

ZONING ORDINANCE
OF
BRYAN COUNTY, GEORGIA

Adopted by the Board of Commissioners of Bryan County at a
meeting on the 7th day of November, 1995.

Adopted: November 7, 1995

Donna M. Waters, County Clerk

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ARTICLE I

**ENACTMENT, SHORT TITLE, PURPOSE,
JURISDICTION AND APPLICABILITY**

Section 100. Preamble and enactment: Pursuant to the authority granted by the Constitution of the State of Georgia and for several purposes of promoting the health, safety, aesthetics, convenience, order, prosperity and general welfare of the present and future inhabitants of Bryan County ("County"); of improving the County's appearance; providing fiscal stability and preventing unreasonable increases in County taxes; lessening congestion in the Roads; furthering traffic safety; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land, avoiding both undue concentration of population and urban sprawl; facilitating the adequate provision of transportation, water, sewerage, Schools, parks and other public requirements; protecting property against blight and depreciation; encouraging the most appropriate use of land and other Structures throughout the County; securing economy in government expenditures; and for other purposes, all in accordance with the Bryan County Comprehensive Plan ("Comprehensive Plan"), the Board of Commissioners of Bryan County, Georgia ("County Commission") does hereby ordain and enact into law the following **Articles** and **Sections** of the Zoning Ordinance of Bryan County, Georgia.

Section 101. Short Title: This Ordinance shall be known and may be cited as the "Zoning Ordinance of Bryan County, Georgia" ("Ordinance").

Section 102. Jurisdiction: This Ordinance shall apply to all land and Structures within the unincorporated areas of the County.

Section 103. Purpose: The purpose of this Ordinance is to promote the proper location, height, bulk, number of stories, sizes of Lots and Structures, sizes of yards, courts, and the use of Structures, and Lots for trade, industry, residences, recreation, agriculture, forestry, conservation, sanitation, protection against floods, public activities, and other purposes in accordance with the Comprehensive Plan.

Section 104. Official Zoning Map:

- (a) The boundaries of the various Zoning Districts are shown upon the Official Zoning Map of Bryan County, Georgia ("Zoning Map") which is hereby made a part of this Ordinance. The Zoning Map and all notations, references and other information shown thereon shall be as much a part of this Ordinance as if all the matters and information set forth on the Zoning Map were fully

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described herein.

- (b) The Zoning Map shall be composed of a set of maps which together comprise the Zoning Map. Upon adoption by the County Commission, each map which is part of the Zoning Map shall be signed by the Clerk of the County Commission and shall bear the seal of the County under the following words: "This is to certify that this is the Zoning Map of Bryan County, Georgia, referred to at pages 1 and 2 of the Zoning Ordinance of Bryan County, Georgia, and present in the County Commission Meeting Room on the date of adoption of the Zoning Ordinance of Bryan County, Georgia on November 7, 1995."
- (c) The Zoning Map, as adopted by the County Commission and subsequently amended from time to time by their action, shall be maintained and revised by the Planning Director. A copy of the Zoning Map, as it exists at its adoption by the County Commission, shall be kept in the Office of the Clerk of the Superior Court of Bryan County.
- (d) If the Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the County Commission may adopt a new Zoning Map which will replace the previous Zoning Map. The new Zoning Map must be identified as such in the same manner as described above in this **Section**. When the new Zoning Map is adopted, a notation should, when possible, be made on the previous Zoning Map that it is no longer valid, indicating the date that the new Zoning Map was adopted, as a reference aid. The previous Zoning Map should be preserved, if it has not been lost or destroyed, for possible future reference.

Section 105. Zoning Map amendments:

- (a) If, in accordance with the provisions of this Ordinance, changes are made in the Zoning District boundaries or other information portrayed on the Zoning Map, such changes shall be entered on the Zoning Map by the Planning Director promptly, after the amendment making such changes has been approved by the County Commission. The entry showing an amendment to the Zoning Map shall be placed upon the property which is the subject of the amendment and shall show the date of the amendment and the Zoning File Number. All entries showing amendments to the Zoning Map must be signed by the Clerk of the County Commission.
- (b) Regardless of the existence of purported copies of the

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Zoning Map which may from time to time be made or published, the Zoning Map which shall be located in the office of the Planning Director shall be the final authority as to the current zoning status of Lots in the County.

Section 106. Interpretation of Zoning District Boundaries:

- (a) Unless otherwise shown on the Zoning Map, the boundary lines of Zoning Districts are Lot lines, the center lines of Roads or alleys or such lines extended, railroad right-of-way lines, the center lines of creeks and streams or corporate limit lines as they existed at the Effective Date of this Ordinance or as exist at the time of approval of an amendment to the Zoning Map.
- (b) Zoning District boundary lines not coinciding with Lot lines, the center lines of Roads or alleys or such lines extended, railroad right-of-way lines, the center lines of creeks or streams or corporate limit lines shall be determined by use of the scale of the Zoning Map, unless actual dimensions are noted.
- (c) If, because of an error or omission on the Zoning Map, any Lot within the jurisdiction of this Ordinance is not shown as being within a Zoning District, such Lot will be classified as A-5, until changed by amendment

Section 107.

- (a) **Relation to other ordinances or agreements:** This Ordinance does not in any way repeal existing provisions of any other ordinances, except any provisions of the zoning ordinance in effect on the Effective Date of this Ordinance which are in conflict with provisions of this Ordinance. Notwithstanding anything herein to the contrary, Articles IV. and V. of the Zoning Ordinance of Bryan County, Georgia, adopted March, 1975, as amended, are repealed. Except as provided for herein, if the provisions of this Ordinance impose greater restrictions or higher standards than is called for in other

ordinances, then the provisions of this Ordinance will take precedence over the others and will control.
(Revised-3/3/98)

- (b) **Validity of conditions attached to previous zoning classifications:** This Ordinance does not, in any way, repeal or affect any conditions placed on Zoning

Reclassifications granted prior to the Effective Date of this Ordinance.

Section 108. Relation of this Ordinance to any pending actions:

The adoption of this Ordinance will not affect any action, suit, or proceeding which may be pending at the Effective Date of this Ordinance.

Section 109. No Precedent: No action of the Planning Director, County Commission, or Planning Commission hereunder shall establish a precedent. Each case shall be decided upon its merits and upon the particular circumstances relating thereto.

Section 110. Validity: If any **Section, Subsection,** sentence, clause, phrase or portion of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect portions of this Ordinance not so held to be invalid. It is hereby declared that this Ordinance would have been adopted had such invalid portion not been included herein.

Section 111. Repeal: All ordinances or parts thereof which are in conflict with the provisions of this Ordinance are hereby repealed. Notwithstanding anything herein to the contrary, Articles IV. and V. of the Zoning Ordinance of Bryan County, Georgia, adopted March, 1975, as amended, are repealed. (Revised-3/3/98)

Section 112. Effective Date of this Ordinance: This Ordinance shall become effective from and after the date of its adoption by the County Commission ("Effective Date of this Ordinance").

ARTICLE II

RULES OF CONSTRUCTION

Section 200. General rules of construction: For the purposes of this Ordinance, the following rules of construction shall apply:

- (a) This Ordinance shall be construed to achieve the purposes for which it is adopted.

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- (b) In the event of a conflict between the text of this Ordinance and any caption, figure, illustration, or table herein, the text of this Ordinance shall control.
- (c) In the event of any conflict herein in limitations, requirements, or standards applying to an individual Use or Structure, the more stringent or restrictive provision shall apply.

Section 201. Fractional requirements: When any requirement of this Ordinance results in a fraction as to the number of Dwelling Units or any other measurement, that fraction will be disregarded and the nearest lower number shall apply.

Section 202. Additions to an existing Development: Whenever any increment or addition to an existing Development results in the total size of the Development being greater than a threshold size identified in this Ordinance, the Development shall be treated as a whole in determining the type of review and approval required under this Ordinance.

Section 203. Conflict: In the case of a conflict between any provision of this Ordinance and a provision of the Bryan County Building Code Ordinance ("Building Code"), the Building Code shall control.

Section 204. Responsibility of Applicant: It shall be the responsibility of an applicant to submit all materials necessary for the Planning Director, the Planning Commission or the County Commission to consider applications for approvals or determinations requested pursuant to this Ordinance.

ARTICLE III

ADMINISTRATION

Section 300. Application of Zoning Ordinance: Except as otherwise provided, no Structure or Lot shall, after the Effective Date of this Ordinance, be used and no Structure or part thereof shall be erected, altered or moved unless in conformity with the requirements herein specified for the Zoning District in which it is located. In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity and general welfare

of the County.

Section 301. Duties, Building Permits and Certificates of Occupancy: All questions of interpretation and enforcement shall first be presented to the Planning Director; any aggrieved party may appeal a decision of the Planning Director to the Board of Appeals. (Revised-3/3/98)

- (a) **Enforcing Officer:** The provisions of this Ordinance shall be administered and enforced by the Planning Director and his designees. These officials shall have the right to enter upon any Premises for the purpose of making inspections they deem necessary to carry out their duties in the enforcement of this Ordinance.
- (b) **Building Permits/Certificate of Occupancy:** The Planning Director or his designee shall issue all Building Permits and Certificates of Occupancy and make and maintain records thereof, and conduct inspections as prescribed by this ordinance and as necessary to insure compliance of this Ordinance. (Revised-3/3/98)
- (c) **Building Permits required:** No Building Permits shall be issued until the Planning Director, or his designee, certifies that the proposed construction is in compliance with this Ordinance.
- (d) **Certificate of Occupancy:** No Lot, or Structure or part thereof hereafter erected, moved or altered in its Use, shall be occupied or used until the Planning Director or his designee has, pursuant to Chapter 11 of the Bryan County Code issued a Certificate of Occupancy. Such occupancy or Use must also conform with the provisions of this Ordinance. (Revised-3/3/98)

ARTICLE IV

DECISION MAKING AND ADMINISTRATIVE BODIES

Section 400. Department of Planning and Zoning ("Planning Department"): In addition to any authority granted to the Planning Department by other laws and ordinances, the Planning Director and the employees under his control, shall have the following powers and duties, which include, but are not limited to, the following:

- (a) To serve as staff to the County Commission and the Planning Commission, with regard to their functions under this Ordinance, and to inform such bodies of all facts and information with respect to applications for amendments to the Zoning Map, the preparation, adoption,

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and updating of the Comprehensive Plan, or any other matters brought before them.

- (b) To maintain a copy of this Ordinance and the Zoning Map.
- (c) To maintain development review files and other public records related to administration and enforcement of this Ordinance.
- (d) To recommend and comment on proposed amendments to this Ordinance and the Zoning Map.
- (e) To establish such rules of procedure as are necessary and proper for the administration of this Ordinance.
- (f) To enforce this Ordinance.
- (g) To render interpretations of the provisions of this Ordinance and the Zoning District boundaries indicated on the Zoning Map.

Section 401. Bryan County Engineering and Inspections Department ("Engineering and Inspections Department"): In addition to any authority granted to the Engineering and Inspections Department by other laws and ordinances, the Engineering Director and the employees under his control shall have the following powers and duties, which include, but are not limited to, the following:

- (a) Reserved. (Revised-3/3/98)
- (b) To review rezoning petitions to determine compliance of the proposed Development with County requirements for engineering, erosion control, traffic circulation, traffic generation, parking, loading and unloading, connections to public street rights-of-way and drainage.
- (c) As requested by the Planning Director, to provide the County Commission or the Planning Commission with reports and recommendations with respect to matters before those bodies under the provisions of this Ordinance.
(Revised-3/3/98)

Section 402. Bryan County Board of Education ("Board of Education"): In addition to any authority granted to the Board of Education by other laws and ordinances, the Superintendent and the employees under his control shall have the following powers:

- (a) When requested by the Planning Director or County

Commission, review applications for rezoning petitions to evaluate the impact of the proposed rezoning on the availability of existing and planned educational facilities, teachers and staff. (Revised-3/3/98)

- (b) When requested by the Planning Director or County Commission, provide to the County Commission or Planning Commission, reports or recommendations with respect to matters before those bodies. (Revised-3/3/98)

ARTICLE V

APPEALS AND VARIANCES

Section 500. Powers of Planning Commission: Reserved.
(Revised 3/3/98)

Section 501. Appeals to the Planning Commission: Reserved.
(Revised-3/3/98)

Section 501.01 Appeals to the Board of Appeals: An appeal to the Board of Appeals may be taken from any decision of the Planning Director by any person. Such appeal must be made within seven (7) days of the action or decision appealed from by filing with the Clerk of the County Commission a notice of appeal specifying the grounds thereof. The provisions of Article XVI shall apply to all appeals to the Board of Appeals. (Revised-3/3/98)

Section 502. Powers of County Commission: Reserved.
(Revised-3/3/98)

Section 503. Appeals to County Commission: Reserved.
(Revised-3/3/98)

Section 504. Appealing an action of the County Commission: If the County Commission takes an action pursuant to this Ordinance which any party believes to be contrary to law, that action may be appealed to the Superior Court of Bryan County. Such an appeal must be filed within thirty (30) days of the date on which the action of the County Commission was taken. Said appeal shall be based solely on the record of the County Commission action. No party shall be entitled to a de-novo appeal. (Revised-3/3/98)

Section 505. Variances:

- (a) An owner may make application for a Variance, using forms available from the Planning Department. Upon receipt of an application, the Planning Director shall schedule a public hearing. At least fifteen (15) but no more than

forty-five (45) days prior to the scheduled public hearing, the Planning Director shall advertise such hearing in a newspaper of general circulation in the County and shall erect in a conspicuous place on the premises in question a sign giving public notice of the application for Variance. The Planning Director shall, within thirty (30) days after such public hearing, either grant or refuse to grant the requested variance based on a finding that all of the following conditions exist:
(Revised-3/3/98)

- (i) There are extraordinary and exceptional conditions pertaining to the Lot in question because of its size, shape or topography that are not applicable to other Lots in the same Zoning District.
 - (ii) A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other Lots in the Zoning District in which the Lot is located.
 - (iii) Granting the Variance requested will not confer upon the Lot of the applicant any special privileges that are denied to other Lots in the Zoning District in which the applicant's Lot is located.
 - (iv) The requested Variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
 - (v) The special circumstances are not the result of the actions of the applicant.
 - (vi) The Variance requested is the minimum Variance that will make possible the legal use of the Lot.
- (b) In reviewing an application for a Variance, the burden of showing that the Variance should be recommended and granted shall be upon the applicant.
 - (c) The Planning Director, when granting a Variance, may establish reasonable conditions concerning the use of the Premises and may establish a time period for a Variance.
(Revised-3/3/98)
 - (d) Any Variance thus recommended and granted must be stated in writing in the records of the Planning Department with the reasons for which the departure was justified and the

conditions under which granted stated therein.
(Revised-3/3/98)

(e) Reserved. (Revised-3/3/98)

Section 506. Limitations on Variances: In no case shall a Variance be considered or granted from the conditions of approval imposed on a Lot through a zoning change granted by the County Commission, nor may a minimum Lot size required by a Zoning District be reduced, nor may any Use of a Lot be granted that is not a permitted Use within the Zoning District in which the Lots is situated. The existence of adjacent Non-Conforming Lots or Structures shall not be grounds for a Variance.

ARTICLE VI

AMENDMENTS

Section 600. Purpose: The purpose of this **Article** is to provide means for amending the text of this Ordinance and the classification of any Lot identified on the Zoning Map. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments:

- (a) Necessary in light of changed conditions or changes in public policy; or
- (b) Likely to achieve the purposes of this Ordinance.

Section 601. Authority: Upon compliance with the provisions of this **Article**, the County Commission shall have the authority to amend or repeal the text of this Ordinance and the classification of any Lot as identified on the Zoning Map.

Section 602. Initiation:

- (a) Any amendment, except for the reclassification of a Lot to a Conditional Use District or a text amendment to this Ordinance, may be initiated either by the County Commission, the Planning Commission or by the owner of the Lot in question.
- (b) An amendment for reclassification of a Lot to a Conditional Use District may be initiated only by the owner of the Lot in question.
- (c) A text amendment to this Ordinance may be initiated by the Planning Commission, the County Commission or any person.

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Section 603. Preliminary meeting with Planning Commission Staff:

Before filing a petition for the reclassification of Premises, the petitioner must meet with the Planning Department to discuss the nature of the proposed reclassification, the standards for development under the proposed reclassification, and, if known, any concerns that persons residing in the vicinity of the Premises may have regarding the proposed reclassification.

Section 604. Filing of petitions:

- (a) A petition for the reclassification of a Lot or a text amendment must be in a form prescribed by and filed with the Planning Department, accompanied by the fee established by the County Commission.
- (b) As provided in **Subsection (c)** below, applications for a change in zoning classification to a classification listed in said **Subsection (c)** shall be accompanied by a written, documented analysis of the impact of the proposed zoning change with respect to each of the standards enumerated in **Section 610**, in a form acceptable to the Planning Director, as well as any other supporting materials required by the Planning Director. The analysis shall be filed with the Planning Department not less than thirty (30) days before any meeting or hearing at which the reclassification will be considered.
(Revised-7/10/07)
- (c) The analysis described in **Subsection (b)** above shall only apply to the following applications for rezoning classifications:
 - (i) All reclassifications to the following Zoning Districts: PUD, I-1, WP, I-L, B-2, R-3, R-4 and WB-3; or
 - (ii) All other reclassifications of Lots at least twenty (20) acres in size in the following Zoning Districts: AR-1.5, R-30, R-1, R-2, B-1, O and WB-2.
- (d) No application for reclassification of a Lot will be accepted until it is complete.

Section 605. Staff review:

- (a) The Planning Director shall review the proposed amendment and deliver copies thereof to the following agencies for their review and comment: the Planning Commission, the

Bryan County Health Department, the Board of Education, the Engineering Department, the Public Safety E911 Department, and any other agencies deemed appropriate by the Planning Director. (Revised-10/5/99).

- (b) Prior to the public hearing held by the Planning Commission, the Planning Director shall deliver to the Planning Commission a report summarizing the comments, if any, of the agencies described in **Section 605. (a)**. The Planning Commission shall hold a Public Hearing, review the comments, and give their recommendation on proposed amendment. (Revised-10/5/99).
- (c) Prior to the public hearing held by the County Commission, the Planning Director shall deliver to the County Commission the same report described in 605.(b) along with the recommendation if any by the Planning Commission. (Revised-10/5/99).

Section 606. Withdrawal and amendment of petition:

- (a) A filed petition may be withdrawn by the petitioner at any time prior to the scheduling of the date of the public hearing for the petition before the County Commission. After that time, the petitioner may file with the Planning Director a request to withdraw the petition, but the Planning Director shall determine whether or not to allow the withdrawal. (Revised-3/3/98)
- (b) It is generally not the intent of this **Section** to permit the withdrawal of a petition after the scheduling of the public hearing before the County Commission. The County Commission may approve a request for withdrawal after such date, only if it determines that there are substantial circumstances favoring the withdrawal and that the withdrawal will not be detrimental to the interests of citizens affected by the petition. (Revised-3/3/98)
- (c) The petitioner shall not be allowed to amend a petition after a public hearing has been scheduled.
- (d) When a petitioner withdraws a petition to amend, the petitioner shall not re-submit the petition for ninety (90) days following such withdrawal; provided, however, if the withdrawal is made at the county's request, the petition may be re-filed within thirty (30) days. (Revised-7/10/07)

Section 607. Notice of Public Hearing: Notwithstanding anything

contained herein, notice of all public hearings required under this Article shall be in accordance with O.C.G.A. §36-66-1, known as the "Zoning Procedures Law."

Section 608. The Public Hearing:

- (a) No amendment shall be adopted by the County Commission until after the County Commission has held a public hearing on such proposed amendment. (Revised-10/8/97)
- (b) The public hearing shall be called and conducted in accordance with the rules and procedures set forth in **Article XIII.**

Section 609. Action by County Commission: After the County Commission has held the required public hearing, and unless an extension of time is requested by or agreed to in writing by the petitioner, if any, the County Commission shall either reject the proposed amendment or adopt an ordinance enacting the proposed amendment with or without modifications. (Revised-10/8/97)

- (a) If it receives a recommendation of the Planning Commission, the County Commission shall consider such recommendation, the report and recommendation of the Planning Director, the comments of the agencies described in **Section 605. (a)**. Except where an extension of time is requested by or agreed to in writing by the petitioner, the County Commission shall, no later than its next regularly scheduled meeting held a minimum of seven (7) days from either the date of delivery to it of the recommendation of the Planning Commission, or thirty-one (31) days after the public hearing on the petition, either reject the proposed amendment or adopt an ordinance enacting the proposed amendment with or without modifications.

