ZONING ORDINANCE

TOWN OF RESACA, GEORGIA

Prepared by

The Northwest Georgia Regional Commission

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Building Height. The vertical distance measured from the highest grade adjacent to the building to the highest point of roof surface of a flat roof or parapet wall, to the deck line of a mansard roof, or to the average height between eaves and ridges of a gable, hip, or gambrel roof.

Building Line, Front. For a lot having side lot lines at or nearly ninety degrees to the street R/W or for a flag lot, it is a line, parallel to the street right-of-way line, at a distance equal to the depth of the required front yard for the zoning district in which the lot is located, which is also the line where the minimum required lot width is obtained. When the lot frontage is an arc and less than the minimum required lot width, the building line is parallel to the chord of the arc and located where the minimum lot width requirement is obtained. (Synonymous with Front Setback Line).

Building, Principal. A building in which is conducted the main use of the lot on which said building is located.

Cemetery. A place for the exclusive burial of the dead persons, including a mausoleum and a columbarium.

Church. A building in which persons regularly assemble for religious worship of the same faith and which is publicly designated as a church, but shall not include a parsonage, thrift or clothing store, or public food service.

Church, Accessory Use of. A use customarily incidental and subordinate to the principal use of a building as a church, including uses such as day care facilities, kindergartens, family exercise or sport facilities, cemeteries, mausoleums, and columbariums.

Clinic. A building or a portion of a building where patients are not lodged overnight, but are admitted for medical examination and treatment by one or more physicians or dentists practicing together.

Club, Lodge, Civic, Fraternal Organization. A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a civic, social, literary, political, educational , or recreational purpose but not primarily for profit or to render a service for the benefit of its members and not open to the general public. Clubs which are operated for profit, shooting clubs, and places of religious worship or assembly are excluded.

Community Center. A building or facility used to provide recreational, social, educational or cultural activities for an area of a community, which is owned and operated by the management agency of that community, or the Homeowner's

Association of that community. A community can be an incorporated area, a developed subdivision, or a planned development.

Community Water System. A water system serving a group of buildings, lots, or an area with the design and construction of such systems in accordance with the Rules of Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-5, "Rules for Safe Drinking Water".

Condominium. A type of ownership where a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Cultural Facility. A structure or portion of a structure used as art gallery, museum, historical display, performing arts theatre, library, and other uses similar in character to those listed.

Day Care Center, Group. A building or portion of a building wherein is provided care and supervision of persons away from their place of residence for less than twenty-four (24) hours a day on a regular basis for compensation; serves seven (7) to eighteen (18) persons and is licensed by the State of Georgia.

Day Care Facility. A building or portion of a building wherein is provided care and supervision of persons away from their place of residence for less than twenty-four hours per day on a regular basis for compensation; serves nineteen (19) or more persons and is licensed by the State of Georgia.

Day Care Home, Family. A customary home occupation which provides for six (6) or less persons who are not residents of the premises; care and supervision is provided by a State of Georgia registered resident adult for less than twenty-four (24) hours per day on a regular basis for compensation.

District. A delineated section or sections of Resaca for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Drive-In. Any use providing the opportunity of selling, serving, or offering goods or services directly to customers waiting in vehicles or customers who return to their vehicles to consume or use the goods or services while on the premises of the principal use.

Dwelling. A building which is designed or used exclusively for residential purposes for one or more persons, including single-family, and multi-family residential buildings, rooming and boarding houses, fraternities, sororities, dormitories, manufactured homes, and industrialized homes, but not including mobile homes (pre-June 1976), hotels and motels.

Dwelling, Apartment. See "Dwelling, Multi-family".

Dwelling, Single-Family Attached. A building containing two (2) or more dwelling units, each of which is deeded with separate ownership and has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term can include fee-simple townhouses.

Dwelling, Single-Family Detached. A residential building containing not more than one (1) dwelling unit entirely surrounded by open space. A single family detached dwelling includes site-built houses, manufactured homes and industrialized homes. (A mobile home is not a single-family detached dwelling.) All single-family detached dwellings shall meet the Appearance Standards as provided in Section 7.2.

Dwelling, Two-Family (Duplex). A building designed as two separate units for or occupied exclusively by two families.

Dwelling, Multi-Family. A building designed as three (3) or more separate dwelling units for or occupied exclusively by three (3) or more families.

Dwelling Unit. One or more rooms located within a building and forming a single habitable unit with individual permanent sanitary and kitchen facilities and is used or intended to be used for living, sleeping, cooking, and eating purposes of a single family. Units in motels, or other structures designed for transient residence are not included.

Family. An individual, or two (2) or more persons related by blood, marriage, adoption or guardianship, or a group of not more than four (4) unrelated persons, occupying a single dwelling unit; provided however that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. For purposes of this ordinance, a "family" may include five (5) or fewer foster children placed in a family foster home licensed by the State of Georgia, but shall not include fraternities, sororities, nursing homes, personal care homes, or rest homes. The term "family" does not include any organization or institutional group.

Farming. The business of cultivating land, or employing it for the purpose of animal husbandry, including the cultivation and fertilization of the soil as well as caring and harvesting the crops.

Easement. The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Enclosure. A structure with four sides and a roof designed to enclose and shelter animals, persons, or objects.

Extended-Stay Facility. A commercial motel-like facility in which fifty (50) percent or greater of all guest rooms have facilities for both the storage, refrigeration, and preparation of food, and/or which are advertised, designed, or used for weekly, monthly, or longer occupancy.

Flood. A rise in stream flow or stage that results in temporary inundation of the areas adjacent to the channel.

Floor Area, Gross. The gross heated areas of all floors, measured from the exterior faces of the exterior walls of the building.

Frontage, Street. The distance a lot abuts on a public or private street right-of-way; the front lot line (See Figure 3: Lot).

Garage, Private. A detached accessory building designed or used for the storage of motor- vehicles owned and used by the occupants of the buildings to which it is accessory.

Garage, General Service. A building or portion thereof, other than a private, storage, or parking garage, designed or used for equipping, servicing, repairing, hiring, selling, or incidental short term storing of motor-vehicles, but not including the storage of wrecked or junked vehicles, to which repairs are not intended to be made.

Garage, Yard or Carport Sales. Any sale of used household goods, clothes, or other items of personal property conducted at or near a residential dwelling by the owner or occupant of said dwelling.

Grade. The average level of the finished ground surface adjacent to the exterior walls of the building.

Group Home. A single-family dwelling, approved and licensed by the State of Georgia Department of Human Resources, housing persons who are mentally/physically handicapped, elderly, terminally ill, AIDS/HIV victims, Alzhiemer's patients, or children and teens with emotional problems, operating as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing the organization and stability of a home environment.

Halfway House. A building for temporary residence by non-related persons, who are recovering from alcohol abuse or other chemical-based substances, with one or more

surrogate parents that provide services that include room, meals, supervision, rehabilitation, and counseling to enable residents to move back into society and live independently.

Hazardous Waste. Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency (US EPA) pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3.

Home Occupation. An occupation customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes and operated in accordance with the provisions of these regulations. See Section 5.6.

Impervious Surface. A man-made structure or surface which prevents the infiltration of storm water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

Industrialized Building/Home. Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized buildings are constructed and regulated in accordance with the "Industrialized Building Act", Georgia Law 1982 pp. 1637-1643 (Official Code of Georgia Annotated, Title 8, Chapter 2, Article 2, Part 1).

An industrialized home is a single-family detached dwelling and its placement in a residential district must meet or exceed the Appearance Standards as provided in Section 7.2.

Install. Constructing a foundation system and placing or erecting a manufactured home on such foundation system. Such term includes, without limitations, supporting blocking, leveling, securing, or anchoring such manufactured home and connecting multiple or expandable section of such manufactured home.

Institution. A public or semi-public building occupied by a governmental entity, non-profit corporation, or non-profit establishment for public use.

Junk Vehicles. Any motor-vehicle, vehicle, trailer of any kind or type, or mechanical contrivance or part thereof, which is in an inoperative or junk condition by reason of its having been wrecked, dismantled, partially dismantled, inoperative, abandoned, discarded, or which does not have a valid license place attached thereto (when the

same is required by law). For the purpose of this article, a vehicle is 'inoperative' if it is incapable of movement by its own power, and it remains in place for a period of more than seven (7) days, and is not within a carport/garage.

Junk Yard. Any use involving the storage or disassembly of wrecked automobiles, trucks, or other vehicles or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof; the keeping, abandonment, sale or resale of junk including scrap metal, used paper, or other scrap materials, salvaged house wrecking and structural steel materials and equipment; storage, baling or otherwise dealing in used plumbing fixtures, appliances, furniture, and used brick, wood or other building materials. Such uses shall be considered junk yards whether or not all or part of such operations are conducted inside a building or in conjunction with, addition to, or accessory to, other uses of the premises.

Kennel. Any location where breeding, raising, boarding, caring for, and the keeping of more than three dog or cats or other small animals or combination thereof is carried on for commercial purposes.

Kindergarten. Any premises or portion thereof used for educational work or parental care of children of less than the age required for enrollment in the public or private school system.

Land-Disturbing Activity. Any grading, scraping, excavating, or filling of land, clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single family dwelling, and the cutting of firewood for personal use.

Line, Lot: The boundary line of a lot.

Line, Yard. A line drawn parallel to a lot line at a distance therefrom equal to the depth of the required setback.

Loading Space. A space having a minimum dimension of 13.5 by 60 feet and a vertical clearance of at least 14.5 feet within the main building or on the same lot, providing for the standing, loading, or unloading of trucks.

Lot. Land occupied or intended for occupancy by a use including the yards and parking spaces required herein, and having its principal frontage upon a public or private street. A lot has defined boundaries and is legally transferable as a single unit of land, but does not refer to public rights-of-way.

Figure 3: Lot

Lot, Corner. A lot abutting upon two or more streets at their intersection. Such lot shall have a front setback on both streets and the remaining lot lines have side setbacks.

Lot, Depth of. The mean horizontal distance between the front and rear lot lines, measured in the general direct of the side lot lines.

Lot, Through. A lot other than a corner lot abutting two streets. Synonymous with "double-frontage."

Lot of Record. A lot that is lawful at the time of its creation, which existed prior to the adoption or subsequent amendment of this Ordinance, as shown or described on a deed, survey or plat in the records of the Gordon County Clerk of Superior Court.

Lot Width. Customarily, the width of the lot measured at the front building setback line. (See "front building line.")

Manufactured Home. A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical system

contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirement and with respect to which the manufacture voluntarily files a certification required by the Secretary of Housing and Urban Development complying with the standards established under the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

A manufactured home is a single-family detached dwelling and its placement in a residential district must meet or exceed the Appearance Standards as provided in Section 7.2.

Manufactured Home Park. A parcel of land which has been planned and improved for the placement of three (3) or more manufactured homes for non-transient use.

Mini-Warehouse. A building in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for storing the excess personal property of an individual or family when such is not with their residence, such as a passenger motor vehicle, house trailer, motorcycle,

boat, camper, furniture, limited commercial storage (items of local retail merchants, small contractors, and professionals), and other items of personal property generally stored in residential accessory structures. No business activities other than the rental of storage units shall be conducted on the premises.

Mobile Home. A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred and twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976.

Mobile Office. A factory fabricated structure designed to be transported on its own wheels, detachable wheels, flatbed or trailer and used or intended to be used or occupied for the transportation of business or the rendering of a professional service.

Modular Home. See "Industrialized Home".

Motel. A commercial building or group of buildings designed or used primarily for providing sleeping accommodations for transient motor vehicle travelers and having a parking space near or adjacent to the entrance of the room. Such use shall provide visitors with daily maid service and twenty-four (24) hour desk-counter clerk service, and shall comply with applicable requirements of the Gordon County Health Department.

Motor Vehicle Repair Service, General. A building, lot, or both in or upon which comprehensive motor vehicle repair services are performed including painting, body and fender work, engine overhauling or other major repair; such facility commonly serves disabled or wrecked vehicles requiring occasional wrecker services and repair service time routinely exceeds more than 24 hours on-site, but excluding a junk yard and/or motor vehicle wrecking business.

