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**THE COMPREHENSIVE LAND DEVELOPMENT REGULATIONS FOR
HOUSTON COUNTY**

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**THE COMPREHENSIVE LAND DEVELOPMENT REGULATIONS
FOR
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A resolution (Ordinance) of the Houston County, Georgia, establishing zoning districts and regulating the uses of land therein; and specifying off-street parking and loading requirements; adopting general zoning regulations; adopting a map for the purpose of indicating land districts; describing zoning rules and regulations in said districts; defining said districts, regulating land uses and accessory uses; prescribing the percentage of land area which may be occupied under varying circumstances; providing for variances and nonconforming uses; establishing a Board of Zoning Appeals; providing for the regulation of subdivision of land; adopting general subdivision regulations; defining certain of the terms herein used; providing a method of administration and practice and procedure; providing penalties for violation; providing remedies for enforcement hereof; to repeal all conflicting laws and regulations; and for other purposes.

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ARTICLE I

PURPOSE AND ENACTMENT

The County Commissioners of Houston County, Georgia, under the authority of the General Planning and Zoning Enabling Act of 1957 of the State of Georgia, as amended, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or the general welfare of Houston County and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; hereby ordain and enact into law the official Land Development Regulations for Houston County.

ARTICLE II

TITLE

These regulations shall be known and may be cited as “The Comprehensive Land Development Regulations for Houston County, Georgia”.

ARTICLE III

DEFINITIONS OF TERMS USED IN THESE REGULATIONS

Section 31. General

Except as specifically described herein, all words shall have the customary dictionary meaning. Words used in the present tense include the future tense, and words used in the future tense include the present. Words used in singular number include the plural and words used in the plural include the singular. The word “person” includes a firm, corporation, association, organization, trust, or partnership. The word “lot” includes “plot” or “parcel”, the word “building” includes “structure”.

The word “shall” is always mandatory. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designated to be used or occupied”. The word “map” means the “Official Zoning Map”.

Section 32. Specific Definitions

When used in these regulations the following words and phrases shall have the meaning given in this section:

1. **Accessory Use**: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
2. **Airport**: A transportation terminal facility where aircraft take off and land.
3. **Alley**: A public way dedicated to and accepted by a governing body and which is primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.
4. **Automobile Repair Garage**: A building or portion thereof, other than a private or parking garage, designed or used for the storage, servicing, repairing, equipping, or hiring of motor-driven vehicles.
5. **Automobile Service Station**: Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services including facilities for lubricating, automobile washing, and cleaning, or otherwise servicing automobiles, but excluding painting, major repair.
6. **Block**: A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.

7. **Boarding House**: A building other than a hotel where, for compensation and/or by pre-arrangement, meals, or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.
8. **Buffer**: A dense planting of shrubs and trees established and maintained to a height of not less than six (6) feet on a strip of land not less than ten (10) feet in width.
9. **Building**: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattels.
10. **Building, Accessory**: A subordinate building, the use of which is incidental to that of the dominant use of the main building or land.
11. **Building, Alterations of**: Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) except such change as may be required for its safety; any addition to a building; any change in use resulting from moving a building from one location to another.
12. **Building, Height of**: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building, including parapets, except that the distance shall be measured to the average height between the eaves and ridge for gable, hip, and gambrel roofs and the deck line of mansard roof.
13. **Building, Main**: A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the lot on which it is situated.
14. **Building Setback Line**: A line across a lot, generally parallel to the street right-of-way line, indicating the limit beyond which buildings or structures may not be erected.
15. **Clinic**: An establishment where patients, who are not lodged overnight, are admitted for examination and treatment.
16. **Club**: Buildings and facilities owned or operated by a corporation, association, person or persons for social, educational, or recreational purposes, but not primarily for profit or to render a service to the general public.
17. **Community Sewer System**: A privately-owned sewer system meeting the minimum standards set by the Environmental Protection Division of the Georgia Department of Natural Resources.

18. **Community Water System:** A privately-owned water system meeting the minimum standards set by the Environmental Protection Division of the Georgia Department of Natural Resources.
19. **Comprehensive Plan (Master Plan):** The various maps, plats, charts, and descriptive and explanatory material and all textural matter approved by the Planning Commission for the purpose of guiding and shaping the growth of an area.
20. **District:** Any section of the unincorporated or incorporated area of Houston county within which the zoning regulations are uniform.
21. **Day-Care Center:** Any place operated by a person, society, agency, corporation, or institution, or any other group wherein are received for pay seven (7) or more children under eighteen years of age for group care, without transfer of custody, for more than four (4) hours and less than twenty-four (24) hours per day.
22. **Day-Care Home:** Any place operated by any person who receives for pay three (3) to six (6) children under seventeen years of age for group care, without transfer of custody, for than four (4) hours and less than twenty-four (24) hours per day.
23. **Dwelling:** Any building or portion thereof which is designed for or used for residential purposes.
24. **Dwelling, Multi-Family:** A building designed for or occupied exclusively by three (3) or more families living independently of each other.
25. **Dwelling, Single Family:** A residential building designed for an occupied exclusively by one family as follows:
 1. “Site-Built Single-Family Dwelling” means a single-family dwelling constructed on the building site from basic materials delivered to the site, and which is constructed in accordance with all the requirements of the Building Codes adopted by the County.
 2. “Single-Family Manufactured Dwelling” means a one family manufactured home of two or more sections or a one family industrialized home.
26. **Dwelling, Single-Family (Detached):** A building designed for or occupied exclusively by one (1) family. For regulatory purposes, the general term is not to be construed as including the special form of one-family dwelling defined as mobile home or portable housing for recreational or other temporary use or a single-family attached or semi-detached dwelling as defined herein.

27. **Dwelling Attached, Single-Family**: a dwelling unit which is erected on an individual lot but as part of a single building, containing three or more dwelling units on adjoining lots, each being separated from the adjoining unit or units by an approved fire resistant party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line.
28. **Dwelling Semi-Detached, Single-Family**: A dwelling unit which is erected on an individual lot but as part of a single building containing one additional dwelling unit on an adjoining lot, and separated by an approved fire resistant party wall extending from the basement or cellar floor to the roof along the dividing lot line.
29. **Dwelling, Farm Tenant**: A residential structure located on a farm and occupied by a farm worker employed by the owner of the farm.
30. **Dwelling, Two-Family (Duplex)**: A building designed for and occupied exclusively by two (2) families living independently of each other with individual kitchen and bathroom facilities.
31. **Dwelling Unit**: A dwelling or portion thereof providing complete living facilities for one family.
32. **Easement**: A grant by a property owner for the use for a specific purpose (or purposes) of a piece of land by the general public, a corporation, or a person or persons.
33. **Fallout Shelter**: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms, or other emergencies.
34. **Family**: One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, motel or hotel, as herein defined.
35. **Floor Area**: The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including: the attic space providing headroom for less than seven (7) feet; unusable basement or cellar space not used for retailing; uncovered steps or fire escapes; open porches; accessory water or cooling towers; accessory off-street parking spaces; and accessory off-street loading berths.
36. **Frontage, Lot**: The distance for which the front boundary line of the lot and the street line are coincident.

37. **Frontage, Street:** All the property on the side of a street between two intersecting streets (crossing or terminating), or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.
38. **Garage, Apartment:** A dwelling unit for one family erected above a private garage detached from the main dwelling.
39. **Garage, Parking:** A building or portion thereof designed or used for storage of motor-driven vehicles, and at which motor fuels and oils may be sold, and in connection with which may be performed general automotive servicing as distinguished from automotive repairs.
40. **Garage, Private:** An accessory building or a portion of a main building used for the parking or storage of automobiles of the occupants of the main building. A carport is considered a private garage.
41. **Governing Body:** Depending on jurisdictional authority, “Governing Body” shall mean “The Board of County Commissioners of Houston County”; or “The Mayor and Council for the City of Warner Robins”; or “The Mayor and Council for the City of Perry”; or “The Mayor and Council for the City of Centerville”.
42. **Home, Industrialized:** A dwelling manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. Title 8, Chapter 2, Article 2, Part 1) and the Rules of the Commissioner of the Georgia Department of Community Affairs issued pursuant thereto. State approved buildings meet the State Building and Construction Codes and bear an insignia of Approval issued by the Commissioner.
43. **Home, Manufactured:** A dwelling fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying that it is constructed in compliance with the Federal Manufactured Home and Standards Act (42 U.S.C. 5401-5445) which first became effective on June 15, 1976.
44. **Home Occupation:** An occupation for gain or support conducted only by members of a family residing on the premises and entirely within the main building.
45. **Hotel:** A building in which lodging or board and lodging are providing for more than twenty (20) persons and offered to the public for compensation and in which ingress and egress to and from each sleeping room is generally made through the interior of the building.
46. **Institution, Nonprofit:** A nonprofit corporation or a nonprofit establishment.

47. **Intermediate Regional Flood:** A flood which has a one percent chance of occurring in any year. Such a flood is representative of large floods known to have occurred generally in the area and which is reasonably characteristic of what can be expected to occur on a particular stream.
48. **Junk Yard:** A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.
49. **Kennels:** Any location where raising, grooming, caring for, or boarding of dogs, cats, or other small animals for commercial purposes is carried on.
50. **Kindergarten:** A school for pre-elementary school children.
51. **Landing Area:** The area of an airport used for landing, taking off, or taxiing of aircraft.
52. **Laundromat:** A business that provides home-type washing, drying, and/or ironing machines for hire.
53. **Laundry and Dry Cleaning Pickup:** A business that provides only for the convenience of taking and picking up of laundry, such as establishments not having any equipment for processing of the laundry.
54. **Loading Space:** A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks and other carriers.
55. **Lot:** A portion of a subdivision or other parcel of land, intended as a unit for transfer of ownership or for building development.
56. **Lot, Depth of:** A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.
57. **Lot of Record:** A lot or parcel of land whose existence, location, and dimensions have been recorded in the Office of the Clerk of Superior Court of Houston County.
58. **Lot, Corner:** A lot bounded on two (2) adjacent sides by streets.
59. **Lot, Double Frontage:** A lot having a frontage on two (2) streets as distinguished from a corner lot.
60. **Lot, Interior:** A lot other than a corner lot.

61. **Lot Width**: The distance between lot side lines measured at the building line.
62. **Mobile Home**: A movable or portable dwelling over thirty-two (32) feet in length and containing over 320 square feet of floor area constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round occupancy, which can consist of one or more components that can be retracted for towing purposes and, subsequently, expanded for additional capacity or of two or more units separately towable but designed to be formed into one integral unit.
63. **Mobile Home Park**: Any tract of land that is approved by the Houston County Planning Commission for the renting of spaces for sleeping purposes or where spaces are set aside and offered for rent or use by mobile homes for living or sleeping purposes including and land, building, structure, or facility used by occupants of mobile homes on such premises.
64. **Mobile Home Subdivision**: A subdivision designed and intended for residential use where residence is primarily in mobile homes and lots are designed for individual ownership.
65. **Mobile Home Space**: A plot of ground within a mobile home park or mobile home subdivision designed for the accommodation of one mobile home.
66. **Motel**: A building or a group of buildings containing sleeping accommodations for rental primarily to automobile transients and in which ingress and egress to and from each sleeping room is generally to the outside of the building.
67. **Nonconforming Use**: A building, structure, or use of land existing at the time of the enactment of these regulations or at the time of a zoning amendment and which does not conform with the regulations of the use district in which it is located.
68. **Open Space**: A yard area which is not used for or occupied by a driveway, off-street parking, loading space, drying yard, or refuse storage space.
69. **Parking Space**: The area required for parking one automobile, which in these regulation is held to an area of two hundred (200) square feet, excluding passageways, and so arranged as to accommodate a standard automobile and to provide necessary maneuvering space.
70. **Personal Care Home**: A building, group of buildings, facility, or place in which are provided two or more beds and other facilities and service, including room, meals, and personal care, for non-family ambulatory adults. For the purposes of these regulations, personal care homes shall be classified as family personal care homes, group personal care homes, and congregate personal care homes.

71. **Personal Care Home, Family**: A personal care home in a family-type residence, noninstitutional in character, which offers care to two through six persons.
72. **Personal Care Homes, Group**: A personal care home in a residence or other type building or buildings, noninstitutional in character, which offers care to seven through fifteen persons.
73. **Personal Care Home, Congregate**: A personal care home which offers care to sixteen or more persons.
74. **Planning Commission**: Depending on jurisdictional authority, “Planning Commission” shall mean “The Houston County Planning Commission”; or “The Warner Robins Planning Commission”; or “The Perry Planning Commission”; or “The Centerville Planning Commission”.
75. **Planned Unit Development (PUD)**: A parcel of land which is developed as an integrated unit under single ownership or control, which includes two or more main buildings and where the specific requirements of a given district may be modified and where the minimum area is fixed.
76. **Plat**: A map, plan, or layout of a county, city, town, section or subdivision indicating the location and boundaries of individual properties.
77. **Plot Plan**: A general plan of design of the construction on an individual building lot which shall include the following: a plat with all corners clearly marked, which also shows the placement of the building to be located on the lot. Said plat shall also show the location of septic tanks and bleeder lines to be constructed on the building lot in accordance with the County health code. Said plot plan shall also include a general description of the drainage and water flow path and the impact it will have on adjoining property. The design shall also include all necessary steps to control the flow of water.
78. **Playschool**: A school for pre-kindergarten age children.
79. **Principal Use**: The primary purpose for which land or building is used.
80. **Professional**: When used in connection with “use” and “occupancy” a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, engineers, and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers and administrative agencies considered professional in character. The term, however, does not include repairs or sales or tangible personal property stored or located within the structure nor any use which would create any loud noise or noxious odors.

81. **Public Sewer System**: A publicly-owned sewer system meeting the minimum standards set by Environmental Protection Division of the Georgia Department of Natural Resources.
82. **Public Water System**: A publicly-owned water system meeting the minimum standards set by Environmental Protection Division of the Georgia Department of Natural Resources.
83. **Public Way**: Any piece of land over which the general public has a right of usage, whether acquired through prescription, by adverse use of the general public, or otherwise.
84. **Restaurant, Drive-In**: An eating and/or drinking establishment which caters to motor-driven vehicle business where the person being served may consume food and/or drink while sitting in a motor-driven vehicle.
85. **Right-of-Way**: Access over or across particularly described property for a specific purpose or purposes.
86. **Right-of-Way line**: The dividing line between a lot, tract, or parcel of land contiguous to street, railroad, or other public utility rights-of-way.
87. **Rooming House**: A building other than a hotel or motel where lodging for three (3) in addition to the owner or manager, but not more than twenty (20) persons, is provided with no meals served.
88. **Shopping Center**: A group of commercial establishments planned and developed as a unit, with common off-street parking provided on the property.
89. **Sign**: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or marks, or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and used as an outdoor display.
90. **Sign size**: The smallest square, rectangle, triangle, circle, or combination thereof encompassing the entire advertising area, excluding architectural trim and structural supports.
91. **Sign, Outdoor Advertising**: A structural poster panel or painted sign, either free-standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located.

92. **Sign Structure**: A structure composed of one or more poles which is located on the ground or on top of another structure and which supports no more than two (2) signs.
93. **Sign Structure Facing**: The surface of the sign upon, against, or through which the message of the sign is exhibited, not including architectural trim and structural supports.
94. **Site Plan**: The drawing(s) which put forth the pattern of development to take place on a particular piece of land.
95. **Story**: That portion of a building, other than a cellar included between the surface of the floor and the ceiling above it.
96. **Street**: A public way dedicated to and accepted by a governing body for the use of vehicular or pedestrian traffic by the general public and may be referred to as a street, highway, parkway, road, avenue, drive, boulevard, lane, place, etc.
97. **Street Line**: A right-of-way or property line of a street as indicated by dedication or by deed or plat of record.
98. **Structure**: Anything constructed or erected, the use of which required a location on the ground, or attached to something have a location on the ground.
99. **Subdivider**: Any person who undertakes the subdivision of land as herein defined.
100. **Subdivision**: Any division of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, legacy or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included in this definition:
- (a) The division of land into parcels of five acres or more which front 125 feet or more on an existing public road; and
 - (b) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of these regulations.

101. **Travel Trailer; Portable Recreational Housing Units:** General terms used interchangeably and intended to include travel trailers, pick-up campers, motorized homes, converted buses, tent trailers, tents, or similar devices designed and intended for use as temporary portable recreational housing but containing not more than 320 square feet of floor area.
102. **Travel Trailer Park:** Any lot on which are temporarily parked one or more travel trailers for a period of less than thirty (30) days.
103. **Yard:** A space on the same lot with a main building, such space being open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.
104. **Yard, Front:** An open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the street line and the front of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
105. **Yard, Rear:** An open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side lines of the lot. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.
106. **Yard, Side:** An open, unoccupied space, on the same lot with a main building, situated between the side line of the building and adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and in no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.
107. **Zero Lot Line:** One required side yard may be eliminated if the other side yard is increased. This may occur only after written approval by the Planning Commission. There is usually a wall between dwelling units. This wall is maintained by restrictive covenants. This concept maximizes land use.

Amended April 15, 2005.

ARTICLE IV

ESTABLISHMENT OF DISTRICTS

Section 41. Division of the County and Municipalities into Districts

For the purpose of this regulation, the County and the municipalities within the County are hereby divided into the following types of districts:

- R-AG - Agricultural/Residential District
- R-1 - Single-Family Residential District
- R-2 - Single-Family Residential District
- R-3 - Two-Family Residential District
- R-4 - Multi-Family Residential District
- R-MH - Manufactured Home Residential District
- C-1 - Neighborhood Service Commercial District
- C-2 - General Commercial District
- C-3 - Concentrated Commercial District
- M-1 - Wholesale and Light Industrial District
- M-2 - General Industrial District
- PUD - Planned Unit Development District
- BE - Base Environs Overlay District
- AH - Airport Hazard District
- FH - Flood Hazard District

Section 42. Intent of Districts.

In Order to protect the character of existing neighborhoods, to prevent excessive density of population in areas which are not adequately served with water, sewerage facilities, and fire protection; to ensure that adequate and suitable areas will be available in the County to provide housing for a growing population, and to protect residential areas from the blighting effects of the traffic, noise, odors, and dust generated by commercial and industrial activity; to provide for and accommodate growth and expansion of commercial and industrial activities; to prevent blight and slums and to promote orderly growth and development by grouping similar and related uses together and be separating dissimilar and unrelated uses; and in order that the various other purposes of this chapter may be accomplished, there are hereby established within the county and the municipalities the above-mentioned zoning districts.

Section 43. Incorporation of the Zoning Map

Said districts are bounded as shown on the sectional atlas property maps contained in one (1) volume entitled, "Official Zoning Map for Houston County, Georgia, dated May 4, 1976", and certified by the government's clerk hereinafter called "Official Zoning Map" or simply "map", and which, with all notations, references, including dates of amendments, and other information shown thereon is hereby made a part of these regulations. Said map shall be made a public record and shall be kept permanently in the Office of the Zoning Enforcement Officer, where said map shall be accessible to the general public.

Section 44. Map Amendment

If, in accordance with provisions of these regulations, changes are made in the district boundaries or other information portrayed on the Official Zoning Map, changes shall be made on the map within seven (7) days after the amendment has been approved by the Governing Body. A notation, certified by the government's clerk, shall be entered on the map at the time any change is made, which shall include the date of the amendment and a numerical entry referring to the application on file with the government's clerk which states a brief description of the nature of the changes. No amendment to these regulations which involves matter portrayed on the map shall become effective until after such change, with appropriate date and notation, has been made on said map.

Section 45. Rules for Determining Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following rules shall apply:

45.1. Unless otherwise indicated, the district boundaries are indicated as approximately following property lines, land lot lines, center lines of streets, highways, alleys, or railroads, shorelines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.

45.2. Where district boundaries are approximately parallel to the center lines of streets, highways, or railroads, or right-of-ways of the same, or the center lines of streams, reservoirs, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Maps. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

45.3. Where a public road, street, or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road street, or alley.

45.4. In case the exact location of a boundary cannot be determined by the foregoing methods, the Governing Body, upon application, determines the location of the boundary.

Section 46. Comprehensiveness of Zoning Districts

The purpose of these regulations and the accompanying map is to place all portions of the unincorporated and incorporated areas of Houston County in zoning districts. Should any area appear either by reference to the maps or by interpretation to be inadvertently or otherwise omitted from a classification district, that area or areas are hereby placed in an R-1 Single-Family Residential District and subject to all the regulations pertaining thereto until such time as the Planning Commission and the Governing Body can determine its proper zoning district classification.

ARTICLE V

APPLICATION OF REGULATIONS

Section 51. Use

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is or is to be located. No more than one principal use per lot shall be permitted except as provided herein.

Section 52. Height Requirements

No building or structure shall hereafter be erected, moved or altered which does not comply with the following height requirements:

52.1. Height Obstructions. The purpose of these provisions is to prevent the construction of objects which, because of their height, illumination or reflectivity, electrical emissions, and/or air emissions, represent an obstruction or safety hazard to air traffic operating in and out of Robins Air Force Base.

52.1.1. Definitions. The following definitions shall be used to interpret the requirements of Section 52.1.

52.1.1.1. Approach-Departure Surface. This surface is symmetrical about the RAFB runway centerline extended, begins as an inclined plane (glide angle) 200 feet beyond each end of the primary surface to the centerline elevation of the runway end, and extends for 50,000 feet. The slope of the approach-departure clearance surface is 50:01 (one foot change in elevation for each fifty feet in distance from the starting point) along the extended runway (glide angle) centerline until it reaches an elevation of 500 feet above the established airfield elevation, at which point it becomes a horizontal surface. It then continues horizontally at this elevation to a point at 50,000 feet from the start of the glide angle. The width of this surface at the runway end is 2,000 feet. It then flares uniformly, with an end width of 16,000 feet at a distance 50,000 feet from both starting points.

52.1.1.2. Conical Surface. This inclined surface extends outward and upward from the outer periphery of the inner horizontal surface for a horizontal distance of 7,000 feet. The slope of the conical surface is 20:01 (one foot change in elevation for each

twenty feet in distance from the starting point), with an inner elevation of 150 feet above the established airfield elevation and an outer elevation of 500 feet above the established airfield elevation.

52.1.1.3. Clear Zone Surface. This surface defines the limits of the obstruction clearance requirements in the vicinity contiguous to the end of the primary surface. The length and width (for a single runway) of a clear zone surface is 3,000 feet by 3,000 feet.

52.1.1.4. Established Airfield Elevation. The altitude, measured in feet above mean sea level (MSL), of the Robins Air Force Base main runway surface. This elevation is hereby declared to be 295 feet MSL.

52.1.1.5. Height. The true highest altitude of a structure or natural feature (including trees, protruding rocks, or natural ground surface) as measured in feet above mean sea level.

52.1.1.6. Inner Horizontal Surface. This surface is a plane, oval in shape, that extends 7,500 feet from the RAFB airfield runway centerline at the height of 150 feet above the established airfield elevation.

52.1.1.7. Obstruction. Any structure or natural feature (including trees, protruding rocks, or natural ground surface) which exceeds the height limitation defined by the primary surface, clear zone surface, approach-departure clearance surfaces, inner horizontal surface, conical surface, outer horizontal surface, or transitional surfaces established for Robins Air Force Base.

52.1.1.8. Outer Horizontal Surface. This surface is a horizontal plane that begins at the outer edge of the conical surface and extends for 30,000 feet at a height of 500 feet above the established airfield elevation.

52.1.1.9. Primary Surface. This surface defines the limits of the obstruction clearance requirements in the immediate vicinity of the landing area. The primary surface comprises surfaces of the runway, runway shoulders, and lateral safety zones and extends 200 feet, or 1,000 feet on both sides of the runway centerline.

52.1.1.10. Structure. Any stationary or mobile object constructed or installed by man, including without limitation, buildings, towers, cranes, smoke stacks, earth formations, and overhead transmission lines.

52.1.1.11. Transitional Surfaces. These surfaces connect the primary surfaces, clear zone surfaces, and approach-departure clearance surfaces to the outer horizontal surfaces, conical surface, and other horizontal or transitional surfaces. The slope of the transitional surface is 7:1 (one foot in elevation for each seven feet in distance from the starting point) outward and upward at right angles to the runway centerline extended.

52.1.2 Application. These regulations shall apply to all lands within the unincorporated areas of Houston County that are overlaid by the primary surface, clear zone surface, approach-departure clearance surface, inner horizontal surface, conical surface, outer horizontal surface, or transitional surfaces established for Robins Air Force Base. These boundaries of these surfaces are shown on _____, sheet number _____, dated _____. All development activity within these areas shall comply with the performance standards in Section 52.1.1. below in addition to the requirements of the underlying zoning district. Where conflicting standards and requirements exist, the more stringent standards and requirements shall apply.

52.1.3. Performance Standards. All development within the areas governed by these height requirements shall comply with the following performance standards.

52.1.3.1. Height Limitations. No structure shall be built which, by virtue of its finished height, would constitute an obstruction within the meaning of these regulations. Where the development or redevelopment of land within these areas affected by these regulations will involve substantial grading and/or site preparation, the Planning Commission or Board of Zoning Appeals may require the applicant to remove any existing obstructions (either natural or man-made) on the site as a condition of development plan approval.

