

# CITY OF BOSTON, GEORGIA



## ZONING ORDINANCE

*ADOPTED: September 8, 1997*  
*AS AMENDED: December 10, 2001*

*Prepared by the Boston Planning Commission with assistance from the  
Southwest Georgia Regional Development Center*

Boston, Georgia

ZONING ORDINANCE

September 8, 1997

City Council

Roy Little, Mayor

Danny Groover

Ann McCrickard

Sonny Tanner

Dona Keen

Richard Reynolds

Mary Jean Heide, Clerk

Boston Planning Commission

Mike McCrickard, Chairman

William Hollis

Mary Ruth Leak

Irene Howard

Richard Hoffman

**ZONING ORDINANCE  
CITY OF BOSTON, GEORGIA  
TABLE OF CONTENTS**

**ARTICLE I  
INTRODUCTION**

Section 1.01.	Short Title.....	1-1
Section 1.02.	Authority of Enactment.....	1-1

**ARTICLE II  
DEFINITIONS**

Definitions.....	2-1 - 2-6
------------------	-----------

**ARTICLE III  
LIST OF ZONING DISTRICTS**

Section 3.01.	Districts.....	3-1
Section 3.02.	Limited Use Provision.....	3-1
Section 3.03.	Official Zoning Map.....	3-1

**ARTICLE IV  
GENERAL PROVISIONS**

Section 4.01.	Conflicting Regulations.....	4-1
Section 4.02.	Scope.....	4-1
Section 4.03.	Street, Alleys and Railroad Right-of-Ways.....	4-1
Section 4.04.	Permitted Uses.....	4-1
Section 4.05.	Permitted Area.....	4-1
Section 4.06.	Permitted Height.....	4-1
Section 4.07.	Only One Main Structure on a Lot.....	4-1
Section 4.08.	Substandard Lots.....	4-2
Section 4.09.	Frontage.....	4-2
Section 4.10.	Site Distance at Intersections.....	4-2
Section 4.11.	Reduction of Lot Area Prohibited.....	4-2
Section 4.12.	Accessory Residential Buildings.....	4-2
Section 4.13.	Prohibited Uses in all Residential Districts.....	4-3
Section 4.14.	Automobile Service Stations and Public Garages.....	4-3
Section 4.15.	Protective Screening.....	4-4
Section 4.16.	Radio, Television Stations.....	4-5
Section 4.17.	Satellite Receiving Dish Antenna.....	4-5
Section 4.18.	Telecommunication Antennas and Towers .....	4-5
Section 4.19.	Conditional Uses.....	4-6
Section 4.20.	Zoning Of Annexed Areas.....	4-7
Section 4.21.	Site Plan Required.....	4-7

Section 4.22	Use Variance.....	4-7
Section 4.23.	Caretaker Residence.....	4-8
Section 4.24.	Mobile Homes.....	4-8

**ARTICLE V**

**R-1, SINGLE FAMILY RESIDENTIAL DISTRICT**

Section 5.01.	Statement of Purpose.....	5-1
Section 5.02.	Permitted Uses.....	5-1
Section 5.03.	Conditional Uses.....	5-1
Section 5.04.	Area, Height and Placement Requirements.....	5-2

**ARTICLE VI**

**R-2, SINGLE-FAMILY RESIDENTIAL DISTRICT**

Section 6.01.	Statement of Purpose.....	6-1
Section 6.02.	Permitted Uses.....	6-1
Section 6.03.	Conditional Uses.....	6-1
Section 6.04.	Area, Height and Placement Requirements.....	6-1

**ARTICLE VII**

**R-TH, TOWNHOUSE DEVELOPMENT DISTRICT**

Section 7.01.	Statement of Purpose.....	7-1
Section 7.02.	Permitted Uses.....	7-1
Section 7.03.	Conditional Uses.....	7-1
Section 7.04.	Area, Height, Placement and Development Requirements for Townhouses.....	7-1
Section 7.05.	Preliminary Review.....	7-2
Section 7.06.	Procedure for Preliminary Approval.....	7-2
Section 7.07.	Procedure for Final Plan Approval.....	7-3
Section 7.08.	The Rezoning of any Property for Townhouse Development will follow Established Rezoning Policies and Procedures..	7-4

**ARTICLE VIII**

**R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT**

Section 8.01.	Statement of Purpose.....	8-1
Section 8.02.	General Procedures for PUD (R-PUD) Approval.....	8-1
Section 8.03.	Permitted Uses.....	8-1
Section 8.04.	Conditional Uses.....	8-1
Section 8.05.	Preliminary Review.....	8-2
Section 8.06.	Procedure for Preliminary Approval.....	8-2
Section 8.07.	Procedure for Final Plan Approval.....	8-2
Section 8.08.	Area, Height and Placement Requirements.....	8-3

**ARTICLE IX  
C-1, NEIGHBORHOOD BUSINESS DISTRICT**

Section 9.01.	Statement of Purpose.....	9-1
Section 9.02.	Permitted Uses.....	9-1
Section 9.03.	Conditional Uses.....	9-1
Section 9.04.	Protective Screening.....	9-2
Section 9.05.	Area, Height and Placement Requirements.....	9-2

**ARTICLE X  
C-2, CENTRAL BUSINESS DISTRICT**

Section 10.01.	Statement of Purpose.....	10-1
Section 10.02.	Permitted Uses.....	10-1
Section 10.03.	Conditional Uses.....	10-1
Section 10.04.	Protective Screening .....	10-1
Section 10.05.	Area, Height and Placement Requirements .....	10-2

**ARTICLE XI  
C-3, HIGHWAY COMMERCIAL DISTRICT**

Section 11.01.	Statement of Purpose.....	11-1
Section 11.02.	Permitted Uses.....	11-1
Section 11.03.	Conditional Uses.....	11-1
Section 11.04.	Protective Screening.....	11-2
Section 11.05.	Area, Height and Placement Requirements.....	11-2

**ARTICLE XII  
C-PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT**

Section 12.01.	Statement of Purpose.....	12-1
Section 12.02.	Permitted Uses.....	12-1
Section 12.03.	Conditional Uses.....	12-1
Section 12.04.	Procedure for Project Approval.....	12-1
Section 12.05.	Procedure for Preliminary and Final Approval.....	12-1
Section 12.06.	Area, Height and Placement Requirements.....	12-1

**ARTICLE XIII  
I-INDUSTRIAL DISTRICT**

Section 13.01.	Statement of Purpose.....	13-1
Section 13.02.	Permitted Uses.....	13-1
Section 13.03.	Conditional Uses.....	13-1
Section 13.04.	Area, Height and Placement Requirements.....	13-2

**XIV  
MANUFACTURED HOME AND MANUFACTURED PARK REGULATIONS**

Section 14.01	Manufactured Home Parks and Manufactured Homes .....	14-1
Section 14.02	Location of Manufactured Homes and Manufactured Home Parks.....	14-1
Section 14.03	Foundations.....	14-1
Section 14.04	Skirting.....	14-1
Section 14.05	Unit Orientation .....	14-1
Section 14.06	Requirements for Safety Tie Downs.....	14-1
Section 14.07	Additions.....	14-1
Section 14.08	Wheels and Tow Bar.....	14-1
Section 14.09	Landings.....	14-1
Section 14.10	Certificate of Occupancy.....	14-1
Section 14.11	Site Development Plan.....	14-1
Section 14.12	Expansion of Existing Manufactured Home Parks .....	14-2
Section 14.13	Non-Conforming Manufactured Home Parks.....	14-2
Section 14.14	Technical Codes: Compliance Required: Adopted by Reference: Evidence of Compliance.....	14-2
Section 14.15	Health; Water and Sewer System; Regulations Adopted.....	14-2
Section 14.16	Storage of Manufactured Homes .....	14-2
Section 14.17	Permits Required for Accessory Structures .....	14-3
Section 14.18	General Development Requirements for New Manufactured Home Parks.....	14-3
Section 14.19	Improvements Required for Manufactured Home Stands ...	14-3

**ARTICLE XV  
NON-CONFORMING BUILDINGS AND USES**

Section 15.01.	Non-Conforming Use of Land, Continuation of Use.....	15-1
Section 15.02.	Restoration.....	15-1
Section 15.03.	Discontinuance or Abandonment.....	15-1
Section 15.04.	Change of Tenancy or Ownership.....	15-1

**ARTICLE XVI  
OFF-STREET PARKING AND LOADING REQUIREMENTS**

Section 16.01.	Scope of Provisions.....	16-1
Section 16.02.	Parking Spaces may not be Reduced.....	16-1
Section 16.03.	Drainage, Construction and Maintenance.....	16-1
Section 16.04.	Separation from Walkways, Sidewalks and Streets.....	16-1
Section 16.05.	Parking Area Design.....	16-1
Section 16.06.	Joint Parking Facilities.....	16-1
Section 16.07.	Pavement Markings and Signs.....	16-1
Section 16.08.	Number of Parking Spaces.....	16-1
Section 16.09.	Street Parking Requirements.....	16-2

Section 16.10.	Planted Areas.....	16-2
Section 16.11.	Location of Parking Space for other Land Uses.....	16-2
Section 16.12.	Off-Street Parking Standards.....	16-3
Section 16.13.	Off-Street Loading Requirements.....	16-5
Section 16.14.	Minimum Number of Loading Spaces Required.....	16-6

**ARTICLE XVII  
SIGN REGULATIONS**

Section 17.01.	Signs shall Meet the Requirements of this Section.....	17-1
Section 17.02.	No Signs Shall Hamper Traffic Safety.....	17-1
Section 17.03.	Locations Prohibited.....	17-1
Section 17.04.	Illumination not to be a Nuisance.....	17-1
Section 17.05.	Signs not Requiring a Permit.....	17-1
Section 17.06.	Maximum Area of Signs.....	17-2
Section 17.07.	General Standards for Point of Business Signs, Incidental Use Signs, Bulletin Boards and Identification Signs.....	17-2
Section 17.08.	Standards for Off-Site Advertising Signs.....	17-3
Section 17.09.	Issuance of Permits, Administration and Filing Procedure.	17-4

**ARTICLE XVIII  
SCHEDULE OF REGULATIONS**

Schedule of Regulations.....	18-1
------------------------------	------

**ARTICLE XIV  
VARIANCE/APPEALS**

Section 19.01.	Variances.....	19-1
Section 19.02.	Request for a Variance.....	19-1
Section 19.03.	Appeals .....	19-1
Section 19.04.	Forms .....	19-2

**ARTICLE XX  
ADMINISTRATION AND ENFORCEMENT**

Section 20.01.	Enforcement.....	20-1
Section 20.02.	Permits.....	20-1
Section 20.03.	Certificates of Occupancy.....	20-1
Section 20.04.	Fees.....	20-2
Section 20.05.	Amendments.....	20-2
Section 20.06.	Zoning Policies and Procedures.....	20-3
Section 20.07.	Policies and Procedures for City Initiated Zoning Activities.....	20-3
Section 20.08.	Procedures for Rezoning Request Made by a Private Citizen/Property Owner.....	20-5

**ARTICLE XXI**  
**INTERPRETATION, APPLICATION, VIOLATIONS, VALIDITY**  
**CONFLICT AND EFFECTIVE DATE**

Section 21.01.	Interpretation, Purpose and Conflict.....	21-1
Section 21.02.	Violations and Penalties.....	21-1
Section 21.03.	Validity.....	21-1
Section 21.04.	Conflicting Provisions Repealed.....	21-1
Section 21.05.	Effective Date.....	21-1

## ARTICLE II DEFINITIONS

**Accessory Building:** A subordinate building or structure on the same lot, or part of the main building, occupied by or devoted exclusively to an accessory use.