Motor Vehicle Repair Service, Specialty. A building, lot, or both in or upon which specialty repair services are provided quickly for operational motor vehicles; services may include but are not limited to removal and/or replacement of oils, fluids, filters, greases, minor parts like mufflers, shocks, and brakes; and may include tuning of engines; service repair time is routinely less than 24 hours on-site.

Motor Vehicle Service Station. A building or lot for motor vehicle refueling using fixed dispensing equipment connected to pumps and storage tanks; where oils or accessories for the use of motor vehicles are dispersed, sold, or offered for sale at retail; and may include one or more service bays for vehicle washing, lubrication and minor replacement, or adjustment and repair services.

Multi-family Dwelling. See "Dwelling, Multi-family".

Non-Conforming Use/Lot/Building. The right to use any building, structure, or land which was lawful at the time of passage of this ordinance, or amendment thereto, but which does not conform, after the passage of this ordinance or amendment thereto, with the regulations of the district in which it is situated. Similarly, a non-conforming building is one that exists prior to the adoption of this ordinance or amendment thereto, whose position on the lot does not comply with the requirements of the ordinance. A non-conforming lot is one that exists prior to the adoption of this ordinance or amendment thereto which does not comply with the minimum size requirements of the ordinance in terms of frontage, lot width, or square footage.

Nursing Home. A building in which through it ownership or management admits patients on medical referral only, provides continuous medical supervision and provides skilled nursing care and services. Nursing services shall be those services which may be rendered by a person licensed under the Nurse Practice Act (O.C.G.A.§43-26-1 et. seq.) (Synonymous with convalescent home and long-term care facility.)

Office, Professional. Includes offices for professionals such as accountants, architects, attorneys, chiropractors, dentists, doctors, engineers, etc., but not including veterinarians.

Office, Business. Includes offices for general business, insurance, real estate, etc.

On-Site Sewerage Management System. See "Sewerage Management System, On-site".

Open Space. An area that is not used for or occupied by a driveway, an off-street parking area, a loading space, a yard, a refuse storage space, or a building.

Parking Area. An open, unoccupied space used or required for temporary parking of vehicles exclusively and in which no gasoline or vehicular accessories are sold or no other business is conducted.

Parking Space. A space, enclosed or unenclosed, having an area of not less than 180 square feet (9' x 20') exclusive of access, permanently reserved for the temporary storage of one vehicle and having access to a street or alley.

Personal Care Home/Facility. An intermediate care facility licensed or approved to provide full-time assistance as necessary, including, but not limited to rooms, meals, and attention to personal needs, to non-family ambulatory individuals who, by reason of advanced age or infirmity, are unable to care completely for themselves, but who remain largely self-sufficient. (Synonymous with assisted living home/facility).

Plat. A map, plan or layout of a county, city, town, lot, section, subdivision or development indicating the location and boundaries of properties.

Premises. A lot, together with all buildings and structures existing thereon.

Pre-Owned Manufactured Home. Any manufactured home that has been previously used as a residential dwelling and has been titled.

Recreational Facilities, Indoor. Any commercial or non-commercial indoor facility such as bowling alley, shooting gallery, video game center etc.

Recreational Facilities, Outdoor. Any commercial or non-commercial outdoor facility such as a miniature golf course, a golf or baseball driving range, tennis courts, swimming pools, drive-in theater, etc.

Recreational Vehicles. A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

Recycling Center. A non-commercial facility in which recoverable resources, such as papers, glassware, plastics, and metal cans, or any non-hazardous recycling

materials, are collected, stored, flattened, crushed, or bundled, by hand or machines within a completely enclosed building.

Recycling Collection Station. An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a commercial parking lot, or at other public/quasi-public areas, such as churches and schools.

Senior Housing. A multi-family residence with eighty (80) percent or more of the dwelling units occupied by residents, age 62 and over or handicapped; or couples where either the husband or wife is 62 years of age or older; does not include convalescent or nursing facilities.

Setback Line (or Building Line). The line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which walls of the principal structure must be erected or placed. The minimum measurement is to the wall, not the eave/overhang, and a cantilever building design measures to any wall projecting nearest to the property lines. The area contained within the boundaries formed by the setback lines is considered the buildable area of the lot.

Sewerage Management System, On-Site. A sewerage management system other than a public or community sewerage system, serving single or multiple buildings, manufactured or mobile homes, residences or other facilities designed for human occupancy or congregation, as approved by the Gordon County Board of Health.

Sewerage Treatment System, Public or Community. Any sewerage treatment system, including pipe lines or conduits, pumping station, force mains and all other constructions, devices, and appliances appurtenant thereto, designed for treating or conducting sewerage for treatment and disposal into lakes, streams or other bodies of surface water.

Shopping Center. A group of two or more commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Special Use. (Synonymous with Conditional Use). A use of land permitted in a particular zoning district only after review and final action by the Mayor and Council of Resaca as established by the Zoning Procedures and Standards Ordinance of the Town of Resaca. Before authorizing such conditional use there shall be a finding that the location and operation of the proposed use shall not be detrimental to adjoining land or land uses. The imposition of conditions related to the promotion of public health, safety, morals, or general welfare, and designed to minimize the negative

impact on surrounding lands is common. The granting of a conditional use does not constitute a permanent change in zoning or use and may be forfeited if the criteria or conditions related to such use are not met.

Story. That portion of a building between the surface of a floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling.

Story, Half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor areas is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

Street. A public or private thoroughfare which meets locally established design standards and which affords the principal means of access to abutting property however designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, or place.

a. **Minor or Local Street.** Street used primarily for access to the abutting properties and serving travel demands in the immediate area.

b. **Collector.** Those streets so designated on the Gordon County Functional Classification System Map, and those streets which otherwise function to serve local traffic movements by collecting or distributing traffic from or to local, other collector, and/or arterial streets. Such a street includes the principal entrance and circulation streets of a subdivision and may also function to provide access to abutting properties in the same manner as a local street.

c. **Major Thoroughfare or Arterial.** Those streets so designated on the Gordon County Functional Classification System Map and those streets which otherwise function to move high volumes of traffic between principal traffic generators (such as residential, commercial, and industrial sectors) at moderate speeds and with minimum conflict to movements.

Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but not limited to buildings, signs, billboards, swimming pools, satellite dishes, tents, back stops for tennis courts, fences/walls, fall-out shelters, radio and water towers, grain and feed elevators.

Townhouse, Fee Simple. A type of dwelling unit that is one or more stories in height which has outside, individual, front and rear entrances, is separated from other dwelling units by common party walls that are four (4) hour fire-rated masonry

construction extending from the foundation through the roof line for a minimum of three (3) feet, occupies its own lot and is part of a contiguous group of at least three (3) such townhouses. Each group of dwelling units shall be staggered at least three (3) feet or the firewall shall extend front and rear for a distance of three (3) feet. The firewall separating single-story units and units of two or more stories must extend only to the roof decking of the two-story unit.

Use, Commercial. A use undertaken for profit, income, or other business purposes including retail shops, restaurants, banks, sales, hotels, motels, storage, boarding and breeding, medical facilities and offices and similar activities; office uses are included herein.

Use, Industrial. a use of property of an industrial nature, including manufacturing, assembly or sub-assembly, refining, smelting, warehousing, distribution, mining, quarrying, landfilling, junk yards, salvage yards and similar activities; activities that occur in factories.

Use, Institutional. A use of property for purposes of a public or private institution, including a school, government building, library, college, and similar facility.

Use, Principal. The specific, primary purpose for which land or a building is used.

Use, Residential. The use of a property for a dwelling unit or multiple dwelling units.

Yard. An open space on a lot situated between the principal building or use on the lot and a lot line and unoccupied by any structure from ground to sky except where encroachments and accessory buildings are expressly permitted. See Figure 10: Yard.

Yard, Front. An open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot.

Yard, Rear. An open space on the same lot with a principal building or use, unoccupied except by an accessory building or use, extending the full width of the lot and located between the rear line of the lot and the rear line of the building or use projected to the side lines of the lot.

Yard, Side. An open, unoccupied space on the same lot with a principal building or use, located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. See Figure 10: Yard.

Figure 5: Yard

Zone, Overlay. A district which applies supplementary regulations to land which is classified into a specific zoning district.

Zoning. The power of the Town of Resaca to provide within its territorial boundaries for the zoning of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which said zones or districts were established.

ARTICLE 4 - GENERAL PROVISIONS

4.1 Use of Land. No land shall be used except for a purpose permitted in the district in which it is located.

4.2 Use of Buildings. No building or structure shall be erected, converted, enlarged, reconstructed, moved, structurally altered or used, except for a use permitted in the district in which such building or structure is located.

4.2-1 Location of Buildings. Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be located on a lot as herein defined, except as approved by the Board of Zoning Appeals under Article 12.

4.2-2 Height of Buildings. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit herein established for the district in which such building is located.

4.2-3 Dimensional Regulations. No building or use shall be erected, converted, enlarged, moved or structurally altered except in conformity with the minimum space requirements (i.e., the lot area, floor area, and building height, etc.) for the district in which such building is located.

4.2-4 Temporary Buildings. Temporary buildings shall not be permitted in any district except when they are used in conjunction with construction work or pending completion of a permanent building. Such building shall be used for a period not to exceed one (1) year and shall be removed when the construction of the permanent building is completed.

4.3 Use of Yards. The minimum yards, parking spaces and open spaces required by this ordinance for each building existing on the effective date of this Ordinance, or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as part of the yard, parking space or open space required for any other structure, nor shall any lot area be reduced below the lot area per family requirements of this Ordinance for the district in which such lot is located except as otherwise provided in this Ordinance.

4.4 Requirements for Building Permit. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered except upon application for and issuance of a building permit issued by Gordon County as authorized by the Town of Resaca.

4.5 Streets.

4.5-1 Street Access. Except as otherwise permitted in these regulations, each building shall be located on a lot or parcel which abuts a public street or private

street.

4.5-2 Extension of Existing Streets. Existing streets shall be connected and extended appropriately within the limits of a development. However, streets or portions of streets adjacent to a proposed non-residential use, which are developed and are being used exclusively for residential access shall not be connected, extended or in any way provide access to a non-residential use. In addition, private drives which provide access to a non-residential use shall not be permitted in any residential district.

4.5-3 Street Access in Non-Residential Districts. Driveway cuts for service drives, entrances, exits and other similar facilities on public streets in non-residential districts shall not be located within twenty (20) feet of any street intersection or within forty (40) feet of another curb cut. A curb cut shall be no greater than forty (40) feet in width and no closer than twenty (20) feet to any property line.

4.5-4 Traffic Control Devices. If the traffic to be generated by a use in a non-residential district will demand traffic control devices to insure public safety, the developer shall install such necessary devices. Such determination shall be made by the Town of Resaca, in consultation with the Georgia Department of Transportation, and approval by the Mayor and Council.

4.5-5 State Department of Transportation Approval. All entrances or exits of any street or drive, public or private, from or to any State highway shall be approved by the Georgia Department of Transportation prior to the construction of such street or drive, or the issuance of any development permit for any improvement to be served by such street or drive.

4.5-6 Private Streets. Private streets shall not be used to satisfy the off-street parking requirements of this Ordinance. Private streets shall be assigned names and locations, and shall be shown on plans required for the issuance of building and development permits. All private street names shall be approved by the Town of Resaca, in conjunction with Gordon County, to avoid conflicting names.

4.5-7 Street Frontage for Residential Lots. No residential structure shall be erected on any lot which does not have immediate frontage on at least one (1) public or private street for a distance of not less than fifty (50) feet.

4.5-8 Uses Prohibited for Residential Occupancy. Residential occupancy, of campers, tents, and recreational vehicles, whether proposed for temporary, part-time, or full-time use, is prohibited in the Town of Resaca. A camper, tent, or recreational vehicle is prohibited from occupying any lot as a principal or accessory use for purposes of storage or occupancy, with exception provided for backyard camping by youth, age 17 are under, or scheduled and organized events sanctioned by the Town of Resaca.