52.1.3.2. Use Restrictions. No use may be made of land or water located within the RAFB Approach-Departure Surfaces that would:

52.1.3.2.1. create or result in electrical interference with navigational signals or radio communication between RAFB and aircraft operating within the affected areas;

52.1.3.2.2. produce or reflect light in a sufficient intensity or manner that would make it difficult for pilots to distinguish between airport lights and other light sources, result in glare in the eyes of pilots using the base airport, or otherwise impair visibility in the vicinity of the base. All proposed light sources that could conflict with this requirement (except structure lighting required under FAR Part 77) shall be properly shielded or directed away from a pilot's field of vision;

52.1.3.2.3. emit smoke or particulate matter which, in sufficient quantities or concentrations, would impair pilot visibility in the vicinity of the base or clog aircraft engines; or

52.1.3.2.4. attract large flocks of birds, which would constitute a hazard to air navigation in the vicinity of the base. No solid waste disposal facility or landfill may be sited within the areas affected by these regulations.

52.1.4. Review Procedures. The standard zoning compliance process for Houston County shall apply to the areas affected by these regulations. However, any applicant proposing to construct a structure that is:

- (1) located within RAFB Outer Horizontal Surface or the approach-departure Horizontal surface and would exceed 200 feet in height as measured from its tallest point to the finished ground level; or
- (2) located within the RAFB Primary Surface, Clear Zone Surface, Inner Horizontal Surface, Conical Surface, Approach-Departure Glide angle surface, or any Transitional Surface and would exceed 100 feet in height as measured from its tallest point to the finished ground level;

shall comply with the following review procedures, in addition to the normal zoning compliance process.

52.1.4.1. FAA Review. The applicant shall submit a copy of the application for FAA review under FAR Part 77, if applicable. A copy of the FAR Part 77 review transmittal letter and application shall be submitted to the Planning Commission or Board of Zoning Appeals to document compliance with this requirement. The Planning Commission or Board of Zoning Appeals may condition any approval upon FAA approval under FAA Part 77 review.

Amended February 5, 2004.

52.1.4.2. RAFB/MGRDC Review. Houston County shall provide a copy of an application for zoning compliance within the affected areas, including the development plan and a copy of the FAR Part 77 review transmittal letter and application as required, to the staff of the Middle Georgia Regional Development Center (MGRDC), within five (5) days of submittal by applicant. The staff of MGRDC will forward such information to the RAFB Civil Engineer's Office and any other affected parties for review. The MGRDC will review all comments and provide written recommendations to the Houston County zoning officer within ten (10) days of receipt. The Planning Commission or Board of Zoning Appeals may condition any approval upon these recommendations.

Amended February 5, 2004.

52.1.5. Submission Requirements. An applicant shall submit a preliminary plan in accordance with the applicable requirements of these regulations for any development application that satisfies the special review requirements in Section 52.1.4. above. The Houston County Zoning Officer may require the applicant to submit any or all of the items specified below, if the additional information is necessary to ensure compliance with the performance standards in Section 52.1.3. above.

52.1.5.1. Imaginary Surface Boundaries. The applicant may be required to delineate on the preliminary plan the boundaries of any primary surface, clear zone surface, approach-departure clearance surfaces, inner horizontal surface, conical surface, outer horizontal surface, if transitional surfaces, if the location of the aforementioned surface boundaries with respect to the proposed development site or proposed structure locations is in question. All maps prepared to show the location of these boundaries shall be drawn to scale designated by the Houston County Zoning Officer.

52.1.5.2. Location of Structures. The applicant may be required to delineate the placement of all existing and proposed buildings and structures, including any existing or proposed tree stands.

52.1.5.3. Specification of Uses. The applicant may be required to specify the proposed uses to occur within each structure or activity area on the development site.

52.1.5.4. Surface Elevation Bench Marks. The applicant may be required to show the surface elevation of all structures (above mean sea level) and the maximum height in feet of any structure. For residential subdivisions, the Zoning Officer may require the applicant to show surface elevations for the property in five-foot contours with sufficient bench marks to verify contour elevations.

52.1.5.5. Narrative Description. The applicant may be required to prepare a narrative describing the location of the site, its total acreage, existing character and use; the concept of the residential density, and the relation of the proposed development plan to the Comprehensive Plan.

52.1.6. Variances. Any applicant wishing to erect a new structure, increase the height of an existing structure, permit the growth of any tree, or commit the property to a use that is not in compliance with the regulations prescribed in these regulations may apply to the Board of Zoning Appeals for a variance. The application for variance must be submitted in the form and manner specified in these regulations, and it must be accompanied by a written determination from the Federal Aviation Administration and the RAFB Civil Engineer's Office stating that the proposed structure will not be located within a normal aircraft flight track, that the requested height variance will not be excessive, and that all appropriate measures will be taken by the applicant to prevent any negative impacts on safe navigation within the protected air space surrounding RAFB. Such variances shall be issued only where it is duly determined that a literal application or enforcement of these regulations will result in unnecessary hardship, and the relief granted will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit and intent of these regulations. In addition, the Board of Zoning Appeals may solicit the testimony of a qualified professional, at the expense of the applicant, to evaluate the proposed development plans and issue any professional findings of opinions that would assist the Board in reaching a decision regarding the variance request. The selection of a qualified professional shall be done by the Board of Zoning Appeals.

52.2. Exemptions. No building or structure shall hereafter be erected, moved or altered so as to exceed the height limit that is specified in Section 82 herein for the district in which it is located, except for the following buildings and structures:

52.2.1. Churches, schools, hospitals, sanitariums, and other public and semi-public and public utility buildings. There shall be no restriction on the height on such buildings, provided the front, side, and rear yards required in the district in which such building is to be located shall be increased an additional one (1) foot for each one (1) foot that the building exceeds the maximum height permitted in the district.

52.2.2. Barns, silos, grain elevators, or other farm structures; belfries, cupolas and domes; monuments; water towers; transmission towers, windmill, chimneys; smoke-stokes; flagpoles; radio towers, masts and aerials.

52.2.3. Bulkheads, water tanks, and scenery lofts and similar structures provided that such structures shall not cover more than 25 percent of the total roof area of the building on which such structures are located.

52.2.4. None of these exceptions to height limits shall be construed to allow structures located within the primary surface, clear zone surface, approach-departure clearance surfaces, inner horizontal surface, conical surface, outer horizontal surface, or transitional surfaces established for Robins Air Force Base to exceed the height restrictions imposed by Section 52.1 above.

52.2.5. None of these exceptions to height limits shall apply to signs or outdoor advertising signs or poster panels which shall be subject to all height limitations of the district in which they are located.

Section 53. Lots

No lots even though it may consist of one or more adjacent lots of record, shall be reduced in size so that lot width or depth, front side, or rear yard, inner or outer court, lot area per family, or other requirements of these regulations are not maintained. No building shall hereafter be constructed on a lot which does not have minimum frontage of fifty feet on a street. This section shall not apply when a portion of the lot in question is acquired for public purpose.

53.1. All lots located in any R-AG or R-1 District on an existing road with open ditches shall have a minimum lot frontage of 200 feet at the right of way. However, that any lot submitted for approval by itself in a R-AG area and not on a previously approved subdivision which is five (5) acres or more, may be approved if there is fee simple ownership access to a County Road which fronts at least thirty (30) feet on said County Road. Said access shall not be included in the main body of the lot for purposes of determining lot size and shall be at least thirty (30) feet wide at all points.

53.2. All lots in a R-1 District on a road with curb and gutter shall have a minimum of 100 feet at the right-of-way. When a lot is located on an arc of a cul-de-sac, the frontage at the right-of-way shall not be less than 50 feet with a minimum of 100 feet at the building line.

53.3. All lots located on a curve in a R-AG or R-1 District on a road with open ditches shall have a minimum of 100 feet at the right-of-way and a minimum of 200 feet at the building line.

Section 54. Yards and Other Spaces

No part of a yard or open space, or loading space, or off-street parking space about any building, required for the purpose of complying with the provisions of these regulations shall be included as part of a yard, or off-street parking, or loading space, or open space similarly required for another building. Every part of required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than two (2) feet beyond the yard area requirements.

Section 55. Densities

No building shall hereafter be erected, moved, or altered so as to accommodate or house a greater number of families than is specified in the regulations herein for the district in which the building is or is to be located.

ARTICLE VI

GENERAL PROVISIONS

Section 61. Nonconformities

Within the district established by these regulations or amendments that may later be adopted, there exists lots, structures, uses of land and structures, and characteristics of use which were lawful before these regulations were passed or amended, but which would be prohibited, regulated, or restricted under the terms of these regulations or future amendments. It is the intent of these regulations to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of these regulations that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

61.1. Incompatibility of Nonconforming Uses. Nonconforming uses are declared by these regulations to be incompatible with permitted uses in the district in which such use is located. A nonconforming use of structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of these regulations by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

61.2. Avoidance of Undue Hardship. To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of these regulations and upon which actual building construction has begun.

61.3. Single Nonconforming Lots of Record. A single lot of record which does not meet the requirements for area or width, or both that are applicable in the district existing at the effective date of adoption or amendment of these regulations may be used or sold for the erection of those buildings and accessory buildings necessary to carry out the permitted uses in that district, provided:

61.3.1. Yard dimensions and lot coverage requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located;

61.3.2. Variance for yard dimensions and lot coverage requirements shall be obtained only through action of the Board of Zoning Appeals as provided for in Section 114;

61.3.3. Locational requirements of accessory buildings and uses are met as provided for in Section 93.1.;

61.3.4. Parking space requirements for all districts as provided for in Section 62.2.;

61.3.5. Such lot must not have continuous frontage with other lots in the same ownership;

61.3.6. In residential districts, buildings shall be limited to single-family detached dwellings.

61.4. Nonconforming Lots of Record in Combination. If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of these regulations established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of these regulations and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by these regulations nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in these regulations.

61.5. Nonconforming Uses of Land. Where, at the time of adoption of these regulations, lawful uses of land exist which would not be permitted by the requirements imposed by these regulations the uses may be continued so long as they remain otherwise lawful, provided:

61.5.1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these regulations;

61.5.2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of these regulations;

61.5.3. If any such nonconforming uses of land are voluntarily discontinued for a period of more than one (1) year, any subsequent use of such land shall conform to the requirements specified by these regulations for the district in which such land is located; and

61.5.4. No additional structure not conforming to the requirements of these regulations shall be erected in connection with such nonconforming use of land.

61.6. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of these regulations that could not be built under the terms of these regulations that could not be built under the terms of these regulations by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

61.6.1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;

61.6.2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to the extent of more than 50 percent of its current replacement value, it shall be reconstructed except in conformity with the provisions of these regulations.

61.6.3. Should such structure be voluntarily moved for any reason for any distance whatever, it shall thereafter conform to the requirements for the district in which located after it was moved.

61.7. Nonconforming Uses of Structures or of Structures and Premises in Combination. If a lawful use involving individual structures, or of a structure and premises in combination, exists at the effective date of adoption or amendment of these regulations that would not be allowed in the district under the terms of these regulations, the lawful use may be continued so long as it remains otherwise lawful; subject to the following provisions:

61.7.1. No existing structure devoted to a use not permitted by these regulations in the district in which it is located shall be enlarged, extended, constructed, reconstructed, voluntarily moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

61.7.2. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

61.7.3. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of these regulations for the district, and the nonconforming use may not thereafter be resumed;

61.7.4. When a nonconforming use of a structure, or structure and premises in combination is voluntarily discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

61.7.5. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure to the extent of more than 50 percent of its current replacement value, shall eliminate the nonconforming status of the land.

61.8. Repairs and Maintenance. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs including remodeling, or repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 62. Off-Street Automobile Parking

Off-street automobile storage or parking space shall be provided on every lot on which any permitted use is established in accordance with these regulations.

62.1. General Requirements. For the purpose of these regulations the following general requirements are specified:

62.1.1. The term “Off-street Parking Space” shall mean a space at least ten (10) feet wide and twenty (20) feet in length with a minimum net area of two hundred (200) square feet, excluding area for egress and ingress and maneuverability of vehicles.

62.1.2. Parking spaces for all uses shall be located on the same lot with the main buildings to be served except as provided below:

62.1.2.1. If an off-street parking space cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit (as a special exception) such space to be provided on other off-street property, provided such space lies within four hundred (400) feet of an entrance to the principal building and provided that such space is located within a zoning district which permits the principal use. Such vehicle parking space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

62.1.2.2. The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that up to one-half of the parking space required for an existing church whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

62.1.3. An area reserved for off-street parking in accordance with the requirements of these regulations shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Board of Zoning Appeals.

62.1.4. Off-street parking existing at the effective date of these regulations in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

62.2. Parking Space Requirements for All Districts Except C-3 Concentrated Commercial District. Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley, and shall be equal to the minimum requirements for the specific land use set forth.

<u>Land Use</u>	<u>Parking Requirements</u>
<u>Dwellings:</u>	
1. One and Two Families	Two (2) spaces for each dwelling unit.
2. Multiple Family	One and a half (1 ½) space per dwelling unit except for efficiency apartments for which one space per dwelling unit shall be provided and housing for each elderly for which one space for each two dwelling units shall be provided.
3. Hotels	One (1) space for each one room plus one (1) additional space for each five (5) employees.
4. Motels, Tourist Courts and homes, mobile homes and travel trailer parks	One (1) space for each guest bedroom, mobile home or travel trailer space, plus one (1) additional space for a resident camper or manager.
5. Board and rooming house and dormitories	One (1) space for each bedroom.
<u>Public Assembly:</u>	
1. Churches and other places of worship	One (1) space for each four (4) seats in the main auditorium or sanctuary.
2. Private clubs, lodges and fraternal buildings not Providing overnight Accommodations.	One (1) space for each five (5) active members.
3. Theaters, auditoriums Coliseums, stadiums, and Similar places of assembly.	One (1) space for each four (4) seats.

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| 4. Libraries, museums | One (1) space for each five hundred (500) square feet of gross floor area. |
| 5. Schools, including kindergartens, play-schools, and day care centers | One (1) space for each four (4) seats in assembly hall, or one (1) space for each employee, including teachers and administrators, whichever is greater, plus five (5) spaces per classroom for high schools and colleges. |
| 6. Skating rinks, dance halls, exhibition halls, pool rooms and other places of amusement
Or assembly without fixed Seating arrangements. | One (1) space for each one hundred (100) square feet of floor area or ground area used for amusement or assembly. |
| 7. Bowling Alleys | Four (4) spaces for each alley. |

Health Facilities:

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|---|--|
| 1. Hospitals, sanitariums, nursing homes for the aged, and similar institutional uses | One (1) space for each four (4) beds, plus one (1) space for each staff or visiting doctor plus one (1) space for each four (4) employees, including nurses. |
| 2. Kennels and animal | One and a half (1 ½) spaces for every one hundred (100) square feet of waiting room area, plus one (1) space for each two (2) employees. |
| 3. Medical, dental, and health offices and clinics | One (1) space for each two hundred (200) square feet of floor area used for offices and similar purposes. |
| 4. Mortuaries and funeral parlors | Five (5) spaces per parlor or chapel unit, or one (1) space per four (4) seats, whichever is greater. |

Businesses:

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|---|--|
| 1. Automobile service and repair establishments | One (1) space for each regular employee plus one (1) space for each two hundred fifty (250) square feet of floor area. |
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| 2. Food stores | One (1) space for each one hundred (100) square feet of floor area designated for retail sales only. |
| 3. Restaurants, including bars, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments | One (1) space for each four (4) seats provided for patron use, plus one (1) space for each seventy-five (75) square feet of floor area provided for patron use but not containing seats. |
| 4. Office Buildings, including banks, business, commercial and professional offices | One (1) space for each three hundred (300) square feet of ground floor area, plus one (1) space for each five hundred (500) square feet of upper floor space. |
| 5. General business, commercial or personal service establishment catering to the retail trade, but excluding food stores. | Three (3) spaces for each two hundred (200) square feet of floor area designated for retail sales only. |
| 6. Government offices. | One (1) space for each three hundred (300) square feet of ground floor area plus one (1) space for each five hundred (500) square ft. of upper floor area and one (1) space for each government vehicle. |
| 7. Shopping Centers | For each square foot of building area there shall be two (2) square feet of parking area |
| 8. Furniture stores | One (1) space for each five hundred (500) square feet of gross floor area. |
| 9. Public utilities, such as telephone exchanges and Substations, radio and TV Stations, electric power and Gas substations | A parking area equal to twenty five percent of the gross floor area. |
| 10. Adult Entertainment

Establishments as defined
In the Code of Ordinances of
Houston County, Georgia | One (1) space for each four (4) seats provided for patron use, plus one (1) space for each seventy-five (75) sq. ft. of floor area provided for patron use but not containing seats. |

Industries:

- | | |
|---|---|
| 1. Commercial, manufacturing, and industrial establishments, not catering to the retail trade | One (1) space for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises. |
| 2. Wholesale establishments | One (1) space for every fifty (50) square feet of customer service are, plus two (2) spaces for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises. |

62.3. Parking Space Requirements for C-3 Concentrated Commercial District.
All provisions set forth in Sections 61.1. and 61.2. shall apply to the C-3 Concentrated Commercial District except as follows:

62.3.1. Any commercial building existing on the effective date of these regulations may be reconstructed, remodeled, or enlarged without increasing the existing off-street parking spaces provided such reconstruction, remodeling, or enlargement does not exceed more than ten (10) percent of the original gross commercial floor area. Additional off-street parking must be provided for only that portion of the additional gross commercial floor area in excess of ten (10) percent in accordance with the provisions set forth in these regulations.

62.3.2. Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley, and shall be equal in area to at least the minimum requirements for the following specific land uses:

<u>Land Use</u>	<u>Parking Requirements</u>
1. Restaurants, including bars, grills, diners, cafes, taverns, night clubs, lunch counters, and all similar dining and/or Drinking establishments	One (1) space for each six (6) seats provided for patron use plus one (1) space for each 1 sq. ft. of floor area provided for patron use but not containing seats.
2. Office buildings, including banks, business commercial, and professional offices and buildings but excluding medical, dental, and health offices and clinics	One (1) space for each 500 square feet of gross floor area

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| 3. General business, commercial or personal service establishments catering to the retail Trade, but excluding food Stores | One (1) space for each 400 square feet of floor area designated for retail sales only. |
| 4. Governmental Offices | One (1) space for each 500 square feet of gross area and one (1) space for each governmental vehicle. |

62.4. Site Requirements. All off-street parking, except that for one and two family dwellings, shall be laid out, constructed, and maintained in accordance with the following requirements:

62.4.1. All such parking areas shall be hard surfaced with concrete or plant bituminous material and shall be maintained in a dust-proof condition and the remainder of the lot shall be so mulched, seeded, sodded, or otherwise protected so that erosion and washing are prevented.

62.4.2. Lighting facilities shall be so arranged that light is reflected away from adjacent properties.

62.4.3. The parking lot shall be adequately drained.

62.4.4. A buffer consisting of a dense planting of trees and/or shrubs shall be established on a strip of land not less than eight (8) feet in width along those lot lines of the parking area which abut residential districts. A substantial bumper rail of wood, metal, or concrete or a raised curb of at least six (6) inches shall be installed on the inside of the buffer.

62.4.5. A raised curb of at least six (6) inches shall be erected along all parking and parking lot areas except for driveway openings, and those lot lines abutting residential districts where the requirements in Section 62.4.4. shall prevail.

62.4.6. No off-street parking space or driveway shall be designed or constructed so as to require the backing of vehicles into the right-of-way of a public street.

62.4.7. For parking areas with 21 or more parking spaces, at least five (5) percent of the parking area shall be permanently landscaped, excluding buffers as required in 62.4.4.

62.4.8. In addition to requirements set in 62.4.7., a plan for landscaping and traffic circulation shall be submitted to the Planning Commission for review and approval for all parking areas with 50 or more parking spaces.

Section 63. Off-Street Loading and Unloading Space

Off-street loading and unloading spaces shall be provided as hereinafter required by these regulations.

63.1. Size of Off-street Loading Space. Each off-street loading space shall have minimum dimensions of fourteen (14) feet in height, twelve (12) feet in width, and fifty-five (55) feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by smaller trucks, the Board of Zoning Appeals may reduce the minimum size.

63.2. Connection to Street or Alley. Each off-street loading space shall have access to a street or alley via a driveway which offers satisfactory ingress and egress for trucks.

63.3. Floor Area over 10,000 Square Feet. There shall be provided for each hospital, institution, hotel, commercial, or industrial building or similar use requiring the receipt or distribution of materials or merchandise, and having a floor area of more than ten thousand (10,000) square feet, at least one off-street loading space for each ten thousand (10,000) square feet of floor space or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over sidewalk, street or alley.

63.4. Floor Area Less than 10,000 Square Feet. There shall be provided for each commercial or industrial building requiring the receipt or distribution of material or merchandise and having a floor area of less than ten thousand (10,000) square feet, sufficient off-street loading space (not necessarily a full space if shared by an adjacent establishment) so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

63.5. Bus and Trucking Terminals. There shall be provided sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded at the terminal at any one time.

63.6. Location of Off-street Loading Spaces. All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve, or on an adjacent lot when shared with the use occupying said adjacent lot.

63.7. Permanent Reservation. Area reserved for off-street loading in accordance with the requirements of these regulations shall not be reduced in area or changed to any other use unless the permitted use which is served is discontinued or modified, except where equivalent loading space is provided and approved by the Board of Zoning Appeals.

Section 64. Control of Curb Cuts and Vision Clearance

The requirements for controlling curb cuts and maintaining vision clearance shall be as follows:

64.1. Curb Cuts. No curb cut shall exceed fifty (50) feet in length, nor shall curb cuts be closer than twenty (20) feet to an intersection of two streets measured along the curb line.

64.2. Vision Clearance. In all use districts except C-3, Concentrated Commercial, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of two and one-half (2 ½) and ten (10) feet from the ground level shall be permitted within twenty-five (25) feet of the intersection of the right-of-way lines of two streets or railroad lines, or of a street intersection with a railroad line.

Section 65. Classification of Streets

All streets and roads in the unincorporated and incorporated areas of Houston County are hereby divided into the following classes as shown on the Major Thoroughfare Plan adopted by the appropriate Governing Body.

65.1. Expressways. A street designed for fast, continuous movement of all types of traffic, with control over access to abutting property and the spacing of street intersections.

65.2. Arterial. A street designed for rapid, continuous movement of all types of traffic but with less control over the access points from streets and adjacent property than expressways.

65.3. Collector Street. A street designated to carry traffic with relatively little interruption and at moderate speeds between local service streets and arterials, including the principal entrance streets of a residential development and streets for circulation within such a development.

65.4. Marginal Access Street. A street generally parallel and adjacent to expressways, arterials, or connector streets, for the purpose of providing access to abutting properties and of separating high-speed from local traffic.

65.5. Local Service Street. A street intended to provide direct access to abutting property.

65.6. Cul-de-sac. A service street having one end open to traffic, with the other end permanently terminated by a turnaround.

Section 66. Storage and Parking of Trailers and Commercial Vehicles

Commercial vehicles and trailers of all types, including travel, boat, camping, and hauling, shall not be parked or stored on any lot occupied by a dwelling or any lot in any Residential District except in accordance with the following requirements:

66.1. No more than one commercial vehicle per dwelling shall be permitted; and in no case shall a commercial vehicle carrying explosives, gasoline other than in the fuel tank used for propelling the vehicle, or liquefied petroleum products be permitted. The Board of Zoning Appeals may grant a special exception to the terms of this provision based upon the following:

66.1.1. The commercial vehicles were parked or stored on said residential lot prior to the adoption of these regulations.

66.1.2. The owner or operator of said commercial vehicles does not have an alternate parking space.

66.1.3. The commercial vehicles are not parked within a public street right-of-way on which no parking is allowed.

66.1.4. The location of said commercial vehicles creates no adverse safety hazards.

66.2. Travel trailers, hauling trailers, or boat trailers shall be permitted if parked or stored behind the front yard building line.

66.3. A travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area except in a travel trailer park authorized under these regulations.

Section 67. Screening and Lighting

67.1. In any Commercial or Industrial District, any operation not conducted within a building, such as drive-in businesses, outdoor recreation, outdoor storage or materials, and outdoor servicing activities, shall be enclosed by a wall of fence of solid appearance or tight evergreen hedge not less than six (6) feet in height where necessary to conceal such areas or facilities from a residential district adjoining or facing across a street in the rear or on the side of the principal building or use.

67.2. In any district where reference is made requiring adequate screening or buffering of a specified operation, such screen or buffer shall be a wall or fence of uniform material, solid in appearance or tight evergreen hedge not less than six (6) feet in height, as may be required by the Houston County Planning Commission or the Houston County Board of Commissioners.

67.3. Outdoor lighting of all types shall be directed so as to reflect away from all residential dwellings, and shall be so situated as not to reflect directly into any public rights-of-way.

Section 68. Minimum Distance Between Buildings

The following minimum distances between buildings shall be required unless otherwise specified within these regulations:

68.1. The minimum distances between main multi-family buildings located on the same lot or parcel shall be:

- 68.1.1. Front to front arrangement 40 feet
- 68.1.2. Front to rear arrangement 50 feet
- 68.1.3. Rear to rear arrangement 30 feet
- 68.1.4. Side to side arrangement 20 feet
- 68.1.5. All other combinations 20 feet

Section 69. Newly Annexed Land

All land newly annexed into the corporate limits of a city shall maintain the same zoning classification as existed prior to annexation unless otherwise changed in accordance with the provisions presented in Section 116 of these regulations.