**Accessory Use:** A use naturally and normally incidental to, subordinate to, and auxiliary to the permitted use of the premises.

**Adult Business:** Any business such as motion pictures, theaters, mini-motion theaters, erotic dancing, escort services, book stores, etc., characterized by an emphasis on sexual activities.

**Apartment House:** A residential structure containing three (3) or more apartments (independent dwelling units).

**Billboard:** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises which the sign is located.

**Boarding House:** A dwelling where meals or lodging and meals, are provided for compensation to three or more persons by pre-arrangement for definite periods. A boarding house is to be distinguished from a hotel, motel or a nursing home.

**Building, Principal:** A building in which is conducted the primary or predominant use of any lot.

**Building Height:** The vertical distance measured from the curb level to the highest point of the roof surface, if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

**Clinic:** A professional office where the services of more than one practitioner can be obtained and where patients are studied or treated on an out-patient basis and where no over-night accommodations are provided.

**Commission:** The word "Commission" shall mean the Planning Commission of Boston.

**Convalescent Home:** A convalescent home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two or more persons are cared for. Said home shall conform and qualify for license under State laws.

**Conditional Use:** A use which with in certain districts specified by this ordinance is not permitted as a matter of right but may be permitted within these districts by the City Council after the Planning Commission has (1) reviewed that proposed site plans for the use, its location within the community, its arrangement and design, its relationship to neighboring property and other conditions peculiar to the particular proposal which would determine its desirability or undesirability; (2) has found the proposal not be contrary to

the intent of this ordinance; and (3) has recommended the use as specified after a Public Hearing. (See Section 4.18).

**Conditional Zoning:** The imposition of conditions in the grant of a rezoning application which are in addition to or different from the regulations set forth in this zoning ordinance and which are related to the promotion of the public health, safety, morals or general welfare and designed to minimize the negative impact on surrounding lands. Such conditions may include, but are not limited to, restrictions on land use, height, setbacks and other non-use requirements, physical improvements to the property and infrastructure serving the property.

**Condominium Home:** A form of ownership of less than the whole of a building or system of buildings under a statute which provides the mechanics and facilities for formal filing and recording of divided interest in real property, whether the division is vertical or horizontal.

**Day Care Facility:** A day care facility is any individual or jointly owned facility designated to offer care and/or training to children unrelated to the owner or director for any part of a day on some kind of a regular basis. Such facility may or may not be operated for profit. Day care is not a baby-sitting service to be used for the convenience of the parents at irregular intervals (Drop-ins).

**Density:** The number of families residing on, or dwelling units developed on an acre of land. As used in this Ordinance, all densities are stated in families per gross acre.

**Drive-In Establishment:** An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicle.

**Drive-In Restaurant:** A drive-in restaurant or other drive-in establishment serving food and/or drink so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle.

**Dwelling, Single Family:** A building or portion thereof used or designed for use as a residence for a single family.

**Dwelling, Duplex:** A building either designed, constructed, altered or used for two adjoining dwelling units that are connected by a common wall and/or of two stories by a common floor.

**Dwelling, Multiple:** A building or portion thereof used or designed as a residence for three or more families living independently of each other and doing their own cooking in said building. This definition includes three-family houses, four-family houses, and apartment houses, but does not include hotels or motels.

**Family:** One or more persons living together and related by blood, marriage, or legal adoption, and occupying a dwelling unit as a single non-profit housekeeping unit as distinguished from a group occupying a hotel, club, boarding house, fraternity or sorority house. A family shall be deemed to include domestic servants, gratuity guests, and not more than three foster or boarded children whose room and board is paid by a recognized child care agency or organization.

**Flea Market:** A market at which second hand articles are displayed and sold.

**Garage, Private:** An accessory building designed or used for the storage of not more than three motor driven vehicles owned and used by the occupants of the building to which it is accessory.

**Garage, Public:** Any premises used for the storage or care of motor driven vehicles, or place where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

**Group Home:** A facility or dwelling unit housing person unrelated by blood or marriage and operating as a group family household. **Comment:** A group care facility may include half-way houses; recovery homes; and homes for orphans, foster children, the elderly, battered children and women. It also could include a specialized treatment facility providing less than primary health care.

**Guest House:** A building or portion thereof used or designed for uses as a residence, specifically as an accessory use to be the principal building.

**Half-Way-Home:** A group home facility which is licensed or supervised by any Federal, State or County health/welfare agency relating to drug abuse problems, offender rehabilitation or similar purposes.

**Home Occupation:** Any use conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Provided further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas. One (1) non-illuminated name plate, which is not more than two (2) square feet in area, may be attached to the building which shall contain only the name and occupation of the resident of the premises. Clinics, hospitals, barber shops, beauty parlors, and child care center day nurseries, among others, shall not be deemed to be home occupations.

**Industrialized Building (Modular Home):** A structure or component which is wholly or in substantial part made, fabricated, formed or assembled in or at manufacturing facilities and delivered to a building site for fabrication and installation in such assemblies that all parts or processes can not be inspected except by disassembly, by the City Building Official but in lieu of such inspection bears an insignia, label, or decal issued by the

Georgia Department of Community Affairs to certify the unit as to construction and safety standards.

**Junk Yard:** The term "Junk Yard" includes automobile wrecking yards and includes any area or more than two hundred (200) square feet for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

**Kennel:** Any lot or premises on which three (3) or more dogs, four (4) months or more old, are kept either permanently or temporarily, for purpose of sale, care, breeding or training for which any fee is charged.

**Manufactured Home:** "Manufactured Home" is a detached single family dwelling unit, designed for long-term occupancy, which has been prefabricated and then transported to its site or to a sales lot usually on its own wheels, and requires only minor work before occupancy such as connection to utilities or to a foundation. Such units are usually fully equipped and furnished. Manufactured Homes must bear the insignia issued by the U. S. Department of Housing and Urban Development (H.U.D.).

**Manufactured Home Parks:** "Manufactured Home Park: shall mean a licensed business operation which leases spaces for permanent or for temporary occupancy for periods exceeding thirty (30) days for manufactured homes and, under some conditions, travel trailers.

**Manufactured Home Subdivision:** A Manufactured Home Subdivision is defined as a site which has been primarily designed for the subdivision of individual lots for Manufactured Home development.

**Mini-Warehouse:** A building(s) that contains varying sizes or individual, compartmentalized and control-access stalls or lockers for storing the excess personal property of an individual or family. No business activities other than the rental of storage units shall be conducted on the premises.

**Manufactured Home Subdivision:** A site which has been primarily designed for the subdivision of individual lots for Manufactured Home development.

**Mobile Home:** A manufactured home built before June 15, 1976. Mobile homes are not allowed within the City of Boston.

**Mobile Home Park:** See Manufactured Home Park.

**Open Air Business Uses:** Open air business uses shall include the following:

- a. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

- b. Retail sale of fruit and vegetables.
- c. Miniature golf, golf driving range, children's amusement park or similar recreation uses.
- d. Bicycle, trailer, motor vehicles, boats or home equipment sales, service or rental services.
- e. Outdoor display and sale of garages, swimming pools and similar use.

**Personal Care Home:** A dwelling in which aged or infirmed persons are boarded and receive personal care on a 24 hour basis. All such homes shall be licensed by the appropriate state agency.

**Personal Service:** Establishments primarily engaged in providing services involving the care of a person or his or her apparel, ex. laundry, photographic studios, beauty shops, shoe repair, health clubs, clothing rental, etc.

**Planned Unit Development:** A Planned Unit Development is a single parcel of land within which a number of buildings are located or intended to be located in accordance with an overall plan of design and not in relation to a prearranged patter of land subdivision. Examples of a Planned Unit Development (P.U.D.) include a complex of apartment buildings or a commercial shopping center.

**Service Station:** A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles and installation of such commodities on or in such vehicles, and including s pace for facilities for the temporary storage of vehicles not over forty-eight (48) hours, minor repair, or servicing, but not including buffing, painting, refinishing, steam cleaning, rust-proofing, or high speed washing thereof.

**Sign, Outdoor Advertising:** Any card, cloth, paper, metal, glass, plastic, wood, plaster, stone or sign of other material of any kind, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term "place" as used in the definition of "Outdoor Advertising Sign" and "Outdoor Advertising Structure" shall include erecting, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving or other fastening, affixing or making visible in any manner whatsoever. See also "BILLBOARD".

**Spot Zoning:** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses.

**Townhouse:** One of a group of two or more attached single family residences. Each townhouse unit is separated from the adjoining unit or units by an approved fire wall or walls. Fire walls shall be located on the lot line. Each town house has a front and rear ground level entrance. The town house is located on its own approved, recorded "lot".

**Variance:** A variance is 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

**ARTICLE III  
LIST OF ZONING DISTRICTS**

**Section 3.01. Districts.** The City of Boston is hereby divided into nine (9) classes of zoning districts known as follows:

- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-PUD Residential Planned Unit Development District
- R-TH Townhouse Development District
- C-1 Neighborhood Business District
- C-2 Central Business District
- C-3 Highway Commercial District
- C-PUD Commercial Planned Unit Development District
- I Industrial District

**Section 3.02. Limited Use (L.U.) Provision.** The City of Boston establishes the "Limited Use" Provision for the purpose of allowing an applicant to request that a certain property be classified as a limited use. In some areas of the City, a particular land use activity selected out of a general zoning classification may have less community impact than some of the other uses within that classification. For this reason, an applicant may request a rezoning petition to limit the use of a proposed property to a specified use only (i.e., C1-LU). To wit: Neighborhood Business District limited to a "Beauty Shop". The limited use must be among the uses permitted in the zone district for which the limited use is taken. In the event that the conditions for which the limited use zoning was granted is violated, the property would revert to the prior zoning classification.

**Section 3.03. Official Zoning Map.** The boundaries of these districts are shown on the map which is designated as the Official Zoning Map of the City of Boston. The official Zoning Map is on file in the office of the City Clerk and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effects as if said Zoning Map and all such notations, references and other information shown there were fully set forth or described herein.

Except where reference on said Zoning Map to a street or other designated line is made by dimensions shown on said Map, the district boundary lines follow lot lines of the center lines of the streets or alleys, or such lines extended and the corporate limits of the City of Boston as they existed at the time of adoption of this Ordinance. Where uncertainty exists with respect to the boundaries of any zoning district as shown on the Zoning Map, the City Council shall rule on such boundaries.