Section 610. Standards Governing the Exercise of Zoning Power ("Standards"):

- (a) In considering any Zoning Map Reclassifications, the following Standards shall be considered, as they may be relevant to the application, by the Planning Director, Planning Commission and County Commission. Such considerations shall be based on the most intensive Uses and maximum density permitted in the requested Reclassification, unless limitations to be attached to the zoning action are requested by the applicant:

- (i) Whether the proposed reclassification is in conformance with the Comprehensive Plan;
- (ii) Whether the proposed reclassification improves the overall zoning scheme and helps carry out the purposes of this Ordinance.
- (iii) Whether the proposed reclassification is compatible with or would negatively impact the overall character and land use pattern or a particular piece of property or neighborhood within one (1) mile of the subject Lot;
- (iv) The adequacy of public facilities and services intended to serve the Lot proposed to be reclassified, including but not limited to: Roads, parks and recreational facilities, police and fire protection, Schools, stormwater drainage systems, water supplies, wastewater treatment, and solid waste services;
- (v) Whether the proposed reclassification will adversely affect a known archaeological, historical, cultural or environmental resource, such as water or air quality, ground water recharge areas, drainage, soil erosion and sedimentation and flooding.
- (vi) Whether the proposed reclassification will adversely affect the existing Uses or usability of adjacent or nearby Lots or the preservation of the integrity of a adjacent neighborhoods;
- (vii) Whether the proposed reclassification could adversely affect market values of nearby Lots;
- (viii) Whether the proposed reclassification would require an increase in existing levels of public services, including, but not limited to: Schools, parks and recreational facilities, stormwater drainage systems, water supplies, wastewater treatment, solid waste services, Roads or police and fire protection beyond the existing ability of the County or Board of Education to provide;
- (ix) Whether there are other existing or changing conditions affecting the use and development of the Lot proposed to be reclassified which give supporting grounds for either approval or disapproval of the proposed reclassification;

- (x) The existing Uses and zoning of nearby Lots;
 - (xi) The extent to which the value of the Lot proposed to be reclassified is diminished by its existing zoning restrictions;
 - (xii) The extent that any diminished property value of the Lot proposed to be reclassified resulting from its existing zoning restrictions promotes the health, safety, morals or general welfare of the public;
 - (xiii) The relative gain to the public, as compared to the hardship imposed upon Petitioner, by the existing zoning restrictions.
 - (xiv) The suitability of the Lot proposed to be reclassified for its current and proposed zoned purposes; and
 - (xv) The length of time the Lot proposed to be reclassified has been nonincome producing as zoned.
 - (xvi) Whether the proposed reclassification would create an isolated District unrelated to adjacent and nearby Districts;
 - (xvii) Whether there are substantial reasons why the Lot cannot be used in accordance with this existing zoning classification;
 - (xviii) Applications for a Zoning Map Reclassification which do not contain specific site plans carry a rebuttable presumption that such rezoning shall adversely affect the zoning scheme.
- (b) After hearing evidence at a Zoning Hearing, the Planning Commission and County Commission shall apply the Standards as deemed relevant to the application in making their decision. It will not be required that the Planning Commission or County Commission consider every criteria contained in the Standards. It shall be the duty of the applicant to carry the burden of proof that the proposed Zoning Map Reclassification promotes the public health, safety, morality or general welfare.
- (c) If the County Commission determines from the evidence presented or the recommendation of the Planning Commission that the applicant has shown that the proposed Zoning Map Reclassification promotes the health, safety,

morality and general welfare based on the Standards, then the application shall be granted, subject to any reasonable provisions as may imposed by the County Commission pursuant to **Section 612**. Otherwise such application shall be denied.

Section 611. Effect of denial of petition: A petition for the reclassification of a Lot or an amendment to the text of this Ordinance that have been denied in whole or in part, or approved to a classification other than the classification originally requested, shall not be resubmitted within one (1) year of the date of the County Commission's action on the original petition. However, nothing in this **Article** shall preclude the seeking of a different classification.

Section 612. Provisional Zoning:

- (a) In deciding upon any application for a Zoning Map Reclassification, the County Commission may, on their own motion or upon the recommendation of the Planning Director or the Planning Commission or the suggestion of the applicant, grant the application subject to certain provisions necessary to promote and protect the health, safety, morality and general welfare of the County and to further the purposes of this Ordinance. Such provisions shall be imposed for the benefit of the community to prevent or lessen any negative effects that the Zoning Map Reclassification may cause.
- (b) The County Commission may grant any Zoning Map Reclassification and include provisions as follows:
 - (i) Such provisions as are deemed necessary to protect neighbors and to prevent or lessen any negative effects of the zoning change;
 - (ii) That the rezoning is provisional upon the condition that the applicant or any successor in title to the applicant may construct, establish or continue only those Uses named and only in such a manner as is approved by the County Commission;
- (c) Prior to a final vote being taken on any application for a Zoning Map Reclassification in which provisions shall be imposed, such provisions will be announced at the hearing and the applicant shall be afforded an opportunity to present its position on such provisional requirements. If the applicant finds such provisional requirements to be unacceptable, it may, at that time, withdraw its application for a Zoning Map

Reclassification; such withdrawal shall be considered a denial for purposes of refileing an application.

- (d) If the County Commission adopts a Zoning Map Reclassification which contains provisional requirements, such requirements shall become a part of this Ordinance and the Zoning Map. Such property shall thereafter carry the suffix "-P" to indicate that such property has been provisionally zoned. Such provisions shall be binding upon all owners of the property until removed or modified by the County Commission. The Planning Director shall so indicate in the records of the zoning actions the existence of the provisional requirements and shall attach the suffix "-P" to the Zoning Map for the appropriate property. The owners shall promptly file in the Clerk's Office of Bryan County, Georgia a plat of the property bearing a legend that sets out the terms of the provisional zoning accorded the property under a caption, "Provisions of Zoning". (Revised-3/4/08)
- (e) A provisional requirement may be imposed upon either Permitted or Conditional Uses in any Zoning District. In ruling on such provisional requirements, the County Commission shall utilize the applicable Standards contained in **Section 610.** of this Ordinance.

**ARTICLE VII
CONDITIONAL USE DISTRICTS**

Section 700. Conditional Use Districts, purpose:

- (a) The Conditional Use District rezoning process allows particular Uses to be established, but only in accordance with specific standards and conditions pertaining to each individual project. Some Lot Uses are of such a nature or scale that they have a significant impact on both the immediate surrounding area and on the entire County, which impact cannot be predetermined and controlled by general Zoning District standards. There are also circumstances in which a general Zoning District designation allowing such a Use by right would not be appropriate for a particular Lot, even though the Use itself could, if properly planned, be appropriate for the Lot consistent with the objectives of this Ordinance and the Comprehensive Plan. The review process established in this **Article** provides for the accommodation of such Uses by a reclassification of Lots into a "Conditional Use" District, subject to specific conditions which ensure compatibility of the Use with the Use and enjoyment of neighboring properties.

- (b) A Conditional Use District may be established only from conditional Uses listed within **Article XI** and only within the Zoning District such conditional Use may be allowed.

Section 701. Plans and other information to accompany petition:

- (a) All petitions for the reclassification of Lots to a Conditional Use District must be accompanied by a site plan, drawn to scale, and any necessary supporting text, if applicable, including the following information:
 - (i) A boundary survey and vicinity map showing the Lot's total acreage, zoning classification(s), general location in relation to Roads, railroads, and waterways, the date, and north arrow;
 - (ii) All existing easements, reservations, and rights-of-way;
 - (iii) Proposed location and use of the Lot and Structures, including the number of residential units and the total square footage of any nonresidential development;
 - (iv) All yards, buffers, screening, and landscaping either required by this Ordinance or proposed by the Petitioner;
 - (v) All existing and proposed points of access to Public Roads;
 - (vi) Flood zones;
 - (vii) Proposed phasing, if any;
 - (viii) The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development; and
 - (ix) General traffic, parking, and circulation plans.
- (b) The Planning Director can waive any petition requirement where he determines that the type of Use or scale of the proposal makes providing certain information unnecessary or impractical.
- (c) In the course of evaluating the proposed Use, the Planning Director, Planning Commission, or County Commission may request additional information from the

petitioner. This additional information may include the following:

- (i) Proposed number and general location of all Structures;
- (ii) Proposed screening, buffers and landscaping over and above that required by this Ordinance, as well as proposed treatment of any existing natural features;
- (iii) Existing and proposed topography, at one (1) foot contour intervals;
- (iv) The location of trees on the subject Lot;
- (v) Scale of proposed Structures relative to abutting property;
- (vi) Height of proposed Structures;
- (vii) Exterior features of the proposed Development;
- (viii) Any other information needed to demonstrate compliance with this Ordinance; and
- (ix) Proposed number and location of signs.

Section 702. Conditions to approval of petition:

- (a) The County Commission may approve the reclassification of a Lot to a Conditional Use District, only upon determining that the proposed Use will meet all applicable standards and requirements in this Ordinance.
- (b) In recommending approval of a petition for the reclassification of a Lot to a Conditional Use, the Planning Commission may recommend and the County Commission may require reasonable and appropriate conditions be attached to approval of the petition. Any such conditions should relate to the relationship of the proposed Use to surrounding property, proposed support facilities, such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffering areas, the timing of development, Road and right-of-way improvements, water and sewer improvements, storm drainage, the provision of open space, and other matters that the Planning Commission or County Commission may find appropriate or the petitioner may propose.
(Revised-3/3/98)

Section 703. Effect of approval:

- (a) If a petition is approved under this **Article**, the Conditional Use District that is established, the approved petition, and all conditions which have been attached to the approval are binding on the Lot as an amendment to this Ordinance and to the Zoning Map. All subsequent development and Use of the Lot shall be in accordance with the standards for the approved Conditional Use District, the approved petition, and all conditions attached to the approval.
- (b) Following the approval of a petition for a Conditional Use District, the subject Lot shall be identified on the Zoning Map by the appropriate Zoning District designation, followed by the letters "CD".

ARTICLE VIII

NONCONFORMING AND NONCOMPLYING LOTS, STRUCTURES AND USES

Section 800. Intent: It is the intent of this Article to avoid any unreasonable invasion of established private property rights; however, this Ordinance recognizes that the elimination of existing Structures and Uses that are not in conformance or compliance with this Ordinance is as much a subject of health, safety and general welfare as is the prevention of the establishment of new Uses which would violate the purpose, intent and provisions of this Ordinance.

Section 801. Existing Uses:

- (a) Except as provided for herein, this Ordinance shall not prohibit a continuation of a particular lawful Use or Uses of a Lot or Structure legally existing at the Effective Date of this Ordinance; provided, however, that if any such legally existing Use changes to a different Use after the Effective Date of this Ordinance, such different Use shall conform to the provisions of this Ordinance.
- (b) Nothing contained in this Ordinance shall prohibit the continuation of agricultural or forestry Uses on tracts ten (10) acres or greater, regardless of the Zoning District in which such tract is situated.
- (c) The Non-Conforming Use of a Lot, where such Use lawfully existed on the Effective Date of this Ordinance and such Use does not involve any Principal Structure may be

continued for a period of not more than three (3) years; provided, however, that such Non-Conforming Use of a Lot shall not in any way be expanded or extended. If such Non-Conforming Use of a Lot is discontinued or changed, any future Use of such Lot shall be in conformity with the provisions of this Ordinance.

Section 802. Non-Conforming Lots:

- (a) Except as provided in **Section 802. (b)**, an Existing Lot of Record may be used for the erection of any Structure (including Accessory Structures) permitted in the Zoning District in which the Lot is situated, even though the Lot does not meet the minimum area or dimensional requirements set forth herein for such Zoning District. Front, side and rear yards shall conform with the requirements of this Ordinance as closely as possible. The Planning Director shall make such determination after considering both the requirements of this Ordinance and the established placement of Structures in the neighborhood. However, under no circumstances, shall a Structure be placed less than ten (10) feet from a property line or less than twenty (20) feet from a Road.
- (b) Where a Non-Conforming Lot is less than the minimum Lot area required by this Ordinance, and such Non-Conforming Lot is adjacent to another Lot under the same ownership at the Effective Date of this Ordinance, such Lots must be combined.

Section 803. Non-Conforming Commercial Structures:

- (a) A Non-Conforming Structure used for Commercial purposes may be enlarged or extended, and Accessory Structures added, provided such enlargement, extension or Accessory Structure meets the setbacks for the Zoning District as closely as possible, as determined by the Planning Director, and does not reduce existing setbacks from Roads, where such setbacks are less than required in the Zoning District. However, under no circumstances, shall a side or rear setback be reduced to less than ten (10) feet.
- (b) A Non-Conforming Structure used for Commercial purposes may be replaced, along with its Accessory Structure, provided Replacement meets the setbacks for the Zoning District. However, such a Non-Conforming Structure can be replaced at its original location, provided that after Removal, Replacement takes place within a period of two (2) years for Site Built Structures.

Section 804. Non-Conforming Residential Structures:

- (a) A Non-Conforming Structure used for Residential purposes may be enlarged or extended, and Accessory Structures added, provided such enlargement, extension or Accessory Structure meets the setbacks for the Zoning District as closely as possible, as determined by the Planning Director, and does not reduce existing setbacks from Roads, where such setbacks are less than required in the Zoning District. However, under no circumstances, shall a side or rear setback be reduced to less than ten (10) feet.
- (b) A Non-Conforming Structure used for Residential purposes may be replaced, along with its Accessory Structure, provided Replacement meets the setbacks for the Zoning District. However, such a Non-Conforming Structure can be replaced at its original location, provided that after Removal, Replacement takes place within a period of one (1) year for Manufactured Homes and two (2) years for Site Built Structures.
- (c) A Mobile Home made Non-Conforming by this Ordinance, located within the unincorporated limits of Bryan County, may be moved to another location within the unincorporated limits of Bryan County provided the following conditions are met: (Revised-4/2/96)
 - (i) The Mobile Home is either Non-Conforming, Non-Complying, or classified as a Secondary Living Unit. (Revised-4/2/96)
 - (ii) The Mobile Home must pass a habitability inspection by the Department of Engineering and Inspections. (Revised-4/2/96)
 - (iii) Evidence is submitted that all required taxes and fees due the County in connection with the Structure are current. (Revised-4/2/96)
 - (iv) All required permits are applied for and the required fee paid. (Revised-4/2/96)

Section 805. Non-Conforming Commercial Uses: Non-Conforming Commercial Uses of a Structure may not be changed to another Non-Conforming Use. Non-Conforming Commercial Uses may not be re-established after discontinuance for one (1) year, however, this prohibition shall not apply during the time period permitted for

the Replacement of a Structure under this **Article VIII**. The portion of a Structure used for Commercial Uses may not be extended, enlarged or expanded.

Section 806. Non-Conforming Residential Use of a Structure:

- (a) Non-Conforming Residential Use of a Structure, may be continued, and additional customary Accessory Uses may be established. The Principal and Accessory Structures may be replaced, expanded or extended, provided that the Lot and building requirements are not violated for the Zoning District in which the Structure is situated, except as permitted in **Section 804**.
- (b) Any Structure used for Residential purposes and situated in a Zoning District which prohibits Residential Uses cannot be replaced, if removed. However, such a Structure can be replaced provided that after Removal, Replacement takes place within a period of one (1) year for Manufactured Homes and two (2) years for Site Built Structures.

Section 807. Procedure to obtain approved status for a Non-Complying Lot: A Non-Complying Lot can be granted the status of an Approved Lot by the Planning Director if the following conditions are met:

- (a) An Application is filed with the Planning Director on forms prepared by the Planning Department and the required fee paid.
- (b) Evidence is submitted to the Planning Director that all required taxes and Fees due the County in connection with the Lot are current.
- (c) The applicant submits evidence and the Planning Director determines, that the Lot is a Non-Complying Lot.
- (d) The applicant submits to the Planning Director a Plat of the Lot, which Plat may be either a new Plat meeting the requirements of the Georgia Plat Act, as amended at the time of Application, or a copy of a previously recorded plat.
- (e) Certification of Health Department Approval of the Lot and any existing water and sewerage system serving the Lot is submitted to the Planning Director.
- (f) The Planning Director determines that the Lot:

- (i) Abuts, for a distance of at least twenty (20) feet, either a Public Road or an Approved Private Road System; and
- (ii) Meets the minimum area and dimensional requirements for the Zoning District in which the Lot is situated.

Section 808. Procedure to obtain Non-Conforming Status for a Non-Complying Lot: Non-Complying Lots which meet all the requirements of **Section 807.**, except for the requirements of part (f)(ii) can be granted the status of a Non-Conforming Lot by the Planning Director if the following conditions are met:

- (a) The requirements of parts (a), (b), (c), (d), (e) and (f)(i) of **Section 807.** are satisfied.
- (b) The Planning Director determines that the size of the Lot is at least thirty thousand (30,000) square feet, or if the Lot is served by either public water or public sewer, the size of the Lot is at least fifteen thousand (15,000) square feet.

Section 809. Procedure to obtain RPAR Lot status for a Non-Complying Lot: Non-Complying Lots which cannot meet the requirements of part (f)(i) of **Section 807.** and are not adjacent to another Lot under the same ownership at the Effective Date of this Ordinance can be granted the status of an RPAR Lot by the Planning Director if the following conditions are met:

- (a) The requirements of parts (a), (b), (c), (d) and (e) of **Section 807.** and part (b) of **Section 808.** are satisfied.
- (b) The recorded Plat of the Lot prominently displays the following notice:

NOTICE TO PURCHASERS: THIS LOT IS AN RPAR LOT AS DEFINED BY THE BRYAN COUNTY ZONING ORDINANCE. SOME PUBLIC SERVICES PROVIDED BY FEDERAL, STATE OR COUNTY GOVERNMENTS MAY NOT BE AVAILABLE TO A DWELLING CONSTRUCTED ON THIS LOT. THIS LOT DOES NOT HAVE ACCESS TO A DEDICATED PUBLIC ROAD MAINTAINED BY BRYAN COUNTY OR AN APPROVED PRIVATE ROAD SYSTEM. THIS LOT CANNOT BE SUBDIVIDED.

Section 809.01 Combination of RPAR Lots: Where two (2) or more

Lots meet the requirements of **Section 809.**, except that they are adjacent and under the same ownership, such Lots, if combined into a single Lot, can be granted RPAR Lot status, provided all applicable requirements of **Article VIII.** are met.

Section 810. Procedure to obtain Non-Conforming Commercial Structure status for a Non-Complying Commercial Structure: A Non-Complying Commercial Structure can be granted the status of a Non-Conforming Commercial Structure by the Planning Director if the following conditions are met:

- (a) An Application is filed with the Planning Director on forms prepared by the Planning Department and the required fee paid.
- (b) Evidence is submitted to the Planning Director that all required taxes and Fees due the County in connection with the Structure are current.
- (c) The Applicant provides to the Planning Director a site plan of the Lot showing the location of the Structure on the Lot and the Planning Director determines that the Structure meets the setback requirements for the Zoning District in which the Lot is situated.
- (d) The applicant submits to the Planning Director certification from the Health Department that any existing water and sewerage system on the Lot is functioning in accordance with all Health Department requirements.

Section 811. Procedure to obtain Recognized Non-Complying Commercial Status for a Non-Complying Commercial Structure: A Non-Complying Commercial Structure which cannot meet the setback requirements of **Section 810.** can be granted the status of a Recognized Non-Complying Commercial Structure by the Planning Director if the following conditions are met:

- (a) An Application is filed with the Planning Director on forms prepared by the Planning Department and the required fee paid.
- (b) Evidence is submitted to the Planning Director that all required taxes and Fees due the County in connection with the Structure are current.
- (c) The applicant provides to the Planning Director a site plan showing the location of the Structure on the Lot and the actual setbacks of the Structure from property boundaries and other Structures on the Lot.

- (d) The applicant submits to the Planning Director certification from the Health Department that any existing water and sewerage system on the Lot is functioning in accordance with all Health Department requirements.

Section 812. Procedure to Obtain Recognized Non-Complying Residential Status for a Non-Complying Residential Structure: A Non-Complying Residential Structure can be granted the status of a Recognized Non-Complying Residential Structure by the Planning Director if the following conditions are met:

- (a) An Application is filed with the Planning Director on forms prepared by the Planning Department and the required fee paid.
- (b) Evidence is submitted to the Planning Director that all required taxes and Fees due the County in connection with the Structure are current.
- (c) The Applicant provides to the Planning Director a site plan showing the location of the Structure on the Lot.
- (d) The Applicant submits to the Planning Director certification from the Health Department that any existing water and sewerage system on the Lot is functioning in accordance with all Health Department requirements.
- (e) For Manufactured Homes, Mobile Homes, and other Site Installed Dwellings, the Engineering and Inspections Department certifies to the Planning Director that the Dwelling meets or exceeds the GMHA, Industrialized Building and HUD Codes.
- (f) For Site Built Dwellings, the Engineering and Inspections Department certifies to the Planning Director that the Dwelling meets or exceeds the requirements of the Minimum Standards For Basic Equipment And Facilities within the Standard Housing Code.

