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

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.

## **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. **Broker:** A broker is an individual that arranges transactions between a buyer and a seller for a commission when the deal is executed.
9. **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.
10. **Building:** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattels.
11. **Building, Accessory:** A subordinate building, the use of which is incidental to that of the dominant use of the main building or land.
12. **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.
13. **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.
14. **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.
15. **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.
16. **Clinic:** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment.
17. **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.
18. **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 more 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 regulations 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 1, 2014.**

## **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 aerals.

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<br>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:

- |   |  |
|---|--|
| 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. |
|---|--|

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:

<u>68.1.1.</u> Front to front arrangement	40 feet
<u>68.1.2.</u> Front to rear arrangement	50 feet
<u>68.1.3.</u> Rear to rear arrangement	30 feet
<u>68.1.4.</u> Side to side arrangement	20 feet
<u>68.1.5.</u> 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 or 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 installation 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 114:

- (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 closer 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.
- (17) Special Event Facilities, including but not limited to banquet halls, reception hall and wedding venues, are permitted by special exception in the R-AG District provided the following requirements are met:
  - a) The property shall contain a minimum of 5 acres.
  - b) Activities shall be limited to community or private parties, charity events, weddings and wedding receptions, showers, and corporate/business functions.
  - c) Guests shall be limited to no more than the fire code limitations at any one time. During inclement weather there shall be sufficient space to safely shelter guests. Adequate permanent/temporary restroom facilities shall be provided, which shall meet the minimum requirements of the Houston County Environmental Health Section.
  - d) Hours of operation shall be limited to between the hours of 9:00 a.m. to 11:00 p.m. All events must comply with the noise and nuisance ordinance of Houston County.
  - e) Lighting, temporary or permanent, shall be established in such a manner that adjacent properties are not adversely affected, and that no direct light is cast upon adjacent properties or roadways.
  - f) Adequate refuse collection containers and services shall be provided by the owner of the property. No commercial trash container or services shall be allowed.
  - g) Such facilities shall be located on an Arterial or Collector Street. A traffic analysis may be required as determined by the Houston County Sheriff's Office. Adequate off-street parking

shall be provided on-site. The driveway shall be paved from the pavement of the county road to the property line and shall be built according to the driveway requirements contained in the Houston County ordinances.

- h) Any structures built on the property shall meet all code regulations of Houston County and be placed not less than 100 feet from any property line.
- i) Alcohol sales shall be permitted only when provided through a licensed cater.
- j) Those Special Event Facilities in operation on the date of the passage of this amendment are grandfathered with the requirement to acquire a business license with Houston County.

**Amended May 3, 2016.**

(18) Solar Energy Systems. Subject to the performance standards in Article XVIII of these regulations.

**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 114:

- (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 an 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 114:

- (1) Any uses permitted by special exception in an 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 an 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 114:

- (1) Any use permitted by special exception in an 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 an 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 114.

- (1) Any uses permitted by special exception in an 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 an R-MH District, the following uses are permitted:

- (1) Any use permitted in an 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 114:

- (1) Any use permitted by special exception in an 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.
- (18) 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.
- (6) 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.
- (27) Excavating, Grading & Hauling businesses, provided the following conditions are adhered to:
- (a) All building shall be 150 feet from any property line abutting a zoned residential district;
  - (b) All maintenance or repair on equipment must be conducted within a completely enclosed building. No parts, waste materials, debris or bulk storage of materials shall be placed outside such building.
  - (c) A Six (6) foot solid wall or slatted fence shall be constructed around the entire impoundment area along the property lines, so that the impoundment area is not visible to the public or adjoining property owners.
  - (d) No on-premises idling of equipment or trucks between the hours of 7:30 p.m. and 6:30 a.m.
  - (e) Businesses must front on and be accessible from an arterial or collector street.
  - (f) Driveway access shall be provided with a de-acceleration lane of at least 200 feet to provide for trucks entering the site and that truck traffic so generated will not create a safety hazard or unduly impede traffic movement.

**Amended August 7, 2007.**

- (28) Self-service storage.
- (a) Self-service storage uses shall provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.
  - (b) Accessory uses may include security and leasing offices, outside storage of recreational vehicles, and rental of moving trucks and moving equipment associated with the business

operation. Use of the storage areas for sale, service repair, or manufacturing operations is not considered accessory to the use.

(c) Living quarters for resident manager provided the following requirements shall apply:

1. The living quarters shall be located on the same premises with the principal use for which it is required.
2. There shall be no more than one living quarter on the property and it shall be occupied only by owners or employees of the user for which it is required.
3. The living quarter shall be constructed so that the exterior of the premises provides a development style consistent with the principal structure.

**Amended June 4, 2019.**

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 no 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.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) Bottling works for soft drinks.
- (11) Frozen food and milk bottling, distribution, and processing plants.

- (12) 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.
- (6) Solar Energy Systems. Subject to the performance standards in Article XVIII of these regulations.

**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.**  
**Amended October 3, 2006**

**74.2.1. JURISDICTION**

This ordinance shall be known and may be cited as Perry-Houston County Airport Zoning Ordinance. The description of airport zones is comprehensive for the Perry-Houston County Airport airspace requirements, but enforcement of this ordinance applies only to the unincorporated areas of Houston County.

**74.2.2. AUTHORITY; FINDINGS; POLICY**

This ordinance is adopted pursuant to the authority conferred by article 9, section 2, paragraph 4 of the constitution of the state [Ga. Const. art. IX, § II, ¶ IV]. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Perry-Houston County Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Perry-Houston County Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Perry-Houston County Airport and the public investment therein. Accordingly, it is declared:

- (1) That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Perry-Houston County Airport;
- (2) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- (3) That the prevention of these obstructions should be accomplished, to the

extent legally possible, by the exercise of the police power.

It is further declared that the prevention of the creation or establishment of hazards to air navigation; the elimination, removal, alteration or mitigation of hazards to air navigation; and the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

#### 74.2.3. CONFLICTING LAWS AND REGULATIONS

If a conflict shall exist between the provisions of this section and any law of the state or any federal law, or any rules or regulations of either, legally adopted and in force, then the more stringent limitation or requirement shall govern and prevail.

#### 74.2.4. ENFORCEMENT

It shall be the duty of the Zoning Enforcement Officer to administer and enforce the regulations prescribed in this ordinance. Applications for permits and variances shall be made to the Zoning Enforcement Officer upon a form published for that purpose. Applications required by this ordinance to be submitted to the Zoning Enforcement Officer shall be promptly considered and granted or denied. Application for action by the Board of Zoning Appeals shall be forthwith transmitted by the Zoning Enforcement Officer.

#### 74.2.5. DEFINITIONS

As used in this ordinance, unless the context otherwise requires, the following definitions shall apply:

*Airport:* The Perry-Houston County Airport.

*Airport elevation:* The highest point of an airport's usable landing area measured in feet from sea level, which is 418 feet for the Perry-Houston County Airport.

*Approach surface:* A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 74.2.7.

*Approach, transitional, horizontal, and conical zones:* These zones are defined as set forth in Section 74.2.6.

*Conical surface:* A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

*Hazard to air navigation:* An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

*Height:* For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

*Heliport primary surface:* The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

*Horizontal surface:* A horizontal plane 150 feet above the established airport elevation, the perimeter of which coincides with the perimeter of the horizontal

zone.

*Larger than utility runway:* A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.

*Nonconforming use:* Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this ordinance or an amendment thereto.

*Nonprecision instrument runway:* A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

*Notification zone:* An area within a slope of 100 to one extending in any direction from the threshold end of the nearest runway.

*Obstruction:* Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 74.2.7.

*Person:* An individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity; such term includes a trustee, a receiver, an assignee, or a similar representative of any of them.

*Precision instrument runway:* A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS), global positioning system (GPS), a precision approach radar (PAR), or any precision approach system adopted by the Federal Aviation Administration. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document. Runway 18-36 at the Houston County Airport is a precision instrument runway.

*Primary surface:* A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 74.2.6. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

*Runway:* A defined area on an airport prepared for landing and takeoff of aircraft along its length.

*Structure:* An object, including a mobile object, constructed or installed by man including, but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

*Transitional surfaces:* These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

*Tree:* Any object of natural growth.

*Utility runway:* A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

*Visual runway:* A runway intended solely for the operation of aircraft using visual approach procedures.

#### 74.2.6. AIRPORT ZONES

In order to carry out the provisions of this ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Perry-Houston County Airport. Such zones are shown on the Perry-Houston County Airport zoning map consisting of one sheet, prepared by the Perry-Houston County Airport Authority and dated August 2005, which is, by this reference, made a part of this ordinance. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (1) *Runway larger than utility visual approach zone:* The inner edge of this approach zone coincides with the width of the primary outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (2) *Runway larger than utility with a visibility minimum greater than three-fourths-mile nonprecision instrument approach zone:* The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (3) *Runway larger than utility with a visibility minimum as low as three-fourths-mile nonprecision instrument approach zone:* The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (4) *Precision instrument runway approach zone:* The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (5) *Transitional zones:* The transitional zones are the areas beneath the transitional surfaces.
- (6) *Horizontal zone:* The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (7) *Heliport approach zone:* The inner edge of this approach zone coincides with the width of the primary surface which corresponds in size and shape with the designated takeoff and landing area. The approach zone expands outward uniformly to a width of 500 feet at a horizontal distance of 4,000 feet from the

primary surface.

(8) *Helicopter transitional zones:* These zones extend outward from the sides of the primary surface and the helicopter approach zones a horizontal distance of 250 feet from the primary surface centerline and the helicopter approach zone centerline.

(9) *Conical zone:* The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

#### 74.2.7. AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this section to a height in excess of the applicable height limitations which are hereby established for each of the zones in question as follows:

(1) *Runway larger than utility visual approach zone:* Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

(2) *Runway larger than utility with a visibility minimum greater than three-fourths-mile nonprecision instrument approach zone:* Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(3) *Runway larger than utility with a visibility minimum as low as three-fourths-mile nonprecision instrument approach zone:* Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(4) *Precision instrument runway approach zone:* Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline (Runways 18 and 36).

(5) *Transitional zones:* Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 418 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot



upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

(6) *Horizontal zone*: Established at 150 feet above the airport elevation or at a height of 568 feet above mean sea level.

(7) *Conical zone*: Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

(8) *Heliport approach zone*: Slopes eight feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a distance of 4,000 feet along the heliport approach zone centerline.

#### 74.2.8. USE RESTRICTIONS

(a) *Generally*. Notwithstanding any other provisions of this Code of Ordinances, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

(b) *Prohibited uses*. The following uses are prohibited in the first 1,700-foot segment of the approach zone beginning at the end of the primary surface for Runway 18-36:

- (1) Churches, schools, lodges, clubs, theaters, and other places of public assembly;
- (2) Multiple-family dwellings in excess of four units per structure or in a group development;
- (3) Hospitals and institutions;
- (4) Storage of hazardous material; and
- (5) Any use where a concentration of people and the presence of hazardous materials is customary.

#### 74.2.9. NONCONFORMING USES

(a) *Regulations not retroactive*. The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of (date of adoption), or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to (date of adoption), and is diligently prosecuted. Additionally, nothing contained herein shall prohibit construction of additions or additional floors to existing buildings, provided that any such buildings were in use on (date of

adoption), the additions were contemplated and designed at the time of the original construction, and that additional costs were incurred at the time of the original construction to allow for those future additions or additional floors.

(b) *Marking and lighting.* Notwithstanding the preceding provisions of this section, the owner of any existing or extended nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Perry-Houston County Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport authority.

#### 74.2.10. PERMITS

(a) *Future uses.* Except as specifically provided in paragraphs (1), (2), and (3) of this subsection, no material change shall be made in the use of the land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created in this ordinance unless a permit therefore shall have been applied for and granted by the Zoning Enforcement Officer. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. Form 7460 must be filed with the Federal Aviation Administration if any structure or tree penetrates the 100 to one notification slope as delineated upon the airport runway approach and profiles plan. No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with subsection (d) of this section, using the following criteria:

(1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree would extend above the height limits prescribed for such zones.

(2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree less than 75 feet of vertical height above the ground, except when such tree would extend above the height limit prescribed for such approach zones.

(3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree less than 75 feet of vertical height above the ground, except when such tree, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree, in excess of any of the height limits by this section.

(b) *Existing uses.* Except as provided in Section 74.2.9 (a), no permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air

navigation that it was on (date of adoption), or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) *Nonconforming uses abandoned or destroyed.* Whenever the Zoning Enforcement Officer determines that a nonconforming tree or structure has been abandoned or more than 50 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Zoning Appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances may be allowed where it is found that a literal application or enforcement of the regulations will result in unnecessary hardship and 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 of this ordinance. Additionally, no application for variance to the requirements of this ordinance may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Perry-Houston County Airport Authority for advice as to the aeronautical effects of the variance. If the Perry-Houston County Airport Authority does not respond to the application within 60 days after receipt, the Board of Zoning Appeals may act on its own to grant or deny said application.

(e) *Obstruction marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Zoning Appeals, this condition may be modified to require the owner to permit the Perry-Houston County Airport Authority, at its own expense, to install, operate, and maintain the necessary markings and lights.

