

Sec. 50-115. - A-1 agriculture district.

- (a) *Purpose.* The A-1 agriculture district is established primarily to encourage the development of suitable areas for common farm practices, dairying, forestry operations, various compatible non-farm uses, preservation of open space, the conservation and management of soil, water, air, game, and other natural resources and amenities, and to discourage the creation of conditions which could distract from the functioning, operation, and appearance of areas providing food supplies, and also to prevent or to minimize conflicts between common farm practices and non-farm uses.

- (b) *Definitions.*

Agriculture: The production, raising, breeding, or maintenance of plants and animals including, but not limited to: grain and seed crops; forage and sod crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef, cattle, sheep, swine, horses, or goats, game animals, exotic fish, and any mutations or hybrids thereof including the breeding and grazing of any or all such species: bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, berries; vegetables, nursery; floral, ornamental and green house products; or land devoted to soil conservation or forestry management program. This does not include the commercial slaughter of poultry, livestock, or other animals.

Farm: A parcel of land five acres or more on which bona fide agriculture and related uses are conducted as specified in "agriculture."

- (c) *Permitted uses in A-1 district.*

- (1) Within A-1 districts no structure, land, or water shall be used except as one or more of the following permitted uses:
- a. Livestock enclosure setback provisions. Major livestock enclosures (including but not limited to, cattle barns, stables holding more than eight animals, or chicken houses holding more than 20 chickens), and other buildings or structures which are intended for use or used for the housing or shelter of more than eight livestock animals, shall observe a minimum setback of 100 feet from any property line and be located a minimum of 500 feet from any residence or an adjacent lot or parcel. Minor livestock enclosures (eight animals or less) and chicken coops (20 chickens or less) shall observe a minimum setback of 100 feet from any property line and be located a minimum of 200 feet from any residence or an adjacent lot or parcel. Any livestock shall not be able to roam off the property upon which it is kept, either being kept inside a properly fenced area or kept contained in a livestock enclosure.

- b. Home occupations.
- c. Municipal, county, state, federal, and other public uses, including but not limited to parks and playgrounds.
- d. Single-family dwellings, guesthouses, and their customary accessory uses including gazeboes, docks and boathouses.
- e. Timber production and forest related uses including sawmills, provided that any sawmill shall be located not less than 500 feet from adjoining property lines and not less than 1,000 feet from the closest point of any dwelling located on adjoining or nearby property.
- f. Marinas, fish camps, fish hatcheries, and fishing clubs provided: (a) said property area shall consist of a minimum of 20 acres; and (b) said property shall remain in a predominantly natural state.
- g. Family care homes for persons with a disability, not exceeding six residents, excluding residential staff, licensed by and in compliance with the applicable regulations of the Georgia Department of Human Resources; provided that:
 - 1. There is no external signage or other evidence of the use of the dwelling as other than a residential dwelling;
 - 2. The dwelling shall maintain its residential appearance;
 - 3. There is adequate off-street parking for resident stall and visitor's parking such that except for planned special events, there are no vehicles parked on the street or road right-of-way;
 - 4. Visitation hours shall be restricted so as to prevent undue traffic congestion; and
 - 5. Minimum of five acres.
- h. Vineyards (wineries are as a conditional use).
- i. Commercial greenhouses, with a minimum lot size of five acres and the greenhouses are set back at least 25 feet from the property lines.
- j. Special events. For example, music concerts, arts and craft fairs, festivals, and other gatherings of nature (where admission is being charged or goods and services are being sold) shall be permitted subject to the administrative approval of the zoning administrator. Events under this subsection shall not exceed 72 hours in duration. The zoning administrator shall review the request under the following criteria:
 - 1. Whether the event is inconsistent with the surrounding property and uses;
 - 2. Is the size and shape of the property (minimum ten acres) sufficient to support the event;

3. Is the event inconsistent with the intent of the zoning ordinance;
4. If the roads servicing the property are adequate for the anticipated traffic;
5. Would the event create a nuisance or be harmful to the environment;
6. Is the event consistent with other applicable laws and ordinances? The applicant shall submit information as required by the zoning administrator to review the event in accordance with the above criteria and shall submit information as to the purpose; size and dates of event; size and location of property; anticipated crowds; anticipated vendors and other commercial activity; whether a special event alcohol license will be sought (alcohol license would be approved by the Haralson County Board of Commissioners); plans for traffic control, parking, sanitation, public safety and security for the event; and other such information as may be required by the zoning administrator. The zoning administrator may require notice to adjacent property owners and to review the comments. Application should be made at least 45 days prior to the event.
7. In-home nursery schools (child day cares) with no more than six children at any one time; provided that they shall have at least 35 square feet of indoor space per child and at least 100 square feet of play area per child in the outdoor play area which shall be enclosed by a fence having a minimum height of six feet.
8. Churches, synagogues, and other similar places of worship and their customary uses and activities.

