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Chapter 23 - SUPPLEMENTARY REGULATIONS GOVERNING CERTAIN USES

Section 23.00. Intent.

The following regulations are supplementary and, as such, are in addition to, not in place of, all other requirements of this Resolution, unless expressly indicated otherwise. By way of example and not limitation, the criteria of Section 27.11 governing the approval of conditional uses apply to all such uses, and any specific requirements in this chapter relating to such uses are in addition to, not in lieu of, consideration of those criteria. Similarly, all other requirements of this Resolution applicable to particular uses or structures continue to apply, in addition to any requirements in this chapter, unless expressly indicated otherwise.

Section 23.01. Household Living.

Section 23.01.01. Accessory Dwelling Unit/Garage Apartment.

An accessory dwelling unit (ADU) shall be a conditional use located on the same lot or tract as the principal residence and only one accessory dwelling unit of any type shall be permitted on a lot. In any event, no more than two (2) single-family dwellings on a single lot shall be permitted. ADUs are exempt from density calculations. The following limitations shall be applied to all ADUs:

- [1] **Property Owner occupancy required:** Property owner residency in either the primary or accessory dwelling unit shall be a requirement for permitting of accessory dwelling units.
- [2] **Building Size:** The living area of the unit shall be a minimum of 350 square feet and a maximum of 1,250 square feet, however, in no circumstance shall the maximum size of the living area of an ADU exceed fifty (50) percent of the size of the principal residence.
- [3] **Type of ADU:** An ADU may include any of the following:
 - a. Attached (addition to existing structure);
 - b. Detached permanent structure; or
 - c. Within existing house (renovations to basements, wings or attics converted into separate living unit).
- [4] **Standards:**

- a. When constructed as a detached structure, the ADU shall not exceed the height of the principal structure.
 - b. When constructed as a detached structure, the ADU shall have a similar architectural style, roof style, building materials. exterior appearance and finish to the principal structure.
 - c. Windows, doors, balconies, porches and decks shall be sited to ensure the privacy of neighbors.
 - d. Each ADU must comply with all standards applicable within the zoning district, including required setbacks and building height limits.
- [5] **Parking:** One additional parking space on the same premises shall be required for the accessory dwelling unit. Tandem parking and shell or grass surfacing are permitted for such parking space.
- [6] The ADU may include a kitchen.
- [7] **Location of ADU:** Any detached ADU shall be located in the rear yard.
- [8] **Utilities:** ADUs may share existing utility and service infrastructure with the primary unit, subject to compliance with the standards of the utility provider.
- [9] **For septic tank locations:** Prior to issuance of a building permit for an accessory dwelling unit, an applicant must provide evidence to the executive director showing that existing or proposed septic tank facilities, as applicable, are adequate to serve both the principal dwelling and the accessory dwelling unit.
- [10] **Subdivision:** An ADU may not be sold separately or as a condominium unless properly subdivided in accordance with this Resolution and all other code or legal requirements. A mobile or manufactured home shall not be used as an accessory dwelling unit unless it is in a district allowing such homes as primary residences.
- [11] **Access to street:** All accessory dwelling units shall have a minimum of 20 feet of unobstructed access to a street, which may be shared access.

Section 23.01.02. Dwelling, Single-family (attached or detached) within Commercial Districts.

Requirements for C-1 Neighborhood Commercial, C-2 General Commercial and C-4 Highway Commercial Districts. When permitted as either a limited or conditional use, single family dwelling units shall meet the lot area and yard (setback) requirements for their use as prescribed in the R-2 Residential District.

Section 23.01.03. 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 principal residence.

Section 23.01.04. Dwelling, two-family attached (duplex).

[1] *Requirements for R-1A and R-1 Single Family Residential Districts:* Two-family attached dwellings (duplexes) 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:

- (a) *Lot quantity.* The new subdivision must contain twenty-five (25) or more lots with the lots designated for duplexes being contiguous.
- (b) *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.
- (c) *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.
- (d) *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.
- (e) *Designation of lots.* The lots designated for duplexes must be indicated and included in the deed restrictions for the subdivision and they must be indicated, by use of the word "duplex," on the final recorded subdivision plat.

(f) *Duplex entrance.* The duplex shall not have more than one (1) entrance facing the street on which the lot fronts.

[2] *Requirements for HBH-Historic Beall’s Hill District: Two-family attached dwellings are subject to the following density requirements:*

(a) Minimum lot width at building line: Sixty (60) feet.

(b) Minimum lot area: Six thousand (6,000) square feet.

(c) Maximum lot coverage: Thirty-five (35) percent.

[3] *Requirements for C-1 Neighborhood Commercial, C-2 General Commercial and C-4 Highway Commercial Districts.* When permitted as either a limited or conditional use, two-family dwelling units shall meet the lot area and yard (setback) requirements for their use as prescribed in the R-2 Residential District.

Section 23.01.05. Multi-Family HR-3 and HBH -Historic Beall’s Hill.

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

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

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

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

- (b) The density allowed shall be that density allowed in Section 23.01.05[1] of these regulations.

Section 23.01.06. Home occupations.

[A]. *Requirements for Limited Use Permits in Residential and Agricultural Districts.* Home occupations are Limited Accessory uses in residential and agricultural districts, and shall be governed by the standards set out in this section. These standards are intended to ensure compatibility with the residential character of the neighborhood and to emphasize the clearly secondary or incidental status of the home occupation in relation to the residential use of the main building.

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

- (a) Such occupation shall be located and conducted in such a manner that the average neighbor, under normal circumstances, would not be aware of its existence.
- (b) Such occupation shall be conducted solely by occupants at the residence.
- (c) No alteration of the residence, accessory buildings, or the property shall be made, and no more than twenty-five (25) percent of the gross floor area shall be utilized.
- (d) The applicant must be the owner of the property on which the home occupation is to be located; or, if applicant is a tenant, he must have written approval of the owner of the property.
- (e) No stock in trade shall be displayed or sold upon the premises except for articles produced by persons residing on the premises.
- (f) No outside storage related to the home occupation shall be permitted.
- (g) The use may increase vehicular flow and parking by no more than one (1) additional vehicle at a time.
- (h) No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced in an average residential occupancy.
- (i) One (1) commercial vehicle is permitted in connection with the home occupation, provided the provisions of Section 26.08 are met. (Amended January 22, 2018, ZA17-005)

[2] *Home occupations, allowed.* Home occupations include the following:

- (a) Telephone and office use:

- (i) Applicant's business activities at the residence shall be confined to telephone and office use;
 - (ii) No employees or jobbers shall meet or congregate at the applicant's residence;
 - (b) Artists, sculptors, authors, or composers;
 - (c) Dressmakers, seamstresses, or tailors;
 - (d) Home crafts, such as model making, rug weaving, and lapidary work;
 - (e) Office facility for a minister, rabbi, or priest;
 - (f) Office facility for a salesman, sales representative, or manufacturer's representative, provided that no retail or wholesale transactions are made on the premises;
 - (g) Tutors and musical instructors; and
 - (h) Professional offices. (Added January 13, 1986, ZA86-01-03)
 - (i) Barber and beauty shops. (Added November 27, 1995, ZA95-11-01)
 - (j) Private investigator upon proof certification from the Professional Licensing Board Division of the Georgia Secretary of State Office.
 - (k) Uses comparable to those above that are not incompatible with either the purposes and intent of this section or adjacent properties or the neighborhood.
- [3] *Home occupations not allowed.* Home occupations allowed shall not, in any event, be deemed to include the following:
- (a) Reserved. (Amended August 12, 1985, ZA85-08-01; Deleted November 27, 1995, ZA95-11-01)
 - (b) Funeral chapels or funeral homes;
 - (c) Antique shops;
 - (d) Gift shops;
 - (e) Nursery schools, kindergartens, day care homes or centers;
 - (f) Private clubs;
 - (g) Restaurants;
 - (h) Tourist homes;
 - (i) Stables or kennels;
 - (j) Auto repair, auto sales, auto brokerage or similar establishments.

- 1 (k) Printing establishments;
- 2 (k.1)Reserved. (Deleted November 13, 2017, ZA17-003)
- 3 (l) Reserved. (Deleted January 13, 1986, ZA86-01-03)
- 4 (m) Any other occupation that is incompatible with either the purposes and intent of
- 5 this section or with adjacent properties or the neighborhood.
- 6 [B]. Supplemental provisions *for RR-Rural Residential and A-Agriculture Districts*. In RR-
- 7 Rural Residential and Ag-Agricultural Districts, Home Occupation may also be applied for
- 8 as a conditional use, to be governed by the standards set out in this subsection. These
- 9 standards are intended to allow more flexibility as to type and nature of a home office while
- 10 ensuring compatibility with the existing character of the area.
- 11 [1] *Standards*. The following standards must be met for all businesses conducted as home
- 12 occupations under this subsection.
- 13 (a) Such business shall be conducted solely by occupants at the residence provided
- 14 that such business shall be allowed to employ one (1) additional employee who is
- 15 someone other than an occupant at the residence.
- 16 (b) Each residence on which such a business shall be conducted shall be situated on at
- 17 least five (5) acres of land with a minimum setback of fifty (50) feet from the side
- 18 and rear property line, and shall be located on an arterial or collector street or
- 19 road.
- 20 (c) No alteration of the residence, accessory building, or the property shall be made
- 21 such that the average neighbor, under normal circumstances, would be aware of
- 22 the existence of the home occupation, and no more than twenty-five (25) percent
- 23 of the gross area shall be utilized.
- 24 (d) The applicant must be the owner of the property on which the office is to be
- 25 located, or, if applicant is a tenant or a proposed owner, he must have written
- 26 approval of the owner of the property.
- 27 (e) No stock in trade shall be sold on the premises except for: (1) articles produced by
- 28 persons residing on the premises (or the one additional employee allowed under
- 29 subpart [B](1)(a) of this section) and/or (2) articles sold by telephone or mail
- 30 orders without regard to who produces such articles.
- 31 (f) No outside storage related to the business shall be permitted.

- 1 (g) The use may increase vehicle traffic flow and parking by no more than one
2 additional vehicle at a time.
- 3 (h) No use shall create noise, dust, vibration, smell, smoke, glare, electrical
4 interference, fire hazard, or any other hazard or nuisance to a greater or more
5 frequent extent than the usual experience in an average residential occupancy.
- 6 (i) One (1) commercial vehicle is permitted in connection with the business
7 conducted, provided the provisions of Section 26.08 are met. (Amended January
8 22, 2018, ZA17-005)
- 9 [2] *Home occupations, allowed.* Home occupations include the following: home
10 occupations listed under [A][2], above, as well as such additional businesses as are
11 compatible with and appropriate for the existing character of the area.
- 12 [3] *Home occupations, not allowed.* Home occupations under this subsection shall not in
13 any event be deemed to include the following:
- 14 (a) Reserved. [PL1]
15 (b) Funeral chapels or funeral homes.
16 (c) Antique shops.
17 (d) Gift shops.
18 (e) Nursery schools, kindergartens, day care homes or centers.
19 (f) Private clubs.
20 (g) Restaurants.
21 (h) Tourist homes.
22 (i) Stables or kennels.
23 (j) Auto repair or similar establishments.
24 (k) Printing establishments.
25 (l) Any other occupation that the Commission finds incompatible with either the
26 purposes and intent of this section or adjacent properties or the neighborhood.
- 27 [C] *Expiration.* A use permit for a home occupation shall expire:
- 28 (a) Whenever the applicant ceases to occupy the premises for which the permit was issued.
29 No subsequent occupant of such premises shall engage in any such business until
30 proper application has been made and a new permit issued.

