

## ARTICLE 8. - R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

*Footnotes:*

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**Editor's note—** A resolution adopted Dec. 16, 1997, § 12, changed the title of this article from R-2 Single-Family and Two-Family Residential to R-2 Single-Family Residential District.

## Sec. 801. - Purpose.

R-2 zoning districts are intended to establish and preserve quiet, relatively low- to medium-density neighborhoods of single-family residences. These districts are free from other uses which are incompatible with single-family homes.

(Res. of 1-6-98, §§ 1, 2)

## Sec. 802. - Boundaries of R-2 Districts.

The official map (section 2301 of this ordinance) shows the boundaries of all R-2 districts within Spalding County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

## Sec. 803. - Permitted uses.

## A. The following principal uses are permitted in R-2 districts:

1. Site-built, single-family detached dwelling with a heated floor area of at least one thousand seven hundred fifty (1,750) square feet; provided that when such dwelling shall be located on a lot with a size exceeding twenty thousand (20,000) square feet, the first story of any dwelling shall have a minimum square footage of one thousand two hundred fifty (1,250) square feet.
- 1'. Dwelling, infill.
2. Industrialized home, single-family detached dwelling with a heated floor area of at least one thousand seven hundred fifty (1,750) square feet.
3. Conservation Subdivision.
4. Two-family dwellings (site-built, industrial, and/or Class A manufactured home) with a heated floor area of at least one thousand four hundred (1,400) square feet.
- 4'. Subdivision, infill.
5. Local, state, or federal government building.
6. Reserved.
7. Publicly owned and operated park or recreation area.
8. Subdivision recreation area owned, operated, and maintained by a homeowner's association exclusively for the use of residents and their guests.
9. Mill Village Infill, provided that the following criteria be met:
  - a. This section shall apply to the properties immediately adjacent to the Highland Mill Village.

- b. Subdivision design:
  - i. The existing mill village street grid needs to be continued. Expansion of the road grid system shall allow the developer to extend them in such a way as to match right-of-way and pavement width only if access to the parcels along said streets are accessed by way of a rear alleyway.
  - ii. Density shall not exceed that of the lots within the village.
  - iii. Lot dimensions such as width and depth shall be consistent with those dominant in the existing mill village. Setbacks (front, side, rear) shall be consistent with those dominant in the existing mill village.
- c. Architectural design: The architectural design of Mill Village Infill Developments is to be a continuation of the architectural theme of the original village. To that end the following criteria shall be observed in the design of the homes within the infill area:
  - i. Traditional vernacular architectural design is required.
  - ii. Each house within the subdivision must be build with at least two (2) of the following:
    - a. Authentic exterior siding, i.e. wood or wood appearing;
    - b. Minimum ten (10) feet ceilings on ground floor (with the exception of powder rooms, restrooms utility rooms, pantries and closets);
    - c. Minimum eight (8) feet depth front porches extending at least sixty (60) percent of the width of the facade of the house;
    - d. Foundations or slab above grade (to make the appearance of a crawlspace) or crawlspace;
    - e. Victorian gingerbread detailing;
    - f. Widows walks;
    - g. Bay windows or turrets;
    - h. Decorative gable vents and gables;
    - i. Entrance porticos;
    - j. Greek revival columns;
    - k. Decorative window pediments.
- d. Other design criteria:
  - i. The minimum heated area of the homes in the Mill Village infill area shall be compatible with the house size of the existing mill village, but in no case shall it be less than one thousand, two hundred fifty (1,250) square feet.
  - ii. Reduced setbacks to fifteen (15) feet provided each house in the subdivision is built with a rear-facing garage and alley way with a minimum width of fourteen (14) feet.
  - iii. Sodded front yards, with corner lots and double frontage lots having any yard fronting on the right-of-way sodded;
  - iv. Common space of at least one thousand (1,000) square feet per dwelling of the gross tract acreage shall not be located more than five hundred (500) feet from the boundary of any residential lot, provided that such distance may be increased to seven hundred fifty (750) feet when required for the

layout and design of the subdivision while maintaining an average distance from the boundary of each lot which does not exceed five hundred (500) feet.

v. Individual commons space areas cannot be more than twice the size of the average lot size in the development common space shall also include at least two (2) of the following:

- a. Park benches;
- b. Gazebos;
- c. Decorative fountains;
- d. Statutes;
- e. Playgrounds.