ARTICLE 5 - SUPPLEMENTARY REGULATIONS

5.1 Lots of Record. Any lot of record which is existing at the time of the adoption or amendment of this Ordinance, may be used, subject to the following exceptions and modifications.

5.1-1 Use of Substandard Lots. Where the owner of a lot at the time of the adoption or amendment of this Ordinance does not own sufficient area and width to enable him to conform to the dimensional requirements of this Article, such lot may be used as a building site.

5.1-2 Individual Lot Not Meeting Minimum Lot Dimension Requirements. In addition to Section 5.1-1, in any residential district, any lot of record existing at the time of adoption or amendment of this Ordinance which has a width or area less than that required by this Ordinance may be used as a building site for a single-family dwelling only.

In the case of such a lot, when it is not possible to provide the required side yards and at the same time build a minimum width single-family dwelling, the Board of Zoning Appeals is empowered to hear the request for a minimum variance.

5.1-3 Adjoining Lots. When two (2) or more adjoining lots of record with continuous frontage are in one ownership at any time after the adoption or amendment of this Ordinance and such lots, individually, have an area or width that is less than required by this Ordinance, then such contiguous lots shall be considered as a single lot or several lots of the minimum width and area required in the Zoning District in which they are located.

5.2 Area, Yard, and Height Regulations.

5.2-1 Lot Area. Hereafter, no lot shall be reduced in size so that lot width, size of yards, lot area per family or any other requirement of this Ordinance is not maintained. This limitation shall not apply:

a. When a portion of a lot is acquired for a public purpose.

b. To dormitories, fraternities, sororities and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms.

c. To rental units in a hotel, motel, motor lodge, extended-stay, or to rooms in a rooming or boarding house.

Illegal Lots. The subdivision of any existing lot by grant, deed, plat, or testate is illegal if the resultant single lot or multiple lots or remnants of lots do not, individually, meet the minimum size standards established by this ordinance. Any

lot or remnant created by an illegal subdivision is itself illegal and shall not create any vested right for sale, lease, or building development. The Town of Resaca reserves the right to take legal action to reverse actions in violation of this subsection.

5.2-2 Yards and Open Space.

a. Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.

b. Every part of a required yard shall be open to the sky, except as provided by this article. Other projections such as sills, window air conditioning units, chimneys, cornices and ornamental features may extend to a distance not to exceed twenty-four (24) inches into a required yard.

c. Notwithstanding other provisions of this Ordinance, fences, walls, and hedges, driveways, and buffer areas may be permitted in any required yard or along the edge of any yard provided that no fence, wall or hedge along the street sides of corner lots shall violate the corner visibility provisions of this Ordinance.

d. Except for the following uses, only one principal building, together with its customary accessory buildings, shall be permitted to occupy each lot:

-- Public/Institutional buildings.
-- Multi-family dwellings.
-- Commercial/Industrial buildings.
-- Planned Developments

The above provisions shall not be construed to allow the erection of any building or portion of a building outside of the buildable area of the lot or the intermingling of uses.

e. If a lot is to be occupied by two or more related buildings for residential purposes, the front side of a dwelling structure shall not be erected so as to face the rear side of another dwelling structure within the same lot or on adjoining properties, except where differences in terrain and elevation would provide effective visual separation or the units are more than sixty (60) feet apart.

f. Dwelling structures which are front face-to-front face or back face-to-back face or front face-to-back face shall be not less than sixty (60) feet apart. Dwelling structures which are side face-to-side face shall be not less than twenty (20) feet apart. Dwelling structures which are side face-to-front face or back face shall be not less than forty (40) feet apart.

5.2-3 Front Yards.

a. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.

b. On through lots, the required front yard shall be provided on each street.

c. Corner lots shall meet the minimum front yard requirements on the sides adjacent to both streets and the remaining yards shall be considered side yard requirements.

d. Open, unenclosed porches, platforms, or paved terraces, which are not covered by a roof of canopy and do not extend above the level of the first floor of the building, may extend or project into the required setback area if it is less than six (6) feet long.

e. Within the same block and zoning district, when twenty-five (25) percent or more of the existing buildings which are located within two hundred (200) feet of each side of a lot have less than the minimum required setback, the required front setback of such lot should not exceed the average of the existing front setbacks.

5.2-4 Side Yards.

a. For the purpose of the side yard regulations, a group of commercial buildings separated by common or party walls shall be considered as one building occupying one lot.

b. The minimum width of side yards for schools, libraries, churches, and other public and semi-public buildings in residential districts shall be twenty-five (25) feet, except where a side yard is adjacent to a business or commercial district, then the width of that yard shall be as required for the district in which the building is located.

5.2-5 Rear Yards. Open or lattice-enclosed fire escapes, outside stairways, and balconies opening upon fire towers and the ordinary projections of chimneys and flues, may project into the required rear yard for a distance of not more than five (5) feet, but only when not obstructing light and ventilation.

5.2-6 Fences and Walls. No fence or freestanding wall in a required yard, other than a retaining wall, shall be more than six (6) feet in height, or be constructed in a public right-of-way unless otherwise specified. See Section 5.3.

5.2-7 Exceptions to Height Regulations.

a. The height limitations of this Ordinance shall not apply to:

Belfries	Public monuments
Chimneys	Smoke stacks
Church spires	Stage towers or scenery lofts
Conveyors	Tanks
Cooling Towers	Water towers and stand pipes
Elevator bulkheads	Ornamental towers & spires
Fire towers	Silos
Flag poles	Communication towers (radio, T.V., and cell)

b. Public and semi-public service buildings, hospitals, institutions and schools, may be erected to a height not to exceed one hundred (100) feet; churches and temples may be erected to a height not exceeding seventy-five (75) feet, provided the required side yard and rear yards shall be increased by one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located.

5.3 Corner Visibility. No sign, fence, wall, hedge, planting, or other obstruction to vision, extending to a height in excess of three feet above the established street grade, shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points twenty-five (25) feet distant from the intersection of the street lines.

5.4 Buffers.

5.4-1 Buffer Requirements.

a. A buffer along the property line shall be required when high density residential, commercial, or industrial zone districts abut other residential districts, which are considered to be less intensive. The zone district allowing the most intensive use shall provide the buffer, which is intended to mitigate the effects upon adjacent properties over time between ground level and a height of fifteen (15) feet. However, it is an option to the residential property owner to provide a buffer if the adjacent property is occupied with a commercial or industrial use before the residential property is developed.

b. The most intensive zone district shall be required to provide a buffer type as specified in the matrix below. The left column represents existing zone districts and the row at the top represents those districts that result from annexation or rezoning or where a vacant/ undeveloped lot is proposed for

development.

Buffer Type A: The required buffer shall be one of the two following designs: 1) a width of 12 feet consisting of plantings, plus either a fence, wall, or berm, or 2) a width of 15 feet consisting of only plantings.

Buffer Type B: The required buffer shall be one of the two following designs: 1) a width of 15 feet consisting of plantings, plus either a fence, wall, or berm; or 2) a width of 20 feet consisting of only plantings.

In either case the plantings shall include a combination of shrubs and trees complying with the provisions of Section 5.4-2, and the sight impermeable fence, wall, or berm shall have a minimum height of six (6) feet.

	(-) Developing Land Use Intensity (+)							
	R-A	**R-1**	**R-2**	**R-3**	**C-1**	**C-2**	**C-3**	**M-1**
R-A				A	A	B	B	B
R-1	(See Note)			A	A	B	B	B
R-2	(See Note)			A	A	B	B	B
R-3	(See Note)				A	B	B	B
C-1							A	B
C-2								B
C-3								B
M-1								

Note: If a property in the R-A zone district initiates or expands “animal husbandry” uses adjacent to either the R-1, R-2, or R-3 zone districts, then such R-A property shall provide a Type B buffer along such property line to a length deemed sufficient by the Town of Resaca; further any building related

to such animal husbandry use shall not be nearer than 50 feet to the property line.

c. The required buffer area may be provided as part of the yard requirements of the district in which it is located; however, if the required buffer is greater than the side yard or rear yard requirements, the greater depth shall apply.

d. A buffer is not required when a public street right-of-way or railroad R/W separates a commercial or industrial zone district from a residential zone district.

5.4-2 Buffer Installation and Maintenance. Buffer areas shall be established and maintained by the property owner under the following provisions:

a. A buffer shall be maintained as a planted area, using existing vegetation or, when required, additional plantings as provided below.

b. A buffer shall be landscaped with trees, shrubs, flowers, grass, stone, rocks and other landscaping materials. To preserve the intended mitigation purpose of the buffer relative to adjacent zone districts, regularly scheduled maintenance of the buffer is required, including possible replacement of a dead or diseased plant(s), fertilization, mowing grass, pruning, replenishing ground cover, or general care.

c. A buffer shall not be used for parking or a structure other than a fence or drainage improvements required by the Town. However, a buffer may be used as utility easement and for drainage improvements as required by the Town.

d. Except as provided above, the natural topography of the land shall be preserved and all natural vegetation shall not be disturbed beyond that which is necessary to prevent a nuisance, or to thin vegetation where it is too dense for normal growth, or to remove diseased, misshapen or dangerous and decayed timbers. The latter sentence shall not be construed to provide an exemption from the general care and maintenance of the buffer as required in Section 5.4-2 (b). However, a slope easement may be cleared and graded where required to prevent soil erosion upon approval by the Town of Resaca; such easement may cover no more than twenty (20) percent of the required buffer area, and shall be immediately replanted upon the completion of easement improvements.

e. Where the conditions described in the preceding paragraph cannot be met by reason of topography, or the prior approval of or lack of timber and foliage, the owner of said buffer area shall erect a screen of evergreen

plantings, so designed and developed to provide visual screening between the properties described herein. Such plantings shall consist of evergreen trees not less than six (6) feet in height, or shrubs which will, in normal growth, attain a height of six (6) feet within a period of three (3) years. The following plants shall be approved for such purpose but shall not be exclusive of other plants which may be suitable, provided that they can form a hardy screen, dense and high enough to interrupt vision and to diffuse the transmission of sound:

Magnolia Grandiflora (Southern Magnolia)
Pinus Strobus (White Pine)
Prunus Caroliniana (Cherry Laurel)
Ligustrum Lucidum (Glossy Ligustrum)
Ilex Burfordi (Burford Holly)
Elaeagnus Pungens (Elaegnus)
Cupressocyparis leylandii (Leyland cypress)

f. All buffers shall be designated on plats and recorded as permanent easements, showing both width and purpose.

5.4-3 Buffer Surety. Prior to the issuance of a certificate of occupancy for a development, the developer or owner shall provide a surety for all required buffer materials such that the developer or owner shall guarantee the work for a period of at least one (1) year after the issuance date of the certificate of occupancy. No certificate of occupancy shall be issued for any use until the required buffer is either fully installed and approved or guaranteed for installation per the following paragraphs.

When the date for issuing the certificate of occupancy does not coincide with the planting season that is necessary to install the required buffer, the Town of Resaca shall accept a letter of credit or other acceptable surety in the name of the Town of Resaca for the buffer installation. Such surety shall be in the amount and form satisfactory to the Town of Resaca and shall certify the following:

a. That the creditor does guarantee funds in an amount to cover the cost of installing the required buffer as estimated by the developer and approved by the Town of Resaca. The guaranteed amount accepted by the Town of Resaca shall equal the actual buffer costs (plants plus installation), plus fifteen (15) percent in the event of default.

b. That in the case of failure on the part of the developer to complete the specified improvements within six (6) months of the issue date of the credit, the creditor shall pay to the Town of Resaca immediately and without further action such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.

c. That the letter of credit or other acceptable surety may not be withdrawn or reduced in amount until released by the Town of Resaca after the installed buffer has received a final inspection of approval.

d. Prior to the end of the first year after the buffer installation, the Town of Resaca shall make an inspection and notify the owner or developer of any required replacement or restoration.

5.5 Accessory Uses and Structures.

5.5-1 An accessory structure shall not be permitted in any required front yard.

