# THE ZONING ORDINANCE
# OF THE
# CITY OF BREMEN, GEORGIA

## ARTICLE I

## PREAMBLE AND ENACTMENT CLAUSE

WHEREAS, pursuant to the authority conferred by Article IX, Section 2, Paragraph 4 of the Constitution of the State of Georgia and Chapter 66, Title 36 of the Official Code of Georgia Annotated, and for the purposes of promoting the health, safety, morals, convenience, order, prosperity, or general welfare of the city; the various use districts which are created by this title and the various sections of this title are adopted for the following purposes, among others: to achieve such timing, density and distribution of land development and use as will prevent overcrowding of land so as to avoid undue concentration of population; to encourage such distribution and population to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public services; to encourage such distribution and population, land development and use as will secure safety from fire, panic and other dangers; to regulate the location of trades, professions, businesses and industries; to achieve such density, design and distribution of housing as will protect and enhance residential property values; to preserve the city's historical and natural beauty, and encourage architecturally pleasing development; and to improve the quality of life through protection of the city's total environment including, but not limited to, the prevention of air, water and noise pollution; to protect the value of existing properties; and to promote the most appropriate use of land, buildings, and structures throughout the city; all in accordance with a comprehensive plan.,

NOW, THEREFORE, It is hereby ordained by the governing authority of the City of Bremen that this Zoning Ordinance is adopted and may be cited as the "Zoning Ordinance for the City of Bremen, Georgia and incorporate by reference herein the official Zoning and Boundary of the City of Bremen 2014, said ordinance and the incorporated information is to be set forth and codified as Chapter 99 in the Code of Ordinances of the City of Bremen. The Table of Contents of the Code of Bremen is hereby amended to add thereto a new Chapter, titled Chapter 99 – Zoning. This ordinance replaces and supersedes all previous Zoning Ordinances of the City and all previous amendments thereto. This Ordinance shall take effect on the 1st day of the next full month following the date of Adoption as set out below.

Date of Adoption: This the 18th day of August, 2014.

SHARON SEWELL, Mayor

COUNCILMEN:

W. O. PARRISH

JANE WILSON

TERRY CRAWFORD

KYLE P. SHEPHERD

Attested: _____
AMY RIDLEY, City Clerk
(SEAL OF THE CITY)

Approved as to form: _____
Sam D. Price, City Attorney

## ARTICLE II

## TITLE, INTERPRETATION, APPLICATION, AND JURISDICTION

**99.2.010 Short Title.** This ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Bremen, Georgia."

**99.2.020 Interpretation, Application and Jurisdiction.** In interpreting and applying the ordinance codified in this title, the requirements contained herein are declared to be minimum requirements necessary to carry out the purposes of the title. Except as herein provided, this title shall not be deemed to interfere with, abrogate, annul or otherwise affect in any manner whatsoever easements, covenants or other agreements between parties. Whenever the provisions of this title impose greater restrictions upon the use of land or buildings or upon the height of buildings or require a larger percentage of lot to be left unoccupied than the provisions of other ordinances, rules, regulations, permits of any easements, covenants or other agreements between parties, the provisions of this title shall govern as provided below.

This is the City of Bremen zoning ordinance and all other conflicting resolutions or ordinances are repealed; provided, that nothing in this title shall be construed as repealing or modifying the conditions of operation or conditions of site development accompanying those zoning approvals or use permits issued under previous zoning ordinances or resolutions; however, modification or repeal of these past conditions of approval may be accomplished as provided by the ordinance codified in this title.

All variances and exceptions heretofore granted, by the appropriate granting authority as designated in any such previous ordinance or resolution, shall remain in full force and effect, and all terms, conditions and obligations imposed by said boards, commissions or authority shall remain in effect and be binding. Prior ordinances shall remain in effect insofar as required for the initiation of any proceedings against these violations heretofore commenced.

## ARTICLE III

## DEFINITIONS AND INTERPRETATIONS

**99.3.010 Interpretation of Certain Terms and Words.** Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. Words used in the singular shall include the plural and words used in the plural include the singular. Words used in the present tense shall include the future tense. For the purposes of this Ordinance, certain words or terms used herein shall be defined as follows:

1. ***BUILDING.*** The word "building" includes the word "structure".
3. ***ERECTED.*** The word "erected" includes the words "constructed", "moved", "located" or "relocated".
4. ***LOT.*** The word "lot" includes the word "plot" or "parcel".
5. ***MAP*** or ***ZONING MAP,*** The word(s) "map" or "zoning map" means the official *Zoning and Boundary Map of the City of Bremen, Georgia.*
6. ***PERSON.*** The word "person" includes the words "individuals", "firms", "partnerships", "corporations", "associations", "governmental bodies" and all other legal entities.
7. ***SHALL.*** The word "shall" is always mandatory and never discretionary.
8. ***USED*** or ***OCCUPIED.*** The words "used" or "occupied" include the words "intended, arranged or designed to be used or occupied".

**99.3.020 Definitions.**

1. ***Acceleration/Deceleration Lane.*** One or more paved traffic lanes traversing the frontage of a property for the purpose of allowing traffic to accelerate or decelerate outside of higher speed traffic lanes.
2. ***Access.*** The ability and right to enter a property.
3. ***Accessory Structure.*** A structure on the same lot with, and of a size and nature customarily incidental and subordinate to, the principal structure. Types of accessory structures include, but are not limited to, the following:
   - Detached garage and/or carport
   - Storage buildings and/or barns
   - Free standing greenhouses
   - Swimming pools and pool houses
   - Tennis courts
   - Satellite dish antennas (subject to Federal Regulations)
   - Freestanding workshops
   - Gazebos
   - Radio and/or TV antenna structures not attached to the principal structure
   - Property identification signs not associated with or attached to a mailbox
   - Perimeter fencing and/or walls (which may be located on the property line)
   - Guest House
4. ***ACRE.*** For the purposes of this Ordinance and simplicity of use, the word "acre" shall be interpreted as an enclosed area containing forty three thousand five hundred sixty (43,560) square feet.
5. ***Adult Establishment or Adult Entertainment Establishment.*** A facility or use authorized in specific Zoning Districts where adult entertainment activities may be conducted, while balancing the competing interests of reducing criminal activity and protecting neighborhoods. Adult establishments shall include the following:
   a. Adult bookstore: An establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five (5) percent or more of its total inventory consisting of printed material which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
   b. Adult business: Either:
      (1) Any business other than those expressly specified in this Article, where employees or patrons expose specified anatomical areas or engage in specified sexual activities; or
      (2) Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, discussing or relating to specified sexual activities or specified anatomical areas.
   c. Adult dancing establishment: A business that features dancers displaying or exposing specified anatomical areas.
   d. Adult motion picture theater: An enclosed building with a capacity of 50 or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical area for observation by patrons therein.

e. Adult picture theater: An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

f. Adult motion picture arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are depicting or describing specified sexual activities or specified anatomical areas.

g. Adult motel or hotel: A motel or hotel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

h. Adult video store: Any establishment having a substantial or significant portion of its stock in trade, video tapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five percent (5%) of its total floor space, devoted to the sale or display of such material or which derives more than five percent (5%) of its net sales from videos which are characterized or distinguished or relating to specified sexual activities or specified anatomical areas.

i. Erotic dance establishment: A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

j. Encounter center or rap establishment: Any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons may congregate, assemble or associate for the primary purpose of engaging in, describing or discussing specified sexual activities, or exposing specified anatomical areas.

k. Escort bureau: Introduction services: Any business, agency or person who, for a fee, commission, hire, reward or profit furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons who may accompany other persons to or about social affairs, entertainments or places of amusement or who may consort with others about any place of public resort or within any private quarters.

l. Specified sexual activities: Shall include any of the following:

(1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of sexual relations, and any of the following sexually oriented acts or conduct: analigus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

(2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or

(3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;

(4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

(5) Masochism, erotic or sexually oriented torture, beating or the inflicting of pain; or

(6) Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or

(7) Human excretion, urination, menstruation, vaginal or anal irrigation.

m. Specified anatomical areas: Shall include any of the following:

(1) Less than completely and opaquely covered human genitals or pubic region; buttock; or female breast below a point immediately above the top of the areola; or

(2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

6 ***Advertising Sign.*** Any structure or portion thereof on which lettered, figured, or pictorial matter is displayed for advertising goods or services available at the property on which the sign is located. Advertising Signs shall be subject to regulation under the provisions of the Sign Ordinance of the City of Bremen.

7. ***Alley.*** A private or public thoroughfare which affords a secondary means of access to abutting property and not intended for general traffic circulation.

8. ***Apartment.*** A room or suite of rooms used as a dwelling for one family which does its cooking therein.

9. ***Basement.*** A building story constructed partially, or wholly, below the average level of the adjoining ground.

10. ***Bed and Breakfast Facility.*** See Residential Bed and Breakfast.

11. ***Billboard.*** A sign identifying, advertising, or directing attention to a building, profession, product, service, activity, or entertainment that is generally, but not necessarily, conducted, occurring, being sold, or offered on a tract of property other than where the sign is located. These signs shall be subject to regulation under the provisions of the Sign Ordinance of the City of Bremen.

12. ***Boarding*** or ***Rooming House.*** A building other than a motel or hotel, where for compensation or by pre-arrangement for a definite period, meals or lodging and meals are provided for five or more persons not related by blood or marriage, not to exceed twenty persons.

13. ***Buffer Zone, Buffer Easement,*** or ***Buffer:*** That portion of a lot set aside with adequate natural or planted vegetation to accomplish visual and sound screening to separate two adjacent zoning districts that, without the Buffer Zone, could be considered incompatible with each other In the event that insufficient existing vegetation or trees exist in the Buffer Zone, planting, fencing or other supplemental screening may be required, with a density, or opacity to accomplish buffering as required by this Ordinance. Roads, parking areas, above ground storm water retention facilities, recreational facilities, or other above ground construction shall not be permitted within the required buffer area. Public right-of-ways and utility easements shall not be considered as part of the buffer area. Buffer Zones are not the same as required Set-Back Lines for construction of structures.

14. ***Buildable Area*** or ***Building Area.*** The portion of a lot remaining after required yards, buffer zones, setbacks, and areas subject to flooding during the 100 year storm event, have been deducted.

15. ***Building.*** Any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind.

    a) ***Building, Height***. The vertical distance measured from the mean finished ground level at the front of the building to the highest point of the structure.

    b) ***Building Line*** or ***Building Setback Line.*** A line established in general, parallel to the front street line, between which line and the street no part of a building shall project.

    c) ***Building, Principal.*** A building in which is conducted the principal use of the lot on which the building is located.

    d) ***Building, Accessory.*** A subordinate structure on the same lot as the principal or main building or use.

16. ***Building Permit.*** Written permission issued by the Codes Enforcement Department for the City of Bremen for the construction, repair, alteration, or addition to a structure.

17. ***Business Sign.*** An identification sign containing only the name or names of the businesses, identifying addresses and logos, located on the same premises.

18. ***Camping Trailer*** or ***RV.*** A vehicular type portable structure without permanent foundation that can be towed, hauled or driven and is primarily designed as a temporary dwelling for travel, recreation, and vacation uses; the length and width of which shall not exceed the maximums set forth in state law and the rules and regulations of the Department of Transportation for the State of Georgia.

19. ***Care Home (***Also see ***Personal Care Home)***. An orphanage, rest home, assisted living facility, nursing home, boarding home for the aged or similar use established to render long term domiciliary care, but not including facilities for the care and treatment of mental patients, epileptics, alcoholics, drug addicts, and not including nursery schools.

20. ***Church*** or other ***Place of Worship.*** A special purpose building either used for or intended to be used for worship or prayer by persons of similar beliefs including temples, synagogues, and related Sunday School or church school facilities.

21. ***Central City Residential.*** Any residential use located within the Central Business District of the City of Bremen.

22. ***Certificate of Compliance.*** A permit authorized and issued by the city's Planning Officer, or Zoning Enforcement Officer indicating that the use or the building or land in question is in conformity with this Ordinance, or that a legal variance therefrom has been approved.

23. ***Certificate of Occupancy.*** A document issued by the city's Zoning Enforcement Officer allowing the occupancy or use of a building and certifying that the structure has been constructed in compliance with all the applicable municipal codes and ordinances.

24. ***City.*** The City of Bremen, Georgia.

25. ***City Manager.*** The Chief Administrative Officer of the City authorized under the City Charter and appointed by the Mayor and City Council. This definition may include an authorized representative or delegate of the appointed City Manager.
26. ***Club.*** A building owned, leased, or hired by an association of persons, who are bona fide members paying dues; the use of which is restricted to the members, their guests and invitees. The serving and selling of food and beverages may be permitted, providing that adequate kitchen and restroom facilities are available and that such sales are in accordance with federal, state, and local laws.
27. ***Cluster Homes.*** A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features..
28. ***Commission.*** The Planning and Zoning Commission of the City.
29. ***Conditional Use, Conditional Zoning,*** or ***Conditional Development.*** A use, zoning, or development which is permitted by special approval of the Planning and Zoning Commission upon findings that, under the specific circumstances present or proposed, such use is in harmony with the uses permitted in the District.
30. ***Condominium.*** A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners, or an association of owners, on a proportional, undivided basis.
31. ***Convalescent Home.*** A building or portion thereof, not including a hospital, medical clinic, or nursing home, where for compensation, two or more persons not directly related to the owner, are provided temporary food, sleeping accommodations, personal care, and physical assistance in regaining their health or strength following an illness or injury.
32. ***Convenience Store.*** A small retail outlet which offers commonly needed food and staples, including gasoline and oil, normally through extended hours of operation.
33. ***Council,*** or ***Governing Body.*** The Mayor and City Council of the City of Bremen, Georgia.
34. ***Curb.*** A stone, concrete, or other improved boundary marking the edge of the roadway or paved area.
35. ***Curb Cut.*** The opening along the curb line at which point vehicles may enter or leave the roadway.
36. ***Day Care Facility*** or ***Child-Care Center.*** Any building used routinely for the daytime care or education of five or more minors, excluding the children or legal wards of the attendant adult, and including all accessory and activity areas.
37. ***Day-Care Center, Adult.*** A facility providing care for the elderly and/or functionally impaired adults in a protective setting for part of a 24-hour day.
38. ***Density.*** The number of families, individuals, dwelling units, households, or housing structures per unit of land.
39. ***Density Bonus.*** The granting of additional floor area or dwelling units, beyond the zoned maximum, in exchange for providing or preserving an amenity at the same or a separate site.
40. ***Developer.*** The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such lands.
41. ***Development, or Subdivision.*** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; or any use or extension of the use of land controlled and regulated by the Subdivision Ordinance of the City of Bremen.
42. ***Domicile.*** A residence that is a permanent home to an individual.

