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Chapter 23 - SUPPLEMENTARY REGULATIONS GOVERNING CERTAIN USES

Section 23.01. Household Living.

Section 23.01.01. Dwelling, Tenant.

Tenant dwellings shall be located on the same lot or tract as the principal residence on the basis of one (1) dwelling unit for each five (5) acres in addition to the minimum lot area required for the principle residence.

Section 23.01.02. Dwelling, two-family attached (duplex).

[A] Requirements for A-Agriculture District: When permitted as a conditional use within the A-Agriculture District, two-family dwellings (duplex) are required to have a minimum one (1) acre lot.

[B] Requirements for R-1A and R-1 Single Family Residential Districts: Two-family attached dwellings are only permitted in new subdivisions for which the initial plat, which has been approved according to the requirements of Chapter 29, designates the location of all two-family dwellings to be located in the subdivision. The following criteria shall govern:

- [1] *Lot quantity.* The new subdivision must contain twenty-five (25) or more lots with the lots designated for duplexes being contiguous.
- [2] *Lot location.* The lots designated for duplexes in new subdivisions shall not be located adjacent to any neighboring subdivision or group development, and must not adversely affect other adjacent residential areas.
- [3] *Lots, maximum number.* In no case shall the total number of lots designated for duplexes be greater than twenty (20) percent of the total lots in the new subdivision, nor shall the total be less than three (3) lots.
- [4] *Lots, standards conformity.* The lots designed for duplexes must conform to the development standards set out for each district in which the duplexes are to be located.

1 [5] *Designation of lots.* The lots designated for duplexes must be indicated and included in
2 the deed restrictions for the subdivision and they must be indicated, by use of the word
3 "duplex," on the final recorded subdivision plat.

4 [6] *Duplex entrance.* The duplex shall not have more than one (1) entrance facing the
5 street on which the lot fronts.

6 [C] Requirements for HBH-Historic Beall's Hill District: Two-family attached dwellings are
7 subject to the following density requirements:

8 [1] Minimum lot width at building line: Sixty (60) feet.

9 [2] Minimum lot area: Six thousand (6,000) square feet.

10 [3] Maximum lot coverage: Thirty-five (35) percent.

11 **Section 23.01.03. Dwelling, Multi-Family.**

12 [A] Requirements for HR-3-Historic Residential-3 District: When permitted as a conditional
13 use within HR3- Historic Residential 3 district, the minimum lots sizes for new
14 construction or conversion to multi-family dwellings are governed by the following:

15

<u>Number of Stories</u> <u>in Building</u>	<u>Minimum Lot Area</u> <u>per Unit</u> <u>(Square Feet)</u>
<u>1</u>	<u>2,500</u>
<u>2</u>	<u>2,000</u>
<u>3</u>	<u>1,750</u>

16

17 The design and placement of dwelling units (or guest units or rooms) must be compatible
18 with the historic and cultural character of the district.

1 [B] Requirements for HBH-Historic Beall’s Hill District: When permitted as a conditional use
2 within HBH-Historic Beall’s Hill district, multi-family dwellings are only permitted as
3 new construction that meets the following conditions:

4 [1] The parcel of land to be developed shall be no smaller than seventy-five hundred
5 (7,500) square feet in size.

6 [2] The density allowed shall be that density allowed in Section 21.05 of these
7 regulations.

8 **Section 23.01.04. Home occupations.**

9 [A]. Requirements for Residential Districts except for RR-Rural Residential. Home occupations
10 are Accessory uses in residential districts, and shall be governed by the standards set out in
11 this section. These standards are intended to ensure compatibility with the residential
12 character of the neighborhood and to emphasize the clearly secondary or incidental status
13 of the home occupation in relation to the residential use of the main building.

14 [1] *Standards.* The following standards must be met for all home occupations:

- 15 (a) Such occupation shall be located and conducted in such a manner that the average
16 neighbor, under normal circumstances, would not be aware of its existence.
- 17 (b) Such occupation shall be conducted solely by occupants at the residence.
- 18 (c) No alteration of the residence, accessory buildings, or the property shall be made,
19 and no more than twenty-five (25) percent of the gross floor area shall be utilized.
- 20 (d) The applicant must be the owner of the property on which the home occupation is
21 to be located; or, if applicant is a tenant, he must have written approval of the
22 owner of the property.
- 23 (e) No stock in trade (except articles produced by the members of the immediate
24 family residing on the premises) shall be displayed or sold upon the premises.
- 25 (f) No outside storage related to the home occupation shall be permitted.
- 26 (g) The use may increase vehicular flow and parking by no more than one (1)
27 additional at a time.

1 (h) No use shall create noise, dust, vibration, smell, smoke, glare, electrical
2 interference, fire hazard, or any other hazard or nuisance to a greater or more
3 frequent extent than that usually experienced in an average residential occupancy.

4 (i) One (1) commercial vehicle is permitted in connection with the home occupation,
5 provided the provisions of Section 26.08 are met. (Amended January 22, 2018,
6 ZA17-005)

7 [2] *Home occupations, allowed.* Home occupations include but are not limited to the
8 following:

9 (a) Telephone and office use:

10 (i) Applicant's business activities at the residence shall be confined to telephone
11 and office use;

12 (ii) No employees or jobbers shall meet or congregate at the applicant's
13 residence;

14 (b) Artists, sculptors, authors, or composers;

15 (c) Dressmakers, seamstresses, or tailors;

16 (d) Home crafts, such as model making, rug weaving, and lapidary work;

17 (e) Office facility for a minister, rabbi, or priest;

18 (f) Office facility for a salesman, sales representative, or manufacturer's
19 representative, provided that no retail or wholesale transactions are made on the
20 premises;

21 (g) Tutors and musical instructors; and

22 (h) Professional offices. (Added January 13, 1986, ZA86-01-03)

23 (i) Barber and beauty shops. (Added November 27, 1995, ZA95-11-01)

24 (j) Private investigator upon proof certification from the Professional Licensing
25 Board Division of the Georgia Secretary of State Office.

26 [3] *Home occupations not allowed.* Home occupations allowed shall not, in any event, be
27 deemed to include the following:

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- 1 (a) Reserved. (Amended August 12, 1985, ZA85-08-01; Deleted November 27, 1995,
2 ZA95-11-01)
- 3 (b) Funeral chapels or funeral homes;
- 4 (c) Antique shops;
- 5 (d) Gift shops;
- 6 (e) Nursery schools, kindergartens, day care homes or centers;
- 7 (f) Private clubs;
- 8 (g) Restaurants;
- 9 (h) Tourist homes;
- 10 (i) Stables or kennels;
- 11 (j) Auto repair, auto sales, auto brokerage or similar establishments.
- 12 (k) Printing establishments;
- 13 (k.1)Reserved. (Deleted November 13, 2017, ZA17-003)
- 14 (l) Reserved. (Deleted January 13, 1986, ZA86-01-03)
- 15 (m) Any other occupation that the Commission finds incompatible with the purposes
16 and intent of this section.
- 17 [4] *Expiration.* A zoning permit for home occupations shall expire:
- 18 (a) Whenever the applicant ceases to occupy the premises for which the home
19 occupation permit was issued. No subsequent occupant of such premises shall
20 engage in any home occupation until proper application has been made, and a new
21 permit issued.
- 22 (b) Whenever the holder of such permit fails to carry on the occupation for which the
23 permit was issued for any period of six (6) consecutive months. (Amended
24 October 28, 1985, ZA85-10-02; Amended September 23, 2002, ZA02-09-03)
- 25 [5] *Violation of permit.* If the Commission finds that a home occupation is being
26 conducted in violation of this or any other provisions of these regulations, then such
27 permit may be suspended or rendered void, provided that a regular hearing shall be
28 conducted prior to any such suspension or voiding.

1 [B]. *Requirements for RR-Rural Residential District and A-Agriculture District Home*

2 Occupation is a Limited use in a rural residential or agricultural district and shall be
3 governed by the standards set out in this section. These standards are intended to ensure
4 compatibility with the existing character of the area.

5 [1] *Standards.* The following standards must be met for all businesses conducted by
6 offices located in the home.

- 7 (a) Such business shall be allowed to employ one (1) additional employee who is
8 someone other than an occupant at the residence.
- 9 (b) Each residence¹ on which such a business shall be conducted shall be situated on
10 at least five (5) acres of land with a minimum setback of fifty (50) feet from the
11 side and rear property line, and shall be located on an arterial or collector street or
12 road.
- 13 (c) No alteration of the residence, accessory building, or the property shall be made
14 and no more than twenty-five (25) percent of the gross area shall be utilized.
- 15 (d) The applicant must be the owner of the property on which the office is to be
16 located; or, if applicant is a tenant or a proposed owner, he must have written
17 approval of the owner of the property.
- 18 (e) No stock in trade shall be sold on the premises, except such sales may be made by
19 telephone or mail orders.
- 20 (f) No outside storage related to the business shall be permitted.
- 21 (g) The use may increase vehicle traffic flow and parking by no more than one
22 additional vehicle at a time.
- 23 (h) No use shall create noise, dust, vibration, smell, smoke, glare, electrical
24 interference, fire hazard, or any other hazard or nuisance to a greater or more
25 frequent extent than the usual experience in an average residential occupancy.

¹Editor's note(s)—The word "residence" was substituted for "resident."

- 1 (i) One (1) commercial vehicle is permitted in connection with the business
2 conducted, provided the provisions of Section 26.08 are met. (Amended January
3 22, 2018, ZA17-005)
- 4 [2] *Office in homes not allowed.* Businesses conducted in the home shall not in any event
5 be deemed to include the following:
- 6 (a) Barber or beauty shops, except in R-3 multifamily district.
 - 7 (b) Funeral chapels or funeral homes.
 - 8 (c) Antique shops.
 - 9 (d) Gift shops.
 - 10 (e) Nursery schools, kindergartens, day care homes or centers.
 - 11 (f) Private clubs.
 - 12 (g) Restaurants.
 - 13 (h) Tourist homes.
 - 14 (i) Stables or kennels.
 - 15 (j) Auto repair or similar establishments.
 - 16 (k) Printing establishments.
 - 17 (l) Any other occupation that the Commission finds incompatible with the purposes
18 and intent of this section.
- 19 [3] *Expiration.* A conditional use permit for businesses conducted in the home shall
20 expire:
- 21 (a) Whenever the applicant ceases to occupy the premises for which the permit was
22 issued. No subsequent occupant of such premises shall engage in any such
23 business until proper application has been made and a new permit issued.
 - 24 (b) Whenever the holder of such permit fails to carry on the occupation for which the
25 permit was issued for any period of six (6) consecutive months.
- 26 [4] *Voidance of permit.* If the Commission finds that a business is being conducted in
27 violation of the provisions of this section, it may void the conditional use permit.

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1 *Section 23.01.05.* Horses, ponies, and poultry (ACCESSORY USE)[A]Domestic Hens. Where permitted as
2 a limited accessory use in RESIDENTIAL Districts, domestic hens shall be subject to
3 continual compliance with the following standards and limitations:

4 (1) The number of hens shall not exceed five (5).

5 (2) Roosters are prohibited.

6 (3) Duck, geese, turkeys, peafowl, or any other poultry or fowl are not allowed under the
7 provisions of this section.

8 (4) Hens must be kept in a coop and pen or portable chicken tractors, and such coops and
9 enclosures may not include residential structures or garages. The coop and enclosure
10 must be fenced and ventilated. All hens must be secured in an enclosure during non-
11 daylight hours; however, during daylight hours, chickens may be located in the chicken
12 pen and/or run.

13 (5) Chicken coops, enclosures, pens, and tractors (whether stationary or mobile) are only
14 permitted in the rear of the house behind the line formed by the back wall of the
15 residence. Chicken coops, enclosures, pens, and tractors (whether stationary or mobile)
16 shall be located no closer than fifteen (15) feet of any side or rear property lines and must
17 be closer to the primary residence to which the use is an accessory than the neighboring
18 residence.

19 (6) Chicken coops, enclosures, pens, and tractors must be properly designed and constructed
20 to provide adequate security from rodents, wild birds, and predators.

21 (7) Chicken coops, enclosures, pens, and tractors shall be maintained in a clean and sanitary
22 condition at all times. Hens shall not be permitted to create a nuisance consisting of odor,
23 noise or pests, or contribute to any other nuisance condition.

24 (8) The coop, enclosure, pen, or tractor shall not be taller than six (6) feet, as measured from
25 the existing natural grade.

26 (9) All stored feed must be kept in a rodent and predator-proof container.

1 [B] Horses and Ponies. Where permitted as a limited accessory use in Residential Districts, the
2 keeping of horses and ponies shall be allowed only for private riding use subject to the
3 following conditions and limitations:

- 4 (1) A place of shelter shall be provided which is not closer than one hundred (100) feet
5 to any residence.
- 6 (2) Such horses and ponies shall be kept in a fence enclosure not closer than twenty-five
7 (25) feet to any private property line.
- 8 (3) The minimum size of property shall be one (1) acre per horse or pony, in addition to
9 the minimum required Lot size, in accordance with the zoning district.

10 **Section 23.01.06. Manufactured homes.**

11 The use and location of manufactured homes shall be governed by the following requirements:

12 [1] Except where located in Manufactured Home Communities, manufactured homes
13 located in MHR Manufactured Home Residential Districts shall comply with the
14 following conditions.