5.5-2 Except as herein provided in Section 5.5-4 and 5.5-5, no accessory building or structure shall be erected beyond a required yard line along any street.

5.5-3 Residential accessory uses such as garages, greenhouses or workshops, shall not be rented or occupied for commercial purposes; nor shall such structure be used by anyone other than the owner, lessee, or tenant of the premises.

5.5-4 Where a corner lot adjoins a lot in a residential district, no accessory building shall be located closer to the street right-of-way line than the principal building or closer than five (5) feet to the property line of the residential lot.

5.5-5 No garage or other accessory building shall be located closer than ten (10) feet to a side or rear lot line in any zone district.

5.5-6 All residential accessory buildings must be located at least ten (10) feet to the rear of the principal building. When such accessory structure is attached to the principal building by a breezeway, passageway, or other structure, it shall comply with the setback requirements of the principal building to which it is accessory.

5.5-7 Areas in which the accessory storage of a boat, boat trailer, recreational vehicle, or travel trailer is permitted shall not include the required front yard.

5.5-8 Fuel pumps and pump islands where permitted may occupy the required yards, provided that they shall not be less than fifteen (15) feet from street R/W lines; canopies, whether attached or detached from the principal building must be at least fourteen (14) feet in height and the outermost edge shall not be less than five (5) feet from any property line.

5.5-9 All non-residential accessory building shall only be used by the owners, employees, lessee, or tenants of the premises, and shall meet the setback requirements of the principal building.

5.5-10 An open or unenclosed swimming pool may occupy a required rear or side yard, provided that the pool is not located closer than six (6) feet to a rear lot line or ten (10) feet to an interior side lot line. A walk space at least three (3) feet wide shall be provided between pool walls and protective fences or barrier walls. On double fronting lots, an open or enclosed swimming pool, located to the rear of the dwelling, shall meet the front setback requirement for the district where the lot is located.

5.5-11 In any residential district, an inoperable motor vehicle shall not be allowed to park for more than fourteen (14) days on-street adjacent to residential properties or off-street on residential properties. Off-street parking beyond fourteen (14) days or any repair activities shall require the vehicle to be located within an enclosed garage.

5.6 Customary Home Occupations.

5.6-1 There shall be no exterior evidence of the home occupation other than a non-illuminated identification sign having an area of not more than two (2) square feet in size. Such sign shall be attached wholly to the dwelling structure where such activity is conducted.

5.6-2 Such use shall be conducted entirely within the dwelling unit and only persons living in the dwelling unit shall be employed in such occupation.

5.6-3 No more than twenty-five (25) percent of the total floor area shall be used for the home occupation.

5.6-4 No group instruction, assembly, or activity shall be allowed.

5.6-5 No commodity shall be stocked or sold on the premises.

5.6-6 No materials or equipment shall be stored on premises.

5.6-7 One business vehicle may be parked on the premises if the carrying capacity of such vehicle is less than one and a half (1.5) tons. Such vehicle shall be used exclusively by the resident, however, such vehicle shall not include a vehicle typically used for emergency purposes (ie. wreckers, ambulances, fire trucks, & other siren equipped vehicles).

5.7 Electric Transformer Station, Gas Regulator Stations, and Telephone Exchanges.

5.7-1 Such uses shall be essential for service to the area in which located.

5.7-2 Any building or structure, except an enclosing fence, shall be setback not less than twenty (20) feet from any property line and shall meet all applicable yard requirements in excess thereof.

5.7-3 Such uses shall be enclosed by a fence not less than eight (8) feet in height.

5.7-4 The required front yard and other yard space on the premises outside the fenced area shall be grassed, landscaped, and maintained in an appropriate manner.

5.7-5 The storage of vehicles and unused equipment on the premises shall be prohibited.

5.7-6 The site and development plans shall be approved by the Town of Resaca to ensure compatibility of facilities with the neighborhood in which they are located.

5.8 Insect and Rodent Control. The following requirements apply to all multi-family developments and manufactured home parks:

5.8-1 All buildings, structures, grounds and storage areas within the development shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the appropriate State regulatory authority.

5.8-2 Lumber, pipe and other building material shall be stored at least one foot above the ground.

5.8-3 Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

5.8-4 The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Open areas shall be maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health.

5.9 Barbecue Pits, Fireplaces, Stoves and Incinerators. Within a manufactured home park or a multi-family residential development, community service facilities such as cooking shelters, barbecue pits, fireplaces, wood-burning stoves, and incinerators shall be located, constructed, maintained and used to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

5.10 Halfway House/Rehabilitation Center. In compliance with O.C.G.A. 36-66-4, any such halfway house, drug rehabilitation center, or other facility for the treatment of drug dependency, location or relocation, shall require a public hearing at least six (6) months and not more than nine (9) months prior to the date of final action on any zoning decision (ie. rezoning, annexation, or conditional use review). A sign posted on the subject property and a published notice shall contain a prominent statement that the proposed zoning decision relates to or will relocate a halfway house, drug rehabilitation center, or other facility for the treatment of drug dependency. The above public hearing is in addition to the public hearing that may be required nearest to making a zoning decision per the requirements of the Resaca Zoning Procedures and Standards Ordinance. The latter posted and published notices shall appear at least fifteen (15) days and not more than forty-five (45) days prior to the date of this public hearing. In either public hearing, the published notice shall be at least six (6) column inches in size and shall not be located in the classified advertising section of the newspaper.

5.11 Townhouse Developments. The following rules supplement the data found in Table 7.1. A single-family attached dwelling by definition is a type of fee-simple townhouse development with one building containing two units and each unit occupying its own lot. A subdivision of land is required. The lot size, lot width and setbacks in Table 7.1 are applicable to one building.

A fee-simple townhouse is a building containing three (3) or more and not more than eight (8) units. As such, the allowed density is eight (8) dwelling units per acre. A subdivision of land is involved and each unit sits on its own lot. The design of the units encourage variable widths, so the minimum width of any unit shall be sixteen (16) feet, but the minimum average width of a single unit in a contiguous group of three or more units shall be twenty (20) feet. (For example, for every unit that is sixteen feet wide, there will have to be a unit that is 24 feet wide in order to average twenty feet of width.)

ARTICLE 6 - ZONING DISTRICTS AND BOUNDARIES

6.1 Establishment of Districts and Purposes. In order to carry out the intent and purpose of this Ordinance, the Town of Resaca is hereby divided into the following districts:

R-A Residential Agriculture - This district is created to encourage a compatible relationship between low density residential development and other limited mixed uses in the fringe areas of the Town where development is generally in a larger lot format and the growth pattern is not yet well established. Some limited agricultural activity may be expected on larger tracts. Conservation subdivisions should be encouraged here to protect areas that are either historic or prone to periodic flooding. Public sewer extensions into this zone are not encouraged, specifically to reduce developmental impacts. Generally, there shall only be one principal dwelling per lot, except that a second dwelling may be allowed if the tract size is five (5) acres or more.

R-1 Low Density Residential - This district encourages the development of one single family detached home per lot with customary accessory uses in neighborhood environments, which are generally protected from other unrelated and incompatible land uses. Limited non-residential uses that are allowed in this district are generally supportive of the residential characteristics of this district.

R-2 Medium Density Residential - This medium density district encourages single family detached homes with a mix of lower intensity two-unit dwellings. Development remains limited to one principal building per lot.

R-3 High Density Residential - This district is intended to provide an area for high density residential development, often adjacent to other residential dwelling types. Such district can often serve as a transition between intense commercial and industrial activity and the lower density residential districts.

Multiple buildings per lot are common, but the allowed densities require both public water and sewerage to be available. Attached single family dwellings and townhouses can occur here. Manufactured home parks, which space homes in concentration and are approved according to a specific site plan, are allowed in the R-3 zone district.

C-1 Limited Commercial - A commercial district narrowly defined by the allowed uses, including professional service and quasi-public establishments mixed with limited residential uses. The district is

characterized by residential structures converting to low-intensity and low-traffic commercial uses, while retaining the residential character. New construction should be designed so that architectural characteristics retain residential-like flavor or historical significance. Parking is encouraged to be less prominent on the side or rear of the building's front facade. Cross-access easements for both driveways and parking are encouraged between adjacent parcels for efficiency, reduced costs, and emphasis on front facades.

C-2 General Commercial - This district provides sufficient space in appropriate high traffic areas for a wide variety of commercial retail and service activities. Most desirable land patterns are created with centers or concentrations of commercial activities, rather than commercial strip developments. Public water and sewer service is highly encouraged and is most desirable, especially when multiple businesses/buildings may occupy one lot.

C-3 Highway Commercial - A district of high commercial intensity with motor-vehicle traffic flows indicative of those adjacent to the Interstate 75 corridor. Here, the retail and service businesses, characterized by food, lodging, fuel, and vehicular service are dedicated to serving the traveling public.

M-1 General Industry - This district provides for manufacturing operations, storage, wholesale trade and distribution, processing, some transportation, and related activities. The district should encourage concentrations and combinations of related uses in suitable locations that provide minimal impacts on surrounding areas.

6.2 Zoning District Map. The boundaries of zoning districts are shown upon the map designated as the "Zoning District Map." The Zoning District Map and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the zoning district map and all the notations, references and other information shown thereon were fully set forth and described herein, which zoning district map is properly attested and is on file with the Town Clerk of Resaca, Georgia.

6.3 District Boundaries.

6.3-1 The district boundaries shown on the zoning district map are generally intended to follow streets, alleys, or lot lines; where the districts designated on said map are bounded by such street, alley or lot line, the centerline of the street or alley or the lot line shall be the boundary of the district unless such boundary is otherwise indicated on the map. In all other cases, the district boundary line shall be determined by use of the scale appearing on the Zoning District Map.

6.3-2 When the boundary line of a district divides a lot or tract held in single ownership at the time of the adoption of this Ordinance, the boundary line may be allowed to extend a distance of not more than fifty (50) feet to the least restricted zone district.

ARTICLE 7 - ZONING DISTRICT STANDARDS AND PERMITTED USES

7.1 Zoning District Standards. The requirements regarding lot size, building size, and building placement on the lot for each zone district shall be met as indicated in Article 4: General Provisions, and Table 7.1: Zoning District Standards.

Table 7.1: Zoning District Standards

	ZONING DISTRICT	MIN. LOT AREA	MIN. LOT WIDTH[3]	MAX. LOT COVER.	SETBACK			MAX. BLDG. HGT.
					FRONT YARD	SIDE YARD	REAR YARD	
R-A	RESIDENTIAL AGRICULTURE SF Detached (Indiv. Sewage Disposal)	See 7.1-2	Footnote 4	25%	30’	10’	25’	30’
	With public sewer/water	5 acres	150’	25%	30’	10’	25’	30’
R-1	LOW DENSITY RESIDENTIAL SF Detached (Indiv. Sewage Disposal)	See 7.1-2	Footnote 4	25%	25’	10’	20’	30’
	With public sewer/water	15,000	90’	25%	25’	15’	20’	30’
R-2	MEDIUM DENSITY RESIDENTIAL SF Detached Duplex (Indiv. Sewage Disposal)	See 7.1-2 See 7.1-2	Footnote 4 Footnote 4	30% 30%	25’ 25’	10’ 10’	20’ 20’	30’ 30’
	SF Detached Duplex/single-family attached[5] (with public sewer/water)	10,000 14,000	60’ 90’	40% 40%	25’ 25’	10’ 10’	20’ 20’	30’ 30’
R-3	HIGH DENSITY RESIDENTIAL[2] (public sewer/water required) SF detached Duplex/single-family attached; multi-family;townhouses[5]	7,500 sq. ft. 1st unit; 2,500 for 2nd unit; 2,790 for each add. unit; max. 14 unit/acre	70’	40%	25’	10’	20’	30’
	Manufact’d Home Park	5 acre	100’	See Section 8.3				30’
	Other	7,500	60’	40%	25’	10’	20’	30’
C-1[1]	LIMITED COMMERCIAL (Residential uses -- same as R-3)	7.1-2b	60’	30%	25’	10’	10’	30’
C-2[1]	GENERAL COMMERCIAL[2]	7.1-2b	---	N/A	25’	10’	15’	35’
C-3[1]	HIGHWAY COMMERCIAL[2]	7.1-2b	---	N/A	25’	10’	15’	35’
M-1[1]	MANUFACTURING[2]	7.1-2b	60’	N/A	25’	20’	20’	40’

1) Developments generating non-domestic wastewater shall be required to connect to public sewer.
2) Site plans consistent with Section 11.3 shall be required for any development proposing multiple buildings per lot or any such development that would be a product of an annexation or rezoning.
3) Measured at the front building line.

