

Paulding County

Atlanta MSA

2003 Population Estimate 100,071; +18.4% change from 2000 Census.

Not a Tree City USA.

No tree board established by ordinance.

APPENDIX A ZONING

ARTICLE VI GENERAL PROVISIONS

Year first adopted or last revised unknown.

Addresses private property.

Includes buffer requirements.

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Section E. Buffers between dissimilar districts.

Survey and contact information not submitted.

APPENDIX A ZONING*

***Editor's note:** Printed herein is the county's zoning ordinance, as adopted by the board of commissioners from the Ordinance of 4-22-2003. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets. The Ordinance of 4-22-2003 replaced the former zoning ordinance adopted by Resolution Number 99-48 (and its fifth printing, including amendments in December 2000).

State law references: The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; local government zoning powers, O.C.G.A. § 36-66-2; conflicts of interest in zoning actions, O.C.G.A. § 36-67A-1 et seq.; effect of zoning laws on covenants running with the land, O.C.G.A. § 44-5-60; authority to adopt plans and exercise the power of zoning, Ga. Const. art. IX, § II, ¶ IV.

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**ZONING ORDINANCE
OF PAULDING COUNTY, GEORGIA**

An ordinance regulating within the County of Paulding the location, height, bulk, number of stories and size of buildings and other structures; the sizes of yards, courts, and other open spaces; the density and distribution of population; and the uses of buildings, structures, and land for trade, industry, residence, recreation, mining, agriculture, forestry, conservation, sanitation, protection against floods, public activities, and boundaries thereof; defining certain terms used herein; providing for the method of administration and amendment; defining the powers and duties of the board of appeals; providing penalties for violations, repealing conflicting ordinances; and for other purposes.

ARTICLE VI GENERAL PROVISIONS

Sec. A. Lots of record.

- (1) *Substandard size lots.* Where the owner of a lot at the time of the adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may be used as a building site provided the yard and other space requirements of the district may be reduced by the smallest amount that will permit reasonable use of the property as a building site. However, in no case shall the setbacks be reduced to less than one-half of the least restrictive zoning district's minimum area and yard requirements set forth within this ordinance unless approved by the zoning board of appeals.
- (2) *Adjoining lots.* If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption of this ordinance and such lots individually are too small to meet the yard, width, and area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subject to the requirements of this ordinance. This does not apply to lots approved prior to the adoption of this ordinance.

Sec. B. Maintenance of nonconforming buildings and structures.

- (1) A non-conforming building or structure shall be maintained upon the following conditions and not otherwise:
 - (a) No structural alterations except those required by law shall be made thereto.
 - (b) No enlargement or additions shall be made thereto.
 - (c) No repairs in excess of 50 percent of a building's or structure's valuation shall be made thereto, unless otherwise specified herein.
 - (d) A non-conforming building or structure which has been damaged by fire, explosion, act of God, or the public enemy may be restored to the size, shape, and/or height of the structure as it existed immediately prior to the damage provided this can be determined or documented.
- (2) Use of non-conforming building, structure or premises.
 - (a) The non-conforming use of a non-conforming building or structure lawfully existing at the time this ordinance became effective may be extended throughout the building or structure provided no structural alterations except those required by law, or for general maintenance, are made therein and provided further than the non-conforming use of a non-conforming building or structure may be changed only to another non-conforming use of the same or more restrictive classification.
 - (b) In no case shall a non-conforming building or structure be enlarged beyond the existing square footage for the purpose of extending the non-conforming use.
 - (c) In no case shall independent structures or buildings be constructed which will provide support to existing non-conforming uses.

(d) In the event that a non-conforming use of any building or structure is discontinued without interruption for a period of 12 months, the use of the same shall thereafter conform to uses permitted in the district in which it is located.

(e) Non-conforming signs shall be allowed to continue until such time as it is removed. No enlargement of such sign shall be allowed. No improvements to such signs shall be made beyond those required for general maintenance of such sign.

Sec. C. Nonconforming uses of land.