- (b) Whenever the holder of such permit fails to carry on the occupation for which the permit was issued for any period of six (6) consecutive months.

Section 23.01.07. Horses, ponies, and poultry (ACCESSORY USE).

[1] Domestic Hens. Where permitted as a limited accessory use in RESIDENTIAL Districts, domestic hens shall be subject to continual compliance with the following standards and limitations:

- (a) The number of hens shall not exceed six (6).
- (b) Roosters are prohibited.
- (c) Duck, geese, turkeys, peafowl, or any other poultry or fowl are not allowed under the provisions of this section.
- (d) Hens must be kept in a co-op and pen or portable chicken tractors, and such coops and enclosures may not include residential structures or garages. The coop and enclosure must be fenced and ventilated. All hens must be secured in an enclosure during non-daylight hours; however, during daylight hours, chickens may be located in the chicken pen and/or run.
- (e) Chicken coops, enclosures, pens, and tractors (whether stationary or mobile) are only permitted in the rear of the house behind the line formed by the back wall of the residence. Chicken coops, enclosures, pens, and tractors (whether stationary or mobile) shall be located no closer than fifteen (15) feet of any side or rear property lines and must be closer to the primary residence to which the use is an accessory than the neighboring residence.
- (f) Chicken coops, enclosures, pens, and tractors must be properly designed and constructed to provide adequate security from rodents, wild birds, and predators.
- (g) Chicken coops, enclosures, pens, and tractors shall be maintained in a clean and sanitary condition at all times. Hens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.
- (h) The coop, enclosure, pen, or tractor shall not be taller than six (6) feet, as measured from the existing natural grade.
- (i) All stored feed must be kept in a rodent and predator-proof container.

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

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

Section 23.01.08. Manufactured homes.

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

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

- (a) The lot area and dimensions must meet the requirements of the MHR Manufactured Home Residential District;
- (b) In no case shall the manufactured home be located within twenty (20) feet of any building.
- (c) Manufactured homes shall meet the following conditions unless the applicant has obtained a variance therefrom in accordance with Section 23.01.08[1](d):
 - (i) The roof must be double pitched and covered with material that is residential in appearance, including, but not limited to, wood, asphalt composition, or fiberglass shingles, but excluding corrugated aluminum, corrugated fiberglass, or metal roofs;
 - (ii) Exterior siding cannot have a high-gloss finish and must be residential in appearance, including, but not limited to, clapboards, simulated clapboards, such as conventional vinyl or metal siding, wood shingles, shakes or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels;
 - (iii) The manufactured home must have permanent steps at all exits.

- (iv) The manufactured home must be placed on permanent foundation that complies with Chapter 120-3-7, Rules and Regulations of the Office of Commissioner of Insurance Safety Fire Division or other applicable law;
 - (v) The exterior foundation material must consist of continuous concrete or masonry suitable for outer portion of a finished residence;
 - (vi) The hitch, axles and wheels must be removed;
 - (vii) The manufactured home must be oriented on the lot so that long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so that the narrow dimension of the unit, as so modified and facing the street is no less than fifty (50) percent of the unit's long dimension;
 - (viii) The manufactured home must be at least twenty (20) feet in width;
 - (ix) A minimum of eighteen inches of crawl space must be maintained under the entire manufactured home;
 - (x) The property owner shall declare the manufactured home as real property and must so record with the Bibb County tax assessor; and
 - (xi) At the time of initial placement on a lot, the manufactured home shall be 15 years old or less based upon the initial date of manufacture.
- (d) An applicant may request a variance from the Commission as to any standard mandated in Section 23.01.08[1](c) where the granting of such variance will not have a negative impact on the manufactured home's compatibility with other residences in the same neighborhood.
- [2] Manufactured homes located in agricultural districts shall comply with the following conditions:
- (a) The lot area and dimensions must meet the requirements for a single-family dwelling unit in the agricultural districts;
 - (b) In no case shall the manufactured home be located within twenty (20) feet of any building.
 - (c) If a manufactured home is located in a manufactured home community, a tax decal must be obtained from the Bibb County Tax Commissioners.

- 1 (d) The Commission, in reviewing an application for a manufactured home, shall
2 determine if the proposed site is an appropriate location by:
- 3 (i) Reviewing the existing residential development pattern for adjacent tracts;
4 (ii) Evaluating the effect that the proposed location of a manufactured home
5 would have upon the Comprehensive Land Development Plan;
6 (iii) Determining whether the proposed use will be of such type and character that
7 it would be in harmony with the appropriate and orderly development of the
8 adjacent area; and
- 9 (e) When allowed, manufactured homes in agricultural districts, except where located
10 in Manufactured Home Communities, shall meet the following conditions:
- 11 (i) The roof must be double pitched with said pitch being at least 3/12 and
12 covered with material that is residential in appearance, including, but not
13 limited to, wood, asphalt composition, or fiberglass shingles, but excluding
14 corrugated aluminum, corrugated fiberglass, or metal roofs.
- 15 (ii) Exterior siding cannot have a high-gloss finish and must be residential in
16 appearance, including, but not limited to, clapboards, simulated clapboard
17 such as conventional vinyl or metal siding, wood shingles, shakes or similar
18 material, but excluding smooth, ribbed, or corrugated metal or plastic panels.
- 19 (iii) The manufactured home must be placed on permanent foundation that
20 complies with Chapter 120-3-7, Rules and Regulations of the Office of
21 Commissioners of Insurance Safety Fire Division or other applicable law;
- 22 (iv) The hitch, axles and wheels must be removed;
- 23 (v) The manufactured home must be oriented on the lot so that long axis is
24 parallel with the street. A perpendicular or diagonal placement may be
25 permitted if there is a building addition or substantial landscaping so that the
26 narrow dimension of the unit, as so modified and facing the street is no less
27 than fifty (50) percent of the unit's long dimension;
- 28 (vi) The manufactured home must be at least twenty (20) feet in width;
- 29 (vii) The exterior design, size and configuration of the manufactured home must
30 be compatible with nearby or surrounding dwellings;

- (viii) A minimum of eighteen (18) inches of crawl space must be maintained under the entire manufactured home;
- (ix) The exterior foundation material must consist of continuous concrete or masonry suitable for the outer portion of a finished residence;
- (x) The manufactured home must have a front porch and have permanent steps at all exists;
- (xi) The property owner shall declare the manufactured home as real property and must so record with the Bibb County tax assessor; and
- (xii) The manufactured home must be manufactured after June 15, 1976.
- (xiii) An applicant may request a variance from the Commission as to any standard mandated in 23.01.08[2](e) where the granting of such variance will not have a negative impact on the manufactured home's compatibility with other residences in the same neighborhood.

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

Section 23.01.09. Manufactured or mobile home subdivisions.

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

[1] Subdivision requirements:

- (a) The lot area and dimensions must meet the requirements of Section 6.04 for manufactured home subdivisions located in an Agricultural District and Section 22A.04 for manufactured home subdivisions located in a Manufactured Home Residential district.
- (b) Proposed streets rights-of-way shall meet the requirements of Section 30.03.
- (c) The Commission may require buffer areas or screening in conformance with Section 4.08.
- (d) Platting requirements as set forth in Chapter 29 shall be met.

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

- [2] Individual manufactured homes within a manufactured home subdivision shall conform to the regulations contained in Section 23.01.08.

Section 23.01.10. Single and two-family Dwelling Units within Commercial Districts.

Requirements for C-1 Neighborhood Commercial, C-2 General Commercial and C-4 Highway Commercial Districts. When single and two-family dwellings are permitted as either limited or conditional use, the lot area and yard setback requirements for the R-2 district shall be met.

Section 23.02 Group Housing.

Section 23.02.01. Guest Quarters.

When permitted as either a limited or conditional use, guest quarters (also known as bed and breakfast establishments) shall adhere to the following standards and criteria:

- (a) The total number of guest quarters or rooms shall be determined pursuant to the provisions of Section 23.01.05[A], not to exceed ten (10) units.
- (b) Approval is required to be obtained from the Macon-Bibb County Fire Department;
- (c) The permit for a guest quarters is not transferable.
- (d) Within HR-3, the Facilities described hereunder shall be allowed only in the Intown Historic District as shown on the map described in Section 2.03 [5].
- (e) Parking shall be provided in accordance with Section 26.03(1)(i).
- (f) The guest quarters must be an owner-occupied residence.

Section 23.02.02. Dormitory.

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

[2] *Requirements for HBH-Historic Beall’s Hill District:* Dormitories permitted as a conditional use within the HBH-Historic Beall’s Hill district shall be limited in occupancy not to

exceed ten (10) individuals, provided that such housing is within five hundred (500) feet of the main campus of Mercer University, located on Coleman Avenue.

Section 23.03 Community Services.

Section 23.03.01. Cemeteries.

Within the districts permitting cemeteries as a conditional use, the following requirements shall apply:

- [1] The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare;
- [2] Any new cemetery shall be located on a site containing not less than twenty-five (25) acres;
- [3] All structures shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line;
- [4] All graves or burial plots shall be set back not less than twenty-five (25) feet from any property line or minor street right-of-way line and not less than fifty (50) feet from any collector, arterial, expressway, or freeway right-of-way line; and
- [5] The entire cemetery property shall be landscaped and properly maintained in compliance with applicable local and state law.

Section 23.03.02. Childcare facility (child day care center).

The following standards apply to child care facilities (child day care centers):

- [1] *Minimum lot area:* 43,560 square feet
- [2] *Minimum lot width:* 150 feet
- [3] *Yard requirements (building setback distance):*
 - (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
- [4] *Screening requirements.* At a minimum, parking areas and service areas for childcare facilities shall be treated as “commercial areas” for the purposes of establishing the applicable buffer/screening requirements under Section 4.08. However, where

childcare facilities are permitted as a conditional use, the Commission may require additional buffers, fencing or screening to protect adjacent uses.

[5] *Vehicular circulation.* In addition to other requirements of this 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 23.03.03. 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.

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

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

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

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

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

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

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

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

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

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

Section 23.03.04. Places of Worship.

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

Section 23.04 Educational Facilities. (Reserved)

Section 23.05 Health and Medical. (Reserved)

Section 23.06 Parks and Open Areas.

Section 23.06.01. Community Park.

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

Section 23.07 Transportation and Transportation Terminals.

Section 23.07.01. Transportation terminal.

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

Section 23.08 Utilities.

Section 23.08.01. Broadcasting or Communication towers and communication antennas.