4) If service to any lot is by the use of an on-site sewage management system, then the minimum lot width where the system is installed or where the replacement area is designated shall be determined by the Gordon County Health Department.
5) See Section 5.11 regarding single-family attached or townhouse developments.

7.1-1 Water Supply. All land developments in the Town of Resaca shall connect to the public water system, except that individual wells can be dedicated to horticulture, crops, livestock, or landscaping. Domestic use of well water shall required approval of the Mayor and Council.

7.1-2 Minimum Lot Size/Individual Sewage Disposal Systems. Public sewerage service is the most desirable waste disposal method for all minimum sized lots as specified in Table 7.1. An individual on-site sewerage management system may be used for individual lots or subdivision developments if public sewerage is not available within 200 feet or is not available after local officials assess remaining sewage capability. The minimum lot size requirements are established based on the topography and soil conditions and are developed according to criteria of the "Manual for On-Site Sewage Management Systems", that are provided by the Georgia Department of Human Resources. Prior to construction, an on-site sewage management system shall be approved by the Gordon County Board of Health. If there are conflicts between provision of these regulations and those of the Gordon County Board of Health, the stricter shall apply. Residential developments served by individual sewage disposal systems are limited to single-family detached dwellings and duplexes.

a. Multi-Family. All multi-family developments shall be served by a public sewerage system or equivalent.

b. Commercial and Industrial Development. No minimum lot size shall be required for commercial and industrial development. However, the minimum lot size for any development, served by on-site sewage management systems, shall be approved by the Gordon County Board of Health in conjunction with other requirements of this Ordinance. All commercial and industrial developments which produce non-domestic wastes, as defined by the Gordon County Board of Health, shall be required to connect to the public sewer system or equivalent.

c. Manufactured Home Park. All manufactured home parks shall be required to connect to the public sewer system or equivalent and shall develop according to the guidelines provided in Section 8.3.

7.2 Appearance Standards. Appearance standards shall apply to all single-family detached dwellings including site-built housing, industrialized housing, and manufactured homes. Approval shall be granted upon the finding that such development shall meet or exceed the Appearance Standards as shown on Table 7.2: Appearance Standards for Single-Family Detached Dwellings.

Table 7.2: Appearance Standards for Single-Family Detached Dwellings*

TYPE	TYPE I	TYPE II
PERMITTED ZONES	R-A, R-1	R-2, R-3
Minimum Dwelling Width	24'	16'
Minimum Roof Pitch	4/12	3/12
Minimum Floor Area	1,200 sf	1,000 sf
Roof Materials	(1)	Not Required
External Siding Materials	(2)	Not Required
Permanent Foundation	Required (3)	Required (4)
Towing Devices	(5)	(5)

* The standards in Table 7.2 are not applicable to the manufactured home units within a manufactured home park unless all such units are owned by the owner of the manufactured home park.

Notes:

(1) The roof shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built-up gravel materials or other materials approved by the building inspector.

(2) The exterior siding materials shall consists of wood, masonry, concrete, stucco, masonite, metal or vinyl lap or other materials of like appearance.

(3) The permanent foundation shall meet the requirements of the standard building code and the home cannot be built upon a frame and must have outside load bearing walls.

(4) For a manufactured home, a poured in place footing shall support interior load bearing piers and a masonry curtain wall un-pierced except for the required ventilation and access must be installed and maintained in perpetuity so that it encloses the area under the manufactured home to ground level.

(5) Manufactured homes are required to remove all towing devices.

7.3 Allowed Uses By District. No principal building, structure, or land use shall be allowed except in the zoning districts indicated and for the purposes allowed in Table 7.3. Each use is mutually exclusive and does not encompass other uses listed in the table. A principal use listed in Table 7.3 is permitted by right in any district denoted by the letter "X" subject to the general provisions of this Zoning Ordinance. A principal use denoted by the letter "C" is allowed only if a special (conditional) use permit is granted by a final action of the Mayor and Council of Resaca after review under the Zoning Procedures and Standards Ordinance, Town of Resaca (see Appendix). For uses not included on this list, where the Enforcement Officer is unable to determine clear placement, application shall be made to the Board of Zoning Appeals for interpretation. Failure to determine clear placement shall prohibit such use until amendment of the ordinance may determine its location.

Table 7.3: Allowed Uses By District

ZONE DISTRICTS	R-A	R-1	R-2	R-3	C-1	C-2	C-3	M-1
Accessory Uses (See Section 5.5)	X	X	X	X	X	X	X	X
Home Occupations (See Section 5.6)	X	X	X	X				
RESIDENTIAL								
Bed and Breakfast Home	C			X	X	X		
Bed and Breakfast Inn	C			X		X		
Boarding House			X	X				
Dwelling-Single Family Attached (see Section 5.11)			X	X				
Dwelling – Single Family Detached (See Table 7.2 Appearance Standards for Single-Family Detached Dwellings*)	X	X	X	X	X			
Dwelling, Two-family (duplex)			X	X				
Dwelling – Multi-Family (Three or more units)				X				
Group Home (In C-1, occupying a residential structure)	X	X	X	X	X			
Manufactured Home Park (See Section 8.3)				X				
Senior Housing				X				
Townhouses (Not more than eight units/building/acre; see Section 5.11)				X				
COMMERCIAL – RETAIL								
Appliances, Sales & Repairs						X		
Bakery						X		
Bar, Cocktail Lounge, Tavern						X		
Bottle Gas, Storage and Distribution						X		X
Builders Supplies, Storage						X	X	
Cafe, Restaurant (In C-1, occupying a residential structure)					X	X	X	
Carpet and Rug Sales, Storage						X	X	X
Convenience Stores with fuel						X	X	

ZONE DISTRICTS	R-A	R-1	R-2	R-3	C-1	C-2	C-3	M-1
Curio/Antiques/Souvenir Shop (In C-1, occupying a residential structure)					X	X	X	
Farmer's Market						X		
Flea Market						X		
Florist						X		
Garden, Landscaping Supplies						X		
Grocery Store						X		
Liquor, Package Store						X		
Newsstands						X		
Nurseries/Greenhouses						X		
Retail Stores, General Merchandise						X		
Shopping Centers, Planned						X	X	
Tire Sales and Repair						X	X	X
COMMERCIAL - SERVICE & ENTERTAINMENT								
Animal Hospital, Clinic						X		
Banks						X		
Bank, Auto Teller (ATM)						X	X	X
Barber/Beauty Shop						X		
Bowling Alley						X		
Bus Station						X		
Car Wash						X		
Clinic, Public-Private						X		X
Clubs and Lodges					X	X		
Day Care Center, Group				X		X		
Day Care Facility				X		X		
Day Care Home, Family	X	X	X	X		X		
Dry Cleaning Store						X		
Freight Terminal/Truck Stop						X	X	X
Funeral Homes						X		
General Merchandise Repair						X		
Halfway House (See Section 5.10)				C		X		
Health/Fitness Club and Facilities						X		
Laboratory, Research						X		X
Laundry						X		
Motel; Extended-Stay Facility						X	X	
Motor Vehicle Fuel Station/Minor Repair						X	X	
Motor-Vehicle Sales & Repairs						X	X	X
Motor-Vehicle Salvage Yards/Junk Yards (All vehicle storage in the rear yard only; enclosed by a sight impermeable fence six feet high)						C		

ZONE DISTRICTS	R-A	R-1	R-2	R-3	C-1	C-2	C-3	M-1
Motor-Vehicle Wrecker Service						X	X	X
Movie Theater						X		
Nursing Home				X		X		
Office/Office Centers						X		
Personal Care Home/Facility				X		X		
Rehabilitation Center, Drug/Alcohol (See Section 5.10)				C		X		
Recreation Centers, Commercial						X		
Restaurant/Fast Food						X	X	X
School, Commercial						X		
Skating Rink, Roller/Ice						X		
Tanning Beds/Tattoo Parlors/Massage						X		
Taxidermist						X		
Video Game Arcade/Game Room						X		
Video Rental Stores						X		
INDUSTRIAL - STORAGE/WHOLESALE TRADE								
Imported Goods, Warehouse, Sales						X		X
Mini-Warehouses						X		X
Storage Warehouse						X		X
Storage Yard, Equipment (not to include motor-vehicle salvage yards/junk yards)						X		X
Wholesale Trade						X		X
INDUSTRIAL-MANUFACTURING/PROCESSING ESTABLISHMENTS								
Advertising Display Manufacturing Sales						X		X
Equipment Supplies/Rental, Commercial/Industrial						X		X
Industrial Park, Planned								X
Machine Shop, Fabrication						C		X
INDUSTRIAL-MANUFACTURING/PROCESSING ESTABLISHMENTS								
Manufacturing, limited – Establishments which do not use water in the manufacturing process or emit excessive noise, odor, dust vibrations, or fumes beyond the building enclosure.						C		X
Meat Processing/Packing								X
PUBLIC/INSTITUTIONAL								
Ambulance Services						X		
Auditorium, Assembly Hall, Civic Center						X		
Cemetery (not associated with churches)	C					X		
Churches (three acre minimum for cemeteries)	X	X	X	X		X		
Fire Station/Emergency Services	X					X	X	X

ZONE DISTRICTS	R-A	R-1	R-2	R-3	C-1	C-2	C-3	M-1
Governmental Buildings/facilities	C	C	C	X	X	X	X	X
Hospital						X		
Library					X	X		
Museum, Gallery					X	X		
Neighborhood Center	X	X	X	X				
Schools, Public and Private	X	X	X	X		X		
Swimming Pool, Public	X		X			X		
TRANSPORTATION/COMMUNICATION/UTILITIES								
Broadcasting Studio (Radio, TV, communication)	C					C		X
Gas Regulator Stations, Telephone & Electric Substations (See Section 5.7)	X	X	X	X		X		X
Sewage Disposal Facilities	C	C	C	C		C		C
Water Treatment Facilities	C	C	C	C		C		C
PARK/RECREATION/CONSERVATION								
Golf Course - Public & Private	C							
Country Club	C							
Driving Range, Golf	C							
Recreation Centers, Sports Fields	X	X				X		
AGRICULTURE								
Animal Husbandry								
Dairies (10 acre minimum required)	X							
Livestock Raising (10 acre minimum required)	X							
Poultry & Egg Operations (10 acre minimum required)	X							
Crop Production	X							
Feed Mill, Seed Mill Production and Packing (10 acre minimum required)	C							X
Horticulture	X							
Nursery/Greenhouse (In R-A, 5.0 acre minimum and interior location)	X					X		
Organic Farm & Processing (In R-A, 5.0 acre minimum; processing in the interior)	X							

ARTICLE 8 - MANUFACTURED HOMES AND MANUFACTURED HOME PARKS

8.1 Purpose. The purpose of this Article is to provide standards and regulations for the approved use of manufactured homes and manufactured home parks in the Town.

8.2 Manufactured Homes.

8.2-1 Location. Manufactured homes which meet the criteria of single-family detached dwelling are permitted in any residential district if they meet the Zoning District Standards and Appearance Standards provided in Section 7.1 and 7.3.