(1) The non-conforming use of land lawfully existing at the time this ordinance became effective shall be discontinued within one year from the effective date of this ordinance and within said year shall be continued upon the following conditions and not otherwise:

(a) The non-conforming use of a piece of land shall in no way be expanded or extended either on the same or adjoining property.

(b) The non-conforming use of a piece of land may in no way be changed to another non-conforming use, but only to a use conforming to the regulations of the district in which the land is located.

(c) In the event that the original non-conforming use of a piece of land is discontinued for 60 days or more, the land shall thereafter conform to all regulations for the district in which the land is located.

(d) The aforementioned provisions regarding non-conforming use of land shall apply where either:

1. No building is employed in connection with such use.
2. Buildings employed are accessory or incidental to such use.
3. Such use is maintained in connection with a conforming building.

(e) Non-conformance due to reclassification.

(f) The aforementioned provisions of this article shall also apply to buildings, structures, land, and uses which hereafter become non-conforming due to any reclassification of districts under this ordinance or subsequent change in the regulations of this ordinance.

Sec. D. Removal of destroyed buildings.

Any dwelling which is damaged beyond repair by fire, natural or manmade disaster shall be removed and disposed of in accordance with provisions of the Standard Unsafe Building Abatement Code as adopted by the State of Georgia.

Sec. E. Buffers between dissimilar districts.

(1) *Objective.* The objective of providing buffers and landscaped areas for screening between dissimilar districts is to protect and preserve the appearance, character, and value of adjacent land uses.

(2) *Definitions.*

(a) **Buffer:** A barrier which is created by the use of evergreen trees or other acceptable plant or vegetative material alone or in combination with berms, fencing, or walls used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or dissimilar uses.

(b) **Natural/Undisturbed Buffer:** An existing natural barrier which contains a stand of evergreen trees or other acceptable vegetative material with a density or intensity which meets the intent of the definition of buffer.

(c) **Planted/Landscaped buffer:** A planted natural barrier which contains a stand of evergreen trees or other acceptable vegetative material with a density or intensity which meets the intent of the definition of buffer.

(3) **Buffer requirements.** The buffer area may be included within the required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Buffers are required to be installed on properties adjacent to dissimilar districts in accordance with the following specifications:

Minimum Buffer Width Requirements (1)

TABLE INSET:

	Abutting Zoning District															
	A-1	R-1	R-2	R-3	R-4	R-5	R-6	PRD	LRO	O-I	NB	B-1	PSC	B-2	I-1	I-2
A-1*									15'	15'	15'	15'	15'	15'	15'	15'
R-2*									15'	15'	15'	15'	15'	15'	15'	15'
R-2 Sewer*									15'	15'	15'	15'	15'	15'	15'	15'
R-4	30'	30'	30'	30'		25'	25'	25'	15'	15'	15'	15'	15'	15'	15'	15'
R-5	15'	15'	15'	15'	10'		10'	10'	15'	15'	15'	15'	15'	15'	15'	15'
R-6	30'	30'	30'	30'	25'	25'		25'	15'	15'	15'	15'	15'	15'	15'	15'
R-7	15'	15'	15'	10'	10'	10'		10'	15'	15'	15'	15'	15'	15'	15'	15'
PRD	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'
LRO	15'	15'	15'	15'	15'	15'	15'	15'								
O-I	20'	20'	20'	20'	20'	20'	20'	20'								
NB	25'	25'	25'	25'	25'	25'	25'	25'								
B-1	25'	25'	25'	25'	25'	25'	25'	25'								

PSC	25'	25'	25'	25'	25'	25'	25'	25'								
B-2	40'	40'	40'	40'	40'	40'	40'	40'								
I-1	50'	50'	50'	50'	50'	50'	50'	50'	25'	25'						
I-2	75'	75'	75'	75'	75'	75'	75'	75'	50'	50'	25'	25'	25'	25'	15'	

(1) *Note:* reference paragraph (6) herein for required buffer area along stream banks, water ways, or watercourses.

*Must provide buffer area for subdivision developments.