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

- (a) protect the welfare, safety and integrity of residential neighborhoods and foster, through appropriate zoning and land use controls, a competitive environment for communication carriers that does not unreasonably discriminate among providers of functionally equivalent services and shall not prohibit or have the effect of prohibiting the provision of such services, so as to promote Macon-Bibb County as a proactive community in the availability of communications services;
- (b) provide for the appropriate location and development of communication towers or antennas to serve the residents and business of Macon-Bibb County, Georgia;
- (c) minimize adverse visual effects of towers or antennas through careful design, siting and vegetative screening;
- (d) avoid potential damage to adjacent properties from tower or antenna failure through careful siting of tower or antenna structures;
- (e) maximize use of any new or existing communication tower or antenna to reduce the number of towers or antennas needed; and
- (f) encourage and promote the location of new communication facilities in areas which are not zoned for residential use.

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

- (a) *Communication antenna.* An arrangement or array of wires, dishes, or metal rods, used in transmitting or receiving electromagnetic waves.

- 1 (b) *Communication tower*. A guyed, monopole, lattice or self-support tower,
2 constructed as a free-standing structure or in association with a building, other
3 permanent structure or equipment, containing one (1) or more antennas intended
4 for transmitting or receiving television, AM/FM radio, digital, microwave,
5 cellular, telephone, or similar forms of electronic communication. This definition
6 does not include a satellite earth station as regulated by Section 23.08.03 of these
7 regulations and a structure used for amateur or recreational purposes such as a
8 ham radio, a citizens band radio or home television antenna under seventy (70)
9 feet in total height.
- 10 (c) *Guyed tower*. A guyed tower can be either a lattice or monopole tower which has
11 cables attached to the tower and ground to provide stability to the tower.
- 12 (d) *Lattice tower*. A lattice tower is a communication tower that generally has three
13 (3) or four (4) support steel legs and holds a variety of antennas.
- 14 (e) *Monopole tower*. A monopole tower consists of a single self-supporting pole
15 which is generally wider in diameter at the base and narrows at the top and may
16 support any combination of whip, panel or dish antennas.
- 17 (f) *Stealth structure*. A communication tower which is a man-made tree, or similar
18 natural or man-made alternative design mounting structure that camouflages or
19 conceals the presence of antennas or towers.
- 20 [3] *General provisions*.
- 21 (a) *Land-use compatibility*. Communication towers shall be located, constructed, and
22 buffered to ensure compatibility with surrounding land uses. To help ensure such
23 compatibility, each application for a proposed communication tower shall include
24 the following information:
- 25 (i) the exact location of the proposed tower shown on an official zoning map;
26 (ii) the maximum height of the proposed tower;
27 (iii) the color or colors of the proposed tower;
28 (iv) the location, type, and intensity of lighting for the proposed tower;
29 (v) drawings showing type of tower, accessory buildings, landscaping, or other
30 features pertinent to the application prepared in professionally acceptable
31 manner; and

- (vi) such other additional information as may be required by the Zoning Enforcement Officer to fully review and evaluate the potential impact of a proposed tower.
- (b) *Additional uses permitted onsite.* In any residential district where freestanding communication towers or antennas are allowed, such towers or antennas may not be located on a lot containing a residential structure, except antennas may be located on a multi-family dwelling which is sixty-five (65) feet or greater in height. In all other districts, all communication towers or antennas may be located on sites containing another principal use.
- (c) *Shared use of communication towers.* If the application is for a separate tower, then the applicant shall provide an affidavit from an appropriate professional verifying with written documentation of why co-location is not possible.
- (d) *Additional users on existing communication towers.* Any additional users co-locating on existing communication towers shall require review and approval in accordance with these regulations.
- (e) *Measurement of setbacks.* Tower setbacks shall be measured from the perimeter of the tower base to the property or lease line of the lot on which it is located.
- (e) *Measurement of setbacks.* Tower setbacks shall be measured from the perimeter of the tower base to the property line for the property on which the tower is located. When property is leased for locating a tower, new structures located on the host property shall require a setback equal to the height of the tower from any communication tower located on the host property. (Amended November 22, 1999, ZA99-11-03; Amended October 22, 2001, ZA01-10-01)
- (f) *Measurement of tower height.* Measurement of tower height shall include antennas, base pad, and other appurtenances and shall be measured from the natural grade of the site.
- (g) *Time limit on project completion.* Once a communication tower or antenna is approved, a permit shall be obtained within one (1) year and the project shall be completed within one (1) year of approval by the Commission.
- (h) *Abandonment.* All obsolete or unused facilities shall be removed within twelve (12) months of cessation of operation at the site.

- 1 (i) *Signs and advertising.* No signs or advertising shall be allowed on any tower or
2 antenna, except for a warning sign relating to the public safety which is no greater
3 than two (2) square feet in size and placed on the base of the tower at a height no
4 greater than ten (10) feet above the ground.
- 5 (j) *Historic zoning districts.* Towers and antennas shall not be permitted within the
6 boundaries of any historic zoning district except as provided for in Section
7 23.08.01 [4](a) or (b). A certificate of appropriateness shall not be required.
- 8 (k) Any communication facility located on property owned, leased, or otherwise
9 controlled by Macon-Bibb County provided a license or lease authorizing the
10 communication facility has been approved by Macon-Bibb County shall be
11 exempt from these regulations.
- 12 (l) *Compliance with state and federal law.* All communication facilities must meet
13 or exceed the current standards of the Federal Aviation Administration and
14 Federal Communication Commission and any other agency of the State or the
15 Federal Government with authority to regulate these facilities. In the event an
16 applicant discovers, after receiving approval from the Commission, the Federal or
17 State regulations or laws are in conflict with the Commission approval then the
18 applicant must come back to the Commission and file an amended application
19 requesting that the Commission change his permit to be compatible with the State
20 or Federal regulations and laws. The provisions of this Resolution are also subject
21 to all applicable state and federal laws and regulations, including, but not limited
22 to, the Georgia BILD Act (O.C.G.A. §§ 36-66B-1 et seq.), and shall not be
23 interpreted or enforced in a manner that is in conflict with such laws and
24 regulations.
- 25 (m) *Security.* All communication facilities shall be equipped with an appropriate
26 anticlimbing device or other similar protection device to prevent unauthorized
27 access to the facility.
- 28 (n) *Engineer's certification for structural integrity.* A registered structural engineer's
29 certification shall be required for all new towers stating that said tower can
30 support the loads on the structure including any antennae located thereon. The
31 same certification shall be provided when antennae are added to a tower or any

- 1 other conforming or legal non-conforming structure. (Added October 22, 2001,
2 ZA01-10-01)
- 3 (o) *Engineer's certification for fall zones.* A registered structural engineer's
4 certification shall be required for all new towers stating that said tower, if failure
5 occurs, will fall within the designated setbacks for the proposed tower. The same
6 certification shall be provided when antennae are added to a tower or any other
7 conforming or legal non-conforming structure. (Added October 22, 2001, ZA01-
8 10-01)
- 9 (p) *Additional antennae on legal non-conforming structures and towers.* Additional
10 antennae may be added as a permitted use to a legal non-conforming tower or
11 structure as long as the total number does not exceed six (6) antennae. The
12 addition of more than six (6) antennae shall be treated a conditional use. (Added
13 October 22, 2001, ZA01-10-01)
- 14 (q) *Adding additional height to legal non-conforming structures and towers.* When a
15 legal non-conforming structure or tower is used or proposed to be used as a
16 communication tower or it is proposed to add antennae to such structure, the
17 height of the structure or tower may be increased as a conditional use. Pursuant to
18 Sections 23.08.01 [3](n) and 23.08.01 [3](o), certifications shall be provided to
19 the zoning enforcement officer stating that the tower, if failure occurs, will fall
20 within the designated setback distance and/or that said tower or structure can
21 support the loads on the structure including any antennae located or proposed to
22 be located thereon. (Added October 22, 2001, ZA01-10-01)
- 23 (r) *Computer generated simulations for each proposed tower or antenna shall*
24 *accompany the application for a certificate of zoning compliance or conditional*
25 *use permit.* The computer simulation shall be a to-scale representation and be
26 eight and one-half (8½) inches by eleven (11) inches in size. Said simulation shall
27 show the representation from all four (4) sides of the proposed site. The
28 Commission or zoning enforcement officer may require additional simulations.
29 (Added October 22, 2001, ZA01-10-01; Amended July 11, 2022, ZA22-001)
- 30 (s) *Additional certifications for communication towers.* When a communication
31 tower is proposed, a certification shall be provided that no other tower is available

that will accommodate the service area for the provider. Further, as a condition of approval, a certification shall be provided guaranteeing subsequent co-locations on the proposed tower. If the owner of the communication tower denies co-location without reasonable basis, the Commission may suspend or revoke the zoning permit as provided for in Chapter 33 of this Resolution. (Added October 22, 2001, ZA01-10-01; Amended July 11, 2022, ZA22-001)

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

(a) *Residential and agricultural districts.* Communication antennas shall be allowed as a limited use in all residential and agricultural districts, including Historic Residential zoning districts provided the following requirements are met:

- (i) Communication antennas may be located on existing buildings, poles, communication towers or other existing support structures, provided that no more than six (6) users are located on the existing building, pole, communication tower or other existing support structure. More than six (6) users co-locating on an existing building, pole, communication tower or other existing support structure shall be a conditional use and shall be subject to Section 23.08.01[10]. Antennas shall not project more than twenty (20) feet above the roofline, parapet, or top of the structure. (Amended October 22, 2001, ZA01-10-01)
- (ii) Communication antennas shall not project more than twenty (20) feet above the roof line, parapet or top of the structure.
- (iii) The structure on which the antennas are placed shall not be a residential structure or on a lot containing a residential structure, except antennas may be located on a multifamily dwelling which is sixty-five (65) feet or greater in height.
- (iv) Any equipment shelter or cabinet that supports communication facilities shall be concealed from public view, integrated into the architecture of the structure, made compatible with the architecture of the surrounding structures or placed underground. Where landscaping is required to conceal the structure from public view, then the uses shall no longer be considered a permitted use and such application shall be handled as a conditional use.