B. The following principal uses are permitted as special exceptions in R-2 districts:

1. Church, synagogue, chapel, or other place of religious worship including educational buildings, parsonage, church-related nursery or kindergarten, and other related uses meeting the following development standards:
  - a. It must be located on either an arterial or collector road;
  - b. The lot must have a minimum road frontage of two hundred (200) feet;
  - c. The lot must have an area of at least four (4) acres.
  - d. All buildings must be located at least fifty (50) feet from any property line;
  - e. A buffer (as provided by section 405) must be provided along all side and rear property lines.
  - f. Reserved.
  - g. No additional approval shall be required for the expansion or modification of any facility, as defined in this section, which existed as of January 4, 1994 on the property on which it is presently located.
2. Bed and breakfasts.
3. Condominium dwelling, patio dwelling or cluster dwelling meeting the following development standards:
  - a. Density shall not exceed six (6) dwellings per acre.
  - b. Site-built single-family dwelling with a heated floor area of at least two thousand (2,000) square feet.
  - c. Upon special exception approval, the development must comply with all requirements of the Subdivision Ordinance of Spalding County, irrespective of the number of dwellings or lots on which the special exception is requested.
  - d. Each dwelling must be served by public sewer and public water.
  - e. Development standards for construction of condominium, patio dwelling or cluster dwelling in R-1 districts:
    - i. *Minimum lot area:* Six thousand (6,000) square feet.
    - ii. *Minimum lot width:* Fifty (50) feet.
    - iii. *Minimum front yard depth:* Twenty-five (25) feet.
    - iv. *Minimum side yard depth:* Fifteen (15) feet (or closer subject to compliance with applicable fire rating construction codes).
    - v. *Minimum rear yard depth:* Twenty (20) feet (or twenty (20) feet from the exterior walls of the structure

abutting to the rear for interior lots bounded on the rear by other lots within the same subdivision).

- vi. *Garage*: Each structure must include a garage to accommodate at least one (1) vehicle per dwelling unit. Additional off-street paved parking must be provided for at least one (1) additional vehicle.
- vii. *Street lighting*: Subdivision plans must provide for street lighting within the subdivision.
- viii. *Sidewalks*: Minimum three (3) feet wide sidewalk located between edge of curb and exterior margin right-of-way.

4. Utility substation meeting the following development standards:
  - a. Structures must be placed at least thirty (30) feet from all property lines.
  - b. Structures must be enclosed by a woven wire fence at least eight (8) feet high with bottom of fence either flush with the ground or with a masonry footing.
  - c. No vehicles or equipment may be stored on the lot.
  - d. A buffer, as provided in section 405, must be maintained along the side and rear property lines.
  - e. All other development standards as enumerated in section 804 are waived, except for J., M., T., and X.
  - f. In the event that the special exception required hereunder is approved, the aforementioned development standards (a., b., c., d., e.) shall not be waived.
5. Personal care home as defined in section 202(BBB) that meets the following criteria:
  - a. Minimum lot size: Three (3) acres;
  - b. Minimum house size:
    - i. For no more than four (4) residents: One thousand seven hundred fifty (1,750) square feet;
    - ii. For no more than six (6) residents: Two thousand five hundred (2,500) square feet;
    - iii. For no more than eight (8) residents: Three thousand (3,000) square feet;
    - iv. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.
  - c. Compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126 et seq.;
  - d. Compliance with the requirements of all regulations of the Georgia Department of Community Health governing the operation of a personal care home;
  - e. Certificate of inspection and approval by the fire marshal and building inspector;
  - f. Occupancy requirements:
    - i. The licensee authorized by the Georgia Department of Community Health to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one (1) officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and
    - ii. No more than two (2) residents may occupy a single bedroom.
  - g. Issuance of a business license for the operation of the facility by Spalding County; and
  - h. Any personal care home for which a license has been issued by the Georgia Department of Human

Resources or the Georgia Department of Community Health on or before December 31, 2008 and which meets all the requirements of this ordinance shall be deemed to be in compliance with the requirements herewith and shall not be required to obtain approval as a special exception use within this district.