43. ***Dormitory.*** A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery, or similar institutional use.

44. ***Drive-in or Drive-through Use.*** An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

45. ***Duplex.*** A building containing two single-family dwelling units totally separated from each other by an unpierced dividing wall extending from basement to roof.

46. ***Dwelling.*** A building or portion thereof, designed, arranged, or used exclusively for human habitation; but not including hotels or motels.

47. ***Dwelling, Multifamily.*** A building designed, constructed, altered, or used for three or more dwelling units, with each dwelling unit having a party wall or party floor-ceiling connecting it to at least one other dwelling unit in the building; to include units that are located one over another.

48. ***Dwelling Unit.*** One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

49. ***Environmental Impact Statement.*** A written statement of the effect of proposed development and/or other major private or governmental actions on the environment. Any large scale development project submitted to the local governing authority for consideration, that may meet or exceed the thresholds specified in the Rules of the Georgia Department of Community Affairs Developments of Regional Impact, section 110-12-3-.05(1)(a) must submit the project to their Regional Commission for determination of whether it is a Development of Regional Impact, requiring an Environmental Impact Statement.

50. ***Existing Use.*** The use of a lot or structure at the time of the enactment of this zoning ordinance, such use may be non-conforming.

51. ***Extended Care Facility*** or ***Nursing Home.*** A long-term facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged.

52. ***Family.*** A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit with common use and access to all living and eating areas, bathrooms, and food preparation and serving areas. For purposes of this ordinance, "family" does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or any group of individuals who are in a group living arrangement as a result of criminal offenses. Provided, however, no single dwelling unit located in R-40, R-20, and R-12 (Single-Family Residential) zoning districts shall have more than three unrelated individuals residing therein, nor shall any "family" have, additionally, more than three unrelated individuals residing with such family. When the single dwelling unit is located in any residential zoning district other than R-40, R-20, and R-12 districts, one of the following is permitted:

    (1) Family related by blood, marriage, adoption, or foster care may have three additional unrelated individuals, or
    (2) Unrelated individuals not exceeding four.

    In all cases, household employees employed on the premises may be housed on the premises without being counted as a separate family or unrelated individuals.

53. ***Fraternal Organization.*** A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements. Said definition shall include fraternities and sororities, normally associated with institutions of higher learning.

54. ***Farmer's Market.*** The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, or similar non-animal agricultural products, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on a consignment for retail sale.
55. ***Flood Plain.*** That area subject to periodic flooding up to the contour elevation of the 100 year recurrence interval storm event.
56. ***Floor Area, Gross.*** The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two building, but excluding any space with a floor-to-ceiling height of less than 6 feet 6 inches. ***Floor Area, Net.*** The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when these are used or intended to be used for human habitation or service to the public.
57. ***Frontage Road.*** A service road, usually parallel to a main highway, designed to reduce the number of driveways that intersect the main highway.
58. ***Garage, Private Residential.*** An accessory building or portion of a principal building used primarily for vehicle storage.
59. ***Garage, Parking Deck.*** A deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.
60. ***Gasoline Service Station.*** Buildings and premises wherein a primary use is the supply and dispensation at retail of gasoline, diesel fuel, oil, grease, batteries, tires and motor vehicle accessories, and where minor repair services may be provided.
61. ***Gated Community.*** Restrictive access residential development that limits access to residents, invited guests, and authorized service and delivery vehicles, within which vehicular traffic will be over private streets.
62. ***Green Area*** or ***Open Space.*** Land shown on a development plan, master plan, or official map for conservation, preservation, recreation, landscaping, or park.
63. ***Greywater.*** Wastewater from domestic sinks and tubs, but excluding that part of the plumbing waste stream that contains human waste.
64. ***Groundfloor.*** The first floor of a building other than a cellar or basement.
65. ***Guest House Facility.*** Living quarters situated within an attached or detached accessory building located on the same premises as the principal building. Such quarters shall be used only by bona fide nonpaying guests or relatives of the owners of the principal building and shall not be rented or otherwise occupied as a separate dwelling. In certain zoning districts, a guest house may be permitted as the principal building on a zoning lot, but on the same conditions as stated above.
66. ***Hazardous Substance.*** Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious property, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.
67. ***Height*** . See Building, Height.
68. ***Highway-Oriented Business.*** A use dependent on both a large flow of traffic and convenient access.
69. ***Home Occupation.*** An activity carried out for gain by a resident and conducted in the resident's dwelling unit which is secondary to the use of the dwelling for residential purposes (See §99.8.130).
70. ***Hospital.*** Any institution receiving inpatients, or a public institution receiving outpatients, and authorized under Georgia Law to render medical, surgical, and/or obstetrical care. The term "hospital" shall include a sanitarium for the treatment and care

of senile patients, psychotics, or drug addicts, but shall not include office facilities for the private practice of medicine or dentistry.

71. ***Hotel.*** A building in which boarding and lodging are provided for more than twenty persons and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment.

72. ***Junk Yard, or Salvage Yard.*** Property used for outdoor storage, keeping or abandonment, whether or not for sale or resale, of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment; or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. This definition shall also include outdoor salvage yards which may be defined as a facility or area for storing, selling, dismantling, shredding, compressing, or salvaging scrap, discarded material, or equipment. Outdoor junk yards and salvage yards are deemed to be intensive and unsightly uses requiring appropriate setbacks, screening, and buffer zones along property lines and along adjoining roadways.

73. ***Kennel***. Facility for the boarding (overnight) of two or more dogs, or other domestic animals for the purpose of providing an income or revenue.

74. ***Kindergarten.*** A State approved institution for the education of more than four preschool aged children.

75. ***Livestock.*** Domestic animals, including cows, sheep, goats, pigs, horses, poultry, and the like, normally kept for use on a farm or raised for sale or profit. The term "livestock" shall not include Household Pets

76. ***Loading Space.*** Off-street vehicle parking space reserved for bulk pickups and deliveries.

77. ***Lot.*** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

***a. Lot, Corner.*** A lot or parcel of land abutting on two or more streets at their intersection.

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

*c.* ***Lot, Interior.*** A lot other than a corner lot.

***d. Lot, Substandard.*** A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which said lot is located.

***e. Lot, Through.*** A lot that fronts on two essentially parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

78. ***Lot Area***. The total area within the lot lines of a lot, excluding any street rights-of-way.

79. ***Lot Depth.*** The mean horizontal distance between the front and rear lot lines, measured generally perpendicular to the front lot line.

80. ***Lot Frontage.*** The length of the front lot line measured at the street right-of-way line.

81. ***Lot Width.*** The horizontal distance between the side lines of a lot measured at the front building line.

82. ***Manufactured Home.*** A factory-built, single family structure that meets the Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. §5401).

***a.*** ***Single Wide Manufactured Home***: A manufactured home constructed and transported as a single unit.

b. **Double Wide Manufactured Home**: A manufactured home constructed and transported in more than one unit, and which must be joined at the site of placement into a single whole.

83. ***Mini Warehouse (Self-Storage Facility).*** A commercial storage warehouse subdivided into individual storage bays each having a separate outside entrance, with individual bays offered for lease to the public.

84. ***Mobile Home.*** A residential dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, and built prior to enactment of the Federal Manufactured Home Construction and Safety Standards. Travel trailers are not Mobile Homes. A Mobile Home, which by definition was not constructed prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act, cannot be placed on a residential lot in the city of Bremen for use as a permanent residence. A Mobile Home should not be confused with the definition of a Manufactured Home.

85. ***Manufactured Home Lot.*** A parcel of land for the exclusive use of the occupants of a single manufactured home.

86. ***Manufactured Home Park.*** A parcel of land that has been planned and improved for the placement of four or more manufactured homes for permanent or semi-permanent use. Pads within a Manufactured Home Park remain the property of the park owner and are rented to tenants. A Manufactured Home Park does not include the provision of space for storage, inspection, or sale of unoccupied Manufactured Homes.

87. ***Manufactured Home Subdivision.*** A tract of land planned and improved for the placement of three or more Manufactured Homes for permanent use on individually owned private lots.

88. ***Modular Home.*** A modular home is a factory fabricated transportable building, constructed in accordance with the local or state code, consisting of units designed to be incorporated at a building site on a permanent foundation into a structure to be used for residential purposes.

89. ***Motel.*** A building or group of buildings where lodging is generally provided for the traveling public and offered to the public for compensation and in which ingress and egress to and from all rooms is normally made through private entrances.

90. ***Non-Conforming Use.*** A use or activity that was lawful prior to the adoption, revision, or amendment of this ordinance which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

91. ***Nursery.*** A building, structure, or Lot, or portion thereof, used for the commercial cultivation or growing of plants.

92. ***Nursery School.*** Any building used routinely for the daytime care or education of five or more preschool age children excluding the children or legal wards of the attendant adult, and including all accessory and play areas.

93. ***Nursing Home.*** A home for the aged, chronically ill, or persons afflicted with an incurable illness, that are unable to care for themselves and in which three or more persons not of the immediate family are kept or provided with food, shelter and care for compensation.

94. ***Open Space.*** Any parcel or area of land or water, essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests. Open space may include active recreational facilities, such as swimming pools, play ground areas for youngsters, ball fields, court games, and picnic areas. The open space may include incidental and necessary parking and access roads.

    ***a) Open Space Common Area.*** Land within or related to a development, not individually owned or dedicated for public use that is designed and intended for the common use or enjoyment of the residents of the development and their guests. Said Common Area may include such complementary structures and improvements as are necessary and appropriate for the intended recreational use.

95. ***Overlay Zone.*** A zoning district that encompasses one or more underlying zones and that imposes additional requirements or permits activities beyond those required or permitted for the underlying zone.

96. ***Parking Area.*** Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated areas of public streets.

a) ***Parking Area, Private.*** A parking area for the exclusive use of the owners of the lot on which the parking area is located or whomever else they permit to use the parking area.

b) ***Parking Area, Public.*** A parking area available to the public, with or without payment of a fee.

c) ***Parking Lane.*** A lane designed to provide on-street parking.

d) ***Parking Space.*** A space for the parking of a motor vehicle within a public or private parking area; to include on-street or off-street parking.

97. ***Permit.*** Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization. See Zoning Permit.

98. ***Planning Commission***. The duly appointed and designated planning commission (board) of the City.

99. ***Premises.*** A lot, parcel, tract, or plot of land together with the buildings and structures thereon.

100. ***Principal Use.*** The primary or predominant purpose or use of any lot, parcel, or premises.

101. ***Private Deed Restrictions or Covenants.*** Private deed restrictions or covenants are imposed on land by private land owners and developers. The Covenants and Restrictions bind and restrict the land in the hands of the present owners and subsequent purchasers. They are enforced by the land owners involved and not by the city or other public agency.

102. ***Recreational Vehicle.*** A manufactured camper, camp trailer, travel trailer, motor home, trailer bus, trailer coach or similar vehicle, with or without motive power, designed for human habitation for recreational or emergency occupancy. Where a recreational vehicle is on or attached to a truck used to carry or tow said recreational vehicle, they shall together be considered one recreational vehicle. A recreational vehicle shall not include a pickup truck used for transportation to which a camper shell has been attached.

103. ***Residential Bed and Breakfast Facility.*** A residential Bed and Breakfast is defined as a structure occupied by its owner(s) of record as their principal residence, wherein overnight accommodations and a morning meal are provided to guests for compensation.

104. ***Retirement Community.*** Any age-restricted development, which may be in any housing form, including detached and attached dwelling units, apartments, and residences, offering private and semiprivate rooms.

105. ***Row House.*** An attached dwelling separated from others in a row by a vertical un-pierced wall extending from basement to roof.

106. ***Service Station.*** A building or premises where products necessary for automobile service or maintenance are sold and/or where such maintenance services are rendered, but excluding Body Shops.

107 ***Setback Line.*** The minimum required distance from the street right-of-way line or any other property line that the principal building must observe.

108. ***Shopping Center.*** Two or more commercial establishments planned and managed as a single unit with off-street parking and loading facilities provided on the property.

109. ***Sign, Outdoor Advertising.*** An attached or freestanding sign that directs attention to a business, commodity or service not normally available on the premises on which the sign is located. The erection and placement of signs are regulated by the Bremen Sign Ordinance.

110. ***Sorority.*** An organization of women joined together by common interests for fellowship; see Fraternal Organization.

111. ***Special Exception, or Conditional Use.*** A land or structure use that would not normally be permitted without restriction within the specific zoning district, but which with proper controls would promote the public health, safety, or general welfare. Such uses may be permitted as special exceptions after presented in a public hearing and approved by the Planning and Zoning Commission. Once granted, the special exception will remain valid until the use has been abandoned or the property has remained vacant for a six-month period (unless the vacancy is caused by fire or natural disaster).

112. ***Specialty Service Restaurant.*** Any public place kept, used, maintained, advertised and held out to the public as a place where meals are regularly served in a dining room. Such a restaurant shall maintain and provide an adequate and sanitary kitchen and dining room equipment to prepare, cook, and serve food to its guests. Specifically excluded shall be drive-in, carry out, fast-food establishments, short order diners, and cafeterias or any such business which as a part of normal (routine) operating procedure requires waiting in line to order food. Customers are to be seated and served by employees of the establishment and the menu should primarily consist of cooked to order items rather than prepared dishes. Such facilities may not provide sleeping accommodations.

113. ***Street.*** A public way for vehicular traffic which affords the principal means of access to abutting property. Streets are classified as "Minor", "Collector" and "Major" and designated as such in §99.4.050 below.

114. ***Structure.*** Anything constructed or erected on the ground or attached to something on the ground, with the exception of fences and walls.

115. ***Subdivision.*** The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale, development, or lease.

116. ***Townhouse.*** A townhouse is a multi-living unit structure in which each living unit and lot is owned fee simple and generally occupied by the owner. Individual dwelling units within a townhouse are separated by a firewall.

117. ***Trailer.*** A vehicle; including a motor home (RV), designed and/or maintained for use as a temporary dwelling or sleeping place, for travel or recreational purposes, having no foundation other than wheels or jacks.

118. ***Trailer Park, or RV Park.*** A parcel of land which is used solely for the rental or lease of lots for transient Recreational Vehicles, campers, trailers, motor homes, or temporary parking of any other recreational vehicle.

119. ***Underlying Zone.*** The designated zoning districts which are established on the official zoning map. Regulations of these zoning districts may be supplemented when an "overlay zone" is applied to these zoning districts.

120. ***Variance.*** A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

121. ***Yard.*** An open space on a lot situated between the principal building or use on the lot and a lot line and unoccupied by any structure except as otherwise provided herein. Yard areas do not include required buffer zones.

122. ***Yard, Front.*** An open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the nearest street right-of-way line and the front line of the building projected to the side lines of the lot.