- 15 (a) The lot area and dimensions must meet the requirements of the MHR
16 Manufactured Home Residential District;
- 17 (b) In no case shall the manufactured home be located within twenty (20) feet of any
18 building.
- 19 (c) Manufactured homes shall meet the following conditions; unless the applicant has
20 obtained a variance therefrom in accordance with Section 23.09[1](e):
- 21 (i) The roof must be double pitched and covered with material that is residential
22 in appearance, including, but not limited to, wood, asphalt composition, or
23 fiberglass shingles, but excluding corrugated aluminum, corrugated
24 fiberglass, or metal roofs;
- 25 (ii) Exterior siding cannot have a high-gloss finish and must be residential in
26 appearance, including, but not limited to, clapboards, simulated clapboards,
27 such as conventional vinyl or metal siding, wood shingles, shakes or similar
28 material, but excluding smooth, ribbed, or corrugated metal or plastic panels;

- 1 (iii) The manufactured home must have permanent steps at all exits.
- 2 (iv) The manufactured home must be placed on permanent foundation that
- 3 complies with Chapter 120-3-7, Rules and Regulations of the Office of
- 4 Commissioner of Insurance Safety Fire Division;
- 5 (v) The exterior foundation material must consist of continuous concrete or
- 6 masonry suitable for outer portion of a finished residence;
- 7 (vi) The hitch, axles and wheels must be removed;
- 8 (vii) The manufactured home must be oriented on the lot so that long axis is
- 9 parallel with the street. A perpendicular or diagonal placement may be
- 10 permitted if there is a building addition or substantial landscaping so that the
- 11 narrow dimension of the unit, as so modified and facing the street is no less
- 12 than fifty (50) percent of the unit's long dimension;
- 13 (viii) The manufactured home must be at least twenty (20) feet in width;
- 14 (ix) A minimum of eighteen inches of crawl space must be maintained under the
- 15 entire manufactured home;
- 16 (x) The property owner shall declare the manufactured home as real property
- 17 and must so record with the Bibb County tax assessor; and
- 18 (xi) The manufactured home must be manufactured after June 15, 1976.
- 19 (e) An applicant may request a variance from the Commission as to any standard
- 20 mandated in Section 23.09[1](d) where the granting of such variance will not have
- 21 a negative impact on the manufactured home's compatibility with other residences
- 22 in the same neighborhood.
- 23 [2] Manufactured homes located in agricultural districts shall comply with the following
- 24 conditions:
- 25 (a) The lot area and dimensions must meet the requirements for a single-family
- 26 dwelling unit in the agricultural districts;
- 27 (b) In no case shall the manufactured home be located within twenty (20) feet of any
- 28 building.

- 1 (c) If a manufactured home is located in a manufactured home community, a tax
2 decal must be obtained from the Bibb County Tax Commissioners.
- 3 (d) The Commission, in reviewing an application for a manufactured home, shall
4 determine if the proposed site is an appropriate location by:
- 5 (i) Reviewing the existing residential development pattern for adjacent tracts;
6 (ii) Evaluating the effect that the proposed location of a manufactured home
7 would have upon the Comprehensive Land Development Plan;
8 (iii) Determining whether the proposed use will be of such type and character that
9 it would be in harmony with the appropriate and orderly development of the
10 adjacent area; and
- 11 (e) When allowed, manufactured homes in agricultural districts, except where located
12 in Manufactured Home Communities, shall meet the following conditions:
- 13 (i) The roof must be double pitched with said pitch being at least 3/12 and
14 covered with material that is residential in appearance, including, but not
15 limited to, wood, asphalt composition, or fiberglass shingles, but excluding
16 corrugated aluminum, corrugated fiberglass, or metal roofs.
- 17 (ii) Exterior siding cannot have a high-gloss finish and must be residential in
18 appearance, including, but not limited to, clapboards, simulated clapboard
19 such as conventional vinyl or metal siding, wood shingles, shakes or similar
20 material, but excluding smooth, ribbed, or corrugated metal or plastic panels.
- 21 (iii) The manufactured home must be placed on permanent foundation that
22 complies with Chapter 120-3-7, Rules and Regulations of the Office of
23 Commissioners of Insurance Safety Fire Division;
- 24 (iv) The hitch, axles and wheels must be removed;
- 25 (v) The manufactured home must be oriented on the lot so that long axis is
26 parallel with the street. A perpendicular or diagonal placement may be
27 permitted if there is a building addition or substantial landscaping so that the

- 1 narrow dimension of the unit, as so modified and facing the street is no less
2 than fifty (50) percent of the unit's long dimension;
- 3 (vi) The manufactured home must be at least twenty (20) feet in width;
- 4 (vii) The exterior design, size and configuration of the manufactured home must
5 be compatible with nearby or surrounding dwellings;
- 6 (viii) A minimum of eighteen inches of crawl space must be maintained under
7 the entire manufactured home;
- 8 (ix) The exterior foundation material must consist of continuous concrete or
9 masonry suitable for the outer portion of a finished residence;
- 10 (x) The manufactured home must have a front porch and have permanent steps
11 at all exists;
- 12 (xi) The property owner shall declare the manufactured home as real property
13 and must so record with the Bibb County tax assessor; and
- 14 (xii) The manufactured home must be manufactured after June 15, 1976.
- 15 (xiii) An applicant may register a variance from the Commission as to any
16 standard mandated in 29.09[2](e) where the granting of such variance will
17 not have a negative impact on the manufactured home's compatibility with
18 other residences in the same neighborhood.

19 [3] Manufactured homes located in manufactured home communities are governed by the
20 requirements of Section 23.01.05.

21 [4] Mobile homes and manufactured homes are not allowed within a floodway except in
22 existing manufactured home (mobile home) parks or subdivisions. A replacement
23 manufactured home (mobile home) may be placed on a lot in existing manufactured
24 home (mobile home) parks or subdivisions provided the standards contained in the
25 flood damage prevention ordinances of Macon-Bibb County, Georgia are met.

26
27 **Section 23.01.07. Manufactured or mobile home subdivisions.**

28 Manufactured or mobile home subdivisions shall conform to the following requirements.

1 [1] Subdivision requirements:

2 (a) The lot area and dimensions must meet the requirements of Section 6.04 for
3 manufactured home subdivisions located in a Agricultural District and Section
4 22.04 for manufactured home subdivisions located in a Manufactured Home
5 Residential district.

6 (b) Proposed streets rights-of-way shall meet the requirements of Section 30.03.

7 (c) The Commission may require buffer areas of screening in conformance with
8 Section 4.08.

9 (d) Platting requirements as set forth in Chapter 29 shall be met.

10 (e) Manufactured home subdivisions shall be constructed in accordance with the
11 preliminary subdivision plat as approved by the Macon-Bibb County Planning and
12 Zoning Commission.

13
14 [2] Individual manufactured homes within manufactured home subdivision shall conform
15 to the regulations contained in Section 23.01.05.
16

17 **Section 23.02 Group Housing.**

18 ***Section 23.02.01. Bed and Breakfast (aka Guest Quarters).***

19 When permitted as either a limited or conditional use, bed and breakfast establishments shall
20 adhere to the following standards and criteria:

21 (a) The total number of guest quarters or rooms shall be determined pursuant to the provisions
22 of Section 23.01.03[A], not to exceed ten (10) units.

23 (b) Approval is required to be obtained from the Macon-Bibb County Fire Department;

24 (c) The permit for a bed and breakfast (also referred to as guest quarters) is not transferable.

25 (d)

26 (e) Within HR-3, the Facilities described hereunder shall be allowed only in the Intown

27 Historic District as shown on the map described in Section 2.03 [5].

1 (f) Parking shall be provided in accordance with Section 26.03(1)(i).

2 **Section 23.02.02. Dormitory.**

3 [A] Requirements for A-Agriculture District: Dormitories permitted as a conditional use within
4 the A-Agriculture district are required to meet the dimensional requirements of the R-3
5 Multifamily Residential District.

6 [B] Requirements for HBH-Historic Beall’s Hill District: Dormitories permitted as a
7 conditional use within the HBH-Historic Beall’s Hill district shall be limited in occupancy not to
8 exceed ten (10) individuals, provided that such housing is within five hundred (500) feet of the
9 main campus of Mercer University, located on Coleman Avenue.

10 **Section 23.03 Community Services.**

11 **Section 23.03.01. Cemeteries.**

12 Within the districts permitting cemeteries as a limited use, the following requirements shall
13 apply:

14 [1] The site proposed for a cemetery shall not interfere with the development of a system
15 of collector or larger streets in the vicinity of such site. In addition, such site shall have
16 direct access to a thoroughfare;

17 [2] Any new cemetery shall be located on a site containing not less than twenty-five (25)
18 acres;

19 [3] All structures shall be set back not less than twenty-five (25) feet from any property
20 line or street right-of-way line;

21 [4] All graves or burial plots shall be set back not less than twenty-five (25) feet from any
22 property line or minor street right-of-way line and not less than fifty (50) feet from any
23 collector, arterial, expressway, or freeway right-of-way line; and

24 **[5] The entire cemetery property shall be landscaped and maintained.***Section*
25 **23.03.02. Childcare facility.**

26 (Childcare in homes (aka Day care homes) shall meet the development standard requirements for
27 the district in which located and the standards in Section 23.02.02.)

[1]	<i>Minimum lot area</i>	43,560 square feet
[2]	<i>Minimum lot width</i>	150 feet
[3]	<i>Yard requirements (building setback distance):</i>	
	(a) Front yard	50 feet in all districts, except Agricultural in which case it shall be 60 feet
	(b) Rear yard	50 feet
	(c) Side yard	50 feet

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[4] *Screening requirements.* The Commission may require buffers, fencing or screening to protect adjacent uses.

[5] *Vehicular circulation.* In addition to other requirements of this Land Development Resolution, an applicant shall provide a vehicular circulation plan, showing onsite queuing and circulation, vehicle stacking, drop-off areas, and interior roads, based upon the location of and size of the facility.

[6] *Reduction of minimum standards:* The Commission may reduce the minimum standards contained in Sections 23.03.02[1], [2], and [3] in R-3, HR-3, HC and in all commercial, industrial, and planned development districts, provided that:

- (a) The proposed use is consistent with the comprehensive plan and the use does not impact unfavorably on adjoining property; and
- (b) Other state or local approvals have been obtained.

Section 23.02.03. Childcare-in home (aka Day care home).

Where permitted as either a limited or conditional use, a day care home shall meet the following requirements:

[1] The day care home shall be clearly incidental to the residential use of the dwelling and conducted in such a manner that the average neighbor, under normal circumstances, would not be aware of the day care home's existence.

1 [2] The use of accessory buildings in connection with the day care home shall be
2 prohibited.

3 [3] The operator of a day care home shall be the owner of the property or as a renter have
4 written permission from the property owner. The operator shall reside in the dwelling
5 as their permanent residence.

6 [4] No more than six (6) children under the age of seventeen (17) may be cared for at any
7 one (1) time, including those that are permanent residents of the dwelling where the
8 day care home is located.

9 [5] Outdoor play area shall be fenced or otherwise enclosed and shall not include
10 driveways, parking areas or land unsuited for children's play area. Outdoor play area
11 shall not be allowed in the front or side yards of the dwelling.

12 [6] Hours of operation shall be limited to Monday thru Friday from 6:00 a.m. to 6:00 p.m.

13 [7] No signage, other than such signs allowed in Chapter 25 of this Resolution, shall be
14 permitted.

15 [8] No part-time or full-time employees shall be allowed except as required by State of
16 Georgia Day Care Licensing for emergency situations.

17 [9] The location must meet all performance and development standards for the district in
18 which the day care home is located.

19 [10] Day care homes shall only be allowed within single family detached dwellings.

20 [11] All local, state and federal requirements that pertain to the use and operation of a day
21 care home shall be met.

22
23 **Section 23.02.04. Places of Worship.**

24 [A] Requirements for A-Agriculture District, the HBH-Historic Beall's Hill District and all
25 Residential Zoning Districts: Places of worship permitted as a conditional use within the A-
26 Agriculture District, the HBH- Historic Beall's Hill district and all residential zoning districts are
27 required to be located on a lot fronting an arterial or collector street and provided no structure is
28 located within fifty (50) feet of a property line or street right-of-way.

1 **Section 23.04 Educational Facilities.**

2

3 **Section 23.05 Health and Medical.**

4

5 **Section 23.06 Parks and Open Areas.**

6 ***Section 23.06.01. Community Park.***

7 When allowed as a conditional use, the size and intensity of the proposed use as it relates to the
8 adjacent land uses shall be a determining factor in the granting of the conditional use.

9

10 **Section 23.07 Transportation and Transportation Terminals.**

11 ***Section 23.07.01. Transportation terminal.***

12 [A] *Requirements for C-4 Highway Commercial, M-1 Wholesale and Light Industrial and M-2*
13 *Heavy Industrial Districts.* Truck terminals shall not be located adjacent to residential
14 uses. Acceleration and deceleration lanes of at least two hundred (200) feet shall be
15 provided for trucks entering and leaving the site and truck traffic shall not create a safety
16 hazard or unduly impede traffic movement.

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19 **Section 23.08 Utilities.**

20 ***Section 23.08.01. Broadcasting or Communication towers and communication antennas.***

21 [1] *Intent.* The regulations and requirements of this section are intended to:

- 22 (a) protect the welfare, safety and integrity of residential neighborhoods and foster,
23 through appropriate zoning and land use controls, a competitive environment for
24 communication carriers that does not unreasonably discriminate among providers
25 of fictionally equivalent services and shall not prohibit or have the affect of
26 prohibiting the provision of such services, so as to promote Macon-Bibb County
27 as a proactive community in the availability of communications services;

- 1 (b) provide for the appropriate location and development of communication towers or
- 2 antennas to serve the residents and business of Macon-Bibb County, Georgia;
- 3 (c) minimize adverse visual effects of towers or antennas through careful design,
- 4 siting and vegetative screening;
- 5 (d) avoid potential damage to adjacent properties from tower or antenna failure
- 6 through careful siting of tower or antenna structures;
- 7 (e) maximize use of any new or existing communication tower or antenna to reduce
- 8 the number of towers or antennas needed; and
- 9 (f) encourage and promote the location of new communication facilities in areas
- 10 which are not zoned for residential use.

11 [2] *Supplemental definitions.* For the purpose of this section, the following definitions
12 shall be used.

- 13 (a) *Antenna.* An arrangement or array of wires, dishes, or metal rods, used in
- 14 transmitting or receiving electromagnetic waves.
- 15 (b) *Communication tower.* A guyed, monopole, lattice or self support tower,
- 16 constructed as a free-standing structure or in association with a building, other
- 17 permanent structure or equipment, containing one (1) or more antennas intended
- 18 for transmitting or receiving television, AM/FM radio, digital, microwave,
- 19 cellular, telephone, or similar forms of electronic communication. This definition
- 20 does not include a satellite earth station as regulated by Section 23.08.03 of these
- 21 regulations and a structure used for amateur or recreational purposes such as a
- 22 ham radio, a citizens band radio or home television antenna under seventy (70)
- 23 feet in total height.
- 24 (c) *Guyed tower.* A guyed tower can be either a lattice or monopole tower which has
- 25 cables attached to the tower and ground to provide stability to the tower.
- 26 (d) *Lattice tower.* A lattice tower is a communication tower that generally has three
- 27 (3) or four (4) support steel legs and holds a variety of antennas.

