

**ZONING ORDINANCE**  
**TOWN OF WOOLSEY, GEORGIA**

Table of Contents

<u>CHAPTER</u>	<u>PAGE</u>
CHAPTER 1. ENACTMENT CLAUSE, SHORT TITLE, JURISDICTION AND PURPOSE	9
Sec. 101.0. ENACTMENT CLAUSE	9
Sec. 101.1. SHORT TITLE	9
Sec. 101.2 JURISDICTION	9
Sec. 101.3. PURPOSE	9
Secs. 101.4. – 101.8. RESERVED	
 CHAPTER 2. INTERPRETATION OF TERMS AND DEFINITIONS	 10
Sec. 201.0. INTERPRETATION OF CERTAIN TERMS	10
Sec. 201.1. DEFINITIONS	10
Secs. 201.2. – 201.6. RESERVED	
 CHAPTER 3. ESTABLISHMENT OF ZONING DISTRICTS, ANNEXATION AND LIMITS ON THE USE OF LAND	 25
Sec. 301.0. ZONING DISTRICTS ESTABLISHED	25
Sec. 301.1. ESTABLISHMENT OF DISTRICTS BY MAP	25
Sec. 301.2. DIVISION OF ZONING MAP	26
Sec. 301.3. BOUNDARY ADJUSTMENTS	26
Sec. 301.4. UNCERTAINTY OF BOUNDARIES	26
Sec. 301.5. CLASSIFICATION OF ANNEXED PROPERTY AND UNCLASSIFIED PROPERTY	26
Sec. 301.6. LIMITS ON THE USE OF LAND	27
Secs. 301.7. – 301.11. RESERVED	

CHAPTER 4. USE AND DIMENSIONAL STANDARDS	27
Sec. 401.0. USE OF BUILDING, STRUCTURE OR LAND	27
Sec. 401.1. GENERAL PROVISIONS	27
Sec. 401.2. SINGLE FAMILY RESIDENTIAL STANDARDS	28
Secs. 401.3. – 401.7. RESERVED	
CHAPTER 5. R-A RESIDENTIAL - AGRICULTURAL DISTRICT	29
Sec. 501.0. PURPOSE	29
Sec. 501.1. PERMITTED USES	29
Sec. 501.2. ACCESSORY USES, BUILDINGS AND STRUCTURES	30
Sec. 501.3. CONDITIONAL USES	30
Sec. 501.4. PROHIBITED USES	31
Sec. 501.5. DEVELOPMENT STANDARDS	31
Secs. 501.6. – 501.10. RESERVED	
CHAPTER 6. R-3 SINGLE FAMILY RESIDENTIAL DISTRICT	32
Sec. 601.0. PURPOSE	32
Sec. 601.1. PERMITTED USES	32
Sec. 601.2. ACCESSORY USES, BUILDINGS AND STRUCTURES	32
Sec. 601.3. CONDITIONAL USES	33
Sec. 601.4. PROHIBITED USES	33
Sec. 601.5. DEVELOPMENT STANDARDS	33
Secs. 601.6. – 601.10. RESERVED	

CHAPTER 7. R-1 SINGLE FAMILY RESIDENTIAL DISTRICT	34
Sec. 701.0. PURPOSE	34
Sec. 701.1. PERMITTED USES	34
Sec. 701.2. ACCESSORY USES, BUILDINGS AND STRUCTURES	35
Sec. 701.3. CONDITIONAL USES	35
Sec. 701.4. PROHIBITED USES	35
Sec. 701.5. DEVELOPMENT STANDARDS	35
Secs. 701.6. – 701.10. RESERVED	
 CHAPTER 8. TCD TOWN CENTER DISTRICT	 36
Sec. 801.0. PURPOSE	36
Sec. 801.1. GENERAL PROVISIONS	38
Sec. 801.2. TOWN CENTER DISTRICT COMPLIANCE	38
Sec. 801.3. MAXIMUM DENSITY	38
Sec. 801.4. MAXIMUM FLOOR AREA	38
Sec. 801.5. PERMITTED USES	38
Sec. 801.6. ACCESSORY USES, BUILDINGS AND STRUCTURES	40
Sec. 801.7. CONDITIONAL USES	40
Sec. 801.8. PROHIBITED USES	41
Sec. 801.9. DEVELOPMENT STANDARDS	42
Sec. 801.10. REVIEW PROCESS	45
Sec. 801.11. DEVELOPMENT PLAN APPROVAL	46
Sec. 801.12. BUILDING AND OCCUPANCY PERMITS	46
Sec. 801.13. CERTIFICATE OF OCCUPANCY (C.O.)	46
Sec. 801.14. DEVELOPMENT PLAN REVISIONS	46
Secs. 801.15. – 801.19. RESERVED	

CHAPTER 9. GENERAL PROVISIONS, TEMPORARY USES AND OFF-STREET PARKING	47
Sec. 901.0. LIMITATIONS ON USE OF PROPERTY	47
Sec. 901.1. CLARIFICATION OF AMBIGUITY	47
Sec. 901.2. TEMPORARY REAL ESTATE OFFICES	47
Sec. 901.3. TEMPORARY CONSTRUCTION BUILDINGS	47
Sec. 901.4. OFF-STREET PARKING INCLUDED IN PERMITTED USES	47
Sec. 901.5. REQUIRED OFF-STREET PARKING	47
Sec. 901.6. PARKING SPACES REQUIRED	48
Sec. 901.7. ACCESSIBLE PARKING	49
Sec. 901.8. PARKING STANDARDS FOR USES NOT SPECIFIED	50
Sec. 901.9. OFF-STREET PARKING STANDARDS	50
Sec. 901.10. LOADING SPACE	51
Sec. 901.11. REQUIRED IMPROVEMENTS AND MAINTENANCE OF PARKING LOTS	51
Secs. 901.12. – 901.16. RESERVED	
 CHAPTER 10. YARDS, CORNER LOTS AND SUBSTANDARD LOTS	 52
Sec. 1001.0. MODIFYING YARD REQUIREMENTS	52
Sec. 1001.1. MEASUREMENT OF FRONT YARDS	52
Sec. 1001.2. VISION CLEARANCE ON CORNER LOTS	52
Sec. 1001.3. LOT AREA NOT TO BE REDUCED	52
Secs. 1001.4. – 1001.8. RESERVED	
 CHAPTER 11. NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES	 52
Sec. 1101.0. CONTINUATION OF NONCONFORMANCE	52
Sec. 1101.1. NONCONFORMING LOTS OF RECORD	52

Sec. 1101.2. NONCONFORMING BUILDINGS OR STRUCTURES	52
Sec. 1101.3. NONCONFORMING USE OF LAND	53
Sec. 1101.4. NONCONFORMING USES OF BUILDINGS OR STRUCTURES	53
Sec. 1101.5. ABANDONMENT	53
Sec. 1101.6. RECONSTRUCTION OF A DAMAGED NONCONFORMING BUILDING OR STRUCTURE	54
Sec. 1101.7. RECONSTRUCTION OF A DAMAGED OR DESTROYED NONCONFORMING DWELLING	54
Sec. 1101.8. ADOPTION NOT TO CREATE NONCONFORMANCE OF A SINGLE FAMILY DWELLING OR LOT	54
Secs. 1101.9. – 1101.13. RESERVED	
CHAPTER 12. ADMINISTRATION AND ENFORCEMENT	54
Sec. 1201.0. ZONING ADMINISTRATION	54
Sec. 1201.1. INTERPRETIVE AUTHORITY OF THE ZONING ADMINISTRATOR	54
Sec. 1201.2. PERMITTING AUTHORITY	55
Sec. 1201.3. ENFORCEMENT AUTHORITY	56
Sec. 1201.4. APPEAL OF ZONING ADMINISTRATOR DECISION	56
Sec. 1201.5. PLAN REVIEW	56
Sec. 1201.6. CERTIFICATION OF COMPLIANCE PRIOR TO PERMIT ISSUANCE	57
Sec. 1201.7. APPROVAL PROCESS FOR CERTAIN USES	57
Sec. 1201.8. ADULT DAY CARE CENTER	57
Sec. 1201.9. FAMILY DAY CARE CENTER	57
Sec. 1201.10. FAMILY PERSONAL CARE HOME	58
Sec. 1201.11. GROUP AND CONGREGATE PERSONAL CARE HOME	59
Sec. 1201.12. PRELIMINARY PLAT APPROVAL TO CONSTITUTE DEVELOPMENT PERMIT APPROVAL	60
Sec. 1201.13. FEE SCHEDULE	60
Sec. 1201.14. BUILDING CODE ADOPTED	60
Secs. 1201.15. – 1201.19. RESERVED	

CHAPTER 13. VARIANCES AND APPEALS	60
Sec. 1301.0. VARIANCES	60
Sec. 1301.1. CONDITIONS OF APPROVAL MAY BE ASSIGNED	61
Sec. 1301.2. LIMITATION ON THE TERM OF A VARIANCE	61
Sec. 1301.3. NOTICE TO APPLICANT	61
Sec. 1301.4. TIME LIMIT ON APPLICATION RESUBMITTAL	61
Sec. 1301.5. APPEALS	61
Sec. 1301.6. WHO MAY FILE	61
Sec. 1301.7. APPEALS HEARD BY THE TOWN COUNCIL	61
Sec. 1301.8. AUTHORITY OF THE TOWN COUNCIL	62
Sec. 1301.9. APPEAL TO STAY ALL LEGAL PROCEEDINGS	62
Sec. 1301.10. APPLICANT ENTITLED TO SUBMIT EVIDENCE	62
Sec. 1301.11. TIME LIMIT ON APPLICATION RESUBMITTAL	62
Sec. 1301.12. PUBLIC NOTICE AND PUBLIC HEARINGS	62
Sec. 1301.13. STATE LAW MANDATES ADOPTION OF PUBLIC HEARING PROCEDURES	62
Sec. 1301.14. PUBLIC NOTICE AND PUBLIC HEARING PROCEDURES	62
Sec. 1301.15. WHO MAY APPEAR AT THE HEARING	63
Sec. 1301.16. MAYOR TO ACT AS PRESIDING OFFICER	63
Sec. 1301.17. PUBLIC HEARING PROCEDURES TO BE AVAILABLE AT HEARING	63
Sec. 1301.18. CONDUCT OF A PUBLIC HEARING	63
Sec. 1301.19. DECISION BY TOWN COUNCIL	63
Sec. 1301.20. TIME LIMIT ON TOWN COUNCIL DECISION	63
Sec. 1301.21. CONTENTS OF APPLICATION FOR VARIANCE OR APPEAL	63
Sec. 1301.22. REVISIONS TO APPLICATIONS	64
Sec. 1301.23. APPEAL OF A DECISION BY THE TOWN COUNCIL	64

Sec. 1301.24. FILING FEE FOR APPEAL OR VARIANCE APPLICATION	64
Sec. 1301.25. CONFLICT OF INTEREST IN VARIANCE AND APPEALS DECISIONS	64
Sec. 1301.26. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS	64
Sec. 1301.27. ADMINSTRATIVE VARIANCE	64
Secs. 1301.28. – 1301.32. RESERVED	
CHAPTER 14. AMENDMENTS	65
Sec. 1401.0. ZONING ORDINANCE AMENDMENTS	65
Sec. 1401.1. APPLICATION FOR ORDINANCE AMENDMENT	65
Sec. 1401.2. PUBLIC NOTICE PROCEDURES	66
Sec. 1401.3. PUBLIC HEARING PROCEDURES	66
Sec. 1401.4. STANDARDS OF REVIEW	68
Sec. 1401.5. CONDITIONAL USE PROCEDURES	69
Sec. 1401.6. REVERSION OF ZONING APPROVAL	69
Sec. 1401.7. CONFLICT OF INTEREST IN ZONING DECISIONS	70
Sec. 1401.8. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS	70
Sec. 1401.9. REZONING APPLICATION FILING FEE	71
Secs. 1401.10 – 1401.14. RESERVED	
CHAPTER 15. SUPPLEMENTAL STANDARDS	71
Sec. 1501.0. STANDARDS IN ADDITION TO DEVELOPMENT STANDARDS	71
Sec. 1501.1. ACCESSORY BUILDINGS AND STRUCTURES	71
Sec. 1501.2. ACCESSORY DWELLINGS	76
Sec. 1501.3. ACCESSORY DWELLING STANDARDS	76
Sec. 1501.4. ADULT DAY CARE CENTER	76
Sec. 1501.5. BED AND BREAKFAST INN	76

Sec. 1501.6. EVENT CENTER	77
Sec. 1501.7. FAMILY DAY CARE CENTER	78
Sec. 1501.8. HOME OCCUPATIONS	78
Sec. 1501.9. PERSONAL CARE HOME	80
Sec. 1501.10. LIVESTOCK AND RIDING STABLES	81
Sec. 1501.11. CHICKENS AND OTHER FOWL	81
Sec. 1501.12. CONVENIENCE AND OTHER FOOD STORES THAT DISPENSE FUELS	82
Sec. 1501.13. COMMERCIAL KENNELS	82
Secs. 1501.14. – 1501.18. RESERVED	
 CHAPTER 16. REMEDIES AND PENALTIES	 83
Sec. 1601.0. REMEDIES	83
Sec. 1601.1. STOP WORK ORDER	83
Sec. 1601.2. PERMITS AND LICENSES VOID WHEN ISSUED IN CONFLICT	83
Sec. 1601.3. PENALTY FOR VIOLATION	84
Sec. 1601.4. CONFORMANCE PREREQUISITE TO ISSUANCE OF OCCUPATIONAL TAX PERMIT	84
Secs. 1601.5 – 1601.9. RESERVED	
 CHAPTER 17. LEGAL STATUS PROVISIONS	 84
Sec. 1701.0. SEVERABILITY	84
Sec. 1701.1. CONSTITUTIONALITY	84
Sec. 1701.2. INTERPRETATION	84
Sec. 1701.3. CONFLICTS	85
Sec. 1701.4. APPLICABILITY	85
Sec. 1701.5. CONFLICTING ORDINANCES REPEALED	85
Secs. 1701.6. – 1701.10. RESERVED	



# ZONING ORDINANCE

## TOWN OF WOOLSEY, GEORGIA

### TITLE

AN ORDINANCE OF THE TOWN OF WOOLSEY, GEORGIA, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND; THE SIZE OF YARDS AND DENSITY AND DISTRIBUTION OF POPULATION; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; PROVIDING FOR A ZONING ADMINISTRATOR; DESIGNATING THE POWERS AND DUTIES OF THE TOWN COUNCIL AND OFFICERS OF THE TOWN; AND PROVIDING FOR IMPOSITION OF PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

### CHAPTER 1

#### ENACTMENT CLAUSE, SHORT TITLE, JURISDICTION AND PURPOSE

Sec. 101.0. ENACTMENT CLAUSE. The Town Council of Woolsey, Fayette County, in accordance with the Authority granted to cities by the Constitution of the State of Georgia (as amended through January 1, 2017), Article IX. Counties and Municipal Corporations, Section II. Home Rule for Counties and Municipalities, Paragraph IV. Planning and zoning which states, "The governing authority of each county and of each municipality may adopt plans and may exercise the power of zoning. This authorization shall not prohibit the General Assembly from enacting general laws establishing procedures for the exercise of such power." This Ordinance is also enacted under O.C.G.A. Title 36, Chapter 66 (2012) of the Georgia Code, Local Government Provisions Applicable to Counties and Municipal Corporations and in conjunction with the Woolsey Comprehensive Plan of 2017, do hereby ordain and enact into law the following chapters and sections.

Sec. 101.1. SHORT TITLE. These regulations shall be known and may be cited as the "Zoning Ordinance of the Town of Woolsey, Georgia, 2019."

Sec. 101.2 JURISDICTION. These regulations shall govern the use of all land and the development thereof within the corporate limits of the Town of Woolsey, Fayette County, Georgia.

Sec. 101.3. PURPOSE. The purpose of these regulations shall be to encourage a distribution of population, the classification of land use, and such standards for land development as will retain the neo-traditional and village character of the Town of Woolsey; help secure safety from fire, panic, and other dangers; promote the health and welfare of the citizens of the Town of Woolsey; provide adequate light and air; prevent urban and suburban sprawl; facilitate the adequate provision of transportation, water, sewerage, open space, police, fire protection, and other public requirements; promote desirable living conditions and the stability of neighborhoods, protect property against blight and deterioration; secure economy in governmental expenditures; conserve the value of buildings and land; encourage the most appropriate use of land, buildings, and structures; and for other purposes.

The Town of Woolsey further recognizes that the purpose of these regulations shall also serve to encourage the preservation of the town's built heritage and natural resources through acknowledging that land is a finite resource; to encourage growth in locations best suited for increased density in accordance with the Comprehensive Plan; promote walking and street life by placing workplaces and public facilities in close proximity; create a built environment that fosters a sense of community while affording greater independence for those without ready transportation; promote the physical and social integration of a diverse citizenry in age, lifestyle, and income; and promote a pattern of development that permits the efficient delivery of municipal services.

Secs. 101.4. – 101.8. RESERVED

## CHAPTER 2

### INTERPRETATION OF TERMS AND DEFINITIONS

#### Sec. 201.0. INTERPRETATION OF CERTAIN TERMS

Interpretation of certain terms shall be as follows:

- A. Words used in the present tense shall include the future.
- B. Words used in the singular number include the plural, and words used in the plural include the singular.
- C. The word "person" includes a firm, partnership, and corporation.
- D. The word "lot" includes the word "plot" and "parcel."
- E. The word "building" includes the word "structure."
- F. The word "shall" is always mandatory and not merely discretionary.
- G. 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."
- H. Words not defined here shall be construed as having the meaning given by common and ordinary use.

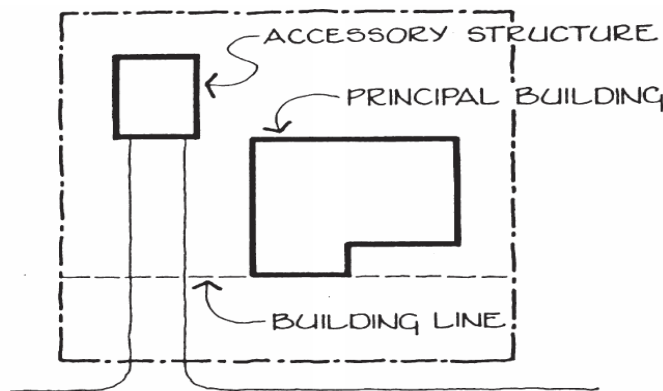
#### Sec. 201.1. DEFINITIONS

For the purposes of this Ordinance, certain terms appearing in the text shall be defined as follows:

**ABANDONMENT.** Cessation of a use as indicated by the visible or otherwise apparent intention of an owner to discontinue the use of a building, structure or lot, removal of characteristic equipment or furnishings used in performance of activities associated with the use without replacement by similar equipment or furnishings or replacement of a nonconforming use with a different nonconforming use.

**ACCESSORY BUILDING.** An uninhabited, freestanding building located on the same lot as a principal building and which is customarily incidental and subordinate to the principal building. Accessory buildings are also known as outbuildings.

**ACCESSORY DWELLING.** Living quarters established in an accessory building comprise an accessory dwelling. Accessory dwellings are a separate and complete dwelling unit clearly subordinate to the principal dwelling, whether a part of the same building as the principal dwelling or a detached dwelling on the same lot. Accessory dwellings shall comply with the development standards of an accessory building as provided in Sec. 1501.1. Accessory buildings and structures.



**ACCESSORY USE.** A use that exists on the same lot and which is customarily incidental and subordinate to the principal use of the property.

**ADULT DAY CARE CENTER.** A facility, whether operated for profit or not, that undertakes through its ownership or management to provide for less than 24-hour per day, basic adult day care or adult day health services to three (3) or more adults, not related by blood or marriage, who require basic services. Such “activities of daily living” include bathing, shaving, brushing teeth, combing hair, toileting, dressing, eating, grooming, taking medications, and transfers and/or ambulation. Adult day care center includes any facility that regularly provides adult custodial services. This term shall not include a respite care services program.

**AGRICULTURE.** The raising of crops and/or and livestock in a customary manner on tracts having a minimum area of five (5) acres and including all associated activities as permitted by this Ordinance.

**ALLEY.** A public thoroughfare or way generally having a width of not more than twenty (20) feet that affords a secondary means of access to abutting properties.

**ANTIQUÉ SHOP.** Any premises used for the sale or exchange of articles that are over 50 years old or have collectible value, and not simply because the article is not a new product. Antique shop does not include secondhand store, thrift store or flea market.

**APARTMENT.** A room, or a suite of two or more rooms in a building containing multiple dwellings occupied or suitable for occupancy as a residence for one family each of which is an independent living quarters.

**APPLICANT.** An owner or his or her designated representative who is submitting an application for consideration under any provision of this Ordinance.

**AUTOMOBILE SERVICE, MAJOR.** Automobile services that generally require substantial replacement or repair of major components of a motor vehicle. Examples of major automotive services include, but are not limited to, transmission repairs or replacement, paint and body work, engine overhaul and radiator repair.

**AUTOMOBILE SERVICE, MINOR.** Automobile maintenance services that generally require only adjustments or replacement of minor components. Examples of minor automotive services include, but are not limited to, tune-up, oil change, lubrication, brake repair, air conditioning system servicing, muffler replacement, and wheel alignment.

**AUTOMOBILE SERVICE STATION.** A building or premises where fuels are sold, provided no storage of motor vehicles is allowed, only minor services are rendered, and all repairs are performed indoors. An automobile service station is not a repair garage or a body shop.

**BASEMENT.** That portion of a building between the floor and ceiling that is wholly or partly below grade and having more than one-half of its height below the adjacent grade. Also referred to as a cellar, such spaces are not considered a story.

**BED AND BREAKFAST INN.** A private, single family residence occupied by an owner-operator as his or her principal residence offering sleeping accommodations to lodgers. A lodger is a person who rents a room in a bed and breakfast establishment. The term also includes tourist homes, airbnb facilities and short-term rentals.

**BODY SHOP.** A building or premises where motor vehicle repair and/or component replacement is performed, including, but not limited to, painting and metal fabrication of motor vehicle bodies or structures.

**BOARDING HOUSE.** A building, other than a motel or hotel, most often a single family dwelling, where lodging accommodations and meals are provided for compensation and by pre-arrangement for definite periods. Meals are not provided to individuals who are not boarders at the facility.

**BUFFER.** That portion of a lot established for permanent vegetation and open space and intended to screen properties with a more intense and potentially incompatible use from a less intense use or less intense zoning classification. Buffers are to be installed on the property containing the more intense use; buffer width is measured from the common property line.

**BUFFER, NATURAL.** A buffer to remain in its natural state except for minor maintenance as may be authorized under this Ordinance.