123. ***Yard, Rear.*** An open space on the same lot with a principal building or use, unoccupied except by an accessory building or use, extending the width of the lot and located between the rear line of the lot and rear line of the building or use projected to the side lines of the lot.

124. ***Yard, Side.*** An open, unoccupied space on the same lot with a principal building or use, located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

125. ***Zoning District.*** A specially delineated area or district in the City within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

126. ***Zoning Lot.*** A tract of land, or a portion of a tract, all of which lies within one Zoning District, and which may be developed or used for purposes consistent with those permitted in that District. A Zoning Lot may or may not coincide with platted lot line.

127. ***Zoning Officer.*** The administrative officer designated by the City Manager to administer the zoning ordinance and issue zoning permits.

128. ***Zoning Ordinance.*** The Zoning Ordinance of the City of Bremen, Georgia.

129. ***Zoning Permit.*** A document signed by a zoning officer required by this Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, conversion, or installation of a structure or building, which acknowledges that such use, structure, or building complies with the provision of this Ordinance.

## ARTICLE IV
## ZONING DISTRICTS

**99.4.010 Zoning District Designations.** For the purposes of this Ordinance, the City is divided into Zoning Districts as follows:

| Abbreviation | District |
|---|---|
| **ER** | **Estate Residential District with minimum three acre (130,680 square foot) lots.** |
| **R-40** | **Single-Family Residential District with minimum forty thousand (40,000) square foot lots.** |
| **R-20** | **Single-Family Residential District with minimum twenty thousand (20,000) square foot lots.** |
| **R-15** | **Single-Family Residential District with minimum fifteen thousand (15,000) square foot lots.** |
| **R-12** | **Single-Family Residential District with minimum twelve thousand (12,000) square foot lots.** |
| **R-1** | **Low Density Residential District** |
| **R-2** | **Medium Density Residential District** |
| **R-3** | **High Density Residential District** |
| **R-MH** | **Manufactured Home Residential District** |
| **LCR** | **Limited Commercial and Residential District** |
| **O-I** | **Office-Institutional District** |
| **C-1** | **Central Business District** |
| **C-2** | **Neighborhood and Highway Service Business District** |
| **M-1** | **Light Industry District** |
| **M-2** | **Heavy Industry District** |
| **FH** | **Floodplain District (an overlay district)** |
| **PUD** | **Planned Unit Development (See City of Bremen Planned Unit Development Ordinance incorporated herein by reference).** |

**99.4.020 Location and Boundaries of Zoning Districts.** The location and boundaries of the Zoning Districts are hereby established as shown on the Map entitled, "Zoning and Boundary Map of the City of Bremen, Georgia" and certified by the City Clerk which is by reference incorporated herein and made a part of this Ordinance, as amended from time to time. Said Map shall be kept on file at the City Hall where it shall be available for public inspection. Regardless of the existence of purported copies of the Official Zoning and Boundary Map which may from time to time be published, the Official Zoning and Boundary Map of the City of Bremen, Georgia, located in City Hall (hereinafter referred to as the "Zoning Map") shall be the final authority as to the current zoning status of properties located within the corporate limits of the City.

**99.4.030 Interpretations of Zoning District Boundaries.** Where uncertainty exists with respect to the location of the boundaries of any zoning district shown on the Zoning Map, the following rules shall apply:

1. Where a zoning district boundary is shown on the Zoning Map as approximately following a corporate limits lines, stream bed, lot line or the center line of a street, highway, railroad right-of-way or such lines extended, then such lines shall be construed to be the district boundary line.
2. Where a zoning district boundary line is shown on the Zoning Map as being set back from a street, highway, or railroad right-of-way, and approximately parallel thereto, then such district boundary line, unless otherwise specifically indicated, shall be construed as being at the scaled distance from the center line of such street, highway or railroad right-of-way and as being parallel thereto.
3. Where a zoning district line divides a lot, the requirements for the district in which the greater portion of the lot lies shall apply to the balance of the lot, except that such extension shall not include any part of a lot that lies more than fifty feet beyond the district boundary line. In the case of a Through Lot, fronting on two approximately parallel streets, that is divided by a district boundary line paralleling the streets, the restrictions of the district in which each frontage of the Through Lot lies shall apply to that respective portion of the Through Lot, as if the Lot were two separate Lots.
4. The zoning district lines for the Flood Hazard District shall generally follow the contours of the land along the flood plain. Minimum flood level elevations are recorded at periodic intervals along the Flood Hazard district lines. At intermediate points, interpolation between the recorded even-foot elevations will be used to establish the minimum flood level. All elevations are based upon the U.S. Geological Survey datum.
5. Where district boundaries are in doubt, the Planning Commission shall review the zoning records and the Zoning Map and make the determination as to the zoning designation for the property in question. Said interpretation and determination shall be final.
6. Whenever any street, alley or other public way is vacated or abandoned by official action of the City Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of same and all area included therein shall then and henceforth be subject to all appropriate regulations of the extended district.

**99.4.040 Uses; Uses Not Listed.** Uses permitted in each district are specifically listed. Higher uses, or uses allowed in a more restrictive district are not automatically allowed in a lower use district, unless so stated. For any use not listed in this Ordinance, the Planning and Zoning Commission shall determine the proper requirements by classifying the proposed use among the uses which are listed and assigning the use to appropriate Zoning District, which may be reviewed by the Mayor and City Council pursuant to the standards for review and as set forth in this Chapter.

**99.4.050 Classification of Streets.** For the purpose of this Ordinance, all of the streets, roads and highways in the City are classified as Major Streets, Collector Streets, or Minor Streets as follows:

1. Major Streets: Thoroughfares designed and used for high traffic volumes and cross-town traffic movement. Major Streets include the following:
   a. Highway 27
   b. Highway 27 Business
   b. Highway 78
2. Collector Streets: Thoroughfares designed for moderate traffic volumes, generally having right-of-way over intersecting minor streets. Collector Streets include the following:
   a. Buchanan Street
   b. Georgia Avenue South
   c. McPherson Street
   d. Waddell Street
3. Minor Streets: A street designed and used primarily for low traffic volumes and access to individual lots. All thoroughfares not classified as either Major Streets or Collector Streets are classified as Minor Streets.

**99.4.060 Watershed Protection Restrictions.** Certain lands within the City have been identified as lying within the boundaries of watershed protection areas. Additional and/or more restrictive development and use restrictions are imposed in such areas in accordance with the "Watershed Protection Ordinance" of the City.

## ARTICLE V
## USE PROVISIONS

**99.5.010 All Residential Districts.** The following uses are permitted in all Residential Districts:

1. Single-family residences, except manufactured homes and modular homes.
2. Customary accessory buildings and uses, so that the combined total of all accessory structures does not exceed the size of the principal building, including:
   a. Private detached parking garages, storage buildings, and workshops.
      (1) For lots less than one and a half (1.5) acres, a maximum of two per lot. Each can have a maximum size of 500 square feet or 2% of the total size of the lot, whichever is greater. The total size of the two units combined can be no greater than 750 square feet or 3% of the total size of the lot, whichever is greater.
      (2) For lots less than three (3) acres and greater than one and a half (1.5) acres, a maximum of three per lot. Each building can have a maximum size of 500 square feet or 2% of the total size of the lot, whichever is greater. The total size of the three units combined can be no greater than 3% of the total size of the lot.
      (3) For lots greater than three (3) acres, a maximum of four per lot. Each can have a maximum size of 500 square feet or 2% of the total size of the lot, whichever is greater. The total size of the four units combined can be no greater than 3% of the total size of the lot.
   b. Private swimming pool and an associated bath house and pump house.
   c. The storage of a total of not more than two of the following in side or rear yards only:
      (1) Pleasure boats
      (2) Unoccupied camper trailers
      (3) Recreational Vehicles

(4) Or other auxiliary vehicles, towed vehicles or trailers of similar size and potential to obstruct views or be detrimental to the environment.

e. Fences and walls in side and rear yards. Ornamental fences in front yards with maximum height of 3.5' are permitted, provided said fences are constructed in compliance with the design standards for the City of Bremen and do not interfere with sight line requirements at street intersections.

f. Guest House, a maximum of one per lot, provided that the principal building is occupied by an owner. On Lots of less than fifty thousand (50,000) square feet, the maximum size of said quest house shall not exceed five hundred (500) square feet; on lots above fifty thousand (50,000) square feet the maximum size of the quest house shall not exceed two (2%) percent of the total square footage of the lot.

3. Customary Home Occupations

4. Church, or Place of Worship, provided that:
   a. They are located on a major or collector street.
   b. The buildings are not less than fifty feet from any property line.
   c. A buffer strip of at least ten feet wide and planted with evergreen trees and shrubs that provide an effective visual screen is provided along side and rear property lines which abut residential property.
   d. The facility will have adequate traffic flow circulation so as not to cause major disruption of the neighborhood, and;
   e. The facility will have adequate public parking space, buffered from adjacent residential structures, so as not to adversely affect surrounding residences.

5. Public and semipublic playgrounds, parks, lakes, and buildings, operated on a nonprofit basis for recreational and public community purposes only.

6. Public and private golf clubs and golf courses.

7. Agriculture and horticulture including private use greenhouses, except the raising of livestock or poultry, provided that no noises or odors are produced which are objectionable at the property line.

8. Public and private schools offering general education courses provided that:
   a. The buildings are not less than fifty feet from any property line;
   b. A buffer strip at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that provide an effective visual screen.
   c. The facility will have adequate traffic flow circulation so as not to cause major disruption of the neighborhood, and the facility will have adequate public parking space, buffered from adjacent residential structures, so as not to adversely affect surrounding residences.

9. Utility structures such as electric transformer stations, gas regulator stations, water and wastewater pumping stations, water tanks, and storm water retention facilities, provided such facilities comply with the following requirements:
   a. Any building or structure, except a surrounding fence, shall be set back at least 15 feet from any property line.
   b. The facility shall be completely surrounded by a woven wire fence at least 8 feet high.
   c. The facility shall be furnished with a planted buffer not less than 10 feet wide to create an effective visual screen on all sides bordering residential property.
   d. The facility may not be used for office space, storage space, or for the storage of vehicles or equipment.

10. Subdivision Identification signs located at the principal entrance to a subdivision, in compliance with the City Sign Ordinance.

**99.5.020 Estate Residential (ER) District.** The ER district is intended for low density residential purposes where agricultural type conditional uses would be expected. The regulations for this district are designed to encourage one-family dwellings situated on lots having an area of three (3) acres (130,680 square foot minimum lot size) or more with provisions for limited agricultural activities.

In the ER district the following uses are permitted:

1. Single-family residential, except manufactured homes and modular homes, with a minimum lot size of three (3) acres and yard, setback, dwelling size and height requirements specified in Article VI. A guest house facility as defined by the Zoning Ordinance is an allowable use in conjunction with the single-family residence.
2. All uses permitted in 99.5.010 for all residential districts.
3. Noncommercial Horticultural or Agricultural uses, including:
   a. Field crops.
   b. Livestock and riding stables provided that:
      (1) No poultry or livestock shall be maintained within 50 feet of the property line of any adjoining residential zoning lot, excluding lots that are zoned ER, Estate Residential;
      (2) No building used for the housing of livestock or poultry shall be constructed within 200 feet of a residential structure located on an adjacent lot;
      (3) At least one acre of fenced area shall be provided for each animal, not including household pets, to be maintained on the zoning lot.
   c. Orchards and forests.

**99.5.030 Single-Family Residential District (R-40).** The R-40 residential district includes existing low density single family residential areas and vacant or open areas where single family residential development appears likely to occur. The regulations for this district are designed to encourage low density, one-family residential development.

In the R-40 residential district, the following uses are permitted:

1. Single-family residences with a minimum lot size of forty-thousand (40,000) square feet and yard, setback, dwelling size and height requirements as specified in Article VI.
2. All uses permitted under **99.5.010** for all Residential Districts.

**99.5.040 Single-Family Residential District (R-20).** The R-20 residential district includes existing low density single family residential areas and vacant or open areas where single family residential development appears likely to occur. The regulations for this district are designed to encourage low density, one-family residential development.

In the R-20 residential district, the following uses are permitted:

1. Single-family residences with a minimum lot size of twenty-thousand (20,000) square feet and yard, setback, dwelling size and height requirements as specified in Article VI.
2. All uses permitted under **99.5.010** for all Residential Districts.

**99.5.050 Single-Family Residential District (R-15).** The R-15 residential district includes existing low density single family residential areas and vacant or open areas where single family residential development appears likely to occur. The regulations for this district are designed to encourage low density, one-family residential development.

In the R-15 residential district, the following uses are permitted:

1. Single-family residences with a minimum lot size of fifteen-thousand (15,000) square feet and yard, setback, dwelling size and height requirements as specified in Article VI.
2. All uses permitted under **99.5.010** for all Residential Districts.

**99.5.050 Single-Family Residential District (R-12).** The R-12 residential district includes existing low density single-family residential areas and vacant or open areas where single-family residential development appears likely to occur on smaller parcels. The regulations for this district are designed to encourage low density, one-family residential development.

In the R-12 residential district, the following uses are permitted:

1. Single-family residences with a minimum lot size of twelve thousand (12,000) square feet, and yard, setback, dwelling size, and height requirements as specified in Article VI.
2. All uses permitted under **99.5.010** for All Residential Districts.

**99.5.060 Low Density Residential District (R-1).** The R-1 residential district includes areas of low density residential development. The regulations for this district are designed to take advantage of the greater economy and convenience afforded by more intensive development but still retain some of the open aspects of a detached dwelling unit district.

In the R-1 residential district, the following uses are permitted:

1. Any use permitted in the R-12 district.
2. Duplexes and townhouses with lot size, yard, setback, dwelling size, and height requirements as specified in Article VI and other applicable sections.
3. The following regulations apply for townhouse developments which are not a part of a Planned Unit Development (PUD):
    a. Minimum tract size 1.5 acres.
    b. Minimum lot area – 1,600 square feet.
    c. Minimum lot width - 20 feet for interior townhouse living units, and for corner lots the minimum shall be 40 feet for townhouse living units.
    d. Minimum Dwelling Unit Size – 850 square feet for one-bedroom unit; 1050 square feet for two bedroom – two bath unit; 1200 square feet for three bedroom – two and one half bath units.
    e. Minimum front yard depth - 30 feet except that where the building fronts on a dedicated street and/or is adjacent to other Residential property, the front yard requirement shall be increased to match existing setbacks of adjacent zone.
    f. Minimum side yard depth - none for townhouses, except that on corner lots the minimum side yard of the corner side shall be 20 feet. However, in no case shall a townhouse be built closer than the appropriate zoning setback to the lot line of adjacent lots which are zoned Residential.
    g. Minimum rear yard depth - 20 feet for townhouses.
    h. Maximum height - 35 feet.
    i. A maximum of eight living units shall be allowed in each townhouse. When an end unit of a townhouse does not side on a street, an open space or court of at least 20 feet in width shall be provided between it and the adjacent row of townhouses and this open space shall be divided between the two immediately adjacent townhouse lots as to property of lot lines.
    j. Where townhouse lots and dwelling units are designed to face upon an open or common access court rather than upon a street, this open court shall be a minimum of 40 feet in width and said court shall not include vehicular drives or parking areas.

k. Interior living units within a townhouse shall be built to side lot lines, but shall not have openings facing the side lot lines. Exterior or end living units may contain openings on the outside wall.

l. A minimum of three living units shall constitute a townhouse.

m. A minimum of two off street parking spaces per living unit is required.

n. All living units will be staggered or offset from adjacent units a minimum of two feet.

o. Privacy fences in rear and side yards shall not prevent the free movement of personnel and equipment to interior living units for building maintenance, emergencies, sanitation collection and utility service.

