

## **ZONING ORDINANCE**

### **CITY OF COCHRAN, GEORGIA**

#### **PREAMBLE**

An Ordinance of the City of Cochran, Georgia regulating and restricting the use of land, buildings, and structures within the incorporated City of Cochran, Georgia; regulating and restricting the location, construction, height, number of stories and size of buildings and structures, the percentage of lots which may be occupied, the size of yards, and the density and distribution of population; imposing regulations, prohibitions, and restrictions governing the erection, construction, and reconstruction of structures and buildings and the use of lands for business, industry, residence, social, and other various purposes; creating districts for such purposes and establishing the boundaries thereof; providing for the gradual elimination of nonconforming uses of land, buildings, and structures; defining certain terms used herein; providing for the method of administration, enforcement and amendment of such regulations; prescribing penalties for violation of its provisions; repealing conflicting ordinances; and other purposes.

## **ARTICLE 1 – BASIC PROVISIONS**

### **1.1 Title and Authority**

- A.** This document shall be formally known as the City of Cochran Zoning Ordinance and it may also be cited and referred to as the Zoning Ordinance, Ordinance, or Code.
- B.** This Ordinance shall be for the purpose of promoting the public health, safety, and general welfare of the city and all of its citizens.
- C.** This Ordinance shall be under the authority of Official Code of Georgia Annotated, Title 36, Chapter 66, Zoning Procedures, and Title 36, Chapter 67, Zoning Proposal Review Procedures, and all acts amendatory thereto.

### **1.2 Jurisdiction**

This Ordinance shall apply to all land within the jurisdiction of the City of Cochran, being all portions of the City not in the ownership of the municipal, state, or federal government and to any area for which the City of Cochran Mayor and City Council has jurisdiction consistent with the provisions of Georgia law.

### **1.3 Purpose**

This Ordinance is intended to guide the growth and development of City of Cochran in accordance with the City of Cochran Comprehensive Plan and for the following purposes:

- A.** To secure adequate light, air, and convenience of access; and safety from fire, flood, and other dangers.
- B.** To promote the public health, safety, comfort, convenience, morals, and general welfare.
- C.** To plan for the future development of the City to the end:
  - a)** That the community grows only with adequate public ways, utilities, Health, education, and recreation facilities,
  - b)** That the needs of agriculture, industry, and business be recognized in future growth,
  - c)** That residential areas provide healthful surroundings for family life,
  - d)** That the growth of the community is commensurate with and promotes the efficient and economical use of public funds, and
  - e)** That the community strives for high aesthetic value and quality planning and design.

### **1.4 COMPLIANCE**

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or existing use be expanded, except in full compliance with all provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

## **1.5 SEVERABILITY**

If any provision of this Ordinance or the application of any provision to particular circumstances is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

## **1.6 INTERPRETATION**

The provisions of this Ordinance shall be held to be the minimum requirements for the protections of the health, safety, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment. If two or more provisions within this Ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

## **1.7 APPLICATION**

When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws or other regulations regulates a structure or parcel of land, the greater restriction shall control. In no instance shall this Ordinance be interpreted as altering or negating any other applicable regulations.

## **1.8 SAVING PROVISION**

This ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous Zoning Ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

## **1.9 REPEAL AND ADOPTION OF ORDINANCE**

The City of Cochran Zoning Ordinance dated **INSERT ADOPTION DATE**, and its associated Zoning Map and any revisions are hereby repealed. In the event, all of this Ordinance is struck down as void, unconstitutional or invalid, including therefore this provision, that prior ordinances shall be considered to not have been repealed, and shall therefore still be in effect.

## **1.10 TRANSITION RULES**

- A.** Any application for a Building Permit that has been filed with the City of Cochran and is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Zoning Ordinance.
- B.** Any application for a Zoning Map Amendment that was filed with the City of Cochran, and is full and complete prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists in this Ordinance, the City Planner shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
- C.** Any application before the Mayor and City Council, Planning Commission, or Board of Zoning Appeals (i.e. conditional use, development standards variance,

land use amendment) that has been filed with the City Planner or its designees and is full and complete, prior to the effective date of this Ordinance, shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing, provided that:

1. If such application is no longer required by the terms of this Ordinance, the application will be dismissed; or,
2. If the proposed use or development requires additional approvals from the Mayor and City Council, Planning Commission, or Board of Zoning Appeals pursuant to the terms of this Ordinance that were not required under the previous Ordinance, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Mayor and City Council.

**D. Permits**

1. All Building Permits issued prior to the effective date of this Ordinance shall be void 1 year after their date of issue if construction has not begun.
2. Building Permits issued prior to the effective date of this Ordinance for which construction has begun shall become void if construction is abandoned for a period of 6 consecutive months or if, in the opinion of the City Planner and/ or Building Inspector, construction has otherwise ceased.
3. All approvals which expire and/or become void shall comply with all applicable provisions of this Ordinance if re-issued.

**1.12 REPEALER**

Should any article or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. It is the intent that any provision declared unconstitutional shall be severed from the Ordinance, and that the remainder of the Ordinance remain in effect.

## ARTICLE 2 – DEFINITIONS

### 2.1 Definitions

- A. The definitions contained in this Article shall be observed and applied in the interpretation of all other actions in this ordinance;
1. Words used in the present tense shall include the future;
  2. Words used in the singular number shall include the plural and the plural the singular;
  3. Words used in the masculine gender shall include the feminine;
  4. The word “shall” is mandatory, not discretionary;
  5. The word “may” is permissive;
  6. The word “lot” shall include the words “tract” and “parcel;”
  7. The word “building” includes all other structures of every kind regardless of similarity to buildings;
  8. The phrase “used for” shall include the phrase “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for;”
  9. The word “person” includes a corporation, firm, partnership or similar, as well as an individual;
  10. All measured distances shall be to the nearest whole foot;
  11. Parenthetical words or statements are integral parts of the definitions in which they are located;
  12. Any words not defined in Article 2 shall be construed in their generally accepted meanings as defined by standard dictionaries.
  13. The words generally used in this Ordinance are defined in Article 2, Definitions, and shall be viewed in that context.
  14. For the purpose of these regulations, certain words or terms used shall be defined as follows:

**Abandonment:** The relinquishment of property or a cessation of the use of the property for a continuous period of one (1) year by the owner with neither transferring rights to the property to another owner nor of resuming the use of the property.

**Accessory Dwelling:** A dwelling unit, which is used for residential occupancy, created within an existing single-family home or on the same lot. It is an independent unit, but it may share an entrance, yard and parking with the principal unit.

**Accessory Equipment:** Any equipment serving or being used in conjunction with a Telecommunications Facility or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

**Accessory Structure:** A structure which is subordinate to a primary structure in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary building, structure, or principal use, and does not alter or change the character of the premises; is located on the same lot as the primary building, structure, or use.

**Adult Day Care Facility:** Adult day care facilities shall include any building or portion thereof used to house six (6) or more adults requiring care, maintenance, and supervision for part of a day.

**Administrative Approval:** Zoning approval that the City Planner is authorized to grant after an internal review of submitted document, site plan, or application.

**Administrator:** The individual or group responsible for the implementation and enforcement of the Ordinance. The City Planner, or his/ her designee, shall be the administrator for the Zoning Ordinance.

**Agriculture:** The use of land for the purpose of farming, dairying, pasturage or livestock yard, apiculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary accessory uses. The operation of any accessory uses shall be secondary to that of the normal agricultural activities.

**Alley:** A street which affords only secondary means of access to abutting property, and not intended for general traffic.

**Alteration:** A change in size, shape, character, occupancy or use of a building or structure.

**Alteration, Structural:** Any change in the supporting elements of a building such as bearing walls, columns, beams or girders.

**Airport:** An area of land which is designed, used or intended to be used for landing and takeoff of aircraft and any appurtenant areas, including buildings and other facilities such as refueling, parking, maintenance and repair facilities. The term "airport" applies to all such facilities, whether the facility is public or private.

**Amend or Amendment:** Any repeal, modification, or addition to a regulation; or any new regulation.

**Animal Hospital:** A building or portion thereof designed or used for the care, observation or treatment of domestic animals.

**Apartment:** One (1) or more rooms in an apartment building, with private bath and kitchen facilities or combination living space and commercial building, arranged, intended, designed, or occupied on a rental basis as a dwelling unit for a single family, an individual, or a group of individuals.

**Apartment Building:** A multi-family housing structure designed and constructed to accommodate three (3) or more dwelling units with independent cooking and bathroom facilities.

**Appeal:** The process by which an aggrieved party may petition for review of a decision made by an official or department of city government.

**Applicant:** The owner, owners, or legal representative of real estate who makes application to City of Cochran for action affecting the real estate owned thereby.

**Application:** The application for and all accompanying documents and exhibits required of a petitioner by an approving authority for a development review process.

**Arcade:** A row of arches, free-standing and supported on piers or columns.

**Arterial Street/Road:** See Street/Road, Major Arterial

**As Built Plan:** A plan and supporting documentation which describes a particular site after construction has been completed. This plan should indicate all structures, hard surface features, utilities, landscaping areas, tree preservation zones and tree replacement areas.

**Assisted Living Facility:** A state licensed use in which domiciliary care is provided to adults who are provided with food, shelter and personal services within independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

**Attached Building:** A building that is structurally connected to another building by a foundation, wall, or roof line. Carports, garages, porch awnings and the like shall be considered attached buildings.

**Attached Wireless Communication Facility:** An antenna array that is attached to an existing structure. These structures include, but are not limited to, utility poles, signs, water towers, rooftops, equipment facilities, and towers with any accompanying pole or device which attaches the antenna array to the existing building or structure and associated connection cables.

**Automobile Repair, Major:** A business where engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; and overall painting of vehicles is performed.

**Automobile Repair, Minor:** A business that conducts repairs other than major repair including engine tune-up, muffler shops, shock absorber replacement shops, undercoating shops and tire stores.

**Automobile:** A self-propelled, free-moving vehicle with four wheels, usually used to transport not more than six passengers and licensed by the appropriate state agency as a passenger vehicle.

**Automobile Wash:** Any building or premises or portions thereof used for washing automobiles. The facility for washing automobiles may be self- service, semi-automatic, or automatic application of cleaner, brushes, rinse water, and heat for drying.

**Automobile Sales:** The use of any building, land area, or other premise for the display and sale of new or used automobiles, generally, but may include light trucks or vans, trailers, or recreational vehicles and including any vehicle preparation or repair work conducted as an accessory use.

**Automobile Service Station:** Any building, land area, or other premise, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories. **Awning:** A sheet of canvas, metal or other material stretched on a frame and used to keep the sun or rain off a storefront, window, doorway, or deck.

**Awning Sign:** A sign applied to an awning that does not change the shape or function of the awning structure itself.

**Bank:** An officially state or federally chartered institution, empowered to receive deposits, make loans, and provide checking and savings account services.

**Banquet Hall:** A principal use consisting of a large room or hall that is available for rent for use for specific banquets, exhibitions, and/or meetings that may include the provision of food, drink, and/or entertainment.

**Bar/Pub:** Establishment where the primary purpose is the serving of drinks, especially alcoholic drinks, to the general public.

**Basal Area:** The cross-sectional area expressed in square inches, of a tree trunk at diameter breast height expressed herein in terms of "units" per acre.

**Basement:** A story partly underground but having more than one-half of its height below finished grade.

**Bay (building):** An opening or recess in a wall.

**Bay window:** A large window or series of windows that projects out from the exterior wall of a building and forms an alcove within.

**Bed and Breakfast Facility:** An individual owner occupied residence containing no more than fifteen (15) guest rooms for hire, for lodging by prearrangement for periods not to exceed three (3) consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel, boarding, lodging house, or motel.

**Berm:** A man-made, formed, earth mound of definite height and width used for landscaping and obscuring purposes.

**Best Management Practices (BMPs):** A collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).

**Block:** Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.

**Boarding House:** A dwelling other than a hotel where, for compensation and by prearrangement for a definite period, where meals and/ or lodging are provided for four (4) or more persons.

**Booking Agent:** Any person or entity that facilitates reservations or collects payment for limited lodging accommodations on behalf of or for an owner or primary resident. Merely publishing an advertisement for accommodation in a dwelling unit for limited lodging does not make the publisher a booking agent.

**Buffer:** An area adjacent to front, side or rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Buffers may be undisturbed



vegetated areas or planted buffers. Buffers are in addition to, but separate from, the front, rear, or side yard setbacks.

**Building line:** The building line is the same as the front yard setback line or build to line.

**Building:** A structure having a roof, supported by columns or walls, and intended for the shelter, housings, or enclosure of an individual, animal; process, equipment, goods, or materials of any kind.

**Building Area:** The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project less than two feet.

**Building, Detached:** A building surrounded by open space on the same lot.

**Building Code:** The International Building Code pursuant to O.C.G.A. §8-2-20.

**Building Envelope:** The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by the maximum height regulations, minimum yard setbacks, and buffers when applicable.

**Building Height:** See Structure Height

**Building Inspector:** The person or persons charged with the responsibility of issuing building permits, inspecting buildings, and issuing certificates of occupancy. This person is certified by the State or the International Code Council (ICC) in one or more disciplines; a residential or commercial building inspector, a plumbing, electrical or mechanical inspector or other specialty to inspect structures at different stages of completion.

**Building Permit:** A permit allowing a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure or before starting any construction, excavation, or work within a subdivision within its jurisdiction, or the pursuit of changes to the condition of land.

**Building, Principal:** A building or structure in which is conducted the predominant use of the lot, on which it is located.

**Building, Residential:** A building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families which includes, but is not limited to the following types:

- A. Single-family detached dwellings;
- B. Two-family dwellings;
- C. Single-family or two-family attached and semi-detached dwellings developed initially under single ownership or unified control;
- D. Multiple-family dwellings.

**Bulkhead:** The unit that occupies the lowest level of a storefront and can be described as the base which supports the display window; also referred to as a kick plate.

**Business:** The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services; an occupation, employment, or enterprise which occupies time, attention, labor, and materials; or the maintenance or operation of offices, recreational, or amusement enterprises.

**Canopy:** A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

**Car rental agencies:** Businesses which have as their primary purpose, or as a significant purpose, the furnishing of motor vehicles for hire on a periodic basis and which store vehicles pending their rental so that such vehicles may be available for rental or lease.

**Carport:** A roofed automobile shelter with two or more open sides formed by extension of the roof from the side of a building to which it is attached.

**Cemetery:** Property used for the interring of the dead. Includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.

**Certificate of Occupancy:** A certificate stating that the occupancy and use of a structure complies with the provisions of the City of Cochran Building Code and all other applicable regulations of City of Cochran.

**Church:** See Place of Worship.

**Check Cashing Outlet:** A person or entity that, for compensation, engages in whole or in part in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. It does not include a state or federally chartered bank, savings association, credit union, or industrial loan company.

**City Planner:** The person appointed by the Mayor and City Council of the City of Cochran, and his or her designee, and having the duties and responsibilities set forth within the Ordinance.

**City Street:** For the purpose of this ordinance only, a city street is a street which is owned and/or maintained by City of Cochran. Nothing herein shall be construed to designate any street as a city street for other than zoning purposes.

**Clearing:** The removal of vegetation from a property by any means.

**Cluster:** A development design technique that concentrates buildings on part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

**Clinic:** An establishment in which human patients, who are not lodged overnight, receive medical or dental study or treatment and in which the services of at least two physicians or dentists are provided.

**Club or Lodge, Private:** An association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building or portion thereof; the use of such premises being restricted to members and their guests. (The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food on such premises.

**Collection Bin:** A freestanding, unattended container, drop-off box, receptacle, trailer or similar device that is located outdoors and is held out to the public as a place for the public to donate household materials, clothes, shoes, books and other salvageable items of personal property to

store such items until taken away for donation or resale by the person that owns, operates, or maintains the container. The term does not include:

- a. Any unattended collection or donation box located within a building;
- b. A drop-off box maintained by a public library for the return of books or audio visual items; or
- c. Any "public bookcase," which is a cabinet containing one or more shelves, frequently is enclosed by a cabinet door or lid, and may resemble a birdhouse that is used for the free and anonymous storage and exchange of books by the general public without the formality associated with a public library. For purposes of this section, the term "public bookcase" includes a "little free library."

**Collector Road:** See Road, Collector.

**Colonnade:** A sequence of columns.

**Commercial District:** Refers to the DC, P, B1, B2, and M1 zoning districts.

**Commercial Vehicle:** a vehicle of a type required to be registered by the State of Georgia and used or maintained for the transportation of persons for hire, compensation or profit, or designed, used, or maintained primarily for the transportation of property.

**Common Area:** Those portions of a site and/or building(s) collectively owned or controlled.

**Community Garden:** An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one (1) or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

**Comprehensive Plan:** Refers to the City of Cochran Comprehensive Plan. The plan includes goals, objectives and strategies for land use, transportation, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the City pursuant to the Georgia Planning Act of 1989 and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

**Conditional Use:** A use that is designated by the Zoning Ordinance as being permitted in the district concerned if it meets special conditions, if found to be appropriate and upon application, is specifically authorized by the Mayor and City Council.

**Condition of Approval:** Stipulations or provisions that are provided above and beyond the minimum requirements that are set forth as a prerequisite for the approval of an application.

**Condominium:** Real estate lawfully subject to the Georgia Condominium Act, O.C.G.A. 44-30-70 et. seq. by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

**Conforming Building or Structure:** Any building or structure that complies with all the regulations of this Ordinance or of any amendment hereto governing the zoning district in which building or structure is located; and is designed or intended for a conforming use.

**Construction Plan(s):** The maps or drawings showing the specific location and design of improvements to be built in accordance with the applicable requirements of City of Cochran.

**Consumer fireworks retail sales facility:** A permanent or temporary building or structure, consumer fireworks retail sales stand, tent, canopy, or membrane structure that is used primarily for the retail display and sale of consumer fireworks to the public. The definition of consumer fireworks retail sales facility shall have the same meaning as set forth in O.C.G.A. § 25-10-1 and NFPA 1124 should that definition differ from the definition in this subsection.

**Consumer fireworks retail sales stand:** A permanent or temporary building or structure that has a floor area of not greater than 800 ft<sup>2</sup> (74m<sup>2</sup>), other than tents, canopies, or membrane structures, that is used primarily for the retail display and sale of consumer fireworks to the public. The definition of consumer fireworks retail sales stand shall have the same meaning as set forth in O.C.G.A. § 25-10-1 and NFPA 1124 should that definition differ from the definition in this subsection.

**Convalescent Center:** See Nursing Home

**Coop (cage):** A structure, not necessarily attached to the ground, with a top and sides and designed to provide shelter and protection for small animals or birds.

**Courtyard:** An open unoccupied space bounded on two or more sides by the exterior walls of a building or exterior walls and lot lines.

**Covenants:** Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the sub-divider and/ or developer, that are recorded with the plat and deed.

**Crematory:** Any place where cremation is performed, other than a hospital, clinic, laboratory, or other facility authorized by the Department of Human Resources for such purposes. This shall include any place where the cremation of animals is performed in accordance with O.C.G.A. § 40-13.5-.04.

**Cremation:** The reduction of dead human or animal bodies to residue by intense heat.

**Cross Dock:** Any structure designed for the immediate transfer of material from one vehicle to another. A cross dock structure has no area designed for long term storage of materials.

**Cul-de-Sac:** The turnaround at the end of a dead-end street.

**Curb Level:** The level of the established curb in front of such building measured at the center of such front. Where no curb level been established, the pavement elevation at the street center line similarly measured, or the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the “curb level.”

**Curb cut:** A curb cut is a ramp leading smoothly down from a sidewalk to an intersecting street.

**Curb radius:** A term used by highway engineers to describe the sharpness of a corner. A large curb radius allows for turns at higher speeds; lower curb radii necessitate a decrease in speed to turn.

**Cutting:** The detaching or separating of any limb, branch, or root from a tree; for the purpose of erosion control, the removal of any soil or other solid material from a natural ground surface.