6. Child caring institution as defined in section 202 HH'.2. that meets the following criteria:
  - a. Minimum lot area: As required by section 804 B.;
  - b. Minimum heated floor area: As required by section 804 A.;
  - c. Compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et seq.;
  - d. Compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a child caring institution;
  - e. Certificate of inspection and approval by the fire marshall and building inspector.
  - f. Occupancy requirements:
    - i. The licensee authorized by the Georgia Department of Human Resources to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one (1) officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and
    - ii. No more than three (3) residents may occupy a single bedroom.
  - g. Any family personal care home for which a license has been issued by the Georgia Department of Human Resources on or before December 31, 2008 and which meets all the requirements of this ordinance shall be deemed to be in compliance with the requirements herewith and shall not be required to obtain approval as a special exception use within this district, even though no business license has been issued for the operation thereof, provided an application for a business license for the operation thereof is filed with Spalding County on or before February 28, 2009.

C. The following accessory uses are permitted in R-2 districts:

1. Private garage or carport.
2. Structure for the storage of equipment and supplies used in maintaining the principal building and its grounds.
3. Structure for a children's playhouse and the storage of children's play equipment.
4. Private swimming pool and bath house or cabana meeting the following development standards:
  - a. All such swimming pools must meet the specifications of the Standard Swimming Pool Code (SBCCI).
5. Private tennis court and/or basketball facilities. If lighted, lights must be designed so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten (10) feet high.
6. Garden, including a greenhouse and other customary garden structures. Produce and/or plants grown in garden shall not be sold from property unless otherwise permitted in this ordinance.
7. Deck, patio, barbecue grill, or other such facility.
8. Horses: The raising and keeping of no more than one (1) horse on a lot consisting of a minimum of three (3) acres and one (1) additional horse for each additional three (3) acres, along with accessory structures related

to the shelter of horses.

9. Tower, domestic or antenna, domestic.
10. Temporary building for storage of materials meeting the following development standards:
  - a. Permitted only in conjunction with construction of a building;
  - b. Allowed either on the same lot where construction is taking place or on adjacent lots;
  - c. Such a use must be terminated upon completion of construction.
11. The parking of one (1) unoccupied travel trailer or motor coach and one (1) pleasure boat in the side or rear yard only.
12. Sign as permitted by the Spalding County Sign Ordinance (Appendix E).
13. Home occupation, minor, excluding public garage, repair garage and kennel.
14. Temporary construction office facility at a construction site for a residential subdivision, as defined by the Subdivision Ordinance of Spalding County, Unified Development Ordinance, Appendix A, section 202(QQ) and for any special exception use allowed in this zoning district for which construction of a new structure is required, meeting the following development standards:
  - a. The procedure for applying for a temporary construction office facility is as follows:
    - i. Plans for a water/well and sewage/septic system suitable for the construction office facility must be submitted to the Spalding County Health Department for its review and approval.
    - ii. Upon approval by the Spalding County Health Department, the owner shall present evidence of such approval to the administrative officer and apply for a building permit for the proposed construction office facility, including the water and sewage systems.
    - iii. Upon receipt of the building permit, the owner should proceed with construction of the proposed water and sewage systems. The Spalding County Health Department will provide required inspections of these systems during and upon completion of construction. No other water or sewage system may be approved for the temporary construction office facility.
    - iv. Upon certification of the administrative officer that the water and sewage systems have been properly installed according to the approved plans, the owner shall, pursuant to the building permit issued in subsections 803(C)(14)(a)(i), (ii) be authorized to temporarily maintain the construction office facility.
    - v. The administrative officer shall explain to the owner all conditions and limitations attached to such a permit and will secure the written certification that he understands and will abide by those conditions.
  - b. The following conditions apply to the permit issued for the temporary construction office facility:
    - i. Only one (1) temporary construction office facility is allowed per subdivision.
    - ii. It is nontransferable from one owner to another.
    - iii. Any permit is temporary; the valid period of the permit will expire on the date that a certificate of occupancy for the last residential dwelling in the subdivision is issued or after thirty-six (36) months, whichever occurs first. For nonresidential construction, the permit will expire on the date that a certificate of occupancy for the structure is issued or after twelve (12) months, whichever occurs first.
    - iv. In the event that construction of the residential subdivision or nonresidential construction is