(4) *Standards.* Buffers are subject to review and approval by county planning staff. The landscaping policies and standards listed in this section are the minimum policies and standards for buffers. The following are required standards for buffers and shall be used by the county planning staff in reviewing development applications.

- (a) Buffers shall be designated on the site plan as a permanent buffer strip.
- (b) Buffers shall be natural/undisturbed areas of existing mature trees which meet the intent of the definition of buffer. Where substantially devoid of existing trees, or where it is necessary to disturb the existing natural/undisturbed area, a planted/landscaped buffer shall be established in accordance with this section.
- (c) Buffers shall be established and maintained along required adjoining property to meet the minimum width requirements for dissimilar districts as shown in the above table.
- (d) Buffers shall be of such nature and density at species maturity to screen activities and uses on the lot from view from the normal level of a first story window on an abutting lot. Buffers shall not be closer than 15 feet to the street right-of-way unless approved by county planning staff.
- (e) Buffers shall provide year-round visual screening from the ground to a height of at least six feet.
- (f) Buffers that utilize trees and/or other vegetation shall be installed not only to provide visual screening but to allow for proper plant growth and maintenance.
- (g) Buffer design shall be integrated with the overall design concept for the project.
- (h) Existing tree cover and natural vegetation shall be undisturbed except for the addition of supplemental plantings or other approved screening devices, or for the provision of required access or utility crossings as approved by the county planning staff. Where a buffer is substantially devoid of trees or shrubbery, grading may be allowed within the buffer area prior to replanting or the provision of other screening devices as required.
- (i) Said buffer areas may not be used for any parking or for the erection of any permanent structure thereon except a fence.
- (j) No artificial plants, trees, or other artificial vegetation shall be installed.
- (k) All existing, healthy deciduous and hardwood trees with a caliper of five or more inches at a point four and one-half feet above the natural grade shall be retained, whenever feasible; if not feasible the tree shall be replaced with the same or similar type of tree in accordance with the intent of paragraph (l) below.

(l) All planted trees shall be native to this region and, when planted, such replacement tree shall be a minimum height of six feet and be a species which will reach at least 20 feet in height at maturity or shall be a flowering tree with a minimum height of six feet at time of planting. All plantings shall be in staggered rows, with vegetation spaced a minimum of ten feet apart (measured trunk to trunk) with a minimum of two staggered rows of plantings for every ten feet of buffer width. The following are approved for such plantings, but shall not be exclusive of other vegetation which may be suitable as approved by the County planning staff, provided they form a visible screen: Leyland Cypress, Buford Holly (Dwarf Holly), Ilex Opaca (Savannah Holly), Ilex Chinese (Nellie R. Stevens Holly), Pinus Strobus (White Pine), Magnolia Gradiflora (Southern Magnolia), Cleara Japonica, Green Ash, Mountain Laurel, Black Gum, Hop Horneam, Oak Species (Scarlet, Southern Red, Swamp Chestnut, Sawtooth, Chestnut), Linden or Basswood, Viburnum.

(5) **Maintenance.**

(a) All buffers shall be installed in a sound workmanship-like manner and according to accepted and proper planting procedures which meet the intent of the buffer requirements.

(b) Once installed, the owner shall be responsible for maintenance of all buffers, which shall be maintained in good condition to as to present a healthy, neat, and orderly appearance which meet the intent of the buffer requirements.

(c) Should the vegetation die or be removed such that the buffer no longer functions as required, that vegetation must be replaced by the owner.

(d) The owner shall have 30 days to replace missing or damaged trees, or restore buffer areas to meet the intent of the buffer requirements.

(6) **Required stream protection buffer.** In order to protect natural water ways within all zoning categories and enhance water quality within Paulding County, the following buffer areas will be required on all development construction drawings.

(a) **Definitions:** Water way and streams are defined as follows:

1. Any water course of 20 acres and larger.
2. Any water course as defined by the Georgia EPD within the Soil Erosion and Sedimentation Control Ordinance.

