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ARTICLE 1. - INTRODUCTION

Section 1.1. - Short title.

This document is entitled "The Land Use Ordinance of Coolidge County, USA." It may also be known by and cited by the short title of "Coolidge County Land Use Ordinance."

Section 1.2. - Authority.

The power of a local government to enact an ordinance such as this, which is intended to protect the public health, safety, and welfare, is provided by the provisions of the constitution and laws of the State of USA.

Section 1.3. - Jurisdiction.

This document applies to all land within the unincorporated areas of Coolidge County, USA.

Section 1.4. - Purposes.

- (a) The land use ordinance of this county seeks to enhance and preserve the rural and agricultural nature of the County, encourage the development of desirable land use patterns within the county in accordance with the county comprehensive plan. The promotion of sound land use patterns is intended to reduce or eliminate the occurrence of certain conditions that can threaten the general health, safety, and welfare of the residents of the county. When development occurs near agricultural operations, provisions for "Certificates of Adjacency" can provide an additional protection for the County's farming and timbering interests. This document should serve the following purposes:
- (1) Reduce the occurrence of hazardous traffic patterns and general congestion.
 - (2) Secure safety from fire, panic, and other dangers.
 - (3) Assure that adequate light and air is provided.
 - (4) Prevent the overcrowding of land, urban sprawl, and undue concentration of population.
 - (5) Facilitate the adequate provision of public utilities, the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements and facilities.
 - (6) Promote adequate living conditions and sustained suitability of neighborhoods.
 - (7) Protect property against blight and depreciation, which will result in lowered property values.
 - (8) Promote the proper location, height, bulk, number of stories and size of buildings and other structures, the size of yards, courts, and the use of other open spaces, the use of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, public activities, and other purposes.
 - (9) Encourage the most appropriate use of land, buildings, and structures and for other purposes.
 - (10) Protect agricultural land from encroachment by residential and industrial uses.
 - (11) Provide Pre-Notice to potential residential and industrial users of their proposed location near agricultural areas as well as common nuisances that may occur there.
- (b) Additional benefits to the public interest that can accrue from the development of sound land use patterns are as follows:
- (1) Efficient development and use of community utility networks.
 - (2) Economy in governmental expenditures.
 - (3) A higher level of convenience, order, prosperity, and aesthetics.

Section 1.5. - Content.

This document provides for the following:

- (a) Provides a historical and contextual basis for this Document.
- (b) Establishes certain land use districts and specifies the boundaries of those districts.
- (c) Provides procedures for administering and amending the ordinance.
- (d) Provides penalties for violation of this document.
- (e) Defines the powers and duties, as they relate to this document, of the Board of Commissioners, as well as such administrative officers, bodies, and agencies as the Board of Commissioners may establish for the efficient exercise of this document
- (f) Defines certain terms used in this document
- (g) Repeals conflicting ordinances.

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ARTICLE II – HISTORY

(Note: this document will change upon presentation to the Commissioners as it is ongoing)

In 2014, citizens began raising concerns to the Board of Commissioners concerning the potential location of salvage yards and mobile home parks near large agricultural (onion) fields. These citizens cautioned the Board of Commissioners that the State Department of Agriculture and others were already warning them concerning deer in their fields and how that may affect their certifications. These citizens worried varmints could locate nearby if certain areas were allowed near their fields.

Because Agriculture makes up a *\$135 million* industry in Toombs County, the Board of Commissioners took these statements to heart and began researching what may be done to prevent this dilemma.

In 2015, the Board of Commissioners appointed a five member committee to research surrounding communities and draft a proposal for resolving the above problem. The committee was heavily weighted to consider agricultural interested with two farmers, one timber harvester, and two retired general contractors. The committee met for over one year. Because their names were publically listed as being members of this committee, they received constant questions and feedback from their friends and neighbors in the community. Committee members worked the community comments into their meetings. Committee members also reviewed land use documents from counties across the state including Bulloch, Colquitt, Coffee, Laurens, and Stephens. Though many avenues were discussed, the conversation seemed to always turn to only one possible answer to protect the current use and values of land: a comprehensive land use plan.

In September 2016, the committee returned its draft report of a Land Use ordinance to the Board of Commissioners. The Board of Commissioners thanked the committee for its work but requested five public hearings must be held at various rural parts of the County to engage and receive all citizen input before the Board of Commissioners would consider moving forward with this plan.

Today, we are carrying out those various public meetings to solicit additional input from others and offer to explain the affects of this proposed ordinance. Thank you for your presence here today. Your input is critical to this process and could have a dramatic affect on the final outcome.

ARTICLE III. – LAND USE DISTRICTS

Section 3.0. – Land Use Districts Generally.

Coolidge County is hereby divided into 11 land use districts known as follows:

Agricultural/Forestry Districts:

Section 3.0.1 - Special Agricultural district requirements and protection-“Notice of Adjacency”

Agricultural districts include uses of land primarily for active farming and timbering operations resulting in odors, noise, dust and other effects, which are often not compatible with adjacent single family, multi-family and some commercial developments.

Future abutting development in non-agricultural land use districts, and all development in Agricultural Districts, shall be provided with a "Notice of Adjacency" affidavit: (1) at the time a land use change application to a district other than an agricultural district; (2) prior to application for a building or occupancy permit for property adjacent to an Agricultural district.

Prior to administrative action on either the land use change or the issuance of a building occupancy permit, the applicant shall be required to sign a waiver form, prepared by the planning director, which states that the applicant understands that an agricultural operation is adjacent to their proposed use, and that this operation will produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent Agricultural district use, the applicant agrees by signing the form to waive any objection to those effects and understands that the proposed district land use change and/or proposed building permits are issued based upon their agreement not to bring any action against local governments and adjoining landowners whose property is located in an Agricultural district, by asserting that the adjacent uses in the Agricultural district constitute a nuisance.

Following the execution of a "Notice of Adjacency" agreement, said agreement shall be component of the deed of the adjacent property and shall be honored as property ownership is transferred or until the use in the Agricultural district is no longer in existence. Any such notice or acknowledgement provided to or executed by a landowner in or adjoining a tract in an Agricultural district shall be a public record.

Nothing in this section shall limit the requirement for any agricultural or timbering operation to meet the requirements of all applicable Federal and State statutory and regulatory requirements.

Section 3.1 AG: Agriculture-General

Agriculture-General District is designed for areas that are within an agricultural/residential mixed use. The area is primarily for farming and forestry, but parcel sizes are smaller than for high intensity farming.

Sec. 3.1.0 - Permitted uses.

- (a) Agricultural uses, including field crops, fruits, vegetables, nuts, forestry products, commercial greenhouses, plant nurseries, livestock and poultry grazing, feed lots, turkey ranges and livestock and poultry operations provided they meet all district minimum requirements and all minimum requirements of these regulations.
- (b) Farm structures, including barns, grain storage facilities, implement sheds and other structures accessory to agricultural uses.

- (c) Residences, single family detached, including manufactured homes and modular homes, provided that one such residence is permitted per lot and provided further that such dwelling is farm related subordinate to the principal use of agriculture.
- (d) Accessory uses and structures normally incidental and subordinate of one or more permitted principal uses.
- (e) Accessory uses and structures normally incidental and subordinate to one or more permitted principal uses.
- (f) Agricultural uses including gardens and the raising of farm animals for the property owner's use and limited selling.

Sec. 3.1.1 - Conditional uses.

- (a) Home occupations and home-based businesses which: (1) are related to and/or compatible with agricultural uses and (2) meet the requirements of these regulations.
- (b) Public structures and uses.
- (c) Secondary residences provided that such dwelling is farm-related and subordinate to the principal use of the property, and that the placement of such residence meets all criteria of these regulations and the Coolidge County Subdivision Regulations.
- (d) Agriculture-related recreation developments, including but not limited to private or public fishing lakes and horse-backing riding, provided a comprehensive plan for the area is submitted.
- (e) Churches, temples, synagogues, places of worship and cemeteries.
- (f) Golf courses.
- (g) Home-based businesses which: (1) are related to and/or compatible with agricultural uses and (2) meet the requirements of these regulations.
- (h) Parks, playgrounds, community centers, tennis courts, swimming pools and other small-scale recreational facilities operated on a non-profit basis.
- (i) Public, parochial and private schools; and related non-profit educational institutions.

Sec. 3.1.2. - Design standards.

The following design standards shall apply in AG District:

- (a) Minimum lot area: One acre
- (b) Minimum lot width: 100 feet.
- (c) Minimum yard setbacks:
 1. *Front*: 40 feet.
 2. *Rear*: 10 feet
 3. *Side*: 10 feet.
- (d) Manufactured housing allowed: Yes
- (e) Setback for animal enclosures (non-commercial): 60' from any property line.

Section. 3.2 AI: Agriculture-Intensive

Agriculture-Intensive District is designed for areas that are predominately used for farming, dairying, forestry, and related activities, to protect and preserve those uses.

Sec. 3.2.0 - Permitted uses.

All permitted uses in the AG district are also permitted in the AI district.

Sec. 3.2.1. - Conditional uses.

- (a) Home occupations and home-based businesses which: (1) are related to and/or compatible with agricultural uses and (2) meet the requirements of the regulations.
- (b) Secondary residences provided that such dwelling is farm-related and subordinate to the principal use of the property, and that the placement of such residence meets all criteria of these regulations and the Coolidge County Subdivision Regulations.
- (c) Churches, temples, synagogues, places of worship and cemeteries.
- (d) Public structures and uses.
- (e) Golf courses.
- (f) Livestock and poultry operations provided they meet all district minimum requirements.

Sec. 3.2.2. - Design standards.

The following design standards shall apply in AI District:

- (a) Minimum lot area: Ten acres
- (b) Minimum lot width: 200 feet.
- (c) Minimum yard setbacks:
 - 1. *Front*: 40 feet.
 - 2. *Rear*: 10 feet
 - 3. *Side*: 10 feet.
- (d) Manufactured housing allowed: Yes
- (e) Setback for animal enclosures: 200' from any property line.

Section 3.3 AB: Agriculture-Business

Agriculture-Business District is designed for areas that include smaller sales and service businesses for support of the rural areas of the County. These would include gas stations and convenience stores, small retail businesses, farm supply and other support facilities.

Sec. 3.3.0 - Permitted uses.

- (a) Retail gas sales.
- (b) A general store, convenience-type.
- (c) Small feed stores, hardware stores and nurseries.
- (d) Animal hospitals or veterinarian clinics.

Sec. 3.3.1. - Conditional uses.

- (a) Campgrounds and commercial fishing ponds.
- (b) Public uses.

Section 3.3.2. - Design standards.

The following design standards shall apply in AB District:

- (a) Minimum lot area: 1.5 acres
- (b) Minimum lot width: 150 feet.
- (c) Minimum yard setbacks:
 - 1. *Front*: 80 feet.
 - 2. *Rear*: 30 feet
 - 3. *Side*: 15 feet.
- (d) Manufactured housing allowed: No

Residential Districts:

Section 3.4 R-1: Single Family Residential-Low Density

This district is established to provide suitable areas where the construction of low density, single family homes in quiet, stable, affordable neighborhoods, free of other land uses except those which are compatible with, and convenient to the residents of such district.

Sec. 3.4.0 - Permitted uses.

- (a) Residences, single-family detached, provided that only one such residence is permitted per lot.
- (b) Accessory uses and structures normally incidental and subordinate to one or more permitted principal uses.

Sec. 3.4.1. - Conditional uses.

- (a) Home occupations and home-based businesses meeting these regulations requirements.
- (b) Parks, playgrounds, community centers, tennis courts, swimming pools and other small-scale recreational facilities operated on a non-profit basis.
- (c) Public structures and uses.
- (d) Public, parochial, private schools, and related educational institutions not offered for profit.
- (e) Churches, temples, synagogues, places of worship and cemeteries.

Sec. 3.4.2. - Design standards.

The following design standards shall apply in R-1 District:

- (a) Minimum lot area: One acre
- (b) Minimum lot width: 80 feet.
- (c) Minimum yard setbacks:
 - 1. *Front*: 30 feet.
 - 2. *Rear*: 20 feet
 - 3. *Side*: 10 feet.
- (d) Manufactured housing allowed: No

Section 3.5 R-2: Single Family Residential-Medium Density

This district is established to provide suitable areas where the construction of single family homes occurs on smaller lots, providing for more affordable housing while retaining the stability of single family housing district.

Sec. 3.5.0 - Permitted Uses:

All Permitted Uses in the R-1 District are permitted in the R-2 District.

Sec. 3.5.1 - Conditional Uses:

All Conditional Uses in the R-1 District are considered Conditional Uses in the R-2 District.

Sec. 3.5.2. - Design standards.

The following design standards shall apply in R-2 District:

- (a) Minimum lot area: One-half acre
- (b) Minimum lot width: 80 feet.
- (c) Minimum yard setbacks:
 - 1. *Front*: 30 feet.
 - 2. *Rear*: 20 feet
 - 3. *Side*: 10 feet.
- (d) Manufactured housing allowed: No

Section 3.6 R-3: Single Family Residential With Manufactured Housing Allowed

This district is established to allow the placement of manufactured (mobile) housing in a single family, medium density environment.

Sec. 3.6.0 - Permitted Uses:

All Permitted Uses in the R-2 District are permitted in the R-3 District.

Sec. 3.6.1 - Conditional Uses:

All Conditional Uses in the R-2 District are considered Conditional Uses in the R-3 District.

Sec. 3.6.2. - Design standards.

The following design standards shall apply in R-3 District:

- (a) Minimum lot area: One-half acre
- (b) Minimum lot width: 70 feet.
- (c) Minimum yard setbacks:
 - 1. *Front*: 30 feet.
 - 2. *Rear*: 20 feet
 - 3. *Side*: 10 feet.
- (d) Manufactured housing allowed: Yes

Section 3.7 MHP: Manufactured (Mobile) Home Park

This district is established to provide for higher density housing utilizing manufactured homes. The Park can be owned by a developer who can rent homes and/or lots, or can be owned by

individual residents who organize into a homeowner's association which is responsible for adherence to all codes and standards.

Sec. 3.7.0. - Permitted uses.

The following shall be permitted uses in an MHP district:

- (a) Manufactured home parks.
- (b) Accessory structures or uses located within the park which are used for service, maintenance, recreation, or administrative functions directly related to the operation of the manufactured home park.