### 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.
- (4) 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.
- (5) No filling of land within the floodway shall be allowed except where necessary for the construction of railroads, streets, bridges, and utility lines.
- (6) 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.
- (7) 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.
- (8) 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. Loud 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
<b>Residential</b>					
Single and Two-family, and Multi-Family	Y <sup>1</sup>	N	N	N	Y <sup>4</sup>
Manufactured Housing, Mobile Homes	N	N	N	N	Y <sup>4</sup>
Hotels, Motels, and Lodges	Y <sup>2</sup>	Y <sup>3</sup>	N	N	N
All Other Residential	Y <sup>1</sup>	Y <sup>1</sup>	N	N	N
<b>Commercial</b>					
Retail (general merchandise/food)	Y	Y <sup>2</sup>	N	N	N
Wholesale Trade	Y	Y <sup>2</sup>	Y <sup>3</sup>	N	Y <sup>5</sup>
Business Services	Y	Y <sup>2</sup>	N	N	Y <sup>5</sup>
Personal Services	Y	Y <sup>2</sup>	N	N	Y <sup>5</sup>
Automotive/Machine Repair & Service	Y	Y <sup>2</sup>	Y <sup>3</sup>	N	Y <sup>5</sup>
Bldg. Materials, Auto/Marine Equip./Sales	Y	Y <sup>2</sup>	Y <sup>3</sup>	N	Y <sup>5</sup>
Offices/Professional Services	Y	Y <sup>2</sup>	N	N	Y <sup>5</sup>
All Other Commercial	Y	Y <sup>2</sup>	N	N	N
<b>Manufacturing/Industrial</b>					
Metal Fab., Warehousing, Distribution	Y	Y <sup>2</sup>	Y <sup>3</sup>	N	Y <sup>5</sup>
Parking Facilities	Y	Y <sup>2</sup>	N	Y <sup>6</sup>	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 <sup>8</sup>	Y
All Other Manufacturing	Y	Y <sup>2</sup>	N	N	N
<b>Public and Semi-Private</b>					
Hospitals, Nursing Homes	Y <sup>2</sup>	Y <sup>3</sup>	N	N	N
Other Medical Facilities	Y	Y <sup>2</sup>	N	N	N
Educational Facilities	Y <sup>2</sup>	Y <sup>3</sup>	N	N	N
House of Worship, Public Assembly	Y <sup>2</sup>	Y <sup>3</sup>	N	N	N
Government Facilities	Y	Y <sup>2</sup>	N	N	N
Parks, Recreation	Y	Y <sup>2</sup>	N	Y <sup>5</sup>	Y <sup>5</sup>
All Other Public and Semi-Public	Y	Y <sup>2</sup>	N	N	Y <sup>5</sup>
<b><u>All Other Uses</u></b>	Y	Y <sup>2</sup>		Y <sup>7</sup>	Y <sup>7</sup>

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>
<b><u>R-AG Agricultural</u></b>			
All permitted Uses			
Septic Tank with Open Ditch	43,560	200	25
Sewer with Curb & Gutter	43,560	125	25
<b><u>R-1 Single-Family</u></b>			
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
<b><u>R-2 Single-Family</u></b>			
All permitted Uses			
Septic Tank with Curb & Gutter	21,780 to 32,670(1)	100	25
Sewer	9,000	75	30
<b><u>R-3 Two-Family</u></b>			
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>
<b><u>R-4 Multi-Family Residential</u></b>			
Two Family			
Septic Tank with Curb & Gutter	43,560	100	25
Sewer	9,000	75	35
Multi-Family		See Section 81.3	
<b><u>R-MH Residential Mobile Home</u></b>			
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.	
<b><u>C-1 Neighborhood Commercial</u></b>			
All Permitted Uses			
Septic Tank	21,780 to 32,670(1)	100	25
Sewer	3,500	30	25
<b><u>C-2 General Commercial</u></b>			
Multi-Family		See Section 81.3.	
Other Permitted Uses			
Septic Tank	21,780 to 32,670(1)	100	25
Sewer	3,500	30	25
<b><u>C-3 Concentrated Commercial</u></b>			
Multi-Family		See Section 81.3.	
Other Permitted Uses			
Septic Tank	21,780 to 32,670(1)	100	None
Sewer	3,500	30	None
<b><u>M-1 Wholesale &amp; Light Industry</u></b>			
All Permitted Uses			
Sewer Only	10,000	75	50

## **M-2 Industrial**

All Permitted Uses

Sewer Only	20,000	150	65
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Footnotes:

1. Lots in significant recharge areas serviced by septic tanks shall meet EPD Chapter 391-3-16-02 requirements. See Section 81.14.1 and 81.14.2.
2. All single-family attached and semi-detached dwellings shall be connected to a public or community sewer system. No septic tanks or other method of disposing of wastewater will be permitted.
3. The developer of single-family attached dwellings is required to set aside an additional 2,500 square feet of common open space for each dwelling unit which cannot be used for any other purpose. See Section 92.

**81.3 Multi-Family Residential Dwelling Units.** Within use districts permitting multi-family dwellings, the minimum lot area shall be based on the following minimum lot area and maximum lot coverage requirements, except as otherwise provided herein:

Height of Building (No. of Floors)	Minimum Number of units	Total Lot Area Per Unit (square feet)	Maximum Lot Coverage (percent)
One	3	3,000	40
Two	4	2,500	40
Three	6	2,100	40
Four	16	2,000	30
Five	20	1,500	30
Six to Eight	24	1,250	25
Eight or More	32	1,000	25

**81.3.1** Within use districts permitting multi-family residential dwelling units, the minimum lot width measure at the building line shall be 85 feet.

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

**Amended February 5, 2004.**

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</u>
	<u>Arterial &amp; Collector Streets</u>	<u>Minor Streets</u>	<u>Rear Yard</u>	<u>Yard Interior Lot</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
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M-2 Industrial

50'	30'	b	c
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**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 20<sup>th</sup>, 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.**



## **Section 88. Unpaved Roads**

The purpose of this ordinance is to encourage orderly development, to protect against the adverse effects of premature development, and to protect the health and safety of the residents of Houston County.

### **88.0 Minimum Lot Width and Area**

The minimum lot width shall be 300 feet at the right of way when the lot fronts on an unpaved road. The minimum lot area shall be 43,560 square feet.

### **88.1 Number of Lots Permitted**

Where a subdivision development abuts or is accessible from an unpaved road, a maximum of five (5) lots shall be permitted for the entire development.

### **88.2 Minimum Road Right of Way Dedications**

When subdivision a lot or parcel of land abutting an unpaved platted road that does not conform to the minimum right of way requirements of these regulations the owner shall provide for the dedication of additional right of way along either one or both sides of said road so that the minimum right of way required by these regulations can be established. If the proposed lot or parcel of land abuts only side of said road, then a minimum of one-half of the required extra right of way shall be dedicated.

**Amended November 7, 2006.**

## ARTICLE IX

### SPECIAL PROVISIONS

#### **Section 89. Gated Communities and Private Streets.**

89.0. Private Streets Permitted. Private streets may, upon application, be permitted within subdivisions subject to the requirements of this article. Applications for approval of private streets shall be submitted to the Planning and Zoning Board for review and recommendation to the Board of Commissioners. The Board of Commissioners shall have the final authority to approve or deny all applications from private streets. The Board of Commissioners may impose conditions of the approval of private streets to ensure the health, safety and welfare of the general public and to mitigate potential problems with private streets.

89.1. Exclusions. A private street shall not be permitted or approved pursuant to this article when it is proposed in a location shown in the County's Comprehensive Plan as a future public street or in the WRATS plan as a future public street. The Board of Commissioners may prohibit the creation of any private street if in the Board's judgment the private street would negatively affect traffic circulation on public streets or impair access to or from public facilities including schools, parks and libraries, or delay the response time of emergency vehicles.

#### 89.2. General Provisions.

(a) It shall be unlawful for any person, firm, or corporation to construct a new private street or alter an existing private street or to cause the same to be done without first obtaining a land disturbance permit for such construction or alteration from the Engineering Department.

(b) All private streets shall be constructed to all standards for public streets as required by this code, construction specification of the County Engineering Department, and the county engineer. No land disturbance permit for a private street shall be issued, unless the proposed street is in conformity with county standards and requirements of public streets and the provision of this code.

(c) No final plat involving a private street shall be approved unless said final plat conforms to the requirements of this code.

(d) All provisions in this code regarding public streets, including design standards, paving, storm water drainage, etc., shall apply to all private streets approved pursuant to this article.

(e) All Gated Communities shall provide at least one subdivision amenity designed exclusively to serve the residents of the Gated Community. Such amenities could include, but shall not be limited to, a golf course, swimming pool, tennis court, community clubhouse, athletic fields, park or recreation or conservation area.

89.3. Gates. Any gate installation on a private street lot shall conform to the following provisions:

(a) All gates must be approved by the County Engineering Department and fire chief prior to installation. The installation must be completed and tested prior to the County's final plat approval of the subdivision.

(b) Gate design may incorporate one or two gate sections to meet the required minimum gate width of twenty-seven (27) feet. If the entrance will incorporate a median, guard shack or similar structure that necessitates a divided gate arrangement, the gate widths may be reduced if approved by Public Works, but in no case shall any single gate or street pavement have a clear opening of less than twenty (20) feet. If a gate design incorporates any overhead obstruction, said obstruction must be a minimum of fourteen (14) feet above the finished road surface.

(c) Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free unimpeded passage of emergency vehicles through the entrance area. All entry gates must be setback a minimum of 100 feet from any adjacent public street right-of-way to allow for vehicle stacking out of the public travel lanes.

(d) All components of the gate system must be maintained in an approved operating condition, with components serviced and maintained on a regular basis as needed to insure proper gate operation. A proper power supply shall be maintained to all electrical and electronic components at all times. All electric gates shall have a battery back-up in case of power failure.

89.4. Street Names and Easements from Private Streets.

(a) Private streets shall be named. The sub divider of land involving a private street shall install street signs containing the street name and the designation "private", as approved by the County.

(b) The County shall be granted an easement covering each private street lot. These easements shall be designated on final plats as general purpose public access and utility easements, along with the name of said private street. The easements shall permit the County and all utility providers (telephone, cable, etc.)

unrestricted use of the property for installation and/or maintenance of utilities. The easement shall also provide the County with the right of access to exercise any governmental service or function, including but not limited to fire and police protection, inspection and code enforcement.

(c) Said general purpose public access and utility easements shall at minimum be of the same width as that required for the right-of-way of a public street (local, collector, etc.) most closely resembling the proposed private street. Said easements for a private street shall be drawn as its own discrete parcel to be dedicated to a private homeowners' association (i.e., not shown to be a part of any lot).

(d) Easements for private streets shall not be included in any calculation of minimum lot size or density limitations established by the code. All lots must conform to the County's minimum lot size requirements.

89.5. County Water. All water lines placed within the private street lot shall be installed to County standards and dedicated to the County as part of the approval of the final plat. All County regulations relating to water and storm water infrastructure shall apply to subdivisions with private streets.

89.6. Bonded Property Associations Required. Subdivisions developed with private streets must have a mandatory property owner association which includes all property served by private streets. The associations shall be responsible for the maintenance of private streets, drainage improvements, parks and other homeowner association appurtenances. The association documents shall include a bonding provision to protect against theft of assessed maintenance funds. All association documents shall be subject to the approval of the County to insure that they conform to this and other applicable regulations. The documents shall be recorded prior to the approval of the final plat. Lot deeds may not be dissolved without the prior written consent of the County. No portion of the association documents pertaining to the maintenance of the private streets and assessments therefore may be amended without the written consent of the County.

89.7. Plans and Inspections. Developments proposed with private streets must submit to the County the same plans and engineering information required to construct public streets and utilities. Requirements pertaining to inspection and approval of improvements prior to issuance of building permits shall apply. Inspection fees charged for these services also apply.

89.8. Waiver of Services. The subdivision final plat, property deeds and property owner's association documents shall note that certain County services shall not be provided on private streets. Among the services which will not be provided are: routine police patrols, street lighting, enforcement of traffic and parking ordinances, preparation of accident reports and animal control services.

89.9. Maintenance Covenant Required. A private maintenance covenant recorded with the County Clerk of the Superior Court shall be required for any private street and other improvements within general purpose public access and utility easements. The covenant shall set out the distribution of expenses, remedies from noncompliance with the terms of the agreement, rights to the use of easements, and other pertinent considerations. The covenant shall specifically include the following terms:

- (a) The covenant shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance and procedures for approval of additional needed assessments. The covenant shall also specify that the funds from such assessments will be held by a bonded homeowner's or property owners' association.
- (b) The covenant shall include a periodic maintenance schedule.
- (c) The covenant for maintenance shall be enforceable by any property owner served by the private street.
- (d) The covenant shall establish a formula for assessing maintenance and repair costs equitably to property owners served by the private street.
- (e) The covenant shall run with the land.
- (f) The Board of Commissioners may, at its discretion, as a condition of approving private streets, require a maintenance bond be submitted by the subdivider and held by a homeowners' or property owners' association, of the Board may require that the subdivider pay an amount of money as recommended by the County Engineer into an escrow account or other suitable account for the maintenance and repair of private streets and storm water management improvements, to be drawn from by the homeowners' or property owners' association as maintenance and repair needs may arise.

89.10. Specifications for Final Plats Involving Private Streets. No final plat involving a private street shall be approved by the County for recording unless and until it shall contain the following on the face of the plat:

- (a) Deed Book and Page reference to the recorded covenants required in Section \_\_\_\_ and Section \_\_\_\_ above.
- (b) The following statement: "*WARNING*, Houston County has no responsibility to build, maintain or otherwise service the private streets, drainage improvements, and appurtenances contained within the general public purpose access and utility easement or easements for private streets shown on this plat."

(c) “Grant of Easement – The general purpose public access and utility easement(s) shown on this plat for private street(s) is hereby granted, and said grant of rights shall be liberally construed to provide all necessary authority to the County, and to public or private utility companies serving the subdivision, for the installation and maintenance of utilities, including, but not limited to, electric lines, gas lines, telephone lines, water lines, sewer lines, cable television lines, and fiber optic cables, together with the right to trim interfering trees and brush, together with a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines.”

(d) “Certificate of Dedication – All water lines installed within the general purpose public access and utility easement(s) shown on this plat for private street(s) are hereby dedicated to Houston County.”

(e) “Hold Harmless – The \_\_\_\_\_ property owners’ association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the County and other public utility for damages to the private street occasioned by the reasonable use of the private street by the county or other public utility; for damages and injury (including death) arising from the condition of said private street; for damages and injury (including death) arising out of the use by the County or other public utility of any restricted access gate or entrance; and for damages and injury (including death) arising out of any use of the subdivision by the County or other public utility.”

