

ARTICLE XV. DISTRICT STANDARDS AND PERMITTED USES

DIVISION 1. GENERALLY

Sec. 20-733. District, lot area, yard and height standards.

The requirements of this chapter regarding lot size, building size and building placement on the lot for each zoning district and the zoning district, area, yard and height requirements apply to the districts as indicated below:

(1) *Residential zoning districts.*

Standard	Zoning District			
	R-A	R-1	R-2	R-3
Minimum Lot Area (sq. ft.)				
Single-family, served by public water and sewer	15,000	30,000	10,000	7,500
Two-family, served by public water and sewer			14,000	10,000
Multifamily, served by public water and sewer				2 acre
Single-family/two-family, not served by public water and sewer	1 acre	1 acre	1 acre	1 acre
Single-family/two-family, served by water only	½ acre	½ acre	½ acre	½ acre
Single-family/two-family, served by sewer only	½ acre	½ acre	½ acre	½ acre
Maximum Lot Coverage by Principal Bldg./Accessory Structures (%)	20	30	50	50
Minimum Lot Frontage (ft.)				
Arterial	150	150	150	150
Collector	150	120	120	120
Local	150	100	75	75
Minimum Lot Width at Building Line (ft.)	150	100	75	75
Minimum Front Yard Setback from Centerline of Street (ft.)				
Arterial	125	115	110	105
Collector	90	80	75	70
Local	75	65	55	50
Minimum Side Yard Setback (ft.)	15	15	15	15
Minimum Rear Yard Setback (ft.)	25	25	15	15
Maximum Building Height (ft.)	55	55	55	55

(2) *Commercial, industrial, professional, PUD and PDD zoning districts.*

Standard	Zoning District							
	C-1	C-2	C-3	M-1	M-2	P-1	PUD	PDD
Minimum Lot Area (sq. ft.)	15,000	20,000	20,000	1 ac.	2 ac.	7,500	4 ac.	30,000
Maximum Lot Coverage by Principal Bldg./Accessory Structures (%)	50	50	50	50	50	50	N/A	50
Minimum Lot Frontage (ft.)	100	100	100	100	150	75	N/A	150
Minimum Front Yard Setback (ft.) from Centerline of Street								

Arterial	125	125	125	125	125	125		125
Collector	90	90	90	90	90	90		90
Local	55	55	55	55	55	55		
Minimum Side Yard Setback (ft.)	20	20	30	30	40	10		20
Minimum Rear Yard Setback (ft.)	20	20	30	30	40	10		40
Maximum Building Height (ft.)	55	55	55	55	55	55	55	55

(Ord. of 7-13-1999(02), art. XVI, § 16-1)

Sec. 20-734. Appearance standards for single-family dwellings.

Appearance standards shall apply to all single-family dwellings including site-built homes, industrialized housing and manufactured homes. Approval shall be granted upon the finding that such development shall meet or exceed the following appearance standards:

Standard	Site-Built Home	Industrialized Housing	Manufactured Home
Minimum dwelling width	16 feet	16 feet	14 feet
Minimum roof pitch	2:12	2:12	2:12
Roof materials	(1)	(1)	(1)
Exterior siding materials	(2)	(2)	(2)
Permanent foundation	(3)	(3)	(3)
Utility meter	Mounted on structure	Mounted on structure	Mounted on structure or pole
Towing devices	N/A	N/A	(4)
Landing area	N/A	N/A	(5)

Notes:

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

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

(3) The permanent foundation shall meet the requirements of standard building code. For a manufactured home, a vinyl or masonry curtain wall unpierced except for the required ventilation and access must be installed so that it encloses the area under the manufactured home to the ground level.

(4) For manufactured homes all towing devices, wheels, axles and hitches must be removed.

(5) For manufactured homes, at each exterior door there must be a landing that is a minimum of 36 inches by 48 inches.

(6) The single-family dwelling must be constructed according to standards established either by the state minimum standard codes as amended from time to time for site-built homes, or the National Manufactured Housing Construction and Safety Standards Act for manufactured homes or the State of Georgia Industrialized Building Act for residential industrialized buildings. Each of these codes shall be applicable to the specific structure to which it applies.

(Ord. of 7-13-1999(02), art. XVI, § 16-2)

Sec. 20-735. Construction standards for single-family dwellings.