underway, but not yet completed and approved for occupancy when the building permit for the temporary construction office facility expires, the owner may apply to the administrative officer for an extension. The administrative officer, at his discretion, may extend the permit for periods of up to twelve (12) months.

- c. Upon completion of the residential subdivision or other expiration of the permit, the temporary construction office facility must be disconnected from the water and sewage systems and use of the temporary construction office facility must cease.
- d. The temporary construction office facility must be either a Class B or Class C manufactured home.
- e. The temporary construction office facility must be removed within thirty (30) days of either the issuance of the certificate of occupancy of the last residence in the subdivision or the expiration of the temporary construction office facility permit—Whichever is earlier.

15. Recreational vehicles as temporary housing.

- a. Building permit is required.
- b. Allowed for six (6) months in conjunction with a building permit for a principal dwelling on the subject property.

16. Foster home.

17. Mother-in-law suite.

18. Shipping container, temporary.

19. *Fowl (chickens):* The raising and keeping of no more than four (4) chickens on a lot consisting of a minimum of one (1) acre provided compliance with the following:

- a. No roosters shall be allowed.
- b. Chicken must be kept in a fenced area in the rear yard at least twenty (20) feet from any property line.
- c. Chicken coops may be no more than six (6) feet in height.
- d. All coops and surrounding areas are to be properly maintained and kept clean so as not to become a nuisance. Coops and feed are to be secured at all times to prevent any potential nuisance with mice or other rodents and pests.
- e. Chicken shall only be permitted for pets or for egg production; the chickens shall not be kept for slaughter.

D. The following accessory uses are permitted as special exceptions in R-2 districts:

- 1. Home occupation, general, excluding garage, repair garage, kennel, shooting range and such other proposed uses that may conflict or be inconsistent with existing nearby development or pose a threat to the public health and safety of residents of nearby properties.
- 2. Reserved.
- 3. Manufactured home (Class B or C) for temporary use in case of certified hardship meeting the following development standards:
  - a. A person having a certified hardship shown according to the procedure contained in this section and meeting any one (1) of the following conditions may apply to the board of appeals for the special

exception permit.

- (a) The applicant for the special exception is to be the owner and/or occupant of the temporary unit and is sixty-five (65) years of age of older.
- (b) The applicant for the special exception is to be the owner and/or occupant of the temporary unit; and at least one (1) member of his family who will reside in the unit is sixty-five (65) years of age or older.
- (c) The applicant for the special exception is to be the owner and/or occupant of the temporary unit and is physically disabled and requires frequent attendance by others for medical or physical care.
- (d) The applicant for the special exception is to be the owner and/or occupant of the temporary unit and at least one (1) member of his family is physically disabled and requires frequent attendance by others for medical or physical care.
- (e) The applicant for the special exception is not to be the owner and/or occupant of the temporary unit but at least one (1) of the residents of the unit is a member of the applicant/owner's family and is sixty-five (65) years of age or older.
- (f) The applicant for the special exception is not to be the owner and/or occupant of the temporary unit but at least one (1) of the residents of the unit is a member of the applicant/owners's family and is physically disabled and requires frequent care.

b. In order to determine if the need for the special exception permit presented by the applicant is a certified hardship, the board of appeals will require a doctor's certificate currently dated, attesting to the health of the person who is asserted to be physically disabled and also attesting to the need for frequent attendance upon such a person by other people. The certificate will be requested by the board of appeals directly from the doctor in attendance upon the person who is asserted to be disabled. The applicant will be required to sign a release to the doctor for such information to be supplied to the board of appeals prior to any action by the board of appeals to obtain the certificate from the doctor and any possible subsequent issuance of the special exception permit.