ARTICLE VII

USE REQUIREMENTS BY DISTRICTS

Section 71. Residential Districts

71.1. R-AG Agricultural Residential District

71.1.1 Intent of District. The district is established to protect rural areas against the blight and depreciation which can result from premature development; to encourage the development of rural areas in a coordinated and orderly manner; to protect the use of land adjoining roads passing through the rural portions of the county against strip development which can lead to traffic congestion and traffic hazards. Further, the district is intended for use only in the unincorporated portions of the county.

71.1.2. Permitted Uses. Within an R-AG Agricultural District, the following uses are permitted:

- (1) Single-family dwellings.
- (2) Accessory buildings and uses when located on the same lot or parcel of land as the main structure and customarily incident thereto and provided the requirements in Section 93 are met.
- (3) Home swimming pool provided the location is not closer than ten (10) foot to any property line and the pool is enclosed by a wall of fence of at least 4 feet in height and provided approval from the Houston County Health Department has been obtained.
- (4) Agricultural crops, including the raising of livestock and poultry, provided that all animals and fowl (except those generally recognized as household pets) shall be kept in a structure, pen, or corral, and that no structure containing livestock or poultry and no storage of manure or odor or dust producing substance or use shall be located within 50 feet of any property line, and provided that the requirements of Section 99 are met.
- (5) Public utility structures and buildings provided uninstillation is properly screened as required in Section 67. No office shall be permitted and no equipment shall be stored on the site.
- (6) Individual mobile homes.
- (7) Signs as provided in Section 97.

71.1.3. Uses Permitted by a Special Exception. The following uses may be permitted as a Special Exception by the Board of Zoning Appeals in accordance with the provisions of Section 117:

- (1) Public or privately owned and operated golf, swimming, tennis, or county clubs, community clubs or associations, fishing and hunting clubs, athletic fields, parks, and other recreation areas, provided that no building for such purposes are located within 100 feet of any property line.
- (2) Home occupations provided the requirements in Section 95 are met.
- (3) Kindergartens, playschools, and day care centers and day care homes.
- (4) Private schools and libraries.
- (5) Cemeteries, provided they are located abutting a paved road and shall be screened six (6) feet from adjoining properties.
- (6) Tenant houses, and one-family dwellings, when located on the same lot or tract as the principal residence on the basis of one residence structure for each five (5) acres in addition to the minimum lot area required for the principal residence, and subject to all the yard requirements of this district.
- (7) Sale of products and commodities raised on the premises provided that no structure for such sales shall be closer than 25 feet to either the front or side property lines.
- (8) Riding stable and academics, provided that no structure, pen, or corral housing animals shall be closer than 200 feet to any property line.
- (9) Sanitariums, rest homes, hospitals, and animal kennels.
- (10) Airplane landing fields including flight strips and helicopter ports and accessory facilities.
- (11) Radio or television transmission stations.

- (12) **Amended to delete this sub section in its entirety July 11, 2006.**
- (13) Temporary or portable sawmills for the cutting of timber on adjacent land and provided no machine operation is located closed than 200 feet to any property line.
- (14) Additional dwellings on a single lot, provided the requirements of Section 107 are met.
- (15) Landfills, subject to the provisions of the Georgia Solid Waste Management Act (199) and rules of the Georgia Department of Natural Resources governing solid waste management and all applicable standards in Section 99.1.2 of these regulations.
- (16) Churches and related accessory buildings, provided they are located on a lot fronting an arterial or collector street and are placed not less than 50 feet from any property line.

71.2. R-1 Single-Family – Residential District

71.2.1. Intent of District. This district is intended to be used for single-family residential areas with low population densities. Additional permitted uses, by special exception, include related noncommercial, recreational, religious, and elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment.

71.2.2. Permitted Uses. Within the R-1, Single Family Residential District, the following uses are permitted:

- (1) Single-Family dwellings.
- (2) Accessory buildings are uses when located on the same lot or parcel of land as the main structure and customarily incident thereto and provided the requirements in Section 93 are met.
- (3) Home swimming pool provided the location is not closer than ten (10) feet to any property line and the pool is enclosed by a wall or fence at least four (4) feet in height and provided approval from the Houston County Health Department has been obtained.

- (4) Public Utility structures and buildings provided installation is properly screened as required by Section 67 and is required for service of the immediate area. No office shall be permitted and no equipment shall be stored on the site.
- (5) Signs as provided in Section 97.

71.2.3. Uses permitted by Special Exception. The following uses may be permitted as a special exception by the Board of Zoning Appeals in accordance with the provisions of Section 117:

- (1) Churches and related accessory buildings, provided they are located on a lot fronting an arterial or collector street and are placed not less than 50 feet from any property line.
- (2) Golf, swimming, tennis, or country clubs, publicly and privately owned and operated community clubs or associations, athletic fields, parks, and recreation areas, provided that no building for such purposes is located within 100 feet of any property line.
- (3) Home Occupations provided the requirements in Section 95 are met.
- (4) Kindergartens, playschools, and day care centers and day care homes, provided that at least 100 square feet of outdoor play area is provided for each child and that such play area is enclosed by a fence at least 4 feet in height.
- (5) Public and private schools and libraries excluding businesses and trade schools.
- (6) Additional dwellings on a single lot, provided the requirements of Section 107 are met.

71.3. R-2 Single-Family Residential District.

71.3.1. Intent of District. This district is intended to be used for single-family residential areas with low to medium population densities. Additional permitted uses, by special exception, include related noncommercial, recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment.

71.3.2. Permitted Uses. Within the R-2 District, the following uses are permitted:

- (1) Any use permitted in a R-1 District.

71.3.3. Uses Permitted by Special Exception. The following uses may be permitted as a special exception by the Board of Zoning Appeals in accordance with the provisions of Section 117:

- (1) Any uses permitted by special exception in a R-1 district.

71.4. R-3 Two-Family Residential District.

71.4.1. Intent of District. This is a residential district to provide for a medium population density. The district permits an intermixture of dwelling types; to provide more interesting aesthetic categories of dwellings; and to situate these uses where they are well served by public and commercial services.

71.4.2. Permitted Uses. Within the R-3 District, the following uses are permitted:

- (1) Any use permitted in a R-2 district.
- (2) Two-family dwellings (duplex).
- (3) Single-family attached dwellings provided the requirements in Section 92 are met.
- (4) Single-family semi-detached dwellings.

71.4.3. Uses Permitted by Special Exception. The following uses may be permitted as a special exception by the Board of Zoning Appeals in accordance with the provisions of Section 117:

- (1) Any use permitted by special exception in a R-1 District.

71.5. R-4 Multi-Family Residential District.

71.5.1. Intent of District. This is a residential district to provide for a high population density. The principal uses of land may range from single-family to low density multiple-family apartment uses. Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted.

71.5.2. Permitted Uses. Within the R-4 District, the following uses are permitted:

- (1) Any uses permitted in a R-1 district.
- (2) Multi-family dwellings.

71.5.3. Uses Permitted by Special Exception. The following uses may be permitted as a special exception by the Board of Zoning Appeals in accordance with the provisions of Section 115.

- (1) Any uses permitted by special exception in a R-1 district.
- (2) Hospitals, sanitariums, clinics, convalescent or nursing homes, provided that the lot fronts on an arterial or major collector street.
- (3) Clubs and lodges, provided that food service facilities are only by members and their guests.

71.6. R-MH Mobile Home Residential District.

71.6.1. Intent of District. The intent of this district shall be to provide adequate locations and densities for mobile home parks, individual mobile homes and other uses permitted by these regulations within this district.

71.6.2. Permitted Uses. Within a R-MH District, the following uses are permitted:

- (1) Any use permitted in a R-1 district.
- (2) Individual mobile homes.
- (3) Mobile Home parks as provided for in Section 91.2.
- (4) Service and auxiliary buildings located and specifically designed to serve only the residents of one mobile home park, not to include automobile or mobile home repair facilities or repair facilities of any type. Permitted buildings shall be limited to the following uses:
 - (a) mobile home park management office,
 - (b) storage for maintenance tools, equipment, and supplies,

- (c) residence for the exclusive use of a watchman, caretaker, owner, or manager of a mobile home park.
- (d) Recreation, assembly, and laundry facilities for the exclusive use of the mobile home park residents and their guests.

71.6.3. Uses Permitted by Special Exception. The following uses may be permitted as a special exception by the Board of Zoning Appeals in accordance with the provisions of Section 117:

- (1) Any use permitted by special exception in a R-1 district.

Section 72. Commercial Districts

72.1. C-1 Neighborhood Service Commercial District

72.1.1. Intent of District. The C-1 District is specifically intended to provide for the customary retail and service needs of a residential neighborhood.

72.1.2. Required Conditions.

- (1) All sales, businesses, servicing, storage, or processing shall be conducted within a completely enclosed building except where the nature of the activity makes it impossible, as for example, off-street loading, automobile parking for customers while on the premises, and the sale of automobile fuel at service stations. No more than 20 percent of the floor space is to be used for storage.
- (2) Uses, processes, or equipment employed shall be limited to those which are not objectionable by reason of odor, dust, bright lights, smoke, noise or vibration.
- (3) No sale of beer or wine for consumption on the premises, except with meals.
- (4) Products to be sold only at retail.
- (5) No sale, display, or storage of second-hand merchandise except as incidental to sale of new merchandise.
- (6) Lot must front onto an arterial or collector street.
- (7) Off-street parking shall not require backing or maneuvering into the right-of-way of a public street.

72.1.3. Permitted Uses. Within the C-1 district, the following uses are permitted:

- (1) Retail business involving the sale of merchandise on the premises, in stores having a size under six thousand (6,000) square feet (except that grocery stores may have a size larger than 6,000 feet but not exceeding 13,000 square feet), limited to:
 - (a) Art and/or camera store
 - (b) Book, magazine, newspaper store
 - (c) Candy store
 - (d) Clothing store
 - (e) Delicatessen
 - (f) Drug store or pharmacy
 - (g) Florist shop
 - (h) Fruit, nut and/or vegetable store
 - (i) Gift or curio shop
 - (j) Grocery store
 - (k) Hardware store
 - (l) Hobby and/or toy store
 - (m) Household furnishings store
(but not a furniture store)
 - (n) Jewelry store
 - (o) Record shop
 - (p) Notion, 5 and 10 cent general
 - (q) Package liquor store
 - (r) Paint store
 - (s) Sporting goods store

- (2) Business involving the rendering of a personal service or the repair and servicing of small equipment, limited to:
 - (a) Appliance, radio, or television repair shop
 - (b) Bank, savings and loan association, personal loan Agency, or branches thereof
 - (c) Bicycle repair shop
 - (d) Barber shop, beauty shop, or combination thereof
 - (e) Dressmaker, seamstress, tailor
 - (f) Dry cleaning self-service and/or laundry self-service facility
 - (g) Furniture repair or upholstering (but not furniture manufacturing)
 - (h) Insurance agency
 - (i) Jewelry and watch repair shop

- (j) Locksmith or gunsmith
 - (k) Medical, dental, or chiropractic office, clinic, and/or laboratory
 - (l) Office for governmental, business, professional, or general purposes (but not storage of vehicles or equipment on the premises is permitted except emergency vehicles)
 - (m) Photographic studio
 - (n) Real estate agency
 - (o) Studio offering instruction in art, music, dancing, drama, or similar cultural activity
 - (p) Secretarial and/or telephone answering service
 - (q) Shoe repair shop
- (3) Private or semi-private club, lodge, union hall or social center.
 - (4) Church, Synagogue, or other place of worship
 - (5) Off-street commercial parking
 - (6) Publicly owned and operated building, facility or land (but overnight storage of vehicles or equipment other than emergency vehicles on the premises is not permitted).
 - (7) Kindergarten, playschools, and day care centers and homes.
 - (8) Theaters, but not including drive-in theaters.
 - (9) Accessory buildings and uses when located on the same lot or parcel of land as the main structure and customarily incident thereto, provided the requirements in Section 93 are met.
 - (10) Automobile service stations, provided the requirements in Section 96 are met, but not including automotive repair garages or sales.
 - (11) Sale of alcoholic beverages with alcoholic content not more than fourteen (14) percent for consumption off the premises. The intent of this section is to permit sale of beer or wine in a grocery or other store to be taken home.
 - (12) Signs as provided for in Section 97.
 - (13) Restaurants, cafeterias, grills, and lunch counters having a size under 6,000 square feet (but not including night clubs, bars, taverns, liquor stores, drive-in restaurants, or curb-service establishments).

- (14) Public utility substation or other installation provided that such use is adequately screened as required by Section 67, and there is neither commercial operation nor storage of vehicles or equipment on the premises.
- (15) Bakery provided that goods baked on the premises are sold only at retail on the premises.
- (16) Dry cleaning or laundry establishments, provided that any laundering, cleaning, or pressing done on the premises involves only articles delivered to the premises by individual customers.
- (17) Meat, fish, and/or poultry shop, provided that no slaughtering is done on the premises.
- (17) Pet shop provided all animals are housed within the principal building such that no sound is perceptible beyond the premises and approval from Houston County Health Department has been obtained.

72.2. C-2 General Commercial District.

72.2.1. Intent of District. The intent of this district shall be to provide a commercial district designed to serve the automobile, its passengers, and highway users and to provide community shopping facilities consisting of a wide variety of sales and service facilities at locations that will be accessible to all shoppers and highway users or both.

72.2.2. Required Conditions.

- (1) All businesses, servicing, storage, or processing shall be conducted within a completely enclosed building except where the nature of the activity makes it impossible as for example, off-street loading, automobile parking for customers while on the premises, miniature golf courses, and the sale of automobile fuel at service stations.
- (2) Uses, processes, and equipment employed shall be limited to those which are not objectionable by reason of odor, dust, bright lights, smoke, noise, or vibration.

72.2.3. Permitted Uses. Within the C-2 General Commercial District, the following uses are permitted:

- (1) All uses permitted in C-1 District, without regard to size of establishment.

- (2) Amusement enterprises, such as miniature and Par-3 golf, golf driving ranges, skating rinks, excluding fairgrounds.
- (3) Go-kart type miniature auto racing tracks, provided the following conditions are adhered to:
 - (a) Property line of this use shall be at least 200 feet from the nearest residential structure and 100 feet from any other use.
 - (b) That the owner of this use shall build a six (6) foot high barrier or wall at the property line facing any residential structure.
 - (c) No lights from this use shall shine directly into residential structures.
 - (d) Adequate on-premises parking shall be provided so that no vehicles shall be parked on any adjoining property.
 - (e) No flashing portable signs advertising this business shall be permitted.
 - (f) No sounds shall be audible beyond the property lines of this business and all vehicles shall be muffled to the greatest extent possible with present technology.
 - (g) The hours of operation shall be 9:00 a.m. to 9:30 p.m. on weekdays and 10:00 a.m. to 10:30 p.m. on weekends.
 - (h) The owner shall build at his own expense a barrier around the racing track to protect spectators from injury.
 - (i) No types of competition racing shall be permitted at this facility.
- (4) Motels and hotels which shall contain a minimum lot area of 40,000 square feet, if connected to a public sewer, or a larger minimum lot area requirement as determined by the Houston County Health Department if not attached to a public sewer.
- (5) Automobile Repair Garage.
 - (a) Automobile repair garage, mechanical and body, provided all operations are conducted in a building. Within one hundred (100) feet of a residential district, no openings, other than a stationary window, shall face a residential district. An automobile repair garage shall not store or otherwise maintain any parts or waste material outside such buildings.
 - (b) Individuals who have body shops and allow their wrecker to take a turn to be on call by the Houston County Sheriff's Department or by a local Police Department shall be allowed to operate an impoundment area provided that the following requirements are fulfilled:

- 1 No inoperable automobile shall be located on the premises longer than thirty (30) days after the wrecker was last on call by the Sheriff's Department or the local Police Department.
 - 2 The entire impoundment area will be screened with a six (6) foot fence and the fence will be slatted so that the impoundment area is not visible to the public or to adjoining property owners.
- (6) Bus and railroad terminal facilities.
 - (7) Restaurants, including drive-in establishments provided that when a drive-in establishment abuts a residential district, it shall be separated from such district by a six (6) foot high masonry wall and have no light shining directly into residential districts.
 - (8) Truck terminals provided that acceleration and deceleration lanes of at least two (200) hundred feet are provided for trucks entering and leaving the site and that truck traffic so generated will not create a safety hazard or unduly impede traffic movement.
 - (9) Theaters, including drive-in theaters provided acceleration and deceleration lanes of at least two hundred (200) feet in length are provided for the use of vehicles entering or leaving the theater and the volume or concentration of traffic will not constitute a safety hazard or unduly impede highway traffic movements, and provided the screen is not visible from any expressway, freeway, arterial, or collector street located within two thousand (2,000) feet of such screen.
 - (10) Travel trailer parks, provided the requirements in Section 91 are met.
 - (11) Bars, taverns, and night clubs.
 - (12) Any retail business or commercial use in which there is no processing or treatment of materials, goods, or products (except for merchandise for sale on the premises, or as otherwise provided for herein), including:
 - (a) General farming equipment and horticulture sales.
 - (b) Furniture, home furnishings, office furniture, and equipment.
 - (c) Antique shop.

- (d) Automobile, travel trailer, farm equipment and implements, and mobile home sales (new and used) which need not be enclosed, but any mechanical or body repair must be conducted entirely within a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district and provided that all vehicles on a used vehicle or equipment sales lot must be in operating condition at all times.
- (e) Produce sales and farmers markets.
- (13) Golf, swimming, tennis, or country clubs, privately owned and operated community clubs or recreational area.
- (14) Public utility structure and buildings, including electric and natural gas substations, telephone exchanges, radio and television stations, and similar structures for the storage of supplies, equipment or service operations when properly screened as required in Section 67.
- (15) Places of assembly, including auditoriums, stadiums, coliseums, and dance halls.
- (16) Public and private schools and libraries.
- (17) Board and rooming houses.
- (18) Food locker plant renting lockers for the storage of food, including sale of retail, delivery, and cutting package of meats but not including slaughtering.
- (19) Printing, blueprinting, book binding, Photostatting, lithography, and publishing establishments.
- (20) Undertaking or mortuary establishments and ambulance services.
- (21) Hospitals, clinics, sanitariums, convalescent or nursing homes.
- (22) Commercial parking garage or lot provided no entrance or exit be on the same side of the street and within the same block as an elementary school and that curb breaks be limited to two for each 100 feet of street frontage, each not to exceed thirty feet in width and not closer than twenty feet to a street intersection.

- (23) Temporary uses including sale of Christmas trees, tents for revivals, carnivals, church bazaars, sale of seasonal fruit and vegetables from roadside stands, but such use not permitted for a period to exceed two (2) months in any calendar year.
- (24) Veterinary hospital, kennel, or clinic provided any structure used for such purposes shall be a minimum of 100 feet from any residential district.
- (25) Automobile laundry or car wash provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process sufficient to contain a number of vehicles (at 200 sq. ft. per vehicle) equal to one-third (1/3) of the practical hourly capacity of the washing machines and in addition that curb breaks be limited to two each not to exceed 30 feet in width, and located not closer than 20 feet to an intersection.
- (26) Automobile auction provided that:
 - (a) The property line of this use be at least 100 feet from the nearest structure.
 - (b) That the owner of the automobile auction build a six (6) foot high barrier or wall at the property line facing any residential structure.
 - (c) No lights shall shine directly into any residential structure.
 - (d) Adequate on-premises parking shall be provided so that no vehicles shall be parked on any adjoining property.
 - (e) No flashing portable signs advertising this business shall be permitted.
 - (f) No sounds shall be audible beyond the property lines of this business.
 - (g) No repairs of vehicles shall occur on the same property.

72.2.4 Uses Permitted by Special Exception. The following uses may be permitted as a special exception by the Board of Zoning Appeals in accordance with the provisions of Section 117:

- (1) Multi-family dwellings provided a minimum of 4 dwelling units per building and a minimum of 5 buildings are grouped as a single development and provided that the site requirements for R-4 Residential District are adhered to.
- (2) Fairgrounds including overnight camping, amusement rides, tractor pulls, and various other temporary activities that are associated with fairgrounds and approved by the zoning official.

- (3) Firing ranges
 - (a) Target area must be constructed of dirt or other suitable material 18' in height, minimum 20' thick.
 - (b) Entire area must be enclosed with buffer to minimize noise.
- (4) Cemeteries
- (5) Adult Entertainment Establishment as the same as defined in the Code of Ordinances of Houston County, Georgia, provided that the location shall not be:
 - (a) Within one thousand (1,000) feet of any parcel of land which is either named or used for residential purposes or uses;
 - (b) Within one thousand (1,000) feet of any parcel of land upon which a church, cemetery, shrine, chapel of a mortuary or other place used exclusively for religious services or meditation, school, governmental building library, civic center, public park or playground is located;
 - (c) No Adult Entertainment Establishment shall be located within 1,000 feet of any regular stop or shelter where a bus used for the transportation of school students boards or discharges minors.
 - (d) No Adult Entertainment Establishment shall be located within 1,000 feet of any parcel of land upon which a licensed Day Care Center or Nursing Home is located.
 - (e) Within 1,000 feet of any parcel of land upon which and Adult Entertainment Establishment, as defined in the Code of Ordinances of Houston County, Georgia, is located;
 - (f) Within 1,000 feet of any parcel of land upon which any other establishment selling alcoholic beverages is located.

For the purposes of this section, distance shall be by airline measurement from property line, using the closest property lines of the parcels of land involved.

72.3. C-3 Concentrated Commercial District.

72.3.1. Intent of District. The intent of this district is to allow a more intense use of land within the central business district of a city. Further, this district is intended for use only within municipalities.

72.3.2. Required Conditions. Uses in the C-3 District shall be conducted in accordance with all required conditions of the C-2 District.

72.3.3. Permitted Uses. Within the C-3 Concentrated Commercial District, the following uses are permitted.

- (1) All uses permitted in a C-2 District.

72.3.4. Uses Permitted by Special Exception. The following uses may be permitted as a special exception by the Board of Zoning Appeals in accordance with provisions of Section 117.

- (1) Any use permitted by special exception in a C-2 District.

Section 73. Wholesale and Industrial District

73.1. M-1 Wholesale and Light Industrial District

73.1.1. Intent of District. The intent of this district shall be to create and protect areas for wholesale and light industrial and to provide performance standards for the operation of such uses.

73.1.2. Permitted Uses. Within the M-1 Wholesale and Light Industrial District, the following uses are permitted.

- (1) All permitted uses in a C-2 General Commercial district except multi-family dwellings.
- (2) Ice plants.
- (3) Contractor's storage and equipment yards when located entirely within a building or fenced area as required in Section 67.
- (4) Building and lumber supply establishments provided entire storage area is properly screened as required in Section 67, or for a greater height as required to adequately screen such areas, and that any machine operations be conducted entirely within a building which shall not have any opening facing a residential district other than stationary windows, within 100 feet of any residential district.
- (5) Wholesale warehouses and distribution of materials or commodities.
- (6) Trade shops including sheet metal, roofing, upholstering, electrical, plumbing, Venetian blind, cabinet making and carpentry, rug and carpet cleaning, and sign painting providing that

all operations are conducted entirely within a building which shall not have any opening facing a residential district other than stationary windows, within 100 feet of any residential district.

- (7) Establishments for manufacture, repair, assembly, or processing including:
 - (a) Confectionery manufacture.
 - (b) Clothing and garment manufacture.
 - (c) Laboratories for testing materials, chemical analysis, photography processing.
 - (d) Manufacture and assembly of scientific, optical, and electronic equipment.
 - (e) Manufacture of musical instruments and parts.
 - (f) Manufacture of souvenirs and novelties.
 - (g) Manufacture of toys, sporting, and athletic goods.
- (8) Food processing plants, such as bakeries, meat packers, fish and poultry houses which do not involve the slaughtering or cleaning of animal carcasses on the premises.
- (9) Bottling works for soft drinks.
- (10) Frozen food and milk bottling, distribution, and processing plants.
- (11) Any other establishments for the manufacture, repair, assembly, or processing of materials similar in nature to those listed in this Section which are not objectionable by reason of smoke, dust, odors, bright lights, noise or vibration, or which will not materially contribute to the congestion of traffic.

73.2. M-2 Industrial District.

73.2.1. Intent of District. The intent of this district shall be to create and protect areas for industrial uses and to provide performance standards for the operation of such uses.

73.2.2. Permitted Uses. Within the M-2 Industrial District, the following uses are permitted:

- (1) All permitted uses in M-1 Wholesale and Light Industrial District.
- (2) Agricultural, forestry, livestock, and poultry processing, provided that the operation is conducted on a tract of land not less than ten (10) acres in area, and that no structure containing poultry or

livestock and no storage of manure or odor or dust producing substance or use shall be located within two hundred (200) feet of a property line. All animals (except those generally recognized as pets) shall be kept in a structure, pen or corral.

- (3) Dwelling, including a mobile home, for the exclusive use of a watchman or caretaker when located on the same tract as the industrial use and subject to all dimensional and area requirements of the R-4 Multi-Family Residential District.
- (4) Manufacturing, processing, fabrication, repair, and servicing of any commodity or product, subject to the performance standards for nonresidential uses given in Section 99.
- (5) Outside aboveground tanks for the storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gases provided that all pertinent rules and regulations of the Georgia Safety Fire Commission are met and facilities used for the storage of inflammable liquids or gases are not located any closer than 500 feet of any residential district.