In addition to the appearance standards provided above, single-family dwellings shall meet the following construction standards:

- (1) The roof shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built-up gravel materials, or other materials approved by the zoning administrator.
- (2) The exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, metal or vinyl or other materials of like appearance.
- (3) The permanent foundation shall meet the requirements of standard building code. For a manufactured home, a vinyl or masonry curtain wall unpierced except for the required ventilation and access must be installed so that it encloses the area under the manufactured home to the ground level.
- (4) For manufactured homes all towing devices, wheels, axles and hitches must be removed.
- (5) For manufactured homes, at each exterior door there must be a landing that is a minimum of 36 inches by 48 inches.
- (6) The single-family dwelling must be constructed according to standards established either by the state minimum standard codes as amended from time to time for site-built homes, or the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq., for manufactured homes and the provisions of O.C.G.A. § 8-2-110 et seq. regarding residential industrialized buildings. Both federal and state law as cited herein shall be applicable to the specific structure to which it applies.

(Ord. of 7-13-1999(02), art. XVI, § 16-2)

Sec. 20-736. Permitted and conditional uses.

- (a) No principal building, structure or land use shall be permitted except in the zoning districts indicated and for the purposes permitted in this article. Each use is mutually exclusive and does not encompass other uses listed in the chart.
- (b) A permitted use is a principal use permitted as a matter of right, and a conditional use is a principal use allowed only if a conditional use permit is granted by the board of commissioners.
- (c) For uses not included on this list, where the zoning administrator is unable to determine clear placement, application shall be made to the planning and zoning board for interpretation.
- (d) As used in the schedules below, "P" means "permitted use" and "C" means "conditional use".
- (e) Residential districts schedule of uses:

Use	District			
	R-A	R-1	R-2	R-3
Accessory buildings and uses	P	P	P	P
Single-family	P	P	P	P
Two-family			P	P
Agricultural pursuits	P		P	P

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Agricultural pursuits, parcels, five acres or larger	P			
Apartment residential units at a density of not greater than 14 units/acre				C
Child care center, family	P	C	C	P
Churches	C			
Communications towers*	P*			
Community parks and open spaces operated by the county recreation department	P	P	P	P
Customary home occupations	P	P	P	P
Manufactured homes on individual lots	P	P	P	P
Multifamily residential dwellings at a density of not greater than 40 units/acre				C
Recreational development related to and provided for adjacent residents	P	P	P	P
Solar collection facility	P			
Townhouse residential units at a density of not greater than 8 units/acre				C

* Communications towers are permitted in the R-A district if the lot and communications tower design meet the following criteria: (a) the lot exceeds 50 acres; (b) the communications tower is not required to be lighted by the Federal Aviation Administration; (c) the communications tower is setback from any adjacent off-site residential structure; and (d) the communications tower and all ancillary equipment otherwise meet all district setback requirements.

(f) Commercial, industrial, professional, PUD and PDD districts schedule of uses:

Use	District							
	C-1	C-2	C-3	M-1	M-2	P-1	PUD	PDD
Accessory buildings and uses	P	P	P	P	P	P	P	P
Advertising display and manufacture			P	P	P			
Airports					C			
Animal hospitals and veterinarian establishments		C	P					
Auditoriums, stadiums			P		P			
Auto and truck major repair services such as: repair, reconditioning, painting, body and fender work, and upholstering work			P	C	P			

Auto and truck minor repairs such as: minor repair and installation of minor accessory parts. All minor repairs, maintenance, service and storage shall be carried on entirely within an enclosed building		P	P	P	P			
Auto and truck sales, rentals and repairs		P	P					
Auto parts and supplies		P	P	P				
Auto service stations	P	P	P					
Bakeries	P	P						P
Banks	P	P	P				P	P
Barbershop	P	P						P
Beauty parlors	P	P						P
Bottled gas storage and distribution			P		P			
Cemetery, private				C	C			
Cemetery, public				C	C			
Child care center, group	P	P	P	P				P
Churches	P	P						P
Clubs and fraternal organizations			C	C	C			
Commercial parking garages or lots	C	P	P					
Communication towers		C	C	C	C			
Construction offices with equipment		P	P	P	P			
Convenience gas station	P	P	P	P				
Drugstores	P	P						
Dry cleaners	P	P	P	P				
Exterminator, fumigator			P		P			
Florist, nurseries	P	P	P					P
Freight trucking terminal			P		P			
Funeral establishments		C	C	P	P			
Gift shops	P	P						
Health clubs and gymnasiums		P	P	P				
Hospitals		P	P	P				P
Hotels		P						P
Indoor amusement facilities, such as: billiard parlors, bowling alleys and similar indoor entertainment centers		C	P					
Junkyards, wrecking and salvage yards					C			