## ARTICLE IV GENERAL PROVISIONS

**Section 4.01. Conflicting Regulations.** Whenever any provision of this Ordinance imposes more stringent requirements, regulations restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provision of this Ordinance shall govern.

**Section 4.02. Scope.** No building or structure or part thereof, shall hereinafter be erected, constructed, reconstructed, or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

**Section 4.03. Street, Alleys and Railroad Right-of-Ways.** All streets, alleys and railroad right-of-ways, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting such streets, alleys or railroad right-of-ways. Where the center line of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up touch center line.

**Section 4.04. Permitted Uses.** No building shall be erected, converted, enlarged or structurally altered; nor shall any building or land be used, designed for arranged for any purpose other than is permitted in the zoning district in which the building or land is located.

**Section 4.05. Permitted Area.** No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area regulations of the district in which the building is located.

**Section 4.06. Permitted Height.** No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flag poles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the districts in which it is located; nor shall such structure have a total area greater than twenty-five (25%) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose, other than a use incidental to the main use of the building. The erection of radio and television transmitting, relay or other types of antenna towers, where permitted, shall abide by the regulations set forth.

**Section 4.07. Only One Main Structure (Principal Use) on a Lot.** Only one main structure or building and its customary accessory structures shall hereafter be placed or erected on any residential lot, except within R-PUD and R-2 zoning districts. Within the

R-PUD and R-2 districts site development plans will be reviewed by the Planning Commission and approved by the City Council.

**Section 4.08. Substandard Lots.** Any residentially zoned lot which was of record at the time of the adoption of this Ordinance that does not meet the requirements of this Ordinance for yards or other area or open space, may be utilized for single residence purposes, provided the area for such yard or court in width, depth, or open space is not less than seventy-five (75%) percent of that required by the terms of this Ordinance. However, owners of substandard lots which are contiguous and under the same ownership may be required to combine said lots to meet ordinance requirements.

**Section 4.09. Frontage.** Every principal residential dwelling shall front upon a public street, except that in the case of the planned unit developments in the R-PUD multiple residential zone.

**Section 4.10. Site Distance at Intersections.** In all Zoning Districts, other than the Central Business District, no fence, wall, hedge or shrub planting which obstructs the site lines at elevations between two (2) and twelve (12) feet above the roadways shall be placed on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines.

**Section 4.11. Reduction of Lot Area Prohibited.** No lot shall be reduced in size so that lot width, yard requirements, lot area per dwelling unit, or other requirements of this Ordinance are not maintained.

**Section 4.12. Accessory Residential Buildings.** Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- a. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main or principal buildings.
- b. Accessory buildings, except garages, shall be erected in any required yard except a front yard, providing further that in no instance shall such a building be nearer than five (5) feet to any adjoining side lot line or rear lot line.
- c. An accessory building shall not exceed the height of the primary structure.
- d. An accessory building shall not be located on that portion of the lot in the area of the principal building except when structurally attached to the principal building.
- e. No detached accessory building shall be located closer than fifteen (15) feet to any principal building.

- f. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent blocks.
- g. When an accessory building is to be located on a corner lot, said building shall not project beyond the front yard line required on the lot of such corner lot.
- h. Garages/Carports. In any residence zone, no garage or carport shall be erected closer to the side lot line than the permitted distance for the dwelling, unless the garage or carport shall be completely to the rear of the dwelling in which event, the garage or carport may be erected five (5) feet from the side and rear lot line.

**Section 4.13. Prohibited Uses in all Residential Districts.**

- a. It shall be prohibited use in all residentially zoned districts to park or store wrecked or junked vehicles, power driven construction equipment, used lumber or metal, or any other miscellaneous scrap or salvageable material in quantity.
- b. Tractor-trailer combinations, tractors or trailers shall not be placed or stored in residentially zoned districts.
- c. Kennels.

**Section 4.14. Automobile Service Stations and Public Garages.** In order to regulate and control the problems of noise, odor, light, fumes, vibrations, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of gasoline service stations and to regulate and control the adverse effects which these and other problems incidental to the service station may exercise upon adjacent and surrounding areas, the following regulations and requirements are provided herein for service stations located in any zone. No service station existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of this Ordinance.

- a. A service station shall be located on a lot having a frontage along the principal street of not less than one hundred fifty (150) feet, and having a minimum area of not less than fifteen thousand (15,000) square feet.
- b. A service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line, and not less than ten (10) feet from any other lot line.
- c. For commercial driveways when one or more driveway serves a given frontage, no single approach shall exceed (50'). When a commercial establishment controls (75') or more of street frontage, the number of driveways shall be limited to two for the first (75') or part thereof and not more than one additional driveway for each additional (75'). No portion of a driveway shall be less than (10') away from the property line not

located at an intersection. When only one lane of traffic provided in a single driveway, the width of a driveway approach shall not exceed (20').

- d. A raised curb six (6) inches in height shall be erected along all street lot lines, except for driveway openings.
- e. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed asphalt material, or if any part of the lots is not so surfaced, then that area shall be landscaped and separated from all surface areas by a low barrier or curb.
- f. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or services while parked upon or overhanging any public sidewalk, street or right-of-way.
- g. A service station located on a lot having an area of fifteen thousand (15,000) square feet shall include not more than eight (8) dispensing nozzles and two (2) enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two (2) dispensing nozzles and/or one (1) enclosed stall may be included with the provision of each additional two thousand (2,000) square feet of lot area.
- h. Where a service station adjoins any property located in any residential zone, or is separated from any such property by a public alley only, a masonry wall five (5) feet in height shall be erected and maintained along the common lot line or along the alley lot line. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.
- i. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent public and private property.

**Section 4.15. Protective Screening.** In order to provide adequate protective screening for residential areas adjacent to or near non-residential areas, the following regulations shall apply:

All property zoned for commercial and industrial uses shall have a buffer strip along any rear and side property line abutting a residential district.

A landscaped greenbelt, not less than twenty (20) feet wide, shall be provided and maintained along its entire length, including alleys. Such greenbelt shall be planted with deciduous plants, evergreens, flowering trees or ornamental trees, designed or intended to provide a visual screen at the boundaries of conflicting land uses.

The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn. All landscaping shall be maintained in a healthy growing condition.

All planting plans shall be first submitted to the Planning Commission for approval as to suitability of planting materials and arrangement thereof in accordance with the provisions of this Ordinance.

The owner of the lot or parcel which zoning actions (rezoning) would cause the conflicting land uses will be responsible for providing the buffer as required herein. All buffer strips shall be designated on the property plat and recorded as a permanent strip. ?

**Section 4.16. Radio, Television Stations.** All commercial radio, television and other transmitting or relay stations shall be permitted in any commercial or industrial district.

**Section 4.17. Satellite Receiving Dish Antenna.**

- a. Satellite Receiving Dish Antenna shall be allowed in all zoning districts.
- b. However, in all residential zones, the following requirements will apply:
  1. Antenna will be erected only in a rear yard and the setback requirements from the property line will be the same as those required of an accessory building.
  2. Location of the antenna must be approved by the Building Inspection Department before installation can begin.
- c. In all other zoning districts, antenna will be so placed as not to create a hazard to traffic or public utilities.
- d. A property owner who has in place a non-conforming antenna at the effective date of this Ordinance may continue to maintain the antenna.

**Section 4.18. Telecommunication Antennas and Towers.** The purpose of this section is to establish standards and regulations for the siting of antennas and towers.

- a. All siting of antennas and towers will be required to submit site plans first to the Planning Commission and approved by the Mayor and Town Council.
- b. Each applicant for an antenna and/or tower shall provide an inventory of its existing towers that are either within the Town limits of the city of Boston or within one-quarter mile of the border thereof, including specific information about the location, height, and design of each tower.
- c. The following shall govern the location of all towers and the installation of all antennas. If, the opinion of the Mayor and Town council, these requirements would serve no good purpose, the Council may waive such requirements.

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

d. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove said antenna or tower within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the governing authority may, in the manner provided in sections 41-2-8 through 41-2-176 of the Official Code of Georgia, remove such antenna or tower at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

**Section 4.19. Conditional Uses.** The Planning Commission shall hear and recommend after a Public Hearing conditional uses as authorized. The application to establish a conditional use shall be approved on finding by the City Council that:

- a. The proposed use will not be contrary to the purpose of this ordinance.
- b. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood not affect adversely the health and safety of residents and workers.
- c. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fumes generation, or type of physical activity.
- d. The proposed use will not be affected adversely by the existing uses; and the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use.
- e. The parking and all development standards set forth for each particular use for which a permit may be granted have been met.

- f. Provided, that the City Council may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood; and provided that wherever the City Council shall find, in the case of any permit granted pursuant to the provisions of these regulations that any term, conditions or restrictions upon which such permit was granted, are not being complied with, said Council shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a hearing.

**Section 4.20. Zoning of Annexed Areas.** The Boston City council shall make a study of any property proposed for annexing into the City of Boston.

To insure that all lands within the City of Boston are always under the City's Zoning Powers, an appropriate Zoning Classification will be executed and made a part of the property annexation process. If the annexation is requested by anyone other than the City of Boston, the applicant will pay the appropriate fees for a zoning petition. In any case however, the zoning of all annexed properties will follow the same zoning policies and procedures as outlined in this Ordinance.

Zoning Procedures: The City of Boston will commence zoning public notice requirements at any time on or after the City provides its required pending annexation notice to the Thomas County Board of Commissioners. The zoning public hearing shall be conducted prior to the subject property's annexation into the City.

The zoning classification approved by the City Council following the required hearings shall become effective on the later of:

- A. The date the zoning is approved by the City; or
- B. The date that the annexation becomes effective.


**Section 4.21. Site Plan Required.** The City of Boston may require a site development plan before approval of any proposed development within the City.

**Section 4.22. Use Variance (Hardship).** One mobile home residence may be approved for placement on a residential lot where said lot is already occupied by an existing residential dwelling upon a finding by the Boston Planning Commission and the Mayor and Council that:

1. A genuine hardship exists by reasons of medical disability; age infirmity, or financial hardships.
2. Documentation of applicable disabilities or hardship pursuant to these provisions must be certified by appropriate authority or otherwise justified, which certification will be valid for a one (1) year period.
3. Said mobile home shall be removed from the premises within 120 days from the time the specified disability ceases to exist.

4. Under no circumstances shall the mobile home be rented or otherwise occupied by anyone other than the approved person(s).
5. The Planning Commission/Mayor and Council may impose other reasonable requirements in grant of this type of request which would effect the interest of public health and safety.

**Section 4.23. Caretaker Residence.** The City Council may approve "a Bona Fide caretaker residence" as an accessory use where necessary for a certain development's orderly operation or safety.

 **Section 4.24. Mobile Homes.** Manufactured homes which do not bear a HUD insignia (constructed prior to June 15, 1976) are not permitted to be located within the City of Boston. However, "grandfathered" mobile homes may continue to exist in place but cannot be relocated to another site within the City.