73.2.3. Uses Permitted by Special Exception. The following uses may be permitted as a Special Exception by the Board of Zoning Appeals in accordance with the provisions of Section 117:

- (1) Junk yards provided the following provisions are met:
 - (a) No such operation shall be permitted to locate closer than 300 feet to a residential district and no closer than fifty feet to any property line.
 - (b) No such operation shall be permitted to locate on or facing a state or federal highway.
 - (c) All such operations shall be completely enclosed by a buffer or wall, except driveway areas, having a minimum height of six (6) feet, but in no case less than such a height as will effectively screen all operations from view.
 - (d) The number of vehicular driveways permitted on any single street frontage shall be limited to one (1) per 500 feet with a maximum of twenty feet driveway width.

Section 74. Special Districts.

74.1. PUD Planned Unit Development District

74.1.1. Intent of District. The purpose of Planned Unit Development District is to offer developers the benefits of efficiency, economy, and flexibility by encouraging unified development of large sites, while deriving for the county the advantages of improved appearance, compatibility of uses, optimum service by community facilities and better handling of vehicular access and circulation. Review of the development plan by the Planning Commission assures that such large scale developments are consistent with the objectives of the community's Comprehensive Plan.

74.1.2. Permitted Uses. Within the PUD Planned Unit Development district, the following uses are permitted:

- (1) Any use permitted in the R-1 Residential District except that any public use shall serve only the residents of the PUD.
- (2) Two-family dwelling (duplex).
- (3) Single-family, attached dwellings, provided that such uses comply with the requirements for such dwellings as set forth in Section 92.
- (4) Single-family, semi-detached dwellings.
- (5) Multi-family dwellings.
- (6) Accessory uses, such as private garages and parking areas.
- (7) Retail and services uses limited to the following: grocery, confectionery, bakery, newspaper, drug, or hardware store, or barber, beauty, radio-TV repair, laundry pick-up or Laundromat, watch repair or shoe repair establishment, or doctor, dentist, or similar professional office, provided that:
 - (a) Only business signs are permitted and no neon or directly illuminated sign shall be used either on the exterior or in windows, and all signs shall be attached flat to the face of the building;
 - (b) Off-street parking and loading requirements as indicated in Articles VI are met;

- (c) Retail and service uses are designed for the service and convenience of the population living within the PUD. No more than five (5) percent of the floor space of the total floor space in the project shall be used for retail or service establishments.

74.2. AH Airport Hazard District.

74.2.1. Intent of District. This district is composed of lands and structures located with the flight approach areas or navigable airspace of an airport. The regulations are intended to prevent the development of high residential densities or the concentration of large numbers of persons in those areas endangered by low flying aircraft in the process of landing or taking off and to protect flying aircraft by limiting the height of buildings and trees.

74.2.2. Superimposed District. This district is superimposed over other existing districts, and the special requirements of this district shall apply in addition to the requirements of the use district within which a specific property is located.

74.2.3. Permitted and Conditional Uses. All permitted and conditional uses of the use district which is superimposed by the (AH) Airport Hazard District shall be allowed as regulated by the requirements of such district, except those uses listed in Section 74.2.4.

74.2.4. Prohibited Uses. The following uses are prohibited in the (AH) Airport Hazard District within the area of runway approach surfaces as described on the “Airport Approach Standards Zoning Map” which is on file in the office of the zoning enforcement officer.

- (1) Churches, schools, lodges, clubs, theaters, and other places of public assembly.
- (2) Multi-family dwellings.
- (3) Hospitals and institutions.
- (4) Any other similar uses where concentrations of persons are customary.

74.2.5. Dimensional Requirements. The developer shall adhere to all dimensional requirements of the use district in which the specific property is located.

74.2.6. Maximum Height Requirements. The maximum height of all principal and accessory buildings, structures, and trees in this district shall be as described on the “Airport Approach Standards Zoning Map” which is on file in the office of the Zoning Enforcement Office and shall adhere to all regulations adopted by the Federal Aviation Agency.

74.2.7. Variances. Any variance which is desired by any person, corporation or agency under the provisions of Section 114 and 115 must in addition have written approval from the Federal Aviation Agency.

74.2.8. Hazard Marking and Lighting. Any variance granted under Section 74.2.7. may, if such action is deemed advisable to effectuate the purpose of this ordinance and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of a hazard to air navigation.

74.3. FH Flood Hazard District.

74.3.1. Intent of District. To restrict or prohibit uses which may be dangerous to health, safety, or property in times of flood, or which may cause increased flood heights or velocities; to require that uses vulnerable to floods, including public facilities which serve such uses, be provided with physical flood protection features at the time of initial construction; to protect individuals from buying lands which are unsuited for intended purposes, because of flood hazards; and other public requirements to protect against floods.

74.3.2. District Boundaries. For the purpose of these regulations, flood plain information studies of the Bay Gall, Big Indian, Bay, and Sandy Run Creeks, as prepared by the U.S. Army Corps of Engineers and dated June 1975 are hereby made a part of these regulations. The Corps of Engineer reports shall be kept permanently in the office of the Zoning Enforcement Officer, where said reports shall be accessible to the general public. The boundaries of the Floodway District shall be synonymous with the limits of an intermediate regional flood as determined in the above said studies.

74.3.3. Permitted Uses. The following open-type uses are permitted in the FH, Flood Hazard District subject to approval of the Board of Zoning Appeals, and to such conditions the said Board may specify to protect the public interest.

74.3.3.1. Adjacent to Agricultural and Residential Districts

- (1) Agricultural uses including crop, nursery stock, and tree farming, truck gardening, livestock grazing and other agricultural uses which are of the same or a closely similar nature.
- (2) Railroads, streets, bridges, and public utility wire and pipe lines for transmission and local distribution purposes.
- (3) Public parks and playgrounds and outdoor private clubs including but not limited to country clubs, swimming clubs, tennis clubs, provided that no principal building is located in the floodway.
- (4) Recreational camp, camp grounds, and camp trailer parks, provided that rest room facilities shall be located and constructed in accordance with the Health Department requirements.
- (5) Commercial excavation of natural materials and improvements of a stream channel.
- (6) Other similar uses accessory to those permitted in the adjoining district.

74.3.3.2. Adjacent to a Commercial District.

- (1) Any of the above permitted uses.
- (2) Archery range, drive-in theaters, miniature golf course, and golf driving ranges.
- (3) Marina, boat launching ramp, boat rental, boat sales provided that no principal building is located in the floodway unless it is designed and constructed to withstand without major damage, the flood conditions at the site.
- (4) Loading and unloading areas, parking lots, used car lots.
- (5) Other similar uses accessory to those permitted in the adjoining district.

74.3.3.3. Adjacent to an Industrial District.

- (1) Agricultural uses including crop, nursery stock, and tree farming, truck gardening, livestock grazing, and other agricultural uses which are of the same or closely similar nature.
- (2) Storage yards for equipment and material not subject to major damage by flood, provided such use is accessory to a use permitted in an adjoining district.
- (3) Parking lots.
- (4) Railroads, streets, bridges, and utility lines.
- (5) Other similar uses accessory to those permitted in the adjoining district.

74.3.4. Required Plans. No permit shall be issued for the construction of any building or structure including railroads, streets, bridges, and utility lines or for any use within the Flood Hazard District until the plans for such construction or use have been submitted to the Board of Zoning Appeals and approval is given in writing for such construction or use. In its review of plans submitted, the Board of Zoning Appeals shall be guided by the following standards, keeping in mind that the purpose of this district is to prevent encroachment into the floodway which will unduly increase flood heights and endanger life and property.

- (1) Any structure or the filling of land permitted shall be of a type not appreciably damaged by flood waters, provided no structures for human habitation shall be permitted.
- (2) Any use permitted shall be in harmony with and not detrimental to the uses permitted in the adjoining district.
- (3) Any permitted structures or the filling of land shall be designed, constructed, and placed on the lot so as to offer the minimum obstruction to and effect upon the flow of water.
- (4) No filling of land within the floodway shall be allowed except where necessary for the construction of railroads, streets, bridges, and utility lines.

- (5) Any structure, equipment, or material permitted shall be firmly anchored to prevent it from floating away and thus damaging other structures and threatening to restrict bridge openings and other restricted sections of the stream.
- (6) Where in the opinion of the said Board topographic data, engineering, and other studies are needed to determine the effects of flooding on a proposed structure or fill and/or the effect of the structure or fill on the flow of water, the said Board may require the applicant to submit such data or other studies prepared by competent engineers and other technical people.
- (7) The granting of approval of any structure or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the Governing Body or the Board of Zoning Appeals or by any officer or employee thereof, or the practicality of safety of any structure or use proposed and shall create no liability upon or cause action against such public body, officer, or employee for any damage that may result pursuant thereto.

74.3.5. Warning of Disclaimer of Liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as bridge openings restricted by debris. These regulations do not imply that areas outside the Flood District boundaries or land uses permitted within such district will be free from flooding or flood damages. These regulations shall not create liability on the part of the government or any officer or employee thereof for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

74.4. BE Base Environs Overlay District.

74.4.1. Title and Purposes. The Base Environs Overlay District (BE) is hereby created with the following purposes:

To protect the public health, safety, and welfare by regulating development and land uses within noise sensitive areas and accident potential zones;

To ensure compatibility between and surrounding land uses and Robins Air Force Base; and

To protect RAFB from encroachment by incompatible development.

The Base Environs Zoning District (BE) shall serve as an overlay district that applies additional standards and requirements to properties located within an underlying zoning district. Proposed developments located within this zoning district shall comply with these requirements and the requirements of the underlying zoning district and any other overlay districts that apply to lands within the zone. In the case of conflicting standards and requirements, the more stringent standards and requirements shall apply.

Definitions. The following definitions shall be used to interpret the terms used in Section 74.4.

74.4.1.1. Accident Potential Zone (APZ). The geographic area that is determined by the RAFB Air Installation Compatible Use Zone Study to possess a significant potential for aircraft crashes.

74.4.1.2. Aircraft Noise Contours. The geographic area that is affected by RAFB flight operations and defined on the basis of those areas immediately affected by the 65 Ldn and greater noise exposure area from the noise zone map that is contained within the RAFB Air Installation Compatible Use Zone Study.

74.4.1.3. Airport Hazard. Any structure or object of natural growth or use of land within an APZ or an aircraft noise contour that obstructs the air space required for the flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such landing or taking off of aircraft.

74.4.1.4. Day-Night Sound Level (Ldn). A cumulative aircraft noise index that estimates the exposure to aircraft noise at a certain geographic point and relates the estimated exposure to an expected community response.

74.4.1.5. Ldn Contour. A line linking together a series of points of equal cumulative noise exposure based on the Ldn metric. These contours are developed based on the Ldn metric, and are defined by aircraft flight patterns, the number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft, and typical runway usage patterns.

74.4.1.6. Structure. Any object, whether permanent, temporary, or mobile, including, but not limited to, a building, tower, crane, smokestack, earth formation, transmission line, flagpole, or sign.

74.4.2. Sub-districts. The Base Environs Zoning District (BE) is subdivided into five (5) sub-districts that represent the differing levels of noise impact and aircraft accident potential. The geographic location of these sub-districts is indicated on _____, sheet number ____, dated _____. The five sub-districts are the following:

Sub-district A. Includes the area within the 65 Ldn to 70 Ldn aircraft noise contours surrounding RAFB (BE-A).

Sub-district B. Includes the area within the 70 Ldn to 75 Ldn aircraft noise contours surrounding RAFB (BE-B).

Sub-district C. Includes the area within the 75 Ldn and greater aircraft noise contours surround RAFB (BE-C).

Sub-district D. Includes the area within RAFB APZ I (BE-D).

Sub-district E. Includes the area within RAFB APZ II (BE-E).

The boundaries of the Base Environs Zoning District (BE) and its sub-districts, as adopted herein, shall be reviewed and amended whenever RAFB updates or amends its aircraft noise contour maps and/or AICUZ Study. It shall be the responsibility of RAFB to notify Houston County of any such update or amendment and to provide a copy of same to Houston County. Copies of the current aircraft noise contour maps and AICUZ Study shall be on file and open to public inspection in the local planning and zoning office and at the RAFB Civil Engineer's Office.

74.4.3. Application of These Regulations. Within the Base Environs Zoning District (BE), any proposed use or structure is subject to review as described herein and shall be evaluated relative to the standards and requirements provided herein.

74.4.4. Exemptions. The provisions of these regulations shall not be deemed applicable to the following when permitted in the underlying district:

74.4.4.1. Existing Uses. Uses existing on the effective date of these regulations shall not be required to change in order to comply with the requirements specified herein. The nonconforming use requirements of these regulations shall apply to the future applicability of the standards and requirements contained herein.

74.4.4.2. Temporary Uses. Temporary uses, including but not limited to public celebrations and outdoor entertainment events, so long as the period of operation does not exceed five days in any one-year period. A variance may be requested to extend the time period for a temporary use.

74.4.4.3. Temporary Structures. Temporary buildings and structures that are not used for residential purposes and that meet said applicable requirements as contained within this ordinance, so long as such uses and associated structures are constructed incidental to a permitted use (as per the requirements of this ordinance), do not generate excessive glare or electrical emissions that could interfere with standard RAFB aircraft operations, and do not exceed the applicable height restrictions contained in these regulations.

74.4.4.4. Agricultural Structures. Bona fide agricultural buildings, structures, improvements, and associated nonresidential developments, provided such structures do not exceed the applicable height restrictions contained in these regulations.

74.4.4.5. Accessory Uses and Structures. Accessory uses and structures incidental to a permitted principal structure or use and within the intent, purposes, or objectives of these regulations.

74.4.5. Development Standards. The following development standards shall apply to all proposed uses and structures.

74.4.5.1. Proposed Uses and Structures. Table 74.4-A, Land Use Compatibility Standards, contained herein, identifies development standards that apply to proposed uses and structures within the Base Environs Zoning District (BE). All proposed uses and structures must comply with these standards.

74.4.5.2. Interior Day-Night Average Noise Level (Ldn). All proposed uses and structures must comply with the Noise Level Reduction (NLR) standards as provided in 74.4-A. Compliance with NLR requirements shall be evidenced prior to issuance of an Occupancy Permit.

74.4.5.3. Flammable/Hazardous Substance Storage. Above ground storage of flammable or explosive substances within Sub-districts D and E of the Base Environs Zoning District (BE) shall be prohibited. All underground storage tanks containing flammable or explosive substances shall be double-lined.

74.4.5.4. Lighting and Glare. No development within the Base Environs Zoning District (BE) may produce or reflect light in a sufficient intensity or manner that would make it difficult for pilots to distinguish between airport lights and other light sources, result in glare in the eyes of pilots using the base airport, or otherwise impair visibility in the vicinity of the base. All proposed light sources that could conflict with this requirement (except structure lighting required under FAR Part 77) shall be properly shielded or directed away from a pilot's field of vision.

74.4.5.5. Electrical Emissions or Interference. No development within the Base Environs Zoning District (BE) may create or result in electrical interference with navigational signals or radio communication between RAFB and aircraft operating within the affected areas.

74.4.5.6. Air Emissions. No development with the Base Environs Zoning District (BE) may emit smoke or particulate matter which in sufficient quantities or concentrations, would impair pilot visibility in the vicinity of the base or clog aircraft engines.

74.4.5.7. Noise. No development with Sub districts A, B, and C of the Base Environs Zoning District (BE) may produce noises that would increase average day/night noise levels beyond the boundaries of the development property by more than three (3) decibels. Where field-testing is necessary to determine compliance with this requirement, it shall be conducted and paid for by the applicant.

74.4.6. Notice to Purchasers. Houston County may provide a notice to all applicants for any development related permit, informing the applicant that the respective property is located, either partially or wholly, within the Base Environs Zoning District (BE) and may be subject to aircraft overflight.

74.4.7. Plat Notice. A notice shall be placed on all final subdivision plats for properties located within the Base Environs Zoning District (BE) that states the following:

Noise/Air Hazard Warning. This property, either partially or wholly, lies within the noise exposure/accident potential area of RAFB and is subject to noise and/or aircraft accident potential that may be objectionable.

74.4.8. Development Review. The zoning compliance process for Houston County shall apply to the Base Environs Zoning District (BE), with the following additions.

74.4.8.1. RAFB/MGRDC Review. Houston County shall provide a copy of an application for zoning compliance under the BE District, including the development plan, to the staff of the Middle Georgia Regional Development Center (MGRDC) within (5) days of submittal by applicant, for any development located in Sub-districts A, B, C, D and E. The staff of the MGRDC will forward such information to the RAFB Civil Engineer's Office for its review. The MGRDC will review said comments and provide a written recommendation to Houston County Zoning Officer within ten (10) days of receipt. Where a development application satisfies

the criteria for review as a Development of Regional Impact, the MGRDC shall be responsible for submitting a copy of the application to all affected parties in accordance with Section 13.9.2. below.

Amended February 5, 2004

74.4.8.2. Developments of Regional Impact Review. Any development application which exceeds the applicable threshold criteria for Developments of Regional Impact (DRI) shall be submitted to the Middle Georgia Regional Development Center for review. The government shall submit a completed DRI Request for Review form and two complete copies of the application to the MGRDC. Where DRI review is required, the MGRDC shall provide a copy of the application to the RAFB Civil Engineer's Office in accordance with the DRI review procedures. No local approval of a DRI within the Base Environs Zoning District shall be granted prior to completion of the required regional review.

74.4.9. Preliminary Plan Requirements. An applicant shall submit a preliminary plan in accordance with the applicable requirements of these regulations for any development application that satisfies the special review requirements in Section 74.4.8 above. The Houston County Zoning Officer may require the applicant to submit any or all of the items specified below, if the additional information is necessary to ensure compliance with the performance standards in Section 74.4.5 above.

74.4.9.1. Ldn Noise Contour and APZ Boundaries. The applicant may be required to delineate on the preliminary plan the boundaries of any Subdistrict Boundary of the BE District, if the location of the aforementioned boundaries with respect to the proposed development site or proposed structure locations is in question. All maps prepared to show the location of these boundaries shall be drawn to a scale designated by the Houston County Zoning Officer.

74.4.9.2. Location of Structures. The applicant may be required to delineate the placement of all existing and proposed buildings and structures, including any existing or proposed tree stands.

74.4.9.3. Specification of Uses. The applicant may be required to specify the proposed uses to occur within each structure or activity area on the development site.

74.4.9.4. Narrative Description. The applicant may be required to prepare a narrative describing the location of the site, its total acreage, existing character and use; the concept of the proposed development or use, such as proposed residential density, and the relation of the proposed development plan to the Comprehensive Plan.

74.4.10. Development Review Criteria. The preliminary plan described in Section 74.4.9. shall be reviewed and evaluated using, at a minimum, the following criteria:

74.4.10.1. Proposed Uses. All elements of the proposed development shall be consistent with Table 74.4-A, Land Use Compatibility Standards.

74.4.10.2. Siting. Buildings and structures should be located at the greatest distance from the noise source, taking maximum advantage of existing topographical features to minimize noise impact, and within zoning district requirements, such as required setbacks. Buildings and structures should be oriented to minimize exposure to the noise source and building openings, such as windows, should be located away from the noise source.

74.4.10.3. Passive Outdoor Recreation Space. The amount of passive outdoor recreational space where individuals would be subject to noticeable or severe levels of noise should be minimized. Landscaping materials should be used to deflect noise.

74.4.11. Variances. Any applicant wishing to erect a new structure or construct a development that is not in compliance with the regulations prescribed in these regulations may apply to the Board of Zoning Appeals for a variance. Variances for prohibited land uses and/or applicable sound insulation requirements are not permitted. The application for variance must be submitted in the form and manner specified in these regulations, and it must be accompanied by a written determination from the Federal Aviation Administration and the RAFB Civil Engineer's Office stating that appropriate mitigation measures will be taken by the applicant to prevent any negative impacts on safe navigation within the protected air space surrounding RAFB. Such variances shall be issued only where it is duly determined that a literal application or enforcement of these regulations will result in unnecessary hardship, and the relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit and intent of these regulations. In addition, the Board of Zoning

Appeals may solicit the testimony of a qualified professional, at the expense of the applicant, to evaluate the proposed development plans and issue any professional findings or opinions that would assist the Board in reaching a decision regarding the variance request. The selection of a qualified professional shall be done by the Board of Zoning Appeals.

**TABLE 74.4-A
LAND USE COMPATIBILITY STANDARDS IN
BASE ENVIRONS (BE) ZONING DISTRICT**

Land Use	Sub-district				
	A	B	C	D	E
Residential					
Single and Two-family, and Multi-Family	Y ¹	N	N	N	Y ⁴
Manufactured Housing, Mobile Homes	N	N	N	N	Y ⁴
Hotels, Motels, and Lodges	Y ²	Y ³	N	N	N
All Other Residential	Y ¹	Y ¹	N	N	N
Commercial					
Retail (general merchandise/food)	Y	Y ²	N	N	N
Wholesale Trade	Y	Y ²	Y ³	N	Y ⁵
Business Services	Y	Y ²	N	N	Y ⁵
Personal Services	Y	Y ²	N	N	Y ⁵
Automotive/Machine Repair & Service	Y	Y ²	Y ³	N	Y ⁵
Bldg. Materials, Auto/Marine Equip./Sales	Y	Y ²	Y ³	N	Y ⁵
Offices/Professional Services	Y	Y ²	N	N	Y ⁵
All Other Commercial	Y	Y ²	N	N	N
Manufacturing/Industrial					
Metal Fab., Warehousing, Distribution	Y	Y ²	Y ³	N	Y ⁵
Parking Facilities	Y	Y ²	N	Y ⁶	Y
Waste Incinerator	N	N	N	N	N
Waste Disposal Site (public or private)	N	N	N	N	N
Mining & Resource Extraction	Y	Y	Y	Y ⁸	Y
All Other Manufacturing	Y	Y ²	N	N	N
Public and Semi-Private					
Hospitals, Nursing Homes	Y ²	Y ³	N	N	N
Other Medical Facilities	Y	Y ²	N	N	N
Educational Facilities	Y ²	Y ³	N	N	N
House of Worship, Public Assembly	Y ²	Y ³	N	N	N
Government Facilities	Y	Y ²	N	N	N
Parks, Recreation	Y	Y ²	N	Y ⁵	Y ⁵
All Other Public and Semi-Public	Y	Y ²	N	N	Y ⁵
<u>All Other Uses</u>	Y	Y ²	Y ⁷	Y ⁷	Y ⁷

All notes to this table are contained on the following page.

Notes to Table 74.4-A:

- Y Land use is permitted.
N Land use is prohibited.
1. Interior Noise Level Reduction of 25 dB is required in District A and 30 dB in District B.
 2. Interior Noise Level Reduction of 25dB is required for all areas where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.
 3. Interior Noise Level Reduction of 30+ dB is required for all areas where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.
 4. Single-family homes on lots not less than one acre in area. No additional residential uses permitted. All residences in this area must also comply with all applicable interior noise reduction requirements.
 5. Low intensity uses with low pedestrian traffic only. Average population density should not exceed 25 persons per hour during a 24 hour period, but not to exceed 50 persons in any one hour. No auditoriums or conference facilities are permitted.
 6. No more than 100 parking spaces.
 7. Agricultural/forestry and all other open spaces uses. The requirements in Note 8 below shall apply to these uses when located within Sub-district D (APZ I).
 8. No storage or office structures and no storage of explosive or flammable materials within APZ I.

ARTICLE VIII

OTHER REQUIREMENTS BY DISTRICTS

Section 81. Minimum Lot Area and Lot Width and Maximum Lot Coverage

81.1. Uses Served by a Private (Non-Public) Water Supply System. All uses served by a private (non-public) water supply system, regardless of zoning district, shall have a minimum lot area of 43,560 square feet. Such lots shall have a minimum lot width of 150 feet and maximum lot coverage of 25 percent.

81.2. Uses Served by a Public Water Supply System by Zoning District and Use. Within the zoning districts listed herein, the following requirements shall apply.

