

ARTICLE VI GENERAL PROVISIONS

The regulations set by this Ordinance within each district shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

SECTION 600: GENERAL INTERPRETATION

Any use that is not specifically permitted in a district as a principal use, an accessory use, a conditional use, or is not classified as a similar, compatible use by the Zoning Official(s) is prohibited. In the regulations for some districts, specific excluded uses are enumerated for clarification of intent, but such lists of excluded uses are not to be interpreted as including all excluded uses. Appeals of interpretation may be made to the Maxeys Town Council.

SECTION 601: USE OF LAND, STRUCTURES, AND BUILDINGS

No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be constructed, reconstructed, moved, or altered except in conformity with the regulations in this Ordinance.

SECTION 602: PRIORITY OF CONTRACTS

It is not the intention of this Ordinance to defeat the purposes of any contract, deed restriction or protective covenant when such instrument is not inconsistent with this Ordinance or contains stricter requirements. Such contracts, deed restrictions, or protective covenants shall not be enforced by Oglethorpe County. In the event this Ordinance conflicts with other Ordinances, rules and regulations adopted pursuant to local law, or State or Federal law, then the stricter provisions shall apply.

SECTION 603: CLASSIFICATION OF STREETS

For the purposes of this Ordinance, all roads in Oglethorpe County, Georgia are hereby divided into the following classifications:

1. **Arterial** - Thoroughfares, including federal and state highways, which are used primarily for fast and heavy traffic flow; are of considerable continuity; and serve primarily as a major traffic artery for travel through or between large areas of the county.
2. **Major Collector** – Thoroughfares primarily serving as important intra-county travel corridors, carrying traffic from minor collector streets, towns and rural communities not served by arterial streets/highways, industrial, commercial, and residential areas and other traffic generating developments or activity centers to other major collector or arterial streets/highways.
3. **Minor Collector** – Streets and roads covering a shorter distance, with more moderate speeds and traffic flow, which evenly collect traffic from local streets and rural local roads, connecting them with streets of a higher order. Minor Collectors include Residential Collector Streets which serve as the principal entrance streets to subdivisions or neighborhoods or as the main streets for circulation within a subdivision which serve a network of four or more local streets. Residential collector streets are designed so that traffic circulation in the subdivision would cause such a street to be used as a link between local streets and minor collector or major collector streets.
4. **Local** - A street or rural road with light traffic flow which serves primarily to provide access to adjacent properties or rural areas as opposed to the collection and dispersion of through traffic.
5. **Private Access Drive/Easement** - A private drive or easement, serving as the exclusive access for a landlocked parcel or parcels of land, and which is not owned or maintained or intended to be owned or maintained by the County. A private access drive/easement that serves no more than one (1) lot containing a total area of less than three (3) acres shall have a minimum right-of way or easement width of thirty (30')

feet. A private access drive/easement that serves two or more lots, or that serves a single lot containing a total area of three (3) or more acres, shall have a minimum right-of-way or easement width of fifty (50') feet.

SECTION 604: LOT REQUIREMENTS

604.1 Access

Each lot shall front on a public street, or on a private street or private access drive/easement shown on an approved final plat, and shall have unobstructed, permanent access to such a public or private street, or private access drive/easement.