**Day Care Center:** As defined by Rules and Regulations of the Georgia Department of Human Resources and for the purposes of the Zoning Ordinance, any place operated by a person, society, cooperation, institution, or group wherein are received for pay for group care, for fewer than 24 hours per day without transfer of legal custody, having nineteen (19) or more children under eighteen (18) years of age, and which is required to be licensed by both City of Cochran and the Georgia Department of Human Resources. "Day care facilities" shall be further differentiated by the following three (3) classifications:

1. Family day care home. A private residence operated by any person who receives therein, for pay for supervision and care for fewer than twenty-four (24) hours per day, without transfer of legal custody, three (3), but not more than six (6), children under eighteen (18) years of age, who are not related to such person and whose parents or guardians are not residents in the same private residence.
2. Group day care home. Any place operated by any person or group wherein are received for pay not less than seven (7), nor more than eighteen (18), children under eighteen (18) years of age for care and supervision for less than twenty-four (24) hours per day.
3. Day care center. Any place operated by a person, society, agency, corporation, institution or group, wherein are received, for pay, for group care for fewer than twenty-four (24) hours per day, without transfer of legal custody, nineteen (19) or more children under eighteen (18) years of age.

**Decorative Wall:** A masonry wall consisting of brick, stone or similar materials as approved by the City Planner and constructed with a design that includes specific pattern elements or ornamentation.

**Dedication:** The setting apart of land or interests in land for use that is accepted by the City by Code, resolution, or the recording of a plat.

**Detached Building:** A building that has no structural connection with the principal building.

**Detention facility:** A low lying area that is designed to temporarily hold a set amount of water while slowly draining to another location

**Developer:** An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site development plan showing the layout of the land and the public improvements involved therein. In as much as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term "developer" is intended to include the term "subdivider," even though the personnel involved in successive stages of the project may differ.

**Development:** Any man-made change to improved or unimproved real estate including but not limited to:

- A. construction, reconstruction, or placement of a structure or any addition to a structure;
- B. installing a manufactured home on a site, preparing a site for a manufactured home;
- C. installing utilities, erection of walls and fences, construction of roads, or similar projects;

- D.** construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- E.** mining, dredging, filling, grading, excavation, or drilling operations;
- F.** construction and/or reconstruction of bridges or culverts;
- G.** storage of materials or vehicles; or
- H.** any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; resurfacing roads, gardening, plowing, and similar agricultural practices.

**Disabled:** Shall have the same definition as "handicapped" set forth in the Fair Housing Act, 42 U.S.C. § 3602(h), and shall mean: A physical or mental impairment which substantially limits one (1) or more of such person's major life activities; or A record of having such impairment; or Being regarded as having such impairment, but such term does not include the current, illegal use or addiction to a controlled substance or the current addiction to alcohol.

**Distribution Center:** An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

**District:** A section of City of Cochran for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by the Zoning Ordinance.

**Domestic Pets:** Animals commonly used as household pets, protection, companions, and for the assistance of disabled persons. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, and aquarium fish.

**Drainage Easement:** A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of transporting storm water.

**Drive, Private:** See Road, Private

**Drive-in Establishment:** An establishment which offers merchandise, service, or entertainment to persons in motor vehicles.

**Drive In Restaurant:** Any place or premises used for sale, dispensing or service of food, refreshment or beverages in automobiles, including those establishments where customers may eat or drink the food or beverage on the premises.

**Driveway:** An access-way connecting one or more dwelling units and/or their parking spaces with a street.

**Dry Well:** An underground structure that collects storm water and dissipates slowly via small openings into the ground where it eventually merges with the groundwater.

**Duplex:** See Dwelling, Two-Family

**Dwelling:** A building or structure or portion thereof, conforming to all requirements applicable to the residential use districts of the Zoning Ordinance and City of Cochran Building Code or

Georgia Building Code used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multi-family dwelling units, but excluding hotels, boarding houses, and lodging houses.

**Dwelling Site:** A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long-term placement of manufactured homes and/or mobile homes.

**Dwelling Unit:** Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family and having permanently installed sleeping, cooking, and sanitary facilities.

**Dwelling, Mobile Home:** A transportable dwelling unit manufactured prior to June 15, 1976 and not subject to the Federal Manufactured Housing Construction and Safety Standards 42 U.S.C.A. 5401 et seq.

**Dwelling, Multi-Family:** A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling, Single-Family:** A detached residential dwelling unit designed for and occupied by one (1) family.

**Dwelling, Two-Family:** A residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

**Easement:** A grant by a property owner to specific persons, the general public, corporations, utilities, governments, or others, for a specified purpose.

**Efficiency Unit:** A dwelling unit consisting of one principle room exclusive of bathroom, hallway, closets, or kitchen and dining alcove directly off the principal room.

**Establishment:** An economic unit, generally, at a single physical location, where business is conducted or services or industrial operation performed.

**Explosives:** Any chemical compound or other substance or mechanical system intended for the purpose of producing an explosion or containing oxidizing and combustible units or other ingredients in such proportions or quantities that ignition by fire, by friction, by concussion, by percussion, or by detonator may produce an explosion capable of causing injury to persons or damage to property.

**Facade:** The face of a building fronting along a street.

**Family:** A person, or group of persons, immediately related by blood, marriage, or adoption living and cooking together as a single housekeeping unit, exclusive of household servants; also, a group of not more than three (3) persons not necessarily related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit.

**Family Day Care Home:** A use, in which shelter, care, and supervision are provided for fewer than twenty-four (24) hours per day, without transfer of legal custody, having no more than six (6) children under eighteen (18) years of age who are not related to such persons and whose parent or guardians are not residents in the same private residence. All family day care homes shall meet the requirements of the adopted International Residential Building Code.

**Farm:** An area of at least three (3) acres used for agricultural operations, forestry, the operating of a tree or plant nursery, or the production of livestock and poultry as well as those properties classified by the Internal Revenue Service as a farm.

**Farm Animals:** Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to, horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

**Feedlots:** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals, including livestock and fowl, and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered animal feedlots.

**Fence, Chain-Link:** A fence constructed of galvanized steel or similar materials as approved by the Building Inspector for the purpose of enclosing or securing an area. Chain-link fences shall not include wire fences or fences of similar construction.

**Fence, Electric:** Electrically-charged strand or strands of wire, intended to produce an electric shock upon contact, which are installed around the perimeter of an area. While low and high voltage/current electric fences may both be powered primarily by solar power and secondarily by a 12-volt battery, low voltage electric fences do not exceed an output of six (6) milliamps, while high voltage electric fences exceed an output of six (6) milliamps.

**Fence, Decorative Wall:** A masonry wall consisting of brick, stone, or similar materials as approved by the City Planner and constructed with a design that includes specific pattern elements or ornamentation.

**Fence, Industrial:** A chain-link or ornamental fence constructed of materials approved by the Building Inspector for the purpose of enclosing or securing an industrial use.

**Fence, Living:** A continuous hedgerow of living plant material planted and maintained for the purpose of enclosing an area.

**Fence, Obscuring Wall:** A masonry wall consisting of brick, stone, or similar materials as approved by the City Planner and constructed for the purpose of enclosing, obscuring or screening an area from view.

**Fence, Ornamental:** A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation. Columns, or support structures may consist of brick, stone or stucco that is architecturally consistent with the primary structure. All spaces in the fence shall be open and unobstructed and the fence shall not block vision to an extent greater than 40 percent. Ornamental fences shall not include chain-link or wire fences or fences of similar construction.

**Fence, Privacy:** A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than 40 percent for the purpose of obscuring or screening an area from public view.

**Fence, Rail:** A fence constructed of wood, vinyl or similar materials and consisting of one to four horizontal rails connecting to vertical posts spaced a minimum of six feet apart. All spaces



in such fences shall be open and unobstructed and such fences shall not block vision to an extent greater than 40 percent.

**Fence, Temporary:** A fence constructed of canvas, plastic, chain-link, wood or similar material as approved by the City Planner for the purpose of enclosing or securing an area for a limited period of time.

**Fenestration:** The arrangement, size, proportion and design of windows and doors on a building facade.

**Festoons:** Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels, or other devices or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind.

**Final Plat:** The final map, drawing or chart upon which the sub-divider's as-built plan of subdivision is presented, and which, if approved, will be submitted for recording among the land records for City of Cochran.

**Finished Floor Area:** See Floor Area, Finished

**Fireworks:** Any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, firecrackers, torpedoes, skyrockets, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance. The definition of Fireworks shall have the same meaning as set forth in O.C.G.A. § 25-10-1 and NFPA 1124 should that definition differ from the definition in this subsection.

**Fireworks, consumer:** Any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles. The definition of Consumer Fireworks shall have the same meaning as set forth in O.C.G.A. § 25-10-1 and NFPA 1124 should that definition differ from the definition in this subsection.

**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**Flood, Regulatory Base:** Flood having a one (1) percent chance of being equaled or exceeded in any given year. This is often referred to as a one-hundred-year flood.

**Floodplain:** The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe. Flood plain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration.

**Floodway:** The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

**Floodway Fringe:** Those portions of the floodplain lying outside the floodway.

**Flood Hazard Area:** The floodplain consisting of the floodway and the floodway fringe area.

**Flood Insurance Rate Map:** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and risk premium zones applicable to the community.

**Floor Area (For determining floor area ratio):** The sum of the gross horizontal areas of the several floors of the building enclosed by an exterior wall, excluding however, attic, and basement floors, open porches, breezeways, and garages.

**Floor Area of a Building (For determining off-street parking and loading requirements):** The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to a specific use; including accessory storage areas located within selling or working space such as counters, racks or closets; and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

**Floor Area, Finished:** That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space living rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area.

**Floor Area, Ground:** That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit. The Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

**Floor Area Ratio:** The floor area of the building or buildings on a lot divided by the area of such lot.

**Food service facility, carry-out:** Any place or establishment merchandising or dispensing food or drink, which is located on a permanent foundation and has at least four hundred (400) square feet of floor area, at which the customer is served:

1. Either over a counter or through an exterior sales window, and in which all food and drink merchandised and dispensed has been prepared and packaged so as to facilitate its consumption outside the structure from which the food or drink is dispensed, and
2. Said establishment has no seats for customers inside the establishment.

**Foot candle:** A unit of measure of the intensity of light falling on a surface.

**Forestry:** The science, business, and art of creating, conserving and managing forests on a continuous basis for both commodity and non-commodity purposes.

**Foundation:** The supporting member of a wall or structure.

**Freeway:** See Road/Street, freeway.

**Front Line:** With respect to a building, the foundation line that is nearest the front lot line.

**Front Lot line:** For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way or a lake or watercourse; and for a corner lot, the line marking the boundary between the lot and each of the abutting streets.

**Front Yard:** The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.

**Frontage:** See Lot Frontage

**Fully Shielded Fixture:** An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixtures.

**Funeral home/mortuary:** A place where embalming and/or funeral directing is practiced without engaging in the process of cremation or where observance, services or ceremonies are held for dead human bodies and which is open to the public and transacts business relating to funeral service.

**Gabled roof:** A roof consisting of two sloping sides that form a ridge and a gable at each end.

**Garage:** A deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

**Gas Station:** Any retail location where gasoline is sold.

**Glare:** The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**Greenhouse:** A building made of glass, plastic, or fiberglass in which plants are cultivated.

**Green Space** See Open Space

**Ground Floor Area:** See Floor Area, Ground

**Gross Site Area:** One or more parcels of land included in a single development plan, and preferably under common ownership, which constitute the entire area of the development shown on the site plan or subdivision plat. Gross site area shall include all land needed for required open space, buffer areas, landscaping, drainage facilities, parking, internal access roads or driveways, and other physical design features needed to serve the proposed development. The gross site area shall also include all land in floodplain, floodway, and dedicated easements or road right-of-way.

**Group Day Care Home:** A use, wherein group care for not less than seven (7) nor more than eighteen (18) children under eighteen (18) years of age for less than twenty-four (24) hours without transfer of legal custody and which is required to be licensed by both City of Cochran and the Georgia Department of Human Resources. All group day care homes shall meet the requirements of the adopted International Residential Building Code.

**Group Home:** Any dwelling unit designed for single-family occupancy and occupied by no more than eight (8) disabled individuals. The term "group home" shall not include the business of operating a boarding house, rooming house, halfway house, homeless shelter, or other similar

enterprise, nor shall the term "group home" include any releases of any penal institution or place for persons convicted of a crime, persons found to be juvenile delinquents, or juveniles found to be persons to be in need of supervision. In addition to disabled persons, up to two (2) additional persons acting as house parents or guardians may reside in a group home.

**Hair Braiding** Hair weaving, interlocking, twisting, plaiting, wrapping by hand, chemical or mechanical devices, or using any natural or synthetic fiber for extension of the hair.

**Half-way house:** Any building occupied by a group of not more than eight (8) unrelated individuals, provided that the majority of the residents shall meet at least one (1) of the following criteria:

1. Is on parole or probation, or has been ordered to reside in such type of facility as a condition of parole or probation; or
2. Has been convicted of a felony and has completed his or her sentence; or
3. Has been convicted of a criminal offense and has been ordered to reside in such type of facility as part of the criminal sentencing. Handbill: Any written or printed notice distributed by hand for the purpose of communication, including but not limited to any pamphlet, booklet or leaflet.

**Hardship:** A proven difficulty with regard to one's ability to improve land stemming from the application of the development standards of the Zoning Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include, but are not limited to: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of the Zoning Ordinance; any result of land division requiring variance from the development standards of this Ordinance in order to render that site buildable.

**Height:** See structure height.

**Helicopter:** Any rotor craft which depends principally for its support and motion in the air upon the lift generated by one or more power-driven rotors rotating on a substantially vertical axis.

**Helicopter Port:** A facility, either public or private, or an area of land, water, or structural surface which is designed, used or intended to be used for landing and takeoff of helicopters and any appurtenant areas, including buildings and other facilities such as refueling, parking, maintenance and repair facilities. The term "helicopter port" applies to all such facilities, whether the facility is public or private.

**Helicopter Stop:** A facility, either public or private, having a facility without the logistical support provided at a helicopter port at which helicopters land and take off, including the touchdown area. Helicopter stops may be at ground level or elevated on a structure. The term "helicopter stop" applies to all such minimum facilities, whether the facility is public or private.

**Hipped roof:** A roof sloping at the ends as well as the sides.

**Historic Area:** A district or zone designated by a local authority or state or federal government within which the buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form, and architectural detail; or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/ or developed according to a fixed plan based on cultural, historical, or architectural purposes.

**Historic District:** See Historic Area

**Historic Preservation:** The protection, rehabilitation, and restoration of districts, sites, buildings, structures, and artifacts significant in history, architecture, archeology, or culture.

**Historic Site:** A structure or place of outstanding historical and cultural significance and designated as such by the State or Federal Governments

**Home Occupations:** Any occupation or activity carried on within the dwelling by a member of a family residing on the premises in connection with which there is no group instruction, assembly or activity, and there are no supplies or equipment visible to the public that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises, and no person is employed other than a member of the immediate family residing on the premises. No more than twenty-five (25) per cent of the floor may be used for occupation. Home occupation shall include the use of the premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment, but not for the general practice of such person's profession. Home occupation shall also include the use of the premises for gardening and horticulture pursuits.

**Homeless shelter:** Any building in which meals and/or lodging is provided at nominal or no cost to not more than forty (40) persons who are homeless or indigent.

**Hookah Lounge:** Establishment where a Hookah (water pipe) is used to smoke shisha, a flavored tobacco or herbal product.

**Hoophouse:** A structure made of PVC piping or other material covered with translucent plastic, constructed in a “half-round” or “hoop” shape.

**Hospital:** An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for three (3) or more unrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term “hospital” does not apply to institutions operating primarily for treatment of insane persons, drug addicts, alcoholics, and other types of cases necessitating restraint of patients, and the term “hospital” shall not include convalescent, nursing, shelter, or boarding homes.

**Hotel:** A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

**Impervious Surface:** Any material that prevents absorption of storm water into the ground.

**Industrial District:** Refers to the LI, HI, and TR Zoning Districts.

**Industrial Waste:** Solid Waste generated by manufacturing or industrial processes or operations as defined in O.C.G.A. 12-8-22.

**Inoperable Vehicle:** Any motorized vehicle incapable of immediately being driven.

**Institutional Facility for the Developmentally Disabled/Mentally Ill:** A residential facility that provides care, supervision and protection and operates under a license issued under the Georgia Department of Human Resources; provides for delivery of mental health services that are appropriate to the needs of the individual; and, complies with the rules adopted by the Georgia Department of Human Resources.

**Interested Party:** Interested parties shall include, but are not limited to, those persons, groups, property owners or other entities which are considered or consider themselves to be affected by a change in land use or the intended results of an application for a development permit.

**Interior Lot:** See Lot, Interior

**Interstate:** See Limited Access Highway

**Junk:** An automobile, recreational vehicle, boat, truck, other motor vehicle, large appliances, furniture or like materials which has been damaged to such an extent that it cannot be operated under its own power or used and/or will require major repairs before being made usable.

**Junk Yard:** A place, usually outdoors, where waste or discarded property, other than organic matter, including but not limited to automobiles and farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale; this shall not include any industrial scrap metal yard. The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as, but not limited to, wood, paper, rags, garbage, tires, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.

**Jurisdiction:** All land within the unincorporated limits of City of Cochran, Georgia.

**Kennel:** A place primarily for keeping four (4) or more adult dogs, or other small animals that are ordinarily bred for sale as pets. This includes temporary care facility for compensation.

**Landscape Island (or parking island):** “Mini-medians” consisting of cutouts in the asphalt within the limits of the center lane of a roadway or in a parking lot. These cutouts will vary in size and can be at grade for water harvesting or raised with curbing.

**Landscaping:** The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains, and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

**Legal nonconforming fence or wall:** A fence or wall which was legally erected or installed but is no longer in compliance with the provisions of this article. Such fences or walls must be located outside of any existing right-of-way and wholly upon the parcel to which they are associated.

**Legal Nonconforming Use:** Any building, structure or land lawfully occupied by a use or lawfully situated at the time of the passage of this ordinance or amendments thereto, which does

not conform after the passage of this ordinance or amendments thereto with the regulations of this ordinance.

**Limited Lodging:** The accessory use of all or part of a dwelling unit by rental for temporary occupancy for dwelling, sleeping, or lodging. Limited lodging includes the arrangement of such rental by the owner through a booking agent.

**Loading space:** A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet; no part of a required front yard can be considered as part of required loading space.

**Loan establishment:** A business engaged primarily in providing loans to members of the general public. Short-term loan establishments shall include businesses offering title loans, payday loans, signature loans, small loans, and other similar businesses.

**Local Street/Road:** A road designed primarily to provide access to abutting properties and discourage through traffic.

**Lodger:** A person who is a renter of all or part a dwelling unit and has mere use without actual or exclusive possession of the dwelling unit.

**Lodging House:** See Boarding House.

**Loading Space, Off Street:** Space logically and conveniently located for bulk pickups and deliveries, scaled to the size of delivery vehicles expected to be used.

**Lot:** A contiguous area of land separated from other areas of land by separate description (including a recorded deed, a subdivision plat or record of survey map, or by metes and bounds) for purpose of sale, lease, and transfer of ownership or separate use.

**Lot Coverage:** The area of a zoning lot occupied by the principal building and any accessory structures.

**Lot Depth:** The horizontal distance between the front and rear lot lines.

**Lot Frontage:** All property of a lot fronting on a street right-of-way or common, private drive, as measured between side lot lines.

**Lot of Record:** A lot which is part of a subdivision, the map of which has been recorded in the office of the clerk of the superior court of Fulton or Clayton counties; or a parcel of land described by metes and bounds, and a description of which has been so recorded in the office of the clerk of the superior court of Fulton or Clayton counties.

