

## Chapter 24

### ZONING\*

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**ARTICLE I. IN GENERAL****Sec. 24-1. Definitions.**

Except as specifically defined here or in other parts of this Code, all words used in this chapter shall have their customary dictionary definition where not inconsistent with the context. For the purpose of this chapter, certain terms or words shall be defined as follows:

*Accessory use or building* shall mean a use or building customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

*Alleys* shall mean a private or public thoroughfare which affords only a secondary means of access to a building property and not intended for general traffic circulations.

*Boarding or rooming house* shall mean a dwelling in which three or more persons, single or as a family, are housed for compensation, with or without meals.

*Building* shall mean any structure which has a roof and which is designed for the shelter, support or enclosure of persons, animals or property of any kind. See "Structure" definition.

*Building setback line* shall mean an imaginary line connecting all points in any lot which are located the specified distance in section 24-121 from the street right-of-way for front yard setback, or from the property lines for side or rear yard setback.

*Centerline of street* shall mean a line or any extension thereof running midway between the established lot lines or property lines of lands abutting on the street, or the legally surveyed centerline of the street.

*Club* shall mean buildings and facilities owned or operated by corporation, association, person or persons, for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

*Customary home occupation* shall mean an occupation or a profession which:

- (1) Is customarily carried on in a dwelling unit.
- (2) Is carried on by a member of the family residing in the dwelling unit.
- (3) Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- (4) Which conforms to the following additional conditions:
  - a. The occupation or profession shall be carried on wholly within the principal building.
  - b. No more than one person outside the family shall be employed in the home occupation.
  - c. There shall be no exterior display, no exterior sign, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.

- d. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
  - e. No significant increase in traffic volume shall be created by the occupation.
- (5) In particular a customary home occupation includes, but is not limited to the following:
- a. Art studios.
  - b. Dressmaking.
  - c. Professional office of a physician, dentist, lawyer, engineer, architect or accountant within a dwelling occupied by the same.
  - d. Teaching, with musical instruction limited to a single pupil at a time.
- (6) However, a home occupation shall not be interpreted to include the following:
- a. Barber and beauty shops.
  - b. Commercial stables and kennels.
  - c. Real estate offices.
  - d. Restaurants.

*Dwelling* shall mean a building or portion thereof arranged or designed to provide living facilities for one or more families. However, mobile homes shall be specifically excluded from this definition.

*Dwelling, multifamily*, shall mean a building designed for or occupied exclusively by three or more families, with separate housekeeping and work facilities for each family, regardless of ownership of such units.

*Dwelling, single-family*: A structure containing not more than one dwelling unit designed for residential use, which meets or exceeds the following standards:

- (1) Minimum width in excess of 24 feet.
- (2) Minimum square footage required shall not be less than 960 square feet.
- (3) The roof shall have a minimum 3:12 roof pitch and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built up gravel materials, or other materials approved by the building official.
- (4) The exterior siding materials shall consist of wood, masonry, concrete, stucco, masonry, metal or vinyl lap or other materials of like appearance.
- (5) The structure shall be attached to a permanent foundation. The structure shall be completely enclosed down to the foundation with a full perimeter masonry curtain wall, except for necessary access and ventilation.
- (6) Be constructed according to standards established by the Standard Building Code, latest edition, as amended.
- (7) The city commission may approve deviations from one or more of the development or architectural standards provided herein or on the basis of a finding that the materials to be utilized or the architectural style proposed for the dwelling will be compatible and harmonious with existing structures in the vicinity.

- (8) If said structure is constructed off-site to be considered as a dwelling, single family, such structure must in addition to the above standards:
- a. Be inspected by the city prior to assembling on site, and
  - b. Must have a certificate from the manufacturer or off-site builder that the structure meets and complies with the standards established by the Standard Building Code, latest edition, as amended.

*Dwelling, two-family*, shall mean a building designed for or occupied exclusively by two families, with separate housekeeping or cooking facilities for each family.

*Dwelling unit*: A structure or a portion of any structure designed, arranged and used for living quarters for one or more persons living as a single housekeeping unit with cooking facilities, but not including apartment units or hotels, motels, boarding houses or like uses.

*Family* shall mean one or more persons living together as a single housekeeping unit in a dwelling.

*Hardship* shall mean extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography and the application of the ordinance or resolution to this particular piece of property would create an unnecessary hardship, and such conditions are peculiar to the particular piece of property involved, and relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this chapter.

*Industrialized building* shall mean a factory-fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation in a permanent structure to be used for residential purposes and which bears a seal of compliance with regulations of either the Southern Building Code Congress International or the Georgia Industrialized Building Act.

*Lot area, net*, shall mean the total area of a lot excluding any road or highway or street right-of-way whether dedicated or not dedicated to public use.

*Lot, plat or parcel*, shall mean a developed or undeveloped tract of land in one ownership, legally transferable as a single unit of land.

*Lot width* shall mean the horizontal distance between the side lot lines of a lot measured at the front building line.

*Manufactured home* shall mean a structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. Section 5401 et seq. The definition at the date of adoption of the ordinance codified in this section, is as follows:

"Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet and which is built on permanent chassis and

designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of the United States Department of Housing and Urban Development and complies with the standards established under this title.