89.11. Requirement for Purchaser’s Acknowledgment of Private Responsibilities.

Prior to the sale or as a condition of the closing of a real estate transaction involving any lot served by a private street in Houston County, the subdivider or seller of said lot shall execute a notarized purchaser’s acknowledgment of private street construction and drainage maintenance responsibilities set forth below. A copy of the purchaser’s acknowledgment shall be retained by the purchaser and shall be required to be submitted as a condition of a building permit for a principal building on said lot:

“(I)(We) have read the Declaration of Covenant which pertains to the lot that is the subject of this real estate transaction at \_\_\_\_\_. (I)(We) understand that the Declaration of Covenant applies to the lot that (I am) (We are) purchasing and requires (me)(us) to provide a specified percentage or amount of the financing for the construction and maintenance of any private street and drainage facilities serving the lot which (I am) (We are) purchasing, and that owners of other lots in this plat may sue and recover for those costs which this covenant requires (me) (us) to pay, plus their damages resulting from (my) (our) refusal to contribute, plus reasonable attorneys fees. (I) (We) further understand that the County has no obligation to assist with the maintenance and improvement of the private street,

drainage facilities, and other appurtenances within the general purpose public access and utility easement for the private road serving the lot in question. (I) (We) understand that a copy of this purchaser's acknowledgment shall be required as a condition of the issuance of a building permit for a principal building on the lot (I am) (We are) purchasing.

**Adopted June 22, 2004.**

## **Section 90. Open or Common Space**

Within developments where open or common space is required or where such space is provided by a developer, the following conditions shall apply:

90.1. Location of Open Space. Open space should be located evenly throughout the development so that all residents of the development have easy access to such areas.

90.2. Open Space Defined. At least 50 percent of all required common open space shall be approximately level, defined as not more than five percent grade. The common open space shall be land within the total development site used for recreational, park or environmental purposes for enjoyment by occupants of the development and their guests or dedicated to the Government for public park. Common open space shall not include public or private streets, driveways, private yards, or patios, parking areas, or utility easements where the ground surface cannot be used appropriately for active or passive recreation, nor other areas primarily designed for other operational functions.

90.3. Management Agreement for Control and Maintenance of Common Areas. No lot or dwelling unit in a development containing open space shall be sold until a corporation, association, property owner's group or similar entity has been formed with the right to assess all the properties which are jointly owned with interests in the common areas and facilities in the entire development or in the tract which is a part of the entire development to meet the expenses of such entity, and with authority to control, and the duty to maintain, all of said mutually available features of the development or tract portion thereof. Such entity shall operate under recorded conditions, covenants and restrictions which may include compulsory membership of all owners of lots and/or dwelling units, and flexibility of assessments to meet changing costs of maintenance, repairs, and services. The developer shall submit evidence of compliance with the requirement to the Planning Commission. This condition shall not apply to land dedicated to the Government for public purposes.



## **Section 91. Mobile Homes, Campgrounds, and Travel Trailer Parks**

91.1. Travel Trailer Parks and Campgrounds. In any district where travel trailer parks are permitted, the applicant must submit a layout of the park subject to the following conditions:

91.1.1. No travel trailer park shall be located except with direct access to a County, State, or Federal Highway, with a minimum lot width of not less than fifty (50) feet for portion used for entrance and exit. No entrance or exit shall be through a residential district, or shall require movement of traffic from the park through a residential district.

91.1.2. The minimum lot area per travel trailer park shall be one and one-half (1 ½) acres.

91.1.3. Space in travel trailer parks may be used by travel trailers provided they meet any additional laws and regulations of the Governing Body.

91.1.4. Management headquarters, recreational facilities, toilets, showers, laundry facilities, and other uses and structures customarily incidental to operation of a trailer park are permitted as accessory uses in any district in which trailer parks are allowed, provided:

- (1) Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the area of the park.
- (2) Such establishments shall be restricted in their use to occupants of the park.
- (3) Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.

91.1.5. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within fifty (50) feet of the right-of-way line of any freeway, expressway, or collector street, or within twenty-five (25) feet of the right-of-way of any minor street.

91.1.6. In addition to meeting the above requirements, the travel trailer park site plan shall be accompanied by the certificate of approval of the County Health Department.

91.2. Mobile Home Parks. In any district where mobile home parks are permitted, the applicant shall submit to the Zoning Enforcement Officer a layout of the park and submit to the Planning Commission one copy of the mobile home park for its review and recommendations. The Zoning Enforcement Officer shall base his decision to issue the necessary permits, as required by these regulations, on the recommendations of the Planning Commission.

91.2.1. The following minimum standards shall apply to each mobile home space or stand in a mobile home park:

- (1) Minimum size: In areas of the county where public sewage is available, the minimum lot size shall be 4500 square feet. In areas of the county where public sewage is not available, the minimum lot size shall be 15,000 square feet.
- (2) The minimum width of a lot space served by public sewage shall be fifty (50) feet. The minimum lot width of a space served by a septic tank or other individual sewage shall be 75 feet.
- (3) Minimum side yard required: 10 feet.
- (4) Minimum front yard: 20 feet.
- (5) Minimum rear yard: 10 feet.

91.2.2. Site Plan Specifications:

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

91.2.2.2. Sheet Size. The site plan shall be on suitable material, on sheets eighteen (18) inches by twenty-four (24) inches or larger. If the complete plan 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.

91.2.2.3. Ground Elevations. The site plan shall show elevations based on the datum plane of the U.S. Coast and Geodetic Survey, with a contour interval of five feet (or less if determined necessary by the Planning Commission). Assumed elevations may be used at the discretion of the County Engineer.

91.2.2.4. Existing Conditions to be Provided on Site Plan.

- (1) Proposed name of mobile home park, numerical scale, graphic scale, north arrow and date.
- (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, names of owners, name of mobile home park designer, notation stating acreage to be developed, bench marks, certification of registered land surveyor, date of survey.
- (4) Zoning district classification of the proposed mobile home park and of adjoining properties.
- (5) Deed record names and addresses of adjoining property owners or subdivisions.
- (6) Other conditions on adjacent land as may be sighted from the proposed property or as may be shown on U.S. Geological Survey topographic maps: character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences.
- (7) Boundary lines, bearings, and distances.
- (8) Existing easements: location, width and purpose.
- (9) Existing streets on and adjacent to the tract: name, right-of-way width, roadway width.
- (10) Utilities on and adjacent to the tract: location, size, and invert elevation of sanitary and storm sewers; location and size of water mains; location of gas lines and fire hydrants; if mains and sewers are not on or adjacent to the street, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers (if use of public sewers is proposed).
- (11) One soil percolation test hole per acre where the mobile home park is not to be served by a public sewer system and other subsurface and soil conditions studies of the tract as specified by the County Health Department or the Planning Commission.

91.2.2.5. Proposed Conditions to be Provided on Site Plan

- (1) Layout of streets showing right-of-way (minimum of 40 feet with off-street parking and 56 feet with on-street parking) and roadway widths, road names or designations, profile grades and typical sections.
- (2) Other rights-of-way or easements: location, width, purpose and ownership.
- (3) Layout of all mobile home spaces, including minimum mobile home setback lines, approximate space dimensions, utility easements with width and use on all spaces, and space numbers and block numbers.
- (4) Preliminary plan of any sanitary sewers with grades, service, pipe sizes, and points of discharge, together with certified copy of all load design factors and computations.
- (5) Preliminary plan of storm drainage system with grade, pipe size, and location of outlet, together with certified copy of all drainage areas, design factors, and computations.
- (6) Preliminary plan of water supply system with pipe sizes and location of hydrants, valves, and all appurtenances of the main distribution system.
- (7) Sites, if any, for commercial facilities.
- (8) Soil erosion and sedimentation control in accordance with the Soil Erosion and Sedimentation Control Ordinance for Houston County adopted November 11, 1980.
- (9) Estimated cost of soil erosion and sedimentation control.

91.2.2.6. The following minimum standards shall apply to each mobile home park:

- (1) Minimum lot area per park: 5 acres.
- (2) Minimum lot width for portion used for entrance and exit shall be fifty (50) feet.

- (3) No mobile home shall be located closer than twenty (20) feet to the right-of-way line of any roadway within the park, nor shall they be located closer than forty (40) feet to the right-of-way line of any street adjacent to the park.

91.2.3. The minimum number of spaces completed and ready for occupancy before the first occupancy is permitted shall be five (5) spaces.

91.2.4. No mobile home shall be admitted to any park unless it can be demonstrated that it meets the requirements of any additional laws and regulations of the Governing Body.

91.2.5. Convenience establishments of a commercial nature, including stores, laundry and dry cleaning establishments and pickup laundry and dry cleaning agencies, and beauty shops and barber shops may be permitted in mobile home parks provided that such establishments and the parking areas primarily related to their operations:

- (1) Shall not occupy more than ten (10) percent of the area of the park;
- (2) Shall be subordinate to the residential use and character of the park;
- (3) Shall be located, designed, and intended to serve frequent trade or service needs of persons residing in the park;
- (4) Shall present no visible evidence to their commercial character from any portion of any residential district outside the park.

91.2.6. The following minimum standards shall apply to streets within each mobile home park.

- (1) General: Streets shall be provided on the site where necessary to furnish principal traffic-ways for convenient access to mobile home stands and the other important facilities on the property.
- (2) Definition: Streets located within mobile home parks shall be classified as minor or major streets. Major streets are those which carry traffic from minor streets to the system of streets and highways outside the mobile home park. Minor streets are those which are used primarily for access to mobile home stands.

- (3) Recognition of Existing Facilities: The street system shall be designed to recognize existing easements, utility lines, etc., which are to be preserved; and to permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems.
- (4) Circulation: The street system should provide convenient circulation by means of minor streets and properly located major streets. Closed ends of dead-end streets should be provided with an adequate paved vehicular turning circle at least 80 feet in diameter.
- (5) Pavement Widths: Pavements should be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of street.
- (a) All entrance streets and other major streets with guest parking both sides – 35 feet minimum\*
  - (b) Major streets with no parking – 20 feet minimum\*
  - (c) Minor street with parking on one side – 28 feet minimum\*
  - (d) Minor or cul-de-sac street with no parking – 20 feet minimum\*
  - (e) One-way minor street with no parking (generally acceptable only if less than 500 feet total length and serving less than 25 mobile home stands) – 11 feet minimum\*
- \* Reduced by 2 feet if adjacent sidewalk is provided.**
- (6) Alignment and Gradient: Streets should be adapted to the topography and should have suitable alignment and gradient for traffic safety, satisfactory surface and ground water drainage, and proper functioning of sanitary and storm sewer systems.
- (7) Intersections: Street intersections should generally be at right angles. Offsets at intersections and intersections of more than two streets at one point should be avoided.
- (8) Extent of Improvements: The street improvements shall extend continuously from the existing improved street system to the site. They shall provide suitable access to the mobile home stand and other important facilities on the property, adequate connections to existing or future streets at the boundaries of the property, and convenient circulation for vehicles.

- (9) Grading: Streets shall be graded for their full width to provide suitable finish grades for pavement and any sidewalks with (1) adequate surface drainage and (2) convenient access to the mobile home stands and other important facilities on the property.
- (10) Edging: Pavements and surfacing other than cement concrete shall be protected at the edges by suitable means where necessary to prevent raveling of the wearing surface and shifting of the pavement base.
- (11) Sub-grade: The sub-grade shall be well-drained, uniformly graded, and compacted.
- (12) Flexible Pavement: a) Where a pavement base is necessary, it should be a minimum of 4 inches thick and composed of crushed stone, gravel, or other appropriate durable material compacted to the maximum practical density. b) The wearing surface should be bituminous concrete and a minimum of 1 ½ inches thick compacted to the maximum practical density.
- (13) Rigid Pavement: Where Portland cement concrete is used, it should not be less than 5 inches thick on a prepared sub-grade constructed in accordance with accepted practices, with expansion joints where driveways and walk about each other or the curb.

91.2.7. The following minimum standards shall apply to parking spaces in mobile home parks.

- (1) Number: Car parking spaces shall be provided in sufficient number to meet the needs of the property and their guests without interference with normal movement of traffic. Such facilities should be provided at the rate of at least one car space for each 4 lots to provide for guest parking, for 2-car tenants, and for delivery and service vehicles.
- (2) Location: Required car parking spaces should be located for convenient access to the mobile home stands. Usually one car space should be located on each lot and the remainder located in adjacent parking bays.
- (3) Size: a) Width – 10 feet b) Length – 20 feet.

91.2.8. In addition to meeting the above requirements the mobile home park site plan shall be accompanied by a certificate of approval from the County Health Department.

## **Section 92. Single-Family, Attached Dwellings**

Within the district permitting single-family, attached dwellings including Planned Unit Development District, the following requirements shall apply:

92.1. No more than ten (10) or fewer than three (3) continuous dwelling units shall be built in a row with approximately the same (but staggered) front line.

92.2. No side yard is required except that the end of the building in any grouping shall conform to the side yard requirements of that district.

92.3. Not more than fifty (50) percent of the lot area shall be occupied by buildings.

92.4. Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks; and no off-street parking space shall be more than 100 feet by the most direct pedestrian route, from a door of the dwelling unit it intends to serve. Maneuvering incidental to parking shall take place entirely within the designated parking area.

92.5. All attached dwelling complexes shall be required to tie into the public or community sanitary sewer system. No other means of waste disposal shall be permitted.

92.6. All other requirements within the district in which the single-family, attached dwellings are located shall prevail.

92.7. In group development projects involving single-family attached dwellings, common open space shall be provided as required under Section 81.2., in addition to any other common open space requirement of the development. No buildings, parking, storage, or other use shall be made of this open space.

92.8. Provision for maintenance of all common parking, open access, and other spaces and areas shall be included in the deed restriction of the properties.