**Lot Width:** The distance as measured between the side lot lines at the front set back line.

**Lot, Buildable:** Any lot upon which a building or structure is allowed to be constructed and occupied by the regulations of City of Cochran. Generally, the lot shall have frontage on and access to an improved street, meet minimal setbacks, and have all necessary utilities available.

**Lot, Corner:** A lot situated at the intersection of two (2) streets or which fronts a street on two (2) or more sides forming an interior angle of less than one-hundred thirty-five (135) degrees.

**Lot, Developed or Improved:** A lot with buildings or structures.

**Lot, Interior:** A lot other than a corner lot with only one frontage on a street other than an alley.

**Lot, Through:** A lot fronting on more than one street, other than an alley, or abutting more than one street which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or lake.

**Louver:** A framed opening, as in a wall, door or window that is fitted with fitted or movable horizontal slats that permit air and light while shedding rain.

**Luminaire:** The complete lighting system including the lamp and light fixture.

**Luminaire, Cut off Angle:** The angle, measured up from the nadir, between the vertical axis and the first line of sight at which the bare source is not visible.

**Luminaire, Fully Shielded:** A luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.

**Maneuvering Space:** An open space in a parking area which is immediately adjacent to a parking space; is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but is not used for the parking of or storage of motor vehicles.

**Mansard roof:** A roof that is flat on top, sloping steeply down on all four sides, thus appearing to sheath the entire top story of a house or other building with a roof-like facade.

**Market Garden:** An area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non- food, ornamental crops, such as flowers, to be sold for profit.

**Massing:** The overall bulk, size, physical volume, or magnitude of a structure or project.

**Mini-warehouse:** A building or portion thereof used for dead storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals.

**Modular Home:** A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with regulations of either the Southern Building Code Congress International or the Georgia Industrialized Building Act.

**Monopole:** A single, freestanding pole-type structure supporting one or more telecommunications antenna.

**Motel:** An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.

**Motorized ATV/Off Road Vehicle or Motor Bikes:** A motorized vehicle whose primary purpose and design is for usage other than transportation and generally off improved road surfaces. Also maybe referred to as not being street legal. Vehicles whose design and use are for



use on challenging terrain and/or contests of speed and skill in adverse conditions. Examples but limited to; Dune Buggies, Motor Cross Bikes, Off-road motorcycles, Quad-runners, Three Wheelers.

**Motor Vehicle:** Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

**Mulch:** A layer of wood chips, pine straw, hay or other material placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold soil in place and aid in plant growth.

**Multiple Family:** See Dwelling, Multiple Family.

**Municipal Solid Waste:** Any solid waste derived from households as defined in O.C.G.A. 12-8-22.

**Natural Disaster:** A flood, tornado, hurricane, earthquake, or other occurrence for which the President of the United States has made a federal disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5206. Should the State of Georgia's definition of "Natural Disaster" found in O.C.G.A. § 50-1-9 differ from the definition herein, the definition in O.C.G.A. § 50-1-9 controls.

**Natural Area:** An area of natural vegetation that is generally undisturbed, un-maintained, and is self-perpetuating. It includes not only trees, but also native shrubs, ground covers, wildflowers, vines, and grasses.

**NFPA 1124:** National Fire Protection Association Standard 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 Edition.

**Nightclub** A Restaurant or Bar that provides music and space for dancing by patrons.

**Nonconforming Building:** A building, structure, or portion thereof, which was designed, erected, or structurally altered in accordance with the provisions of a current such that it does not conform to the regulations of the zoning district in which it is located.

**Nonconforming Lot of Record:** A lot that predates the zoning regulations and was created such that it does not conform to the regulations of the zoning district in which It is located.

**Nonconforming Use:** A use of land, buildings, or structures which does not conform with the use regulations of the zoning district in which it is located.

**Noxious Matter or Materials:** Matter or materials that are capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

**Nursing Home:** A use in which domiciliary care is provided to 3 or more convalescing, chronically or terminally ill non-family members who are provided with food, shelter and care. This use shall not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. Convalescent Center, nursing home and personal care home are further distinguished in administrative and conditional use provisions.

**Office Park:** A development on a tract of land in single ownership that contains a number of separate office buildings, as well as accessory and supporting uses, that is designed, planned, constructed, and managed on an integrated and coordinated basis.

**Official Zoning Map:** A map of City of Cochran, Georgia, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction.

**Off-site Improvements:** Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval, upon which is located improvements required by or related to the property to be subdivided.

**Open Sales Lot:** Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors. (Such merchandise includes, but is not limited to, passenger cars, trucks, motor scooters, motorcycles, boats, and monuments).

**Open Space:** An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open Space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

**Outdoor Lighting Fixture:** An electrically powered illuminating device or other outdoor lighting fixture including all parts used to distribute the light and/or protect the lamp, permanently installed or portable, used for illumination. Such devices shall include, but are not limited to, search, spot flood and area lighting.

**Outdoor Storage:** See Storage, Outdoor.

**Out Parcel:** A lot which either temporarily cannot be built upon or is not intended for development and is intended only for aesthetics, safety, common use, or the public good. Out parcels are normally owned in common by individuals, adjoining property owners, or homeowners' associations.

**Overlay District:** A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zoning district.

**Over Story Tree:** Trees which, at maturity, are generally greater than fifty feet at mature height.

**Owner:** A titled-owner or a tenant/renter of a property who is in possession and control of the dwelling unit and who lives in the dwelling unit more than fifty-one percent (51%) of the calendar year. Any tenant or renter of the property must be authorized by the titled-owner of the property to provide limited lodging.

**Parcel:** See Lot.

**Parking area, private:** An open area for the parking of privately owned automobiles and not for public use.

**Parking area, public:** An open area, other than street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

**Parking Space, Automobile:** Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1-1/2) ton capacity.

**Particulate Matter:** Dust, smoke, or any other form of air-borne pollution in the form of minute separate particles.

**Paved:** A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, sand or grass are not permitted as a paved surface.

**Pawnshop:** An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

**Peddler/ Peddling:** The going from door to door, house to house, place to place, street to street, or remaining in one place, in the township carrying or conveying or transporting by person, wagon, motor vehicles or other type of conveyance for the purpose of offering for immediate sale, food products, including but not limited to, meat, fish, vegetables, farm produce or provisions, candy, goods, wares or merchandise of any nature and landscaping materials of all types. It shall also include the assisting of others in "peddling."

**Permanent Foundation:** A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

**Person:** A corporation, company, association, society, firm, partnership, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

**Personal Care Home:** A building or group of buildings, a facility or place in which are provided two or more beds and other facilities and services, including room, meals and personal care for non-family ambulatory adults, as regulated by the State of Georgia Department of Human Resources. The term "personal care home" does not include buildings which are devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals, nor does it include halfway houses, residential treatment facilities, nursing homes, sanitariums, hospital or other institutional facilities, or rooming or boarding facilities which do not provide personal care.

For the purposes of these regulations personal care homes shall be classified as follows:

- A. A family personal care home shall be a personal care home for adults, in a family-type residence, non-institutional in character, which offers care to two through six persons.
- B. A group personal care home shall be a personal care home for adults, in a residence or other type building(s), non-institutional in character, which offers care to seven through 15 persons.
- C. A congregate personal care home shall be a personal care home for adults which offer care to 16 or more persons.

**Pervious paving:** Pervious materials permit water to enter the ground by virtue of their porous nature or by large spaces in the material. Pervious concrete paving is included in this designation.

**Petition:** See Application

**Petitioner:** A person submitting an application for a development permit or for the rezoning of land.

**Physical Activity Center:** A commercial or non-profit establishment that has as its sole purpose the improvement of health and physical fitness through special fitness and health equipment, facilities, and related educational programs. This term shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia, not any Place of Assembly.

**Place of assembly:** A structure, portion of a structure, or area (either indoor or outdoor), designed primarily for people to gather to observe or participate in a single event or series of events.

**Place of Worship:** Buildings and related lands and/or structures used for and generally open to the general public for group religious worship. "Group religious worship" shall mean the practice of praying to, giving thanks to, or otherwise worshipping or studying about a god or gods or other such higher entity or entities, which practice may include instructional, recreational, utility and maintenance activities. Places of Worship shall not include any building or property used solely for administrative activities related to an institution or group practicing group religious worship.

**Plan Book** A document submitted by the Applicant to the City Planner for all proposed development of new single family, two family, townhouse, condominium, and multiple family development. The documents shall include, but are not limited to: allowable building elevations, design criteria applicable for entries, porches, doors, windows, dormers, columns, cornices, rakes, garages, roofs, landscaping, fencing, retaining walls, exterior colors and materials, and other pertinent information as required by the City Planner.

**Planned Center:** A single office, commercial, or industrial property or contiguous properties, planned, developed and managed as a unit for occupancy by five (5) or more principal businesses not sharing common space, that are separately owned and have no corporate relationship, such as a shopping center or office complex.

**Planned Unit Development (PUD):** A large-scale unified development meeting the requirements of the Zoning Ordinance. Generally a planned unit development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of this Zoning Ordinance.

**Planting Season:** The time period or season during which newly planted trees will have the best opportunity for survival, and consisting of that period from November 1st of any year to March 31st of the following year.

**Porch:** A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

**Practical Difficulty:** A difficulty with regard to one's ability to improve land stemming from regulations of the Zoning Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Development Standards to improve his site in a practical manner.

**Primary Building/Structure:** The building or structure in which the primary use of the lot or premises is located or conducted, with respect to residential uses, the primary building or structure shall be the main dwelling.

**Primary Residence:** The use of a dwelling unit for residential household living purposes of more than fifty-one percent (51%) of the calendar year by the owner, tenant/renter, or person in possession and control of the dwelling unit.

**Primary Use:** The main use of land or buildings as distinguished from an accessory use. A principal use may be either a permitted use or a conditional use.

**Private Road:** See Road, Private

**Professional Office:** An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, physicians, surgeons or pharmacists, and Realtors or insurance agents and brokers.

**Public Improvements:** Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

**Public Sewerage System:** A community sewer system including collection and treatment facilities owned and maintained by a local government or an authority.

**Public Street/Road:** All property dedicated or intended for public highway, freeway, or roadway purpose and subject to public easements therefore.

**Public Utility:** Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewerage systems.

**Public Water System:** A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities owned and maintained by a local government or an authority.

**Public/Private Parking Area:** A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.

**Rear Lot line:** The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line.

**Rear Yard:** The horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.

**Recharge Area:** Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.

**Recreational Vehicle:** A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled by a light duty truck; and designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use. A vehicle that is a temporary dwelling for travel, recreation and vacation use including but not limited to:

**Recycling Center:** A lot of parcel of land, with or without buildings, upon which used household goods materials are separated and processed for shipment for eventual reuse in new products.

**Registered Land Surveyor:** A land surveyor properly licensed and registered through reciprocity permitted to practice in the State of Georgia.

**Registered Professional Engineer:** An engineer properly licensed and registered through reciprocity permitted to practice in the State of Georgia.

**Regulatory Flood:** The flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Georgia Department of Natural Resources and the Federal Emergency Management Agency. The “Regulatory Flood” is also known by the term “Base Flood.”

**Regulatory Floodway:** The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

**Replacement Tree:** A new tree planted on a site to meet minimum site density factor requirements, regardless of whether trees existed prior to any development.

**Recessed Lighting Fixture:** An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

**Residential District:** Refers to the AG, R1, R2, R3, and RM zoning districts.

**Restaurant:** An establishment where food and beverages are prepared for, served to, and consumed by the general public, primarily within the principal building. A restaurant must comply with the food service and gross receipt requirements of the Chapter 3, Alcoholic Beverages, and definition. Does not include establishments that offer ordering and pick up of food from an automobile or any establishment requiring payment of a cover charge for admission.

**Restaurant, Drive-In:** An establishment where food and/ or beverages are sold in a form ready for consumption, where all or significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pick up of food may take place from an automobile.

**Restaurant, Full Service:** A Restaurant where food and drink are ordered at tables and booths by a waiter from a menu and consumed on premises.

**Right-of-Way:** A strip of land acquired by reservation, dedication, prescription, or condemnation, and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

**Right-of-Way Width:** The distance between property lines measured at right angles of the centerline of the street.

**Road/Street:** Any vehicular route that: is an existing state, City, or municipal roadway; or is shown upon a plat approved pursuant to law; or is shown on a plat duly filed and recorded in the office of the City recording officer prior to the appointment of a planning board and the grant to such board to review plats; and includes the land between the street lines, whether improved or unimproved.

**Roadside Stand:** A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

**Rowhouse:** A multi-family dwelling consisting of three or more attached dwelling units of similar or identical design, separated from others in a row by a vertical unpierced fire wall extending from the basement to the roof.

**Scrap Metal Yard:** A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards, dumps, or automobile graveyards.

**Semi-trailer:** a vehicle designed for carrying persons or property used in conjunction with a motor vehicle and so constructed that some part of its weight and that of its load rests upon, or is carried by another vehicle.

**Service station:** Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automotive fuels, oils or accessories and in connection with which is performed general automotive servicing such as dispensing gas, changing oil, lubrication, checking tire pressure, fixing flats, replacing points and plugs, and adjusting or regulating parts, as distinguished from repairs such as repairing or replacing mechanical parts, or major engine or transmission overhaul, major body work, and a major automobile painting.

**Setback:** The minimum horizontal distance between the wall of the building or foundation and a lot line or right-of-way.

**Shared parking:** Parking spaces assigned to more than one use where persons utilizing the spaces are unlikely to need the spaces at the same time of day.

**Shed awning:** A flat awning projecting diagonally from the wall surface over a window or door opening; a traditional design.

**Sidelight:** A window (actually, usually a series of small fixed panes arranged vertically) found on either side of the main entry door of many Federal, Greek Revival and other late-18th- to mid-19th-century houses.

**Special Flood Hazard Area:** Those lands within the jurisdiction of City of Cochran that is subject to inundation by the regulatory flood. The SFHA's of the City are generally identified as such on the Flood Insurance Rate Map of the City prepared by the Federal Emergency Management Agency.

**Shoulder:** The portion of a street or road from the outer edge of the paved surface or back of curb to the right-of-way limit.

**Shopping Center:** A group of commercial establishments having a building composition that is an architectural unit and is not a miscellaneous assemblage of stores; planned, developed, analyzed as a unit, related in location, size and type of shops to the trade area that the unit serves, and providing on-site parking in definite relationship to the types and sizes of stores.

**Side Lot line:** A lot boundary line other than a front or rear lot line.

**Side Yard:** The horizontal space between the nearest foundation of a building to the side lot line and that side lot line. unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches into that space; steps or terraces not higher than the level of the first floor of the building; and open lattice-enclosed fire escapes, fireproof outside stairways and balconies projecting not over twenty four (24) inches into that space.

**Site Development Plan:** A plan and supporting documentation which describes a particular site which is to be disturbed or developed. This plan should indicate all structures, hard surface features, utilities, landscaping areas, tree preservation zones and tree replacement areas.

**Solar Collection System:** A solar energy system that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

**Small Scale Solar Collection System:** A solar collection system that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means, principally for use on the same property.

**Solar Farm:** A solar collection system placed in an area for the purpose of generating photovoltaic electric power principally for use off-site, or where the solar collection system is the primary land use on the parcel where it is located, or where the total area of a ground based or free standing solar collection system occupies more than one (1) acre. This is also referred to as a "solar park," "solar power plant" or "solar photovoltaic farm."

**Solid Waste:** Any garbage or refuse as defined in O.C.G.A. 12-8-22.

**Solid Waste Handling:** The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities as defined in O.C.G.A. 12-8-22.

**Sound Level Meter:** An instrument standardized by the American Standards Association for measurement of the intensity of sound.

**Stable, Private:** A building or structure which is located on a lot on which a dwelling is located, and which is designed, arranged, used, or intended to be used for housing saddle horses, ponies,



mules, or other draught animals primarily for the use of occupants of the dwelling, but in no event for hire. Horses shall be subject to the animal unit/acreage restrictions for the available pasture space, as defined within the Agricultural zoning district.

**Stable, Public:** A stable other than a private stable which is used to house horses, ponies, mules or other draught animals on a pay-for-services, for-profit basis.

**Stabilization:** The process of establishing an enduring cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

**Storage, Outdoor:** The outdoor accumulation of goods, junk, cars, busses, tractor trailers, railroad cars, equipment, products, or similar materials for permanent or temporary holding.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. A basement having more than one-half the clear floor-to-ceiling height above grade shall be considered a “story.”

**Story, Half:** A space under a sloping roof which has the line of intersection of roof decking and wall, not more than three (3) feet above the top level of the story below. In such space, not more than sixty (60) percent of the floor area is completed for a principal or accessory use)

**Street:** See Road/ Street

**Street Grade:** The grade of the centerline of a street measured at any point along the street expressed as a percent.

**Street Tree:** Any existing tree or any tree to be planted on the street right-of-way.

**Structural Alteration:** A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations. Also, substantial roofing and siding work when repairs are made to the structure beneath.

**Structure:** Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to the following: Site built buildings, industrialized buildings, modular homes, manufactured homes, mobile homes, swimming pools, satellite dishes, fallout shelters, telecommunication towers and facilities, and satellite communication facilities.

**Structure Height:** The vertical distance from the average elevation of the building to the highest point of the coping of a flat roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

**Subdivision:** The division of a lot, tract or parcel of land into two (2) or more lots, parcels, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or for building development. It includes resubdivision and relates to the process of resubdividing or to the land or territory subdivided.

**Support Structure:** A structure designed and constructed specifically to support an antenna array. This includes, but is not limited to, a monopole, self-supporting tower, and guy wire-support tower. A support structure does not include any device that is used to attach a wireless communication facility to a building or structure.

**Swimming Pool:** A structure having a self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure/ use. **Teen Club:** Any club, business or establishment providing an on-going place of entertainment, to include but not limited to, night clubs, discotheques or such similar establishments, either with or without payment for persons between the ages of 13 and 18 on a full-time or occasional basis. A teen club does not include uses operated by public agencies or private non-profit or charitable organizations, such as religious youth centers, the boys' and girls' club, or youth community centers provided for recreation or congregation.

**Temporary Occupancy:** The accommodation of lodgers conducted in a dwelling unit, the primary use of which is for household living, and where the total accommodations of lodgers provided is for fewer than ninety-one (91) days per calendar year but where the provision of lodging to any particular lodger is for no more than thirty (30) consecutive days.

**Temporary Use/Structure:** A land use or structure established for a limited and fixed period of time with the intent to discontinue such use or structure upon the expiration of the time period.

**Tenant:** A natural person, business or other entity that occupies land or buildings by ownership, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.

**Theater:** A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

**Townhouse** A multi-family dwelling consisting of three or more attached dwelling units, separated from others by a fire rated wall extending from the basement to the roof, each of which has primary ground floor access to the outside.

**Tractor Trailer Drop Lot:** Property used solely for the temporary placement of tractor trailers where no structure is located on the premises.

**Tractor Trailer Storage:** Property used for the long term controlled storage of tractor trailers which include permanent office or security facilities.

**Trailer:** Trailers designed for human dwellings can be divided into RV or mobile homes. To be classified as a RV trailer it must be less than 400 sq. ft. and a trailer of 400 sq. ft. or more is classified as a mobile - single wide. Trailers used for construction or sales offices should not be considered the same as RV or as mobile homes. Also transport trailers used for storage or are abandoned present a different set of issues. Also a vehicle designed for carrying persons or property on its own structure and being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle.

**Truck Sales:** The sale of vehicles primarily designed to carry cargo and material.

**Truck Stop:** Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products

directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews.

**Truck Terminals:** Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal facility may include storage areas for trucks and areas for the repair of trucks associated with the terminal.

**Trucking Facility:** Property used for reoccurring trucking operations, including storage of trucks and trailers. A trucking facility may include offices, dispatch facilities, areas for refueling and routine maintenance of company owned trucks and vehicles. No warehousing or cross dock facilities are located on the premises.