Except as provided manufactured homes, as defined by this section if over seven years old as of the date the owner seeks a certificate of occupancy will not be allowed in the corporate limits of the city.

Provided a single wide manufactured home (as that term is commonly used within the manufactured housing industry) if over seven years of age may be allowed in the city subject to an inspection approved by the building inspector of the city. The criteria to be reviewed by the building inspector prior to allowing a single wide manufactured home within the corporate limits must include:

- (1) An application and inspection fee of \$150.00.
- (2) The manufactured home must be located within a 75-mile radius of the city.
- (3) There must be a visual inspection before the manufactured home is moved into the corporate limits of the city.
- (4) The manufactured home must have a gable roof with a standard pitch of 3-12.
- (5) The manufactured home must have house-type windows.
- (6) The manufactured home must have minimum dimensions of 14 feet by 60 feet including the tongue.
- (7) The flooring of the manufactured home must be at least 3/4-inch plywood, advantec, or equivalent. (Particle board will not be accepted.)
- (8) There should be no interior or exterior structural damage to the manufactured home.
- (9) There should be no major cosmetic damage to the exterior of the manufactured home.
- (10) The manufactured home cannot be any older than 15 years.
- (11) The manufactured home must have the required HUD inspection and identification decal.
- (12) Any manufactured home must be located in a manufactured home park located within the corporate limits of the city.

*Manufactured home park* shall mean a tract of land developed and offered for the purpose of parking manufactured homes for use as permanent or semipermanent dwelling units. No tract shall be a manufactured home park if more than ten percent of the available spaces are routinely made available to the traveling public for temporary use of less than 30 days.

*Map, zoning map* shall mean the official zoning map of the city.

*Miniwarehouse* shall mean a series of storage spaces contained in one building or in a series of buildings which are designed and used for the purpose of renting or leasing individual storage spaces to persons in order that any person renting or leasing one or more such individual storage spaces shall have access for the purpose of storing property therein.

*Mobile home* shall mean a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein and manufactured prior to June 15, 1976. Mobile homes are prohibited within the Toccoa city limits.

*Mobile home park* shall mean any lot, parcel, or tract of land, together with open spaces required by this chapter, used, designed, maintained, or held to accommodate two or more residential trailers, including all buildings, structures, tents, accessories, vehicles, appurtenances, used or intended as equipment of such mobile home park, whether or not a charge is made for use of such park, and or its facilities. A mobile home park does not include trailer sales lots on which unoccupied trailers are parked for inspection and sale.

*Nursing home* shall mean any dwelling where persons are housed or lodged and furnished with meals and nursing care of hire.

*Sign* shall mean any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

*Sign, business identification*, shall mean an attached or free standing structure on which are announced the nature of the business on the premises and/or the name of the operator of the business.

*Sign, outdoor advertising*, shall mean an attached or free standing structure conveying some information, knowledge or idea to the public.

*Street* shall mean a public or private street open to general public use and having a pavement or road bed width of not less than 20 feet, which affords principal access to abutting property. Streets are divided into three classes: major thoroughfares, connector streets and residential streets, and are defined as shown on the zoning map of the city. Such designations are made a part of said map and this chapter.

*Structure* shall mean anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground. See "Building" definition  
A/ghm roof - eg carport

*Use principal* shall mean the principal purpose for which a lot or the principal building thereon is designed, arranged or intended, and for which it is or may be used, occupied or maintained in accordance with the provisions of this chapter.

*Used; occupied*, as applied to any land or building, shall include the words "intended, arranged or designed to be used or occupied."

*Utility building* shall mean any structure customarily used to store lawn tools and equipment, not to be used as a garage or wood shop. The structure shall have a maximum size of 150 square feet and maximum height of ten feet.

*Yard* shall mean an open space on a lot situated between the principal building on such lot and the lot lines of such lot. In measuring a yard for determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the principal building on the lot shall be used.

*Yard, front*, shall mean a yard extending across the front of lot from side lot line to side lot line and lying between the front lot line and the principal building on the lot.

*Yard, rear*, shall mean a yard extending across the rear of a lot from side lot line to side lot line and lying between the rear property line and the principal building on the lot.

*Yard, side*, shall mean a yard extending along either side of a lot between the front and rear yards and lying between the side lot line and the principal building on the lot.

(Code 1985, § 7-2-1; Ord. No. 86-006, 3-17-86; Ord. No. 88-007, 4-25-88; Ord. No. 92-016, § 1, 9-14-92; Ord. No. 95-014, 3-27-95; Ord. No. 4-2005, 4-25-05)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

#### **Sec. 24-2. Continuance of a nonconforming use.**

Any lawful building, structure or use of land existing at the time of the enactment of this chapter or subsequent amendment, but not in conformity with its use regulations and provisions, may for a period of time be continued subject to the following provisions. It shall not be:

- (1) Changed to another nonconforming use if such use is more objectionable by reason of odor, dust, smoke, gas, fumes, noise, vibration or any other use which would be more objectionable.
- (2) Enlarged or extended except in conformity with this chapter.
- (3) Reestablished after discontinuance for one year.
- (4) Rebuilt, altered or repaired after damage exceeding 60 percent of its fair market value immediately prior to damage except in conformity with this chapter.

- (5) Improved in any way to the extent that such improvements equal or exceed 20 percent of the value of the structure at that time.

