

ARTICLE VII

EXCEPTIONS AND MODIFICATIONS

Section 700. Walls and Fences

Walls or fences are permitted in any zoning district, and are not subject to setback requirements of this Ordinance, except in a Residential Zoning District:

1. No wall or fence shall exceed eight (8) feet in height within a side yard or rear yard.
2. No wall or fence constructed of any type of material shall extend into a front yard as provided in this section. Industrial and Commercial Districts may apply for a variance with landscape requirements to be included.
3. Any subdivision entrance, wall or fence shall not exceed ten (10) feet in height and shall be subject to approval of the Director of Planning and Development after the submission to Development Review of a landscape plan, site plan and architectural elevations.

Section 701. Structures Excluded from Height Limitations

The height limitations of this Ordinance shall not apply to church spires, belfries, flag poles, monuments, cupolas, domes, ornamental towers, nor to observation towers not intended for human occupancy, water towers, transmission towers, radio or television towers or aeriels, chimneys, smokestacks, conveyors, derricks, or to necessary mechanical roof appurtenances nor to barns and silos when located on a farm.

The above exclusions from height limits shall not apply in the vicinity of airports.

Section 702. Substandard Lots of Record

Any lot of record existing at the time of the adoption of amendment of this Ordinance, that has an area or width that is less than is required by this Ordinance, may be used, subject to the following exceptions and modifications:

1. Adjoining Lots: When two (2) or more adjoining lots of record with continuous frontage are in one ownership at any time after the adoption or amendment of this Ordinance and such lots, individually, have an area or width that is less than is required by this Ordinance, then such contiguous lots shall be considered as a single lot or several lots of the minimum width and area required in the Zoning District in which they are located.

2. Individual Lot Not Meeting Minimum Lot Size Requirements:

Within the City's downtown development district as presently defined or as amended, one-family dwellings are permitted on any lot of record that existed as of the adoption of the 2000 Zoning Ordinance but is now a non-conforming lot which has an area, width or depth less than that required by this Ordinance may be used as a building site for a one-family dwelling in conformance with the criteria below. Additionally, such lots may be subdivided if in conformance with the criteria set forth below and after application and approval of an exemption plat. Applications for exemption plat approval shall be submitted to the City's Planning Director and shall be approved as a matter of right provided the following criteria is met:

- (a) Minimum gross heated floor area for the proposed residential home(s) shall be a minimum of 2800 square feet, which shall exclude garages and basement both finished and unfinished. The home shall have a minimum 2-car garage.
- (b) The residential dwelling shall be four (4) sides brick or stone with accents not to exceed 20% on each elevation. Accents shall include brick, stone, rock, stucco, shakes, hardiplank and concrete siding.
- (c) Minimum lot size shall be 7,500 square feet and 75 feet in width.
- (d) The front setback shall be a minimum of 25 feet or 50 feet on collector roads and the rear setback shall be a minimum of 30 feet. The side setback shall be a minimum of 10 feet.
- (e) The driveway shall be a minimum of 18 feet in width.
- (f) Each lot shall have sodded front yards.
- (g) Each lot shall have two (2) ornamental trees planted in the front yard. The trees shall be a species approved by the City of Buford and shall be a minimum of 2" caliper.
- (h) In conformance with this ordinance, substandard street improvement plans shall be approved and installation of the curb and gutter and binder course prior to the issuance of building permits.

- (i) The Zoning Board of Appeals may consider and grant relief from the above requirements, provided, however, that no front yard setback shall be less than 20 feet, no rear yard setback shall be less than 25 feet, and no side yard setback shall be less than 5 feet.

No Additional Sub-Dividing

Any parcel containing an existing residence that is less than the existing R-100 minimum area requirement (presently 20,000 sq. ft.) shall not be sub-divided as to create more than one non-conforming lot.

In the case of such a lot, when it is not possible to provide the required side yards and at the same time build a minimum width one-family dwelling, the Zoning Board of Appeals is hereby authorized to grant a variance reducing the side-yard requirements for such lot the minimum amount necessary for a reasonable dwelling, but in no case shall each of the side yards be less than five (5) feet in width.

Section 703. Deleted

Section 704. Temporary Buildings

A temporary building or buildings for use in connection with a construction project or land subdivision development shall be permitted on the land of the project during the construction period.