604.2 Minimum Required Area for Lots

1. In general, except as specified herein, any lot served by both a public or approved community water system and a public or approved community sewage system shall have a minimum area of no less than one-half (.5) acre of suitable soil. Each lot, however, shall comply with the minimum size requirements specified herein for the district in which it is located.
2. In general, except as specified herein, any lot served by an individual septic tank system, whether the water is supplied by an individual well or a public or approved community water system, shall have an area of not less than one and one-half (1.5) acres of suitable soil per dwelling unit. Each lot, however, shall comply with the minimum size requirements specified herein for the district in which it is located. The site location on the lot of such facility shall be approved by the County Sanitarian in accordance with applicable Board of Health Regulations.
3. A lot size larger than the general minimum specified above or specified herein for a particular zoning district may be required in cases where property or portions of property contain unusual or problematic topographical or soil conditions; where a portion of the property lies in the One Hundred Year flood plain, where utility lines or other dedicated easements cross a lot in such a way as might interfere with adequate septic tank and drain field placement; or where any other such situations exist that would make compliance with this Ordinance, or any other legally adopted ordinances, codes, or regulations in effect including, but not limited to, Building, Fire, and Safety Codes, and Health Department and Sanitation Regulations, difficult or impossible.
4. A lot size larger than the general minimum specified above or specified herein for a particular zoning district may be required for certain intensive uses. Such requirements shall be determined on an individual basis, based on type of use, intensity of use, and proposed density. In general, the lot size shall be adequate to provide for the intended use, the required water and sewerage system, as well as the specified yards, necessary buffer areas, and off-street parking and loading requirements, in compliance with this Ordinance, or any other legally adopted ordinances, codes, or regulations in effect including, but not limited to, Building, Fire, and Safety Codes, and Health Department and Sanitation Regulations.

604.3 Minimum Required Width for Lots

1. Any lot served by both an **individual well** and an **individual septic tank system** shall have a minimum width of not less than two hundred (200') feet, at the building setback line, unless otherwise specified in this Ordinance.
2. Any lot served by a **public or approved community water system** and an **individual septic tank system** shall have a minimum width of not less than one hundred twenty-five (125') feet at the building setback line, unless otherwise specified in this Ordinance.

3. Any lot served by a **public or approved community water system** and a **public sewage system** shall have a minimum width of not less than one hundred (100') feet, unless otherwise specified in this Ordinance.
4. The minimum required road frontage at the property line or street right-of-way line for all lots shall be fifty (50') feet, except for lots fronting on a private access drive/easement as specified in *Section 603, Classification of Streets, Paragraph #5, Private Access Drive/Easement*, herein, and provided that for all lots, the minimum lot width at the minimum required front building setback line or uniform designated building setback line shall be as specified herein.

604.4 Yard Dimensions and Locations

1. **Front Yard** - The front yard shall be an open space on the same lot with the principal building, extending across the full width of the lot, situated between the front lot line and the front line of the principal building projected to the side lines of the lot. For the purposes of this Ordinance, the **depth** of the front yard shall be measured as the least horizontal distance between the front line of the principal building and the front lot line, or right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

On **corner lots and double frontage lots**, the front yard should be considered as parallel to the street upon which the lot has its least dimension, excepting that where necessary to promote continuity of design and where in accordance with all other provisions of this Ordinance, the Maxeys Town Council or their designated Zoning Official(s) may allow such lots to be oriented in the same manner as adjacent developed lots along the same street within the same district. In all cases, however, the minimum front yard setback required for the zoning district shall be met on all sides of the lot with street frontage.

2. **Rear Yard** - The rear yard shall be an open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building/use and extending the full width of the lot, situated between the rear lot line and the rear line of the principal building projected to the side lines of the lot. For the purposes of this Ordinance, the **depth** of the rear yard shall be measured as the least horizontal distance between the rear line of the principal building and the rear lot line, or right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required rear yard.

On all lots, including **corner lots and double frontage lots**, the rear yard shall be at the opposite end of the lot from the front yard, however, the minimum front yard setback required for the zoning district shall be met on all sides of the lot with street frontage.

3. **Side Yard** - The side yard shall be an open space on the same lot with the principal building, situated between the side line of the principal building and the adjacent side line of the lot, and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot. For the purposes of this Ordinance, the **width** of the required side yard shall be measured horizontally from the side line of the principal building to the nearest point of the side lot line, or right-of-way line. Covered porches, whether enclosed or open shall be considered as part of the main building and shall not project into a required side yard.

On all lots, including **corner lots and double frontage lots**, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension, excepting that where necessary to promote continuity of design and where in accordance with all other provisions of this Ordinance, the Planning Commission may allow such lots to be oriented in the same manner as adjacent developed

lots along the same street within the same district. In all cases, however, the minimum front yard setback required for the zoning district shall be met on all sides of the lot with street frontage.

604.5 Minimum Building Setback Lines – Unless otherwise specified in this Ordinance, the following minimum building setback lines shall be required for all lots.