**Truck Tractor:** a motor vehicle designed and used primarily for drawing another vehicle and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn

**Use:** The purposes of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

**Use, Principal:** The main use of land or buildings as distinguished from a subordinate or accessory use. (May be either “permitted” or “conditional”)

**Use, Permitted:** A use which may be lawfully established in a “particular district or districts, provided it conforms to all requirements, regulations, and performance standards, if any, of such district.

**Vacation Rental:** Any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is rented to transient occupants more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to transient occupants.

**Variance:** A specific approval granted by a Board of Zoning Appeals in the manner prescribed by the Zoning Ordinance, to deviate from the development standards that the Ordinance otherwise prescribes.

**Vegetative screen:** Plantings that may be used to screen different uses from one another. Tall shrubs/hedges or fences covered in vines may be used.

**Vehicle:** A device used as a mode of transportation of persons and/or goods including but not limited to automobiles, semi-tractor trailers, trailers, semi-trailers, and truck tractors, all types of trailers, snowmobiles, recreational vehicles, motorcycles and like devices.

**Vehicle, Inoperable:** A vehicle which due to mechanical defect or failure or incorrect or unapparent licensing is not physically or legally able to be operated.

**Vehicle parking facilities:** Surface parking lots or parking decks dedicated for the parking of vehicles either as a primary use of a parcel of property or as a secondary use of property unrelated to the property's primary use.

**Warehousing and Distribution Centers:** Land and building facilities engaged in storage, wholesale and distribution of manufactured products, supplies and equipment.

**Wetland:** An area that is inundated or saturated by surface or ground water at a frequency and duration that under normal circumstances supports a prevalence of hydrophilic vegetation.

**Wholesale Establishment:** A business establishment engaged in selling to retailers or jobbers rather than consumers.

**Yard:** An open space on the same lot with a building or structure, unoccupied and unobstructed from the general ground level to the sky, except as otherwise permitted. (a “yard” extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such lot is located).

**Yard, Front:** A yard extending along the full length of the front lot line between the side lot lines.

**Yard, Rear:** A yard extending along the full length of the rear lot line between the side lot lines.

**Yard, Side:** A yard extending along a side lot line from the front yard to the rear yard.

**Yard, Corner Side:** A side yard which adjoins a public street, road, or highway.

**Yard, Interior Side:** A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.

**Yard, Transitional:** A yard which must be provided on a lot in a Business District which adjoins a lot in a Residential District, or a yard which must be provided on a lot in a Manufacturing District which adjoins a lot in either a Residential or Business District.

**Zoning District:** See District

**Zoning Map:** See Official Zoning Map

**Zoning Ordinances:** An ordinance or resolution of a local government establishing procedures and zones or districts within its respective territorial boundaries which regulate the uses and development standards of property within such zones or districts. The term also includes the zoning map adopted in conjunction with a zoning ordinance which shows the zones and districts and zoning classifications of property therein.” O.C.G.A. § 36-66-3.

**Zero Lot Line:** The location of a building on a lot in such a manner that one or more of the building’s sides rest directly on a lot line.

## **ARTICLE 3 – ZONING DISTRICTS ESTABLISHED**

### **3.1 Establishment of Zoning Districts**

For the purpose of this Ordinance, the planning jurisdiction is divided into the following zoning districts for the general use as stated. These districts shall be indicated on the Official Zoning Map and labeled using the codes noted below. Each of the zoning districts stands alone and is not part of a hierarchy-system of zoning. Only those uses and development standards which are expressly permitted and noted for each district apply to that district.

#### **R-1 – Low Density Residential District**

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This district is established to provide for large lot, estate type residential development in a suburban environment.

#### **R-2 – Medium Density Residential District**

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This district is established to provide for medium density development of single-family detached homes on medium sized lots which are served by public water and sewer systems.

#### **R-3 – High Density Residential District**

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This district is established to provide for the high-density development of single-family detached homes on small lots in a walkable environment.

#### **RM – Multiple Family Residential District**

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This district is established to provide for the development of multiple family residential units, including apartments, townhomes, fee simply townhomes, condominiums, and structures containing three or more dwelling units.

#### **PUD(R) – Planned Unit Development Residential District**

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This district is established to provide a better and more desirable living and physical environment with higher density developments that allow a full range of housing types, open space, and walkable community.

#### **OP – Office-Professional District**

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This district is established to encourage and provide a suitable atmosphere for professional offices and related activities.

#### **DC –Downtown Commercial District**

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This district is established to provide for the development of mixed-use structures in an urbanized, walkable environment with retail commercial as the predominant use.

### **B-1 – Neighborhood Business District**

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This district is established to provide a land use category for conventional commercial development at a neighborhood scale that will provide goods and services to adjacent residential neighborhoods.

### **B-2 – Community Business District**

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This district is established to provide a land use category for conventional commercial development at a scale that will provide goods and services to the City of Cochran and surrounding cities.

### **M-1 – Light Industrial District**

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This district is established to provide a land use category for assembly, warehousing, wholesale activities, and other light industrial operations with access to adequate utilities, other public services and large quantities of suitable land.

### **M-2 – Heavy Industrial District**

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This district is established to provide a land use category for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations.

### **A-1 – Agricultural District**

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This district is established to provide a land use category to preserve and protect those areas within the city, which are particularly suited for agricultural purposes and presently having a predominately rural character.

### **P – Public District**

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This district provides for the protection and promotion of a suitable environment for the operation of hospitals, institutions and similar public facilities. The zone is intended to insulate such uses from the deleterious effects of incompatible uses and is required to protect the future development of land in accordance with the comprehensive plan of the city.

## **ARTICLE 4- ZONING DISTRICT INTENTS, USES, AND STANDARDS**

### **4.1 Principle Use of Lots**

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There shall only be one permitted principle use for every lot within the City of Cochran, subject to the following:

- 1.** The provisions shall not apply to any zoning district which specifically permits mixed-uses within a lot either vertically or horizontally.
- 2.** This provision shall not apply to lots with non-residential zoning classifications unless a residential use or dwelling unit, whether permitted as a non-conforming legal use or otherwise permitted under this ordinance, is maintained on such lot.
- 3.** No lot may be subdivided to comply with this Article if it shall create a non-residential zoned lot that:
  - a.** Is surrounded by one or more residentially zoned lot;
  - b.** Is not adjacent to any other non-residentially zoned lot; and/or
  - c.** Will not maintain a zoning classification that is consistent with the City's Comprehensive Land Use Plan.

## R-1 Low Density Residential District

### 4.2 R-1 District Intent, Permitted Uses and Conditional Uses

#### District Intent

The "R-1" District provides for the development of single-family detached homes on individual lots. It is established to protect and promote a suitable environment for family life, to discourage any use, which would generate other than normal residential area traffic on minor streets and to protect the orderly future development of the land in accordance with comprehensive development plans for the city.

#### Permitted Uses

##### Residential Uses

- Dwelling, single-family
- Home Occupation

##### Institutional/Public Uses

- Nature preserve/passive recreation trail
- Parks and playgrounds
- Police, Fire, rescue
- Public/government buildings and offices
- Public structures and uses in accord with the intent of this district

##### Communication/Utilities

- Public wellfield/pump house
- Water tower
- Utility substation

##### Accessory Uses

- Carports and garages
- Private recreation areas owned, operated, and maintained exclusively for residents
- Storage and utility buildings

#### Conditional Uses

##### Agricultural Uses

- Sale of Produce
- Farm Stands
- Community Gardens
- Kennels, on parcels of land greater than 3 acres; provided that any structure shall be at least 100 feet from any property line
- Places of worship

##### Residential Uses

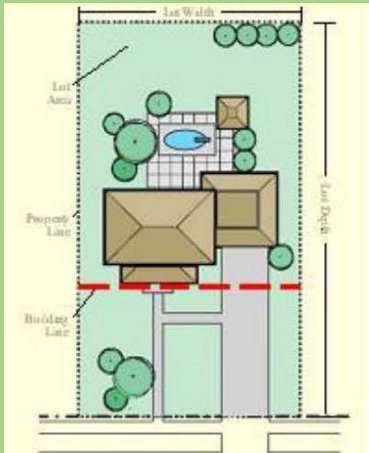
- Bed and Breakfast
- Personal care home (Family Personal Care)
- Group home and halfway home

##### Institutional/Public Uses

- Elementary and secondary schools of general education
- Places of Worship, Theaters, and Amphitheaters
- Publicly owned parks and recreation areas

Signs Permitted pursuant to the City of Cochran Sign Ordinance





### Minimum Lot Area

- 14,000 square feet

### Minimum Lot Width

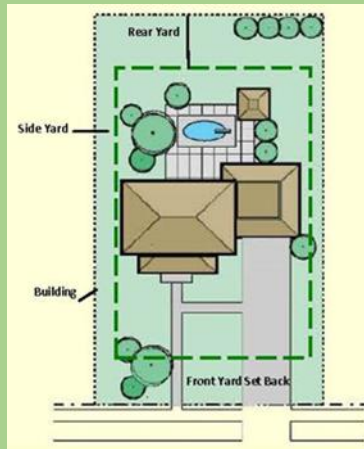
- 80 feet

### Minimum Lot Depth

- 180 feet

### Minimum Lot Frontage

- 100% of the lot width on a public street with access from said public street



### Minimum Front Yard Setback

- 35 feet Major Streets
- 30 All other streets

### Minimum Side Yard Setback

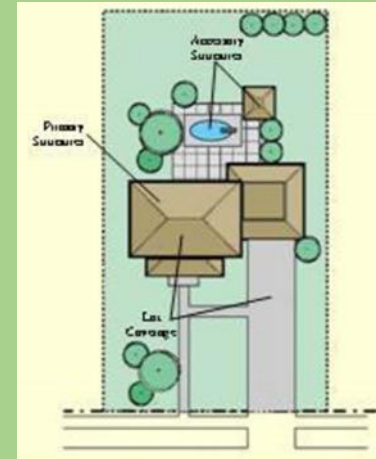
- 20 feet each side

### Minimum Rear Yard Setback

- 30 feet

### Minimum Lot Coverage

- Square footage of all primary and accessory structures, and impervious service cannot exceed 25% of the Lot Area

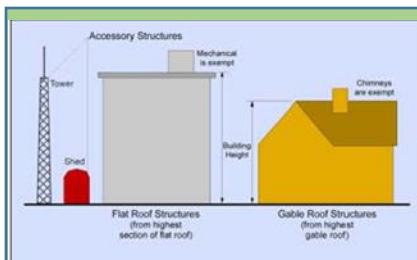


### Minimum Living Area

- 1,500 square feet of heated area for first floor
- 400 square feet (accessory use dwelling)

### Maximum Living Area

- 3,500 square feet of heated area



### Maximum Structure Height

- 35 feet for the Primary Structure
- 25 feet for the Accessory Structures

## R-2 Medium Density Residential District

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### 4.3 R-2 District Intent, Permitted Uses and Conditional Uses

---

#### District Intent

---

The "R-2" District provides for the development of single-family detached homes on individual, moderate-sized lots. It is established to protect and promote a suitable environment for family life, to discourage any use, which would generate other than normal residential area traffic on minor streets and to protect the orderly future development of the land in accordance with comprehensive development plans for the city.

#### Permitted Uses

---

##### Residential Uses

---

- Dwelling, single-family
- Home Occupation Type 1

##### Institutional/Public Uses

---

- Nature preserve/passive recreation trail
- Parks and playgrounds
- Police, Fire, rescue
- Public/government buildings and offices
- Public structures and uses in accord with the intent of this district
- Privately operated nursery, preschool or kindergarten<sup>1</sup>

##### Communication/Utilities

---

- Public wellfield/pump house
- Water tower
- Utility substation

##### Accessory Uses

---

- Carports and garages
- Private recreation areas owned, operated, and maintained exclusively for residents
- Storage and utility buildings

#### Conditional Uses

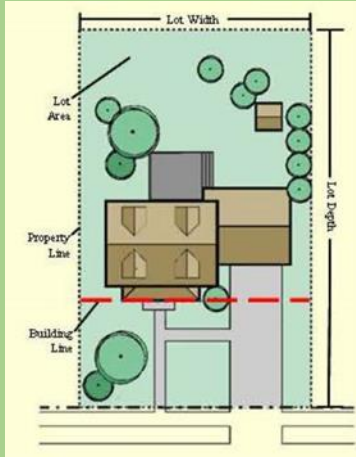
---

##### Institutional/Public Uses

---

- Any conditional use allowed in R-1
- Elementary and secondary schools of general education
- Publicly owned parks and recreation areas
- Places of Worship

1: Must provide a minimum open play area of one hundred square feet (100ft<sup>2</sup>) for each child and outdoor area is enclosed on all sides to a height of at least three (3) feet six (6) inches by a chain link (or comparable) fence



### Minimum Lot Area

- 10,000 square feet\*

### Minimum Lot Width

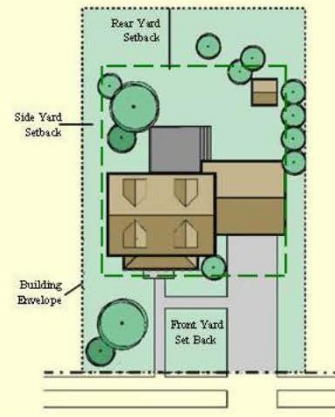
- 75 feet

### Minimum Lot Depth

- 80 feet

### Minimum Lot Frontage

- 100% of the lot width on a public street with access from said public street



### Minimum Front Yard Setback

- 35 feet Major Streets
- 30 All other streets

### Minimum Side Yard Setback

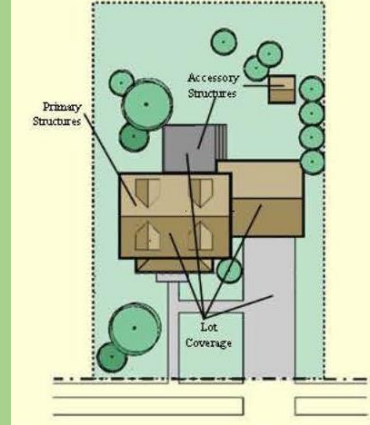
- 10 feet each side

### Minimum Rear Yard Setback

- 30 feet

### Minimum Lot Coverage

- Square footage of all primary and accessory structures, and impervious service cannot exceed 30% of the Lot Area

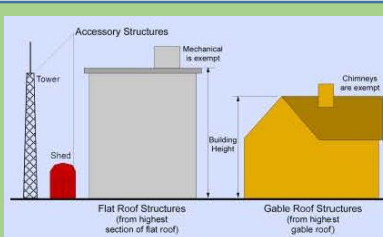


### Minimum Living Area

- 1,200 square feet of heated area for first floor
- 400 square feet (accessory use dwelling)

### Maximum Living Area

- 3,500 square feet of heated area



### Maximum Structure Height

- 35 feet for the Primary Structure
- 25 feet for the Accessory Structures

\*If a public sewer system is not accessible, an alternative method of sewage disposal for each lot, or a community sewage disposal system, may be used when in compliance with the standards of the Bleckley County Health Department. Such standards may require a greater minimum lot area and/or width than specified in the ordinance.

## 4.4 R-3 District Intent, Permitted Uses and Conditional Uses

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### District Intent

---

The "R-3" District provides for the development of single-family detached homes and two-family dwellings on individual, moderate-sized lots. It is established to protect and promote a suitable environment for family life, to discourage any use, which would generate other than normal residential area traffic on minor streets and to protect the orderly future development of the land in accordance with comprehensive development plans for the city.

### Permitted Uses

---

#### Residential Uses

---

- Dwelling, single-family
- Dwelling, two-family
- Manufactured Home
- Home Occupation

#### Institutional/Public Uses

---

- Nature preserve/passive recreation trail
- Parks and playgrounds
- Police, Fire, rescue
- Public/government buildings and offices
- Public structures and uses in accord with the intent of this district

#### Communication/Utilities

---

- Public wellfield/pump house
- Water tower
- Utility substation

#### Accessory Uses

---

- Carports and garages
- Private recreation areas owned, operated, and maintained exclusively for residents of subdivisions, multiple family, or manufactured housing developments
- Storage and utility buildings

### Conditional Uses

---

#### Residential Uses

---

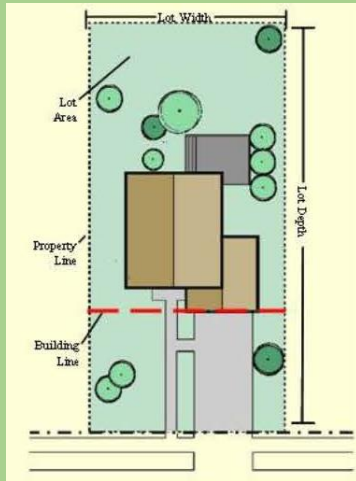
- Rooming and boardinghouses

#### Institutional/Public Uses

---

- Nursing, rest and convalescent homes
- Fraternal organizations, clubs and lodges
- Places of Worship

Signs Permitted pursuant to the City of Cochran Sign Ordinance



### Minimum Lot Area

- 7,500 square feet; 1 Unit, 1 Family
- 10,000 square feet; 2 Units, 2 Families

### Minimum Lot Width

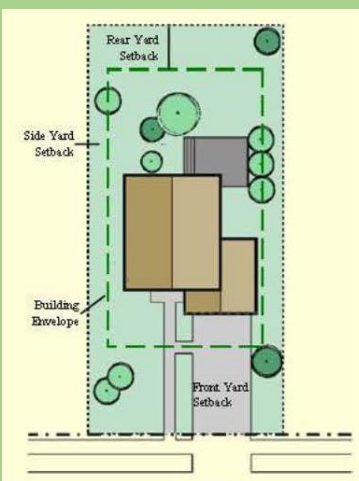
- 1 Unit/Family: 50 feet
- 2 Units/2 Families: 100 feet

### Minimum Lot Depth

- 80 feet

### Minimum Lot Frontage

- 100% of the lot width on a public street with access from said public street



### Minimum Front Yard Setback

- 30 feet Major Streets
- 20 All other streets

### Minimum Side Yard Setback

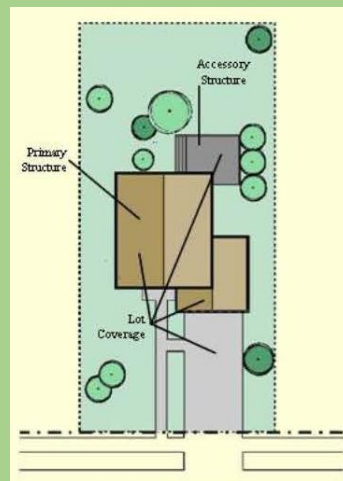
- 8 feet each side

### Minimum Rear Yard Setback

- 25 feet

### Minimum Lot Coverage

- Square footage of all primary and accessory structures, and impervious service cannot exceed 35% of the Lot Area



### Minimum Living Area

#### Single Family Dwelling

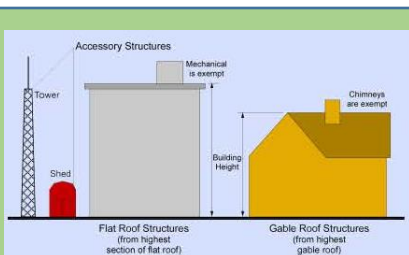
- 700 square feet of heated area for first floor
- 400 square feet (accessory use dwelling)

#### Two-Family Dwelling

- 700 square feet of heated area

### Maximum Living Area

- 3,200 square feet of heated area



### Maximum Structure Height

- 35 feet for the Primary Structure
- 25 feet for the Accessory Structures

## RM Multiple Family Residential District

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### 4.5 RM District Intent, Permitted Uses and Conditional Uses

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#### District Intent

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The "RM" District provides for the development of multiple-family dwellings served by public water and sewer system. Zone should be located on through streets classified as major collector streets or higher.