Section 813. Procedure to obtain Non-Conforming Commercial Use Status for a Non-Complying Commercial Use in an Agricultural, Agricultural/Residential or Residential Zoning District :

- (a) A Non-Complying Commercial Use in an Agricultural , Agricultural/Residential or Residential Zoning District can be granted the status of a Non-Conforming Commercial Use, by the Planning Director if the following conditions

are met:

- (i) An Application is filed with the Planning Director on forms prepared by the Planning Department and the required fee paid.
 - (ii) Evidence is submitted to the Planning Director that all required taxes and Fees due the County in connection with the Structure are current.
 - (iii) The applicant submits to the Planning Director copies of a Bryan County Business Licenses for such Use for the year 1995 and all subsequent years up to the time the application is submitted.
 - (iv) The applicant submits to the Planning Director a floor plan of the Structure showing the space used for Commercial Uses and a description of all Commercial activities carried out within the Structure.
- (b) Notwithstanding anything contained herein to the contrary, the following Commercial Uses cannot be considered under this **Section**:
- (i) Uses for which a Home Occupation Permit has previously been issued;
 - (ii) Uses which are within the scope of **Section 1105. Home Occupation** or **Section 1106. Home Business Offices**, which Uses must obtain the permits required by such **Sections**.
 - (iii) Any Use which, as determined by the Planning Director, could affect the health, safety and welfare of the neighborhood in which the Use is situated.

Section 814. Procedure to obtain Non-Conforming Residential Use Status for a Non-Complying Residential Use in Zoning Districts in which such Use is not permitted: A Non-Complying Residential Use in a Zoning District in which such Use is not permitted can be granted the status of a Non-Conforming Residential Use by the Planning Director if the following conditions are met:

- (a) An Application is filed with the Planning Director on forms prepared by the Planning Department and the required fee paid.
- (b) Evidence must be submitted to the Planning Director that

all required taxes and Fees due the County in connection with the Structure are current.

- (c) The applicant submits to the Planning Director a floor plan of the Structure showing the space used for Residential Use.
- (d) The applicant submits to the Planning Director certification from the Health Department that the existing water and sewerage system on the Lot is functioning in accordance with all Health Department requirements.
- (e) For Manufactured Homes, Mobile Homes, and other Site Installed Dwellings, the Engineering and Inspections Department certifies to the Planning Director that the Dwelling meets or exceeds the GMHA, Industrialized Building and HUD Codes.
- (f) For Site Built Dwellings, the Engineering and Inspections Department certifies to the Planning Director that the Dwelling meets or exceeds the requirements of the Minimum Standards for Basic Equipment And Facilities within the Standard Housing Code.
- (g) The applicant submits evidence, and the Planning Director determines, that the Structure in which the Use exists is the only Structure on the Lot used for Residential purposes.

Section 815. Procedure to obtain Section 815 Recognized Non-Complying Residential Use Status for Secondary Living Units ("SLUS"): SLUS can be granted the status of a Section 815 Recognized Non-Complying Residential Use by the Planning Director if the following conditions are met:

- (a) An Application is filed with the Planning Director on forms prepared by the Planning Department and the required fee paid.
- (b) Evidence is submitted to the Planning Director that all required taxes and Fees due the County in connection with the Structure are current.
- (c) The applicant submits evidence, and the Planning Director determines, that the Structure in which the Non-Complying Use is situated was erected pursuant to a Building Permit issued with no limitations.

- (d) The applicant provides to the Planning Director a site plan of the Lot on which the Structure is situated showing the location and Uses of all Structures on the Lot and designating the Structure which is the Principal Dwelling.

Section 816. Procedure to obtain Section 816 Recognized Non-Complying Residential Use Status for SLUS: SLUS can be granted the status of a Section 816 Recognized Non-Complying Residential Use by the Planning Director if the following conditions are met:

- (a) An Application is filed with the Planning Director on forms prepared by the Planning Department and the required fee paid.
- (b) Evidence is submitted to the Planning Director that all required taxes and Fees due the County in connection with the Structure are current.
- (c) The applicant submits evidence, and the Planning Director determines, that the Structure in which the Non-Complying Use is situated was erected pursuant to a Building Permit issued with limitations such as, but not limited to: temporary permits; hardship permits, hardship variances or variances for temporary second Dwellings.
- (d) The applicant provides to the Planning Director a site plan of the Lot on which the Structure is situated showing the location and Uses of all Structures on the Lot and designating the Structure which is the Principal Dwelling.

Section 817. Procedure to obtain Section 817 Recognized Non-Complying Residential Use Status for SLUS: SLUS can be granted the status of a Section 817 Recognized Non-Complying Residential Use Status by the Planning Director, if the following conditions are met:

- (a) An application is filed with the Planning Director on forms prepared by the Planning Department and the required fee paid.
- (b) Evidence is submitted to the Planning Director that all required taxes and Fees due the County in connection with the Structure are current.
- (c) The applicant provides to the Planning Director a site plan of the Lot on which the Structure is situated showing the location and Uses of all Structures on the Lot and designating the Structure which is the Principal

Dwelling.

Section 818. Rights and Limitations of Non-Complying Lots, Structures and Uses: It is the intent of this Section to specify rights and limitations relating to the erection, expansion, replacement, removal and Use of the following Non-Complying Lots, Structures and Uses:

- (a) Non-complying Lots approved under **Section 807.** shall have the same rights and limitations of Lots legally approved under the Subdivision Regulations.
- (b) Non-complying Lots given Non-Conforming status under **Section 808.** shall have the same rights and limitations given Non-Conforming Lots under **Section 802.**
- (c) Non-Complying Lots given RPAR Lot status under **Section 809.** shall have the same rights and limitations given Non-Conforming Lots under **Section 802.,** except that RPAR Lots cannot be subdivided.
- (d) Non-Complying Commercial Structures given Non-Conforming commercial status under **Section 810.** shall have the same rights and limitations given Non-Conforming Commercial Structures under **Section 803.**
- (e) Non-Complying Commercial Structures given Recognized Non-Complying Commercial status under **Section 811.** shall have the same rights and limitations given Non-Conforming Commercial Structures under **Section 803.,** except that Structures given Recognized Non-Complying Commercial status cannot be expanded, enlarged or replaced, except in conformance with all Use and Building standards for the Zoning District in which the Structure is situated.
- (f) Non-Complying Residential Structures given Recognized Non-Complying Residential status under **Section 812.** shall have the same rights and limitations given Non-Conforming Residential Structures under **Section 804.**
- (g) Non-Complying Commercial Uses given Non-Conforming Commercial Use status under **Section 813.** shall have the same rights and limitations given Non-Conforming Commercial Uses under **Section 805.,** subject to the limitations set forth in **Section 813.**
- (h) Non-Complying Residential Uses given Non-Conforming Residential Use status under **Section 814.** shall have the same rights and limitations given Non-Conforming Residential Uses under **Section 806.**

- (i) SLUS given **Section 815**. Recognized Non-Complying Residential Use status shall have the same rights and limitations given Non-Conforming Residential Uses under **Section 806**.
- (j) SLUS given **Section 816**. Recognized Non-Complying Residential Use status shall have the rights and limitations given Non-Conforming Residential Uses under **Section 806**., however the right to replace as permitted in **Section 806.(b)**, is limited to the life of the occupant for whom the permit was originally granted, and such right to replace shall terminate upon the death of such occupant.
- (k) SLUS given **Section 817**. Recognized Non-Complying Residential Use status can be replaced in the same location provided that after Removal: (i) Replacement takes place within a period of three (3) months and (ii) all applicable Building Code requirements and Health Department requirements are complied with. Notwithstanding any rights conferred by this subsection, all SLUS granted **Section 817**. Recognized Non-Complying Use Status must be removed prior to June 3, 2010.
- (l) Any Lot certified by the Planning Director as a Non-Complying Lot prior to the Effective Date of this Ordinance shall have the same rights and limitations given Non-Conforming Lots under **Section 802**. The Planning Director shall maintain a list of all previously certified Non-Complying Lots. (Revised-3/3/98)

Section 819. Notations on Building Permits: All Building Permits issued under **Article VIII** shall be subject to any applicable limitations set forth herein and the Planning Director and Engineering Director shall note any such limitations on the Building Permits.

Section 820. Compliance with other codes or regulations: Notwithstanding any rights granted under **Article VIII**, all Structures and Uses must comply with all applicable federal, state and County laws, rules, regulations and codes and when Health Department Approval or certification is required under **Article VIII**, such approval or certification must certify that water and sewerage disposal systems are operating in accordance with, and not in violation of, all applicable state and County laws, rules, regulations, codes and ordinances.

Section 821. Registration of Non-Complying Lots, Structures and Uses: In order to obtain any of the rights and statuses granted under **Article VIII**, owners and occupants of Non-complying Lots, Structures and Uses must register with the Planning Department on forms prepared by the Planning Department. This registration must be filed within fifteen (15) days of the notification to such owner or occupant of the commencement of an enforcement action relating to such owner or occupant's Non-Complying Lot, Structure or Use by any governmental agency. Any Non-Complying Lots, Structures or Uses not so registering shall not be entitled to the granting of any status or right under **Article VIII**, and shall be subject to all enforcement provisions of this Ordinance or any other laws, rules, regulations, codes and ordinances. (Revised-3/3/98)

Section 822. Exemption for Certain Lots with Dwellings: Notwithstanding the other provisions of **Article VIII**, recombinations of Lots shall not be required when such recombinations will result in more than one (1) Dwelling or Principal Structure being situated on a single Lot.

Section 823. Report of Planning Director: At each meeting of the County Commission, the Planning Director shall report to the County Commission a list of the Lots, Structures and Uses approved under **Article VIII** since the previous County Commission Meeting. (Revised-3/3/98)

ARTICLE IX

ENFORCEMENT

Section 900. Provisions of Ordinance declared to be minimum requirements: In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirement adopted for the promotion of the public health, safety, morals or general welfare.

Section 901. Complaints regarding violations: Whenever a violation of this Ordinance occurs, or is alleged to have occurred, a written complaint stating fully the causes and basis thereof may be filed by any person or County agency with the Planning Director. The Planning Director shall record properly such complaint, immediately investigate, and take such action thereon as provided by this Ordinance.

Section 902. Penalties for violation:

- (a) Any person or entity that violates any provision of this Ordinance or fails to comply with the requirements

thereof shall, upon conviction, be fined not more than five hundred dollars (\$500.00) or imprisoned in the County jail for not more than sixty (60) days, or both, and in addition pay the costs of such action. Each day such a violation continues shall be considered a separate offense. The owner or tenant Premises or part thereof, and any architect, builder, attorney, contractor, agent or other person who commits, participates in, assists in, or maintains any such violation may each be found guilty of a separate offense and suffer the penalties herein provided. (Revised-3/3/98)

- (b) If any Structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained in violation of this Ordinance, the County Commission, Planning Director or the County Administrator may institute an action in the Magistrate Court of Bryan County or seek a restraining order, temporary or permanent injunction, mandamus or other appropriate action or proceeding to: (Revised-3/3/98)
 - (i) Prevent such unlawful erection, construction, reconstruction, alteration, conversion maintenance or use;
 - (ii) Correct or abate such violation; and
 - (iii) Prevent the occupancy of such Structure or Lot.

ARTICLE X

DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

Section 1000. Uses and Structures prohibited and allowed in required setbacks and yards:

- (a) No Principal Structure shall be located within any setback or yard required by this Ordinance, except as provided herein.

- (b) Except as provided herein, no Accessory Structure shall be located within any front setback, or within ten (10) feet of a Lot line in an established side or rear yard. Piers, docks, and other water-dependant Accessory Structures may be located in any required setback or yard on Lots which abut a body of water or marsh. A fence, wall, mailbox, powerpole, lightpole, patio at

grade, paths, walkways, or berms may be located in any required setback or yard. Signs may be located in a required setback or yard which abuts a Road.

- (c) No outdoor storage of goods and materials or refuse containers shall be located within any required setback, or within any required side yard which abuts a Road, except for the temporary placement of refuse containers for curbside pick-up.

Section 1001. More than one Principal Structure per Lot :

- (a) **Commercial:** More than one (1) Principal Structure devoted to nonresidential Uses may be situated on a Lot, provided that:
 - (i) An unobstructed accessway at least fifteen (15) feet wide is maintained from a Road to each Structure for use by service and emergency Vehicles; and
 - (ii) Each Structure on the Lot is separated from any other Structure on the Lot by at least four (4) feet.
- (b) **Residential:** Except in Manufactured Home Parks, Planned Unit Developments or condominiums, only one (1) Principal Structure and its customary Accessory Structures may hereafter be erected on any Lot. Any Dwelling, including Site Built Dwellings, Manufactured Homes, Mobile Homes or Modular Homes, shall be deemed to be a Principal Structure.

Section 1002. Fences and walls situated in Residential areas: The following restrictions apply to all fences and walls except for those located in a B-2, C-I, I-L, I-1, PUD or WB-3 Zoning Districts.

- (a) No fence or wall located in a required setback shall be built to a height more than eight (8) feet above grade, except in BN, B-1 or O Zoning Districts which can be a maximum height of ten (10) feet above grade.
- (b) The capital of a fence post or column may extend up to two (2) feet above the maximum height limit.
- (c) No fence or wall may be constructed which will block or impede the flow of stormwater runoff within a storm

drainage easement.

- (d) All fences and walls located at Road intersections shall conform to the sight requirements at intersections outlined in the Bryan County Code.

Section 1003. Home Occupations: If it is a Permitted Use within a Zoning District it shall be submitted to the Planning Commission for review and approval if criteria are met. It will be provided to the Board of Commissioners for informational purposes. If it requires a Conditional Use, it shall be reviewed by the Planning Commission and forwarded to the Board of Commissioners for review and approval. A Code Compliance Officer shall inspect the premises and report to the Planning Director to ensure the below listed requirements are met prior to recommended approval to the Planning Commission or Board of Commissioners. A Code Compliance Officer shall have the right to inspect Home Occupation sites on an annual basis. (Revised 1/6/04)

- (a) The Home Occupation shall be clearly incidental to the residential use of a Dwelling and must not change the essential Residential character of the Dwelling. (Revised 1/6/04)
- (b) Use of a Dwelling for a Home Occupation shall be limited to no more than twenty-five (25%) percent of the gross floor area of the total Dwelling. (Revised 1/6/04)
- (c) An Accessory Structure shall not be used in connection with a Home Occupation in the R-30, R-1, R-2, R-3 and R-4 Zoning Districts. (Revised 1/6/04)
- (d) Accessory Structures may be used connection with a Home Occupation within A-5, AR 2.5, AR-1.5 and AR-1 Zoning Districts. (Revised 1/6/04)
- (e) No chemical, mechanical, or electrical equipment that is not normally found in Residential Dwellings may be used for a Home Occupation, except for office equipment, such as computers, facsimile machines or copiers.
- (f) No internal or external alterations inconsistent with the residential use of a Dwelling shall be permitted. (Revised 1/6/04)
- (g) Only residents of a Dwelling and one (1) non-resident may be engaged in the Home Occupation.
- (h) No display of products shall be visible from a Road and

only products made on the Premises may be sold on the Premises. (Revised 1/6/04)

- (i) Machinery greater than one (1) horsepower, or machinery which causes interference in the communication reception of others, is prohibited. (Revised 1/6/04)
- (j) Vehicles used primarily as passenger Vehicles only, automobiles and trucks/vans (3/4 ton or less) and utility trailers (less than 10 feet in length), shall be permitted in connection with the conduct of a Home Occupation. Vehicles or trailers larger than listed above used in connection with a Home Occupation shall be parked or stored within an enclosed Structure, so as to completely screen the vehicle or trailer from view of adjacent property and from the road. No more than two (2) Vehicles used in the conduct of the Home Occupation shall be parked at the Premises. If signage on Vehicle exceeds total signage area of driver and passenger front doors, then said Vehicle shall be parked in an area of the premises, enclosed garage, or accessory structure that would shield the vehicle from view from the street. (Revised 1/6/04)
- (k) The number of Vehicles parked by clients, patrons, employees or business related visitors at the site of a Home Occupation shall be limited to three (3) at any given time.
- (l) One (1) Sign shall be permitted on the parcel for identification of a Home Occupation as follows:
 - (i) The sign shall be not be illuminated; and
 - (ii) The sign shall be no more than two (2) square feet in size. (Revised 1/6/04)
- (m) No disturbance or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition or nuisance shall be created by a Home Occupation.
- (n) On an annual basis at the time of the Occupational Tax Revewal(s), the holder of a Home Occupation Permit shall certify to the Planning Director that there has been no change in the Home Occupation as originally permitted. (Revised 1/6/04)

- (o) If the nature or scope of the Home Occupation changes or if complaints are filed with the Planning Director, the County Commission upon report from the Planning Director may reconsider any previously granted Home Occupation Permit. (Revised 1/6/04)

Section 1004. Home Business Offices: Shall be submitted to the Planning Commission for review and approval if all of the criteria of (a) through (i) below are met. The Compliance Officer shall have the right to inspect the premises on an annual basis to ensure compliance. The Home Business Office shall be submitted to the Board of Commissioners for informational purposes. (Revised 1/6/04)

- (a) There shall be no sign or external indication of the Home Business Office. (Revised 3/3/98)
- (b) No more than one (1) Vehicle used in the conduct of the Home Business Office shall be parked at the Premises. If signage on this Vehicle exceeds in total signage area the space on the driver and passenger front doors of said Vehicle, then said vehicle shall be parked in an area of the premises, or in an enclosed garage of other accessory structure that would shield the vehicle from view from the street. (Revised 1/6/04)
- (c) No material, other than office supplies may be stored on the Premises.
- (d) The Home Business Office may occupy no more than twenty-five (25%) percent of the floor area of the Principal Structure. (Revised 3/3/98)
- (e) The Home Business Office must be located in the Principal Structure. (Revised 3/3/98)
- (f) Only residents of the Dwelling may engage in work at the Home Business Office. (Revised 3/3/98)
- (g) Customers shall not visit the Home Business Office. (Revised 3/3/98)
- (h) On an annual basis at the time of Occupational Tax Renewal(s), the holder of a Home Business Office Permit shall certify to the Planning Director that there have been no changes in the Home Business Office as originally permitted. (Revised 1/6/04)
- (i) If the scope or nature of the Home Business Office changes or if complaints are filed with the Planning Director, the Planning Director shall have the option of

revoking the Home Occupation Permit. (Revised 1/6/04)

Section 1005. Junk yards:

- (a) No Junk Yards shall be permitted closer than three hundred (300) feet to any R-30, R-1, R-2, R-3, R-4 or AR-1 Zoning Districts.
- (b) All Junk Yards must be completely screened by a solid fence or wall a minimum of eight (8) feet above grade. All such fences must be perpetually maintained in good condition and, except for masonry fences or walls must be painted.
- (c) No operations shall be conducted at a Junk Yard which may cause a nuisance or endanger the public health; and
- (d) There shall be no temporary or permanent storage at a Junk Yard of Vehicles or Junk outside the fence or wall required by **Section 1005. (b)** .
- (e) All Junk Yards which are in existence on the Effective Date of this Ordinance, shall be required to meet all the conditions set forth in **Subsections (b) (c) and (d)** above within three (3) years from the Effective Date of this Ordinance.

Section 1006. Minimum living area: Except for Guest Houses and Accessory Living Units, no Structure, including but not limited to, multiple family Dwelling Units intended for Residential Use shall be constructed or placed which has a total living area of less than five hundred twenty-five (525) square feet per Dwelling Unit.

Section 1007. Guest Houses or Accessory Living Units: A Guest House or Accessory Living Unit shall be permitted as an Accessory Use on any lot on which a detached single family dwelling unit exists in accordance with the following requirements: (R-8/2/05)

- (a) The Guest House or Accessory Living Unit must be clearly subordinate to the Principal Structure and must be of a design and construction allowed in the Zoning District and be of a similar design and construction as the Principal Structure.
- (b) The minimum Lot size for a Lot on which a Guest House or Accessory Living Unit is situated shall be no less than one (1) acre. (Revised-8/2/05)

- (c) No Guest House or Accessory Living Unit can have floor area of more than forty (40) percent of the square footage of the entire area under roof of the primary dwelling, and in no case shall a Guest House or Accessory Living Unit exceed two thousand (2000) square feet in size. (Revised-8/2/05)
- (d) No more than one (1) Structure serving either as a Guest House or Accessory Living Unit may be located on a Lot.
- (e) The Guest House or Accessory Living Unit must be owned by the owner of the Principal Structure.
- (f) The Guest House or Accessory Living Unit must not be served by a driveway separate from the driveway serving the Principal Structure.
- (g) The Guest House or Accessory Living Unit must be situated to the rear or side of the Principal Structure and must meet the minimum setbacks required for the Principal Structure.
- (h) The height of a Guest House or Accessory Living Unit cannot extend higher than the Principal Structure as measured from grade.
- (i) The Guest House or Accessory Living Unit must be served by and through the same utility lines and meters that serve the Principal Structure.
- (j) All Guest Houses or Accessory Living Units must be attached to a permanent foundation.