Sec. 3.7.1. – Conditional Uses

The following shall be special uses permitted after approval of the planning commission and county commission. in an MHP district:

- (a) Churches.

Sec. 3.7.2 - Design standards.

The following design standards shall apply in MHP District:

- (a) Minimum park area: Ten acres
- (b) Minimum park frontage: 200 feet.
- (c) Minimum park setbacks:
 - 1. *Front*: 80 feet.
 - 2. *Rear*: 40 feet
 - 3. *Side*: 40 feet.
- (d) Minimum lot setbacks:
 - 1. *Front*: 30 feet.
 - 2. *Rear*: 20 feet
 - 3. *Side*: 10 feet
- (e) Minimum lot frontage: 60 feet
- (f) Buffers required on all park property lines

Commercial and Industrial Districts:

Section 3.8 GC: General Commercial

This district is established to provide areas suitable for a wide range of retail, professional, business and entertainment activities that rely on access to vehicular traffic, concentrated infrastructure, and are not compatible with residential uses.

Sec. 3.8.0. - Permitted uses.

- (a) Any use permitted in the AB district.
- (b) Restaurants, including drive-in and drive-through facilities.
- (c) Retail trade establishments, enclosed and unenclosed.
- (d) Lodging facilities, hotels, motels and inns.

- (e) Hospitals, medical clinics and related medical facilities involving professional care and treatment.
- (f) Institutional uses such as colleges, universities and technical training facilities.
- (g) Financial institutions with drive-through facilities.
- (h) Civic auditoriums, assembly halls, amphitheaters and stadiums.
- (i) Office support, supply and copying establishments.
- (j) Full-service gas stations and convenience stores.
- (k) Manufactured home sales and services.
- (l) Radio and television studios and stations (associated towers must meet requirements of the Code of Coolidge County, Georgia and/or tower ordinance of the Code of Coolidge County, Georgia).
- (m) Accessory uses and structures normally incidental to permitted principal use.
- (n) Accessory commercial recreational facilities, including health clubs and spas, but not including such businesses as firearm shooting ranges and racetracks.
- (o) Home and office appliances—Sales, service, rental and repair.
- (p) Road and home construction.

Sec. 3.8.1. - Conditional uses.

- (a) Pawn shops.
- (b) Flea markets.
- (c) Pet kennels and grooming establishments.
- (d) Recycling pick-up centers.
- (e) Truck stops and truck terminals.
- (f) Small travel terminals.
- (g) Small printing establishments.
- (h) Indoor shooting ranges.
- (i) Churches and cemeteries.
- (j) Public and private schools.
- (k) Public uses.
- (l) Automotive services, sales and repair.

Sec. 3.8.2 - Design standards.

The following design standards shall apply in CG District:

- (a) Minimum lot area: One acre
- (b) Minimum lot width: 200 feet.
- (c) Minimum yard setbacks:
 1. *Front*: 80 feet.
 2. *Rear*: 30 feet
 3. *Side*: 15 feet.

Section 3.9 LI-W: Light Industrial and Wholesale

This district is established to provide areas for wholesale and light industrial uses which do not create excessive noise, odor, smoke, dust, or other objectionable characteristics. They often provide buffers between heavy industry and other uses.

Sec. 3.9.0. - Permitted uses.

The following uses shall be permitted in a LI-W district:

- (a). Airports, including related facilities customarily found in airports, such as:
 1. Car rental agencies.
 2. Facilities for the servicing, repair and maintenance of aircraft.
 3. Restaurants, newsstands, gifts, etc., when located within the passenger terminal building.
 4. Warehouses and storage buildings for air freight.
 5. Bulk storage of flammable liquids.
- (b) Bulk storage of flammable liquids.
- (c) Coal yards.
- (d) Cold storage plants.
- (e) Commercial laundries.
- (f) Dental, optical and surgical goods manufacturing.
- (g) Dry cleaning and carpet cleaning industries.
- (h) Electricity generating plants and storage facilities.
- (i) Electric and gas service buildings and storage yards.
- (j) Electronics components assembly, including the manufacturing of computers.
- (k) Food packaging and canning.
- (l) Freight truck terminals, railroad storage facilities.
- (m) Furniture manufacturing.
- (n) Jewelry manufacturing.
- (o) Junkyards and/or used auto parts yards.
- (p) Laboratories, research and testing.
- (q) Labor union hiring hall and offices.
- (r) Manufacturing of household appliances.
- (s) Open storage of sand, gravel, stone, lumber and other building materials. The storage area shall be completely enclosed with a solid masonry wall or chain link fence at least six feet in height.
- (t) Patternmaking shop.
- (u) Pharmaceutical products manufacturing.
- (v) Printing and engraving; publishing.
- (w) Processing of dairy products; milk bottling and distribution.
- (x) Processing of grains, nutmeats, fruits, vegetables and other agricultural products.

- (y) Public utility facilities, including storage yards.
- (z) Salvage yards.
- (aa) Soda water and soft drink bottling establishments.
- (bb) Textile plant, clothes manufacturing.
- (cc) Toiletries and cosmetic manufacturing.
- (dd) Tool and dye shops. Machine shops. Motor vehicle repair shops.
- (ee) Truck stop, truck terminals.
- (ff) Vocational, technical or trade schools.
- (gg) Warehousing, wholesaling, storage and distribution centers.
- (hh) Wood/lumber treatment and processing plant.
- (ii) Wrecked motor vehicle compound.

Sec. 3.9.1 – Conditional Uses

Reserved because of the number of uses permitted in Sec. 3.9.0.

Sec. 3.9.2. - Design standards.

The following design standards shall apply in LI-W District:

- (a) Minimum lot area: Two acres
- (b) Minimum lot width: 150 feet.
- (c) Minimum yard setbacks:
 1. *Front:* 80 feet.
 2. *Rear:* 30 feet
 3. *Side:* 15 feet.

Section 3.10 HI: Heavy Industrial

This district is established to provide areas for intensive industrial activities which may create objectionable conditions above those allowed in LI-W District.

Sec. 3.10.0 - Permitted Uses:

All uses in LI-W District.

Sec. 3.10.1 - Conditional Uses:

Special uses will be permitted after recommendation of planning commission and approval by Board of Commissioners.

Sec. 3.10.2. - Design standards.

The following design standards shall apply in HI District:

- (a) Minimum lot area: Five acres
- (b) Minimum lot width: 200 feet.
- (c) Minimum yard setbacks:

1. *Front:* 80 feet.
2. *Rear:* 40 feet
3. *Side:* 30 feet.

Section 3.11 CI-A: Commercial/Industrial Adult

This district is established to provide and restrict areas of adult entertainment and/or sale of adult or sexually oriented items. This district will be located within the Heavy Industrial district.

Sec. 3.11.0 – Permitted Uses

All uses in this District are subject to recommendation by Planning Commission and approval by Board of Commissioners.

Sec. 3.11.1 – Conditional Uses

None

Design Standards:

The following design standards shall apply in HI District:

- (a) Minimum lot area: Five acres
- (b) Minimum lot width: 200 feet.
- (c) Minimum yard setbacks:
 1. *Front:* 100 feet.
 2. *Rear:* 100 feet
 3. *Side:* 50 feet.
- (d) Site plan must be submitted with application.

ARTICLE IV. - POWERS AND DUTIES OF VARIOUS OFFICIALS CONCERNING THIS DOCUMENT

Section 4.0. - Purpose.

This article formalizes the powers and duties of the planning administrator, the Planning Commission, the Board of Commissioners, and other officials as may be appropriate where this document is concerned. It should also provide a convenient list of services provided by each official to aid in complying with the requirements of this document.

Section 4.1. - Powers and duties of the Planning Administrator.

The Planning Administrator, or his designee has the power and duty to provide the following services related to this document:

- (a) Provide initial information about this document upon request.
- (b) Advise how to contact members of the Planning Commission, the Board of Commissioners, or other officials as may be appropriate for services provided by those bodies or officials.
- (c) Maintain official land use map on public display.
- (d) Determine in which land use district a parcel of land lies.
- (e) Issue certificates of occupancy under procedures outlined in this document.
- (f) Offer practical suggestions on how to comply with the requirements of this document.
- (g) Maintain complete records concerning this document and related matters, and make such records available to the public upon request.
- (h) Supervise all professional and clerical personnel employed in connection with the performance of the functions of the planning administrator.
- (i) Serve as liaison to the Planning Commission and the Board of Commissioners.
- (j) Issue certificates of land use compliance for all permitted uses as well as for variances or other applicable procedures which are granted by the Planning Commission and the Board of Commissioners.
- (k) Collect data and keep informed as to the best land use practices, in order that he may be qualified to make recommendations to the Planning Commission and the Board of Commissioners concerning amendments to this document.
- (l) Research and make reference to the land use ordinance in connection with each and every application received for variance or other applicable procedures and to make written recommendations to the Planning Commission on each such application as to whether:
 1. The granting of such variance or other applicable procedures would result in an encroachment on existing land uses or land use districts already established on adjoining or nearby neighborhood properties protected by the land use ordinance from such adverse impact.
 2. Sufficient authority exists in the land use ordinance to allow the Planning Commission to grant the variance or other applicable procedures.
- (m) Maintain all written recommendations to other officials of the county in the application file to which each pertains.
- (n) Set off-street parking requirements for certain land uses as necessary, according to procedures contained in the county standard for off-street parking and service facilities.

Sec. 4.2. - Powers and duties of the building official.

The building official has the power and duty to provide the following services related to this document:

- (a) Issue, and when necessary revoke, building permits under the procedures outlined in this document.
- (b) Maintain complete records concerning building permits, and make such records available to the public upon request.
- (c) Supervise all professional and clerical personnel employed in connection with the performance of the functions of the building official.

Sec. 4.3. - Powers and duties of the Planning Commission.

The Planning Commission has the power and duty to provide the following services related to this document:

- (a) Hear appeals from decisions of the planning administrator or building official (*See* Sec 5.9).
- (b) Advise the Board of Commissioners on applications for amendment to the County Land Use Plan by examining amendment applications and providing written recommendations to the Board of Commissioners.
- (c) Dispense general information about this document to the public upon request.
- (d) Propose amendments to this document.
- (e) Advise the Board of Commissioners on matters of land use as it may deem appropriate.

Sec. 4.4. - Powers and Duties of the Board of Commissioners.

The Board of Commissioners has the power and duty to provide the following services related to this document:

- (a) Renders official decisions on applications for conditional uses or amendments to this document after the planning commission has reviewed and made recommendations on the conditional uses or amendments.
- (b) Propose amendments to this document.
- (c) Hear appeals to the decisions of the planning commission and render official decisions on them.
- (d) Any other powers and duties as may be conferred by this document or any other ordinances or laws.

ARTICLE V. - GENERAL PROCEDURES

Sec. 5.1. - Initial information.

- (a) Article 4 outlines the procedures to be followed in order to comply with the requirements of this document. Initial information about the ordinance may be obtained from the planning administrator.
- (b) The planning administrator will provide and maintain copies of the ordinance for review and/or sale.

Sec. 5.2. - Compliance with land use ordinance required.

No building shall be erected, used, occupied, moved or altered nor shall any use be allowed that does not conform to the requirements specified for the district in which such building or use is located, except that all buildings or uses not in conformity with the district requirements which lawfully existed at a particular location at the time this ordinance was originally adopted may be continued but only as provided in Section 5.3, "Continuance of nonconforming uses or structures."

Sec. 5.3. - Continuance of nonconforming uses or structures. AKA "Grandfather Clause"

A lawful use of or vested right to use any building, structure or land existing at the time of the original adoption of this ordinance or the adoption of any amendment thereto may be continued subject to the restrictions contained in this document even though such use does not conform with the regulations of this document except that:

- (a) A nonconforming use or structure shall not be changed to another nonconforming use or structure.
- (b) A nonconforming residential or agricultural structure, provided the use therein is a permitted use, may be enlarged, provided it is an improvement, subject to building codes and regulations, to come into conformity with the land use district development standards, after the date of original adoption of this ordinance or the adoption of any amendments thereto.
- (c) A nonconforming use shall not be reestablished after discontinuance for six months regardless of any reservation of an intent not to abandon. Evidence of discontinuance includes, but is not limited to, disconnection from utility services.
- (d) Any intended nonconforming use for which a vested right was acquired prior to the original adoption of this ordinance or the adoption of an amendment thereto shall be prohibited unless such is actually commenced within one year of the original adoption of this ordinance or the adoption of an amendment thereto regardless of the intent or expectation to commence or abandon such nonconforming use.
- (e) A nonconforming structure shall not be rebuilt, altered, or repaired except as provided herein:
 - a. If the structure is altered or repaired, such alterations or repairs shall be an improvement and in conformity with the building codes and development standards (except for minimum lot area) in force at the time of such alteration or repair.
 - b. If the structure is totally rebuilt, the replacement structure shall conform with all the requirements and development standards (except minimum lot area) of this ordinance, except as to the uses permitted in the particular district.

Sec. 5.4 - Height of fences and walls in a residential land use district.

No fence or freestanding wall, other than a retaining wall, in a required setback area for a residential land use district shall be more than six feet in height above finished grade, except as required for screening. (See Section 5.7).

Sec. 5.5. - Required buffers in commercial and industrial districts.

In any commercial or industrial land use district where a lot abuts any residential district or any adjacent residential use, a 25-foot wide buffer shall be provided with screening as specified in Section 407. Off-street parking associated with such uses shall be governed by this same provision.

Sec. 5.6. - Screening of service areas within 100 feet of Public Street.

Any service area, loading area, refuse, or storage area between a principal building and a public street being visible from such street and lying within 100 feet of such street shall be provided with screening as specified in Section 5.7.

Sec. 5.7. - Screening required.

Whenever **screening** is required by this document, a durable masonry wall, or fence and hedge of sufficient opacity to provide a visual blind designed to be compatible with the character of adjoining properties, shall be provided. Such fences and/or walls shall be at least six feet in height, but no greater than eight feet in height, measured from the ground along the common lot lines of the adjoining properties. When hedges or natural plantings are used (together with the fence prescribed) to form the required screening, the minimum sufficient opacity shall be deemed to require no less than three feet of plantings and/or hedge in the area immediately adjacent to the fence, measured along the ground surface from the fence to the inside border of such plantings and/or hedge plantings. Hedges of comparable natural plantings shall be of such variety that an average height of at least six feet could be expected by normal growth within no later than two years from the time of planting. The building official shall make determination of the degree of satisfactory completion of required screening according to a common standard; the building official's decisions in each instance may be appealed to the Planning Commission.