#### Permitted Uses

---

##### Residential Uses

---

- Dwelling, multiple family dwellings
- Row homes, townhomes, or condominiums
- Personal care home
- Group home and halfway home
- Home Occupation

##### Institutional/Public Uses

---

- Nature preserve/passive recreation trail
- Parks and playgrounds
- Police, Fire, rescue
- Public/government buildings and offices
- Public structures and uses in accord with the intent of this district

##### Communication/Utilities

---

- Public wellfield/pump house
- Water tower
- Utility substation

##### Accessory Uses

---

- Carports and garages

#### Conditional Uses

---

##### Residential Uses

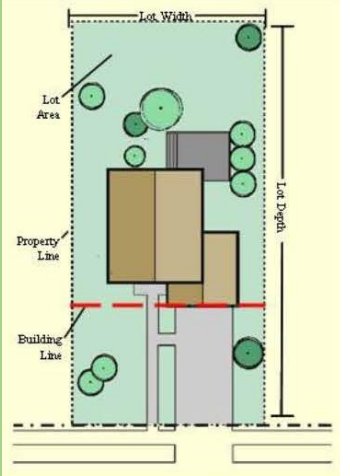
---

- Assisted living/retirement facility
- Manufactured Home
- Manufactured Home Parks

##### Institutional/Public Uses

---

- Nursing, rest, and convalescent homes
- Fraternal organizations, clubs, and lodges
- Places of Worship



### Minimum Lot Area

#### Single Family Dwelling

- 6,000 square feet

#### Two-Family Dwelling

- 4,500 square feet

#### Multi-Family Dwelling and Townhouses (3-4 Units)

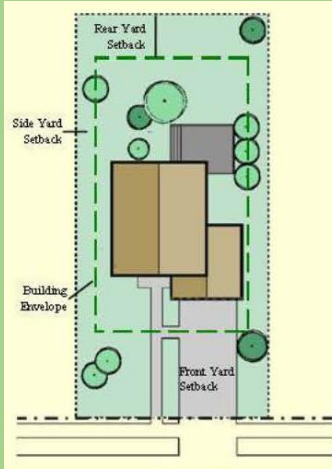
- 3,000 square feet for each unit
- 2,250 square feet for each additional unit over 4

### Minimum Lot Width

- 100 feet

### Minimum Lot Frontage

- 100% of the lot width on a public street with access from said public street



### Minimum Front Yard Setback

- 20 feet Major Streets
- 15 All other streets

### Minimum Side Yard Setback

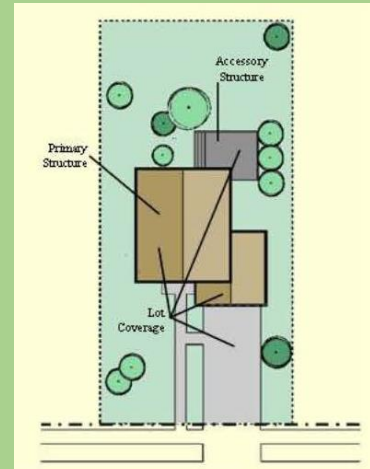
- Single-Family: 10 feet each side
- Two-Family: 10 feet each side
- Multi-Family: 15 feet each side

### Minimum Rear Yard Setback

- 30 feet

### Maximum Lot Coverage

- Square footage of all primary and accessory structures, and impervious service cannot exceed 35% of the Lot Area



### Minimum Living Area

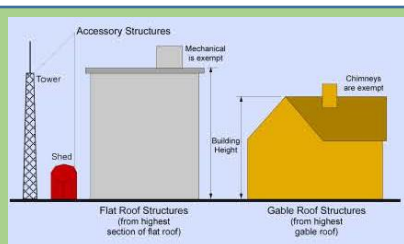
- 550 square feet for one-bedroom unit
- 1,000 square feet for two-bedroom unit
- 1,250 square feet for three or more bedrooms

### Desired Density

- 8-14 units per acre

### Required Open Space

- 5% of the total gross acreage and must include an amenity package such as, playground, recreation fields, tennis courts, pool, gazebo, or other passive recreation options



### Maximum Structure Height

- 40 feet or 3 stories for the Primary Structure
- 25 feet for the Accessory Structures

## PUD(R) – Planned Unit Development Residential District

### 4.6.1 PUD District Intent, Permitted Uses and Conditional Uses

<h4>District Intent</h4> <p>The “PUD(R)” District is intended to create areas of sufficient size where innovative design and flexibility in developments can be accommodated allowing modification of certain dimensional requirements, allowing more than one building, a variety of types, or even a mixture of land uses on a given development site or single parcel of land. Developments must still be consistent with the general objectives of this Ordinance, and not impact harmfully on the neighborhood in which they occur, the city’s general character, or the City’s ability to protect the public health, safety, and welfare.</p>	<h4>Permitted Uses</h4> <h5>Residential Uses</h5> <ul style="list-style-type: none"><li>• Home Occupation</li></ul> <h5>Institutional/Public Uses</h5> <ul style="list-style-type: none"><li>• Nature preserve/passive recreation trail</li><li>• Parks and playgrounds</li><li>• Police, Fire, rescue</li><li>• Public/government buildings and offices</li><li>• Public structures and uses in accord with the intent of this district</li></ul> <h5>Communication/Utilities</h5> <ul style="list-style-type: none"><li>• Public wellfield/pump house</li><li>• Water tower</li><li>• Utility substation</li></ul> <h5>Accessory Uses</h5> <ul style="list-style-type: none"><li>• Carports and garages</li></ul>	<h4>Conditional Uses</h4> <h5>Residential Uses</h5> <ul style="list-style-type: none"><li>• All uses are to be considered conditional uses (<b>See Section 4.6.2- Use Regulations</b>)</li></ul>
<h4>Procedural Requirements</h4> <p>The owner of a lot wishing to develop a planned unit development must apply for rezoning, and a detailed plan for development. This preliminary plan for development must be submitted in accordance with the requirements of Article 9, subsection 9.5.</p> <p>A lot must be five (5) acres or greater in size to be rezoned and developed as a Planned Unit Development District.</p>		

### 4.6.2 Use Regulations

**Use Regulations.** All uses are to be considered conditional uses. Allowed uses when authorized include:



- A. Any use permitted in the zoning district in which the proposed development site and lot is located at time of application for a planned unit development.
- B. Uses not permitted in the zoning district in which the development site or lot is located, provided that:
  - 1. Such uses are desirable or convenient for the users of the lot as developed, or the immediate neighborhood.
  - 2. Such uses are planned, designed, landscaped, and developed so as to assure they will not materially alter the existing character of the surrounding neighborhood or land uses.
  - 3. Such uses shall not be permitted to occupy more than twenty (20) percent of the developed lot area, nor more than twenty (20) percent of the building floor area.
- C. A mixture of residential types satisfying the above criteria.
- D. A mixture of residential and office or commercial uses satisfying the above criteria.
- E. Cluster developments.
- F. Public facilities, structures, and land uses necessary or convenient to the development or neighborhood.

#### **4.6.3 Lot Regulations**

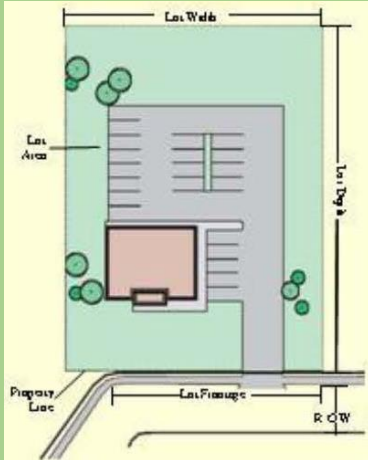
- A. A lot must be five (5) acres or greater in size to be rezoned and developed as a Planned Unit Development District.
- B. In the process of approval of a planned unit development, the Planning Commission and the City may make modifications from the setback requirements, height limits, building size limits, density, and other requirements of the zoning district in which the lot is located at the time of application. However, in no case may density of the proposed planned unit development exceed that of the zoning district in which it is located at the time of application by more than twenty-five (25) percent.
- B. Required improvements shall be the responsibility of the developer, and it shall be mandatory that the development use City water and sewer services and that all streets in the development be developed and paved in accordance with City standards.

## OP – Office-Professional District

### 4.7 OP District Intent, Permitted Uses and Conditional Uses

District Intent	Permitted Uses	Conditional Uses
<p>The “OP” District provides for the development of a suitable atmosphere for professional offices and related activities.</p>	<p><b>Office/ Institutional Uses</b></p> <ul style="list-style-type: none"><li>• Financial institutions</li><li>• Medical offices, clinics, and physical therapy facility</li><li>• Dental offices and clinics</li><li>• Hospitals</li><li>• Pharmacies</li><li>• Professional and business (legal, financial, architectural, real estate or insurance) offices</li><li>• Non-mechanical car wash</li><li>• Flower, book and gift shops</li><li>• Museums and art galleries</li></ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"><li>• Business and vocational schools, colleges, and universities</li><li>• Private and public club and meeting halls</li><li>• Police, Fire, rescue</li><li>• Public/government buildings and offices</li><li>• Public structures and uses in accord with the intent of this district</li><li>• Places of worship and other associated buildings</li><li>• Parks</li></ul> <p><b>Business Uses</b></p> <ul style="list-style-type: none"><li>• Cafeterias, delicatessen, snack shops, and dine-in restaurants</li><li>• Retail establishments occupying no more than 50 percent of any building</li></ul>	<ul style="list-style-type: none"><li>• Child and adult day care centers</li><li>• Educational facilities/school</li></ul> <p><b>Communication/Utilities</b></p> <ul style="list-style-type: none"><li>• Utility substation</li><li>• Water tower</li><li>• Public utility buildings, including telephone exchange buildings, transformer stations, substations, and gas regulator stations, but not including storage yards</li></ul>

Signs Permitted pursuant to the City of Cochran Sign Ordinance



**Minimum Lot Area**

- No minimum

**Minimum Lot Width**

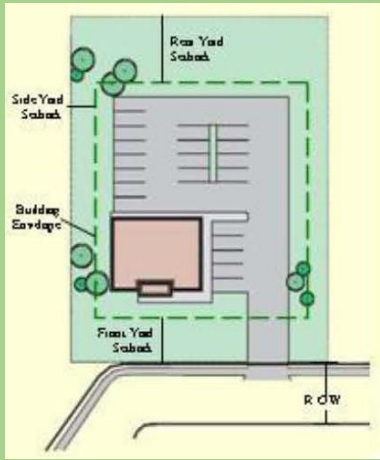
- None

**Minimum Lot Frontage**

- 20 feet on a public street with access from said public street

**Water and Sewer**

- Requires connection to public water and sewer



**Minimum Front Yard Setback**

- 0 Feet

**Minimum Side Yard Setback**

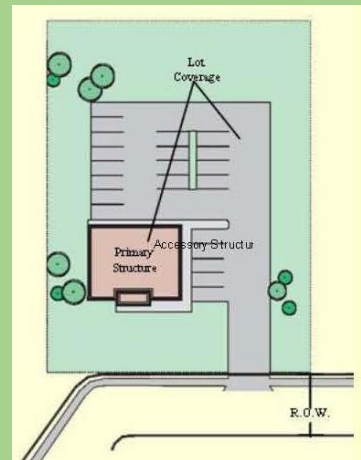
- 5 feet; 10 feet when adjacent to Residential

**Minimum Rear Yard Setback**

- 15 feet; 20 feet when adjacent to Residential

**Minimum Curb Cut Distance**

- 100 Feet



**Maximum Primary Structures/Lot**

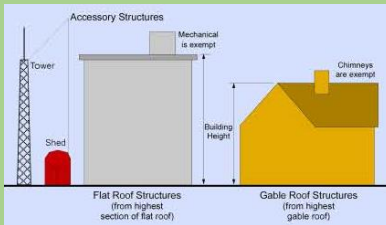
- 3

**Maximum Accessory Structures**

- 1

**Maximum Lot Coverage**

- All primary and accessory structures, and impervious surface shall not exceed 70% of the lot area



**Maximum Structure Height**

- 35 feet for the Primary Structure
- 25 feet for the Accessory Structures

4.9 DC District Intent, Permitted Uses and Conditional Uses

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**District Intent**

---

The “DC” District is intended to provide a land use category for the central business retail district. Land uses should be primarily commercial and tourism oriented; however mixed use is encouraged. The City of Cochran’s Planning Commission should use this district to promote shopping, dining, and entertainment options within walkable streetscape for residents and tourists alike.

**Permitted Uses**

---

**Residential Uses  
(2<sup>nd</sup> floor and above only)**

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- Residential, single-family
- Residential, two-family
- Residential, multi-family

**Institutional/Public Uses**

---

- Any use in the P District
- Tourism and welcome centers
- Public structures, including artwork and uses in accord with the intent of this district
- Parks, playgrounds, and

**Business Uses**

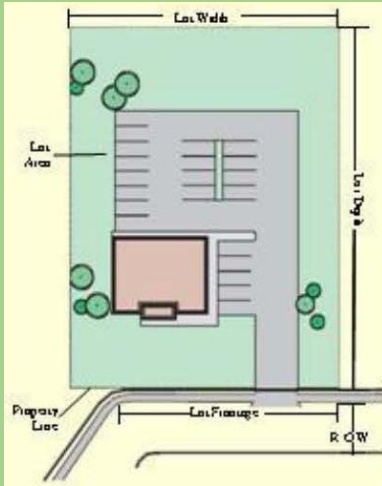
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- Art galleries and museums
- Professional offices
- Personal service establishments
- Banking and financial offices
- Group instruction for personal wellness
- Nutritional and pre-packaged snack shops
- Bakeries, coffee and desert/snack shops
- Florists
- Book and Media Stores
- Drug stores
- Gift and collectible shops
- General retail and merchandise sales
- Clothing and accessory retail sales
- Restaurants and catering establishments
- Specialty beer and wine sales
- Antique Sales
- Beauty Parlors and barber shops

**Prohibited Uses**

---

- Adult Entertainment Establishments
- Agricultural Processing/warehousing
- Automotive parts repair, sales, or storage
- Liquor Store and Package Sales



**Minimum Lot Area**

- None

**Maximum Lot Area**

- None

**Minimum Lot Width**

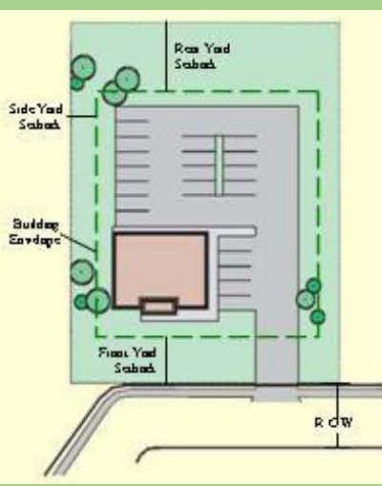
- 50 Feet

**Minimum Lot Depth**

- None

**Minimum Lot Frontage**

- 100% of the lot width on a public street with pedestrian access from said public street



**Minimum Front Yard Setback**

- 0 Feet

**Minimum Side Yard Setback**

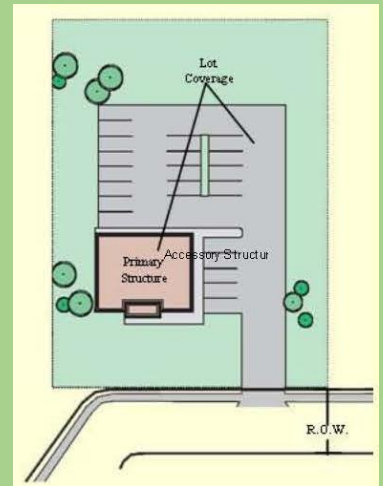
- 0 feet each side

**Minimum Rear Yard Setback**

- 10 feet

**Water and Sewer**

- Requires connection to public water and sewer



**Maximum Primary Structures/Lot**

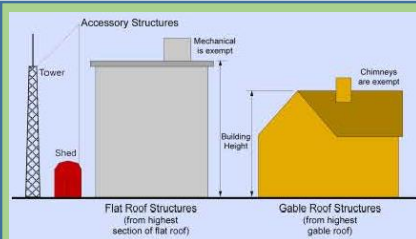
- 1

**Maximum Accessory Structures**

- 1

**Maximum Lot Coverage**

- 3.0 Floor Area Ratio



**Maximum Structure Height**

- 35 feet for the Primary Structure
- 25 feet for the Accessory Structures

## B-1 – Neighborhood Business District

### 4.10 B-1 District Intent, Permitted Uses and Conditional Uses

#### District Intent

The “B-1” District is intended to provide a land use category for small-scale commercial uses that provide products and services to a surrounding residential neighborhood.

#### Permitted Uses

##### Institutional/Public Uses

- Public structures and uses in accord with the intent of this district
- Parks, playgrounds, and passive recreation trails
- Nature preserves
- Government office/facility
- Police, Fire, or rescue station
- Fraternal organizations, clubs, and lodges
- Places of Worship

##### Business Uses

- Personal service uses
- Automobile brokers
- Professional offices
- Retail uses (small scale)
- Beauty parlors and barber shops
- Banks and credit unions
- Building and loan associations
- Drive-through restaurants that utilize at least 50% of their space as a full-service restaurant
- Drugstores and pharmacies
- Fruit markets
- Florists
- Bakeries
- Hardware stores
- Meat markets
- Restaurants
- Convenience stores
- Snack shops, and coffee shops
- Gift Shops

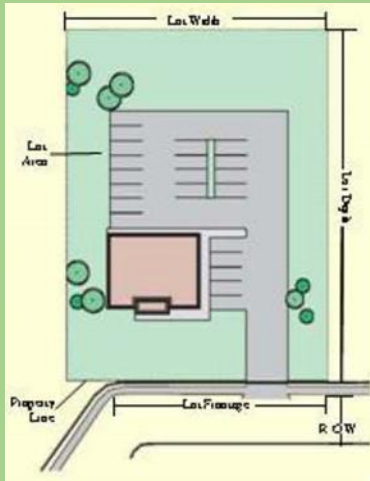
#### Conditional Uses

##### Institutional/Public Uses

- Funeral Home
- Educational facilities/school
- Child and adult day care centers
- Group home, homeless shelter, and halfway home

##### Business Uses

- Laundromats
- Mechanical car wash
- Grocery stores less than 22,000 square feet (Floor Area Ratio (.10-.30))



**Minimum Lot Area**

- 5,000 square feet

**Maximum Lot Area**

- 2 Acres

**Minimum Lot Width**

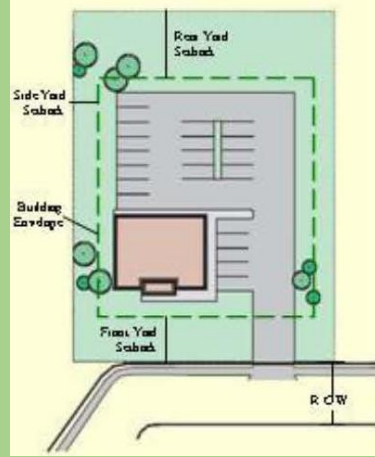
- 100 feet

**Maximum Lot Depth**

- 2.5 times the lot width

**Minimum Lot Frontage**

- 100% of the lot width on a public street with access from said public street



**Sewer and Water**

- Requires connection to public water and sewer

**Minimum Front Yard Setback**

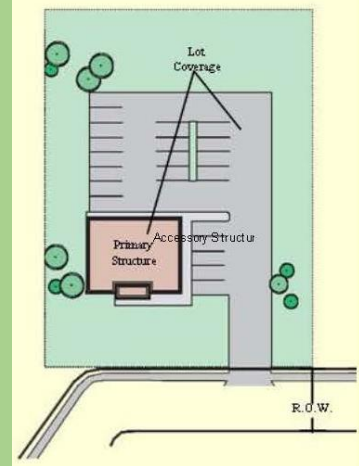
- 40 feet when adjacent to an Arterial
- 35 feet when adjacent to a Collector
- 20 feet when adjacent to a Local Road

**Minimum Side Yard Setback**

- 15 feet; 30 feet when adjacent to Residential

**Minimum Rear Yard Setback**

- 15 feet; 30 feet when adjacent to Residential



**Maximum Primary Structures/Lot:**

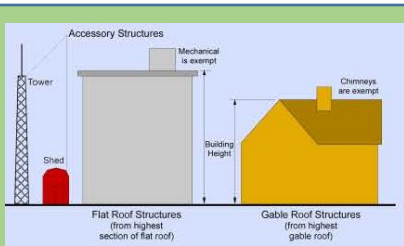
- 1

**Maximum Accessory Structures**

- 1

**Maximum Lot Coverage**

- All primary and accessory structures, and impervious surface shall not exceed 70% of the lot area



**Maximum Structure Height:**

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

## B-2 – Community Business District

### 4.11 B-2 District Intent, Permitted Uses and Conditional Uses

#### District Intent

The “B-2” District is intended to provide a land use category for commercial uses that protect and promote a suitable environment for those commercial facilities, which are especially useful in close proximity to residential areas and for those uses which serve the traveling public, without interfering with the free flow of traffic and minimizing the undesirable impact of such uses on the surrounding neighborhood. This district is required to protect the future development of land in accordance with comprehensive development plans of the city.