**BUFFER, PLANTED.** A buffer consisting of planted vegetation.

**BUFFER, UNDISTURBED.** A buffer that once installed is not to be reduced or altered except for minor maintenance as may be authorized under this Ordinance. The term "installed" as used here refers to the time at which either: (a) the natural buffer is delineated on the ground, or (b) the buffer is planted and approved.

**BUILD-TO LINE.** A line generally parallel to the front lot line to which buildings shall enfront as mandated by the zoning district assigned to the property.

**BUILDING.** A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, and having a roof for the shelter of persons, animals, property or materials of any kind.

**BUILDING BULK.** The visual and physical mass of a building also referred to as building scale.

**BUILDING HEIGHT.** The vertical distance of a building measured from the average elevation of the finished grade adjacent to the front facade of the building to the highest point of the roof. The measurement shall not include roof elements such as chimneys, antennas, spires, cupolas and domes not intended for occupancy.

**BUILDING LINE, MINIMUM.** A line identifying the minimum building setback from a property boundary.

**BUILDING MASS.** The three-dimensional form of a building defined by height, width and depth.

**BUILDING, MAIN.** The principal building on a lot designed to accommodate the primary use of the premises. Where a permitted use involves more than one such building, as in the case of an office development, each building shall be considered a main building.

**BUILDING SETBACK.** The minimum horizontal distance that must be maintained between any building or structure and a public right-of-way or lot line.

**BUILDING SITE.** The ground area of one or more lots that are the subject of development.

**BUSINESS.** Any lawful commercial endeavor engaged in the manufacture, purchase, sale, lease, or exchange of goods, and/or the provision of services.

**CHILD CARE LEARNING CENTER.** Any place operated by an individual or by any business entity recognized under Georgia law where are received for compensation for group care, for fewer than 24 hours per day without transfer of legal custody, seven (7) or more children under 18 years of age and which is required to be licensed by the Georgia Department of Early Care and Learning. Child Care Learning Center also includes any day care center previously licensed by the Department of Human Resources and transferred pursuant to Code Section 20-1A-1et seq.

**CLUB.** An association established for engaging in civic, social, cultural, fraternal, literary, political, recreational, or similar activities operated for the benefit of its members and not open to the public.

**COMMERCIAL.** Any for-profit activity in which merchandise, goods or services are provided in exchange for payments, usually in the form of cash.

**COMMERCIAL KENNEL:** Any location where boarding, caring for, keeping or breeding of four (4) or more dogs, cats or other small, domestic animals or combination thereof is offered for commercial purposes. Litters of animals under three (3) months of age shall not be used in calculating the number of animals.

**COMMON OPEN SPACE.** Land reserved in an undeveloped condition located within or related to a development that is not individually owned or dedicated for public use, that is designed and intended for the common use and enjoyment of the residents, owners or tenants of a development.

**CORNICE.** Any horizontal element of a building projecting outward from the exterior walls at the roof line, including eaves.

**CONVENIENCE STORE.** A small, retail establishment offering a limited line of groceries and household goods, pre-packaged food, tobacco products and beverages. Convenience stores are typically designed to attract a large volume of stop-and-go vehicle traffic. Convenience stores selling fuel may be subject to more stringent standards as traffic generation, hours of operation, noise, litter and lighting tend to be more intrusive on nearby residential uses. The term does not include automotive service stations or vehicle repair shops.

**CURB CUT.** A vehicular lane providing access to property from an abutting public street.

**DOMESTIC ANIMAL.** An animal that is tame or domesticated and not normally found in the wild state. For purposes of this Ordinance, the term includes dogs, cats and tame birds. Animals more suited to agricultural uses such as goats, pigs, sheep and chickens are not included in this definition, nor are exotic animals such as snakes, lizards, pot belly pigs and monkeys.

**DWELLING.** A building or portion thereof designed as living quarters for one family as a single housekeeping unit physically separated from any other dwellings in the same structure, containing a private entrance, and permanent provisions for living, cooking, sleeping and sanitation. Dwelling shall not include a hotel, motel, rooming and boarding houses, motor home, recreational vehicle, camping trailer, vehicle chassis, tent, portable building or other accommodations for transient occupancy.

**DWELLING, CONDOMINIUM.** A form of residential property ownership in which individual dwellings are situated on a lot or lots that are owned in common as undivided interests by individual dwelling owners. Individual ownership is limited to the living area itself that extends to the centerline of any common walls or floors.

**DWELLING, DUPLEX.** A building designed with accommodations for residential occupancy exclusively by two families living independently of each other.

DWELLING, MULTIFAMILY. One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit not owned in fee simple. Multifamily dwellings are also referred to as apartments and are typically contained in a building having a number of multifamily dwellings.

DWELLING, SINGLE FAMILY ATTACHED. A residential building contain individual dwellings in conjunction with a separate lot or lots of common ownership, where each dwelling has a minimum of one vertical wall extending from foundation to roof dividing the dwelling from adjoining units. Each dwelling is independently owned, with the owner having title to the land on which the dwelling is located. Single family attached dwellings are also known as townhouses.

DWELLING, SINGLE FAMILY DETACHED. A dwelling held in fee simple ownership located on an individual lot that is not attached to any other dwelling by any means. A building assembled in a factory in compliance with state building code standards shall also be considered a single family detached dwelling.

Dwelling, single family detached also means a structure designed for residential use and occupied by one family or household, which meets or exceeds the following minimum standards: See also Sec. 401.2. Single Family Residential Standards.

(1) Minimum gross floor area required by the zoning district in which the dwelling is located.

(2) The roof shall have a minimum pitch of 8:12, and shall be covered with asphalt shingles, concrete or clay roof tiles, wood shingles and/or shakes, metal or similar materials intended for use as roofing.

(3) Exterior siding materials shall consist of wood, glass, full size brick, concrete stucco, fiber cement siding, vinyl coated metal lap, vinyl lap, or other materials of similar appearance and composition as approved by the Zoning Administrator. All siding, wood, masonry siding, vinyl coated metal lap, and vinyl lap, shall be horizontally oriented to the ground with maximum width of each lap being eight (8) inches.

(4) Dwellings shall be permanently affixed or bolted to a permanent masonry or concrete foundation, fully enclosing the structure.

(5) Dwellings shall have a roof overhang around the entire exterior perimeter of the building of no less than six (6) inches.

(6) A masonry or wooden landing having minimum dimensions of 36 inches by 48 inches shall be provided at each exterior door.

(7) A site-built home shall be constructed according to standards established by Fayette County building codes, as amended from time to time.

(8) For purposes of this Ordinance, a single family detached dwelling shall not include a mobile home.

**DWELLING, TRIPLEX.** A residential building designed for and occupied by no more than three families living independently of each other in three separate living and housekeeping units, each of which is designed to be occupied as a separate, permanent residence for one family.

**ENFRONT.** Placement of a building along a build-to line.

**FACADE.** The exterior elevation or face of a building.

**FAMILY.** One or more individuals related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship, or not more than five (5) individuals not so related, occupying a dwelling unit as a single, nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities. All related individuals shall be limited to the spouse, parents, grandparents, grandchildren, stepchildren, sons, daughters, brothers or sisters of the owner or the tenant, or of the spouse of the owner or the tenant. The term "family" shall not be interpreted to mean fraternity, sorority, club, student center, group home, foster home or similar uses and is to be distinguished from individuals occupying a boarding house, rooming house, hotel or motel.

**FAMILY DAY CARE CENTER.** A private residence in which a business is operated by any person who receives compensation for supervision and care for less than 24 hours per day without transfer of legal custody, no fewer than three (3) children, but no more than six (6) children under 18 years of age, who are not related to the operator and whose parents or guardians are not residents in the same private residence and which is required to be licensed by the Georgia Department of Early Care and Learning.

**FENESTRATION.** The arrangement of windows and doors on a building.

**FLEA MARKET.** A building, structure or open area in which stalls, rooms, stands, sales areas or similar spaces used for the display and sale, exchange or barter of merchandise are reserved and rented or otherwise provided, and which are intended for use by businesses or individuals to market homemade, homegrown, handcrafted or antique articles and may include the sale of new or used goods at retail. Yard sales and garage sales are not considered flea markets.

**FLOOD PLAIN.** A relatively flat, low lying area adjoining a river, stream or watercourse that is subject to partial or complete inundation.

**FRONTAGE.** The entire boundary of a lot abutting a public street.

**GARAGE, PRIVATE.** An accessory building or an accessory portion of the main building, enclosed on all sides designed and primarily used for the shelter or storage of vehicles owned by the occupants of the premises.

**GOVERNING AUTHORITY.** The Mayor and Council of the Town of Woolsey.

**GRADE.** The vertical elevation of the surface of the ground.



**HOME OCCUPATION.** A small, individually-owned businesses operated in a dwelling without altering the residential character of that dwelling or the neighborhood and which do not create any negative impacts on public health, safety or welfare. Such impacts include, but are not limited to, fumes, noise, smoke, heat, odor, dust, glare, or vibration perceptible at any property line. Home occupations shall be clearly incidental and secondary to the residential use of the property. Participation in a home occupation shall be limited to family members resident on the premises and a maximum of two (2) other individuals not resident on the premises. Home occupations are encouraged as a means of reducing commuting, encouraging entrepreneurship and improving the livability of the town.

**INTERPARCEL ACCESS.** A secondary street network established in commercial districts primarily for improving vehicular movement among adjoining commercial properties via internal access networks, but may also accommodate pedestrians, a travel lane that facilitates movement from one lot to another within a development rather than limiting access to individual sites to the main thoroughfare.

**JUNKYARD.** Any land or building, used for the abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, machinery, or parts thereof.

**LOT.** A parcel of land occupied, or intended for occupancy, by a building, a group of building or uses, and accessory buildings, together with such yards, lot area and open space as required by this Ordinance and fronting on a public street.

**LOT AREA.** The total horizontal area within the boundaries of a lot. These boundaries appear on a property survey as a metes and bounds description that is used to define the lot.

**LOT, CORNER.** A lot located at the intersection of two or more streets.

**LOT COVERAGE.** That portion of a lot covered by an impervious surface. Lot coverage is typically expressed as a percentage of total lot area known as the lot coverage ratio.

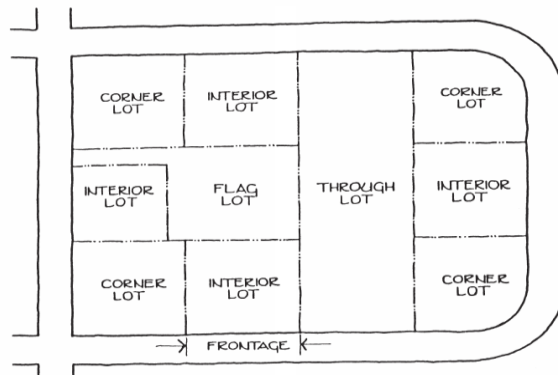
**LOT DEPTH.** The average horizontal distance between the front lot line and the rear lot lines.

**LOT LINES.** The property boundaries defining a lot.

**LOT OF RECORD.** A platted lot on record in the office of the Clerk of the Superior Court of Fayette County, Georgia. A parcel of land recorded in the Office of the Clerk of the Court, or a parcel described by metes and bounds, the description of which has been so recorded.

**LOT, THROUGH.** Also known as a “double frontage lot,” a lot having frontage on two parallel or approximately parallel streets or fronting on two streets that are not parallel. A corner lot is not a through lot.

LOT, WIDTH. The horizontal distance between the side yard lines, measured along the front yard setback that is also the building line.



**MANUFACTURED HOUSING.** A factory-built, single family building manufactured under authority of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401-5426) transportable in one or more sections, is built on a permanent chassis, and is to be used as a dwelling. Such buildings do not have a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which do not have wheels or axles permanently attached to the body or frame. For purposes of this Ordinance, Manufactured Housing shall not be considered a single family detached dwelling.

**MANUFACTURING.** The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins or liquors. For the purposes of this Ordinance, manufacture or assembly processes shall be conducted entirely inside a building and shall not produce any of the following adverse impacts, perceptible at the property boundary:

- Noise at a level greater than typical ambient noise levels,
- Hazardous solids, liquids or gases emitted into the environment,
- Offensive odors, glare or vibration, or
- Any other adverse impact as may be determined by the Town Council, based on evidence presented.

**MEDICAL CLINIC.** An establishment where patients are received for examination and/or treatment by medical professionals.

**MOBILE HOME.** A structure transportable in one or more sections that is a minimum of eight (8) feet or more in width and 40 feet or more in length and 320 or more square feet in area built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities. Mobile homes were manufactured prior to June 15, 1976; contain plumbing, heating, air conditioning, and electrical systems; and are not subject to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401-5426). For purposes of this Ordinance, Mobile Home shall not be considered a single family detached dwelling.

**MODULAR BUILDING.** A transportable building fabricated in a factory consisting of units designed to be complete units or integrated into a structure at a building site. Such units are placed on a permanent foundation or in a permanent structure to be used for residential or non-residential purposes. Modular buildings shall bear a seal of compliance with regulations of either the Southern Building Code Congress International or the Georgia Industrialized Building Act.

**MODULAR HOME.** A factory-built, transportable building consisting of units designed to be incorporated at a building site on a permanent foundation or into a permanent structure to be used for residential purposes and which bears a seal of compliance with the regulations of the Southern Building Code Congress International, the Georgia Industrialized Building Act, or the National Manufactured Housing Construction and Safety Standards Act as amended. For purposes of this Ordinance, a Modular Home shall be deemed a single family detached dwelling.

**NON-COMMERCIAL KENNEL:** Any location where four (4) or more, but fewer than twelve (12) dogs, cats or other small domestic animals, or combination thereof, are kept by the owner or occupant of the property for breeding, raising, showing or training purposes and for which commercial gain is not the primary objective, but solely as a hobby. Litters of animals under three (3) months of age shall not be used in calculating the number of animals.

**NONCONFORMING BUILDING OR STRUCTURE.** A building, or portion thereof, that was lawfully erected or altered and maintained, but that by subsequent adoption of this Ordinance, no longer conforms to development standards of the zoning district in which the building or structure is located.

**NONCONFORMING LOT.** A parcel of land that complied with all codes and ordinances at the time the lot was platted and was lawful prior to adoption of this Ordinance but which fails by reason of such adoption to conform to the current standards of the zoning district in which the lot is located.

**NONCONFORMING USE.** Any activity occurring on a lot that was lawfully established and maintained but that by subsequent adoption of this Ordinance, no longer conforms to the use regulations of the zoning district in which the use is established.

**OPEN SPACE.** An area or portion of land, including water bodies, that is either in a natural state, landscaped or essentially unimproved and which shall not be used for parking, storage or display.

**OUTDOOR STORAGE.** Open placement of any material for a period greater than 24 hours, including items for sale, lease, processing and repair, excluding motor vehicles, but including tires.

**PAWN BROKER.** Any entity engaged in whole or in part in the business of lending money on the security of pledged goods (as that term is defined in O.C.G.A. § 44-12-130(5)), or in the business of purchasing tangible personal property on a condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from

persons or sources other than manufacturers or licensed dealers as part of or in conjunction with the business activities described in this paragraph. Any pawnbroker doing business in the Town of Woolsey shall comply with Georgia Code Title 44. Property § 44-12-138.

PERENNIAL STREAM. A watercourse that flows year-round.

PERSON. An individual, firm, partnership, corporation, company, association, syndicate or any other legal entity, whether he, she, or it is acting for himself, herself, or itself or as the employee, agent, or representative of another person.

PERSONAL CARE HOME. Any premises operated on a for-profit or nonprofit basis, and licensed or registered as a personal care home by the Georgia Department of Community Health, that undertakes through its ownership or management to provide, or arrange for the provision of, housing, food service, and one or more personal services for two (2) or more adults not related to the owner or administrator by blood or marriage.

Any premises that for any reason is not required to be licensed by, or registered with, the State of Georgia as a personal care home, or fails to be licensed by, or registered with, the State of Georgia as a personal care home, but which through its ownership or management undertakes for a fee, accepts a grant or utilizes its own funding to provide, or arrange for the provision of, housing, food service and one or more personal services for two (2) or more persons not related to the owner or administrator by blood, marriage or adoption shall also be considered a personal care home. No use defined as a personal care home may be permitted as a home occupation. This definition shall apply without regard to whether any fee is paid by the individual to whom the services are provided or by another person, the source of the grant or the funding source for the operational costs and without regard to whether the personal care home is operated for profit or not for profit.

Assistance or supervision of activities of daily living as defined by the Georgia Department of Community Health shall include, but not be limited to such personal services as individual assistance with or supervision of self-administered medication, and essential activities of daily living such as eating, bathing, grooming, dressing, shaving, brushing teeth, combing hair, laundering, cleaning private living area, managing personal finances, writing letters, shopping, accessing public transportation, making telephone calls, securing appointments, engaging in leisure and recreational activities and toileting. Personal care homes shall not provide medical, nursing or health services.

For purposes of this Ordinance, a "child caring institution" or "group-care facility" as defined in O.C.G.A. § 49-5-3, as amended, shall also be considered a personal care home.

Personal care homes shall be classified as follows:

1. Family personal care home having a maximum of six (6) residents, inclusive of caregivers.
2. Group personal care home having a minimum of seven (7) and a maximum of fifteen (15) residents, inclusive of caregivers; and

3. Congregate personal care home having more than sixteen (16) residents, inclusive of caregivers.

Personal care home shall not include buildings devoted to independent living units that contain kitchen facilities in which residents have the option of preparing some or all of their own meals or boarding facilities that do not provide personal care.

PERSONAL CARE HOME, REGISTERED. A personal care home offering care to not more than three (3) persons registered with, but not licensed by, the Georgia Department of Community Health, pursuant to the provisions of O.C.G.A. §31-7-12 and any regulations promulgated by the Department of Community Health pursuant thereto. For purposes of permitting this use within a specific zoning district, Personal Care Home, Registered shall be regulated as a Family Personal Care Home.

PERSONAL SERVICES. Non-medical related individual necessities such as barber shops, beauty salons, health spas, massage services by a licensed therapist, tanning salons, clothing rental, garment repair, personal laundry and dry cleaning drop-off, photographic studios, shoe repair, tailoring, and other similar establishments.

POLE BARN. An accessory structure consisting of wooden or metal posts and trusses that act as the main structural support for the roof and walls. Such structures are typically metal-clad with unfinished, un-insulated interiors. Pole barns are often used for agricultural purposes, for construction trade storage, or for general storage and are not intended for human habitation. Pole barn includes the term "open shed."

PRINCIPAL BUILDING. A building containing the primary use of a lot.

PRINCIPAL USE. The primary purpose for which a lot or building(s) on a lot are designed, arranged or intended to be used, and for which the lot or building(s) may be used, occupied or maintained.

PUBLIC. Any individual or group having an interest in decisions affecting the town of Woolsey. Also, as concerns property, facilities or infrastructure, being public means these resources are accessible to, enjoyed and used by, and maintained for the public.

PUBLIC HEARING. A duly advertised public meeting called by the town council for the purpose of taking formal public comment, both in favor of and in opposition to a proposed action.

PUBLIC USE. Government-owned or operated facilities to which the public has access that may be administrative buildings, public parks, schools, and recreational, cultural or service buildings.

PUBLIC UTILITY. Any person, firm or corporation, municipal department, board or commission duly authorized under federal, state, or municipal regulations to furnish such services as natural gas, stormwater management, electricity, sanitary sewer, communications, and potable water, among other services to the public.

**RECREATIONAL VEHICLE.** A vehicle capable of movement under its own power designed as a temporary dwelling for travel, recreation or vacation. Such vehicles are known as "campers" or "recreational vehicles."

**RESTAURANT, FAST FOOD.** An establishment where customers order menu items and are served food at a counter or in a motor vehicle in packages prepared for consumption off premises, or at a table or counter on the premises. Such establishments do not provide wait staff service to customers seated at a table. The term includes carry-out, drive-through, drive-in and curbside service restaurants.

**RESTAURANT, FULL SERVICE.** An establishment that offers food and beverages primarily to persons seated within the building or outside on the premises; also known as a "sit down" restaurant.

**REVERSIONARY CLAUSE.** A condition that may be assigned to approval of an application to rezone property or to approve a conditional use that requires re-consideration of such approval in the event a specific action such as issuance of a land disturbance permit or building permit, or initiation of construction, is not undertaken within a specified period, typically one year, provided public notice is given in compliance with Sec. 1401.2. Public notice procedures, subsections B. and C., only, and a public hearing is held in compliance with Sec. 1401.3. Public hearing procedures.

**RIGHT-OF-WAY.** An area of land dedicated to public use by pedestrians and motorists as a travel route and means of access to properties adjacent to the right-of-way that may also accommodate public utilities, lighting, public signs, landscaping and similar public improvements and facilities.

**ROOMING HOUSE.** A dwelling containing rooms for lodgers where no dining facilities are maintained for the lodger, as distinguished from a boarding house.

**SCRAP YARD.** An area of land or a building, within which waste or scrap materials are bought, sold, exchanged, stored, processed or otherwise handled. A scrap yard includes automobile wrecking yards and junk yards.

**STORY.** A space in a building between the surface of any floor and the surface of the next floor above, or if no floor above exists, the space between such floor and the ceiling or roof above; provided, however, that where the floor level of the first story is more than one-half below the adjacent, finished grade, the space shall be considered a basement and shall not comprise a story.

**STREET.** A public thoroughfare, including a road, highway, drive, lane, avenue, boulevard, and any other thoroughfare that affords the principal means of access to abutting property.

**STRUCTURE.** Any form constructed or erected on the ground or attached to a building or structure erected on the ground for the purpose of creating shelter, including but not limited to, gazebos, signs, flagpoles, swimming pools, fences and walls. A fully enclosed structure shall be considered a building.

**STRUCTURAL ALTERATION.** Any change in the supporting members of a building or a structure such as foundations, bearing walls, columns, beams, floor or ceiling joists, girders or rafters, or changes in the roof.

**SUBDIVISION.** The division of a tract or parcel of land into two (2) or more lots, building sites or other divisions; the combination of two or more lots to form one lot; the division of land involving dedication of a new street, easement or other public way for the purpose of, whether immediate or future, sale, transfer, legacy, development, or other purposes. The term includes re-subdivision, and where appropriate, relates to the process of subdividing land or the land subdivided. Exemptions are as follows:

1. The public acquisition of land for use in widening existing streets; and
2. The transfer of a portion of one lot or tract in an existing subdivision to an adjacent lot or tract in the same subdivision providing that such transfer does not create a nonconforming lot or tract as concerns lot area or lot width and does not increase the total number of lots.

**SWIMMING POOL.** Any permanent structure, tank or basin located in the ground or attached to the ground, for wading or swimming. All swimming pools shall meet the 2018 International Swimming Pool and Spa Code.

**TCD.** The Town Center District, a zoning district assigned to the town center.

**THRIFT OR SECOND HAND STORE.** An establishment primarily engaged in the sale of used clothing, household goods, furniture or appliances. The term does not include antique shops.