81.2.1. Effective date. These regulations shall be effective on **June 30, 2005.**

<u>District and Type of Use</u>	<u>Minimum Lot Area (Square ft)</u>	<u>Minimum Lot Width (ft) at Building Line</u>	<u>Maximum Lot Coverage (percent)</u>
<u>R-AG Agricultural</u>			
All permitted Uses			
Septic Tank with Open Ditch	43,560	200	25
Sewer with Curb & Gutter	43,560	125	25
<u>R-1 Single-Family</u>			
All permitted Uses			
Septic Tank and Open Ditch	21,780 to 32,670(1)	200	25
Septic Tank with Curb & Gutter	21,780 to 32,670(1)	100	25
Sewer with Curb & Gutter	14,000	90	25
<u>R-2 Single-Family</u>			
All permitted Uses			
Septic Tank with Curb & Gutter	21,780 to 32,670(1)	100	25
Sewer	9,000	75	30
<u>R-3 Two-Family</u>			
Single-Family Detached (see Section 102.8.3.3.)			
Septic Tank with Curb & Gutter	21,780to 32,670(1)	100	25
Sewer	6,000	60	35
Single-Family Attached(2)	2,000(3)	18	50
Single-Family Semi-detached(2)	6,000	60	35

<u>District and Type of Use</u>	<u>Minimum Lot Area (Square ft)</u>	<u>Minimum Lot Width (ft) at Building Line</u>	<u>Maximum Lot Coverage (percent)</u>
Two Family			
Septic Tank with Curb & Gutter	43,560	100	25
Sewer	9,000	75	35
Multi-Family		See Section 81.23	
<u>R-MH Residential Mobile Home</u>			
Individual Mobile Homes			
Septic Tank with Open Ditch	21,780 to 32,670(1)	200	25
Septic Tank with Curb & Gutter	21,780 to 32,670(1)	100	25
Sewer with Curb & Gutter	14,000	90	25
Mobile Home Subdivision			
Septic Tank with Open Ditch	21,780 to 32,670(1)	200	25
Septic Tank with Curb and Gutter	21,780 to 32,670(1)	100	25
Sewer with Curb and Gutter	14,000	90	25
Travel Trailer Parks & Campgrounds		See Section 91.	
<u>C-1 Neighborhood Commercial</u>			
All Permitted Uses			
Septic Tank	21,780 to 32,670(1)	100	25
Sewer	3,500	30	25
<u>C-2 General Commercial</u>			
Multi-Family		See Section 81.23.	
Other Permitted Uses			
Septic Tank	21,780 to 32,670(1)	100	25
Sewer	3,500	30	25
<u>C-2 Concentrated Commercial</u>			
Multi-Family		See Section 81.23.	
Other Permitted Uses			
Septic Tank	21,780 to 32,670(1)	100	None
Sewer	3,500	30	None
<u>M-1 Wholesale & Light Industry</u>			
All Permitted Uses			
Sewer Only	10,000	75	50

81.3.3. All multi-family dwelling units shall be connected to a public sewer. No septic tanks, or other methods of disposing of waste, will be permitted in any multi-family dwelling unit developments

Section 82. Minimum Setbacks. The following setback requirements shall apply to all zoning districts.

- a – Retention/Detention Ponds – 35’ from all storm water management easements
- b – Drainage & Utility Easements Containing Infrastructure – 10’ setback for all permanent construction.

Within the zoning districts herein defined, the following minimum setback requirements shall apply:

<u>Zoning Districts</u>	<u>Front Yard*</u>			<u>Side Yard Interior Lot</u>
	<u>Arterial & Collector Streets</u>	<u>Minor Streets</u>	<u>Rear Yard</u>	
R-AG Agricultural	50’	30’	35’	10’
R-1 Residential	50’	30’	35’	10’
R-2 Residential	50’	25’	25’	10’
R-3 Residential				
One and Two-Family	50’	25’	25’	8’
Single-Family, Semi-Detached	50’	25’	25’	10’
R-4 Residential				
One and Two-Family	50’	25’	25’	8’
Single-Family, Semi-Detached	50’	25’	25’	10’
Multi-Family	50’	25’	25’	a
R-MH Residential				
One and Two-Family	50’	25’	25’	8’
Single-Family, Semi-Detached	50’	25’	25’	10’
Multi-Family	50’	25’	25’	a
Mobile Home Parks			(See Section 91)	
C-1 Neighborhood Commercial	50’	25’	b	c
C-2 General Commercial				
Multi-Family	50’	25’	25’	a
Commercial	50’	25’	b	c

C-3 Concentrated Commercial				
Multi-Family	50'	25'	25'	a
Commercial	None	None	b	c
M-1 Wholesale & Light Industrial	50'	30'	b	c
M-2 Industrial	50'	30'	b	c

- Notes:**
- * For corner lots, front yard requirements shall be met for both intersecting streets.
 - ** Applies only to one side yard.
 - *** Where there exists a sixty (60) foot right-of-way on a minor street the front yard setback shall be reduced by five (5) feet.
- a) Ten (10) feet plus two (2) additional feet for each story (floor) above two stories, but not exceeding twenty (20) feet; and when dwelling unit faces side yard, the dwelling unit shall not be less than twenty (20) feet from the side lot line.
 - b) None, except when abutting residential district and then not less than twenty-five (25) feet.
 - c) None, except when abutting residential district and then not less than ten (10) feet.

Adopted April 20th, 2004.

82.1. Temporary Minimum Setbacks Regarding Houston Lake Road.

There shall be established, temporarily, certain minimum setbacks along the following portion of Houston Lake Road, beginning where Sandy Run Creek crosses the right-of-way of said road at the city limits of Warner Robins, Georgia, and continuing in a generally southerly direction along the existing right-of-way of said road to its intersection with Georgia State Highway No. 127, commonly known as Houston Lake Road, and thence continuing along the existing right-of-way of said road in a generally southwesterly direction to a point where said road right-of-way is intersected by the city limits of Perry, Georgia, to wit:

Front Building Setback	65'
Rear Building Setback	30'
Side Yard Setback	10'

These temporary setback requirements are made necessary due to future road improvements contemplated along the above described road right-of-way. At the completion of said road improvements the minimum setbacks shall revert to minimum setbacks as set out in Section 82 hereof.

82.2. Minimum Setbacks regarding Peach Blossom Road

There shall be established certain minimum setbacks along Peach Blossom Road beginning at its intersection with Feagin Mill Road and thence running in a southerly direction to its intersection with Georgia State Highway 96, to wit:

Front Building Setback 30'

The rear and side yard setbacks shall remain the minimum setbacks as set out in Section 82 thereof.

Section 83. Tree Protection and Landscaping

83.1. Intent. These regulations shall apply to all properties or portions thereof located within the unincorporated areas of Houston County. The Board of Commissioners hereby finds that the protection and preservation of trees, and the planting of new trees, to be an important part of responsible land development practices.

83.2. Purposes. The purpose of these regulations is to preserve and enhance the County's natural environment. This is accomplished through the preservation, protection and planting of trees. Trees improve air and water quality, reduce soil erosion, reduce noise and glare, provide habitat for desirable wildlife, moderate the climate, and enhance community image and property values. Therefore, it is the purpose of these regulations to encourage the protection and provision of trees through sound, responsible land development practices.

83.3. Applicability. The terms and provisions of these Tree Protection and Landscaping regulations shall apply to any residential or non-residential development which requires the issuance of a land disturbing permit or building permit. It does not apply to any privately owned property which has already been developed. Nor do these regulations apply to the harvesting of trees planted for agricultural purposes in accordance with a forestry management plan.

83.4. Enforcement. It shall be the duty of the County Engineer and the Land Use Officer to enforce these regulations. The County Engineer, or his/her designee, shall not approve any final plat until the developer has complied with these tree protection regulations. The Land Use Officer, or his/her designee, shall not issue a Certificate of Occupancy until the builder has complied with these tree protection guidelines.

83.5. Definitions. For the purposes of these regulations, the following words are defined:

Canopy – The top layer or crown of a mature tree.

Critical Root Zone – (CRZ): The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The CRZ will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and one-half times the number of inches of the trunk diameter. EXAMPLE: The CRZ radius of a 20-inch diameter tree is 30 feet.

Development activity – Any alteration of the natural environment that requires the approval of the land use or building permit. Development activity shall also include the “thinning” or removal of trees from any undeveloped land, incidental to the development of land or to the marketing of land for development. Development Activity shall not include the removal of trees specifically planted for agricultural purposes and harvested in accordance with a forestry management plan.

Pervious Surface – A surface that may be penetrated or permeated by water.

Replacement Tree – Any self-supporting, woody perennial plant having a minimum height of six (6) feet above ground after planting.

83.6. Tree Protection During Development. The terms and provisions of this section shall apply to any development activity that requires the issuance of a land use permit. Development activities shall conform to the following provisions.

- A. Only those trees necessary to permit the construction of buildings, structures, streets, driveways, infrastructure and other authorized improvements shall be removed. Existing vegetation shall be preserved to the greatest extent feasible.
- B. Developers/Builders shall make all reasonable efforts to protect retained trees. During the construction process, developers/builders will use “best management practices” to protect a retained trees’ critical root zone. “Best Management Practices” include:
 - 1. Not grading, excavating, or locating utilities within the trees’ critical root zone (CRZ);
 - 2. Maintaining the CRZ as pervious surface which is not parked on, driven on or used to stockpile soils; and,
 - 3. Maintaining the topsoil in the CRZ and preventing siltation. Developers/Builders shall erect temporary fencing to protect the retained tree’s CRZ if the tree could potentially sustain damage.
- C. The topping of any tree selected for preservation is prohibited.
- D. Where a tree that has been selected for preservation is severely damaged and unable to survive or becomes a danger, tree replacement shall occur as provided in Section 83.8.

83.7. Minimum Tree/Canopy Requirements. Residential subdivisions and mixed use planned developments are required to retain a minimum of three existing trees or plant a minimum of three new trees per residential lot. At maturity, these trees shall provide a total of 20 percent canopy cover for each residential lot. Commercial, and

Industrial developments are required to protect a total of 15 percent canopy cover on the site.

83.8. Planting Replacement Trees. In developing a site, the first priority under these regulations is to protect and preserve trees whenever possible. Where replacement or new trees are necessary to meet the above requirements, the following provisions apply:

- A. Replacement trees must be compatible with site ecologically. A list of suitable replacement trees including their canopy coverage and tree height at maturity is attached in Appendix "A".
- B. All replacement trees shall be of nursery grade quality with a minimum height of six (6) feet above ground after planting.
- C. In order to avoid conflict with public infrastructure, replacement trees must be planted on private property at least ten feet outside any utility, drainage or access easement. Replacement trees are not allowed on public rights-of-way.
- D. When planting replacement trees, the developer/builder will take into consideration the future location of the dwelling unit, driveway, sidewalk, septic tank bleeder lines, etc. Replacement trees must be planted no closer than ten feet from any curbs, driveways or sidewalks.
- E. The developer/builder will follow the minimum spacing requirements outlined below when planting replacement trees:

Tree Height at Maturity	Minimum Spacing
Small Trees (<20 feet)	20 feet
Medium Trees (20-40 feet)	35 feet
Large Trees (>40 feet)	45 feet

83.9. Liability. Nothing contained in this section shall be deemed to impose any liability upon the County, its officers or employees, nor shall it relieve the owner of any private property from the duty to keep any tree, shrub or plant on his property or under his control in such condition as to prevent it from constituting a danger or an impediment.

Adopted June 1, 2004.

ARTICLE X

EXCEPTIONS AND MODIFICATION

Section 101. Height Limits

Height limits provided for herein may be exceeded only as provided for in Section 52.2. of these regulations.

Section 102. Planned Unit Development

Permitted uses for a Planned Unit Development District is established in Section 74 of these regulations. Use, area, bulk, and height requirements, provisions for review of plans and other requirements shall be determined by the procedures set forth in this Section.

102.1. General Conditions. Any area may be rezoned as a Planned Unit Development District if the following conditions are met:

102.1.1. More than one principal land use or separate land uses, which would not otherwise be permitted to locate within the same zoning district are proposed for development on a parcel under single or multiple ownership or management.

102.1.2. The area is not located within an M-1 or M-2 Industrial District.

102.1.3. Exceptions or variations to the site, dimensional changes in standards required, or changes in other requirements of these regulations are being sought.

102.2. Specific Requirements. In order to qualify for a Planned Unit Development District zoning classification, a proposed development must first meet each of the following specific requirements:

102.2.1. The site utilized for the proposed development must contain an area of not less than twenty (20) acres.

102.2.2. The site must have a minimum width between any two opposite boundary lines of two hundred-fifty (250) linear feet and must adjoin or have direct access to at least one arterial, or collector street.

102.2.3. The area proposed shall be in ownership or management, or if in several ownerships, the application for amendment to these regulations shall be filed jointly by all of the owners of the properties included in the plan.

102.3. Procedure for Approval of a Planned Unit Development District. The filing of a plan for a Planned Unit Development shall constitute a request for an amendment to these regulations and shall meet the requirements for amendments specified in these regulations. In addition, the following requirements shall apply:

102.3.1. Two copies of a preliminary site plan shall be submitted to the Planning Commission.

102.3.2. The Planning Commission shall review the proposals prior to submitting a recommendation to the Governing Body. The Planning Commission may make reasonable additional requirements including, but not limited to, utilities, drainage, landscaping, and maintenance thereof, lighting, signs, and advertising devices, screening, access ways, curb cuts, traffic control, height of buildings and setback of buildings, to protect adjoining residential lots or uses, or to protect the PUD from adjacent uses.

102.3.3. Approval by the Governing Body subsequent to a public hearing constitutes creation of the Planned Unit Development District.

102.3.4. Following approval by the Governing Body, a final site plan in the form of a final plat shall be submitted in accordance with the provisions of this section prior to issuance of a building permit for construction of any improvements within the PUD.

102.4. Preliminary Site Plan Required. The preliminary site plan which accompanies an application for approval of PUD shall show the following:

102.4.1. The proposed title of the project and the name of the engineer, architect, designer, or landscape architect, and the developer.

102.4.2. The north point, scale, and date; the scale of the site plan shall be as follows:

- (1) For projects containing fifty (50) acres or more, not more than one hundred feet to one (1) inch.
- (2) For projects containing less than fifty (50) feet to one (1) inch.

102.4.3. Existing zoning and zoning district boundaries and proposed changes in zoning.

102.4.4. The boundaries of the property involve, the location of all existing easements, section lines, and property lines, existing streets, buildings, and other existing physical features in or adjoining the project.

102.4.5. The approximate location and sizes of existing and proposed sanitary and storm sewers, water mains, culverts, and other underground facilities in or near the project.

102.4.6. The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas (including numbers of parking and loading spaces), and outdoor lighting systems.

102.4.7. The general location of proposed lots, setback lines, and easements, and proposed reservations for parks, parkways, playgrounds, school sites, and open spaces.

102.4.8. The location and approximate height of all proposed main and accessory buildings and structures drawn approximately to scale.

102.4.9. General location, height, and material of all fences, walls, screens, planting and landscaping.

102.4.10. Proposed location, intended use, and character of all buildings.

102.4.11. General location, character, size, and height and orientation of proposed signs.

102.4.12. A location map showing the position of the proposed development in relationship to the surrounding area.

102.4.13. A tabulation of total number of acres in the project, gross and net, and the percentage thereof proposed to be devoted to different dwelling types, commercial uses, other nonresidential uses, off-street parking, streets, parks, schools, and other public and private reservations.

102.4.14. A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross and net, as required by district regulations.

102.4.15. A general description of the proposal, stating the purpose and goals of the development, and the design features incorporated for meeting these goals.

102.4.16. A detailed legal description of the location of the site.

102.4.17. A discussion of the proposed standards for development including restrictions on the use of the property, density standards and yard requirements and restrictive covenants. The Planning Commission may establish additional requirements for the preliminary site plan, and in special cases, may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project.

102.5. Final Site Plan Required. A final site plan shall be submitted to the Planning Commission for approval prior to submission of an application for a Building Permit. The plan shall comply with all laws and regulations governing the approval of subdivisions and, in addition, shall show all the features required on the preliminary site plan.

A plan of development shall be submitted regardless of whether a subdivision is proposed. At least one of the Final Site Plan maps shall include topographical contour lines at intervals no less than five (5) feet.

102.6. Review Standards. The Planning Commission shall review plans for proposed planned unit developments for conformity with the Comprehensive Plan. Specifically, the proposed plan shall meet the following conditions:

102.6.1. The plan shall provide for appropriate relationships between uses around the boundaries and uses within the PUD and shall indicate in written form those measures which would be taken to insure that adjacent property will not be adversely affected, and the PUD will be similarly protected.

102.6.2. The plan shall conform to the purpose of these regulations as stated in Article I.

102.6.3. Access to all developed property shall be sufficient to provide for an acceptable level of fire protection.

102.7. Miscellaneous Provisions

102.7.1. Delay in Construction. In the event that construction is not begun within one year from the date of approval by the Governing Body, the district shall revert to the same zoning classification which existed prior to approval of the PUD, and the zoning regulations of said prior district shall thereupon be in full force and effect.

102.7.2. Amendments and Additions. Amendments and additions to an approved plan or to the boundaries of a PUD shall be accomplished subject to the same regulations and procedures applicable to a new application.

102.7.3. Deed Restrictions. The Planning Commission may require filing of deed restrictions to help carry out the intent of these regulations and specifically the intent of the PUD district.

102.7.4. Violations. The violation of any provision of the plan as submitted under the provisions provided herein, shall constitute a violation of these regulations subject to the same penalties as established in Article XVII.

102.8. Site Design Requirements.

102.8.1. Location of District. A PUD district may be established in any existing district except an M-1 or M-2 Industrial District.

102.8.2. Site Design, General. The proposed development must be designed so as to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood. The review by the Planning Commission shall consider the following design elements.

102.8.2.1. Privacy. Personal and individual privacy shall be maintained and balanced with the provision of public and common uses.

102.8.2.2. Variety. Interest and variety shall be sought by means of street design and changes in and mixtures of building types, heights, facades, setbacks, planting, or size of open space, the design should be harmonious as a whole and not simply from street-to-street.

102.8.2.3. Traffic and Parking. No through or commercial traffic should be permitted; streets should curve so as to discourage fast movement of traffic; group parking areas should be screened as designed in Section 67, so that the vehicles are substantially hidden from the street.

102.8.2.4. Lot Area and Lot Width, General. Minimum lot area and lot width requirements may be increased by the County Health Department when the said department determines that an increased area or width is necessary for health reasons.

102.8.3. Site Design, Detail.

102.8.3.1. Density of Housing Types. A maximum of thirty (30) percent of the dwelling units located in a PUD district may be multi-family, and single-family attached or semi-detached dwelling units.

102.8.3.2. Single-Family Detached Dwellings. Single-family detached dwellings shall be developed under the regulations governing such dwellings in the district from which the PUD was rezoned except that the minimum lot area and minimum lot frontage of such dwelling lots may be reduced provided an offsetting amount of land is devoted to open space use. If residential uses are not permitted in the district, the R-3 restriction shall prevail. In no case, shall the density of single-family detached dwellings be greater than that normally permitted in the district from which the PUD was rezoned.

102.8.3.3. Minimum Lot Area and Width. Lot areas for single-family detached dwellings shall not be less than 6,000 square feet and the lot width shall not be less than sixty (60) feet wide.

102.8.3.4. Multi-Family Dwellings. Multi-family, two-family and single-family attached dwelling units shall be developed under the regulations governing such dwellings in the R-4 District.

102.8.3.5. Open Space. A minimum of at least twenty (20) percent of the gross area of the site should be retained in open space, as defined in Section 90. Land devoted to open space as a result of single-family detached dwelling lot size reductions may be counted towards meeting the above twenty (20) percent requirement. Areas which are used to meet minimum lot area requirements as set forth in Section 81 for multi-family, two-family and single-family attached dwelling units shall not be counted towards meeting open space requirements of the PUD.

102.8.3.6. Building Coverage. The total ground area occupied by buildings and structures shall not exceed thirty (30) percent of the total ground area of the planned unite development. Building coverage is defined as the land area covered by dwelling balconies, porches, and other architectural projections, but not including roof overhangs, open balconies, and uncovered porches.

102.8.3.7. Building Heights. Height of particular building shall not be a basis for denial or approval of a plan; provided any structures in excess of thirty-five (35) feet shall be designed and platted to be consistent with the reasonable enjoyment of neighboring property and efficiency of existing public services and facilities.

102.8.3.8. Density of Retail and Service Uses. No more than five (5) percent of the floor space of the total floor space in the PUD development shall be used for retail or service establishment.

102.8.3.9. Street Standards. All streets located in PUD Districts shall be Class I streets.

102.8.3.10. Off-street Parking and Loading. Off-street parking and loading requirements shall be as required in Sections 62 and 63.

Section 103. Yard Requirements

Yard requirements shall be modified subject to the following conditions;

103.1. On double frontage lots, the required front yard shall be provided on each street.

103.2. Whenever a rear property line of a lot abuts upon an alley one-half (1/2) of the alley width shall be considered as a portion of the required rear yard.

103.3. An unroofed porch may project into a required front yard for a distance not exceeding ten (10) feet.

Section 104. Access to Public Streets

Access to public streets, except if provided for herein, shall be maintained in accordance to the following requirements:

104.1. Each principal use shall be located on a lot or parcel which provides frontage on a public street having a right-of-way of not less than thirty (30) feet.

104.2. Any additional dwelling shall have access to a public street by means of a passageway open to the sky at least fifteen (15) feet in width.

Section 105. Front and Side Yard Setback for Dwellings

The setback requirements of these regulations for side yards on corner lots and/or front yards shall not apply to any lots where the average setback on developed lots located, wholly or in part, 100 feet on each side such lot and within the same block and zoning district and fronting on the same streets as such lot, is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback but not less than the average of the existing setbacks on the existing developed lot.

Section 106. Zero Side Yard.

Upon review and approval by the Planning Commission, the side yard setback requirement for single-family (detached) dwelling lots may be reduced to allow a zero side yard setback on one side of a lot providing the following conditions are met:

106.1. Any reduction in one side yard requirement shall result in a corresponding increase in the side yard requirement for the opposite side yard. In this manner the overall side yard requirement of the district shall be met.

106.2. Front yard, rear yard and corner side yard requirements of the district shall not be modified.

106.3. Side yard setback requirements shall not be modified for an individual lot unless it is part of a block in which each lot's side yard setback is to be modified. The arrangement of modified side yard requirements shall allow for an open side yard area between each dwelling unit.

106.4. The developer of a subdivision for which modifications to the side yard setback requirements are requested shall furnish to the Planning Commission a copy of the proposed deed restrictions, conditions, or covenants. Such covenants shall include as a minimum provisions for:

- (1) A maintenance easement which will allow for the maintenance of exterior dwelling walls facing a zero setback line.
- (2) A requirement that dwelling walls facing a zero setback be windowless.

Section 107. Additional Dwellings on a Single Lot

The Board of Zoning Appeals, after review of an application and public hearing thereon, may grant a special exception to permit one additional single-family dwelling, or mobile home on the same lot or parcel of land as that of the main dwelling provided that:

107.1. The main dwelling is located in a R-AG or R-1 District;

107.2. Each additional dwelling conforms to the minimum lot area, minimum width and maximum lot coverage requirements for such dwelling as set forth in Section 81, and conforms

107.3. The arrangement of such additional dwellings are in such a manner that if the lot or parcel of land is ever sub-divided no nonconforming lots or nonconforming buildings are created; and

107.4. Each additional dwelling or mobile home has access to a public street by means of an unobstructed passageway of at least fifteen (15) feet in width.

107.5. Special Exceptions to permit mobile homes as additional dwellings on a single lot shall be effective for a period of one (1) year and may be renewed by the Board of Zoning and Appeals.

Section 108. Livestock in Residential Districts

Ponies and horses may be kept in the R-1 and R-2 Districts subject to the district regulations and the following conditions. All types of livestock may be kept in the R-AG Agricultural District.

108.1. The minimum lot area upon which livestock may be kept in the R-1 and R-2 districts is two (2) acres for the first head of livestock and one-half (1/2) acre for each additional head of livestock, except in the R-AG District.

108.2. Space or shelter shall be provided where livestock is kept or fed, and shall not be permitted within fifty (50) feet of any property line in the R-1 and R-2 Districts.

ARTICLE XI

ZONING ADMINISTRATION

Section 111. Duties and Powers of the Zoning Enforcement Officer

The zoning enforcement officer shall be the Building Official or any public official designated by the Governing Body whose duties and powers are as follows:

111.1. The zoning enforcement officer is authorized and empowered on behalf and in the name of the Governing Body to administer and enforce the provisions of these regulations to include receiving applications, inspecting premises, and issuing Building Permits and Certificates of Occupancy for uses and structures which are in conformance with the provisions of these regulations.

111.2. The zoning enforcement officer does not have the authority to take final action on applications or matters involving variance, nonconforming uses, or other exceptions which these regulations have reserved for action by the Board of Zoning Appeals, the Planning Commission, and the Governing Body.

111.3. The zoning enforcement officer shall keep records of all and any permits, including Building Permits and Certificates of Occupancy issued, and all submitted subdivision plats, with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his office and shall be made as a public record.

Section 112. Permits and Certificates

Permits and certificates shall be issued in accordance with the following provisions:

112.1. Building Permit. The zoning enforcement officer shall issue a Building Permit for Zoning Compliance, for any permitted use, construction, or structural alternation provided such proposed use of land, construction, or structure, or structural alteration is in conformance with the provisions of these regulations.

112.1.1. An application shall be accompanied by the following statement:

I am the Land Owner, Builder, or Representative of Land Owner or Builder. I have reviewed all of the covenants, if any exist, which have been placed on the property where I am going to build this structure or place this mobile home and I am in compliance with said covenants. I

also understand that there shall not be more than one major use per lot and that this property is properly zoned for such structure or trailer, which is in compliance with the Comprehensive Land Development Regulations for Houston County. I understand that I am found in violation of any of the above statements that my building permit will be rejected and all work must stop immediately.

The Zoning Enforcement Officer will require a hand sketch of the lot and location of all buildings or mobile homes on said lot. When the Zoning Enforcement Officer deems it necessary, he may require a plot plan. The Board of Commissioners of Houston County shall set any and all fees necessary to regulate the inspection of development in the event that a plot plan is required by the Zoning Enforcement Officer.