## **Section 93. Accessory and Temporary Buildings**

93.1. Accessory Buildings. The locations of accessory buildings and uses in residential districts must meet the following requirements:

93.1.1. Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof, and therefore, such requirements applicable to the main building shall be applicable to the accessory building.

93.1.2. A detached accessory building in which flammable materials are stored, shall not be closer than twenty (20) feet to the main building. No accessory building can be so situated to interfere or restrict minimum light, air, and health standards as determined by the health official.

93.1.3. A detached accessory building, not more than two (2) stories in height, may be constructed on not more than thirty percent of the rear yard.

93.1.4. No detached accessory building may be located on the front yard of a lot, nor closer than ten (10) feet to any lot line.

93.2. Temporary Buildings. Temporary buildings used in conjunction with construction work only may be permitted in any district and shall be removed immediately upon completion of construction.

## **Section 94. Fallout Shelters**

Fallout shelters are permissible as principal or accessory uses and structures in any district, subject to the following conditions:

94.1. If any portion of the structure extends above the ground, that portion above the ground must comply with the yard and lot coverage regulations of the district in which it is located, and the site plan for such shelter must be approved by the Zoning Enforcement Officer.

94.2. If the structure is completely underground, it need not comply with yard requirements or percentage of lot coverage requirements.

94.3. A fallout shelter, underground or above ground, shall be confined to a side or rear yard and shall not be located in the front yard between the main building and the street on which it fronts.

94.4. Fallout shelters may contain or be contained in other structures or may be constructed separately.

94.5. Fallout shelters may be used for any permissible use in the district where situated.

## **Section 95. Home Occupations**

**95.1. Intent.** Regulations for home occupations are intended to provide categories of use such that permitted home occupations can be better matched to the character of the zoning district in which they are allowed. The term home occupation is understood to mean all categories of home occupations, including home offices and home businesses. Home occupations, where permitted, must meet the following special requirements:

95.1.1 The applicant must be the owner of the property on which the home occupation is to be located, or must have written approval of the owner of the property if the applicant is a tenant.

95.1.2 The home occupations shall be operated only by the members of the family residing on the premises and no article or service shall be sold or offered for sale except as may be produced by the members of the immediate family residing on the premises.

95.1.3 The home occupation shall be restricted to the main building only and shall not occupy more than twenty-five (25%) percent of the floor area within said building.

95.1.4 The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, or radio-activity or other condition that will be a nuisance to the surrounding area.

95.1.5 Any business sign placed on the premises shall not be larger than two (2) square feet in sign area, unlighted and fixed to the wall of the principal dwelling.

95.1.6 The applicant requesting to conduct a home occupation shall bear the burden of providing conclusive evidence to the Board of Zoning Appeals that all conditions of Section 95 have been met. The Board of Zoning Appeals may modify the conditions of this section to be more restrictive, or place additional conditions which are more restrictive than those listed in Section 95 on any recommendation for approval to the Houston County Board of Commissioners. The appropriate county official may administratively approve home occupations that meet the provisions in Section 95.3

**95.2 Expiration.** A permit for home occupation shall expire under the following conditions:

95.2.1 Whenever the applicant ceases to occupy the premises for which the home occupation was issued, no subsequent occupant of such premises shall engage in any home occupation until he shall have been issued a new permit after proper application

95.2.2 Whenever the holder of such a permit fails to exercise the same for any period of six (6) consecutive months.

95.3 Home Office. A home office is an office use conducted entirely within a dwelling which is carried on by an occupant thereof and which is clearly incidental and secondary to the use of the dwelling for residential purposes, and which fully complies with the following standards:

95.3.1 Home office uses shall be limited to professional and routine office, clerical, computer, bookkeeping, broker, or similar procedures which can be conducted within a residence. A home office may also be maintained for a business conducted away from home, as long as the home office complies with all other requirements.

95.3.2 Home offices shall not include any business which involves the sale, manufacture, repair or assembly of merchandise on the premises, or the storage of inventory, raw materials, equipment or other materials to be used in the business.

95.3.3 Home offices shall not include any business requiring regular access by the public, including but not limited to customers, clients or vendors, patients, etc.

95.3.4 Home offices shall be limited to no more than twenty-five percent (25%) of the floor area within said building. The proposed size of the home business shall be specified at the time of application.

95.3.5 There will be no changes which would alter the character of the dwelling or reveal from the exterior that the dwelling is being used in part for other than residential purposes.

95.3.6 No outside storage or display is permitted.

95.4 Home Business. Home businesses are small offices, or small-scale retail or service businesses which are clearly incidental and secondary to the use of the dwelling for residential dwelling purposes, and must comply with the following standards:

95.4.1 Home businesses may include, but are not limited to, one chair beauty shop or barber shops, minor repair shops, home day care or retail sale of goods or services produced on the premises.

95.4.2 Home businesses shall not include the repair and/or maintenance of motor vehicles, large scale manufacturing, cabinet or furniture shops or any use which will create noise, noxious odors or any hazard that may endanger the health, safety, or welfare of the neighborhood or a business requiring a Federal Alcohol, Tobacco or Firearm License.

95.4.3 The home business shall not involve group instruction or group assembly of people on the premises.

95.4.4 The dwelling must be the bona fide residence of the principal practitioner at the time of the application, and if approved, the home business shall be valid only as long as the principal practitioner resides in the dwelling, is conducting business and has a current business certificate.

95.4.5 The portion of the residence in which the business is conducted shall be completely enclosed in a manner that the business is not visible from the surrounding property.

95.4.6 No outside storage is allowed.

95.4.7 The Board of Zoning Appeals may place any reasonable conditions on the application deemed necessary to insure the orderly operation of the proposed business and its compatibility with the surrounding properties.

95.4.8 The principal practitioner shall be permitted to park one commercial vehicle in the approved parking area. The commercial vehicle is limited to a passenger car, van or light truck of up to one-ton carrying capacity.

95.4.9 Any utility trailer needed for the orderly operation of the business must be specifically requested and approved by the Board of Zoning Appeals. The request must include the proposed use and size of the trailer.

## **Section 96. Automobile Service Stations**

Within the districts permitting automobile service stations the following requirements shall apply:

96.1. Location. The property on which an automobile service station is located shall not be within 100 feet of any property containing a school, public playground, church, hospital, public library, institution for children or dependents.

96.2. Site Requirements. An automobile service station shall have a minimum frontage on the primary street of 120 feet and a minimum area of 12,000 square feet. All buildings shall be set back forty feet from all street right-of-way lines and all canopies shall be set back fifteen (15) feet from all street right-of-way lines.

96.3. Access to Site. Vehicular entrances or exits at an automobile service station:

96.3.1. Shall not be provided with more than two curb cuts for the first 120 feet of street frontage or fraction thereof.

96.3.2. Shall contain an access width along the curb line of the street of not more than forty (40) feet as measured parallel to the street at its narrowest point and shall not be located closer than twenty (20) feet to a street intersection or closer than ten (10) feet to the adjoining property.

96.3.3. Shall not have any two driveways, or curb cuts, any closer than twenty (20) feet at both the right-of-way line and the curb or edge of the pavement along a single street.

96.4. Gasoline Pump Islands. All gasoline pump islands shall be set back at least fifteen (15) feet from the right-of-way line, or where a future widening line has been established; the setback line shall be measured from such line; and where pump islands are constructed perpendicular to the right-of-way line, the pump island shall be located not less than thirty (30) feet back of the right-of-way line; however, the pumps shall be at least 60 feet from the center line of an arterial street, 55 feet from the center line of a collector street, and 45 feet from the center line of other street.

96.5. Off-Street Parking. A minimum of two (2) off-street parking spaces are required with an additional off-street parking space for each lubrication and wash bay.

96.6. Other Site Improvements. In addition to the above requirements, the following additional site improvements shall be adhered to:

96.6.1. A raised curb of at least six inches in height shall be erected along the street property lines, except for driveway openings.

96.6.2. A solid fence buffer or wall six (6) feet in height shall be erected along all adjacent property lines facing any residential lot.

96.6.3. Exterior lighting shall be arranged so that it is deflected away from adjacent properties.

96.6.4. Signs, whether permanent or temporary, shall not be placed within the public right-of-way and shall be arranged so that they do not obstruct visibility for drivers or pedestrians.

96.6.5. All drives, parking storage, and service areas shall be paved and curbed and a good stand of grass shall be maintained on the remainder of the lot.

96.6.6. All commercial or rental vehicles parked at the premises shall be screened from the adjacent street view.

96.7. Storage of Inflammable Products. Outside above-ground tanks for the storage of gasoline, liquefied petroleum gas, oil, or other inflammable liquids or gases shall be prohibited at any automobile service station in all zoning districts.

## **Section 97. Signs.**

### **97.1. Purpose and findings.**

The Houston County Board of Commissioners further finds that signs provide an important medium through which persons may convey a variety of noncommercial and commercial messages. However, left completely unregulated, the number, size, design characteristics, and locations of signs in the county can become a threat to public safety as a traffic hazard and a detriment to property values and to the county's general public welfare, as well as create an aesthetic nuisance. The county, further, finds that signs have become excessive and that many signs are distracting and dangerous to motorists and pedestrians, are confusing to the public and substantially detract from the beauty and appearance of the county. The county finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations. The purpose and intent of the governing authority of Houston County in enacting this chapter are as follows:

- (1) To protect the health, safety and general welfare of the citizens of Houston County, and to implement the policies and objectives of a comprehensive development plan of the county through the enactment of a comprehensive set of regulations governing signs in Houston County;
- (2) To regulate the erection and placement of signs within Houston County in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers or pedestrians;
- (3) To preserve the value of property on which signs are located and from which signs may be viewed;
- (4) To maintain an aesthetically attractive county in which signs are compatible with the use patterns of established zoning districts;
- (5) To maintain for the county's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interest of the county;
- (6) To establish comprehensive sign regulations that effectively balance legitimate business and development needs with a safe and aesthetically attractive environment for residents, workers, and visitors to the county;
- (7) To provide fair and reasonable opportunities for the identification of business which are located within Houston County, and to provide for the identification of the availability of products, goods or services so as to promote the economic vitality of businesses that are located within the county;



(8) To ensure the protection of free speech rights under the State and United States Constitutions with Houston County;

(9) To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of those districts;

(10) To allow certain signs that are small, safe, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this chapter but without a requirement for permits;

(11) To provide for temporary signs in limited circumstances;

(12) To place reasonable controls on nonconforming signs that are by definition contrary to the public health, safety and welfare while protecting the constitutional rights of the owners of said nonconforming signs; and

(13) To prohibit all signs not expressly authorized by this chapter, to provide for the maintenance of signs, and to provide for the enforcement of the provisions of this chapter.

#### 97.2. Definitions.

For the purposes of this chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular, the word “shall” is mandatory, the word “person” includes a firm, organization, partnership, trust and corporation, and the word “county” shall mean Houston County, Georgia.

As used in this chapter, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:

***Aggregate sign area*** shall mean the sum total of the sign area of any and all signs for a given lot. Subdivision signs, flags and banners are excluded from any determination of aggregate sign area in residentially zoned districts. Street numbers assigned by the United States Postal Service shall not be considered in calculating the aggregate sign area.

***Animated sign*** shall mean a sign that all or any part thereof visibly moves or uses movement or a change of lighting to depict action or to create a special effect or scene. This includes signs that rotate or revolve to display a message in more than on (1) direction.

***Billboard*** shall mean a structural poster or painted sign, usually found along or near roadways and of such size as to catch the attention of the motoring public, which may be either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a

subject unrelated to the premises on which it is located. Where not otherwise limited by zoning district regulations, the minimum display surface areas shall be two hundred (200) square feet and the maximum display area shall be seven hundred (700) square feet.

***Business day*** shall mean any day during which county government offices are open for public business. For purposes of this chapter, a “business day” shall not include any day during which county government offices are closed after a partial business day due to a holiday, emergency, inclement weather, or the like.

***Canopy sign*** shall mean a sign affixed to, superimposed upon, or painted on any roof or roof-like structure which is extended over a sidewalk, walkway, or vehicle access area.

***Commercial message*** means sign copy which identifies, advertises, or directs attention to a business, or is intended to induce the purchase of goods, property, or service, including without limitation, any sign copy naming a brand of goods or service or otherwise proposing a commercial transaction.

***County*** shall mean Houston County, Georgia.

***Directional sign*** shall mean any sign placed within five (5) feet of an authorized curb cut.

***Display Surface area*** shall mean the net geometric area measured by the smallest possible adjoining square or rectangle enclosing the display surface of the sign, including the outer extremities of all letters, characters and delineations; provided however, Display Surface Area shall not include the structural supports for free standing signs; provided further, that only one (1) sign face of a double-sided sign shall be considered in determining the Display Surface Area.

***Double-faced sign*** shall mean a sign which has two (2) display areas placed back to back against each other and the interior angle formed by the display areas is less than fifty-nine (59) degrees, where one (1) sign face is designed to be seen from one direction and the other face from another direction.

***Electronic sign*** shall mean a sign whose message may be changed at intervals by electronic process or by remote control, including the device known as a commercial electronic variable message sign.

***Enforcement Officer*** shall mean the Chief Building Inspector of Houston County, or his/her designee.

***Entrance sign*** shall mean any ground sign placed at the intersection of a public street and a private entrance into an apartment, office, condominium, church, synagogue, mosque or other religious building or industrial complex or some other building with multiple residential or commercial units.

***Façade*** shall mean the exterior wall of a building facing any street which provides direct ingress and egress to the lot.

***Ground sign*** shall mean any sign supported by uprights or braces or resting upon a foundation in the ground that is not supported or suspended from any building, or any sign securely affixed to a substantial support structure which is permanently attached to the ground and wholly independent of any building for support.

***Illegal sign*** shall mean any sign that was erected in violation of the laws, as they existed at the time the sign permit was issued or signs that were not built in conformance with the issued permit.