**ARTICLE V**  
**R-1, SINGLE FAMILY RESIDENTIAL DISTRICT**

**Section 5.01. Statement of Purpose.** This Single Family Residential District is established as a district in which the principal use of land is for low density single family dwelling units. For the R-1 single family residential district, the specific intent is:

- a. To encourage the construction of and the continued use of the land for low density single family residential development within the City.
- b. To discourage land uses which would generate traffic on minor or local streets, other than normal traffic to serve the residences on those streets.

**Section 5.02. Permitted Uses.**

- a. Single family detached dwellings, except **manufactured homes**.
- b. Industrialized homes (modular)
- c. Accessory buildings or uses customarily incidental to any of the permitted uses, when located on the same lot and not involving any business, profession, trade or occupation.

**Section 5.03. Conditional Uses.**

- a. Churches, provided that the proposed site is not less than one (1) acre and a complete site development sketch is submitted with the application and provision is made for off-street parking.
- b. Cemeteries, provided that a complete site development sketch is submitted with the application.
- c. Clubs and lodges not operating for profit provided that:
  1. The buildings are not placed closer than fifty (50) feet to any property lines; and
  2. There is a planted buffer strip at least ten (10) feet wide along the side and rear lot lines.
- d. Public buildings, structures or other public land uses.
- e. Hospitals and clinics.
- f. Home Occupations - Home occupations as limited and defined in Article II.

- g. Nursery schools, kindergartens or day care facilities provided that all State licensing requirements are met.
- h. Duplexes.
- i. Triplexes.
- j. All radio, cellular phone or similar transmission/receiving towers.
- k. Other uses similar to the above and compatible with the particular neighborhood as interpreted by the Planning Commission and approved by the City Council.

**Section 5.04. Area, Height and Placement Requirements.** (In accordance with the Schedule of Regulations, Article XVIII).

**ARTICLE VI**  
**R-2, SINGLE-FAMILY RESIDENTIAL DISTRICT**

**Section 6.01. Statement of Purpose.** The R-2 Single-Family Residential District is established as a district in which the principal use of land is for medium density single-family dwellings. For the R-2 single-family residential districts, in promoting the general purpose of these regulations, the specific intent of this Section is:

- a. To encourage the construction of, and the continued use of the land for medium density single-family residential development.
- b. To discourage any land use which would generate traffic on minor or local streets, other than normal traffic to serve the residences on those streets.

**Section 6.02. Permitted Uses.**

- a. Single family detached dwellings.
- b. Manufactured homes.
- c. Accessory buildings or uses customarily incidental to any of the permitted uses, when located on the same lot and not involving any business, profession, trade or occupation.

**Section 6.03. Conditional Uses.**

- a. Any use listed under Section 5.03 of the R-1 zoning district.

**Section 6.04. Area, Height and Placement Requirements.** (In accordance with the Schedule of Regulations, Article XVIII).

**ARTICLE VII**  
**R-TH, TOWNHOUSE DEVELOPMENT DISTRICT**

**Section 7.01. Statement of Purpose.** A townhouse development contains elements that are characteristic of both single family and multi-family communities. Allowable density is comparable to that of multi-family dwellings, while the subdivision of land permits the fee simple sale of individual structures and lots. In permitting construction of townhouses, the City Council intends:

- a. To encourage home ownership in the City of Boston.
- b. To increase the variety of dwelling types in the local housing market.
- c. To encourage development or redevelopment of small parcels of property in suitable areas of the City.

**Section 7.02. Permitted Uses.**

- a. Townhouses
- b. Condominiums
- c. Accessory Buildings

**Section 7.03. Conditional Uses.**

- a. Public buildings, structures and other public land uses.
- b. Home occupations (as limited and defined in Article II).

**Section 7.04. Area, Height, Placement and Development Requirements for Townhouses.**

All townhouse developments must comply with the following requirements:

1. A townhouse development shall be located on a site that measures a minimum of one-half (1/2) acre.
2. Each townhouse interior lot shall be at least 24 feet in width. Each townhouse lot located on a corner shall be at least 49 feet in width. Each interior lot that is intended to be at the end of a row of townhouses shall be at least 34 feet wide. Each lot shall contain 2,880 square feet of area or more. (15 units per gross acre).
3. The setback from an interior side lot line shall be a minimum of 10 feet for the townhouse which is located at the end of a row of townhouses. A minimum setback

of 25 feet from any side street shall be maintained. Front yard setback will be no less than 20 feet.

4. An accessory building may abut an accessory building located on an adjacent lot in the townhouse development.
5. Each townhouse dwelling unit shall contain at least 800 square feet of floor area within outside walls exclusive of basements, unfinished attics, garages, porches, or other such areas not normally used for human habitation.
6. No more than four (4) townhouses shall be built in a row having the same building line. In setting forth this requirement, the City intends to discourage the creation of long unbroken lines of townhouses. In a townhouse complex having more than four (4) dwelling units, the required minimum offset in the building line shall be three (3) feet. A row or grouping of townhouses shall not exceed 250 feet in length.
7. Every townhouse lot shall have the required frontage on a public street.
- 8a. A minimum of two paved off-street parking spaces shall be provided for each townhouse.
  - b. Each lot shall have its own parking spaces with direct access to a public alley or street. Parking spaces and driveways are permitted in the front yard of a lot if a setback of 50 feet is maintained and the front yard is properly landscaped as determined by the Planning Commission.
  - c. The off-street parking provided for a townhouse may have direct access to an alley only if the alley has a minimum right-of-way width on thirty (30) feet.
9. Fire Walls constructed for a townhouse shall extend from the foundation to and through the roof. The wall shall be a 24 inch fire wall extending four (4) feet beyond walls and roofs. The fire wall extension requirement will be maintained for future enlargement of the townhouse unit.

**Section 7.05. Preliminary Review.** Preliminary review is an aid to both the developer and the City. Under this procedure, a developer provides the information which is described in Section 7.06 and the Planning Commission and City Council then act on the information provided. This review is intended to serve as a guide for the immediate inspection of the City Officials, subject to a thorough study and analysis. Changes and additions which may have to be made before a mutual agreement is reached, can be made at such time, without excessive costs to the developer.

**Section 7.06. Procedure for Preliminary Approval.** An application in writing shall be submitted to the Planning Commission by the owner or His authorized representative for approval of a preliminary plan of any proposed development anticipated under the

Townhouse District provision of this Ordinance. Appropriate copies of the Preliminary Plan at a scale not more than one hundred (100) feet to the inch, showing the following, shall be submitted by the applicant.

- a. The title under which the proposed development is to be recorded and the name of the present owner.
- b. Names of owners of adjacent property.
- c. A topographic map showing the general location of existing property lines, streets, alleys, buildings, easements, water courses, and other physical site features which relate to the development.
- d. All proposed uses of the property to be developed shall be indicated on the plan including landscaping.
- e. The location and layout of all proposed residential units.
- f. Date, North point and graphic scale.

The developer shall furnish to the Planning Commission a description of the type of residential building and number of units contemplated. Upon receiving approval of the Preliminary Plan, the developer may proceed to develop the Final Plan. No building permit shall be issued until approval of the Final Plan is reviewed by the Planning Commission and approved by the City Council.

**Section 7.07. Procedure for Final Plan Approval.** An application in writing shall be submitted by the owner or his authorized representative for approval of the Final Plan for any proposed development anticipated under the Townhouse District of this Ordinance. Appropriate copies of the Final Plan, at a scale of not less than one hundred (100) feet to the inch, showing the following information shall be submitted with the application:

- a. The title under which the proposed development is to be recorded, the legal description of the land to be developed, the name of the present owner, and the name and address of the technical author of the plan.
- b. Names of adjacent property owners.
- c. A topographic area map showing the location of existing property lines, with existing and proposed elevations, the adjoining streets, buildings, drains, easements, water courses, and other physical site features which relate to the development.
- d. The proposed method of water supply, sewage disposal and storm drainage, and other engineering data required by the City Council to clearly indicate the general design of

said utility services. It shall be mandatory that the development use the City water and sewer services and that all streets in the development be paved.

- e. The location and dimensions of lots, building lines, alleys, easements, parks and other public properties to be developed.
- f. All proposed uses of the property to be developed shall be indicated on the plan, including landscaping.
- g. Date, North point and graphic scale.
- h. Proposed development restrictions and/or protective covenants to be imposed upon the property after development.
- i. Bearings and distances of all courses of the exterior boundary of the proposed development and its area in areas to the third decimal place.

**Section 7.08. The Rezoning of any Property for Townhouse Development will Follow Established Rezoning Policies and Procedures.** Additionally, no rezoning of property for townhouses will be effected until preliminary development plans have been reviewed and approved for the proposed site.

**ARTICLE VIII**  
**R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT**

**Section 8.01. Statement of Purpose.** It is the intention of this section to provide areas of sufficient size and allowing reasonable flexibility in design and orientation for the establishment of a group of structures, **which includes multiple dwellings designed in a planned unit development of more than one building on a given development site.**

Therefore, the Zoning Ordinance regulations relative to area, height, bulk and placement may, in the Planned Unit Development District, be modified by the Planning Commission and City Council, in the case of a plan for a large scale development which, in the judgement of the Planning Commission and City Council, provides adequate open space and improvements for circulation, recreation, light, air and service needs of the tract when fully developed, provided that in no case may the density of the proposed planned unit development exceed 13 dwelling units per acre and provided further than the minimum site size for the residential planned unit development is two (2) acres.

**Section 8.02. General Procedures for PUD (R-PUD) Approval.** Any proposed property for PUD development must first be zoned to the R-PUD zoning classification. The PUD zoning procedure will generally follow the same procedures as other zoning requests. However, the applicant for PUD zoning shall submit a **preliminary site development plan** of the proposed development at the same time a petition for PUD zoning is made.

No rezoning for PUD will be granted to a petitioner until **preliminary site plan is reviewed by the Planning Commission and approved by the City Council**, respecting other property rezoning criteria established by the City.

**Section 8.03. Permitted Uses.** In all R-PUD Districts, no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one or more of the following specified uses:

- a. Single family detached dwellings.
- b. Duplexes.
- c. Townhouses (subject to the provisions of Article VII).
- d. Multi-family dwellings.
- e. Condominiums.

**Section 8.04. Conditional Uses**

Any use listed under Sections 5.03 or R-1 Zoning District.

**Section 8.05. Preliminary Review.** Preliminary review is recommended as an aid to both the developer and to the City. Under this procedure, a developer provides the information which is described below and the Planning Commission then acts on the information provided. This review is intended to serve as a guide for the immediate inspection of the Planning Commission, subject to a thorough study and analysis. Changes and additions which may have to be made before a mutual agreement is reached can be made at such time without excessive engineering or other costs to the developer.

**Section 8.05. Procedure for Preliminary Approval.** An application shall be submitted to the Planning Commission by the owner or his authorized representative for approval of a preliminary site plan of any proposed development anticipated under the Residential Planned Unit Development district provision of this Ordinance. Appropriate copies of the Preliminary Plan at a scale not more than one hundred (100) feet to the inch, showing the following, shall be submitted with the application.