#### Permitted Uses

##### Institutional/Public Uses

- All those permitted in B-1

##### Communication/Utilities

- Public wellfield/pump house
- Water tower
- Utility substation

##### Business Uses

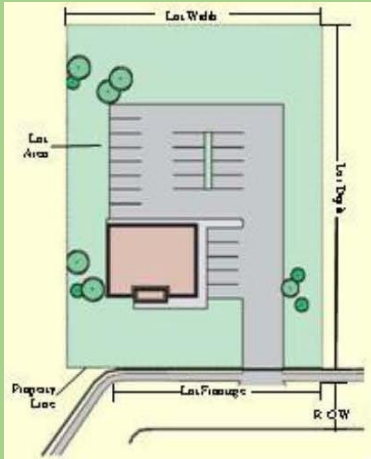
- All those permitted in B-1
- Corporate office uses
- Clinics, dentist, doctor, physical therapy, and urgent care offices
- Retail uses (large scale)
- New automobile and small vehicle sales and display
- Used vehicle and small vehicle sales and display
- Automobile repair and servicing when located in new or used dealership
- Automobile brokers
- Automobile gas/diesel stations
- Automobile wash and detail
- Bowling alley, skating rink, arcade, or similar recreational establishments entirely enclosed within a building
- Auction and antique sales (no outside storage)
- Ice storage and vending
- Hotels
- Veterinary clinic, and boarding
- Grocery Stores

#### Permitted Uses continued

##### Business Uses

- Sales room or shop of a builder, contractor, and artisan providing no equipment/display is stored outdoors
- Movie theaters
- Concert Halls
- Private/commercial vocational school
- Music/Recording studios
- Martial arts/ dance studios
- Restaurants, including drive through
- Physical activity centers
- Funeral, mortuary, and cremation establishments
- Places of Worship
  
- Conditional uses in B-1
- Second hand retail
- Peddler and temporary vendor
- Season sales
- Group home, homeless shelter, and halfway home
- Bars, lounges, restaurants, and similar establishments serving alcoholic beverages in accordance with the City of Cochran Alcohol Beverages License





**Minimum Lot Area**

- 20,000 square feet

**Minimum Lot Width**

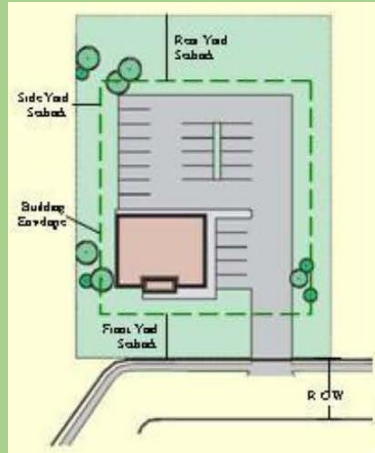
- 100 feet

**Maximum Lot Depth**

- 3.5 times the lot width

**Minimum Lot Frontage**

- 100 feet on a public street with access from said public street



**Sewer and Water**

- Requires connection to public water and sewer

**Minimum Front Yard Setback**

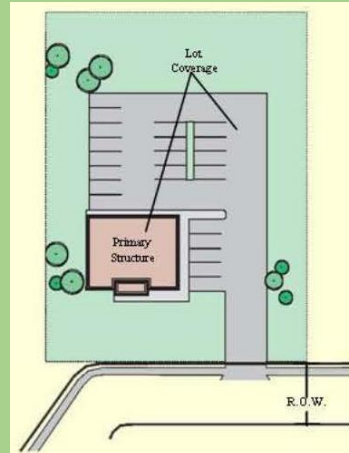
- 40 feet when adjacent to an Arterial
- 35 feet when adjacent to a collector
- 25 feet when adjacent to a Local Road

**Minimum Side Yard Setback**

- 15 feet
- 0 feet where no point of access or window

**Minimum Rear Yard Setback**

- 20 feet

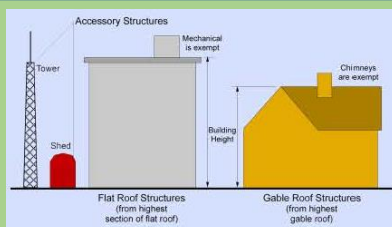


**Maximum Accessory Structures**

- 2

**Maximum Lot Coverage**

- All primary and accessory structures, and impervious surface cannot exceed 50% of the lot area



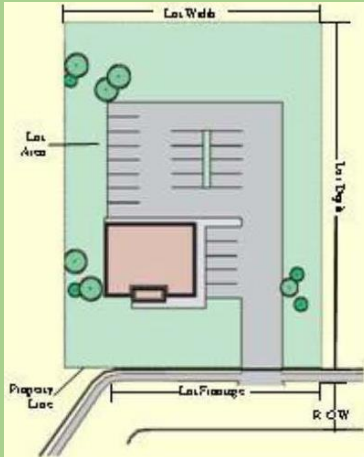
**Maximum Structure Height:**

- 35 feet for Primary Structures
- 25 feet for Accessory Structures

## M-1 – Light Industrial District

### 4.12 M-1 District Intent, Permitted Uses and Conditional Uses

<h4>District Intent</h4> <p>The “M-1” District is intended to provide a land use category to protect and promote a suitable environment for light industrial purposes, including accessibility to major transportation facilities, availability of adequate utilities and other public services and availability of large quantities of suitable land. Uses compatible with light industrial development are to be encouraged insofar as they are in accordance with comprehensive development plans of the city.</p>	<h4>Permitted Uses</h4> <h5>Industrial Uses</h5> <ul style="list-style-type: none"><li>• Bus terminals and bus repair shops</li><li>• Truck terminals</li><li>• Research, experimental, or testing laboratories</li><li>• Wholesale businesses</li><li>• Bottling and dairy products processing plants</li><li>• Manufacturing, compounding, or processing or packing of food and food products, cosmetics, toiletries, and pharmaceuticals, except meat products, vinegar, yeast, and other rendering or refining of fats and oil</li><li>• New and used automobile sales</li><li>• Automobile and truck service station</li><li>• Commercial nurseries and greenhouses</li><li>• Restaurants, cafes, grills including drive-through</li><li>• Veterinary clinic, and boarding</li><li>• Commercial parking lots and garages</li><li>• Storage area excluding automobile wrecking yards</li><li>• Radio, telephone transmitting towers</li><li>• Public utilities such as electric substations, storage of materials and trucks, repair facilities, offices and electric generating plants</li></ul>	<h4>Permitted Uses continued</h4> <h5>Industrial Uses</h5> <ul style="list-style-type: none"><li>• Printing, publishing, and reproduction establishments</li><li>• Boat, boat trailer, and marine accessory sales and rental</li><li>• Truck, cargo trailers, camping trailer, sales and rental</li><li>• Construction equipment, farm machinery sales and rental</li><li>• Movie industry stages and filming warehouses</li><li>• Building and construction materials sales yard</li><li>• Tire recapping and retreading shops</li><li>• Towing dispatch and vehicle storage yard</li><li>• Crematoriums</li><li>• Mini-warehouses</li></ul> <h4>Conditional Uses</h4> <h5>Industrial Uses</h5> <ul style="list-style-type: none"><li>• Solar Farms</li><li>• Scrap yards and automobile wrecking yards</li><li>• Any other use not specifically described as permitted</li></ul>
<h4>Applicable Development Standards</h4>		



**Minimum Lot Area**

- 9,000 square feet

**Minimum Lot Width**

- 75 feet

**Maximum Lot Depth**

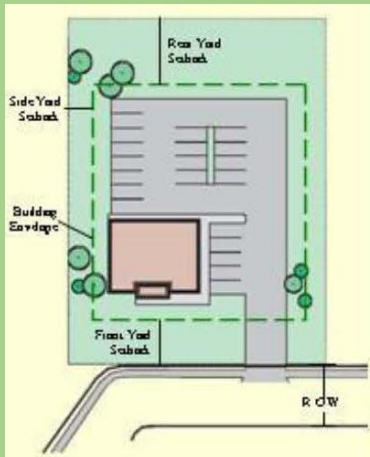
- None

**Minimum Lot Frontage**

- 100 feet on a public street with access from said public street

**Sewer and Water**

- Requires connection to public water and sewer



**Minimum Front Yard Setback**

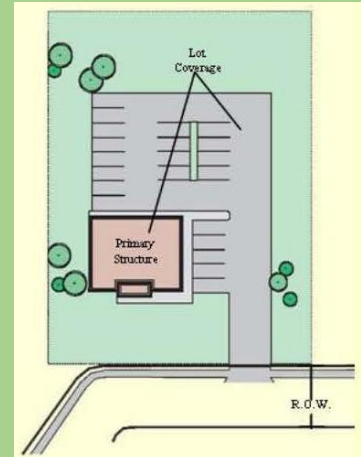
- 50 feet when adjacent to an Arterial
- 40 feet when adjacent to a Collector
- 35 feet when adjacent to a Local Road

**Minimum Side Yard Setback**

- 25 feet

**Minimum Rear Yard Setback**

- 25 feet

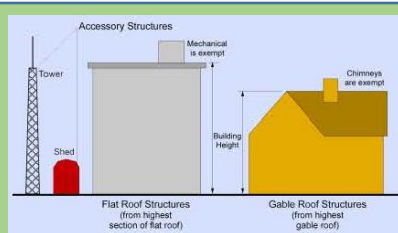


**Maximum Accessory Structures**

- None

**Maximum Accessory Structures/Lot**

- 3



**Maximum Structure Height:**

- 35 feet for Primary Structures
- 25 feet for Accessory Structures

## M-2 – Heavy Industrial District

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### 4.13 M-2 District Intent, Permitted Uses and Conditional Uses

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#### District Intent

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The “M-2” District is intended to provide a land use category to protect and promote a suitable environment for heavy industrial purposes, including accessibility to major transportation facilities, availability of adequate utilities and other public services and availability or large quantities of suitable land. Uses compatible with light industrial development are to be encouraged insofar as they are in accordance with comprehensive development plans of the city.

#### Permitted Uses

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##### Industrial Uses

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- Any use permitted in the M-1 light industrial district
- Mineral extraction and processing
- Rock, sand, or gravel distribution and storage
- Brick, tile, and/or terra cotta manufacturing
- Asphalt manufacture and batching plants
- Machine and machine tool manufacture
- Solar Farms

#### Conditional Uses

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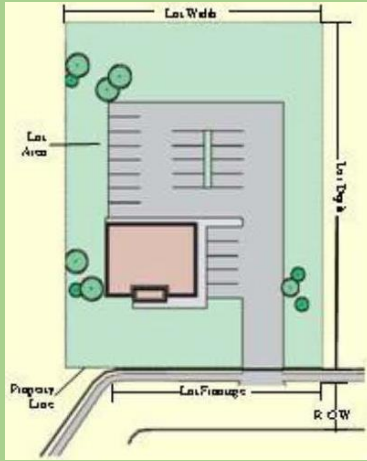
##### Industrial Uses

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- Truck terminals
- Recycling operations
- Incinerators
- Slaughterhouse
- Airport, heliports, and related landing areas
- Scrap yards and automobile wrecking yards
- Any other use not specifically described as permitted

#### Applicable Development Standards

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**Minimum Lot Area**

- 12,000 square feet

**Minimum Lot Width**

- 100 feet

**Maximum Lot Depth**

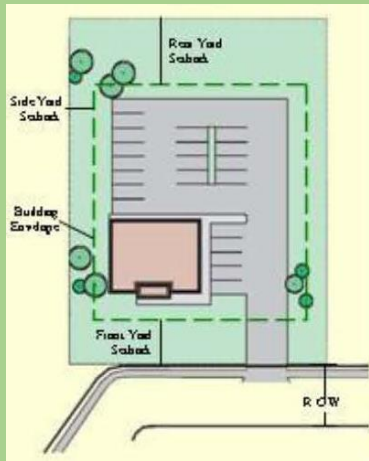
- None

**Minimum Lot Frontage**

- 100 feet on a public street with access from said public street

**Sewer and Water**

- Requires connection to public water and sewer

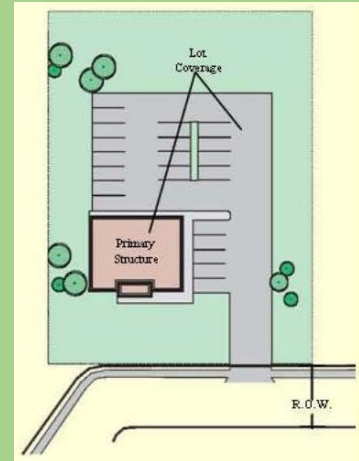


**Minimum Front Yard Setback**

- 50 feet when adjacent to an Arterial
- 40 feet when adjacent to a Collector
- 35 feet when adjacent to a Local Road

**Minimum Side Yard Setback**

- 25 feet



**Maximum Accessory Structures**

- None

**Maximum Accessory Structures/Lot**

- 3

## A-1 –Agricultural District

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### 4.14 A-1 District Intent, Permitted Uses and Conditional Uses

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#### District Intent

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The “A-1” District is intended to provide a land use category to protect and promote an area suitable for those areas within the city, which are particularly suited for agricultural purposes. It is the intent of the Agricultural district to provide for the continued existence of agricultural uses in areas within the city limits presently having a predominately rural character and which, because of physical conditions are not suitable for more intensive urban development. The district is required to protect the future development of land in accordance with the comprehensive development plans of the city.

#### Permitted Uses

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##### Residential Uses

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- Dwelling, Single-family

##### Agricultural Uses

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- Horticultural or general farming, truck gardens, cultivation of field crops, orchards, groves, or nurseries for growing or propagation of plants, trees and shrubs
- Animal hospitals/clinics
- Commercial dog kennel
- Private or commercial stable

#### Prohibited Uses

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- Commercial livestock raising and feed lot operations will not be permitted within the City

## P – Public District

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### 4.15 P District Intent, Permitted Uses and Conditional Uses

#### District Intent

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The “P” District provides for the protection and promotion of a suitable environment for the operation of hospitals, institutions, and similar public facilities. The zone is intended to insulate such uses from the deleterious effects of incompatible uses and is required to protect the future development of land in accordance with the comprehensive plan of the city.

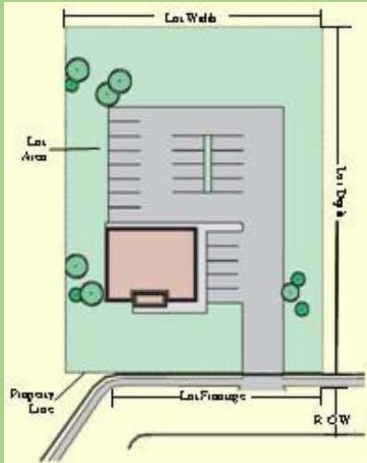
#### Permitted Uses

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##### Office/ Institutional Uses

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- Hospitals
- Business and vocational schools, colleges, and universities
- Police, Fire, rescue
- Public/government buildings and offices
- Public structures and uses in accordance with the intent of this district including recreation, service, and rehabilitation facilities

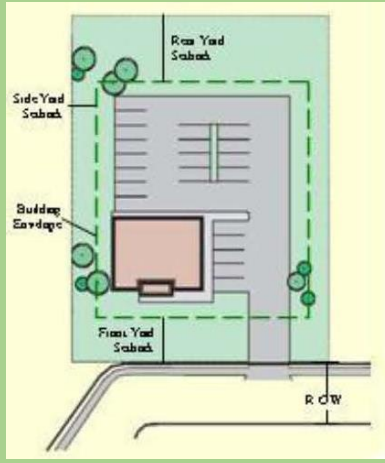


**Minimum Lot Area**

- None

**Minimum Rear Yard Setback**

- 15 Feet

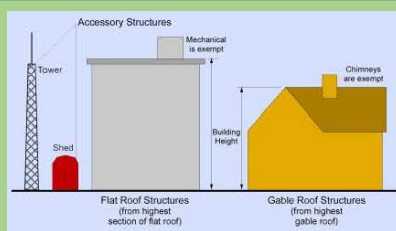
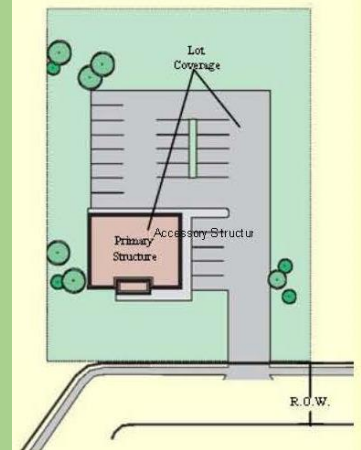


**Minimum Front Yard Setback**

- 10 Feet

**Minimum Side Yard Setback**

- None



**Maximum Structure Height:**

- 35 feet for Primary Structures
- 25 feet for Accessory Structures



## **ARTICLE 5 ZONING MAP**

### **5.1 Zoning Map.**

Said districts are bounded as shown on a map entitled “Official Zoning Map of the City of Cochran” which, with all notations, references and explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. A copy of the Official Zoning Map shall be certified by the City Clerk; shall bear the date of adoption of this ordinance; and shall be kept on display in the office of the Building Inspector.

**5.1.1** If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be caused to be made on the Official Zoning Map by the Building Inspector promptly after the amendment has been approved by the City Council.

**5.1.2** No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change by any person or persons shall be considered a violation of this ordinance.

**5.1.3** All territory which may hereafter be annexed to the City of Cochran shall be automatically classified in the R – 1 Single-Family Residential District until otherwise classified by ordinance in the matter prescribed herein, or unless a different classification is called for in the annexation ordinance.

### **5.2 Interpretation of Districts Boundaries.**

**5.2.1** Where uncertainty exists with respect to the boundaries of any of the aforesaid districts, as shown on the Official Zoning Map, the following rules shall apply:

Unless otherwise indicated, the district boundary lines are:

- a) Platted lot lines
- b) Street right-of-way lines
- c) Street, stream, and railroad right-of-way centerline
- d) Corporate limits of the city

**5.2.2** Where a district boundary line appearing on the Official Zoning Map divides a lot in single ownership at the time or enactment of this zoning ordinance, the district requirement for the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extension shall not include any part of such lot more than thirty-five (35) feet beyond the district boundary line.

**5.2.3** Where the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, or in other circumstances not covered above, the Board of Zoning Appeals shall interpret the district boundaries.

## **ARTICLE 6 NON-CONFORMING STRUCTURES, LOTS, AND USES**

### **6.1 Intent**

Upon adoption of this Code and Official Zoning Map, some structures, lots, and uses may no longer conform to the regulations of the zoning district in which they are located. For this reason, this Article has been generated to provide the rules, policies and regulations that apply to these structures, lots, and uses; referred to as Legal Nonconforming.

