

DIVISION 2. DISTRICTS AND DISTRICT REGULATIONS

Sec. 34-231. Districts designated.

For purpose of this article, the county is divided into eight districts designated as follows:

- (1) A1 – Agricultural District.
 - (2) RA – Residential/Agricultural District (low density – rural residential transitional zone).
 - (3) R1 – Residential District (Single Family Residential District).
 - (4) R2 - Residential District (Single & Multi-family Residential District).
 - (5) R3 – Residential District (Single Family, Multi-Family & Mobile Home Parks).
 - (6) CBOD – Chickamauga Battlefield Overlay District (multi use with special requirements)
 - (7) C1 – General Commercial Business District.
 - (8) CN – Neighborhood Commercial District.
 - (9) I1 – General Industrial District.
 - (10) PUD – Planned Unit Development District.
- (Ord. of 7-20-1994, § 3.00)

Sec. 34-234. Specific uses allowed.

(a) *Generally.*

- (3) *Interpretation of use regulations.* Whenever a use is not specifically mentioned in subsection (b) of this section, the director of planning shall make a determination as to whether the proposed use is of the same general type as the uses specifically allowed in the land use district. In making such a determination, the planning director shall be guided by the goals, objectives and policies of the county comprehensive plan and this section.

(b) *Types.*

- (3) *Outdoor recreational.* These uses include areas for outdoor recreational activities such as picnicking, jogging, and cycling (non-motorized), arboretums, hiking, golf courses, playgrounds, ball fields, outdoor ball courts, stables, outdoor swimming pools and water-related or water-dependent uses, whether public or private. Specifically excluded from this group of uses are firing ranges, miniature golf courses, race tracks and similar recreational or quasi-recreational activities that are more intensive than the allowable outdoor recreational uses described.
- (5) *Neighborhood commercial.* This group of use includes limited commercial activities of a convenience nature and professional offices predominantly serving residential neighborhoods within a two-mile radius. Examples include the following specific uses, and all substantially similar types of uses:
 - a. Convenience commercial retail establishments, including convenience stores, gasoline sales and service, combination gasoline sales and food marts and similar facilities.
 - b. Professional and office uses listed in subsection (b)(4) of this section.
 - c. Restaurants with ~~out~~ drive-up and/or walk-up facilities.
 - d. Roadside produce stands, temporary or permanent.
 - e. Animal Care Facilities including veterinary clinics, kennels or other animal boarding facilities with no outdoor runs. Kennels include the commercial raising, breeding, and boarding of dogs. Requirements in Sec. 34-240 must be met;
- (6) *General commercial.* A wide variety of general commercial, commercial recreational, entertainment and related activities is included in this group of uses. All uses are subject to approval by authorities involved in the type of development or use proposed, such as

Environmental Health Services, Emergency Services, Georgia DOT, etc. Examples include professional and office uses listed in subsection (b)(4) of this section, as well as the following specific uses, and all substantially similar types of uses:

- a. Arcades, billiards/pool parlors, bowling alleys, indoor recreation centers, indoor firing and shooting ranges (however must meet the requirements in Sec. 34-241.), and gymnasiums/spas/health clubs.
 - l. Hotels, motels, or bed and breakfast.
 - o. Outdoor areas, rodeo grounds, livestock auction facilities, race tracks (i.e., auto, dog, go-kart, horse, motorcycle), and similar activities. However, must meet the requirements in Sec. 34-241.
 - q. Recreational vehicle and travel trailer parks. However, must meet the requirements in Sec. 34-238.
 - z. Animal Care Facilities including animal hospitals, veterinary clinics, kennels or other animal boarding facilities. Kennels include the commercial raising, breeding, and boarding of dogs. However, must meet the requirements in Sec. 34-240.
- (9) *General agricultural.*
- a. Agricultural uses include croplands, pastures, aquaculture, feedlots and buildings which are accessory to these agricultural uses. This category of uses does not include processing or distribution plants for agricultural products and supplies.
 - b. Low density residential use is allowed (refer to the table of allowable uses set forth in Sec. 34-235).
 - c. Indoor and outdoor firing ranges; however, must meet the requirements in Sec. 34-241.
 - d. Animal Care Facilities including animal hospitals, veterinary clinics, kennels or other animal boarding facilities. Kennels include the commercial raising, breeding, and boarding of dogs. However, must meet the requirements in Sec. 34-240;
 - e. Commercial livestock uses (including riding stables and schools) when located on lands of ten acres or more; provided that if the property adjoins a residential area, the stable must have a minimum of 400 feet of buffer between the residential property line and the nearest stable area;
 - f. Bed and breakfast designed to fit in with the existing homes in the area. Must conform to the existing character of the surrounding area and meet requirements of the Walker County Environmental Health Services. Bed and breakfast establishments can not be designed to share a private drive with another any other dwelling.
 - g. Recreational vehicle, travel trailer parks and camp grounds. However, must meet the requirements in Sec. 34-238.
 - h. Retail selling of products raised on the premises shall be considered a permissible activity, provided that space necessary for the parking of customers' vehicles shall be provided off the public rights-of-way.