(Code 1985, § 7-2-2; Ord. No. 86-009, 5-26-86)

**Sec. 24-3. Discontinuance of a nonconforming use.**

All nonconforming uses of land shall be discontinued and all nonconforming buildings or structures which cause substantial detriment to the public good shall be torn down, altered, or otherwise made to conform with the use provisions of this chapter within five years after May 26, 1986.

(Ord. No. 86-009, § 7-23, 5-26-86)

**Sec. 24-4. Off-street automobile parking and storage.**

Off-street automobile parking or storage space shall be provided on every lot on which any of the following uses are thereafter established in all districts as provided for in this chapter except the B-III commercial district; or provided that no parking space can be reasonably provided on the same lot, such space shall be provided on any lot, a substantial portion of which is within 400 feet of such uses. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays. Each automobile parking space shall be not less than 200 square feet in area exclusive of adequate access drives and maneuvering space. Maneuvering space shall be provided (except for single-family residences) to prevent any vehicle from backing into the street. Such space shall be provided with vehicular access to a street or alley; such use shall not thereafter be encroached upon or altered; and shall be equal in number to at least the minimum requirements for the specific use set forth below. When application of such provision results in a fractional space requirements, the next larger requirement shall prevail.

*Use classification*

*Parking space requirement*

Automobile sales and repair.

One space for each two employees at maximum employment on a single shift, plus two spaces for each 300 square feet of repair or maintenance space.

Bowling alleys.

Two spaces for each alley, plus one additional space for each two employees.

Churches.

One space for each five seats.

Filling stations.

Two spaces for each gas pump plus three spaces for each grease rack or similar facility.

Hospitals.

One space for each two patient beds plus one space for each staff or visiting doctor, plus one space for each three employees including nurses.

*Use classification*

*Parking space requirement*

Mortuary or funeral home.	One space for each four seats in the assembly room or chapel.
Motel, tourist homes or tourist courts.	One space for each accommodation, plus two additional spaces for employees.
Offices, professional, business or public, including banks.	One space for each 200 square feet of gross floor area.
Places of public assembly without fixed seats.	One space for each 200 square feet of floor space devoted to patron use.
Places of public assembly including private clubs, lodges and fraternal buildings not providing overnight accommodations, auditoriums, dance halls, pool rooms, theaters, stadiums, gymnasiums, amusement parks, community centers, libraries, museums, and all similar places of public assembly.	One space for each four seats provided for patron use, plus one space for each 100 square feet of floor or ground area used for amusement or assembly but not containing fixed seats.
Rooming and boarding houses.	One space for each two guest rooms, plus one additional space for the owner, if resident on the premises.
Residential dwellings.	One space for each dwelling unit.
Restaurants.	One space for each 75 feet of floor area devoted to patron use, plus one space for each four employees.
Retail business.	One space for each 200 square feet of total floor area.
Sanatorium, rest and convalescent homes, homes for the aged, and similar institutions.	One space for each six patient beds, plus one space for each staff or visiting doctor, plus one space for each four employees.
Senior high school, both public and private.	One space for each 20 pupils for which the space was designed, plus one space for each classroom and administrative office.
Mobile home park.	One space for each sleeping unit.
Wholesaling and industrial uses.	One space for each two employees at maximum employment on a single shift.

(Code 1985, § 7-2-4)

**Sec. 24-5. Off-street loading and unloading space.**

Every building or structure used for business, trade or industry shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley unless otherwise approved. Such space shall have access to an alley or if there is no alley, to a street. For the purposes of this section an off-street loading space shall have minimum dimensions of

12 feet by 40 feet and an overhead clearance of 14 feet in height above the alley or street grade, with adequate access provisions for vehicles. The requirements are:

- (1) Retail business, one space for each 3,000 square feet of floor area or fraction thereof.
- (2) Wholesale and industry, one space for each 10,000 square feet of floor space or fraction thereof.
- (3) Terminal facilities for trucks, buses or railroads, one space for each bus or truck to be stored or loading or unloading at the terminal at any one time.

(Code 1985, § 7-2-5)

**Sec. 24-6. Conflict with other regulations.**

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

(Code 1985, § 7-2-201)

**Sec. 24-7. State law adopted by reference.**

The city does hereby adopt by reference the Zoning Procedures Law of the State of Georgia and does hereby incorporate each and every provision of that zoning procedures law as it exists or as it may be amended as incorporated by reference herein the Zoning Procedures Law of the State of Georgia as a part of this Code.

**Secs. 24-8–24-30. Reserved.**

## **ARTICLE II. APPLICATION OF REGULATIONS**

**Sec. 24-31. Use.**

No building or land shall be used or occupied and no building or structure or part thereof shall be erected, moved or structurally altered except in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided.

(Code 1985, § 7-2-21)

**Sec. 24-32. Height and density.**

No building shall be erected or altered so as to exceed the height limit, or to exceed the density regulations of this chapter for the district in which it is located.

(Code 1985, § 7-2-22)

**Sec. 24-33. Lot size and occupancy.**

No yard or lot existing at the time of passage of the ordinance from which this chapter derives even though it may consist of one or more adjacent lots or record, shall be reduced in size or area per family below the minimum requirements set forth herein.