Sec. 5.8. - Minimum yard setback.

Wherever this document requires a minimum setback between a property line and a building line, unless otherwise indicated, this shall mean the required minimum distance between any point on the property line to the nearest point on the corresponding building line, i.e., the minimum front building line shall be at least the required minimum distance from the front property line, the rear building line shall be at least the required minimum distance from the rear property line, etc.

Sec. 5.9. - Appealing an action of the planning administrator, building official, or planning commission.

- (a) If the planning administrator or building official executes an action which the aggrieved party believes to be contrary to this section, that action may be appealed. Such an appeal must be filed within 30 days of the date on which the action by the planning administrator or building official was taken.
- (b) The planning commission has jurisdiction for hearing appeals concerning actions of the planning administrator or building official related to this section. Applications for appeal may be obtained from and submitted to the planning administrator, who will transmit them to the Planning Commission for its consideration.
- (c) When an action of the planning administrator or building official is appealed, all construction or other activity authorized by the appealed action must be stopped immediately. In certain cases, however, the building official may feel that the stopping of such construction or other activity authorized by the appealed action will cause imminent peril to life or property. Then, the building official may certify to the Planning Commission that, by reason of facts stated in the certificate, the halting of construction or other activity authorized by the appealed action would in his opinion cause imminent peril to life or property. In such cases, the construction or other activity authorized by the appealed action is allowed to continue unless the construction is halted by the planning commission or a restraining order is granted by a court of competent jurisdiction.
- (d) When an application for appeal of an action of the planning administrator or building official is received, the planning commission will set a time and place for a public hearing on the appeal. Notice of the hearing must be published in a newspaper of general circulation in the county at least 15 days before the hearing. In addition, the parties to the appeal will be notified of the date of the hearing by

the Planning Commission by certified mail with return receipt requested. Any person may appear at the hearing, or have a representative attend instead.

- (e) The planning commission will make a decision concerning the appeal and record the decision in the minutes for that meeting. Any person aggrieved by any decision of the Planning Commission (including but not limited to decisions on appeals or variances) may appeal such decision to the county board of commissioners. Such an appeal must be filed in writing with the planning administrator within 30 days of the date of the decision being appealed. When an application for appeal of a decision of the planning commission is received, the board of commissioners will set a time and place for a public hearing on the appeal. Notice of the hearing must be published in a newspaper of general circulation in the county at least 15 days before the hearing. In addition, the parties to the appeal will be notified of the date of the hearing by the board of commissioners by certified mail with return receipt requested. Any person may appear at the hearing, or have a representative attend instead.
- (f) An application for appeal of an action of the planning administrator or building official may be withdrawn by the applicant as a matter of right until 5:00 p.m. the day prior to the meeting of the planning commission or the board of commissioners at which such application is scheduled to be heard. Such withdrawal must be in writing and must be received by the planning administrator by 5:00 p.m. the day before the scheduled meeting.
- (g) At any appeal or conference, a party may designate in writing a duly authorized agent or representative who may appear and speak on the party's behalf.

Sec. 5.10. - Procedures: variances, conditional use and amendments.

(a) Pre-application conference.

(1) Pre-application conference: Recommended.

Any applicant seeking approval for a proposed land use action is advised to engage in a pre-application conference. Prior to filing an application, an applicant may meet with the planning administrator and the county staff development review committee and discuss their intentions with regard to a given application and questions regarding the procedures or substantive requirements of this section. The applicant should bring sufficient information including sketch maps of the site, a description of the existing environmental, topographical and structural features on the site, the proposed project or use, graphics that illustrate the scale, location and design of any buildings or structures to the extent known, and a list of the issues to be discussed at the conference. No matters discussed at said meeting shall be binding on either the applicant or the county.

(2) Pre-application conference: Mandatory.

Any applicant seeking approval for a proposed land use change involving:

- a. A residential use of more than 50 dwelling units;
- b. A nonresidential use that would generate an additional 500 or more vehicle trips per day as defined by the Institute of Traffic Engineers Trip Generation Manual;
- c. A planned unit development; or
- d. A development of regional impact,

is required to engage in a pre-application conference with the planning administrator and the county staff development review committee at its regularly scheduled monthly meeting or such other meeting as the planning administrator may determine. **Note: We have not created standards for PUD's, or development of regional impact, so including them here may be confusing.**

The planning administrator may waive the pre-application conference requirement in cases where it is clear such a waiver is not detrimental to the applicant or the county.

(b) Application.

- (1) The developer or owner submitting a request for a variance, conditional use, or an amendment to the official map or text of the land use ordinance (hereinafter in this section collectively referred to as a "land use change request") must have at least 51 percent ownership of the subject property or be the duly authorized agent of such a person, possessing notarized authorization in writing, under the owner's signature. The planning commission or board of commissioners may also propose a land use change request.
- (2) Application for a land use change request may be made with the planning administrator. The planning administrator will take the required information and transmit it to the planning commission for its consideration. The planning commission shall hold a public hearing on all variances and shall make the final decision on all variances, unless such decision is appealed to the board of commissioners in accordance with the provisions of Sec 5.9(e). The board of commissioners shall hold a public hearing on all conditional uses and amendments and shall make the final decision on all conditional uses and amendments, after receiving a recommendation on the conditional use or amendment from the planning commission. The planning commission may at its option hold a public hearing on a conditional use or amendment prior to making its recommendation to the board of commissioners.
- (3) No application is to be accepted from any person in violation of the Coolidge County Code of Ordinances. If an applicant for a land use change request or any other action by the planning commission is, at the time of such application, determined by the planning administrator to be in violation of the Coolidge County Code of Ordinances (except for the provisions of the "Grandfather Clause" in Sec. 5.3), then the planning administrator will be prohibited from accepting or processing any application from that applicant until the applicant voluntarily removes or changes the cause of the violation and ceases to be in violation. The applicant must notify the planning administrator that he/she has ceased the violation and obtain a release from the planning administrator as to the violation. When the applicant has ceased to be in violation of the Coolidge County Code of Ordinances, the planning administrator will then accept the application for a land use change request. A receipt showing that all county ad valorem taxes on the subject property have been paid and that no delinquencies exist must be submitted with all applications for land use change requests. The planning administrator may waive the requirements of this paragraph when the planning administrator, in his discretion, determines that the enforcement of these requirements would cause an extraordinary and undue hardship on the applicant, and that the waiver of these requirements will not have a significant negative impact on the safety, benefit or welfare of the public.

(c) Notification.

- (1) Notice of the hearing must be published in the legal organ of the county at least 15 days but not more than 45 days before the hearing. Such notice will state the time, place and purpose of the hearing. If the land use change request is for an amendment to change the property from one district to another and is initiated by a party other than the board of commissioners, then the notice shall also include the location of the property, the present land use district of the property, and the proposed land use district of the property.
- (2) If the land use change request is for a particular parcel or parcels of property and is initiated by a party other than the board of commissioners, the planning administrator shall post a sign in a conspicuous place on the property at least 15 days prior to the date of the scheduled public hearing. The sign should set forth the purpose, date, time, and place of the scheduled public hearing, and the present and proposed land use districts in case of a land use change. The sign

shall be large enough to be identified as indicating a land use matter, shall be of a bold color, and shall state PROPOSED LAND USE CHANGE on the top of the sign.

- (3) The planning commission shall make its recommendation respecting a requested conditional use or amendment to the board of commissioners within 60 days of the filing of the application. If the planning commission fails to send its recommendation to the board of commissioners within the aforesaid 60 days, it shall mean that the planning commission recommends approval of the conditional use or amendment. Provided, however, that the planning commission may defer making its recommendation on a conditional use or amendment for more than sixty (60) days with the consent of applicant. After receipt of the recommendation of the planning commission, the board of commissioners shall conduct a public hearing on the proposed conditional use or amendment.
- (d) General guidelines.
- (1) Any person desiring a transcript of the hearing must arrange for a court reporter at their own expense.
 - (2) Land use change requests shall, as a general rule, be called in the order in which they are received by the county, provided that nothing shall prevent the commission or board from changing the order of decisions reviewed at the time of the hearing for the convenience of the commission or board and the public.
 - (3) The chairperson will read or cause to be read a summary of the proposed land use change request under consideration prior to receiving public input.
 - (4) As a general rule, the chairperson shall call each person who has signed up to speak on the land use change request in the order in which the persons have signed up to speak, except for the applicant, who will always speak first, or if the board of commissioners has brought a land use change request to the hearing, then the commissioners shall speak first.
 - (5) Nothing contained herein shall be construed as prohibiting the commission or board from taking reasonable steps necessary to insure that hearings are conducted in a decorous manner, to assure that the public hearing on each land use request is conducted in a fair and orderly manner.
 - (6) The planning commission and board of commissioners will make a decision concerning the land use change request and record the decision in the minutes for that meeting.
- (e) Public comments.
- (1) Written comments on the subject of the hearing may be submitted by any citizen or property owner at any time prior to the adjournment of the hearing.
 - (2) All persons who wish to address the planning commission or board of commissioners at a hearing concerning a land use change request shall first sign up on a form to be provided by the county **just** prior to the commencement of the hearing. Only those persons signed up to speak prior to the commencement of the hearing shall be entitled to speak, unless the chairperson of the planning commission or board of commissioners, in his discretion, decides to make an exception at the time of the hearing, notwithstanding the failure of the person to sign up prior to the hearing.
 - (3) Each side will be allowed a minimum time period of ten minutes to make its presentation. The length of time of oral presentations permitted to each speaker will be determined by the chairperson of the planning commission or board of commissioners, and will depend upon the number of persons present and desiring to speak and the complexity of the land use change request under consideration.
 - (4) All questions will be addressed to the chairperson of the planning commission or board of commissioners.

- (5) Each speaker shall speak only to the merits of the proposed land use change request under consideration and shall address his or her remarks only to the members of the planning commission or board of commissioners.
 - (6) Each speaker shall refrain from personal attacks on any other speaker or from discussing facts or opinions irrelevant to the proposed land use change request under consideration.
 - (7) The chairperson of the planning commission or board of commissioners may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.
 - (8) Prior to speaking, the speaker will identify himself or herself and state his or her current address, and if an attorney or other properly designated agent, identify his or her principal.
 - (9) The merits of the land use change request shall include, but not necessarily be limited to, evidence or opinions regarding devaluation, fair market value, nuisance, environmental concerns, traffic, noise, aesthetics and in general, the health, welfare and benefit of the community or county as it is affected by the land use change request. The speaker shall refrain from comment on unrelated land use issues and unrelated tracts of land.
- (f) Decisions.
- (1) The board of commissioners is not bound by the recommendation of the Planning Commission. The board of commissioners may grant or deny the application for a land use change request and, if granted, establish such additional conditions and development standards as it deems appropriate.
 - (2) The planning commission may impose conditions on variances and recommend conditions on conditional uses and amendments as may be necessary to protect the health and safety of the workers and residents and to protect the surrounding landowners and neighborhoods.
 - (3) After reviewing the record of the public hearing and considering recommendations from the planning commission, the board of commissioners may approve or deny the requested amendment, reduce the land area for which the amendment is requested, change the district or land use category requested, or impose conditions which may restrict the use or development of the property in a manner not otherwise required by this section. Any such conditions imposed by the board of commissioners shall be incorporated into this section and shall become a part of the official land use map, whether or not actually entered upon the official land use map.
 - (4) The power to approve a variance rests with the planning commission, except that in consideration of a change of land use of property from one land use district to another or a conditional use the board of commissioners may approve a variance in connection with its approval of a conditional change of land use or conditional use.
 - (5) The power to approve a conditional use and enact an amendment rests with the board of commissioners.
- (g) Deferrals.
- (1) Prior to the close of the hearing, the planning commission or board of commissioners shall announce whether it will vote on the land use change request at that same hearing or whether it will defer its vote for a period not to exceed 45 days. Provided, however, that the planning commission or board of commissioners may defer its vote on a land use change request for more than 45 days with the consent of the applicant.
- (h) Withdrawals.
- (1) An application for a land use change request or the appeal of the denial of a land use change request may be withdrawn by the applicant as a matter of right until 5:00 p.m. the day prior to the meeting of the planning commission or the board of commissioners at which such application is

scheduled to be heard. Such withdrawal must be in writing and must be received by the planning administrator by 5:00 p.m. the day before the scheduled meeting.

(i) Reapplication.

- (1) If an application for a land use change request is denied, an application for a land use change request that is substantially the same may not be filed with the planning administrator until at least six months following the denial.

Sec. 5.11. - Variances.

- (a) A variance is a permit, issued by the planning commission, which allows construction or maintenance of a building or structure in a way that varies from requirements for the district in which the property is located (e.g. setbacks, lot size). A variance may be granted only in an individual case where unnecessary or undue hardship would result if all of the requirements of this section were applied stringently to a particular piece of property. Unnecessary or undue hardship means that owing to conditions peculiar to the property and not as a result of any action on the part of the property owner.
- (b) A hardship may exist for medical reasons which would permit the temporary placement of a manufactured home, meeting applicable development standards, on the same parcel as the original principal dwelling. Such temporary dwelling shall be placed behind and within 300 feet of the principal dwelling whenever possible. Such temporary dwelling shall provide living quarters for an infirmed family member or provide living quarters for a family member or certified/registered assisted living employee to aid in the care of one or more infirmed family members living in the original principal dwelling. Variances approved for medical hardship cases shall be reviewed annually by the planning administrator. When the medical hardship ceases to exist, the owner of the principal dwelling shall notify the planning administrator. Such manufactured home shall be removed within 30 days, or subject the owner of the principal dwelling to fines and penalties as laid out in Sec 5.17.
- (c) With the exception of a medical hardship variance, a variance may be granted only for permitted uses in the land use district in which the property in question is located. (For example, a two-family dwelling would not be allowed to be placed in an R-1 district under a variance).
- (d) Where a variance is granted for a construction activity requiring a building permit, the building permit must be obtained within 12 months of the issuance of the variance. Otherwise, the variance expires after 12 months.
- (e) The planning commission will consider the following standards in arriving at a decision on the variance:
 - (1) Will the variance cause substantial detriment to the public good or impair the purposes of this section?
 - (2) Is the spirit of this section observed and the public safety and welfare secured?
 - (3) Is the hardship related to conditions peculiar to the property and not a result of any action of the property owner?
- (f) The planning administrator shall have the power to grant administrative variances from the development standards of this section where, in the opinion of the planning administrator, the intent of the ordinance can be achieved and equal performance obtained by granting a variance. The authority to grant such variances shall be limited to variances from the following requirements:
 - (1) Front yard or yard adjacent to public street setback: variance not to exceed 20 percent of the setback in the applicable land use district.
 - (2) Side yard setback: variance not to exceed 20 percent of the setback in the applicable land use district.