c. The procedure for applying for a special exception permit for a temporary manufactured home for certified hardship is as follows:

- (a) Application should be made to the board of appeals for the special exception permit for a temporary manufactured home for certified hardship.
- (b) The board of appeals will explain to the applicant all conditions and limitations attached to such a permit and will secure the written certification of the applicant that he understands and will abide by those conditions if issued the special exception permit.
- (c) The board of appeals will consider each application, and upon determining that all requirements have been met for such a permit, will issue the special exception permit.

d. Upon being granted a special exception permit to allow a temporary manufactured home for certified hardship, the applicant must then apply to the administrative officer for a building permit for the installation of the temporary manufactured home. The procedure is as follows:

- (a) Plans for a water/well and sewage/septic system suitable for the temporary manufactured home proposed to be installed on the site must be submitted to the Spalding County Health Department for

its review and approval.

- (b) Upon securing concurrence of the county health department of the proposed water and sewage systems to serve the proposed temporary manufactured home, the owner should present evidence of such approval to the administrative officer and apply for a building permit for installation of the proposed temporary manufactured home, including the water and sewage systems.
- (c) Upon approval of the administrative officer and receipt of the building permit, the owner should proceed with installation of the proposed temporary manufactured home, including water and sewage systems. The administrative officer will provide required inspections of these systems during and upon completion of construction.

e. The following conditions apply to special exception permits issued for temporary use of a manufactured home for hardship:

- (a) It is temporary and valid only for a period of time of twenty-four (24) months or whenever the conditions for which the permit was granted cease to exist.
- (a)' Any permit for a manufactured home for temporary use in case of certified hardship shall be valid for the calendar year in which such permit is first issued, and thereafter, such permit may be renewed annually upon submission of medical documentation attesting the continuation of the certified hardship in a form sufficient to satisfy the requirements of section 803.D.3.b. Notice that the certified hardship has ceased must be given within thirty (30) days of the date on which such certified hardship terminated.
- (b) A development plan must be submitted showing the proposed locations of the principal building, the water and sewage systems, and the temporary manufactured home. That development plan must be approved by the board of appeals before issuing the temporary special exception permit.
- (c) During its period of approval, the temporary manufactured home must be connected to the approved water and sewage systems.
- (d) The temporary manufactured home must be removed within thirty (30) days of either the expiration of the special exception permit for the temporary manufactured home or upon finding of the board of appeals, upon its own application or that of any aggrieved party and after giving due notice to all concerned parties and granting full opportunity for a hearing, that the conditions for which the special exception was granted no longer exists, whichever is earlier.
- (e) The temporary manufactured home must be either a Class B or Class C manufactured home.
- (f) No more than one (1) such unit is permitted per lot.
- (g) The unit must be located entirely within the rear yard of the principal dwelling, as shown on the approved development plan.

4. Manufactured home (Class B or C) for temporary use in case of certified hardship meeting the following development standards:

- a. A person having a certified hardship shown according to the procedure contained in this section and meeting the following conditions may apply to the board of appeals for the special exception permit.
- a'. The applicant for the special exception is to be the owner and/or occupant of the temporary unit.

- b'. The temporary unit is a replacement or substitute of an existing residential dwelling located on the same lot which was, within the six (6) months immediately preceding the time of application for the special exception, destroyed or damaged from fire, natural disaster or other act of God.
- b. In order to determine if the need for the special exception permit presented by the applicant is a certified hardship, the board of appeals will require evidence of the damage to the existing residential dwelling located thereon due to fire, natural disaster or other act of God.
- c. The procedure for applying for a special exception under this provision shall be the same as that set forth in section 803.D.3.c. through 803.D.3.e.
- d. Any permit issued hereunder shall be valid for a period of twelve (12) months from the date of issuance, within such period of time reconstruction and/or repair of the existing residential dwelling thereon must be complete.