Manufactured homes in Resaca, whether new or pre-owned, or whether established or erected as a single-family detached home or as a unit within a manufactured home park, shall comply with all conditions and health and safety requirements as shown below:

Conditions. All homes proposed for location in Resaca shall bear a label certifying that construction of the unit complied with or exceeded the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U. S. C. Section 5401, *et seq.* (the HUD Code) and shall be installed in accordance with O. C. G. A. § 8-2-160, *et seq.*

Health and Safety Requirements.

a. Every floor, interior wall, and ceiling shall be in sound condition, free of warping, holes, water damage, or deterioration. Doors and windows shall be operable and watertight.

b. The exterior shall be free of rust, loose or rotting boards or timbers, and any other conditions that might admit exterior moisture to the interior portion of the walls or occupied spaces. Roofs shall be structurally sound so that exterior moisture can neither leak to the inside or pool on the roof itself.

c. All plumbing fixtures, including pipes for domestic water and wastewater, shall be functional, and when connected shall be free from leaks and obstructions. Each home shall contain a kitchen sink, and at least one bathroom shall contain a lavatory, toilet, and tub and/or shower facility with all fixtures in good working condition upon connection. All homes shall contain a functional water heater.

d. Heating systems shall be safe and in working condition and un-vented heaters shall be prohibited.

e. All components of the electrical system (switches, receptacles, fixtures, etc.) shall be completely wired and in working condition. Distribution panels shall be in compliance with the approved listing, complete with required breakers, and all unused openings shall be covered with solid covers approved and listed for that purpose. The home is subject to an electrical continuity test to assure that all metallic parts are properly bonded.

f. Each bedroom of a home shall have at least one operable window of sufficient size to egress, if necessary.

g. **T**he kitchen shall have at least one operating window or other ventilation device.

h. Each home shall contain one operable battery-powered smoke detector in each bedroom and the kitchen, installed in accordance with the manufacturer's recommendations.

i. All windows and doors shall have screens in place and in good condition, and all glass shall be intact.

Permitting and Inspection. A permit and inspection by the Enforcement Officer shall be required to locate a new or pre-owned manufactured home in Resaca and the following items are required.

a. A valid location decal must be issued by the Gordon County Tax Commissioner.

b. An on-site sewage disposal permit must be obtained from the Gordon County Health Department or evidence of the availability of public sewer through the proper authority shall be provided.

c. The Enforcement Officer shall provide a satisfactory pre-move inspection, demonstrating compliance with Sub-Section 8.2-1, then provide a follow-up inspection once the home is relocated and installed.

d. A location permit and inspection fee is required as addressed by Sub-Section 12.2-3.

e. Upon satisfactory compliance, a certificate of occupancy shall issue per Section 12-7.

8.2-2 Temporary Location. A manufactured home or travel trailer may be permitted on a vacant or occupied lot temporarily if the applicant shows it is essential to provide for the preparation or security of a construction project. In such cases, the temporary placement of such structure may be allowed for a period up to six (6) months, renewable in increments of six (6) months, provided a temporary permit is granted or renewed by the Board of Zoning Appeals. However, no overnight sleeping shall be permitted in such temporary structure and the temporary use shall not exceed twenty (24) months from the date of the initial permit.

8.2-3 Manufactured Building/Office Units for Commercial/Industrial Use. Mobile building/offices units, other than those authorized for temporary use, shall comply with the following minimum improvements to the manufactured building/office unit and lot:

a. Each mobile office shall be supported by and firmly anchored to a permanent concrete block or brick foundation, fully closed and vented.

b. Each mobile office shall be served by an acceptable water supply and method of sewage disposal subject to the written approval of the local authority having jurisdiction over such matters.

c. Each mobile office shall have an individual connection to public electrical power.

d. Each mobile office lot shall contain parking spaces and meet set-backs as required by these regulations for similar or like use.

e. Must comply with commercial/industrial construction codes of the Georgia Department of Community Affairs.

8.3 Manufactured Home Parks.

8.3-1 Location. A manufactured home park may be developed if it meets the standards of this Article and is located within a residential district permitting such use, and the submitted plan is approved by the Mayor and Council.

8.3-2 Minimum Number of Manufactured Home Spaces. No park shall be permitted with less than five (5) spaces.

8.3-3 Manufactured Home Park Design Criteria.

a. Lot Area. The minimum lot area for a manufactured home park (MHP) shall be five (5) acres. The individual spaces within the MHP for the placement of individual manufactured homes shall have a minimum area per unit of 7,500 square feet.

8.3-4 Yard Requirements

a. Minimum Width. A minimum lot width, measured at the required front yard line, of sixty (60) feet is required for each manufactured home space.

b. Perimeter. No manufactured home shall be located closer than twenty-five (25) feet to any boundary line of the park and fifty (50) feet from the right-of-way line of any abutting public street.

c. Front Yard. No manufactured home shall be located closer than twenty-five (25) feet to the edge of any interior park street.

d. Separation of Buildings.

1) The minimum clearance between manufactured homes shall be twenty (20) feet.

2) The minimum clearance between manufactured homes and other service buildings within the park shall be twenty (20) feet.

8.3-5 Lighting. Adequate lighting (a minimum of 100 watts high pressure sodium or equivalent electric lamps) shall be provided to all interior drives or walkways within two hundred (200) feet frontage of each manufactured home space.

8.3-6 Drainage and Site Grading. All manufactured home parks shall be located on a well-drained and properly graded site. Necessary site drainage improvements approved by the Enforcement Officer shall be provided.

8.3-7 Interior Streets and Drives. All manufactured home parks shall contain a street system designed to provide convenient circulation within the park, and shall have unobstructed access to a public street. The following requirements shall apply to the development of a park's street system:

a. All park streets shall be provided with an asphaltic or concrete surface, having a minimum width of twenty-two (22) feet, which shall be durable and well-drained under normal weather conditions.

b. All park streets shall be maintained in a state of good repair at all times by the owner of the park.

c. Street base and surface construction materials shall meet the requirements of the Town's street and road standards. Written approval of the street system by the Gordon County Road Supervisor shall be required before the first manufactured home building permit will be issued.

d. Street grade shall not exceed ten (10) percent slope.

e. On-street parking within the interior drives shall not be permitted.

f. Cul-de-sacs shall have a minimum turn-around diameter of eighty (80) feet.

8.3-8 Buffers. Buffers between the park and the adjacent districts shall be provided according to the requirements of Section 5.4-1 of this Ordinance.

8.3-9 Water Supply System. Each park shall provide an accessible, adequate, potable water supply. The location, design, and construction of the system requires the approval of the appropriate water supply authority. Written approval of the water system by said authority shall be required before the first manufactured home building permit will be issued.

8.3-10 Sewage Disposal and Treatment. All manufactured home parks shall be serviced by a public sewerage service or equivalent.

8.3-11 Electricity. All electrical installations shall meet the requirements of the current National Electrical Code, as amended.

8.3-12 Off-Drive Parking. Each manufactured home space shall provide at least two (2) off-drive parking spaces, dust-free and adequately marked.

8.3-13 Refuse Collection Facilities. Each manufactured home park shall be provided with a sanitary method of solid waste collection and disposal. Collection facilities shall be either in the form of bulk containers (dumpsters) or individually covered refuse containers for each occupied space.

a. Bulk Containers. All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be located within easy access of any manufactured home space. Containers shall be provided in sufficient number and capacity to properly store all refuse.

b. Individually Covered Containers. At least two (2) individually covered refuse containers having a capacity of thirty (30) gallons each shall be provided to each occupied manufactured home space.

c. Refuse Collection Stands. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

d. Collection Services. All refuse containers shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the manufactured home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

e. Disposal Services. Where municipal or private disposal service is not available, the manufactured home park operator shall dispose the refuse by transporting to a disposal site approved by the State regulatory authority.

8.3-14 Service Buildings. Service buildings such as shelters, restrooms, management offices and storage facilities which are intended to serve only the trade or service needs of the park's residents are permitted in each manufactured home park subject to the following requirements:

a. Such buildings and their parking areas shall not occupy more than ten (10) percent of the gross land area of the park.

b. All service buildings shall conform to the Town of Resaca Building Code, as amended.

8.3-15 Improvements to Manufactured Home Spaces.

a. Installation of Manufactured Homes. All manufactured homes shall be installed according to the requirements of the manufacturer's installation instructions, which are governed by the Federal Manufactured Home Construction and Safety Standards Program (24 CFR 3280, 3282, and 3283). If such installation instructions are not available, then such manufactured home shall be installed according to the requirements of the Georgia Safety Fire Commissioner's Rules and Regulations for Manufactured Homes, Chapter 120-3-7.

b. Marked Lot Number. Each manufactured home space shall be adequately marked by permanent lot markers with number that is visible from the access street.

c. Patio. Each manufactured home space shall be provided with a permanent concrete patio, four (4) inches thick, measuring at least eight (8) feet by twelve (12) feet and located convenient to the entrance of the manufactured home.

d. Accessway. An accessway not less than twelve (12) feet wide shall be provided from the fronting street to each manufactured home stand. Paving of this accessway is not required.

e. Utility Connection. Each manufactured home space shall be provided with its own connection to the park's sewer, water, electrical, and gas systems.

8.3-16 Common Open Space. A minimum of ten (10) percent of the total land area shall be set aside for recreational use or common open space if a manufactured home park is designed to accommodate over twenty-five (25) manufactured homes. The types and location of the recreational facilities shall be provided in the required site plan and subject to approval by the Mayor and Council.

8.3-17 Fuel Supply and Storage. All gas systems and fuel supply systems shall be installed and maintained in accordance with applicable codes and regulations governing such system.

a. Natural Gas System. Each manufactured home space provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

b. Liquified Petroleum Gas (LPG) Systems

1) Such system shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

2) Such system shall have at least one accessible means for shutting off gas. Such means shall be located outside any dwelling unit and shall be maintained in effective operating condition.

3) All LPG piping outside of the manufactured homes shall be well supported and protected against mechanical injury. Undiluted liquified petroleum gas in liquid form shall not be conveyed through piping equipment and systems in manufactured homes.

4) No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, manufactured home, or any other structure, unless such installations are approved by the Town Council.

c. Fuel Oil Supply Systems

1) All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any manufactured home or within five (5) feet from any manufactured home exit.

2) All piping from outside fuel storage tanks or cylinders to manufactured homes shall be permanently installed and securely fastened in place.

3) Storage tanks located in areas subject to traffic shall be protected against physical damage.

8.3-18 Development Compliance.

a. All required improvements, according to the plan approved by the Mayor and Council, shall be installed in each phase before the first manufactured home permit is issued in that phase.

b. Failure to construct this minimum phase within two (2) years after approval shall cause such approval to expire.

c. All manufactured home parks shall contain at least four (4) manufactured home spaces fully completed and ready for occupancy before the first manufactured home location permit will be granted.

d. Utility services such as public water, gas, electricity, sewer, etc. shall not be provided to any manufactured home until the manufactured home park location permit is issued.

8.3-19 Inspection of Manufactured Home Park

a. The Enforcement Officer is hereby authorized to inspect the condition of manufactured home parks located within the Town for the purpose of safeguarding the health and safety of occupants of manufactured home parks and of the general public.

b. The Enforcement Officer shall have the power to enter at reasonable times upon any private property to inspect and investigate conditions relating to the enforcement of this article.

c. It shall be the duty of the owners or occupants of manufactured home parks, or of the person in charge thereof, to give the Enforcement Officer free access to such premises at reasonable times for the purpose of inspection.

d. It shall be the duty of every occupant of a manufactured home park to give the owner thereof, or the owner's agent or employee, access to any part of such manufactured home park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to comply with this article or with any lawful order issued pursuant to the provisions of this article.

ARTICLE 9 - OFF-STREET PARKING AND LOADING

9.1 Purpose. The purpose of this article is to provide regulations to foster safe and efficient circulation of vehicles and pedestrians on private and public streets, and to minimize nuisances from on-street parking.

9.2 Off-Street Parking.

9.2-1 Plans Required. Except for single-family residential developments, a fully-dimensioned parking plan shall accompany a permit application for any use required to provide over four (4) off-street parking spaces. Off-street parking plans shall provide a clear parking layout according to the standards provided below.