Kennels		C	C	C				
Laundry establishment, hand or automatic self-service	C	P						
Light industrial operations, including predominately indoor industrial activities involving only those operations generating no significant particular or gaseous matter				P	P			
Manufactured home sales		P	P					
Manufacturing uses not in conflict with the provisions of this chapter or any federal or state statute					P			
Meat processing plant and slaughterhouse					C			
Medical and dental offices		P				P		
Mobile offices		P	P	P	P			
Motels		P						P
Nursing homes		C	P	P				P
Offices, business, professional or governmental	P	P				P		
Personal care homes		P						P
Post offices		P	P	P				
Printing, publishing, photo, data processing		C	P					
Public utility uses			C	C	P			
Recreation facilities		P	P					P
Restaurant, drinking establishment	C	P						
Restaurant, drive-in	P	P						
Retail establishments—goods and services	P	P	P					
Sanitary landfills					C			
Schools, public, private or parochial		C	P					C
Schools, technical or trade		C	P	P				
Shopping center, mall		P	P					
Solar collection facility				P				
Supplies: lumber, building, electrical, heating, plumbing, welding and similar contractor and industrial supplies			P	P	P			
Theaters		P	P					P

Theaters, drive-in		C	P	P				
Trucking terminals or motor freight stations			P	P	P			
Warehouses			P	P	P			
Wholesale establishments		C	P	P	P			

(Ord. of 7-13-1999(02), art. XVI, § 16-3; Ord. of 7-9-2013; Policy of 1-6-2020)

Secs. 20-737—20-755. Reserved.

DIVISION 2. EXCEPTIONS AND MODIFICATIONS

Sec. 20-756. Modification of building setbacks for existing developments.

- (a) District requirements for building line setbacks from the street centerline may be modified where the majority of the frontage within 200 feet on each side of a lot within the same block and district and fronting on the same street with such lot is developed with less than the required setback. In such case the required building setback shall be the average of existing setbacks, counting any undeveloped frontage as if it were developed at the required setback distance from the street, but shall not be less than 15 feet.
- (b) This modification shall not apply in case such existing development is located within and scheduled for acquisition along any proposed right-of-way of a major street and road improvement included as part of any applicable county development plan and community facilities.

(Ord. of 7-13-1999(02), art. XVIII, § 18-6(a))

Sec. 20-757. Exemptions to height restrictions.

The following structures or parts thereof are hereby exempt from the height limitations as set forth in the zoning districts:

- (1) Agricultural buildings such as barns, silos, windmills, grain elevators and other farm structures, but not including dwellings.
- (2) Cooling towers, gas holders or other industrial structures where required by the manufacturing process.
- (3) Church spires, belfries, cupolas, domes, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, radio towers, communication towers, and aerials.
- (4) Additional building height may be approved in the C-2, C-3, M-1, M-2 and PUD districts by the planning and zoning board and authorized by the state fire marshal.

(Ord. of 7-13-1999(02), art. XVIII, § 18-6(b); Policy of 1-6-2020)

Sec. 20-758. Modification of building setbacks.

- (a) In residential zoning districts, for accessory buildings not exceeding four square feet, the side and rear building setbacks may be reduced to five feet provided such buildings do not encroach on any drainage or utility easements.
- (b) In commercial and industrial districts, the side and rear building setbacks along adjoining commercially or industrially zoned property may be reduced to three feet.

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- (c) In industrial and commercial districts, the side and rear building setbacks along residentially zoned property shall be as specified in the lot requirements of the appropriate district or as required by the planning and zoning board.

(Ord. of 7-13-1999(02), art. XVIII, § 18-6(c))

Secs. 20-759—20-784. Reserved.

DIVISION 3. SPECIFIC USES

Sec. 20-785. Automobile wrecking yards, junkyards and salvage yards.