Section 1008. Adult Bookstores, Adult Entertainment Establishments, Adult Theaters:

- (a) Adult Bookstores, Adult Entertainment Establishments and Adult Theaters may be permitted in the B-2 Zoning District as a Conditional Use upon approval by the County Commission after finding that the following location requirements have been complied with: No Adult Bookstore, Adult Entertainment Establishment, or Adult Theater, as defined by this Ordinance and herein collectively referred to as "Adult Uses," shall be located as follows:
 - (i) Within one thousand five hundred (1,500) feet of the property line of a residential Dwelling;
 - (ii) Within five hundred (500) feet of the property line

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- of any public library;
- (iii) Within six hundred (600) feet from the property line of any Church, shrine, chapel or mortuary, or other place used for religious services;
 - (iv) Within one thousand (1,000) feet of the property line of any School or college campus. The Schools and colleges referred to herein shall include only such public, private or church-supported Schools as teach the subjects commonly taught in the common Schools and colleges of this state and shall not include private schools or colleges wherein only specialized subjects such as law, stenography, business, music, art, vocational occupational, and other special subjects are taught;
 - (v) Within one thousand (1,000) feet of a regular stop where a School bus for the transportation of school children in the public Schools of the County shall board or discharge passengers;
 - (vi) Within one thousand (1,000) feet of any other Adult Use; or
 - (vii) Within five hundred (500) feet of any intersection with an average daily traffic count of fifteen thousand (15,000) Vehicles or greater.
- (b) The distance restrictions set out above shall apply in any and all directions from the property lines of the proposed Adult Use, as measured in a straight line. This distance shall be verified by a plat prepared by a Surveyor and furnished by the applicant. This plat shall accompany and be made a part of the application under this **Section**.
 - (c) Any Adult Use existing at the Effective Date of this Ordinance is deemed to be a Nonconforming Use. Such Nonconforming Use shall be subject to the requirements of **Article VIII** of this Ordinance.
 - (d) Nothing contained herein shall be construed to authorize or legalize the selling, lending, renting, leasing, giving, advertising, publishing or other dissemination to any person or persons, of any book, magazine, movie film, still picture or any other written material, pornographic matter, novelty, device or related sundry item which is obscene material under the law of the State of Georgia.

- (e) Nothing contained herein shall be construed to authorize or legalize any act of prostitution, sodomy, solicitation for sodomy, masturbation for hire or distribution of obscene materials, as those acts are defined under federal, state or County laws.

Section 1009. Parking or storage of Major Recreational Equipment:

For purposes of this Ordinance, "Major Recreational Equipment" is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive Vehicles), motorized dwellings, motor coaches, tent trailers, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. Major Recreational Equipment may be parked or stored only in side or rear yards, in a carport or in an enclosed Building, except in A-5 or AR-2.5 Zoning Districts; provided however, that such Equipment may be parked anywhere on Residential Premises for a period not to exceed twenty-four (24) hours during loading or unloading. In the case of a corner Lot, no Major Recreational Equipment may be parked or stored in the side yard on the Road side of the Lot. Major Recreational Equipment shall not be used for living, sleeping, or housekeeping purposes, except when parked in a campground, park or other facility approved for such Uses.

Section 1010. Parking and storage of Vehicles and certain Commercial Vehicles: (Revised 3/3/98)

- (a) No vehicles may be parked, stored or maintained on any Public Road or Public Road right of way, except where parallel parking on the Public Road was provided in the approved design of the Public Road. (Revised-3/3/98)
- (b) Commercial highway tractors or trailers, wreckers, earth moving equipment, logging trucks or trailers, farm tractors, dump trucks or any commercial vehicle with greater than 30,000 Gross Vehicle Weight Rating (GVWR) are prohibited from being parked, stored or maintained in R-30, R-1, R-2, R-3 and R-4 Zoning Districts.
- (c) Commercial highway tractors or trailers, wreckers, earth moving equipment, logging trucks or trailers, farm tractors, dump trucks or any commercial vehicle with greater than 30,000 Gross Vehicle Weight Rating (GVWR) are prohibited from being parked, stored or maintained in AR-1 Zoning Districts, except where the Lot on which such vehicle is parked, stored or maintained is at least 1.5 acres in size. (Revised-3/3/98)

Section 1011. Storing or parking of Junk: Except as permitted by this Ordinance in certain Zoning Districts, the storing or parking

of Junk is prohibited.

Section 1012. Offstreet parking requirements: In all Zoning Districts, at the time of the establishment of or change to a Use as listed on the list of permitted Uses in **Article XI**, or erection of any Structure, or at the time any Principal Structure is enlarged or increased in capacity by adding Dwelling Units, guest rooms, or floor area, there shall be provided permanent offstreet parking spaces, improved with an asphalt or concrete surface, in accordance with the following requirements:

- (a) **Combination of required parking space:** The required space for any number of separate Uses may be combined in one (1) Lot, but the required space assigned to each Use may not be assigned to another Use, except where the parking space required for Churches or other assembly halls whose peak attendance will be at night, on Sunday, or otherwise, does not coincide with an adjacent Use, said required parking may be assigned to the adjacent Use.
- (b) **Proximity of offstreet parking spaces to Use:** All required parking for all Uses shall be either on the same Lot or within three hundred (300) feet of the Structure (or open use area) it is to serve, provided, however, that no required parking spaces may be located across any Public Road from the Use it is intended to serve.
- (c) **Requirements for design of parking Lots:**
 - (i) Except for Lots devoted to one- and two-family Residential Uses, all areas devoted to offroad parking shall be so designed and be of such size that no vehicle is required to back into a Road to obtain access.
 - (ii) Each parking space shall not be less than nine (9) feet wide by eighteen (18) feet long, except that handicapped spaces shall comply with the requirements of the Americans with Disabilities Act.
- (d) **Offroad parking requirements by Use:** In addition to the number of spaces required by the Americans with Disabilities Act, the minimum number of offroad parking spaces required for each type Use shall be determined by the following:
 - (i) Single-family, two-family and townhouse Dwellings: Two (2) spaces per Dwelling Unit.

- (ii) Multifamily Dwellings: The aggregate of:
 - a. One and one-half (1 1/2) spaces for each studio or one (1) bedroom Dwelling Unit; plus
 - b. One and three-quarters (1 3/4) spaces for each two (2) bedroom Dwelling Unit; plus
 - c. Two (2) spaces for each Dwelling Unit having three (3) or more bedrooms.
- (iii) Group Dwellings: One (1) space for each two (2) rooms to be rented.
- (iv) Motels: One (1) space for each room to be rented, plus one (1) additional space for each four hundred (400) square feet of floor area devoted to meeting space, restaurants and administrative offices.
- (v) Medical and dental clinics: One (1) space for each two hundred (200) square feet of gross floor area.
- (vi) Hospitals: One (1) space for each two (2) beds intended for patient's use, exclusive of bassinets, plus one (1) space for each three (3) employees, including doctors.
- (vii) Schools: One (1) space for each classroom and administrative office, plus one (1) additional space for each six (6) seats in the largest assembly area or room.
- (viii) Daycare centers, preschools: One (1) space for each four hundred (400) square feet of gross floor area.
- (ix) Auditorium, theaters, Churches, funeral homes and similar places of public assembly: One (1) space for each four (4) seats, or twelve (12) feet of benches, or per thirty (30) square feet of usable floor area in the largest assembly room, plus one (1) space for each two hundred (200) square feet of floor or ground area used for amusement, entertainment or assembly, exclusive of the major assembly room.
- (x) General and professional offices, banks and other financial service establishments, insurance and real estate offices: One (1) space for each two

hundred fifty (250) square feet of gross floor area.

- (xi) Automobile Service Station, auto and truck repairs or maintenance: Five (5) spaces for each service bay, plus one (1) space for each two hundred (200) square feet of gross floor area devoted to retail sales or showroom.
- (xii) Automobile, truck, mobile home, recreational Vehicle, and utility Structure sales: One (1) space for each six hundred (600) square feet of gross floor area of indoor sales and showroom space, plus one (1) space for each two thousand five hundred (2,500) square feet of outdoor display area, plus five (5) spaces for each service bay devoted to vehicle repairs or maintenance.
- (xiii) Restaurants: One (1) space per one hundred fifty (150) square feet of gross floor area. (For drive-in restaurants, one (1) space for each fifty (50) square feet of gross floor area.)
- (xiv) Commercial retail and service Uses not listed above: One (1) space for each two hundred (200) square feet of gross floor area and outdoor display area.
- (xv) Wholesale, office-warehouse and business park uses: One (1) space for each two hundred (200) square feet of gross floor area and outdoor display area devoted to sales or office area, plus one (1) space for each one thousand (1,000) square feet of gross floor area devoted to storage.
- (xvi) Warehouse and storage uses: one (1) space for each one thousand (1,000) square feet of gross floor area.
- (xvii) Industrial uses: One (1) space for each five hundred (500) square feet of gross floor area.
- (e) **Restriction on use of required parking:** The required offroad parking shall be for employees, occupants, clients and visitors and shall be limited in use to temporary storage of motor Vehicles with current license plates. The storage of merchandise or Vehicles for sale, the servicing or repairing of Vehicles or equipment and regular truck loading and unloading thereon is prohibited.

- (f) **Administrative variation of parking requirements:** The number of parking spaces required by this **Section** may be increased or decreased upon approval by the Planning Director based on the actual use of a property.

Section 1013. Conversion of Dwellings: The conversion of any Structure into a Dwelling, or the conversion of any Dwelling so as to accommodate an increased number of Dwelling Units or families, shall be permitted only within a Zoning District in which a new Structure of similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such Zoning District, including, but not limited to: minimum living area, minimum lot size, Lot area per Dwelling unit, percentage of Lot coverage, dimensions of yards and other open spaces, and offroad parking.

Section 1014. Reserved. (Revised-2/1/05)

Section 1015. Parking and storing of Structures: Unless otherwise authorized in this Ordinance or the Building Code, no Trailer, Mobile Home, Manufactured Home, Modular Home or any Structure being moved shall be parked or stored on a Lot for more than forty-eight (48) hours.

Section 1016. Swimming Pools and Ponds:

- (a) Swimming Pools situated on a residential Lot and designed for use by a single family must meet the setbacks for Accessory Structures for the Zoning District in which the Pool is situated. The pool must have a barrier of not less than four (4) feet in height. Where the top of the pool structure is above grade, such as an above ground pool, the pool may be considered as part or all of the barrier or the barrier may be mounted on top of the pool structure to meet the required height. If the means of access for an above ground pool is a ladder or steps, the ladder or steps shall be capable of being secured, locked or removed to prevent access. All gates shall be self-closing with positive latch devices to insure the pool is enclosed and secure at all times. (Revised-9/7/04)
- (b) All other swimming pools, their contiguous decking and Accessory Structures shall not be closer than one hundred (100) feet to any property line and shall be enclosed by a barrier of not less than five (5) feet in height. All gates shall be self closing with positive latch devices to ensure the pool is enclosed and secure at all times. (Revised-9/7/04)

- (c) Class A Ponds must be located in an A-5, AR-2.5, AR-1.5 or AR-1 zoning district, situated on a lot of at least five acres with all pond banks at least one-hundred (100) feet from any property line. However, contiguous ponds situated on separate lots are exempt from the setback requirements for their common boundaries. Slopes of all pond banks shall not be greater than one (1) foot vertical drop for each three (3) feet of horizontal run. (Revised-9/7/04)
- (d) Class B Ponds can be situated only in A-5 or AR-2.5 Zoning Districts, must be set back at least seventy-five (75) feet from all property lines. Slopes of all Pond Banks shall not be greater than one (1) foot vertical drop for each three (3) feet of horizontal run. (Revised-9/7/04)
- (e) Class C Ponds shall be considered a swimming pool and meet all swimming pool requirements.
- (f) Class D Ponds can be installed in any Zoning Districts and must meet the setbacks required for Accessory Structures.

Section 1017. Design Credits:

- (a) **Purpose:** The purpose of this **Section** is to encourage developers to exceed certain minimum design requirements of the Subdivision Regulations and the Engineering Standards in order to better protect the health, safety and welfare of residents of Subdivisions and other residents of the County. To achieve this purpose, Design Credit Points ("DCPS") will be awarded to developers for exceeding the minimum design requirements for certain design categories and upon reaching various levels of total DCPS, developers will be allowed flexibility in the required minimum Lot width at Building Line and resulting required Road Frontage.
- (b) **Categories and Points:** DCPS shall be calculated according to the following schedule:

**DESIGN CATEGORIES
AND DCPS CRITERIA**

**MAXIMUM POSSIBLE
DESIGN CREDIT POINTS**

Adopted: November 7, 1995

Location and accessibility of open space, including Recreational Areas, Wetlands, Buffers and Pedestrian Ways.
 Criteria: Up to 30 points may be awarded for locating open spaces in central, easily accessible areas which provide maximum benefit to residents..... 30

Set-Aside and protection of Wetlands and adjacent Areas. Criteria: Up to 30 points may be awarded for the identification and permanent set-aside of Wetlands and adjacent Areas..... 30

Buffers and open spaces within Subdivision. Criteria: Up to 25 points may be awarded where nonrequired Buffers and open spaces are beneficially located within a Subdivision (This does not include perimeter Buffers)..... 25

Buffers at perimeter of Subdivision.
Criteria: Up to 1 point per one (1) foot of width (5' minimum) prorated on percent of perimeter coverage may be awarded (Does not include required Road Buffers)..... 20

Wider Roads with on-Road parking provisions. Criteria: 10 points for on-Road parking one (1) side; 20 points for on-Road parking both sides..... 20

Enhanced Recreation Facilities or equipment. Criteria: Up to 20 points may be awarded for facilities or equipment exceeding the minimum required quantity or quality..... 20

Additional or larger Recreation Areas.
 Criteria: Up to 3 points may be awarded for each one (1) percent above required Recreational Set-Aside..... 15

Additional Pedestrian Ways. Criteria: Up to 1 point may be awarded for each

ten (10) square feet per Lot above
requirement minimum amount..... 15

Additional dedicated amenities.

Criteria: Up to 15 points may be
awarded for amenities which enhance
the quality of life for the
residents of a Subdivision and are
conveyed to a Home Owners' Association..... 15

**Preservation of significant trees of
specimen size and quality. Criteria:**

Up to 25 points may be awarded for the
preservation of such trees, depending
on the number of trees preserved and
the quality of such preservation..... 25

**Preservation of significant cultural,
archeological, environmental or historic
resources. Criteria:**

Up to 25 points may be awarded for the identification
and preservation of such resources,
depending on the extent of such
preservation..... 25

Increased size of required Buffers.

Criteria: Up to 1 point may be
awarded per additional one (1) foot
of width above the required minimum
amount..... 15

Enhanced quality of Pedestrian Ways.

Criteria: Up to 15 points may be
awarded for the use of higher
quality surfacing material or other
enhancement of Pedestrian Ways..... 15

Increased width of Pedestrian Ways.

Criteria: Up to 3 points may be
awarded per additional one (1) foot
of width above required minimum amount..... 15

Enhanced landscaping. Criteria:

Up to 10 points may be awarded for
a landscaping plan, including
installation and perpetual
maintenance thereof..... 10

Wider Subdivision entrance.

Criteria: Up to 5 points may be awarded for a ninety (90) foot wide entrance and 10 points for a one hundred twenty (120) foot wide entrance (Does not include acceleration or deceleration lanes)..... 10

- (c) **Reduction For DCPS:** The required Lot width at Building Line can be reduced as follows: For every ten (10) points of DCPS, a reduction of 1% of minimum Lot width at Building Line otherwise required in a Zoning District will be granted up to a maximum reduction of 20%. Such reduced minimum Lot width at Building Line will be used for determining minimum required Road Frontage (except for Cul de sac and Exterior Corner Lots) under **Article V** of the Subdivision Regulations.
- (d) **Required Items:** An Applicant seeking reduction of Minimum Lot With at Building Line under this **Section** shall submit an application to the Planning Director, such application must include a detailed analysis of the design categories and DCPS that the applicant contends should be awarded to him for the subject Subdivision.
- (e) **Initial Calculation of DCPS by Planning Director:** After viewing the application and supporting analysis submitted by an applicant, the Planning Director shall calculate the recommended applicable DCPS. In making this calculation, the Planning Director shall have the authority to request input and comment from such agencies and officials as he deems necessary to better determine his calculations. The Planning Director shall submit his recommended calculations of DCPS, along with supporting data to the County Commission. (Revised-3/3/98)
- (f) **Reserved.** (Revised-3/3/98)
- (g) **Reserved.** (Revised-3/3/98)
- (h) **Tentative Determination of DCPS by County Commission:** After considering the recommendation of the Planning Director and any other data it deems relevant, the County Commission shall tentatively establish the amount of DCPS to be awarded to the applicant for the subject Subdivision. (Revised-3/3/98)
- (i) **Final Determination of DCPS by Planning Director:** Contemporaneously with its approval of a final plat pursuant to **Section 1212.** of the Subdivision Regulations,

if the Planning Director finds that the Developer has either completed the Subdivision Improvements relating to DCPS as tentatively approved by the County Commission or has executed a Letter of Credit acceptable to the County Commission securing the completion of such improvements, the Planning Director shall establish the amount of DCPS to be awarded to the applicant for the subject Subdivision. (Revised-3/3/98)

ARTICLE XI

USES PERMITTED IN DISTRICTS

Section 1100. "A-5" Agricultural Districts:

District Intent: The purpose of this District is to conserve natural resources and open space of land while permitting low density Residential development compatible with that purpose. General farming and forestry growth are the primary activities to be conducted within this District.

(a) Permitted Uses:

- (i) One (1) Family Dwellings, including Manufactured Homes with their customary Uses.
- (ii) Agricultural or horticultural Uses.
- (iii) Accessory farm uses, including the sale of products grown on the Premises and the keeping of Farm Animals.
- (iv) All Commercial agricultural pursuits, and Structures incidental thereto, including Farm Animals and products, field crops, truck crops, horticultural specialties and forestry. Processing of agricultural products is limited to products produced on Premises.
- (v) Churches.
- (vi) Home Occupations, Home Business Offices and Family Day Care Homes.
- (vii) A landing strip for use by one (1) single engine aircraft.
- (viii) Non-commercial Kennels.

- (ix) Unlighted, regulation-size or par three (3) golf courses, including normal club house and pro shop activities, and other business activity associated with country clubs.
- (x) Group Homes (not more than eight (8) residents).
- (xi) Bed and Breakfast.
- (xii) Customary Accessory Buildings and Uses incidental to the above Permitted Uses and any Conditional Uses permitted by the County Commission.
(Revised-3/3/98)
- (xiii) Simulated combat course for paintball gun users.
(Revised-3/3/98)
- (b) **Conditional Uses:** The following Uses may be permitted in this District on a conditional basis upon approval by the County Commission: (Revised-3/3/98)
 - (i) Commercial riding stables, horses, provided that no Building or enclosure for animals is located closer than one hundred (100) feet from any property line.
 - (ii) Cemeteries.
 - (iii) Public utilities substation or subinstallations, including water towers. Public utilities substation or subinstallation including water towers, provided that: (1) such Use is enclosed by a painted or chain-link fence or wall at least eight (8) feet in height above finished grade; (2) there is no office, Commercial operation or storage of Vehicles or equipment on the Premises; and (3) a landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility. (Minimum Lot area does not apply.)
 - (iv) Processing of agricultural products produced off premises.
 - (v) Airfields, together with subordinate Uses, except that a landing strip for one (1) single engine aircraft based on the property is a Permitted Use.
 - (vi) Schools.
 - (vii) Group Dwellings.

- (viii) Day Care Center.
- (ix) Group Homes (not more than eight (8) residents).
- (x) Camps, camp grounds and parks.
- (xi) Excavation or mining of sand, gravel or other natural materials.
- (xii) Customary Accessory Buildings and Uses incidental to any approved Conditional Uses. (Revised-3/3/98)
- (c) **Lot and Building Requirements:** There shall be no more than one (1) Principal Building per Lot. (Revised-3/3/98)
 - (i) Principal Buildings: For lot and building requirements, see Section 1119. (Revised-3/3/98)
 - (ii) Accessory Buildings: For lot and building requirements, see Section 1120. (Revised-3/3/98)

Section 1101. "AR-2.5" - Agricultural Residential Districts:

District Intent: The purpose of this District is to provide for large Lot single family and Manufactured Home development in a rural environment. Limited farming and forestry activities is permissible here.