- (v) An equipment shelter or cabinet shall not be greater than three hundred and thirty (330) square feet nor higher than ten (10) feet.
- (vi) An aboveground equipment shelter or cabinet shall not be located in a front yard. If an equipment shelter or cabinet is placed under ground, the air conditioning unit must be screened from public view and approval of such screening shall be subject to approval by the Commission as a conditional use if the air conditioning unit is in the front yard.
- (vii) Antennas shall have either a galvanized finish or shall be painted a non-contrasting color.
- (viii) Where lighting is required, dual lighting mode (red at night/strobe during the day) shall be allowed.
- (b) *Commercial districts.* Communication antennas shall be allowed as a limited use in all commercial districts, including the Historic Commercial (HC) District provided the following requirements are met:
- (i) Communication antennas may be located on existing buildings, poles, communication towers or other existing support structures, provided that no more than six (6) users are located on the existing building, pole, communication tower or other existing support structure. More than six (6) users co-locating on an existing building, pole, communication tower or other existing support structure shall be a conditional use and shall be subject to Section 23.08.01[10]. Antennas shall not project more than twenty (20) feet above the roofline, parapet, or top of the structure. (Amended October 22, 2001, ZA01-10-01)
- (ii) Communication antennas shall not project more than twenty (20) feet above the roof line, parapet or top of the structure.
- (iii) The structure on which the antenna is placed shall not be a residential structure or on a lot containing a residential structure, except antennas may be located on a multifamily dwelling which is sixty-five (65) feet or greater in height.
- (iv) Any equipment shelter or cabinet that supports communication facilities shall be concealed from public view, integrated into the architecture of the

- 1 structure, made compatible with the architecture of the surrounding
2 structures or placed underground. Where landscaping is required to conceal
3 the structure from public view, then the use shall no longer be considered a
4 permitted use and such application shall be handled as a conditional use.
- 5 (v) An equipment shelter or cabinet shall not be greater than three hundred and
6 thirty (330) square feet or higher than ten (10) feet.
- 7 (vi) An aboveground equipment shelter or cabinet shall not be located in a front
8 yard. If an equipment shelter or cabinet is placed under ground, the air
9 conditioning unit must be screened from public view and approval of such
10 screening shall be subject to approval by the Commission as a conditional
11 use if the air conditioning unit is in the front yard.
- 12 (vii) Antennas shall have either a galvanized finish or shall be painted a non-
13 contrasting color.
- 14 (viii) Where lighting is required, dual lighting mode (red at night/strobe during
15 the day) shall be allowed.
- 16 (c) *Industrial districts.* Communication towers and antennas shall be allowed as a
17 limited use in all industrial districts, provided the following requirements are met:
- 18 (i) Communication antennas may be located on existing buildings, poles,
19 communication towers or other existing support structures, provided that no
20 more than six (6) users are located on the existing building, pole,
21 communication tower or other existing support structure. More than six (6)
22 users co-locating on an existing building, pole, communication tower or
23 other existing support structure shall be a conditional use as provided for in
24 Section 23.08.01[10]. Antennas shall not project more than twenty (20) feet
25 above the roofline, parapet, or top of the structure. (Amended October 22,
26 2001, ZA01-10-01)
- 27 (ii) Communication towers may be allowed as a limited use provided that the
28 tower is designed to accommodate only one user and does not exceed a
29 height of one hundred (100) feet, or designed and intended to accommodate
30 at least two (2) users and does exceed one hundred and twenty (120) feet in
31 height, or designed and intended to accommodate at least three (3) users and

1 does not exceed one hundred and fifty (150) feet in height. Communication
2 towers within two hundred (200) feet of a Residential District shall be a
3 stealth structure.

4 (iii) Setback for towers. The minimum setback shall be thirty percent (30%) of
5 the tower’s height for freestanding mono poles or the distance as measured
6 from the base of the tower to the place where the guide wire is anchored to
7 the ground for guided towers. A certification shall be provided to the zoning
8 enforcement officer in accordance with Section 23.08.01[3](o). No tower,
9 however, shall be located closer than the height of the tower to any
10 residential district or structure. (Amended November 22, 1999, ZA99-11-03;
11 Amended October 22, 2001, ZA01-10-01)

12 (iv) Guyed towers shall have their guy wire anchors located on the tower site,
13 and guy wires shall not cross any adjoining property, rights-of-way or public
14 easements.

15 (v) Minimum setbacks for equipment shelters or cabinets constructed in
16 conjunction with a tower shall be as established by the zoning district for
17 principal buildings or be at least twenty-five (25) feet when no setback is
18 required by the district.

19 (vi) Lighting. Towers shall not be artificially illuminated except as required by
20 the Federal Aviation Administration or the Federal Communications
21 Commission. Dual lighting mode (red at night/strobe during the day) shall be
22 allowed.

23 (vii) Color. Tower or antennas shall have either a galvanized finish or be painted a
24 non-contrasting color.

25 (viii) Equipment shelters and cabinets. Equipment shelters and cabinets may not
26 include offices, vehicles storage or broadcast studios; no outside storage of
27 equipment shall be allowed. An equipment shelter or cabinet shall not be
28 greater than three hundred fifty (350) square feet not higher than twelve (12)
29 feet.

30 (ix) Fencing. The facility shall be fully secured. A chain link fence or a wall not
31 less than eight (8) feet in height from finished grade shall be provided around

each tower or antenna and all accessory structures. Access to the tower shall be through a locked gate. Guy wire anchors shall be contained within the security fence.

(x) Landscaping. Landscaping shall be as required in Section 23.08.01[5](i).

[5] *Freestanding communication towers and antennas allowed as conditional uses in residential districts.*

(a) *Residential districts.* This section will govern the location of towers and antennas in the following Residential Districts: RR-Rural Residential Districts; MHR-Mobile Home Residential Districts, R-1AAAA, R-1AAA, R-1AA, R-1A, and R-1 Single-family Districts; R-2 and R-2A Two-family Residential Districts, R-3 Multifamily Residential Districts, and Residential PDS-Planned Development Single Use Districts. Communication towers and antennas shall be allowed as conditional uses in the above-listed districts, provided the following requirements are met:

(b) *Type of construction.* Towers must be monopoles and antennas used must be of the least visually obstructive design available at the time of the application. No more than two (2) users shall be allowed; the Commission may require a stealth structure when a monopole would not be an appropriate structure for the intended site. (Amended October 22, 2001, ZA01-10-01)

(c) *Height.* Tower heights shall not exceed eighty (80) feet and antenna heights shall not exceed twenty (20) feet above the height of the tower.

(d) *Locations and setbacks.* Communication towers or antennas shall not be located on a residential structure or on a lot containing a residential structure, except antennas may be located on a multi-family dwelling which is sixty-five (65) feet or greater in height. Setbacks for towers from all property lines shall be the height of the tower and the setback for accessory structures shall be the same for principal structures in the district. Certifications required by Sections 23.08.01[3](n) and Sections 23.08.01[3](o) shall accompany any application submitted under this section. (Amended November 22, 1999, ZA99-11-03; Amended October 22, 2001, ZA01-10-01)

- 1 (e) *Lighting.* Towers shall not be artificially illuminated except as required by the
2 Federal Aviation Administration or Federal Communication Commission. Where
3 lighting is required, dual lighting mode (red at night/strobe during the day) shall
4 be allowed.
- 5 (f) *Color.* Towers or antennas shall have either a galvanized finish or shall be painted
6 a non-contrasting color.
- 7 (g) *Equipment shelters and cabinets.* Equipment shelters and cabinets shall be
8 constructed so as to be compatible with the surrounding residential neighborhood
9 by virtue of their design, materials, textures, colors, and size; shall be unmanned
10 with no outside storage of equipment or vehicles, and shall not be greater than ten
11 (10) feet in height nor three hundred and thirty (330) square feet in size.
- 12 (h) *Fencing.* The facility shall be fully secured. A black or non-obtrusive vinyl clad
13 chain link fence or wall not less than eight (8) feet in height from finished grade
14 shall be provided around each communication tower or antenna. Barbed wire shall
15 not be used along the top of the fence or wall. Access to the tower or antenna shall
16 be through a locked gate.
- 17 (i) *Landscaping.* The visual impacts of a communication tower or antenna shall be
18 mitigated for nearby viewers through landscaping or other screening materials at
19 the base of the tower or antenna and ancillary structures. The following
20 landscaping and buffering shall be required around the perimeter of the tower or
21 antenna and accessory structures; except that the standards may be waived by the
22 Commission for those sides of the proposed tower or antenna that are located
23 adjacent to undevelopable lands and lands not in public view. Landscaping shall
24 be installed on the outside of fences. Further, the use of existing vegetation shall
25 be preserved to the maximum extent practicable and may be used toward meeting
26 landscaping requirements. In addition:
- 27 (i) A row of evergreen trees a minimum of six (6) feet tall and a maximum often
28 (10) feet apart shall be planted around the perimeter of the fence;
- 29 (ii) A continuous evergreen hedge at least thirty (30) inches high at planting
30 capable of growing to a least thirty-six (36) inches in height within eighteen
31 (18) months shall be in front of the tree line referenced above; and

(iii) All landscaping shall be xeriscape tolerant or irrigated and properly maintained to ensure good health and viability.

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

(a) *Districts.* This section shall govern the location of communication towers in C-1 Neighborhood Commercial Districts, C-2 General Commercial Districts, CBD-1 and CBD-2 Central Business Districts, C-4 Highway Commercial Districts, C-5 Neighborhood Convenience Center Districts, and commercial PDSPlanned Development Single Use Districts. Communication towers and antennas shall be allowed as conditional uses in the above-listed districts, provided the following requirements are met:

(b) *Type of tower construction.* Only monopole towers are allowed; however, alternate types of construction may be allowed by the Commission in C-2 General Commercial Districts for radio and television broadcasting studios. The Commission may require a stealth structure where a monopole or alternate structure would not be an appropriate structure for the intended site.

(c) *Height.* The following height requirements shall apply: (Amended October 22, 2001, ZA01-10-01)

(i) Towers intended to accommodate two (2) users are allowed up to a height of eighty (80) feet; (Amended October 22, 2001, ZA01-10-01)

(ii) Towers intended to accommodate four (4) users are allowed up to a height of one hundred (100) feet, or (Amended October 22, 2001, ZA01-10-01)

(iii) Towers intended to accommodate six (6) users are allowed up to a height of one hundred fifty (150) feet. (Amended October 22, 2001, ZA01-10-01)

(d) *Setbacks.*

(i) The minimum setback shall be thirty percent (30%) of the tower’s height for freestanding mono poles and the radius length as measured from the base of the tower to the place where the guide wire is anchored to the ground for guided towers. A certification shall be provided to the zoning enforcement officer stating that the tower is designed to fall within the designated setback distance. Said certification shall be provided by a registered engineer in the

- 1 State of Georgia qualified to give such certifications. No tower, however,
2 shall be located closer than the height of the tower to any residential district
3 or structure. (Amended October 22, 2001, ZA01-10-01)
- 4 (ii) Minimum setbacks for equipment shelters and cabinets constructed in
5 conjunction with a tower shall be as established by the zoning district for
6 principal buildings or be at least twenty-five (25) feet when no setback is
7 required by the district. (Amended November 22, 1999, ZA99-11-03)
- 8 (e) *Lighting*. Towers shall not be artificially illuminated except as required by the
9 Federal Aviation Administration or the Federal Communications Commission.
10 When lighting is required dual lighting mode (red at night/strobe during the day)
11 shall be allowed.
- 12 (f) *Color*. Colors shall be as required in Section 23.08.01 [5](f).
- 13 (g) *Equipment shelters and cabinets*. Equipment shelters and cabinets may not
14 include offices, vehicle storage or broadcast studios; no outside storage of
15 equipment shall be allowed. Equipment's shelters and cabinets shall not be greater
16 than three hundred and thirty (330) square feet in size nor greater than ten (10)
17 feet in height.
- 18 (h) *Fencing*. The facility shall be fully secured. A chain link fence or a wall not less
19 than eight (8) feet in height from finished grade shall be provided around each
20 tower or antenna and all accessory structures. Access to the tower shall be through
21 a locked gate.
- 22 (i) *Landscaping*. Landscaping shall be as required in Section 23.08.01[5](i).
- 23 [7] *Freestanding communication towers and antennas allowed as limited uses in industrial*
24 *districts and agriculture districts.*
- 25 (a) *Industrial Districts and Agricultural Districts*. This section shall govern the
26 location of communication towers and antennas located in A Agricultural
27 Districts, M-1 Wholesale and Light Industrial Districts, M-2 Heavy Industrial
28 Districts, M-3 Heavy Industrial Districts and industrial PDS Planned
29 Development Single Use Districts. Communication towers and antennas shall be
30 allowed as limited uses in the above-listed districts, provided the following
31 requirements are met:

- 1
- 2 (b) *Type of construction.* All types of towers are allowed provided that the visual
- 3 impact of the structures will not have a negative impact on adjoining properties or
- 4 views. The Commission may require a stealth structure where the proposed
- 5 structure would not be appropriate for the intended site.
- 6 (c) *Height.* The height of all towers shall be approved by the FAA.
- 7 (d) *Setbacks.*
- 8 (i) The minimum setback shall be thirty percent (30%) of the tower’s height for
- 9 freestanding mono poles and the radius length as measured from the base of
- 10 the tower to the place where the guide wire is anchored to the ground for
- 11 guided towers. A certification shall be provided to the zoning enforcement
- 12 officer stating that the tower is designed to fall within the designated setback
- 13 distance. Said certification shall be provided by a registered engineer in the
- 14 State of Georgia qualified to give such certifications. No tower, however,
- 15 shall be located closer than the height of the tower to any residential district
- 16 or structure. (Amended October 22, 2001, ZA01-10-01)
- 17 (ii) Guyed towers shall have their guy wire anchors located on the tower site,
- 18 and guy wires shall not cross any adjoining property, rights-of-way, public
- 19 easements or lease lines.
- 20 (iii) Minimum setbacks for accessory buildings and equipment shelters or
- 21 cabinets constructed in conjunction with a tower shall be as established by
- 22 the zoning district for principal buildings or be at least twenty-five (25) feet
- 23 when no setback is required by the district. (Amended November 22, 1999,
- 24 ZA99-11-03)
- 25 (e) *Lighting.* Towers shall not be artificially illuminated except as required by the
- 26 Federal Aviation Administration or the Federal Communications Commission.
- 27 Dual lighting mode (red at night/strobe during the day) shall be allowed.
- 28 (f) *Color.* Towers two hundred (200) feet or less in height shall be as required in
- 29 Section 23.08.01 [5](f).

(g) *Accessory buildings.* Accessory buildings may include offices, vehicle storage or broadcast studios; however, no outside storage of equipment shall be allowed. The use of the accessory building shall be an allowed use in district that it is located.

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

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

(j) *Parking.* One space shall be provided for each three hundred (300) square feet of 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 feet in Height or Greater	750	750	750	500
Monopole less than 50 Feet 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.*

Structure or roof mounted towers or antennas are allowed as conditional uses in accordance with the following provisions:

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

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

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

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

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

(g) If an accessory building, equipment shelter or cabinet is located on the roof of a building, the area of the accessory building and other equipment and structures shall not occupy more than twenty-five percent (25%) of the total roof area of the building. Accessory buildings, equipment shelters or cabinets located on the

ground shall meet the minimum yard requirements of the zoning district in which it is located.

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

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

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

Section 23.08.02. Major utilities.

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

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

Section 23.08.03. Satellite earth station.

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

- [1] Satellite earth stations may be ground-mounted (capable of screening) in either the back yard or side yard if properly screened by landscaping and shrubbery or opaque fencing from adjacent view of public right-of-way. In the event this Section causes (1) unreasonable delays or prevents installation, maintenance or use, (2) unreasonably increases the cost of installation, maintenance or use, or (3) precludes reception of an

acceptable quality signal, the Commission may grant a variance to the above regulations provided that the applicant demonstrates that one or more of the above conditions exist satisfactorily to the Commission. A variance will not be granted for the placement of a satellite earth station in any area that would impair public safety or impair the line of site for the traveling public.

[2] The maximum permitted height for a ground-mounted satellite earth station shall be twelve (12) feet.

[3] Satellite earth stations can be pole-mounted in the back yard only at a height not to exceed the roof ridge line of the dwelling which the satellite dish is to service.

[4] Satellite earth stations may be rooftop-mounted so long as the height does not exceed the roof ridge line of the dwelling which the satellite earth station services.

[5] Satellite earth stations in residential districts may not be used for any commercial or advertising purpose.

[6] Satellite earth stations shall be located as designated and specified above in either rear yards or side yards and shall be set back at least five (5) feet from any lot line and shall not be placed across the front building line or be closer to a public street than¹ the primary structure being served when placed in side yard.

[7] Visual screening, either by landscaping and shrubbery or opaque fencing is required on any ground-mounted satellite earth station located in either the side yard or rear yard.

Section 23.09 COMMERCIAL DISTRICTS.

Section 23.09.01 Drive-through (ACCESSORY USE).

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

¹Editor's note(s)—As enacted by ZA97-10-01, this subsection read " . . . public street that . . . ".

- [1] *Location of drive-through windows.* Drive-through windows shall be constructed as an integral part of the principal structure. Menu boards and equipment for ordering from a vehicle may be a stand-alone feature.
- [2] *Circulation.* Stacking lanes for drive-through windows shall provide at least five (5) stacking spaces for each drive-through service window. Such spaces shall be designed so as to avoid conflict between pedestrian and vehicular circulation on the site or any abutting street.
- [3] *Speakers.* Outdoor speakers, if utilized, shall not be audible at any property line abutting a residential use or residential zoning district. Noise attenuation, such as a wall or berm, may be required to comply with this restriction.
- [4] A drive-through accessory facility that abuts a residential district shall have no light shining directly into residential districts.

Section 23.09.02 Outdoor STORAGE of merchandise (ACCESSORY USE).

Where outdoor storage of merchandise is allowed as a conditional accessory use to any COMMERCIAL DISTRICT use, the following standards shall apply:

- [1] Permitted activity. Any outdoor storage shall be incidental and subordinate to the primary use located on the property.
- [2] Location. Outdoor storage areas shall not be located in any required setbacks, fire lanes, or sidewalks as provided on an approved site plan.
- [3] Screening. The commission may impose additional screening requirements for any outdoor storage area.
- [4] Exceptions. The following uses or materials are exempt from these requirements:
- (a) Storage and sales of landscape plant material; and
 - (b) Uses that allow outdoor storage by definition or as otherwise provided in this Resolution (e.g. vehicles sales).

Section 23.09.03 Outdoor DISPLAY of merchandise (ACCESSORY USE).

Where outdoor display of merchandise is permitted as a Limited accessory use to any COMMERCIAL DISTRICT use, the following standards shall apply:

- [1] Storage requirement. Merchandise must be mobile and stored indoors overnight.

[2] Nature of use. Merchandise display must be accessory to a principal use located on the same property.

[3] Use restrictions. Merchandise shall not be located in or obstruct any required setback, parking space, loading space, loading area, vehicular use area, fire lane, landscape buffer, sidewalk, ADA accessibility route, or drainage easement.

Section 23.10 Animal Uses.

Section 23.10.01. Kennel.

[1] *Requirements for A-Agriculture District.* Any kennel shall be a minimum of one hundred (100) feet from a residential district as well as any residence on adjacent property, provided further that noise and odor shall not adversely affect adjacent uses.

Section 23.10.02. Veterinary hospital or clinic.

[1] *Requirements for A-Agriculture District.* Veterinary hospitals and clinics treating only small domestic animals shall be a limited use. Veterinary hospitals and clinics treating non-domestic animals onsite shall be a conditional use. Any structure used for a veterinary hospital or clinic shall be a minimum of one hundred (100) feet from a residential district.

[2] *Requirements for Commercial, Industrial and Special Use Districts.* Where permitted as a limited use or as a conditional use in CBD-2 or SC district, veterinary hospitals and clinics shall be limited to treating domestic animals only. Veterinary hospitals and clinics treating non-domestic animals onsite are allowed only in Agricultural districts as a conditional use. All structures or outside areas used for operation of a veterinary hospital or clinic shall be a minimum of one hundred (100) feet from any residential district except in CBD-2, where they must be a minimum of one hundred (100) feet from any residential property.

Section 23.11 Drinking and Entertainment.

Section 23.11.01. Alcoholic beverage sales – All Use Categories.

No bar, tavern, saloon, nightclub, restaurant serving alcohol or any place where alcohol is sold for consumption on the premises may be established, operated or maintained within one thousand (1,000) feet of an adult entertainment establishment. The distance established by this

Section shall be a radial distance determined by a straight line and not street distance, measured from property line to property line. This distance shall be established by a survey performed by a surveyor licensed in the State of Georgia. Said survey shall be provided at the time a petition for a change to the official zoning maps is filed and when an application is made for a permit.

Section 23.11.02. Bars, taverns and nightclubs.

Permitted hours of operation shall be limited to the hours between 12:00 pm – 12:00 am. Additional hours of operation and amplified music and entertainment may be permitted only pursuant to a conditional use permit. Adequate measures must be taken to protect the occupants of neighboring properties, especially in residential districts, from amplified music and other noise.

Section 23.11.03. Micro-distilleries and micro-breweries.

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

(a) Approval from the Macon-Bibb County Fire Department shall be required prior to approval or issuance of any zoning permit.

(b) No more than 100 barrels of distilled spirits may be stored on site at any micro-distillery at any one time.

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

[2] *Hours of operation and amplified music.* Where allowed as a limited or conditional use, permitted hours of operation for micro-distilleries and micro-breweries shall be limited to the hours between 12:00 pm – 12:00 am. Additional hours of operation may be permitted pursuant to a conditional use permit allowing such hours. Amplified music and entertainment may be permitted pursuant to a conditional use permit allowing the same. Adequate measures must be taken to protect the occupants of neighboring properties, especially in residential districts, from amplified music and other noise.

Section 23.12 Lodging and Recreation.

Section 23.12.01. Hotel or motel.

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

Section 23.12.02. Recreation facility, outdoor.

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

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

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

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

[1] *Access.*

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

(b) RV Parks/Campgrounds shall provide adequate stacking or bypass lanes between the check in point and the adjacent public right-of-way such that queuing does not extend into the public right-of-way and that vehicles may circulate freely around the site.

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

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

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

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

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

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

[5] *Space location.* No space shall be so located that any part intended for occupancy for sleeping purposes shall be within fifty (50) feet of the right-of-way line of any freeway, expressway, arterial or collector street or within twenty-five (25) feet of the right-of-way line of any minor street.

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

[7] *Buffer/Screening.* The Commission may require buffers, fencing or screening to protect adjacent uses.

Section 23.12.04. Theaters, Drive-in.

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

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

Section 23.13 Office and business and professional services.

Section 23.13.01. Bank or Financial Institution.

[1] *Requirements for R-3 Multifamily Residential District.*

A bank or financial institution is allowed as a Limited Use provided the following limitations are met:

- (a) The establishment shall not exceed 3,500 square feet.
- (b) The establishment shall not have a drive-through facility.

Section 23.13.02. Contractors Office.

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

Section 23.13.03. Professional Office.