604.5.1 Front Building Setback Line [Front Yard Depth]

1. **On Arterial Streets and Highways** - One Hundred (100') feet from the street right-of-way. For streets without an established right-of-way the setback line will be one hundred fifty (150') feet from the centerline of the street.
2. **On Major/Minor Collector Streets** - Fifty (50') feet from street right-of-way. For streets without an established right-of-way the setback line will be eighty (80') feet from the centerline of the street.
3. **On Local Streets (including Private Access Drives/Easements)** - Twenty (20') feet from street right-of-way. For streets without an established right-of-way the setback line will be fifty (50') feet from the centerline of the street.

604.5.2 Side Building Setback Line [Side Yard Depth]

The minimum side building setback line [side yard depth] shall be twenty (20') feet.

604.5.3 Rear Building Setback Line [Rear Yard Depth]

The minimum rear building setback line [rear yard depth] shall be twenty (20') feet.

604.6 Yards, Parking, and Loading Requirements

No part of a yard or open space, off-street parking, or loading spaces required for any one lot or building shall be included as part of the yard, open space, off-street parking, or loading spaces similarly required for any other lot or building, unless otherwise specified in this Ordinance.

The required yard space for any building, structure, or use shall be contained on the same lot as that building, structure or use and such required yard space shall fall entirely upon land in the district or districts in which the principal use is permitted.

604.7 Right-Of-Way Easements

Right-of-way easements for streets and roads shall not be considered a part of a lot or open space, or front, rear, or side yard for the purpose of meeting yard requirements.

604.8 Reduction of Lot Area or Dimensions

Unless otherwise specified in this Ordinance, no lot, yard, or other open space shall be hereafter reduced in dimension or area below the minimum requirements set forth in this Ordinance, except to provide for the extension, establishment or widening of a county street or state highway.

SECTION 605: BUILDING REQUIREMENTS

605.1 Principal Buildings

Only one (1) principal building, together with its customary accessory buildings, shall occupy each lot, except in the case of Multi-Family Developments or Planned Developments. In such Developments, more than one (1) principal building may be permitted on the same lot, subject to the requirements and approval of the Health Department, provided that the structures or units are under one ownership, or if separately owned, are covered by a condominium declaration setting out the various rights and responsibilities of ownership, including access and the maintenance of common areas.

605.2 Minimum Distance Between Buildings

1. Where more than one (1) principal buildings per lot is permitted, as specified in *Subsection 605.1, Principal Buildings*, herein, there shall be a distance of not less than twenty (20') feet between such buildings, unless otherwise specified within this Ordinance.
2. There shall be a distance of not less than twenty (20') feet between a principal (main) building and any accessory building on the same lot or parcel.

605.3 Height and Density

No building or structure shall hereafter be erected, constructed or altered in such a manner:

1. That exceeds the height or bulk limits of this Ordinance;
2. That accommodates or houses a greater number of families than is permitted in the zoning district;
3. That occupies a greater percentage of lot area than is permitted in the zoning district;
4. That provides narrower or smaller rear yards, front yards, side yards, or other open spaces, than required, except as specified herein;
5. That in any other manner is contrary to the provision of this Ordinance unless a variance is granted by the Maxeys Town Council or their designated official(s).

605.4 Exceptions to Height Requirements

Certain structures or appurtenances hereafter constructed or altered may be exempted from the height limitations of the district in which they are located as specified below. Exceptions of height restrictions shall not be granted in cases where they would violate height restrictions of an aircraft approach, transitional, or horizontal zone.

1. The following structures and appurtenances may exceed the prescribed height, provided they are normally required for a use permitted in the district in which they are erected or constructed and further provided that a finding is made by the Maxeys Town Council that such additional height will not be unduly detrimental to surrounding property: Flagpoles, Chimneys, Elevator Bulkheads, Belfries, Stacks, Silos, Storage Towers, Observation Towers, Monuments, Cupolas, Cones, Spires, Standpipes, and other necessary mechanical appurtenances and their protective housing.
2. Radio, television, microwave and other electronic transmission or receiving towers in excess of height limits may be allowed in certain districts as specified in *Section 903, Telecommunication/Transmission Towers/Antennas*, in this Ordinance.
3. Public and semi-public buildings and structures such as hospitals, churches, sanitariums, schools and water reservoir towers may exceed the height limits of the district in which they are located, provided that such buildings and structures shall provide at least one additional foot of yard space on each side yard for each additional foot that such building or structure exceeds the specified height limit of the zone in which it is located and further provided that a finding is made by the Maxeys Town Council that such additional height will not be unduly detrimental to surrounding property.