(Code 1985, § 7-2-23)

**Sec. 24-34. Yard use limitations.**

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

(Code 1985, § 7-2-24)

**Sec. 24-35. One principal building on a lot.**

Except as hereinafter provided, only one principal building and its customary accessory buildings may hereafter be erected on any lot.

(Code 1985, § 7-2-25)

RIF

**Sec. 24-36. Public street frontage.**

No building shall hereafter be erected on any lot which does not abut at least 30 feet on publicly dedicated or maintained street.

(Code 1985, § 7-2-26)

**Sec. 24-37. Temporary office and storage trailers.**

(a) *Definition.* For the purposes of this section, the term "temporary office and storage trailers" shall mean a detached unit designed or modified for use as a temporary office or storage space, constructed with wheels for movement (whether or not wheels have been removed) and placed on a permitted construction site for temporary use during construction operations.

(b) *Permitted uses.* Temporary office and storage trailers may be used as follows:

- (1) Temporary field office for construction operation.
- (2) Temporary storage facility for construction operation.
- (3) Temporary location of business during construction of its permanent facility on same site.

(c) *Additional provisions.* The following provisions shall be applicable to the use of temporary office and storage trailers:

- (1) Sleeping, bathing and food preparation facilities are not permitted.
- (2) Trailers will be removed immediately upon substantial completion of the construction project, or upon discontinuance of construction operations for a period of more than 30 days for reasons other than weather delays.
- (3) Trailers being used as temporary places of business will be removed after a time period of 24 months.

(Code 1985, § 7-2-27; Ord. No. 87-010, 2-23-87)

**Secs. 24-38–24-60. Reserved.**

### ARTICLE III. ZONING DISTRICTS

#### DIVISION 1. GENERALLY

**Sec. 24-61. Establishment and purposes of districts.**

In order to implement the intent of this chapter, the incorporated area of the city is divided into the following districts. Other uses may be allowed in these districts as in permitted uses. (Code 1985, § 7-2-51)

**Sec. 24-62. Types of districts.**

For the purpose of this chapter the city is divided into 12 districts designated as follows:

- (1) R-IA Single-family residential district, low density.
- (2) R-IB Single-family residential district, high density.
- (3) R-II Two-family residential district.
- (4) R-III Multifamily residential district.
- (5) R-IV Mobile home residential district.
- (6) B-I Neighborhood shopping district.
- (7) B-II Commercial district.
- (8) B-III Central business district.
- (9) B-IV Wholesale business district.
- (10) M-I Restricted industrial district.
- (11) M-II Heavy industrial district.
- (12) A-I Airport district.

(Code 1985, § 7-2-41; Ord. No. 86-026, 12-22-86)

**Sec. 24-63. District boundaries.**

The boundaries of these districts are hereby established as shown on a map entitled "Official Zoning Map, City of Toccoa, Georgia," 1984, as amended and adopted by the city commission. Such map and all explanatory matter thereon is hereby made part of this chapter. Such map shall be retained in the office of the city clerk.

(Code 1985, § 7-2-42)

**Sec. 24-64. Interpretation of district boundaries.**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- (1) Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or railroad right-of-way lines or such lines extended,

such centerlines, street lines, or railroad right-of-way lines shall be construed to be such boundaries.

- (2) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.
- (3) Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.
- (4) Where a district boundary line divides a lot in single ownership the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extensions shall not include any part of such a lot more than 35 feet beyond the district boundary line.
- (5) Where district boundaries follow a stream, lake or other body of water, such boundaries shall be construed to be at the limits of the jurisdiction of the city unless otherwise indicated.
- (6) Where district boundaries appear to follow corporate lines, such boundaries do follow the corporate lines.

(Code 1985, § 7-2-43)

**Secs. 24-65–24-75. Reserved.**

**DIVISION 2. USE REQUIREMENTS FOR RESIDENTIAL DISTRICTS**

**Sec. 24-76. Single-family residential district (R-IA).**

(a) *Purposes.* The single-family residential district (R-IA) allows up to four dwelling units per acre with provisions for customary accessory uses. Commercial, industrial or other uses that would interfere with the residential character of this district are prohibited.

(b) *Permitted uses.* The following uses are permitted in the R-IA district:

- (1) Single-family dwelling (four units per acre).
- (2) Parks, playgrounds, museums, libraries and community and governmental buildings owned and operated by public agencies.

- (3) Public school, elementary or high, or a private school having a curriculum the same as ordinarily given in a public school.
  - (4) Country club or golf courses, except miniature course or practice driving range operated for commercial purposes.
  - (5) Churches or other places of worship.
  - (6) Accessory buildings and uses customarily incident to the above uses, including a private garage, and the use of a lot or portion thereof for an orchard or a vegetable or flower garden.
  - (7) Church or public building bulletin board not exceeding ten square feet in area and temporary signs not exceeding six square feet in area pertaining to the lease, hire or sale of a building or premises.
- (Code 1985, § 7-2-51)

**Sec. 24-77. Single-family residential district (R-IB).**

(a) *Purposes.* The single-family residential district (R-IB) allows up to five dwelling units per acre with provisions customary for accessory uses. Commercial, industrial or other uses that would interfere with the residential character of this district are prohibited.

