within the specified zoning district, but differs from that approved by the board of commissioners at the time of the rezoning action, then the site plan shall be reviewed again by all applicable county departments, as well as, applicable state and/or federal agencies.
- (2) At the time the site is developed, if the submitted site plan deviates significantly, as determined by county staff, from the site plan which was approved by the board of commissioners at the time of the rezoning action, then the site plan shall be reviewed by all applicable county departments, as well as, applicable state and/or federal agencies.
- (3) The director of community development is authorized to make final approval or disapproval of the amended site plan referred to above. If an amended site plan is denied, an appeal may be made to the Paulding County Board of Commissioners.
- (4) All site plans are subject to the plan review standards established by the county.

ARTICLE XVII - LEGAL STATUS PROVISIONS

Sec. A. - Conflict with other regulations.

Whenever the regulations of this ordinance require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards that are required in or under any other ordinance or statute, the regulations and requirements of this ordinance shall govern.

Whenever the provisions of any other statute or ordinance require more restrictive standards than are required by this ordinance, the provisions of such statute or ordinance shall govern.

Sec. B. - Separability.

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. C. - Effective date.

This ordinance shall take effect and be in force from and after its adoption, the public welfare of Paulding County demanding.

ADOPTED THIS 22nd DAY OF April, 2003.

PAULDING COUNTY, GEORGIA

Jerry Searin, Chairman
Paulding County Board of Commissioners

ATTEST:

Beverly Cochran,
Executive Assistant