- a. The title under which the proposed development is to be recorded and the name of the present owner.
- b. Names of owners of adjacent property.
- c. A topographic map showing the general location of existing property lines, streets, alleys, buildings, easements, swamps, water courses, and other physical site features which relate to the development.
- d. The proposed method of water supply, sewage disposal and storm drainage.
- e. All proposed uses of the property to be developed shall be appropriately indicated on the plan.
- f. Date, North point and graphic scale.
- g. Other information required by the Planning Commission to insure compliance with the provisions of this Ordinance.

The developer shall furnish to the Planning Commission a statement indicating the proposed use to which the development will be put, along with a description of the type of residential building and number of units contemplated. Upon receiving approval of the Preliminary Plan, the developer may proceed to develop the Final Plan. No building permit shall be issued until approval of the Final Plan is given.

**Section 8.07. Procedure for Final Plan Approval.** An application in writing shall be submitted to the Planning Commission by the owner or his authorized representative for approval of the Final Plan for any proposed development anticipated under the Residential Planned Unit Development District of this Ordinance. Appropriate copies of the Final Plan, at a scale of not more than one hundred (100) feet to the inch, showing the following information shall be submitted with the application.

- a. The title under which the proposed development is to be recorded, the legal description of the land to be developed, the name of the present owner, and the name and address of the technical author of the plan.
- b. Names and owners of adjacent property and general information as to boundaries thereof as well as the existing zoning on such tracts.
- c. A map showing the location of existing property lines, the adjoining streets, alleys, buildings, drains, easements, water courses, and other physical site features which related to the development.
- d. The proposed method of water supply, sewage disposal and storm drains, and other engineering data required by the Planning Commission to clearly indicate the general design of said utility services. It shall be mandatory that the development use the City water and sewer services and that all streets in the development be paved in accordance with City standards.
- e. The size and capacity of existing sewer, water, storm drains, and thoroughfares in the area.
- f. The location and dimensions to the nearest foot of lots, building lines, alleys, easements, parks and other public properties on the property to be developed. All lots in a preliminary plan shall be designated by consecutive numbers beginning with number one (1).
- g. All proposed uses of the property to be developed shall be indicated on the plan.
- h. Date, North point and graphic scale.
- i. Proposed development restriction and/or protective covenants to be imposed upon the property after development.
- j. Bearings and distances of all courses of the exterior boundary of the proposed development and its area in acres to the third decimal place.
- k. The developer shall furnish to the Planning Commission a statement indicating the proposed use to which the development will be put, along with a description of the type of residential buildings and number of units contemplated, so as to reveal the affect of the development on traffic, fire hazards or congestion of population.

**Section 8.08. Area, Height and Placement Requirements.** (In accordance with Schedule of Regulations, Article XVIII).

**ARTICLE IX**  
**C-1, NEIGHBORHOOD BUSINESS DISTRICT**

**Section 9.01. Statement of Purpose.** The Neighborhood Business District is intended to permit retail business and service uses which are needed to serve nearby residential areas. In order to promote such business development uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic, or late hours of operation. The intent of this district is also to encourage the concentration of local business areas in locations which poses the mutual advantages of both the consumers and merchants, and thereby promotes the best use of land at certain strategic locations.

**Section 9.02. Permitted Uses.**

- a. Barber shops/beauty shops and other personal service establishments.
- e. Professional offices.
- f. Repairs, electrical or other household appliances, locks, radios, television and the like.
- g. Restaurants, in existing structures with no more than 2000 square feet of floor space devoted to such use.
- h. **Small retail businesses** selling convenience goods and serving the adjacent residential neighborhoods such as drug, food, bakery and tailor shops.

**Section 9.03. Conditional Uses.**

- a. Other uses similar to the above, subject to the following restrictions:
  - 1. All business shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
  - 2. All business, servicing or processing shall be conducted within completely enclosed buildings.
- b. Churches, or other religious institutions.
- c. Service stations.
- d. Clubs and lodges. (See Section 5.03c.)
- e. Child care centers and kindergartens and special schools.
- f. Laundry or dry cleaning establishments.

g. All radio, cellular phone or similar transmission towers.

**Section 9.04. Protective Screening.** Protective screening for C-1 Districts adjacent to residential districts shall be in compliance with the regulations set forth in Section 4.15 of this Ordinance.

**Section 9.05. Area, Height and Placement Requirements.** (In accordance with the Schedule of Regulations, Article XVIII).

**ARTICLE X**  
**C-2, CENTRAL BUSINESS DISTRICT**

**Section 10.01. Statement of Purpose.** The C-2 Central Business District is intended to project and promote suitable areas for business and commercial uses which benefit from proximity to each other, to encourage the eventual elimination of uses inappropriate to a central business area, and to encourage the intensive development of a centralized business center for the City of Boston.

**Section 10.02. Permitted Uses.**

- a. Retail business and service establishments.
- b. Financial institutions.
- c. Commercial Planned Unit Developments (in accordance with provisions of Article XII).
- d. Hotels.
- e. Professional offices.
- f. Other uses similar to the above and subject to the following regulations.
  1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.
  2. All business, servicing or processing, shall be conducted within completely enclosed buildings.

**Section 10.03. Conditional Uses.**

- a. Churches.
- b. Clinics and nursing homes.
- c. Publicly owned and operated buildings and public utilities.
- d. Single and multiple family residential dwellings, boarding or rooming houses.
- e. Mini-warehouses.

**Section 10.04. Protective Screening.** Protective screening for requirements of C-2 District adjacent to or near residential districts shall be in compliance with the Regulations set forth in Section 4.15.

**Section 10.05. Area, Height and Placement Requirements.** (In accordance with the Schedule of Regulations, Article XVIII).

**ARTICLE XI**  
**C-3, HIGHWAY COMMERCIAL DISTRICT**

**Section 11.01. Statement of Purpose.** The purpose of the Highway commercial district is to provide for and encourage appropriate development along the City's major streets which will include a variety of sales and services that will both accommodate the needs of the City and the traveling public. Adequate off-street parking, adequate building set backs and reduction of traffic hazards are prime city objectives for business development along the city's major streets.

**Section 11.02. Permitted Uses.**

- a. All permitted uses in the C-1 and C-2 Districts.
- b. Motels
- c. Automobile sales and auto service.
- d. Service stations.
- e. Agricultural implement sales and service.
- f. Wholesale stores, storage buildings, warehouses, mini-warehouses, distributing plants, freezers and lockers.
- g. Small fabrication and manufacturing shops, when employing not more than ten (10) employees in the office and manufacturing operations.

**Section 11.03. Conditional Uses.**

- a. Adult Business.
- b. Cemeteries.
- c. Churches and other religious institutions.
- d. Hospitals, clinics and nursing homes.
- e. Publicly owned and operated buildings.
- f. Schools.
- g. Open air business.
- h. Radio, cellular phone or similar transmission towers.

**Section 11.04. Protective Screening.** Protective screening requirements of C-3 Districts adjacent to or near residential districts shall be in compliance with the regulations set forth in Section 4.15.

**Section 11.05. Area, Height and Placement Requirements.** (In accordance with the Schedule of Regulations, Article XVIII).

**ARTICLE XII**  
**C-PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT**

**Section 12.01. Statement of Purpose.** It is the intention of this section to provide areas of sufficient size and allowing reasonable flexibility in design and orientation for the establishment of a structure or group of structures which include one or more retail sales, service and office enterprises on a single parcel of land.

Within the Commercial Planned Unit Development Districts, the following regulations shall apply:

**Section 12.02. Permitted Uses.**

- a. Any use permitted in non-residential zoning districts.

**Section 12.03. Conditional Uses.**

- a. Churches and other religious institutions.
- b. Medical facilities and nursing homes.
- c. Publicly owned and operated buildings and public utilities.

**Section 12.04. Procedure for Project Approval.** In connection with all of the above uses, the following requirements shall be complied with before any building permit is issued. The developer shall furnish the Building Inspector of Thomas County and City of Boston with appropriate copies of the Letter of Intent and the Development Plans for any use permitted in the Commercial Planned Unit Development District, drawn to scale, showing the general location of all buildings, roads, parking area, open areas, sidewalks and street lighting. Typical elevations of all four sides of the proposed building, proposed number of units by type and floor space, shall be submitted (e.g., furniture sales, 800 square feet).

**Section 12.05. Procedure for Preliminary and Final Approval.** (Shall be in compliance with Sections 8.02-8.08, General Requirements for Planned Unit Development Approval).

**Section 12.06. Area, Height and Placement Requirements.** (In accordance with the attached schedule of regulations, Article XVIII).

**ARTICLE XIII**  
**I-INDUSTRIAL DISTRICT**

**Section 13.01. Statement of Purpose.** The intent of the industrial district is to provide suitable areas for wholesaling, warehousing, storage, manufacturing, processing, repair services and sale lots in addition to other retail and service establishments; to expand or extend districts only where there is adequate and direct access to appropriate transportation facilities and where there is minimum conflict with residential districts.

**Section 13.02. Permitted Uses.\***

- A. Any use permitted in the commercial zone districts.
- B. Manufacturing.
- C. Warehousing, wholesaling, shipping and receiving.
- D. Agriculture.

**Section 13.03. Conditional Uses. (Public Hearing Required)**

- A. Petroleum bulk plant.
- B. Junkyards, automobile salvage yards or scrap metal processors. (Site plan approval, including landscape buffers and fencing).
- C. Asphalt plants.
- D. Cement, line gypsum, or plaster of paris manufacturing.
- E. Fat rendering and fertilizer manufacturing.
- F. Paper and pulp manufacturing.
- G. Corrosive acid and alkali manufacturing, explosives.
- H. Public utilities and buildings.
- I. Tire Reclamation.
- J. Cemeteries (Site plan required).
- K. Chemical plants.

---

\* Site development plans may be required for any use within the industrial zoning district.

- L. Churches.
- M. Solid waste collection, treatment and disposal facilities.
- N. Armories.
- O. Extractions, or removal of sand, gravel, top soil or other natural resources.
- P. Solid waste recycling operations.
- Q. Grain elevators.
- R. Tire reclamation facilities.
- S. Hazardous waste facilities.
- T. Lumber yards, planing and sawmills.
- U. Petroleum refining and storage.
- V. Septic tank cleaning services.
- W. Commercial incinerators.
- X. Rifle, pistol and skeet ranges.
- Y. Radio/TV towers.
- Z. Uses similar to the above.

**Section 13.04. Area, Height and Setback Requirements.** In accordance with the Schedule of Regulations, Article XVIII).

**ARTICLE XIV**  
**MANUFACTURED HOME AND MANUFACTURED PARK REGULATIONS**

**Section 14.01. Manufactured Home Parks and Manufactured Homes.** All manufactured homes located within and outside of manufactured home parks and all manufactured home parks shall be governed by the regulations within this Ordinance.

**Section 14.02. Location of Manufactured Homes and Manufactured Home Parks.** Manufactured homes and manufactured home parks within the City shall be located only in the R-2 and AG Zone Districts.

**Section 14.03. Foundations.** All manufactured homes (on individual lots or parks) shall be placed on a properly engineered foundation which meets the manufacturer's installation requirements and applicable state and local requirements.