(b) *Permitted uses.* The following uses are permitted in the R-IB district:

- (1) Any use permitted in single-family residential district (R-IA).
  - (2) Single-family dwelling (five units per acre).
- (Code 1985, § 7-2-52)

**Sec. 24-78. Two-family residential district (R-II).**

(a) *Purpose.* The two-family residential district (R-II) allows up to nine dwelling units per acre for single-family or two-family dwelling units with provisions for customary accessory uses.

(b) *Permitted uses.* The following uses are permitted in the R-II district:

- (1) Any use permitted in the R-I single-family residential district.
- (2) Two-family dwellings.
- (3) Rooming or boarding houses accommodating more than two persons.
- (4) Bed and breakfast inns.
  - a. *Definition.* A bed and breakfast inn is a place for overnight accommodations and accompanied by morning meal in a dwelling unit provided to transients. The overnight accommodations and breakfast are provided for compensation.
  - b. Bed and breakfast inns must meet the following requirements:
    - 1. Owner(s) must reside on the premises.

2. Parking requirements: One space for each guest bedroom, one space for owner, and one space for every two employees.
3. Limit use to overnight lodging and allow for guest related activities involving 20 people or less.
4. Shall have no more than six bedrooms.
5. Limit breakfast to guests and guest related activities only and all breakfasts should be limited to indoor dining or dining in a structure attached to the bed and breakfast structure that is attached.
6. Business license subject to being revoked after three violations. Violations must be brought to the planning director's attention.

(Code 1985, § 7-2-53; Ord. No. 12-2004, § I, 8-23-04)

**Sec. 24-79. Multifamily residential district (R-III).**

(a) *Purpose.* The multifamily residential district (R-III) allows up to 20 dwelling units per acre with provisions for customary accessory uses.

(b) *Permitted uses.* The following uses are permitted in the R-III district:

- (1) Any use permitted in the two-family residential district (R-II).
- (2) Multifamily dwellings.
- (3) Hospital or sanatorium, except a criminal or animal hospital.
- (4) Institution of a religious, educational, charitable or philanthropic nature, but not a penal institution.
- (5) Nursing or convalescent home.
- (6) Private clubs, fraternities, sororities and lodges, excepting those the chief activity of which is a service customarily carried on as a business.

(Code 1985, § 7-2-54)

**Sec. 24-80. Manufactured home park district (R-IV).**

(a) *Purpose.* This district is intended to provide areas for use as manufactured home parks at a medium density urban residential character with spaces and/or manufactured homes in such parks to be offered for rent. Such parks are to be located where public water and sewer systems are available.

(b) *Permitted structures and uses.*

- (1) Manufactured homes.
- (2) Mobile homes are strictly prohibited.

(c) *Permitted accessory structures and uses.*

- (1) One office/maintenance building incidental to use by residents of the manufactured home park only;

- (2) Recreation areas and structures owned, operated and maintained exclusively for the use of residents and guests of residents of the manufactured home park and further provided that such areas and structures are controlled by the manufactured home park's owners;
  - (3) Private streets to provide access only to the spaces and facilities within the manufactured home park, provided they meet city design standards.
  - (4) Coin-operated laundries for manufactured home park residents use only.
- (d) *Development intensity restrictions.* The maximum intensity of development in this district is as follows:
- (1) Minimum zoning district size: Ten acres.
  - (2) Minimum lot area: 6,000 square feet.
  - (3) Maximum gross density: Five per acre.
- (e) *Miscellaneous provisions.*
- (1) All manufactured homes located in a manufactured home park after the date of adoption of the ordinance codified in this section shall provide documentation of compliance with the National Home Construction and Safety Act or compliance with

- specifications presented by the American National Standards Institute. Existing manufactured homes within city manufactured home parks not in compliance with either of these standards are nonconforming.
- (2) No manufactured home or accessory structure shall be located within 50 feet of any exterior boundary of a mobile home park.
  - (3) No manufactured home sales or repair facilities of any type (including automobile repair) shall be permitted; provided, however, that this shall not be construed as to prohibit the owner of a manufactured home from selling the manufactured home in which they are residing or to prohibit a person from performing minor repairs on an automobile which they own.
  - (4) Each manufactured home space within the approved park shall be clearly delineated by means of an iron pin at each corner; only one manufactured home will be allowed per lot.
  - (5) Each manufactured home space within the approved park shall abut, have access to and have 60 feet of frontage on an approved street of the park. Such street shall meet city requirements for pavement width and construction materials and methods as it were an accepted street; includes private streets.
  - (6) The business of renting or otherwise allowing recreational vehicles, or of operating a trailer park or campground is not a permitted use in this district.
  - (7) The planning department shall review and approve preliminary and final site plans; all provisions of chapter 21, subdivisions, shall apply.
  - (8) No manufactured home park shall be constructed or maintained on a lot or tract which has an average width of less than 400 feet or a total area of less than ten acres.
  - (9) At least two paved parking spaces shall be provided on each manufactured home space.
  - (10) Except for those in place upon the adoption of the ordinance codified in this section, no manufactured home shall be allowed which has dimensions of less than 12 feet by 50 feet or a heated floor area of less than 600 square feet.
  - (11) The city may, at its option, provide roll-out carts and recycling baskets, or stationary dumpsters.
  - (12) Each manufactured home shall be connected with public water and sanitary sewer facilities in a manner approved by the city to their specification, and in compliance with the codes of the city.
  - (13) The manufactured home park and all manufactured homes located therein shall be in compliance with all regulations of the county and state health departments.
  - (14) All requirements of the city and state fire marshal's office shall be adhered to.
  - (15) No entrance or exit shall be through a residential subdivision.