(Ord. of 7-20-1994, § 3.03; Ord. of 5-1998(1), § 303(B))

Sec. 34-240. Animal Care Facilities. (Animal Hospitals, Veterinary Clinics, Kennels or other Animal Boarding Facilities)

- (a.) Definitions.
 - (1.) Kennel: Any premises at which five or more canines or felines, four months old or older, are kept either permanently or temporarily for the purpose of sale, care, breeding, or training. Kennels may be private or commercial.
 - (2.) Veterinary: A hospital or clinic providing medical care and treatment for animals.
 - a. *Large animal veterinary*: A place where horses, cattle, sheep, or other animals normally kept in agricultural settings are given medical or surgical treatment and the boarding of animals is limited to short-term care.
 - b. *Small animal veterinary*: A place where dogs, cats, birds, or other animals normally kept as household pets are given medical or surgical treatment and the boarding of animals is limited to short-term care.
 - (2.) Livestock: Includes cattle, horses, goats, sheep, swine, poultry, ducks, geese, and other fowl; and rabbits, minks, foxes and other fur or hide-bearing animals customarily bred or raised in captivity; whether owned or kept for pleasure, utility or sale.
- (b.) Animal hospitals and veterinary clinics are permissible in the A-1 and C-1 zoning districts, subject to the site design standards for the districts and the supplemental standards of this section.
- (c.) Animal hospitals and veterinary clinics shall be permissible in freestanding buildings only.
- (d.) Design standards for an animal hospital or veterinary clinic are shown in the following table:

Table 34-240(a). Standards for an Animal Hospital or Veterinary Clinic.

| Development Features | Standard |
|--|---|
| Minimum land area | 5 acres in A-1, if housing animals. |
| Animals allowed | Domestic pets, farm animals, and livestock; wild animals are prohibited |
| Minimum building setback from all property lines which abut a residential zoning district and non-residential zoning district. | Abut residential - 100 feet Abut non-residential – 75 feet |
| Minimum outdoor run setback from all property lines | 400 feet |
| Outdoor runs | Grounds shall be maintained in a sanitary condition at all times with solid surface areas having drains connected to an approved sanitary facility. Odor and Pest control required. |
| | Hours of operation limited to 7:00 a.m. until 6:00 p.m. |
| Buffer requirements | 50-ft buffer plus a fence or wall on any residentially zoned property line. |
| Boarding | Sound proofing required. |

- (e.) Keeping of canines or felines, whether as pets for personal enjoyment, breeding, or boarding shall be considered a kennel when there are six (6) or more adult canines or felines on a property.
- (1.) A kennel without an outdoor run is permissible in the A-1, R-A, C-1, and CN zoning districts subject to the site design standards of the zoning district and the supplemental standards of this section.
 - (2.) A kennel with an outdoor run is permissible in the A-1 zoning districts subject to the site design standards of the zoning district and the supplemental standards of this section.
 - (3.) A kennel shall comply with the nuisance requirements pertaining to animal control as set forth in the County Code of Ordinances.
 - (4.) Must meet all state requirements that are applicable to the size of operation proposed.
 - (5.) A kennel shall meet the design standards set forth in the following table.