- (3) Rear yard setback: variance not to exceed 20 percent of the setback in the applicable land use district.
- (4) Height of building: variance not to exceed 20 percent of the height in the applicable land use district.
- (5) Extension of variance or conditional use for a construction activity requiring a building permit: variance to grant a maximum of two one-year extensions of the time limits in subsections 411(d) and 413(d) if the variance or conditional use is for a project requiring multiple building permits and at least one of the permits has been obtained and construction has begun under that permit.
- (6) Parking spaces: variance not to exceed ten percent of required in applicable land use district.
- (7) Lot size: variance not to exceed five percent of the lot size in the applicable land use district (minor subdivisions only - as determined by the subdivision ordinance).
- (8) Lot width: variance not to exceed ten percent of the lot width in the applicable land use district (minor subdivisions only - as determined by the subdivision ordinance).
- (9) Minor amendments to conditions of approval established by the planning commission.

Sec. 5.12. - Conditional use.

- (a) Some land use districts permit certain uses only upon approval of the Board of Commissioners after receiving a recommendation from the planning commission. These uses are identified in this section as conditional uses and such uses are allowed only under the circumstances specified in this section.
- (b) An applicant requesting a conditional use shall provide the planning administrator any information as may be deemed appropriate to assist in the consideration of the request (e.g., sketch plan).
- (c) The Planning Commission and Board of Commissioners will consider the following standards in arriving at a decision on the conditional use:
 - (1) Is the type of street providing access to the use adequate to serve the proposed conditional use?
 - (2) Is access into and out of the property adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?
 - (3) Are public facilities such as schools, EMS, sheriff and fire protection adequate to serve the conditional use?
 - (4) Are refuse, service, parking and loading areas on the property located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor?
 - (5) Will the hours and manner of operation of the conditional use have no adverse effects on other properties in the area?
 - (6) Will the height, size, or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?
 - (7) Is the proposed conditional use consistent with the purpose and intent of the land use ordinance?
- (d) If the planning administrator finds that any restrictions upon which a conditional use was granted are not being complied with, he/she may suspend the permit for the conditional use until such time as the applicant brings the conditional use into compliance with the restrictions imposed by the Board of Commissioners. Only work upon the conditional use may be allowed during suspension of the

permit which is necessary to bring the conditional use into compliance with the restrictions imposed by the Board of Commissioners.

- (e) Where a conditional use is granted for a construction activity requiring a building permit, the building permit must be obtained within 12 months of the issuance of the conditional use. Otherwise, the conditional use expires after 12 months.

Sec. 5.13. - Amendments.

- (a) Any land owner may request that the official map be amended from the existing land use district to another as it applies to the owner's property. Also, any person affected by this land use ordinance may propose an amendment to the text of this land use ordinance under the provisions of this section. As used in this section, the term "amendment" shall mean both a change to the official map and a change to the text of this section unless otherwise indicated.
- (b) An applicant requesting an amendment to the official map shall provide the planning administrator the following:
 - (1) Details of the specific proposed use(s) of the property, including but not limited to a sketch plan prepared by a licensed surveyor or engineer showing details of the specific proposed uses. Applications for speculative land use without specific uses will not be accepted.
 - (2) A copy of the recorded plat and legal description will be the minimum requirement for the Planning Commission.
 - (3) Where the planning administrator or the county staff development review committee has recommended the preparation of special studies pursuant to a pre-application conference or where the applicant elects to submit additional technical reports in support of the proposed development, such reports shall be submitted with the initial application form.
 - (4) During review of any application, the Planning Commission may determine that additional specific technical information is needed regarding any potential environmental, fiscal, or public service impacts. If such a determination is made, the Planning Commission shall have the discretion to defer its recommendations concerning such an application upon preparation of a special study intended to analyze the potential impacts or any specific areas of concern.
 - (5) Where preparation of a special study has been required, no application shall be recommended to be submitted to the Board of Commissioners for a public hearing until such study has been received and reviewed by the Planning Commission. The cost of any special study shall be borne by the applicant, unless the Board of Commissioners approves the participation of public funds, as necessary, or being in the public interest.
 - (6) Any other materials or information as may be deemed appropriate by the planning administrator.
- (c) When considering a proposal to amend the official map, the following standards shall be considered:

Standards:

- (1) Is the proposed use suitable in view of the land use and development of adjacent and nearby property?
- (2) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?
- (3) Are there substantial reasons why the property cannot or should not be used as currently designated?
- (4) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, EMS, sheriff or fire protection?

- (5) Is the proposed use compatible with the purpose and intent of the comprehensive plan?
 - (6) Will the use be consistent with the purpose and intent of the proposed land use district?
 - (7) Is the proposed use supported by new or changing conditions not anticipated by the comprehensive plan?
 - (8) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?
- (d) When considering a proposal to amend the text of the land use ordinance, the following standards shall be considered.

Standards:

- (1) Is the proposed text amendment compatible with the purpose and intent of the comprehensive plan?
- (2) Is the proposed text amendment consistent with the purpose and intent of the land use ordinance?
- (3) Will adoption of the amendment further the protection of the public health and safety or general welfare?

Sec. 5.14. - Planning Commission.

- (a) The Planning Commission shall consist of five members, appointed by the Board of Commissioners to serve for staggered three year terms. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removed for cause by the Board of Commissioners based on written charges and after a public hearing. The initial amount of compensation to Planning Commission members shall be \$50.00 per meeting and may be amended by the Board of Commissioners.
- (b) The Planning Commission shall elect one of its members as chairperson, who shall serve for one year or until the chairperson is reelected or a successor is elected. The Planning Commission shall adopt rules in accordance with this document and state law. Meetings of the Planning Commission shall be held at the call of the chairperson and every 60 days or at other times as the Planning Commission may determine. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall keep records of its examinations and other official actions, all of which shall be filed, upon official approval, in the office of the clerk of the Board of Commissioners and shall be a public record. All meetings and all records of the Planning Commission shall comply with O.C.G.A. chapters 14 and 18, title 50.
- (c) The Planning Commission shall require the applicant to furnish such information as it deems necessary when filing an application.
- (d) It shall be the responsibility of the Planning Commission to review and recommend to the Board of Commissioners its approval, disapproval, or approval with conditions on all requests for land use change requests, map and text interpretations and other amendments submitted to the designated officials or initiated by any other individual or governmental unit.
- (e) The Planning Commission does not have the power to amend any land use ordinance, to change the land use of any parcel, or to allow any use not permitted by this document.

Sec. 5.15. - Appealing an action of the Board of Commissioners.

If the Board of Commissioners takes an action which the property owner, developer or other aggrieved party believes to be contrary to law, that action may be appealed to the County Superior Court. Such an appeal must be filed within 30 days of the date on which the action of the Board of Commissioners was taken.

Sec. 5.16 - Fees.

Fees shall be set forth in the county schedule of fees and charges.

Sec. 5.17. - Penalties.

Any person who violates any provision of this Article or any amendment to this article, or who fails to perform any act required hereunder or commits any prohibited act, upon conviction thereof shall be subject to punishment and fine of \$100.00. Each and every day for which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Sec. 5.18. - Remedies.

If any building or land is used or maintained in violation of this document, anyone, including the county, who would be harmed by such a violation, may initiate legal proceedings to obtain an injunction or other appropriate remedy to stop the violation or to prevent any act which would constitute such a violation. Other legal remedies are also available as provided by Georgia law.

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ARTICLE VI- DEFINITIONS

Sec. 6.1. - Common Terms.

When used in this document, the following words and phrases have the meaning as defined in this Article. Terms not defined here have the same meaning as is found in American Heritage College Dictionary, Copyright 1993, 3rd edition, here consistent with the context. The terms "must," "will," and "shall" are mandatory in nature, indicating that an action has to be done. The term "may" is permissive and allows discretion regarding an action. When consistent with the context, words used in the singular number include the plural, and those used in the plural number include the singular. Words used in the present tense include the future. The word "developer" includes a "firm," "corporation," "co-partnership," "association," "institution," or "person." The word "lot" includes the words "plot" and "parcel." The word "building" includes the word "structure." The words "used" or "occupied" as applied to any land or building include in its meaning the words "intended," "arranged," or "designed," "to be used" or "to be occupied."

Sec. 6.2. - General Definitions.

Accessory uses: Accessory uses must meet the following standards:

- (1) They may not be located closer than ten feet to any property line in AG, AI, R-1, and R-2, land use districts or five feet in R-3, MHP, AB, GC, LI-W, and HI land use districts; however, this requirement does not apply to fences.
- (2) Accessory buildings not attached to the principal building must be located at least 12 feet from the principal building on the lot.
- (3) They must be located in the rear or side yard; however, this requirement does not apply to fences. Not applicable in GC, LI-W, HI land use districts.

Administrative officer: The person appointed by the county manager of the county to serve as the officer for administration of this land use ordinance.

Administrative variance: A variance which may be granted by the planning administrator.

Adult entertainment: any facility where the laws of the State of Georgia or of Coolidge County require an individual be over the age of 18 to enter.

Agriculture: The production, raising, breeding, or maintenance of plants and animals including, but not limited to: forage and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef, cattle, sheep, swine, horses, or goats, game animals, exotic fish, and any mutations or hybrids thereof, including the breeding and grazing of any or all such species; bees and apiary products; fur animals; trees and forest products; fruit of all kinds, including grapes, nuts, berries; vegetables, nursery; floral, ornamental and greenhouse products; or land devoted to a soil conservation or forestry management program on tracts of land at least five acres in size, including all associated activities. Retail selling of products raised on the premises is permitted provided that space necessary for the parking of customers' vehicles is provided off the public right-of-way. This does not include the commercial slaughter of poultry, livestock, or other animals.

- (1) In relation to the treatment of agricultural facilities and operations as nuisances, Georgia Law provides in O.C.G.A. § 41-1-7(a) that "it is the declared policy of the state to conserve, protect, and encourage the development and improvement of its agricultural land and facilities for the production of food and other agricultural products. When nonagricultural land uses extend into agricultural areas, agricultural operations often become the subject of nuisance actions. As a result, agricultural facilities are sometimes forced to cease operations. Many others are discouraged from making investments in farm improvements or adopting new technology or methods. It is the purpose of this Code section to reduce

losses of the state's agricultural resources by limiting the circumstances under which agricultural facilities and operations may be deemed to be a nuisance."

- (2) The Code further states in O.C.G.A. § 41-1-7(c) that "no agricultural facility or any agricultural operation at an agricultural facility shall be or shall become a nuisance, either public or private, as a result of changed conditions in or around the locality of such agricultural facility if the agricultural facility has been in operation for one year or more. The provisions of this subsection shall not apply when a nuisance results from the negligent, improper, or illegal operation of any agricultural facility."
- (3) The code further states in O.C.G.A. § 41-1-7(d) that "for the purposes of this Code section, the established date of operation is the date on which an agricultural operation commenced operation. If the physical facilities of the agricultural operation are subsequently expanded or new technology adopted, the established date of operation for each change is not a separately and independently established date of operation and the commencement of the expanded operation does not divest the agricultural operation of a previously established date of operation."

Air ambulance services: Providing emergency transportation and medical assistance in an aircraft that is certified as an ambulance and includes equipment, supplies, and trained staff necessary for administering emergency medical procedures.

Airport (public, private, commercial): A transportation terminal facility where aircraft take off and land. Standards include the following:

- (1) Applicant must comply with all federal and state laws and regulations and submits evidence of FAA approval or satisfactorily demonstrates that FAA approval is not required. In HI land use district the definition includes: related facilities customarily found in airports, such as: car rental agencies, facilities for the servicing, repair and maintenance of aircraft, restaurants, newsstands, gift shops, when located within the passenger terminal building, warehouses, and storage buildings for air-freight and bulk storage for flammable liquids.

Airstrip (private): An area designated for the takeoff and landing of private, noncommercial aircraft, with no terminal facilities and no scheduled take-offs and landings. See airport definition for applicable standards.

Alteration: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building such as walls, partitions, columns, beams, girders or any change which may be referred to herein as "altered" or "reconstructed."

Antenna, dish: An outside structure intended for receiving audio or video signals via a satellite orbiting the earth. It is constructed of a round or square surface that is parabolically curved focusing on a low-noise signal amplifier and the apparatus is mounted on a base. Such antennas must meet the following development standards as well as all other applicable regulations.

- (1) They must not exceed a size of 18 feet in diameter or exceed the height limitations for the district in which they are located.

Antenna (noncommercial): A vertical structure used for receiving and sending satellite, television or radio transmissions for personal use.

Apartment: A room or suite of rooms used as a dwelling for one family which does its cooking therein.

Appliance repair and maintenance: This use comprises establishments primarily engaged in repairing and servicing household appliances without retailing new appliances, such as refrigerators, stoves, washing machines, clothes dryers, and room air-conditioners.

Automotive oil change and lubrication shop: This use comprises establishments primarily engaged in changing motor oil and lubricating the chassis of automotive vehicles, such as passenger cars, trucks, and vans.

Automotive repair: This use comprises establishments primarily engaged in providing: (1) a wide range of mechanical and electrical repair and maintenance services for automotive vehicles, such as passenger cars,

trucks, and vans, motorcycles, and all trailers or (2) engine repair and replacement. The following development standards apply:

- (1) All body work and painting must be conducted within a fully enclosed building.
- (2) No open storage of junk, wrecked vehicles, dismantled parts, or supplies visible beyond the premises is permitted.