**Section 14.04. Skirting.** All manufactured homes (on individual lots or parks) shall have exterior siding materials consisting of either wood, masonry, concrete, stucco, vinyl, hardboard or metal lap. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation. **(This provision shall be complied with prior to occupancy).**

**Section 14.05 Unit Orientation.** Manufactured homes not within manufactured home parks must be oriented on the private lot so that its long axis is parallel with the street.

**Section 14.06. Requirements for Safety Tie Downs.** All manufactured homes shall be provided with safety tie-downs.

**Section 14.07. Additions.** Any additions to a manufactured home or accessory buildings constructed on a lot shall comply all City Building Codes.

**Section 14.08. Wheels and Tow Bar.** The wheels and tow bar shall be removed from each manufactured home occupying a lot in a subdivision.

**Section 14.09. Landings.** At each door there must a landing, as required by State Building Codes.

**Section 14.10. Certificate of Occupancy.** Before a certificate of occupancy is issued, the required permits and inspections must be obtained from the Building Department.

**Section 14.11. Site Development Plan.** Complete site development plans of the proposed manufactured home park must be submitted to the City. Site development plans shall include at least the following items:

- a. A site plan at a scale no smaller than one (1) inch equal to fifty (50) feet.

- b. The title under which the development is to be recorded, the legal description of the land to be developed, the name of the present owner and the name and address of the technical author of the plan.
- c. All property lines and dimensions; the location and dimensions of each building and unit.
- d. The layout and location of off-street parking, total number of spaces, ingress and egress lanes, pedestrian ways, sidewalks and curb lines.
- e. The proposed method of water supply, sewage disposal and storm drainage and other data as may be required to clearly indicate the general design of said utility services.
- f. All proposed uses of the property and buildings to be developed shall be indicated on the plan.
- g. Date, north point and graphic scale.

**Section 14.12. Expansion of Existing Manufactured Home Parks.** A person, firm or corporation desiring to expand an existing manufactured home park to include more homes or sites that are accommodated within such a part at the time this ordinance is adopted, shall submit plans and specifications for such improvements to the City for approval prior to initiating construction and improvements.

**Section 14.13. Non-Conforming Manufactured Home Parks.** Any non-conforming manufactured home park in the City of Boston which becomes vacant and remains unoccupied due to abandonment or discontinuance for a period of six (6) months shall not begin new operations until the park is brought into full compliance with these regulations.

**Section 14.14. Technical Codes: Compliance Required: Adopted by Reference: Evidence of Compliance.** No manufactured home shall be admitted to any manufactured home park or allowed to be placed within the City of Boston for a period exceeding forty-eight (48) hours unless it can be demonstrated that it needs the requirements of the HUD Federal requirements for building construction.

**Section 14.15. Health; Water and Sewer System; Regulations Adopted.** Prior to the allowance of permanent occupancy of a manufactured home site within the City of Boston, such manufactured homes shall be connected with an approved water source and an approved sewage disposal system in such a manner as to comply with the Georgia Department of Public Health and the Georgia Water Quality Control Board Regulations.

**Section 14.16. Storage of Manufactured Homes.** The storage of any manufactured home on a private lot, exclusive of a sales or manufacturer's lots, shall not exceed sixty (60) days. The stored manufactured unit shall be affixed with a permit provided by the

City Clerk. The owner or agent of said manufactured home shall complete and file an affidavit with the City Clerk indicating his knowledge of the terms of this regulations and his affirmation that said manufactured home is not permanently occupied by himself, member of his family or other persons.

**Section 14.17. Permits Required for Accessory Structures.** Cabanas and other accessory structures shall require a zoning permit.

**Section 14.18. General Development Requirements for New Manufactured Home Parks:**

- a. Minimum Area. A manufactured home park shall have as a minimum size two (2) acres and shall front upon a public street.
- b. Minimum number of spaces: reserved.
  1. Setback. The manufactured home parks shall be designed so that homes (and travel trailers, if permitted) and their accessory structures shall be a minimum distance of fifteen (15) feet from adjoining property lines, twenty (20) feet from internal park streets and at least thirty (30) feet from any publicly dedicated street.
  2. Access. The manufactured home park shall front upon at least one (1) publicly dedicated street. Each manufactured home site and its parking area shall have direct access to the internal street system of the park.
  3. Streets. Streets within a manufactured home park shall be paved and shall be privately owned, constructed and maintained. Such private street shall be well drained, with a minimum width surface of twelve (12) feet for one-way and twenty-four feet for two-way street.
  4. Parking. Each manufactured home stand shall be provided with a minimum of one (1) off-street parking space. The front yard space for manufactured homes may be used for the parking of motor vehicles, however, the side rear and rear yard space may not be used for parking areas.
  5. Density. The number of dwellings allowed within any manufactured home park will be governed by the Thomas County Health Department requirements.

**Section 14.19. Improvements Required for Manufactured Home Stands.**

- a. Interior Street Access. Each stand shall be provided with access frontage of at least twenty-five (25) feet for single-wide and forty-five (45) for double wide.

- b. Electric Power Supply. Each stand shall be provided with a properly grounded water-proofed electrical receptacle with a minimum rated capacity of 10 amperes. A properly sized over current devices shall be installed as a part of each power outlet.
  
- c. Stand Identification. A property and street number designation or other appropriate numbering device properly identifying each manufactured home stand shall be placed at the interior side lot line at a point ten (10) to fifteen (15) feet from the interior road systems of the park. Such device shall be a minimum of six (6) inches in height.

**ARTICLE XV  
NON-CONFORMING BUILDING AND USES**

Any lawful use of the land or buildings existing at the date of passage of this Ordinance and located in a district in which it would not be permitted as a new use under the regulations of this Ordinance is hereby declared to be a "non-conforming use" and not in violation of this Ordinance at the date of adoption of this Ordinance; provided, however, that a non-conforming use shall be subject to, and the owner shall comply with the following regulations:

**Section 15.01. Non-Conforming Use of Land, Continuation of Use.** The non-conforming use of land, which exists when this Ordinance becomes effective, may be continued provided that:

- a. No such non-conforming use of land shall in any way be expanded, extended or replaced except under the conditions of Section 15.02.
- b. If such non-conforming use of land or any portion thereof is discontinued for six (6) months or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.

**Section 15.02. Restoration.** Any building which houses a non-conforming use which has been destroyed or damaged by fire, explosion, Act of God, or by public enemy to the extent of fifty (50%) percent of its market value - exclusive of the foundation at the time such damage occurred - shall thereafter be made to conform with the provisions of this Ordinance. If such damage is less than fifty (50%) percent of its market value before said damage occurred, exclusive of the foundation, then such structure may be restored to the same non-conforming use as existed before such damage, provided, however, that a building permit to initiate restoration must be obtained within 6 months of the occurrence of damage; otherwise the provisions of Section 15.03 will apply.

**Section 15.03. Discontinuance or Abandonment.** Any non-conforming use of land or building which has become vacant or remains unoccupied owing to abandonment or discontinuance or use for a period of six (6) months shall thereafter conform to the provision of this Ordinance.

**Section 15.04. Change of Tenancy or Ownership.** There may be a change in tenancy, ownership or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

**ARTICLE XVI**  
**OFF-STREET PARKING AND LOADING REQUIREMENTS**

**Section 16.01. Scope of Provisions.** Except as provided in this Section, no application for a building permit shall be approved unless there is included with the plan for such building, improvements, or use, a plot showing the required space reserved for off-street parking and service purposes. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on the approved plan.

**Section 16.02. Parking Spaces may not be Reduced.** Off-street parking spaces shall not be reduced below the minimum required number for the use or facility to which they are assigned.

**Section 16.03. Drainage, Construction and Maintenance.** All off-street parking, loading and service areas shall be constructed of concrete or asphalt. All such areas shall be at all times maintained at the expense of the owners thereof, in a clean, orderly and dust-free condition.

**Section 16.04. Separation from Walkways, Sidewalks and Streets.** All off-street parking, loading and service areas shall be separated from walkways, sidewalks and streets by curbing or other suitable protective device. Curbing and other protection devices must be set back a minimum of three feet to prevent vehicle overhang.

**Section 16.05. Parking Area Design.** Parking stalls shall have a minimum width of nine (9) feet and length of eighteen (18) feet. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways shall be at least twenty-four (24) feet wide where used with ninety (90) degree angle parking, at least eighteen (18) feet wide where used with sixty (60) degree angle parking, at least thirteen (13) feet wide where used with forty-five (45) degree parking, and at least twelve (12) feet wide where used with parallel parking, or where there is no parking, interior driveways shall be at least ten (10) feet wide for one-way traffic movement and at least twenty (20) feet wide for two-way traffic movement.

**Section 16.06. Joint Parking Facilities.** Two (2) or more neighboring uses, of the same or different types may provide joint facilities provided the number of off-street parking spaces are not less than the sum of the individual requirements.

**Section 16.07. Pavement Markings and Signs.** Each off-street parking space shall be clearly marked, and pavement directional arrows or signs shall be provided in each travel way wherever necessary. Markers, directional arrows and signs shall be properly maintained so as to ensure their maximum efficiency.

**Section 16.08. Number of Parking Spaces.** In order to assure a proper and uniform development of public parking areas throughout the area of jurisdiction of this Ordinance, to relieve traffic congestion on the streets, and to minimize any detrimental effects on

adjacent properties, off-street parking space shall be provided and maintained as called for in the following schedule. For any use or class of use not mentioned in this schedule, the requirements shall be the same as a similar use as mentioned herein. Parking requirements for additions to existing uses shall be based only upon the new addition even if the existing use is deficient.

**Section 16.09. Street Parking Requirements.** In all zoning districts, except C-2, off-street parking spaces for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, or enlarged after the effective date of this Ordinance, shall be provided as herein prescribed.

Required parking spaces shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance. The owner or owners of a building structure or other land use requiring off-street parking spaces must show, to the satisfaction of the Zoning Administrator, that he is the record title holder of the property devoted to said principal land use and of the property proposed for off-street parking use, or that he is the lessee of such property.

**Section 16.10. Planted Areas.** Any off-street parking facility of ten (10) cars or more shall also provide the equivalent of one (1) parking space per each ten (10) cars and each fraction thereof, to be planted with at least one (1) tree with a minimum diameter (measured at the location of its greatest width) of 1 1/2 inches, and grass and/or ground cover. The exact location within the parking facility is optional with each design, but the planted area herein referred to shall be in addition to perimeter buffer strips and to other landscaping on the property outside the parking facility.

The purpose of this requirement is to aid in providing visual definition, oxygenation, shade, wind modulation, drainage absorption and relief from other problems as may result from total coverage paving.

**Section 16.11. Location of Parking Space for other Land Uses.** The off-street parking facilities required for all other uses shall be located on the lot or within one thousand (1000) feet of the permitted use requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.