112.1.2. Each permit shall be conspicuously posted and displayed on the premises described in the permit during the period of construction of reconstruction.

112.1.3. If the proposed excavation, filling, construction, or movement set forth in said sketch or plan is in conformity with the provisions of these regulations and other appropriate codes and regulations then, in effect, the Zoning Enforcement Officer shall sign and retain one (1) copy of the sketch or plan for his records.

112.1.4. If the sketch or plan submitted describes work which does not conform to the requirements of these regulations, the Zoning Enforcement Officer shall not issue a building permit, but shall return one (1) copy of the sketch or plan to the applicant along with a signed refusal and shall cite the portions of these regulations with which the submitted sketch/plan does not comply. The Zoning Enforcement Officer shall retain one (1) copy of the sketch/plan and two (2) copies of the refusal.

112.1.5. Any building permit for zoning compliance shall automatically expire six (6) months from the date of issuance if the person, firm, or corporation to which the certificate or permit was issued has not clearly demonstrated that the permit is being exercised for the purpose for which it was issued, or if the work so authorized is suspended or discontinued for a period of one (1) year.

112.2. Certificate of Occupancy. Certificates of Occupancy shall be issued by the zoning enforcement officer in accordance with the following provisions:

112.2.1. Certificate of Occupancy Required. A Certificate of Occupancy is required in advance of occupancy or use of:

- (1) A building hereafter erected;
- (2) A building hereafter altered so as to affect height, or side, front, or rear yards;
- (3) A change of type of occupancy or use of any building on premises.

112.2.2. Issuance of Certificate of Occupancy. The zoning enforcement officer shall sign and issue a Certificate of Occupancy if the proposed use of land or building, as stated on the application for such certificate and signed thereto by the owner or his appointed agent, is found to conform to the applicable provisions of these regulations and if the building, as finally constructed, complies with the sketch or plan submitted for the Building Permit for Zoning Compliance.

112.2.3. Denial of Certificate of Occupancy. A Certificate of Occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of these regulations or unless the building, as finally constructed, complies with the sketch/plan upon which the Building Permit for Zoning Compliance was issued.

Section 113. Establishment of the Board of Zoning Appeals

The Board of Zoning Appeals is hereby established.

113.1. Membership. The Board of Zoning Appeals shall consist of five (5) members appointed by the Governing Body for overlapping terms of five (5) years.

113.1.1. Vacancies. Any vacancy in the membership shall be filled for the unexpired term. Members shall be removable for cause by the Governing Body upon written charges and after public hearing thereon.

113.1.2. Public Offices Held. No member shall hold any public office; however, one member appointed may be a member of the Planning Commission.

113.2. Rules of Procedure. The Board of Zoning Appeals shall observe the following procedures:

113.2.1. Said Board shall adopt rules in accordance with the provisions of these regulations and the General Planning and Enabling Legislation of 1957, as amended, for the conduct of its affairs.

113.2.2. Said Board shall elect one its members, other than a member of the Planning Commission, as Chairman, who shall serve for one year or until he is re-elected or his successor is elected. Said Board shall appoint a Secretary.

113.2.3. The meetings of said Board shall be held at the call of the Chairman and at such other times as said Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena.

113.2.4. All meetings of said Board shall be open to the public.

113.2.5. Said Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Government's Clerk and shall be a public record.

Section 114. Duties and Powers of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the following duties and powers:

114.1. To hear, recommend and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning enforcement office, or other administrative official, in the enforcement of these regulations.

114.2. To review and provide recommendation for Special Exception of the terms of these Regulations upon which said Board is required to consider under these Regulations. In reviewing a Special Exception, the Board shall determine that:

- (1) The use meets all required conditions;
- (2) The use is not detrimental to the public health or general welfare;
- (3) The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar services.
- (4) The use will not violate neighborhood character nor adversely affect surrounding land uses.

114.3. To authorize upon appeal 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 unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Appeals that:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
- (2) The application of these regulations to this particular piece of property would create an unnecessary hardship;
- (3) Such conditions are peculiar of the particular piece of property involved; and
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of these regulations.

114.4. No variance or special exception shall be granted for use of land or building or structure that is prohibited by these regulations or that is not permitted by these regulations.

Section 115. Procedure for requesting a hearing before the Board of Zoning Appeals for an Administrative review or Variance.

Request for a hearing before the Board of Zoning Appeals for an administrative review, or a variance shall observe the following procedures:

115.1. An application must be submitted in writing to the zoning enforcement officer from which the appeal is taken and to the Board of Appeals a notice of appeal specifying the grounds thereof.

115.2. An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the zoning enforcement officer. Such site plan shall include, as a minimum, the following: Lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public), water courses, and if existing, right-of-way lines; and such other information regarding abutting property as directly affects the application.

115.3. The zoning enforcement officer shall cause to have posted in a conspicuous place on the property in question one or more signs containing information as to the proposed change and the date and time of the public hearing, and the cost of each shall be paid by the applicant prior to the public hearing.

115.4. The Board of Zoning Appeals shall fix a reasonable time for the hearing of appeals or other matters referred to said Board, give at least fifteen (15) days public notice thereof, as well as due notice to the parties in interest, and decide the same within 45 days from the date of such public hearing.

115.5. An appeals stays all legal proceedings in furtherance of the action appealed from, unless the zoning enforcement officer certifies to the Board of Zoning Appeals after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the said Board or by a court of record; an application, on notice to the official from whom the appeal is taken and on due cause shown.

115.6. In exercising the powers granted the Board of Zoning Appeals in Section 114 of these regulations, the said Board may in conformity with the provisions of these regulations, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions or determination of the zoning enforcement officer, and to that end shall have all the powers of the zoning enforcement officer and may issue or direct the issuance of a Zoning Compliance Permit.

115.7. A property owner, or his appointed agent, shall not initiate action for a hearing before the Board of Zoning Appeals relating to the same parcel of land more often than once every twelve (12) months without specific approval by the Board of Zoning Appeals.

115.8. Any petition for a hearing before the Board of Zoning Appeals may be withdrawn prior to action thereon by said Board at the discretion of the person, firm, or corporation initiating such a request upon written notice to the Secretary of said Board.

115.9. Any person or persons severally or jointly aggrieved by any decision of the Board of Zoning Appeals may take an appeal to the Superior Court as provided in the Code of Georgia Annotated, Section 69-1211.1.

Section 116. Procedure for Requesting a Zoning amendment

The Governing Body may, from time to time, after examination, review, and a public hearing thereon, amend, supplement or change these Regulations and Zoning districts herein or subsequently established. Proposals for zoning amendments, whether initiated by the Governing Body, the Planning Commission, or any person, firm or corporation, shall be treated in accordance with the following procedure:

116.1. An application must be submitted in writing to the zoning enforcement officer and must be accompanied with a total property survey showing the nearest roads and highways and the surrounding property owners, also including the proposed use intended. A site plan may be required by the Houston County Planning & Zoning Commission when deemed necessary. Such site plan shall include building sited, parking areas and egress & ingress into the proposed area, and shall include the existing land use on adjacent and surrounding properties.

116.2. The application shall be sent to the Planning Commission for review and recommendation, and said Planning Commission shall have thirty (30) days within which to submit a report to the Governing Body. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

116.3. Whenever a proposed amendment to these regulations involves changing the zoning classification of a parcel of property from one district to another, the zoning enforcement officer shall cause to have posted in a conspicuous place on said property one or more signs containing information as to the proposed change and the date and time of the public hearing, and the cost of each sign shall be paid by the applicant prior to the public hearing.

116.4. Before enacting any amendment to these regulations, the Governing Body shall hold a public hearing thereon provided that a legal notice has been published in the newspaper of general circulation, and when required, a sign or signs have been posed on the property in question for at least fifteen (15) days prior to the said public hearing.

116.5. The Governing Body shall hold a public hearing at the earliest possible time under the time limits spelled out above to consider the proposed zoning amendment, and shall take action on said proposed zoning amendment within 45 days from the date of the public hearing except in the case where the Governing Body's tentative action is not in accordance with the Planning Commission's certified recommendation. In such case, the Governing Body shall not make any

change in or departure from the text or maps, as recommended and certified by the Planning Commission, unless such change or departure be first resubmitted to the Planning Commission for an additional review and recommendation. The Planning Commission shall have thirty (30) days to resubmit its recommendation.

116.6. Any petition for a zoning amendment may be withdrawn prior to action thereon by the Board of Commissioners at the discretion of the person, firm, corporation initiating such a request upon written notice to the Zoning Enforcement Officer. In the event of such withdrawal, the petitioner shall not be eligible to resubmit an application on the same piece of property until the time limitations outlined in Section 116.7 have lapsed.

116.7. A property owner, or his appointed agent, shall not initiate action for a zoning amendment affecting the same parcel of land more often than once every six (6) months.

Amended April 20, 2004.

Section 117. Standards Governing the Exercise of Zoning Power (“Standard”)

117.1. In considering any Zoning Map changes, the following Standards shall be considered, as they may be relevant to the application, by the Zoning Enforcement Officer, Planning Commission and County Commission. Such considerations shall be based on the most intensive uses and maximum density permitted in the requested zoning amendment, unless limitations to be attached to the zoning action are requested by the applicant:

- 1) The suitability of the subject property for zoned purposes;
- 2) The extent to which the property values of the subject property are diminished by the particular zoning restrictions;
- 3) The extent to which the destruction of property values of the subject property 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;
- 5) Whether the subject property owner has a reasonable economic use as currently zoned;
- 6) The length of time the property has been vacant as zoned considered in the context of land development of adjacent and nearby property;
- 7) Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property;
- 8) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
- 9) The adequacy of public facilities and services intended to serve the lot proposed to be rezoned, including but not limited to roads, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, wastewater treatment, and solid waste services;
- 10) Whether the zoning proposal is in conformity with the policies and intent of the land use plan; and
- 11) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

117.2. After hearing evidence at a Zoning meeting, the Planning Commission and County Commission shall apply the Standards as deemed relevant to the application in making their decision. It will not be required that the Planning Commission or County Commission consider every criteria contained in the Standards. It shall be the duty of the applicant to carry the burden of proof that the proposed zoning change promotes the public health, safety, morality or general welfare.

117.3. If the County Commission determines from the evidence presented or the recommendation of the Planning Commission that the applicant has shown that the proposed zoning change promotes the health, safety, morality and general welfare based on the Standards, then the application shall be granted, subject to any reasonable provisions as may be imposed by the County Commission pursuant to Section 117.4. Otherwise such application shall be denied.

117.4. In deciding upon any application for a zoning change, the County Commission may grant the application subject to certain stipulations necessary to promote and protect the health, safety, morality and general welfare of the County and to prevent or lessen any negative effects that the zoning change may cause. In such cases, the County Commission shall not approve said application until any stipulations have been resubmitted to the Planning Commission for additional review and recommendation. The Planning Commission shall have thirty (30) days to resubmit its recommendation.

Adopted February 17, 2004.

Section 118. Procedure for Requesting a Special Exception

Request for a hearing before the Board of Zoning Appeals for a Special Exception shall observe the following procedures:

118.1. An application must be submitted in writing to the Zoning Enforcement Officer and must be accompanied with a total survey showing the nearest roads and highways and the surrounding property owners, also including the proposed use intended. A site plan may be required by the Board of Zoning Appeals when deemed necessary. Such site plan shall include building sited, parking areas and egress and ingress into the proposed area and shall include the existing land use on adjacent and surrounding properties.

118.2. The application shall be sent to the Board of Zoning & Appeals for review and recommendation and said Board of Zoning & Appeals shall have thirty (30) days within which to submit a report to the Governing Body. If the Board of Zoning & Appeals fails to submit a report within the thirty (30) day period, it shall be deemed to have recommended the request Special Exception.

118.3. Whenever a Special Exception to these regulations is requested, the Zoning Enforcement Officer shall cause to have posted in a conspicuous place on said property one or more signs containing information as to the proposed change and the date and time of the public hearing, and the cost of each sign shall be paid by the applicant prior to the public hearing.

118.4. Before enacting any Special Exception to these regulations, the Governing Body shall hold a public hearing thereon provided that a legal notice has been published in the newspaper of general circulation, and when required, a sign or signs have been posed on the property in question for at least fifteen (15) days prior to said public hearing.

118.5. The Governing Body shall hold a public hearing at the earliest possible time under the time limits spelled out above to consider the Special Exception, and shall take action on said proposed Special Exception within forty-five (45) days from the date of the public hearing except in the case where the Governing Body's tentative action is not in accordance with the Board of Zoning & Appeals certified recommendation. In such case, the Governing Body shall not make any changes in or departure from the text or maps, as recommended and certified by the Board of Zoning & Appeals, unless such change or departure is first resubmitted to the Board of Zoning & Appeals for an additional review and recommendation. The Board of Zoning & Appeals shall have thirty (30) days to resubmit its recommendation.

118.6. Any petition for a Special Exception may be withdrawn prior to action thereon by the Governing Body at the discretion of the person, firm, corporation initiating such a request upon written notice to the Zoning Enforcement Officer.

118.7. A property owner, of his appointed agent, shall not initiate action for a Special Exception affecting the same parcel of land more often than every six (6) months.

Amended February 17, 2004

ARTICLE XII

PROCEDURES FOR SUBDIVISION PLAT APPROVAL

Section 121. Street Requirements

121.1. Legal Status of public street required. No land dedicated as a public street shall be accepted, opened, or improved, nor shall any utilities or other facilities be installed therein unless such street corresponds in its location and lines with a street shown on a plat approved by the Planning Commission. Streets which shall have been accepted or opened as, or otherwise shall have received the legal status of, a public street prior to the adoption of these regulations may be improved, or utilities or other facilities may be installed therein. The Governing Body, however, may locate and construct or may accept any other street, if the resolution or other measure for such approval is first submitted to the Planning Commission for its review and comment.

121.2. Access to Public Street required. No building permit shall be issued for and no building or other structure shall be erected on any lot unless such lot has access to a street which shall have received the legal status of, a public street; provided, however, that private streets and other drive access ways may be approved under the terms of these rules and regulations in PUD developments, condominium projects, apartment projects, town houses, commercial developments, shopping centers, or other developments.

Section 122. Discretionary pre-application review.

122.1. Whenever the subdivision of a tract of land within the jurisdiction of the Planning Commission is proposed, the subdivider may, at his discretion, consult early and informally with the local government engineer for advice and assistance. Such early contact between the subdivider and local government engineer will prove beneficial to all parties involved and is encouraged. The subdivider may submit sketches and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. If the tract of land is not to be initially subdivided in its entirety, the subdivider should provide sketches for the entire tract and indicated the proposed unit divisions of staged development boundaries.

122.2. Should the subdivider request a pre-application review, the local government's Engineer shall return the submitted sketch plans as quickly as possible and inform the subdivider where the plans do not comply with the requirements set forth in these regulations. No fee shall be charged for the pre-application review and no formal application shall be required. However, in no instance shall the discretionary pre-application review be made or accepted in lieu of the required plats and specifications contained herein.

Section 123. Procedure for preliminary plat approval.

Prior to auctioning of property or the cutting or grading of any street improvements or the installation of utilities, the subdivider shall submit to the Planning Commission, and receive approval of, a preliminary plat of the proposed subdivision in accordance with the procedure outlined below. Preliminary plat approval shall not be mandatory for subdivisions containing fewer than five (5) lots. However, preliminary plat approval is required for any development that extends public streets and utilities.

123.1. Application for preliminary plat approval. Following any discretionary pre-application review or at any other time, the subdivider shall submit formal application for preliminary plat approval upon such forms or in such a manner as may be prescribed by the Planning Commission. The application shall be made to the office of the secretary of the Planning Commission and shall be received not less than fourteen (14) days prior to the next regular meeting of the Planning Commission. Ten (10) copies of the preliminary plat shall be submitted along with any other documents required in Section 124. The Secretary shall then distribute the plat to the members of the Planning Commission, the local government engineer, the fire chief, health official and any other local government's departments as necessary and maintain on copy for his file.

123.2. Health department recommendation when public sewer and water is not available. In such instances when public sewer and/or water is not available, the subdivider shall submit the proposed preliminary plat to the County Health Department for recommendation prior to making formal application to the Planning Commission and shall include as part of the formal application such recommendation.

123.3. Review of preliminary plat. The local government engineer or other designated officer shall check the plat of conformance to the rules and regulations set forth in this document and insure that the findings of the reviewing departments are noted and forwarded to the Planning Commission. In such instances where public sewer and/or water is not available, the review of the County Health Department, along with any conditions or modifications required by the agency, shall be on file prior to preliminary plat approval.

123.4. Hearing on Preliminary Plat. Notice of time and place of hearing shall be sent to the name and address of the subdivider which is on the preliminary plat. This notice shall be sent by registered or certified mail to said name and address no less than five (5) days before the date of the hearing. The planning Commission shall hold a hearing on the preliminary plat at the first regular meeting following the review of the various departments. The Secretary of the Planning Commission, or designee, shall present the summary of findings, negotiations, and recommendations which shall be clearly stated in the minutes of the Planning Commission meeting along with any decision rendered.

123.5. Preliminary approval. Following the hearing of the preliminary plat and other related material, the Planning Commission may issue a certificate of preliminary approval; noting the conditions of such approval on five (5) copies of the preliminary plat with one (1) copy being returned to the subdivider, one (1) copy to the County Health Department, one (1) copy to the local government's engineer, one (1) copy to the Fire Chief, and one (1) copy to be added to the records of the Planning Commission. Approval of the preliminary plat does not constitute approval of any required improvements, development plans, or a final plat and it indicates only approval of the subdivision layout.

123.6. Expiration time. Preliminary approval shall expire and be of no further effect twelve (12) months from the date of the preliminary approval unless the applicant submits a written request for time extension to the Planning Commission clearly stating the need for the extension before expiration date. When such a request has been received, the Planning Commission may extend the approval for no more than an additional twelve (12) months.

123.7. Disapproval. Following the hearing on the preliminary plat and other related material, the Planning Commission may find reasons detrimental to the public safety, health and general welfare, or in conflict with adopted plans of the Planning Commission, which require the disapproval of the preliminary plat. A statement of the reasons for disapproval shall be made on five (5) copies of the preliminary plat with one (1) copy being returned to the subdivider, one (1) copy to the County Health Department, one (1) copy to the Fire Chief, one (1) copy to the local government's engineer and one (1) copy being added to the records of the Planning Commission. In addition, the minutes of the Planning Commission shall reflect the reason for denial and record the individual vote of the members. The applicant may reapply for preliminary plat approval in accordance with Section 123.1. herein.

Section 124. Preliminary plat specifications

124.1. Preparation and specifications. The preliminary plat shall be prepared by either a Registered Georgia professional land surveyor or a Registered Georgia Engineer and all of the following specification shall be shown. No plat shall be filed or accepted for review which does not meet the minimum specifications contained in the regulations.

124.2. Scale. The preliminary plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch.

124.3. Sheet Size. The preliminary plat shall be drawn in ink on suitable permanent reproducible material, on sheets not larger than thirty-six (36) inches by twenty-four (24) inches. If the complete plat cannot be shown on one sheet, it may be shown in sections on more than one sheet with an index map drawn at a reduced scale.

124.4. Ground Elevations. The preliminary plat may show ground elevations based on the datum place of the U.S. Coast and Geodetic Survey.

124.5 Existing conditions to be provided on preliminary plat:

- (1) Title (Preliminary), numeric scale; north arrow, indication either magnetic or true north or Georgia grid; date; inscription stating “Not for Final Recording”.
- (2) A vicinity map showing the location of the tract with approximate distance to obvious geographical locations.
- (3) Present tract designation according to official records, title under which proposed subdivision is to be recorded with names and address of owners of the property to be subdivided, name and address of subdivision designer, notation stating acreage to be subdivided, bench marks, certification of registered Georgia professional engineer or registered Georgia professional land surveyor, date of plan.
- (4) Zoning district classification of the proposed subdivision and of adjoining properties.
- (5) Deed record names of adjoining property owners of subdivisions.
- (6) Other conditions, including adjacent land character, location of buildings, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences within one hundred (100) feet.
- (7) Boundary lines, bearings and distances of perimeter boundaries.
- (8) Existing easements, indicating location, width and purpose.
- (9) Existing streets on, abutting, and adjacent to the tract, including name, right-of-way width, surface type and existence of curb and gutter.

- (10) When subdivision will not be served by public sewer, soils identification shall be made in accordance with the requirements of the County Health Department and so indicated on the plat.
- (11) Existing topographical contours at elevation intervals of not more than ten (10) feet. For purposes of the preliminary plan approval only, such contour lines may be interpolated from the applicable U.S.G.S. 7.5 minute quadrangle map(s).
- (12) The boundaries of the 100-year floodplain and floodway as mapped by the National Flood Insurance Program, any other known past history of flooding, and other significant environmental features.
- (13) Wetlands, as indicated on the Nation Wetlands Inventory (NWI) Map of the Georgia Wetlands Database Map.
- (14) Boundaries (if any) of the Ocmulgee River Corridor Protection District.
- (15) In case of re-subdivision, a copy of the existing plat with the proposed changes superimposed thereon.

124.6. Proposed improvements to be provided on preliminary plat.

- (1) Layout of streets showing right-of-way widths and roadways widths.
- (2) Layout of all lots including minimum building setback lines and approximate lot dimensions.
- (3) Designation of all land to be reserved or dedicated for public use, together with its purpose and limitations or conditions of such reservations or dedications, if any.
- (4) Sites (if any) for multi-family dwellings, shopping centers, churches, industry or other non-public uses, exclusive of single-family dwellings, if located within the proposed subdivision, adjacent to the proposed subdivision, or abutting an arterial needed as a result of the proposed subdivision.

124.7. Certificate of Preliminary Approval. A certificate of preliminary approval of the Preliminary Plat by the Planning Commission shall be inscribed on the plat as follows:

“In that all the requirements of Preliminary Approval have been fulfilled (and with consideration to any conditions noted below), this subdivision plat was given Preliminary Approval by the Houston County Planning Commission on _____, _____. Preliminary Approval does not constitute approval of the Development Plans of the Final Plat. This Certificate of Preliminary Approval shall expire in twelve months and be null and void on _____, _____.”

“NOT FOR FINAL RECORDING”

Section 125. Procedure for Development Plan approval.

Prior to the installation of any required improvements or utilities, the subdivider shall submit to the local government engineer and receive approval of development plans in accordance with the procedures specified below.

125.1. Application for Development Plan approval. Application for development plan approval must be submitted within twelve (12) months of preliminary plan approval, unless the Planning Commission has granted a time extension of not more than six (6) months. Six (6) copies of the development plans shall be submitted along with any other documents required in Section 126 to the Planning Office. The development plans will be distributed by the local government engineer to the Fire Chief, the County Health Department, and any other local government departments as necessary.

125.2. Review of Development Plans. The local government’s engineer, the Fire Chief, County Health Official, and other government department or designee shall check the development plans for conformance to the rules and regulations set forth in this document and insure that the findings of the reviewing departments are noted within thirty (30) days of receiving the plans.

125.3. Automatic Approval. Failure to act on the Development Plan within thirty (30) days after submission thereof, shall be deemed to the approval of the plat and a Certificate of Development Plat Approval shall be issued by the Planning Commission on demand, provided, however, that the subdivider may waive this requirement and consent to an extension of time.

125.4. Development Plan approval. Following the staff review of the development plans and other related material, the local government engineer may issue a certificate of development plan approval noting the conditions of such approval on six (6) copies of the development plans with the one (1) copy being returned to the subdivider, one (1) copy to the County Health Department, two (2) copies to the local government's engineer, one (1) copy to the Fire Chief, and one (1) copy on file at the planning office. Approval of the development plans does not constitute approval of the final plat. It authorizes only that work may begin on the construction and installation of all improvements for the proposed layout shown on the preliminary plat and subject to inspection by the local government.

125.5. Expiration time. Development plan approval shall expire and be of no further effect twelve (12) months from the date of the preliminary approval, unless the applicant submits a written request for time extension to the secretary of the Planning Commission clearly stating the need for the extension. When such a request has been received, the Planning Commission may extend the approval for no more than an additional twelve (12) months.

125.6. Disapproval. Following the review of the development plans and other related material, the local government engineer, Fire Chief, County Health Department, and other government departments may find reasons detrimental to the public safety, health, and general welfare, or in conflict with adopted plans of the Governing Authority, which require the disapproval of the development plans. A statement of the reasons for disapproval shall be made on four (4) copies of the development plans with one (1) copy being returned to the subdivider, one (1) copy to the County Health Department, one (1) copy to the Fire Chief, and one (1) copy to the local government's engineer. The applicant may reapply for development plan approval in accordance with Section 125.1.1 herein or applicant may appeal staffs denial to the Planning Commission at their earliest regularly scheduled meeting.

Section 126. Development Plan Specifications

126.1. Preparation and specifications. The development plans shall be prepared by either a Registered Georgia Professional Land Surveyor or a Registered Georgia Professional Engineer and shall show all of the following specifications. No plan may be accepted for review which does not meet the minimum specifications contained in these regulations.

126.2. Scale. The development plans shall be clearly and legible be drawn at a scale not smaller than one hundred (100) feet to one (1) inch. The Planning Commission may require a smaller development plan scale if the aforementioned scale was deemed inappropriate during the preliminary plan review process.