5. Tower or antenna meeting the standards and development criteria established in the Spalding County Ordinance to Establish Standards for Telecommunications Antennas and Towers, limited to those towers defined in section 4.B.1.—5. of Appendix E and which additionally shall be determined by the Spalding County Board of Zoning Appeals to meet the criteria for approval set forth in section 6.C. of Appendix I.

E. All accessory uses must meet the following standards:

- 1. They must be located in the side or rear yards.
- 2. They may not be located closer than five (5) feet from any property line.
- 3. They may not be located in any front yard.
- 4. Accessory buildings and structures not attached to the principal building must be located at least twelve (12) feet from the principal building on the lot.
- 5. Accessory buildings and structures that are attached to the principle building must match the existing exterior of the principle building.

F. All uses not permitted within R-2 districts by this section are specifically prohibited.

(Res. of 10-1-96, § 6; Res. of 5-6-97, § 4; Res. of 7-15-97, §§ 17—19; Res. of 11-18-97, §§ 8—10; Res. of 12-16-97, §§ 11, 12, 14, 15; Res. of 1-6-98, § 1; Res. of 1-6-98, § 2; Res. No. 99-02, §§ 7, 8, 3-16-99; Res. No. A-99-21, §§ 3, 4, 12-21-99; Res. No. A-00-09, § 4, 6-5-00; Res. No. A-00-20, § 3, 10-16-00; Res. No. A-01-06, §§ 7, 8, 5-7-01; Res. No. A-01-18, § 6, 12-17-01; Res. No. A-01-17, § 10, 12, 1-7-02; Res. No. A-03-27, §§ 14, 16, 18, 12-15-03; Res. No. A-03-32, § 7, 12-15-03; Res. of 11-15-04(1), § 3; Res. of 11-15-04(3), § 3; Res. No. A-05-04, §§ 8, 9, 6-6-05; Res. No. A-05-20, § 1, 9-19-05; Res. No. A-05-17, §§ 3, 4, 4-3-06; Res. No. A-06-08, §§ 9, 10, 7-17-06; Res. No. A-08-04, § 6, 3-3-08; Res. No. A-08-07, §§ 12, 13, 7-7-08; Res. No. A-08-23, § 6, 2-2-09; Res. No. A-09-02, § 5, 3-16-09; Res. No. A-10-02, § 5, 5-3-10; Res. No. A-12-01, § 5, 5-7-12; Res. No. A-13-07, §§ 5, 6, 12-16-13; Res. No. A-15-02, § 10, 5-4-15; Res. No. A-15-07, § 10, 9-21-15; Res. No. A-19-02, § 10, 4-15-19; Res. No. A-19-07, § 4, 7-15-19; Res. No. A-20-08, §§ 11, 12, 10-5-20)

Sec. 804. - Development standards for R-2 districts.

In addition to the development standards contained in article 5 of this ordinance, the following standards are required within R-2 districts:

A.	<i>Minimum heated floor area per dwelling unit:</i>	One thousand seven hundred fifty (1,750) square feet.
For lots situated within the R-2 district and that have been platted and recorded in the records of the Clerk of Court of Spalding County on or before June 30, 2004, but after November 29, <u>2001</u> , minimum heated square footage shall be reduced to 1,400 square feet. Any lot that has been platted and recorded in the records of the Clerk of Court of Spalding County on or before November 29, <u>2001</u> , but after October 31, 1997, minimum heated square footage shall be reduced to 1,250. Any lot that has been platted and recorded in the records of the Clerk of Court of Spalding County on or before October 31, 1997, minimum heated square footage shall be reduced to 1,200. Development of these lots shall be permitted based upon dimensional requirements in effect before the above stated date. Any lawful lot of record eligible for development prior to this date shall remain eligible for development.		
B.	<i>Minimum lot area:</i>	
	<i>Outside of a conservation subdivision:</i>	As specified by the Spalding County Health Department, but in no case less than two (2) acres, unless a special exception allowing a reduction in lot size to one (1) acre is approved pursuant to section 413.
	<i>Inside of a conservation subdivision:</i>	See Appendix A: Subdivision Ordinance, Article 7: Conservation Subdivision, Section 703(3) for minimum required lot areas.
	<i>Lot of record (lawfully existing at the time of passage of this Ordinance):</i>	A lot having an area, which does not conform to the above standards, may nevertheless be developed with a use, which is permitted within an R-2 district if approved by the Spalding County Health Department.
	<i>Land divisions not falling under the purview of the Spalding County Subdivision Ordinance as defined in Appendix A, section 202(QQ):</i>	Lot area shall be a minimum of one (1) acre.
B'.	<i>Density calculations:</i>	For purposes of calculating density within a conservation subdivision by this ordinance, a density of one (1) lot per acre shall be used in areas served by