***Illuminated sign*** shall mean a sign that has light cast upon the sign from a source either internal to the sign or from an external light source directed primarily toward such sign.

***Lot*** shall mean a designed parcel, tract, or area of land legally established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

***Nonconforming Lot*** shall mean a designated parcel, tract, or area of land created after the time of enactment of this chapter or amendment of this chapter which does not meet the lot area; lot width, or public street frontage and access requirements of this chapter. Such a lot is illegal except where created by governmental action in which case such lot shall have the status of a nonconforming lot of record as defined in the county zoning ordinance.

***Nonconforming sign*** shall mean any sign which does not conform to the provisions of this chapter.

***Outdoor Advertising Sign*** shall mean a device, structure or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others. For purposes of this chapter, the term “sign” shall include the structure upon which a sign face is located. Billboards shall not be included within this definition. Seasonal holiday decorations shall not be included within the definition of “sign” and regulated as such.

***Political Sign*** shall mean a structural poster or painted sign, intended to advertise or display the candidacy of an individual for political office.

***Portable sign*** shall mean any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an “A or “T” frame sign or attached temporarily or permanently to the ground.

**Primary facade** shall be the facade of the building which is most nearly parallel to widest street to which the building faces.

**Projecting sign** shall mean any sign which is attached perpendicular to a building or other structure and extends more than twelve (12) inches horizontally from the plane of the building wall.

**Road, accessible** shall mean any road or street that provides a means of ingress and egress to the lot.

**Street frontage** shall mean the lot line that is coincident with any road or street that provides a means of direct ingress and egress to the lot.

**Roof sign** shall mean a sign attached to or supported by the roof of a building that extends above the immediately adjacent roof line of the building or a sign that is wholly or partially above the roof line of a building.

**Rotating sign.** (See animated sign).

**Secondary facade** shall mean any façade that is not the primary facade.

**Subdivision sign** shall mean any ground sign placed at the intersection of two (2) roads, at least one (1) of which is a public road, with the other road being the main thoroughfare into and out of a commercial or residential subdivision.

**Suspended sign** shall mean a sign securely suspended above a pedestrian passageway from beneath a canopy or awning and oriented perpendicular to the adjacent building façade.

**Tri-faced sign** shall mean a sign structure with more than two (2) sign faces situated so that each sign face is facing a different direction.

**Wall sign** shall mean a sign fastened, placed or painted upon or parallel to the exterior wall of the structure itself, whether front, rear or side of the structure.

**Window sign** shall mean any sign displayed to an outside observer on or through a window or covering a window.

### 97.3. Exemptions.

97.3.1. Signs erected by a public officer in the performance of his/her duties, including but not limited to: public notices, safety signs, danger signs, official traffic control devices, memorial plaques, and historical markers shall be exempt from the provisions of this chapter.

97.3.2. The following signs shall be exempt from the permit requirements of Section 97.19 provided, however, that such signs shall be subject to all other provisions of this chapter:

All types of signs, except Billboard Signs and Ground Signs exceeding thirty two (32) square feet shall be allowed without a permit in all zoning districts where they are permitted uses. Permits shall be required of all Billboard signs and Ground Signs exceeding thirty two (32) square feet.

97.4. Prohibited signs.

The following types of signs are prohibited throughout the unincorporated county:

97.4.1. Signs on public rights-of-way other than publicly owned or maintained signs and signs pertaining to railroad crossings;

97.4.2. Window signs which exceed thirty (30) percent of the window area;

97.4.3. Signs that contain words, pictures, or statements which are obscene, as defined by O.C.G.A § 16-12-80, as amended;

97.4.4. Signs that simulate an official traffic control device, warning sign, or regulatory sign or which hide from view any traffic control device, signal or public service sign;

97.4.5. Signs that emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing abilities;

97.4.6. Signs that interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic or which otherwise pose a hazard to traffic due to structural deficiencies in the structure of such signs;

97.4.7. Signs erected by nailing, fastening or affixing the sign in any manner to any tree, curb, utility pole, natural feature, or other structure except as may be set forth herein;

97.4.8. Animated signs, including rotating or revolving signs (except for time and weather informational signs, official warning and regulatory signs);

97.4.9. Signs that obstruct any fire escape, any means of egress or ventilation or shall prevent free passage from one part of a roof to any other part thereof, as well assigns attached to any fire escape;

97.4.10. Signs that do not conform to county building and electrical codes;

97.4.11. Billboard Signs for which a permit is required that do not display the sign permit number and the name and address of the person responsible for erecting and maintaining the sign;

97.4.12. Roof signs;

97.4.13. Tri-faced signs;

97.4.14. Signs that are in violation of the rules and regulations of any zoning overlay district presently existing or as may later be enacted;

97.4.15. Signs located on any substandard lot created after the enactment of the chapter, unless the substandard lot is created as the result of governmental action;

97.4.16. Abandoned commercial signs. Commercial signs (including sign structures) shall be deemed abandoned if the business, service or commercial transaction to which it relates has been discontinued for six (6) months;

97.4.17. Any sign that is structurally unsound, or is a hazard to traffic or pedestrians;

97.4.18. Dilapidated or neglected signs. A sign (including sign structure) will be dilapidated or neglected if it does not present a neat and orderly appearance, which may be manifested by the following; rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign copy; and

97.4.19. Illegal signs.

97.4.20. No sign of any kind shall substantially impede the view of an adjoining business structure.

97.5. Owner's consent required.

No sign may be permitted or posted on property without the consent of the property's owner or authorized agent. Should it be determined that a sign was erected on a lot pursuant to an alleged agent's incorrect representation that the record owner of the lot in fact gave permission for the erection of a sign, the permit for such sign shall be revoked as provided in Section 97.23 herein.

97.6. Signs other than Billboards as permitted uses.

97.6.1. Signs for the purpose of conveying information, knowledge or ideas to the public about a subject directly relating to the premises on which it is located shall be permitted in the following zoning district provided the specified requirements are adhered to:

97.6.1.1. R-AG, R-1, R-2, R-3, R-4, R-MH Resident District and PUD District

A single non-illuminated professional or announcement signs per lot, no exceeding two square feet in area and attached wholly to a building as allowed by Sec. 95.1.5.

97.6.1.2. Signs pertaining to the sale or lease of property upon which it is located.

97.6.2. Ground Signs. Ground signs not exceeding thirty-two (32) square feet in size identifying subdivisions, apartment developments, or places of worship, all located on the premises of the subdivision, apartment development or place of worship.

97.6.3. C-1 Commercial District.

97.6.3.1. Ground signs or wall signs identifying the principal use of the property, not being more than thirty-two (32) square feet in size.

97.6.3.2. Signs pertaining to the sale or lease of property upon which it is located.

97.6.4. C-2 and C-3 Commercial Districts.

97.6.4.1. Ground signs or wall signs having not more than thirty-two (32) square feet in size.

97.6.4.2. One sign pertaining to the principal use of a building on the lot for each lot with one hundred (100) feet or less of lot frontage with one (1) additional sign for each additional use building and one hundred (100) feet (or less) of lot frontage under single ownership, provided said sign shall not exceed two hundred (200) square feet in size per structure facing. Where two signs, each not exceeding one hundred (100) square feet in size per structure facing, are supported by the same sign structure, one above the other, they shall be considered as a single sign.

97.6.5. M-1 and M-2 Wholesale and Industrial districts. One (1) sign pertaining to the principal use of a building on the lot for each lot with one hundred (100) feet or less of lot frontage with one (1) additional sign for each additional use building and one hundred (100) feet (or less) of lot frontage under single ownership, provided said sign shall not exceed two hundred (200) square feet in size per structure facing. Where two signs, each not exceeding one hundred (100) square feet in size per structure facing, are supported by the same sign structure, one above the other, they shall be considered as a single sign.

97.7. Billboards as Permitted Uses. For the purpose of these regulations the state law, H.B. Bo.9 EX, governing outdoor advertising adjacent to any state-aid road which is also a part of the interstate or primary systems of highways is hereby made a part of these regulations and shall govern the placement and maintenance of signs in addition to the following provisions. Whenever these regulations are at variance with the state law the most restrictive shall govern.

97.7.1. R-AG, R-1, R-2, R-3, R-4, and R-MH Residential Districts, PUD Districts, and C-1 Commercial Districts. No billboards are permitted in the aforesaid districts or in a permitted zoning district that is within one mile of any of the aforesaid districts. Said distance shall be measured from the sign to the nearest point of the district boundary.

97.7.2. C-2 and C-3 Commercial Districts. Billboards shall be permitted in the aforesaid districts only along Arterial and Collector streets as those streets are designated by the State of Georgia Department of Transportation. Said list of streets is incorporated herein and a copy of said list shall be maintained at the Houston County Building Inspector's Office. The distance between each billboard shall be one mile.

97.7.3. M-1 and M-2 Wholesale and Industrial Districts. Billboards shall be permitted in the aforesaid district only along Arterial and Collector streets as those streets are designated by the State of Georgia Department of Transportation. Said list of streets is incorporated herein and a copy of said list shall be maintained at the Houston County Building Inspector's Office. The distance between each billboard shall be one half mile.

97.8. Height and setback requirements.

97.8.1. All signs shall be set back as follows:

97.8.1.1. Ten (10) feet from the curb line of each street adjacent to the lot upon which the sign is situated where an authorized curb cut exists; applicable to all zoning districts;



97.8.1.2. If the right-of way is more than ten (10) feet from the curb lines described in (1) above, the sign, including its footing or foundations, shall be setback at least one (1) foot from the right-of-way (applicable to all zoning districts);

97.8.2. No sign or sign structure above a height of three (3) feet shall be maintained within fifteen (15) feet of the intersection of the right-of-way lines extended of two (2) streets, or a street intersection with a railroad right-of-way. However, a sign support structure not more than ten (10) inches in diameter may be located within the required corner visibility area if all other requirements of this chapter are met and the lowest elevation of the sign surface is at least twelve (12) feet above the ground level.

97.8.3. Window signs are only allowed on the ground floor of a building.

97.9. Non-commercial messages.

Any sign provided for in any zoning district may contain non-commercial messages.

97.10. Wall or projecting signs.

97.10.1. Wall or projecting signs shall be securely fastened to the building surface.

97.10.2. No wall sign greater than one hundred eighty (180) square feet shall be placed below the twelfth story of a building.

97.10.3. Projecting signs may project from the building up to two (2) feet; provided that no projecting sign shall be maintained less than ten (10) feet above the ground level when erected over pedestrian walkways or driveways and no less than fourteen (14) feet above vehicle access.

97.10.4. No wall or projecting sign shall extend above the parapet wall.

97.11. Ground signs.

97.11.1. The height of all ground signs at their highest point above the level of the ground shall not exceed twenty (20) feet in non-residentially zoned districts; however, when the ground level is lower than the level of the adjoining street pavement, then a sign may be raised so as to be no more than twenty (20) feet above the level of the pavement. The level of the ground shall not be altered in such a way to provide additional sign height. The height of monopole sign structures shall be measured from the base of the pole at ground level to the top of the pole or top of the highest sign face, whichever is higher. The height of any multi-pole sign structure shall be measured the same as a monopole structure, except that the measurement shall be made using the shortest pole. Ground signs shall be

measured from the ground level base of the sign structure (deemed to include any skirting) to the highest point of the sign.

97.11.2. The height of any directional sign shall not be more than three (3) feet above the ground.

97.11.3. All ground signs allowed for primary facades shall place between the primary façade and the street the primary façade faces.

97.11.4. All ground signs allowed for secondary facades shall place between the secondary façade and the street the secondary façade faces.

#### 97.12. Canopy signs.

Canopy signs shall be no less than eight (8) feet above the ground when erected over pedestrian walkways and fourteen (14) feet above areas of vehicle service access at the lowest extremity of the sign. No canopy sign shall extend above the parapet wall.

#### 97.13. Electronic signs.

97.13.1. Electronic signs shall be allowed only in C-1, C-2, C-3, M-1 and M-2 zoning districts.

97.13.2. No message may be displayed for less than one (1) second.

97.13.3. No message may be repeated at intervals of less than two (2) seconds.

97.13.4. No segmented message may last longer than ten (10) seconds.

97.13.5. No traveling message may travel at a rate slower than sixteen (16) light columns per second or faster than thirty-two (32) light columns per second.

#### 97.14. Nonconforming signs.

97.14.1. The county finds that nonconforming signs may adversely affect the public health, safety and welfare. Such signs may adversely affect the aesthetic characteristics of the county and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of said signs.

97.14.1.1. For the purpose of this section the “approved and lawfully erected under previous sign restrictions” shall mean any

sign, which, prior to February 1, 1992, met all of the rules and regulations applicable prior to February 1, 1992 and billboards prior to February 21, 1995.

97.14.2. Signs, which, on the effective date of this section, were approved and lawfully erected under previous signed restrictions and which became or have become nonconforming with respect to the requirements of this chapter may continue in existence as “nonconforming signs”, subject to the following restrictions:

97.14.2.1. The owner of the sign shall secure a permit for the continuation of the sign, subject to the restrictions of this section. Such permit shall be obtained within ninety (90) days of the notice of nonconformance. There shall be no charge for this permit. Failure to secure such permit within ninety (90) days shall result in waiver of the protections afforded nonconforming signs by this section and such signs shall be illegal and subject to removal by the county pursuant to this ordinance.

97.14.2.2. No change shall be made in the size of any nonconforming sign, nor shall any structural changes be made in such a sign unless the sign is brought into compliance with the provisions of this Section.

97.14.2.3. Signs which are afforded the protection of this Section, but which thereafter become abandoned for a period of one hundred eighty (180) calendar days, shall lose their protection under these nonconforming sign provisions and shall thereafter become illegal signs. For the purposes of this Section, the signs shall be deemed abandoned if the sign is not utilized for any advertising purpose.

97.14.3. Any nonconforming sign declared to be unsafe by the enforcement officer shall be removed or rendered safe and brought into compliance with the provisions of this Section.