**TRAILER, CONSTRUCTION.** A vehicle designed for towing, not intended for use as a dwelling, either temporary or permanent, and restricted to such uses as a construction office and/or storage facility, temporary operations office pending construction of a permanent facility, and the like.

**TRAILER, UTILITY.** A vehicle designed to be towed by a motorized vehicle which may be open as in a landscape trailer or closed as in a car hauler. Utility trailers classified as up to Class IV which are rated to 10,000 pounds are considered light duty and include boat trailers, horse trailers and landscape trailers. Utility trailers having a rating above Class IV are considered commercial vehicles and shall be regulated as heavy duty trucks.

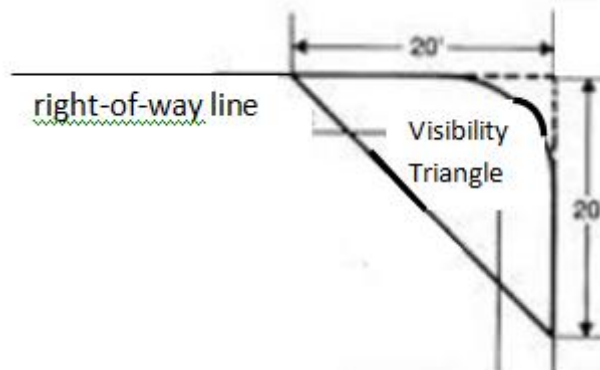
**TRAVEL TRAILER.** A vehicular type portable structure without permanent foundation, which can be towed or hauled and primarily designed as temporary living accommodation for recreational and travel use.

**TRUCK, HEAVY DUTY.** Any motorized vehicle larger than a Class 2, defined as a class of trucks and vans having a GVWR above 10,000 pounds; tractors; earth-moving equipment; construction vehicles or like items used for hauling or other construction activities.

**USE.** The purpose for which land or buildings is arranged, designed or intended, or for which either is or may be occupied or maintained.

VARIANCE. A minor deviation from the development standards of zoning ordinance that will not be contrary to the public interest when due to special circumstances associated with the property, strict application of those standards would deprive the owner of development rights enjoyed by owners of similarly situated property and would result in an unnecessary hardship. Variances may not be granted when the special circumstances are the result of actions by the owner. No variance may be granted to allow a use that is otherwise prohibited in the zoning district assigned to the property. Such deviation shall be the least necessary to provide reasonable relief to the owner.

VISIBILITY TRIANGLE. A hypothetical area maintained on corner lots within which no sign, fence, tree, shrub or other physical obstruction higher than thirty-six (36) inches above the established grade shall be permitted. This area is intended to provide a clear line of sight for motorists and is formed by connecting the point where each street right-of-way line intersects and two points located 20 feet from that intersecting point running along each street right-of-way line.



YARD. An open space on a lot, unoccupied and unobstructed from the ground up. In measuring a yard to determine the dimension of the respective yards, the least horizontal distance between the applicable lot line and the exterior wall of a building shall be used.

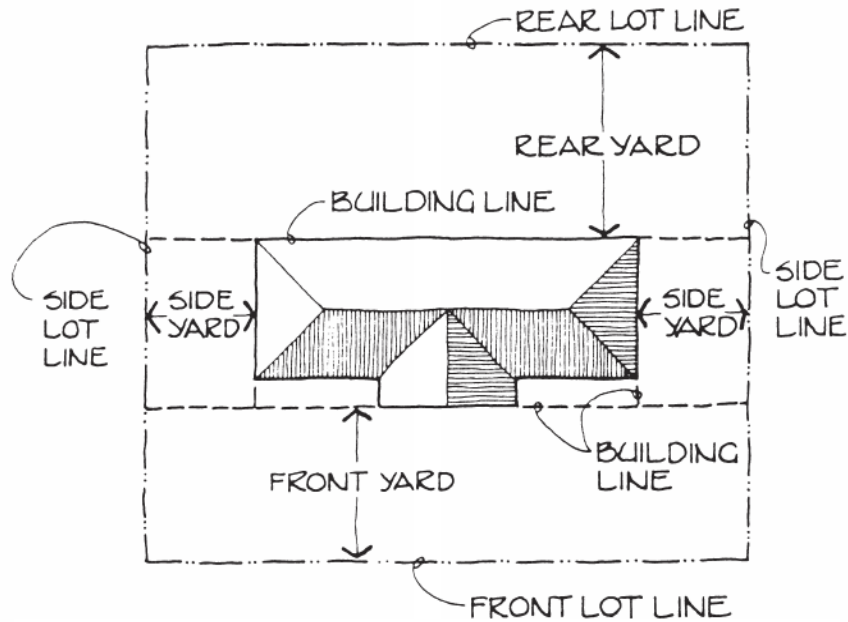
YARD, FRONT. An open area extending across the full width of a lot between the side lot lines, and being the minimum horizontal distance between the street right-of-way and the exterior wall of the main building. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, INTERIOR SIDE. The yard of a corner lot adjacent to a building lot as opposed to a "street side yard" which is the yard adjacent to a public right-of-way that is not the front yard. The interior side yard of a corner lot is opposite the street side yard.

YARD, REAR. An open area within and extending across the full width of the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear wall of the main building. On all corner lots, the rear yard shall be at the opposite end of the lot from the front yard.



YARD, SIDE. An open area extending from the side lot line to a line defined by the minimum side yard setback and being the minimum horizontal distance between a side lot line and the exterior wall of the main building. The side yard extends from the front yard setback to the rear yard setback applicable to the lot.



ZONING ADMINISTRATOR. The individual appointed by the Mayor and Town Council whose duty it shall be to administer and enforce the provisions of this Ordinance.

Secs. 201.2. – 201.6. RESERVED

### CHAPTER 3

#### ESTABLISHMENT OF ZONING DISTRICTS AND LIMITS ON THE USE OF LAND

Sec. 301.0. ZONING DISTRICTS ESTABLISHED. The following zoning classifications are established by this Ordinance for the purpose of regulating the use of land, buildings and structures; to limit building height and building mass; to control the spatial relationships of buildings by specifying minimum yard areas and building setbacks and to shape the character of neighborhoods by adopting maximum residential densities:

- R-A Residential-Agricultural District (217,800 square feet, 5-acre minimum lot size)
- R-3 Single Family Residential District (130,680 square feet, 3-acre minimum lot size)
- R-1 Single Family Residential Zone District (43,560 square feet, 1-acre minimum lot size)
- TCD Town Center District

Sec. 301.1. ESTABLISHMENT OF DISTRICTS BY MAP. The location of these zoning districts are as indicated on the Official Zoning Map of the Town of Woolsey, dated June 10, 2019, and bearing the Town seal and signatures of the Mayor and Town Clerk. The Official Zoning Map is made a part of this Ordinance by reference as though fully set forth herein.

Sec. 301.2. DIVISION OF ZONING MAP. The Official Zoning Map may be divided into parts for convenience and ease of use in more readily identifying specific properties depicted on the Official Zoning Map, and such parts may be used separately for amending the Official Zoning Map or for any other official reference to the Official Zoning Map.

Sec. 301.3. BOUNDARY ADJUSTMENTS. All adjustments to the boundaries of a zoning district shall be made by ordinance or resolution adopting an amended Official Zoning Map or part of the Official Zoning Map, notice of which revisions shall be published prior to adoption of an amended Official Zoning Map in the manner prescribed by law and codified in Sec. 1401.2. Public notice procedures. When adopted, such boundary adjustments shall become a part of this Ordinance by reference as though fully set forth herein.

Sec. 301.4. UNCERTAINTY OF BOUNDARIES. Where uncertainty exists as to the boundaries of any zoning district shown on the Official Zoning Map or any part thereof, the following rules shall apply:

A. Where such boundaries approximate street, alley or lot lines, such lines shall be construed to be such zoning district boundaries.

B. Where a zoning district boundary divides a lot, and the boundary is not indicated by dimensions, the location of such boundary shall be determined by use of the scale appearing on the Official Zoning Map.

C. Where a public street or alley is officially vacated, the land area comprising such vacated street or alley shall be assigned the zoning classification of the abutting property. In the case of different zoning classifications assigned to the abutting properties, the zoning classification of the respective property shall extend to the centerline of the public street or alley being vacated.

D. Areas of dedicated streets or alleys and railroad rights-of-way, other than such areas designated on the Official Zoning Map as classified in one of the zoning districts provided in this Ordinance, shall be deemed unclassified. In the case of streets or alleys, the use of such unclassified areas shall be limited to lawfully allowed purposes and, in the case of railroad rights-of-way, the use of such unclassified areas shall be solely for accommodating tracks, signals and other operative devices and the movement of rolling stock.

Sec. 301.5. CLASSIFICATION OF ANNEXED PROPERTY AND UNCLASSIFIED PROPERTY. Any property which for any reason is not designated on the Official Zoning Map or is not designated by this Ordinance as being classified in any of the zoning districts adopted by this Ordinance shall be deemed to be zoned R-A Residential Agricultural District until such property is classified by adoption of an amendment to the Official Zoning Map as provided in Sec. 1401.3. Public hearing procedures.

Property annexed into the Woolsey corporate limits shall be designated as that zoning district under this Ordinance most comparable to the zoning classification in which the property that is the subject of annexation is classified by Fayette County at the time of annexation. The property shall be so zoned unless and until the Town Council adopts a different classification in the manner provided for zoning map amendments in Sec. 1401.3. Public hearing procedures and consistent with the Zoning Procedures Law. Such property rezoning shall be heard and decided prior to the effective date of annexation and shall be effective upon annexation.

Sec. 301.6. LIMITS ON THE USE OF LAND. Except as provided by this Ordinance, no building or structure shall be erected, reconstructed, structurally altered or moved onto a lot, nor shall any building, structure or land be used for any purposes except as specifically provided for and allowed by this Ordinance in the zoning district assigned to the lot on which such use, building or structure is located.

Secs. 301.7. – 301.11. RESERVED

## CHAPTER 4

### USE AND DIMENSIONAL STANDARDS

Sec. 401.0. USE OF BUILDING, STRUCTURE OR LAND. No building, structure or land shall be used except for the purposes permitted in the zoning district assigned to the property and in conformity with the standards of that zoning district and this Chapter. Where a provision of this Chapter conflicts with provisions of another Chapter, the provisions of this Chapter shall prevail. A permit for construction, alteration, enlargement, moving, demolition or use of a building or structure or moving a building or structure onto a property shall not be issued by the Fayette County Building Inspector unless the action authorized by the permit fully complies with the provisions of this Chapter and all other applicable provisions of this Ordinance or a variance rendering the proposed action in compliance with this Chapter and this Ordinance has been granted by the Town Council.

#### Sec. 401.1. GENERAL PROVISIONS

A. No junkyard or place for the storage of discarded machinery, vehicles or other scrap materials shall be maintained in any zoning district.

B. No owner or occupant of property in any zoning district shall permit a building or structure damaged by fire or other ruins to be left on a lot. Such building, structure or ruins shall be removed within six (6) months of the occurrence of the loss.

C. Any persistent uses that may be obnoxious or injurious to human health due to the production or emission of odor, dust, smoke, refuse matter, fumes, noise, vibration or similar conditions, or that are dangerous to the comfort, enjoyment, health, safety or welfare of the community shall be prohibited.

D. Accessory buildings shall be allowed in all zoning districts, provided such buildings comply with all standards of Sec. 1501.1. Accessory buildings and structures.

E. No building or structure shall exceed thirty-five (35) feet in height, with the exception of steeples, belfries, cupolas, bell towers and flagpoles and as provided in the Telecommunications Antennas and Towers Ordinance.

F. No trailer shall be parked, stored or occupied on a lot except as follows:

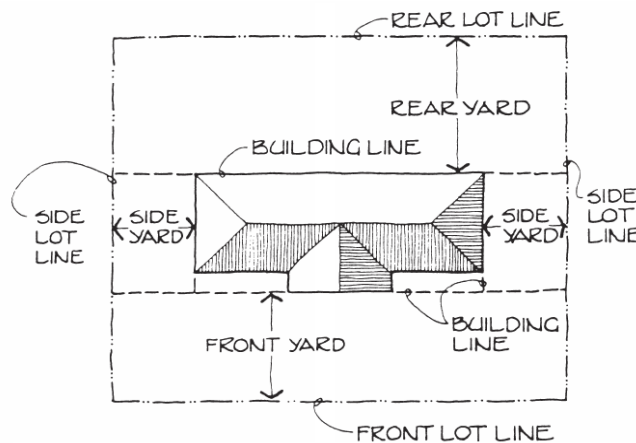
1. Storage of a maximum of two (2) of any combination of the following vehicle types in a private garage or in a rear yard shall be permitted in an R-1 District: utility trailers classified up to a Class IV trailer, camping trailers, boats or recreational vehicles. Such storage of a maximum of three (3) of any combination of such vehicle types in a private garage or in a rear yard shall be permitted in an R-3 District. Storage of a maximum of four (4) of any combination of the named vehicles in a private garage or in a rear yard shall be permitted in an R-A District,

provided that any class of trailer may be stored as provided herein in the R-A District provided that no more than four (4) such vehicles are so stored. Storage of recreational vehicles shall not be occupied and any utility trailer, camping trailer, boat or recreational vehicle shall be owned by the property owner or lessee of the lot proposed for such storage.

2. Temporary use of one (1) construction trailer by a person engaged in construction work on the lot, whether commercial or residential construction, may be permitted by the Town Council provided that such trailer shall be removed within thirty (30) calendar days of issuance of a Certificate of Occupancy for the buildings or structures that were the subject of the construction work. The Town Council may grant such permission for a period not to exceed six (6) months in the case of residential construction on a single lot and twelve (12) months in the case of commercial construction or residential construction in a new subdivision. The Town Council may, at their sole discretion, renew such permission at the expiration of the initial period.

3. Any property owner or lessee may accommodate one (1) recreational vehicle of a non-paying guest in the rear yard of the lot for a period not exceed to exceed thirty (30) calendar days in any one (1) year upon issuance of a permit by the Zoning Administrator.

G. No wall or fence within or along the boundary of a front yard of any residential district shall exceed a height of four (4) feet. No wall or fence within or along a boundary of a rear yard shall exceed a height of eight (8) feet, provided that wire fences having a maximum height of six (6) feet shall be permitted in the front and side yard of an R-A District. For purposes of this measurement, the rear yard shall begin at the rear wall of the principal dwelling as indicated in the following diagram:



H. The development and use of all properties within the town of Woolsey shall comply with the Fayette County Soil Erosion, Sedimentation and Pollution Control Ordinance.

I. Greens and parks shall be permitted in all zoning districts.

J. Any development requiring a Land Disturbance Permit or a Soil Erosion and Sedimentation Control Permit shall comply with the standards of Article VI. Tree Retention, Protection and Replacement of the Fayette County, Georgia, Code of Ordinances, Subpart B - Land Development and Land Use, Chapter 104 Development Regulations, as amended from time to time.

Sec. 401.2. SINGLE FAMILY RESIDENTIAL STANDARDS. All single family dwellings, whether site-built or modular housing, shall comply with the following standards: See also Sec. 201.1. Definitions, Dwelling, single family detached.

- A. Roofing materials shall consist of asphalt composition shingles, metal or tin roofing or tile roofing.
- B. Exterior finish materials shall be consistent with materials used in traditional site-built housing. These materials include wood clapboards, fiber cement siding, vinyl siding, wood shingles, shakes, concrete stucco, approved synthetic stucco, full sized brick or similar materials, but shall not include smooth, ribbed, corrugated or plastic panels.
- C. All principal building and structures shall be placed on a permanent foundation. For the purposes of this section, a permanent foundation shall mean a concrete slab, concrete footers, foundation wall, piling or post construction in compliance with the Fayette County Building Code.
- D. In no event shall wheels, any undercarriage or transporter unit remain on any building or structure.
- E. All swimming pools shall comply with the 2018 International Swimming Pool and Spa Code and the setback requirements of the zoning district in which the property is located. No swimming pool shall be permitted in the front yard.

Secs. 401.3. – 401.7. RESERVED

## CHAPTER 5

R-A RESIDENTIAL AGRICULTURAL DISTRICT (217,800 square feet, 5-acre minimum lot size)

Sec. 501.0. PURPOSE. The purpose of the R-A Residential Agricultural District is as follows:

- A. To provide for quiet, livable, very low-density single family areas.
- B. To provide for agricultural uses that will preserve the semi-rural lifestyle characterizing the town.
- C. To prohibit development densities and uses that would substantially alter the historic development pattern.
- D. To preserve the rural residential and equestrian character of the town.
- E. To implement the goals and policies of the Comprehensive Plan as adopted in the Plan and reflected on the Future Development Map which identifies “Rural Residential” as the land use complement to the R-A Residential Agricultural District.

Sec. 501.1. PERMITTED USES. The following uses shall be permitted in the R-A Residential Agricultural District as specifically indicated. Uses not specifically indicated as permitted shall be prohibited.

- A. Single family detached dwellings.
- B. Adult day care center, subject to the standards of Sec. 1501.4. Adult day care center and the application procedures of Sec. 1201.8. Adult day care center.

- C. Family day care center, subject to the standards of Sec. 1501.7. Family day care center and the application procedures of Sec. 1201.9. Family day care center.
- D. Family personal care home, including personal care home, registered, subject to the standards of Sec. 1501.9. Personal care home, as appropriate and the application procedures of Sec. 1201.10. Family personal care home.
- E. Non-commercial green houses.
- F. Agricultural crops.
- G. Pastures.
- H. Plant nurseries.
- I. Roadsides stands, provided that sales shall be limited to agricultural products, a minimum of fifty (50) percent of which shall have been raised on the premises.
- J. Livestock and riding stables, subject to the standards of Sec. 1501.10. Livestock and riding stables.
- K. Keeping of chickens and other fowl, subject to the standards of Sec. 1501.11. Chickens and other fowl.
- L. Commercial kennels, subject to the standards of Sec. 1501.13. Commercial kennels.
- M. Non-commercial kennels.

Sec. 501.2. ACCESSORY USES, BUILDINGS AND STRUCTURES. The following accessory uses of land, buildings and structures shall be authorized in the R-A Residential Agricultural District as subordinate to the principal uses and buildings:

- A. Home occupations, subject to the standards of Sec. 1501.8. Home occupations.
- B. Accessory buildings and structures, including private garages, subject to the standards of Sec. 1501.1. Accessory buildings and structures.
- C. Accessory dwellings, subject to the standards of Sec. 1501.2. Accessory dwellings.
- D. Pole barns.
- E. Outdoor storage, provided that such storage shall be screened by vegetation, fencing, walls or placement on the lot such that the stored materials are not readily visible from the street or surrounding properties.

Sec. 501.3. CONDITIONAL USES. The following uses may be permitted in the R-A Residential Agricultural District subject to approval of a conditional use as provided in Chapter 14 Amendments, Sec. 1401.5. Conditional use procedures. Each conditional use shall comply with standards specified in Chapter 15. Supplemental Standards and those conditions Mayor and Council deem necessary to achieving the purposes of this Ordinance.

A. Bed and Breakfast Inn, including tourists homes, Airbnb facilities and short-term rentals, subject to the standards of Sec. 1501.5. Bed and breakfast inn.

B. Event center, subject to the standards of Sec. 1501.6. Event center.

Sec. 501.4. PROHIBITED USES. The following uses shall be prohibited in the R-A Residential Agricultural District. Any use not specifically indicated as permitted or as a conditional use shall also be prohibited in the R-A District.

A. Commercial feed lots.

B. Commercial poultry houses.

C. Commercial hog farms.

D. Boarding house.

E. Rooming house.

F. Mobile homes.

G. Manufactured housing.

H. Any use that generates any of the following impacts:

1. Noise at a level greater than typical ambient noise levels;

2. Hazardous solid, liquid, or gaseous emissions;

3. Offensive odors or glare;

4. Excessive vibration or heat; or

5. Any other adverse impact as may be determined by the Town Council, based on evidence presented.

Sec. 501.5. DEVELOPMENT STANDARDS. The following standards shall apply to the subdivision, development and use of all lots in the R-A Residential Agricultural District.

A. MAXIMUM BUILDING HEIGHT. No building or structure shall exceed a height of thirty-five (35) feet, unless otherwise provided in Sec. 401.1. General provisions, subsection E.

B. MINIMUM FRONT YARD SETBACK. The front yard setback shall be a minimum of one hundred and fifty (150) feet as measured from the right-of-way.

C. MINIMUM SIDE YARD SETBACK. The side yard setback shall be a minimum of twenty-five (25) feet, provided that the minimum setback on the street side of a corner lot shall be equal to the front yard setback.

D. MINIMUM REAR YARD SETBACK. The rear yard setback shall be a minimum of fifty (50) feet.

E. MINIMUM LOT AREA. The minimum lot area shall be five (5) acres or 217,800 square feet.

F. MINIMUM LOT WIDTH. Minimum lot width at the building line shall be two hundred and fifty (250) feet. Minimum lot width at the right-of-way for a standard lot shall be 150 feet and 100 feet for a cul de-sac lot.

G. MAXIMUM LOT COVERAGE. No buildings, including accessory buildings and structures, and any impervious surfaces such as driveways and walks, shall encompass more than thirty (30) percent of the lot area.

H. MINIMUM FLOOR AREA. The minimum heated floor area for single story dwellings shall be eighteen-hundred (1,800) square feet and the minimum heated floor area for two story dwellings shall be twenty-four hundred (2,400) square feet.

Secs. 501.6. – 501.10. RESERVED

## CHAPTER 6

R-3 SINGLE FAMILY RESIDENTIAL DISTRICT (130,680 square feet, 3-acre minimum lot size)

Sec. 601.0. PURPOSE. The purpose of the R-3 Single Family Residential District shall be as follows:

- A. To provide for quiet, livable, low-density single family neighborhoods.
- B. To accommodate an estate residential lifestyle.
- C. To prohibit development densities and uses that would substantially alter the historic development pattern.
- D. To allow development of uncongested settings for households seeking privacy not afforded by smaller lot developments.
- E. To implement the goals and policies of the Comprehensive Plan as adopted in the Plan and reflected on the Future Development Map which identifies "Rural Residential" as the land use complement to the R-3 Single Family Residential District.

Sec. 601.1. PERMITTED USES. The following uses shall be permitted in the R-3 Single Family Residential District as specifically indicated. Uses not specifically indicated as permitted shall be prohibited.

- A. Single family detached dwellings.
- B. Adult day care center, subject to the standards of Sec. 1501.4. Adult day care center and the application procedures of Sec. 1201.8. Adult day care center.
- C. Family day care center, subject to the standards of Sec. 1501.7. Family day care center and the application procedures of Sec. 1201.9. Family day care center.
- D. Family personal care home, including personal care home, registered, subject to the standards of Sec. 1501.9. Personal care home, as appropriate and the application procedures of Sec. 1201.10. Family personal care home.