(d) *Conditional uses allowed in the A-1 district.*

- (1) Within this zoning district, each of the following may be permitted provided the conditional use is approved in accordance and in compliance with the requirements of this chapter and further provided that any special requirements of this section are met.
 - a. Athletic fields, commercial recreation areas, private airplane landing fields and accessory facilities provided said property area shall consist of a minimum of 20 acres and said property shall remain in a predominantly natural state.
 - b. Airports on at least 200 acres of land and the boundary of the airport property may not be located within 2,000 feet of any residential dwelling.
 - c. Bed and breakfast inns, provided there is sufficient space to provide a minimum of one off-street parking space per bedroom within the structure, the rental is limited to temporary occupancy only, and the nearest parking space shall be located not less than 300 feet from any adjoining property line.
 - d. Golf courses without residential lots.
 - e. Dog arenas, horse tracks, steeplechase tracks, similar animal race facilities, rodeo

facilities, kennels, kennel clubs, dog clubs and similar facilities, catteries, cat breeding facilities and similar facilities. Minimum lot size 20 acres. Any race facility must be set back at least 300 feet from the property lines.

- f. Breeding, raising or maintaining of more than one swine per acre, provided that any property so used shall consist of a minimum of 40 acres, no enclosure of such swine shall be permitted less than 500 feet from the adjoining property lines, nor less than 1,000 feet from the closest point of any existing dwelling located on any adjoining or nearby property.
- g. Cemeteries.
- h. Hospitals and nursing homes.
- i. Motor cross motorcycle track, dirt bike track, race track, auto racing, drag strip, other powered-vehicle race track. Fifty-acre minimum tract of land required, with minimum 500-foot buffer. No structures may be erected in buffers, and buffers areas shall be graded or disturbed only when absolutely necessary. Buffers shall be crossed in such a fashion to minimize incursion into the buffer. Where possible, buffers shall be restored to an opaque standard after being crossed, and BMP'S as required by the soil erosion and sedimentation control ordinance shall be followed at all times. No portion of the race track or any garage, staging or pit area, nor any parking area, may be located within 1,500 feet of any residentially used property.
- j. Event facility, for weddings, rehearsal dinners, corporate meetings, retirement functions and catering. Only limited overnight facility permitted; no hotel or motel operation shall be allowed. The facility may not operate a restaurant open to the general public; it may only hold previously scheduled and reserved events for specific group(s). Minimum lot size is ten acres. Must have sufficient parking. No parking or structure may be located within 50 feet of property line. The facility cannot be expanded beyond what is approved in the original conditional use application without a further conditional use approval.
- k. The breeding, raising and maintaining of exotic farm animals such as ratites (including, but not limited to, ostriches, emus and rheas) and nontraditional livestock (including, but not limited to, bison, water buffalo, farmed deer, llamas and alpacas); provided that, any property so used shall consist of 20 acres; and no enclosure of such exotic farm animals shall be permitted less than 300 feet from adjoining property lines, or less than 500 feet from the closest point of any existing dwelling located on any adjoining or nearby property.
- l. Farm winery (location for the production of wine) that is located on the same property as the vineyard. The farm winery provision allows wine to be sold at the farm outlets if

a substantial portion of the land is used for agricultural purposes, such as grape cultivation, and at least 40 percent of the annual wine production is from locally grown agricultural produce. The ordinance allows tasting rooms where wine samples can be offered to the public for a fee or free. The law provides for tasting rooms off-premises from the farm winery, if the location is an outlet "for the promotion of farm winery's wine to the public." The off-premises tasting room can also sell packaged farm wines, but cannot sell other commercially branded alcohol.

- m. Firing range facilities, indoor. These facilities where all firing ranges are inside buildings.
 - 1. Site plan shall be submitted with the conditional use application showing all facilities, all buffers and distances, plus such other information required by the zoning administrator to enforce this section.
 - 2. Minimum lot size, 15 acres.
 - 3. No building containing a firing range may be located within 100 feet of the property boundary.
 - 4. Buildings housing firing ranges must be constructed to prevent the escape of bullets and also constructed with sound-proofing or setbacks such that no sound of the discharge of firearms is audible at the property line.
 - 5. A 50-foot vegetated buffer shall be required for all sides of the property abutting residential or commercial zoning.
- n. Firing range facilities, outdoors. These are any facilities where outdoor firing of firearms is performed on a commercial basis, requires a fee or membership, including private gun clubs, target shooting ranges, etc.
 - 1. A site plan shall be submitted with the conditional use application showing all facilities and ranges, the direction of firing, all residential property within 2,000 yards downrange, and all buffers and distances, plus any other information as required by the zoning administrator to enforce this section.
 - 2. Minimum lot size of 100 acres.
 - 3. A 200-foot vegetated buffer shall be required for all sides of the property abutting residential and commercial zones.
 - 4. Firing ranges for rifles and pistols should be oriented so that firing is not directed towards any residential property within 2,000 yards that is touching an arc width of 20 degrees, centered on the axis of firing (that is, within ten degrees of either side of said axis); ranges for sporting clay, skeet, trap, and five stands are not subject to this requirement.