9.2-2 Design Standards. All parking facilities, including entrances, exits and maneuvering areas, shall comply with the following provisions.

a. They shall have access to a public street. Such access shall not be designed to allow the backing of vehicles into public right-of-ways.

b. They shall be graded and paved, including access drive(s), and be curbed when needed for effective drainage control as determined by the Enforcement Officer.

c. All parking spaces shall be marked with paint lines, curb stones or other similar designations.

d. Each space shall be not less than nine (9) feet wide and eighteen (18) feet deep, exclusive of passageways, and shall have adequate interior drives to connect each space with a public street.

e. They shall be drained so as to prevent damage to abutting properties or public streets.

f. They shall be separated from sidewalks and streets in public right-of-ways by wheel bumpers and an adequate reserve strip.

g. The layout of parking spaces can be arranged parallel, perpendicular, or diagonal to the aisles. Diagonal parkings shall be in 45^0 or 60^0 arrangement only.

h. Adequate lighting shall be provided if the facilities are to be used at night. Such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties.

9.2-3 Location. All parking facilities shall be located on the same lot with the use it serves, except when the required off-street parking spaces cannot reasonably be provided on the same lot on which the principal use is located. In this situation, such spaces may be provided on other off-street property lying not more than three hundred (300) feet from the property of the principal use. The applicant shall submit a legal instrument, duly executed and acknowledged, citing the permanent availability of such off-street parking spaces to serve his principal use.

9.2-4 Joint Use of Parking Facilities. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

9.2-5 Use of Area. No parking area shall be used for purposes other than parking unless it is permitted by the district in which the area is located or it is approved by the Town Council for special events.

9.2-6 Parking of Business Vehicles. Motor-vehicles with a gross vehicle weight of 13,000 pounds or more or which has a total of three (3) or more axles shall not be allowed to park as a principal use in any residential zone district, as an accessory use to a residential structure in any residential zone district, or on-street adjacent to properties in any residential zone district. Such exclusion shall also include non-motorized trailers that would otherwise connect to trucks meeting the above criteria. Government related vehicles like school buses, or privately-owned recreational vehicles (like “campers, RV’s or travel trailers” are exempt from this provision. Section 5.5-7 applies to the parking/storage of recreational vehicles.)

9.2-7 Handicapped Parking. Parking for the handicapped within a non-residential district shall be provided at a size, number, and location according to the requirements of the ADA accessibility guidelines (ADAAG), published by the U.S. Architectural and Transportation Barrier Compliance Board (ATBCB), as amended.

9.2-8 Required Spaces. The number of parking spaces or area required for a specific use is provided in Table 9.1: Required Parking Space for Specific Uses.

a. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

b. The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation.

Table 9.1: Required Parking Spaces for Specific Uses

Use	Parking Spaces
Bed and Breakfast Home	2 spaces per dwelling + 1 space per guest room
Bed and Breakfast Inn	1 space per employee + 1 space per guest room
Business, professional offices and clinics	1 space per 250 sf of gross floor area
Boarding and lodging houses	1 space per bedroom
Bowling Alleys	5 spaces per alley
Churches and other places of worship	1 space per 4 seats in the main auditorium
Commercial, manufacturing and industrial establishments not catering to retail trade	1 space per 2,000 sf of gross office, plant or storage area
Day Care Facility, Group Day Care Facility	1 per 1.5 employees + 1 per 4 persons served
Delivery, ambulance and other similar services	1 space for each vehicle plus 1 additional space for each 2 administrative or service employees
Fraternity and sorority houses with provisions for boarding	1 space per bed
General business, commercial or personal service establishments catering to retail trade	1 space per 200 sf of gross floor area
Grocery Stores	1 space per 200 sf of gross floor area
Lodges, fraternal or social organizations	1 space per 100 sf of gross floor area

Medical Clinic	1 space per 2 patients + 1 space per 2 employees
Motels, Extended Stay facilities	1.25 spaces per unit
Motor vehicle repair garage	1 space per 150 sf of gross floor area
Motor vehicle service station	3 spaces for each service bay, with a minimum of 10 spaces
Multi-family	2 spaces for each dwelling unit
Public swimming pool, golf course, neighborhood recreation center or similar use	A minimum of 20 spaces except that an 18-hole golf course shall have a minimum of 40 spaces
Private swimming pool, golf course, neighborhood recreation center or similar use	One space per 5 members but no less than 20 spaces except that golf courses shall require a minimum of 20 spaces per 9 holes.
Restaurants, night clubs, taverns and similar establishments serving food or beverages and providing patron use area	1 space per 75 sf of gross floor area
Restaurants, fast food, without area provided for patron use	1 space per 100 sf of gross floor area, but not less than 10 spaces
Sanitariums, nursing homes, personal care homes/facilities and similar institutional uses.	1 space per 2 beds + 1 space per 2 employees
Schools, public or private elementary	2 spaces per classroom
Schools, public or private secondary	5 spaces per classroom
Schools, college, trade & vocational	10 spaces per classroom
Senior Housing	1 space per dwelling unit
Shopping centers	1 space per 200 sf of gross floor area
Single and two-family dwellings	2 spaces per dwelling unit

Skating rinks, dance halls, pool rooms and other places of amusement or assembly without fixed seating	1 space per 200 sf of gross floor area
Theaters, auditoriums, funeral homes, gymnasiums, stadiums and other places of assembly	1 space per 3 seats or 25 sf of floor area available for the accommodation of movable seats in the largest assembly room
Wholesale establishment or other similar use	1 space per 200 sf of gross floor area devoted to sales or display plus 1 space per 2,000 sf of gross storage area

9.3 Off-Street Loading.

9.3-1 Design Standards. Where required, one or more off-street loading spaces shall be provided on the same lot as the use served, except when collectively provided at central loading facilities and shall:

a. have a minimum dimension of 13.5' x 60' x 14.5' overhead clearance;

b. be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys, and surfaced with erosion-resistant material;

c. be located so as not to hinder the free movement of vehicles or pedestrians over a street, sidewalk, or alley.

9.3-2 Use of Area. Loading space(s) shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee and shall not be used for purposes other than loading or unloading.

9.3-3 Loading Plan. A fully-dimensioned loading plan shall accompany a permit application for any use required to provide off-street loading berth(s).

9.3-4 Required Loading Spaces. The number of loading spaces required for a particular use is provided in Table 9.2: Required Loading Spaces for Specific Uses. Under the provisions of Article 14, the Board of Appeals may waive or reduce the loading space requirements when the character of the use is such as to make unnecessary the full provisions of loading facilities, where provision is made for community loading facilities, or where loading space requirements are impractical under certain conditions for uses, which contain less than 10,000 square feet of floor area.

Table 9.2: Required Loading Spaces for Specific Uses

Use	Gross Floor Area	Loading Spaces
Retail stores, restaurants, whole-sales, warehouse, general services, manufacturing or industrial establishments	2,000-10,000 sf	One
	10,000-20,000 sf	Two
	20,000-40,000 sf	Three
	40,000-60,000 sf	Four
	Each 50,000 over 60,000 sf	One Additional
Apartments, motel, offices, hospital or similar institutions or places of public assembly	5,000-10,000 sf	One
	10,000-100,000 sf	Two
	100,000-200,000 sf	Three
	Each 100,000 over 200,000 sf	One Additional

ARTICLE 10 - NON-CONFORMITY

10.1 Purpose. The purpose of this article is to provide for the continuation and, within a suitable period of time, elimination of existing uses of property that do not conform to the requirements of this Ordinance upon its adoption or subsequent amendment.

10.2 Definitions.

10.2-1 Non-Conforming Use. A non-conforming use is an activity using land, building(s), sign(s), and/or structure(s), legally established prior to the effective date of this Ordinance, or subsequent amendment to it, which would not be permitted as a new use in a zone in which it is located by the regulations of this Ordinance.

10.2-2 Non-Conforming Structure. A non-conforming structure is a building, sign or other structure which was legally constructed prior to the effective date of this Ordinance or subsequent amendment to it, which would not be permitted as a new structure under the regulations of this Ordinance because such structure is not in conformance with this Ordinance.

10.2-3 Non-Conforming Lot. A non-conforming lot is legally created or existing prior to the effective date of this Ordinance or subsequent amendment thereto, which does not comply with the lot requirements of this ordinance particularly regarding street frontage, lot width, or minimum square footage.

10.3 Continuation of Non-Conforming Use. A non-conforming use may be continued, but no non-conforming use which has been discontinued for a continuous period of twelve (12) months shall be reestablished, except a detached single-family dwelling.

10.4 Extension of Use or Structure. With the exception of a detached single-family dwelling, a non-conforming structure or use shall not be extended, or shall its total value be enhanced, unless such extensions, or alterations conform with the use and development provisions of the district in which it is located. However, such extension limitations shall not apply to maintenance of the appearance or structural condition of the nonconforming use or structure. Furthermore, a nonconforming use may be extended throughout those interior parts of a structure which were designed for use prior to the advent of the nonconforming use status, even though such extension may enhance its total value.

A manufactured home park (MHP) occupying a total area less than the minimum area required by these regulations, is a non-conforming use. As such, expansion of the manufactured home park is only allowed if the minimum required area exists.

Removal and replacement of individual manufactured homes on established spaces within a MHP is allowed.

10.5 Structure Use and Enlargement. The uses permitted by this Ordinance may be established as a new use within any existing structure which does not conform with the development requirements of this district, provided the off-street parking requirements of that use are complied with, and provided further that if any structure or any part thereof is remodeled or rebuilt to an extent exceeding one-third of its then replacement value, exclusive of foundations, as determined by the Enforcement Officer, or if any additions or new structures are erected, the entire building or structure must be in conformance with the development requirements of the district.

10.6 Restoration. Any non-conforming building or any building containing a non-conforming use, which has been damaged by fire or other causes may be reconstructed and used as before if it can be done within one year of such damage, unless such building or structure has been declared by the Enforcement Officer to have been damaged to an extent exceeding sixty percent (60%) of its then replacement value, in which case any repair, reconstruction, or use shall be in conformity with the provisions of this Ordinance. A detached single-family dwelling is not exempt from this provision.

10.7 Using Non-Conforming Lots. Such lot, substandard according to minimum lot design criteria established herein, shall only be buildable for one (1) single family detached dwelling. Multiple non-conforming lots, with continuous frontage and held in one ownership, shall comply with Section 5.1-3.

ARTICLE 11 - ADMINISTRATION

11.1 Enforcement Officer. The provisions of this Ordinance shall be administered and enforced by the Enforcement Officer who is given the authority to perform these functions. The Enforcement Officer's duties shall include receiving applications, inspecting premises, issuing building permits and Certificates of Occupancy for uses and structures that meet the requirements of this Ordinance and other duties that are authorized by the Mayor and Council of the Town of Resaca.

11.2 Building Permit, Development Permit, and Manufactured Home Location Permit.

11.2-1 Building Permit. A building permit, to indicate and insure compliance with all provisions of this Ordinance, shall be required for any proposed use of lands or building before any improvements or grading of lands or any alteration or construction of buildings commences.

11.2-2 Development Permit. A development permit shall be required for a planned center in any commercial or industrial district, subdivision or manufactured home park, before any improvements or grading of the land commences. Such development permit shall not be in lieu of building permits required for any structures within such developments.

11.2-3 Manufactured Home Location Permit. A location permit shall be required for the construction of a manufactured home stand, or the placement of a manufactured home on an individual lot.

11.3 Application. All applications for development and building permits shall be made to the Enforcement Officer and shall be accompanied by two (2) copies of a dimensioned sketch plan.