**Section 16.12. Off-Street Parking Standards.**

	<b>USE</b>	<b>NUMBER OF PARKING SPACES REQUIRED</b>
1.	Apartment and Multi-family dwelling	Two spaces for each dwelling family dwelling unit plus 1 space for each 10 units for travel trailers, boats and other vehicles.
2.	Apartments for the Elderly	One (1) space for each dwelling unit.
3.	Appliance Store	One (1) space for each four hundred (400) square feet of gross floor area.
4.	Auditorium, stadium assembly hall, gymnasium, theater, community recreation center	(a) one (1) space per three (3) fixed seats in largest assembly room or area, or (b) one (1) space for each forty (40) square feet of floor area available for the accommodation of movable seats in the largest assembly room, or combination of fixed and moveable sets; or (c) one (1) space per each one hundred fifty (150) square feet of gross floor area; whichever is greatest.
5.	Automobile Service Stations	(1) space (in addition to service area) for each pump and grease rack and one (1) space for each two (2) employees during period of greatest employment but not less than four (4) spaces.
6.	Automobile Parts and Accessories	One (1) space for each four hundred (400) square feet of gross floor area.
7.	Automobile sales and repair, service stations and auto washeterias	Same as Use 5 above plus one (1) space for each five hundred (500) square feet of gross floor area of the shop or washeteria.
8.	Automotive Repair Services and Garages	One (1) space for each four hundred (400) square feet of retail area plus two (2) spaces for each service bay.
9.	Bowling Alley	Four (4) spaces per alley plus requirements for any other use associated with the establishment such as a restaurant, etc.
10.	Club or Lodge	One (1) space for each two (2) employees plus one (1) space for each two hundred (200) square feet of gross floor area within the main assembly area plus additional spaces for other uses permitted within the premises.
11.	Church	One (1) space per four (4) seats in main place of assembly.
12.	Combined Uses	Parking spaces shall be the total of the spaces required for each separate use established by this schedule.
13.	Dance School	One (1) space for each employee plus one (1) space per one hundred fifty (150) square feet of gross floor area plus safe and convenient loading and unloading of students.
14.	Duplex Dwelling Unit	One (1) unpaved space per each unit. Residential driveways will satisfy this need.
15.	Financial Institution	One (1) space for each two hundred fifty (250) square feet of gross floor area and two (2) waiting spaces for each drive-thru window.

	USE	NUMBER OF PARKING SPACES REQUIRED
16.	Furniture Store	One (1) space for each four hundred (400) square feet of gross floor area.
17.	Grocery Store (including small convenience type food store)	One (1) space for every two hundred fifty (250) square feet of gross floor area.
18.	Group Home	See "Nursing Home".
19.	High Schools, Schools	One (1) space for each teacher, employee and administrative personnel plus safe and convenient loading of students plus (5) spaces for each classroom.
20.	Hospital	One (1) space for each bed plus one (1) space for each employee (nurse, attendant, etc.) per shift plus one (1) space for each staff or visiting doctor.
21.	Hotel	One (1) space for each guest room suite or unit plus one (1) space for each two (2) employees.
22.	Indoor and outdoor recreational areas (commercial)	(a) one (1) space for each one hundred fifty (150) square feet of gross floor, building, ground area or combination devoted to such use; or (b) one (1) space per each four (4) seats or facilities available for patron use, whichever is greater.
23.	Industrial or manufacturing establishment or warehouse	Two (2) spaces for each three (3) employees on shift of greatest employment, plus one (1) space for each vehicle used directly in the conduct of the business.
24.	Kindergarten, nursery schools and day care	One (1) space for each employee plus safe and convenient loading of children.
25.	Motel	One (1) space for each unit plus one (1) space for each two (2) employees.
26.	Nursing Home	One (1) space for each two (2) beds plus one (1) space for each employee on shift of greatest employment.
27.	Office, professional building or similar use	One (1) space for each three hundred fifty (350) square feet of the gross floor area or one (1) space for each two (2) employees, whichever is greater.
28.	Personal service establishment.	One (1) space for every three hundred fifty (350) square feet of the gross floor area, or one (1) space for each two (2) employees, whichever is greater.
29.	Repair Shop	One (1) space for every three hundred (300) square feet of gross floor area plus one (1) space for each employee.
30.	Restaurant or place dispensing food, drink or refreshments to be consumed on the premises	One (1) space for each one hundred (100) square feet of gross floor area with a minimum of ten (10) parking spaces.
31.	Restaurant or place dispensing food, drink or refreshments for carry out only (and having outdoor seat area)	One (1) space for each one hundred fifty (150) square feet of gross floor area (with a minimum of ten (10) spaces for this); plus one (1) additional space for each three (3) outdoor seats provided.

	USE	NUMBER OF PARKING SPACES REQUIRED
32.	Restaurant or place dispensing food, drink or refreshments for carry out (no seating provided).	One (1) space for each one hundred fifty (150) square feet of gross floor area; with a minimum of ten (10) parking spaces.
33.	Restaurant or place dispensing food, drink or refreshments to be consumed on the premises and also having a drive-thru service	One (1) space for each one hundred (100) square feet of gross floor area; with a minimum of ten (10) parking spaces and providing an adequate lane for thru traffic which will not obstruct the required parking and driveway for the restaurant.
34.	Schools, elementary	One (1) space for each teacher one (1) space for each two (2) employees and administrative personnel and one (1) for each classroom, plus safe and convenient loading and unloading of students.
35.	Senior Citizen Homes	One (1) space for each two (2) beds, plus one (1) space for each employee on shift of greatest employment.
36.	Shopping Center (if over 35,000 square feet of gross floor area)	One (1) space for every three hundred fifty (350) square feet of gross floor area.
37.	Shopping Center (If 35,000 square feet or less of gross floor area)	One (1) space for every three hundred (350) square feet of gross floor area.
38.	Swimming Pool	One (1) space for each two hundred (200) square feet of water surface area plus requirements for additional uses in association with the establishment such as a restaurant, etc.
39.	Trailer Park	One (1) space for each trailer stall plus one (1) space for each two (2) employees.
40.	Retail stores	One (1) space for each 200 square feet of gross floor area.

**Section 16.13. Off-Street Loading Requirements.** On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot of adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets and alleys.

Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten (10) feet by fifty (50) feet, with fifteen (15) foot height clearance, and shall be provided according to the following schedule:

0 - 10,000	None
10,001 - 100,000	One (1) space for the first 10,001 square feet plus one (1) additional space for each additional 40,000 square feet in excess of the 100,001 square feet.
Over 500,000	Seven (7) spaces for the first 500,001 square feet plus one (1) space for each additional 100,000 square feet in excess of 500,001 square feet.

**Section 16.14. Minimum Number of Loading Spaces Required.** Industrial, wholesale and rental operations shall provide space as follows:

1. Off-street loading spaces shall be provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses.
2. Off-street loading spaces shall be designed and constructed so that all maneuvering to park and unpark within the property lines of the premises. Loading spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on public right-of-way.

## ARTICLE XVII SIGN REGULATIONS

**Section 17.01 Signs Shall Meet Requirements of this Section.** All signs within Boston shall be erected, constructed or maintained in accordance with the provision of the sections below and only those signs that are permitted by these Regulations shall be erected within the City.

**Section 17.02. No Signs Shall Hamper Traffic Safety.** All signs shall not be erected or constructed that:

1. Obstructs the sight distance along a public right-of-way.
2. Would tend by its location, color or nature, to be confused with or obstruct the view of traffic signs or signals, or to be confused with a flashing light of an emergency vehicle.
3. Would by its nature or moving parts tend to confuse motorists or create any potential hazard to motorists.
4. Uses admonitions such as "stop", "go", "slow", "danger", etc., which might be confused with traffic directional signals.

**Section 17.03 Locations Prohibited.** No sign shall be attached to or painted on any telephone pole, light pole, telegraph pole, or any tree, rock or other natural object. No signs other than those signs erected by public governmental agencies or signs required by law, shall be placed so as to overhang any portion of public right-of-ways or other public properties by more than six (6) inches.

**Section 17.04. Illumination Not to be a Nuisance.** Illumination devices such as, but not limited to, flood or spot lights shall be so placed and so shielded as to prevent the rays or illumination therefrom being cast into neighboring dwellings and/or approaching vehicles.

**Section 17.05. Signs Not Requiring a Permit.** The following signs shall not require a permit.

1. Signs to regulate traffic.
2. Signs required to be posted by law.
3. Warning signs and not trespassing signs.
4. Signs established by Governmental agencies.

5. Signs indicating bus stops, taxi stands and similar transportation facilities.
6. Signs not exceeding ten (10) square feet in area giving information concerning the location of use of accessory off street parking facilities or loading and unloading facilities.
7. Temporary real estate signs on residentially zoned property shall be limited to a maximum of 10 square feet and temporary real estate signs in any zones other than residential shall be a maximum of 32 square feet.
8. Any sign not exceeding ten (10) square feet in area other than Advertising, Separate Use, or signs requiring electrical wiring.
9. Temporary signs on private land or religious, charitable, civic, fraternal, political or similar organizations.
10. A temporary sign for a non-conforming business shall not exceed a maximum of 32 square feet.
11. Construction signs and temporary subdivision signs should not exceed a maximum of 50 square feet.

**Section 17.06. Maximum Area Signs.**

The maximum area of a point of business sign, an incidental use sign, a bulletin board sign or an identification sign shall be one hundred fifty (150) square feet. All signs except identification sign and nonpermitted signs as identified in Section 17.05 shall be no larger than ten (10) square feet in area and shall not be illuminated directly or indirectly.

**Section 17.07. General Standards for Point of Business Signs, Incidental Use Signs, Bulletin Boards and Identification Signs.**

1. Do not utilize colors such as red, green, blue and yellow in any way which might be confused with traffic, safety or emergency signals. Within thirty (30) days from the effective date of this Ordinance, this provision must be complied with.
2. No revolving or rotating beam or beacon of light that resembles or simulates any emergency light device shall be permitted as part of any sign. Flashing devices shall not be permitted upon a sign; however, illuminated signs which indicate customary public information, such as time, date, temperature or other similar information shall be permitted. Within thirty (30) days from the effective date of this Ordinance this provision must be complied with.
3. External lighting, such as floodlights, thin line and goose neck reflectors are permitted, provided the light source is directed on the face of the sign and is

effectively shielded so as to prevent beams or rays of light from being directed into any portion of the thoroughfare. Within thirty (30) days from the effective date of this Ordinance, this provision must be complied with.

4. The illumination of any sign within one hundred feet of a residential zone lot line shall be diffused or indirect in design to prevent direct rays of light from shining into those adjoining zones. Within thirty (30) days from the effective date of this Ordinance, this provision must be complied with.
5. Owners of signs shall be responsible for meeting codes, such as the National Electrical Code, as to placement and/or height when and where there is a conflict or potential conflict with City utilities.
6. Shall have a maximum of 35 feet.

**Section 17.08. Standards for Off-Site Advertising Signs (Billboards).**

A. Location where allowed: Off-site advertising signs (billboards) shall be allowed only in the following zoning districts (applicable to State designated primary highways only):

1. C-3 zoning districts
2. I (Industrial)

B. Off-site Advertising sign Requirements

1. Sign Surface Area:

1. Sign Surface Area:

Maximum - 750 square feet per face.