Automotive sales, parts and accessories store: This use comprises one or more of the following:

- (1) Establishments known as automotive supply stores primarily engaged in retailing new, used, and/or rebuilt automotive parts and accessories;
- (2) Automotive supply stores that are primarily engaged in both retailing automotive parts and accessories and repairing automobiles;
- (3) Establishments primarily engaged in retailing and installing automotive accessories [This use does not include the sales, dismantling, or storage of wrecked or junked vehicles]; and
- (4) Establishments selling new or used vehicles.

Automotive towing: This use comprises establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as storage and emergency road repair services. Any vehicle storage shall be fenced and screened.

Banking: This use comprises establishments primarily engaged in accepting demand and other deposits and making commercial, industrial, and consumer loans.

Bed and breakfast inn: This use comprises establishments primarily engaged in providing short-term lodging in facilities known as bed and breakfast inns. These establishments provide short-term lodging in private homes or small buildings converted for this purpose. Bed and breakfast inns are characterized by a highly personalized service and inclusion of a full breakfast in the room rate.

Board of Commissioners: The board of commissioners of the county.

Boarding house: An establishment, other than a hotel or motel, which furnishes lodging for compensation to more than four but fewer than twenty persons and which, for the period of occupancy, may serve as a principal residence. These establishments may also provide complementary services, such as housekeeping, meals, and laundry services; provided, however, that cooking must be done in a central kitchen and not in individual rooms or suites. These establishments include, but are not limited to, fraternity houses, sorority houses, rooming houses, and similar facilities.

Boat house: A house or shed for sheltering one or more boats which must be the property of the owner of the tract of land. (Shall conform to accessory building standards.)

Buffer: A landscaped open area and/or screened area designed to separate incompatible uses.

Buildable area: That portion of any lot which may be used or built upon in accordance with the regulations governing the given land use district within which the particular lot is located, once the various front, side and rear yard setbacks required for the district have been subtracted from the total area.

Building: Any structure having a roof and intended for shelter, housing, or enclosure of persons, animals, or property of any kind.

Building, accessory: A structure used for a purpose that is customarily incidental and subordinate to the principal use or structure, and located on the same lot as such a principal use or structure.

Building Official: One or more persons, officers or officials or his authorized representative, whom the county manager has appointed to administer and enforce individually or collectively, the building code, subdivision, and land use ordinances.

Building height: The vertical distance measured from the average elevation of the finished grade along the front of the building to that elevation equal to the elevation of the highest point of the building.

Building line: A line extended along the foundation of a building from which is measured the distance that a building must be set back to meet the minimum distance from the building line to the front, rear or side property line or in some cases, to the center line of an adjacent roadway.

Building material dealer: The use comprises establishments primarily engaged in retailing specialized lines of new building materials, such as lumber, fencing, glass, doors, plumbing fixtures and supplies, electrical supplies, prefabricated buildings and kits, and kitchen and bath cabinets and countertops to be installed.

Building, principal: The building on a lot in which the principal use of the lot is conducted.

Building site: The ground area of a building or buildings together with all open spaces surrounded by said building or buildings.

Bus station/taxi service: This use comprises establishments primarily engaged in providing bus passenger transportation over regular routes and on regular schedules, as well as, establishments primarily engaged in providing passenger transportation by automobile or van, not operated over regular routes and on regular schedules.

Camper: A motor home, tent, trailer, or other self-contained vehicle designed for recreational purposes. This type of vehicle shall not be considered as a permanent habitable space.

Cemetery: Land either already reserved for burial plots or which may, in the future, be so reserved; it may be maintained either by a family, a church or other place of worship, or a private corporation.

- (1) A cemetery must be located on a lot with a minimum size of 1/8 acre and a maximum size of 1/2 acre; provided, however, that a cemetery may be located on the same lot as a church, synagogue, chapel or other place of religious worship.
- (2) The property line of the lot on which a cemetery is located must be set back a minimum of 100 feet from any public road, street, right-of-way, or adjacent property line.
- (3) A cemetery must maintain a permanent non-illuminated sign identifying the name of the cemetery.
- (4) A cemetery must be enclosed by a **permanent** fence at least four feet in height.
- (5) All graves in a cemetery must be identified with permanent grave markers.
- (6) Provided, however, that these development standards shall not apply to cemeteries governed by the Georgia Cemetery and Funeral Services Act of 2000 codified at Chapter 14 of Title 10 of the Official Code of Georgia Annotated.

Center line, street: That line surveyed and monumented by the governing authority as the center line of a street, or if such a center line has not been surveyed, it is the line running midway between the outside curbs or ditches of the street.

Children's playhouse: A structure including but not limited to a jungle gym, monkey bars or climbing frame, made of many pieces of thin material, such as metal pipe or rope, on which children can climb, hang, or sit. Also includes tree houses built and used for recreation.

Church: A building in which persons regularly assemble for religious worship, which is used for such purpose, along with any accessory activities, such as school, and as are customarily associated therewith. Churches shall include: synagogues, chapel, or other places of worship including educational buildings, parsonages, church-related nurseries or kindergartens, and other related uses. Standards for churches include the following:

- (1) It must be located on either an arterial or collector road.
- (2) The lot must have a minimum road frontage of 200 feet (except in a MHP district).

- (3) No church building shall be located within 100 yards of any establishment that has been licensed for the sale or consumption of alcoholic beverages. For purposes of this subsection, distance shall be measured by the most direct route of travel on the ground.

City: Any incorporated municipality in the county.

Clerk: The Clerk of Coolidge County.

Club: An organization of persons for special purpose or for the promulgation of sports, arts, sciences, literature, politics or the like, but not for profit.

Commission: The word "commission" shall mean the Coolidge County Planning Commission

Civic and social organization: This use comprises establishments primarily engaged in promoting the civic and social interests of their members [e.g., lodges and clubs].

Commercial and industrial machinery and equipment (except automotive and electronic) sales, repair and maintenance: This use comprises establishments primarily engaged in the sales, repair and maintenance of commercial and industrial machinery and equipment. Establishments in this industry either sharpen/install commercial and industrial machinery blades and saws or provide welding (e.g., automotive, general) repair services; or repair agricultural and other heavy and industrial machinery and equipment (e.g., forklifts and other materials handling equipment, machine tools, commercial refrigeration equipment, construction equipment, and mining machinery).

Community center: This use comprises establishments primarily engaged in providing nonresidential social assistance services to improve the quality of life for the children, youth, elderly, persons diagnosed with mental retardation, or persons with disabilities. These establishments provide for the welfare of these individuals in such areas as nonmedical home care or homemaker services, social activities, group support, and companionship, adoption and foster care, drug prevention, life skills training, and positive social development. No community center building shall be located within 100 yards of any establishment that has been licensed for the sale or consumption of alcoholic beverages. Distance shall be measured by the most direct route of travel on the ground.

Conditional use: A use, specifically designated in this land use ordinance, that may cause some harmful or undesirable effects on surrounding or nearby properties within a given land use district, but would in the opinion of the board of commissioners promote the public health, safety, morals, welfare, order, comfort, convenience, appearance, prosperity, or general welfare if such uses were controlled as to number, area, location, or relation to the neighborhood or upon any other standard provided by this land use ordinance.

Condominium: A lot developed in accordance with the provisions of the Georgia Condominium Act codified at O.C.G.A. § 44-3-70 et seq.

Contractor: A person or firm that contracts to perform work, provide supplies, or contracts to erect buildings. A contractor is permitted to have open storage of materials and equipment when located in rear yard.

Conventional construction: A dwelling unit constructed on the building site from basic materials delivered to the site. Each unit shall have a heated floor area of at least 975 square feet and be compatible with other conventional construction which may be permitted in the same general area, or existing development, or proposed development in the same land use classification or area, or as set forth in the comprehensive plan of the county.

Cottage industry: A small business enterprise or activity where the family unit who owns or operates the business resides, and, which is typically greater in scale or intensity than that of a home occupation, but, less than what would be required to be located in a commercial or industrial land use district:

- (1) The following list of uses allowable as cottage industries is illustrative only and is not intended to be exhaustive: sales of antiques and collectibles, art or photography studios, computer software development, handicrafts, ironworking or blacksmith shop, construction or trades office, furniture

repair or refinishing, pottery shop, real estate sales office, small equipment repair, woodworking shop, excavating contractors, small engine and boat repair.

(2) Performance standards for cottage industries permitted as appurtenant and accessory uses.

- a. The cottage industry shall conform to the development standards in the applicable land use district, except as provided below.
- b. The cottage industry must be owned and operated by the owner of the property upon which the cottage industry is to be located, or the business owner must have written approval of the owner of the property, if the applicant is a tenant.
- c. The appurtenant and accessory structure used as a cottage industry shall not occupy a total area greater than 1,200 square feet.
- d. All activity related to the conduct of the business or industry, except for activities related to the growing and storing of plants, shall be conducted within an enclosed structure or be sufficiently screened from view of adjacent residences. A buffer may be required by the planning administrator if it is determined that the use needs to be sufficiently screened from view of adjacent residences, using site location, topography, landscaping, fencing, the retention of native vegetation, or a combination thereof.
- e. No cottage industry shall be located on a lot less than 80,000 square feet in size, regardless of whether the lot was a lot of record at the time of the original passage of this section.
- f. Except for outside storage of materials or equipment, all business operations, activities, and transactions associated with the cottage industry shall be conducted entirely within the primary dwelling unit and/or in an accessory building located on the same lot. No business operations, activities, or transactions shall be conducted in any portion of the lot not approved for cottage industry use by the county.
- g. Business traffic (either by the business operators or business customers) is permitted only between the hours of 8:00 a.m. and 6:00 p.m. The use shall not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which it is located. Traffic generated by the cottage industry shall not exceed the level of service adopted for the public roadway which accesses the use, nor generate significant traffic in excess of that normally generated by typical uses found within the particular district.
- h. No business may provide drive-through service.
- i. The use of more than six general purpose and/or heavy duty vehicles and the employment of more than six employees for exclusive use of the business are prohibited. In approving the conditional use, the number of vehicles that may be parked on the premises at any time may be limited and vehicles may be required to be kept behind an enclosed fenced or buffered area.
- j. A permitted cottage industry shall maintain a service agreement with a competent waste handler chosen from a list provided by the hazardous waste management section of the Georgia Environmental Protection Division of the Georgia Department of Natural Resources, for the periodic removal and recycling of any batteries, gasoline, oil, transmission fluid, brake fluid, and other solvents and chemical agents. Interim storage of such materials shall be in a manner satisfactory to the county health department. The county public safety director shall verify the use or absence of hazardous materials for the cottage industry upon registration.
- k. There shall be no parking or storage of damaged vehicles except on a temporary basis which is not to exceed 72 hours. Junk parts and junk vehicles shall not be kept outside the building.
- l. No nuisances shall be produced including but not limited to smoke, glare, vibrations, noises, or odors that may be discernable by neighbors proximate to the dwelling unit.

- m. There shall be no structural, electrical or plumbing alterations necessary for the cottage industry which are not customarily found in dwellings or residential accessory structures.
- n. There shall be no outdoor display of merchandise on the premises.
- o. All noise-generating operations shall be buffered.
- p. All lights shall be directed on site and shielded to reduce glare to adjacent areas.
- q. Business operations shall not cause any visual or audible interference with radio or television reception.
- r. One sign is permitted advertising the cottage industry, not exceeding nine square feet, that is nonmoving, and which has illumination, if any, which is nonflashing.
- s. A cottage industry shall register for a county occupational tax certificate as may be required by all other businesses subject to such certification.

County: Coolidge County.

Curb cut: The point at which vehicular access is provided to an adjoining street from a lot.

DCA: Georgia Department of Community Affairs.

Day care facility: A facility designed and intended to provide care for children under the age of 15 years for not more than 12 hours per day. The maximum number of children permitted at such center shall be the greater of six or the maximum number permitted by the rules established by the department of human resources for the state. Facility must comply with all applicable Georgia Department of Human Resources rules.

- (1) Facilities, when permitted in residential districts, must have two or more acres of land and meet parking requirements.

Deck/patio: A flat surface capable of supporting weight, similar to a floor, but typically constructed outdoors, often elevated from the ground, and usually connected to a building.

Density: The number of units or buildings per acre, or the number of people per unit, building, acre or mile, the quantity of people, structures, or units within a specified area.

District: A portion of Coolidge County within which, on a uniform basis, certain use of land and buildings are permitted and within which certain yards, open spaces, lot areas and other requirements are established.

Display advertising: This use comprises establishments primarily engaged in creating and designing public display advertising campaign materials, such as printed, painted, or electronic displays; and/or placing such displays on indoor or outdoor billboards and panels, or on or within transit vehicles or facilities, shopping malls, retail (in-store) displays, and other display structures or sites.

Domesticated animal: An animal that is accustomed to living in or about the habitation of humans, including, but not limited to, cows, dogs, cats, fowl, horses, swine, goats, rabbits, caged wild animals, and exotic animals.

Drive-in establishment: A business establishment other than a drive-in restaurant so developed that is retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, and may include drive-in banks and drive-in cleaners.

Drive-in restaurant: A drive-in restaurant or other drive-in establishment serving food and/or drink so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle.

Drycleaning and laundry service: This use comprises establishments primarily engaged in one or more of the following:

- (1) Providing drycleaning services;

- (2) Providing laundering services;
- (3) Providing drop-off and pickup sites for laundries and/or drycleaners; and
- (4) Providing specialty cleaning services for specific types of garments and other textile items (except carpets and upholstery), such as fur, leather, or suede garments; wedding gowns; hats; draperies; and pillows.

These establishments may provide all, a combination of, or none of the cleaning services on the premises.

Dwelling: A building or portion thereof designed, arranged, or used principally for residential occupancy, not including motels, hotels, boarding houses, or rooming houses.

Dwelling, apartment: Three or more dwelling units, under a single ownership, designed for lease or rent and located on one lot of land designed and intended for lease or rental.

Dwelling, cluster: One of a series of attached or detached dwelling units developed under a single ownership.

Dwelling, multiple-family: A building designed, constructed, altered or used for three or more adjoining dwelling units. A multiple-family dwelling may be apartments or condominiums. Each unit shall have a heated floor area of at least 600 square feet per dwelling unit and be compatible with other conventional construction which may be permitted in the same general area, or existing development, or proposed development in the same land use classification or area, or as set forth in the comprehensive plan of the county.

Dwelling, single-family detached (site-built): A single site-built residential detached building designed for or containing one dwelling unit.