4. Existing cemeteries.

**99.5.070 Medium Density Residential District (R-2).** The R-2 residential district includes areas of medium density residential development. The regulations for this district are designed to provide an area where individuals and families may establish homes in a medium density residential environment which satisfied their need for convenience and economy.

In the R-2 residential district, the following uses are permitted:

1. Any use permitted in the R-1 district
2. Multi-family dwelling units with a maximum height of five floors, and with lot size, yard, setback, dwelling size and height requirements as specified in Article VI.
3. Nursing and convalescent homes.
4. Motels and Tourist Homes provided that:
   a. They are located on a major street;
   b. Buildings are located not less than fifty feet from any property line;
   c. A buffer strip at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that provide an effective visual screen.
5. Boarding Houses.
6. Dormitories, fraternal organizations and clubs that provide housing, provided that:
   a. They are located on a major or collector street;
   b. Buildings are located not less than fifty feet from any property line;
   c. A buffer strip at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that provide an effective visual screen.
7. Modular homes.
8. Foster Homes, Orphanages, and Institutional Houses for the handicapped.
9. Retirement Homes and Personal Care Houses.
10. Townhouses.

**99.5.080 High Density Residential District (R-3).** The R-3 residential district includes areas where higher density residential development appears likely to occur. The regulations for this district are designed to provide areas for apartment complexes and other high density residential development.

In the R-3 residential district, the following uses are permitted:

1. Any use permitted in the R-2 district
2. High Rise Apartments, all high rise apartment developments (regardless of number of units) shall comply with the following requirements and provisions:
   a. No such housing building shall exceed a maximum height of fifty (50) feet;
   b. Any building of more than six floors in height shall be permitted a maximum of twenty "dwelling units" per acre.
   c. The building(s) shall not occupy more than thirty-five (35%) percent of the land area of the project.

d. The property line yard clearance shall not be less than the height of the tallest building in the project.

e. The development shall include and provide for landscaped recreation and open space exclusively for the tenants of the development.

f. Unless otherwise provided herein, these requirements are in excess and cumulative of all other requirements for the particular zone in which the project is to be located.

**99.5.090 Manufactured Home District (R-MH).** The R-MH residential district includes areas where Manufactured Home Parks and Manufactured Home Subdivisions are appropriate.

In the R-MH residential district, the following uses are permitted:

1. Any use permitted in any other Residential District.
2. Manufactured Homes and modular homes, provided they are located in an approved Manufactured Home Park or Manufactured Home Subdivision. Within sixty days of the siting of a Manufactured Home on its lot, the undercarriage of the Manufactured Home shall be concealed from view through the use of permanent, non-inflammable construction materials.
3. Convenience food store with a maximum of 1500 square feet including storage, as an accessory to the Manufactured Home Park or Subdivision.
4. Manufactured Home Parks and Subdivisions, provided that each such park or subdivision is at least ten acres in size and provided further that every Manufactured Home Park space has an area of not less than 6050 square feet and every Manufactured Home Subdivision lot has an area of not less than 8000 square feet, and a width at the pad of at least 44 feet. In addition, the following minimum requirements shall be met:
   a. Each Manufactured Home lot or space shall be directly accessible from an approved internal paved park driveway not less than 24 feet in width. No direct access to Manufactured Home lots or spaces from public streets shall be permitted. No Manufactured Home structure shall be located within fifteen feet of any street or drive within the Manufactured Home Park or Subdivision.
   b. Manufactured Homes shall be separated from each other by not less than 20 feet end to end and 25 feet side to side. No portion of any Manufactured Home shall be within 50 feet of the park or subdivision boundary.
   c. Each Manufactured Home lot shall include a paved concrete or all weather patio area having a minimum area of 300 square feet.
   d. Each Manufactured Home lot shall have at least two paved off-street parking spaces (400 square feet total minimum).
   e. Each Manufactured Home Park or Subdivision shall include an area for the storage of boats, travel trailers and/or other vehicles.
   f. All utilities shall be installed underground.
   g. Streets, pedestrian walkways and parking areas shall be adequately lighted.
   h. Within the development, there shall be 550 square feet of the land per living unit improved, landscaped and dedicated as common areas for parks and recreation for the use of residents of the development. These common areas shall be landscaped by the developer and maintained by the owner or by an Association composed of property owners within the subdivision. Streets, parking areas, required yards and required buffer zones shall not be counted as part of the minimum common area. Recreational facilities may include swimming pool, tennis court, playground equipment, or athletic fields. The amount and type of recreational facilities is to be reasonably based upon the expected population need as may be estimated by the number of bedrooms to be contained in the development.

5. Launderette for use of the Manufactured Home Park or Manufactured Home Subdivision only.
6. Offices and/or maintenance and storage buildings, incidental to use by residents of the Manufactured Home Park or Manufactured Home Subdivision only.
7. Trailer Parks for the short term/temporary rental or lease of lots for transient campers, trailers, motor homes or recreational vehicles.

**99.5.100 Limited Commercial and Residential (LCR)** The (LCR) Limited Commercial and Residential includes specific commercial, office, and low density residential uses. These areas shall provide for permitted, but limited, commercial activities, provide for related services to business and professional offices, and provide for the protection of adjacent residential areas by maintaining compatible architectural styles.

1. In the LCR district, the following specified uses are permitted:
   a. Any use permitted in the R-12 District.
   b. Book stores.
   c. Stationery, card, and gift shops.
   d. Jewelry shops.
   e. Camera shops.
   f. Flower shops.
   g. Arts and crafts shops.
   h. Wearing apparel shops.
   i. Specialty service restaurants.
   j. Other retail uses having a similar character to those uses listed in paragraphs 1 through 8 above, as determined by the city manager or his designee.
   k. Offices providing professional services.
   l. Public and private educational institutions offering education courses.
   m. Offices serving as support functions for business operations.
   n. Churches and places of worship.
   o. Residential Bed and Breakfast Facilities conforming to the following requirements:
      I. There shall be no more than four (4) bedrooms per dwelling unit used for the Bed and Breakfast Operation.
      II. Maximum number of paying guests per day is eight (8).
      III. All Bed and Breakfast operations shall be subject to the hotel/motel tax of the City of Bremen, Georgia.
      IV. The residential Bed and Breakfast shall conform to all codes and regulations of the City of Bremen, Carroll and/or Haralson County where applicable, and the State of Georgia.
      V. The resident owner(s) shall keep a current guest register including names, addresses and dates of occupancy of all guests.
      VI. Only one (1) freestanding non-illuminated sign (6 square feet maximum) may be erected on the property.
      VII. At least one (1) off-street parking space must be provided on the property for the owner(s) and each guest room. On-street parking is permitted only where otherwise permitted or authorized by City Ordinance.
      VIII. It shall be unlawful for any person to operate a Bed and Breakfast establishment without having first obtained a license from the City of Bremen, the cost of which shall be set by the Mayor and Mayor and City Council for the whole or any part of one (1) year.
         A. Applications for residential Bed and Breakfast shall be notarized and include the location and owner of the property, a site plan of

the lot showing the proposed location of the residential bed and breakfast use and the location of the required off-street parking space, and a photograph of the current principal view or views of the structure where the proposed Bed and Breakfast use is to be located. The application shall also include a statement which the resident-owner must sign acknowledging that he or she has reviewed and understands the requirements of this section.

B. Upon a change in ownership of a property and prior to issuance of a new business license to allow continuation of an existing permitted residential Bed and Breakfast use upon said property, the new property owner(s) shall be required to certify re-compliance of the residential Bed and Breakfast use with the City Manager by having an application for the recertification of the Bed and Breakfast use notarized, filed with, and approved by the City Manager.

p. Event Facilities

2. In the **LCR District** additional building/structure requirements shall be imposed as follows:
   a. There shall be a fifteen (15) foot side planted buffer setback from the property line of any commercial use building that abuts against a single family or multifamily residential zoning district.
   b. New construction or alteration of buildings/structures to be compatible with adjacent buildings and must have the approval of the Bremen Planning Commission.
   c. Accessory buildings will be allowed in accordance with 99.5.010. No uncovered outside storage, such as equipment, boxes, inventory, etc., shall be located on the property for a commercial use.
   d. All City of Bremen parking requirements now or hereafter enacted shall apply, plus, off-street parking shall be provided and shall only be located to the side or rear of the principal use/building.

**99.5.110. Office-Institutional District (O-I).** The OI Office-Institutional District is established to provide a location for educational and other types of institutions, offices, and related retail and service facilities.

1. In the OI Office-Institutional District, the following uses are permitted:
   a. Any use permitted in the LCR district.
   b. Offices providing professional services.
   c. Banks and other financial institutions.
   d. Churches.
   e. Lodges, clubs, fraternal and social organizations.
   f. Radio and television studio, provided that antennas are at least 200 feet from the nearest residential property line.
   g. Art galleries, craft shops, florists, and specialty shops.
   h. Service facilities including photo processing, quick copy, mail and messenger service, travel agency, taxidermist, and upholstery shops.
   i. Music and dance schools and studios.
   j Interior Decorators
   k. Barber shops and beauty shops.
   l. Locksmith or gunsmith provided no firing range is included.
   m. Health spa, physical fitness and martial arts training facilities.
   n. Dormitories, fraternal organizations, and clubs that provide housing facilities provided that the facilities are located within an established campus complex.

o. Parking lots and parking garages.
p. Research and testing facilities.
q. Public buildings and facilities.
r. Mortuaries.
s. Retail and service facilities located within an office or institutional building and catering to employees, visitors, students, and clients of offices and institutions located within the district.
t. Nursery Schools, Kindergartens and Day Care Facilities with less than seven persons provided that:
    I. At least 200 square feet of outdoor play area per child is provided on the lot, for all children that will be using the play area at a given time but in no case less than one half the license maximum allowable enrollment;
    II. The play area is enclosed by a woven wire fence at least four feet high;
u. Day Care Facilities.
v. Nursing and convalescent homes.
w. Hospitals; and medical and dental clinics.
x. Other service facilities that primarily cater to employees, visitors, and patients of the hospital located within the district.

**99.5.120. Central Business District (C-1).** The Central Business District is intended for those commercial uses which require a central location and provide goods and services that are used by the entire community and surrounding area.

1. In the C-1 Central Business District, the following uses are permitted:
    a. Residential land-uses as permitted in the LCR and O-I classification.
    b. Retail businesses and pharmacies.
    c. Banks and other financial institutions.
    d. Offices and professional services.
    e. Restaurants, cafes, bakery shops, retail food providers.
    f. Motels and hotels.
    g. Public buildings and land uses.
    h. Mortuaries, without crematories.
    i. Radio and television facilities.
    j. Theaters and other places of entertainment and amusement enclosed in a building.
    k. Parking lots and garages.
    l. Transportation terminals for passengers.
    m. Utility stations, if essential for provision of service to the zoning district, provided that:
        I. Structures are enclosed by a woven wire fence at least eight feet high;
        II. No vehicles or equipment are stored on the premises.
    n. Lodges, fraternal and social organizations.
    o. Institutions of Religious Worship.
    p. Nursery schools, kindergartens, and day care facilities as defined and permitted in the (O-I) Office-Institutional District.
    q. Central City Residential provided that:
        I. The units are located within an existing structure or are located no lower then the second floor of any new structures;
        II. The dwelling unit shall have a minimum of 600 square feet of interior floor space;
    r. Art galleries, craft shops, florists, and specialty shops.

s. Service facilities including photo processing, quick copy, mail and messenger service, travel agencies, laundry and dry cleaning facilities.
t. Music and dance schools and studios.
u. Interior Decorators.
v. Barber shops and beauty shops.
w. Locksmith or gunsmith provided no firing range is included.
x. Health spa, physical fitness and martial arts training facilities.
y. Medical offices and health clinics.

2. **Central Business District Setbacks from Right-of-Way.** In the Central Business District, with the exception of properties abutting Georgia Department of Transportation right-of-way, zero setbacks from the right-of-way shall be allowed.

**99.5.130 Neighborhood and Highway Service Business District (C-2).** The C-2 Neighborhood and Highway Service Business District is established to provide locations for retail trade establishments which furnish convenience goods for surrounding residential areas and for business activities which primarily cater to the traveling public.

1) In the C-2 Neighborhood and Highway Service Business District, the following uses are permitted:
a. All uses permitted in the C-1 District.
b. Sales and/or service facilities for new and used automobiles, trucks, manufactured homes, boats, heavy construction and agricultural machinery, and service equipment provided that they are located on a major street.
c. Drive-in theaters provided that the screen does not face on a street.
d. Motels.
e. Retail businesses and service stores, including convenience stores and gasoline and diesel fuel sales.
f. Nurseries providing lawn and garden supplies and plants, including retail sales.
g. Newspaper and printing facilities.
h. Restaurants, including fast-food, drive-in, and cafeteria establishments, provided said restaurants obtain and maintain all required state and county permits and license to operate a food service establishment
i. Temporary storage uses, permitted by the City Manager, not to exceed 30 days in duration within a six month period and with at least 90 days between periods of use.
j. Temporary sales/services, permitted by the City Manager, not to exceed 10 days in duration within a six month period and with at least 90 days between use periods.
k. Parking lots and parking garages.
l. Automobile, truck, trailer, and equipment rental outlets.
m. Veterinary offices, provided that overnight kenneling of animals will only be permitted in conjunction with veterinary services. All overnight kenneling must occur on the interior of the building.
n. Mini-warehouses.
o. Adult Entertainment Establishments subject, however, to the requirements set forth in Adult Entertainment Ordinance of the City of Bremen.
p. Recreational vehicle/travel trailer campgrounds, provided that the campground shall be developed in accordance with the provisions of the *City of Bremen Campground Standards Ordinance*.

q. Motor vehicle repair facilities provided that no repairs will be outside of the licensed/permitted building. No long term storage of inoperable or wrecked vehicles will be allowed outside. For purposes of this provision, the phrase "long term storage" shall be defined as a period of time in excess of one hundred and eighty (180) days.