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

Business and professional office must meet the following conditions:

- (a) Location must be on an arterial or collector street.
- (b) Only existing structures can be utilized for the professional office.
- (c) All off-street parking must be provided on the same property as the structure.
- (d) Signage will be limited to two (2) square feet and must be attached to the structure.

Section 23.14 Personal Services.

Section 23.14.01. Personal Services.

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

Section 23.15 Restaurant and Eating Establishments.

Section 23.15.01. Drive-In Restaurant.

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

Section 23.15.02. Mobile Food Sales.

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

- [1] Where allowed, a property owner or his agent shall be required to obtain a certificate of zoning compliance for a limited use permit to host mobile food vendors for a period of time not to exceed one year per permit and for up to three (3) vendors per permit.
- [2] The use shall be in compliance with all other state and local requirements.
- [3] The use shall not hinder the functionality of the site requirements associated with existing uses on site and shall not otherwise impact public health and safety.
- [4] Unless otherwise approved, no vehicles, equipment or other items associated with a permitted temporary use shall remain in any location, other than an approved commissary or permanent business location associated with the temporary use, when not in use.

Section 23.15.03. Restaurant with Alcohol.

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

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

[2] *Hours of operation.* Permitted hours of operation shall be limited to the hours between 6 am and 10 pm. Additional hours of operation may be permitted pursuant to a conditional use permit.

[3] *Sidewalk cafes.* Sidewalk cafes shall be in all cases regulated and governed according to the ordinances of Macon-Bibb County. Where authorized and permitted by Macon-Bibb County, they will be exempt from the provisions of this Resolution.

[4] *Amplified music.* Music may be permitted pursuant to a conditional use permit allowing the same. Adequate measures must be taken to protect the occupants of neighboring properties, especially in residential districts, from amplified music and other noise.

[5] *Drive-through facilities.* Drive through facilities, if allowed, shall be subject to Section 23.09.01.

Section 23.15.04. Restaurant without Alcohol.

[1] *Hours of operation.* Permitted hours of operation shall be limited to the hours between 6 am and 10 pm. Additional hours of operation may be permitted pursuant to a conditional use permit.

[2] *Sidewalk cafés.* Sidewalk cafes shall be in all cases regulated and governed according to the ordinances of Macon-Bibb County Georgia. Where authorized and permitted by Macon-Bibb County, Georgia, they will be exempt from the provisions of this Resolution.

[3] *Amplified music.* Amplified music may be permitted pursuant to a conditional use permit allowing the same. Adequate measures must be taken to protect the occupants of neighboring properties, especially in residential districts, from amplified music and other noise.

[4] *Drive-through facilities.* Drive-through facilities, if allowed, shall be subject to Section 23.09.01.

Section 23.16 Retail Sales and Service.

Section 23.16.01. Flea Market

[1] *Requirements for Uses within the A-Agriculture District.* Flea Markets shall comply with the following requirements:

- (a) A minimum lot size of five (5) acres;
- (b) Such facilities shall only be located on arterial or collector roadways;
- (c) All activities shall be conducted wholly within enclosed buildings;
- (d) All buildings shall be located a minimum of one hundred (100) feet from all rear and side property lines.

Section 23.16.02. Consumer Goods Establishment

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

- (a) Where consumer goods establishments are allowed in the A-Agricultural district, these facilities shall comply with the following requirements:
 - (i) The facility shall be located on arterial streets or highways or collector streets and be intended primarily to serve the local shopping needs of neighboring residents.
 - (ii) All activities must be conducted wholly within an enclosed building unless the nature of the activity makes it impossible.
 - (iii) The facility must not be objectionable by reason of the emission of odors, dust, smoke, noise, vibrations, or bright lights.
 - (iv) Manufacturing or the processing or treatment of materials, goods, or products shall not be allowed.
 - (v) Convenience stores and grocery stores shall not exceed 10,000 square feet (gross) in area.
 - (vi) Any structures associated with commercial greenhouse or plant nurseries shall be set back at least one hundred (100) feet from any residential property line.
 - (vii) Retail meat curing and butchering shall comply with the following requirements:
 - 1. A minimum lot size of five (5) acres;
 - 2. The structure shall comply with setback requirements set out in Section 6.05;
 - 3. The applicant must provide the Commission with a set of plans approved by all local, state or federal agencies vested with the regulatory jurisdiction over meat curing and butchering;
 - 4. No live animals shall be slaughtered on site;

5. No live animals shall be raised or kept on the site in conjunction with meat curing and butchering operation;

6. All retail sales shall comply with Section 23.16.02[1](a)(i) & (iii), above; and

7. All activities must be conducted wholly within an enclosed building.

[2] *Requirements for Uses within the R-3 and HR-3 Residential Districts.*

When any consumer goods establishment^[PL2] is allowed as a permitted, conditional, or limited use within the HR-3 and R-3 Residential Districts, the use shall be required to be located on an arterial or collector street.

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

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

Section 23.16.03. Shopping center/large retail center.

The criteria and standards contained in this section shall govern the construction of all shopping centers/ large retail centers (referred to herein as “shopping centers”):

[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 of which shall exceed fifty thousand (50,000) square feet in gross floor area.

(c) Shopping centers shall be located along arterial, collector or local commercial and industrial streets as defined in Section 32.01

[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 design criteria and standards 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 individual retail establishment exceeding in the aggregate of fifty thousand (50,000) square feet:

(a) *General criteria.* Development proposals shall be consistent with the following design criteria:

(i) Planned exterior design compatibility of all commercial buildings;

(ii) Provision for adequate but unobtrusive parking areas, well related to the uses served and to adjoining thoroughfares;

(iii) Convenient customer walkways, separated and protected from vehicular movements; and

- 1 (iv) A landscape plan is required to be submitted for all development subject to
2 this sub-section. The landscape plan shall be prepared, signed, and sealed
3 by a landscape architect or engineer registered in the state.
- 4 (b) *Specific building design criteria:*
- 5 (i) Both new construction and rehabilitation of existing structures shall be
6 designed in harmony with the entire center, as to height, bulk, location, and
7 use of exterior materials;
- 8 (ii) The location of individual buildings not planned as part of the original
9 project (i.e., spin-off sites) shall be determined in relation to the overall
10 center design such that the established character of the entire project will be
11 cohesively tied together;
- 12 (iii) Sides of all buildings viewed from the public right-of-way shall be given
13 treatment comparable in attractiveness to their principal frontage. Off-street
14 loading and waste storage areas shall be adequately screened; and
- 15 (iv) Appurtenances to both new and existing structures, such as signs, canopies,
16 and exterior lighting, shall be carefully designed with respect to size,
17 graphics, color, and material in order to provide an attractive atmosphere.
- 18 (c) *Specific design criteria for pedestrian walks and open spaces:*
- 19 (i) Pedestrian walks, plazas, and open spaces shall be located to provide
20 maximum accessibility among the various buildings in the shopping center.
21 Conflicts in pedestrian and vehicular movements shall be avoided to the
22 greatest practicable extent. All walks shall be appropriately lighted in an
23 attractive manner.
- 24 (ii) Open spaces shall be located so as to provide for maximum usability by
25 customers and so as to create a harmonious relationship between buildings
26 and exterior spaces throughout the center.
- 27 (iii) All pedestrian walks and open spaces shall be appropriately landscaped
28 and/or paved. Materials for paving, retaining walls, fences, curbs, benches,
29 etc., shall be attractive, durable, and easily maintained.
- 30 (d) *Specific design objectives for interior drives and parking areas:*

- (i) Interior drives shall be designed only for access to buildings, parking, and loading areas, and shall not be so situated as to invite through traffic or to interfere with pedestrian movements.
- (ii) Parking areas shall be designed with careful regard to their relationship to uses served, ease of access to and from traffic arteries, and the topography of the site.
- (iii) Parking areas shall be made unobtrusive by appropriate screening and landscaping, and large parking areas shall be subdivided into smaller areas by landscaped divider strips or landscaped pedestrian walkways. Any lighting to be provided shall be directed away from property lines so that no glare will extend to adjacent properties.
- (e) *Specific landscape design objectives:*
- (i) Landscaping of all sites in the center shall be coordinated to provide an integrated treatment of all open spaces, pedestrian walkways, plazas, and parking areas.
- (ii) Primary landscape treatment shall consist of shrubs, ground cover, and trees as appropriate to the site and shall comply with the standards established in Section 26.05 of these regulations.
- (f) *Parking layout criteria:* The following space dimensions at various parking angles shall be required:

<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"

(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.

Section 23.17 Self Storage.

Section 23.17.01. Self-Storage Facility.

[1] *Requirements for R-3, Multi-family Residential District, C-1, Neighborhood Commercial, C-2 General Commercial, C-4 Highway Commercial, M-1 Wholesale and Light Industrial, M-2 Heavy Industrial, M-3 Heavy Industrial, and SC Special Commercial Districts*^[PL3].

Self-storage facilities shall be limited to storage only and shall be subject to the following conditions:

- (a) All storage shall be within the building area.
- (b) No auctions or commercial sales or uses shall be conducted on the site.
- (c) A fencing and landscaping plan shall be approved by the Commission.

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

- (a) Use shall be limited to storage of personal property only. Commercial sales and auctions shall be prohibited.
- (b) Storage shall be in preexisting buildings only. All storage shall be within the building area and shall be accessed only through the interior of the building. Outside storage and storage in pods, shipping, or similar containers outside of a building is prohibited.

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

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

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

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

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

Section 23.18 Vehicle Sales, Rental, Service and Repair.

Section 23.18.01. Automobile repair garage.

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

Section 23.18.02. Automobile maintenance and service.

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

Section 23.18.03. Car Wash.

A paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process sufficient to contain the number of vehicles at two hundred (200) square feet per vehicle equal to one-third ($\frac{1}{3}$) of the practical hourly capacity of the washing machines, and in addition, that curb breaks shall be limited to two (2), each not to exceed thirty (30) feet in width and located not closer than twenty (20) feet to a street intersection. Mechanical equipment such as driers, blowers, vacuums etc. shall be shielded or positioned in such a way to mitigate negative impacts on any adjacent uses.

Section 23.18.04. Commercial Parking Facility.

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

Section 23.18.05. Fueling center.

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

A high concentration of fueling centers in certain locations can exacerbate the above concerns and can also create an increased risk of particular fueling centers being abandoned, creating additional problems of blight and other harms, especially since properties with such facilities can be difficult to re-purpose. Therefore, in the interest of protecting the health, safety, and general welfare of the public, the following regulations

shall apply to the location, layout, operation, landscaping, parking and design of fueling centers.

[2] *Location Requirements.*

(a) All fueling centers must be located on an arterial or collector street as defined in Chapter 32 of this Resolution.

(b) Fuel pumps, storage tanks and storage tank vents at fueling centers shall be located a minimum of five hundred (500) feet from any residential structure or property zoned residential (including residential PDS and residential area of a PDM district) or any structure containing a school, hospital, or facility for the care of children, group care, supportive living or long-term care. The minimum distances required immediately above shall be measured in a straight line to and from district lines and structures, as applicable.