- (a) This section applies to all automobile wrecking yards, junkyards and salvage yards.
- (b) No automobile wrecking yard, junkyard or salvage yard shall be permitted closer than 300 feet to any residential zoning district.
- (c) All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed fence or wall or solid chainlink fence, except the driveway area. Fences or walls shall be not less than eight feet in height. Storage between such fence or wall and the street or property lines is expressly prohibited.
- (d) Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.

(Ord. of 7-13-1999(02), art. XVIII, § 18-2)

Sec. 20-786. Adult bookstores, adult entertainment establishments, adult theaters.

- (a) Adult bookstores, adult entertainment establishments and adult theaters may be conditionally permitted in the C-3 or M-1 zoning districts subject to the requirements of this chapter. No adult bookstore, adult entertainment establishment, or adult theater, as defined by this chapter and herein referred to as "adult uses," shall be located as follows:
 - (1) Within 1,500 feet of the property line of a private residential dwelling;
 - (2) Within 1,500 feet of the property line of any public library;
 - (3) Within 1,500 feet of the property line of any church, shrine, chapel or a mortuary, or other place used exclusively for religious services;
 - (4) Within 1,500 feet of the property line of any school; or
 - (5) Within 1,500 feet of a regular stop where a school bus for the transportation of school children in the public schools of the county shall board or discharge passengers.
- (b) The distance restrictions set out above shall apply in any and all directions from the property line of the proposed regulated use, as measured in a straight line. This distance shall be verified by a plat showing distances furnished by the applicant, prepared by a surveyor or civil engineer licensed in the state. This plat shall accompany and be made part of the application for a conditional use permit.

(Ord. of 7-13-1999(02), art. XVIII, § 18-3)

Sec. 20-787. Home occupations.

- (a) A customary home occupation is a business or profession carried on by members of a family residing on the premises as a secondary use which is clearly incidental to the main residential use. A home occupation shall comply with the following requirements:
- (1) The residential character of such dwelling unit is not changed.
 - (2) It is conducted entirely within the principal building and out of sight of neighboring properties.
 - (3) It utilizes not more than 20 percent of the floor area of the principal building.
 - (4) It involves no sale or offering for sale of any article not produced by members of the family residing on the premises.
 - (5) It has no distribution center requiring bulk deliveries and local dispensing.
- (b) The following occupations, subject to the requirements of this section, are permitted as customary home occupations:
- (1) Barbershops and beauty shops operated by not more than two members of the residence, with no more than two chairs.
 - (2) Artists, dressmakers, seamstresses, tailors, crafts and interior decorators.
 - (3) Professional office for architects, accountants, lawyers, engineers, doctors, dentists or real estate agents.
 - (4) Teaching, including tutoring, musical instruction, or dancing, but limited to three pupils at a given time.
 - (5) Offices for record maintenance only for businesses such as electricians, plumbers, HVAC, and other contractors that perform their services at other locations.
 - (6) Agents for manufacturers and salespersons for records and bookkeeping only. Any orders shall be solicited away from the dwelling and no deliveries may be made at the dwelling.
 - (7) Any similar use which the planning and zoning board deems to be a home occupation by reason or acceptance as a home occupation in the community.

(Ord. of 7-13-1999(02), art. XVIII, § 18-4)

Sec. 20-788. Personal care homes.

Personal care home facilities, operation and maintenance shall meet all requirements of the county health department and the state department of human resources.

(Ord. of 7-13-1999(02), art. XVIII, § 18-5)

Sec. 20-789. Poultry houses and barns.

- (a) *Purpose.*
- (1) The Jefferson County Board of Commissioners recognizes that farming is a large part of the history and heritage of Jefferson County. The Georgia Supreme Court has determined "a thing that is lawful and proper in one locality may be a nuisance in another. In other words, a nuisance may consist merely of the right thing in the wrong place." *May v. Brueshaber*, 466 S.E.2d 196,265 Ga. 899 (Ga., 1995). In that same spirit, the board of commissioners requires the proposed dry litter poultry operation will be compatible with the character of the surrounding neighborhood and will not cause hurt, inconvenience, harm or devaluation of adjacent properties. The board of commissioners seeks to find a fair balance