Sec. 601.2. ACCESSORY USES, BUILDINGS AND STRUCTURES. The following accessory uses of land, buildings and structures shall be authorized in the R-3 Single Family Residential District as subordinate to the principal uses and buildings:

- A. Home occupations, subject to the standards of Sec. 1501.8. Home occupations.
- B. Accessory buildings and structures, including private garages, subject to the standards of Sec. 1501.1. Accessory buildings and structures.
- C. Accessory dwellings, subject to the standards of Sec. 1501.2. Accessory dwellings.
- D. Outdoor storage, provided that such storage shall be screened by vegetation, fencing, walls or placement on the lot such that the stored materials are not readily visible from the street or surrounding properties.

Sec. 601.3. CONDITIONAL USES. The following uses may be permitted in the R-3 Single Family Residential District subject to approval of a conditional use as provided in Chapter 14. Amendments, Sec. 1401.5. Conditional use procedures. Each conditional use shall comply with standards indicated in Chapter 15. Supplemental standards and those conditions Mayor and Council deemed necessary to achieving the purposes of this Ordinance.

- A. Bed and Breakfast Inn, including tourists homes, Airbnb facilities and short-term rentals, subject to the standards of Sec. 1501.5. Bed and breakfast inn.
- B. Livestock, subject to the standards of Sec. 1501.10. Livestock and riding stables.

Sec. 601.4. PROHIBITED USES. The following uses shall be prohibited in the R-3 Single Family Residential District. Any use not specifically indicated as permitted or as a conditional use shall be prohibited in the R-3 District.

- A. Boarding house.
- B. Rooming house.
- C. Riding stables.
- D. Mobile homes.
- E. Manufactured housing.

Sec. 601.5. DEVELOPMENT STANDARDS. The following standards shall apply to the subdivision, development and use of all lots in the R-3 Single Family Residential District.

- A. MAXIMUM BUILDING HEIGHT. No building or structure shall exceed a height of thirty-five (35) feet, unless otherwise provided in Sec. 401.1. General provisions, subsection E.

B. MINIMUM FRONT YARD SETBACK. The front yard setback shall be a minimum of one hundred (100) feet as measured from the right-of-way.

C. MINIMUM SIDE YARD SETBACK. The side yard setback shall be a minimum of twenty-five (25) feet, provided that the minimum setback on the street side of a corner lot shall be equal to the front yard setback.

D. MINIMUM REAR YARD SETBACK. The rear yard setback shall be a minimum of fifty (50) feet.

E. MINIMUM LOT AREA. The minimum lot area shall be three (3) acres or 130,680 square feet.

F. MINIMUM LOT WIDTH. Minimum lot width at the building line shall be two hundred (200) feet. Minimum lot width at the right-of-way for a standard lot shall be 125 feet and 75 feet for a cul de-sac lot.

G. MAXIMUM LOT COVERAGE. No buildings, including accessory buildings and structures, and any impervious surfaces such as driveways and walks, shall encompass more than thirty (30) percent of the lot area.

H. MINIMUM FLOOR AREA. The minimum heated floor area for single story dwellings shall be eighteen-hundred (1,800) square feet and the minimum heated floor area for two story dwellings shall be twenty-four hundred (2,400) square feet.

Secs. 601.6. – 601.10. RESERVED

## CHAPTER 7

R-1 SINGLE FAMILY RESIDENTIAL DISTRICT (43,560 square feet, 1-acre minimum lot size)

Sec. 701.0. PURPOSE. The purpose of the R-1 Single Family Residential District shall be as follows:

A. To acknowledge and anticipate the tremendous growth projected for the Atlanta region. One-acre lots are intended to enable households that desire a suburban lifestyle that remains affordable in a market characterized by the highest incomes in the state to choose a location in Woolsey. These locations are expected to be established near the town center leaving those properties containing more abundant open space to define and preserve the rural character of the town. Accordingly, uses that may be permitted in the R-A Residential Agricultural District are not permitted in the R-1 Single Family Residential District given the closer proximity of neighboring uses simply by virtue of the one-acre lot development pattern. One example of such development in Woolsey is the Woolsey Plantation Subdivision within easy walking distance of the town center.

B. To provide for single family neighborhoods at a suburban density.

C. To implement the goals and policies of the Comprehensive Plan as adopted in the Plan and reflected on the Future Development Map which identifies "Estate Residential" as the land use complement to the R-1 District.

Sec. 701.1. PERMITTED USES. The following uses shall be permitted in the R-1 Single Family Residential District as specifically indicated. Uses not so indicated as permitted shall be prohibited.

A. Single family detached dwellings.

B. Adult day care center, subject to the standards of Sec. 1501.4. Adult day care center and the application procedures of Sec. 1201.8. Adult day care center.

C. Family day care center, subject to the standards of Sec. 1501.7. Family day care center and the application procedures of Sec. 1201.9. Family day care center.

D. Family personal care home, including personal care home, registered, subject to the standards of Sec. 1501.9. Personal care home, as appropriate and the application procedures of Sec. 1201.10. Family personal care home.

Sec. 701.2. ACCESSORY USES, BUILDINGS AND STRUCTURES. The following accessory uses of land, buildings and structures shall be authorized in the R-1 Single Family Residential District as subordinate to the principal uses and buildings:

A. Home occupations, subject to the standards of Sec. 1501.8. Home occupations.

B. Accessory buildings and structures, including private garages, subject to the standards of Sec. 1501.1. Accessory buildings and structures.

C. Accessory dwellings, subject to the standards of Sec. 1501.2. Accessory dwellings.

Sec. 701.3. CONDITIONAL USES. No conditional uses shall be permitted in the R-1 Single Family Residential District.

Sec. 701.4. PROHIBITED USES. The following uses shall be prohibited in the R-1 Single Family Residential District. Any use not specifically indicated as permitted or as a conditional use shall be prohibited in the R-1 District.

A. Boarding house.

B. Rooming house.

C. Outdoor storage.

D. Mobile homes.

E. Manufactured housing.

Sec. 701.5. DEVELOPMENT STANDARDS. The following standards shall apply to the subdivision, development and use of all lots in the R-1 Single Family Residential District.

A. MAXIMUM BUILDING HEIGHT. No building or structure shall exceed a height of thirty-five (35) feet, unless otherwise provided in Sec. 401.1. General provisions, subsection E.

B. MINIMUM FRONT YARD SETBACK. The front yard setback shall be a minimum of fifty (50) feet as measured from the right-of-way.

C. MINIMUM SIDE YARD SETBACK. The side yard setback shall be a minimum of twenty-five (25) feet, provided that the minimum setback on the street side of a corner lot shall be thirty-five (35) feet.

D. MINIMUM REAR YARD SETBACK. The rear yard setback shall be a minimum of fifty (50) feet.

E. MINIMUM LOT AREA. The minimum lot area shall be one (1) acre or 43,560 square feet.

F. MINIMUM LOT WIDTH. Minimum lot width at the building line shall be one hundred and fifty (150) feet. Minimum lot width at the right-of-way for a standard lot shall be 100 feet and 50 feet for a cul de-sac lot.

G. MAXIMUM LOT COVERAGE. All buildings, including accessory buildings and structures, and any impervious surfaces such as driveways and walks, shall encompass more than thirty (30) percent of the lot area.

H. MINIMUM FLOOR AREA. The minimum heated floor area for single story dwellings shall be eighteen-hundred (1,800) square feet and the minimum heated floor area for two story dwellings shall be twenty-four hundred (2,400) square feet.

Secs. 701.6. – 701.10. RESERVED

## CHAPTER 8

### TCD TOWN CENTER DISTRICT

#### Sec. 801.0. PURPOSE.

A. The Town of Woolsey recognizes its historic beginnings as a rural, railroad center located between Griffin and Fayetteville. Although the rail line has long been removed, Woolsey retains its semi-rural heritage and has maintained the historic town center. The Town of Woolsey Comprehensive Plan 2017 establishes policies based on themes highlighted during the planning process. These themes are expressions of a desired future for the town center and include the following:

1. Town center is planned to accommodate pedestrian-scale, commercial development.
2. Such development will complement existing development in the town center and be similar in scale and exterior finishes.
3. Preservation of historic properties in the town center is important to Woolsey's sense of place.
4. Woolsey will remain a semi-rural enclave comprised of estate residential and agricultural residential properties surrounding a pedestrian-scale town center that preserves historic structures and institutional uses.
5. Improvement in the intrinsic value of the town center through preservation of historic properties is vital.
6. Dispersed development projects that are unrelated to one another and occur in isolation at random locations outside the town center are to be avoided.

7. The emphasis shall be on beautification of corridors, controlling commercial sprawl along those corridors, preventing commercial encroachment into adjacent neighborhoods, and protecting the historic character of the town center.

B. Far too many communities in the Atlanta region have allowed development to obliterate the existing fabric. Too often, introduction of public water supply and sanitary sewer systems has been an incentive to a dispersed development pattern. The Town recognizes that the arrival of water and sewer service in the town center is not anticipated within the next ten to twenty years. With this in mind, the Town intends to maintain its traditional heritage while accepting the realities of water and sewer standards for the safety and well-being of its citizens. Essential characteristics of the traditional town center shall include the following:

1. Stores and workplaces shall generally be located in close proximity to one another;
2. Buildings will be moderately sized and front on the public right-of-way, generally uninterrupted by parking lots;
3. Greens and parks shall be dedicated to community social activities, recreation and passive enjoyment;
4. Public buildings used for assembly and other civic purposes will be sited to act as visual landmarks and symbols of identity within the community;
5. Town center will be a visually unified and compact commercial center typical of crossroads communities; and
6. The focus shall be on nodal development designed to serve the convenience needs of town residents. Accordingly, the range of uses will be limited to establishments serving those convenience needs of residents rather than responding to the more substantial market demand generated outside the town and by commuters on Highway 92.
7. The Future Development Map adopted in the Comprehensive Plan identifies “Town Center” as the land use complement to the TCD.

C. The Town Center District is the vehicle for implementing Comprehensive Plan policies in the town center. Survey responses reflecting community input into the Plan favor limited commercial development in the town center. Community consensus supported the following objectives:

1. . . smaller family or independently owned businesses.
2. . . encourage specialty retail.
3. Woolsey's town center area should be developed with small retail businesses and offices.
4. The Town should promote the restoration of the older, vacant properties in the Town Center.
5. . . controlled development, but still maintain the very small town feel.
6. . . small, locally-owned stores or eateries.

7. . . commercial development being considered should be of a scale and size that best fits the way things are now.

Sec. 801.1. GENERAL PROVISIONS. In interpreting and applying the Town Center District, a specific requirement or standard shall control over a general requirement or standard.

Sec. 801.2. TOWN CENTER DISTRICT COMPLIANCE. All proposals for building or development within the TCD shall comply with all applicable standards of this Chapter, and other pertinent ordinances, regulations and policies adopted by the Town Council; provided, however, in the event of a conflict between such ordinances, regulations or policies and the standards of the TCD, the standards of the TCD shall control.

Sec. 801.3. MAXIMUM DENSITY. The maximum number of dwelling units permitted in the TCD shall be one (1) unit per acre, provided that the maximum density when public water and sanitary sewer services are available shall be four (4) units per acre.

Sec. 801.4. MAXIMUM FLOOR AREA. No individual, commercial tenant space or free-standing commercial building shall exceed a floor area of 3,000 square feet, unless otherwise provided. See Sec. 801.5, subsection B., paragraph 1 and Sec. 1501.6. Event center, subsection B.

Sec. 801.5. PERMITTED USES. All uses permitted in the Town Center District are dependent on soil conditions and development intensity as all properties are expected to be on private septic systems and possibly well water over the near term. The following uses shall be permitted in the TCD as specifically indicated. Uses not specifically indicated as permitted shall be prohibited.

A. Residential Uses. The maximum allowable density without public water and sanitary sewer service shall be one (1) dwelling unit of the following types per acre. The maximum allowable density when public water and sanitary sewer service are available shall be four (4) dwelling units of the following types per acre.

1. Dwellings, above the first floor of non-residential uses, provided the minimum heated floor area for a one bedroom dwelling shall be five hundred and seventy-six (576) square feet, eight hundred and sixty-four (864) square feet for a two bedroom dwelling and an additional one hundred and fifty (150) square feet for each additional bedroom.
2. Single family detached dwellings, provided the minimum heated floor area for single story dwellings shall be eighteen- hundred (1,800) square feet and the minimum heated floor area for two story dwellings shall be twenty-four hundred (2,400) square feet.
3. Single family attached dwellings, provided the minimum heated floor area for a one bedroom dwelling shall be nine hundred (900) square feet, twelve hundred (1,200) square feet for a two bedroom dwelling and an additional one hundred and fifty (150) square feet for each additional bedroom.
4. Multifamily dwellings, provided the minimum heated floor area for a one bedroom dwelling shall be nine hundred (900) square feet, twelve hundred (1,200) square feet for a two bedroom dwelling and an additional one hundred and fifty (150) square feet for each additional.
5. Accessory dwellings, subject to compliance with Sec. 1501.2. Accessory dwellings.

6. Home occupations, subject to compliance with Sec. 1501.8. Home occupations.
7. Personal care home, family, subject to compliance with Sec. 1501.9 Personal care home.
8. Personal care home, registered, subject to compliance with Sec. 1501.9 Personal care home.
9. Accessory buildings and structures, subject to compliance with Sec. 1501.1. Accessory buildings and structures.

#### B. Commercial Uses.

1. Full service restaurants having maximum gross floor area of 3,500 square feet.
2. Banks and similar financial institutions such as a brokerage firm, credit union, financial planning, or mortgage brokerage.
3. Convenience stores and other food stores having a maximum gross floor area of 3,000 square feet, provided that the dispensing of fuels for sale shall be prohibited. The hours of operation shall be no earlier than 5:00 AM and no later than 11:00 PM Sunday through Thursday and no earlier than 5:00 AM and no later than 12:00 AM on Friday and Saturday. These hours of operation shall also apply to solid waste removal and all deliveries.
4. Offices, including medical offices.
5. Antique shops.
6. Boutiques.
7. Beauty shops, barber shops, shoe repair, tailoring and similar personal services.
8. Arts and crafts shops.
9. Apparel and accessories shops.
10. Art galleries and artists' studios.
11. Commercial kennel, subject to the standards of Sec. 1501.13. Commercial kennels.
12. Books, cards and gift shops.
13. Furniture, home furnishings, and equipment stores.
14. Garden and landscape supplies.
15. Hobby, toy and game store.
16. Pet grooming shop, provided that overnight kenneling on a routine basis shall be prohibited.
17. Veterinary clinic, provided that overnight kenneling on a routine basis shall be prohibited.
18. Bakery, provided that all sales shall be limited to goods produced on the premises.

19. Florist.

20. Catering.

21. Adult day care center, subject to the standards of Sec. 1501.4. Adult day care center and the application procedures of Sec. 1201.8. Adult day care center.

22. Family day care center, subject to the standards of Sec. 1501.7 Family day care center and the application procedures of Sec. 1201.9 Family day care center.

23. Family personal care home, including Personal care home, registered, subject to the standards of Sec. 1501.9. Personal care home and the application procedures of Sec. 1201.10. Family personal care home.

C. Institutional Uses.

1. Clubs and lodges.

2. Places of worship.

3. Libraries.

Sec. 801.6. ACCESSORY USES, BUILDINGS AND STRUCTURES. The following accessory uses of land, buildings and structures shall be authorized in the TCD Town Center District as subordinate to the principal uses and buildings:

A. Home occupations, subject to the standards of Sec. 1501.8. Home occupations.

B. Accessory buildings and structures, subject to compliance with Sec. 1501.1. Accessory buildings and structures, as appropriate.

C. Accessory dwellings, subject to compliance with Sec. 1501.2. Accessory dwellings, as appropriate, and provided a principal dwelling occupied as a residence is established on the lot.

D. Off-street parking shall comply with the provisions of Chapter 9.

E. Automated Teller Machines shall be permitted, provided that any drive-through ATM shall accommodate vehicle stacking sufficient to prevent motorists from forming a queue within a public street.

Sec. 801.7. CONDITIONAL USES. The following uses may be permitted in the Town Center District, subject to approval of a conditional use as provided in Chapter 14 Amendments, Sec. 1401.5. Conditional use procedures. Each conditional use shall comply with standards specified in Chapter 15. Supplemental Standards and those conditions Mayor and Council deem necessary to achieving the purposes of this Ordinance.

A. Bed and Breakfast Inn, including tourists homes, Airbnb facilities and short-term rentals, subject to the standards of Sec. 1501.5. Bed and breakfast inn.

B. Event facility, subject to the standards of Sec. 1501.6. Event center.



C. Child care learning center, subject to the licensing requirements of the Georgia Department of Early Care and Learning.

D. Group and Congregate Personal Care Home, subject to the standards of Sec. 1501.9. Personal care home, as appropriate and the application procedures of Sec. 1201.11. Group and congregate personal care home.

E. Convenience stores and other food stores offering fuels for sale, subject to the standards of Sec. 1501.12. Convenience and other food stores that dispense fuels.

Sec. 801.8. PROHIBITED USES. The following uses shall be prohibited in the TCD.

A. Chemical manufacturing, storage or distribution.

B. Enameling, plating or painting operations, except artist studios.

C. Foundries.

D. Prisons and detention centers.

E. Halfway houses.

F. Manufacture or disposal of hazardous or radioactive waste.

G. Scrap yards.

H. Mobile homes.

I. Manufactured housing.

J. Commercial sand, gravel or other mineral extraction.

K. Pay-day loan establishments and check cashing places.

L. Pawn brokers, including title pawn.

M. Automobile sales or repair.

N. Thrift or second hand store.

O. Flea market.

P. Any drive-through, drive-in, or drive-up facility with the exception of an Automated Teller Machine as accessory to a principal use.

Q. Moving or hauling terminal or yard, provided that delivery or pick up of goods or merchandise solely to serve businesses in the TCD shall be allowed.

R. Any use that generates any of the following impacts:

1. Noise at a level greater than typical ambient noise levels;

2. Hazardous solid, liquid, or gaseous emissions;
3. Offensive odors or glare;
4. Excessive vibration or heat; or
5. Any other adverse impact as may be determined by the Town Council, based on evidence presented.

S. Fast food restaurant.

#### Sec. 801.9. DEVELOPMENT STANDARDS

The following standards shall apply to the subdivision, development and use of all lots in the Town Center District.

A. MINIMUM LOT WIDTH. Minimum lot width at the right-of-way and the building line shall be twenty-five (25) feet.

B. MAXIMUM LOT COVERAGE. No maximum lot coverage shall apply to the TCD; however, a minimum of 10 percent of the gross lot area shall be comprised of open space that shall be in addition to any required parking lot landscaping.

C. BUILDING SETBACKS. These building setback standards are intended to re-create the historic relationship between pedestrians on the public sidewalk and storefronts and to foster walking in the town center while accommodating flexibility in building placement. The entire yard area created any setback greater than zero (0) feet shall be landscaped or a decorative hardscape installed.

1. Front Yard Setback. The historic pattern created by building placement in the town center features shallow setbacks. Such building placement can facilitate pedestrian use, an important objective of the Town. Accordingly, front yard setbacks shall range between a zero (0) and a 15-foot setback. Setbacks shall be the average of the building placement on the two (2) lots immediately adjacent to the lot, for a total of four (4) lots, proposed for construction.

2. Side Yard Setback. A side yard may be adjacent to a street right-of-way or may be an interior yard adjacent to an adjoining lot. The minimum side yard at the street shall be zero (0) to 10 feet. The interior side yard setback may vary from a zero (0) setback to a maximum of ten feet, provided that all fire and life safety codes are met. Where access to a parking lot in the rear of the lot is required, the building setback may be increased to a maximum of twenty-four (24) feet. The interior side yard setback is established to help create an attractive streetscape for pedestrians, walking past storefronts rather than vacant spaces. Accordingly, the side yard setback may also be increased to a maximum of twenty-four (24) feet to accommodate outdoor dining or seating areas. The minimum interior side yard setback and the minimum setback at the street for accessory buildings shall be zero (0) feet.

3. The rear yard setback shall be a minimum of ten (10) feet, provided that accessory buildings may be located on a zero (0) setback.

D. **BUILDING LOTS.** Building lots within the TCD that are consistent with surrounding lot dimensions serve to maintain harmony in building scale, and retain the historic development pattern of the town center. Lot sizes shall continue to reflect this development pattern. In addition, limits placed on building height, bulk, and total floor area serve to protect historic building scale.

E. **BUILDING SCALE.** Building scale is a relative concept, as it is dependent on the proportion of a building to neighboring buildings and the general surroundings. Scale is the single most important element of design that contributes to the visual impact of a building. Appropriate scale is influenced by the following building elements:

1. **Number of stories.** The number of stories shall be the average of the number of stories of the immediately adjacent buildings where possible.
2. **Floor area.** The area of the first floor and any upper floor area shall be the average of that of the adjacent buildings.
3. **Cornice Line Height.** The cornice line establishes the perceived top of the building, and is therefore important to overall scale. The height of the cornice line shall be with consistent with the cornice line on adjacent buildings.

F. **BUILDING FACADE.** Building facades represent a significant element of the character of the town center. All construction proposed in the TCD shall be compatible with adjacent and nearby historic properties. Compatibility shall extend to facade design, building height, massing, roof type, fenestration and exterior finish materials. Renderings maintained by the Town Clerk shall be used as a guide in assessing the compatibility of proposed buildings with the desired architectural style depicted in those renderings, as approved and adopted by Town Council by reference on June 10, 2019.

G. **ROOFS.** Roof types and roof pitch shall be of a style consistent with those of similar buildings in the TCD. Flat roofs shall be screened from public view by a parapet wall. Gabled roofs shall be metal, reflecting the historic roofs of nearby buildings or structures. Gabled roofs shall have a minimum pitch of 10:12. Skylights, ventilation wind turbines, satellite dishes, antennas and similar intrusive equipment shall be hidden from public view.

H. **BUILDING HEIGHT.** No building or structure shall exceed a height of thirty-five (35) feet, unless otherwise provided in Sec. 401.1. General provisions, subsection E.

I. **RHYTHM.** Symmetry or balance in both building placement along a street, and in the arrangement of windows and other openings on the building facade, shall be maintained as far as is practicable. This balance is often referred to as rhythm. The most common types of rhythm are as follows:

1. **Spacing of buildings on the street.** The size of the buildings and distance between each building contribute to the rhythm of a street; and
2. **Solid to void relationship.** A definite rhythm also occurs between the areas of solid wall and windows and doors. A well-defined rhythm is found in most historic buildings that shall be maintained in the historic buildings and in new construction.

J. EXTERIOR FINISH MATERIALS. New and renovated buildings shall be compatible with the historic character of the town center. Textures shall be subtle and compatible with the historic buildings. The most common building materials within the town center are lap wood siding and red brick. These materials shall be used in all new construction, including renovations and additions.