1 (e) *Monopole tower.* A monopole tower consists of a single self supporting pole
2 which is generally wider in diameter at the base and narrows at the top and may
3 support any combination of whip, panel or dish antennas.

4 (f) *Stealth structure.* A communication tower which is a man-made tree, or similar
5 natural or man-made alternative design mounting structure that camouflages or
6 conceals the presence of antennas or towers.

7 [3] *General provisions.*

8 (a) *Land-use compatibility.* Communication towers shall be located, constructed, and
9 buffered to ensure compatibility with surrounding land uses. To help ensure such
10 compatibility each application for a proposed communication tower shall include
11 the following information:

12 (i) the exact location of the proposed tower shown on an official zoning map;

13 (ii) the maximum height of the proposed tower;

14 (iii) the color or colors of the proposed tower;

15 (iv) the location, type, and intensity of lighting for the proposed tower;

16 (v) drawings showing type of tower, accessory buildings, landscaping, or other
17 features pertinent to the application prepared in professionally acceptable
18 manner; and

19 (vi) such other additional information as may be required by the Zoning
20 Enforcement Officer to fully review and evaluate the potential impact of a
21 proposed tower.

22 (b) *Additional uses permitted onsite.* In any residential district where freestanding
23 communication towers or antennas are allowed, such towers or antennas may not
24 be located on a lot containing a residential structure, except antennas may be
25 located on a multi-family dwelling which is sixty-five (65) feet or greater in
26 height. In all other districts, all communication towers or antennas may be located
27 on sites containing another principal use.

- 1 (c) *Shared use of communication towers.* If the application is for a separate tower,
2 then the applicant shall provide an affidavit from an appropriate professional
3 verifying with written documentation why co-location is not possible.
- 4 (d) *Additional users on existing communication towers.* Any additional users co-
5 locating on existing communication towers shall require review and approval in
6 accordance with these regulations.
- 7 (e) *Measurement of setbacks.* Tower setbacks shall be measured from the perimeter
8 of the tower base to the property or lease line of the lot on which it is located.
- 9 (e) *Measurement of setbacks.* Tower setbacks shall be measured from the perimeter
10 of the tower base to the property line for the property on which the tower is
11 located. When property is leased for locating a tower, new structures located on
12 the host property shall require a setback equal to the height of the tower from any
13 communication tower located on the host property. (Amended November 22,
14 1999, ZA99-11-03; Amended October 22, 2001, ZA01-10-01)
- 15 (f) *Measurement of tower height.* Measurement of tower height shall include
16 antennas, base pad, and other appurtenances and shall be measured from the
17 natural grade of the site.
- 18 (g) *Time limit on project completion.* Once a communication tower or antenna is
19 approved, a permit shall be obtained within one (1) year and the project shall be
20 completed within one (1) year of approval by the Commission.
- 21 (h) *Abandonment.* All obsolete or unused facilities shall be removed within twelve
22 (12) months of cessation of operation at the site.
- 23 (i) *Signs and advertising.* No signs or advertising shall be allowed on any tower or
24 antenna, except for a warning sign relating to the public safety which is no greater
25 than two (2) square feet in size and placed on the base of the tower at a height no
26 greater than ten (10) feet above the ground.

- 1 (j) *Historic zoning districts.* Towers and antennas shall not be permitted within the
2 boundaries of any historic zoning district except as provided for in Section 23.27
3 [4](a) or (b). A certificate of appropriateness shall not be required.
- 4 (k) Any communication facility located on property owned, leased, or otherwise
5 controlled by Macon-Bibb County provided a license or lease authorizing the
6 communication facility has been approved by the governing authority of the City
7 or County shall be exempt from these regulations.
- 8 (l) *Regulatory compliance.* All communication facilities must meet or exceed the
9 current standards of the Federal Aviation Administration and Federal
10 Communication Commission and any other agency of the State or the Federal
11 Government with authority to regulate these facilities. In the event an applicant
12 discovers, after receiving approval from the Commission, the Federal or State
13 regulations are in conflict with the Commission approval then the applicant must
14 come back to the Commission and file an amended application requesting that the
15 Commission change his permit to be compatible with the State or Federal
16 regulations.
- 17 (m) *Security.* All communication facilities shall be equipped with an appropriate
18 anticlimbing device or other similar protection device to prevent unauthorized
19 access to the facility.
- 20 (n) *Engineer's certification for structural integrity.* A registered structural engineer's
21 certification shall be required for all new towers stating that said tower can
22 support the loads on the structure including any antennae located thereon. The
23 same certification shall be provided when antennae are added to a tower or any
24 other conforming or legal non-conforming structure. (Added October 22, 2001,
25 ZA01-10-01)
- 26 (o) *Engineer's certification for fall zones.* A registered structural engineer's
27 certification shall be required for all new towers stating that said tower, if failure
28 occurs, will fall within the designated setbacks for the proposed tower. The same

1 certification shall be provided when antennae are added to a tower or any other
2 conforming or legal non-conforming structure. (Added October 22, 2001, ZA01-
3 10-01)

4 (p) *Additional antennae on legal non-conforming structures and towers.* Additional
5 antennae may be added as a permitted use to a legal non-conforming tower or
6 structure as long as the total number does no exceed six (6) antennae. The
7 addition of more than six (6) antennae shall be treated a conditional use. (Added
8 October 22, 2001, ZA01-10-01)

9 (q) *Adding additional height to legal non-conforming structures and towers.* When a
10 legal non-conforming structure or tower is used or proposed to be used as a
11 communication tower or it is proposed to add antennae to such structure, the
12 height of the structure or tower may be increased as a conditional use. Pursuant to
13 Sections 23.08.01 [3](n) and 23.08.01 [3](o), certifications shall be provided to
14 the zoning enforcement officer stating that the tower, if failure occurs, will fall
15 within the designated setback distance and/or that said tower or structure can
16 support the loads on the structure including any antennae located or proposed to
17 be located thereon. (Added October 22, 2001, ZA01-10-01)

18 (r) *Computer generated simulations for each proposed tower or antenna, which shall*
19 *accompany the application for a certificate of zoning compliance or conditional*
20 *use permit.* The computer simulation shall be a to-scale representation and be
21 eight and one-half (8½) inches by eleven (11) inches in size. Said simulation shall
22 show the representation from all four (4) sides of the proposed site. The
23 Commission or zoning enforcement officer may require additional simulations.
24 (Added October 22, 2001, ZA01-10-01; Amended July 11, 2022, ZA22-001)

25 (s) *Additional certifications for communication towers.* When a communication
26 tower is proposed, a certification shall be provided that no other tower is available
27 that will accommodate the service area for the provider. Further, as a condition of
28 approval, a certification shall be provided guaranteeing subsequent co-locations

1 on the proposed tower. If the owner of the communication tower denies co-
2 location, the Commission may suspend or revoke the zoning permit as provided
3 for in Chapter 33 of this Resolution. (Added October 22, 2001, ZA01-10-01;
4 Amended July 11, 2022, ZA22-001)

5 [4] *Communication towers and antennas allowed as permitted uses.*

6 (a) *Residential and agricultural districts.* Communication antennas shall be permitted
7 in all residential and agricultural districts provided the following requirements are
8 met:

9 (i) Communication antennas may be located on existing buildings, poles,
10 communication towers or other existing support structures, provided that no
11 more than six (6) users are located on the existing building, pole,
12 communication tower or other existing support structure. More than six (6)
13 users co-locating on an existing building, pole, communication tower or
14 other existing support structure shall be a conditional use as provided for in
15 Section 23.08.01[10]. Antennas shall not project more than twenty (20) feet
16 above the roofline, parapet, or top of the structure. (Amended October 22,
17 2001, ZA01-10-01)

18 (ii) Communication antennas shall not project more than twenty (20) feet above
19 the roof line, parapet or top of the structure.

20 (iii) The structure on which the antennas is placed shall not be a residential
21 structure or on a lot containing a residential structure, except antennas may
22 be located on a multifamily dwelling which is sixty-five (65) feet or greater
23 in height.

24 (iv) Any equipment shelter or cabinet that supports communication facilities shall
25 be concealed from public view, integrated into the architecture of the
26 structure, made compatible with the architecture of the surrounding
27 structures or placed underground. Where landscaping is required to conceal

- 1 the structure from public view, then the uses shall no longer be considered a
2 permitted use and such application shall be handled as a conditional use.
- 3 (v) An equipment shelter or cabinet shall not be greater than three hundred and
4 thirty (330) square feet nor higher than ten (10) feet.
- 5 (vi) An aboveground equipment shelter or cabinet shall not be located in a front
6 yard. If an equipment shelter or cabinet is placed under ground, the air
7 conditioning unit must be screened from public view and approval of such
8 screening shall be subject to approval by the Commission as a conditional
9 use if the air conditioning unit is in the front yard.
- 10 (vii) Antennas shall have either a galvanized finish or shall be painted a non-
11 contrasting color.
- 12 (viii) Where lighting is required, dual lighting mode (red at night/strobe during
13 the day) shall be allowed.
- 14 (b) *Commercial districts.* Communication antennas shall be permitted in all
15 commercial districts provided the following requirements are met:
- 16 (i) Communication antennas may be located on existing buildings, poles,
17 communication towers or other existing support structures, provided that no
18 more than six (6) users are located on the existing building, pole,
19 communication tower or other existing support structure. More than six (6)
20 users co-locating on an existing building, pole, communication tower or
21 other existing support structure shall be a conditional use as provided for in
22 Section 23.08.01[10]. Antennas shall not project more than twenty (20) feet
23 above the roofline, parapet, or top of the structure. (Amended October 22,
24 2001, ZA01-10-01)
- 25 (ii) Communication antennas shall not project more than twenty (20) feet above
26 the roof line, parapet or top of the structure.
- 27 (iii) The structure on which the antenna is placed shall not be a residential
28 structure or on a lot containing a residential structure, except antennas may

- 1 be located on a multifamily dwelling which is sixty-five (65) feet or greater
2 in height.
- 3 (iv) Any equipment shelter or cabinet that supports communication facilities shall
4 be concealed from public view, integrated into the architecture of the
5 structure, made compatible with the architecture of the surrounding
6 structures or placed underground. Where landscaping is required to conceal
7 the structure from public view, then the use shall no longer be considered a
8 permitted use and such application shall be handled as a conditional use.
- 9 (v) An equipment shelter or cabinet shall not be greater than three hundred and
10 thirty (330) square feet or higher than ten (10) feet.
- 11 (vi) An aboveground equipment shelter or cabinet shall not be located in a front
12 yard. If an equipment shelter or cabinet is placed under ground, the air
13 conditioning unit must be screened from public view and approval of such
14 screening shall be subject to approval by the Commission as a conditional
15 use if the air conditioning unit is in the front yard.
- 16 (vii) Antennas shall have either a galvanized finish or shall be painted a non-
17 contrasting color.
- 18 (viii) Where lighting is required, dual lighting mode (red at night/strobe during
19 the day) shall be allowed.
- 20 (c) *Industrial districts.* Communication towers and antennas shall be permitted use in
21 all industrial districts provided the following requirements are met:
- 22 (i) Communication antennas may be located on existing buildings, poles,
23 communication towers or other existing support structures, provided that no
24 more than six (6) users are located on the existing building, pole,
25 communication tower or other existing support structure. More than six (6)
26 users co-locating on an existing building, pole, communication tower or
27 other existing support structure shall be a conditional use as provided for in
28 Section 23.08.01[10]. Antennas shall not project more than twenty (20) feet

- 1 above the roofline, parapet, or top of the structure. (Amended October 22,
2 2001, ZA01-10-01)
- 3 (ii) Communication towers may be allowed as a permitted use provided that the
4 tower is designed to accommodate only one user and does not exceed a
5 height of one hundred (100) feet, or designed and intended to accommodate
6 at least two (2) users and does exceed one hundred and twenty (120) feet in
7 height, or designed and intended to accommodate at least three (3) users and
8 does not exceed one hundred and fifty (150) feet in height. Communication
9 towers within two hundred (200) feet of a Residential District shall be a
10 stealth structure.
- 11 (iii) Setback for towers. The minimum setback shall be thirty percent (30%) of
12 the towers height for freestanding mono poles or the distance as measured
13 from the base of the tower to the place were the guide wire is anchored to the
14 ground for guided towers. A certification shall be provided to the zoning
15 enforcement officer in accordance with Section 23.08.01[3](o). No tower,
16 however, shall be located closed than the height of the tower to any
17 residential district or structure. (Amended November 22, 1999, ZA99-11-03;
18 Amended October 22, 2001, ZA01-10-01)
- 19 (iv) Guyed towers shall have their guy wire anchors located on the tower site,
20 and guy wires shall not cross any adjoining property, rights-of-way or public
21 easements.
- 22 (v) Minimum setbacks for equipment shelters or cabinets constructed in
23 conjunction with a tower shall be as established by the zoning district for
24 principal buildings or be at least twenty-five (25) feet when no setback is
25 required by the district.
- 26 (vi) Lighting. Towers shall not be artificially illuminated except as required by
27 the Federal Aviation Administration or the Federal Communications