97.14.4. No nonconforming sign structurally damaged by fire or other causes to the extent of more than fifty percent (50%) of its assessed value shall be repaired or rebuilt except in compliance with all the provisions of this section.

97.14.5. No person shall maintain or permit to be maintained of any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises or the owner of the sign. Upon failure of the owner to remove or repair a dangerous or defective sign, the enforcement officer shall be authorized to remove same, and said sign shall become the

property of the County and may be disposed of in any manner deemed appropriate by the County. The cost of removal of the sign by the County shall constitute a lien against the property and shall be recoverable in the same manner as County property taxes. The cost of removal shall include any and all incidental expenses incurred by the County in connection with the signs removal.

97.14.6. All advertising signs or sign structures, billboards or political signs within the unincorporated areas of Houston County and adjacent to and within four hundred (400) feet of the right-of-way of the Perry Parkway and Larry Walker Parkway shall be permitted, erected, maintained and regulated in accordance with the terms of the regulations of the City of Perry.

97.14.7. All advertising signs or sign structures, billboards or political signs within the unincorporated areas of Houston County and adjacent to and within four hundred (400) feet of the right-of-way of the Richard B. Russell Extension shall be permitted, erected maintained and regulated in accordance with the terms of the regulations of the City of Warner Robins.

#### 97.15. Illumination.

No sign shall give off light that glares, blinds or has any other such adverse effect on traffic or adjacent properties. The light from an illuminated sign shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways. No illuminated sign shall be constructed or maintained within seventy-five (75) feet of any single-family lot property line.

#### 97.16. Building code.

To the extent that it is not inconsistent with this chapter, the present edition of the Standard Building Code and other building and construction codes as adopted and modified by the county and the Georgia department of Community Affairs are incorporated as a part of this chapter as if fully restated herein for the same purposes stated in County Code Section 14-36 and for the same purposes for which the Standard Building Code was promulgated and enacted, which purposes are expressly incorporated herein.

#### 97.17. Zoning ordinance.

Except as provided elsewhere in this section, to the extent that it is not inconsistent with this chapter, the county zoning ordinance, as amended including, but not limited to definitions of terms contained therein is incorporated as a part of this chapter as if fully restated herein for the same purposes stated in section 32 hereof and for the same purposes for which the zoning ordinance and

any amendments thereto, were adopted, which purposes are expressly incorporated herein. However, to the extent that any regulations governing any zoning overlay district now existing or later enacted conflict with this article, the rules of the zoning overlay district shall control.

#### 97.18. Variances.

97.18.1. Where a literal application of this article, due to special circumstances, would result in an unusual hardship in an individual case, a variance may be granted by the Board of Zoning and Appeals after receiving evidence that the applicant meets all of the following criteria:

97.18.1.1. Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area;

97.18.1.2. Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;

97.18.1.3. The exceptional circumstances are not the result of action by the applicant;

97.18.1.4. The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;

97.18.1.5. Granting of the variance would not violate more than one (1) standard of this article; and

97.18.1.6. Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.

97.18.2. No variance shall be granted to the height of a sign or the aggregate area of signs permitted on a lot.

97.18.3. No variance shall be granted which increases the size of a sign more than twenty (20) percent of that allowed by this chapter.

#### 97.19. Permits.

97.19.1 Except as specifically excluded from the provisions of this chapter, it shall be unlawful for any person to post, display, substantially change, or erect a sign in the unincorporated county without first having obtained a sign permit or any other permit required by this chapter or other ordinances of the county.

97.19.2. Existing signs which conform to the provisions of this chapter that would be required to obtain a permit under the regulations of this chapter must register with the Enforcement Officer within ninety (90) days of the effective date of this chapter if such signs do not have a valid permit pursuant to a previous ordinance and pay a permit fee. The information provided for registration will be the same information required in a permit application under Section 97.21. No permit fee will be required for the registration of existing signs which have a current valid permit under any previous ordinance regulating signs.

#### 97.20. Fees.

The cost of a sign permit shall be established by the board of commissioners and collected by the Enforcement Officer. The cost is hereby established at One Hundred Dollars (\$100) per application for Billboard signs and Ground Signs exceeding thirty two (32) square feet.

#### 97.21. Application information.

97.21.1. Applications for sign permits required by this chapter shall be filed by the sign owner or the owner's agent with the Enforcement Officer or his/her designee. The application shall describe and set forth the following:

97.21.1.1. The street address of the property upon which sign is to be located and a plat map of the property which bears an indication of the proposed location of the sign;

97.21.1.2. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located;

97.21.1.3. Consent of the owner, or the owner's agent, granting permission for the placement or maintenance of the sign;

97.21.1.4. Name, address and phone number of the sign contractor;

97.21.4.5. The type of sign to be erected, the area of the sign, the height of the sign, the shape of the sign, how the sign is to be illuminated (if at all) and an explanation of how the sign is to be mounted or erected;

97.21.4.6. The size of the lot on which the sign is to be placed;

97.21.4.7. The payment in full of the applicable application fee; and

97.21.7.8. Application for ground signs shall include a site plan

drawn to scale, including a closed boundary survey of the property, gross acreage, the proposed location of subject sign, location of all ground signs on the property, entrance driveways from public streets, street rights-of-way, public or private easements, building locations, gross area of buildings and floor area occupied by subject owner or tenants.

97.21.2. The Enforcement Officer shall develop such forms as may be necessary to facilitate the permit application process.

97.21.3. The applicant shall apply for all other permits or licenses required by county ordinances and state laws and regulations. No sign permit shall be valid unless other required permits or licenses have been issued by the authority responsible therefore.

97.22. Time for consideration and issuance.

The Enforcement Officer shall process all sign permit applications within ninety (90) business days of the Enforcement Officer's actual receipt of a completed application and a sign permit fee. The Enforcement Officer shall give notice to the applicant of his/her decision by hand delivery or by mailing a notice, by certified mail, return receipt requested, to the address on the permit application on or before the ninetieth business day after the Enforcement Officer's receipt of the completed application. If mailed, notice shall be deemed to have been given upon the date of mailing in conformity with this section. If the Enforcement Officer fails to act within the ninety day period, the permit shall be deemed to have been granted. A sticker or other device bearing the sign permit number shall be affixed to the sign structure.

97.23. Denial and revocation.

97.23.1. *Procedure.* The enforcement Officer shall deny permits to applicants that submit applications for signs that do not comply with the provisions of this chapter, incomplete applications, and applications containing any false material statements. Violation of any provision of this chapter and any other applicable state laws or county ordinances will be grounds for termination a permit granted by the county for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this chapter, the Enforcement Officer shall revoke the permit. Should the Enforcement Officer deny a permit, the reasons for the denial are to be stated in writing and hand delivered or mailed by certified mail, return receipt requested, to the address on the permit application on or before the ninetieth business day after the Enforcement Officer's receipt of the application. Any application denied and later resubmitted shall be deemed

to have been submitted on the date of resubmission, instead of the date of the original submission. No permit shall be denied or revoked, except for due cause as hereinafter defined. "Due cause" is the violation of the provisions of this chapter, other applicable ordinances, state or federal law, or the submission of an incomplete application or an application containing false material statements.

97.23.2. *Appeal.* A person whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision of the Enforcement Officer to the Board of Zoning and Appeals as provided in Section 115.

97.23.3. *Certiorari.* In the event a person whose permit has been denied or revoked is dissatisfied with the decision of the zoning board of appeals, he/she/it may petition for writ of certiorari to the superior court of the county as provided by law.

#### 97.24. Permit expiration.

A sign permit shall become null and void if the sign for which the permit was issued has not been completed and fully installed within six (6) months after the date of issuance. No refunds will be made for permit fees paid for permits that expired due to failure to erect a permitted sign. If an individual later desires to erect a sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule applicable at such time.

#### 97.25. Enforcement and penalties.

97.25.1. The Enforcement Officer or his/her designee may issue a citation for violation of this chapter by any person, including if applicable, the owner, manager or tenant of the lot upon which a sign is located, for a sign erected, altered, maintained, converted, or used in violation of this chapter or in violation of any other applicable ordinance, including, but not limited to the building and electrical codes.

97.25.2. The Enforcement Officer and/or his/her designee shall have the same duties, authority, and obligations regarding access to private property, inspections, including the procurement of inspection warrants provided in Section 14-72 of the Code with regard to the enforcement of this chapter.

97.25.3. Any person violating any provision of this chapter shall be guilty of an offense and upon conviction, shall be subject to the general penalty provided in Section 1-11 of the County Code. Each sign installed, created, erected or maintained in violation of this chapter shall be considered a separate violation, and each day of a continued violation for each sign



shall be considered a separate violation when applying the penalties authorized in Section 1-11.

97.25.4. The county may seek affirmative equitable relief in a court of competent jurisdiction to cause the removal or repair of any sign in violation of this chapter or other county ordinances.

97.25.5. The Enforcement Officer or designee may remove any sign or structure illegally placed upon a public right-of-way without any notice and may dispose of said sign or structure by taking it to any landfill. Such removal and disposal of illegally placed signs not preclude the prosecution of any person for illegally placing such signs in the public right-of-way.

97.26. Severability.

In the event any section, subsection, sentence, or word of this chapter is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this chapter, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this chapter, even if the surviving parts of the chapter result in greater restrictions after any unconstitutional provisions are stricken. The board of commissioners declares that it would have enacted the remaining parts of this chapter if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional. The board of commissioners declares its intent that should this chapter be declared in part or in whole, signs are to be subject to regulations applicable to “structures” contained in other ordinances, including the zoning ordinance.

**Amended September 16, 2008**

## **Section 98. Cemeteries.**

Within the districts permitting cemeteries, the following requirements shall apply:

98.1. The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.

98.2. Any new cemetery shall be located on a site containing not less than twenty acres.

98.3 All structures shall be set back no less than twenty-five (25) feet from any property line or street right-of-way line.

98.4. All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or minor street right-of-way lines, and not less than fifty feet from any collector, arterial, or expressway right-of-way line.

98.5. The entire cemetery property shall be landscaped and maintained.

## **Section 99. Performance Standards for Nonresidential Uses**

99.1. General Requirements. The manufacturing, processing, fabrication, repair, and servicing of any commodity or product subject to the following conditions:

99.1.1. Any such use as determined by the zoning enforcement officer that may be obnoxious or offensive by reason of the emission of odors, dust, smoke, gas, noise, or vibration shall be referred to the Environmental Protection Division of the Georgia Department of Natural Resources; and

99.1.2. Prior to issuing a Building Permit, the applicant shall provide the zoning enforcement officer with written approval of the nature, plans, and specifications of the said use from the Environmental Protection Division of the Georgia Department of Natural Resources; and

99.1.3 All other requirements within the district in which these industrial activities can be located shall be met.

99.1.4. Poultry production of a commercial nature, provided that:

- (1) No structure housing or feeding poultry shall be located on a tract of less than thirty (30) acres, upon which not more than two poultry houses containing up to an aggregate of 40,000 sq. feet may be constructed, for each additional 20,000 sq. feet (or fraction thereof) poultry house to be constructed, an additional 5 acres shall be required;
- (2) No structure for housing or feeding poultry and no stockpile of manure, lagoon or other structure for the storage or disposal of poultry waste shall be located within 1,000 feet of the nearest residence or public meeting place or within 300 feet of the nearest property line;
- (3) All birds shall be kept in a structure, pen or fenced area;
- (4) All plans and operations must comply with the provisions of Section 99. of this ordinance and with federal, state, and county laws, ordinances and regulations.

99.2. Solid Waste Disposal Facilities. Solid waste disposal facilities shall be defined as any land or structure used for the long-term disposal, storage, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste. The definition shall include inert waste landfills, private industry landfills, municipal solid waste landfills, composting facilities, medical waste or biomedical incinerators, and hazardous waste treatment, storage, or disposal facilities.

All solid waste disposal facilities must comply with following performance standards.

99.2.1. Proximity to airports/heliports. No solid waste disposal facility shall be located within 60,000 feet of the RAFB runway centerline. No solid waste disposal facility shall be located within 10,000 feet of the runway centerline of any other airport. No solid waste disposal facility shall be located within 5,000 feet of the center point of a helicopter landing pad.

99.2.2. Proximity to Flood Plains. No solid waste disposal unit shall be located in an area of Special Flood Hazard (100 year flood plain) as identified on the applicable Flood Insurance Rate Map for Houston County.

99.2.3. Proximity to wetlands. No solid waste disposal facility shall be located on a property containing a wetland as defined by the U.S. Army Corps of Engineers.

99.2.4. Proximity to jurisdictional boundaries. No solid waste disposal facility shall be located within 0.5 miles of an adjoining county border, unless the applicant receives approval of the facility plan from the adjoining county's governing body.

99.2.5. Proximity to water supply watersheds. No solid waste disposal facility shall be located within 100 feet of the boundaries of a water supply watershed for a public drinking water system as identified by the Georgia Department of Natural Resources.

99.2.6. Proximity to protected river corridors. No solid waste disposal facility shall be located within 100 feet from the top of the bank of the Ocmulgee River.

99.2.7. Proximity to Regionally Important Resources. No solid waste disposal facility shall be located within 100 feet of the boundaries of any Regionally Important Resource designated by the Georgia Department of Community Affairs.

## SECTION 99

### *APPENDIX*

**Biomedical Waste** means any solid waste which contains pathological waste, biological waste, cultures, and stocks of infectious agents and associated biological, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials, which have not been contaminate, as further defined in Rule 15.

**Biomedical Waste/Medical Waste Incinerator** means any land and/or structure used to burn or incinerate biomedical waste.

**Composting** means the controlled biological decomposition of organic matter into a stable, odor free humus.

**Composting Facility** means any land and/or structure used to store organic matter during the composting process.

**Construction/Demolition Waste** means waste building materials and rubble resulting from construction, remodeling, repair, and demolition operation on pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to asbestos containing waste, wood, bricks, metal concrete, wall board, paper cardboard, inert waste landfill material, and other nonputrescable wastes which have a low potential for groundwater contamination.