11.3-1 Sketch Plan Requirements. The required sketch plan shall include the following information:

a. Name. Name(s) of the proposed development. Names, address(es), and phone number of the owner(s) and the designer(s) of the site plan and his seal.

b. Date. Date, north arrow, and graphic scale.

c. Survey Boundaries. Surveyed boundaries of the entire tract and their relationship to adjoining properties, public rights-of-way, and easements.

d. Location Map. A general location map at a scale of one inch equals two thousand feet (1"=2,000') indicating existing zoning on or adjacent to the site, adjoining roads, and the adjacent areas are required.

e. **Building Locations.** Location of all proposed buildings, their shape, size, and setback in appropriate scale.

f. **Parking and Loading.** All required parking and loading facilities for non-residential uses.

g. **Right-of-Way.** Show the location, with lengths and widths, and the name or purpose of all right-of-ways of streets, roads, alleys, railroads, public crosswalks, and applicable easements.

h. **Buffers.** Show the location and design of the proposed buffer and landscaping for the proposed development.

i. **Environmentally Sensitive Areas.** Location of major river corridors, water supply watersheds, groundwater recharge areas, wetlands, the boundary and elevation of the 100-year floodplain as determined by the past history of flooding or the best available data.

j. **Proposed Improvements.** The names, where appropriate, and locations and dimensions of proposed streets, alleys, sidewalks, easements, buildings, parking and loading, dumpsters, recreation areas and facilities, yards and other open spaces.

k. **Adjacent Developments.** All other information concerning the lot or adjoining lots as may be essential to determine whether the proposed development meets the provisions of this Ordinance shall be included in the sketch plan.

11.4 Issuance. If the proposed excavation, filling or construction as set forth in the application is in conformity with the provisions of this Ordinance, then the Enforcement Officer of Resaca shall issue a building permit upon payment of the required fee. If a building permit is refused, the Enforcement Officer shall state such refusal in writing with cause. The Enforcement Officer shall not issue any permit if the land or building as proposed to be used, constructed or altered would be in violation to any provisions of this Ordinance or any codes and laws of the Town, or the State, or Federal Government, except as provided herein.

11.5 Duration of Permit Validity. The permit shall become invalid if the work authorized by the permit is suspended or abandoned for a period of one (1) year.

11.6 Appeals From Decisions. It is the intention of this Article that all questions arising in connection with the administration and enforcement of this Ordinance by the Enforcement Officer shall be presented as an appeal from the decision of such official to the Board of Appeals for a recommendation and to the Mayor and Council for a final decision according to the process described in Article 13.

11.7 Certificate of Occupancy. A certificate of occupancy issued by the Enforcement Officer is required in advance of the occupancy or use of:

11.7-1 Any building, structure, land, or premises.

11.7-2 Any building or structure hereafter erected or moved.

11.7-3 Any building hereafter altered, so as to affect the front, side, or rear yards thereof, or its height.

11.7-4 Any building, structure, or premises in which there is a change of occupancy or use.

Within five (5) days after the application for a certificate of occupancy and payment of any required fees, the Enforcement Officer shall sign and issue a certificate of occupancy if the proposed use of land or building, as stated on the certificate of occupancy and signed by the owner or his appointed agent, is found to conform to the applicable provisions of this Ordinance, and if the building, as finally constructed, complies with the plans submitted for the building permit.

11.8 Denial of Certificate of Occupancy. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this Ordinance, or unless the building, as finally constructed, complies with the plans upon which the building permit was issued. The Enforcement Officer shall state in writing the reasons for denying such certificate of occupancy.

11.9 Records of Applications and Certificates. Records of application for all building permits, occupancy certificates with said permits, and occupancy certificates and denials shall be kept on file in the office of the Enforcement Officer and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

ARTICLE 12 - BOARD OF ZONING APPEALS

12.1 Creation and Membership. The Board of Zoning Appeals is hereby established. The words "Board" or "Board of Appeals" when used in this Ordinance shall be construed to mean the Board of Zoning Appeals. The membership of the Board shall consist of the five (5) members, who also serve as the Mayor and Council of Resaca. Terms on the Board of Zoning Appeals will coincide with the elected terms of the members of the Mayor and Council. A quorum shall consist of three (3) members, and action on any question shall require a majority of those present to vote upon the question.

12.2 Organization. The Mayor, or in the absence of the Mayor, the Mayor Pro-Tem shall preside at all meetings unless neither is present, in which case, one member in agreement with other members that are present, shall assume the leadership of the meeting. Meetings of the Board shall be held regularly each month and at such other times as the Board may decide. The meeting may be canceled by the Board if there are no matters to be acted upon by the Board. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Enforcement Officer and shall be a public record.

12.3 Powers and Duties. The Board of Appeals shall have the following powers and duties:

12.3-1 Variances. The Board shall hear and decide applications for variances from the development requirements of this Ordinance, but only where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, which at the time of adoption of this Ordinance, was a lot or plat of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of a piece of property, the strict application of the said development requirements of this Ordinance would result in practical difficulties to, or undue hardship upon the owner of such property. In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure, or use as it may deem advisable so that the purpose of this Ordinance will be served. *However, the Board shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited.*

No variance shall be authorized unless the Board finds that all of the following conditions exist:

a. That the special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.

b. That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.

c. That the condition from which relief of a variance is sought did not result from action by the applicant.

d. That the authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the Town.

12.3-2 Appeals. The Board shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, development or building permit decision, determination or refusal made by the Enforcement Officer or other administrative officials in the administration or enforcement of any provisions of this Ordinance. Such appeals shall be in accordance with the following:

a. An appeal to the Board of Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, board or agency affected by any decision of the Enforcement Officer with respect to this Ordinance. Such appeal shall be made within ten (10) days following notification of the decision appealed from, by filing with the Enforcement Officer a notice of appeal and specifying the grounds thereof. The Enforcement Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

b. An appeal stays all legal proceedings in furtherance of the action appealed from unless the Enforcement Officer certifies to the Board of Appeals, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in his option, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction.

c. The appellant and any public agency or private individual shall be entitled to present evidence on matters before the Board.

d. The Board may, in conformity with this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end shall have all the powers of the Enforcement Officer. The Board may direct the issuance of a permit. It shall be the duty of the Enforcement Officer to carry out the decisions of the Board.

12.3-3 Special Exceptions. To hear and decide the following exceptions to the terms of this Ordinance provided that such exceptions shall impose appropriate conditions and safeguards:

a. Zoning district boundary interpretations as provided in Section 6.3.

b. Temporary Use.

c. Interpretation of uses not listed in Table 7.3.

12.3-4 Reserved.

12.4 Public Hearings. Within a reasonable time after receiving an application and before any final action, the Board shall hold a legally noticed and advertised public hearing on the issues under consideration or review, both in the interest of the public, interested parties, and the Board, then shall make a recommendation on all requests for variances, appeals, and special exceptions.

12.4-1 Applications. Application for a hearing and decision on requests for variances, appeals, and special exceptions shall be filed with the Enforcement Officer on forms provided by the Town of Resaca at least thirty (30) days prior to the meeting at which they are to be heard. Each application shall contain such information as the Enforcement Officer may require to enable the Board to make its decision. Each application for a variance shall include a plat drawn to scale showing the following information:

a. All property lines, with dimensions.

b. Location of buildings and other structures, creeks, and easements referenced to the property line of the tract.

c. North arrow, land district and land lot marker.

d. Location of setback lines or other dimensional requirements from which the variance is sought.

12.4-2 Notice of Hearing.

a. At least fifteen (15), but not more than forty-five (45) days prior to the date set by the Board of Zoning Appeals for the hearing, a written notice shall be published in a newspaper of general circulation in Gordon County setting forth the time, place, and purpose of the hearing.

b. At least fifteen (15) days notice of the time and place of the hearing shall be sent to the applicant and the owners of all properties abutting or across the street from the property with which the hearing is concerned. In addition, the Enforcement Officer shall post, in a conspicuous place on the property a sign or signs which shall contain information as to the date, time, and purpose of the hearing before the Board, at least fifteen (15) days before the hearing. However, acts of vandalism or natural occurrences which limit the effectiveness of posting the property for public notice shall not void the proceedings or actions taken under this Article.

12.4-3 Hearing Procedure. The Board shall adopt such rules and regulations for the conduct of the public hearings as are consistent with State law and are appropriate to its responsibilities, which shall be published and available to the public, including rules on the presentation of evidence.

12.5 Assistance by Enforcement Officer. The Enforcement Officer shall provide such technical and clerical assistance as the Board may require, and shall maintain permanent and complete records of the activities of the Board.

12.6 Fees. To defray a portion of the costs occasioned thereby, no appeal from the decision of the Enforcement Officer and no application for a special exception or variance shall be entered on the docket of, heard by, or ruled by the Board until there has been paid to the office of the Board by the appellant, an administrative fee, which fee shall be remitted to the Resaca Town Clerk. No fee shall be required for an interpretation of this Ordinance when there is a variation between the street layout on the ground and the street layout as shown on the zone district map. Neither the Town nor any officer, agent or employee of the Town acting in his official capacity, nor any agency of the County shall be required to pay a fee under this Article.

12.7 By-Laws. The Board shall adopt such rules for its own internal administration and procedures, including but not limited to, conflict of interest rules, to insure that no member is entitled to rule on or adjudicate a matter in which he has an interest directly or indirectly.

12.8 Appeals from Action of the Board. Any party aggrieved by a final judgment or decision of the Board may within thirty (30) days thereafter appeal therefrom by *Writ of Certiorari* to the Superior Court of Gordon County. There shall be no intermediate appeal to any other administrative body.

ARTICLE 13 - AMENDMENTS

13.1 Amendments. This Ordinance, including the Official Zoning Map, may be amended by the Mayor and Council upon its own motion, in accordance with the requirements of the adopted Resaca Zoning Procedures Ordinance, as amended (See Appendix A). All applications to amend the Official Zoning Map shall be filed in the office of the Resaca Town Clerk.

ARTICLE 14 - REMEDIES AND PENALTIES

14.1 Remedies.

14.1-1 Whenever any work is being done in violation of any provision of this ordinance, or in variance with the terms of any permit issued for such work, the Enforcement Officer may order all work on the job stopped until such violation or variance is eliminated and any work or installation made in violation of the ordinance corrected. Such stop order, if oral, shall be followed by a written stop order within twenty-four hours (excluding Saturday, Sunday or holidays). It shall be unlawful to do or perform any work in violation of such stop order except as may be necessary to prevent injury or damage to persons or property. Such stop order may be revoked by the Enforcement Officer or by resolution of the Town Council.

14.1-2 Whenever any building or structure is being erected, constructed re-constructed, or rehabilitated, altered, repaired, converted, or maintained in violation of any provision of this ordinance, the Town of Resaca may file appropriate action for equitable relief on emergency basis or otherwise in a court of proper jurisdiction to prevent the violation, further violation or damage resulting from such violation and shall be entitled to all relief as provided under applicable law.

14.2 Penalties for Violation. Any person who is guilty of violating, by act or omission, any provision of this Ordinance shall be punishable by a fine not exceeding one thousand dollars ($1,000) or twelve (12) months in jail or both, in the Municipal Court of the Town of Resaca. Where such an act or omission is continued in violation of the provisions of these regulations after notice of such violation by the Enforcement Officer, each day such violation continues may be deemed a separate punishable violation.

ARTICLE 15 - LEGAL STATUS PROVISIONS

15.1 Validity. Should any article, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the Ordinance as a whole or any part hereof other than the part so declared to be invalid; each article, clause and provision hereof being declared severable.

15.2 Repeal of Conflicting Ordinances and Validity of Prior Approvals and Actions.

This is the Zoning Ordinance of the Town of Resaca, Georgia, and all other conflicting ordinances or resolutions are hereby repealed; provided, that nothing herein shall be construed as repealing or modifying the conditions of operation or conditions of site development accompanying the zoning approvals or use permits issued for developments already in progress before adoption of this Ordinance; however, modification or repeal of these past conditions of approval may be accomplished as provided by this Ordinance.

All variances and exceptions heretofore granted by the Mayor and Council of Resaca or other applicable authority shall remain in full force and effect, and all terms, conditions and obligations previously imposed shall remain in effect and be binding. Prior Ordinances shall remain in effect insofar as required for the initiation of any proceedings against such violations and for the prosecution of any violations heretofore commenced.

15.3 Effective Date. This Ordinance shall become effective this 31st day of December, 2014. Passed and adopted by the Mayor and Town Council, Resaca, this 8th day of July, 2014.

APPROVED:

_____

_____

ATTEST: MAYOR
RESACA TOWN COUNCIL

_____

RESACA TOWN CLERK

- APPENDIX -

APPENDIX A

ZONING PROCEDURES AND STANDARDS ORDINANCE

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