- 1 Commission. Dual lighting mode (red at night/strobe during the day) shall be
2 allowed.
- 3 (vii) Color. Tower or antennas shall have either a galvanized finish or be painted a
4 non-contrasting color.
- 5 (viii) Equipment shelters and cabinets. Equipment shelters and cabinets may not
6 include offices, vehicles storage or broadcast studios; no outside storage of
7 equipment shall be allowed. An equipment shelter or cabinet shall not be
8 greater than three hundred fifty (350) square feet not higher than twelve (12)
9 feet.
- 10 (ix) Fencing. The facility shall be ally secured. A chain link fence or a wall not
11 less than eight (8) feet in height from finished grade shall be provided around
12 each tower or antenna and all accessory structures. Access to the tower shall
13 be through a locked gate. Guy wire anchors shall be contained within the
14 security fence.
- 15 (x) Landscaping. Landscaping shall be as required in Section 23.08.01[5](i).
- 16 [5] *Freestanding communication towers and antennas allowed as conditional uses in*
17 *residential districts.*
- 18 (a) *Residential districts.* This section will govern the location of towers and antennas
19 in the following Residential Districts: RR-Rural Residential Districts; MHR-
20 Mobile Home Residential Districts, R-1AAAA, R-1AAA, R-1AA, R-1A, and R-1
21 Single-family Districts; R-2 and R-2A Two-family Residential Districts, R-3
22 Multifamily Residential Districts, and PDR-Planned Development Districts.
- 23 (b) *Type of construction.* Towers must be monopoles and antennas used must be of
24 the least visually obstructive design available at the time of the application. No
25 more than two (2) users shall be allowed; the Commission may require a stealth
26 structure when a monopole would not be an appropriate structure for the intended
27 site. (Amended October 22, 2001, ZA01-10-01)

- 1 (c) *Height.* Tower heights shall not exceed eighty (80) feet and antenna heights shall
2 not exceed twenty (20) feet above the height of the tower.
- 3 (d) *Locations and setbacks.* Communication towers or antennas shall not be located
4 on a residential structure or on a lot containing a residential structure, except
5 antennas may be located on a multi-family dwelling which is sixty-five (65) feet
6 or greater in height. Setbacks for towers from all property lines shall be the height
7 of the tower and the setback for accessory structures shall be the same for
8 principal structures in the district. Certifications required by Sections
9 23.08.01[3](n) and Sections 23.08.01[3](o) shall accompany any application
10 submitted under this section. (Amended November 22, 1999, ZA99-11-03;
11 Amended October 22, 2001, ZA01-10-01)
- 12 (e) *Lighting.* Towers shall not be artificially illuminated except as required by the
13 Federal Aviation Administration or Federal Communication Commission. Where
14 lighting is required, dual lighting mode (red at night/strobe during the day) shall
15 be allowed.
- 16 (f) *Color.* Towers or antennas shall have either a galvanized finish or shall be painted
17 a non-contrasting color.
- 18 (g) *Equipment shelters and cabinets.* Equipment shelters and cabinets shall be
19 constructed so as to be compatible with the surrounding residential neighborhood
20 by virtue of their design, materials, textures, colors, and size; shall be unmanned
21 with no outside storage of equipment or vehicles, and shall not be greater than ten
22 (10) feet in height nor three hundred and thirty (330) square feet in size.
- 23 (h) *Fencing.* A black or non-obtrusive vinyl clad chain link fence or wall not less than
24 eight (8) feet in height from finished grade shall be provided around each
25 communication tower or antenna. Barbed wire shall not be used along the top of
26 the fence or wall. Access to the tower or antenna shall be through a locked gate.
- 27 (i) *Landscaping.* The visual impacts of a communication tower or antenna shall be
28 mitigated for nearby viewers through landscaping or other screening materials at

1 the base of the tower or antenna and ancillary structures. The following
2 landscaping and buffering shall be required around the perimeter of the tower or
3 antenna and accessory structures; except that the standards may be waived by the
4 Commission for those sides of the proposed tower or antenna that are located
5 adjacent to undevelopable lands and lands not in public view. Landscaping shall
6 be installed on the outside of fences. Further, the use of existing vegetation shall
7 be preserved to the maximum extent practicable and may be used as a substitute
8 of or in supplement towards meeting landscaping requirements.

- 9 (i) A row of evergreen trees a minimum of six (6) feet tall and a maximum of ten
10 (10) feet apart shall be planted around the perimeter of the fence;
11 (ii) A continuous evergreen hedge at least thirty (30) inches high at planting
12 capable of growing to a least thirty-six (36) inches in height within eighteen
13 (18) months shall be in front of the tree line referenced above;
14 (iii) All landscaping shall be xeriscape tolerant or irrigated and properly
15 maintained to ensure good health and viability.

16 [6] *Freestanding communication towers and antennas allowed as conditional uses in*
17 *commercial districts.*

- 18 (a) *Districts.* This section shall govern the location of communication towers in C-1
19 Neighborhood Commercial Districts, C-2 General Commercial Districts, CBD-1
20 and CBD-2 Central Business Districts, C-4 Highway Commercial Districts, C-5
21 Neighborhood Convenience Center Districts, and PDC Planned Development
22 Commercial Districts.
23 (b) *Type of tower construction.* Only monopole towers are allowed; however,
24 alternate types of construction may be allowed by the Commission in C-2 General
25 Commercial Districts for radio and television broadcasting studios. The
26 Commission may require a stealth structure where a monopole or alternate
27 structure would not be an appropriate structure for the intended site.

- 1 (c) *Height.* The following height requirements shall apply: (Amended October 22,
2 2001, ZA01-10-01)
- 3 (i) Towers up to a height of eighty (80) feet and intended to accommodate two
4 (2) users, or (Amended October 22, 2001, ZA01-10-01)
- 5 (ii) Towers up to a height of one hundred (100) feet and intended to
6 accommodate four (4) users, or (Amended October 22, 2001, ZA01-10-01)
- 7 (iii) Towers up to a height of one hundred fifty (150) feet and intended to
8 accommodate six (6) users. (Amended October 22, 2001, ZA01-10-01)
- 9 (d) *Setbacks.*
- 10 (i) The minimum setback shall be thirty percent (30%) of the towers height for
11 freestanding mono poles and the radius length as measured from the base of
12 the tower to the place were the guide wire is anchored to the ground for
13 guided towers. A certification shall be provided to the zoning enforcement
14 officer stating that the tower is designed to fall with in the designated setback
15 distance. Said certification shall be provided by a registered engineer in the
16 State of Georgia qualified to give such certifications. No tower, however,
17 shall be located closed than the height of the tower to any residential district
18 or structure. (Amended October 22, 2001, ZA01-10-01)
- 19 (ii) Minimum setbacks for equipment shelters and cabinets constructed in
20 conjunction with a tower shall be as established by the zoning district for
21 principal buildings or be at least twenty-five (25) feet when no setback is
22 required by the district. (Amended November 22, 1999, ZA99-11-03)
- 23 (e) *Lighting.* Towers shall not be artificially illuminated except as required by the
24 Federal Aviation Administration or the Federal Communications Commission.
25 When lighting is required dual lighting mode (red at night/strobe during the day)
26 shall be allowed.
- 27 (f) *Color.* Colors shall be as required in Section 23.08.01 [5](f).

1 (g) *Equipment shelters and cabinets.* Equipment shelters and cabinets may not
2 include offices, vehicle storage or broadcast studios; no outside storage of
3 equipment shall be allowed. Equipment's shelters and cabinets shall not be greater
4 than three hundred and thirty (330) square feet in size nor greater than ten (10)
5 feet in height.

6 (h) *Fencing.* The facility shall be fully secured. A chain link fence or a wall not less
7 than eight (8) feet in height from finished grade shall be provided around each
8 tower or antenna and all accessory structures. Access to the tower shall be through
9 a locked gate.

10 (i) *Landscaping.* Landscaping shall be as required in Section 23.08.01[5](I).

11 [7] *Freestanding communication towers and antennas allowed as conditional uses in*
12 *industrial districts and agriculture districts.*

13 (a) *Industrial Districts and Agricultural Districts.* This section shall govern the
14 location of communication towers and antennas located in A Agricultural
15 Districts, M-I Wholesale and Light Industrial Districts, M-2 Heavy Industrial
16 Districts, M-3 Heavy Industrial Districts and PDI Planned Development Industrial
17 Districts.

18 (b) *Type of construction.* All types of towers are allowed provided that the visual
19 impact of the structures will not have a negative impact on adjoining properties or
20 views. The Commission may require a stealth structure where the proposed
21 structure would not be appropriate for the intended site.

22 (c) *Height.* The height of all towers shall be approved by the FAA.

23 (d) *Setbacks.*

24 (i) The minimum setback shall be thirty percent (30%) of the towers height for
25 freestanding mono poles and the radius length as measured from the base of
26 the tower to the place were the guide wire is anchored to the ground for
27 guided towers. A certification shall be provided to the zoning enforcement
28 officer stating that the tower is designed to fall with in the designated setback

- 1 distance. Said certification shall be provided by a registered engineer in the
2 State of Georgia qualified to give such certifications. No tower, however,
3 shall be located closer than the height of the tower to any residential district
4 or structure. (Amended October 22, 2001, ZA01-10-01)
- 5 (ii) Guyed towers shall have their guy wire anchors located on the tower site,
6 and guy wires shall not cross any adjoining property, rights-of-way, public
7 easements or lease lines.
- 8 (iii) Minimum setbacks for accessory buildings and equipment shelters or
9 cabinets constructed in conjunction with a tower shall be as established by
10 the zoning district for principal buildings or be at least twenty-five (25) feet
11 when no setback is required by the district. (Amended November 22, 1999,
12 ZA99-11-03)
- 13 (e) *Lighting*. Towers shall not be artificially illuminated except as required by the
14 Federal Aviation Administration or the Federal Communications Commission.
15 Dual lighting mode (red at night/strobe during the day) shall be allowed.
- 16 (f) *Color*. Towers two hundred (200) feet or less in height shall be as required in
17 Section 23.08.01 [5](f); however, any regulation of the FAA or FCC that
18 contradicts this requirement shall govern.
- 19 (g) *Accessory buildings*. Accessory buildings may include offices, vehicle storage or
20 broadcast studios; however, no outside storage of equipment shall be allowed. The
21 use of the accessory building shall be an allowed use in district that it is located.
- 22 (h) *Fencing*. The facility shall be fully secured. A chain link fence or a wall not less
23 than eight (8) feet in height from finished grade shall be provided around each
24 tower or antenna and all accessory structures. Access to the tower shall be through
25 a locked gate. Guy wire anchors shall be contained within the security fence.
- 26 (i) *Landscaping*. Landscaping shall be as required in Section 23.08.01[5](I).
- 27 (j) *Parking*. One space shall be provided for each three hundred (300) square feet of
28 occupied building area.

[8] *Separation distances between freestanding communication towers.* Separation distances between communication towers shall be applicable for and measured between the proposed tower and those towers that are existing and/or have received land use or permit approval. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as follows:

EXISTING TOWERS—TYPE

Proposed Towers Type	Lattice	Guyed	Monopole 50 ft. in Height or Greater	Monopole Less Than 50 ft. in Height
Lattice	1,000	1,000	750	750
Guyed	1,000	1,000	750	750
Monopole 50 ft. In Height Or Greater	750	750	750	500
Monopole Less Than 50 Ft. In Height	500	500	500	500

[9] Distances required by Section 23.08.01[8] of these regulations shall be established by a survey performed by a surveyor licensed in the State of Georgia. Said survey shall be provided at the time an application is made for the use.

[10] *Structure or roof mounted communication towers or antennas over twenty (20) feet in height allowed as conditional uses.*

(a) Structure or roof mounted towers or antennas are allowed:

- (i) In R-3—Multifamily Residential Districts when located on a multifamily dwelling which is sixty-five (65) feet or greater in height; and
- (ii) In non-residential districts.

(b) Towers attached to the roof or supporting structure on a roof top, a 1:1 setback ratio (example: ten (10) foot high antenna and supporting structure requires a ten

1 (10) foot setback from the edge of roof) shall be maintained unless an alternative
2 placement is shown to reduce visual impact.

3 (c) No commercial advertising shall be allowed on a tower or antenna.

4 (d) Where lighting is required, dual lighting mode (red at night/strobe during the day)
5 shall be allowed.

6 (e) Towers or antennas mounted on a structure or roof must be of a neutral color that
7 is identical to, or closely compatible with, the color of the supporting structure so
8 as to make the antenna, tower or related equipment as visually unobtrusive as
9 possible. Roof mounted antennas or towers shall be made visually unobtrusive by
10 screening to match existing air condition units, stairs, elevators towers or other
11 background.

12 (f) Accessory buildings, equipment shelters or cabinets shall be constructed so as to
13 be compatible with surrounding development by virtue of their design, materials,
14 textures, colors, and size; accessory buildings shall be unmanned in a R-3
15 multifamily district and there shall be no outside storage of equipment in any
16 district where these accessory buildings are allowed.

17 (g) If an accessory building, equipment shelter or cabinet is located on the roof of a
18 building, the area of the accessory building and other equipment and structures
19 shall not occupy more than twenty-five percent (25%) of the total roof area of the
20 building. Accessory buildings, equipment shelters or cabinets located on the
21 ground shall meet the minimum yard requirements of the zoning district in which
22 it is located.

23 (h) Where feasible communication facilities should be placed directly above, below
24 or incorporated with vertical design elements of a building to help in
25 camouflaging.

26 [11] *Variances*. Communication towers or antennas not in conformance with the regulations
27 listed above may only be built after approval of a variance by the Commission in
28 accordance with Section 27.13 of the Resolution. (Amended July 11, 2022, ZA22-001)

1 [12] *Cell tower on wheels (COW)*. The location of a COW shall be considered a conditional
2 use. The proposed height, minimum setbacks, security fencing, accessory structures,
3 landscaping, and lighting shall be determining factors in approving or denying the
4 application. The COW shall be considered a temporary structure and must be removed
5 from the site six (6) months from placement on the property. (Added October 22, 2001,
6 ZA01-10-01)

7 **Section 23.08.02. Major utilities.**

8 Where major utilities are permitted as a limited or conditional, the Commission shall determine
9 the lot and area requirements, building setback distances, and off-street parking and loading
10 space for public utility structures and buildings. Size and intensity of the proposed use as it
11 relates to adjacent land uses shall be a determinative factor for the granting of a conditional use.

12 Public utility structures and buildings, shall be properly screened and serve the immediate area.
13 No office shall be permitted, and no equipment shall be stored on the site.