(a) **Permitted Uses:**

- (i) One (1) Family Dwellings, including Manufactured Homes, and their customary Uses.
- (ii) Churches.
- (iii) Non-commercial agricultural Uses, but Large Farm Animals shall be kept at least one hundred (100) feet from property lines and Small Farm Animals shall be kept fifty (50) feet from property lines.
- (iv) Home Occupations, Home Business Offices and Family Day Care Homes.
- (v) Non-commercial Kennels.
- (vi) Group Homes (not more than six (6) residents).
- (vii) Customary Accessory Buildings and Uses incidental to the above Permitted Uses and any Conditional Uses permitted by the County Commission.

(Revised-3/3/98)

- (b) **Conditional Uses:** The following Uses may be permitted in this District on a conditional basis upon approval by the County Commission: (Revised-3/3/98)
- (i) Unlighted, regulation-size or par three (3) golf courses, including normal club house and pro shop activities, and other business activity associated with country clubs.
 - (ii) Schools.
 - (iii) Public utilities substation or subinstallation including water towers, provided that: (1) such Use is enclosed by a painted or chain-link fence or wall at least eight (8) feet in height above finished grade; (2) there is no office, Commercial operation or storage of Vehicles or equipment on the Premises; and (3) a landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility. (Minimum Lot area does not apply.)
 - (iv) Group Dwellings.
 - (v) Cemeteries.
 - (vi) Day Care Centers.
 - (vii) Bed and Breakfast.
 - (viii) Group Homes (not more than six (6) residents).
 - (ix) Customary Accessory Buildings and Uses incidental to any approved Conditional Uses. (Revised-3/3/98)
- (c) **Lot and Building Requirements:** There shall be no more than one (1) principal Building per Lot. (Revised-3/3/98)
- (i) Principal Buildings: For lot and building requirements see Section 1119. (Revised-3/3/98)
 - (ii) Accessory Buildings: For lot and building requirements see Section 1120. (Revised-3/3/98)

Section 1102. "AR-1.5" Agricultural Residential District :

District Intent: The purpose of this District is to provide for large Lot single family and Manufactured Home development in a

rural environment. Limited non-commercial agricultural activity is permissible here.

(a) **Permitted Uses:**

- (i) One (1) Family Dwellings, including Manufactured Homes, and their customary Uses.
- (ii) Non-commercial agricultural Uses, excluding Large Farm Animals. Small Farm Animals shall be kept fifty (50) feet from property lines.
- (iii) Home Occupations, Home Business Offices and Family Day Care Homes.
- (iv) Non-commercial Kennels.
- (v) Group Homes (not more than four (4) residents).
- (vi) Customary Accessory Buildings and Uses incidental to the above Permitted Uses and any Conditional Uses permitted by the County Commission.
(Revised-3/3/98)

(b) **Conditional Uses:** The following Uses may be permitted in this District on a conditional basis upon approval by the County Commission: (Revised-3/3/98)

- (i) Churches.
- (ii) Unlighted, regulation-size or par three (3) golf courses, including normal club house and pro shop activities, and other business activity associated with country clubs.
- (iii) Schools.
- (iv) Public utilities substation or subinstallation including water towers, provided that: (1) such Use is enclosed by a painted or chain-link fence or wall at least eight (8) feet in height above finished grade; (2) there is no office, Commercial operation or storage of Vehicles or equipment on the Premises; and (3) a landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility. (Minimum Lot area does not apply.)
- (v) Cemeteries.

- (vi) Customary Accessory Buildings and Uses incidental to any approved Conditional Uses. (Revised-3/3/98)
- (c) **Lot and Building Requirements:** There shall be no more than one (1) principal Building per Lot. (Revised-3/3/98)
 - (i) Principal Buildings: For requirements see Section 1119. (Revised-3/3/98)
 - (ii) Accessory Buildings: For requirements see Section 1120. (Revised-3/3/98)

Section 1103. "AR-1" Agricultural Residential Districts:

District Intent: The purpose of this District is to provide for large Lot single family and Manufactured Home development in a rural environment. Limited non-commercial agricultural activity is permissible here. After the Effective Date of this Ordinance, no applications for reclassification to this Zoning District will be permitted.

(a) **Permitted Uses:**

- (i) One (1) Family Dwellings, including Manufactured Homes, and their customary uses.
- (ii) Non-commercial agricultural Uses, excluding Large Farm Animals. Small Farm Animals and livestock shall be kept fifty (50) feet from property lines.
- (iii) Home Occupations, Home Business Offices and Family Day Care Homes.
- (iv) Non-commercial Kennels.
- (v) Group Homes (not more than four (4) residents).
- (vi) Customary Accessory Buildings and Uses incidental to the above Permitted Uses and any Conditional Uses permitted by the County Commission. (Revised-3/3/98)

(b) **Conditional Uses:** The following Uses may be permitted in this District on a conditional basis upon approval by the County Commission: (Revised-3/3/98)

- (i) Churches.
- (ii) Unlighted, regulation-size or par three (3) golf courses, including normal club house and pro shop

activities, and other business activity associated with country clubs.

- (iii) Schools.
 - (iv) Public utilities substation or subinstallation including water towers, provided that: (1) such Use is enclosed by a painted or chain-link fence or wall at least eight (8) feet in height above finished grade; (2) there is no office, Commercial operation or storage of Vehicles or equipment on the Premises; and (3) a landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility. (Minimum Lot area does not apply.)
 - (v) Bed and Breakfast (Revised 1/6/04).
 - (vi) Cemeteries.
 - (vii) Large Farm Animals, provided they are kept by fencing no less than one hundred (100) feet from all property lines; and further provided that no more than one (1) large farm animal is kept per three-fourths (3/4) acre, excluding the area within the one hundred (100) foot perimeter of each lot. (Revised-5/1/07)
 - (viii) Customary Accessory Buildings and Uses incidental to any approved Conditional Uses. (Revised-3/3/98)
- (c) **Lot and Building Requirements:** There shall be no more than one (1) Principal Building per Lot. (Revised-3/3/98)
- (i) **Principal Buildings:** For lot and building requirements see Section 1119. (Revised-3/3/98)
 - (ii) **Accessory Buildings:** For lot and building requirements see Section 1120. (Revised-3/3/98)

Section 1104. "R-30" Residential Districts:

District Intent: The purpose of this District is to provide for low to medium density single family development free from intrusion by incompatible agricultural and Commercial Uses. This District is primarily to be served by either public, community or individual septic, sewage and water systems. (Revised 5/5/98).

- (a) **Permitted Uses:**

- (i) One (1) Family Dwellings, including Manufactured Homes, and their customary Uses.
 - (ii) Non-commercial horticulture.
 - (iii) Home Business Offices.
 - (iv) Reserved. (Revised-5/5/98).
 - (v) Customary Accessory Buildings and Uses incidental to the above Permitted Uses and any Conditional Uses permitted by the County Commission. (Revised-3/3/98)
- (b) **Conditional Uses:** The following Uses may be permitted in this District on a conditional basis upon approval by the County Commission: (Revised-3/3/98)
- (i) Churches.
 - (ii) Unlighted, regulation-size or par three (3) golf courses, including normal club house and pro shop activities, and other business activity associated with country clubs.
 - (iii) Schools.
 - (iv) Public utilities substation or subinstallation including water towers, provided that: (1) such Use is enclosed by a painted or chain-link fence or wall at least eight (8) feet in height above finished grade; (2) there is no office, Commercial operation or storage of Vehicles or equipment on the Premises; and (3) a landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility. (Minimum lot area does not apply.)
 - (v) Reserved. (Revised-5/5/98).
 - (vi) Cemeteries.
 - (vii) Home Occupations.
 - (viii) Customary Accessory Buildings and Uses incidental to any approved Conditional Uses. (Revised-3/3/98)
- (c) **Lot and Building Requirements:** There shall be no more than one (1) Principal Building per Lot. (Revised-3/3/98)

- (i) Principal Buildings: For lot and building requirements see Section 1119. (Revised-3/3/98)
- (ii) Accessory Buildings: For lot and building requirements see Section 1120. (Revised-3/3/98)

Section 1105. "R-1" Single Family Residential Districts:

District Intent: The purpose of this District is to provide for medium to low density single family development free from intrusion by incompatible agricultural and Commercial Uses. This District is primarily to be served by either public, community or individual septic, sewage and water systems.

(a) **Permitted Uses:**

- (i) Detached one (1) family Dwellings.
- (ii) Non-commercial horticulture.
- (iii) Home Business Offices.
- (iv) Customary Accessory Buildings and Uses incidental to the above Permitted Uses and any Conditional Uses permitted by the County Commission. (Revised-3/3/98)

(b) **Conditional Uses:** The following Uses may be permitted in this District on a conditional basis upon approval by the County Commission: (Revised-3/3/98)

- (i) Churches.
- (ii) Unlighted, regulation-size or par three (3) golf courses, including normal club house and pro shop activities, and other business activity associated with country clubs.
- (iii) Schools.
- (iv) Public utilities substation or subinstallation including water towers, provided that: (1) such Use is enclosed by a painted or chain-link fence or wall at least eight (8) feet in height above finished grade; (2) there is no office, Commercial operation or storage of Vehicles or equipment on the Premises; and (3) a landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility (Minimum Lot area does not apply).

- (v) Cemeteries.
- (vi) Group Homes (not more than four (4) residents).
- (vii) Home Occupations.
- (viii) Customary Accessory Buildings and Uses incidental to any approved Conditional Uses. (Revised-3/3/98)
- (c) **Lot and Building Requirements:** There shall be no more than one (1) Principal Building per Lot. (Revised-3/3/98)
 - (i) Principal Buildings: For lot and building requirements see Section 1119. (Revised-3/3/98)
 - (ii) Accessory Buildings: For lot and building requirements see Section 1120. (Revised-3/3/98)

Section 1106. "R-2" Two Family Residential Districts:

District Intent: The purpose of this District is to provide locations for duplex and two (2) family housing along with appropriate single family housing.

(a) **Permitted Uses:**

- (i) All permitted Uses in R-1 District.
- (ii) Duplexes and other Structures housing two (2) families.
- (iii) Home Business Offices.
- (iv) Customary Accessory Buildings and Uses incidental to the above Permitted Uses and any Conditional Uses permitted by the County Commission. (Revised-3/3/98)

(b) **Conditional Uses:** The following Uses may be permitted in this District on a conditional basis upon approval by the County Commission: (Revised-3/3/98)

- (i) Public utilities substation or subinstallation including water towers, provided that: (1) such Use is enclosed by a painted or chain-link fence or wall at least eight (8) feet in height above finished grade; (2) there is no office, Commercial operation or storage of Vehicles or equipment on the Premises; and (3) a landscaped strip not less than five (5)

feet in width is planted and suitably maintained around the facility (Minimum Lot area does not apply).

- (ii) Cemeteries.
 - (iii) Churches.
 - (iv) Schools.
 - (v) Group Homes (not more than four (4) residents).
 - (vi) Customary Accessory Buildings and Uses incidental to any approved Conditional Uses. (Revised-3/3/98)
- (c) **Lot and Building Requirements:** There shall be no more than one (1) Principal Building per Lot. (Revised-3/3/98)
- (i) Principal Buildings: For lot and building requirements see Section 1119. (Revised-3/3/98)
 - (ii) Accessory Buildings: For lot and building requirements see Section 1120. (Revised-3/3/98)

Section 1107. "R-3" Multi-Family Residential Districts:

District Intent: The purpose of this District is to provide locations for apartments and townhouse developments served by both a Central Water System and a Central Sewer System. These areas are to be buffered and screened from nearby incompatible Uses.

(a) **Permitted Uses:**

- (i) All permitted Uses in R-1 and R-2 Districts.
 - (ii) Group Dwellings, apartments and condominiums.
 - (iii) Home Business Offices.
 - (iv) Customary Accessory Buildings and Uses incidental to the above Permitted Uses and any Conditional Uses permitted by the County Commission. (Revised-3/3/98)
- (b) **Conditional Uses:** The following Uses may be permitted in this District on a conditional basis upon approval by the County Commission: (Revised-3/3/98)
- (i) Churches.

- (ii) Group Homes (not more than four (4) residents).
 - (iii) Schools.
 - (iv) Public utilities substation or subinstallation including water towers, provided that: (1) such Use is enclosed by a painted or chain-link fence or wall at least eight (8) feet in height above finished grade; (2) there is no office, Commercial operation or storage of Vehicles or equipment on the Premises; and (3) a landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility. (Minimum Lot area does not apply.)
 - (v) Customary Accessory Buildings and Uses incidental to any approved Conditional Uses. (Revised-3/3/98)
- (c) **Lot and Building Requirements:** There shall be no more than one (1) Principal Building permitted for every two acres of land in the parcel selected for building. (Revised-7/11/06)
- (i) Principal Buildings - For lot and building requirements see Section 1119. (Revised-3/3/98)
 - (ii) Principal Building - Townhouses - Deleted (Revised-3/3/98)
 - (iii) Accessory Buildings: For lot and building requirements see Section 1120. (Revised-3/3/98)

Section 1108. "R-4" Manufactured Housing Park District:

District Intent: The purpose of this District is to encourage the development of land as Planned Manufactured Housing Parks and to provide efficient networks of utilities to serve these Manufactured Housing Parks.

- (a) **Permitted Uses:**
- (i) Manufactured Housing Parks.
 - (ii) Home Business Offices.
 - (iii) An office for the operation of the Manufactured Housing Park.
 - (iv) The incidental sale of used Manufactured Homes shall be permitted within the boundaries of a Manufactured

Housing Park, subject to the following conditions:

- (1) Allowable Number - The number of Manufactured Homes for sale at any one time shall not exceed five (5%) percent of the total number of approved Manufactured Home Spaces in any Manufactured Housing Park. However, if there are less than twenty (20) Manufactured Home Spaces, only one (1) Manufactured Home may be for sale at any one time.
 - (2) Location - Manufactured Homes for sale shall be located only on Manufactured Housing Spaces in the Manufactured Housing Park and subject to the same setbacks and yard requirements as occupied Manufactured Homes.
 - (3) Maintenance - There shall be no renovating, overhaul, or repair to Manufactured Homes offered for sale within a Manufactured Housing Park. However, customary maintenance shall be permitted, such as would be allowed for an occupant while living in a Manufactured Home.
 - (4) Advertising - There shall be no advertising signs, banners, pennants, or any type of displays advertising Manufactured Homes for sale, except that (1) one sign, not over eighteen (18) inches by twenty-four (24) inches shall be permitted to be posted on each Manufactured Home offered for sale.
 - (v) Customary Accessory Buildings and Uses incidental to the above Permitted Uses and any Conditional Uses permitted by the County Commission. (Revised-3/3/98)
- (b) **Conditional Uses:** The following Uses may be permitted in this District on a conditional basis upon approval by the County Commission: (Revised-3/3/98)
- (i) Public utilities substation or subinstallation including water towers, provided that: (1) such Use is enclosed by a painted or chain-link fence or wall at least eight (8) feet in height above finished grade; (2) there is no office, Commercial operation or storage of Vehicles or equipment on the Premises; and (3) a landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility. (Minimum Lot area does not apply.)

- (ii) Customary Accessory Buildings and Uses incidental to any approved Conditional Uses. (Revised-3/3/98)
- (c) **Lot and Building Requirements:** The following dimensional requirements apply to the external boundaries of the Manufactured Housing Park. Dimensional requirements for Manufactured Housing Spaces within the Manufactured Housing Park are delineated elsewhere in this **Article:**
 - Minimum Lot Area..... 5 acres
 - Maximum Number of Manufactured Housing Spaces..... 6 per acre
 - Minimum Front Yard..... 75 Feet
 - Minimum Side Yard, Interior..... 50 Feet
 - Minimum Side Yard, Street..... 50 Feet
 - Minimum Rear Yard..... 50 Feet
 - Required Perimeter Buffers
 - Width Abutting Scenic Parkways..... 70 Feet
 - Width Abutting Major Thoroughfares or Arterial Roads..... 50 Feet
 - Width Abutting all other Roads..... 30 Feet
 - Width Abutting all Property Lines other than Roads..... 25 Feet
- (d) **Buffers Required:** Buffers of the dimensions specified in this Section 1108.(c) shall be provided along the perimeter of all Manufactured Housing Park Districts, such Buffers must meet the requirements of **Section 514.04, 514.05, and 514.06** of the Subdivision Regulations. Entrance Roads to Manufactured Housing Parks may traverse the required Buffers. Buffer requirements do not apply to Roads constructed within a Manufactured Housing Park, except where such Roads intersect with a required Buffer abutting another Road or property line. (Revised-3/3/98)
- (e) **Compliance with Subdivision Design Standards:** In addition to complying with the requirements of this **Article**, except as modified herein, all Manufactured Housing Parks must comply with all applicable provisions of **Article V** of the Subdivision Regulations and with the Engineering Standards. For the purposes of application of provisions of **Article V** of the Subdivision Regulations and the Engineering Standards to Manufactured Housing

Parks, the number of Manufactured Housing Spaces shall be used in lieu of the number of Lots for determining minimum requirements.

- (f) **Minimum Dimensional Requirements for Manufactured Housing Spaces:** The boundaries of all Manufactured Housing Spaces must be shown on the Manufactured Housing Park Plan and identifiable after construction of the Manufactured Housing Park. Each Manufactured Home must have a minimum thirty (30) foot setback on all sides from any other Manufactured Housing Space, except a minimum setback from the right of way of any Road within the Manufactured Housing Park shall be twenty-five (25) feet. All Manufactured Housing Spaces must meet the minimum size requirements of the Bryan County Health Department, however, in no case shall any Manufactured Housing Space be less than five thousand two hundred eighty (5,280) square feet. (Revised-3/3/98)
- (g) **Approval of Manufactured Housing Park District:** No Rezoning to a Manufactured Housing Park District may be considered and no Manufactured Housing Park may be developed, expanded, or occupied until all the requirements set forth herein have been met and a Manufactured Housing Park Plan approved by the County Commission. An application and all accompanying plans and supporting data required both by this **Section** and **Article VI** shall be filed in duplicate with the Planning Director in accordance with **Article VI**. The application shall be in writing, signed by the applicant, and shall include the following: (Revised-3/3/98)
- (i) The name and address of the applicant.
 - (ii) The location and description of the boundaries of the property for the proposed Manufactured Housing Park. (Revised-3/3/98)
 - (iii) A completed "Manufactured Housing Park Plan" showing all existing conditions and proposed site development as required by this Ordinance, including preliminary plans of all Buildings, improvements, and facilities constructed or to be constructed within the Manufactured Housing Park and a topographic map of the Manufactured Housing Park.
 - (iv) All documentation required by **Articles VI** and any other information requested by the Planning Director or County Commission to determine the Manufactured

Housing Park's's compliance with all requirements of this Ordinance and other applicable laws. (R-3/3/98)

- (g) (1) **Drainage:** All Manufactured Housing Parks shall be located on a well-drained and properly graded site. Necessary site drainage improvements, as approved by the County Engineer, shall be required in accordance with the Engineering Standards. (Revised-3/3/98)
- (h) **Interior Public Streets, Drives, and Walkways:** Roads within Manufactured Housing Parks must be designed, constructed and paved in accordance with the Engineering Standards and must have a minimum right-of-way width of sixty (60) feet. Minimum widths of various Roads within Manufactured Housing Parks shall be:
 - (i) One-way with no on-Road parking -- twelve (12) ft.
 - (ii) One-way with parallel parking on one side only -- twenty-one (21) ft.
 - (iii) One-way with parallel parking on both sides thirty (30) ft.
 - (iv) Two-way with no on-Road parking twenty-four (24) ft.
 - (v) Two-way with parallel parking on one side only -- thirty-three (33) ft.
 - (vi) Two-way with parallel parking on both sides --forty-two ft.
- (i) **Access:** All Manufactured Housing Spaces must abut an interior Road which has direct access to a Public Road and must comply with all access and entrance requirements of **Article V** of the Subdivision Regulations and the Engineering Standards.
- (j) **Off-Drive Parking:** Each Manufactured Housing Space shall be provided with at least two (2) off-Road parking spaces located on or adjacent to the Manufactured Housing Space. In addition, one (1) off Road parking space for each four (4) Manufactured Housing Spaces in the Manufactured Housing Park for visitor parking must be provided. Off-Road Parking Spaces shall not be considered a part of any Manufactured Housing Space which meets only the minimum required Lot area. No Vehicle parking will be allowed in other than the specified parking areas.
- (k) **Additional Conditions:** In approving a Manufactured

Housing Park, the County Commission may attach additional conditions to protect both the occupants of the Manufactured Housing Park and the occupants of surrounding property, and to further the purposes of this Ordinance.