126.3. Sheet size. The development plans shall be drawn in ink on suitable permanent reproducible material, on sheets no larger than thirty-six (36) inches by twenty-four (24) inches. If the complete plans cannot be shown on one sheet, they may be shown in sections o more than one sheet with an index map drawn at a reduced scale.

126.4. Ground Elevations. The development plans shall show ground elevations, based on the datum plane of the U.S. Coast and Geodetic Survey, with a contour interval of two (2) feet (or less if determined necessary by the local government's engineer).

126.5. Existing conditions to be provided on development plans.

- (1) Title ("Development Plans"), numerical scale; north arrow, indicating either magnetic or true north or Georgia Grid; inscription stating "Not for Final Recording".
- (2) A vicinity map showing the location of the tract with approximate distances to obvious geographical locations.
- (3) Present tract designation according to official records, title under which proposed subdivision is to be recorded with names and addresses of owners of the property to be subdivided, name and address of subdivision designer, notation stating acreage to be subdivided, bench marks, certification of Registered Georgia Professional Engineer or Registered Georgia Land Survey, date of plan.

- (4) Boundary lines, bearings and distances of perimeter boundaries.
- (5) Existing easements, indicating location, width, and purpose.
- (6) Existing streets on, abutting, and adjacent to the tract, including name, right-of-way width, roadway width, surface type and existence of curb and gutter.
- (7) Utilities on, abutting and adjacent to the tract: location, size, and invert elevation of existing sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles; if mains and sewers are not on or adjacent to the street, indicate the direction and distance to a size of nearest one showing invert elevation of sewers (if use of public sewers is proposed).
- (8) Other conditions on the tract, including wooded areas, tree masses, major rock outcroppings, houses, barns, shacks, all water courses, marshes, swamps, the boundaries of the 100-year floodplain and floodway as mapped by the National Flood Insurance Program, land subject to flooding as determined from past history of flooding, and other significant environmental features.
- (9) In case of resubdivision, a copy of existing plat with proposed changes superimposed thereon.
- (10) A complete listing of the deviations from the previously approved preliminary plat.

126.6. Proposed improvements to be provided on development plans

- (1) Layout of streets showing right-of-way and roadways widths, road names or designations, grades and typical cross-sections.
- (2) Other rights-of-way or easements, indicating location, width, purpose, and ownership.
- (3) Layouts of all lots, including minimum building setback lines, approximate lot dimensions, utility easements with width and use on all lots, lot numbers, and a listing of lot areas (which may be submitted as a separate document).

- (4) Plans for any sanitary sewers with grades, service, pipe sizes, and points of discharge, together with certified (stamped) copy of all load design factors and computations.
- (5) Plans for the storm drainage system with grade, pipe size, and location of outlet, together with certified (stamped) copy of all drainage areas, design factors and computations, together with a signed and stamped certification of storm water design as adopted by Houston County Board of Commissioners on December 20, 1994.
- (6) Plans for the water supply system with pipe sizes and locations of hydrants, valves and all appurtenances.
- (7) Designation of all land to be reserved or dedicated for public use, together with its purpose and limitations or conditions of such reservations or dedications, if any.
- (8) Sites, if any, for multiple-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.
- (9) Existing and finished grades including the clear identification of areas in which substantial grade changes and filling will occur.
- (10) A complete listing of all covenants, deed restrictions, and provisions for maintenance of common open spaces and other common lands.

126.7. Certificate of Development Plan Approval. A certificate of approval of the development plans by the local government engineer shall be inscribed on the plat as follows:

“In that all the requirements of Development Plans have been fulfilled (and with consideration to any conditions noted below), this subdivision plat was given approval by the Houston County Planning Commission on _____, 19___. This approval does not constitute approval of the Final Plat or acceptance of improvements. This Certificate of Approval shall expire in twelve (12) months and be null and void on _____, 19___.

Date

Secretary Planning Commission

Date

County Engineer

Date

Health Official

Date

Fire Chief

“NOT FOR FINAL RECORDING”

126.8. Installation of site improvements. After receiving a certificate of approval of the developments plans by the Planning Commission, the subdivider may then proceed to install any and all improvements required under these regulations and any other applicable regulations of the local government. In lieu of the completion of all improvements prior to submission for the final plat, the subdivider shall post a performance bond with the local government in an amount equal to one hundred twenty-five (125) percent of the cost of completing such unfinished improvements. As an alternative, the subdivider can tender a negotiable instrument in like amount in favor of the local government, including but not limited to, a letter of credit or an assignment on a certificate of deposit. The value of the bond or instrument shall be established by the local government's engineer.

The duration of the bond or negotiable instrument will be established jointly by the subdivider and the local government's engineer. Fifteen (15) days prior to the expiration of the bond or instrument, the local government's attorney will notify the bonding company or financial institution of possible default. If unfinished improvements are not completed by the end of the duration period, the bond or instrument will be deemed to have been forfeited and bonding company or financial institution will be required to immediately pay all amounts due to the local government.

Section 127. Final Plat Procedure

After completion of physical development of the subdivision or the posting of a performance bond guaranteeing any unfinished or any unacceptable portion of the same, the subdivider shall submit to the Planning Commission a final plat in accordance with the following procedure:

127.1. Application for final plat approval. Within twelve (12) months (or within such additional time as may be granted by the Planning Commission) after approval of the development plans, the subdivider shall submit to the Secretary of the Planning Commission or any other such official who shall be designated as the platting officer, formal application for final plat approval upon such forms or in such a manner as may be prescribed by the Planning Commission. Ten (10) copies of the final plat shall be submitted along with any other documents required in Section 128. The Secretary or other designate platting officer shall then distribute the plat to the members of the Planning Commission, the local government engineer, the fire chief and other local government departments as necessary.

127.2. Health Department review when public sewer and water is not available. In such instances when public sewer and/or water is not proposed, the subdivider shall receive the approval of the County Health Department prior to making application to the Planning Commission and such approval shall clearly be noted upon the final plat.

127.3. Review of the final plat. The final plat shall be reviewed for conformance with the approved preliminary plat, the approved development plans, the requirements of these regulations, and any special conditions or restrictions imposed by the Planning Commission. In instances when public sewer and/or water is not available, the approval of the County Health Department shall be received prior to approval by the local government.

127.4. Planning Commission approval. The Planning Commission may give final approval provided the final plat is the same as the approved preliminary plat and approved development plans and all conditions specified by the Planning Commission and specified herein have been met; and shall sign a certificate of approval on all plats. Recording of the final plat shall be done in accordance with Section 129 herein.

If the final plat substantially conforms to the preliminary plat, the development plans, and fulfills all special conditions or restrictions imposed by the Planning Commission in the approval of said preliminary plat and development plans and contains every and all of the specifications set forth herein, then the Secretary of the Planning Commission may at his/her discretion approve the final plat in the name of the Planning Commission.

127.5. Hearing on the final plat. Should the final plat not substantially conform to the preliminary plat and the development plans, or not fulfill any and all special conditions or restrictions imposed by the Planning Commission, or not contain every and all of the specifications set forth herein, or should the secretary elect not to give final approval in the name of the Planning Commission, then a hearing shall be held as follows:

- (1) Notice of time and place of hearing shall be sent to the name and address of the subdivider which is on the final plat. This notice shall be sent by registered or certified mail to said name and address not less than five (5) days before the date of hearing.
- (2) The Planning Commission shall provide a hearing on the final plat at the first regular meeting of the Planning Commission following submission of the final plat for review. The secretary of the Planning Commission shall present to the Planning Commission, at the hearing on the final plat, his written findings and recommendations and the written findings of the other governmental departments.

127.6. Planning Commissions disapproval. The Planning Commission may find the final plat in conflict with the approved preliminary plat or development plans or with these regulations, requiring the disapproval of the final plat. A statement of the reasons for disapproval shall be placed on five (5) copies of the final plat with one (1) copy being returned to the subdivider, one (1) copy to the County Health Department, one (1) copy to the fire chief, one (1) copy to the local government's engineer and one (1) copy being added to the records of the Planning Commission. In addition, the minutes of the Planning Commission shall reflect the reason for denial and record the individual vote of the members. No certificate of approval shall be given. The original plat shall be returned to the subdivider. The final plat may be resubmitted as a new application for a hearing for final plat approval after the corrections noted by the Planning Commission are made.

128. Final Plat Specifications.

128.1. Conformance with the preliminary plat and development plans. The final plat shall conform to the conditions of the approved preliminary plat and development plans.

128.2. Original tracing specifications. The final plat shall be clearly and legibly drawn on suitable permanent reproducible material. The scale shall be one hundred (100) feet to one (1) inch on sheets no larger than eighteen (18) inches by twenty-four (24) inches. If a smaller scale was required for the development plat, the same scale shall be used for the final plat. If the complete plat cannot be shown on one sheet of this size, it may be shown in sections on more than one sheet with an index map at a reduced scale. A reproduction of the original tracing must be submitted.

128.3. Additional specifications. The final plat shall contain the following information:

- (1) Primary control points with necessary description and locations of such angles, bearings, and similar data necessary for proper location.
- (2) Tract boundary lines, rights-of-way lines of streets, easements, and property lines of residential lots and other sites with sufficient data to determine readily and to reproduce on the ground the location, bearing, and length of every street line, lot line; boundary line, and setback line, whether curved or straight. This shall include, but not be limited to, the radius; length of arc; internal angles, and bearing of the tangents and tangent distanced for the center line of curbed streets and curved property lines that are not the boundary or curved streets. All dimensions shall be given to the nearest one-one hundredth (1/100) of a foot and all angles shall be given to the nearest minute.

- (3) Name and right-of-way width of each street or other right-of-way.
- (4) Location, dimensions, and purpose of any easements.
- (5) Number or letter to identify each lot and block.
- (6) Purpose for which sites, other than residential lots, are dedicated or reserved.
- (7) Minimum building setback lines on all lots and other sites.
- (8) Location and description of monuments and markers.
- (9) Names and record owners of adjoining unplatted land.
- (10) Reference to recorded subdivision plats of adjoining platted land by record and name.
- (11) Title, numerical scale, north arrow, and date.
- (12) Certification by the County Engineer that the developer has complied with one of the following alternatives:
 - (a) "All improvements have been installed in accordance with the requirements of these subdivision regulations and other applicable regulations", or
 - (b) "A performance bond has been approved and accepted by the Governing Body in sufficient amount to assure the completion of all required improvements in accord with the requirements of the subdivision regulations."
- (13) Notation of the necessary certifications shall be placed on the final plat as specified below in Section 128.4. through 128.8. as applicable.
- (14) A certification shall be submitted by the developer and contractor certifying that the construction of the development has been performed in accordance with the design plans and specifications as approved by the Houston County Engineering Department, in the form required by Houston County.

128.4. Surveyor's Certification. A signed certification by a registered Georgia Land Surveyor certifying to the accuracy of the survey and the plat shall be placed on the final plat as follows?

“In my opinion this plat is a correct representative of the land platted and has been prepared in conformity with the minimum standards and requirements of law and has been calculated for closure by latitudes and departures and is found to be accurate within one (1) foot in _____ feet.”

By _____ Registered Georgia
Professional Land
Surveyor No. _____

Date

128.5. Owner's Certification. A signed certification of ownership shall be placed on the final plat as follows:

“Owner's Certification:
State of Georgia, County of Houston
The undersigned certifies that he is the owner of the land shown on this plat and acknowledges this plat and allotment to be his free act and deed and dedicates to public use forever all areas shown or indicated on this plat as streets, alleys, easements or parks.”

Date

Owner's Name

128.6. Health Department certification. A signed certification of the Houston County Health Department shall be placed on the final plat in every instance except when the subdivision is developed with a public sanitary sewer system and/or public water.

“I certify that the general lot layout shown on this plat has been approved by the Houston County Health Department for development with city or county water and individual sewage. Individual lot approval required for each lot prior to construction.”

Environmental Health Specialist
Houston County Health Department

Date

128.7. Certificate of approval by the County Engineer. A signed certification of the local government's engineer shall be placed on the final plat as follows:

"I certify that the owner, or his agent, has completed the construction and installation of the streets, drainage, utilities, and other improvements in accordance with the Regulations of Houston County, Georgia; or has posted a performance bond or cashiers check to insure completion as required by the County Engineer."

Engineer

Date

128.8. Certificate of final approval by the Commission. Certification of final approval by the Planning Commission shall be placed on the final plat only after every item of this regulation has been complied with and shall state the following:

This plat has been submitted to and considered by the Planning Commission of Houston County, Georgia, and is approved for recording in the Office of the Clerk of the Superior Court by said Commission, dated this ___ day of _____, 20__.

THE HOUSTON COUNTY PLANNING COMMISSION

By _____
(Secretary)

Section 129. Recording of final plat.

Upon the approval of a final plat by the Planning Commission, the owner, or his agent, shall have the final plat recorded in the Office of the Clerk of the Superior Court for the sale of any lot in the subdivision.

129.1. Requirement for "As Built" plans and other technical information.

- 1) Preparation and specifications. After the completion of construction of improvements and before the execution of approval of the final plat, the local government's engineer shall receive a copy of the "AS BUILT" development plans and other technical information which may be needed.
- 2) Scale. The "AS BUILT" plans shall be clearly and legibly drawn at a scale of at least one hundred (100) feet to one (1) inch, or the same scale as the final plat.
- 3) Sheet size. The "AS BUILT" plans shall be drawn in ink on suitable permanent reproducible material, on sheets thirty-six (36) inches by twenty-four (24) inches. If the complete plans cannot be shown on one sheet, it may be shown in sections on more than one sheet with an index that may be drawn at reduced scale.

- 4) Ground elevations. The “AS BUILT” plans shall show elevations, based on the datum plan of the U.S. Coast and Geodetic Survey, with a contour interval of two (2) feet (or less if determined necessary by the local government’s engineer).
- 5) Existing conditions to be shown on “AS BUILT” plans. In such instances where there have been substantial variations from approved development plans, the Planning Commission shall require each of the following, as applicable, or any additional information required:
 - (a) Final profiles of grades for streets.
 - (b) Final plan of sanitary sewers with grade, pipe sizes, and point of discharge.
 - (c) Final plan of storm drainage system with grade, pipe sizes, location of outlets and detention and retention facilities.
 - (d) Final plan of water supply system with pipe sizes, locations of hydrants and valves.
 - (e) A complete listing of the deviations from the approved development plans made by the sub-divider.
- 6) Certification of improvements prior to acceptance by the Governing Body. The Planning Commission and the local government’s engineer shall not recommend that any subdivision improvements be accepted for maintenance by the local government unless they have been installed in accordance with approved development plans or approved “AS BUILT” plans and other technical information which may be required.

129.1.1 Preparation and specifications. After the completion of construction of improvements and before the execution of approval of the final plat, the local government’s engineer shall receive a copy of the “AS BUILT” development plans, including an electronic copy, and any other technical information which may be needed.

Amended April 20, 2004.

Section 130. Recording of Final Plat.

Upon the approval of the Final Plat by the Planning Commission, the owner or his agent shall have the Final Plat recorded in the Office of the Clerk of Superior Court prior to the sale of any lot in the subdivision. The Final Plat shall be certified reproducible which meets the original tracing specifications as provided for in which meets the original tracing specifications as provided for in Section 128.2. Upon recording of the approved Final Plat, a copy of any private covenants or deed restrictions shall be provided by the sub-divider for the records of the Planning Commission.

ARTICLE XIII

GENERAL PRINCIPLES OF DESIGN

Section 131. Suitability of Land

Land subject flooding, improper drainage, and erosion, as determined by the Government's Engineer and any land deemed by the Planning Commission to be unsuitable for development shall not be platted for any uses as may continue such conditions or increase danger to health, safety, life, or property unless steps are taken to eliminate the above mentioned hazards.

Section 132. Access

132.1. Every subdivision and every lot within shall be served by a publicly-dedicated street, except as herein provided.

132.2. When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.

132.3. No subdivision shall be designed so as to completely eliminate street access to adjoining parcels of land.

Section 133. Conformance to the Master Comprehensive Plan

133.1. All proposed subdivisions shall conform to the Master Comprehensive Plan and development policies in effect at the time of submission to the Planning Commission.

133.2. All highways, streets, and other features of the Master Comprehensive Plan shall be platted by the subdivider in the location and to the dimension indicated on the Comprehensive Plan. In subdivisions related to or affecting any state or federally numbered highway, the approval of the State Department of Transportation may be required by the Planning Commission.

133.3. Where features of the Comprehensive Plan (other than minor streets and collector streets) such as school sites, parks, arterial streets, major thoroughfares, and other public spaces are located in whole or in part in a proposed subdivision, or when these features have not been anticipated by the Comprehensive Plan and planning policy, but are considered essential by the Planning Commission, such features shall be dedicated or in lieu of dedication shall be reserved by the subdivider. Whenever such reserved land, or any portion thereof, is not acquired, optioned or condemned by the appropriate public agency within a one (1) year period from the date of recording the subdivision, the subdivider may claim the original reservation, or portion thereof, and cause it to be subdivided in a manner suitable to the subdivider subject to the provisions of these rules and regulations.

133.4. The Planning Commission may waive the above-mentioned platting and reservation requirements of Section 133.2. and Section 133.3., whenever the public body responsible for land acquisition executes a written release stating that such a planned feature is not being acquired.

133.5. Whenever the plat proposes the dedication of land to public use and the Planning Commission or the appropriate agency finds that such land is not required or suitable for public use, the Planning Commission may either refuse to approve said plat or it may require the rearrangement of lots to include such land.

Section 134. Zoning and Other Regulations

Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in other official regulations or resolutions, the most restrictive shall apply.

Section 135. Planned Unit Development

135.1. The standards and requirements of these regulations may be modified in the case of a plan and program for a Planned Unit Development which is not divided into customary lots, blocks, and streets, which in the judgment of the Planning Commission provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, provided zoning density standards for the entire tract are not exceeded, and which also provides such conformity to and achievement of the plan. Plans for such developments shall be submitted to and approved by the Planning Commission whether or not such plat is to be recorded and no building permits shall be issued until such approval has been given.

135.2. Application for any modifications must be filed in writing with necessary supporting documents with the Planning Commission by the subdivider and shall explain in detail the reasons and facts supporting the application.

Section 136. Modifications

136.1. Modifications of the provisions set forth in the subdivision regulations may be authorized by the Planning Commission in specific cases when, in its opinion, undue hardship may result from strict compliance; provided any such determination shall be based fundamentally on the fact that unusual topographical and other exceptional conditions require such modification, and that the grant of the modification will not adversely affect the general public or nullify the intent of these regulations; provided further that any such modification granted by the Planning Commission shall be made in writing to the subdivider and also made a part of the Planning Commission's records and the plat.

136.2. Application for any modifications must be filed in writing with necessary supporting documents with the Planning Commission by the subdivider and shall explain in detail the reasons and facts supporting the application.

Section 137. Name of Subdivision

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision, except in the case where the subdivision is a section or part of a larger contiguous subdivision being developed by the same subdivider in phases, sections, or stages. In this case, the name of the overall subdivision can be used for each phase, stage, or section, but the phase, or section number must also be included as part of the name.

ARTICLE XIV

DESIGN STANDARDS

Section 141. Required Design Standards

The design standards set forth in this Article shall be observed in all plats which are required to be approved by the Planning Commission, except that standards for improvements shall be applicable only to those plats for which improvements or improvement plans are required as a condition of plat approval.

Section 142. Streets

142.1. The arrangements, character, extent, width, grade, and location of all streets shall conform to the Government's Major Thoroughfare Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

142.2. Where such is not shown in the Government's Major Thoroughfare Plan, the arrangement of streets in a subdivision shall either:

- (1) Provide for the continuation or appropriate projection of existing streets in surrounding areas at the same or greater width, but in no case less than the required minimum width.
- (2) Conform to a plan for neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.

142.3. Minor streets shall be so laid out that their use by through traffic will be discouraged.

142.4. Where a subdivision contains a dead-end street other than a cul-de-sac, the Planning Commission may require the subdivider to provide a temporary turn-around within the right-of-way, when the Planning Commission considers such to be necessary for effective traffic circulation.

142.5. Where a subdivision abuts or contains an existing or proposed major street, the Planning Commission may require marginal access streets, double frontage lots with screen planting contained in a non-access reservation along the rear property lines, deep lots with rear service drives, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

142.6. Where a subdivision borders on or contains a railroad right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or industrial purpose in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

142.7. Minimum street right-of-way width shall be as follows:

- | | |
|--|----------|
| 1. Expressways | 200 feet |
| 2. Arterial Streets and Highways | 100 feet |
| 3. Collector Street | 80 feet |
| 4. Minor Streets | |
| a. Residential (Class I and Class II) | |
| with curb and gutter | 60 feet |
| without curb and gutter | 80 feet |
| b. Commercial and Industrial | 70 feet |
| c. Cul-de-sac and Loop Streets | 60 feet |
| d. Cul-de-sac Turn Arounds (diameter) | 100 feet |
| e. Marginal Access or Frontage Roads | 50 feet |
| 5. Alleys, Service Drive or Private Drives | 22 feet |

Amended April 20, 2004.

142.8. A proposed subdivision that includes a platted street that does not conform to the minimum right-of-way requirements of these regulations shall provide for the dedication of additional right-of-way along either one or both sides of said street so that the minimum right-of-way required by these regulations can be established. If the proposed subdivision abuts only one side of said street, then a minimum of one-half of the required extra right-of-way shall be dedicated or reserved by such subdivision.

142.9. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than seventy-five (75) degrees. Detailed designs of intersections may be required.

142.10. Curb line radius at street intersections shall be at least twenty (20) feet and where the angle of street intersection is less than ninety (90) degrees, the Planning Commission may require a greater radius.

142.11. Right-of-way radius at street intersections shall parallel the curb line radius.

142.12. Street jogs with centerline offsets of less than two hundred (200) feet shall not be permitted.

142.13. Cul-de-sac streets shall be designed so that the maximum desirable length shall be six hundred (600) feet and in no case shall exceed eight hundred (800) feet in length, including circular turn-around, unless excepted by the Planning Commission as provided for under Section 136 herein.

142.14. Alleys or service drives may be required on any lots to be used for multi-family, commercial, or industrial developments, but shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the Planning Commission of the need of alleys or service drives.

142.15. Half-streets shall be prohibited.

142.16. Reserve strips controlling access to streets, alleys, or public grounds shall not be permitted unless approved by the Planning Commission as being in accordance with the provisions of Section 142.5.

142.17. See page 121 for minimum street standards.

142.18. All drainage ditches with headwalls that are between building lots and over two (2) feet in depth shall be piped a minimum of one hundred (100) feet from the front building line at the expense of the developer.

<u>Type of Standard Section</u>		<u>Refer to Arterial</u>	<u>Collector</u>	<u>Minor Street or Road</u>	<u>Marginal Access</u>	<u>Alleys & Drives</u>
Minimum Right Of-way width	142.7.	100'	80'	60'	50'	22'
Cul-de-Sac Turn Around R/W Diameter	142.7	N/A	N/A	100'	N/A	N/A
Minimum Pavement Width	155.3.	48'	36' (32') ³ (40') ⁴	27' (24') ³	27' (24') ³	27' (10') ⁵
Min. Cul-de-Sac Pavement Diam.	155.3.	N/A	N/A	80'	N/A	N/A
Sidewalk Width	157.1.	4'	4'	4'	4'	N/A
Sidewalk Dist. From Curb	157.1.	10'	10'	4'	0'	N/A
Min. Stepping Sight Dist.	153.1.	350'	240'	200'	200'	200'
Max. Grade	153.1.	6%	8%	12%	12%	12%
Max. Cul-de-Sac Length	142.13.	N/A	N/A	800'	N/A	N/A
Design Speed	none	50 mph	35 mph	25 mph	25 mph	10mph
Min. Center Line Radius	153.1.	800'	500'	100'	100'	100'
Min. Length of Tan. Between Reverse curves	none	300'	200'	100'	100'	100'
Curb Line Radius	142.10. 155.5.	20'	20'	20'	20'	20' 5' ⁶

1 Geometric design standards of the State Hwy Dept. of Georgia shall represent minimum requirements and each project shall be reviewed on its own merits

2 Commercial

3 Edge of pavement to edge of pavement

4 Curb and Gutter with on-street parking

5 One way

6 Low Density Residential Usage

Section 143. Blocks

143.1. The lengths, widths, and shapes of blocks shall be determined with due regard to:

- (1) Provisions of adequate building sites suitable to the needs of the type of use contemplated.
- (2) Zoning requirements as to lot sizes and dimensions unless a planned unit development is contemplated.
- (3) Needs for convenient access, circulation, control, and safety of street traffic.
- (4) Limitations and opportunities of topography.

143.2. In general, residential blocks shall not be greater than twelve hundred (12,000) feet in length, or less than six hundred (600) feet in length. In blocks over one thousand (1,000) feet long, the Planning Commission may, when existing or proposed public gathering places so justify, require public crosswalks across the block.

143.3. Residential blocks shall be wide enough to provide two tiers of lots, except where fronting on expressways and arterials or prevented by topographical conditions or size of the property, in which case the Planning Commission may require and/or approve a single tier of lots.

Section 144. Lots

144.1. Insofar as practical, side lot lines shall be perpendicular or radial to street lines. Each lot shall abut upon a public street, except as herein provided.

144.2. The size, shape and orientation of every lot shall be subject to approval of the Planning Commission for the type of development and use contemplated. No lot shall be more than six (6) times as deep as it is wide at the building setback line, unless excepted by the Planning Commission as provided by Section 126, herein.