(f) *Manufactured home park criteria.*

- (1) A site plan shall be submitted to and approved by the planning department prior to development or expansion. No manufactured homes shall be placed in the new area of an existing park or a new park until the final site plan is approved; all provisions of chapter 21, subdivisions, shall apply.
- (2) The minimum space limits and setback requirements shall be as set forth in section 24-121.
- (3) No additions shall be made to a manufactured park that will violate setback requirements. All additions shall be approved by the planning department, according to the requirements of this chapter.
- (4) Each manufactured home unit shall be installed on a concrete block foundation, of which the base block shall be solid and equal in size to the pier block size (a minimum of eight inches by 16 inches). The top course of the foundation shall be a solid cap block with a minimum dimension of four inches by eight inches by 16 inches. The manufactured home unit shall be installed true and plumb. The tongue and wheels shall be removed and an approved permanent skirting shall be installed; the tongue may remain if it is skirted.
- (5) All streets and driveways within the manufactured home park shall be lighted, at the owner's expense, between sunset and sunrise emitting light at an intensity of at least 5,000 lumens, and the light poles shall be no more than 250 feet apart.
- (6) All streets shall be properly designed and shall have a minimum pavement width of 20 feet as approved by the city according to section 21-193.
- (7) The area around and underneath each manufactured home unit shall be kept clean and free from collection of refuse, rubbish, glass bottles or other unsightly material.
- (8) No open fires or burning of leaves or other refuse shall be permitted within the boundaries of any manufactured home park without approval of the Toccoa Fire Department.
- (9) Each manufactured home in a manufactured home park shall be provided with safety tiedowns in conformance with city building code requirements.
- (10) Manufactured home parks shall be surrounded by planted buffers at least 25 feet in depth on the sides and rear. All buffers shall be at least six feet in height and dense enough to be opaque.
- (11) Coin-operated laundries for the use of the residents of the manufactured home park shall be permitted within enclosed buildings inside the park. Building structures containing such laundries may also contain vending machines and recreational rooms and activities. More intensive commercial uses than those specified herein are strictly prohibited.
- (12) Each manufactured home space shall have the following:
  - a. A concrete patio at least four inches thick with minimum dimensions of 40 feet by eight feet;

- (7) *Roof pitch and materials.* The manufactured home shall have a pitched roof with a slope of at least three feet in height for each 12 feet in width. Roof materials shall be wood shake, tile, asphalt shingle, coated metal, or similar material.

(e) Any manufactured home presently within the corporate limits of the City of Toccoa will not be affected by this adoption of the ordinance from which this section derives, and any manufactured home not within a manufactured home park will be considered a non-conforming use as defined by this chapter.

(Ord. No. 16-2005, § I, 8-8-05)

**Secs. 24-82—24-90. Reserved.**

### DIVISION 3. USE REQUIREMENTS FOR COMMERCIAL DISTRICTS

#### **Sec. 24-91. Neighborhood shopping district (B-I).**

(a) *Purpose.* The neighborhood shopping district (B-I) is a district for planned shopping centers and limited retail activities conducted in a unified development designed to serve the surrounding neighborhood and community with convenience goods, retail services and personal services.

(b) *Permitted uses.* The following uses are permitted in the B-I district:

- (1) Any use permitted in multifamily residential district (R-III).
- (2) Automobile parking lots.
- (3) Banks.
- (4) Clinics.
- (5) Service stations, automobile.
- (6) Florist shops or greenhouses.
- (7) Offices and office buildings.
- (8) Self-service laundries.
- (9) Household appliances and furniture sales.
- (10) Bakeries, but only when the products are sold at retail on the premise.
- (11) Retail stores, provided that in connection with such stores there shall be no slaughtering of animals or poultry on the premises.
- (12) Personal service uses including barber shops, beauty parlors, photographic or artist studio, messengers, taxicabs, newspaper or telegraphic, service stations, dry cleaning receiving stations, restaurants and other personal services of a similar character.
- (13) Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, catering, dry cleaning and pressing, and other uses of a similar character provided that

- b. A wooden deck having a surface area of at least 320 square feet; or
  - c. A combination of a concrete patio at least four inches thick and a wooden deck provided the combined surface area (excluding steps) is at least 320 square feet.
- (Code 1985, § 7-2-55; Ord. No. 95-014, 3-27-95)

**Sec. 24-81. Siting of manufactured homes.**

(a) Manufactured homes as allowed herein will only be allowed in manufactured home parks as defined pursuant to this Code.

(b) Definitions:

- (1) *Manufactured home*: A structure, transportable in one or more sections, which, in the traveling mode, is 14 body feet or more in width or 60 body feet or more in length, when erected on site, is 840 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

(c) Land use permit required. No manufactured home shall be installed on any site, nor shall any such manufactured home be occupied or used for any purpose until and unless the city issues a permit. The city will not issue a permit for installing, occupying, or using a manufactured home unless it is in conformity with all the provisions of this section.