		public water and one (1) lot per acre in areas served by both public water and public sewerage. This calculation is based on the adjusted tract acreage.
C.	<i>Minimum lot width:</i>	Each lot shall have a minimum width of at least two hundred (200) feet where public water and sewer are not available. Where public water, but no public sewer, is provided the minimum lot width may be reduced to one hundred twenty-five (125) feet. Where public water and public sewer are provided, the minimum lot width may be reduced to one hundred (100) feet.
D.	<i>Minimum front yard depth:</i>	<ol style="list-style-type: none"><li>1. One hundred (100) feet. However, the minimum front yard may be reduced to seventy (70) feet where public sewer is provided.</li></ol>
		<ol style="list-style-type: none"><li>2. Irrespective of the provision of public sewer, the minimum front yard depth may be reduced to fifty (50) feet upon proof of compliance with the following additional standards:</li></ol>
		<ol style="list-style-type: none"><li><ol style="list-style-type: none"><li>a. The lot is located within a development governed by the Subdivision Ordinance of Spalding County and the reduced setback and criteria stated herein applied to each lot within the subdivision (subject to approval as stated in subsection (e) by the Spalding County Health Department);</li></ol></li></ol>
		<ol style="list-style-type: none"><li><ol style="list-style-type: none"><li>b. The lot must be located within a subdivision for which curb and gutter are installed;</li></ol></li></ol>
		<ol style="list-style-type: none"><li><ol style="list-style-type: none"><li>c. The front yard must be fully sodded on each lot irrespective of the setback. For double frontage lots, the side yard must be sodded a minimum distance of ten (10) feet from the curb;</li></ol></li></ol>

		d. Each lot must have a paved driveway;
		e. The subdivision must be governed by restrictive covenants containing standards and requirements for the maintenance of the front and side yards.
E.	<i>Minimum side-yard depth:</i>	Twenty-five (25) feet. However, the minimum side yard may be reduced to twelve (12) feet where public water is provided.
F.	<i>Minimum rear-yard depth:</i>	Twenty-five (25) feet.
G.	<i>Maximum building height:</i>	thirty-five (35) feet. Building height may be increased to sixty (60) feet, provided the structure is serviced by an approved sprinkler fire suppression system and upon approval as a special exception pursuant to section 413 of this ordinance. Any height limitation stated herein does not apply to projections not intended for human habitation.

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H. *Minimum frontage width:* Each lot shall have minimum frontage width of at least one hundred (100) feet where public water and sewer are not available. Where public water is provided, the minimum frontage width shall be reduced to seventy-five (75) feet. Minimum frontage width shall be reduced to thirty-five (35) feet for lots abutting the turnaround portion of dead end streets (culs-de-sac).

I. *Sight distance:* Within thirty (30) feet of the pavement edge, plants cannot be of a type which will exceed a height of thirty (30) inches at maturity and/or a trunk diameter of four (4) inches. There may be some flexibility in regard to the maximum trunk diameter when protected by a guardrail or some other suitable type barrier beyond thirty (30) feet from pavement edge. Almost any type of planted vegetation is permissible.

J. *Applicability to land and buildings:* No building, structure or land may be used or occupied and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered, unless in conformity with all of the regulations specified for the district in which it is located.

K. *Every use must be on a lot:* No building or structure may be erected or use established unless upon a lot as defined by this ordinance.