Table 34-240(b). Standards for Kennels.

| Development Features | Standard |
|--|---|
| Animals allowed | Canines or felines |
| Minimum lot size for a kennel with an outdoor run | 5 acres |
| Minimum building setback from all property lines which abut a residential zoning district | 200 feet |
| Minimum outdoor run setback, includes fencing, from all property lines which abut a rural or residential zoning district | 400 feet |
| Outdoor runs | Grounds shall be maintained in a sanitary condition at all times with solid surface areas having drains connected to an approved sanitary facility. |
| | Odor and Pest control required |
| | Hours of operation limited to 7:00 a.m. until 6:00 p.m. |
| Buffer requirements | 50-ft buffer plus a fence or wall on any residentially zoned property line |
| Boarding | Sound proofing required |

(f.) Supplemental standards for Commercial Riding Stable Facilities are shown in the following table:

Table 34-240(c). Standards for Commercial Riding Stable Facilities

| Development Feature | Standard |
|---|---|
| Minimum land area | 20 acres |
| Number of horses allowed | No more than one (1) horse per one (1) acre of improved pastureland or per two (2) acres of unimproved pastureland |
| Buildings, structures, arenas, outdoor tracks and exercise yards adjacent to residential zoning districts or properties used primarily for residential purposes | Minimum setback of 400 feet from adjoining property line |
| Stables | Minimum setback of 100 feet from all property lines and a minimum setback of 500 feet from any neighboring residential dwelling |
| Odor and pests related to the keeping of horses | Property owner shall have a management plan for odor and pest control |
| Fences | The parcel shall be fenced |
| Other operational requirements | State license is required |

(g.) Supplemental standards for non-commercial Horse Stables are shown in the following table:

Table 34-240(d). Standards for Non-Commercial Horse Stables

| Development Feature | Standard |
|----------------------------|---|
| Minimum land area | 5 acres in the R-A districts 3 acres in the R-2 & R-3 districts |
| Number of horses | No more than one (1) horse per one (1) acre of improved pastureland or per two acres (2) of unimproved pastureland, only (1) per two (2) acres in R-2 or R-3. |
| Ownership of horses | Property owner |
| Stables | Minimum setback of 100 feet from all property lines and a minimum setback of 200 feet from any neighboring residential dwelling |
| | Shall be located in a rear yard |

Sec. 34-241. Firing ranges, Outdoor Shooting Ranges, Gun Clubs, Hunting Camps and Lodges

- (a.) Are permissible in the A-1 zoning district, subject to the standards of the district and the supplemental standards of this section. Only indoor firing ranges are allowed in a C-1 zoning district.
- (b.) Firing ranges, whether indoor or outdoor, must first be approved for a special use class 3 permit approved by the Planning Commission and Walker County Emergency Services.
- (c.) Firing ranges must provide protective natural or artificial barriers preventing bullets, shells or pellets from traveling to human occupied areas;
- (d.) Shooting ranges, gun clubs, hunting camps and lodges shall comply with the standards set forth in the following table:

Table 34-241 Standards for Outdoor Firing Ranges, Outdoor Shooting Ranges, Gun Clubs, Hunting Camps and Lodges

| Development Feature | Standard |
|----------------------------|--|
| Minimum land area | 20 acres |
| Minimum buffer | 500 feet on all sides consisting of existing natural forested area |
| Minimum building setback | 100 feet on all sides |
| Shooting range design | In accordance with National Rifle Association Range Sourcebook |

Sec. 34-383. Class 3 special use permits.

- (a) Tanneries, glue factories, use of coal boilers or burners for commercial or industrial purposes, automobile or motorcycle race tracks, automobile or motorcycle practice tracks, airports, heliports and any industrial or commercial use that may emit injurious or obnoxious noises, vibrations, smoke, dust, fumes, gas or odors must be issued a class 3 special use permit before such uses are made of property. The owner of property upon which asphalt plant, concrete plant, cement plant, indoor or outdoor firing range, animal racing tracks, including but not limited to horse or dog racing tracks, rodeos, horse shows or equine activities conducted for commercial purposes and for which the property is primarily used or dedicated.

First Planning Commission Public Hearing to discuss changes held December 9th, 2010.

Second Planning Commission Public Hearing to discuss changes held February 10th, 2010.

First Commissioner's Public Hearing held February 24th, 2011.

Final Commissioner's Public Hearing held and approval on March 3rd, 2011.