*99.5.140* ***Reserved.***

*99.5.150* **Light Industry District (M-1)**. The M-1 Light Industry District is established to provide a location for those industrial operations which demonstrate characteristics that are not normally objectionable as a result of pollution by light, noise, smell, air, environmental, or any other source.

In the M-1 Light Industry District, the following uses are permitted:

1. Any use permitted in the C-2 district.
2. Building material yards including milling operations.
3. Utility stations including buildings and grounds for storage of vehicles, equipment, and materials.
4. Transportation terminals for freight.
5. Wholesaling, commercial warehousing, and commercial storage facilities.
6. Veterinary offices, hospitals, and laboratories.
7. Dog kennels.
8. Cabinet shops and furniture manufacturing.
9. Motor vehicle repair facilities, garages, body shops and paint shops.
10. Machine shops and related activities.
11. Bakeries.
12. Construction contractors.
13. Crematories.
14. Businesses and industries, similar to those listed above, provided that any business or industry characterized by noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable features shall be required to show that these features will be controlled so that the location, construction, and operation of the business or industry will not injure present or prospective industrial development in the district. Noxious odors and emissions shall be limited to the fullest extent reasonably possible and shall, under no circumstances, exceed state and federal guidelines and regulations.
15. Adult entertainment establishments, subject to restrictions on location set forth in this Ordinance and the City's Adult Entertainment Ordinance.

*99.5.160* **Heavy Industry District (M-2).** The M-2 Heavy Industry District is established to provide locations for those industrial operations and facilities which are not nuisances and are not injurious to the health, safety, and general welfare of the public.

In the M-2 Heavy Industry District the following uses are permitted:

1. Any use permitted in the M-1 district.
2. Meat and poultry slaughter, processing and packaging.
3. Mines, quarries, and sand and gravel pits.
4. Above ground storage of liquid petroleum products or chemicals of a flammable or noxious nature when 150,000 gallons are stored on one lot or when more than 25,000 gallons are stored in any one tank.
5. Ready-mix concrete plants and precast concrete manufacturing and sales.

6. Asphalt plants.
7. Saw mills and other milling operations.
8. Junk yards and salvage yard; provided that they are completely surrounded by a solid fence which is at least eight feet high and provides an effective visual barrier.
9. Sanitary landfills, **but only where specifically authorized in accordance with Section 99.14.50 as a "Conditional Development"** based upon detailed development plans, approved by the Mayor and Mayor and City Council and in compliance with current State and Federal Regulations.
10. All other industrial uses in compliance with State and Federal Regulations provided that no nuisance or danger to the public health, safety or general welfare is created.

***99.5.170*** **Flood Hazard District (FH)**. The FH Flood Hazard District includes land that is subject to periodic flooding. A floodplain district is established which shall correspond to all lands within the city that are mapped as floodplain or flood prone lands as indicated on maps that have been prepared by the Federal Emergency Management Agency and/or the soil survey of Haralson County and/or Carroll County prepared by the USDA Soil Conservation Service. This district shall be an overlay district.

The intent of the regulations within this section is to limit the use of land contained within a floodplain. Notwithstanding the uses permitted for any applicable zoning district which apply to the property, no building or structure or land shall hereafter be used or occupied other than in this section provided, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered except in conformity with the requirements of this regulation when such lands fall within or are affected by a floodplain. No structures or obstruction to storm water flow shall be erected or installed below the maximum flood elevation of the 100 year recurrence interval storm unless a plan is approved to compensate for the loss of flow area and flood storage. Land adjacent to Flood Hazard Districts may be subject to periodic flooding even though it lies above the established minimum flood elevation. It shall remain the responsibility of the developer to adequately investigate the possibility of local flooding above the established minimum levels and to guard against damages which might be associated with such flooding. The Planning Commission may, when it deems it advisable, require proof to its satisfaction that no structures or obstructions will be erected or installed below the established minimum flood elevations.

A. Uses Permitted in the Floodplain. Within a floodplain, the following uses may be permitted subject to the requirements of the development regulations:

1. Agriculture, including forestry and livestock raising, requiring no structure within the flood way except structures for temporary shelter and including agriculture and forestry access roads.
2. Dams, provided they are designed and constructed in accordance with specifications of the State Safe Dam Act latest revision and the development regulations.
3. Public parks and recreation areas and facilities requiring no structures within the floodplain, except structures for temporary shelter, including, but not limited to, boat ramps, docks, parking areas and recreation facilities; private and commercial recreation developments and campgrounds.
4. Bridges, culverts and the roadway fill related to these structures, so long as said structure as constructed does not divert flow of waters onto adjacent properties unless proper permits and/or flowage easements have been obtained.
5. Parking areas. All required parking areas shall be located at an elevation higher than the calculated five-year storm, and shall not be located within any floodway.
6. Outdoor storage.
7. Fences having sufficient open area to permit the free flow of water and debris.
8. Public utility poles, towers, pipelines, sewer and other similar public and semipublic utilities and facilities.
9. Signs and sign structures, provided they permit the free flow of water and debris.

B. Lot Area Restrictions. All concept plans, site plans, preliminary plats, and final subdivision plats with all or portions of the land area contained within the floodplain, or contiguous to the floodplain, shall comply with the following requirements, as applicable:

1. In all residential zoning districts, up to fifty percent of the area located at or below the base flood elevation may be used in computations for meeting the density requirements in accordance with the provisions of this title.

2. No subdivision lot shall be approved which has less than fifty percent of the minimum lot area required by the applicable zoning district located above the base flood elevation.

3. Each plat or site plan submitted for rezoning, special use permit, or variance application shall contain a readily identifiable line indicating the limits of the base flood elevation if any portion of the property lies within the floodplain. This line shall be clearly labeled and the base flood elevation above mean sea level stated. The plat or site plan shall indicate where the base flood elevation has been established by the Federal Emergency Management Agency or where the base flood elevation has been calculated by a registered professional engineer using the best available information.

## ARTICLE VI

## AREA, YARD AND HEIGHT REQUIREMENTS

***99.6.10*** **General Requirements.** The minimum lot sizes, area per dwelling unit, dwelling size, setbacks, yard sizes, and lot widths, and the maximum heights for buildings for all Zoning Districts are specified in the following tabulation.

| | | | | Minimum Right-of-Way Setback | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| District | Minimum Lot Area (sq. feet) | Maximum Units per Acre | Minimum Lot Area per Dwelling Unit | Major Street | Collector Street | All Others | Minimum Lot Width | Minimum Side Yard | Minimum Rear yard | Maximum Height (1) | Maximum Percent of Lot Covered (2) |
| ER | 130,680 | 0<br>3 Ac Min. | 130,680 sq ft | 50 | 40 | 30 | 250 | 15 (4,5) | 30 (4,5) | 40 | 35 |
| R-40 | 40,000 | 1.1 | 40,000 | 50 | 40 | 30 | 100 | 15 (4) | 20 (4) | 40 | 35 |
| R-20 | 20,000 | 2.1 | 20,000 | 50 | 40 | 30 | 100 | 15 (4) | 20 (4) | 40 | 35 |
| R-15 | 15,000 | 2.9 | 15,000 | 50 | 40 | 30 | 75 | 15 (4) | 20 (4) | 40 | 35 |
| R-12 | 12,000 | 3.63 | 12,000 | 30 | 30 | 30 | 60 | 10 (4) | 20 (4) | 40 | 35 |
| R-1 | 12,000 | 5.33 (7) | 7,500 | 30 | 30 | 30 | 60 | (3) (4) | 20 (4) | 35 | 35 |
| R-2 | 10,000 | 8.0 (7) | 5,000 | 30 | 30 | 30 | 60 | (3) (4) | 20 (4) | 100 | 35 |
| R-3 | 6,000 | 11.12 (7) | 3,600 | 30 | 30 | 30 | 60 | (3) (4) | 20 (4) | 100 | 35 |
| R-MH | 8,000 (6) | 10.00 (7) | 4,000 | 30 | 30 | 30 | 50 | (3) (4) | 20 (4) | 35 | 35 |
| LCR | 10,000 | 4.00 | 10,000 | 30 | 30 | 30 | 60 | (4) | 15 (4) | 100 | 35 |
| O-I | | | | 30 | 30 | 30 | 60 | (4) | 20 (4) | 100 | 50 |
| C-1 | | | | | | | | (4) | | 100 | 100 |
| C-2 | | | | 40 | 30 | 30 | 60 | (4) | 15 (4) | 100 | 35 |
| M-1 | | | | 60 | 30 | 20 | | (4) | 10 (4) | 100 | 50 |
| M-2 | | | | 60 | 30 | 20 | | (4) | 5 (4) | 100 | 60 |
| FH | | | | | | | | | | | |

1. The height limitations of this ordinance shall not apply to structures listed in §99.9.10 of this zoning ordinance.
2. Maximum percent of lot covered by buildings.
3. Minimum five feet with the least sum of both sides 15 feet.
4. See City of Bremen Landscaping and Buffers Ordinance.
5. Minimum setbacks for structures housing poultry or livestock 100 feet to any property line.
6. Lot size specified for Manufactured Home Subdivision.
7. Refer to §99.13 if development exceeds 12 units and is classified as two-family, townhouse, or multifamily

*99.6.20* **Additional Restrictions for Adult Entertainment Establishments.**

1. No property shall be rezoned for the purposes of operating thereon an adult entertainment establishment, business or use, as defined and regulated by the City of Bremen Adult Entertainment Ordinance that is located within 1,000 feet, measured from the closest point of the boundary line of the parcel of real property on which the adult entertainment establishment is sought to be operated in a straight line to the closest point of the real property, of the following:

    a. Residential uses or purposes;

    b. A church, school, government owned or operated public facility, library, public park, or hospital:

    c. Any other adult entertainment establishment:

    d. An establishment licensed to sell alcoholic beverages;

2. If the adult entertainment establishment or the activity to which a measurement is required is a part of a tract of land occupied by other uses the measurements shall be from the closest point of the total tract of land(s) and not the building(s) in which the activities are located.

## ARTICLE VII

## APPLICATION OF REGULATIONS

*99.7.10* **Use, Occupancy, Erection and Demolition.** No building or structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, demolished, moved or altered except in conformity with the regulations of this Ordinance.

*99.7.20* **Height and Density.** No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

1. Exceed the height limits.
2. House a greater number of families per acre or occupy a smaller lot area per family than are herein allowed.
3. Have narrower or smaller front, rear or side yards than are required.

*99.7.30* **Reduction in Lot Size.** No lot shall be reduced in size so that lot width or depth, size of yards, lot area or any other requirement of this Ordinance is not maintained. This limitation shall not apply when a portion of a lot is acquired for a public purpose.

*99.7.40* **Yards and Other Spaces.** No part of a yard or the off-street parking or loading spaces that are required in connection with any building or use for the purpose of complying with the regulations of this Ordinance shall be included as part of the yard of off-street parking or loading spaces required for another building, except as specifically provided herein.

*99.7.50* **Minimum Lot Size for Residential Septic Tank Use.** No single family residence shall be permitted on a lot of less than one acre in a new subdivision which is to be served by septic tanks, regardless of the zoning district classification. With respect to existing platted lots, the Carroll or Haralson County Health Department will evaluate each individual request for a permit on a case-by-case basis and in accordance to the rules and regulations promulgated per the provisions of O.C.G.A. §12-2-8. Property to be annexed into the City of Bremen for new construction to be serviced by individual septic tanks systems shall be a minimum of 3 acres in platted size. This restriction on lot size does not apply to residential development served by community sewer systems.

*99.7.60* **Only One Principal Building or Use on a Lot.** Within single-family residential districts, no more than one principal building or structure or use and its customary accessory buildings and uses shall be permitted on any lot. In nonresidential and multifamily residential districts, more than one structure housing a principal permitted use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

*99.7.70* **Street Frontage Requirement.** No building or structure shall hereafter be erected on a lot that does not abut for at least forty (40') contiguous feet upon a single open street which shall be a publicly dedicated and maintained street except that this restriction will not apply in the Central Business District, or in areas of common use development, malls and shopping centers with cross easements. This restriction is subject to allowance for a variance approved by the Zoning Enforcement Officer for properties accessed and located on a cul-de-sac, but under no exception shall access to the public street be less than twenty five (25') feet in width.

## ARTICLE VIII

## GENERAL PROVISIONS

*99.8.10* **Accessory Uses or Structures.** Accessory uses or structures shall be permitted only in side or rear yards, except as otherwise provided in this Ordinance. With the exception of fences, an accessory use or structure of two hundred (200) square feet or less shall be set back not less than five feet from any property line on a residential lot. Structures in excess of two hundred (200) square feet must comply with standard building set back lines for the zoning classification within which the structure is to be erected. Accessory buildings on commercial property must comply with the existing commercial setback requirements for the principal use. No accessory buildings shall be erected on a lot prior to the time of construction of the principal building to which it is accessory.

*99.8.20* **Vision Clearance at Intersection.** In all zoning districts, no fence, wall, structure, shrubbery or other obstruction to vision between the heights of three feet and fifteen feet, except utility poles, light or street sign standards or tree trunks shall be permitted within twenty feet of the intersection of the right-of-way lines of streets, roads, highways, or railroads, with the exception of presently existing structures located within the Central Business District. New plantings of large growth (large trunk) trees should be set back from the corner of intersections so as not to restrict view of traveling public as tree grows and ages.

*99.8.30* **Approvals for Developments on State Highways.** For all developments fronting on a State Highway, no building permit shall be issued until the approval of the State Department of Transportation has been obtained by the applicant for entrances and exits, curb radii, drainage and other matters that are the appropriate concern of the Department. For large scale developments in high traffic areas, the Planning Commission may require the construction of frontage or access roads so as to improve traffic flow.

*99.8.40* **Flood Hazard.** This provision shall apply to all areas lying below the 100 year recurrence interval storm flood area, without regard to the zoning district within which said flood plain area is located. No structures or obstruction to storm water flow shall be erected or installed below the maximum flood elevation of the 100 year recurrence interval storm unless a plan is approved to compensate for the loss of flow area and flood storage. Land adjacent to Flood Hazard Districts may be subject to periodic flooding even though it lies above the established minimum flood elevation. It shall remain the responsibility of the developer to adequately investigate the possibility of local flooding above the established minimum levels and to guard against damages which might be associated with such flooding. The Planning Commission may, when it deems it advisable, require proof to its satisfaction that no structures or obstructions will be erected or installed below the established minimum flood elevations.