### **6.2 Distinction Between illegal Nonconforming and Legal Nonconforming**

A structure or lot which was constructed or is being used without an approved Building Permit or approval from the Board of Zoning Appeals or City Council is considered illegal nonconforming. An illegal nonconforming property shall be subject to actions and penalties allowed by this Code and all other applicable City of Cochran laws and shall be altered to conform to all applicable standards and regulations of this Code. Further, an illegal nonconforming structure, lot or use is created at the fault of the owner, tenant or property manager.

Legal Nonconforming differs from illegal Nonconforming in that the reason for the nonconformance is caused by the enactment of a Zoning Code or a change to the Zoning Code (including the Official Zoning Map). The structure, lot or use has not changed, but due to the Zoning Code enactment or change, the property no longer conforms to the policies and standards of the zoning district in which it is located. When this situation occurs, the property is deemed Legal Nonconforming or “Grandfathered.”

### **6.3 Nonconforming Structures**

Any structure, lawfully established prior to the effective date of this Code, or its subsequent amendments, that no longer meets the developmental standards shall be deemed a Legal Nonconforming Structure.

A legal nonconforming structure may continue provided that it remains the same or fits within the below described tolerances:

**A.** Any legal nonconforming structure shall not be enlarged or altered in a manner that increases its nonconformity, but any structure or portion thereof may be expanded within the allowable building envelope or altered in a manner to decrease its nonconformity.

**B.** Any legal nonconforming structure which is intentionally altered to conform to the requirements of this Code shall thereafter conform to the regulations of the district in which it is located, and the legal nonconforming features may not be resumed.

**C.** If a building or structure is moved for any reason, for any distance, it shall thereafter conform to the provisions of this Code.

The intent, and any evidence thereof, of any owner and/or user of a building or land, to discontinue or abandon the use shall be irrelevant in determining whether discontinuance or abandonment has in fact occurred. Instead, the determination of such discontinuance or abandonment shall be based upon such objective evidence as would lead a reasonable observer of actual use of the building or land, to believe that discontinuance or abandonment of the use has in fact occurred.

#### **6.4 Nonconforming Lots of Record**

All lots legally established and recorded prior to the effective date of this Code, or its subsequent amendments that no longer meet any applicable provision of this Code shall be deemed a Legal Nonconforming Lot of Record. Legal Nonconforming Lots of Record may be built upon only if the proposed use is permitted and all development standards of the applicable zoning district of this Code are met. Any lot which met minimum lot standard area at the time it was created, shall be deemed buildable for a single-family residence.

#### **6.5 Nonconforming Uses of Structures, Land, or Structures and Land in Combination**

Any lawful use of structures, land, or structures and land in combination established prior to the effective date of this Code or its subsequent amendments that is no longer a permitted use in the district where it is located shall be deemed a Legal Nonconforming Use. A legal nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:

- A.** Existing structures devoted to a legal nonconforming use shall only be enlarged, expanded, increased, extended, constructed, or structurally altered in accordance with the Zoning District Standards identified in Article 3. Furthermore, the use of the structure may be altered to a use permitted in the district in which it is located or as otherwise specified in this Article.
- B.** No structure shall be constructed in connection with an existing legal nonconforming use of land.
- C.** Any legal nonconforming use of a structure may be extended throughout any parts of a building which were plainly arranged or designed for such use at the effective date of this Code or its subsequent amendments, but no such use shall be extended to occupy any land outside the building.
- D.** No legal nonconforming use of land shall be enlarged, increased, extended to occupy a greater area of land, or moved in whole or in part to any other portion of a lot than was occupied at the effective date of this Code.
- E.** If a legal nonconforming use is intentionally discontinued for six (6) months or longer, any subsequent use of such land, structure or land and structure shall conform to the provisions of this Code. The intent, and any evidence thereof, of any owner and/or user of a building or land, to discontinue or abandon the use shall be irrelevant in determining whether discontinuance or abandonment has in fact occurred. Instead, the determination of such discontinuance or abandonment shall be based upon such objective evidence as would lead a reasonable observer of actual use of the building or land, to believe that discontinuance or abandonment of the use has in fact occurred.
- F.** Uses which are required to be discontinued due to government action which impedes access to the premises, or damage resulting from fire, flood, other natural disaster, or a criminal act shall be exempt from this provision. Such exempt uses, if rebuilt or restored,

shall be identical in scale, lot coverage, and all other aspects to that which was discontinued.

- G. When a legal nonconforming use is superseded by a permitted use, it shall thereafter conform to the regulations of the district in which it is located, the legal nonconforming use may not thereafter be resumed.

## **6.6 Repairs and Maintenance**

The following applies to legal nonconforming structures and legal nonconforming uses of structures, or structures and land in combination:

- A. Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, or plumbing; under the condition that the cubic content existing when the structure became nonconforming shall not be increased.
- B. If a structure becomes unsafe or unlawful due to physical condition and is razed, the structure shall be rebuilt in conformity with the district in which it is located.
- C. Nothing in this Section shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting public safety upon order of such official.

## **6.7 Parking Regulations and Commercial Use Restrictions**

- A. **Commercial Vehicle Parking Restriction.** Commercial vehicles having a manufacturer's gross vehicle weight, rating of eleven thousand (11,000) pounds (five and one-half tons) or more are prohibited from parking on any street, alley, public way or public place, in residential areas, except with respect to making pickups or deliveries from or to any building or structure, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure located off the designated truck route, or emergency vehicles, or transit or shuttle buses.
- B. **Unattached Trailer and Semi-Trailer Parking Restriction.** Trailers and semi-trailers are prohibited from parking in any street, alley, public way, or public place. This section shall not apply to trailers or semi-trailers in the process of being loaded or unloaded, nor shall it apply to any trailer or semi-trailer which is disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the disabled trailer or semi-trailer on that portion of the highway, street, alley, public way or public place ordinarily used for vehicular parking. A disabled trailer or semi-trailer shall not be temporarily parked along a public right-of-way for more than twenty-four (24) hours.

## **ARTICLE 7 ADMINISTRATION AND ENFORCEMENT**

**7.1 Administration and Enforcement.** It shall be the duty of the Zoning Administrator of the City of Cochran, as formally designated by the City of Cochran, and with the aid of other City agencies or officials, to administer and enforce the provisions of this Ordinance. This Zoning Administrator is hereby given the authority and responsibility to enforce all provisions of this Ordinance.

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal uses; discontinuance of illegal buildings, manufactured homes, or other structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance, or other remedy as available at law, to ensure compliance with or to prevent violation of its provisions.

**7.2 Duties and Powers.** It shall be the duty of the Zoning Administrator and he shall have the power to:

- A.** To serve as a liaison between the Planning Commission and the Mayor and Council, keeping each body advised of pending actions pertaining to zoning.
- B.** To serve as a non-voting ex-officio member of the Planning Commission to provide technical assistance in matters relating to zoning requests.
- C.** To maintain in a timely and current manner the Official Zoning Map reflecting thereon any and all rezoning amendments approved by Mayor and Council. Amendments of this Official Zoning Map will be recorded by the Zoning Administrator within seven (7) calendar days following approval of such action by Mayor and Council.
- D.** Require that the application for a building, sign, or other zoning permit and any accompanying site plan shall contain all the information necessary to enable the Zoning Administrator to ascertain whether the proposed building, use, or structure complies with provisions of this Ordinance.
- E.** Require that an application for approval of placement of any manufactured or mobile home anywhere in the city be made on a form or forms developed for that purpose, and shall be submitted for review and approval in accordance with this Ordinance. This application shall include all information necessary to make determinations as to conformity with the provisions and standards of this Ordinance as applicable to each such structure, including photographs or rendering of the front and side of the manufactured or mobile home, exterior finish, roof, skirting, or any other information deemed necessary to make determinations required by this Ordinance.

- F.** Keep a permanent record of all plans and applications for permits, and all permits issued with notations as to special conditions attached thereto. All records should be open for public inspection and shall be the property of the City.
- G.** Require that no building permit, sign permit, or approval for placement of a manufactured or mobile home, shall be issued until the Zoning Administrator has certified that the proposed building, sign, alteration, placement, or use complies with all provisions of this Ordinance.
- H.** Conduct inspections and surveys to determine compliance or non-compliance with the terms of this Ordinance. In carrying out such surveys, the Zoning Administrator or his representative may enter upon any land or buildings.
- I.** Make written orders requiring compliance with the provisions of this Ordinance to be served personally or by registered mail.
- J.** Maintain a map showing the current zoning classification of all land.
- K.** Maintain a map and register showing the registration, identity, location and type of all non-conforming uses.
- L.** Participate in all proceedings before the Planning Commission and present facts and information to assist the Commission in reaching a decision.
- M.** The Zoning Administrator shall have authority to issue permits only for construction, placement of manufactured homes, signs and uses which are in accordance with this Ordinance. It shall be unlawful for any person to commence work for the erection or alteration of any building, sign, or other structure, or place a manufactured home in the city, until an appropriate building, placement, or sign permit has been duly issued therefor. Permits for construction, placement of manufactured and mobile homes, signs, and uses which are special exceptions to such general requirements and conditional uses shall be issued by the Zoning Administrator only upon completion of the required process and official action by City Council. The Zoning Administrator shall issue no permits for construction, signs, or use of any land or buildings, or placement of manufactured homes, unless it also conforms to all requirements of this Ordinance and any other appropriate regulation of the City.
- N.** The Zoning Administrator shall have the power and authority to issue cease and desist or stop work order(s), or other legal action as necessary, to prevent any violation of the terms of this Ordinance.
- O.** To perform any other zoning duties or responsibilities as may be directed by Mayor and Council.

**7.3 Valid Permits Required.** No building shall be constructed or altered, or the use of any building and/or land changed, a sign erected, or a manufactured or mobile home placed in the city, until a valid permit has been secured from the Zoning Administrator. The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Ordinance or of any other ordinance of the City of Cochran. No permit presuming to give the authority to violate or cancel the provisions of this Ordinance shall be valid, except insofar as the work or use which it authorizes is lawful. Issuance of a permit upon plans and specifications shall not prevent the Zoning Administrator or City from thereafter requiring the correction of errors in such plans and specifications, or from thereafter preventing building operations being carried on thereunder when in violation of this Ordinance or of any other ordinance of the City of Cochran. Permits for construction and uses which require a conditional use or variance to the general requirements of this Ordinance shall be issued by the Zoning Administrator only upon order of the City Council.

**7.4 Applications for Permits.** No permit shall be issued for the construction, alteration, remodeling, or placement of any building, sign, structure, or manufactured home, until a written application is filed with the City by the owner of the property affected or by the authorized agent of such owner. The application shall at a minimum:

- A. Include all forms as may be provided by the Zoning Administrator or other City representative for such purpose, and must include all required information on said forms by the applicant.
- B. Include a surveyor's plat of the property affected.
- C. Include a detailed statement as to the proposed use of the building and/or land for which a permit is sought.
- D. Include plans in duplicate drawn to scale showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; the location and dimensions of the proposed building, sign, manufactured home, or alteration.
- E. If the development for which the permit is other than a single-family or small agricultural use, a more formal site plan may be required by the Zoning Administrator. This site plan shall be provided in triplicate and submitted with the application and shall show the following at a scale not more than fifty (50) feet to the inch.
  - 1. Title, if any, under which the proposed development is to be recorded and the name of the present owner.
  - 2. Names of owners of adjacent property.
  - 3. A topographic map showing the location of existing property lines, streets, alleys, buildings, easements, water courses, and other physical site features,

including the location of existing trees of four (4) inches or larger in caliper as measured at breast height.

4. The exact size, shape, and location of the building or structure to be erected thereon with exact distances from said building or structure to property lines and street rights-of-way.
  5. Other proposed improvements, landscaping, or buffers proportionally and exactly dimensioned.
  6. Proposed method of water supply, sewage disposal, and storm drainage.
  7. All proposed uses of the property to be developed appropriately indicated on the plan.
  8. Other information as may be required to insure compliance with the provisions of this Ordinance.
  9. Date, North arrow, and graphic scale.
  10. The name and address of a registered surveyor or engineer chosen by the applicant who is authorized to stake the road lines and location of such proposed development.
- F. Other such information as may be required by the Zoning Administrator to determine compliance with and provide for enforcement of this Ordinance.
- G. In addition, the Zoning Administrator may require certified “as-built” site plans or other information necessary to determine Ordinance and initial permit compliance before issuing a certificate of occupancy.

**7.5 Certificate of Occupancy.** Upon completion of construction activity requiring a building or sign permit, or upon completion of placement of a manufactured home in accordance with provisions of this Ordinance and placement permit, the owner, tenant, or authorized agent shall obtain a Certificate of Occupancy. It shall be unlawful to use or occupy, or allow the use or occupancy, of any building, sign, manufactured home, or premises without first obtaining a Certificate of Occupancy for said building, sign, manufactured home, or lands. The Zoning Administrator shall be responsible for issuance or non-issuance of the Certificate of Occupancy, and shall inspect and approve all work for conformity with the provisions of this Ordinance and any building, placement, or sign permit before issuing the Certificate of Occupancy.

**7.6 Fees.** Fees for applications, inspections, and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the City Clerk at the time of application in advance of the issuance of such permits or certificates.



The amount of such fees shall be established by the City Council, from time to time, and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. The fees shall be deposited with the City Clerk.

**7.7 Permit Expiration.** If no substantial progress on construction or placement has been made on an issued permit within six (6) months, beginning with the date the permit is issued, the permit shall become invalid and expire. The Zoning Administrator may renew the permit. A renewal fee is required to be paid by the applicant before the permit can be renewed.

**7.8 Appeal from the Decision of the Zoning Administrator.** Any person who alleges an error in any order, requirement, decision, or determination made by the Zoning Administrator in the interpretation or enforcement of this Ordinance may appeal such alleged error to the City Council, but such appeal shall be taken within thirty (30) days after the decision of the Zoning Administrator.

It is the intention of this Ordinance that all questions arising in the enforcement of the Ordinance shall be presented first to the Zoning Administrator and that such questions shall be presented only on appeal from the decision of the Zoning Administrator.

**7.9 Certiorari from Final Decisions of City Council.** Any person aggrieved by any final zoning decision of the City Council shall have the right of certiorari to the Superior Court only within thirty (30) days after the decision of the City Council is formally rendered.

## ARTICLE 8 PLANNING COMMISSION

**8.0 Establishment and Appointment.** There is hereby established a Planning Commission for the City of Cochran. The Planning Commission shall consist of five members to be appointed by the Mayor and Council to serve for two (2) year terms. Any vacancy shall be filled in the same manner as the initial appointment. Members may be removed for cause by the Mayor and Council before the normal expiration of any term.

The Planning Commission shall elect one of its members as chairperson, who shall serve for one year or until the chairperson is reelected or a successor is elected. The Planning Commission shall also elect a vice chairperson and a secretary. The Planning Commission shall adopt rules in accordance with this Zoning Ordinance and state law. Meetings of the Planning Commission shall be held at the call of the chairperson and at such other times as the Planning Commission may determine. The Planning Commission shall keep minutes of its proceedings, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the City Clerk and shall be a public record. All meetings and all records of the Planning Commission shall comply with Chapters 14 and 18 of Title 50 of the Official Code of Georgia Annotated.

**8.1 Powers and Duties.** The Planning Commission shall have the following powers, duties, and responsibilities:

- A. To consider all proposed amendments and applications for amendments to this Zoning Ordinance and to advise and make written recommendations back to the City Council on such amendments and modifications in accordance with Article 9 of this Ordinance and an objective examination of the issues surrounding the amendment and its impact on the future growth and development of the city.
- B. To consider, advise, and make written recommendations to City Council on any conditional use applications to this Ordinance as referred by the Zoning Administrator and required by this Ordinance.
- C. To consider, advise, and make recommendations for such variance from the terms of this Ordinance, as will not be contrary to public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance will in any individual case, result in unnecessary hardship, so that the spirit of this Ordinance shall be observed, the public safety and welfare secured, and substantial justice done in accordance with Article 11 of this Ordinance.
- D. To hear appeals and make appropriate written recommendation to the City Council where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
- E. To propose amendments to the Zoning Ordinance when deemed appropriate and in the best interests of the City.

- F. To assist in the establishment and maintenance of a long term comprehensive plan in accordance with Georgia law for the orderly development, growth, and use of the City of Cochran to provide for the best interests of the people of said City and the use of lands therein.
- G. To advise the City Council on other matters related to planning, zoning, or annexation as appropriate and may be referred by the City.

**8.2 Advisory Opinion.** The Zoning Administrator is considered an ex-officio member of the Planning Commission and shall assist and advise such Commission in matters before it. In the exercise of the powers vested in it by this Ordinance, the Planning Commission may, in its discretion, refer to any other agency of the city, county or state for an advisory opinion on any matter properly before it with respect to which it believes that such advisory opinion would be helpful to it in reaching its own determination.

**8.3 Notice of Hearings.** The Planning Commission shall fix a reasonable time for the hearing of the amendment, conditional use, appeal, or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

**8.4 Specific Limitations of Powers of the Planning Commission.** The Planning Commission is an advisory body and does not have the power to amend any zoning ordinance, to rezone any land, to declare this Zoning Ordinance or any amendment thereto invalid, or to allow any use not permitted by this Zoning Ordinance.

**8.5 Conflict of Interest.** Planning Commission members are bound by conflict of interest statutes and disclosures outlined under Chapter 36 Title 67A of the Official Code of Georgia and in Article 9 of this Ordinance.

## ARTICLE 9 AMENDMENTS

**9.1 General Provisions.** Amendments as used in this Article means a zoning decision resulting in a change in the text of the Zoning Ordinance or a change in the Official Zoning Map of the City authorized by a zoning decision made only after compliance with the procedures set forth in this Article. A proposed amendment to the text may be initiated by the Planning Commission or may be submitted to the Planning Commission by the City Council or by any person who owns property within the zoning jurisdiction of the city. Unless initiated by the City Council or by the Planning Commission, all proposed map amendments must be submitted by the owner of such property or the authorized agent of the owner. An authorized agent must have written authorization from the property owner, and such authorization shall be notarized and attached to the application for amendment.

**9.2 Authority.** The City Council of the City of Cochran may from time to time amend, supplement, or change the boundaries of the districts established on the Zoning Map or the regulations set forth in this Ordinance. Any proposed amendment shall first be submitted to the Planning Commission for its recommendation. In amending the Zoning Map or regulations, the Mayor and City Council and the Planning Commission shall use the “Standards for Zoning Decisions” adopted by the City. No amendment shall become effective unless the City Council has held a public hearing on the amendment.

**9.3 Application Procedure for Amendment by Property Owner.** Each request for amendment of the Zoning Ordinance shall be submitted on a form(s) provided by the City and signed by the owner(s) or the duly authorized agent(s). A separate request must be filed for each parcel for which a zoning amendment is requested. The request shall contain the following:

- A. Applicant’s name and address and his representative’s, and the interest of every person represented in the application and property involved.
- B. A plan showing the extent of the area to be rezoned, streets bounding and intersecting the area, the land use and zone classification of abutting districts and photographs of the area to be rezoned and abutting areas.
- C. A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning.
- D. The approximate time schedule for the beginning and completion of development in the area.
- E. A site plan to scale, indicating the locations of structures, uses, areas for off-street parking and loading, landscaping, and buffers.
- F. Any written development restrictions and zoning conditions which the applicant proposes as binding restrictions upon the development and use of the property which is the subject of the proposed amendment.

- G. Three (3) copies of a plat drawn to scale, showing north arrow, exact dimensions, bearings, distances, acreage, and location of the parcel(s) prepared by a currently registered land surveyor with such surveyor's seal affixed.
- H. Fee(s) as set by the City of Cochran to cover the processing of the official request.

No application shall be accepted for official consideration until full and complete information as required is submitted by the applicant.