- (1) Each unit shall have a heated floor area of at least 975 square feet and be compatible with other conventional construction which may be permitted in the same general area, or existing development, or proposed development in the same land use classification or area, or as set forth in the comprehensive plan of the county.

Dwelling, two-family: A detached dwelling designed, constructed, altered, or used for two adjoining dwelling units, with each dwelling unit having a party wall connecting it with the other dwelling unit, located on one lot; also known as a "duplex." Site-built and industrial homes shall have a heated floor area of at least 1,200 square feet. Each dwelling unit shall have a minimum of 600 square feet each.

Dwelling unit: One or more rooms within a dwelling forming a separate, independent housekeeping establishment for use of one family involving owner or renter occupancy, with provisions for cooking, eating, and sleeping.

Easement: The right or privilege of using another's property, for purposes such as constructing and maintaining sanitary sewers, water mains, electric lines, telephone lines, storm sewers, gas lines, bicycle paths, pedestrian ways, ingress and egress.

Education or training facility: This use comprises establishments primarily engaged in offering an array of short duration courses and seminars. Training for career development may be provided directly to individuals or through employers' training programs; and courses may be customized or modified to meet the special needs of customers. Instruction may be provided in diverse settings, such as the establishment's or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the Internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

Facilities to host private and public functions: This use includes buildings for hosting private and public functions, including, but not limited to, weddings, receptions, dinners, festivals and socials.

Factory-built housing: An obsolete term used to describe an industrialized building. See definition of industrialized building.

Family: Two or more persons occupying a single dwelling unit where all members are related by blood, marriage, adoption, or in foster care.

- (1) No single dwelling unit located in a single-family residential land use district shall have more than four unrelated individuals residing therein, nor shall any "family" have, additionally, more than four unrelated individuals residing with said family.
- (2) When the dwelling is located in any land use district other than a single-family residential district, one of the following is permitted:
 - a. Family related by blood, marriage, adoption or foster care may have two additional unrelated individuals; or
 - b. Unrelated individuals not exceeding four.
- (3) In all cases, household employees employed on the premises may be housed on the premises without being counted as a separate family or unrelated individual. The term "family" does not include any organization or institutional group.
- (4) Any nonconforming use created by the adoption of this definition of "family" shall be permitted to continue for a period of one year from date of adoption of this Document. After which period, the use of such dwellings(s) shall be in compliance herewith.

Farm: Any tract or parcel of land containing five or more acres that is devoted to the raising of agricultural products, including, but not limited to, soil crops, livestock, dairying horticulture, poultry, fish, fowl, sod farming, farm forestry, and commercial timber and other similar bona fide agricultural enterprises (see "Agriculture") or use of land or structure regardless of the quantity or value of production.

Farm supply store: This use includes farm supply stores and agricultural related businesses, such as agricultural implements sales and service, auction facilities, feed and grain stores and other businesses not involving sales or services to the general public, that fronts on a county, state, or federal road or highway.

Farm winery: As defined in Title 3, Chapter 6, Article 2 of the Official Code of Georgia Annotated, provided that a farm winery must maintain a farm winery alcohol license in accordance with chapter 3 of the Code of Ordinances, must be located on a lot containing no less than 30 acres of land, and must produce no less than 2,000 gallons of wine annually. In granting a conditional use permit for a farm winery, the board of commissioners may specify allowable uses related or complementary to the operation of the farm winery other than the production and sale of wine. A farm winery that is granted a conditional use permit is prohibited from engaging in any use not specified in the conditional use permit without applying for and being granted a modification of the conditional use permit by the board of commissioners. The following list of related or complementary uses that may be specified in a conditional use permit for a farm winery is not intended to be exhaustive but is merely illustrative of the types of uses the board of commissioners may consider in granting or modifying the conditional use permit:

- (1) Facilities to host private and public functions, including, but not limited to, weddings, receptions, dinners, festivals and socials;
- (2) Principal dwellings;
- (3) Parks or open space which is privately owned, operated or maintained;
- (4) Bed and breakfast inn;
- (5) Restaurant; and
- (6) Wedding chapel.

Fence: A fence must meet the following standards:

- (1) The fence must not be over four feet in height if located in the front yard.

- (2) The fence must be masonry, chain link, decorative wood, decorative vinyl, or ornamental wrought iron.
- (3) Any other fencing materials must be approved by the planning administrator.

Flag Lot: A lot with road frontage no greater in width than one-half the required lot width for the applicable land use district and with access to the bulk of the lot provided by means of a narrow corridor. For purposes of this definition, the access to the lot shall be considered a "narrow corridor" if the lines of the corridor diverge ten degrees or less.

- (1) No flag lot may be subdivided from a single lot or parcel of property with less than 500 feet of road frontage.
- (2) With the exception of adjacent flag lots, no more than one flag lot shall be permitted to front on the same side of the road every 500 feet when subdividing a single lot or parcel of property. Provided, however, that this distance requirement shall not be applicable to flag lots that are created from separate lots or parcels of property. For purposes of this provision, the distance shall be measured along the road between the nearest property lines.
- (3) No more than two flag lots created from the same lot or parcel of property shall be permitted to be adjacent to one another.

Flea market: This use comprises establishments primarily engaged in retailing merchandise via direct sale to the customer by truck or wagon sales, and portable stalls.

Floodplain: That area delineated on the flood insurance rate map, published by the Federal Emergency Management Agency (FEMA) and as amended from time to time, which shows the boundary of the 100-year floodplain.

Floor area: The area of a dwelling exclusive of attic, basement, garage, carport, patios, and open porches measured from the exterior face of the exterior walls of a dwelling. Also, the gross leasable floor area for any business or industry based on interior dimensions.

Food processing facility: Industrial operations in which raw food is made suitable for consumption, cooking or storage. Such facilities include commercial slaughterhouses for poultry, livestock, or other animals, fish and vegetable processing, and egg farms.

Freight trucking: This use comprises establishments primarily engaged in providing local and long-distance general freight trucking. General freight establishments handle a wide variety of commodities, generally palletized and transported in a container or van trailer.

Fruit and vegetable market: This use comprises establishments primarily engaged in retailing fresh fruits and vegetables.

Funeral homes and funeral service: This use comprises establishments primarily engaged in preparing the dead for burial or interment and conducting funerals (i.e., providing facilities for wakes, arranging transportation for the dead, selling caskets and related merchandise). Funeral homes combined with crematories are included in this industry.

Garage or carport, private: A covered space for the storage of one or more motor vehicles belonging to the occupants of the principal use on the lot. No business, occupation or service may be conducted for profit within the private garage except a home occupation or a garage sale, provided the garage sale is not conducted on a regular basis as part of the occupation or business of the owner or occupant of the garage. In R3 district, garage shall not exceed the storage capacity of three automobiles per dwelling unit.

Garden (Noncommercial): Includes greenhouse and other customary garden structures. In residential districts, structures may not be over 12' high.

Gasoline station with convenience store: This use comprises establishments engaged in retailing automotive fuels (e.g., diesel fuel and gasoline) in combination with convenience store or food mart items. These establishments may also sell alcohol for off-premise consumption.

General business: Commercial uses providing a wide range of retail goods and services to meet the needs of a large segment of the community. Any retail business that falls within this general definition but is otherwise more specifically defined in this section shall be subject to the requirements and restrictions imposed on the more specific definition.

Golf course, tennis court and country club: This use comprises (1) establishments primarily engaged in operating golf courses (except miniature), (2) tennis courts and (3) establishments primarily engaged in operating golf courses, along with dining facilities and other recreational facilities that are known as country clubs. These establishments often provide food and beverage services, equipment rental services, and golf instruction services. Minimum standards for the golf course include:

- (1) It must be for daytime use only. A driving range may be lighted for nighttime use, unless it would constitute a nuisance to adjacent properties or a hazard to nearby public rights-of-way.
- (2) All buildings, greens, and fairways must be set back at least 50 feet from any property line.

Government: Local, state, federal: Includes buildings, facilities or property owned, operated or used by Coolidge County, the State of Georgia or the United States of America.

Grocery store: A retail store that sells food, beverages, and other household implements and supplies.

Guard living quarters: Living quarters for security guard or caretaker associated with a manufacturing facility.

Heavy manufacturing: Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions that include, but are not limited to, smoke, steam, noise, soot, dirt, vibration, odor, or any other byproduct of the manufacturing process that is known to be detrimental to the human or natural environment. These activities may involve outdoor operations as part of their manufacturing process. Heavy manufacturing uses include, but are not limited to, storage of petroleum products; concrete or cement fabrication where raw materials and finished products are stored outside; pulpwood processing; asphalt manufacturing; recycling center; outdoor storage of solid waste; rock, sand, or gravel distribution or storage and other uses similar in nature. Any heavy manufacturing activity that falls within this general definition but is otherwise more specifically defined in this section shall be subject to the requirements and restrictions imposed on the more specific definition.

Home and garden equipment sale, repair and maintenance: This use comprises establishments primarily engaged in selling, repairing and servicing home and garden equipment [e.g., retailing new home and garden equipment, such as lawnmowers, handheld power tools, edgers, snow- and leaf-blowers, and trimmers].

Home occupation: An occupation for gain or support conducted by members of a family residing on the premises, and other employees, entirely within the principal or accessory building(s). The following standards must be met by all home occupations:

- (1) No home occupation shall employ more than two persons who do not reside in the dwelling located on the premises.
- (2) The home occupation must be incidental and subordinate to the residential use of the dwelling and must not change the residential character of the property.
- (3) No display of products shall be visible from the street.
- (4) The following and similar uses shall be considered home occupations, but are not limited to this list: accountant, addressing service, architect, art instructor, beauty shop (with no more than one operator), drafting, dressmaking, insurance agent, manufacturing agent, music instruction, (students: limited to

two students at a time), teacher, notary public, photographer, real estate agent, and tax consultant. The following and similar uses are considered appropriate uses of accessory buildings for home occupations: artist or craftsman's work area, photographic darkroom, clock repair shop, gunsmith shop, laboratory, potter's shop, and basket weaver's shop.

- (5) No internal or external alterations shall be permitted which would change the fire rating for the structure.
 - a. If an accessory structure is used for the business, the size of the accessory structure is limited to 25 percent of the square footage of the residential building. It shall be located behind the residential building with setback requirements of no less than 20 feet from the property line and 30 feet from the side yard.
 - b. One nonilluminated name plate, not more than two square feet in area may be attached to the building which shall contain only the name of the occupation conducted on the premises.
 - c. A home occupation shall be operated in such a manner as not to be a nuisance to adjacent residential structures. This shall apply to noise, lighting, traffic, and unsightly outside storage, where applicable.
- (6) No outside storage of materials or supplies used in connection with the home occupation shall be permitted.
- (7) All parking for the home occupation shall be located on the property and only on the side or rear yards.
- (8) Only vehicles designed and used primarily as passenger vehicles (including pickup trucks) shall be used in connection with home occupations in residential land use districts.

Hospice care facility: This use comprises establishments primarily engaged in providing inpatient nursing and rehabilitative services for terminally ill patients. The care is generally provided for an extended period of time to individuals requiring nursing care. These establishments have a permanent core staff of registered or licensed practical nurses who, along with other staff, provide nursing and continuous personal care services.

Hospital: This use comprises establishments known and licensed as general medical and surgical hospitals primarily engaged in providing diagnostic and medical treatment (both surgical and nonsurgical) to inpatients with any of a wide variety of medical conditions. These establishments maintain inpatient beds and provide patients with food services that meet their nutritional requirements. These hospitals have an organized staff of physicians and other medical staff to provide patient care services. These establishments usually provide other services, such as outpatient services, anatomical pathology services, diagnostic X-ray services, clinical laboratory services, operating room services for a variety of procedures, and pharmacy services.

Hotel and motel: This use comprises establishments primarily engaged in providing short-term lodging in facilities known as hotels, motor hotels, resort hotels, and motels. The establishments in this industry may offer food and beverage services, recreational services, conference rooms and convention services, laundry services, parking, and other services.

HUD: U.S. Department of Housing and Urban Development.

Industrialized Building: A home manufactured in accordance with the Georgia Industrialized Building Act 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.

Inert landfill: Site must be geotechnically suitable as defined by the State of Georgia Comprehensive Solid Waste Management Act 1990. An inert landfill shall comply with the applicable requirements of the Georgia Solid Waste Management Act of 1990, as amended. All inert landfills must obtain all state, federal or local permits that are applicable.

Intermediate care home: A facility that admits residents on medical referral. It maintains the services and facilities for institutional care and has a satisfactory agreement with a physician and dentist who will provide

continuing supervision including emergencies. It otherwise complies with the rules and regulations contained in Chapter 290-5-9: Intermediate Care Homes (Rules of the Georgia Department of Human Resources).

ISO intermodal steel container: Structure for the storage and maintenance of equipment and supplies used in maintaining the principal building and its grounds. Must meet the following standards:

- (1) The floor of the container is elevated at least one foot off the ground.
- (2) The container must be adequately screened from view from any public road.
- (3) The container must be maintained in good condition, free of rust and holes.
- (4) One container cannot be connected to another container; provided, however, that containers which are connected only by a roof or awning shall not violate this provision.
- (5) Two per five acres (maximum of five per lot).

Junk yard, salvage yard, and auto wrecking yard: A place where waste, discarded or salvaged metals, structure materials, paper, textiles, used plumbing fixtures, used vehicles or equipment in inoperative condition, or similar items are bought, sold, exchanged or stored, baled or cleaned. Also includes the parking, storage or disassembly of three or more junked vehicles, or wrecked or non-operable automobiles, trucks, or other vehicles that do not bear a current license plate.

Kennel (commercial): The housing for four or more dogs, cats, or other domestic animals for the purpose of providing an income or revenue. All structures must be set back 200 feet from all property lines.

Laundromat: This use comprises establishments primarily engaged in:

- (1) Operating facilities with coin-operated or similar self-service laundry and drycleaning equipment for customer use on the premises; and/or
- (2) Supplying and servicing coin-operated or similar self-service laundry and drycleaning equipment for customer use in places of business operated by others, such as apartments and dormitories.