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- between the right to farm and the rights of citizens to be free from unreasonable interference with their right to enjoy and use their property.
- (2) In some circumstances, complaints against poultry houses and barns have been associated with allegations of poor management practices by the poultry farmer. This ordinance seeks to establish a complaint resolution process that will provide notice to growers and integrators when complaints are received so that remedial steps can be taken, if necessary, to resolve the complaint.
- (3) The Jefferson County Board of Commissioners finds that there is a legitimate public need to adopt this chapter to protect the rights to farms in Jefferson County while also protecting the health, safety, and welfare of its residents from unreasonable interference from certain new large-scale poultry farms.
- a. **Definition dry litter poultry operation.** A dry litter poultry operation (DLPO) in Jefferson County, Georgia is an agricultural enterprise where poultry are kept and raised in concentrated situations. DLPO's congregate poultry, feed, and manure, dead poultry, and production operations on a relatively small land area. Feed is brought to the poultry rather than the poultry grazing or otherwise seeking feed in pastures, fields, or on rangeland. A DLPO is a poultry feeding operation containing or designed to contain more than 125,000 broiler chickens, or 82,000 laying hens or pullets concentration site for more than 30 days during the year.
- b. **Application submittal requirements.** All applications for a permit to operate a dry litter poultry operation shall require a permit issued by the board of commissioners or its designee. The procedure for consideration of the permit shall be the same as a request for re-zoning pursuant to the Jefferson County Code of Ordinances and shall only be allowed in an R-A zone. The following information shall be submitted with a conditional use application.
- (4) The design of the chicken houses, stack houses and operations should minimize the impacts of the poultry house on adjacent properties. For example, the ventilation fan exhausts should be directed away from the closest property lines of adjoining properties.
- (b) *Additional requirements, review criteria, and standards.*
- (1) *Odors, noise and dust.* Dry litter poultry operations shall be operated in such a manner as to not constitute a nuisance as defined by law or cause hurt, inconvenience, harm or devaluation of adjacent properties due to emissions of odors, dust or particulate matter.
- (2) *Character of the neighborhood and surrounding community.* The board of commissioners should consider the concentration of dry litter poultry operations in the area; zoning classification of adjacent properties; level of traffic, driveway locations and road conditions; DLPO's may be 24-hour per day operations; scale and design of buildings; noise, odor or vibration; proximity of existing residences; and, similar impacts associated with the proposed land use.
- (3) *Nuisance.* No dry litter poultry operation shall be operated as a nuisance. See O.C.G.A. §41-1-1.
- (4) *Setbacks.* The specific setback requirements for dry litter poultry operations set forth herein are intended to minimize the adverse effects commonly associated with such operations, provided that larger setbacks or other conditions may be imposed as conditions so as to minimize adverse effects on surrounding property in cases involving, but not limited to, uncommonly large operations, unusual topographic conditions, or proximity to sensitive natural, scenic, or historic areas, municipal boundaries, and residential areas.
- a. No dry litter poultry operation shall be constructed in any location where any portion of the confinement area is 200 feet or less from the property boundaries of the parcel on which the confinement area is to be constructed.

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- b. No dry litter poultry operation shall be constructed in any locations where any portion of the confinement area is 500 feet or less from any residence.
 - c. No dry litter poultry operation shall be constructed in any location where any portion of the confinement area is 1,500 feet or less from any building or property that is regularly used as a school, hospital, church, a public park, a public recreational area, a senior center, a nursing home or retirement home, a restaurant, or public community center.
 - d. No dry litter poultry operation shall be constructed in any location where any portion of the confinement area is 200 feet or less from any perennial stream.
- (5) *Air quality protection.* The County and Ordinance Officer may refer to and use State and Federal air quality standards and guidelines in determinations of appropriateness and enforcement.
- (6) *Dead poultry disposal.* Dead poultry shall be disposed of in a way that does not adversely affect ground or surface water and does not compromise public health. Any dead poultry shall be disposed of upon discovery by removal for rendering, incineration, burial or composting as approved by the Georgia Department of Agriculture and by the Environmental Protection Division of the Georgia Department of Natural Resources.
- (c) *Complaint process.* The county ordinance officer shall be authorized to investigate allegations of violations of this code section as he would other code and ordinance violations in Jefferson County. In addition, if the ordinance officer receives a credible complaint that a dry litter poultry operation has become a nuisance or is in violation of the codes and ordinances of Jefferson County, he should follow the following complaint resolution process.
- (1) The complaint should be documented in writing including the date, name and address of the complainant and nature of the complaint. The ordinance officer should contact the grower or its agent and inform him/her of the nature of the complaint. The grower will assist the ordinance officer in the investigation of the complaint including compliance with bio-security protocols and access to the property subject to the complaint for inspection.
 - (2) As soon as practical, the ordinance officer will visit the dry litter poultry operation and investigate the complaint. If violations are found or probable cause exists to believe the operation is not in conformance with Jefferson County Codes or Ordinances, the ordinance officer will inform the owner, operator or his agent on the premises of the violation. The ordinance officer will determine if a citation should be issued based upon the nature or severity of the violation. If the ordinance officer believes that probable cause exists that the operation constitutes a nuisance or is in violation of the law, he may also notify the appropriate departments in State and Federal Government and regulatory agencies that may have jurisdiction such as the EPA, EPD, and the Department of Agriculture;
- a. While remediation or elimination is preferred, it will not serve as a defense to a violation, but may be considered in mitigation of punishment.
- (3) Violations and penalties. Any person violating any of the provisions of this article shall be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation or by imprisonment for a period not to exceed 60 days, or both. Once an operator is notified of a violation, each day of operation thereafter in violation of this article may be deemed a separate offense.