#### **9.4 Procedure for City Initiated Zoning Amendments.**

- A. In the case of developing an updated zoning plan (map and/or text), or updating or amending an existing zoning plan, the City of Cochran Planning Commission and the City Council will, where appropriate, utilize any new or existing land use studies, land use plans or other relevant documents as a resource for ordinance development or ordinance amendment.
- B. Upon the completion of a preliminary zoning document(s) by the Planning Commission and after this draft document has been presented to and reviewed by the City Council, public hearings will be scheduled by both the Planning Commission and the City Council, respectively.
- C. Public hearing notices will be published in a newspaper of general circulation within the territorial limits of the City of Cochran. The public notice will state the time, place, and purposes of the hearing.
- D. The Mayor and Council will by official action adopted at a regular or called meeting provide for a hearing on any amendment and zoning decision affecting the citizens of the City of Cochran, and shall fix the time and place of the official City Council public hearing so that the required public hearing notice is published not less than fifteen (15) days but not more than forty-five (45) days prior to the date of said City Council hearing, and the required referral to the Planning Commission can also be made.
- E. The Planning Commission shall prepare and submit the necessary minutes, evaluations, and recommendations to the City Council prior to the City Council's scheduled Public Hearing. If the Planning Commission fails to submit a recommendation prior to the City Council Public Hearing, the City Council may proceed with the presumption of approval from the Planning Commission.
- F. The City Council at its public hearing, will review and consider the evaluations and recommendations from the Planning Commission and may choose to adopt or reject or modify the Planning Commission recommendations, or the business may be tabled for additional study, but the action must include a specific meeting date for reconsideration.

- G. Final action must be taken by City Council in the form of an official ordinance amendment as specified by City Charter.
- H. So that the purpose of this Zoning Ordinance will be served and so that health, public, safety and general welfare will be secured, the City Council may in its legislative discretion approve or deny the proposed amendment as submitted, reduce the land area for which the application is made, change the zoning district to one other than that requested, or add or delete zoning conditions as the council deems appropriate. The City Council shall also have the legislative discretion to grant a conditional use in its decision to rezone property. An action to defer a decision on the proposed amendment shall include a specific meeting date to which the proposed amendment is deferred.

#### **9.5 Procedures for Amendment Requests by a Property Owner.**

- A. An application for rezoning must be filed with the City Clerk at City Hall on a prescribed form and fees paid as set by the City Council.
- B. Upon acceptance of a complete application, the Zoning Administrator will refer the application to the City Council for official action to fix the time and place of the official public hearing.
- C. The Mayor and Council will by official action adopted at a regular or called meeting provide for a hearing on any amendment and zoning decision affecting the citizens of the City of Cochran, and shall fix the time and place of the official City Council public hearing so that the required public hearing notice is published not less than fifteen (15) days but not more than forty-five (45) days prior to the date of said City Council hearing, and the required referral to the Planning Commission can also be made.
- D. The public hearing notice will name the applicant, the location of property to be affected, the present zoning class, the proposed zoning class and the date, time and place of both the Planning Commission hearing and the Official Public Hearing held by the Mayor and Council.
- E. The Zoning Administrator shall have erected, at the applicant's expense, upon the property for which rezoning is to be considered, a sign of no less than 24" x 30" announcing the public hearings, stipulating the dates, times and places for the two hearings, the present zoning class and the proposed zoning class. The sign shall be clearly visible from a public street. It shall be erected not less than fifteen (15) days before the official public hearing date.
- F. The Zoning Administrator or his representative will inform the applicant of the public hearing dates.
- G. The Planning Commission shall prepare and submit the necessary minutes, evaluations, and recommendations to the City Council prior to the City Council's

scheduled Public Hearing. If the Planning Commission fails to submit a recommendation prior to the City Council Public Hearing, the City Council may proceed with the presumption of approval from the Planning Commission.

- H. The City Council at its public hearing, will review and consider the evaluations and recommendations from the Planning Commission and may choose to adopt or reject or modify the Planning Commission recommendations, or the business may be tabled for additional study, but the action must include a specific meeting date for reconsideration.
- I. Final action must be taken by City Council in the form of an official ordinance amendment as specified by City Charter.
- J. So that the purpose of this zoning ordinance will be served and so that health, public safety and general welfare will be secured, the City Council may in its legislative discretion approve or deny the proposed amendment as submitted, reduce the land area for which the application is made, change the zoning district to one other than that requested, or add or delete zoning conditions as the council deems appropriate. The City Council shall also have the legislative discretion to grant a conditional use in its decision to rezone property. An action to defer a decision on the proposed amendment shall include a specific meeting date to which the proposed amendment is deferred.

**9.6 Referral to Planning Commission.** All proposed zoning amendments before adoption shall be referred to the Planning Commission at least thirty (30) days prior to the required City Council Public Hearing for its recommendation and report which shall not be binding.

**9.7 Policies and Procedures for the Call and Conduct of Zoning Public Hearings.** In order to conform to the Zoning Procedures Law of the State of Georgia (Title 36 Chapter 66 of the Official Code of Georgia Annotated), the following policies and procedures shall govern the call and conduct of all zoning public hearings in the City.

- A. All required zoning hearings shall be properly advertised and have proper notice according to Georgia Law and the Zoning Ordinance of the City.
- B. All such hearings shall be open to the general public, and no person shall be excluded for any reason other than grossly disruptive or offensive actions.
- C. The purpose of holding a zoning public hearing is to listen to the views of the citizens of the community, and then evaluate the entire matter at a later time or official meeting. No cross-examination or prolonged argumentative questioning of the hearing body shall be permitted. Decorum and order shall prevail.
- D. Before any requests for amendments or zoning changes may be considered, the City Clerk shall verify and announce publicly for the record that:

1. All necessary submission requirements as established in the Zoning Ordinance have been met.
  2. All requirements under Georgia Law for advertising and posting of a sign on the property for rezoning, if appropriate, including any time limitations, have been met.
- E.** The Chair shall announce publicly the convening of the hearing on each amendment or change, identifying specifically, if appropriate, the property proposed for zoning and stating the present zoning classification and the proposed zoning classifications.
- F.** Any citizen and all parties in interest shall be given opportunity to be heard, provided that oral presentations for each side of the issue shall be limited to thirty (30) minutes, and those persons wishing to make oral presentations have signed a hearing register with their name, address and affiliation or standing, and indicated which side of the issue they wish to address. The Chair shall have the authority to place more specific time limits on individual oral presenters (as a class), so long as each side is given its full amount of allotted time, or to extend the allotted time of the public hearing to one hour for each side, if warranted.
- G.** Submission of written comments and supporting data shall be allowed, in addition to or as supplement to oral presentations, without affecting time limits on oral presentation. To be accepted and entered into the record, these comments must be clearly identified as to the issue concerned, and carry the name, address, and affiliation of the respondent. The receipt and acceptance of written comments shall be read into the record of the Chair or the Chair's designee.
- H.** Those persons wishing to make oral or written presentations before the hearing body should be aware that the hearing body is attempting to make an objective decision, based on the adopted "Standards for Zoning Decisions" of the City and is interested only in factual presentations and information which can be supported and which is accurately and carefully presented. The Chair may declare out of order any presenter making emotional arguments or extraneous statements not germane to the issue. Only presentation and information relevant to issues raised in the City's adopted "Standards for Zoning Decisions" shall be considered germane.
- I.** Only members of the hearing body may question a person making a presentation during the hearing. In order for a person in attendance to speak, the Chair must first recognize that person.
- J.** The order of procedure for each hearing shall be as outlined below:
1. After convening and identifying the public hearing, the Chair will request the register for that hearing and briefly recite the procedures in effect, including any specific time limits.



2. Presentations, if desired, by the proponents of the proposed zoning change or amendment.
  3. Questions by members of the hearing body of the proponents.
  4. Presentations, if desired, by the opponents of the proposed zoning change or amendment.
  5. Questions by members of the hearing body of the opponents.
  6. Upon conclusion of the presentations and questions, the Chair will thank all for their interest and attendance, assure that all views and the entire matter will be given careful consideration, and shall close that hearing.
- K.** The Chair will then announce the time and place of the meeting of the Mayor and City Council which will have the proposed change on the agenda for official action.
- L.** Any other scheduled public hearing or amendment or change shall then be convened, utilizing the same procedures.
- M.** Only normal minutes shall be maintained by any zoning public hearing as a matter of course. However, upon receipt of written request from an affected party or parties at least one week prior to the scheduled public hearing, the City shall have a transcript prepared, provided that the entire cost of preparation shall be borne by the affected party or parties making such request. Agreement to this by the party or parties making such request must be provided to the City in writing before preparations for such a transcript will be undertaken.

**9.8 Standards for Zoning Decisions.** In order to conform to the Zoning Procedures Law of the State of Georgia (Title 36, Chapter 66 of the Official Code of Georgia Annotated), the following standards will be considered as appropriate and as relevant to a particular zoning decision by the City Council when adopting, changing, or amending the Zoning Ordinance or the Zoning Map.

- A.** Assure that the proposed change is reasonable and consistent with the spirit, purpose, and intent of the Zoning Ordinance.
- B.** Consider the changes in community characteristics which may take place because of the proposed change, and consider the consistency with and effect of the change on current public growth and development policies and plans.
- C.** Consider the relative effectiveness or ineffectiveness of the present wording or districting of the Ordinance, and whether a justification for change exists because of special reasons or a change in conditions.
- D.** Consider the effect upon the public interest of granting or denying the proposed change, and determine that the change will serve the best interests of the City, as compared to any hardship imposed upon the individual property owner.

- E.** Consider the existing land use pattern, and specifically the presence or absence in the adjacent surrounding area of conditions and uses which are the same or similar in character to any proposed change or use, and the possible creation of an isolated district unrelated to adjacent districts.
- F.** Determine that the proposed change will not substantially injure or detract from the use or value of neighboring property, or from the general character of adjacent and nearby property in the surrounding area.
- G.** Consider the unique characteristics of the property involved, and whether the property to be affected by the zoning proposal has some reasonable economic use as currently zoned or whether there are substantial reasons why the property cannot be used in accordance with existing zoning.
- H.** Consider the effect of the proposed change upon the logical, efficient, and economical extensions of public services and facilities, or possible overtaxing or burdening of existing public services or facilities, including but not limited to utilities, streets, schools, and public safety services, and also the associated costs to the local government in providing, improving, increasing, or maintaining such facilities and services.
- I.** Consider the impact of the change with respect to probable effects upon highway traffic and safety, and especially access near intersections.
- J.** Consider the impact of the proposed change upon the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, noise, air quality, and water quality and quantity.
- K.** Determine that the zoning proposal will permit suitable use or uses in view of the subject property's physical characteristics, the use and development of adjacent and nearby properties, existing zoning patterns, existing or proposed public facilities or services, environmental impacts, and current public growth and development policies and plans of the City.
- L.** Consider whether the change is designed to correct an improper situation, or would merely result in the granting of special privileges not available to adjacent or surrounding properties.
- M.** Consider the conformity of the proposed change with the City's adopted Comprehensive Plan.
- N.** Consider any other factors relevant to balancing the City's interests in promoting and protecting the public health, safety, morality, or general welfare against a right to unrestricted use of property.

### **9.9 Disclosure of Financial Interests by City Officials.**

- A. Members of the Planning Commission and City Council are required to disclose any financial interest or property interest affecting property which is subject of a rezoning action in accordance with Title 36 Chapter 67A of the Official Code of Georgia Annotated.
- B. A financial interest means an interest in the ownership of a business entity of ten (10) percent or more by a Planning Commission or City Council member or by a member of his immediate family.
- C. A property interest means a direct ownership of real property, regardless of the percentage of ownership, by a Planning Commission or City Council member or a member of his immediate family.
- D. A rezoning action means an action to adopt an amendment to a zoning ordinance which rezones property from one zoning classification to another.
- E. A Planning Commission or City Council member who has a property or financial interest shall disclose the nature and extent of that interest in writing to the Mayor and City Council.
- F. A Planning Commission or City Council member with a property or financial interest in property to be rezoned shall disqualify himself from voting and shall not take any action to influence the application for rezoning.

**9.10 Disclosure of Campaign Contributions.** Applicants for rezoning or their authorized attorney or other representative and opponents to any rezoning action who have made aggregate campaign contributions of \$250.00 or more to a local governmental official involved with zoning actions for the City of Cochran shall file written disclosure statements with the City of Cochran in accordance with Title 36 Chapter 67A of the Official Code of Georgia Annotated.

- A. Applicant or Attorney for Applicant.
  - 1. Any applicant or attorney or other person representing an applicant for rezoning who has made an aggregate contribution of \$250.00 or more to a government official within two (2) years shall file a disclosure statement with the City Clerk.
  - 2. The disclosure statement shall show the name and position of the government official to whom the contributions were made and include the amount of each contribution made within two (2) years preceding the filing of the application for rezoning.
  - 3. The disclosure statement shall be filed with the City Clerk within ten (10) days of filing the application for rezoning.

**B. Opponents to Rezoning.**

1. An opponent to a rezoning action who made campaign contributions which aggregate \$250.00 or more to a government official within two (2) years of the filing of the rezoning application shall file a disclosure statement with the Mayor and City Council.
2. Opponent means anyone who on behalf of himself or someone else discusses or contacts, either orally or in writing, a government official in opposition to a rezoning application or who speaks at a hearing in opposition to a rezoning application.
3. The opponents' disclosure statement shall show the name of the government official to whom contributions were made and the amount or description of each contribution made within two (2) years of the filing of the application for rezoning.
4. The disclosure statement shall be filed at least five (5) days before the first hearing on the rezoning application.

**9.11 Limits Upon Reconsideration of Rezoning Petitions.** In the event the Mayor and Council hold a hearing as herein prescribed for the consideration of a zoning decision which is for the rezoning of property and the amendment to the Zoning Ordinance to accomplish the rezoning is defeated by said Mayor and Council, then the same property may not again be considered for rezoning until the expiration of at least six (6) months immediately following the defeat of the rezoning by said Mayor and Council.

## **ARTICLE 10 CONDITIONAL AND TEMPORARY USES**

**10.1 Initiation of Conditional Use.** Conditional uses as listed in any particular zoning district are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the district within which they are proposed for location. Each district for zoning shall have a subhead there under to be known as "Conditional" for that district.

A conditional use subject to approval of the City Council in a particular zone may be initiated by the owner of the property proposed for the conditional use by filing an application with the Zoning Administrator and paying the appropriate fee. Reapplication for a conditional use may not be heard for six (6) months from the date of the prior decision of the Mayor and City Council.

**10.2 Application for Conditional Uses.** Applications for conditional uses shall be obtained from the Zoning Administrator. Said applications shall include:

- A. Forms designated by the City.
- B. Application information and requirements as outlined in subsection 9.3 of this Ordinance.
- C. Any other supporting documentation as required by the Zoning Administrator.
- D. Fees as designated by the City.

### **10.3 Procedure for Review of Conditional Uses.**

- A. Upon receipt of a complete application for a conditional use as authorized in this Ordinance, the City will proceed with review of this conditional use in the same manner and with the same requirements as if it were an application for zoning amendment by a property owner. Such requirements are outlined in subsection 9.5 and include referral to the Planning Commission for review, public hearings by the Planning Commission and City Council, newspaper notice, and sign posting.
- B. Whenever any application for a change in the district maps is accompanied or supported by specific plans and design for a particular development and use, and the mayor and council, after action by the planning commission in accordance with this article, and after public hearing as provided in this article, and upon submission of all specifications, plans, designs and conditions in a final ordinance form, have approved such specific plans and design, and such particular development and use and also have approved such change in the district maps, then the property may be rezoned for the proper district as set forth in this zoning ordinance for the City of Cochran as "conditional" under that district. After such rezoning, city staff shall provide to the applicant a copy of this ordinance, such applicant shall indicate his or her receipt by initialing the same, and city staff will accordingly retain a copy of the initialed document. The following conditions apply to development of the conditionally-rezoned property:

1. The building inspector shall issue a building permit for the development of the rezoned property only in strict compliance with the plans submitted.
2. Unless the conditional zoning designation has been extended as provided in subsection (4) and subsection (5) herein below, the conditional zoning designation shall expire twelve (12) months from the date of the conditional rezoning and shall immediately revert to the previous zoning designation.
3. If such building permit is issued within twelve (12) months of the date of the conditional rezoning, the conditionally-rezoned property shall retain its conditional zoning designation.
4. However, if such building permit has not been issued within ten (10) months of the date of the conditional rezoning, the applicant may request an extension of the conditional zoning. Additionally, city staff, including but not limited to the city planner and the building inspector shall, between ten (10) months and one (1) year of the date of the conditional rezoning, prepare a report for mayor and council's consideration as to whether the conditionally-rezoned property shall retain its conditional zoning designation. Such report shall include the original rezoning application and details regarding development on the conditionally-rezoned property, if any.
5. Upon consideration of the report of city staff, mayor and council shall determine whether the property shall revert to its previous zoning designation or retain its conditional zoning designation for one (1) additional year. Failure of the applicant to timely request an extension of the conditional zoning shall, in no event, result in an extension of more than one (1) year, of the conditional zoning designation. If mayor and council determine that the property shall retain its conditional zoning designation for an additional year and no building permit is obtained within ten (10) months of the date of the extension of the conditional zoning, the applicant may again request an extension of the conditional zoning, and city staff and mayor and council shall again take the actions specified herein and in subsection (4) hereinabove. Until a building permit is obtained, the processes specified herein and in subsection (4) hereinabove will continue.

The failure of city staff and mayor and council to take any actions herein shall, in no event, result in an extension of the conditional zoning.

**10.4 Standards for Granting/Denying Conditional Uses.** The Planning Commission and City Council shall use the Standards for Zoning Decisions as outlined in subsection 9.8, as appropriate, in determining whether to recommend, grant, or deny, as the case may be, a requested conditional use.

**10.5 General Permit Requirements.** Conditional uses shall be permitted subject only to a determination by the Zoning Administrator that they conform with all conditions set both by the Ordinance for the district in which they are located and by the City Council for the particular development proposed.

**10.6 Temporary Uses.** The Zoning Administrator is authorized to issue a Temporary Certificate of Zoning Compliance for temporary uses, as follows:

- A.** Carnival, circus, or fair, for a period not to exceed twenty-one (21) days, subject to the approval of the City Council in the B-1, B-2, and B-3 districts.
- B.** Religious meeting in a tent or other temporary structure in B-2 and B-3 districts, for a period not to exceed sixty (60) days.
- C.** Open lot sale of Christmas trees, fruit and vegetables, and other harvested products in the B-1, B-2, B-3, and I districts for a period not to exceed forty-five (45) days.
- D.** Contractor's office and equipment sheds, in any district, for a period of one (1) year, provided that such office be placed on the property to which it is appurtenant.
- E.** All Temporary Certificates of Zoning Compliance may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no increased traffic congestion, and will not create a nuisance to surrounding uses.

## ARTICLE 11 VARIANCES

**11.1 Variances.** The Mayor and Council of the City of Cochran shall hear and decide upon all variances to the City's Zoning Ordinance. **All variances will follow the same public notice and procedural requirements as in a rezoning request by a property owner.**

**11.2 Request for a Variance.** The City Council may authorize in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured and substantial justice done; **provided, however, that a variance shall not be granted for use of land or building or structure that is prohibited by this Ordinance in the district in question.** Such variance may be granted in an individual case upon a finding by the City Council that the following exists:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and,
- B. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,
- C. Such conditions are peculiar to the particular piece of property involved; and,
- D. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of these regulations, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,
- E. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same district are allowed; and,
- F. Provided that the City Council may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood; and provided, that wherever the City Council shall find, in the case of any permit granted pursuant to the provisions of these regulations that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, said Council shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

**11.3 Forms.** Applications for variances shall be made on forms provided by the Zoning Administrator and all information required on said forms shall be provided by the appellant. Forms shall be filed with the City Clerk and the appellant shall pay the City for expenses incidental to the variance. No form shall be accepted by the City unless it contains all pertinent information and is accompanied by the appropriate fee payable to the City, to defray expenses.



**ARTICLE 12 DEVELOPMENT STANDARDS**

**12.1 RESERVED**