

ARTICLE V - GENERAL STANDARDS FOR ALL DISTRICTS**Section 500 - Non-conforming Buildings and Uses**

Within the districts established by this Ordinance or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance of future amendments. It is the intent of these regulations to permit these nonconformities to continue until they are removed, altered, destroyed, etc..., but not to encourage their survival. It is further the intent of these regulations that nonconformities shall not be enlarged, expanded, extended or used as grounds for adding other structures or uses that are prohibited elsewhere in the same district.

500.1 Avoidance of Undue Hardship

To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance.

500.2 Incompatibility of Non-conforming Uses

Non-conforming uses are declared by these regulations to be incompatible with permitted uses in the districts in which such uses are located. After passage of this Ordinance, a Non-conforming use of structure, a Non-conforming use of land, or a Non-conforming use of a structure and land in combination shall not be changed to another Non-conforming use, nor shall it be extended by any of the following:

- (1) the attachment on a building or premises or the addition of signs intended to be seen from off premises,
- (2) the addition of other uses of the property which would generally prohibited in the district in which such use is located, or
- (3) additions to any existing, Non-conforming structure except in conformity with this Ordinance.

500.3 Non-conforming Lots of Record

- (a) Single Non-conforming Lots of Record. A single lot of record existing at the effective date of adoption or amendment of this Ordinance which does not meet the requirements for area, width, or both that are applicable in the district may be used or sold for the erection of those buildings and accessory buildings necessary to carry out the permitted uses in that district provided that:

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- (1) Yard dimensions and lot coverage requirements except requirements for total land area, lot width, or both shall conform to the regulations for the district in which such lot is located;
 - (2) Variance for yard dimensions and lot coverage requirements shall be obtained only through action of the City Council in accordance with Section 1130 (Variances) of this Ordinance;
 - (3) Location requirements of accessory buildings and uses are met as provided in Section 800 (Accessory and Temporary Buildings) of this Ordinance;
 - (4) Parking space requirements for all districts are met as provided in Section 510.3 et seq. of this Ordinance;
 - (5) Such lots do not have continuous frontage with other lots in the same ownership; and
 - (6) In residential districts, buildings shall be limited to single-family detached dwellings.
- (b) Non-conforming Lots of Record in Combination. If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purpose of these regulations and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by these regulations, nor shall any division of any parcel be made which creates a lot with a width or areas less than specified by the requirements stated in this Ordinance.

500.4 Non-conforming Uses of Land

- (a) Where, at the time of adoption of this Ordinance or amendments thereto, lawful uses of land exist that would not be permitted by the requirements imposed by these regulations, the uses may be continued so long as they remain otherwise lawful, provided that:
- (1) No such Non-conforming use shall be changed to another Non-conforming use;
 - (2) No such Non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
 - (3) No such Non-conforming use shall be moved in whole or part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Ordinance;
 - (4) If any such Non-conforming use of land is discounted for a period of more than 6 months, any subsequent use of such land shall conform to the requirements specified by this Ordinance, or

- amendments thereto, for the district in which such land is located;
and
- (5) No additional structures not conforming to the requirements of this Ordinance, or amendments thereto, shall be erected in connection with such Non-conforming use of land.

500.5 Non-conforming Structures

- (a) Continued Use of Non-conforming Structures. Where a lawful structure exists at the effective date of adoption or amendment this Ordinance which could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise, lawful, provided that:
- (1) No such Non-conforming structure may be enlarged or altered in a manner that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity, provided that any such alteration must comply with the requirements of this Ordinance and must not in itself be Non-conforming;
- (2) Should such structure be voluntarily moved for any reason for any distance whatever, it shall thereafter conform to the requirements for district in which it is located after it is moved.
- (b) Restoration of Damaged Building. Should such Non-conforming structure be hereafter damaged or destroyed to an extent exceeding fifty (50) percent of the reasonable estimated replacement cost of the structure, as determined by the Building Official, said structure shall not be reconstructed or restored to the same or other Non-conforming use except upon written approval of the Building Official.
- (c) Repairs and Maintenance. On any Non-conforming structure of portion of a structure containing a Non-conforming use work may be done on ordinary repairs including remodeling, or repair or replacement of non-loadbearing walls, fixtures, wiring, or plumbing, provided that the total square footage existing when it became Non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