K. BUILDING FENESTRATION. Fenestration is the proportion and arrangement of windows and doors on a building facade. New and renovated buildings within the TCD shall be compatible with the historic character of the town center as concerns these features.

L. LOCATION OF MAIN ENTRANCE. The primary building entrance shall open to the public sidewalk, or in the event the building is set back from the public sidewalk, to a private sidewalk connecting directly to the public sidewalk.

M. BUILDING LIGHTING. Any lighting fixtures attached to the exterior of a building shall be consistent with the period of the individual building. Light fixtures shall be attached to the building via wall brackets. These fixtures shall be brass, copper or painted steel and be fitted with clear lenses. Fluorescent and neon lighting shall be prohibited as shall all flashing lights.

N. INTERPARCEL ACCESS. Vehicular access between and among all adjoining commercial properties via internal access networks shall be created when new development or parking lot resurfacing is proposed. Such access shall be accomplished by the granting of an access easement as described in this subsection to each adjoining property owner. The benefit of such access is reduced traffic congestion and enhanced traffic flow and safety on S.R. 92.

1. Access easements. Recorded easements shall permit vehicular access between adjacent, commercial properties intended for tenant and customer use. Respective parking spaces may be restricted to use by the individual owner. The granting of such easements shall become effective only upon the granting of a reciprocal easement by the adjoining property owner. Consenting owners shall extend the pavement on their property to the point of access at the common property boundary. Such easements shall be subject to approval by the Town Council.

2. Relief. Whenever the adjoining land use would create a documented adverse impact on the property to which the easement would pertain, and such adverse impact outweighs the benefit of the reduced impact on the public street, Mayor and Council may waive the requirement for such access.

O. UTILITIES. All utilities shall be located underground and shall be located within street rights-of-way or within alleys where permitted by applicable codes. All utility outlets, service entrance transformers and the like shall be clustered in a neat and orderly fashion and shall be screened from view where permitted by building and electrical codes.

P. SATELLITE DISH ANTENNAS. Satellite dishes shall be limited to a location in the rear yard and shall have a maximum diameter of four (4) feet and a maximum height of six (6) feet, except through application to the

Woolsey Town Council demonstrating that enforcement of these standards will preclude reception of an acceptable, quality signal. No signs shall be allowed on a satellite dish antenna.

Q. REFUSE. Refuse shall either be stored inside a building or hidden from view by a fence, wall, landscaping or other opaque screening having a minimum height of six (6) feet and adequate to appropriately screen all refuse; however, in no case shall such screening exceed a height of eight (8) feet. Stacking of refuse shall not exceed the height of any screening, and areas dedicated to storage of refuse shall not exceed 100 square feet.

R. OUTDOOR STORAGE. Open or unscreened storage of materials, merchandise, goods, products, equipment or similar items shall be prohibited, provided that outdoor storage having a maximum ground area of the 500 square feet or ten percent (10%) of the total lot area, whichever is less, screened using appropriate materials having a maximum height of eight feet (8') shall be permitted. Stacking of such stored items shall not exceed the height of any screening fence.

S. BUFFER REQUIRED WHEN ABUTTING RESIDENTIAL. Any non-residential property abutting a residentially zoned or developed property shall provide a landscaped buffer having a minimum horizontal dimension of twenty-five (25) feet planted in a mix of evergreen and hardwood species sufficient to achieve a minimum height of six (6) feet at the time of planting. Such buffer shall be subject to approval by the Zoning Administrator who may approve a buffer dimension of twenty (20) feet based on berming and other design characteristics of the reduced buffer that may achieve an appropriate screen.

Sec. 801.10. REVIEW PROCESS. The following process shall be required for all zoning, construction, development, and redevelopment applications within the TCD.

A. PRE-APPLICATION CONFERENCE. Prior to filing a formal application, the applicant shall meet with the Zoning Administrator to review the general character of the proposed development, including the scope, nature and location. The purpose of this conference is to fully inform the applicant of the review process and the various plans, documents, studies, etc., the applicant may be required to produce.

B. APPLICATION SUBMITTAL. An applicant shall submit a petition to the Zoning Administrator for review. The petition shall contain a development plan and a written summary of intent, and shall indicate the relationship between the proposed development and the surrounding area. The Zoning Administrator shall make his or her determination based on the consistency of the information contained in the development plan, and any other information submitted by the applicant, with this Chapter.

C. DEVELOPMENT PLAN. The following information comprising a development plan shall be submitted:

1. Location map;
2. Legal description of the property;
3. A scaled topographic map clearly indicating the existing topographic conditions at a contour interval no greater than two (2) feet based on a field survey or photogrammetric methods;
4. Approximate location of existing and proposed utilities, including a preliminary utility and drainage plan;

5. A scaled floodplain map depicting any existing flood plain on the property as indicated by the F.I.R.M. map panel published by the Federal Emergency Management Agency (FEMA);
6. Existing and proposed land uses on the development site, including the approximate location of all buildings, structures, lots and streets;
7. Zoning and use of adjacent lots;
8. Renderings of building(s) indicating the proposed architectural style and appearance;
9. Parking and loading plan;
10. Landscape plan;
11. Lighting plan; and
12. Development schedule.

Sec. 801.11. DEVELOPMENT PLAN APPROVAL. Upon review of a development plan, the Zoning Administrator shall forward a recommendation of approval, approval with conditions or denial to the Town Council. Such recommendation shall be available to the applicant a minimum of five (5) business days prior to the Town Council meeting at which the matter will be heard. The recommendation of the Zoning Administrator shall be based on compliance with the standards of this Chapter, the purposes of the Zoning Ordinance and consistency with the Comprehensive Plan. The Town Clerk shall provide the written decision of the Town Council to the applicant within five (5) business days of the date of the decision.

Sec. 801.12. BUILDING AND OCCUPANCY PERMITS. Upon Town Council approval of a Development Plan, the Zoning Administrator shall issue the appropriate development or building permits, subject to compliance with the approved development plan, development schedule and all other applicable conditions, codes and regulations.

Sec. 801.13. CERTIFICATE OF OCCUPANCY (C.O.). Fayette County shall issue a C.O. for any completed building(s) and structure(s) upon certification by the Fayette County Building Department that all such building(s) and structure(s) comply with the approved development plan and all other applicable regulations.

Sec. 801.14. DEVELOPMENT PLAN REVISIONS. Any change in the approved development plan that affects the character of the development, the density or land use, the location or dimensions of streets or similar substantial change shall cause a review by the Zoning Administrator and re-consideration by the Town Council at a meeting of the Town Council upon the recommendation of the Zoning Administrator. Any request for a substantial revision to the development plan shall be supported by a written statement as to why the revisions are necessary or desirable.

Secs. 801.15. – 801.19. RESERVED

## CHAPTER 9

### GENERAL PROVISIONS, TEMPORARY USES AND OFF-STREET PARKING

Sec. 901.0. LIMITATIONS ON USE OF PROPERTY. No building or structure shall be erected, reconstructed, structurally altered or moved onto a lot except in compliance with all applicable standards of this Ordinance. Nor shall any building, structure or lot be used for any purpose other than the uses specifically permitted in the zoning district in which such building, structure or property is located.

Sec. 901.1. CLARIFICATION OF AMBIGUITY. In the event of any ambiguity concerning the classification of a particular use relative to the purposes of this Ordinance, or ambiguity with respect to building height, yard and area requirements, or zoning district boundary as set forth herein, the Zoning Administrator shall ascertain all pertinent facts and shall forward a written report detailing his or her findings and interpretation of the Ordinance to the Town Council. Upon approval of the interpretation by the Zoning Administrator as concerns such provisions of this Ordinance, that interpretation shall thereafter govern.

Sec. 901.2. TEMPORARY REAL ESTATE OFFICES. One (1) temporary real estate office may be located within any new subdivision in any zoning district, provided that any such real estate office established in an R-A Residential-Agricultural District, an R-3 Single Family Residential District or an R-1 Single Family Residential District shall be removed within twelve (12) months of the date of the recording of the final subdivision plat for the property being marketed.

Sec. 901.3. TEMPORARY CONSTRUCTION BUILDINGS. Temporary buildings containing supervisory offices, or for storing tools and equipment, in conjunction with major construction projects may be established and maintained during the term of such projects, provided that all such buildings shall be removed within thirty (30) calendar days of completion of all but incidental work.

Sec. 901.4. OFF-STREET PARKING INCLUDED IN PERMITTED USES. The respective uses permitted in each zoning district shall be deemed to include off-street parking of vehicles accessory or incidental to any use permitted within such district.

Sec. 901.5. REQUIRED OFF-STREET PARKING. Every building and building addition erected or moved on to a lot following the date of adoption of this Chapter shall be provided with off-street parking spaces as required by this Chapter. Such spaces shall be permanently available and maintained for parking purposes and shall not be diminished except in compliance with this Chapter.

A. Location and Screening of Off-Street Parking. All parking shall be located to the side or rear of the lot. The access drive to off-street parking shall not be located within twenty five (25) feet of a street intersection.

B. Off-street parking lots containing ten (10) or more spaces shall be planted with a minimum of one (1) canopy tree for every ten (10) parking spaces. Such trees shall be a minimum caliper of three inches at the time of planting. Each tree shall be located within a curbed landscape island having minimum dimensions of eight (8) feet in width by twelve (12) feet in length.

C. All off-street parking lots shall be landscaped with plant materials along the entire perimeter of the lot. Screening shall consist of a landscaped area having a minimum horizontal dimension of six (6) feet, densely planted with a mix of deciduous and evergreen trees and shrubs, sufficient to screen the view from the right-of-way and adjacent property.

D. No parking shall be permitted in an alley unless the alley is of a width sufficient to accommodate parking, subject to approval by the Woolsey Town Council.

Sec. 901.6. PARKING SPACES REQUIRED. The minimum number of off-street parking spaces required shall be no less than as set forth below. These standards are deemed to be minimum standards. All developments shall be supported by the number of spaces and vehicle maneuvering space appropriate to the specific use.

Use	Required Parking Spaces
Detached single family dwelling	Two spaces
Attached single family dwelling	One space for every bedroom
Accessory dwelling	One space, plus two spaces for the principal dwelling
Dwelling in a mixed use building	One space for every bedroom
Multifamily dwelling	One space for every bedroom
Banks, business and professional offices	One space for every 400 square feet of gross floor area
Family day care center	Four spaces, plus one space for every employee
Adult day care center	Four spaces, plus one space for every employee
Veterinary clinic	One space for every examination room
Medical or dental clinics	One space for every examination room
Event facility	One space for every 100 square feet of gross floor area
Bed and breakfast inn	Two spaces for operators and one space for each guest room
Place of worship	One space for every four seats, or where no fixed seats are used, one space for every 50 square feet of floor area in the largest assembly hall
Full service restaurant	One space for every 100 square feet of indoor and outdoor floor area
Personal services shop	One space for every 400 square feet of gross floor area
Retail shop	One space for every 300 square feet of gross floor area



Clubs and lodges	One space for every 100 square feet of gross floor area
Beauty and barber shops	One space for every employee, plus one additional space for every station
Tailoring shop	Two spaces for every employee
Child care learning center	One for every employee, plus one for every 300 square feet of classroom floor area
Group and congregate personal care home	One space for every employee on the largest shift, plus one additional space for every four beds
Any other commercial use	One space for every 250 square feet of gross floor area
Horse stable	One space for every employee plus one space for every two stalls

Sec. 901.7. ACCESSIBLE PARKING. All new development and any planned alteration of parking lots (re-striping, re-surfacing, etc.) as defined by the Americans with Disabilities Act (ADA) 2010 shall comply with 2010 ADA Standards for Accessible Design. Any alterations made after March 15, 2012 shall comply with the 2010 Standards, to the maximum extent feasible. The following ratios shall be met as concerns accessible parking; one of every six accessible parking spaces, or fraction of six, shall be “van-accessible.”

Total Number of Parking Spaces in Parking Facility (Lot or Garage)	Minimum Total Number of Accessible Parking Spaces	Minimum Number of Van Accessible Parking Spaces
1 - 25	1	1
26 - 50	2	1
51 - 75	3	1
76 - 100	4	1
101 – 150	5	1
151 – 200	6	1
201 - 300	7	2
301 – 400	8	2
401 - 500	9	2

501 – 1,000	2% of total
1,001 and greater	20, plus 1 for each 100, or fraction thereof, over 1,000

Sec. 901.8. PARKING STANDARD FOR USES NOT SPECIFIED. Where a use is not contemplated by this Chapter, the parking standard for such use shall be determined by the Zoning Administrator. The standard for such use shall be the standard applicable to the most comparable use.

Sec. 901.9. OFF-STREET PARKING STANDARDS. The following parking standards shall apply parking lots with a capacity of five (5) or more vehicles.

- A. Each off-street parking space shall have a minimum area of one hundred and eighty (180) square feet and a minimum width of nine (9) feet. Each such space shall be provided with adequate ingress and egress.
- B. All off-street parking spaces shall be located within three hundred (300) feet of the building or use to be served by such spaces.
- C. The sum of the parking standard for each use on a lot containing a mix of uses shall be the parking standard for the property.
- D. The Zoning Administrator may, upon application by the owner or lessee of any property, authorize the joint use of parking lots involving the following usage patterns:
  - 1. A maximum of fifty (50) percent of the off-street parking required by this Chapter for a use considered to be primarily a daytime use may be accommodated using the off-street parking of a use considered to be primarily a night-time or Sunday use. Similarly, a maximum of fifty (50) percent of the off-street parking required by this Chapter for a use considered to be primarily a night-time or Sunday use may be accommodated using the off-street parking of a use considered to be primarily a daytime use, provided such joint parking arrangements shall be subject to stipulations contained in subparagraph a., below.
  - 2. Up to one hundred (100) percent of the parking required by this Chapter for a place of worship may be supplied by the parking lot of a use considered primarily a weekday use, provided such joint parking area shall be subject to the following stipulations:
    - a. The off-street parking to serve a building or use for which application is being made to utilize off-street parking located on another property shall be located within one hundred fifty (150) feet of such building or use.
    - b. The applicant shall demonstrate that no substantial conflict exists in the operating hours of the buildings or uses for which the joint use of off-street parking is proposed.

c. Parties proposing the joint use of off-street parking shall show evidence of such agreement for joint use by a proper legal instrument approved by the Town Council. The approved and executed legal instrument shall be filed with the Town Clerk.

d. The plan of the proposed joint parking shall be submitted to the Zoning Administrator at the time of application for a building permit for the building to which the parking is accessory, or in the case of an existing building, at the time of application for a Certificate of Occupancy. The plans shall clearly indicate the proposed development, including building and parking location; distance between the parking proposed for joint use and the building to be served by such parking; total area, size and number of parking spaces; parking lot design, curb cuts, lighting and landscaping; and other features of the parking proposed in the joint parking agreement.

Sec. 901.10. LOADING SPACE. All non-residential properties shall accommodate a minimum of one (1) loading space. Adequate maneuvering space designed to ensure that delivery truck drivers are not required to back into the street and a loading space or spaces appropriately scaled to the business shall be provided. No parking space established to ensure compliance with the standards of this Chapter shall be used as a loading space.

#### Sec. 901.11. REQUIRED IMPROVEMENTS AND MAINTENANCE OF PARKING LOTS

A. Every lot used as a public or private parking lot, or having a portion of the lot dedicated to such parking, with a capacity of five (5) or more vehicles shall be developed and maintained in the following manner:

1. Off-street parking shall be maintained in a manner to prevent soil from being deposited on the public right-of-way or adjacent properties. Parking lots shall be graded and drained to properly convey all surface water. In no event shall such drainage be allowed across sidewalks.
2. The following standards shall apply to curbing, screening, landscaping and lighting:
  - a. Every parking lot shall be provided with a suitable concrete curb or timber barrier along the entire perimeter of the lot and along the border of all landscaped islands. Such barrier shall have a minimum height of six (6) inches, and shall be securely installed and maintained.
  - b. Every parking lot shall be separated from adjoining property by a landscaped buffer having a minimum horizontal dimension of five (5) feet with plant materials having a minimum height of four (4) feet measured from the finished, adjacent grade.
  - c. Driveways serving off-street parking shall not be located within twenty-five (25) feet of a street intersection.
  - d. No entrance or exit to a public street shall be located within six (6) feet of any adjacent property. The location and design of all entrances and exits shall be subject to approval by the Zoning Administrator.
  - e. Any lights provided to illuminate any parking lot shall be arranged to prevent spillover of light onto adjacent properties.

Secs. 901.12. – 901.16. RESERVED

## CHAPTER 10

### YARDS, CORNER LOTS AND SUBSTANDARD LOTS

#### Sec. 1001.0. MODIFYING YARD REQUIREMENTS

The front yard setback may be reduced to align with the average of the setbacks on abutting property. In no event shall the front yard setback be less than 10 feet unless otherwise permitted.

Sec. 1001.1. MEASUREMENT OF FRONT YARDS. Front yard setbacks shall be measured from the front property line that is also the public right-of-way.

Sec. 1001.2. VISION CLEARANCE ON CORNER LOTS. A triangular area as defined in Sec. 201.1. Definitions shall be maintained at all intersections of two streets to ensure motorist safety. No sign, fence, tree, shrub or other physical obstruction higher than thirty-six (36) inches above the established grade shall be permitted within this area.

Sec. 1001.3. LOT AREA NOT TO BE REDUCED. No lot shall be encroached upon, reduced or diminished in any manner that would cause the lot area, lot width, yards, parking or open space to fall below the minimum standards prescribed by this Ordinance.

Secs. 1001.4. – 1001.8. RESERVED

## CHAPTER 11

### NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES

Sec. 1101.0. CONTINUATION OF NONCONFORMANCE. Any lawful use of buildings, structures, land or parts thereof existing on the effective date of adoption or amendment of this Ordinance and made nonconforming by the provisions of this Ordinance or any amendments thereto may be continued, subject to the provisions of this Chapter.

Sec. 1101.1. NONCONFORMING LOTS OF RECORD. A single lot of record existing on the effective date of adoption or amendment of this Ordinance may be built upon even though such lot fails to meet the minimum requirements for lot area or lot width applicable in the zoning district in which the lot is situated, provided such lot is owned by an entity different from the owner of any directly abutting lot. For purposes of this Ordinance, a single lot of record is an individual parcel of land described on a deed or subdivision plat legally recorded with the Clerk of Superior Court of Fayette County. Such lot shall conform to all other standards of this Ordinance not involving lot area or lot width of the zoning district in which the lot is located unless a variance from such other standard is approved by the Town Council.

Sec. 1101.2. NONCONFORMING BUILDINGS OR STRUCTURES. No building, structure, or site improvement such as a parking lot or driveway that is nonconforming with respect to area or bulk standards of this Ordinance may be enlarged in area or increased in height unless such expansion complies with the area and bulk standards of this Ordinance.

Sec. 1101.3. NONCONFORMING USE OF LAND.

- A. No nonconforming use of land shall be enlarged to occupy a greater portion of a lot than that occupied on the effective date of adoption or amendment of this Ordinance.
- B. No nonconforming use of land shall be moved in whole or in part to any portion of a lot that was not occupied by such use on the effective date of adoption or amendment of this Ordinance.
- C. In the event any nonconforming use of land is abandoned or otherwise ceases operation for any reason for more than one (1) year, any subsequent use of such land shall conform to the standards specified by this Ordinance for the zoning district in which such land is located.

Sec. 1101.4. NONCONFORMING USES OF BUILDINGS OR STRUCTURES.

- A. No existing building or structure devoted to a nonconforming use shall be enlarged, extended or expanded in any manner except to convert the use of the building or structure to a conforming use.
- B. A nonconforming use may be expanded throughout any portion of a building or structure that existed on the effective date of adoption of this Ordinance and was clearly designed to accommodate such use; however, no such expansion of a nonconforming use shall occupy any land outside such building or structure.
- C. In the event a nonconforming use of a building or structure is converted to a permitted use, the nonconforming use shall not thereafter be resumed.
- D. In the event any nonconforming use of a building or structure is abandoned or otherwise ceases operation for any reason for more than one (1) year, any subsequent use of such building or structure shall conform to the standards specified by this Ordinance for the district in which such building or structure is located.

Sec. 1101.5. ABANDONMENT.

The following factors shall be considered in determining whether a combination of such factors presented by a nonconforming use of land, building or structure constitutes abandonment, discontinuance or a ceasing of operations.

- A. Dilapidation or significant disrepair such as broken windows, roof deterioration, or other condition or deficiency constituting a code violation;
- B. Unkempt lawn or poor maintenance of plants, trees, or other landscape materials;
- C. Poorly maintained parking surfaces or driveways;
- D. Inoperable or unregistered vehicles or vehicles otherwise in disrepair;
- E. Disconnection of electrical power or public water service at the request of the owner;
- F. Failure of the owner to maintain an occupational tax permit, as applicable; or
- G. Revocation of a Certificate of Occupancy for a period greater than six months.

Sec. 1101.6. RECONSTRUCTION OF A DAMAGED NONCONFORMING BUILDING OR STRUCTURE.

A. A nonconforming building or structure damaged by fire, explosion, act of God or any other casualty to an extent not greater than fifty percent (50%) of replacement cost at the time the damage occurred may be restored and the occupancy and use of such building, structure or portion thereof that existed at the time of such damage may be repaired and the nonconforming use resumed provided all repairs have been made and a Certificate of Occupancy has been issued within twelve (12) months of such damage, subject to all other provisions of this Ordinance. The Zoning Administrator may grant an extension of up to six (6) additional months upon a finding that the owner has diligently pursued restoration of the building or structure.

B. A nonconforming building or structure damaged by fire, explosion, act of God or any other casualty to an extent greater than fifty percent (50%) of replacement cost at the time the damage occurred shall be repaired or replaced in full compliance with the standards of this Ordinance, or demolished at the option of the owner. The occupancy and use of such building, structure or portion thereof shall thereafter also comply with the standards of this Ordinance.

Sec. 1101.7. RECONSTRUCTION OF A DAMAGED OR DESTROYED NONCONFORMING DWELLING. The owner of any single family dwelling located on a lot of record damaged or destroyed by fire, explosion, act of God or any other casualty may repair or replace such dwelling as it existed prior to being damaged or destroyed.

Sec. 1101.8. ADOPTION NOT TO CREATE NONCONFORMANCE OF A SINGLE FAMILY DWELLING OR LOT. No provision of this Ordinance shall render a single family detached dwelling or a single family lot nonconforming. However, no new use of land, building or structure or construction of any improvement, such as a building addition, following the date of adoption of this Ordinance that does not fully comply with the provisions of this Ordinance shall be permitted.