(b) **Requirements:**

1. There shall be a 40-foot undisturbed buffer area along all stream banks, water ways, or water courses.
2. This buffer shall be measured from the top of the stream bank on each side of the creek. On very small creeks this buffer shall be 80 feet minimum, being 40 feet each side of the creek.

(c) **Variance procedures:**

1. A variance request to disturb within the buffer areas shall be processed through the Paulding County Development Review Committee.
2. No variance shall be granted that is within the jurisdiction of the Georgia EPD, unless authorized by that agency. These buffer areas are 25 feet on streams and 100 feet on trout streams.
3. No variance shall be granted that is under the jurisdiction of the

Army Corps of Engineer, unless authorized by that agency, for disturbance of more than one third acre of wetlands.

(7) *Variance from buffers.* The county planning staff may waive or vary the buffer requirements of this section as stated herein, if and only if:

(a) It is clearly demonstrated that existing topography and/or vegetation achieve the purpose and intent of this section.

(b) It is clearly demonstrated that for topographic reasons, a fence, wall, and/or other screening device required herein could not possibly screen activities conducted on ground level from view from the normal level of a first story window on any lot in a residential district abutting the use.

Sec. F. General building, area, and yard provisions.

Except as herein otherwise provided:

(1) No building or structure shall be erected, and no existing building or structure shall be moved, altered, added to, or enlarged, nor shall any land or building be used, designed, or intended to be used, for any purpose or in any manner other than is set forth in this ordinance or amendments thereto as permitted in the zoning district in which such building or land is located.

(2) No building shall be erected, nor shall any existing building be reconstructed or structurally altered, to exceed in height the limit established in this ordinance or amendments thereto designated for the zoning district in which such building is located.

(3) No existing building or structure shall be enlarged unless the lot meets the minimum land area requirements of the zoning district in which said building is located.

(4) Every building hereafter erected shall be erected on a lot as herein defined, and in no case shall there be more than one principal residential building on any one lot except in accordance with the provisions of this ordinance.

(5) No building shall hereafter be erected on a lot which does not abut for at least 30-feet on a publicly dedicated, publicly approved, or publicly maintained street or on a dedicated easement connecting with a public way which guarantees ingress and egress for perpetuity subject to the provisions of this ordinance.

(6) No accessory building, structure, or use shall be erected on or project into any required front or side yard.

(7) Where a rear yard abuts upon a street, no accessory building, structure, or use shall be located nearer to the rear lot line than the required front yard depth of the zoning district in which the rear yard is located.

(8) Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projection of a cornice, eave, belt cornice, sill, canopy, or other similar architectural feature projecting not to exceed 36 inches into said yard.

(9) Landscape features such as trees, flowers, or plants shall be permitted in any required front, side, or rear yard provided they do not violate the provisions of paragraph (14) below.

(10) No yard or other open space provided for about a building for the

purposes of complying with the provisions of this ordinance or amendments thereto shall be considered as providing a yard or open space for any other building, and no yard, or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

(11) If a building is constructed on a through lot having frontage on two streets not at an intersection, a setback from each road shall be provided equal to the front yard requirements for the district in which the lot is located.

(12) On a corner lot, when the frontage of one street exceeds the frontage of the other, the one with the least frontage shall be deemed the front of the lot. The side yard setback for a corner lot shall be 25 feet in all zoning districts except where otherwise noted herein.

(13) No lot shall be so reduced or diminished so that the yard, or other open space, or total lot area, shall be smaller than prescribed by this ordinance, or amendments thereto, nor shall the allowable density of the zoning district be altered in any manner except in conformity with this ordinance.

(14) In all zoning districts, no fence, structure, sign, planting, or other obstruction (above a height of three feet) shall be maintained within 15 feet of the intersection of the right-of-way lines extended of two streets, or of a street intersection with a railroad right-of-way.

(15) No residential or commercial building or any type residence including manufactured homes shall hereafter be erected or placed on a lot without prior application for an approved septic tank and nitrification field. No occupancy of such buildings or mobile homes is permitted until the approved septic tank and nitrification field have been completely installed. This shall not apply where public sewerage is used at the property, provided it is properly connected.