14 **Section 23.08.03. Satellite earth station.**

15 Satellite earth stations greater than one (1) meter (39.37 inches) in diameter are regulated under
16 the terms of this Resolution only in residential districts where they shall be treated as accessory
17 uses and in such districts the following performance standards shall apply:

18 [1] Satellite earth stations may be ground-mounted (capable of screening) in either the
19 back yard or side yard if properly screened by landscaping and shrubbery or opaque
20 fencing from adjacent view of public right-of-way. In the event this Section causes (1)
21 unreasonable delays or prevents installation, maintenance or use, (2) unreasonably
22 increases the cost of installation, maintenance or use, or (3) precludes reception of an
23 acceptable quality signal, the Commission may grant a variance to the above
24 regulations provided that the applicant demonstrates that one or more of the above
25 conditions exist satisfactorily to the Commission. A variance will not be granted for
26 the placement of a satellite earth station in any area that would impair public safety or
27 impair the line of site for the traveling public.

- 1 [2] The maximum permitted height for a ground-mounted satellite earth station shall be
2 twelve (12) feet.
- 3 [3] Satellite earth stations can be pole-mounted in the back yard only at a height not to
4 exceed the roof ridge line of the dwelling which the satellite dish is to service.
- 5 [4] Satellite earth stations may be rooftop-mounted so long as the height does not exceed
6 the roof ridge line of the dwelling which the satellite earth station services.
- 7 [5] Satellite earth stations in residential districts may not be used for any commercial or
8 advertising purpose.
- 9 [6] Satellite earth stations shall be located as designated and specified above in either rear
10 yards or side yards and shall be set back at least five (5) feet from any lot line and shall
11 not be placed across the front building line or be closer to a public street than² the
12 primary structure being served when placed in side yard.
- 13 [7] Visual screening, either by landscaping and shrubbery or opaque fencing is required on
14 any ground-mounted satellite earth station located in either the side yard or rear yard.
15

16 **Section 23.09 COMMERCIAL DISTRICTS**

17
18 **Section 23.09.01 Drive-through (ACCESSORY USE).**

19 Where a drive-through is permitted as a conditional accessory use to any COMMERCIAL
20 DISTRICT use, the following standards shall apply:

²Editor's note(s)—As enacted by ZA97-10-01, this subsection read " . . . public street that . . . ".

1 (1) Location of drive-through windows. Drive-through windows shall be constructed as an
2 integral part of the principal structure. Menu boards and equipment for ordering from a
3 vehicle may be a stand-alone feature.

4 (2) Circulation. Stacking lanes for drive-through windows shall provide at least five (5)
5 stacking spaces for each drive-through service window. Such spaces shall be designed so as
6 to avoid conflict between pedestrian and vehicular circulation on the site or any abutting
7 street.

8 **Section 23.09.02 Outdoor storage/display of merchandise (ACCESSORY USE).**

9 (1) Where outdoor storage of merchandise is permitted as a conditional accessory use to any
10 COMMERCIAL DISTRICT use, the following standards shall apply:

11 (a) Permitted activity. Any outdoor storage shall be incidental and subordinate to the
12 primary use located on the property.

13 (b) Location. Outdoor storage areas shall not be located in any required setbacks, fire
14 lanes, or sidewalks as provided on an approved site plan.

15 (c) Screening. The commission may impose additional screening requirements for any
16 outdoor storage area.

17 (d) Exceptions. The following uses or materials are exempt from these requirements:

18 (i) Storage and sales of landscape plant material; and

19 (ii) Uses that allow outdoor storage by definition or as otherwise provided in this land
20 development resolution (e.g. vehicles sales, etc).

21 (2) Where outdoor display of merchandise is permitted as a conditional accessory use to any
22 COMMERCIAL DISTRICT use, the following standards shall apply:

23 (a) Storage requirement. Merchandise must be mobile and stored indoors overnight.

24 (b) Nature of use. Merchandise display must be accessory to a principal use located on
25 the same property.

26 (c) Use restrictions. Merchandise shall not be located in or obstruct any required setback,
27 parking space, loading space, loading area, vehicular use area, fire lane, landscape
28 buffer, sidewalk, ADA accessibility route, or drainage easement.

1 **Section 23.10 Animal Uses.**

2 **Section 23.10.01. Animal kennel.**

3 [A] *Requirements for A-Agriculture District.* Any animal kennel shall be a minimum of one
4 hundred (100) feet from a residential district and provided further that noise and odor shall
5 not adversely affect adjacent uses.

6 **Section 23.10.02. Veterinary hospital or clinic.**

7 [A] *Requirements for A-Agriculture District.* Any structure used for a veterinary hospital or
8 clinic shall be a minimum of one hundred (100) feet from a residential district.

9 [B] *Requirements for Commercial, Industrial and Special Use Districts.* Veterinary hospitals
10 shall be limited to treating domestic animals only. All structures or outside areas used for
11 such purpose shall be a minimum of one hundred (100) feet from any residential district.

12

13 **Section 23.11 Drinking and Entertainment.**

14 **Section 23.11.01. Alcoholic beverage sales – All Use Categories.**

15 No bar, tavern, saloon, nightclub, restaurant serving alcohol or any place where alcohol is sold
16 for consumption on the premises may be established, operated or maintained within one
17 thousand (1,000) feet of an adult entertainment establishment. The distance established by this
18 Section shall be radial distances determined by a straight line and not street distance, measured
19 from property line to property line. This distance shall be established by a survey performed by a
20 surveyor licensed in the State of Georgia. Said survey shall be provided at the time a petition for
21 a change to the official zoning maps is filed and when an application is made for a permit.

22 **Section 23.11.02. Bars, taverns and nightclubs.**

23 Permitted hours of operation shall be limited to the hours between 4 pm – 12:30 am. Additional
24 hours of operation may be permitted pursuant to a conditional use permit.

25 **Section 23.11.03. Micro-distilleries.**

26 [A] Where allowed as a limited or conditional use, micro-distilleries shall meet the following
27 requirements:

1 [1] Approval from the Macon-Bibb County Fire Department shall be required prior to
2 approval or issuance of any zoning permit.

3 [2] No more than 100 barrels of distilled spirits may be stored on site at any micro-
4 distillery at any one time.

5 [3] No micro-distillery may be less than two hundred (200) feet from any dwelling and no
6 micro-distillery shall be located in a structure containing a dwelling unit.

7 [B] Hours of operation. Permitted hours of operation shall be limited to the hours between 4 pm
8 - 12:30 am. Additional hours of operation may be permitted pursuant to a conditional use
9 permit.

10 **Section 23.12 Lodging and Recreation.**

11 **Section 23.12.01. Hotel or motel.**

12 [A] *Requirements for A-Agriculture District.* Motels and other facilities to serve the traveling
13 public are only permitted on sites adjacent to or within seven hundred fifty (750) feet of
14 any interstate highway interchange.

15 **Section 23.12.02. Recreation facility, outdoor.**

16 [A] *Requirements for A-Agriculture District.* Open land recreation (public and private) such as
17 country clubs, golf courses, tennis courts, boating and fishing establishments, beaches, or
18 riding stables, and structures and uses necessary and incidental thereto, is permitted
19 provided that no structure is within one hundred (100) feet of a property line and no
20 structure, pen, or corral having animals shall be closer than two hundred (200) feet to a
21 property line.

22 [B] *Requirements for RR-Rural and R1-AAAA, R1-AAA R-1AA, R-1A and R-1, Single Family*
23 *Residential Districts and R-2A and R-2 Two Family, R-3 Multi Family Residential and*
24 *MHR Manufactured Home Residential Districts.* Where golf, swimming, tennis, or country
25 clubs, public and private community clubs or associations, athletic fields, parks, and
26 recreation areas are permitted as a conditional use, no building for such use shall be
27 located within one hundred (100) feet of any property line. The size and intensity of the

1 proposed use as it relates to adjacent land uses shall be a determining factor for the
2 approval of a conditional use.

3
4 **Section 23.12.03. RV Park/Campground (also referred to as Travel trailer parks).**

5 An RV Park/Campground, when permitted as a conditional use in any district, must meet the
6 following conditions.

7 [1] *Access.* No RV Park/Campground shall be located in any district, unless it has district
8 access to a county, state, or federal highway and has a minimum lot width of not less
9 than fifty (50) feet for the portion used for entrance and exit. No entrance or exit shall
10 be through a residential district, or require movement of traffic from the park through a
11 residential district.

12 [2] *Minimum lot area.* The minimum lot area per park shall be three (3) acres.

13 [3] *Use of spaces.* Spaces in RV Parks/Campgrounds may be used only by recreation
14 vehicles including travel trailers, and are subject to all applicable laws and ordinances
15 of Macon-Bibb County. Spaces shall be rented by the day or week only, and an
16 occupant of such space shall remain in the same park for a period not to exceed ninety
17 (90) days.

18 [4] *Accessory buildings and uses.* Management headquarters, recreational facilities, toilets,
19 showers, laundry facilities, and other uses and structures customarily incidental to
20 operation of an RV park/Campground are permitted as accessory uses in any district in
21 which RV parks are allowed, provided:

22 (a) Such establishments and the parking area primarily related to their operation shall
23 not occupy more than ten (10) percent of the area of the park;

24 (b) Such establishments shall be restricted in their use to occupants of the park; and

25 (c) Such establishments shall present no visible evidence of their commercial
26 character which would attract customers, other than occupants of the park.

27 [5] *Space location.* No space shall be so located that any part intended for occupancy for
28 sleeping purposes shall be within fifty (50) feet of the right-of-way line of any freeway,

1 expressway, or collector street or within twenty-five (25) feet of the right-of-way line
2 of any minor street.

3 [6] *Health department approval.* In addition to meeting the above requirements, the travel
4 trailer park site plan shall be accompanied by a certificate of approval of the Macon-
5 Bibb County Health Department.

6 **Section 23.12.04. Theaters, Drive-in.**

7 [A] *Requirements for A- Agriculture District, C-2 General Commercial, C-4 Highway
8 Commercial, M-1 Wholesale and Light Industrial and M-2 Heavy Industrial Districts.*

9 Where approved as a conditional or limited use, drive-in theaters shall be required to have
10 acceleration and deceleration lanes of at least two hundred (200) feet in length for use of
11 vehicles entering or leaving the theater. The volume or concentration of traffic shall not
12 constitute a safety hazard or unduly impede highway traffic movement, and the face of the
13 screen shall not be visible from any expressway, freeway, or arterial or collector streets
14 located within two thousand (2,000) feet of such screen.

15
16 **Section 23.13 Office and business and professional services.**

17 **Section 23.13.01. Contractors Office.**

18 All storage of materials shall occur inside a structure and the storage of materials shall be clearly
19 incidental to the office use.

20 **Section 23.13.02. Professional Office.**

21 [A] *Requirements for R-2 Two Family Residential District.*

22 Professional office is permitted provided the following conditions can be met:

23 (a) Location must be on an arterial or collector street.

24 (b) Only existing structures can be utilized for the professional office.

25 (c) All off-street parking must be provided on the same property as the structure.

26 (d) Signage will be limited to two (2) square feet and must be attached to the structure.

1 **Section 23.14 Personal Services.**

2 **Section 23.14.01. Personal Services.**

3 [A] *Requirements for HBH-Historic Beall’s Hill District.* When allowed as a conditional use
4 within the HBH-Historic Beall’s Hill district, personal services uses are limited to barber
5 and beauty shops and self-service laundries and dry cleaning pick-up stations only.

6 **Section 23.15 Restaurant and Eating Establishments.**

7 **Section 23.15.01. Drive-In Facility (ACCESSORY USE)**

8 Drive-in. A drive-in restaurant establishment that abuts a residential district shall be separated
9 from such district by a six-foot high masonry wall and shall have no light shining directly into
10 residential districts.

11
12 **Section 23.15.02. Mobile Food Sales**

13 Where allowed as a limited use, mobile food sales shall meet the following requirements:

- 14 (1) A property shall be required to apply for and receive a temporary use permit to host mobile
15 food vendors for a period of time not to exceed one year per permit.
16 (2) The use shall be in compliance with all other state and local requirements.
17 (3) The use shall not hinder the functionality of the site requirements associated with existing
18 uses on site and shall not otherwise impact public health and safety.
19 (4) Unless otherwise approved, no vehicles, equipment or other items associated with a
20 permitted temporary use shall remain in any location, other than an approved commissary
21 or permanent business location associated with the temporary use, when not in use.

22
23 **Section 23.15.03. Restaurant with Alcohol**

24 [A] Distance requirements for alcoholic beverage sales. No restaurant serving alcohol may be
25 established, operated or maintained within one thousand (1,000) feet of an adult
26 entertainment establishment. The distance established by this Section shall be radial
27 distances determined by a straight line and not street distance, measured from property line
28 to property line. This distance shall be established by a survey performed by a surveyor

1 licensed in the State of Georgia. Said survey shall be provided at the time a petition for a
2 change to the official zoning maps is filed and when an application is made for a permit.

3 [B] Hours of operation. Permitted hours of operation shall be limited to the hours between 10
4 am – 10 pm. Additional hours of operation may be permitted pursuant to a conditional use
5 permit.

6 [C] Sidewalk cafes. Sidewalk cafes shall be in all cases regulated and governed according to
7 the ordinances of the City of Macon, Georgia within the corporate limits of the City of
8 Macon. Where authorized and permitted by the City of Macon, Georgia, they will be
9 exempt from the provisions of the Comprehensive Land Development Resolution for
10 Macon-Bibb County.

11 **Section 23.15.04. Restaurant without Alcohol**

12 [A] Hours of operation. Permitted hours of operation shall be limited to the hours between 10
13 am – 10 pm. Additional hours of operation may be permitted pursuant to a conditional use
14 permit.

15 [B] Sidewalk cafés. Sidewalk cafes shall be in all cases regulated and governed according to
16 the ordinances of the City of Macon, Georgia within the corporate limits of the City of
17 Macon. Where authorized and permitted by the City of Macon, Georgia, they will be
18 exempt from the provisions of the Comprehensive Land Development Resolution for
19 Macon-Bibb County.

20
21 **Section 23.16 Retail Sales and Service.**

22 **Section 23.16.01. Auction House**

23 [A] *Requirements for Uses within the A-Agriculture District.* Auction houses shall comply with
24 the following requirements:

25 (a) A minimum lot size of five (5) acres;

26 (b) Such facilities shall only be located on arterial or collector roadways;

27 (c) All activities shall be conducted wholly within enclosed buildings;

1 (d) All buildings shall be located a minimum of one hundred (100) feet from all rear and
2 side property lines.