**Construction/Demolition Landfill** means any land and/or structure used for final disposal of construction/demolition waste.

**Disposal Facility** means any facility or location where the final disposition of solid waste occurs and includes, but is not limited to, land filling and solid waste thermal treatment technology facilities.

**Hazardous Waste** means any solid waste, which has been defined as a hazardous waste in regulations promulgated by the Board of Natural Resources, Chapter 391-3-11.

**Hazardous Waste Facility** means any land and/or structure used to treat, store, or dispose of hazardous wastes.

**Inert Waste Landfill** means a disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trash, stumps, limbs and leaves. This definition excludes industrial and demolition waste not specifically listed above.

**Landfill** means an area of land on which or an excavation in which a solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile. Permanent disposal requires the placement of daily intermediate and/or final earth, synthetic cover over the solid waste.

**Leachate Collection System** means a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

**Linear** means a continuous layer of natural or man-made materials, beneath or on the sides of a disposal site or disposal site cell which restricts the downward or lateral escape of solid waste, solid waste constituents, or leachate.

**Municipal Solid Waste** means any solid waste resulting from the operation of residential, commercial, governmental, or institutional establishments except such solid waste disposed of in private industry solid waste disposal facility. The term includes yard trash, but does not include solid waste from mining, agricultural, or silvicultural operations.

**Municipal Solid Waste Disposal Facility** means any facility or location where the final disposition of any amount of municipal solid waste occurs, whether or not mixed with or including other waste allowed under Subtitle D of the Federal Resource Conservation and Recovery Act of 1976, as amended, and includes, but is not limited to, municipal solid waste landfills and solid waste thermal treatment technology facilities.

**Municipal Solid Waste Landfill** means a disposal facility where any amount of municipal solid waste, whether or not mixed with or including other waste allowed under Subtitle D of the Federal Resource Conservation and Recovery Act of 1976, as amended, is disposed of by means of placing an approved cover thereon.

**Putrescable Waste** means wastes that are capable of being quickly decomposed by microorganisms.

**Recovered Materials** means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling whether or not requiring subsequent separation and processing.

**Recovered Materials Processing Facility** means a facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

**Significant Groundwater Recharge Areas** means any area as designated on Hydrologic Atlas 18. Most significant ground Water Recharge Areas of Georgia, 1989, as published by the Georgia Geologic Survey, Environmental Protection Division, Georgia Department of Natural Resources, unless an applicant for a solid waste handling permit or other interested party can demonstrate to the satisfaction of the Director that any area designated on Hydrologic Atlas 18 is or is not, in fact, a significant groundwater recharge area.

**Solid Waste** means discarded putrescable and non putrescable wastes, except water-carried body waste and recovered materials, and shall include garbage; rubbish such as paper, cartons, boxes, wood, tree branches, yard trimmings, furniture and appliances, metal, tin cans, glass, crockery, or dunnage; ashes; street refuse; dead animals; sewage sludges; animal manures; industrial waste such as waste material generated in industrial operations; residue from solid waste thermal treatment technology; food processing wastes; demolition wastes; abandoned automobiles; dredging wastes; construction wastes; and any other waste material in a solid, semisolid, or liquid state not otherwise defined in O.C.G.A. 12-8-20 et seq. Such term shall not include any material which is regulated pursuant to Article 2 of Chapter 5 of Title 12, the Georgia Water Quality Control Act or Chapter 9 of Title 12, the Georgia Air Quality Control Act of 1978.

**Solid Waste Handling Facility** means any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.

**Transfer Station** means a facility used to transfer solid waste from one transportation vehicle to another for transportation to an incinerator, disposal facility or processing operation.

## **Section 100. Telecommunications Tower and Antenna Ordinance**

100.1. Title. This section shall be known and may be referred to as the “Houston County Telecommunications Tower and Antenna Ordinance.

100.2. Authority. This section is enacted pursuant to Houston County’s exclusive zoning and planning authority granted by the Constitution of the State of Georgia. Including but not limited to Article 9, Section 2, Paragraph 4, and Article 9, Section 2, Paragraph 3, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. Section 36-70-3, as well as the general police powers of Houston County and other authority provided by federal, state, and local laws applicable hereto.

100.3. Findings, Purpose and Intent. Houston County finds that the number, height, design, characteristics and location of telecommunications towers and antennas in the County directly affect the public health, safety and general welfare. The County finds that such structures are likely to substantially increase in number in the immediate future. The County further finds that such structures, when inappropriately located, have the potential to pose a danger to surrounding property owners and the general public and substantially detract from the beauty and appearance of the County. The County finds that there is a substantial need directly related to the public health, safety and welfare to comprehensive address those concerns through the adoption of the following regulations. The purpose and intent of the governing authority if Houston County in enacting this section are as follows:

- (a) encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community;
- (b) encourage the joint use of new and existing tower sites;
- (c) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- (d) minimize adverse visual effects of towers through careful design, siting, and vegetative screening;
- (e) avoid potential damage to adjacent properties and personal injury from tower failure and falling ice and debris through engineering, careful siting of tower structures and other requirements;
- (f) ensure compliance with applicable federal statutes and regulations;
- (g) lessen traffic impacts on surrounding residential areas; and



- (h) allow new transmission towers in residential areas only if a comparable site is not available in a non-residential area.

100.4. Definitions. As used in this Section, the following terms shall have the meanings indicated:

- (a) “Antenna tower structure” shall mean man-made trees, clock towers, bell steeples, water tanks, light poles, and similar alternative-design mounting structures that effectively camouflage or conceal the presence of antennas or towers.
- (b) “Antenna or Telecommunications Antennas” shall mean any exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of electromagnetic waves.
- (c) “FAA” shall mean the Federal Aviation Administration.
- (d) “FCC” shall mean the Federal Communications Commission.
- (e) “Governing Authority” shall mean the Board of Commissioners of Houston County.
- (f) “Height” shall mean, when referring to a telecommunication tower, the vertical distance from grade to the highest point of the tower, grade being the average level of the pre-existing or finished surface of the ground adjacent to the exterior of the tower, whichever is lower. When referring to a telecommunications antenna it shall mean the vertical distance from the base of the antenna to its highest point.
- (g) “Tower or Telecommunications Tower: shall mean any structure that is designed or constructed primarily for the purpose of supporting lattice, towers, guy towers, or monopole towers. The term includes radio and television towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

100.5. Scope of Regulations

- (a) Compliance Required. Except as specified in this sub-section, it shall be unlawful for any person to erect, install, construct, enlarge, move, alter or convert any telecommunication tower or antenna or cause the same to be done without Houston County except in accordance with the provisions of the Section 100. Except as otherwise specifically provided herein, all towers and antennas shall also comply with development regulations applicable to the district in which said tower or antenna is located.

- (b) High Limitations. Height limitations applicable to buildings and structures set forth elsewhere in Section 52 (Zoning) shall not apply to towers and antennas which comply with this Section 100.
- (c) Public Property. Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.
- (d) Amateur Radio/Receive-Only Antennas. This ordinance shall not govern any tower or any antenna that does not exceed seventy (70) feet in height and operated by federally-licensed amateur radio station operator. Nor shall it govern any tower or any antenna that is used exclusively as a “receive only” antenna and does not exceed seventy (70) feet in height.

#### 100.6 General Regulations.

The requirements herein set forth shall apply to all towers and antennas governed by this ordinance:

- (a) Application Requirements. Each applicant for telecommunications antenna or tower shall provide the Planning and Zoning Office a survey, sealed by a surveyor registered in the State of Georgia, showing the location of all lot lines, leased areas, easements, access points, structures, screening and landscaping existing on site.

Each applicant shall also submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation signed, and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height regulations, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Planning & Zoning Office to be necessary to assess compliance with this ordinance.

- (b) Siting Requirements. The presence of existing uses or structures on a lot shall not preclude the installation of an antenna or tower on such lot provided said installation is otherwise in accordance with this Section 100. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other requirements, the dimensions of the entire lot shall control, even though the antenna or tower may be located on a leased parcel within such lot.

- (c) Inventory Requirements. Each applicant for an antenna or tower shall provide to the Planning and Zoning Office an inventory of its existing towers that are either within the jurisdiction of the governing authority or within one-quarter mile of the border thereof, including specified information about the location, height and design of each tower. The Planning & Zoning Office may share such information with other applicants applying for permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Planning & Zoning is not, by sharing such information, in any way requesting or warranting that such sites are available or suitable.
- (d) Availability of Suitable Existing Towers or Other Structures. No new tower shall be permitted unless the applicant demonstrates the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence shall be submitted at the time of application which demonstrates that no existing tower or structure can accommodate the applicant's proposed antenna and may consist of any of the following:
- i) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
  - ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;
  - iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
  - iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
  - v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable, or
  - vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (e) Design Requirements.
- i) Telecommunications towers and antennas shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA or FCC, be painted a neutral color, so as to reduce visual obtrusiveness. Said requirements shall not apply to an alternative tower structure.

- ii) At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and build environment.
  - iii) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - iv) Towers shall not be artificially lighted, unless required by the FAA, FCC or other applicable authority. If lighting is required, such lighting shall be to the minimum applicable standards so as to minimize the disturbance to the surrounding views.
  - v) Telecommunications towers and antennas shall be entirely enclosed by a security fence not less than six (6) feet in height and shall be equipped with appropriate anti-climbing device. This requirement shall not apply to alternative tower structures.
  - vi) Telecommunications towers and antennas shall be landscaped with a buffer of plant material that effectively reduces the visual obtrusiveness of the tower site from adjacent uses. Existing tree growth and natural land forms on site shall be preserved to the maximum extent possible. At a minimum a landscape buffer strip ten (10) feet in width shall be provided around the perimeter of the site. Said requirements shall not apply to alternative tower structures.
  - vii) Telecommunications towers and antennas shall be constructed to the minimum height necessary to accomplish their required telecommunications purpose.
- (f) Removal Requirements. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment.

#### 100.7 District Requirements.

Telecommunications towers and antennas shall be specifically permitted as follows:

- (a) Permitted Uses. Telecommunications towers and antennas are authorized as permitted uses (without the need for a Special Use Permit) in the following Zoning districts: Neighborhood Service Commercial Districts (C-1), General Commercial (C-2), Wholesale and Light Industrial (M-1), Industrial (M-2) Districts.

The placement of additional buildings or other supporting equipment used in connection with said tower or antenna is specifically permitted. In addition to meeting all of the development standards specified for the zoning district within which the tower or antenna is located, all telecommunications towers or antennas shall be set back a distance equal to the height of the tower from any off-site structure in residential use including accessory structures, such as barns, designed for regular human use, and from any residential (i.e. R-AG, R-1, R-2, R-3, R-4, R-MH, or PUD)

- (b) Uses Permitted by Special Exception. A Special Use Permit shall be required for any telecommunications tower or antenna in the following districts: Agricultural Residential (R-AG), Single Family Residential (R-1), Single Family Residential (R-2), Single Family Residential (R-2), Two Family Residential (R-3), and Multi-Family Residential (R-4), Mobile Home Residential (R-MH).

1. General. Telecommunications towers and antennas may be erected, installed, constructed, enlarged, moved, or converted only following approval of a Special Exception subject to the following regulations:

- a) The granting of a Special Exception for a Telecommunications Tower or Antenna shall be subject to all provisions of Section 100 of the Comprehensive Land Development Regulations for Houston County except that, notwithstanding the provisions of Section 100, Special Exception for Telecommunication Towers and Antennas shall not expire but shall continue indefinitely or for such time as is established by the Board of Commissioners in a particular case.
- b) In granting a Special Exception, the Governing Authority may impose conditions to the extent the Governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

2. Factors Considered in Granting Special Exception. The governing authority shall consider the following facts in determining whether to issue a Special Exception in addition to those in Section 100 of the Comprehensive Land Development Regulations of Houston County Ordinance:
  - a) Height of proposed tower;
  - b) Proximity of the tower to residential structures and residential district boundaries;
  - c) Nature of uses on adjacent and nearby properties;
  - d) Surrounding topography;
  - e) Surrounding tree coverage and foliage;
  - f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - g) Proposed ingress and egress; and
  - h) Availability of suitable existing towers and other structures as discussed in Section 6(d) of this ordinance.
3. Setbacks. In addition to meeting all of the development standards specified for the applicable zoning district a telecommunication tower or antenna shall be set back a distance equal to the height of the tower for any off-site structure in residential use, including accessory structures, such as barns, designed for regular human use.
4. Alterations. Alterations to existing telecommunication towers or antennas may be permitted, upon approval of the Zoning Officer, provided that such alteration does not result in an increase in the existing telecommunications tower or antenna height by more than twenty (20) feet.

#### 100.8 Decisions.

All final decisions made pursuant to this Section 100 with regard to the Issuance or denial of a Special Exception or development permit for telecommunications towers and antennas shall be in writing and a written record shall be maintained by the Zoning Officer or by the Board of Commissioners, as applicable. Such decisions shall be made within a reasonable time from the date a completed application is duly filed with the Planning & Zoning Office.

100.9 Conflicts.

If any conflicts occur between the terms of this Section 100 and the terms of any other section or ordinance of the County Code, the provision imposing the more restrictive standard shall prevail. If said conflicting provisions are equally restrictive, the provisions of this section shall prevail.

100.10 Severability.

Should any provision of this section be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this section as a whole or any provision thereof other than the provision specifically declared to be invalid. The Board hereby declares that it would have passed this Section 100 and each sub-section, sentences, clause and phrase hereof, irrespective of the fact that any one (1) or more sub-sections, sentences, clauses, or phrases be declared illegal, invalid, or unconstitutional.

## 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 unit 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 112.3 Model Home Building Permit. The provisions of this regulation shall apply for the issuance of a building permit for the exclusive use for a model home prior to the governing body approval of the final plat.