[3] *Site Requirements.*

(a) Site dimensions and layout shall provide adequate and safe turning radiuses and parking areas for all vehicles visiting the site, including both vehicles servicing the site (including but not limited to refueling trucks) as well as vehicles of persons there for refueling or servicing their vehicles or shopping at any store within the facility.

(b) The minimum lot width for a fueling center shall be 150 feet, and the minimum lot size shall be one acre.

(c) There shall be a minimum of two driveways to serve any fueling center site that meet requirements imposed by the Macon-Bibb County Traffic Engineer or Georgia DOT.

(d) *Setbacks.* Fuel pumps shall be set back a minimum of twenty-five (25) feet from any street right-of-way and a minimum of sixty (60) feet from the front parking curb in front of any retail structure within the fueling center (other than a kiosk set among the fuel pumps). Canopies over the fuel pumps shall be set back no less than fifteen (15) feet from any street right-of-way. Structures, including buildings, other than fuel pumps and canopies shall meet all setback requirements otherwise provided under this Resolution.

- (e) Parking for any retail buildings shall be provided based on the requirements of Chapter 26 of this Resolution. Parking at fueling pumps shall not be counted as parking spaces for separate retail structures when calculating parking requirements.
- (f) Underground fuel storage tanks shall be located on the site so that fuel delivery trucks unloading fuel do not block escape routes for vehicles from fueling pumps and/or fueling centers.
- (g) Except at the required access driveways, a landscape transition area shall be provided along the entire perimeter of the fueling center. Such area shall have a minimum width of ten (10) feet where a fueling center abuts a public right-of-way and 6 feet in all side and rear yards.
- (h) All dumpsters must be fully screened from view by an enclosure consisting of two side walls and a rear wall, plus a gate in the front. Screening walls and gates must be not less than 6 feet nor more than 8 feet in height and must be masonry, brick, stone, reinforced concrete, or other similar masonry materials.
- (i) On-site light fixtures shall be directed away from neighboring properties and shall not exceed a height greater than twenty (20) feet above finished grade. All light fixtures shall be full cutoff with flat lenses. On-site luminaries shall be of low level, indirect diffuse type, and shall be between a minimum average of 1.5 foot-candles and a maximum average of 5 foot-candles. Under-canopy lighting shall be recessed, of indirect diffuse type, and designed to provide light only to the pump island areas located underneath said canopy. Under-canopy luminance shall be between a minimum average of 5 foot-candles and a maximum average of 20 foot-candles.
- [4] *Design requirements.* Building and façade design, layout and materials used shall be compatible with neighboring properties and the character of the surrounding area, and shall be described on the site plan provided with any application for a fueling center.
- [5] *Additional requirements.* To increase compatibility with surrounding properties, avoid adverse effects on neighboring properties or the community at large, or to enhance the attractiveness of fueling centers, the Commission may specify additional requirements on any application for a fueling center, including, but not limited to:
- (a) Specific façade requirements, including design and materials;

(b) Changes in building or site plan design, including but not limited to requirements for buffers, walls, fencing or landscaping;

(c) Restrictions on hours of operation; or

(d) Other requirements deemed necessary to accomplish the purposes of this section.

Section 23.18.06. Personal Vehicle Sales and Rentals.

Requirements for all districts where above uses allowed: Vehicle sales need not be enclosed. All mechanical or body repair must be conducted entirely within an enclosed structure which may not have any openings, other than a stationary window, facing a residential district if such structure is located within one hundred (100) feet of a residential district. No parts or waste material may be stored outside such structure. Any outdoor vehicle parking, display or storage area must be on either pavement or an otherwise suitable surface, including, for example, gravel or crushed granite, but not including grass or dirt.

Section 23.18.07. Recreational Vehicle / Mobile Home Sales.

[1] *Requirements for C-2 General Commercial, M-1 Wholesale and Light Industrial and M-2 Heavy Industrial District.* Vehicle sales need not be enclosed. All mechanical or body repair must be conducted entirely within an enclosed structure which may not have any openings, other than a stationary window, facing a residential district if such structure is located within one hundred (100) feet of a residential district. No parts or waste material may be stored outside such structure. Any outdoor vehicle parking, display or storage area must be on either pavement or an otherwise suitable surface, including, for example, gravel or crushed granite, but not including grass or dirt.

Section 23.19 Adult Entertainment.

Section 23.19.01. Adult entertainment establishments.

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

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

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

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

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

[5] No adult entertainment establishment shall be established, operated, or maintained within seven hundred fifty (750) feet of another adult entertainment establishment in C-4 Highway Commercial districts, M-2 Heavy Industrial districts, M-3 Heavy Industrial districts, [PL4] where such uses are limited uses.

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

[7] *[Reserved.]*

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

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

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

[11] Distances, when required by these regulations, shall be established by a survey performed by a survey or licensed in the State of Georgia. Said survey shall be provided at the time a petition for a change to the official zoning maps is filed and when an application is made for a permit.

Section 23.20 Light Industrial.

Section 23.20.01 General

[1] *All use categories.*

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

- (a) An outdoor storage yard shall be a minimum of twenty-five (25) feet from any public street.
- (b) Such yard shall be properly screened as provided in Section 4.08 of this land development resolution.
- (c) Where bulk storage of flammable liquids is permitted, a conditional use permit shall be required, and the use must comply with Section 4.15 of this land development resolution.

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

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

Section 23.21 Heavy Industrial.

Section 23.21.01 General.

[1] *All use categories.*

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

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

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

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

Section 23.21.02. Aboveground Tank Storage.

Where permitted, outside aboveground tanks for the storage of gasoline, liquefied petroleum gas, oil, ethanol or other inflammable liquids or gases shall not be located within five hundred (500) feet of any residential district, the Georgia State Fire Marshal and any other applicable regulations^[PL5].

Section 23.22 Mining, Excavation and Fill.

Section 23.22.01. Mining, Excavation and Fill (Development of natural resources).

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

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

[2] The plan of development shall also show that the proposed mining activity will not create hazardous conditions for other property by reason of increased flooding or rise in groundwater levels, erosion caused by increased run-off, deposition of debris from flood or erosion, or for other reasons.

[3] The plan shall show the location of all proposed buildings and how traffic flow to and from the mining area will be handled.

[4] The site shall be a minimum of five (5) acres with no building mining activity within fifty (50) feet of the property line.

[5] The location of the mining activities shall not place any undue hardship on adjoining property owners, and the operations in the location proposed should not create unusual traffic hazards or the need for special public streets, bridges, or any other facilities unless the developer assumes full cost of such improvements.

[6] All activities shall meet air and water quality standards of the Environmental Protection Division of the Georgia Department of Natural Resources.

[7] The plan for re-use and reclamation shall meet the requirements and be approved by the Land Protection Branch of the Georgia Environmental Protection Division or any other agency with jurisdiction.

[8] Any extension of quarrying operations beyond the property lines actually being quarried at the effective date of this Resolution shall be considered as a new operation and shall obtain a certificate of zoning compliance or conditional use permit, such permit to be renewed every two (2) years or at such longer interval as may be specified by the Commission. (Amended July 11, 2022, ZA22-001)

[9] Quarry areas being excavated shall be entirely enclosed with a six-foot high fence located at least ten (10) feet back from the edge of any excavation.

Section 23.23 Wholesale, Warehouse, Storage and Distribution.

Section 23.23.01. Building supply and lumber sales/contractors’ yard.

The entire outdoor storage area is required to be properly screened as provided in Section 4.08 of this Resolution.

Section 23.24 Waste-Related.

Section 23.24.01. Sanitary landfills.

No sanitary landfill shall be allowed, unless it complies with all laws, rules, and regulations of the Macon-Bibb County, state, and federal governments.

Section 23.24.02. Junk, salvage, or recycled metal yard.

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

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

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

Section 23.25 Agriculture.

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

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

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

[3] *Requirements for M-2 Heavy Industrial District.* Livestock and poultry production operations are limited to tracts of land not less than ten (10) acres in area. There shall be no structure containing poultry or livestock, storage of manure or other odor or dust-producing substances or uses within two hundred (200) feet of a property line.

Section 23.25.02. Roadside Produce Stand.

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

Section 23.25.03. Sawmill.

Sawmills and planing mills in Agricultural districts are limited to removing and processing timber on the adjacent areas. In any district where such mills are allowed, no mill shall be located closer than one hundred (100) feet to any road, street, or highway right-of-way nor closer than two hundred (200) feet to any property line.

Section 23.26 Resource-Based Recreation.

Section 23.27 Accessory, Temporary or Incidental Uses and ECD target areas.

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

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

[1] When the main single-family dwelling is located in RR-Rural Residential, R-1AAAA, R-1AAA, R-1AA, R-1A, R-1, R-2A, R-2, or R-3 Residential District:

- (a) The lot area and lot width shall be a minimum of twice the required lot area and lot width for a single-family dwelling for the district in which it is located.
- (b) The additional dwelling shall be placed in the rear yard of the main dwelling. The rear yard is defined as the area extending the full width of the lot and situated between the rear line of the lot and the rear line of the main dwelling, projected to the side lines of the lot. There shall be a distance of not less than twenty (20) feet between the two structures.
- (c) The additional dwelling shall not exceed nine hundred (900) square feet and shall be limited to one (1) bedroom.
- (d) The additional dwelling shall not exceed two (2) stories in height nor cover more than thirty (30) percent of the rear yard.
- (e) The additional dwelling shall meet the front, rear and side yard setback requirements for the district in which it is located.
- (f) A to scale site plan, building elevations and floor plan shall be submitted at the time an application is made.
- (g) The arrangement of such additional single-family dwelling shall be in such a manner that, if the lot or parcel of land is ever subdivided, no substandard lots or nonconforming buildings are created.
- (h) No more than two (2) single-family dwellings on a single lot shall be permitted.
- (i) One (1) additional off-street parking space shall be required.

(j) The Commission shall determine whether the proposed additional single-family dwelling will be of such location, size and character that it will be in harmony with the surrounding development and will not be a detriment to adjacent properties.

(k) Variances to the requirements of lot area, lot width or maximum square footage of the proposed additional dwelling shall be prohibited.

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

[2] When the main single-family dwelling is located in an A-Agricultural District:

(a) No more than two (2) dwelling units shall be permitted on a single lot.

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

(c) The additional dwelling shall meet the front, rear and side yard setback requirements for the district in which it is located.

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

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

Section 23.27.02. Condominium developments.

Condominium developments must meet all applicable regulations of the "Georgia Condominium Act." O.C.G.A. §§ 44-3-70 et seq.

Section 23.27.03. Donation container.

Donation containers may be allowed as a conditional or permitted use in C-1, C-2, C-4, C-5, M-1, M-2, and commercial and industrial areas of PDS and PDM districts provided the following requirements are met:

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

(a) *Donation container—Conditional use:* Any structure or container which may have enclosing walls, a roof and a floor, not to exceed the dimensions of 24 feet in length, 8 feet in width and 7 feet in height, used for the collection of items to be

1 donated to a charitable organization; such structure or container may be mobile or
2 a vehicle meeting the size requirements of this section.

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

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

10 [2] *Structure requirements.*

11 (a) The structure or container must be built substantially enough as to not pose any
12 public threat or to withstand typical weather conditions as to not be moved.