3 **Section 23.16.02. Antique Store in Historic Districts.**

4 [A] *Requirements within HR-3 Historic Residential District.*

5 Antique shops shall conform to the following:

6 (a) The proposed use shall be in an existing dwelling which is the primary domicile of
7 the owner. The owner of the dwelling shall be the owner and operator of the antique
8 shop.

9 (b) Off-street parking required by these regulations must be existing, must be on-site and
10 must not have been created by the demolition of an improvement within five (5) years
11 of the application for this use.

12 (c) The inventory for sale must consist solely of "antiques", which are defined as works
13 of art, pieces of furniture, or decorative objects made over one hundred (100) years
14 ago.

15 (d) All businesses must be conducted, and all displays must be located within the main
16 building.

17 (e) Only existing accessory buildings, attics and basements may be used for on-site
18 storage, and such storage must be hidden from the view of the public. Any truck or
19 van used in the operation of the antique shop shall be parked in a location so that it is
20 not visible from any public right-of-way.

21 (f) Any exterior signage must be attached to the facade of the main building, must be no
22 larger than two (2) square feet in area and must not indicate that merchandise is for
23 sale.

24 (g) The proposed use must be located on an arterial or collector street.

25 (h) Such operation shall be conducted in a manner that the average neighborhood, under
26 normal circumstances, would not be aware of its existence.

1 (i) Such use shall not create noise, dust, vibration, smell, smoke, glare, electrical
2 interference, fire hazard, or any other hazard or nuisance to a greater or more frequent
3 extent than that usually experienced in an average residential occupancy.

4 (j) No auction of goods may take place on the premises.

5 (k) Conditional use permits for the operation of antique shops in HR-3 districts shall
6 expire whenever:(1)The applicant ceases to occupy the premises for which the
7 conditional use permit was issued; or(2)The use of the property for an antique shop
8 ceases for a period of six (6) consecutive months.

9 **Section 23.16.03. Consumer Goods Establishment**

10 [A] *Requirements for Uses within the A-Agriculture District.*

11 (a) Where retail sales and services uses are allowed in the A-Agriculture district, these
12 facilities shall comply with the following requirements:

13 (i) The facility shall be located on arterial streets or highways or collector streets
14 and be intended primarily to serve the local shopping needs of neighboring
15 residents.

16 (ii) All activities must be conducted wholly within an enclosed building unless the
17 nature of the activity makes it impossible. Manufacturing or the processing or
18 treatment of materials, goods, or products shall not be allowed.

19 (iii) The facility must not be objectionable by reason of the emission of odors, dust,
20 smoke, noise, vibrations, or bright lights.

21 (iv) Convenience stores and grocery stores shall not exceed 10,000 square feet
22 (gross) in area.

23 (v) Any structures associated with commercial greenhouse or plant nurseries. shall
24 be set back at least one hundred (100) feet from any residential property line.

25 (vi) Retail meat curing and butchering shall comply with the following
26 requirements:

27 1. A minimum lot size of five (5) acres;

28 2. The structure shall comply with setback requirements set out in Section 6.05;

- 1 3. The applicant must provide the Commission with a set of plans approved by
- 2 all local, state or federal agencies vested with the regulatory jurisdiction over
- 3 meat curing and butchering;
- 4 4. No live animals shall be slaughtered on site;
- 5 5. No live animals shall be raised or kept on the site in conjunction with meat
- 6 curing and butchering operation;
- 7 6. All retail sales shall comply with Section 23.16.[A](a)(i) and Section
- 8 23.16.[A](a)(iii) above); and
- 9 7. All activities must be conducted wholly within an enclosed building.

10 [B] *Requirements for Uses within the R-3 Residential District.*

11 When any retail sales or service use is allowed as a permitted, conditional, or limited use
12 within the R-3 Residential District the use shall be required to be located on an arterial or
13 collector street in addition to any other standards, restrictions or requirements contained in
14 this Land Development Resolution.

15 [C] *Requirements for Uses within the HBH- Historic Beall’s Hill District.*

16 When allowed as a conditional use within the HBH-Historic Beall’s Hill district, consumer
17 goods establishments are limited to select retail and service businesses within those areas
18 identified as commercial on the approved Beall's Hill Land Use Map to be maintained by
19 the Planning and Zoning Commission office. When any retail shop is allowed as a
20 conditional use within the HBH-Historic Beall’s Hill district, the use shall not to exceed
21 five thousand (5,000) square feet of gross floor area and shall be limited to uses for
22 convenience stores; variety and dry goods stores; drug stores; specialty food stores; arts,
23 crafts and antique shops; florist and gift shops; bicycle (not motorcycle) stores; book,
24 stationary, camera and photo supply stores; newsstands; confectionary stores; hardware and
25 paint stores, clothing or furniture stores. Bakeries shall not employ more than ten (10)
26 persons.

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Section 23.16.04. Shopping center and large-scale retail.

The criteria and standards contained in Section 23.16.03[4] shall govern the construction of all shopping centers and large-scale retail.

[1] *Special limitations within the C-1 Neighborhood District.*

(a) Shopping centers shall not exceed sixty thousand (60,000) square feet in gross floor area.

(b) Leading tenants shall be a grocery store or a drug store, neither shall exceed fifty thousand (50,000) square feet in gross floor area.

(c) Shopping centers shall be located along arterial, collector or secondary streets.

[2] *Special limitations within the C-5 Neighborhood Convenience Center District.*

(a) Shopping centers shall not exceed twenty thousand (20,000) square feet of gross leasable floor area.

(b) No individual business or activity shall exceed seven thousand five hundred (7,500) square feet.

[3] *Purpose for Criteria.* Large-scale retail including shopping centers that are intended to provide for the grouping of commercial buildings on a single parcel of land should create a harmonious, efficient, and convenient retail shopping environment. Retail establishments of this size also should assure safety and convenience of traffic movement, both within the development and in relation to adjacent access thoroughfares and should foster a compatible land use and design relationship within the center and with contiguous developments. It is further the intent to encourage innovation in building design and land development techniques so that the growing demands of the community may be met, while at the same time providing for the most amenable use of such lands.

[4] *Design Criteria, Standards.* The following criteria shall control the design and development of all shopping centers exceeding in the aggregate of seven thousand five hundred (7,500) square feet of gross leasable area and the development of an

- 1 individual retail establishment exceeding in the aggregate of fifty thousand (50,000)
2 square feet:
- 3 (a) *General criteria.* Development proposals shall be consistent with the following
4 design criteria:
- 5 (i) Planned exterior design compatibility of all commercial buildings;
6 (ii) Provision for adequate but unobtrusive parking areas, well related to the uses
7 served and to adjoining thoroughfares; and
8 (iii) Convenient customer walkways, separated and protected from vehicular
9 movements.
- 10 (b) *Specific building design criteria:*
- 11 (i) Both new construction and rehabilitation of existing structures shall be
12 designed in harmony with the entire center, as to height, bulk, location, and
13 use of exterior materials;
- 14 (ii) The location of individual buildings not planned as part of the original
15 project (i.e., spin-off sites) shall be determined in relation to the overall
16 center design such that the established character of the entire project will be
17 cohesively tied together;
- 18 (iii) Sides of all buildings viewed from the public right-of-way shall be given
19 treatment comparable in attractiveness to their principal frontage. Off-street
20 loading and waste storage areas shall be adequately screened; and
- 21 (iv) Appurtenances to both new and existing structures, such as signs, canopies,
22 and exterior lighting, shall be carefully designed with respect to size,
23 graphics, color, and material in order to provide an attractive atmosphere.
- 24 (c) *Specific design criteria for pedestrian walks and open spaces:*
- 25 (i) Pedestrian walks, plazas, and open spaces shall be located to provide
26 maximum accessibility among the various buildings in the shopping center.
27 Conflicts in pedestrian and vehicular movements shall be avoided to the

- 1 greatest practicable extent. All walks shall be appropriately lighted in an
2 attractive manner.
- 3 (ii) Open spaces shall be located so as to provide for maximum usability by
4 customers and so as to create a harmonious relationship between buildings
5 and exterior spaces throughout the center.
- 6 (iii) All pedestrian walks and open spaces shall be appropriately landscaped
7 and/or paved. Materials for paving, retaining walls, fences, curbs, benches,
8 etc., shall be attractive, durable, and easily maintained.
- 9 (d) *Specific design objectives for interior drives and parking areas:*
- 10 (i) Interior drives shall be designed only for access to buildings, parking, and
11 loading areas, and shall not be so situated as to invite through traffic or to
12 interfere with pedestrian movements.
- 13 (ii) Parking areas shall be designed with careful regard to their relationship to
14 uses served, ease of access to and from traffic arteries, and the topography of
15 the site.
- 16 (iii) Parking areas shall be made unobtrusive by appropriate screening and
17 landscaping, and large parking areas shall be subdivided into smaller areas
18 by landscaped divider strips or landscaped pedestrian walkways. Any
19 lighting to be provided shall be directed away from property lines so that no
20 glare will extend to adjacent properties.
- 21 (e) *Specific landscape design objectives:*
- 22 (i) Landscaping of all sites in the center shall be coordinated to provide an
23 integrated treatment of all open spaces, pedestrian walkways, plazas, and
24 parking areas.
- 25 (ii) Primary landscape treatment shall consist of shrubs, ground cover, and trees
26 as appropriate to the site.
- 27 (f) *Parking layout criteria:* The following space dimensions at various parking angles
28 shall be required:

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<i>Parking Angle (Degrees)</i>	Stall Width	Stall to Curb	Aisle Width	Curb Length	Center to Center Width of Two-Row Parking With Access Road Between
	9'0"	9'0"	12'0"	23'0"	30'0"
0°	9'6"	9'5"	12'0"	23'0"	31'0"
	10'0"	10'0"	12'0"	23'0"	32'0"
	9'0"	17'3"	11'0"	18'0"	45'6"
30°	9'6"	17'8"	11'0"	19'0"	46'6"
	10'0"	18'2"	11'0"	20'0"	47'4"
	9'0"	19'8"	13'0"	12'7"	52'6"
45°	9'6"	20'1"	13'0"	13'4"	53'2"
	10'0"	20'5"	13'0"	14'1"	54'0"
	9'0"	21'0"	18'0"	10'4"	60'0"
60°	9'6"	21'2"	18'0"	11'0"	60'4"
	10'0"	21'5"	18'0"	11'5"	61'0"
	9'0"	19'0"	24'0"	9'0"	62'0"
90°	9'6"	19'0"	24'0"	9'5"	62'0"
	10'0"	19'0"	24'0"	10'0"	62'0"

1
2
3
4
5

(g) *Reduction of stall sizes.* Upon approval by the Commission, twenty-five (25) percent of the spaces may be reduced to eight (8) feet by sixteen (16) feet stall sizes to accommodate small cars; and shall be designated as a small car parking area.

1 **Section 23.17 Self Storage.**

2 **Section 23.17.01. Self Service Storage Facility.**

3 [A] *Requirements for C-1, Neighborhood Commercial, C-2 General Commercial, C-4 Highway*
4 *Commercial, M-1 Wholesale and Light Industrial, M-2 Heavy Industrial and M-3 Heavy*
5 *Industrial Districts. Self-service storage facility, shall be limited to storage only.*

6 (a) All storage shall be within the building area.

7 (b) No auctions or commercial sales or uses shall be conducted on the site.

8 (c) A fencing and landscaping plan shall be approved by the Commission.

9 [B] *Requirements for CBD-1 and CBD-2 Central Business District.*

10 (a) Use shall be limited to storage of personal property only. Commercial sales and
11 auctions shall be prohibited.

12 (b) Storage shall be in preexisting buildings only. All storage shall be within the building
13 area and shall be accessed only through the interior of the building. Outside storage
14 and storage in pods, shipping, or similar containers outside of a building is prohibited.

15 (c) Design, landscaping, and layout of the facility shall be subject to design review and
16 Commission approval.

17 (d) Storage shall only be allowed in buildings or portions of buildings that are not
18 currently used or viable for retail, service, office, or residential uses and that are not
19 significant (or potentially significant) storefront or street-front areas for downtown.

20 (e) No flammable, hazardous or odorous materials may be stored, nor may animals be
21 kept.

22 (f) Hours of access shall be from 7 a.m. to 10 p.m. only.

23 (g) All the above conditions shall remain in force unless, and only to the extent, waived
24 by the Commission with respect to a particular facility.

25

1 **Section 23.18 Vehicle Sales, Rental, Service and Repair.**

2

3 **Section 23.18.01. Automobile repair garage.**

4 No buildings within one hundred (100) feet of a residential district shall have any openings,
5 other than stationary windows or doors for pedestrian (nonvehicular) ingress and egress,
6 facing such residential district. No storage of junk, wrecked vehicles, dismantled vehicles
7 and dismantled vehicle parts or supplies is permitted to be visible beyond the premises. No
8 motor vehicle shall be parked or stored out of doors on the premises for more than sixty
9 (60) days. Vehicles parked or stored out of doors on the premises shall be located within an
10 area screened by a minimum six-foot privacy fence located to the rear of the principal
11 structure.

12

13 **Section 23.18.02. Automobile maintenance and service.**

14 All operations shall be conducted in a building which shall not store or otherwise maintain
15 any parts or waste material outside such building.

16

17 **Section 23.18.03. Car Wash.**

18 A paved area shall be located on the same lot for the storage of vehicles awaiting entrance
19 to the washing process sufficient to contain the number of vehicles at two hundred (200)
20 square feet per vehicle equal to one-third ($\frac{1}{3}$) of the practical hourly capacity of the
21 washing machines, and in addition, that curb breaks be limited to two (2), each not to
22 exceed thirty (30) feet in width and located not closer than twenty (20) feet to a street
23 intersection.