(Ord. of 7-13-1999(02), art. XVIII, § 18-7; Ord. No. 2019-01, 10-15-2019)

Secs. 20-790—20-816. Reserved.

DIVISION 4. BUFFERS

Sec. 20-817. When required.

A buffer shall be required whenever two adjoining properties are in different zoning districts. Buffers shall be located on the outer perimeter of a parcel along all lot lines adjoining different zoning districts including adjacent property lines, which may be separated by an existing or proposed public right-of-way. Buffers shall not be located on any portion of existing, dedicated or reserved public or private street right-of-way.

(Ord. of 7-13-1999(02), art. XVIII, § 18-11)

Sec. 20-818. Commercial or industrial lot abutting nonconforming residential use.

In any commercial or industrial zoning district, where a commercial or industrial lot abuts any adjacent nonconforming residential use within that district, the required buffer for the commercial or industrial property when acquiring a building permit, unless the buffer was pre-existing, shall consist of a 50-foot setback from the adjoining property line containing not less than a 20-foot base width consisting of plantings plus a wall (not otherwise part of a structure or accessory building), fence or a berm, or any combination thereof, which meets the screening standards in this article.

(Ord. of 7-13-1999(02), art. XVIII, § 18-11.1)

Sec. 20-819. Adjoining properties in different districts.

- (a) When two adjoining properties are in different residential, commercial or industrial zoning districts, the property within the zoning district allowing for more intensive uses is required to provide the buffer when acquiring a building permit unless the buffer was pre-existing.
- (b) When two adjoining vacant parcels are in different zoning districts, no buffer is required when the parcel zoned for the less intensive use acquires a building permit.
- (c) The required buffer shall consist of a 50-foot setback from the adjoining property line containing not less than a 20-foot base width consisting of plantings plus a wall (not otherwise part of a structure or accessory building), fence or a berm, or any combination thereof, which meets the screening standards in this article.

(Ord. of 7-13-1999(02), art. XVIII, § 18-11.2)

Sec. 20-820. Adjoining property with different use intensity.

- (a) When two adjoining properties are different in intensity of use (for example, single-family residential is a less intensive use than either a multifamily residential or a manufactured home community), whether in the same or in different zoning districts, the property of the more intensive use is required to provide a buffer when acquiring a building permit unless the buffer was pre-existing.
- (b) The required buffer shall consist of plantings or a fence, wall (not otherwise part of a structure or accessory building), or a berm, which meets the screening standards of this article. If plantings are used as the method of screening, the planting area shall have a minimum base width of 12 feet.

(Ord. of 7-13-1999(02), art. XVIII, § 18-11.3)

Sec. 20-821. Maintenance.

The responsibility for maintenance of buffers shall remain with the owner of the property. Any required plant that has expired shall be replaced.

(Ord. of 7-13-1999(02), art. XVIII, § 18-11.4)

Secs. 20-822—20-850. Reserved.

DIVISION 5. FENCES AND SCREENING

Sec. 20-851. Height of fences and walls in a residential districts; exception.

No fence or wall, other than a retaining wall, in a required setback area for a residential zoning district shall be more than six feet in height above finished grade, except as required for screening as specified in this division.