Secs. 1101.9. – 1101.13. RESERVED

CHAPTER 12

ADMINISTRATION AND ENFORCEMENT

Sec. 1201.0. ZONING ADMINISTRATION. The provisions of this Ordinance shall be administered by the Zoning Administrator of the Town of Woolsey, Georgia who shall be appointed by the Town Council. The duties of the Zoning Administrator shall include, among others, interpretation of the provisions of this Ordinance; review of all site plan and permit applications filed with the Town; and framing recommendations for amendment of this Ordinance, rezoning applications, variance requests, appeals of a decision by other officials of the Town or an official of Fayette County, and other approvals sought by applicants.

Sec. 1201.1. INTERPRETIVE AUTHORITY OF THE ZONING ADMINISTRATOR.

A. The Zoning Administrator shall have the authority to decide whether a proposed use of property that is not specifically permitted or prohibited in the applicable zoning district may be allowed. The Zoning Administrator may exercise discretion and deny the use based on a finding of inconsistency with the permitted uses in the zoning district or allow the use as substantially similar to a use permitted in that zoning district.

B. The Zoning Administrator shall consider the following factors in assessing similarities between the proposed use and uses permitted in the affected zoning district:

1. The amount of vehicle traffic the proposed use will generate compared to permitted uses in the zoning district;
2. The impact of the proposed use on public infrastructure and town services relative to uses permitted in the zoning district;
3. The relationship of the proposed use to the purposes of the zoning district;
4. The manner of operation, including the hours of operation and days of the week, compared to uses permitted in the zoning district.
5. The consistency of the proposed use with the goals and objectives of the comprehensive plan.

C. The applicant shall be responsible for submitting evidence and information establishing the comparative similarities of the proposed use and uses permitted in the zoning district assigned to the property.

D. A decision of the Zoning Administrator to deny a proposed use may be appealed to the Town Council as provided in Sec. 1301.6. Who may file. The criteria used by the Town Council in determining whether the Zoning Administrator erred in his or her decision shall be the consistency of the proposed use with the above factors compared to other permitted uses. The Zoning Administrator shall provide written notice to the Town Council concerning any decision involving the exercise of his or her interpretive authority immediately upon rendering such decision.

Sec. 1201.2. PERMITTING AUTHORITY. The following Departments shall be authorized to issue the below listed permits subject to all valid ordinances of the Town of Woolsey prescribing standards for issuance of certain permits and approvals, or in the absence of such ordinances, subject to the valid ordinances of Fayette County, Georgia. No development or building permit approved by the Town shall grant permission for the use, construction or alteration of any land, building or structure that would violate any provision or provisions of this Ordinance or any other codes or laws of the town, county, state or federal government.

- A. Demolition permits shall be issued by the Fayette County Building Department.
- B. Building permits shall be issued by the Fayette County Building Department.
- C. Land disturbance permits shall be issued by the Georgia Department of Natural Resources, Environmental Protection Division.
- D. Flood damage prevention ordinance. Any development within a recognized flood plain shall comply with Subpart B - Land Development and Land Use, Chapter 104 - Development Regulations, Article IV. Floodplain Management of the Fayette County, Georgia, Code of Ordinances. All necessary permits shall be obtained from the Fayette County Environmental Management Department prior to initiation of land disturbance.
- E. Certificates of Occupancy shall be issued by the Fayette County Building Department.

Sec. 1201.3. ENFORCEMENT AUTHORITY. The Zoning Administrator shall enforce the provisions of the Zoning Ordinance. Should the Zoning Administrator find that any of the provisions of this Ordinance are being violated, he or she shall notify the person responsible for such violations in writing, indicating the nature of the violation and ordering the action or actions necessary to correct the violation. The Zoning Administrator shall order discontinuance of illegal uses of land, buildings or structures; removal of illegal buildings or structures including illegal additions, alterations or structural changes; discontinuance of any illegal work being performed; or any other action authorized by this Ordinance to ensure compliance with, or to prevent violation of, the provisions of this Ordinance.

Sec. 1201.4. APPEAL OF ZONING ADMINISTRATOR DECISION. Appeals from a decision of the Zoning Administrator with regard to interpretation, administration, and enforcement of this Ordinance shall be made to the Town Council in accordance with the provisions of Chapter 13. Variances and Appeals.

Sec. 1201.5. PLAN REVIEW. Review of all development, site, building and architectural plans shall be required for any proposed use of land prior to issuance of any development or building permit for determining compliance with the provisions of this Ordinance. No site improvement, grading or alteration of land or any expansion, erection, placement or exterior renovation of any building shall be initiated prior to a determination of such compliance. Site plans, architectural plans and other development plans required by the provisions of this Ordinance shall only be prepared by individuals currently registered for such work in accordance with applicable state laws. Plans for structures having an area greater than 288 square feet shall be prepared by a registered architect or engineer. Development permit applications shall be reviewed by the Zoning Administrator and shall be accompanied by complete plans signed and sealed by the preparer. Such plans shall provide the following information:

- A. Contact information for that individual who may be reached at all times concerning the development;
- B. A scaled drawing showing the actual configuration and dimensions of the lot to be built upon;
- C. The exact dimensions and locations of all existing and proposed buildings, structures, site improvements and proposed alterations to any buildings, structures or site improvements;
- D. The existing and proposed use of each building and structure, or portions thereof;
- E. The number of dwelling units each building is designed to accommodate;
- F. Vehicle access and parking;
- G. Open space;
- H. Any canopy tree having a DBH of twelve (12) inches or more and any understory or ornamental tree having a caliper of eight (8) inches or more to be preserved or to be removed;
- I. Location of all solid waste containers; and
- J. Other information with regard to the lot and neighboring lots as may be necessary to enforce this Ordinance.



Sec. 1201.6. CERTIFICATION OF COMPLIANCE PRIOR TO PERMIT ISSUANCE.

A. No land disturbance permit, building permit or other development permit shall be issued without certification by the Zoning Administrator that the plans conform to all applicable standards of the Zoning Ordinance.

B. No occupational tax permit shall be issued to any person or firm unless the proposed business conforms to the standards of the zoning district in which the business is to be located or the business is established as a legal, nonconforming use. A Certificate of Occupancy duly issued by Fayette County as provided in Sec. 801.13. Certificate of Occupancy (C.O.) shall be evidence of such conformity.

Sec. 1201.7. APPROVAL PROCESS FOR CERTAIN USES. The approval process for uses that may be subject to standards contained in Chapter 15. Supplemental Standards is described below:

Sec. 1201.8. ADULT DAY CARE CENTER.

A. Individuals seeking to operate an adult day care center shall file an application with the Town together with any fees established by the Town Council. Each adult day care center application shall include a description of the program and an affidavit documenting that the applicant has applied for the required approvals from the Georgia Department of Community Health and certifying that the proposed adult day care center will meet and be operated in compliance with all state, federal and local laws and regulations. The Zoning Administrator may require clarification or additional information from the applicant that is deemed necessary to determine whether operation of the proposed adult day care center will meet all applicable laws, regulations and development standards.

B. Upon a determination by the Zoning Administrator that a complete application has been filed, a sign shall be posted for a minimum of fifteen (15) calendar days in a conspicuous location on the property notifying the public that an application to establish an adult day care center has been submitted to the Town. The sign shall inform the public that the pending application may be viewed at town hall. The Zoning Administrator shall maintain a record of any public comments submitted concerning the application during the 15-day public notice period. No application shall be approved prior to expiration of this 15-day period.

C. Upon a finding by the Zoning Administrator that an application to operate an adult day care center complies with all applicable standards, the Zoning Administrator shall approve the application for an adult day care center permit. A Certificate of Occupancy shall not be issued until the applicant has submitted proof of registration or authorization from the Georgia Department of Community Health to operate the adult day care center.

D. The operator of an adult day care center shall obtain an annual occupational tax permit from the Town. The permit for operation of an adult day care center shall not be transferable.

Sec. 1201.9. FAMILY DAY CARE CENTER.

A. Individuals seeking to operate a family day care center shall file an application with the Town together with any fees established by the Town Council. Each family day care center application shall include a description of the program and an affidavit documenting that the applicant has applied for the required approvals from the Georgia Department of Early Care and Learning and certifying that the proposed family

day care center will meet and be operated in compliance with all state, federal and local laws and regulations. The Zoning Administrator may require clarification or additional information from the applicant that is deemed necessary to determine whether operation of the proposed family day care center will meet all applicable laws, regulations and development standards.

B. Upon a determination by the Zoning Administrator that a complete application has been filed, a sign shall be posted for a minimum of fifteen (15) calendar days in a conspicuous location on the property notifying the public that an application to establish a family day care center has been submitted to the Town. The sign shall inform the public that the pending application may be viewed at town hall. The Zoning Administrator shall maintain a record of any public comments submitted concerning the application during the 15-day public notice period. No application shall be approved prior to expiration of this 15-day period.

C. Upon a finding by the Zoning Administrator that an application to operate a family day care center complies with all applicable standards, the Zoning Administrator shall approve the application for a family day care center permit. A Certificate of Occupancy shall not be issued until the applicant has submitted proof of registration or authorization from the Georgia Department of Early Care and Learning to operate the family day care center.

D. The operator of a family day care center shall obtain an annual occupational tax permit from the Town. The permit for operation of a family day care center shall not be transferable.

#### Sec. 1201.10. FAMILY PERSONAL CARE HOME.

A. Persons seeking to operate a family personal care home shall file an application with the Town together with any fees established by the Town Council.

B. Each permit application shall include an affidavit stating that the applicant either has applied for or will immediately apply for the corresponding permit or authorization for operation of the facility from the State of Georgia Department of Community Health in accordance with the rules and regulations of the Department. The affidavit shall also certify that the proposed facility will meet and be operated in compliance with all applicable state and federal laws and regulations and with all codes and regulations of the Town. Issuance of any permit for operation of a personal care home by the Town shall precede issuance of permits or licenses from the State of Georgia; provided however, that any permit granted under the terms of this Ordinance shall be conditioned upon issuance of the appropriate permits, licenses or registrations required by the State of Georgia.

C. All application forms and information submitted to the State of Georgia Department of Community Health shall be submitted with the permit application.

D. The Zoning Administrator may require clarification or additional information from the applicant deemed necessary to determine whether operation of the proposed home will meet applicable laws, regulations and development standards.

E. Upon a determination by the Zoning Administrator that a complete application has been filed, a sign shall be posted for a minimum of fifteen (15) calendar days in a conspicuous location on the property notifying

the public that an application to establish a family personal care home has been submitted to the Town. The sign shall inform the public that the pending application may be viewed at town hall. The Zoning Administrator shall maintain a record of any public comments submitted concerning the application during the 15-day public notice period. No application shall be approved prior to expiration of this 15-day period.

F. Upon a finding by the Zoning Administrator that an application to operate the family personal care home complies with all applicable requirements, he or she shall approve the application for a permit. However, a Certificate of Occupancy shall not be issued until the applicant has obtained the corresponding permit or authorization for operation of the facility from the State of Georgia Department of Community Health.

G. No such facility shall be operated without both a valid permit from the Town and a valid license from the State of Georgia Department of Community Health.

Sec. 1201.11. GROUP AND CONGREGATE PERSONAL CARE HOME. A group or congregate personal care home may be established and operated in the town in accordance with the following policies and procedures:

A. Individuals seeking to operate a group or congregate personal care home shall file a permit application with the Town together with any fees established by the Town Council.

B. Each permit application shall include an affidavit stating that the applicant either has applied for or will immediately apply for the corresponding permit or authorization for operation of the facility from the State of Georgia Department of Community Health in accordance with the rules and regulations of the Department. The affidavit shall also certify that the proposed facility will meet and be operated in conformance with all applicable state and federal laws and regulations and with all codes and regulations of the Town. Issuance of any permit for operation of a personal care home by the Town shall precede issuance of permits or licenses from the State of Georgia; provided however, that any permit granted under the terms of this Ordinance shall be conditioned upon issuance of the appropriate permits, licenses or registrations required by the State of Georgia.

C. All application forms and information submitted to the State of Georgia Department of Community Health shall be submitted with the permit application.

D. The Zoning Administrator may require clarification or additional information from the applicant deemed necessary to determine whether operation of the proposed home will meet applicable laws, regulations and development standards.

E. Upon a finding by the Zoning Administrator that an application to operate the proposed facility complies with all applicable requirements, he or she shall approve the application for a permit. However, a Certificate of Occupancy shall not be issued until the applicant has obtained the corresponding permit or authorization for operation of the facility from the State of Georgia Department of Community Health.

F. No permit for operation of the facility shall be transferable.

G. No such facility shall be operated without both a valid permit from the Town and a valid license from the State of Georgia Department of Community Health.

Sec. 1201.12. PRELIMINARY PLAT APPROVAL TO CONSTITUTE DEVELOPMENT PERMIT APPROVAL. Approval of a preliminary plat in accordance with all applicable provisions of the Town of Woolsey Zoning Ordinance and Subdivision Regulations shall constitute approval of a development permit for such subdivision or development.

Sec. 1201.13. FEE SCHEDULE. The Town Council shall establish a schedule of fees for development permits; building permits; rezoning, conditional use, variance and appeals applications; and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Town Clerk, and may only be amended by the Town Council. No action shall be taken on any application until all applicable fees have been paid in full.

Sec. 1201.14. BUILDING CODE ADOPTED. The International Building Code (IBC), defined as the Georgia State Minimum Standard Code by the Georgia Legislature at O.C.G.A. § 8-2-20, as it may hereafter be amended or revised, is hereby made a part of this Chapter as fully as though stated verbatim herein.

Secs. 1201.15. – 1201.19. RESERVED

## CHAPTER 13

### VARIANCES AND APPEALS

#### Sec. 1301.0. VARIANCES

A. The Town Council may authorize such variances from the standards of the Zoning Ordinance as will be consistent with the public interest where, owing to special circumstances unique to the property, strict enforcement of these standards would cause unnecessary hardship; provided that the spirit of the Ordinance shall be preserved, the rights and interests of other property owners or tenants are protected, public safety and welfare secured and substantial justice achieved.

B. A variance maybe granted in an individual case only upon a finding by the Town Council that each of the following circumstances exist:

1. The property is extraordinary and exceptional as concerns its size, shape or topography; and
2. Strict application of the Ordinance to the property, would create a practical difficulty or an unnecessary hardship; and
3. The extraordinary and exceptional characteristics are unique to the property; and
4. Granting of the relief sought would not cause substantial detriment to other property owners or tenants, or to the public good, nor impair the purposes this Ordinance.

C. The following additional considerations shall guide the Town Council in deciding variance applications:

1. No variance may be granted for a use that is not specifically permitted in the zoning district assigned to the property.

2. The relief granted would be the minimum necessary to allow reasonable development of the property without injury to the public interest.
3. Nonconforming uses of other property shall not be considered as grounds for justifying a variance.
4. Financial loss to the property owner shall not by itself constitute sufficient grounds to justify a variance.
5. The extraordinary and exceptional nature of the property that is the result of any actions by the applicant cannot be considered grounds to justify a variance.
6. A literal interpretation of the Ordinance would deprive the applicant of property rights enjoyed by owners of similarly situated property, which shall include only those properties assigned an identical zoning classification.

Sec. 1301.1. CONDITIONS OF APPROVAL MAY BE ASSIGNED. In granting any variance, the Town Council may assign such conditions to approval of the variance as will substantially secure the purposes of the Ordinance and may also stipulate conditions to be met by the applicant that are intended to protect the health, safety, comfort, convenience and welfare of the community.

Sec. 1301.2. LIMITATION ON THE TERM OF A VARIANCE. Granting of a variance shall remain in effect only as long as the zoning classification assigned to property at the time the variance was granted applies to the property.

Sec. 1301.3. NOTICE TO APPLICANT. Any applicant to whom a variance is granted shall be given written notice specifying the variance(s) granted and any conditions or stipulations assigned to the approval.

Sec. 1301.4. TIME LIMIT ON VARIANCE APPLICATION RESUBMITTAL. An application for a variance affecting the same property and comprising the subject of a denial shall not be submitted more often than once every twelve (12) months; however, an applicant may file a petition with the Town Council for a waiver of the 12-month waiting period that shall demonstrate that the circumstances of the property or that the relief sought are materially different.

Sec. 1301.5. APPEALS

Sec. 1301.6. WHO MAY FILE. Any person, firm or corporation aggrieved by a decision of the Zoning Administrator, Town Clerk or other authorized official of the Town of Woolsey pursuant to enforcement of this Ordinance and having a substantial interest in such decision may file an appeal with the Town Clerk. Such appeal shall be filed no more than thirty (30) calendar days following written notification of the decision being appealed by filing a notice of appeal specifying the grounds for the appeal and modifications to the decision being sought with the Town Clerk. The Zoning Administrator shall transmit all documentation comprising the record of the decision being appealed to the Town Clerk within ten (10) business days of receipt of the notice of appeal.

Sec. 1301.7. APPEALS HEARD BY THE TOWN COUNCIL. The Town Council shall hear and decide appeals where it is alleged that an error in any order, requirement, decision or determination has been made by the Zoning Administrator or other authorized official of the Town of Woolsey in the enforcement of this Ordinance.

Sec. 1301.8. AUTHORITY OF THE TOWN COUNCIL. In exercising the above powers, the Town Council may in compliance with the provisions of this Ordinance reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination under appeal and to that end shall have all the authority of the Zoning Administrator, including the authority to direct issuance of a permit.

Sec. 1301.9. APPEAL TO STAY ALL LEGAL PROCEEDINGS. An appeal shall stay all legal proceedings concerning the decision being appealed unless the Zoning Administrator certifies to the Town Council following the filing of an appeal that by reason of facts stated in the decision that a stay would, in his or her opinion, cause imminent peril to life or property. In such an instance, proceedings shall not be stayed otherwise than by a restraining order issued by a court of competent jurisdiction on application and written notice to the Zoning Administrator and on due cause shown.

Sec. 1301.10. APPLICANT ENTITLED TO SUBMIT EVIDENCE. The applicant and any public agency or private individual shall be entitled to present evidence on matters concerning the appeal before the Town of Woolsey. The Town Council may request technical assistance, advice, data and factual evidence from the Zoning Administrator for assistance in rendering a decision concerning the appeal.

Sec. 1301.11. TIME LIMIT ON APPEAL APPLICATION RESUBMITTAL. An applicant shall not initiate an appeal affecting the same decision more often than once every six (6) months.

Sec. 1301.12. PUBLIC NOTICE AND PUBLIC HEARINGS

Sec. 1301.13. STATE LAW MANDATES ADOPTION OF PUBLIC HEARING PROCEDURES. The Zoning Procedures Law mandates that local governments adopt procedures for announcing and conducting public hearings. Printed copies of such procedures are to be available at the hearing for distribution to the public. Such procedures must specify a minimum amount of time at hearings on proposed zoning decisions for presentation of data, evidence, and opinion by proponents of zoning decision and an equal minimum amount of time for presentation by opponents of proposed zoning decision. The minimum amount of time is to be no less than ten (10) minutes for presentation by each side of an issue. This mandate has been incorporated within this Chapter.

Sec. 1301.14. PUBLIC NOTICE AND PUBLIC HEARING PROCEDURES. The following procedures for announcing and conducting a public hearing have been adopted by the Town Council.

A. Public notice of a variance or appeals hearing required. Prior to deciding an appeal or a variance application, the Town Council shall hold a public hearing. Upon receipt of a complete application seeking an appeal or a variance, the Town Council shall set a reasonable time for hearing the appeal or variance, and publish a notice of the public hearing at which the appeal or a variance is to be heard in the newspaper published and circulated in the town of Woolsey. Such public notice shall be given a minimum of fifteen (15) calendar days, but not more than 45 calendar days prior to the date of the public hearing. The Town Council shall also cause a sign or signs to be placed on the property that is the subject of an appeal or variance a minimum of fifteen (15) calendar days, but not more than 45 calendar days, prior to the hearing date by posting a sign not less than three (3) square feet in area that shall contain information concerning the pending appeal or variance in a conspicuous place on the property. The Zoning Administrator shall maintain any such sign at all times until the decision of the Town Council concerning the application has been made public.

Sec. 1301.15. WHO MAY APPEAR AT THE HEARING. Any party may appear at the public hearing in person, or by agent, or by attorney-at-law.

Sec. 1301.16. MAYOR TO ACT AS PRESIDING OFFICER. The Mayor, as presiding officer, shall open the public hearing by presenting the appeal or variance application to be considered at the public hearing. The Mayor shall inform the public that anyone wishing to speak at the hearing concerning the application must sign in with the Town Clerk.

Sec. 1301.17. PUBLIC HEARING PROCEDURES TO BE AVAILABLE AT THE HEARING. A copy of the procedures adopted by the town for conducting public hearings shall be available to the public at every public hearing.

Sec. 1301.18. CONDUCT OF A PUBLIC HEARING. Individuals wishing to speak for or against a variance or an appeal application shall enter their name and address on a sign-in sheet provided by the Town Clerk and indicate whether they are for or against the application prior to the opening of the public hearing. Proponents of a variance or an appeal application shall be given a minimum of ten (10) minutes and a maximum of twenty (20) minutes in which to present of data, evidence and/or opinion concerning the application and may choose to reserve a portion of that period for rebuttal. Opponents of an application shall also be given a minimum of ten (10) minutes and a maximum of twenty (20) minutes in which to present information to the Town Council. These minimum and maximum timeframes shall apply to each side and not to individuals wishing to speak. The presiding officer may grant additional time to proponents or opponents provided an equal amount of time is granted to each side. The presiding officer shall recognize the individual parties wishing to speak at the hearing and monitor the time allocated to each speaker to present information to the Town Council. Once all parties have concluded their comments or testimony, the presiding officer shall adjourn the public hearing.

Sec. 1301.19. DECISION BY TOWN COUNCIL. The Town Council shall approve, approve with conditions, deny, or table an application for an appeal or a variance by a public vote. A decision to table an application shall include an announcement by the Mayor as concerns the justification for such decision and a specific hearing date at which the appeal or variance application shall be reconsidered.

Such tabling of an application shall cause a new public notice to be published in a newspaper of general circulation within the town limits of the Town of Woolsey a minimum of fifteen (15), but not more than forty-five (45) calendar days prior to the scheduled new public hearing stating the date, time, location and purpose of the public hearing. The property involved shall be reposted with a new sign or signs indicating the public hearing date time, location and purpose of the hearing.

Sec. 1301.20. TIME LIMIT ON TOWN COUNCIL DECISION. An appeal or variance shall be decided within a maximum of ninety (90) calendar days from the date of the initial public hearing or the appeal or variance shall be deemed approved.

Sec. 1301.21. CONTENTS OF APPLICATION FOR VARIANCE OR APPEAL. Applications for a variance or an appeal shall be filed with the Zoning Administrator on forms provided by the Town Clerk a minimum of thirty (30) calendar days prior to the public hearing at which the application will be heard. Each application shall contain a plat drawn to scale indicating the following information:

A. All property lines, with dimensions, at an appropriate scale;

- B. A legal description of the property;
- C. Location of buildings and other structures, creeks, and easements referenced to the property;
- D. North arrow, district and land lot number; and
- E. Location of building setbacks or other requirements from which a variance is sought.