500.6 Non-conforming Uses of Structures or Structures and Premises in Combination

- (a) If lawful use involving individual structures, or of a structure and premises in combination, exists at the effective date of adoption or amendment of

this Ordinance which would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, provided that:

- (1) No such Non-conforming use shall be changed to another Non-conforming use;
- (2) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, voluntarily moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- (3) Any structure, or structure and premises in combination, in or on which a Non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the Non-conforming use may not thereafter be resumed;
- (4) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of these regulations, but no such use shall be extended to any land outside such building;
- (5) When a Non-conforming use of a structure or structure and premises in combination is discontinued or abandoned for more than one (1) year, the structure or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located;
- (6) Where Non-conforming use status applies to a structure and premises in combination, should the structure be damaged to the extent of more than fifty (50) percent of its current replacement value as determined by the Building Official, said structure shall not be reconstructed or restored to the same or other Non-conforming use except upon written approval of the Building Official.

Section 510 - Off-Street Automobile Parking

Within the City of Barnesville, off-street automobile storage or parking space shall be provided on every lot on which any permitted or conditional use is established in accordance with this Ordinance. No structure shall be hereafter erected nor any of the following uses established unless the minimum number of parking spaces as specified below are provided.

510.1 Purpose

The purposes of the off-street parking regulations are as follows:

- (a) To progressively alleviate or prevent traffic congestion and shortages of on street parking spaces;

- (b) To ensure that adequate off-street parking and loading facilities are provided proportionally to the needs of each land use; and
- (c) To ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, safety, and where appropriate, insulate surrounding land uses from adverse effects commonly caused by parking areas.

510.2 General Requirements

- (a) Definition - "Off-street Parking Space". The term "off-street parking space" shall mean a space at least nine (9) feet wide and twenty (20) feet long with a minimum net area of one hundred and eighty (180) square feet, excluding area for egress and ingress and maneuvering of vehicles. Each parking space shall have access for vehicles to a public street.
- (b) Provision of Off-Street Parking Space on Different Lot. If an off-street parking space cannot be reasonably provided on the same lot on which the principal use is conducted, the Building Official may permit such space to be provided on other off-street property, provided that such space lies within 400 feet of the property line of such principal use; and further provided that such space is under the exclusive control of the person responsible for the principal. For the purpose of this subsection, "exclusive control" means ownership of such remote space or a lease of such space for no less than twenty-five (25) years. Such vehicle parking space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- (c) Provision of Parking Spaces for Separate Uses. The required number of parking spaces for any number of separate uses may be combined in one (1) lot, but the required space assigned to one use may not be assigned to another use at the same time, except that the portion of the parking space required for a religious use whose peak attendance will be at night or on a particular day of the week may be assigned to a use which will be closed during the said peak attendance times.
- (d) No Reduction of Off-Street Parking Areas. Areas reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Building Official.
- (e) Pre-existing Parking. Off-street parking existing on the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
- (f) Alteration of Existing Commercial Buildings. Any commercial building existing on the effective date of this Ordinance may be reconstructed,

remodeled, or enlarged without increasing the existing off-street parking spaces, provided such reconstruction, remodeling, or enlargement does not exceed more than ten (10) percent of the original gross commercial floor area. Additional off-street parking must be provided for only that portion of the additional gross commercial floor area in excess of ten (10) percent in accordance with the provisions set forth in this Ordinance. In the case of an existing structure changing use, off-street parking requirements applicable to the new use must be provided, unless a variance is obtained in accordance with Article XI Section 1130 of this Ordinance, (Variances).