(1) **General Requirements:**

- (i) Minimum Requirements for Manufactured Homes: No Manufactured Home shall be placed in a Manufactured Housing Park unless it is constructed to the Federal Manufacturing Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. 5401, et. seq., and is in compliance with the Building Code.
- (ii) Water and Sewerage: Each Manufactured Home Space shall be provided with and each Manufactured Home connected to both a Central Water System and a Central Sewer System.
- (iii) Lighting: All interior Roads and walkways within a Manufactured Housing Parks must be lighted at night with electric overhead vapor lamps no less than four hundred (400) feet apart, or equivalent lighting as approved by the County Commission.
- (iv) Refuse Collection Facilities: One (1) covered garbage can with a capacity of at least ninety (90) gallons each shall be provided for each Manufactured Housing Space. The cans shall be located in areas designated on the Manufactured Housing Park Plan and shall be kept in sanitary condition at all times. The Manufactured Housing Park shall provide garbage collection at least once each week. (R-3/3/98)
- (v) Service, Administrative, and Other Buildings:
 - (1) Within a Manufactured Housing Park, one Manufactured Home may be used as an administrative office. Other administrative and service Buildings, housing, sanitation, and laundry facilities shall be permanent Structures, complying with all applicable ordinances and statutes regarding Buildings, electrical installations, and plumbing and sanitation systems.
 - (2) No Buildings shall be located closer than thirty (30) feet to any Manufactured Housing

Space.

- (3) All service Buildings, Manufactured Homes, Manufactured Housing Spaces and the grounds of the Manufactured Housing Park shall be maintained in a clean, sanitary condition that, as determined by the Planning Director, will not negatively affect the health, safety or welfare of any occupant of the Manufactured Housing Park or the public or constitute a nuisance.
- (vi) Fire Protection: All Manufactured Housing Parks must be equipped at all times with fire extinguishing equipment in good condition, and of such size, type, and number and located within the Manufactured Housing Park so to satisfy all applicable state or County regulations. No open fires shall be permitted within a Manufactured Housing Park.
- (vii) Fuel Storage: No fuel shall be stored within a Manufactured Housing Park without approval of the County Commission, except for fuel containers serving individual Manufactured Homes.
- (viii) Management: The owner of a Manufactured Housing Park shall ensure that the Manufactured Housing Park, its facilities, equipment, grounds, Roads, Buffers, fences, Manufactured Housing Spaces and Manufactured Homes are maintained in a clean, orderly, safe, and sanitary condition and are in compliance with all applicable laws, codes, ordinances and regulations.
- (ix) Required Records: The owner of a Manufactured Housing Park shall maintain the following records relating to his Manufactured Housing Park: the names of all occupants and owners of Manufactured Homes; the make, model, serial number, year of manufacture, County Tax and Decal Number, and Building Permit Number of each Manufactured Home and the dates of arrival and departure of each Manufactured Home.
- (x) Occupancy Permit: No Manufactured Home shall be parked within a Manufactured Housing Park until all provisions of this Ordinance and other applicable laws, codes or regulations have been complied with and a Certificate of Occupancy issued by the County Commission.

- (xi) Underground Utilities: All utilities shall be underground.
- (xii) All Manufactured Housing Parks of five (5) or more Manufactured Housing Spaces which are in existence on the Effective Date of this Ordinance, shall be required to meet all the conditions set forth in **(a) (iv)** and **(1) (i), (iii) (iv) (vi), (vii), (viii) (ix)** and **(x)** of this **Section** within three (3) years from the Effective Date of this Ordinance.

Section 1109. BN Zone - Neighborhood Business:

District Intent: The purpose of this District is to provide for locations of convenience stores and personal services within otherwise primarily Residential areas, so long as the architectural design of such stores and buildings as determined by the Planning Director is not incompatible with abutting Residential areas. BN Districts are not intended for a wide variety of Commercial or office activities. Low or minimal traffic should be generated by uses in this District.

(a) **Permitted Uses**:

- (i) Neighborhood convenience stores not exceeding three thousand five hundred (3,500) square feet in size (no unenclosed outside storage). (Revised 3/3/98)
 - (1) alcohol sold to be consumed off Premises only;
 - (2) self-service Service Stations.
- (ii) Florists.
- (iii) Personal services (no unenclosed outside storage).
- (iv) Fruit and vegetable markets.
- (v) Customary Accessory Buildings and Uses incidental to the above Permitted Uses.

(b) **Conditional Uses**: The following Uses may be permitted in this District on a conditional basis upon approval by the County Commission: (Revised-3/3/98)

- (i) Offices (no outside storage).
- (ii) One residential Dwelling Unit per lot as an Accessory Use within the same structure as the

commercial activity. (Revised-2/1/05)

(iii) Customary Accessory Buildings and Uses incidental to any approved Conditional Uses. (Revised-3/3/98)

(c) **Special Site Regulations:**

(i) Maximum percent of gross land to be covered..45% (Revised-3/3/98)

(ii) Minimum open space required..... 55%

(d) **Principal and Accessory Buildings:**

Minimum Lot Area..... 30,000 Square Feet
Minimum Lot Width at Building Line... 150 Feet
Minimum Front Setback..... 75 Feet
Minimum Rear Setback..... 50 Feet
Minimum Side Setback, Interior..... 35 Feet
Minimum Side Setback, Street..... 45 Feet
Maximum Building Height..... 35 Feet
(Revised-3/3/98)

(e) Maximum size of BN District - 2 acres

(f) Minimum Distance to another BN District - 3,000 feet

Section 1110. "B-1" Neighborhood Commercial Districts:

District Intent: The purpose of this District is to provide locations for small locally oriented businesses, serving primarily nearby residents. Businesses located here should not be heavy traffic generators.

(a) **Permitted Uses:**

Retail Stores.
Personal Services.
Day Care Center Facilities.
Drug Stores.
Gardening and Pet Grooming Services.
Fruit and Vegetable Markets.
Professional Services Offices.
Offices.
Soda Fountains, Cafes or Restaurants (without drive-in facilities).
Clubs, Private.
Mortuaries.
Public Uses.
Lifetime Learning.

Medical Clinics.
Customary Accessory Buildings and Uses incidental to the above Permitted Uses (no unenclosed outside storage).

- (b) **Conditional Uses:** The following Uses may be permitted in this District on a conditional basis upon approval by the County Commission: (Revised-3/3/98)

Banks.
Taverns.
Theaters (indoor).
Entertainment Facilities.
Drive-in Commercial Uses (not including drive-in theaters).
Service Stations.
Utilities (except for storage yards, generation or Treatment Facilities).
Shopping Centers (less than 65,000 Square Feet).

One residential Dwelling Unit per lot as an Accessory Use within the same structure as the commercial activity. (Revised-2/1/05)
Customary Accessory Buildings and Uses incidental to any Conditional Uses (no unenclosed outside storage). (Revised-3/3/98)

- (c) **Lot and Building Requirements:**

Principal and Accessory Buildings:

Minimum Lot Area..... 30,000 Square Feet
Minimum Lot Width at Building Line.... 150 Feet
Minimum Front Setback..... 75 Feet
Minimum Rear Setback..... 50 Feet
Minimum Side Setback, Interior..... 35 Feet
Minimum Side Setback, Street..... 45 Feet
Maximum Building Height..... 35 Feet
(Revised-3/3/98)

- (d) **Special Site Regulations:**

Maximum percent of gross land to be covered.....50%
Minimum open space required.....50%

Section 1111. "B-2" General Commercial Districts:

District Intent: The purpose of this District is to provide locations for large and County-wide businesses. Those businesses which generate larger traffic volumes are appropriately located in

this District.

(a) **Permitted Uses:**

Extermination, Pest Control, Fumigation, Septic Tank Pumping, Furnace Cleaning and Well Drilling Service.
Vehicle Sales and Support Center.
Design and Building Services.
Health and Support Services.
Lifetime Learning.
Service Stations.
Restaurants.
Motels, Hotels.
Tourist Homes.
Entertainment Facilities.
Retail Business.
Personal Services.
Offices, Banks, and Financial Institutions.
Professional Offices.
Radio Stations and Television Studios or Offices.
Garages for Service (excluding storing junked vehicles outdoors).
Drive-in Commercial Uses (not including theaters).
Mortuaries and Monument Sales.
Animal hospitals, clinics, or kennels.
Commercial greenhouses, and plant nurseries.
Golf-driving ranges and miniature golf, golf courses.
Public Utilities.
Mobile Home, Utility Building, and Trailer Sales Lots.
Business Services.
Billiard or Pool Rooms.
Commercial Recreation.
Lodges or Clubs.
(Delete Taverns - Revised - 8/2/05)
Customary Accessory Buildings and Uses incidental to the above Permitted Uses.

(b) **Conditional Uses:** The following Uses may be permitted in this District on a conditional basis upon approval by the County Commission, after recommendation by the Planning Commission:

Radio and Television Transmission, Antennas and Towers.
Taxi Stands.
Bus Stations.
Auctions.
Offstreet Parking Lot/Garages.
Adult Uses.
Lumber Yards.
Tire Retreading and Recapping.

Food Processing.
 Research and Testing Facilities.
 Printing, Lithographing or Publishing Plants.
 Amusement Parks.
 Feed and Grain, Sales and Storage.
 Wholesale Businesses.
 Equipment Sales and Repair.
 Truck Terminals.
 Cleaning, Laundry and Dry Cleaning Plants.
 Drive-in Theaters.
 Machine Shops.
 Taverns. (Revised-8/2/05)
 Shopping Centers.
 Mini-Warehouse(s). (Revised-8/1/00)
 Customary Accessory Buildings and Uses incidental to any
 approved Conditional Uses. (Revised-3/3/98)

(c) **Lot and Building Requirements:**

Minimum Lot Area..... 30,000 Square Feet
 Minimum Lot Width at Building Line... 150 Feet
 Minimum Front Setback..... 75 Feet
 Minimum Rear Setback..... 50 Feet
 Minimum Side Setback, Road..... 35 Feet
 Minimum Side Setback, Interior..... 30 Feet
 Maximum Building Height..... 35 Feet
 (Revised-2/9/99)

(d) **Special Site Regulations:**

Maximum percent of gross land to be covered.....60%
 (Revised-3/3/98)
 Minimum open space required.....25%

Section 1112. "C-I", Interchange Commercial District:

District Intent: The purpose of this District is to provide for transportation related businesses associated with Interstate Highway travel and allow other Commercial activities in areas away from access points.

(a) **Permitted Uses:** Property and Buildings in a C-I, Interchange Commercial District shall be used for the following purposes:

Bus Stations.
 Hotels, Motels.
 Restaurants.
 Service Stations.
 Gift Shops.

Tent and Trailer Campgrounds.
Mini-Warehouse(s). (Revised-8/1/00)
Customary Accessory Buildings and Uses incidental to the
above Permitted Uses.

- (b) **Conditional Uses:** The following Uses may be permitted in this District on a conditional basis upon approval by the County Commission, after recommendation by the Planning Commission:

Banks.
Shopping Centers.
Truck Repair Shops/Garages.
Lounges.
Truck Terminals.
Professional and Business Offices.
Customary Accessory Buildings and Uses incidental to any approved Conditional Uses. (Revised-3/3/98)

- (c) **Lot and Building Requirements:** Unless otherwise specified in this Ordinance, uses permitted in the C-I, Interchange Commercial District shall conform to the following regulations:

Minimum Lot size..... 30,000 Square Feet
Minimum Lot width at building line..... 100 feet
Minimum front yard, setback from Road.....50 feet
Minimum side yard, setback from property line..10 feet
Minimum side yard, setback if corner lot.....35 feet
Minimum rear yard, setback from property line....15 feet
Maximum building height.....35 feet

- (d) **Special Site Regulations:**

- (i) Maximum percent of gross land to be covered....60%
(Revised-3/3/98)
(ii) Minimum open space required.....
25%

Section 1113. I-L, Light Industrial District: (Revised 2/14/06)

District Intent: This District is established to provide land for light industrial Uses which are **not** significantly objectionable with regard to noise, odor, fumes, etc., to surrounding properties. This District's regulations are designed to provide a compatible environment for Uses generally classified as light industrial in nature; to protect and reserve undeveloped areas within the County that are suitable for such light industries; and to discourage encroachment by Residential, Commercial, or other Uses that may

adversely affect the industrial character of the District. Lands within this District should be located in relation to the thoroughfare network of the County, as well as rail and air if required, and designed so that Uses within the District do not disrupt normal traffic flow patterns within the County. Planned industrial parks are encouraged within this District.

- (a) **Permitted Uses:** Property and Buildings in an I-L Light Industrial District shall be used for the following purposes, provided that such Uses are conducted in such a manner that noxious odors, fumes, dust and similar particles, or noise are not emitted or detectable beyond the property lines of the Lots on which the Uses are located:
- (i) Building material sales yards and lumber yards, including the sale of rock, sand, gravel, and the like.
 - (ii) Warehouse and wholesale establishments.
 - (iii) Public utilities, including Buildings, necessary structures, storage yards and other related Uses.
 - (iv) Research or experimental stations and laboratories.
 - (v) Radio and/or television station transmission or reception towers.
 - (vi) Horticultural nurseries.
 - (vii) Large Office Buildings for business, governmental, professional, or other general purposes.
 - (viii) Repair garages, provided there is no open storage of wrecked automobiles or scrapped or salvaged vehicle parts on the Premises.
 - (ix) Transportation/trans-shipment terminals.
 - (x) Extermination, Pest Control, Fumigation, Septic Tank Pumping, Furnace Cleaning and Well Drilling Services.
 - (xi) Customary Accessory Buildings and Uses incidental to any approved Conditional Uses.
- (b) **Conditional Uses:** The following Uses may be permitted in this District on a conditional basis upon approval by the

County Commission:

- (i) Retail businesses or services provided such businesses or services are (1) incidental to a permitted light-industrial Use and (2) located on the same Premises.
 - (ii) Storage Yards
 - (iii) Watchman or Caretaker's One (1) or Two (2) Family Dwelling, provided that:
 - 1) such Dwelling is located on the Premises of the permitted light-industrial Use and
 - 2) the head of the household is employed by the industry as a watchman or caretaker.
 - (iv) Open yard Use for the sale, rental, dismantling and/or storage of new or used salvage and/or Junk materials or equipment, provided that:
 - 1) such Uses are separated from adjoining properties by a suitable planting screen, fence, or wall at least eight (8) feet in height, and
 - 2) no burning of materials or products will be conducted on the Premises.
 - (v) Animal hospitals with exercise yards (no outside pens).
 - (vi) Commercial kennels with exercise yards (no outside pens).
 - (vii) Customary Accessory Buildings and Uses incidental to any approved Conditional Uses.
- (c) **Area Regulations:** Unless otherwise specified in this Ordinance, Uses permitted in the I-L, Light Industrial District shall conform to the following regulations:
- (i) Minimum Lot area: 30,000 Square Feet (Larger if required by the County Commission to meet District's regulations and intent).
 - (ii) Minimum Lot width at Building line: 150 feet.
 - (iii) Minimum front yard setback: 75 feet.

(iv) Minimum side yard setback (interior or street):
30 feet.

(v) Minimum rear yard setback: 50 feet.

(vi) Maximum Building height: 45 feet.

(d) **Special Site Regulations:**

(i) Maximum percent of gross land to be covered....65%

Section 1114. "I-1" General Industrial Districts: (Revised-2/1/05)

District Intent: The purpose of this District is to provide areas for manufacturing, assembling, fabricating and related activities and to provide standards to prevent adverse effects on surrounding properties.

(a) **Permitted Uses:**

Manufactories, assembly facilities and their associated buildings;
Asphalt emulsion (water-based) plants;
Machine shops;
Warehouse and transfer/storage establishments (distribution centers);
Radio and television transmission, antennas and towers;
Public utilities, including buildings, necessary structures, storage yards and other related uses;
Research or experimental stations and laboratories;
Repair garages for commercial vehicles and trucks;
Transportation terminals;
Mobile home, utility building, and trailer sales lots;
Office buildings for business, governmental, professional or general purposes; (Revised 11/7/06)
Customary accessory buildings and uses incidental to the above Permitted Uses.

(b) **Conditional Uses:** The following uses may be permitted in this district on a conditional basis upon approval by the County Commission, after recommendation by the Planning Commission:

Vehicle sales and support centers;
Extermination, pest control, fumigation, septic tank pumping, furnace cleaning and well-drilling services;
Construction supply yards;
Junk yards;
Lumber yards;
Food processing;

Wholesale businesses;
Equipment sales and repair;
Cleaning, laundry and dry cleaning plants;
Customary accessory buildings and uses incidental to any
approved Conditional Uses.

Section 1115. "O" Office District:

District Intent: It is the intent of this **Section** that the "O" Zoning District be developed and reserved for Business, office, institutional, or specified public purposes. The regulations which apply within this District are designed to encourage the formation and continuance of a quiet, compatible and uncongested environment for office type business or professional firms and certain public Uses and to discourage any encroachment by unrestricted retail and/or wholesale business establishments, industrial concerns, or other Uses capable of adversely affecting the specialized commercial, institutional and housing character of the District.

(a) **Permitted Uses:**

- (i) Medical, dental, chiropractic or other medically oriented office, outpatient clinic and laboratory, and Health Services.
- (ii) Artist Studios for crafts, dance, drama, music, and photography.
- (iii) Multi-unit Office Parks.
- (iv) Lifetime Learning.
- (v) Office Buildings and offices for governmental, business, professional or general purposes, but not including any storage, sale, rental or servicing of goods on the Premises.
- (vi) Photographic studios.
- (vii) Radio and/or television studios.
- (viii) Customary Accessory Buildings and Uses incidental to the above Permitted Uses and any Conditional Uses permitted by the County Commission. (Revised-3/3/98)

- (b) **Conditional Uses:** The following Uses may be permitted in this District on a conditional basis upon approval by the County Commission: (Revised-3/3/98)

- (i) Schools.
- (ii) Day Care Center Facilities.
- (iii) One residential Dwelling Unit per Lot as an Accessory Use within the same structure as the commercial activity. (Revised-2/1/05)

(c) **Lot and Building Requirements:**

Minimum Lot Area.....	30,000 Square Feet
Minimum Lot Width at Building Line...	150 Feet
Minimum Front Setback.....	75 Feet
Minimum Rear Setback.....	50 Feet
Minimum Side Setback, Road.....	35 Feet
Minimum Side Setback, Interior.....	30 Feet
Maximum Percent of Lot Coverage.....	30%

(d) **Special Site Regulations:**

- (i) Maximum percent of gross land to be covered.....60%
(Revised-3/3/98)
- (ii) Minimum open space required..... 25%

Section 1116. "WP" Waste Management District:

District Intent: This District is established to provide land for waste treatment and disposal in locations which meet strict criteria for protection of other land Uses and the environment. The District's regulations are designed to provide a compatible environment for waste processing and treatment facilities so that they will not be encroached upon by other Uses or be adversely effected by nearby conflicting land Uses. Lands designated for Waste Management should be located in relation to the transportation systems it will utilize so that it will not disrupt normal traffic flow patterns within the County. Due to the special nature of waste and the potential health and environmental risks involved, this District will be only designated on the Zoning Map in response to a specific rezoning request by an applicant.

- (a) **Permitted Uses:** Medical waste treatment and incineration, hazardous waste processing, sewerage treatment, solid waste processing and recycling services.

(b) **Area Regulations:**

- (i) Minimum lot area: 50 acres.
- (ii) There shall be a minimum of a two hundred (200) foot wide thick, mature, natural or cultivated landscape

buffer established and maintained along all property lines, excluding approved driveways, Building sites and drainage facilities as shown on the approved Development Plan.

- (iii) As conditions for approval, access to the site shall be controlled and monitored by the operator.
- (iv) The operator shall be responsible for the control and proper disposal of incidental litter by providing fencing or other physical barriers around the site.
- (v) As a conditional of approval, the applicant shall develop an emergency plan which will be used should there be an accident or other problems which threatens the health or environment. The applicant shall put in place the necessary equipment, hire the necessary personnel and other requirements of the emergency plan before operation can begin. This plan must be approved by the County Commission.
- (vi) The applicant shall follow the procedures for siting, operating, closure and post closure in accordance with Article 2, O.C.G.A. 12-8-20 and subsequent changes. Verification of compliance with Article 2, O.C.G.A. 12-8-20 shall be required before the landfill becomes operational; however, No Waste Management District shall be located within one thousand (1,000) feet of a Residence or a residential domestic water supply (well).
- (vii) The applicant must show evidence of receiving all necessary state and federal approvals before making application for rezoning.
- (viii) All Waste Management Districts must have primary access via a state or federal highway.
- (ix) Waste Management Districts shall not be located in Wetlands, as defined by the U. S. Corps of Engineers. All applications for a Waste Management District must be accompanied by a wetlands delineation of the site and must demonstrate that all processing, storage or disposal of waste products will be outside of wetlands areas.