605.5 Minimum Floor Area Requirements

1. Unless otherwise provided, the minimum heated floor area requirement for single-family dwellings, including "Class A" Manufactured Housing and modular/industrialized housing, in any district shall be nine hundred (900) square feet.

2. Unless otherwise provided, the minimum heated floor area requirement for two-family dwellings shall be nine-hundred (900) square feet for the principal dwelling unit and four hundred fifty (450) square feet for the secondary dwelling unit.
3. Unless otherwise provided, the minimum heated floor area requirement for two-family (duplex) dwellings shall be six hundred (600) square feet per dwelling unit.
4. Unless otherwise provided, the minimum heated floor area requirement "Class B" and "Class C" Manufactured Housing as specified in *Article IX, Section 901, Manufactured Housing*, in this Ordinance, shall be six hundred (600) square feet of floor area per dwelling unit.
5. Unless otherwise provided, the minimum heated floor area requirement for multi-family dwellings shall be four hundred fifty (450) square feet per dwelling unit (one bedroom).
6. The minimum floor area required is not to include porches, patios, garages, or carports.

605.6 Code Requirements

All structures shall meet the requirements of all State or locally adopted codes currently in effect including, but not limited to, Building Code, Plumbing Code, Electrical Code, Fire Prevention Code, Health and Sanitation Code, and Housing Code. Where such codes exceed the minimum requirements of this Ordinance, the stricter provisions shall apply.

SECTION 606: ACCESSORY USES/STRUCTURES

Accessory uses or structures shall be permitted provided they meet the following requirements:

606.1 Location/Setback Requirements for Accessory Uses/Structures

1. Unless otherwise specified in this Ordinance, accessory uses or structures (excluding signs, mailboxes, well houses, and walls/fences) within the AR, R-1, R-2, R-3 districts on lots containing less than five (5) acres, shall be permitted only in side or rear yards and shall comply with the minimum side and rear building setback line requirements as specified in this Ordinance, except that, if approved, and unless otherwise specified in this Ordinance, off-street parking areas may be located within the front setback, provided such parking areas shall be set back not less than twenty (20') feet from any lot line or street right-of-way line and shall incorporate landscaping and buffer/screening, as may be required by this Ordinance. Said buffer/screening may be located in the required setback.
2. Unless otherwise specified in this Ordinance, there shall be no restriction on the location of accessory uses/structures on any lots within the AR, R-1, R-2, R-3 districts containing five (5) acres or more, provided that such accessory uses/structures comply with the minimum front, side, and rear building setback line requirements and minimum distance between buildings as specified in this Ordinance.
3. Unless otherwise specified in this Ordinance, there shall be no restriction on the location of accessory uses/structures on any lots within the A-1, A-2, B-1, B-2, B-3, OIP, LI, HI, HI(me), or PG districts, provided that such accessory uses/structures comply with the minimum front, side, and rear building setback line requirements and minimum distance between buildings as specified in this Ordinance.
4. Where a corner, double, or multiple frontage lot exists, accessory buildings or structures shall be setback a distance equivalent to the required minimum front building setback line [front yard depth] specified herein on all sides of the lot with street frontage.