Light manufacturing: Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products, from processed or previously manufactured materials, or materials fully encapsulated in a sealed container, including but not limited to, jars, cans, drums, or other container of a similar nature, to be stored inside. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, steam, noise, soot, dirt, vibration, odor, or any other byproduct of the manufacturing process that is known to be detrimental to the human or natural environment. Light manufacturing uses include, but are not limited to, machine shops, manufacturing of apparel, electrical appliances, electronic equipment and computer components, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, food, paper products (excluding the manufacture of paper from pulpwood), medical appliances, tools or hardware, plastic products (excluding the processing of raw materials), pharmaceuticals or optical goods, and any other product of a similar nature. Any light manufacturing activity that falls within this general definition but is otherwise more specifically defined in this section shall be subject to the requirements and restrictions imposed on the more specific definition.

Loading space: Space logically and conveniently located for pickup and delivery service, scaled to the vehicles expected to be used, and accessible to such vehicles at all times.

Lot: Parcel of land shown on a recorded plat or on the official county land use maps or any piece of land described by a legally recorded deed.

Lot width: The distance between side lot lines measured at the front building line. If the lot is a corner lot, the lot width shall be the distance between the lot lines measured along the front building line.

Machine shop: This use comprises establishments known as machine shops primarily engaged in machining metal and plastic parts and parts of other composite materials on a job or order basis. Generally machine shop jobs are low volume using machine tools, such as lathes (including computer numerically controlled); automatic screw machines; and machines for boring, grinding, and milling.

Maintenance building/shed: This use includes a structure for storage of equipment and supplies used in maintaining the principal building and its grounds.

Major thoroughfare: The major streets/roads or high-ways which carry a relatively large amount of vehicular traffic and may connect secondary or regional thoroughfares.

Manufactured home: A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, et seq.

- (1) Manufactured homes are not permitted to be used as storage buildings. Manufactured homes are not to be stored or abandoned on the property for more than 60 days. For purposes of this provision, a manufactured home shall be considered "stored" or "abandoned" if it does not meet all the requirements of Section 9.31 and 9.32 of the manufactured home ordinance.
- (2) Manufactured homes located on manufactured home sales lots shall have 60 days to meet the requirements of section 9.5(e) of the manufactured home ordinance.
- (3) Where allowed in residential districts, a manufactured home must have a heated floor space of at least 975 square feet and be compatible with conventional construction which may be permitted in the same general area, or existing development, or proposed development in the same land use classification or area, or as set forth in the comprehensive plan of the county.
- (4) One parcel or contiguous parcels of land under single ownership which has been planned and improved for the placement of three or more manufactured homes for residential occupancy shall be considered a manufactured home park and placed in a manufactured home park land use district.

Manufactured home for temporary use at construction site: The temporary manufactured home must be removed within 30 days of the issuance of the certificate of occupancy for the principal building. No more than one such unit is permitted per lot for residential construction.

Manufactured home or industrialized home dealer: This use comprises establishments primarily engaged in retailing new and/or used manufactured homes, industrialized homes, parts, and equipment.

Manufactured home, pre-HUD: Any manufactured home that was not constructed to the HUD code, which was adopted June 1976. All manufactured homes must be installed in accordance with O.C.G.A. § 8-2-160 et seq. No permit shall be issued for a pre-HUD manufactured home.

Manufactured home space: An area of land within a planned manufactured home community designed to accommodate one manufactured home.

Manufactured housing: A general term used to describe a type of housing that is produced, either completely or partially in a factory, including manufactured homes, modular homes, and industrialized buildings.

Manufacturing (commercial districts): Includes manufacturing in connection with the principal retail business or service on the lot in commercial land use districts. The intent is to assure that activities which are primarily manufacturing in nature are directed away from commercial land use districts and into manufacturing land use districts. Standards include the following:

- (1) Occupies less than 40 percent of the floor area.
- (2) Employs no more than five persons. (Establishments with five or fewer manufacturing employees in connection with a commercial activity are considered to be primarily commercial and compatible with

a commercial district. Manufacturing activities with more than five employees would be considered large enough to belong in a manufacturing district with other such uses rather than in a commercial district.)

Marina (commercial): This use comprises establishments engaged in operating docking and/or storage facilities for pleasure craft owners, with or without one or more related activities, such as retailing fuel and marine supplies; and repairing, maintaining, or renting pleasure boats. A marina must be located on a minimum of 45,000 square feet.

Miniwarehouse and self-storage units: This use comprises establishments primarily engaged in renting or leasing space for self-storage. These establishments provide secure space (i.e., rooms, compartments, lockers, containers, or outdoor space) where clients can store and retrieve their goods.

Mobile home: A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976. (Ga. L. 1968, p. 415, § 2; Ga. L. 1973, p. 4, § 2; Code 1981, § 8-2-131; Ga. L. 1982, p. 1376, §§ 3, 7; Ga. L. 1989, p. 14, § 8; Ga. L. 1992, p. 2750, § 1.).

Mobile home park: A term used to describe a planned manufactured home park. See definition of planned manufactured home community.

Mobile office: The use of a mobile office for construction administration is permitted in commercial and industrial districts during the construction of the principal use. The mobile office must be removed within 30 days of certificate of occupancy of the principal use.

Modular home: A factory-fabricated single-family dwelling that is constructed in one or more sections and complies with the definition of industrialized building.

Multi-section home: A term used to describe a manufactured home finished in two or more sections.

Museum or exhibit area: Museum or exhibit area in conjunction with an area or use of recognized historical, aesthetic, or educational significance, provided that no commercial activities other than the possible collection of an admission fee, or the sale of items strictly associated with the cultural significance of the site are allowed.

National Manufactured Housing Construction and safety standards: The national building code for all manufactured homes built since June 15, 1976, written and administered by the U. S. Department of Housing and Urban Development; also known as the "HUD Code."

Natural resource development: Includes the removal of minerals and natural materials (includes appurtenant buildings and machinery). The owners or operators of the mine or quarry must present to the planning administrator documentation, on a yearly basis, which confirms that a permit has been issued in accordance with the Georgia Surface Mining Act of 1968, as amended.

Non-conforming use: *Any legal use of land or structures which does not conform to the use provisions of this ordinance at the time of adoption of any amendment thereto.

Nursery, garden center, and farm supply store: This use comprises establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod. Also included in this industry are establishments primarily engaged in retailing farm supplies, such as animal (nonpet) feed. Farm supply stores are a conditional use in the AG-5 land use district.

Nursing home: A facility that admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision. It maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental

supervision of the home. It otherwise complies with the rules and regulations contained in Chapter 290-5-8: Nursing Homes (Rules of the Georgia Department of Human Resources).

Office park: An area of land in which multiple office buildings are grouped together.

Open space: An area that is intended to provide light and air and within which a structure is prohibited under the provisions of this section.

Outdoor advertising sign: A sign which conveys a commercial message directing attention to or promoting a business commodity, service or entertainment conducted, sold or offered at a location other than upon the premises on which the sign is located. Also referred to as a billboard.

- (1) Must comply with D.O.T. standards, if applicable, the county sign ordinance, and other applicable local ordinances.

Outdoor storage: The storage of large quantities of materials or products associated with an industry or business. Such storage will often require a structure designed for and/or devoted to the containment of the item.

Parking lot and garage: This use comprises establishments primarily engaged in providing parking space for motor vehicles, usually on an hourly, daily, or monthly basis and/or valet parking services.

Parking space: The storage space for one motor vehicles.

Personal care home: A building or group of buildings, a facility, or place in which is provided two or more beds and other facilities and services—including rooms, meals, and personal care for nonfamily ambulatory adults. It otherwise complies with the rules and regulations contained in Chapter 290-5-35: Personal Care Homes (Rules of the Georgia Department of Human Resources). For the purpose of this section, Personal Care Homes are classified as follows:

- (1) Family personal care home: A home for adults in a family type residence, non-institutional in character, which offers care to two through six persons.
- (2) Group personal care home: A home for adult persons in a residence or other type building(s), non-institutional in character, which offers care to seven through 15 persons.
- (3) Congregate personal care home: A home for adults which offers care to 16 or more persons.

Planned apartment home community: A lot used as a residential area occupied by apartment homes and conforming to an approved development plan, with appropriate and adequate community services, recreation facilities, utilities, streets, and sidewalks provided by the developer.

Planned manufactured home community: A lot used as a residential area occupied by manufactured homes and conforming to an approved development plan, with appropriate and adequate community services, recreation facilities, utilities, streets, and sidewalks provided by the developer, where the resident owns or rents the manufactured home and rents the manufactured home space. All manufactured homes located within a manufactured home community must be installed in accordance with O.C.G.A. § 8-2-160 et seq., and all manufactured home communities shall be designed in accordance with the applicable provisions of article 9 of this section.

Planned residential development: A lot conforming to an approved development plan and used as a residential area occupied by single-family dwelling units with a minimum heated floor area of 975 square feet, two-family dwellings with a minimum heated floor area of 600 square feet per dwelling unit, multifamily dwellings with a minimum heated floor area of 600 square feet per dwelling unit, or some combination thereof. For purposes of this definition, the term "approved development plan" means the submission and approval of a sketch plan, preliminary plan, and final plat in accordance with the requirements for subdivisions in document B-subdivision regulations. Density shall not exceed 12 dwelling units per acre and individual buildings must be separated by not less than ten feet. Ownership of dwelling units may be transferred. Ground areas must remain under common ownership of the developer or an association for purposes of maintenance and upkeep; provided, however, that ground areas around a dwelling unit may be transferred to the owner of the dwelling unit if the developer or association retains an easement for the purpose of maintaining and upkeeping the grounds. The

developer or association must retain responsibility for maintenance and repair of septic systems serving more than one dwelling unit, either through ownership of the septic system or through an easement allowing the developer or association to maintain and repair the septic system.

Planning Commission: The county planning commission.

Plat: A map, plan, or layout of a county, city, town, section, or subdivision or lot indicating the location and boundaries of properties prepared and stamped by a registered surveyor.

Prefabricated home: A general term used to describe any home constructed in a factory setting including manufactured homes, modular homes, and industrialized buildings.

Printing/publishing: An establishment where printed material is produced, reproduced and/or copied by either a printing press, photographic reproduction techniques, or other similar techniques.

Professional offices: A building providing office space for professional services (e.g., health care, financial, insurance, legal, real estate, etc.).

Public sewer: Sanitary sewer service provided by the County or a City within the County.

Public water: Water service provided by the county, a city within the county, or a private water system approved by the department of natural resources.

Radio station: This use comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources.

Rail transportation: This use comprises establishments primarily engaged in providing specialized services for railroad transportation including servicing, routine repairing (except factory conversion, overhaul or rebuilding of rolling stock), and maintaining rail cars; loading and unloading rail cars; and operating independent terminals.

Recreation facility (commercial): This use includes commercial unenclosed recreation facilities such as: archery ranges, campgrounds, fairgrounds, paintball fields/facilities, fire arms shooting range, golf driving ranges, and race tracks for animals or automobiles, provided such uses are located on property with frontage on a county, state, or federal road or highway and provided such uses are not located within 100 feet of an abutting property designated for Land Use R or MHP or utilized for single-family residential or manufactured home residential use.

Recreation facility (private): A common area that is set aside for leisure activities that are usually formal in nature and intended for group participation. Such activities typically require equipment and take place at prescribed places, sites, or fields, including, but not limited to, swimming pools, tennis, volleyball, and basketball courts, and baseball, soccer, or other playing fields.

Recreational vehicle park and campground: This use comprises establishments primarily engaged in operating sites to accommodate campers and their equipment, including tents, tent trailers, travel trailers, and RVs (recreational vehicles). These establishments may provide access to facilities, such as washrooms, laundry rooms, recreation halls and playgrounds, stores, and snack bars.

Recycling center: A facility which may be held in public and/or private ownership and which is designated to sort and process materials (aluminum cans, glass, newspaper, tin, HPDE and PET plastics, etc), which have been separated from waste normally discharged into sanitary landfills and sold for re-use in other markets (see heavy manufacturing). Materials being delivered to such center must be separated from waste normally discharged into sanitary landfills before they can be delivered to such centers.

Restaurant: A structure that prepares and serves food to customers, including sit down, fast food, drive-through, and drive-in facilities. Some establishments in this industry may provide these food services in combination with selling alcoholic beverages.

Right-of-way line: The boundary of a strip of land designed, reserved, dedicated, or acquired for the purpose of pedestrian or vehicular access.

Roadside stand: This use comprises establishments primarily engaged in sale of agricultural products grown on the premises, with a floor area not exceeding 500 square feet.

Sawmill: This use comprises establishments primarily engaged in sawing dimension lumber, boards, beams, timbers, poles, ties, shingles, shakes, siding, and wood chips from logs or bolts. Sawmills may plane the rough lumber that they make with a planing machine to achieve smoothness and uniformity of size.

Scrap processor: Any person, firm, or corporation engaged only in the business of buying scrap iron and metals, including but not limited to old automobiles, for the specific purpose of processing into raw material for re-melting purposes only, and whose principal product is ferrous and nonferrous scrap for shipment to steel mills, foundries, smelters, and refineries, and who maintains an established place of business in this state and has facilities and machinery designed for such processing.

Sectional home: A general term used to describe any home constructed in a factory setting, especially manufactured homes.

Security service, private: This use comprises establishments primarily engaged in providing guard and patrol services, such as bodyguard, guard dog, and parking security services.

Service establishment catering to industry: This use includes services establishment catering to industry such as: advertising agencies, janitorial services, personnel agencies; data processing service; research, development and testing laboratories; private security agencies; rental and leasing services for all types of equipment.

Shopping center: This use comprises establishments primarily engaged in acting as lessors of buildings (except miniwarehouses and self-storage units) that are not used as residences or dwellings, and are generally utilized for retailing, entertainment, dining, or service establishments.

Sign: Any fixture, placard, structure, or device illuminated or non-illuminated that uses any color, form, graphic, symbol, or writing which is visible to the general public, announcing a product, service, place, activity, person, institution, business, solicitation, or to convey information of any kind.

Single parcel ownership: The possession of a parcel of property wherein the owner does not own adjoining vacant property.

Site-built home: See definition of conventional construction.