Section 1117. "WB-1, WB-2, WB-3" Waterfront Business and Commercial Districts:

Adopted: November 7, 1995

District Intent: It is the intent of this District that the environmentally sensitive nature of waterfront and marshfront locations be considered and protected. When applying for a Building Permit in a "WB" District, the applicant must certify compliance with all applicable state, federal and County laws, codes or regulations.

(a) **"WB-1" Waterfront Business:**

(i) Permitted Uses:

- (1) Marinas for private, recreational watercraft (no length limit), including enclosed dry storage and docking with ramp and lift equipment.
- (2) Small convenience stores including bait, tackle, marine supplies and accessories. Beer and wine sold to be consumed off-premises only. (may serve both water and land customers)
- (3) Gas and Fuel facilities for both boats and Vehicles. (no repair facilities)
- (4) Customary Accessory Buildings and Uses incidental to the above Permitted Uses and any Conditional Uses permitted by the County Commission. (Revised-3/3/98)

(ii) Conditional Uses: The following Uses may be permitted in this District on a conditional basis upon approval by the County Commission:
(Revised-3/3/98)

- (1) Commercial fishing boats under twenty-five (25) feet in length. (no storage, packing, or processing facilities)
- (2) Charter boats under sixty-five (65) feet in length (no size limit for sailboats) for sport or recreational use. (maximum of thirty (30) persons plus crew per boat).
- (3) One residential Dwelling Unit per lot as an Accessory Use within the same structure as the Commercial activity. (Revised-2/1/05)
- (4) Customary Accessory Buildings and Uses incidental to any approved Conditional Uses. (Revised-3/3/98)

(b) **"WB-2" Waterfront Commercial:**

(i) Permitted Uses:

- (1) All Permitted Uses in "WB-1" classification.
- (2) All Conditional Uses in "WB-1" classification.

(ii) Conditional Uses: The following Uses may be permitted in this District on a conditional basis upon approval by the County Commission: (Revised-3/3/98)

- (1) Restaurants (no entertainment unless approved for entertainment facilities).
- (2) Entertainment facilities.
- (3) Hotels, motels, and tourist homes.
- (4) Private Clubs.
- (5) Boat, motor, and marine supply dealers.
- (6) Enclosed marine service and repair facilities.
- (7) Taverns, including floating taverns.
- (8) Charter or cruise boats (no length limit).
- (9) Customary Accessory Buildings and Uses incidental to the above Permitted Uses.

(c) **"WB-3" Waterfront Commercial-Industrial":**

(i) Permitted Uses

- (1) All permitted Uses in "WB-2" classification.
- (2) All conditional Uses in "WB-2" classification.
- (3) Commercial watercraft including fishing boats.
- (4) Seafood storage, packing, or processing plants.
- (5) Customary Accessory Buildings and Uses incidental to the above Permitted Uses and any Conditional Uses permitted by the County Commission: (Revised-3/3/98)

- (ii) Conditional Uses: The following Uses may be permitted in this District on a conditional basis upon approval by the County Commission, after recommendation by the Planning Commission:
 - (1) Marine construction, repair, and service facilities including boat yards and marine railways.
 - (2) Manufacturing plants.
 - (3) Customary Accessory Buildings and Uses incidental to the any approved Conditional Uses. (Revised-3/3/98)
- (d) Lot and Building Requirements: Because of the uniqueness of waterfront and marsh front sites, applications for a reclassification to WB Districts must include a site plan proposing appropriate buffers and setbacks which must be approved by the County Commission.

Section 1118. "DM-1" Dunes and Marshlands District:

District Intent: It is the intent of this District to protect those areas of the County that are considered to be environmentally sensitive to development, due to soil types, drainage, vegetation, wildlife habitats or other factors that are subject to being seriously endangered, damaged, or destroyed if allowed to develop in a manner inconsistent with their conservation and preservation. Since the welfare and well-being of the citizens of the County are directly linked and related to the natural environment of the area, it is recognized that in order to maintain sensitive areas in their natural condition for the benefit of mankind, it is necessary to protect such areas from degradation.

- (a) **Establishment of Dunes and Marshland Areas**: Areas which meet any one (1) of the following criteria shall be considered an environmentally sensitive area, subject to the conditions of this **Section** which may be applied to such areas:
 - (i) Marshland: All land subject to tidal action which is comprised of generally unstable soil materials commonly known as "hard or soft" marsh grass, reeds and similar growth and is usually characterized by poor load bearing capacity. Marshland lies below an elevation of 5.6 feet above mean sea level.
 - (ii) Dunes: All land where, through natural action of the wind, sand has accumulated in hills and ridges

forming a mound of sand. This area is usually confined to the soil classification Kershaw-Osier complex and is found immediately adjacent to the Atlantic Ocean on the barrier islands. The slopes range from zero to eight percent.

(b) **Permitted Uses in Marshland and Dune Areas :**

Boating.
Swimming.
Sunbathing.
Picnicking.
Fishing.
Hunting.
Education Uses.

Other active and passive Recreational Uses not inherently destructive to the existence or integrity of the Marshlands and Dunes.

When approved by the State or U.S. Army Corps of Engineers, bulkheads for single family Residential Lots, single family docks and boat hoists and other private docks serving up to three (3) Lots.

(c) **Conditional Uses in Marshland Areas:** The applicant for a Conditional Use Permit shall prove conclusively that the proposed Use will have no significant short or long-term adverse environmental effects, including increasing potentials for disturbance of existing eco-systems, penetration of channels of navigable waterways, interference with existing established Dune sequences; and exposure of inland properties to wind, water, or wave damage. The following Uses may be permitted in Marshland areas of a DM-1 District on a conditional basis upon approval by the County Commission: (Revised-3/3/98)

Seawalls.
Jetties.
Bulkheads, other than those permitted in (b) above.
Piers.
Revetments.
Groins.
Breakwaters.
Roads, streets, utility lines, sewer lines.
Boat Ramps.
Docks and Boat Hoists, other than those permitted in (b) above.

(d) **Conditional Uses in Dune Areas:** No conditional Uses are

allowed in Dune areas of the "DM-1" Districts.

Section 1119. Setback Requirements for Homes - Duplexes - Apartments - Townhouses and Manufactured Homes by Zoning District: (See pages 90 and 91)

Adopted: November 7, 1995

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Donna M. Waters, County Clerk

Section 1120. Setback Requirements for Accessory Structures by Zoning District: (See pages 93 and 94)

Adopted: November 7, 1995

SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES BY ZONING DISTRICT

CONNECTIONS	LOT AREA AND LOT WIDTH (SQ FT)	MINIMUM FRONT YARD SETBACK FROM EDGE OF STREET, RIGHT-OF-WAY	MINIMUM SIDE YARD	MINIMUM REAR YARD	MAXIMUM BUILDING HEIGHT	MAXIMUM DWELLING UNITS PER ACRE	MAXIMUM % OF GROSS LAND AREA COVERED
	MINIMUM SETBACK FROM SIDEWALK, MINOR FARRAWAY, THROUGH CORNER SOAKS, LOCAL ROADS	ARTERIAL, COLLECTOR SOAKS, LOCAL ROADS	MINOR ROADS				
1. A ZONE ACCESSORY BUILDINGS	2,780 SF	75'	75'	75'	63'	50'	20%
2. A-2 ZONE ACCESSORY BUILDINGS	108,000 SF	75'	75'	75'	50'	50'	20%
3. A-1 ZONE ACCESSORY BUILDINGS	63,340 SF	75'	75'	75'	50'	50'	20%
4. A-1 ZONE ACCESSORY BUILDINGS	3,000 SF	75'	75'	75'	60'	50'	30%
5. R-30 ZONE ACCESSORY BUILDINGS	30,000 SF	45'	45'	45'	50'	20 SF PER 1/4 ACRE	30%
WATER GAS SEWER	21,760 SF	45'	45'	45'	30'	15' IN LEAK OR	30%
WATER AND SEWER	15,000 SF	45'	45'	45'	30'	50'	30%
ACCESSORY BUILDING (Revised 5/8/98)		45'	45'	45'	50'	10'	30%

Section 1121. Uses not listed: Any use not listed as a Permitted Use or a Conditional Use in a Zoning District shall not be allowed in such Zoning District.
(Revised-3/3/98)

ARTICLE XII

PLANNED UNIT DEVELOPMENT: PUD
(Revised 6/19/03)

Section 1200. Definition

In order to permit flexible land use regulations and to facilitate the use of innovative techniques for development, Planned Unit Developments (PUD) can be established. The development of PUDs in Bryan County requires different regulations than those provided for in the usual application of the county's ordinance. It is an objective of the county in allowing for PUD zoning, to encourage ingenuity and imagination on the part of architects, site planners and developers, allowing for creative designs, and deviation from the strict application of use, setback, height, and the minimum lot size requirements of the various Zoning Districts. At the same time, PUDs should remain within the general purpose and intent of this Ordinance and the County's Comprehensive Land Use Plan. PUDs must also include a program for the provision, maintenance, and operation of all areas, improvements, facilities, and necessary services for the common use of all occupants thereof.

Section 1201. Standards

The Planning Commission and the Board of Commissioners shall consider the following standards when reviewing the PUD Application.

1. Compatibility with the surrounding area;
2. Harmony with the character of the neighborhood;
3. Need for the proposed development;
4. The effect of the proposed PUD upon the immediate area;
5. The effect of the proposed PUD on the future development of the area;
6. Whether or not an exception from the zoning ordinance requirements and limitations is warranted by virtue of the design and amenities incorporated in the development;
7. That the land surrounding the proposed PUD can be planned in coordination with the proposed PUD;
8. That the proposed change to a PUD district is in conformance with the general intent of the

- comprehensive master plan and the general zoning ordinance of the county;
9. That the existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed district and in the vicinity of the proposed district;
 10. That the existing and proposed utility services are adequate for the proposed development;
 11. That the PUD creates a desirable and stable environment;
 12. That the PUD makes it possible for the creation of a creative, innovative and efficient use of the property.

Section 1202. Permitted Land Uses within a PUD

1. Allowable business uses within the PUD zone shall include but not be limited to:
 - a. **General office uses.** Including but not limited to administrative, sales representatives, legal services, engineering and architectural, accountants, auditing, bookkeeping, finance, real estate, physical fitness and health service clinics, veterinary clinics, insurance and personal services;
 - b. **Indoor Amusement and Recreation.** Theater, bowling, billiards, video and mechanical amusement games;
 - c. **Retail sales and service.** Including but not limited to food stores, drug stores, clothing stores, home furnishings and hardware, specialty shops, craft shops, photography studios, art studios, antique shops, gift and floral shops, bookstores, beauty and barbershops, dry cleaning, laundry service and office supplies;
 - d. **Eating and drinking establishments.** Restaurants, with or without alcoholic beverages, cocktail lounges, nightclubs, taverns, and package stores;
 - e. **Outdoor Amusement and Recreation.** Marina, charter or sightseeing watercraft facilities, golf course, tennis courts;
 - f. **Off-street parking lots;**
 - g. **Other residential support services as deemed necessary by the BOC.**
2. All proposed land uses will be identified within the PUD Application provided by the Applicant. Land uses not included within the PUD Application shall be permitted only as a conditional use

through the approval of the Board of Commissioners.

3. Compatible land uses, which would not otherwise be permitted to locate within the same zoning district, can be proposed for development on one or more adjacent parcels. Buffers required between proposed land uses shall be in compliance with Section 514 of the Bryan County Subdivision Regulations.

Section 1203. Site Requirement

All PUDs will have a minimum site area of fifty (50) acres. The requirement may be waived by the Board of Commissioners to insure orderly development of a particular area prior to the submission of a PUD application upon the written request of a potential applicant. The written request will include justification for the PUD zone in lieu of a conventional zoning district. Design Criteria as described in Section 1201 should be used to show this justification.

Section 1204. Unified ownership or control

1. The title to all land within a proposed site for a PUD will be owned or controlled by the applicant submitting the application provided for under this Article.
2. The term "controlled by" shall be interpreted to mean that such applicant shall have the written consent of all owners of property within the proposed site not wholly owned by the applicant. Such consent shall contain a statement that such applicant is authorized to represent such owners in the submission of an application under the

provisions of this Article and that such owners shall agree to be bound by the decision of the Board of Commissioners in the event such application is approved.

Section 1205. Access and Parking

1. Easements may be used in commercial application to reduce the number of direct connections to a county or state road. The proposed use of easements in residential applications will be reviewed by the Board of Commissioners at the time of the submission of the PUD application. County

representatives shall be permitted ingress and egress on private right-of-ways, easements and open spaces in order to perform basic county services such as fire and police protection, emergency medical services or any other service required.

2. Pedestrian access will be provided within the PUD. Adjacent developments within the PUD will be connected via pedestrian paths and/or sidewalks, which shall be a minimum of five feet (5') wide. Pedestrian access will be provided between all parking areas and the structure(s) served by such parking areas. Pedestrian access into each development or phase within the PUD is preferred but not mandatory.

Section 1206. Public Facilities and Services

1. All parts of the development must be served by a sanitary sewer system and water system approved by the appropriate government agencies.
2. All roads, sidewalks, drainage facilities, water systems, sewerage systems, or any other infrastructure proposed for dedication to the County, must be acceptable by the County, as to the size, shape, and location. Infrastructure will be constructed and fully improved according to the requirements of the Subdivision Regulations and the Engineering Standards.
3. All electrical, telephone, and other utility services, will be underground except for main transmission lines or temporary service for construction use. These utilities shall be provided in accordance with the rules, resolutions and/or regulations established by the appropriate governmental agency.
4. **Open Space:**
 - a. A PUD shall require a minimum of twenty (20%) percent of the gross sit acreage as open space.
 - b. A minimum of five (5%) of the required open space or one (1) acre, whichever is greater, shall be used for community recreation and dedicated for use by all residents. i.e. ball fields, picnic sites, gardens, parks, walking trails, or playground areas.
 - c. A minimum of five percent (5%) of the required open space must be permanently

preserved under the County's Greenspace Program. The land must be permanently protected under a permanent conservation easement pursuant to the Georgia Uniform Conservation Easement Act (O.C.G.A. §44-10-1 et seq.) or a permanent restrictive covenant pursuant to Georgia State Statute, (O.C.G.A. §44-5-60(c)) and must be consistent with at least one of the Greenspace statutory goals (O.C.G.A. §36-22-2(3)).

- d. Active recreation that requires the use of developed facilities, may be built within the remaining open space requirement.
- e. Nontidal wetlands may be used to fulfill up to 50% of the remaining open space requirement. Calculations for such may not exceed fifty (50%) percent of the required open space. Isolated wetlands can also be used to fulfill the 5% Greenspace requirement.
- f. There will be some open space within PUDs that cannot be counted towards the twenty percent (20%) open space requirement. Examples of such open space include road rights-of-way, yards, and spacings between dwelling units. Only a limited amount of impervious surfaces used for parking lots that service recreation areas will be allowed as part of the required open space.

Example: 1000 acre PUD

Total open space: $20\% \times 1000 = 200$ acres required to be utilized as open space;

Greenspace: $5\% \times 200 = 10$ acres minimum must be permanently preserved under the Greenspace Plan;

Community Recreation: $5\% \times 200 = 10$ acres required to be utilized as community open space;

Waterbodies: $50\% \times 200 = 100$ acres

- g. All privately owned open space shall continue to conform to its intended use as specified in the PUD Application.
- h. All open space and recreation facilities

shall be included in the PUD Application and each preliminary and final development plan as called for in the PUD Application.

- i. All community open space and recreational facilities shall be constructed and fully improved according to the development schedule established for each development phase of the PUD.
- j. A homeowners association or nonprofit corporation created by the developer, by recorded covenants, declaration and restrictions running with the land, shall preserve and maintain for the owners and occupants of the units the land set aside for open space, parks or recreational use and common off-street parking spaces. The book and page in which these covenants, declaration and restrictions are recorded shall be shown on the final plat of the subdivision. Once the development phase is completed, the applicant must deed all open space, recreational facilities and off street parking, not managed by another private entity, to the association or nonprofit corporation.

5. **Adequate Public facilities and services:** It is the responsibility of the applicant to predict the future demand of public facilities and services, including transportation, recreation, education, emergency services, and similar necessary facilities created by the development of the proposed PUD. All public facilities and services for which a need is determined shall be constructed and fully improved according to Bryan County regulations.

Section 1207. Rezoning Procedure

1. Pre-application

- a. **Pre-application submittal.** Prior to submitting an application for establishing a PUD district, the applicant shall submit a pre-application form and the required supporting documentation to Bryan County Planning Department so the County can determine the feasibility and suitability of the application. This step is required so that the applicant may obtain information and guidance from County personnel before entering into any binding commitments or incurring substantial expenses of the site and plan preparation. See Section 1208

for information required in the Pre-Application Submittal.

- b. **DRI.** If the proposed development meets the threshold for a Development of Regional Impact (DRI) as defined by the Georgia Department of Community Affairs, the project shall be reviewed by the Coastal Georgia Regional Development Center prior to action on the rezoning request. The DRI report and all required information shall be submitted to the Bryan County Planning and Zoning Department concurrently with the rezoning application.

- c. **Determination of sufficiency.** Within **thirty (30)** working days of receipt of an applicant's request for a pre-application conference, the planning and zoning director will review the pre-application to determine its sufficiency and schedule a pre-application conference.
 - i. When the planning and zoning director determines the application is not sufficient, He will mail a written notice to the applicant specifying the deficiencies. No action will be taken to initiate a pre-application conference until the deficiencies are remedied.

 - ii. When the application is determined sufficient, the planning and zoning director shall notify the applicant in writing of the application's sufficiency and that the application is ready for review pursuant to the procedures and standards of this section. A pre-application conference and on site walk-through will be scheduled with the applicant and such other county departments and/or state agencies that may be involved in the review and processing of the application.

- b. **Pre-application conference issues:**
 - i. Physical characteristics of the site;
 - ii. Identify proposed PUD land uses;
 - iii. Describe surrounding land uses and what potential effects the PUD will have on them;
 - iv. Consistency with the Comprehensive Plan;
 - v. Status of existing and proposed on-sit streets, utilities or other public and private facilities to service the proposed

- development;
- vi. Potential drainage concerns;
- vii. Open space proposed to serve the development;
- viii. Identification of the appropriate development review procedures for the proposed development.

- e. **Written Summary:** Within fifteen (15) working days of the pre-application conference, the planning and zoning director will summarize the issues discussed in the pre-application conference and mail a copy to the applicant.

2. **Submission of PUD Application**

- a. In addition to the requirements of Article VI, Section 604 of the zoning ordinance, the applicant will arrange a meeting and submit to the planning director, in hard and digital format when possible, a PUD Application including five (5) copies of the application, master plan, fee as established by the Board of Commissioners and other required documents. The PUD Application shall be submitted to the Planning Director at least thirty (30) days prior to the meeting of the Planning Commission. During this thirty (30) day period, the Planning Director shall distribute copies of the PUD Application to the appropriate County departments for review and comment. Each department shall conduct its review and submit written comments to the Planning Director within ten (10) days after its receipt.
- b. If any revisions are deemed necessary by the Planning Director after the review process is complete, the applicant shall submit revisions to the Planning Director at least ten (10) days prior to the public hearing and pay any additional review fee.

3. **Approval of PUD Application**

- a. Upon completion of the review of the PUD Application, the application will be discussed at a scheduled meeting of the Planning Commission, at which meeting such application is to be considered in a public hearing. Notice of the public hearing required under this Article shall be given in accordance with the Zoning Procedures Act. The Planning Commission shall recommend to the Board of Commissioners the approval, approval subject to

conditions, or disapproval of the PUD application. The Planning Commission shall consider the review criteria established in this Article when making its recommendations.

- b. Upon receiving the recommendations of the Planning Commission, or if sixty (60) days has elapsed after the Application has been submitted to the Planning Director, the Board of Commissioners shall hold a public hearing to review the Planning Commission's recommendations and the PUD Application. The Board of Commissioners shall approve, approve subject to conditions, deny or table the Application. Approval of the PUD Application indicates approval of the PUD zoning. The County Commission shall take into consideration the review criteria established in this Article when making their decision.