- L. *Only one principal building per lot:* Only one (1) principal building and its accessory buildings may be erected on any except for planned developments or as otherwise provided.
- M. *Open space not to be encroached upon:* No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in the ordinance. Shrubbery, driveways, retaining walls, fences, curbs, and buffers are not considered to be encroachments of yards. Open space areas as required by this resolution must be permanently maintained as open space in accordance with the requirements of this ordinance.
- N. *Reduction of yards or lot area:* Except as otherwise provided in this ordinance, no lot existing on or before the date of the adoption of this ordinance may be reduced, divided or changed in any way which does not comply with the area, width, or yard requirements of this ordinance provided, however, that:
  - 1. The area of a lot may be reduced if the reduction is necessary to provide land for a governmental function.
  - 2. The yard requirements for any lot within a subdivision which was platted and recorded in the office of the clerk of superior court on or before the date of adoption of this ordinance in the AR-1, R-1, R-2, R-4, or R-5 districts may be reduced to the yard requirements which existed on that date that subdivision was originally recorded.
  - 3. A lot within a platted subdivision which has been previously combined with another lot (or other combination thereof) within the subdivision prior to the date of adoption of this ordinance may be split to allow for development as such lot was originally platted.
- O. *Lots with multiple frontage:* In the case of a corner lot or double frontage lot, the front yard setback shall be a minimum of one hundred (100) feet, which may be reduced to seventy (70) feet where public sewer is provided. The setback applicable to any other portion of the lot which abuts a street shall be a minimum of fifty (50) feet, which may be reduced to thirty-five (35) feet where public sewer is provided. For purposes of this section, the front yard setback shall apply to that side of the lot which must comply with the minimum frontage width required in this district.
- P. *Landlocked lots:* In the case of a landlocked lot (a lot without direct access to a public street or road) lawfully existing as of the effective date of this ordinance, the property owner is entitled to one (1) building permit, as long as all of the following requirements are met:
  - 1. No other principal building exists or is being constructed on the property;
  - 2. No other valid building permit has been issued prior to the effective date of this ordinance and is currently valid;
  - 3. The property was and continues to be under single ownership since the effective date of this ordinance;
  - 4. The property owner has acquired a thirty-foot easement to a city-, county-, or state-maintained street or road, and the easement has been duly recorded and made a part of the property deed;
  - 5. In the event the property is divided, no additional permits will be issued.
- Q. *Reserved.*
- R. *Yards and other spaces:* No part of a yard, other open space, off-street parking, or loading space required for another building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.

S. *Substandard lots*: Any lot existing at the time of the adoption of this ordinance, which has an area or a width which is less than required by this ordinance, is subject to the following exceptions and modifications:

1. *Single lots*: When a lot has an area or frontage, which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this ordinance are met.

T. *Encroachment on public rights-of-way*: No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.

U. *Physical design standards*: Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in Appendix A, Spalding County Subdivision Regulations [Ordinance]. Consult that document for specific requirements.

V. *Off-street parking and service requirements*: Minimum standards for off-street parking and service requirements are contained in the Spalding County Standards for Off-Street Parking and Service Facilities (Appendix G).

W. *Other applicable development regulations*: Information concerning any other applicable development regulations may be obtained by consulting the administrative officer.

X. *Signs*: Minimum design and location standards for signs are contained in the Spalding County Sign Ordinance (Appendix E). Consult that document for specific requirements.

Y. Reserved.

(Res. of 10-17-97, §§ 9, 10; Res. of 12-16-97, §§ 11, 16; Res. of 5-19-98, §§ 7, 8; Res. No. 98-29, §§ 3, 4, 11-17-98; Res. No. 98-23, §§ 3, 4, 12-15-98; Res. No. A-01-13, § 16, 9-4-01; Res. No. A-01-17, § 14, 15, 47, 1-7-02; Res. No. A-02-03, § 4, 5-6-02; Res. No. A-03-07, § 4, 6-16-03; Res. No. A-03-27, § 20, 12-15-03; Res. No. A-04-11, §§ 5, 20, 6-7-04; Res. No. A-04-22, § 3, 1-27-05; Res. No. A-20-07, § 3, 8-27-20)