(d) Basic installation requirements. The following requirements are applicable to all manufactured homes subject to this section:

- (1) *Foundation*. Each manufactured home must be set on an appropriate foundation.
- (2) *Hauling mechanisms removed*. The transportation mechanisms, including wheels, axles, and hitch, must be removed prior to occupancy.
- (3) *Installation regulations*. The manufactured home shall be installed in accordance with the installation instructions from the manufacturer, as appropriate.
- (4) *Approved septic system*. Each manufactured home shall be connected to the city's sewer system.
- (5) *Skirting*. The entire perimeter area between the bottom of the structure and the ground of each manufactured home shall be skirted or underpinned with brick, masonry, finished concrete or siding (of like or similar character to the manufactured home) that completely encloses the perimeter of the undercarriage except for proper ventilation and access openings.
- (6) *Exterior finish*. The exterior siding of the manufactured home shall consist of wood, hardboard, vinyl, or plastic siding material.

no use permitted in this paragraph shall employ more than five persons in a single shift on the premises, not including employees whose principal duties are off the premises or temporary seasonal employees.

(14) Retail liquor stores.

(15) When located at least 25 feet from any residential district:

a. Used car sales and storage lot;

b. Sale of small boats.

(Code 1985, § 7-2-61; Ord. No. 94-024, § II, 10-10-94)

**Sec. 24-92. Commercial district (B-II).**

(a) *Purposes.* The commercial district (B-II) is a district for general business and limited manufacturing activities, including retail sales and personal services.

(b) *Permitted uses.* The following uses are permitted in the B-II district:

(1) Any use permitted in the neighborhood shopping district (B-I).

(2) Advertising sign or billboard, when located at least 50 feet from any residential district.

(3) Automobile or trailer display and sales room.

(4) Business or commercial school.

(5) Bowling alley when located not less than 100 feet from any residential district.

(6) Frozen food locker.

(7) Radio or television broadcasting studio.

(8) Hotel or motel.

(9) Restaurant.

(10) Animal hospital.

(11) Theater, but not a drive-in theater.

(12) Reserved.

(13) Mortuary.

(14) Farm implement display and sales room.

(15) Milk distributing station.

(16) Parking or public garage.

(17) When not employing more than ten persons on the premises; dyeing and cleaning establishment or laundry, painting, plumbing or tinsmithing shop, printing shop, tire sales and service including vulcanizing, upholstering shop not involving furniture manufacture. Any other general service or repair establishment of similar character.

- (18) Accessory building or use customarily incidental to any of the above uses.
- (19) Hardware store.
- (20) Bus terminal, passenger.
- (21) Recreational facilities.

(22) Car wash.

(23) Automobile repair garages.

(Code 1985, § 7-2-62; Ord. No. 94-024, § I, 10-10-94; Ord. No. 98-004, § I(a), 3-23-98)

**Sec. 24-93. Central business district (B-III).**

(a) *Purposes.* The central business district (B-III) is a district permitting the most intensive use of land in combination with a variety of retail and service uses. The district is intended to provide for the central and headquarter function of economic activity in the city. It is intended to keep this district centrally located and compact so that a maximum convenience is afforded the users and occupants of this central business district.

(b) *Permitted uses.* The following uses are permitted in the B-III district:

- (1) Any use permitted in the B-II commercial district, without restriction as to the number of employees.
- (2) Storage warehouse, provided such warehouse is accessory to a retail establishment.
- (3) Wholesaling establishment.
- (4) Printing, publishing or engraving.
- (5) Any other use of a similar character and which is not more objectionable by reason of the emission of odor, dust, smoke, gas, fumes, noise or vibration than the uses herein enumerated.

(Code 1985, § 7-2-63)

**Sec. 24-94. Wholesale business district (B-IV).**

(a) *Purpose.* The wholesale business district (B-IV) is a district for those business activities that require more space than commercial uses serving the central business district and that require heavy vehicular access.

(b) *Permitted uses.* The following uses are permitted in the B-IV district:

- (1) Any uses permitted in the central business district (B-III).
- (2) Animal hospital or veterinary clinic.
- (3) Automobile parts sales store.
- (4) Automobile sales and storage.
- (5) Bowling alleys.
- (6) Bus terminals.
- (7) Business and outdoor advertising signs.
- (8) Drive-in theaters.
- (9) Dry cleaning and laundry establishments.

- (10) Electrical repair shops.
  - (11) Fabricating shops of small size such as woodwork shops, cabinet shops and upholstery shops.
  - (12) Farm equipment sales and service.
  - (13) Gasoline service stations.
  - (14) Greenhouses or horticultural nurseries.
  - (15) Motels.
  - (16) Public and semi-public recreational facilities.
  - (17) Repair garages.
  - (18) Restaurants, including drive-in restaurants.
  - (19) Customary accessory uses and structures, when located on the same lot as the main structure.
  - (20) Miniwarehouses.
  - (21) Warehouses.
- (Code 1985, § 7-2-64)

**Secs. 24-95—24-105. Reserved.**

**DIVISION 4. USE REQUIREMENTS FOR INDUSTRIAL DISTRICTS**

**Sec. 24-106. Restricted industrial district (M-I).**

(a) *Purposes.* The restricted industrial district (M-I) is a district intended to provide for uses permitted in the most highly restricted industrial, including certain related commercial uses, but not including residential uses.