"Solar electric power generation: Comprises non-residential establishments primarily engaged in operating solar electric power generation facilities. These facilities use energy from the sun to produce electric energy. The electric energy produced in these establishments is provided to electric power transmission systems or to electric power distribution systems and shall be subject to the following conditions, which may not preclude the imposition of additional conditions:

- (1) The developer shall be able to graphically demonstrate to the planning administrator through the use of renderings, photographs or similar credible media that proposed solar collection device or combination of devices shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. Screening, using fencing and/or vegetative buffers, shall be provided along all sides that do not collect energy to limit the visual impact of the site and to minimize glare issues.
- (2) The developer of any solar collection device or combination of devices shall provide the following documentation to the planning administrator, before land development begins:
 - a. Proof of adequate project financing, along with insurance or surety;
 - b. Proof of compliance with regard to interconnection requirements with appropriate public utilities or public utilities regulatory agencies;

- c. A letter from the Georgia Department of Natural Resources that there are no adverse impacts on historical or cultural resources;
 - d. Submission of a site plan that meets the requirements of the county soil erosion and sedimentation ordinance, and most recent edition of the Georgia Storm Water Management Manual; and
 - e. An approved right-of-way encroachment permit from the County Engineer to ensure adequate roadside access and drainage.
- (3) Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns.
- (4) Any solar collection device or combination of devices that is not operated for a continuous period of 12 months and for which there are no applications pending for permitted use of the structure at the end of such 12-month period, shall be considered abandoned, whether or not the owner or operator intends to make use of the device(s). The owner of an abandoned solar collection device and the owner of the property where the abandoned solar collection device is located shall be under a duty to remove such device. If such device is not removed within a reasonable time, not to exceed three months, after receipt of notice from the governing authority notifying the owner(s) of such abandonment, the governing authority may remove such device(s) and place a lien upon the property for the costs of removal. The governing authority may pursue all legal remedies available to it to insure that abandoned device(s) are removed. Delay by the governing authority in taking action shall not in any way waive the governing authority's right to take action.

Solid waste landfill: This use comprises establishments primarily engaged in (1) operating landfills for the disposal of nonhazardous solid waste or (2) the combined activity of collecting and/or hauling nonhazardous waste materials within a local area and operating landfills for the disposal of nonhazardous solid waste.

Stick-built home: See definition of conventional construction.

Street or road, arterial: Shall mean a street of exceptional continuity that is intended to carry the greater portion of through traffic from one area of the county to another.

Street or road, collector: Shall mean those streets which are neither local streets nor arterial streets. Their location and design are such that they are of exceptional continuity, serve as routes passing through residential areas, serve as means of moving traffic from local streets and feeding it into arterial streets.

Street or road, local: Shall mean streets which provide only access to adjacent properties and by nature of their layout serve only vehicles with either origin or destination within the area.

Structure: Anything constructed or erected that requires a fixed location on the ground or which is attached to something having a fixed location on the ground.

Structure, nonconforming: A structure which does not comply with the land use district development standards of that district in which the structure is located.

Subdivision: The division of a lot of record which exists at the time of the enactment of this section into two or more lots, building sites, or other divisions for the purposes of sale, devise or development, whether immediately or in the future, except that a subdivision does not include either of the following:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are at least equal to standards set forth in this section.
- (2) The division of land into five or fewer parcels, where no new street is involved.

Swimming beach: This use comprises areas along streams, rivers, ponds, or lakes for swimming or sunbathing.

Swimming pool, bath house or cabana (private): An artificially enclosed body of water intended for swimming or water-based recreation. A pool can be built either above or in the ground, and from materials such

as metal, plastic or concrete. A bath house or cabana is a permanent freestanding shade structure with traversing curtains, decorative drapes and/or solid walls.

Technical and trade school: This use comprises establishments primarily engaged in offering job or career vocational or technical courses (except cosmetology and barber training, aviation and flight training, and apprenticeship training). The curriculums offered by these schools are highly structured and specialized and lead to job-specific certification.

Temporary building for storage of materials: Permitted only in conjunction with construction of a building. Allowed either on the same lot where construction is taking place or on adjacent lots. Such a use must be terminated upon completion of construction.

Tennis court and/or basketball facility (private): If lighted, lights must be designed so that they do not include upon adjacent lots. Such a court may be surrounded by a fence up to ten feet high.

Tower: Shall mean a vertical structure on which is or can be located one or more antennas, including but not necessarily limited to guy towers, lattice towers, and monopole towers. Towers can be used for cellular phone service, television transmission or radio transmission purposes.

Transfer station: A facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation. Such facility must receive a permit from and comply with the rules of the Environmental Protection Division of the Georgia Department of Natural Resources for transfer stations.

- (1) A buffer of 100 feet that meets the requirements shall be installed around all property lines.
- (2) Solid waste shall be confined to the interior of transfer stations and not allowed to scatter to the outside. Waste shall not be allowed to accumulate, and floors shall be kept clean and well drained.
- (3) Sewage solids shall be excluded from transfer stations.
- (4) Dust, odors and similar conditions resulting from transfer operations shall be controlled at all times.
- (5) Rodents, insects and other pests shall be controlled.
- (6) Any contaminated runoff from washwater shall be discharged to a wastewater treatment system and, before final release, shall be treated in a manner approved by EPD.
- (7) Hazardous waste: no person owning or operating a transfer station shall cause, suffer, allow, or permit the handling of regulated quantities of hazardous waste.

Travel trailer: A vehicle designed as a temporary dwelling for travel or recreational uses, not more than eight feet in width and not more than 30 feet in length.

- (1) Travel trailers are not allowed to be used in any land use area for non-recreational purposes, unless located in a travel trailer park.

Travel trailer park: A lot on which are parked two or more travel trailers. Travel trailer parks shall meet the same requirements as a manufactured home park.

Truck stop: This use comprises establishments engaged in retailing automotive fuels (e.g., diesel fuel and gasoline) in combination with convenience store or food mart items. These establishments can either be in a convenience store (i.e., food mart) setting or a gasoline station setting. These establishments may also include overnight parking and provide automotive repair services.

Use: Any purpose for which a building or tract of land may be designed, arranged, maintained, or occupied; or any activity, occupation, business, or operation carried on in a building or structure or on a tract of land.

Use, accessory: A use incidental or subordinate to the principal use and located on the same lot as the principal use.

Use, nonconforming: A use of land or building, or both, that does not conform to the regulations and standards of the district in which either or both is located.

Use, principal: The main purpose for which a lot is used.

Used merchandise (e.g., antique stores): This use comprises establishments primarily engaged in retailing used merchandise, antiques, and secondhand goods (except motor vehicles, such as automobiles, RVs, motorcycles, and boats; motor vehicle parts; tires; and mobile homes).

Utility substations:

- (1) Minimum setbacks. Utility substations, including any required fencing, must be set back a minimum of 60 feet from all public rights-of-way and from adjacent property lines of any lot on which a residence is located, and 30 feet from all other adjacent property lines.
- (2) Minimum lot size. The lot on which a utility substation is located must be of sufficient size to meet the minimum setback requirements; however, in no case shall the lot on which a utility substation is located be less than $\frac{1}{4}$ acre.
- (3) Utility substations, including any woven wire fencing, shall be completely enclosed by decorative fencing such as, but not necessarily limited to, brick, stone or wood. Utility substations must also be enclosed by a woven wire fence at least eight feet high with bottom of fence either flush with the ground or with a masonry footing; however, the requirement for woven wire fencing may be waived if the applicant reasonably demonstrates that the utility substation does not pose a hazard to the public. If the requirement for woven wire fencing is waived, then the planning administrator may waive the requirement for the building to be completely enclosed by decorative fencing if the planning administrator determines that such waiver would not negatively impact the aesthetic quality of the building. However, all equipment located outside the building, such as but not limited to generators and tanks, shall be enclosed by decorative fencing.
- (4) No vehicles or equipment may be stored on the lot.
- (5) A buffer a minimum of 25 feet wide must be maintained along the side and rear property lines. If any decorative fencing requirements are waived, the planning administrator may require additional landscaping to preserve the aesthetic quality of the site.
- (6) Any building at a utility substation site must be architecturally compatible with adjacent properties.
- (7) The applicant must submit a site plan to the planning administrator, showing the proposed location and design of any buildings, the proposed location and type of any exterior equipment, the proposed location and design of all fencing, any proposed landscaping, the means of ingress and egress, the uses of adjacent property, and the distance of all improvements from adjacent property lines and rights-of-way. The site plan must be approved by the planning administrator prior to the issuance of a permit, and the planning administrator may require any modifications to the site plan necessary to achieve compliance with the standards and spirit of this section.
- (8) The development standards in each district shall not apply to utility substations.

Variance: An authorization granted by the Planning Commission for construction or maintenance of a building or structure which is otherwise prohibited by this section, when such authorization will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of any action on the part of the property owner, a literal enforcement of this section would result in unnecessary or undue hardship; provided, however, that with the exception of a medical hardship variance, no variance will be granted which shall authorize a land use not otherwise permitted in a particular district.

Veterinary service: This use comprises establishments of licensed veterinary practitioners primarily engaged in the practice of veterinary medicine, dentistry, or surgery for animals; and establishments primarily engaged in providing testing services for licensed veterinary practitioners.

Warehousing and storage: This use comprises establishments primarily engaged in operating merchandise warehousing and storage facilities. These establishments generally handle goods in containers, such as boxes, barrels, and/or drums, using equipment, such as forklifts, pallets, and racks. They are not specialized in handling bulk products of any particular type, size, or quantity of goods or products.

Wastewater pretreatment facility: A facility which collects sludge from septic tanks and restaurant grease traps and uses a process to separate the solids from the liquids.

- (1) The facility shall either be connected to a municipal wastewater treatment system for final treatment of wastewater created from the de-watering process, or the wastewater created from the de-watering process shall be discharged into a remote lift station of a municipal wastewater treatment system which is approved by the municipality. The facility shall be subject to the rules of the accepting municipality.
- (2) All collected solid waste must be deposited only in an EPD permitted solid waste handling facility authorized to receive the applicable waste types.
- (3) Wastewater pretreatment facilities shall be paved and enclosed.
- (4) Vehicles or containers used for the collection and transportation shall be covered, substantially leakproof, durable, and of easily cleanable construction.
- (5) Solid waste collection and transportation vehicles shall be cleaned frequently and shall be maintained in good repair.
- (6) Vehicles or containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not leak or spill therefrom.
- (7) All wastewater from cleaning of vehicles must be handled in a manner which meets all applicable environmental laws and regulations.
- (8) The facility shall be maintained in a clean and sanitary condition.
- (9) The facility shall receive all permits required by the State of Georgia.
- (10) No business that pumps or hauls waste from grease traps or septic tanks whose primary place of business is located outside of Coolidge County would be allowed to utilize this facility or transfer waste to a truck owned by a business in Coolidge County.
- (11) Development standards:
 - a. Minimum lot size shall be five acres.
 - b. No facility shall be within 1,000 feet of a residential dwelling.
 - c. No facility shall be within 100 feet of a floodplain or wetland.
 - d. No facility shall be within 300 feet of an individual or public water supply source or well.
 - e. No facility shall be within 300 feet of any water impoundment, lake, stream, pond or any permanent or intermittent waterbody considered waters of the state.
 - f. No facility shall be located in an unconfined aquifer which is used or may be used as a principal source of potable water.
 - g. Odor control methods must be used.
 - h. A 25-foot landscaped buffer consisting of trees capable of growing to a height of no less than 40 feet shall be installed and maintained along the side and rear property lines. If the facility is visible from the road accessing the property, either the aforementioned standard of landscaping or opaque fencing of no less than six, but not greater than eight feet in height shall be installed within the front setback.

- i. Access to the property shall be on a paved public road with all driveway aprons being paved to the edge of the right-of-way.
- j. All interior parking and circulation within the facility shall consist at a minimum of a gravel or similarly compacted pervious or impervious surface to minimize on-site erosion and runoff.
- k. All on-site and off-site drainage shall be installed so as to minimize the potential for any pollution runoff and shall be compliant with NPDES requirements.

Wholesale operation: A business engaged in the sale of goods in large quantities for resale purposes.

Wholesale trade agent and broker (auctions): This use comprises wholesale trade agents and brokers acting on behalf of buyers or sellers in the wholesale distribution of goods. Agents and brokers do not take title to the goods being sold but rather receive a commission or fee for their service. Agents and brokers for all durable and nondurable goods are included in this industry.

Wildlife refuge: This use comprises establishments engaged in the preservation of natural areas or settings and/or establishments engaged in operating commercial hunting or fishing preserves (e.g., game farms).

Wood kitchen cabinet and countertop manufacturing: This use comprises establishments primarily engaged in manufacturing wood or plastics laminated on wood kitchen cabinets, bathroom vanities, and countertops (except freestanding). The cabinets and counters may be made on a stock or custom basis.

Yard: A required open space on a lot that is left unoccupied with structures and facilities, except as permitted in this section. A yard may also be known as a setback.

Yard, front: The open space on a lot located between the right-of-way boundary of the abutting street and the front building line as extended to the lot lines to either side. Any yard lying between an abutting street and the building line is considered a front yard. For example, in the case of a corner lot which is abutted on two sides by streets, both yards abutting the streets would be front yards; setbacks and other development standards for front yards would apply to both of these yards.

Yard, rear: The open space located between the rear property line and the rear building line as extended to the side lot lines.

Yard sale: Sales of used household belongings by an individual at his/her principal residence or by a group of individuals combining such items for a group yard sale at one of their principal residences or the property of a nonprofit entity. Such sales may be held no more than four times in a calendar year, with each individual sale lasting no more than three consecutive days. All merchandise must be the property of the person(s) holding the sale and not be purchased for the purpose of resale. The term also includes garage sales, basement sales, or other similar usage.

Yard, side: The open space located between the side property line and the side building line as extended to the front and rear lot lines.

ARTICLE VI. - LEGAL STATUS PROVISIONS

Sec. 7.0. - Adoption of this Document.

This document is adopted to repeal and replace the county zoning ordinance previously adopted in 1996.

Sec. 7.1. - Effect of Repeal.

The repeal provided for in the preceding section of this document shall not affect any offense, act committed or any penalty or forfeiture incurred or vested right established or accruing before the effective date of this document; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. .

Sec. 7.2. - Severability of Provisions.

It is hereby declared to be the intention of the County that the sections, paragraphs, sentences, clauses and phrases of this document hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this document hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, this unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this document hereby adopted.

Sec. 7.3. - Effect of Catchlines.

The catchlines of the several sections of this document printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of the sections nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, are amended or reenacted.

Sec. 7.4. - Effective date.

Those provisions of this document shall be effective XXXXXXXXXXXX.