24

1 **Section 23.18.04. Commercial Parking Facility.**

2 No entrance or exit is permitted to be located on the same side of the street and within the
3 same block as a school. Curb breaks shall be limited to two (2) for each one hundred (100)
4 feet of street frontage, each curb break shall not exceed thirty (30) feet in width and shall
5 not be located closer than twenty (20) feet to a street intersection.
6

7 **Section 23.18.05. Fueling center.**

8 [A] *Purpose.* The purpose of this section is to ensure that fueling centers do not adversely
9 impact adjacent land uses or the community as a whole. Fueling centers provide necessary
10 and convenient products and services to the travelling public and community as a whole.
11 However, the high levels of traffic, glare, and intensity of use associated with fueling
12 centers, particularly those open 24 hours, may be incompatible with surrounding uses,
13 especially residential and care-giving uses. In addition, the hazardous and flammable
14 substances stored at, and distributed and released from, such facilities constitute a health
15 hazard to persons on nearby properties, especially children, an environmental hazard and a
16 significant public safety risk.

17 A high concentration of fueling centers in certain locations can exacerbate the above
18 concerns and can also create an increased risk of particular fueling centers being
19 abandoned, creating additional problems of blight and other harms, especially since
20 properties with such facilities can be difficult to re-purpose. Therefore, in the interest of
21 protecting the health, safety, and general welfare of the public, the following regulations
22 shall apply to the location, layout, operation, landscaping, parking and design of fueling
23 centers.

24 [B] *Location Requirements.*

- 25 (a) All fueling centers must be located on an arterial or collector street as defined in
26 Chapter 32 of this Resolution.
- 27 (b) Fuel pumps, storage tanks and storage tank vents at fueling centers shall be located a
28 minimum of five hundred (500) feet from any residential structure or property zoned

1 residential (or area of a PDE district designated for residential) or any structure
2 containing a school, hospital, or facility for the care of children, group care,
3 supportive living or long-term care. The minimum distances required immediately
4 above shall be measured in a straight line to and from district lines and structures, as
5 applicable.

6 [C] *Site Requirements.*

- 7 (a) Site dimensions and layout shall provide adequate and safe turning radiuses and
8 parking areas for all vehicles visiting the site, including both vehicles servicing the
9 site (including but not limited to refueling trucks) as well as vehicles of persons there
10 for refueling or servicing their vehicles or shopping at any store within the facility.
- 11 (b) The minimum lot width for a fueling center shall be 150 feet, and the minimum lot
12 size shall be one acre.
- 13 (c) There shall be a minimum of two driveways to serve any fueling center site that
14 meet requirements imposed by the Macon-Bibb County Traffic Engineer or Georgia
15 DOT.
- 16 (d) *Setbacks.* Fuel pumps shall be set back a minimum of 25 feet from any street right-
17 of-way and a minimum of 60 feet from the front parking curb in front of any retail
18 structure within the fueling center (other than a kiosk set among the fuel pumps).
19 Canopies over the fuel pumps shall be set back no less than 15 feet from any street
20 right-of-way. Structures, including buildings, other than fuel pumps and canopies
21 shall meet all setback requirements otherwise provided under this Resolution.
- 22 (e) Parking for any retail buildings shall be provided based on the requirements of
23 Chapter 26 of this Resolution. Parking at fueling pumps shall not be counted as
24 parking spaces for separate retail structures when calculating parking requirements.
- 25 (f) Underground fuel storage tanks shall be located on the site so that fuel delivery
26 trucks unloading fuel do not block escape routes for vehicles from fueling pumps
27 and/or fueling centers.

- 1 (g) Except at the required access driveways, a landscape transition area shall be
2 provided along the entire perimeter of the fueling center. Such area shall have a
3 minimum width of 10 feet where a fueling center abuts a public right-of-way and 6
4 feet in all side and rear yards.
- 5 (h) All dumpsters must be fully screened from view by an enclosure consisting of two
6 side walls and a rear wall, plus a gate in the front. Screening walls and gates must be
7 not less than 6 feet nor more than 8 feet in height and must be masonry, brick, stone,
8 reinforced concrete, or other similar masonry materials.
- 9 (i) On-site light fixtures shall be directed away from neighboring properties and shall
10 not exceed a height greater than twenty (20) feet above finished grade. All light
11 fixtures shall be full cutoff with flat lenses. On-site luminaries shall be of low level,
12 indirect diffuse type, and shall be between a minimum average of 1.5 foot-candles
13 and a maximum average of 5 foot-candles. Under-canopy lighting shall be recessed,
14 of indirect diffuse type, and designed to provide light only to the pump island areas
15 located underneath said canopy. Under-canopy luminance shall be between a
16 minimum average of 5 foot-candles and a maximum average of 20 foot-candles.
- 17 [D] *Design requirements.* Building and façade design, layout and materials used shall be
18 compatible with neighboring properties and the character of the surrounding area, and shall
19 be described on the site plan provided with any application for a fueling center.
- 20 [E] *Additional requirements.* To increase compatibility with surrounding properties, avoid
21 adverse effects on neighboring properties or the community at large, or to enhance the
22 attractiveness of fueling centers, the Commission may specify additional requirements on
23 any application for a fueling center, including, but not limited to:
- 24 (a) Specific façade requirements, including design and materials;
25 (b) Changes in building or site plan design, including but not limited to requirements for
26 buffers, walls, fencing or landscaping;
27 (c) Restrictions on hours of operation; or
28 (d) Other requirements deemed necessary to accomplish the purposes of this section.

1 **Section 23.18.06. Personal Vehicle Sales.**

2 [A] *Requirements for C-1 Neighborhood Commercial, C-2 General Commercial, C-4 Highway*
3 *Commercial, M-1 Wholesale and Light Industrial, and M-2 Heavy Industrial Districts.*

4 Vehicle sales need not be enclosed. All mechanical or body repair must be conducted
5 entirely within an enclosed structure which may not have any openings, other than a
6 stationary window, facing a residential district if such structure is located within one
7 hundred (100) feet of a residential district. No parts or waste material may be stored outside
8 such structure.

9 [B] *Requirements for CBD-2 Central Business District.* Vehicle sales need not be enclosed. All
10 mechanical or body repair must be conducted entirely within an enclosed structure which
11 may not have an opening, other than a stationary window, facing a residential district if
12 such structure is located within one hundred (100) feet of a residential district.

13 **Section 23.18.07. Recreational Vehicle / Mobile Home Sales.**

14 [A] *Requirements for C-2 General Commercial, M-1 Wholesale and Light Industrial and M-2*
15 *Heavy Industrial District.* Vehicle sales need not be enclosed. All mechanical or body
16 repair must be conducted entirely within an enclosed structure which may not have any
17 openings, other than a stationary window, facing a residential district if such structure is
18 located within one hundred (100) feet of a residential district. No parts or waste material
19 may be stored outside such structure.

20 **Section 23.19 Adult Entertainment.**

21 **Section 23.19.01. Adult entertainment establishments.**

22 [1] Adult entertainment establishments may not be established, operated, or maintained
23 within one thousand (1,000) feet of a church and other place of worship; public or
24 private park or recreation area; school meeting all the requirements of the compulsory
25 requirement laws of the state; day care center, kindergarten, or playschool; public or
26 private library; or orphanage.

27 [2] No adult entertainment establishment shall be established, operated, or maintained
28 within seven hundred fifty (750) feet of a dwelling unit (single-family, two-family,

1 multi-family); college or university; any bar, tavern, saloon, nightclub, restaurant
2 serving alcohol or any place where alcohol is sold for consumption on the premises;
3 liquor store, package store, or any other establishment where alcohol sales is the
4 primary source of revenue, but not consumed on the premises; hospital or other
5 medical care facility including doctors' offices; and grocery store.

6 [3] No adult entertainment establishment shall be established, operated, or maintained
7 within five hundred (500) feet of any historic district, CBD-1, or CBD-2 district.

8 [4] No adult entertainment establishment shall be established, operated, or maintained
9 within two hundred fifty (250) feet of another adult entertainment establishment in SC
10 Special Commercial districts, where such uses are permitted uses.

11 [5] No adult entertainment establishment shall be established, operated, or maintained with
12 seven hundred fifty (750) feet of another adult entertainment establishment in C-4
13 Highway Commercial districts, M-2 Heavy Industrial districts, M-3 Heavy Industrial
14 districts, and PDI Planned Development Industrial districts, where such uses are
15 special exceptions.

16 [6] All distances established in Section 23.19.01 shall be radial distances determined by a
17 straight line and not street distance, measured from property line to property line.

18 [7] *[Reserved.]*

19 [8] Buildings and structures shall not be painted or surfaced with colors or textures or any
20 design that would simulate a sign or advertising message.

21 [9] Any performance or displays of merchandise or any other exhibit depicting adult
22 entertainment activities shall be conducted within the interior of buildings or premises
23 and shall be arranged or screened to prevent public viewing from outside such
24 buildings or premises.

25 [10] No hawker or outside loudspeakers or other outdoor sound equipment advertising or
26 directing attention to an adult entertainment use is allowed.

27 [11] Distances, when required by these regulations, shall be established by a survey
28 performed by a survey or licensed in the State of Georgia. Said survey shall be

1 provided at the time a petition for a change to the official zoning maps is filed and
2 when an application is made for a permit.

3 **Section 23.20 Light Industrial.**

4 **Section 23.20.01 General**

5 [A] *All use categories.*

6 When a permanent outdoor storage yard is allowed as a conditional or limited use, the
7 following standards shall apply:

8 (1) An outdoor storage yard shall be a minimum of twenty-five (25) feet from any public
9 street.

10 (2) Such yard shall be properly screened as provided in Section 4.08 of this land
11 development resolution.

12 (3) Where bulk storage of flammable liquids is permitted, a conditional use permit shall
13 be required, and the use must comply with Section 4.15 of this land development
14 resolution.

15
16 [B] *Requirements for C-2 General Commercial, C-4 Highway Commercial and M-1 Wholesale*
17 *and Light Industrial Districts.* Trade shops including sheet metal, roofing, upholstering,
18 electrical, plumbing, Venetian blind, cabinet malting and carpentry, rug and carpet cleaning
19 and sign painting shops shall limit all operations to only those that are conducted entirely
20 within a building which shall not have any openings, other than stationary windows or
21 doors for pedestrian ingress and egress, facing a residential district within one hundred
22 (100) feet of any such district.

23 [C] *Requirements for M-2 Heavy Industrial District.* Trade shops, including sheet metal,
24 roofing, upholstering, electrical, plumbing, venetian blind, cabinet making and carpentry,
25 rug and carpet cleaning, and sign paintings shall limit operations to only those that are
26 conducted entirely within a building.

1 **Section 23.21 Heavy Industrial.**

2 **Section 23.21.01 General**

3 [A] *All use categories.*

4 When a permanent outdoor storage yard is allowed as a conditional or limited use, the
5 following standards shall apply:

6 (1) An outdoor storage yard shall be a minimum of twenty-five (25) feet from any public
7 street.

8 (2) Such yard shall be properly screened as provided in Section 4.08 of this land
9 development resolution.

10 (3) Where bulk storage of flammable liquids is permitted, a conditional use permit shall
11 be required, and the use must comply with Section 4.15 of this land development
12 resolution.

13 **Section 23.21.02. Aboveground Tank Storage.**

14 Where permitted, outside aboveground tanks for the storage of gasoline, liquefied petroleum gas,
15 oil, or other inflammable liquids or gases shall not be located within five hundred (500) feet of
16 any residential district.

17 **Section 23.22 Mining, Excavation and Fill.**

18 **Section 23.22.01. Mining, Excavation and Fill, also referred to as Development of natural**
19 **resources.**

20 Where permitted, Mining, Excavation and Fill, including the removal of minerals and natural
21 materials, shall be governed by the following requirements:

22 [1] A plan of development shall be submitted to the Commission. Such plan shall show the
23 proposed development as planned and staged, in relation to all adjacent property within
24 three hundred (300) feet of the proposed mining area, including topographic surveys,
25 indicating present conditions (e.g., topography, drainage, and soils) and the conditions
26 of the mined area at the end of the exploitation phase.

- 1 [2] The plan of development shall also show that the proposed mining activity will not
2 create hazardous conditions for other property by reason of increased flooding or rise
3 in groundwater levels, erosion caused by increased run-off, deposition of debris from
4 flood or erosion, or for other reasons.
- 5 [3] The plan shall show the location of all proposed buildings and how traffic flow to and
6 from the mining area will be handled.
- 7 [4] The site shall be a minimum of five (5) acres with no building mining activity within
8 fifty (50) feet of the property line.
- 9 [5] The location of the mining activities shall not place any undue hardship on adjoining
10 property owners, and the operations in the location proposed should not create unusual
11 traffic hazards or the need for special public streets, bridges, or any other facilities
12 unless the developer assumes full cost of such improvements.
- 13 [6] All activities shall meet air and water quality standards of the Environmental
14 Protection Division of the Georgia Department of Natural Resources.
- 15 [7] The plan for re-use and reclamation shall meet the requirements and be approved by
16 the State Surface Mine Land Use Board.
- 17 [8] Any extension of quarrying operations beyond the property lines actually being
18 quarried at the effective date of this Resolution shall be considered as a new operation
19 and shall obtain a certificate of zoning compliance or conditional use permit, such
20 permit to be renewed every two (2) years or at such longer interval as may be specified
21 by the Commission. (Amended July 11, 2022, ZA22-001)
- 22 [9] Quarry areas being excavated shall be entirely enclosed with a six-foot high fence
23 located at least ten (10) feet back from the edge of any excavation.

24 **Section 23.24 Wholesale, Warehouse, Storage and Distribution.**

25 ***Section 23.24.01. Building supply and lumber sales/contractors' yard.***

26 The entire outdoor storage area is required to be properly screened as provided in Section 4.08 of
27 the land development resolution.

1 **Section 23.25 Waste-Related.**

2 ***Section 23.25.01. Sanitary landfills.***

3 No sanitary landfill shall be allowed, unless it complies with all laws, rules, and regulations of
4 the city, county, state, and federal governments.

5 ***Section 23.25.02. Junk, salvage, or recycled metal yard.***

6 (1) No such operation shall be permitted to be located closer than three hundred (300) feet to a
7 residential district and no closer than fifty (50) feet to any property line;

8 (2) No such operation shall be permitted to be located on or facing a state or federal highway;

9 (3) All such operations, except driveway areas, shall be completely enclosed by an opaque
10 fence or wall, having a minimum height of six (6) feet, but in no case less than such a
11 height as will effectively screen all operations from view; and

12 (4) The number of vehicular driveways permitted on any single street frontage shall be limited
13 to one (1) per five hundred (500) feet with a maximum of twenty (20) feet driveway width.