144.3. Every residential lot shall conform to the minimum dimension and area requirements of the Zoning Regulations, provided that every lot served by a public sewer or community sanitary system and/or public water shall meet the dimension and area requirements of the Health Department.

144.4. Building setback lines shall conform to front, rear, and side yard building setback requirements of the Zoning Regulations.

144.5. Double frontage, unless required by the Planning Commission, shall be prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantage of topography, orientation, and property size. A planting screen reservation of at least ten (10) feet, and across which there shall be no right-of-access, may be required along the line of lots abutting such a traffic artery or other disadvantageous use.

144.6. Corner lots shall, as required in the Zoning Regulations, have extra width to permit appropriate building setback from and orientation to both streets.

144.7. Lot remnants (lots below minimum area or width left over after subdividing tracts of land) shall be prohibited. Such remnant areas shall be added to adjacent lots, rather than remain as unusable parcels.

144.8. The subdividing of the land shall be such as to provide each lot with direct abutting access to an existing public street or to a street contained within the proposed subdivision.

Section 145. Procedure for Individual Residential & Commercial Lot Development

145.1. Two (2) site plans shall be submitted to the County, one of which shall contain, but not limited to, the following: street names, lot numbers, builder, superintendent (if different from builder), erosion control (methods and location), setbacks, approximate acreage, and proposed completion date.

145.2. All commercial and industrial site plans shall also contain a construction schedule. Said schedule shall include a stabilization date, and shall provide any information pertaining to the various types of grasses or other vegetation that will be established over the slope, swales or embankments or the project site.

145.3. Failure to have all that is a part of (1) and (2) above included on each site plan may result in rejection of the site plan. Upon disapproval, a letter or rejection listing the various information required will be attached to the application and building/developer notified of the situation. Once the required information is supplied, the application may be resubmitted for approval. There shall be a review period for all applications of ten (10) working days for development permit issuance.

145.4. All development permits shall be posed in a conspicuous place of the site, visible from the public right-of-way, prior to any development. Any builder or developer who begins construction without the necessary permits posted is subject to penalty and an automatic Stop Work Order.

145.5. All erosion control devices shall be installed promptly after the site has been cleared. Silt screen and/or hay bales acting as erosion control devices will be installed in accordance with the requirements of the County Engineer. (Commercial Construction pad details will be noted on the site plans when submitted.)

145.6. When a notice of violation is posted, the builder/developer shall have a minimum of 24 hours to correct the noted problem(s). If the problem(s) has/have not been satisfactorily corrected within the 24 hour period, a STOP WORK ORDER may be posted and all other construction at that location must cease until the problem has been corrected and a re-inspection arranged. This means all personnel, except those performing corrective procedures pertaining to the Notice of Violations, must leave the posted area. If satisfactory corrections are not made in due time, or if construction continues while a Stop Work Order is in effect, the violator may be cited into Court and subject to a \$500.00 per day penalty for each day the violation continues.

145.7. If a drainage problem is encountered at a site under construction, the Building Inspector may withhold the final approval. The builder is required to correct the deficiencies and have an additional inspection, conducted by the County Engineer, performed prior to the final landscaping of the site. At this time, the County Engineer will determine whether the corrective measures are adequate or inadequate.

145.8. Site plan must include all provisions and specifications for swimming pools when applicable.

145.9. All drainage and erosion liability associated with the development of individual lots, both residential and commercial, shall lie with the developer until such time as the builder has been given final approval by the building inspector. Subsequent to approval, the builder shall become liable for all drainage and erosion problems.

145.10. Permit Application Requirements

- (a) Two copies of the floor plans for residential application;
- (b) Two copies of the floor plans and specifications for commercial applications;
- (c) Two copies of the site plan:
 - (1) one copy showing detailed erosion control devices
 - (2) one copy minus erosion control devices
- (d) Sewer Approval:
Septic tank approval from the Health Department, or
Sewer tap approval from the City of Warner Robins
- (e) Water permit
- (f) Additional information may be submitted as required by the Building or Engineering Departments.

ARTICLE XV

REQUIRED SUBDIVISION IMPROVEMENTS

Section 151. Monuments

Right-of-way and property line monuments shall be placed in each subdivision in accordance with the following:

151.1 Right-of-Way Monuments. Reinforced concrete monuments four (4) inches in diameter or square, 30 inches long, and a flat top, shall be set at street corners, at points where the street lines intersect and exterior boundaries of the subdivision, and at angles points, and points of curve in a street. The top of the monument shall have an indented cross to identify property location, and shall be set flush with the finished grade.

151.2. Property Line Monument. An iron pin imbedded at least two (2) feet into the ground shall be required at each lot corner and each point where the property line changes direction. Such iron pin shall be at least one-half (1/2) inch in diameter. The top surface of such iron pin shall be approximately level with the ground surface.

Section 152. Special Classification of Streets for Construction

All streets except expressways, arterials and collectors shall be classified for construction purposes only as follows:

152.1. Class I Street. A Class I Street shall be paved, curbed, and guttered in accordance with the specifications required herein. A Class I Street shall be required for all streets in all zoning districts except R-AG Agricultural Districts, but may be so located if the subdivider so desires. Minimum right-of-way width requirements shall be as required in Section 142.7. of these regulations.

152.2. Class II Street. A Class II Street shall be paved, curbed, and guttered if the lots fronting on the street have less than 200 feet frontage. Furthermore, curb and gutter shall be required in any area if the soil composition warrants such action. This action shall be based upon (1) the recommendation of the County Engineer or County Engineering Firm, and (2) the written approval of the local Planning & Zoning Board.

152.3. Curb, Gutter, and City Utilities. Any street fronting a new residential structure using city water and sewerage shall be required to be curbed and guttered.

Section 153. Additional Street Design Requirements.

153.1. Grades, Horizontal Curves, Tangents, and Sight Distances. The following street design requirements shall be adhered to in addition to the other requirements stated herein:

	<u>Expressways, Freeways, Arterial Streets</u>	<u>Collector Streets</u>	<u>Other Streets</u>
Maximum Street Grade	6%	8%	12%
Minimum Street Grade	1%	1%	1%
Minimum radii of Center Line Curvature	800'	500'	100'
Minimum Stopping Sight Distance	350'	240'	200'
Minimum Length of Tangent Between Reverse Curves	300'	200'	100'

153.2. Vertical Curves. All changes in grade shall be connected by vertical curves of minimum length in feet equal to fifteen (15) times the algebraic difference in percent of grades for expressways, freeways, arterial, and collector streets, and one half (1/2) this minimum length for other streets. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontally and one (1) inch equals ten (10) feet vertically may be required by the Planning Commission.

Section 154. Basic Construction Requirements for All Classes of Streets

154.1. Grading. All streets, roads, and alleys shall be graded by the subdivider to provide the necessary paving, roadway, drainage, and safety requirements. The preparation of the right-of-way before grading is started and construction of cuts and fills shall be accomplished in accordance with the requirements herein and other specifications of the Planning Commission and the Governing Body.

154.2. Storm Drainage. An adequate drainage system including necessary curbs, pipes, culverts, headwalls and ditches as appropriate by street class shall be provided for the proper drainage of all surface water. Pipe size will be determined by the use of Rational Method or the Peak Discharge Method. For drainage of 50 acres or more, special analysis and coordination with the County Engineer will be required. A one-in-twenty-five year flood frequency shall be used to determine pipe sizes where the contributing area is 100 acres or less. Where the contributing area is greater, a one-in-fifty year flood frequency shall be used to determine pipe size. Design analysis shall be submitted with construction drawings.

154.2.1. A professional engineer or landscape architect currently registered in the State of Georgia can prepare hydrologic studies and design storm water drainage systems. Further, pursuant to the following provisions contained in O.C.G.A. 43-15-2, a surveyor registered in the State of Georgia can prepare hydrologic studies and design storm water drainage systems, provided:

1. The hydrologic studies and storm water drainage systems are incidental to subdivisions of any tract of land;
2. The contributing drainage area is not larger than 100 acres;
3. No impoundment shall be designed on a live (perennial) stream;
4. The facility contains no more than five acre-feet of water storage at maximum pool (top of dam) or are more than ten feet in height for a dry storage pond;
5. The facility is no more than six feet in height for a permanent (wet) storage pond; or
6. The facility contains no more than three acre-feet of water storage at maximum pool (top of dam) if the height is more than ten feet, but less than 13 feet for a dry storage pond.

154.2.2. All storm water retention/detention designs shall include a thirty (30) foot access/egress easement (separate from drainage and utility easements) from a public street to the storm water management area which will allow maintenance of the system.

Adopted April 20, 2004.

154.3. Installation of Utilities. After grading is completed and approved and before any base is applied, all of the underground utilities (water mains, sewer mains, gas mains, and all service connections related thereto) shall be installed completely and approved throughout the length of the street. All driveways for houses to build by the sub-divider shall be cut and drained. Where the utility

mains are off the pavement, the sub-divider may elect to omit the installation of service connections providing that at such time as these service connections are needed, they may be jacked across the street without breaking or weakening the existing pavement.

154.4. Slopes and Shoulder Improvements. The minimum ration for all fill or cut slopes (including drainage ditches) shall be two (2) to one (1) and the minimum width for all shoulders from back edge of the curb, if installed, shall be eight (8) feet. All shoulders shall slope one-half (1/2) inch to the foot. When all construction is completed, all slopes and shoulders shall be cleared of all rubbish and shall have a stand of grass to prevent undue erosion, either by sprigging or seeding.

Section 155. Roadway Surfacing and Paving.

The following minimum requirements shall be adhered to for the surfacing and paving of streets:

155.1. Pavement Base. The pavement bases, not including the surface courses, shall be one of the following types and shall be one of the following minimum thicknesses as designated for each street classification:

	Expressways, Freeways, Arterial Streets	Collector Streets	Class I and II Streets
Graded Aggregate Base “B” (D.O.T. Sec. 310)	8”	7”	6”
Soil Bituminous Stabilized Base (D.O.T. Sec. 302)	8”	7”	6”
Soil Bound Macadam Base “B” (D.O.T. Sec. 304)	8”	7”	6”
Soil Cement Base “B” 10% by volume (D.O.T. Sec. 301)	8”	7”	6”
Sand Clay Base “B” (D.O.T. Sec. 303)	N/A	N/A	8”

- (1) Material on site may be used to prepare a Class “B” sand clay base when qualified testing laboratory shows it to meet standards in stockpile and in place. (1 test/1000’ of roadway)
- (2) All base will be load tested with an 18 ton tandem dump, or equal, to cover base thoroughly by lapping the tires one width each pass to assure a minimum tolerance of ½” settling and no cracking or pumping, prior to any paving. This is to be witnessed by Houston County or its engineer.

155.2. Thickness of pavement. The pavement shall be one of the following types and shall be designated for each street classification:

	Expressways, Freeways, Arterial Streets	Collector Streets	Class I and II Streets
Portland Cement Concrete	8"	6"	6"
Asphaltic Concrete	3 1/2"***	2 3/4"*	2"

* The 2 3/4" consists of 1 1/2" binder and 1 1/4" surface.
 ** The 3 1/2" consists of 2 1/4" binder and 1 1/4" surface.

The practical tolerance allowed in constructing a base and pavement result in may areas of a street having 1" to 1 1/4" of asphaltic concrete surface. We feel that the 2" requirement for Class I and II streets will result in a much stronger and longer lasting street.

155.3. Minimum Pavement Width. All minor residential streets paved after the adoption of these regulations shall have a minimum pavement width of twenty – seven (27) feet from back of curb to back of curb, or twenty-four (24) feet from edge of pavement to edge of pavement if no curb or getters are installed. The outside pavement for a cul-de-sac turn-around shall be a minimum diameter of eighty (80) feet. All other street width pavements shall be determined by the Planning Commission as required by the intended or desired street function. Minimum standards are provided in Section 142.17.

155.4. Pavement Breaks for Utility Connections. When it is necessary for a subdivider or any utility company to break existing pavement for the installation of utilities, for drainage facilities or for any other purpose, the subdivider or utility company shall be financially responsible for the repair of the pavement. The pavement shall be repaired in accordance with the specifications required herein for construction of streets.

155.5. Curbs and Gutters. Either the regular six (6) inch or four (4) inch roll-over concrete curbs and gutters with a minimum overall width of twenty-four inches shall be constructed on all residential Class I Streets. Commercial and Industrial Class I Streets shall require the regular six (6) inch curb. Cement concrete Valley Gutter shall be permitted across minor residential streets at street intersections only when no storm sewers are available as determined by the government's Engineer or legal representative. Valley gutters shall be at least six (6) feet in width. Whenever driveway openings are provided for lots abutting the street, the driveway shall be six (6) inches thick and a minimum of ten (10) feet in width at the sidewalk or at the street right-of-way line. The driveway shall have a five (5) foot radius at the curb line for low density residential uses, and a ten (10) to twenty (20) foot radius for all other uses.

155.6. Curb Markings for Utility Connections. Where utilities enter under the street pavement, a letter identifying the particular utility (W-water, S-sewer, G-gas) shall be etched into the curb. Such letter shall be approximately three inches in height.

155.7. Grassed Medians. No curb shall be required for a grassed median on residential streets providing such medians are designed to slope towards the outside curb of a street or contain an adequate drainage system within the median.

155.8. Two Stage Construction Alternate. If the developer elects to use a two stage construction method for completion of paving on Class I or II streets, the developer may do so with the approval of the County Commissioners or their Engineers. In using this method, the developer may prepare the base as required and pave with Type I Surface Treatment using #6 and #89 stone. Upon completion of this stage, the developer may post a cash escrow account with the County Commissioners an amount equal to the cost of applying 130 pounds per square yard of Type "F" or "H" hot plant mix. This finish surface to be applied at the option of the County Commissioners or their Engineer at any time after one year or preferably when the development is 50% built out. When this method is used, the County Commissioners shall be responsible for maintenance and application of this surface.

Section 156. Installation of Utilities.

156.1. Water. Water mains for both domestic use and fire protection shall be properly connected with public water system, or with an alternate water supply approved by the County Health Department. The lines shall be constructed in such a manner as to serve adequately all lots shown on the subdivision plat. The lines shall be installed in conformance with the technical standards as established by the Governing Body.

156.2. Sewer. A publicly connected sanitary sewer system shall be installed when any portion of the subdivision is within 500 feet of an existing trunk or collector sewer line provide easements are available or can be made available by the Governing Body. Where lots are not connected with a sanitary sewer system, they must contain adequate area for the installation of approved septic tank and disposal fields approved by the County Health Department. All sewer facilities shall be installed in accordance with the standards of the Environmental Protection Division of the State of Georgia Department of Natural Resources.

156.3. Gas. When gas mains are connected with a gas distribution system, the lines shall be installed in such a manner as to serve adequately all lots shown on the subdivision plats. The gas lines shall be constructed in conformance with the technical standards as established by the Planning Commission which shall be in accordance with the utility owner.

156.4. Technical Standards for Utility Installation. The installation of power lines, telephone lines, waterlines and gas lines and sewer stub outs shall be installed in accordance with the following dimensions:

- (a) Television cable mains shall be installed one (1) foot from the street curb or edge of pavement and at a minimum depth of two (2) feet.
- (b) Water mains shall be installed four (4) feet from the street curb or edge or pavement and at a minimum depth of four (4) feet.
- (c) Gas mains shall be installed four (40 feet from the edge of the street or edge of pavement on that side which is opposite to the water main. Said installation shall be made at a minimum depth of three (3) feet.
- (d) Telephone mains shall be installed eight (8) feet from the street curb or edge of pavement and at a minimum depth of two (2) feet.
- (e) Power mains shall be installed twelve (12) feet from the street curb or edge of pavement and at a minimum depth of four (4) feet.
- (f) Sewer stub-outs must extend three (3) feet beyond the power main.

156.5. Attached diagram is herein incorporated as a part of the amendment.

Amended this _____ day of _____, 19_____.

Houston County Planning and Zoning
Commission

Section 157. Sidewalks and Street signs.

157.1. Sidewalks. When provided or at the requirement of the Commission and unless otherwise specified, sidewalks shall be four (4) inches thick with a minimum width of four (4) feet. A ten (10) foot grass planting strip shall be provided between the back of the curb and the sidewalk along collector and arterial streets. The sidewalk shall be located on the right-of-way line side of the drainage ditch located parallel to the street. No planting strip shall be required between marginal access roads and sidewalks. All sidewalks shall slope one-fourth (1/4) inch to the foot toward the pavement.

157.1.1. Sidewalks shall be provided in the following types of subdivisions:

- 1) In all commercial zones;
- 2) In all subdivisions within one-half (1/2) mile of a school or other facilities likely to attract pedestrian traffic at such a volume that the welfare of the public requires the installation of sidewalks.

157.2. Location of Street Signs. All streets shall be designated by name on a metal street sign post approved by the Planning Commission with such metal post having name plates of metal set one above the other with a clearance of seven (7) feet. The post shall be so located as to be visible for both pedestrian and vehicular traffic. At cross-street intersections, two sign posts shall be located diagonally across the intersection from each other. Only one street sign post shall be required at a T-street intersection.

Section 158. Administrative Procedures.

The administrative procedures for installing the subdivision improvements required herein shall be as follows:

158.1. When construction may begin. Construction and installation of any required public improvements as described herein shall not begin until the Planning Commission has given Preliminary Approval of the new subdivision. The sub-divider shall then confer with the Government's Engineer to determine the method and estimated cost of the construction and installation of the required improvements.

158.2. Inspections and Approval. During the construction and installation of the required public improvements, the Government's Engineer shall from time to time make field inspections and supervise said work as predetermined and agreed upon by the Government's Engineer and the sub-divider. After completion of all the construction and installation of the required public improvements and if the said work has met the specifications as described herein, as determined by the Government's Engineer, the Government's Engineer shall notify the sub-divider in writing of the approval of said work.

158.3. Payment of Professional Services. The Governing Body shall provide plan reviews and inspections of all subdivisions as follows:

1. Review of Preliminary Plan (initial submittal fee of \$100.00)
2. Review of Development Plan (one time)
3. Completion of Clearing and Grubbing.
4. Completion of Grading Operation.
5. Completion of Curb and Gutter.
6. Completion of Base.

7. Pavement (Inspected during construction and when completed)
8. Completion of final Grading.
9. Completion of Grassing.
10. Completion of Water Lines.
11. Completion of Storm Water Improvements.
12. Final Inspection.

Subsequent inspections and/or plan reviews necessary to correct inadequacies in design or construction will be paid for by the developer. The County shall bill the developer in accordance with an escalating fee schedule as adopted by the Board of Commissioners. The developer shall be required to pay all fees associated with plan review and inspection prior to the release of any bond or the signing of any final plat for recording.

Amended April 20, 2004

158.4. Official Acceptance by the Governing Body. The Governing Body shall officially accept the completed work on the construction and installation of required public improvements not less than one (1) year from the date of the written acceptance by the Government's Engineer, but not before approval by the Planning Commission of the Final Plat.

158.5. Performance Bond. If the sub-divider cannot construct and install the required public improvements as described herein (flumes, headwalls, final grading, final grassing, requirements as Final Inspection) prior to submitting the subdivision plat to the Planning Commission for Final Approval, a performance bond, cashiers check, U.S. Security or an irrevocable letter of credit in a form acceptable to the Houston County Public Works Department shall be required, such bond being one hundred fifty (150) percent of the estimated cost of construction for the uncompleted improvements. The period of the bond shall not exceed three (3) months. When the work has been completed satisfactorily, the Governing Body shall release the bond with a letter of approval to the sub-divider.

158.6. Maintenance of Completed Work. The subdivider shall maintain his completed work until the official acceptance by the Governing Body as described above. The subdivider shall be required to sign a maintenance agreement with the Governing Body. A maintenance bond (except where such bond has been provided for under Section 158.5) is to be posed by the subdivider in an amount equal to ten (10) percent of the construction cost. During the maintenance period, the Government's Engineer shall make periodic inspections and notify the subdivider of necessary corrections. At the end of the maintenance period the Government's Engineer shall make a final inspection and report his findings to the Governing Body. Necessary corrections not made by the subdivider will be completed by the government and the cost of making such corrections deducted from the maintenance funds, and the subdivider charged with any costs above the amount of maintenance bonds. If the work is acceptable at this time, the remainder of the maintenance funds shall be released to the subdivider.

158.7. Subdivider's Responsibility. The subdivider shall incur the cost of construction and installation of all required public improvements based on the following:

1. Streets. Incur the cost for the construction of streets up to twenty-seven (27) feet in pavement width from back of curb to back of curb, or twenty-four (24) feet in pavement width from edge of pavement to edge of pavement if no curb and gutters are installed.
2. Water and Sewer Systems. Incur the cost for the installation of all water and sewer systems which are required to serve the new subdivision and tie in with existing water and sewer systems, based on the specifications set forth herein.
3. Sidewalks. Entire cost, if provided.
4. Monuments. Entire cost.
5. Street Signs. Entire cost.
6. Street Line Striping. Entire cost.

158.8 Governing Body's Responsibility. The Governing Body shall partially participate in sharing the cost of construction and installation of required public improvements for the following conditions:

1. Streets. Incur cost for any additional required pavement which is in excess of twenty-seven (27) feet for streets with curbs and gutters and in excess of twenty-four (24) feet for streets without curbs and gutters, and any additional grading and paving related thereto.
2. Water and Sewer Systems. Incur the cost for any difference in the cost of the laying of oversized pipe and outfall systems which are needed in excess of the required water and sewer facilities needed to exclusively serve the new subdivision as determined by the Planning Commission.

158.9 Estimated Costs for Construction and Installation. The current unit prices in effect at the time of submission of plans plus ten (10) percent shall be used in determining the total estimated cost of construction and installation of required public improvements in new subdivisions.

ARTICLE XVI

ENFORCEMENTS AND REMEDIES

Section 161. Penalties

It is the intent of the Governing Body to condition the administration of the law according to the General Planning Enabling Act of the General Assembly of Georgia, 1957 (No. 358) as amended, (Georgia Code Annotated 69-12, et. Seq.). A violation of any provision of this regulation constitutes a misdemeanor as provided in Section 69-9905 of the Georgia Code Annotated and every day such violation continues shall be deemed a separate offense by virtue of the General Planning Enabling Act as provided in Section 69-1212 Georgia Code Annotated.

Section 162. Subdivision Enforcement

162.1. The owner, or agent of the owner, of any land to be sub-divided within the unincorporated or incorporated areas of Houston County, who transfers or sells, or agrees to sell or negotiates to sell such land by reference to or exhibition of, or by other use of a plat to sub-divide such land before such plat has been approved by the appropriate Planning Commission and recorded in the Office of the Clerk of Superior Court of Houston County, shall be guilty of a misdemeanor in accordance with Section 161 of these regulations and, upon conviction thereof, shall be punished by law. The description by metes and bounds in the instrument of transfer shall not exempt the transaction from such penalties. The Governing Body through its attorney or other designated official, may enjoin such transfer or sale or agreement by appropriate action.

162.2. No plat or plan of subdivision within the unincorporated or incorporated areas of Houston County shall be filed or recorded by a sub-divider in the Office of Clerk of the Superior Court of Houston County until it has been approved by the appropriate Planning Commission and such approval entered in writing on the plat by the secretary of the Planning Commission. The Clerk of Superior Court shall not file or record a plat of a subdivision which does not have the approval of the Planning Commission. The filing of a plat of a subdivision without the Approval of the Planning Commission is hereby declared a misdemeanor in accordance with Section 161 of these regulations and, upon conviction, the owner or agent of the owner is punishable as provided by law.

Section 163. Remedies

Remedies as provided in Section 69-1212 Code of Georgia Annotated.

ARTICLE XVII

AMENDMENTS

Section 171. Procedure

The Governing Body on its own motion, on petition, or on recommendation of the Planning Commission may amend, extend, supplement, change, modify, or repeal these regulations after giving public notice and hearings as prescribed by Section 69-1212 Code of Georgia Annotated.

Every such proposed amendment or change, whether initiated by the Governing Body or by Petition, shall be referred to the Planning Commission for recommendation thereon before the public hearing.

ARTICLE XVIII

LEGAL STATUS PROVISIONS

Section 181. Conflict with Other Laws

Wherever the requirements of these regulations are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, resolutions, ordinances, the most restrictive or that imposing higher standards shall govern.

Section 182. Validity

Each phrase, sentence, paragraph, section or other provision of these regulations is severable from all other such phrases, sentences, paragraphs, section, and provisions. Should any phrase, sentence, paragraph, section, or provision of these regulations be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of these regulations.

Section 183. Repealed Resolutions and Ordinances

All Resolutions and Ordinances or portions thereof in conflict with these regulations shall be and the same are hereby repealed.

Section 184. Effective Date

These regulations shall take effect and be in force from and after the date of their adoption by the Governing Body.

Recommendation by the Planning Commission for adoption by the Governing Body on April, 1976.

The provisions of these regulations were the subject of a properly advertised public hearing by the Governing Body.

These regulations are hereby approved and adopted this 4th day of May, 1976.

Amendments recommended by the Planning Commission for adoption by the Governing Body of February 19, 1981.

The provisions of these amendments were the subject of a properly advertised public hearing by the Governing Body.

These regulations as amended are hereby approved and adopted this 17th day of February, 1981.