13 (b) The structure or container must be painted or finished in a way that is visually
14 coherent and conducive to the primary structure on the property.

15 (c) The visual and structural integrity must be maintained continuously.

16 [3] *Location requirements.*

17 (a) The placement of a donation container shall not impede traffic nor visually impair
18 any motor vehicle operation within a parking lot or from a public street.

19 (b) The donation container may not be located on a vacant parcel or on a parcel
20 containing a vacant building.

21 (c) No required parking spaces shall be occupied by the facility.

22 (d) Donation containers may not be located in a required building setback, buffer
23 yard, access easement, driveway, parking lane, and/or fire lane.

24 [4] *Required Site Conditions:*

25 (a) The site of the facility shall be kept free of litter and any other undesirable
26 material.

27 (b) No retail sales shall be conducted at the donation container.

28 (c) No sorting or distribution of collected materials may occur on-site.

29 (d) All collected materials shall be picked up from the center at least once a week.

30 (e) Illegally dumped items shall be picked up nightly, seven days a week, or as
31 required to maintain a neat and orderly appearance.

[5] *Prohibited Materials and Donations.*

(a) The donation containers may only be used as a collection container for non-food and non-perishable items which are of a size that can be placed inside of the container. No items shall be left on the outside of the container at any time.

(b) No hazardous materials, autos or auto parts, bathroom or kitchen fixtures, large appliances, mattresses and box springs, carpeting, construction materials, office equipment or similar items shall be accepted for donation.

[6] *Signage.*

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

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

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

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

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

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

Section 23.27.04. Fall-out shelters.

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

[1] *Aboveground portions.* If any portion of the structure extends above the ground, that portion above the ground must comply with yard and lot coverage regulations of the

distinct in which it is located, and the site plan for such shelter must be approved by the zoning enforcement officer.

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

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

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

[5] *Uses.* Fall-out shelters may be used for any permitted or limited use in the district where situated upon approval by the zoning enforcement officer, upon approval by the Commission, for any conditional use in such district.

Section 23.27.05. Self-service ice machines.

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

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

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

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

[4] Approval from all applicable local and state departments shall be required prior to the issuance of a zoning permit. All requirements of such departments and applicable regulations shall be followed^[PL6].

Section 23.27.06. Temporary uses or events.

Temporary uses or events, except for mobile food sales which are regulated under Section 23.15.02, shall be allowed as a permitted use provided the following regulations are met;

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

- 1 [2] *Temporary tent for business, institutional or place of assembly use.* Temporary tent
2 shall be allowed as a permitted use in conjunction with an existing land-use which has
3 received approval from the Planning and Zoning Commission and the tent is being
4 utilized for the business, institution, or place of assembly located at that site provided
5 the following criteria are met;
- 6 (a) The placement of the tent does not interfere with traffic flow or traffic vision.
7 (b) The placement of the tent shall meet the front yard minimum required setback for
8 the district in which it is located.
9 (c) The proposed location of the tent shall receive prior approval from the Macon-
10 Bibb County Fire Department and the Traffic Engineering Department.
11 (d) The use shall be limited to sixty (60) days per calendar year.
12 (e) Application shall include a diagram/sketch showing tent location, parking,
13 driveways, and principal structure(s).
14 (f) P.A., loud speakers, and/or stage shall be located entirely within the tent.
15 (g) Lighting shall be directed so as not to reflect glare into residential dwellings or
16 districts or any public right-of-way.
17 (h) Health Department approval shall be required if any food or beverages will be
18 served.
19 (i) Signage shall be regulated by requirements of Chapter 25.
- 20 [3] *Temporary outdoor sales or events with or without a tent.* Temporary outdoor sales or
21 events with or without a tent shall be allowed as a permitted temporary use in all
22 commercial and industrial districts and commercial and industrial portions of PDS and
23 PDM districts, provided the following criteria are met:
- 24 (a) The sale or event shall not be in conjunction with the primary land use on the site.
25 (b) The applicant shall provide written permission from the property owner at the
26 time of application.
27 (c) The site for the proposed use shall be located on a lot fronting an arterial or
28 collector street.
29 (d) The placement of the tent or display area shall not interfere with traffic flow or
30 traffic vision.

- (e) The tent or display area shall meet the front yard setbacks requirement for the district in which it is located.
- (f) The proposed location of the tent shall receive prior approval from the Macon-Bibb County Fire Department and the Traffic Engineering Department.
- (g) The use shall be limited to sixty (60) days per calendar year.
- (h) Application shall include a diagram/sketch showing tent location, display/sales location parking, driveways, and any existing structure(s).
- (i) Lighting shall be directed so as not to reflect glare into residential dwellings or districts or any public right-of-way.
- (j) Health Department approval shall be required if any food or beverages will be served.
- (k) Signage shall be regulated by requirements of Chapter 25.

Section 23.27.07. Economic and community development (“ECD”) target areas.

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

Section 23.28. Residential cluster developments.

- [1] *Purpose and Effect.* Residential cluster development pursuant to this section has been discontinued as a permissible use in all districts pursuant to amendment of this Resolution, as the purpose in allowing cluster development can be better met through planned development under Chapter 19 of this Resolution. Cluster developments approved prior to the enactment of these amendments must be developed in accord with this section unless and until rezoned. The purpose of cluster development is to permit a procedure for development which will result in improved living environments; which will promote more economic subdivision layout; which will encourage a variety

of types of residential dwellings; which will encourage ingenuity and originality in total subdivision and individual site design; and which can preserve open space to serve recreational, scenic, and public service purposes, and other purposes related thereto within the densities established for the cluster net tract area.

To achieve these goals:

- (a) Variations in lot area are permitted;
- (b) A greater variety of building types is permitted;
- (c) Procedures are established to assure adequate maintenance and restricted use of open space areas for the benefit of the inhabitants of the subdivisions or for dedication to public use; and
- (d) Procedures are established to assure adequate protection of existing and potential development adjoining the proposed planned unit and/or cluster development.

[2] *Cluster development; general requirements:*

- (a) All types of attached, detached, and multifamily residential dwellings may be permitted in cluster developments.
- (b) Cluster developments shall consist of at least ten (10) dwelling units, except those cluster developments that are found by the Commission to be a logical extension of an existing or approved cluster development may contain fewer dwelling units.
- (c) Proposed street rights-of-way shall meet the requirements of Section 30.03.
- (d) The Commission may require buffer areas or screening in conformance with Section 4.08.
- (e) All units in a cluster development under condominium ownership shall meet all applicable provisions of the "Georgia Condominium Act" O.C.G.A. §§ 44-3-70. et seq.
- (f) All cluster developments shall be approved for service by public water and public sewage disposal systems prior to final approval of the project.
- (g) All cluster developments shall be approved by the Macon-Bibb County Fire Department.

[3] *Subdivision and site plan requirements for cluster developments:*

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- (a) Where a cluster development involves the subdivision of land, the platting requirement set forth in Chapter 29 shall be met.
- (b) Where a cluster development involves site plan approval, the requirements set forth in Section 19.10 shall be met.
- (c) Cluster developments shall be constructed in accordance with the preliminary subdivision plan or site plan as approved by the Macon-Bibb County Planning and Zoning Commission.

[4] *Requirements for single-family detached subdivisions:*

- (a) All single-family detached developments shall meet the following requirements:

	MHR, R- 1AAA	R1- AA	R-1A	R-1	R-2A, R-2	R-3	PDS- Residential
Minimum lot area (sq. ft.)	14,000	10,000	7,500	5,000	5,000	5,000	*
Minimum lot width (feet)	80	60	50	40	40	40	*
Maximum lot coverage (percent)	30	30	30	30	30	30	*
Minimum parking spaces per D.U.	2	2	2	2	2	2	*
Maximum building height (feet)	35	35	35	35	35	35	*
Minimum front yard required	25	25	25	25	25	25	*
Maximum units per acre	2.2	3.0	4.4	7.3	7.3	7.3	*

* At the discretion of the Commission.

(Amended November 22, 1999, ZA99-11-02)

[5] *Requirements for single-family attached cluster developments:*

- (a) All single-family attached developments shall meet the following requirements:

	R-1 AA	R-1 A	R-1	R-2A, R-2	R-3	PDS- Residential
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Minimum lot area (square feet)	2,700	2,700	2,700	2,700	2,700	*
Minimum lot width (feet)	18'	18'	18'	18'	18'	*
Maximum lot coverage (percent) (Amended May 9, 1988, ZA88-05-01)	50	50	50	50	50	*
Minimum parking spaces per D.U.	2.0	2.0	2.0	2.0	2.0	*
Maximum building height (feet)	35	35	35	35	35	*
Minimum front yard required	25	25	25	25	25	*
Maximum density (units per acre)	3.0	4.4	7.3	7.3	7.3	*

*At the discretion of the Commission.

(b) The Commission may impose such setback and buffer requirements for this Section 23.02 as it finds necessary to allow for consistent uses with adjacent property and the improvements thereon. (Amended March 14, 1988, ZA88-03-02)

[6] *Requirements for multifamily cluster developments:*

(a) All multifamily developments shall meet the following requirements:

	R-2A	R-2	PDS- Residential
Minimum front yard required	25	25	*

Maximum building height	35	35	*
Minimum parking spaces (per D.U.)	2.0	2.0	*
Maximum density (units per acre)	14.5	14.5	*

*At the discretion of the Commission.

(b) Open space between units and buildings: The front or rear face of a dwelling unit shall be not less than fifty (50) feet from the front or rear face of another dwelling unit. The unattached side face of a single-family attached building shall be not less than twenty (20) feet from the side face of another such building.

(c) Alignment: No dwelling unit shall be situated so as to face the rear of another dwelling unit within the subdivision unless terrain differences or vegetation will provide effective visual separation.

(d) (Deleted March 14, 1988, ZA88-03-02)

[7] *Rear and side yard requirements (building setback distances).* Modification and variation of rear and side yard setback requirements may be permitted by the Commission. Such modifications must be shown on any preliminary cluster subdivision plan or site plan. Rear and side yard setback requirements may be modified by the Commission.

[8] *Open space requirements for all cluster developments.* The balance of land, not contained in buildings, roads, service areas, parking lots, and the like, shall be in such condition, size, and shape as to be readily usable for recreation or conservation. Such land shall be reserved by one (1) of the following means:

- (a) Deeded to the City of Macon or Bibb County, whichever is applicable;
- (b) Held in corporate ownership by the owners of the land and such other nearby landowners who may wish to become members of the corporation. However, membership in said corporation shall be mandatory for all residents of the proposed development. In the case of corporate ownership, the developer shall include in the deed to the owners of the development the membership stipulation and the beneficial right in the use of open land;

- (c) Held in ownership by the development, subject to a legal agreement with Macon-Bibb County regarding the developer's responsibility for maintenance of the balance of the land as noted above;
- (d) Governed by a special tax district;
- (e) Covenants or other legal arrangements specifying ownership of the cluster open space, method of maintenance, responsibility for maintenance, maintenance taxes and insurance, compulsory membership and compulsory assessment provisions;
or
- (f) A combination of the above.