(b) *Permitted uses.* The following uses are permitted in the M-I district:

- (1) Any nonresidential, warehousing, wholesaling, storage or manufacturing use permitted in the wholesale business district (B-IV).
- (2) Bottling works.
- (3) Lumber and storage yard, including construction yard and contractor's yard.
- (4) Drive-in theater.
- (5) Coal or wood yard.
- (6) Storage of petroleum products, but only after the location of the premises have been approved by the fire chief and further provided that mobile home parks shall not be located within 500 feet of the location.
- (7) Textile manufacturing or processing.
- (8) Fabrication of wood and metal products.

- (9) Industrial manufacturing plant where the process of manufacturing or the treatment of materials is not objectionable because of dust, odor, gas, smoke, vibration or noise, and not more than ten percent of the lot or tract is used for the open storage of products, materials or equipment.
  - (10) Truck or transfer terminal or freight house, or bus garages and repair shop.
  - (11) Ice manufacturing plant.
  - (12) Laboratory, experimental, film or testing.
  - (13) Ready-mix concrete plants where the process of manufacturing or the treatment of materials is not objectionable because of dust, odor, gas, smoke, vibration or noise.
- (Code 1985, § 7-2-71; Ord. No. 86-025, 10-13-86)

**Sec. 24-107. Heavy industrial district (M-II).**

(a) *Purpose.* The heavy industrial district (M-II) is a district for general industrial, heavy manufacturing and related activities.

(b) *Permitted uses.* The following uses are permitted in the M-II district:

- (1) Any industrial use, provided that such use shall not be likely to be dangerous, offensive or detrimental to the health, safety, welfare, or general character of this zoning district or of the community by reason of the emission of dust, gas, smoke, noise, fumes, odors, vibrations, glare or otherwise.
- (2) Any nonresidential uses permitted in the restricted industrial district (M-I). Only residential use by resident watchmen and caretakers employed on the premises are allowed.
- (3) Business and outdoor advertising sign.
- (4) Cold storage plants.
- (5) Gasoline service stations.
- (6) Laundry and dry cleaning establishments.
- (7) Public utility structures.
- (8) Repair shops.
- (9) Restaurants, cafes and similar establishments.
- (10) Truck terminals.
- (11) Accessory uses and buildings which are clearly incidental to a permitted use and which will not create a nuisance or hazard.
- (12) Any building or land may be used for any purpose not in conflict with any ordinance of the city regulating nuisances; provided, however, that no building shall be erected,

reconstructed or structurally altered for residential purposes except for resident watchmen and caretakers employed on the premises.

- (13) No permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the city commission after report by the city manager and the planning commission.
- a. Acid manufacture.
  - b. Cement, lime, gypsum or plaster of paris manufacture.
  - c. Stockyards or slaughter of animals.
  - d. Ammonia, chlorine or bleaching powder manufacture.
  - e. Asphalt manufacture or refining.
  - f. Auto wrecking and junkyard.
  - g. Coal, tar products manufacture.
  - h. Linoleum manufacture.

(Code 1985, § 7-2-72; Ord. No. 85-027, 9-23-85)

**Sec. 24-108. Prohibited uses.**

The following uses shall not be permitted in any district:

- (1) Distillation of bones and glue manufacture.
- (2) Explosive manufacture or storage.
- (3) Fertilizer manufacture.
- (4) Garbage, offal or dead animals, reduction or dumping.
- (5) Petroleum or its products, refining of.
- (6) Paper or paper pulp manufacture.
- (7) Smelting of tin, copper, zinc or iron ores.
- (8) Hazardous waste disposal.

(Code 1985, § 7-2-72)

**Sec. 24-109. Airport district (A-I).**

(a) *Purpose.* The airport district (A-I) is a district for airports and surrounding areas, including related activities, and is intended to restrict places of assembly and to enforce the Federal Aviation Administration's airspace standards for airport approach zones.

(b) *Permitted uses.* The following uses are permitted in the A-I district:

- (1) Airport runways.
- (2) Air passenger service.
- (3) Express freight.
- (4) Airplane storage.

- (5) Repair shops.
- (6) Automobile parking.
- (7) Restaurants.
- (8) Shops.
- (9) Flight lessons.
- (10) Fuel sales.
- (11) Airplane and parts manufacture.
- (12) Customary accessory uses and structures.

(c) *Prohibited uses.* The following uses shall not be permitted in this district:

- (1) Places of assembly, including places of worship, hospitals and schools.
- (2) Structures for residential purposes, except for resident watchmen and caretakers.

(Code 1985, § 7-2-73; Ord. No. 86-027, 12-22-86)

Minimum lot size requirements for the R-III: Multifamily residential district shall apply to all residential buildings constructed in a business district. (Ord. No. 7-2-81; Ord. No. 88-008, 4-25-88; Ord. No. 95-014, 3-27-95)

(G) Minimum lot size requirements for the R-III: Multifamily residential district shall apply to all residential buildings constructed in a business district.  
(Code 1985, § 7-2-81; Ord. No. 88-008, 4-25-88; Ord. No. 95-014, 3-27-95)

**Secs. 24-122—24-140. Reserved.**