*99.8.50* **Frontage on Corner Lots and Double Frontage Lots.** On lots having frontage on more than one street, the minimum front yard shall be provided for each street.

*99.8.60* **Utilities Location.** Utility structures such as electric transformer stations, gas regulators stations, water and wastewater pumping stations, and water tanks may be located in any zone as necessary to serve the public interest.

*99.8.70* **Outdoor Storage.** The outdoor storage of inoperative automobiles, machinery, equipment, used building materials, trash, solid waste, appliances and similar items and materials shall be limited to those commercial enterprises, located within permitted commercial or industrial zones, requiring short term storage of items being repaired, in compliance with the Property Maintenance ordinance of the City of Bremen.

*99.8.80* **Erosion and Sedimentation Control.** All developments within the City of Bremen, Georgia shall comply with Erosion and Sedimentation Control regulations of the City and of Carroll County or Haralson County, Georgia, respectively, and with the rules and regulations of the Environmental Protection Division, Department of Natural Resources, State of Georgia, as may from time to time be modified, supplemented, or amended.

**99.8.100** **Annexation.** Any land annexed into the City subsequent to the date of the enactment of this Ordinance shall be classified as to Zoning District or Districts at the time of annexation. The application for annexation shall contained a survey of the property proposed for annexation prepared by a licensed Georgia Registered Land Surveyor. A plat of survey of the property previously prepared by a GRLS and properly recorded in the public real estate records of the county wherein the property is situate may suffice for this requirement. The Planning Commission shall review the proposed annexation and shall report its recommendations for zoning of the properties involved to the Mayor and City Council within 60 days of a request for recommendation. The Mayor and City Council shall advertise for and conduct at least one Public Hearing in connection with any annexation.

*99.8.110* **Signs, and Posters, and Billboards.** All signs, billboards and other outdoor advertising shall comply with the Sign Ordinance of the City of Bremen.

*99.8.120* **Landscaping and Buffer Zones.** Landscaping and Buffers shall be subject to and controlled by the City of Bremen Landscaping and Buffers Ordinance (Ord. 8-18-2008) which is by reference incorporated herein.

*99.8.130* **Customary Home Occupations.** In all residential districts, customary home occupations are permitted; however, the following requirements shall apply in addition to all other applicable requirements for the residential district in which such uses are located:

1. Home occupation shall be limited in such a way as to not generate excess traffic at its location, and shall not have in excess of, in the aggregate, twenty (20) clients or customers at its location in any twenty-four hour period.

2. The total floor space devoted to the home occupation shall not exceed twenty five percent (25%) of the heated dwelling space of the dwelling.

3. The following requirements shall apply in addition to all other applicable requirements of this ordinance for the residential district in which such uses are located:

   a. No outside storage shall be used in connection with the home occupation.
   b. Sufficient off-street parking shall be provided for those residing in the home and for clients and customers of the permitted home occupation.
   c. No internal or external alterations inconsistent with the residential use of the building may be permitted.
   d. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation.
   e. No machinery that causes noises or other interferences in radio and/or television reception outside the boundaries of the property shall be allowed.
   f. No chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment shall be used in a permitted home occupation.
   g. No external signs may be displayed advertising the product or service available.
   h. Other than the owner/resident of the dwelling, no more than one (1) person may be employed in the home occupation.

4. Customary Home Occupations may include, but are not limited to the following:

   a. The accommodation of not more than four (4) boarders or roomers.
   b. The office of a professional person.
   c. Art studio, dressmaking, sewing.
   d. Teaching individual musical instruments, dance, crafts or academic subjects with instruction limited to not more than two pupils at one time.
   e. The care of not more than four children for compensation.

5. A Customary Home Occupation specifically does not include the following listed occupations. This list is not comprehensive, and other similar occupations and uses may be prohibited:

   a. Dancing or band instrument instruction in groups.
   b. Tearooms and Restaurants.
   c. Tourist Homes, Boarding Houses, or Rooming Houses.
   d. Fish Hatcheries, worm farms or bait houses.
   e. Convalescent and nursing homes.
   f. Kennels and animal hospitals.
   g. Clinics and hospitals.
   h. Firewood sales.

*99.8.140* **Metal Building Regulations.** Where any exterior wall or facade of any metal building fronts upon any public street within Industrial District, said wall or facade shall be constructed with a minimum of architectural treatment so as not to have the appearance of a metal building. In any other zoning district, all exterior walls must be constructed with an architectural treatment.

*99.8.150* **Residential Living Permitted Only In Permanent Structures.** No lot may be used for temporary or permanent residential living quarters unless a permanent dwelling unit has been lawfully erected on the lot, pursuant to the provisions of this Ordinance and applicable building and safety codes. Tents, boats, RVs and other structures, that are not permitted permanent dwelling units, cannot be occupied either on a permanent or temporary basis on a residential lot, except that tents may be occupied for no more than three days in any one-month period when erected in the rear yard of a permanent dwelling unit.

*99.8.160* **Occupancy of Recreational Vehicles.** No recreational vehicle shall otherwise be occupied as temporary or permanent residential living quarters except in conformance with this Section or the provisions of the *City of Bremen Campground Standards Ordinance.* Recreational vehicles can be occupied as temporary dwellings as a temporary accessory use, for no more than ten days in any two month period, only if there is a permanent dwelling unit as a principal use on the lot, and only if the vehicle is parked in conformance with this Ordinance. No more than one recreational vehicle can be so occupied on the same lot.

*99.8.170* **Recreational Vehicle Parking.** Recreational vehicles parked in any residential zone or residentially-used area shall not be permitted to be parked in any required setback or buffer area, nor in any front-yard area. No more than two recreational vehicles shall be parked on any single residential lot. Parking of said vehicle shall be allowed in the rear or side of the lot only.

*99.8.180* **Use of Vehicle or Trailers for Storage Prohibited.** Neither vehicles (whether operable or inoperable) nor trailers (whether on or off their axels) may be used as storage buildings. This shall apply to all vehicles and trailers, including commercial vehicles, recreational vehicles, panel vans, tractor-trailer rigs, railroad box-cars, etc. However, tractor-trailer rigs and trailers may be used for temporary storage on property zoned C-2, M-1, or M-2 only by businesses operating on the same property. Temporary storage means no particular trailer may remain longer than three months. This provisions does not apply to temporary construction trailers used for office and storage of supplies situated on construction sites during active construction and development of a tract of land.

**99.8.190 Off-Street Automobile Parking and Loading and Unloading Spaces Required.** Off-street automobile parking and loading and unloading spaces shall be provided for new construction or areas involving a change in zoning classification, as specified in accordance with the City's Design Standards Ordinance. Any building or use that is subsequently enlarged shall meet the off-street parking and loading and unloading space requirement of this Ordinance for the original building plus the addition made.

*99.8.200* **Minimum Number of Off-Street Parking Spaces Required.** The following are the minimum number of off-street parking spaces required. For uses not specifically listed, the off-street parking requirements shall be those of the most similar use.

1. **Automobile Sales and Service**. One space for each regular employee plus one space for each 250 square feet of floor area, plus spaces for inventory vehicles.
2. **Banks**. One space for each 200 square feet of floor area.
3. **Bed and Breakfast**. One for the owner(s) and one for each guest room.
4. **Beauty Parlors and Barber Shops**. Two spaces for each operator.

5. **Bowling Alley.** Five spaces per alley plus requirements for any other use associated with the establishment, such as a restaurant.
6. **Central City Residential.** One space per 400 square feet of gross floor space.
7. **Churches**. One space for each four seats in main auditorium.
8. **Convenience Stores**. One space per each 200 square feet of gross floor space.
9. **Dormitories**. Three spaces for each four occupants.
10. **Fraternity and Sorority Houses.** Four times the minimum lawful number of resident members.
11. **Funeral Parlors**. One space for each four seats in the chapel plus space for each funeral vehicle.
12. **Furniture and Appliance Stores**. One space for each 500 square feet of showroom.
13. **Gasoline Service Station.** One space (in addition to service area) for each pump and three spaces for each grease rack or similar facility plus one space for each attendant.
14. **Hospitals and Nursing Homes.** One space for each four beds plus one space for each staff or visiting doctor plus one space for each employee on the largest shift.
15. **Hotels, Motels and Tourist Courts.** One space for each guest bedroom plus one space for each two employees on the largest shift.
16. **Industrial Plants.** One space for each two employees on the largest single shift plus one space for each company vehicle operating from the premises.
17. **Kindergartens and Nursery Schools.** One and one half (1½) space for each employee plus safe and convenient offstreet spaces for loading and unloading of students.
18. **Lodges and Clubs.** One space for each 100 square feet of assembly area, or one space for each ten members, whichever is larger.
19. **Libraries and Similar Uses.** One space for each 400 square feet of gross space to which the public has access.
20. **Manufactured Home Lots.** Two spaces for each lot.
21. **Offices.** One space for each 300 square feet of floor space.
22. **Personal Care Homes.** One space for each three beds and one space per employee.
23. **Places of Amusement or Assembly Without Fixed Seats.** One space for each 200 square feet of floor space devoted to patron use.
24. **Places of Public Assembly**. One space for each four seats in the principal assembly room.
25. **Residence.** Two spaces for each dwelling unit.
26. **Restaurants.** One and one half (1.5) spaces for each four seats provided for patron use.
27. **Retail Business.** One space for each 300 feet of gross floor area.
28. **Rooming and Boarding Houses.** One space for each bedroom.
29. **Schools.** One space for each employee, including teachers and staff member, plus off-street space for the safe and convenient loading and unloading of students, plus additional facilities for student parking taking into consideration the total number of students, the percentage of students driving automobiles and the parking requirements for stadium, gymnasium and auditorium use.
30. **Wholesale and Warehousing.** Two spaces for each employee plus one space for each company vehicle operating from the premises.

*99.8.210* **Off-Street Loading and Unloading Spaces.** On every lot on which a business, trade or industry use is hereafter established, space shall be provided as herein indicated for the loading and unloading of vehicles off the public street or alley. Such spaces shall have access to an alley or, if there is no alley, to a street.

Minimum loading and unloading space requirements are:

1. **Retail Business.** One space of at least ten by thirty feet for each 3,000 square feet of gross floor area or fraction thereof.
2. **Wholesale Business and Industry**. One space of at least ten by sixty feet for each 10,000 square feet of gross floor area or fraction thereof.

3. **Bus and Truck Terminals.** Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded or unloaded at the terminal at any one time.
4. **Automobile Sales.** Sufficient spaces of at least ten by seventy feet for unloading of the maximum number of vehicle delivery trucks to be unloaded at any one time.

## ARTICLE IX

## EXCEPTIONS AND MODIFICATIONS

***99.9.10*** **Walls and Fences.** Fences shall be erected only upon application to, and permit issued by, the City, and payment of required application fee. In Residential zones solid fences of a height not to exceed six (6) feet shall be permitted in the rear and side of residential structures. Fences located in the front yards of Residential Zones shall be limited to Open Space Fences such as traditional picket open wood fence and ornamental fences and shall not exceed a height of three and one/half (3.5) feet. All fences shall be constructed in such a manner as to not obstruct the view of traffic by adjoining property owners entering or leaving a public way or street in accordance with the street design standards for the City of Bremen. Adequate provision shall be made for access of normal utility service, including garbage collection, water and other utility meters and mail delivery. No fence may interfere with required off-street parking. Chain link fencing shall not be permitted in the front yards of any residential structure.

***99.9.20*** **Structures Excluded from Height Limitations.** The height limitations of this Ordinance shall not apply to church spires, steeples, belfries, flag poles, monuments, cupolas, domes, ornamental towers nor to observation towers not intended for human occupancy, water towers, transmission towers, radio or television towers or aerials, chimneys, smokestacks, conveyors, derricks, parapet walls extending not more than four feet above the roof line of the building, or to necessary mechanical roof appurtenances.

***99.9.30*** **Substandard Lots of Record.** Any lot of record existing at the time of the adoption or amendment of this Ordinance, which has an area or a width that is less than is required by this Ordinance, may be used, subject to the following exceptions and modifications.

1. Adjoining Lots. When two or more adjoining lots of record with continuous frontage are in one ownership at any time after the adoption or amendment of this Ordinance and such lots, individually, have an area or width that is less than required by this Ordinance, such groups of lots shall be considered as a single lot or several lots of the minimum width and area required in the district in which they are located.

2. Individual Lot Not Meeting Minimum Lot Size Requirements. Except as set forth in subsection 1 of this Section, in any district in which single-family dwellings are permitted, any lot of record, existing at the time of adoption or amendment of this Ordinance, which has an area, width or depth less than that required by this Ordinance may be used as a building site for a single-family dwelling. In the case of such a lot, when it is not possible to provide the required side yards and at the same time build a minimum width single-family dwelling, the Planning Commission is hereby authorized to reduce the side-yard requirements for such lot the minimum amount necessary for a reasonable dwelling, but in no case shall each of the side yards be less than five feet in width.

***99.9.40*** **Reduction of Front-Yard Requirements.** The front-yard requirements of this ordinance shall not apply on any lot where the average depth of the front yard of existing buildings, located wholly or in part within one hundred feet on each side of such lot within the same block or zoning

district and fronting on the same side of the street, is less than the minimum required front-yard depth. In such cases, the depth of the front yard on such lot may be less than the required front-yard depth but shall not be less than the average of the front yards of the aforementioned existing buildings.

*99.9.50* **Temporary Buildings.** A temporary building or buildings or Manufactured Home for use in connection with a construction project or land subdivision development shall be permitted on the land of the project during the construction period and for no more than six (6) months. If the builder would like to request an extension of time, they would need to receive a permit of approval from the City Manager. No trailer, mobile home or manufactured home will be permitted for use as a permanent commercial building. This regulation does not exclude the use of manufactured commercial buildings that are set on a permanent slab foundation.

## ARTICLE X

## NONCONFORMING USES

*99.10.10* **Continuance of Non-Conforming Uses.** The lawful use of any building or structure or land existing at the time of the enactment or amendment of this Ordinance may be continued, even though such use does not conform with the provisions of this Ordinance, except that the nonconforming use shall not be:

1. Extended to occupy a greater area of land.

2. Extended to occupy a greater area of a building or structure unless such additional area of the building or structure existed at the time of the passage or amendment of this Ordinance and was clearly designed to house the same use as the nonconforming use occupying the other portion of the building or structure.

3. Re-established after discontinuance for six months. Nothing herein shall be considered to approve or give legality to any nonconforming use which has been discontinued more than six months within the City of Bremen. The holding of an Occupational Tax Certificate does not in itself constitute continuance of a business.

4. Changed to another nonconforming use of lower priority without approval of application for rezoning. For the purposes of this section, the districts shall have priority as established by the order of their listing in Article IV of this Ordinance (for example, a Commercial classification would be of a lower priority than a Residential classification).