- (g) Extension of Parking Space into Residential Districts. Required parking space may extend up to one hundred (100) feet into residential district provided that the parking space adjoins a commercial or industrial district and has its only access on the same street as the property that it serves and is separated from abutting residential lots by a planned buffer strip at least ten (10) feet wide.
- (h) No Obstruction of Emergency Vehicles. The arrangement of parking shall not obstruct Emergency Vehicles from access to the site or its buildings.
- (i) Handicapped Parking Access. Handicap Parking Access shall be provided as required in the Americans with Disabilities Act. The parking requirements for disabled individuals are defined in the Federal Register, 28 CFR part 36, Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities; Final Rule dated July 26, 1991.
- (j) Parking Stall and Aisle Dimensions. The following diagrams specify the required stall and aisle dimensions for the situation depicted. Alternate configurations may be authorized by the Building Official or his authorized representative.

**INSERT PARKING
AISLE DIAGRAM HERE**

510.3 Parking Space Requirements for All Districts

Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley, and shall be equal to at least the minimum requirements for the specific land use set forth below. Where the Building Official determines that fewer parking spaces are necessary for a specific proposed use, the Building Official is authorized to reduce the parking requirements set forth in this Section to an appropriate level.

Land Use**Parking Requirements****1. Residential**

- (a) One and two family dwellings Two (2) spaces for each dwelling unit of 1,000 square feet or less; three (3) spaces or each unit of over 1,000 square feet. For one and two family dwelling units, all available driveway space may be used in meeting the requirements of this section.
- (b) Multiple-family dwellings Two (2) spaces per dwelling unit of 1,000 square feet or less; three (3) spaces for each unit over 1,000 square feet.
- (c) Hotels One (1) space for each room plus one additional space for each five (5) employees.
- (d) Motels, tourist courts and homes, manufactured home parks, recreational vehicle One (1) space for each guest bedroom, manufactured home, or recreational vehicles space, plus one additional space for a resident manager or owner.
- (e) Bed and Breakfasts and dormitories One (1) space for each guest bedroom, plus one space for each employee.

2. Public Assembly

- (a) Churches and other places of worship One space for each four (4) seats in the main auditorium of sanctuary.
- (b) Private clubs, lodges and fraternal buildings not providing overnight accommodations One space for each five active members.
- (c) Theaters, auditoriums, coliseums One space for each four (4) seats in the stadiums and similar places main auditorium or sanctuary.
- (d) Libraries, museums One space for every 500 feet of gross floor space.
- (e) Schools, including kindergartens, playschools and day care centers One space for each four (4) seats in the assembly hall, or one space for each employee, including teachers and administrators which ever is greater, plus five (5) spaces for each classroom for high schools and colleges.

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| (f) Skating rinks, dance halls, exhibition halls, pool rooms and other places of amusement or assembly without fixed seating arrangements. | One space for every 100 square feet of floor area or ground area. |
| (g) Bowling alleys | Four (4) spaces for each lane. |

3. Health Facilities

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| (a) Hospitals, nursing homes, and similar institutional uses | One (1) space for each four (4) beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees including nurses. |
| (b) Kennels and animal hospitals | One and a half (1-1/2) spaces for every 100 square feet of waiting room area, plus one (1) space for each two employees. |
| (c) Medical, dental and health offices and clinics | One space for every 200 square feet of floor area used for offices and similar purposes. |
| (d) Mortuaries and funeral parlors | Fifteen (15) spaces per parlor or chapel unit, or one space per four (4) seats, whichever is greater. |

4. Businesses

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| (a) Automobile service and repair establishments | One (1) space for each regular employee, plus one (1) space for every 250 square feet of floor area. |
| (b) Food Stores | One (1) space for every 200 square feet of gross floor area. |
| (c) Restaurants including bars, cafes, taverns, night clubs, lunch counters and all similar dining and/or drinking establishments | One space for each four (4) seats provided for patrons use, plus one (1) space for every 75 square feet of floor area provided for patron use but not containing seats. |
| (d) Office buildings, including banks, business, commercial and professional offices | One (1) space for every 300 square feet of ground floor area, plus one (1) space for every 500 square feet of upper floor area, plus one (1) space for each governmental vehicle. |

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| (e) Shopping centers | Four (4) spaces for every 1,000 square feet of gross floor area. |
| (f) Furniture stores | One (1) space for every 500 square feet of gross floor area. |
| (g) Public utilities, such as telephone exchanges and substations, radio and TV stations, and electric power and gas substations | A parking area equal to 25 percent of the gross floor area. |