In the event an appeal concerns an alleged error in an interpretation of a provision of the Zoning Ordinance, the Zoning Administrator may accept an application citing the language in the text of the Ordinance that is the subject of the appeal rather than submittal of a plat as provided immediately above.

Sec. 1301.22. REVISIONS TO APPLICATIONS. No application may be amended once public notice of the request has been given.

Sec. 1301.23. APPEAL OF A DECISION BY THE TOWN COUNCIL. Any person adversely affected by a determination made by the Town Council shall have thirty (30) calendar days to appeal.

Sec. 1301.24. FILING FEE FOR APPEAL OR A VARIANCE APPLICATION. A fee schedule as adopted from time-to-time by resolution of the Town Council shall be published and maintained by the Town Clerk.

Sec. 1301.25. CONFLICT OF INTEREST IN VARIANCE AND APPEALS DECISIONS. The provisions of Sec. 1401.7. CONFLICT OF INTEREST IN ZONING DECISIONS shall apply to decisions by the Town Council concerning variances and appeals as though fully set forth here.

Sec. 1301.26. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS. The provisions of Sec. 1401.8. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS shall apply to applications for variances and appeals as well as decisions by the Town Council concerning variances and appeals as though fully set forth here.

Sec. 1301.27. ADMINISTRATIVE VARIANCE. An administrative variance may be approved by the Zoning Administrator, subject to the following procedures:

- A. Application requirements shall be identical to those found in Sec. 1301.21. Contents of application for variance or appeal.
- B. No public notice or public hearing shall be required.
- C. The Zoning Administrator may approve minor variances that do not deviate from the standards of the Ordinance by more than ten (10) percent. No administrative variance shall be granted that would allow a higher density.
- D. Criteria to be applied in considering an administrative variance shall be those found in Sec. 1301.0. Variances, subsection B. paragraphs 1. through 4. and subsection C. paragraphs 1. through 6.

Secs. 1301.28. – 1301.32. RESERVED



## CHAPTER 14

### AMENDMENTS

#### Sec. 1401.0. ZONING ORDINANCE AMENDMENTS

The Zoning Ordinance, which includes the Official Zoning Map, may only be amended by the Town Council on its own motion. The Zoning Administrator shall prepare a written report concerning an amendment to the text of the Ordinance within thirty (30) calendar days of receipt of any amendment proposal from the Town Council. The Zoning Administrator shall also prepare a written report concerning any amendment to the Official Zoning Map within thirty (30) calendar days of receipt of an application proposing the rezoning of property. Such reports shall be available to the public and, in the case of a property rezoning, the public and the applicant, on the date of publication of the public notice announcing a public hearing at which such zoning decisions shall be considered.

The Town Council shall give public notice and hold a public hearing on proposed amendments to text of the Ordinance or proposals to rezone property as indicated in this Chapter prior to adopting any amendment to the Ordinance. The Town Council shall make no zoning decision on a proposed amendment until a public hearing concerning the zoning decision has been held.

#### Sec. 1401.1. APPLICATION FOR ORDINANCE AMENDMENT

A. Applications for amending the Official Zoning Map, which are property rezonings, shall be submitted to the Zoning Administrator on forms available from the Town Clerk.

B. Property rezoning applications shall state the name and address of the applicant and shall contain the notarized signature of the applicant. Applications for a change in the zoning classification of a property shall only be made by the property owner or authorized agent. No application concerning property that is the subject of an outstanding property tax debt shall be accepted until that debt is settled and documentation to that effect has been submitted to the Zoning Administrator.

C. Applications for amending the zoning map shall include the following information:

1. Name and address of the owner(s);
2. Property address and Parcel Identification Number;
3. A suitable description of the land by a plat of the land; by a metes and bounds description; by the lot, block, and subdivision designations with an appropriate plat reference; or by other suitable description;
4. Present zoning classification and proposed zoning classification;
5. Area of land proposed for rezoning stated in square feet if less than one (1) acre, and in acres if one (1) acre or more; and

6. Any conditions proposed by the applicant in conjunction with the rezoning of the property.

D. Applications for a property rezoning must be deemed complete by the Zoning Administrator prior to scheduling a public hearing. The Zoning Administrator shall notify the applicant of the date, time, and location of the public hearing within five (5) business days of certifying an application as complete.

E. Applications for amending the text of the Ordinance that shall be generated by the Zoning Administrator upon direction by the Town Council shall state the existing ordinance text to be deleted and the proposed ordinance text to be added.

#### Sec. 1401.2. PUBLIC NOTICE PROCEDURES

A. Any amendment to the Town of Woolsey Zoning Ordinance shall require a public hearing.

B. The Zoning Administrator shall publish in a newspaper of general circulation within the town limits of the Town of Woolsey notice of the time, date, location and purpose of the public hearing a minimum of fifteen (15) calendar days, but not more than forty-five (45) calendar days prior to the scheduled public hearing.

C. Public notice of a zoning amendment concerning the rezoning of property shall also include the following information:

1. Property address and Parcel Identification Number.
2. Present zoning classification of the property; and
3. Proposed zoning classification of the property.

D. The Town Council shall also cause a sign or signs having an area of not less than three (3) square feet to be placed on the property that is the subject of a rezoning application a minimum of fifteen (15) calendar days, but not more than 45 calendar days, prior to the hearing date in a conspicuous location on the property. The sign shall indicate the time, date, and location of the public hearing and the present and proposed zoning of the property. The Zoning Administrator shall maintain any such sign at all times until the decision of the Town Council concerning the application has been made public.

#### Sec. 1401.3. PUBLIC HEARING PROCEDURES

A. Printed copies of these procedures shall be available for distribution to the public at the public hearing.

B. The Mayor shall preside over all public hearings concerning zoning decisions.

C. The Town Clerk shall record the proceedings of the public hearing. Any party desiring a verbatim transcript of the public hearing shall arrange for such transcription services in advance, which shall be that party's sole expense.

D. A recording of the public hearing, including all data, evidence, and opinion submitted at the hearing, shall comprise the record of the application and shall be maintained by the Town Clerk as a permanent, public record.

E. The Official Zoning Map, the Town of Woolsey Comprehensive Plan, and the procedures for conducting a public hearing shall be available to the public at the hearing.

F. The Mayor, as presiding officer, shall identify speakers, maintain order and conduct the public hearing.

G. The procedures to be followed in conducting a public hearing shall be as follows:

1. The presiding officer shall open the hearing by stating the specific zoning decision to be considered at the public hearing. He or she shall inform the public that anyone wishing to speak at the hearing concerning an amendment to the text of the Zoning Ordinance or an amendment to the Official Zoning Map must sign in with the City Clerk prior to speaking.

2. Analysis to be presented at public hearing. Any analysis submitted by an applicant shall be presented by the applicant or agent at the public hearing at which the Town Council is to consider the zoning proposal. The Zoning Administrator shall then present his or her report, including his or her recommendation concerning the proposed zoning decision, and any other information related to an application for a property rezoning or an amendment to the text of the Ordinance. This information shall consist, at a minimum, of a verbal statement of the findings with respect to each standard contained in Sec. 1401.4. Standards of review, or alternately, a written report of such findings shall be presented to the Town Council at the public hearing. A limited number of copies of the report shall be available to the public at the hearing.

3. Who may appear at the hearing. Any party may appear at the public hearing in person, by agent, or by attorney-at-law.

4. Conduct of the public hearing. Individuals wishing to speak for or against a rezoning application shall enter their name and address on a sign-in sheet provided by the Town Clerk prior to the opening of the public hearing and indicate whether they are proponents speaking for, or opponents speaking against, the application. Proponents of a rezoning application shall be given a minimum of ten (10) minutes and a maximum of twenty (20) minutes to present of data, evidence and/or opinion concerning the application and may choose to reserve a portion of that period for rebuttal. Opponents of an application shall also be given a minimum of ten (10) minutes and a maximum of twenty (20) minutes in which to present information to the Town Council. The presiding officer may grant additional time to proponents or opponents, provided an equal amount of time is granted to each side. The presiding officer shall recognize the individual parties wishing to speak at the hearing and monitor the time allocated to each speaker to present information to the Town Council. Prior to speaking, each person shall identify him or herself and state his or her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to

the zoning proposal being considered. Speakers shall address all remarks to the presiding officer. Once all parties have concluded their comments, the presiding officer shall adjourn the public hearing.

H. Decision of the Town Council. The Town Council shall approve, approve with conditions, deny or table an application. The Town Council may also assign any zoning classification to the property deemed consistent with findings based on the application of standards contained in Sec. 1401.4. Standards of review. A decision to table an application shall require the Town Council to cite the reason for such decision and identify a specific public hearing date at which time the application will be reconsidered. Tabling of an application shall cause a new legal advertisement to be published, stating the new public hearing date and the property shall be reposted with a new sign or signs indicating that public hearing date.

I. Hearing minutes maintained as a public record. The minutes of all public hearings shall be maintained with the zoning decision entered thereon. The minutes shall be kept by the Town Clerk as a public record. The decision of the Town Council shall be recorded in a Resolution that shall contain the decision of the Town Council, and all grounds therefore, and shall be approved and signed by the Mayor. The Town Clerk shall provide a copy of the Resolution to the Zoning Administrator, which shall become part of the application file, maintained as a public record, and shall send one copy to the applicant by certified mail.

K. Appeal of a decision by the Town Council. Any person desiring to object to a decision by the Town Council shall have thirty (30) calendar days to appeal such decision to the Superior Court of Fayette County pursuant to State law.

#### Sec. 1401.4. STANDARDS OF REVIEW

In addition to the policies and procedures required by this Chapter, standards governing the exercise of zoning authority are hereby adopted. These following standards are found by the Town of Woolsey to be relevant in balancing the interest of promoting public health, safety, morality and general welfare against the right to unrestricted use of property. The following standards shall be available for distribution to the public.

The Zoning Administrator shall compile a written record of his or her analysis and recommendation, and this record shall be a public record. The analysis and recommendation shall, at a minimum, encompass the following standards of review:

- A. Whether the proposed amendment will permit a use or uses suitable in view of the use, development and zoning of adjacent and nearby properties comprising the established land use pattern;
- B. Whether the property proposed for rezoning has a reasonable economic use as currently zoned;
- C. Whether the proposed amendment is compatible with the goals, objectives, policies and intent of the Town of Woolsey Comprehensive Plan 2017 and the Future Development Map;
- D. Whether existing or changing conditions affecting the use or development of the property are present that support approval or denial of the zoning proposal;

- E. Whether the zoning proposal will adversely affect the existing or potential use of adjacent or nearby properties;
- F. The extent to which the value of the property is diminished by the zoning restrictions now assigned to the property;
- G. The extent to which any reduction in value of the property under the zoning classification assigned to the property, if any such reduction exists, promotes the public health, safety, morals or general welfare;
- H. Whether unacceptable impacts on the environment could be caused by the proposed amendment, including, but not limited to, impacts on stormwater discharges, wetlands, groundwater recharge areas, wildlife habitats, soil erosion and sedimentation, floodplains, air quality, and water quality and quantity;
- I. Whether the zoning proposal will allow a use that will or could cause an excessive or burdensome use of existing or planned streets, utilities, schools, or other public facilities and services such as police protection, fire protection, emergency medical services, or public health facilities;
- J. The suitability of the property for the zoning classification currently assigned to the property;
- K. Whether the proposed amendment would tend to cause an undue concentration or an undue dispersal of development; and
- L. Whether the proposed amendment would tend to require only a reasonable expenditure of public funds, or tend to require an excessive or premature expenditure of public funds.

#### Sec. 1401.5. CONDITIONAL USE PROCEDURES

Consideration of a conditional use as may be identified within each zoning district shall be subject to the application requirements of Sec. 1401.1. Application for Ordinance Amendment, the public notice requirements of Sec. 1401.2. Public Notice Procedures, the public hearing procedures of Sec. 1401.3. Public hearing procedures and application of the standards contained in Sec. 1401.4. Standards of review as though the application concerned the rezoning of property.

#### Sec. 1401.6. REVERSION OF ZONING APPROVAL

The applicant shall have initiated development of the property for which a rezoning application or an application for a conditional use has been approved within twelve (12) months of the date of the approval by the Town Council or the zoning of the property or conditional use approval shall be subject to review at the option of the Town Council for the purpose of determining whether a new application to rezone such property to the zoning district originally assigned to the property or to revoke the approval of a conditional use shall be initiated by the Town Council. For purposes of this section, the term "development" shall be defined as having obtained a land disturbance permit or building permit, as appropriate, mobilized equipment and/or labor, and proceeded diligently with development of the property. In the event the Town Council chooses to consider

initiating such application, public notice shall be given in compliance with Sec. 1401.2. Public notice procedures, subsections B. and C., only, and a public hearing shall be held in compliance with Sec. 1401.3. Public hearing procedures.

#### Sec. 1401.7. CONFLICT OF INTEREST IN ZONING DECISIONS

Any government official, as defined in the Official Code of Georgia Annotated, Title 36 - Local Government Provisions - Provisions applicable to Counties and Municipal Corporations, Chapter 67A - Conflict of Interest in Zoning Actions, having a financial interest in any real property affected by a rezoning or consideration of a conditional use, or having a member of the family with such an interest, shall immediately disclose the nature and extent of such interest as required by Title 36, Chapter 67A.

#### Sec. 1401.8. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

A. When any applicant for the rezoning of property or consideration of a conditional use has made a campaign contribution or contributions totaling \$ 250.00 or more to an official of the local government that will consider the application within a two (2) year period immediately preceding the filing of such application, it shall be the duty of the applicant to file a disclosure report with the Town Council documenting the following information:

1. Name and official position of the local government official to whom the campaign contribution or contributions were made; and
2. Dollar amount and description of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of a rezoning application or an application for conditional use approval and the date of each such contribution.
3. Disclosures required by subsection (a) of this Ordinance section shall be filed within ten (10) calendar days after a rezoning application or an application for conditional use approval is first filed with the Zoning Administrator.

B. When any opponent of a rezoning application or an application for conditional use approval has made a campaign contribution or contributions totaling \$ 250.00 or more to an official of the local government that will consider the application within the two (2) years immediately preceding the filing of the rezoning application or an application for conditional use approval being opposed, it shall be the duty of the opponent to file a disclosure report with the Town Council documenting the following information:

1. Name and official position of the local government official to whom the campaign contribution or contributions were made; and
2. Dollar amount and description of each campaign contribution made by the opponent to the local government official during the two (2) years immediately preceding the filing of a rezoning application or an application for conditional use approval and the date of each such contribution.

3. Disclosures required by subsection (b) of this Ordinance section shall be filed a minimum of five (5) calendar days prior to the first hearing on the rezoning application or an application for conditional use approval by the Town Council.

Sec. 1401.9. REZONING APPLICATION FILING FEE

A fee schedule as adopted from time-to-time by Resolution of Town Council shall be published and maintained by the Town Clerk.

Secs. 1401.10 – 1401.14. RESERVED

## CHAPTER 15

### SUPPLEMENTAL STANDARDS

Sec. 1501.0. STANDARDS IN ADDITION TO DEVELOPMENT STANDARDS. Standards contained in this Chapter shall apply to the uses specified in all zoning districts unless otherwise provided. These standards shall be in addition to the development standards of individual zoning districts. In the event of a conflict with any other ordinance or code, the more stringent standard shall apply.

Sec. 1501.1. ACCESSORY BUILDINGS AND STRUCTURES. An accessory building is an uninhabited building detached from the principal building, the use of which is incidental and subordinate to the primary use of the property. Accessory buildings may be accessory to a residential use or to a non-residential use. Accessory buildings shall comply with the standards of this section and all other applicable standards of this Ordinance. Where a conflict exists between standards assigned to the R-A, R-3 and R-1 Districts, the standards of this section shall control. Where a conflict exists between standards assigned to the TCD District, the standards of the TCD District shall control.

A. Residential accessory building standards. The following standards shall apply to accessory buildings on property developed in residential use.

1. Accessory buildings shall be subordinate in area, extent and purpose to the primary residential use. No accessory building shall have a ground floor area greater than that of the principal dwelling except in the R-A Residential Agricultural District. The floor area of an accessory building shall include all floor area as defined in the Building Code, and shall be used in the calculation of total floor area. When more than one accessory building is erected, the total floor area of all accessory buildings allowed shall be the sum of the floor areas of those buildings.
2. The accessory building shall contribute to the comfort, convenience or necessity of the occupants of the primary residential use.
3. The accessory building shall not be injurious to the use and enjoyment of surrounding properties.
4. No accessory building shall be erected or placed on a lot that does not contain a principal dwelling.

5. A building permit shall be required for the construction, erection or set-up of any accessory building exceeding 288 square feet. A separate Certificate of Occupancy shall be required for the construction, erection or set up of any accessory building in excess of 288 square feet. Accessory buildings having a floor area less than 288 square feet, without an HVAC system, shall be exempt from obtaining a separate Certificate of Occupancy, but shall not be exempt from all necessary inspections during the construction process.

6. Accessory buildings shall be permitted at the option of the owner according to the schedule presented in Table A—Accessory building floor area allowance based on dwelling size, or Table B—Accessory building floor area allowance based on lot size.

7. Outdoor cooking facilities, gazebos, arbors, pool houses and equipment shelters, arbors, fireplaces, and waste receptacle enclosures shall be exempt in calculating the maximum number of accessory structures on a lot. However, such structures shall be subject to the accessory building setback standards and shall not exceed a combined area of 288 square feet. Pole barns shall be exempt in calculating the maximum number of accessory buildings on a lot and the total floor area of all accessory buildings.

8. The horizontal separation of accessory buildings from the dwelling on the same lot and the horizontal separation of accessory buildings from dwelling on adjacent lots shall comply with standards in Table C—Distance from Dwelling for Large Accessory Buildings. All distances shall be measured from outside wall to outside wall.

9. The number of accessory building may vary depending on the size of the lot. Table D—Maximum Number of Accessory Buildings establishes the schedule for number of accessory buildings allowed on a building lot.

10. Accessory buildings, including detached garages, shall be permitted in an R-A, R-3 and R-1 District, and in the TCD District when the primary use of the property is residential, subject to the following limitations:

a. *Placement*

i. *Located on a lot with a principal dwelling.* An accessory building shall be located on the same lot as the principal dwelling to which it is accessory, and shall be allowed in rear yards only, provided that garages may be located in the front or side yard subject to the setbacks for the principal dwelling.

ii. *Setback dependent upon distance from dwelling.* An accessory building located within 10 feet of the principal dwelling shall comply with the setback requirements of the principal dwelling to which it is accessory. Accessory buildings located more than 20 feet from the principal dwelling may be placed five (5) feet from a side or rear lot line. Pole barns and carports shall comply with all building setbacks and distances from dwellings and other accessory buildings and shall not be located in a front yard.

iii. *Setback on corner lot.* Accessory buildings on a corner lot shall comply with the setback for the principal dwelling. No accessory building on a corner lot that adjoins the side yard of a lot occupied by or zoned for a residential use shall be located within 25 feet of the rear property line. This 25-foot setback shall not be required when the adjoining yard is a rear yard.



iv. *Distance from dwelling and other accessory buildings.* All accessory buildings must be located a minimum of ten (10) feet from the principal dwelling and any other accessory buildings on the lot or on neighboring lots. This distance shall be measured from outside wall to outside wall. Tables A and B present standards concerning the maximum size of accessory buildings, Table C concerns the minimum distance from a dwelling which varies with the size of an accessory building and Table D establishes standards concerning the maximum number of accessory buildings allowed on a lot.

v. *Nonconforming accessory buildings.* Notwithstanding standards of this section to the contrary, nothing shall prohibit re-construction of nonconforming accessory buildings as to setback that have been in existence for a minimum of 20 years along the established building line. That building line shall be the minimum setback for re-building of the accessory building on the lot. All other standards of this section shall remain in effect.

b. *Height*

i. *Scale of accessory buildings.* The height of an accessory building as measured from the average adjacent grade along the front facing facade of the accessory building to the peak or ridgeline of the roof of the accessory building shall not exceed 24 feet or the height of the principal dwelling as measured from the average adjacent grade along the front facade to the peak or ridgeline of the roof, whichever is less.

c. *Architectural style and exterior finish*

i. *Compatibility with principal dwelling.* The exterior finish of all accessory buildings shall be similar to the exterior finish of the principal dwelling on the lot. In the case of brick dwellings, the exterior finish of accessory building shall be similar to the trim work or other siding materials of the principal dwelling and consist of materials intended for use as siding. These architectural compatibility standards shall not apply to pole barns and carports.

d. *Limitation on Use*

i. Accessory buildings shall not be used for residential occupancy. Accordingly, accessory buildings and structures shall not be fitted with sanitary sewer connections or be equipped with any kitchen fixtures, equipment, furnishings or facilities.

e. *Permitting schedule*

i. *Occupancy of an accessory building to follow principal dwelling.* Building permits for a principal dwelling and an accessory building may be issued concurrently. However, no Certificate of Occupancy for an accessory building shall be issued prior to issuance of a Certificate of Occupancy for the principal dwelling.

f. *Construction standards*

i. *Building anchoring.* Any accessory building having a floor area greater than 288 square feet shall be secured to the ground with a full perimeter foundation adequate to prevent the structure from being

moved or damaged by high winds. Pole barns and carports shall be securely anchored at each support column.

*g. Life safety codes apply.*

i. Accessory buildings shall comply with applicable all life safety and building code regulations adopted by the Town of Woolsey and Fayette County.

*h. Standards for "attached" accessory buildings.*

i. When an accessory building is attached to the principal dwelling by a breezeway, passageway or similar means, the accessory building shall comply with the setback requirements of the principal dwelling to which it is accessory. In order to qualify as an attached garage or attached accessory building, thereby eliminating the need for compliance with the accessory building standards of this section, the attached garage or accessory building must share a common wall with the principal dwelling that is a minimum of 50 percent of the wall length of the garage or accessory building or 12 feet, whichever is greater. Such common wall shall be an integral part of the principal dwelling. An attached garage or accessory building shall comply in all respects with the standards applicable to the principal dwelling.

ii. *Second story access.* Where applicable, access to the second story of an accessory building shall be located within the interior of the ground floor area of the accessory building.

*i. Prohibited accessory buildings and structures.*

i. Manufactured homes, mobile homes, freight trailers, box cars, trailers or any other structure or vehicle not originally fabricated for use as an accessory building shall be prohibited, provided that shipping containers shall be allowed as accessory buildings.