*99.10.20* **Continuance of a Building Occupied by a Non-Conforming Use Excluding Those Specified in Section 99.10.30.** A building occupied by a nonconforming use at the time of the enactment or amendment of this Ordinance may be retained except that it shall not be:

1. Enlarged, altered or rebuilt except in conformance with this Ordinance but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition.

2. Rebuilt, altered or repaired after damage exceeding 50 percent of its replacement cost at the time of destruction. Where damage is less than 50 percent of the replacement cost, reconstruction must be initiated within six months of incurring damage and completed within one year of incurring damage. Non-conforming uses may not be enlarged in the process of reconstruction or replacement.

*99.10.30* **Continuance of a Single-Family Residential Building or a Duplex (located in a Single-Family Residential District) or a Multi-Family Residential Building (located in a Single Family Residential District) Occupied by a Non-Conforming Use.** All existing residential structures which do not conform to this Ordinance may be rebuilt upon damage by fire or other casualty to the pre-damaged use and size.

## ARTICLE XI

*99.11.10* *RESERVED.*

## ARTICLE XII

## ADMINISTRATION, ENFORCEMENT, PENALTIES, AND REMEDIES

*99.12.10* **Zoning Enforcement Officer.** This Ordinance shall be administered and enforced by the City Manager and/or the Zoning Enforcement Officer and/or, his/her designated representative, who shall be appointed by the City Manager. The duties of the Zoning Enforcement Officer shall include:

1. The examination of applications pertaining to the construction, erection, and use of land, buildings, and/or structures within the city limits; the approval of the same when the applications conform to provisions of this Ordinance, and; the denial of the same when said applications do not conform to the provision of this Ordinance.

2. Authorizing issuance by the City of all Building Permits and Certificates of Occupancy, and keeping permanent records thereof.

3. Conducting such inspections of buildings, structures, and uses of land as are necessary to determine compliance with the provisions of this Ordinance.

4. Maintaining permanent and current records of the Zoning Ordinance including maps and amendments.

5. If the Zoning Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, said officer shall:
   a) Notify in writing the person responsible for such violations. Said notification shall set forth the nature of the violation, the action necessary to correct it, and a reasonable time period within which the violation is to be cured; and
   b) In the event, the violation has not been remedied within the specified time period, the Zoning Enforcement Officer shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or 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 to ensure compliance with or to prevent violation of the provisions of this Ordinance, to include the issuance of a Citation of Violation to the Owner of the Lot or Property deemed to be in violation in accordance with §99-12-70 of this Ordinance.

***99.12.20*** **Building Permit Required.** No building or structure shall be erected, moved, added to, demolished, or structurally altered without a building permit being authorized and issued by the City of Bremen and signed by the Zoning Enforcement Officer or City Manager, unless the aggregate total cost of labor and material involved in such work is less than one thousand ($1,000.00) dollars, as estimated by the Zoning Enforcement Officer using current average cost estimates. No building permit shall be issued except in conformity with the provisions of this Ordinance.

***99.12.30*** **Application for Building Permit for New Construction.** All applications for building permits for new construction shall be made to the Zoning Enforcement Officer and shall be accompanied by plans in duplicate, drawn to scale, and showing the actual dimensions of the lot to be built upon, the size and location on the lot of any existing buildings or structures, the shape, size, height, use, and the location on the lot of the building or structure proposed to be erected or altered, setback lines, buffer zone, and such other information as may be necessary to provide for the enforcement of this Ordinance. The plans shall include the following items:

1. Project name;
2. Project owner and address;
3. Date, scale, north arrow;
4. Vicinity map;
5. Owner and zoning classification of adjacent properties;
6. Property lines and dimensions;
7. Total project acreage;
8. Proposed use of property to be developed;
9. Required yard setbacks appropriately dimensioned;
10. Location of buildings and the square footage in each;
11. Existing and future right-of-way of adjacent street, including names of streets and width of pavement;
12. Topography at 5' contour intervals for properties greater than one acre, topography at 2' contour intervals for properties less than one acre;
13. Location of driveway ingress and egress including dimensions for curb radius, driveway width, and distance to nearest street intersection;
14. All existing and proposed off-street parking space, and if applicable to the proposed use, all loading stations, bays and walkways, including the type of servicing, angle of stalls, dimension of stalls, width of access aisle and schedule listing total number of parking stalls by type;
15. Location of buffers/screening, identifying the plant material by name, spacing of plant material and total number of plants by species;
16. Dumpster location;
17. Location of 100 year flood plain with elevations;
18. Means and location of tie in lines for sewerage disposal or, if applicable, proposed location of septic tank and field lines;
19. Approximate location and distance to nearest fire hydrant;
18. Any other data requested in writing by the zoning enforcement officer necessary to an understanding and evaluation of the project.

If the plans conform to the provisions of this Ordinance, the City building codes and other Ordinances of the City, the permit shall be issued upon payment of the required fee, allowing for a reasonable review period by necessary city staff of not more than thirty (30) days. If compliance does not result, the building permit shall be refused by the City stating such refusal in writing with the reason(s) for the rejection of the application.

Development standards and ordinance requirements in effect on the date of approval of development plans for a specific project shall remain in effect for a period of twenty-four months. Any work performed within the approved development under a building permit issued after the twenty four month period has expired shall be accomplished in accordance with the then current standards and ordinance requirements.

***99.12.40*** **Fees.** Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal. The Mayor and City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the City Clerk and may be altered and amended only by the Mayor and City Council.

***99.12.50*** **Construction Progress.** If no substantial construction progress has been made within six months of the date of issuance of the building permit, the permit becomes invalid and a new building permit application will have to be submitted and approved. In the event the proposed plans and uses for the project remain the same, the plans and specifications previously submitted in compliance with Section 99.12.30 may be resubmitted together with payment of a new building permit fee and relied upon by the City in making its decision on the new application .

***99.12.60*** **Certificate of Occupancy.** A certificate of occupancy authorized and issued by the Zoning Enforcement Officer shall be required in advance of:

1. The initial use or occupancy of a lot.
2. Any change in the use or occupancy of a lot.
3. The initial use and occupancy of a building erected after enactment of this Ordinance.
4. Any change in the use of a building existing at the time of enactment of this Ordinance.
5. The change in use, extension, alteration, or reconstruction of any nonconforming use existing at the time of the enactment of this Ordinance or an amendment thereto. The certificate of occupancy shall state specifically wherein the nonconforming use fails to meet the provisions of this Ordinance.

Except in the case of nonconforming uses existing at the time of the enactment of this Ordinance or an amendment thereto, no certificate of occupancy shall be issued unless the lot, building, or structure complies with the provisions of this Ordinance. A record of all certificates of occupancy shall be kept on file in the office of the Zoning Enforcement Officer and a copy shall be furnished on request, to any person having a proprietary or tenancy interest in the lot, building, or structure involved.

***99.12.70*** **Penalties for Violation.** Any person violating any provision of this Ordinance shall be guilty of a misdemeanor, and, upon conviction shall be punished for each offense according to the Charter, Codes, and Ordinances of the City. In the event of a violation of this Ordinance, the Zoning Enforcement Officer shall issue a Citation of Violation to the Owner of the Lot or Property deemed to be in violation. Each day that said violation continues after the date of the service of the Citation of Violation may be determined by the Judge of the Municipal Court to constitute a separate prosecutable offense.

***99.12.80*** **Remedies.** If any building or structure is erected, constructed, moved, added to, demolished, structurally altered, maintained, or used in violation of this Ordinance, any appropriate authority, or any property owner whose property would be damaged by such violation may file a written complaint with the Zoning Enforcement Officer stating fully the causes and basis for the complaint. The Zoning Enforcement Officer shall properly record such complaint, shall immediately investigate, and shall take an appropriate course of action thereon as provided by this Ordinance. Nothing herein shall,

however, prevent any person from exercising their individual right of access to the courts to institute an action for injunction, mandamus, or other appropriate relief in a proceeding to stop or enjoin the alleged violation of this Ordinance.

## ARTICLE XIII

## BOARD OF DEVELOPMENT APPEALS

***99.13.10*** **Establishment of Board of Development Appeals.** There is hereby created a Board whose title shall be "The Bremen Board of Development Appeals" (hereinafter "Board").

1. The Board shall be a part of the planning functions of the City of Bremen and shall hear and decide appeals to the following Ordinances and/or Codes:
   a. Zoning Ordinance
   b. Sign Ordinance
   c. Subdivision Ordinance
   d. Soil and Sedimentation Control Ordinance
   e. Flood Damage Prevention Ordinance
   f. Standard Unsafe Building Abatement Code
   g. Standard Building Code (and its associated Codes)
   h. Landscaping and Buffers Ordinance
   i. Planned Unit Development Ordinance

2. The Board shall consist of three (3) members, appointed by the Mayor and City Council and shall serve at the pleasure of the Council. All members shall be residents of the City of Bremen, Georgia, and shall be persons who have demonstrated special interest, experience or education in development activities.

3. Members shall serve three-year terms. Members may not serve more than two (2) consecutive terms.

4. No member of the Board shall hold any elective public office within the City. Members shall not receive compensation other than for actual expenses.

5. The Board shall elect one of its members as Chairman and a second member as Vice-Chairman. The Chairman and Vice-Chairman shall serve for a one (1) year term or until re-elected or their successors are elected. The Board's Secretary shall be an employee of the City.

***99.13.20*** **Procedures of the Board of Development Appeals.** Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Vice-Chairman, may administer oaths and compel the attendance of witnesses by subpoena.

1. The Board shall fix a reasonable time for a hearing of an appeal or other matters referred to it, and give at least fifteen (15) days notice of the time, place, and issue to be decided, published in a newspaper of general circulation in the City. Adjacent property owners shall be given notice by first-class mail at their last known address as shown on the records of the Carroll or Haralson County Tax Commissioner and said notice shall be deemed sufficient when deposited in the U.S. Post Office with sufficient postage thereon to insure delivery.

2. Appeals presented to the Board shall be decided within sixty (60) days of the filing of the appeal by a majority vote of the Board. At all meetings of the Board, a quorum of two members shall be present. The Presiding Officer shall be entitled to a vote on all issues presented on Appeal.

3. In the event the Board is unable to obtain a quorum during the sixty day time period, the time for decision of the matter shall be automatically extended by thirty (30) days and the matter shall be presented to the next meeting of the Planning Commission, which shall then act in the place of the Board of Development Appeals to hear and decide the issues presented on Appeal within the additional thirty day time period extension.

4. Transcripts, if desired, shall be the responsibility of the party adversely affected by the decision being appealed.

5. Any party with business before the Board may appear in person or by agent or by attorney.

6. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the Office of the City Clerk and shall be public record.

***99.13.30*** **Powers of the Board of Development Appeals.** The Board of Development Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the City in the enforcement of these ordinances or codes.

2. To hear and decide special exceptions to the terms of these ordinances or codes upon which the Board is required to pass.

3. To authorize upon appeal in specific cases a variance from the terms of this zoning regulation that will not be contrary to the public interest where, owing to special conditions in the respective individual case, it is shown that a literal enforcement of the provisions of this ordinance will result in an unnecessary hardship. This variance of the literal enforcement of the rules will granted only when it appears that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

4. Such variance may be granted in such individual case of unnecessary hardship upon finding by the Board of Development Appeals that relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the regulation, and the presence of at least one of the additional conditions set out as follow:

    a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;

    b. The application of the subdivision regulation to this particular piece of property would create an unnecessary hardship;

c. Such conditions are peculiar to the particular piece of property involved;

d. Such conditions are not a result of any action of the property owner;

5. In exercising the above powers the Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as the Board deems proper, and to that end shall have the powers of the officer from whom the appeal is taken.

***99.13.40*** **Appeals to the Board of Development Appeals.** Appeals to the Board may be made by any person dissatisfied by a decision or interpretation made by the City Official charged with the enforcement of the Ordinances listed in §99.12.10. Such appeal shall be made within thirty (30) days from the date the appellant is notified of an adverse decision of the City by filing with the City Clerk a Notice of Appeal specifying the grounds thereof. The City Clerk shall forthwith transmit to the Secretary of the Board all the papers constituting the record upon which the action appealed from was taken.

***99.13.50*** **Appeal Shall Stay Other Proceedings.** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the City certifies to the Board after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, a stay would, in the City's opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Superior Court of Haralson County.

***99.13.60*** **Appeals from Decision of Board of Development Appeals.** Any person aggrieved by any decisions of the Board, may take appeal to the Superior Court of Haralson County, Georgia. Said appeal to the Superior Court shall be the same as an appeal to the Superior Court from any decision made by the Probate Court, except, however, that said appeal shall be filed within thirty (30) days from the date of the decision of the Board, and upon failure to file said appeal within the thirty (30) days the said decision of the Board shall be final.

***99.13.70*** **Expiration of a Variance - Building Permits.** If building permits have not been issued within one year of the date of the granting of a variance, the variance becomes invalid. For the variance to retain its valid status a building permit must be issued and work must be in progress within one year of the date of the granting of a variance. Once invalid, the variance may be reconsidered only upon resubmitting a new application to the Board of Development Appeals.

## ARTICLE XIV

## AMENDMENTS

***99.14.10*** **Amendments Permitted.** This Zoning Ordinance, including the Zoning Map may be amended from time to time by the Mayor and City Council of Bremen, Georgia.

***99.14.20*** **Amendment Procedure.** The procedure for amending this Zoning Ordinance shall be as outlined below:

1. Any person or persons desiring to submit an application requesting a change in zoning shall file with the City Clerk, the following:

a) An application for amendment of the zoning ordinance;

b) With a plat of the affected property prepared in accordance with the provisions of §99-12-30 herein, attached thereto;

c) Payment of the amount determined by the Mayor and City Council from time to time as an appropriate fee for same to cover administrative costs, with the City Clerk;

d) A written, documented analysis of the impact of the proposed zoning with respect to each of the matters enumerated in O.C.G.A. §36-67-3 (and as enumerated below in §99.16.20(8)) as well as any other supporting materials required by the City;

e) Along with, or within ten days thereafter, the applicant shall file a disclosure of campaign contributions, if any, made within two years immediately preceding the filing of the Application to any local government official who will consider the application, in accordance with the provisions of O.C.G.A. §36-67A-3.

2. Application fees shall be established by the Mayor and Council and must accompany all application requests. The application fee is waived for applications initiated by the Planning Commission or the Mayor and Council. The fee shall not be refundable after the application has been submitted regardless of any future action under this ordinance.