5. Industries

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| (a) Commercial, manufacturing and industrial establishments | One (1) space for each three (3) employees on the maximum working shift, not catering to the retail trade plus one space for each company vehicle operating from the premises |
| (b) Wholesale establishments | Same as 5(a) |

510.4 Site Requirements

All off-street parking shall be laid out, constructed, and maintained in accordance with the following requirements:

- (a) Surfacing of Parking Areas. All such parking shall be hard surfaces with concrete or plant bituminous material and shall be maintained in a dust-proof condition. A good stand of grass shall be maintained on the remainder of the lot.
- (b) Lighting. Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets.
- (c) Drainage. The parking area shall be adequately drained.
- (d) Parking Areas Abutting Residential Districts. Along those lot lines of parking area which abut residential districts, a dense planting of trees and shrubs shall be established on a strip of land not less than eight (8) feet in width adjacent to the districts, and provided that such planting is not less than six (6) feet in height, and substantial bumper rail of wood, metal, or concrete shall be installed on the inside of the planting strip.
- (e) Raised Curb. A raised curb of at least six (6) inches and no more than twelve (12) inches shall be erected along all required parking areas excluding single family and duplexes.

- (f) No Signs in Rights-of-Way. No sign, whether permanent or temporary shall be placed within the public right-of-way. Signs and planting strips shall be arranged so that they do not obstruct visibility for drivers or pedestrians.
- (g) Landscaping. For parking areas with ten (10) or more parking spaces, at least ten (10) percent of the parking area shall be permanently landscaped, excluding buffers as required in Section 550. Landscaping may consist of trees, shrubs, flowers, or other ornamental plants, provided that all landscaped areas are regularly maintained by the lot owner and that any dead or dying trees or plants are replaced within one (1) month of death or noticeable decay.
- (h) Marking of Parking Spaces. Required parking spaces shall be permanently marked except in single and two-family residences.
- (i) Parking Space Design. No off-street parking space or parking pad shall be designed or constructed so as to require the backing of vehicles into the right-of-way of a public street.

Section 520 - Off-Street Loading and Unloading Space

On every lot on which a business, trade, or industry is hereafter established, off-street loading and unloading spaces shall be provided for the loading and unloading of vehicles off the public street or alley as follows:

- (a) Size of Off-Street Loading Spaces. Each off-street loading space shall have minimum dimensions of fourteen (14) feet in clearance height, 12 (twelve) feet in width, and fifty-five (55) feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Building Official may reduce the minimum length accordingly to as little as three-five (35) feet, provided that at no time shall any vehicle protrude into a sidewalk or public thoroughfare.
- (b) Connection to Street or Alley. Each required off-street loading space shall have direct access to a street or alley or have a driveway that offers satisfactory ingress or egress for trucks.
- (c) Floor Area Over 10,000 Square Feet. There shall be provided for each hospital, institution, hotel, commercial or industrial building, or similar use requiring the receipt or distribution of materials or merchandise, and having a floor area of more than 10,000 square feet, at least one off-street loading space for every 10,000 square feet of floor space or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, or alley.

- (d) Floor Area Less Than 10,000 Square Feet. For each commercial or industrial building requiring the receipt or distribution of materials of merchandise and having a floor area of less than 10,000 square feet, there shall be provide sufficient off-street loading space (not necessarily a full space if shared by an adjacent establishment). Such loading space shall be located in a manner that will not hinder the free movement of pedestrians and vehicles over a sidewalk, street, or alley.
- (e) Location of Off-Street Loading Spaces. All required off-street loading spaces shall be located on the same lot as the building that they are intended to serve, or on an adjacent lot where the use is shared with the occupying said adjacent lot.
- (f) Permanent Reservation. Areas reserved for off-street loading in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use that is served is discontinued or modified, except where equivalent loading space is provided and approved by the Building Official.
- (g) Bus and Trucking Terminals. There shall be provided sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded at the terminal at any one time.
- (h) No Obstruction of Emergency Vehicles. The arrangement of loading and unloading spaces shall not obstruct Emergency Vehicles from access to the site or its buildings.