2. Maximum Number of Signs: Two (2) signs per sign structure which may be single or double-faced, provided that each side shall have no more than 750 square feet.
3. Height: maximum -- 750 Square feet per face.
4. Minimum clearance required under sign will be ten (10) feet.
5. Minimum Set-back: 5 feet from the nearest right-of-way line; and 10 feet from the right-of-way line intersection point measured at any angle.

6. Minimum Spacing: 300 feet on the same side of the road from another off-site sign.

C. Priority of Signs:

Where the location of two or more off-site advertising signs conflicts under the requirements of this Ordinance, the sign meeting the requirements of this Ordinance, and having the earliest dated permit for its erection shall have priority over other signs in conflict herewith.

- D. Off-site advertising signs shall not be established at any location having principal frontage on any street within one hundred (100) feet of any church, school, cemetery, public park, public playground, or residential districts.
- E. No revolving or rotating beam or beacon of light that resembles or simulates any emergency light device shall be permitted as part of any sign. Illuminated signs which indicate customary public information, such as time, date, temperature or other similar information shall be permitted. Within thirty (30) days from the effective date of this Ordinance this provision must be complied with.
- F. External lighting, such as floodlights, thin line and goose neck reflectors are permitted, provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the thoroughfare. Within thirty (30) days from the effective date of this Ordinance, this provision must be complied with.
- G. The illumination of any sign within one hundred feet of an R-1, R-2, or C-1 zone lot line shall be defused or indirect in design to prevent direct rays of light from shining into those adjoining zones. Within thirty (30) days from the effective date of this Ordinance, this provision must be complied with.

**Section 17.09. Issuance of Permits, Administration and Filing Procedure.**

1. Issuance of Permits: No sign, except those listed in Section 17.05 shall be erected, hung or placed or structurally altered without a permit from the City Clerk.
2. Filing Procedure: Application for permits to erect, hang or place a sign shall be submitted on forms obtainable from the City Clerk. Each application shall be accompanied by plans showing the area of the sign, size and character and the method of illumination, if any, the exact location proposed for such sign and in the case of a projecting sign, the proposed method of fastening said sign to the building structure, the vertical distance between such sign and the finished grade and the horizontal distance between such sign and the street right-of-way line.
3. Additional Information: Each applicant shall, upon the request of the City Clerk submit any additional information deemed necessary.

**ARTICLE XVIII  
SCHEDULE OF REGULATIONS**

Zoning Districts	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Sq. Ft.)	Front Yard (Ft.)	Side Yard (Ft.)	Rear Yard (Ft.)	Maximum Height (Ft.)
R-1	12,000	100	30	10	30	50
R-2						
Single Family	10,000	100	30	10	30	50
Two Family	10,000	100	30	10	30	50
Multi-family	3,500 per d.u.	100	30	15	30	50
R-PUD*	2 acres	-	-	-	-	-
R-TH**	1/2 acre	-	-	-	-	-
C-1	-	60	25	10	20	-
C-2	-	60	-	-	-	-
C-3	-	60	30	10	-	-
C-PUD***	-	-	-	-	-	-
I	-	100	30	20	40	-

**Minimum lot area standards established above are for lots with public water and public sewerage.** Lots developed with public water and private septic systems require 20,000 sq. ft. of area. Lots without public water or public sewerage require one (1) acre in area. (See Health Department).

**REFERENCES:**

- Refer to Section VIII\*
- Refer to Section VII\*\*
- Refer to Section XII\*\*\*

**ARTICLE XIX  
VARIANCES/APPEALS**

**Section 19.01. Variances.** The Mayor and Council of the City of Boston shall hear and decide upon all variances to the City's Zoning Ordinance. **All variances will follow the same public notice and procedural requirements as in a rezoning request.**

**Section 19.02. Request for a Variance.** The City Council may authorize in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured and substantial justice done; **provided, however, that a variance shall not be granted for a use of land, building or structure that is prohibited by this ordinance in the district in question.** Such variance may be granted in an individual case upon a finding by the City Council that the following exists:

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

**Section 19.03. Appeals.** The Mayor and Council of Boston shall hear and decide appeals where there is alleged error in any order, requirement, decision or determination made by the Zoning Administrator.

**Section 19.04. Forms.** Applications for variances and appeals shall be made on forms provided by the Zoning Administrator and all information required on said forms shall be provided by the applicant. Forms shall be filed with the City clerk and the applicant shall pay the City for expenses incidental to the variance. No form shall be accepted by the City unless it contains all pertinent information and is accompanied by the appropriate fee payable to the City, to defray expenses.

**ARTICLE XX  
ADMINISTRATION AND ENFORCEMENT**

**Section 20.01. Enforcement.** The Zoning Administrator shall enforce this Ordinance, and is hereby given the authority and responsibility to enforce all provisions of this Ordinance under the direction of the Mayor and City Council which includes but is not limited to the following duties:

- a. To serve as a liaison between the Boston Planning Commission and the Mayor and Council keeping each body advised of pending actions pertaining to zoning.
- b. To serve as a non-voting Ex-Officio member of the Boston Planning Commission to provide technical assistance in matters relating to zoning requests.
- c. To maintain in a timely and current manner the Official Zoning Map reflecting thereon any and all rezoning amendments approved by Mayor and Council. Amendments of the Official Zoning Map will be recorded by the Zoning Administrator within seven calendar days following approval of such action by Mayor and Council.
- d. To perform any other zoning duties as directed by Mayor and Council.

**Section 20.02. Permits.** The following shall apply in the issuance of any permits:

- a. **Permits Required.** It shall be unlawful for any person to commence excavation for, or construction of any building structure, or moving of any existing building without first obtaining a building permit from the Building Inspector. No permit shall be issued for the construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance, showing that the construction proposed is in compliance with the provisions of this Ordinance and with the Building Code.

No plumbing, electrical, drainage or other permit shall be issued until the Building Inspector has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this Ordinance.

**Section 20.03. Certificates of Occupancy.** It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Building Inspector has issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with.

- a. **Certificate Validity.** The certificate of Occupancy as required for new construction of, or renovations to existing buildings and structures, in the Building Code, shall also constitute Certificates of Occupancy as required by this Ordinance.

- b. **Certificates for Existing Buildings.** Certificates of Occupancy shall be issued for existing buildings, structures or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
- c. **Temporary Certificates.** Temporary Certificates of Occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such Temporary Certificate of Occupancy shall not remain in force more than six (6) months, nor more than five (5) days after the building or structure is fully completed and ready for occupancy and, provided further, that such portions of the building or structure are in conformity with the provisions of this Ordinance.
- d. **Records of Certificates.** A record of all Certificates of Occupancy shall be kept in the office of the Building Inspector, and copies of such Certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
- e. **Certificates for Accessory Buildings to Dwellings.** Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy, but rather may be included in the Certificate of Occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.
- f. **Application for Certificates.** Certificates of Occupancy shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alteration of such building shall have been completed in conformity with the provisions and requirements of this Ordinance. If such Certificate is refused for cause, the applicant therefore shall be notified of such refusal and the cause thereof within ten (10) days.

**Section 20.04. Fees.** Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Building Inspector in advance of the issuance of such permits or certificates.

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

**Section 20.05. Amendments.** The City Council of the City of Boston may amend, supplement or change the regulations of the district boundaries of this Ordinance as established herein. The procedure for submitting a request for an amendment to the Zoning Ordinance text or district boundaries of the official Zoning Map shall be as follows:

- a. The applicant shall complete and submit to the City Clerk a rezoning application not less than twenty days of the next scheduled Planning Commission meeting.

- b. At the time of application submittal, the applicant shall deposit the appropriate fee amount with the City Clerk to cover the cost of processing the application.
- c. Within ten days of the next scheduled Planning Commission meeting, the Zoning Administrator shall compile all of the rezoning requests for the next scheduled meeting. This agenda shall be mailed to all Planning Commission members.

**Section 20.06. Zoning Policies and Procedures.** The following policies and procedures are herein established to provide guidelines for the following zoning activities:

- a. The adoption of a new City Zoning Ordinance.
- b. The adoption of an Amendment to the Zoning Ordinance which changes the text of the Zoning Ordinance (Text Amendment).
- c. The adoption of an Amendment to a Zoning Ordinance (Map Amendment) which rezones property from one zoning classification to another.
- d. The procedural requirements for Zoning Amendments sponsored by the City of Boston.
- e. The procedural requirements for Zoning Amendments sponsored by a private citizen or property owner.

**Section 20.07. Policies and Procedures for City Initiated Zoning Activities:**

- a. In the case of developing an initial zoning plan (map and text), or updating or amending an existing zoning plan, the City of Boston Planning Commission and the City Council will where appropriate, utilize any new or existing land use studies, land use plans or other relevant documents as a resource for ordinance development or ordinance amendment.
- b. Upon the completion of a preliminary zoning document(s) by the Planning Commission and after this draft document has been presented to and reviewed by the City Council, a public hearing will be scheduled by both the Boston Planning Commission and the Boston City Council, respectively. The **official public hearing**, however will be held by City Council, and public notice will be given no less than 15 days nor more than 45 days prior to the **official hearing date**.
- c. Public hearing notices will be published in the Thomasville Times. The public notice will state the time, place, and purposes of the hearing.
- d. When the boundary lines of an established zoning district are proposed for change, (rezoning) the City Council and the Boston Planning Commission will consider the following criteria in making zoning decision and recommendations:

1. Existing uses and zoning of nearby property.
  2. The extent to which property values are diminished by the present zoning restrictions.
  3. The extent to which the destruction of property values, resulting from existing zoning of specific parcels promotes the health, safety, morals or general welfare of the public.
  4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner by the proposed zoning classification.
  5. The suitability of the subject property for the zoning purposes as proposed.
  6. The length of time the property has been vacant under the present zoning classification, considered in the context of land development in the area in the vicinity of the property.
  7. Conformity with the City's Comprehensive and Land Use Plan.
- e. The public hearings will be convened at the advertised time and place and will be presided over by the appropriate officials.
  - f. The Presider of each respective public hearing will review for those present, the following operating procedures for the public hearing:
    1. In order for a person in attendance to speak, the Chair must recognize him/her. The person recognized will identify himself/herself. The Chair may also request that the person furnish a home or business street address, as appropriate.
    2. Each side of a zoning issue will be allowed a minimum of ten (10) minutes per side for the presentation of data, evidence, and opinions.
    3. Additional persons will be recognized per the above procedure for the purpose of addressing additional concerns of the revisions or to make additional points with regard to elements already addressed, but not to rehash points already made.
    4. Appropriate notes or minutes will be recorded by the City Council and the Planning Commission at their respective public hearings.
  - g. The Boston Planning Commission shall prepare and submit the necessary minutes, evaluations and or recommendations to the City Council prior to the City Council's Public Hearing.
  - h. The City Council at its Official public hearing, will review the evaluations and recommendations from the Planning Commission and may choose to adopt or reject or modify the Planning Commission recommendations, or the business may be tabled