112.3.1 Upon completion of the paving of the streets in a proposed subdivision the County's Building Official and the County's Engineer shall authorize the construction of model homes.

112.3.2 The following criteria shall be used when authorizing the number of Model Home Units to be constructed in a Section or Phase of a subdivision:

1 - 49 lots = 2 model home units  
1 - 99 lots = 3 model home units  
100 - or more = 4 model home units

Four shall be the maximum number of Model Home Units to be constructed in a Section or Phase of a subdivision.

112.3.3 Issuance of the Model Home Building permit is subject to the following:

- ☐ No connection to the proposed water supply can be made prior to final plat approval.
- ☐ No connection to the proposed sanitary sewer system can be made prior to final plat approval.
- ☐ No final construction approval or final power will be issued prior to final plat approval.

I, \_\_\_\_\_ hereby acknowledge that I am the owner of the subdivision development and agree to abide by the statements checked above.

\_\_\_\_\_  
Owner/Permittee

\_\_\_\_\_  
Date:

112.3.4 Release of Liability. A signed release of liability shall be placed on the application for a Model Home Building permit as follows:

I hereby release and hold harmless Houston County from any damages or claims arising from the unavailability of water or access needed for the appropriate response of emergency services (Fire, Law Enforcement, Emergency Medical Services) while constructing homes on the lot(s) noted below.

Block/Lot Number(s): \_\_\_\_\_

Subdivision Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_

\_\_\_\_\_  
Date

### **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 to 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 &amp; 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') <sup><u>3</u></sup> (40') <sup><u>4</u></sup>	27' (24') <sup><u>3</u></sup>	27' (24') <sup><u>3</u></sup>	27' (10') <sup><u>5</u></sup>
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' <sup><u>6</u></sup>

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

<sup>2</sup> Commercial

<sup>3</sup> Edge of pavement to edge of pavement

<sup>4</sup> Curb and Gutter with on-street parking

<sup>5</sup> One way

<sup>6</sup> 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:

	Expressways, Freeways, Arterial Streets	Collector Streets	Other Streets
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 \_\_\_\_.

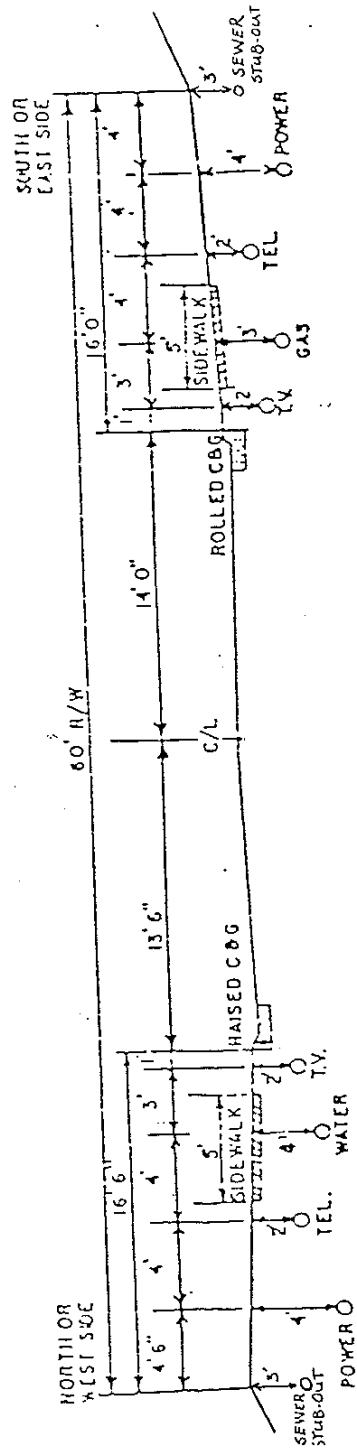
Houston County Planning and Zoning  
Commission

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**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.

156.5



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 4<sup>th</sup> 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 17<sup>th</sup> day of February, 1981.

## **APPENDIX**

### **Appendix A. Solar Energies Systems.**

#### **Section A-100. Definitions.**

As used in this ordinance, unless the context otherwise requires, the following definitions shall apply:

*Solar Energy System (SES)*: means a device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications.

For purposes of the Houston County zoning code, SES refers only to (1) photovoltaic SESs that convert solar energy directly into electricity through a semiconductor device or (2) solar thermal systems that use collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

SES as used in the Houston County zoning code excludes concentrated solar power, which uses mirrors to focus the energy from the sun to produce electricity.

*Ground Mounted Solar Energy System*: means an SES that is structurally mounted to the ground and does not qualify as an Integrated SES. For purposes of the Houston County zoning code, any solar canopy that does not qualify as an Integrated SES shall be considered a Ground Mounted SES, regardless of where it is mounted.

The *Footprint* of a Ground Mounted SES is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the functioning of the SES, such as transformers and inverters. The Footprint does not include any visual buffer or perimeter fencing. Transmission lines (or portions thereof) required to connect the SES to a utility or consumer outside the SES perimeter shall not be included in calculating the Footprint.

Ground Mounted SESs shall be delineated by size as follows:

- *Small Scale Ground Mounted Solar Energy System (Small Scale SES)* means a Ground Mounted SES with a Footprint of less than 1 – 5 acres.
- *Intermediate Scale Ground Mounted Solar Energy System (Intermediate Scale SES)* means a Ground Mounted SES with a Footprint of between 5 and 50 acres.
- *Large Scale Ground Mounted Solar Energy System (Large Scale SES)* means a Ground Mounted SES with a Footprint of more than >50 acres.

#### **Section A-101. Applicability.**

A-101.1. This article applies to the siting, construction, installation, and decommissioning of any new SES to be constructed or installed after the effective date of this ordinance within the jurisdiction of unincorporated Houston County.

A-101.2. Any SES that, prior to the effective date of this ordinance, is in operation shall be exempt from complying with this ordinance, unless the Footprint of a Ground Mounted SES is increased by more than 25% after the effective date of this ordinance.

A-101.3. Unless otherwise expressly stated herein, an SES shall comply with all applicable federal, state, and local laws, including the requirements of the County zoning code and applicable building, fire, electric, and plumbing codes. If a provision in this ordinance directly conflicts with a requirement of the County zoning code, this ordinance shall control.

## **Section A-102. General Requirements for All Ground Mounted Solar Energy Systems.**

The following requirements apply to all Ground Mounted SESs, in addition to the specific requirements in this ordinance that apply to Intermediate and Large Scale SESs respectively.

A-102.1. Solar Access. Consistent with O.C.G.A. § 44-9-20 et seq., a property owner may obtain a solar easement from another property owner for the purpose of ensuring a Ground Mounted SES adequate exposure to sunlight.

A-102.2. Impervious Surface. Ground mounted structures and components of the Ground Mounted SES, including transformers and foundations, shall be considered impervious. However, for purposes of compliance with the County zoning code's impervious surface coverage requirements, the panels of a Ground Mounted SES shall be considered pervious if they maintain sheet flow and allow for water to infiltrate under and around them through a pervious surface and into the subsoil.

A-102.3. Lighting. To reduce light pollution, lighting of a Ground Mounted SES shall:

A-102.3.1. be limited to the minimum reasonably necessary for its safe operation;

A-102.3.2. be directed downward where reasonably feasible;

A-102.3.3. incorporate full cut-off fixtures; and

A-102.3.4. reasonably utilize motion sensors.

A-102.4. Tree Removal. The removal of trees or natural vegetation for a Ground Mounted SES shall be avoided to the extent reasonably practicable and shall comply with Section 83 of the Comprehensive Land Development Regulations.

A-102.5. Decommissioning. Unless otherwise approved by Houston County, decommissioning shall begin no later than 12 months after a Ground Mounted SES has ceased to generate electricity or thermal energy:

A-102.5.1. for a Ground Mounted SES allowed without a permit, within 6 months of the beginning of decommissioning, the SES and all structures associated with it shall be removed, all materials shall be recycled or otherwise reused to the extent reasonably practicable, and the property shall be returned to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use; and

A-102.5.2. for a Ground Mounted SES allowed with a permit, the SES shall be decommissioned in accordance with the most recent decommissioning plan approved by Houston County, and as further described in the Special Use Permit provision of this ordinance.

## **Section A-103. Specific Requirements for Intermediate Scale Solar Energy Systems.**

The following requirements apply to Intermediate Scale SESs, in addition to the general requirements in this ordinance that apply to all Ground Mounted SESs.

A-103.1. Setbacks. An Intermediate Scale SES shall comply with the following

setback requirements:

A-103.1.1. the Intermediate Scale SES shall be located no closer than the lesser of (a) 10 feet from any property line, or (b) the required setback for the applicable zoning district, if any;

A-103.1.2. the Intermediate Scale SES shall be located no closer than the required setback for the applicable zoning district, if any; and

A-103.1.3. the Intermediate Scale SES shall be located no closer than 50 feet from any residential dwelling unit on an adjacent lot.

A-103.2. Visual Buffers. An Intermediate Scale SES in a residential or agricultural district shall have, to the extent reasonably practicable, a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that provides a reasonable visual and lighting screen to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural land forms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer must be established and maintained in accordance with the most recent visual buffer plan approved by Houston County, and as further described in the Special Use Permit provision of this ordinance.

A-103.3. Signage. An Intermediate Scale SES:

A-103.3.1 shall display signs (a) stating the risks that may result from contact with an Intermediate Scale SES, (b) identifying the owner or operator of the Intermediate Scale SES, and (c) providing a 24-hour emergency contact phone number;

A-103.3.2. shall comply with the requirements of the applicable zoning district for displaying any advertisement; and

A-103.3.3. may have signs that contain educational information about the Intermediate Scale SES.

#### **Section A-104. Specific Requirements for Large Scale Solar Energy Systems.**

The following requirements apply to Large Scale SESs, in addition to the general requirements in this ordinance that apply to all Ground Mounted SESs.

A-104.1. Setbacks. A Large Scale SES shall comply with the following setback requirements:

A-104.1.1. the Large Scale SES shall be located no closer than 50 feet from any property line;

A-104.1.2. the Large Scale SES shall be located no closer than 50 feet from any public right-of-way; and

A-104.1.3. the Large Scale SES shall be located no closer than 150 feet from any residential dwelling unit on an adjacent lot.

A-104.2. Visual Buffers. A Large Scale SES shall have, to the extent reasonably practicable, a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that provides a reasonable visual and lighting screen to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural land forms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer

must be established and maintained in accordance with the most recent visual buffer plan approved by Houston County, and as further described in the Special Use Permit provision of this ordinance.

**A-104.3. Signage.** A Large Scale SES:

**A-104.3.1.** shall display signs (a) stating the risks that may result from contact with a Large Scale SES, (b) identifying the owner or operator of the Large Scale SES, and (c) providing a 24-hour emergency contact phone number;

**A-104.3.2.** shall comply with the requirements of the applicable zoning district for displaying any advertisement; and

**A-104.3.3.** may have signs that contain educational information about the Large Scale SES.

**Section A-105. Special Exception Application.**

In addition to the general requirements for a Special Exception application set forth in the County zoning code, the following shall be contained in any Special Use Permit application for an SES:

**A-105.1. Basic Information.** The applicant shall submit a document that lists the following:

**A-105.1.1.** the address of the property on which the SES will be located;

**A-105.1.2.** the applicant's name, address, telephone number, and email address;

**A-105.1.3.** the property owner's name, address, telephone number, and email address;

**A-105.1.4.** if known, the SES operator's name, address, telephone number, and email address;

**A-105.1.5.** if known, the installation company's name, address, telephone number, email address, and license number; and

**A-105.1.6.** evidence of the applicant's control of the property, such as a deed, lease, or option agreement with the landowner.

**A-105.2. Planning.** The applicant shall submit the following, based on the most current and accurate information reasonably available:

**A-105.2.1.** a site plan of the property that depicts the locations of all existing and proposed structures (including solar arrays, inverters, transformers, electrical substations, and buildings), property lines, rights-of-way, roads, required setbacks, and visual buffers;

**A-105.2.2.** a topographic map that depicts vegetative cover, watersheds, or wetlands on the property;

**A-105.2.3.** a visual buffer plan that demonstrates that any visual buffer (a) minimizes impacts of the SES on adjacent residential dwelling units, as required by this ordinance, (b) preserves natural tree growth and natural land forms along the SES perimeter, as required by this ordinance, and (c) adheres to any additional visual buffer requirements of the County zoning code that may further minimize impacts of the SES on the community character;

**A-105.2.4.** a decommissioning plan that contains the following:

**A-105.2.4.1.** the name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing

- the decommissioning plan;
  - A-105.2.4.2. a statement of conditions that require the decommissioning plan to be implemented;
  - A-105.2.4.3. as part of decommissioning, a removal plan that identifies all structures, components, and non-utility owned equipment that shall be removed;
  - A-105.2.4.4. as part of decommissioning, a plan for recycling or otherwise reusing all materials to the extent reasonably practicable;
  - A-105.2.4.5. as part of decommissioning, a restoration plan to return the property to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use after the SES is removed; and
  - A-105.2.4.6. a timeline to complete decommissioning.
- A-105.3. Certifications. The applicant shall submit an affidavit that provides, to the best of the applicant's knowledge:
- A-105.3.1. construction and operation of the SES will comply with all applicable federal and state laws;
  - A-105.3.2. construction and operation of the SES will comply with all local laws, including the requirements of the County zoning code, unless waived by Houston County; and
  - A-105.3.3. commercial general liability insurance will be maintained throughout the siting, construction, installation, operation, and decommissioning of the SES.

#### **Section A-106. Special Exception Review.**

- A-106.1. Upon receiving a Special Exception application for an SES, Houston County shall conduct permitting proceedings in accordance with the requirements of County zoning code.
- A-106.2. A Special Exception application may be denied if Houston County determines the SES does not comply with the requirements of the County zoning code.
- A-106.3. The applicant's appeal rights are consistent with those rights expressed in the County zoning code.