(Ord. of 7-13-1999(02), art. XVIII, § 18-10)

Sec. 20-852. Screening of service areas within 100 of public street.

Any service area, loading area, refuse or storage area between a principal building and a public street being visible from said street and lying within 100 feet of said street shall be provided with screening consisting of not less than a 25-foot base width consisting of plantings plus a wall (not otherwise part of a structure or accessory building), fence or a berm, or any combination thereof, which meet the screening standards of this article.

(Ord. of 7-13-1999(02), art. XVIII, § 18-12)

Sec. 20-853. Screening standards.

- (a) *Generally.* Screening is a method of visually shielding one use from another by walls, fence, berms or densely planted vegetation. The zoning administrator shall make a determination as to whether the required screening has occurred.
- (b) *Plantings.* Plantings shall consist of either trees or shrubs or any combination of both. Planted areas shall be located along the abutting property lines or in areas that provide the best screening effectiveness, and shall comply with the following standards.
 - (1) If trees or large shrubs are used solely as the screening device, they should, under normal growing conditions, attain a minimum growing height of eight feet and a canopy spread of ten feet within four years. They shall be planted a minimum of 20 feet on center.
 - (2) When trees or large shrubs, are used in conjunction with a wall, fence or a berm, or combination thereof, to form the required screening, the minimum sufficient opaqueness shall be held to require an area no less than three feet wide of trees or shrubs immediately adjacent to the wall, fence or a berm, measured along the ground surface from the fence to the outside border of said plantings. They should attain a minimum growing height of eight feet and a canopy spread of ten feet within four years.
- (c) *Walls.* Walls shall be of masonry construction and a minimum six feet in height, but no greater than eight feet in height. The wall shall be placed on the edge of the buffer nearest the most intense use of land.
- (d) *Fences.* Fences shall be a minimum of six feet in height, but no more than eight feet in height. They shall be constructed of standard wood fencing material and methods of chainlink with woven inserts that will provide 90-percent visual blockage. The fence shall be placed on the edge of the buffer nearest the most intense land use.
- (e) *Berms.* Earthen berms shall have a minimum height of six feet.

(Ord. of 7-13-1999(02), art. XVIII, § 18-13)

Secs. 20-854—20-884. Reserved.

DIVISION 6. ANIMALS IN RESIDENTIAL DISTRICTS

Sec. 20-885. Purpose.

- (a) It is the intent of this division to permit certain uses in residential zoning districts which involve the keeping of limited numbers of domestic animals or pets where it is recognized that such areas are changing from agricultural to suburban residential in character.
- (b) This division is further intended to minimize problems which may arise from such animal uses and to provide suitable standards for protection of health, safety, welfare and preservation of residential zoning districts from indiscriminate raising of animals.
- (c) These restrictions apply to districts R-1, R-2 and R-3 and shall be subject to all state and local health codes.

(Ord. of 7-13-1999(02), art. XVIII, § 18-8(a))

Sec. 20-886. Uses permitted.

- (a) Horses, cows, pigs, ponies, donkeys and other domestic livestock may be kept, raised or bred for home use and enjoyment provided that only one such animal shall be permitted for each 15,000 square feet of land area and shall be adequately contained within the property.
- (b) Cats, dogs, rabbits or other generally recognized domestic pets may be kept or bred by persons residing on the property for their use and enjoyment.
- (c) Ducks, quail, chickens, turkeys, squabs, pheasants, etc. may be raised for home use provided such fowl are adequately contained within that property.
- (d) These permitted use provisions for animals in residential areas are meant to apply outside of the residence on an individual lot and are not intended to restrict the type or number of animals within a residence.
- (e) Notwithstanding any provision in this division to the contrary, buildings or other structures which are located in residential districts and are used to accommodate or restrain animals specified in this division shall be located no less than 50 feet from all property lines.

(Ord. of 7-13-1999(02), art. XVIII, § 18-8(b))

Sec. 20-887. Uses prohibited.

The keeping, breeding or training of any animals or fowl for monetary gain or profit shall be deemed a commercial business and is expressly prohibited in all residential districts except where such operations may qualify as a home occupation.

(Ord. of 7-13-1999(02), art. XVIII, § 18-8(c))

Secs. 20-888—20-907. Reserved.