5. All portions of any firing (for pistols, and rifle ranges, this is defined as the area from the firing line to the target backstop or berm, for the width of the shooting lanes; for sporting clay, skeet, trap, and five stands, this is defined as the area from the firing stations to a distance 100 yards from the firing stations in the direction of fire) must be located at least 1,000 feet from all property lines.
 6. Hours of firing shall be limited to between 8:00 a.m. and 6:00 p.m. Monday thru Saturday. No firing permitted on Sunday.
- o. Recreation vehicle/travel trailer parks and camp grounds: provided the park of campground shall consist of 20 acres and developed in accordance with this chapter pertaining to campgrounds; provided further the nearest parking space or camp site shall be located no less than 400 feet from any adjoining property line.
 - p. Telecommunication structures, subject to chapter 44 of this Code of Ordinances.
 - q. Outdoor sports/activity center: An outdoor facility, with or without seating for spectators, that provides accommodations for a variety of individual or organized sports and recreational activities including, but not limited to, swimming, tennis, miniature golf, skateboarding, basketball, batting cages, volleyball, field sport, and paintball game courses and facilities', and similar facilities. The use may include indoor recreational facilities as well; provided, such indoor recreational facilities are clearly subordinate in extent and impact relative to the proposed outdoor activities. A minimum of ten acres and no gaming to take place within 200 feet from any property line adjoining a residentially zoned property and 100 feet from all other property lines. Hours of permitted operation are 8:00 a.m. to 9:00 p.m. "Paintball" means any game or event that involves using guns or devices that shoot capsules of paint or dye.
 - r. Solar/wind power generation facilities not accessory to a residential structure. Any facilities and associated apparatus shall be set back at least 75 feet from the property line.
 - s. All conditional uses shall be constructed, maintained and operated to be neither injurious, nor offensive to occupants of adjacent or nearby premises owing to the creation or emission of noise, smoke, vibration, dust, electrical disturbance, toxic or noxious waste material, odor, fire, explosive hazard, glare or traffic generation.
- (e) Notwithstanding subsection (g) of this section, any individual continuously owning for five years or more a conforming tract of land in an area designated as an A-1 district may, without requiring a zoning change or variance, designate for the exclusive use of that individual's child, stepchild, grandchild, step grandchild, brother, stepbrother, brother-in-law, father, father-in-law, stepfather, uncle, nephew, grandfather, grandfather-in-law, sister, stepsister, sister-in-law, mother, mother-in-law, aunt, niece, grandmother, grandmother-in-law sufficient land for a

single-family dwelling which conforms to the minimum requirements of section 50-111; provided however, that the aggregate of such designations shall not exceed 50 percent of the total original conforming tract owned by the individual for five or more years. In addition, said designated land parcel is to be used exclusively as a residence for the said family member. Unless a formal land division is approved by the county planning commission, said designated land parcel or parcels shall remain as part of the original tract in undivided single ownership.

- (f) Accessory buildings and structures that are not intended for or used for the housing of livestock or poultry and are ancillary to the residential use shall maintain the same front and side yards as does the main structure and shall not be located less than ten feet from the rear property line.
- (g) Five acres minimum lot size except as the result of clustering.
- (h) 40-foot minimum front yard.
- (i) 20-foot minimum side yard.
- (j) 40-foot minimum rear yard.
- (k) 120-foot minimum lot width at front building line.
- (l) 1,000 square foot minimum habitable area.
- (m) Excepting silos, granaries, windmills, barns, and other structures concurrent to the operation of an agricultural enterprise, maximum structure height above average grade within ten feet of a structure shall not exceed 50 feet; provided, however, that such exempted structures shall be located at least as far from any adjoining property lines as the structures overall height.
- (n) Off-street parking/loading shall be provided in accordance with sections 50-13 and 50-14.

(Ord. of 12-7-2004, art. VII, § 7.7; Ord. of 11-3-2009(6))