606.2 Dimensional Restrictions for Accessory Structures

- 1. R-1, R-2, R-3 Districts Containing Less Than Five (5) Acres** – Unless otherwise specified in this Ordinance, accessory structures (excluding detached garages and carports), located on a lot containing less than five (5) acres within any R-1, R-2, or R-3, or AR district, shall be no larger than four hundred fifty (450) square feet and shall not exceed twenty-five (25') feet in height. Detached garages and carports shall not exceed 50% of the first floor area of the principal building and the maximum height shall not exceed twenty-five (25') feet in height.
- 2. AR, B-1 Districts Containing Less Than Five (5) Acres** - Unless otherwise specified in this Ordinance, accessory structures located on a lot containing less than five (5) acres within any AR or B-1 district shall not exceed the total square footage of the principal building and shall not exceed twenty-five (25') feet in height, and provided that in the B-1 district the maximum percentage of occupied lot area restrictions specified for that district shall not be exceeded.
- 3. R-1, R-2, R-3, AR, B-1 Districts Containing Five (5) Acres or More** – Unless otherwise specified in this Ordinance, accessory structures located on a lot containing five (5) acres or more within the R-1, R-2, R-3, AR, or B-1 district shall not be restricted to size, except that the maximum height shall not exceed thirty-five (35') feet, and provided that in the B-1 district the maximum percentage of occupied lot area restrictions specified for that district shall not be exceeded.
- 4. B-2, B-3, OIP, LI District** – Unless otherwise specified in this Ordinance, accessory structures located within any B-2, B-3, OIP, or LI district shall not be restricted to size, except that the maximum height shall not exceed thirty-five (35') feet and provided the maximum percentage of occupied lot area restrictions specified for the district shall not be exceeded.
- 5. A-1, A-2, HI, HI(me), or PG Districts** – Unless otherwise specified in this Ordinance, accessory structures located within any A-1, A-2, HI, HI(me) or PG district shall not be restricted to size, provided that in the HI district the maximum percentage of occupied lot area restrictions specified for that district shall not be exceeded.

606.3 Multiple Accessory Structures

Any number of accessory structures may be placed on a parcel, provided that the aggregate square footage of accessory structures shall not exceed that allowed for the size lot and principal building as specified herein.

606.4 Commercial Use/Structure Prohibition in R-1, R-2, R-3, and AR Districts

Accessory structures within any R-1, R-2, R-3, or AR district shall not be used for any type of commercial operation whether permanent or part-time, except as part of a permitted Home Occupation in accordance with the provisions of *Article IX, Section 900, Home Occupations*, in this Ordinance.

606.5 Manufactured Housing or Trailer Used as Accessory Structure

No manufactured housing, mobile homes, or camping/travel trailers of any type shall be used as an accessory structure in any district. No freight container or truck body shall be used as an accessory structure in any R-1, R-2, or R-3 district, or on any lot containing less than five (5) acres within the AR district.

606.6 Uses/Structures Accessory to Public Uses, Buildings, or Activities

There shall be no limitations regarding accessory uses to any use, building, or activity operated within the public domain except that such uses, buildings, or activities must be directly related and subordinate to the principal public use.

SECTION 607: OUTDOOR LIGHTING

Outdoor illumination devices shall be directed away from adjacent properties and shall be so placed and so shielded as to prevent direct view of the light source and to prevent the rays or illumination therefrom being cast onto adjacent property, public roadways, or into approaching vehicles.

SECTION 608: VISION CLEARANCE

In all districts no structure, fence, wall, shrubbery, sign, or other obstruction to vision (excluding tree trunks, utility poles, or official/traffic signs) between the heights of three (3') feet and ten (10') feet above the finished grade of streets shall be erected, permitted or maintained within twenty (20') feet of the intersection of the pavement or surface edge of two streets, or the intersection of a pavement or surface edge of a driveway with the pavement or surface edge of a public street.

SECTION 609: CONTROL OF CURB CUTS/DRIVEWAYS

1. All curb cuts/driveways shall comply with the current Oglethorpe County Road and Driveway Ordinances.
2. For development fronting on a State highway, no building permit shall be issued until any required approval from the Georgia Department of Transportation has been obtained by the applicant for entrances and exits, curb radii, drainage, and other matters that are the appropriate concern of that Department.
3. New development that contains or is intended to contain more than one building or use on site shall provide connections so that automobile trips between and among such buildings or uses can be accomplished without using the highway or major street. Where possible and practical, new developments and substantial improvements to existing developments shall provide for pedestrian and automobile access connections between adjacent properties under different ownership when the uses of the properties are of such compatibility that patrons may frequent both buildings or uses in the same vehicle trip.