Section 530 - Control of Curb Cuts and Vision Clearance

530.1 Curb Cuts

No curb cut shall exceed twenty-eight (28) feet in length, nor shall curb cuts be closer than twenty (20) feet to other curb cuts or closer than thirty feet to an intersection of two (2) streets measured along the curb line.

530.2 Vision Clearance

In all use districts except C-1, Central Commercial District, no fence, wall shrubbery, sign, marquee or other obstruction to vision between the heights of two and one-half (2-1/2) feet and ten (10) feet from the ground level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two (2) streets or railroad lines, or of a street intersection within a railroad line.

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Section 540 - Storage and Parking of Trailers and Vehicles

Recreational vehicles (RV), motor homes, commercial vehicles, and trailers of all types, including travel, boat, camping and hauling trailers, shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district except in accordance with the following requirements:

540.1 Commercial Vehicles

The storage and parking of commercial vehicles on lots occupied by a dwelling is governed by the following:

(a) **Residential Districts.**

- (1) No commercial vehicle as licensed by the State of Georgia with gross vehicle weight (GVW) exceeding 11,000 lbs. shall be parked or stored in the R-1A, R-1B, R-1C, R-2, R-3, or Residential Planned Development Districts.
- (2) One commercial vehicle per dwelling unit is permitted in the above districts where the commercial vehicle does not exceed 11,000 lbs. in gross vehicle weight.
- (3) In no event shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted to be parked or stored.
- (4) No commercial vehicle, licensed by the State shall be allowed to park overnight on the street in a residential district.
- (5) Tractors not attached to a trailer are specifically prohibited.
- (6) Prohibits any commercial vehicles with refrigeration that run continuously.

- (b) **Non Residential Districts.** In non-residential districts, no more than one commercial vehicle per dwelling unit shall be permitted to be parked or stored; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted to be parked or stored.

540.2 Recreational Vehicles, Trailers

- (a) **Storage and Parking.** Recreational vehicles (RV), trailers, and motor homes, are prohibited from parking in the front yard in Residential Districts. In all districts, storage and parking of these vehicles is permitted if parked or stored behind the side yard building line.

- (b) Occupation of Stored Vehicles. A recreational vehicle or motor home shall not be occupied either temporarily or permanently while it is parked or stored in any area except in a Recreational Vehicle Park authorized under this Ordinance.

540.3 Inoperative Vehicles: Commercial and Industrial Districts

No inoperable vehicle shall be permitted in any residential district for more than fourteen (14) days unless it is in an enclosed garage. All repairs shall be in an enclosed garage in residential districts.

Section 550 - Screening and Lighting

550.1 Commercial & Industrial Districts

In any commercial or industrial district, and operation not conducted within a building, such as drive-in businesses, outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall be enclosed by a wall or fence of solid appearance of tight evergreen hedge to less than 6 feet in height to conceal such areas or facilities from a residential district adjoining or facing across a street in the rear or on the side of the principal building or use. Where an evergreen hedge is used for the enclosure, the hedge shall be planted in the setback area and shall consist of evergreen trees and/or shrubs that will normally obtain height of eight (8) feet within five (5) years.

550.2 Required Screening

In any district where reference is made requiring adequate screening of a specified operation, such screening shall be a wall or fence of solid appearance of tight evergreen hedge not less than 6 feet in height. Where an evergreen hedge is used for the enclosure, the hedge shall be planted in the setback area and shall consist of evergreen trees and/or shrubs that will normally obtain a height of eight (8) feet within five (5) years.

550.3 Required Buffer Strips

In any district where reference is made requiring a buffer strip, such strip shall consist of a landscaped open space area. The buffer area should be at least ten (10) feet wide and should adequately interrupt vision and impede the transmission of sound. All buffer area requirements are in addition to the area, yard, and height requirements for that District as set forth in Article VII. A landscaping plan identifying all plants to be incorporated into the buffer area must be approved by the Building Official prior to any site construction.

550.4 Outdoor Lighting

Outdoor lighting of all types shall be directed so as to reflect away from all residential dwellings, and shall be so situated as not to reflect directly into any public right-of-way or into oncoming traffic.