Table A. Total Accessory Building Floor Area Allowance based on Dwelling Size

Dwelling Floor Area in Square Feet	Total Accessory Building Floor Area based on Dwelling Floor Area
1,200	576 square feet
1,600	768 square feet
2,000	960 square feet
2,400	1,152 square feet
3,200 or greater	1,512 square feet

Table B. Total Accessory Building Allowance based on Lot Size

Lot Size in Square Feet		Total Accessory Building Floor Area based on Lot Size
43,560 square feet	1 acre	576 square feet
130,680 square feet	3 acres	864 square feet

217,800 square feet	5 acres	1,296 square feet
435,600 square feet	10 acres	1,944 square feet
653,400 square feet	15 acres or greater	2,916 square feet

Table C—Distance from Dwelling for Large Accessory Buildings

Percent of Dwelling Floor Area	Minimum Distance from Dwelling
40 Percent or Less	10 feet
60 Percent	20 feet
80 Percent	30 feet
100 percent or greater	40 feet

Table D—Maximum Number of Accessory Buildings

Lot Size	Maximum Number of Accessory Buildings
Less than one acre	1
One acre to under three acres	2
Over three acres to under five acres	3
Five acres and over	4
Each additional five acres over five acres	4, plus 1 for each additional five acres

B. Non-residential (commercial) accessory building standards. The following standards shall apply to accessory buildings on property developed in non-residential use. Where a number of non-residential buildings are present on a lot rendering a determination of “primary building” difficult, the architectural design, exterior finish materials and roof type and pitch shall be consistent as concerns these characteristics across all buildings on the lot. In the event of a conflict with the building standards of the Town Center District, Sec. 801.9. Development Standards, subsections C. Building Setbacks through M. Building Lighting, the standards of the Town Center District shall prevail. The residential accessory building standards of Sec. 1501.1. Development Standards, subsection A, shall apply to any lot in the TCD District occupied as a residential use.

1. *Scale of accessory buildings.* The height of an accessory building as measured from the average adjacent grade along the front facing facade of the accessory building to the peak or ridgeline of the roof of the accessory building shall not exceed 35 feet or the height of the primary building as measured from the average adjacent grade along the front facade to the peak or ridgeline of the roof, whichever is less.

2. *Building setback.* A zero building setback shall apply to non-residential accessory buildings, provided that no accessory building shall be located in a front yard.

3. *Residential occupancy.* No residential occupancy shall be permitted in a non-residential accessory building.

4. *Building mass.* The building mass of an accessory building shall not exceed the mass of the primary building.

#### Sec. 1501.2. ACCESSORY DWELLINGS.

A. The standards for accessory buildings and structures set forth in Sec. 1501.1. Accessory buildings and structures shall apply to all accessory dwellings unless otherwise provided.

#### Sec. 1501.3. ACCESSORY DWELLING STANDARDS.

A. Accessory dwellings shall have a minimum heated floor area of 576 square feet and a maximum heated floor area of 864 square feet. The area of a garage that is integral to an accessory dwelling shall not be used in calculating heated floor area.

B. Accessory dwellings shall be limited to maximum of one (1) accessory dwelling per lot, shall be located to the rear of the principal dwelling and shall be located a minimum distance of ten (10) feet from the principal dwelling on the lot and the principal dwelling on a neighboring lot. This distance shall be measured from outside wall to outside wall.

C. One (1) parking space shall be provided to serve an accessory dwelling in addition to the two (2) parking spaces required to serve the principal dwelling.

D. Minimum roof pitch shall be 8:12.

E. The architectural character and exterior finish materials of the accessory dwelling shall be consistent with that of the principal dwelling except that the exterior finish materials of an accessory dwelling established on a lot containing a principal dwelling finished in brick may be consistent with the exterior trim work of the principal dwelling.

#### Sec. 1501.4. ADULT DAY CARE CENTER.

A. All adult day care facilities shall comply with the Rules of the Georgia Department of Community Health Chapter 111-8, Healthcare Facility Regulation 111-8-1, Rules and Regulations for Adult Day Centers.

B. Adult day care centers established in an R-A, R-3 or R-1 District shall be limited to a maximum of six (6) individuals receiving care or supervision.

C. Adult day care centers shall not be operated as a home occupation.

#### Sec. 1501.5. BED AND BREAKFAST INN.

A. Minimum Lot Size. Minimum lot size shall be three (3) acres.

B. Maximum Capacity. Maximum capacity of a bed and breakfast inn shall be four (4) guestrooms and eight (8) guests, subject to inspection and approval by the Fayette County Health Department and/or the Fayette County Fire Marshal, as applicable.

C. Length of Stay. The length of stay for any lodger shall not exceed seven (7) consecutive days.

D. Meals. Breakfast shall be the only meal served and breakfast shall only be served to registered overnight guests.

E. Outside Employees. A maximum of two (2) employees who are not resident on the premises may be employed at the bed and breakfast inn.

F. Ownership and Occupancy. The owner of a bed and breakfast inn, or his or her agent, shall be resident on the premises. An officer of a corporation that is the owner of a bed and breakfast inn, or a partner in the case of a partnership, shall be resident on the premises.

G. Off-Street Parking. Adequate off-street parking shall be required. Paved parking shall not be required; pavers and decorative stone shall be acceptable. Grasscrete products or other pervious materials shall also be acceptable. The minimum number of parking spaces shall be two (2) for the occupant and one (1) additional space for each guest room.

H. Residential Character. The residential character and exterior appearance of the dwelling shall not be altered.

I. Occupational Tax Permit. All individuals, occupants or businesses operating a bed and breakfast inn shall obtain an annual occupational tax permit from the Town of Woolsey. Failure to obtain the required occupational tax permit shall subject the violator to those penalties set forth in the ordinances of the Town Code governing occupational tax permits.

Sec. 1501.6. EVENT CENTER. Event centers may be utilized for events held by a third party who provides some form of consideration to the owner or his or her agent. Event centers shall not be utilized for concerts, sporting events or vehicle racing. Horse shows, rodeos, and religious events shall be allowed as regulated by this section.

A. Minimum Lot Size. The minimum lot size for an event center shall be ten (10) acres.

B. Maximum Floor Area. Such facilities shall be limited to a maximum floor area of 4,000 square feet.

C. Minimum Setbacks. A minimum setback of one hundred (100) feet shall separate all areas utilized for events from any abutting residential zoning district. Otherwise, all buildings so utilized shall comply with the minimum setbacks for the R-A District.

D. Off-Street Parking. Adequate off-street parking shall be required. Paved parking shall not be required; pavers and decorative stone shall be acceptable. Grasscrete products or other pervious materials shall also be acceptable. Off-street parking and all existing buildings and structures shall be depicted on a sketch, drawn to scale on a survey of the lot.

E. Hours of Operation. The hours of operation shall be 9:00 AM to 10:00 PM Sunday through Thursday and 9:00 AM to 11:00 PM on Friday and Saturday. These hours of operation shall not apply to setup and cleanup time before and after an event.

F. Accessory Structures. All structures, including tents and canopies, utilized for events shall meet all applicable building and fire codes. All tents and canopies shall require Fayette County Fire Marshal approval.

G. Sanitation. Sanitation facilities shall be approved by the Fayette County Environmental Health Department.

H. Food Service. Food service shall meet all state and county requirements.

I. Tourist Accommodations. Overnight accommodations shall not be permitted in conjunction with an event center.

J. Occupational Tax Permit. All individuals, occupants or businesses operating an event center shall obtain an annual occupational tax permit from the Town of Woolsey. Failure to obtain the required occupational tax permit shall subject the violator to those penalties set forth in the ordinances of the Town Code governing occupational tax permits.

K. Site Plan. A sketch, drawn to scale on a survey of the lot depicting all existing buildings and specific areas utilized for events shall be required. In the event 5,000 or more square feet of impervious surface is added in conjunction with an event center, a site plan in compliance with the stormwater standards of the Fayette County Development Regulations shall be required.

Sec. 1501.7. FAMILY DAY CARE CENTER. A family day care center may be established and operated only in zoning districts in which such facilities are allowed as a permitted use and in compliance with the following standards:

A. The holder of any permit for a family day care center shall make no alterations or additions to the residence as it existed whenever such permit was granted for the purpose of increasing the number of children accommodated by the facility.

B. The facility shall comply with all regulations of the Georgia Department of Early Care and Learning applicable to the licensing and operation of a family day care center.

Sec. 1501.8. HOME OCCUPATIONS. Home occupations shall be subject to the following provisions, conditions and standards:

A. *Location.* Home occupations in an R-1 or R-3 District shall only be operated within the confines of a principal or accessory building. Home occupations in the R-A and TCD Districts may be operated as an outdoor activity provided the standards of all other applicable codes are met.

B. *Use of premises.* An area not to exceed twenty-five (25) percent of the floor area of the dwelling and the total floor area of a permitted accessory building may be used for a home occupation.

C. *Operator of home occupation to be resident on the premises.* The home occupation shall only be operated by a resident of the dwelling in which the home occupation is established.

D. *Employees.* Only members of the family resident on the premises and a maximum of two (2) other individuals not resident on the premises may be engaged in the conduct of a home occupation.

E. *Visibility of merchandise.* No merchandise shall be displayed in such a manner as to be visible to neighbors or the public.

F. *Outdoor storage.* No outdoor storage of any items related to the home occupation shall be permitted.

G. *Maintenance of residential character.* No alteration of the premises that would diminish the residential character shall be made, nor shall any exterior evidence of a business being conducted on the premises be present.

H. *Nuisance.* Operation of a home occupation shall not generate fumes, noise, smoke, heat, odor, dust, glare, electrical interference or vibration detectable by a normal individual at any property boundary or otherwise create a nuisance or any undue disturbance.

I. *Deliveries.* Business deliveries may be made to the premises of a home occupation by any common carrier.

J. *Vehicles used in the home occupation.* Home occupations shall be limited to a maximum of two (2) commercial vehicles that are passenger automobiles or light duty trucks or vans used exclusively by the resident for business purposes.

K. *Vehicle signs.* A maximum of two (2) passenger vehicles, pick-up trucks or vans displaying any commercial or non-commercial message may be parked or stored on or near the premises at any one time.

L. *Storage or parking of vehicles and equipment.* Passenger vehicles, pick-up trucks, vans and utility trailers may be used in conjunction with a home occupation. However, no owner or operator of a business, trade, occupation or profession otherwise qualifying as a home occupation shall be permitted to park or store any vehicular or motorized equipment, including but not limited to, any truck or van larger than a Class 2, defined as a class of light duty trucks having a GVWR of up to 10,000 pounds; tractors, earth-moving equipment; construction vehicles or like items used in the conduct of such business openly on the premises. Utility trailers classified as up to a Class IV trailer which are rated to 10,000 pounds are considered light duty and include boat trailers, horse trailers and landscape trailers. Utility trailers having a rating above Class IV are considered commercial vehicles and shall be regulated as heavy trucks. Accordingly, all trucks and vans rated higher than a Class 2; all semi-tractors; any earth-moving equipment; any construction vehicles or like items; and any utility trailer rated above a Class IV trailer shall be stored in an enclosed building or in a manner not readily visible from a public right-of-way or neighboring properties.

M. *Chemicals.* No owner or operator of a home occupation may store any chemical that is not normally used for common household purposes on the premises.

N. *Occupational tax permit required.* All individuals, occupants or businesses operating a home occupation shall obtain an annual occupational tax permit from the Town of Woolsey. Failure to obtain the required occupational tax permit shall subject the violator to those penalties set forth in the ordinances of the Town Code governing occupational tax permits.

O. *Inspections.* As a condition of granting an occupational tax permit to the owner or operator of a home occupation, the operator shall agree that the Town may conduct the following inspections:

1. Prior to issuance of an occupational tax permit, the operator shall allow all necessary inspections of the premises; and
2. At any time following issuance of an occupational tax permit, the operator shall allow inspections during normal business hours for determining whether the premises and the home occupation comply with all applicable provisions of the Town Code.

P. *Permitted home occupations.* A home occupation may include, but shall not be limited to, the following activities:

1. Artist studio.
2. Dressmaking.
3. Professional office of a lawyer, engineer, architect, accountant, sales representative, real estate agent, insurance agent or other similar occupation.
4. Musical instrument, dance or academic instruction, provided instruction is limited to no more than two (2) pupils at a time.
5. The shop of a barber, beautician, or similar occupation, provided facilities are designed to accommodate only two (2) clients at a time, and further provided that such personal services are provided on an appointment-only basis.

Q. A home occupation may include any occupation or profession providing medical services including, but not limited to, licensed physicians, dentists, psychiatrists, psychologists or similar services, provided that patient visits shall be limited to no more than two (2) individuals at any given time.

R. *Prohibited home occupations.* A home occupation shall specifically exclude the following activities:

1. Florists and flower shops.
2. Tea rooms and restaurants.
3. Tourist homes and short-term rentals.
4. Boarding houses and rooming houses.
5. Fish hatcheries, worm farms or bait houses, provided these uses may be permitted in an R-A Residential Agricultural District.
6. Convalescent and nursing homes.
7. Kennels and animal hospitals.
8. Clinics and hospitals.

#### Sec. 1501.9. PERSONAL CARE HOME.

A. No group personal care home or congregate personal care home shall be located within 1,000 feet of any personal care home, assisted living facility, community service facility as defined in O.C.G.A. § 37-4-2(6), nursing home, rehabilitation center or supportive housing facility. No family personal care home shall be located within



1,000 feet of another family personal care home. The distance shall be measured in a straight line from the boundary lines of the properties upon which each facility is located.

B. All personal care homes shall provide a minimum of 80 square feet of personal living space for each resident or that amount required by the State of Georgia for the licensing of personal care homes, whichever is greater.

C. The operator of a personal care home shall provide transportation service for residents of the personal care home as a condition of approval of the conditional use.

D. The parking requirement for a personal care home shall be one (1) space for each employee on the largest shift and one (1) additional space for every four (4) beds.

E. No signs shall be permitted other than those permitted in the zoning district within which such personal care home is located.

#### Sec. 1501.10. LIVESTOCK AND RIDING STABLES.

The keeping of livestock and operation of riding stables shall comply with the following standards, and shall be subject to approval of an accurately scaled sketch of the property indicating the location of all existing and proposed structures and fenced areas as well as distances from all property boundaries by the Zoning Administrator.

A. Livestock shall be allowed on any lot that is zoned R-A or R-3, provided the property complies with the standards of this section.

B. No livestock shall be kept on a lot containing less than three (3) acres for the first animal and one (1) additional acre for each animal thereafter.

C. No riding stable shall be established on a lot containing less than ten (10) acres.

D. All buildings used for keeping animals shall be set back a minimum of 100 feet from any property boundary.

E. Pastures shall provide a minimum grazing area of one (1) acre for each animal.

F. All buildings and surrounding areas shall be maintained in a clean condition so as not to comprise a nuisance. Feed shall be secured at all times to prevent any potential nuisance created by mice or other rodents and pests.

#### Sec. 1501.11. CHICKENS AND OTHER FOWL.

The keeping of chickens and other fowl shall comply with the following standards, and shall be subject to approval of an accurately scaled sketch of the property indicating the location of all existing and proposed structures, including coops and fenced areas, as well as distances from all property boundaries by the Zoning Administrator.

A. The number of chickens and other fowl shall not exceed one (1) for every 50 square feet of fenced area expressly used to keep chickens and other fowl, net of any buildings and driveways.

- B. Chickens and other fowl may only be kept on properties on which an occupied residence is maintained.
- C. Coops for chickens and other fowl shall be limited to one (1) coop per property, shall not exceed 200 square feet, and shall be located a minimum distance of 75 feet from any property boundary.
- D. Chickens and other fowl shall be maintained in a fenced area in the rear yard a minimum of 25 feet from any property boundary, a minimum of 50 feet from the principal dwelling located on the lot keeping chickens or other fowl and a minimum of 50 feet from the principal dwelling on any adjacent lot.
- E. All coops and surrounding areas shall be maintained in a clean condition so as not to comprise a nuisance. Coops and feed are to be secured at all times to prevent any potential nuisance created by mice or other rodents and pests.
- F. A property owner or resident may be required to remove any and all chickens and other fowl in the event they are not being properly confined in the manner specified in this section.
- G. Chickens and other fowl shall only be permitted as pets or for egg production and shall not be kept for commercial slaughter.

Sec. 1501.12. CONVENIENCE AND OTHER FOOD STORES THAT DISPENSE FUELS.

Convenience and other food stores that also dispense fuels shall comply with the following standards:

- A. No store shall have a gross floor area in excess of 3,000 square feet.
- B. No store shall be located within 500 feet of a property that is zoned for or used for residential purposes.
- C. The hours of operation shall be no earlier than 6:00 AM and no later than 10:00 PM Sunday through Thursday and no earlier than 6:00 AM and no later than 11:00 PM on Friday and Saturday. These hours of operation limitations include solid waste removal and fuel deliveries.
- D. Site lighting shall be directed downward and on to the property.
- E. No loudspeakers shall be operated on the property.
- F. The number of fuel dispensers shall not exceed eight (8) individual fuel pumps.

Sec. 1501.13. COMMERCIAL KENNELS.

Commercial kennels shall comply with the following standards:

- A. No more than ten (10) breeding animals shall be maintained on the premises at any time.
- B. No more than six (6) animals of one species shall be maintained on the premises at any time.
- C. No more than four (4) dogs may be maintained in an outdoor run at any time.
- D. No permit issued for establishing a commercial kennel shall be transferrable to any other party.

Secs. 1501.14. – 1501.18. RESERVED

## CHAPTER 16

### REMEDIES AND PENALTIES

#### Sec. 1601.0. REMEDIES.

A. In the event any land is being used or any building or structure is being erected, constructed, reconstructed, repaired, relocated, altered, demolished, converted, maintained, or used in violation of this Ordinance, or is proposed to be erected, constructed, reconstructed, repaired, moved, altered, demolished, maintained, or used in violation of this Ordinance or the applicable codes and ordinances of Fayette County, the Zoning Administrator or any other appropriate authority of Fayette County may, in addition to other remedies provided by law, and after due notice to the person in violation, issue a citation for violation of this Ordinance requiring the presence of the violator in the state court of Fayette County, institute an injunction, mandamus, or other appropriate action or actions, proceeding or proceedings to correct or abate such violation or to prevent the occupancy of such building, structure, or land. The citation for the alleged violation shall be heard in the state court of Fayette County. The Court shall afford the party in violation a full opportunity to be heard and, should the defendant be adjudged guilty, the Court shall determine the extent and nature of the violation and the appropriate penalty. Where a violation has been determined to exist with respect to a building, structure, or premises, the Court may, in addition to other remedies provided by law, require that public utility service be withheld from the property until such time as the building, structure, or premises are no longer in violation.

B. In the event any land is being used or any building or structure is being erected, constructed, reconstructed, repaired, relocated, altered, demolished, converted, maintained, or used in violation of this Ordinance, or is proposed to be erected, constructed, reconstructed, repaired, relocated, altered, demolished, converted, maintained, or used in violation of this Ordinance or the applicable codes and ordinances of Fayette County, the Zoning Administrator may also, in addition to other remedies, cancel any Certificate of Occupancy, land disturbance permit, demolition permit, building permit, or sign permit that has been issued for the property. Any further work involving the erection, construction, reconstruction, alteration, demolition or repair on such building(s) or structure(s), or the continued use of such building, structure, or land subsequent to such cancellation shall be deemed a violation.

#### Sec. 1601.1. STOP WORK ORDER.

Whenever the Zoning Administrator determines that any building or structure is being constructed, altered, or modified, or any land is being used in violation of this Ordinance, and in his or her judgment, immediate cessation of such construction, alteration, or modification of buildings, structures, or use of land is required to prevent harm to any person, firm, corporation, or public agency, or to preserve the status quo, the Zoning Administrator may issue a stop work order to the responsible party. Appeals from the decision of the Zoning Administrator with regard to interpretation, administration and enforcement of this Ordinance shall be made to the Town Council in accordance with the provisions of Chapter 13. Variances and appeals.

#### Sec. 1601.2. PERMITS AND LICENSES VOID WHEN ISSUED IN CONFLICT.

Any permit or license issued in conflict with the provisions of this Ordinance shall be null and void.

Sec. 1601.3. PENALTY FOR VIOLATION.

Any person, firm or corporation violating any of provisions of this Ordinance shall be deemed guilty of a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements, or the failure to perform any act is declared to be unlawful or an offense or a misdemeanor, shall, upon conviction thereof, be punished by a fine not exceeding \$500.00 or by imprisonment not exceeding six (6) months, or by a combination of such punishments and, in addition, shall pay all costs and expenses involved in each separate offense. A violation of any provision of this Ordinance or of any such ordinance, resolution, rule, regulation or order for which a citation has been issued shall upon conviction constitute a separate violation for each day the violation continues beyond 30 days following such conviction. Nothing contained herein shall prevent the Town of Woolsey from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 1601.4. CONFORMANCE PREREQUISITE TO ISSUANCE OF OCCUPATIONAL TAX PERMIT.

The Town Clerk of the Town of Woolsey shall only issue an occupational tax permit upon written confirmation by the Zoning Administrator that the proposed use complies with the standards of the zoning district in which the business entity is located or to be located or confirmation that the proposed use is a legal, nonconforming use. A duly issued Certificate of Occupancy shall be evidence of such compliance. See Chapter 12. Administration and Enforcement, Sec. 1201.6. Certification of compliance prior to permit issuance.

Secs. 1601.5 – 1601.9. RESERVED

CHAPTER 17

LEGAL STATUS PROVISIONS

Sec. 1701.0. SEVERABILITY.

It is hereby declared to be the intention of the town council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and should any such section, paragraph, sentence, clause, or phrase be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, as the same provisions would have been enacted without the incorporation of any such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

Furthermore, should any section or sections, or provision or provisions, of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Sec. 1701.1. CONSTITUTIONALITY

Should any section or sections, or provision or provisions, of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional, it is the intent of the Town Council of the Town of Woolsey that the remainder of this Ordinance shall continue in full force and effect.

Sec. 1701.2. INTERPRETATION

The Zoning Administrator shall be authorized to resolve any ambiguity or interpretation of this Ordinance. See Sec. 901.1. Clarification of ambiguity and Sec. 1201.1. Interpretive authority of the Zoning Administrator.

Sec. 1701.3. CONFLICTS

The sections, provisions, or standards of this Ordinance shall be the minimum requirements for the protection of public health, safety and welfare and as such are designed to foster adoption of appropriate and reasonable standards for the Woolsey community. In the event any sections, provisions or standards of this Ordinance are found to be in conflict or are inconsistent with one another, or with any other Town of Woolsey or Fayette County codes, the most restrictive sections, provisions or standards shall govern. See Chapter 4, Use and Dimensional Standards.

Sec. 1701.4. APPLICABILITY

The standards and procedures of this Ordinance shall apply to all property within the town limits of the town of Woolsey. See Sec. 101.2. Jurisdiction.

Sec. 1701.5. CONFLICTING ORDINANCES REPEALED

The provisions of any ordinance or regulations or parts thereof in conflict with any provisions of this Ordinance are hereby repealed.

Secs. 1701.6. – 1701.10. RESERVED