3. The application must be submitted at least seven (7) days prior to the next regularly scheduled meeting of the Planning Commission. Upon receipt of the completed application the Zoning Enforcement Officer shall prepare a summary of the application to be delivered to the Mayor, each member of the City Council, and each member of the Planning Commission. Each of said individuals shall review the summary and make a personal determination as to whether he or she has any of the following potential conflicts in the zoning decision making process with respect to the property or the applicant in question. The questions each individual official must ask themselves is:

a) Do I have a property interest in any real property affected by the proposed rezoning action;

b) Do I have a financial interest in any business entity which has a property interest in any real property affected by the proposed rezoning action;

c) Do I have a member of my immediate family that has a property or financial interest in any real property affected by the proposed rezoning action.

In the event an individual official answers "yes" to any of the above listed questions, said official shall immediately disclose the nature and extent of such interest to the Secretary of the Commission for the Planning Commission, or to the City Clerk for the Mayor and Council. The Secretary of the Commission, or the City Clerk, as the case may be shall record said disclosure in the records of the Commission or Council, as applicable for inclusion in the minutes of the hearing at which the issue is presented. An official that has an interest as defined in sections a) and b) above shall disqualify himself/herself from voting on the rezoning action. Henceforth, the disqualified official shall not take any action to influence the decision on the application for rezoning. In the event disqualifications of one or more of the members of the commission or the council result in the inability to obtain a quorum for the purpose of making a final decision on the rezoning matter, the governing authority shall immediately petition either the Superior Court for Carroll County or Haralson County (depending upon the location of the

property in question) for the appointment of a Special Master to hear the application and render a decision on the issue presented in accordance with O.C.G.A. §36-67A-5.

4. The Planning Commission review shall consist of two (2) hearings. The first hearing is to officially recognize the proposed amendment and place said amendment on the agenda and is known as a first reading. At the first reading of the application discussion of the application may be held by the Planning Commission, and the Planning Commission may instruct the Zoning Enforcement Officer to request additional information of the applicant for consideration at the public hearing on the application; however, no vote on the Application or the merits thereof shall be held or taken during this initial reading. The second hearing, known as a second reading, shall be a public hearing following published notice, at which hearing the Planning Commission will review and discuss the application and have the opportunity to take and receive information from the applicant and others speaking on behalf of the application and take comments from those in the general public who desire to speak in opposition to the amendment proposed by the application. The applicant is encouraged to meet with the owners of properties lying adjacent to the property in question that may be directly affected by the proposed amendment change and also with others expressing an opposition to the proposed amendment in an effort to clarify its application, to resolve misunderstandings and differences prior to the public hearing; however, such a meeting is not mandatory.

5. All amendments shall be proposed by, or shall first be submitted to, the Planning Commission for review and recommendation prior to consideration and denial or adoption by the Mayor and City Council. The Planning Commission shall have sixty days (which may be increased to ninety days upon a request by the applicant that the issue be tabled until the next scheduled hearing date) within which to complete its review, hold a public hearing, and submit its report and recommendations to the Mayor and City Council. During the sixty day review period, the Planning Commission shall hold a public hearing on the proposed amendment. Notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the City, a minimum of fifteen (15) days prior to the hearing date. If the Planning Commission fails to submit a report to the Mayor and City Council within the allotted time period, it shall be deemed that the Planning Commission has recommended an approval of the proposed amendment.

6. An application for amendment of the zoning ordinance may be withdrawn by the applicant, without penalty, so long as a written request to withdraw the application is received by the Zoning Enforcement Officer, or the Planning Commission, prior to the start of the Planning Commission's public hearing on the application. During the initial public hearing before the Planning Commission, the applicant may request that the issue presented in the application be tabled until the next regularly scheduled meeting of the Planning Commission for the obtaining and submission of additional information to the commission for its consideration prior to the Commission making its decision to recommend approval or denial of the application. Subsequent to the completion of the hearing on the application by the Planning Commission, the application may be withdrawn by written request of the applicant delivered to the Zoning Enforcement Officer not less than 24 hours prior to the public hearing on the application by the Mayor and City Council; however, the applicant shall not be allowed to resubmit its application for consideration for an amendment to the zoning ordinance (to the same zoning classification as previous submitted) for a period of ninety (90) days after the date of the withdrawal. Any request by the applicant to withdraw its application within the twenty

four hours prior to the public hearing by the Mayor and City Council and before the zoning decision on the application is made by the Council shall be solely in the discretion of the Mayor and Council.

7. Within its allotted review period, the Planning Commission shall submit a recommendation to the Mayor and City Council that recommends an approval or a denial of the application for amendment change to the Zoning Ordinance. Before the Mayor and City Council render its decision to accept or reject an application for amendment to the Zoning Ordinance, it shall hold a public hearing on the issue presented by the application. A notice of the time and place of the hearing shall be published a minimum of fifteen (15) days prior to the hearing in a newspaper of general circulation in the City. At the public hearing the Mayor and City Council shall receive and consider the recommendation of the Planning Commission, but the Council is in no way bound to follow the recommendations of the Planning Commission. The Mayor and City Council shall take a vote on the application to amend the zoning ordinance upon the completion of the public hearing, to either: 1) approve the application; 2) deny the application, or 3) accept the application subject to stipulations agreed to by the applicant. The Mayor and City Council may vote to table the zoning decision until its next available regularly scheduled monthly hearing date, but only with the consent of the applicant. The applicant may demand a vote on a decision either for or against the application at the hearing.

8. Posting Notice of Rezoning Petition:

   a. At least fifteen (15) days prior to the second reading before the Planning Commission, signs shall be posted on the property notifying interested persons that a rezoning petition has been filed. Failure to post or maintain the Notice shall not, however, invalidate the actions taken.

   b. Zoning decisions initiated by the Planning Commission or the Mayor and City Council shall require a public hearing on the proposed action; notice of said hearing to be published in the Legal Organ of either Haralson County or Carroll County (depending upon the situs of the property in question) at minimum of 15 days but not more than 45 days prior to the date of the hearing. The notice shall state the time, place, and purpose of the hearing.

   c. In addition, notice that an application for amendment to rezone a tract of property shall be given by first-class mail to all readily identifiable property owners holding recorded title to adjacent properties at the addresses for said adjacent property owners as shown on the tax records of the respective county wherein the property is situated. Said notice shall be deemed sufficient when deposited in the U.S. Post Office.

   d. Signs posted on the property shall be located on private property but within ten (10) foot of the public right-of-way upon which said property fronts.

e. The signs shall be placed on the property at 500-foot intervals. If the property in question has less than five hundred (500) feet of frontage, only one (1) sign is required. Where property does not front on an existing right-of-way, said sign shall be placed as close to the right of way as reasonably possible, but not more than (10) foot of the right-of-way of the nearest street or road. Where the property borders more than one public right-of-way, a sign shall be posted on all contiguous rights-of-way.

f. The sign shall include the following:
   (1) Notice of rezoning hearing
   (2) Date, time, and location of hearing
   (3) Present zoning
   (4) New zoning proposed by the application
   (5) Property map
   (6) Name of applicant
   (7) Name and telephone number of a City official or staff member from whom additional information may be obtained.

7. The following procedures shall apply to all amendment hearings:

   a. At all hearings a quorum of the Planning Commission or Mayor and City Council members shall be present.
   b. All hearings shall be open to the public.
   c. At any hearing the analysis submitted by the initiating party, if any, shall be reviewed, along with the record prepared by the Planning Commission. The review of such analysis and records at such hearing or meeting shall consist, as a minimum, of a statement of the finding with respect to each matter enumerated in §99.14.20(8) below, or the written presentation of such finding to the members of the Mayor and City Council together with a limited supply of copies of such finding to be available at the hearing or meeting and available on request to interested members of the public.
   d. The Procedures for Conducting Public Zoning Hearings as adopted by the City Council shall apply for all public hearings to include hearings before boards and commissions of the City.
   e. All decisions shall be by a majority vote.
   f. Transcripts, if desired, shall be the responsibility of the applicant.

8. The Planning Commission in making its review, investigations, and recommendations, and the Mayor and City Council in rendering its zoning decision shall, at all times, endeavor to reach decisions which balance the interest of promoting the public health, safety, morality, and general welfare of the city against the constitutionally protected rights of the property owner to the unrestricted use of his/her/its property. In that regard and in accordance with O.C.G.A. §36-67-3, the Planning Commission shall investigate and make a recommendation with respect to certain required matters. The Planning Commission shall make a written record of its investigation and recommendations, and this record shall be a public record. The Planning Commission shall address each of the enumerated matters set out below and make a recommendation with respect to each of said matters. The matters with which the Planning Commission shall be required to make such investigation and recommendation shall be:

a) Compatibility with Adjacent Uses and Districts. Existing uses and use districts of surrounding and nearby properties, and whether the proposed use district is suitable in light of such existing uses and use districts of surrounding and nearby properties, and whether the proposal will materially and adversely affect the existing use or usability of adjacent or nearby properties.

b) Property Value. The existing value of the property contained in the petition under the existing use district classification, the extent to which the property value of the subject property is diminished by the existing use district classification, and whether the subject property has a viable and reasonable economic use under the current use district.

c) Suitability. The suitability of the subject property under the existing use district classification, and the suitability of the subject property under the proposed use district classification of the property.

d) Vacancy and Marketing. The length of time the property has been vacant or unused as currently used under the current use district classification; and any efforts taken by the property owner(s) to use the property or sell the property under the existing use district classification.

e) Evidence of Need. The amount of undeveloped land in the general area affected which has the same use district classification as the map change requested. It shall be the duty of the applicant to carry the burden of proof that the proposed application promotes public health, safety, morality or general welfare.

f) Public Facilities Impacts. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities and services.

g) Consistency with Comprehensive Plan. Whether the proposal is in conformity with the policy and intent of the locally adopted comprehensive plan.

h) Other Conditions. Whether there are any other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.

In addition to the review criteria listed above, the following review criteria shall be utilized in the review of rezoning applications for two-family developments (duplexes), townhouse developments, and multi-family developments (apartments) in excess of twelve units.

1. Rezoning for two-family, townhouse, and multi-family uses should not be permitted on parcels that are surrounded on more than two sides by property that is either used for single-family residential uses or zoned R-12, R-40, or R-20.
2. The parcel shall have primary ingress and egress from a major collector street.
3. The parcel should be served with public water and sewer.
4. The rezoning of parcel should not require more than two steps up in district intensity compared to its current zoning district.

5. Rezoning for two-family, townhouse, and multi-family uses should be evaluated in the context of the comparatively greater impacts of multi-family housing on City services when considered as a land development pattern; and the City's policy to limit the amount of multi-family housing to the proportion that currently exists, approximately fifty percent (50%) of the total housing stock.

*99.14.30* **Amendment to Official Zoning and Boundary Map.** If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be entered on the Zoning Map promptly after the amendment has been approved by the Mayor and City Council. The date of amendment and signature of the Mayor shall be entered on the Zoning Map in connection with any changes made on the Map.

In the event that the Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Mayor and City Council may by resolution adopt a new Zoning Map which shall supersede the prior Zoning Map. The new Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Zoning Map, unless properly adopted by the Mayor and Council. Any such replacement map shall bear the date of adoption and signature of the Mayor.

*99.14.40* **Information Showing Proposed Use.** An application for an amendment to re-zone any land or to create or extend any zoning district may be accompanied by such documents and information as are necessary to show proposed changes in land use and proposed development to occur as a result of the amendment.

*99.14.50* **Conditional Development.** Each category for zoning shall have a subhead thereunder to be known as "Conditional" for that category.

1. Whenever any amendment for amending or altering this Zoning Ordinance is accompanied or supported by specific plans and design for a particular development and use, and the Mayor and City Council, after public hearing as provided herein, approve such specific plans and design and this Ordinance is amended accordingly, said amendment may be qualified as "conditional" under that category and the Planning Administrator shall issue a building permit for the development of said property only in strict compliance with the plan submitted.

2. Plans supporting the approval and procedure outlined in subparagraph 1 above shall be submitted in triplicate. Upon approval by the Mayor and City Council said plans shall bear a certificate by the City Clerk indicating said approval with the stipulated conditions. One copy of said plan shall be maintained by the City Clerk as a part of the record of rezoning, one copy filed with the Zoning Enforcement Officer and one copy returned to the applicant.

3. If for any reason, development and use of the property approved in accordance with the procedure outlined in subparagraphs 1 and 2 above cannot be accomplished, such plans shall not be altered, changed or varied, except after approval by the Mayor and City Council.

4. If no building permit or certificate of occupancy, based upon approved plan and amendment, is issued within twelve months from the date of approval of any such "conditional" rezoning, the Mayor and City Council may, on its own motion, cause the property to revert to its original zoning category after notice by U. S. Mails addressed to the original applicant for rezoning or to such other person as may be substituted for said original applicant and the filing of the same upon the records of the Clerk, and reasonable opportunity to said applicant to oppose the reversion to the original zoning category has been given.

5. Notwithstanding anything to the contrary which might appear in this Ordinance, the Mayor and Council shall have all powers to approve and to enforce conditional zoning not otherwise prohibited by state and federal law.

*99.14.60* **Reconsideration by Mayor and City Council.** No application for rezoning property within the City to the same zoning classification previously requested, shall be considered, if the area requested to be rezoned, to the zoning classification sought, has been considered and denied, by the Mayor and City Council within a period of twelve months immediately preceding the application.

*99.14.70* **Review of Zoning Decision.** Recourse from a zoning decision by the Mayor and City Council shall be to the Superior Court of Haralson or Superior Court of Carroll County, based upon the location of the property requested to be rezoned, by the filing of a writ of certiorari to said respective court within 30 days of the date of the announcement of the zoning decision by the city council on the date of the hearing.

## ARTICLE XV

## LEGAL STATUS PROVISIONS

*99.15.10* **Conflict with Other Laws.** Whenever the regulations of this Ordinance require a greater lot width or depth or size of yards, or impose other more restrictive standards than are required in or under any other statute or covenants, the requirements of this Ordinance shall govern. Whenever the provisions of any other state statute or covenants require more restrictive standards than are required by this Ordinance, the provisions of such statute or covenants shall govern.

*99.15.20* **Separability.** Should any Article or Section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

*99.15.30* **Repeal of Conflicting City of Bremen Ordinances.** All City of Bremen ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

*99.15.40* **No Prejudice to Pending Applications.** Notwithstanding anything to the contrary herein, this Ordinance shall in no way prejudice or affect any pending application for rezoning before the Planning Commission of the City of Bremen or the Mayor and City Council of the City of Bremen.

*99.15.50* **Zoning and Boundary Map of the City of Bremen, Georgia.** As of the effective date of this Ordinance the revised *Zoning and Boundary Map of the City of Bremen, Georgia* is formally adopted.

*99.15.60* **Effective Date.** This Ordinance shall take effect and shall be in force from and after the date of its adoption, the public welfare demanding it.