14 **Section 23.25 Agriculture.**

15 ***Section 23.25.01. Agriculture, forestry, livestock and poultry production.***

16 [A] Requirements for A- Agriculture District There shall be no structure containing poultry or
17 livestock; storage of manure or other odor- or dust-producing substances, located within
18 five hundred (500) feet of a residential district or two hundred (200) feet of any property
19 line.

20 [B] Requirements for RR-Rural Residential and MHR Manufactured Home Residential
21 Districts. Agriculture, forestry, livestock, and poultry production operations are limited to
22 tracts of land greater than five (5) acres in area. There shall be no structure containing
23 poultry or livestock, storage of manure or other odor- or dust-producing substance located
24 within two hundred (200) feet of a property line.

25 [C] Requirements for M-2 Heavy Industrial District. Agriculture, forestry, livestock and
26 poultry production operations are limited to tracts of land not less than ten (10) acres in
27 area. There shall be no structure containing poultry or livestock and no storage of manure

1 or odor- or dust-producing substance or use shall be located within two hundred (200) feet
2 of a property line.

3 **Section 23.25.02. Roadside Produce Stand.**

4 Stands for sale of agricultural produce are required to be set back twenty-five (25) feet from the
5 street or highway right-of-way line, and provided that customers are served off of the street or
6 highway right-of-way.

7 **Section 23.25.03. Sawmill.**

8 Sawmills and planing mills are limited to removing and processing timber on the adjacent areas.
9 No mill shall be located closer than one hundred (100) feet to any road, street, or highway right-
10 of-way nor closer than two hundred (200) feet to any property line.

11 **Section 23.26 Resource-Based Recreation.**

12
13 **Section 23.27 Accessory, Temporary or Incidental Uses.**

14 **Section 23.27.01. Additional single-family dwellings on a single lot.**

15 The Commission, after a review of an application and public hearing thereon, may permit, as a
16 conditional use, additional single-family dwellings on the same lot or parcel of land as that of the
17 main single-family dwelling without requiring subdivision of land within certain zoning districts
18 based on the following requirements:

19 [1] The main single-family dwelling is located in RR-Rural Residential, R-1AAAA, R-
20 1AAA, R-1AA, R-1A, R-1, R-2A, R-2, or R-3 Residential District.

21 (a) The lot area and lot width shall be a minimum of twice the required lot area and
22 lot width for a single-family dwelling for the district in which it is located.

23 (b) The additional dwelling shall be placed in the rear yard of the main dwelling. The
24 rear yard is defined as the area extending the full width of the lot and situated
25 between the rear line of the lot and the rear line of the main dwelling, projected to
26 the side lines of the lot. There shall be a distance of not less than twenty (20) feet
27 between the two structures.

- 1 (c) The additional dwelling shall not exceed nine hundred (900) square feet and shall
2 be limited to one (1) bedroom.
- 3 (d) The additional dwelling shall not exceed two (2) stories in height nor cover more
4 than thirty (30) percent of the rear yard.
- 5 (e) The additional dwelling shall meet the front, rear and side yard setback
6 requirements for the district in which it is located.
- 7 (f) A to scale site plan, building elevations and floor plan shall be submitted at the
8 time an application is made.
- 9 (g) The arrangement of such additional single-family dwelling shall be in such a
10 manner that, if the lot or parcel of land is ever subdivided, no substandard lots or
11 nonconforming buildings are created.
- 12 (h) No more than two (2) single-family dwellings on a single lot shall be permitted.
- 13 (i) One (1) additional off-street parking space shall be required.
- 14 (j) The Commission shall determine whether the proposed additional single-family
15 dwelling will be of such location, size and character that it will be in harmony
16 with the surrounding development and will not be a detriment to adjacent
17 properties.
- 18 (k) Variances to the requirements of lot area, lot width or maximum square footage of
19 the proposed additional dwelling shall be prohibited.
- 20 (l) All additional single-family dwellings shall meet applicable building codes and
21 sewerage disposal methods as required by Macon-Bibb County, Georgia.
- 22 [2] The main single-family dwelling is located in A-Agricultural District.
- 23 (a) No more than two (2) dwelling units shall be permitted on a single lot.
- 24 (b) The lot are and lot width shall be a minimum of twice the required lot area and lot
25 width for a single-family dwelling for the district in which it is located.
- 26 (c) The additional dwelling shall meet the front, rear and side yard setback
27 requirements for the district in which it is located.

1 (d) The arrangement of such additional single-family dwelling shall be in such a
2 manner that, if the lot or parcel of land is ever subdivided, no substandard lots or
3 nonconforming buildings are created.

4 (e) All additional single-family dwellings shall meet applicable building codes and
5 sewerage disposal methods as required by Macon-Bibb County, Georgia.

6 **Section 23.27.02. Condominium developments.**

7 Condominium developments must meet all applicable regulations of the "Georgia Condominium
8 Act"

9 **Section 23.27.03. Donation container.**

10 Donation containers may be allowed as a conditional or permitted use in C-1, C-2, C-4, C-5,
11 PDC, PDE, M-1 and M-2 districts provided the following requirements are met:

12 [1] *Supplemental definitions.* For the purposes of this section, the following supplemental
13 definitions shall be used:

14 (a) *Donation container—Conditional use:* Any structure or container which may have
15 enclosing walls, a roof and a floor, not to exceed the dimensions of 24 feet in
16 length, 8 feet in width and 7 feet in height, used for the collection of items to be
17 donated to a charitable organization as defined by these regulations; such structure
18 or container may be mobile or a vehicle meeting the size requirements of this
19 section.

20 (b) *Donation container—Permitted use:* Any structure or container which may have
21 enclosing walls, a roof and a floor, not to exceed the dimensions of six (6) feet in
22 length, six (6) feet in width and six (6) feet in height, used for the collection of
23 items to be donated to a charitable organization as defined by these regulations.

24 (c) *Charitable organization:* An organization which is registered in the State of
25 Georgia as a non-profit (501c3) corporation which is located and doing business
26 in Bibb County, Georgia.

27 [2] *Structure requirements.*

- 1 (a) The structure or container must be built substantially enough as to not pose any
- 2 public threat or to withstand typical weather conditions as to not be moved.
- 3 (b) The structure or container must be painted or finished in a way that is visually
- 4 coherent and conducive to the primary structure on the property.
- 5 (c) The visual and structural integrity must be maintained continuously.

6 [3] *Location requirements.*

- 7 (a) The placement of a donation container shall not impede traffic nor visually impair
- 8 any motor vehicle operation within a parking lot or from a public street.
- 9 (b) The donation container may not be located on a vacant parcel or on a parcel
- 10 containing a vacant building.
- 11 (c) No required parking spaces shall be occupied by the facility.
- 12 (d) Donation containers may not be located in a required building setback, buffer
- 13 yard, access easement, driveway, parking lane, and/or fire lane.

14 [4] *Required Site Conditions:*

- 15 (a) The site of the facility shall be kept free of litter and any other undesirable
- 16 material.
- 17 (b) No retail sales shall be conducted at the donation container.
- 18 (c) No sorting or distribution of collected materials may occur on-site.
- 19 (d) All collected materials shall be picked up from the center at least once a week.
- 20 (e) Illegally dumped items shall be picked up nightly, seven days a week, or as
- 21 required to maintain a neat and orderly appearance.

22 [5] *Prohibited Materials and Donations.*

- 23 (a) The donation containers may only be used as a collection container for non-food
- 24 and non-perishable items which are of a size that can be placed inside of the
- 25 container. No items shall be left on the outside of the container at any time.
- 26 (b) No hazardous materials, autos or auto parts, bathroom or kitchen fixtures, large
- 27 appliances, mattresses and box springs, carpeting, construction materials, office
- 28 equipment or similar items shall be accepted for donation.

1 [6] *Signage.*

2 (a) The maximum sign area shall be 16 square feet inclusive of informational
3 requirements and operational instruction.

4 (b) Containers shall be clearly marked to identify "Clothing and other Small Item
5 Donations Only"; the facility shall be clearly marked to identify the name and
6 telephone number of the facility operator and display a notice stating that no
7 material shall be left outside the enclosure or container.

8 [7] The applicant must provide written authorization from the business owner, on whose
9 property the donation container will be placed.

10 [8] Violation of any of the requirements of these regulations may result in the permit being
11 revoked.

12 [9] The organization owning and placing each donation container must be an organization
13 registered in the State of Georgia as a non-profit (501c3) corporation which is located
14 and doing business in Bibb County, Georgia.

15 [10] All donation containers existing at the time of the adoption of these regulations,
16 whether a permit has been issued or not, shall be considered a nonconforming use
17 and/or structure and shall be allowed to exist in accordance with Chapter 24 of this
18 Resolution.

19 **Section 23.27.04. Economic and community development target areas.**

20 Within the areas of Macon-Bibb County, Georgia, which are designated as economic and
21 community development target areas for Pleasant Hill, Intown, East Macon, South Macon,
22 Bellevue, Cherokee Heights, Unionville, Montpelier, Village Green, Lynmore and Tindall
23 Heights, any in-fill development consisting of the subdivision of land and/or new construction
24 shall be compatible/similar to the existing streetscape. The zoning enforcement officer may
25 reduce the minimum standards for residential properties within these areas as they pertain to
26 required lot area, lot width, setbacks, and lot coverage.

1 **Section 23.27.05. Fall-out shelters.**

2 Fall-out shelters are permissible as principal or accessory uses and structures in any district;
3 subject to the following conditions:

4 [1] *Aboveground portions.* If any portion of the structure extends above the ground, that
5 portion above the ground must comply with yard and lot coverage regulations of the
6 distinct in which it is located, and the site plan for such shelter must be approved by
7 the zoning enforcement officer.

8 [2] *Underground structure.* If the structure is completely underground, it need not comply
9 with yard requirements or percentage of lot coverage requirements.

10 [3] *Location.* A fall-out shelter, underground or aboveground, shall be confined to a side
11 or rear yard and the same shall not be located in the front yard, between the main
12 building and the street on which it fronts.

13 [4] *Construction styles.* Fall-out shelters may contain or be contained in other structures or
14 may be constructed separately.

15 [5] *Uses.* Fall-out shelters may be used for any permissible use in the district where
16 situated or, upon

17 **Section 23.27.05. Self service ice machines.**

18 Where allowed, self service ice machines shall meet the following standards:

19 [1] Self service ice vending machines shall only be located on property where a principal
20 structure, building or use already exist.

21 [2] Signage on the unit shall be limited to 55 square feet, excluding graphics; no
22 freestanding sign shall be allowed.

23 [3] If a self service ice machine becomes inoperable or is not in use for a period of ninety
24 (90) days, it shall be removed from the property within thirty (30) days.

25 [4] Approval from the Fire Department, Water and Sewerage Authority, and Health
26 Department and/or Department of Agricultural [Agriculture] shall be required prior to
27 the issuance of a zoning permit. All requirements of the Bureau of Inspection and Fees
28 Department shall be followed.

1 **Section 23.27.06. Temporary uses or events.**

2 Temporary uses or events, except for mobile food sales which are regulated under Section
3 23.27.07, shall be allowed as a permitted use provided the following regulations are met;

4 [1] *Temporary tent for private use.* Temporary tent on residentially zoned property or
5 property used for residential purposes is exempt from zoning permit requirements
6 provided the tent is for private use by the owner and the placement of the tent does not
7 interfere with traffic flow or traffic vision.

8 [2] *Temporary tent for business, institutional or place of assembly use.* Temporary tent
9 shall be allowed as a permitted use in conjunction with an existing land-use which has
10 received approval from the Planning and Zoning Commission and the tent is being
11 utilized for the business, institution, or place of assembly located at that site provided
12 the following criteria are met;

13 (a) The placement of the tent does not interfere with traffic flow or traffic vision.

14 (b) The placement of the tent shall meet the front yard setbacks requirement for the
15 district in which it is located.

16 (c) The proposed location of the tent shall receive prior approval from the Macon-
17 Bibb County Fire Department and the Traffic Engineering Department.

18 (d) The use shall be limited to thirty (30) consecutive days.

19 (e) Application shall include a diagram/sketch showing tent location, parking,
20 driveways, and principal structure(s).

21 (f) P.A., loud speakers, and/or stage shall be located entirely within the tent.

22 (g) Lighting shall be directed so as not to reflect glare into residential dwellings or
23 districts or any public right-of-way.

24 (h) Health Department approval shall be required if any food or beverages will be
25 served.

26 (i) Signage shall be regulated by requirements of Chapter 25.

27 [3] *Temporary outdoor sales or events with or without a tent.* Temporary outdoor sale of
28 seasonal items such as fireworks, Christmas trees, fruits and vegetables and temporary

- 1 outside sales, carnivals, circuses, and tent revivals shall be allowed as a permitted
2 temporary use in all commercial and industrial districts and planned development
3 districts PDI, PDC and PDE, provided the following criteria are met;
- 4 (a) The sale or event shall not be in conjunction with the primary land use on the site.
 - 5 (b) The applicant shall provide written permission from the property owner at the
6 time of application.
 - 7 (c) The site for the proposed use shall be located on a lot fronting an arterial or
8 collector street.
 - 9 (d) The placement of the tent or display area shall not interfere with traffic flow or
10 traffic vision.
 - 11 (e) The tent or display area shall meet the front yard setbacks requirement for the
12 district in which it is located.
 - 13 (f) The proposed location of the tent shall receive prior approval from the Macon-
14 Bibb County Fire Department and the Traffic Engineering Department.
 - 15 (g) The use shall be limited to sixty (60) consecutive days.
 - 16 (h) Application shall include a diagram/sketch showing tent location, display/sales
17 location parking, driveways, and any existing structure(s).
 - 18 (i) Lighting shall be directed so as not to reflect glare into residential dwellings or
19 districts or any public right-of-way.
 - 20 (j) Health Department approval shall be required if any food or beverages will be
21 served.
 - 22 (k) Signage shall be regulated by requirements of Chapter 25.
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