4. **Preliminary Plat and Construction Plans**

A preliminary plat and construction plans, i.e. a Preliminary Development Plan for the first phase of the PUD must be submitted within one (1) year of the rezoning of the property. If a preliminary development plan is not submitted within this time frame, the applicant must petition the Commission for an extension of time for development. Failure to do so within the required time limits, will result in the invalidation of the PUD zoning.

Section 1208. Requirements for the Pre-Application Submittal

1. The pre-application, submitted in a form established by the Planning Director and made available to the public, shall contain the following information:
 - a. Fee Payment
 - b. All plans submitted must be 24" x 36" in size
 - c. Proposed project schedule
 - d. Exhibit of existing conditions
 - e. Pictures of existing on-site conditions
 - f. Conceptual Site Plan, showing adjacent properties, zoning, existing land uses, within 300' of site, existing streets, right-of-ways, dimensions and gross site acreage, proposed arterial and connector roads, driveway locations and parking, scale, vicinity map and north arrow indication.
 - g. Conceptual Subdivision Plan showing scale, applicable names and addresses, site, adjacent

parcels, vicinity map, existing and adjacent zoning and land uses, parcel dimension, residential density (gross acreage and number of lots), all existing buildings, typical lot sizes and setbacks, existing and proposed collector or arterial roadways, and proposed open space.

Section 1209. Requirements for the PUD Application

1. The application, submitted in a form established by the Planning Director and made available to the public, shall contain the following information:
 - a. The name, address, and telephone number of the owner of record of the land proposed for development.
 - b. The name, address, and telephone number of the applicant, if different from the owner and an explanation of the difference.
 - c. The name, address, and telephone number of the agent for the application, if there is an agent.
 - d. The name, address, and telephone number of all land use, environmental, engineering, economic, or other professionals that are assisting in the application.
 - e. The street address and legal description of the land on which the PUD is proposed to occur, with attached copies of any instruments referenced, such as, but not limited to, deeds, plats, easements, covenants, and restrictions.
 - f. Evidence that the applicant has unified control of the land proposed for PUD zoning district classification.
 - g. A copy of the relevant Bryan County Map and Parcel Number(s).
 - h. The date and legal description of the proposed PUD zoning district classification.
 - i. A written report which explains the type, nature, intent and characteristics of the proposed development and specifically describes the proposed standards for development, including restrictions on the use of property, density standards, lot size and restrictive covenants. Also include a list of the standards of development, which are exceptions or variations from the Design Standards of Bryan County Subdivision Regulations.
 - j. A Master Plan, at a scale appropriate for a sheet no larger than 36" x 42" that contains, but is not limited to, the following:

- i.* The proposed name or title of the development, and the name of the engineer, architect and applicant.
- ii.* A north arrow.
- iii.* A vicinity map locating the land proposed for development.
- iv.* The date and legal description of the proposed PUD zoning district classification.
- v.* Identification of the boundaries of the land shown with bearings, distances, and all existing easements, section lines, streets and physical features.
- vi.* The topography of the site at five - foot intervals.
- vii.* Existing marshes, natural drainage ways, flood plains and other natural features. Conceptual wetland locations or approximate delineations by a soil scientist or environmental scientist should also be shown.
- viii.* Conceptual drainage plan showing effect all phases will have on drainage after completion.
- ix.* Existing streets and easements.
- x.* The proposed parks, school sites or other public and private open space.
- xi.* The vehicular and pedestrian circulation systems, including off-street parking and loading areas, driveways, walkways and access points.
- xii.* The site data, including tabulation of the total number of gross acres in the development, the acreage to be devoted to each of the several types of residential, non-residential uses, and open space uses, the total number of residential non-residential lots, minimum lot size, setbacks, number of dwelling units and square feet of gross non-residential building area.
- xiii.* Designation of open space and any complementary structures, and the tabulation of the percent of the total area devoted to open space.
- xiv.* The general location, dimensions and character of construction of all proposed collector or arterial roadways, shall be shown on the master plan. Additionally all points of ingress and egress to a state or county roadway including driveways shall be indicated on the plan. Residential areas and

structures, non-residential areas and structures, recreational areas and structures and open space shall also be shown.

xv. A delineation of specific areas within the master plan, which constitute the proposed development phases designating different types of development i.e. residential, multifamily, recreation, commercial, public service, etc.

- k. Assurance that adequate public facilities and services will be available.
- l. A statement of how open space and recreational facilities will be preserved and maintained.
- m. A certificate of survey completed by a professional land surveyor registered in the State of Georgia certifying the plat.
- n. Proposed architectural and landscape deed restrictions that clearly reflect the compatibility of the variety of primary and secondary uses proposed.
- o. A development schedule.

i. Delineating areas to be developed according to their order of construction.

ii. Proposing dates for beginning and completing construction of each development phase.

iii. Proposing a schedule for the construction and improvement of open space, streets, public facilities, utilities, and any other necessary improvements for each development phase.

- p. A calculation of the number of average daily and peak hour trips produced by the proposed PUD will access a collector, arterial or scenic parkway and will produce 1,500 or more new vehicle trip ends, a traffic analysis shall be submitted by the applicant for review by the County Engineer. The analysis shall demonstrate the impact of the development to the adjacent roads. Included shall be the average daily trips and peak hour trips proposed along with the existing capacity of each roadway. The level of service of each roadway shall also be included for conditions before and after the proposed development.

6. **Deviation from the approved PUD:** Any adjustments which may be required to the approved PUD or associated Master Plan during the development of the PUD, must be approved by the Board of Commissioners. Any

adjustments will be considered based on the following criteria:

- a. There is no increase in the number of units.
- b. There is no increase in the number of stories or floor area.
- c. There is no decrease in the amount of open space and the open space is in the same general location.
- d. There is no major change in the location of traffic routes.

Section 1210. Permits

For multifamily homes, model homes within a residential development, non-residential improvements or commercial developments, building permits may be issued after preliminary approval of plat and construction plans by County Board of Commissioners. NO building permits shall be issued for single family homes until the Planning Director has approved the Final Plat for the particular development phase and fully recorded with the Clerk of Superior Court. No Certificates of Occupancy for a particular development phase shall be issued until all facilities and services shown on or provided for on the approved final plat and approved construction plans for the particular development phase are fully installed and approved for use by the County and the State of Georgia.

ARTICLE XIII

**POLICIES AND PROCEDURES IN CALLING AND CONDUCTING
A PUBLIC HEARING**

Section 1300. Policies and Procedures: As used in this **Article**, the term "Board" shall mean either the Planning Commission or the County Commission, as the case may be. The following policies and procedures will be observed in conducting a public hearing:

- (a) 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.
- (b) Persons desiring to present their views orally at the hearing, must first sign up on a form to be provided by the Board prior to the commencement of the hearing. The length of time of oral presentations permitted to each speaker will be determined by the Board chairman and will depend upon the number of persons present and

Adopted: November 7, 1995

desiring to speak. Personal remarks will not be tolerated.

- (c) The Board chairman will cause to be read the proposed zoning decision or other matter under consideration and any departmental reviews pertaining thereto prior to receiving public input on such proposed zoning decision or matter. Proposed zoning decisions shall as a general rule be called in the order in which they are received, provided that nothing shall prevent the Board chairman from changing the order of decisions reviewed at the time of hearing.
- (d) The Board chairman shall call each person who has signed up to speak on the proposed zoning decision or matter 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 has brought a proposed zoning decision or matter to the hearing, then the Board shall speak first. Each person shall have only one opportunity and time limit in which to speak and such opportunity and time shall be used only by the person and the person's attorney. The purpose of this provision is disallow additional time not allowed to other speakers, by use of attorneys, thereby gaining an unfair advantage at the hearing. Prior to speaking, the speaker will identify himself and state his current address and if an attorney, identify his client. Only those persons signed up to speak prior to the commencement of the hearing shall be entitled to speak. Notwithstanding anything contained in this Article to the contrary, a minimum time period of no less than 10 minutes per side shall be allowed for presentation of data, evidence, and opinion by proponents and opponents of each proposed zoning decision. (Revised-3/3/98)
- (e) Each speaker shall speak only to the merits of the proposed zoning decision or matter under consideration and shall address his remarks only to the Board. The merits of the proposed zoning decision or matter shall include evidence or opinions regarding devaluation, fair market value, nuisance, environmental concerns, traffic, noise, aesthetics and in general, the health, welfare and benefit of the County as it is affected by the proposed zoning decision or matter. The speaker shall refrain from comment on unrelated zoning issues, unrelated tracts of land or matters not the subject of the hearing. Each speaker shall refrain from personal attacks on any other speaker or person and from discussion of facts or opinions irrelevant to the proposed decision or matter under consideration. The

Board chairman may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.

- (f) Nothing contained herein shall be construed as prohibiting the Board from taking reasonable steps it deems necessary to insure that hearings are conducted in a decorous and safe manner, or to assure that the public hearing on each proposed zoning decision or matter is conducted in a fair and orderly manner.
- (g) Prior to the close of the hearing, the Board shall announce whether it will vote on the proposed amendment, decision or matter at that same hearing, or whether it will defer its vote for a period not to exceed thirty (30) days.
- (h) Any person desiring a transcript of the hearing must arrange for a court reporter at their own expense.
- (i) Cross-examination of persons making oral presentations will not be permitted.
- (j) All questions will be addressed to the Board chairman.

Section 1301. Policies and Procedures in Calling a Public Hearing:

- (a) Whenever required by this Ordinance or the Zoning Procedures Law, public hearings shall be called by either the Planning Director or the County Commission in the manner set forth in this Ordinance. However, if a conflict exists between provisions of this Ordinance and the Zoning Procedures Law, all public hearings shall be called in the manner set forth in the Zoning Procedures Law. (Revised-3/3/98)

ARTICLE XIV

MISCELLANEOUS

Section 1400. Government Property: Property owned by Bryan County, the State of Georgia or the United States of America and used or held for governmental purposes, is not subject to this Ordinance.

Section 1401. Temporary Permits: The Planning Director is authorized to issue Temporary Permits for the following Uses, subject to the applicable conditions for each individual temporary Use and provided it is determined such Uses will cause

no traffic congestion:

- (a) Carnival or circus for a period not to exceed four (4) weeks, subject to approval by the County Commission.
- (b) Religious meetings in a tent or other temporary Structure, for a period not to exceed forty (40) days, except in AR-1, R-30, R-1, R-2, R-3 and R-4 Zoning Districts.
- (c) Open Lot sales of Christmas trees for a period not to exceed forty-five (45) days.
- (d) Contractor's office and equipment sheds, for a period of not more than twelve (12) months, provided that such office or shed is placed on the Lot to which it is appurtenant.

Section 1402. Severability of Provisions: It is hereby declared to be the intention of the County that the sections, paragraphs, sentences, clauses and phrases of this Ordinance hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance 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 Ordinance hereby adopted.

Section 1403. Most Restrictive: In the event of a conflict between a provision of this Ordinance and a provision of either the Subdivision Regulations of Bryan County or the rules or regulations of the Bryan County Board of Health or the Department of Human Resources, the more restrictive provisions shall apply. (Revised-3/3/98)

ARTICLE XV

DEFINITIONS

Section 1500. Interpretation of Certain Terms and Words: When used in this Ordinance, the following words and phrases have the meanings as defined in this **Article**. Terms not defined herein have the same meanings as are found in the latest edition of the American Heritage College Dictionary.

Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular. All pronouns used herein shall be deemed to include the masculine, the feminine and non-personal entities.

Adopted: November 7, 1995

The word "shall" is always mandatory.

The word "may" is permissive.

The words "person", "owner", "occupant", "developer", "applicant", "petitioner", include a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

Section 1501. Definitions:

- (1) **ACCESSORY STRUCTURE OR USE** - A Structure or Use that is subordinate to the Principal Structure or Use and which is located on the same Lot. Also includes "Accessory Building".
- (2) **ADULT USE** - A Structure or portion of a Structure used or proposed to be used for an Adult Bookstore, Adult Entertainment Establishment or Adult Theater.
- (3) **ALTERATIONS** - Any change in the arrangement of a Structure, including any work affecting its structural parts; or an enlargement or change in the wiring, plumbing, heating, or cooling system of a Structure.
- (4) **APARTMENT** - A Structure which is used or intended to be used as a home or residence for more than two (2) families living in separate quarters.
- (5) **APPROVED LOT** - A Lot meeting the requirements of this Ordinance and all applicable County codes, rules or ordinances.
- (6) **AUTOMOTIVE SALES AND SERVICES** - The sale, storage, or repair of new or used automobiles, including paint and body repair shops.
- (7) **BARRIER** - A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool. (Revised-9/7/04)
- (8) **BED AND BREAKFAST** - A Structure containing less than ten (10) guest rooms or suites of rooms, in which lodging, with or without meals, is provided and offered to the public for compensation, and which is open primarily to transient guests.
- (9) **BOARD OF APPEALS** - The Board of established pursuant to Article XVI of this Ordinance. (Revised-3/3/98)

- (10) **BOARD OF COMMISSIONERS ("County Commission")** - The Board of Commissioners of Bryan County, Georgia.
- (11) **BOOKSTORE, ADULT** - A Use which contains or is used for the display or sale of books, magazines, movie films, still pictures and any and all other written materials, photographic material novelties, devices and related sundry items, which are distinguished or characterized by their emphasis on matters depicting, describing or related to specified sexual activities or specified anatomical areas, as defined herein; or an establishment with a segment or section developed to the sale or display of such material constituting a majority of its retail value of stock displayed for sale or a majority of the monthly gross receipts of the business.
- (12) **BRYAN COUNTY BUILDING CODE ORDINANCE ("Building Code")** - The ordinance regulating the moving, alteration, or repair of Structures and the excavation for or the construction of any Structure.
- (13) **BRYAN COUNTY CODE OF ORDINANCES ("Bryan County Code")** - The compilation of all laws, regulations, ordinances, and codes of Bryan County as adopted, and amended, by the County Commission.
- (14) **BRYAN COUNTY COMPREHENSIVE PLAN ("Comprehensive Plan")** - A document, composed of text and associated maps, entitled as such and adopted by the County Commission, and as amended from time to time in accordance with the requirements of the Georgia Comprehensive Planning Act.
- (15) **BRYAN COUNTY ENGINEERING AND INSPECTIONS DEPARTMENT ("Engineering and Inspections Department")** - The agency established pursuant to the Bryan County Code to, along with other duties and functions, carry out certain duties under this Ordinance.
- (16) **BRYAN COUNTY ENGINEERING STANDARDS ("ENGINEERING STANDARDS")** - The ordinance establishing technical standards for Plats, Environmental Site Assessments, other engineering matters and minimum guidelines for the design and construction of Subdivision Improvements, including but not limited to: Roads, easements, Pedestrian Ways, Subdivision Entrances and Driveways, Recreational Tracts, Buffers, Private Water Systems, Private Sewerage Systems and Drainage Systems and other matters.
- (17) **BRYAN COUNTY PLANNING AND ZONING COMMISSION ("PLANNING**

COMMISSION") - The agency established pursuant to the Bryan County Code to carry out certain duties under this Ordinance, along with other duties or functions.

- (18) **BRYAN COUNTY SUBDIVISION REGULATIONS ("SUBDIVISION REGULATIONS")** - The ordinance regulating the Subdivision of land in the County and other matters.
- (19) **BUFFER** - A parcel of land free from any Structures, except approved screening, permanently set aside with trees and/or shrubs of density sufficient to provide contiguous properties with a measure of privacy.
- (20) **BUILDABLE AREA** - That portion of a Lot which may be used or built upon in accordance with this Ordinance once the various front, side and rear yard setback requirements required for the Zoning District in which the Lot is situated have been subtracted from the total Lot area.
- (21) **BUILDING** - Any Structure, except a Trailer, which has a roof and which is designed for the shelter, support or enclosure of persons, animals, or property of any kind.
- (22) **BUILDING PERMIT** - A permit issued in accordance with the Building Code, the Bryan County Code and this Ordinance.
- (23) **BUILDING HEIGHT** - The vertical distance from the established average sidewalk grade, street grade, base flood elevation (BFE), or finished grade at the front of the principal structure, whichever is highest, to the highest point of the roof of the principal structure or from the finished grade at the front of the structure to the eve of the principal structure, whichever is least restrictive. (Revised 1/6/04)
- (24) **BUILDING LINE** - A line delineating the minimum allowable distance between the Road right-of-way and nearest extreme projection of a Building (including all areas covered by any vertical projections to the ground or overhang, walls, roof, or any other part of the Structure).
- (25) **BUILDING SITE** - The ground area of a Building or Buildings together with all open spaces surrounded by said Building or Buildings.
- (26) **CAMPER** - A motor home, tent, trailer, or other self-contained Vehicle designed for recreational purposes.
- (27) **CARE FACILITIES** - A rest home, nursing home, convalescent home or boarding home for the aged or similar use and established to render domiciliary care for chronic or convalescent patients or hospices, but not including

facilities for care of feeble-minded or mental patients, epileptics, alcoholics, senile psychotics, or drug addicts.

- (28) **CENTRAL SEWER SYSTEM** - A sewerage treatment system, including pipe lines or conduits, pumping stations, force mains and all other constructions, devices and appliances appurtenant thereto, designed for treating or conducting sewage for treatment and disposal into wetlands, lakes, streams, other bodies of surface water or surface land application, but not including treatment and disposal by septic take systems or on-site sewage management systems. (Revised-3/3/98)
- (29) **CERTIFICATE OF OCCUPANCY** - A certificate issued in accordance with the Building Code, the Bryan County Code and this Ordinance.
- (30) **CHURCH** - A Principal Structure and its Accessory Structures used on a permanent basis, primarily for public worship.
- (31) **CLERK** - The individual serving as the Clerk of the Superior Court of Bryan County.
- (32) **CLUB, PRIVATE** - An organization or association of persons for some common purpose, including, but not limited to a fraternal, social, educational or Recreational purpose; but not including an organization formed for profit or to render a service, which is customarily carried on as a business.
- (33) **COMMERCIAL** - A Use of a Structure or a Lot for any purpose other than Residential.
- (34) **CONDITIONAL USE** - Those Uses allowed within a Zoning District, only after specific requirements are met. The County Commission may require additional restraints, restrictions, qualifications, or limiting factors upon any specific Use.
- (35) **CONDITIONAL USE DISTRICT** - A Zoning District which allows the County Commission to approve a specific Use of a Lot with conditions attached to the Lot to assure the compatibility of the Use with surrounding properties in accordance with this Ordinance.
- (36) **DAY CARE** - There are two types of Day Care:
(a) **Family Day Care Home** - A facility located in a One Family Dwelling which receives not more than eight (8) children, including the family's natural or adopted children residing in the Dwelling. It is considered a Home Occupation Use for the purposes of this Ordinance. Hours of operation are limited to 6:00 a.m. to 8:00

p.m.

- (b) **Day Care Center Facilities** - Facilities providing care for children on a regular or nonrecurring basis which do not fall within the above definition of Family Day Care Home.
- (37) **DENSITY** - The number of Dwelling Units or Buildings per acre; the number of people per Dwelling Unit, Building, acre or mile; or the quantity of people, Structures, or Dwelling Units within a specified area.
- (38) **DEPARTMENT OF PLANNING AND ZONING ("PLANNING DEPARTMENT")** - The County agency which serves as the staff of the Planning Commission and carries out other duties and functions as directed by the County Commission.
- (39) **DEPTH OF LOT** - The depth of a Lot is the distance between its mean front Road line and its mean rear line, measured along the median between the two side Lot lines.
- (40) **DEVELOPMENT** - The carrying out of any construction activity, the making of any change in the use or appearance of any Structure or land, or the subdividing of a Lot into two (2) or more parcels.
- (41) **DIRECTOR OF ENGINEERING AND INSPECTIONS ("ENGINEERING DIRECTOR")**: The individual employed by the County Commission to supervise the Engineering and Inspections Department.
- (42) **DIRECTOR OF PLANNING AND ZONING ("PLANNING DIRECTOR")** - The individual employed by the County Commission to supervise the staff of the Planning Department and perform the duties outlined herein.
- (43) **DUPLEX** - A Dwelling having rooms on two (2) adjoining floors connected by an inner staircase.
- (44) **DWELLING** - A Building or portion of a Building arranged or designed to provide living quarters for one (1) or more families. A Guest House or Accessory Living Unit is not deemed to be a Dwelling.
- (45) **DWELLING, CONDOMINIUM** - A Building or series of Buildings on the same Lot, or portions thereof, containing more than one (1) Dwelling Units or office units under separate ownership with joint ownership of common areas.
- (46) **DWELLING, ONE FAMILY** - A Building used or intended to be used as a home or residence in which all living rooms are accessible to each other from within the Building, and in

which the use and management of all sleeping quarters, all appliances for sanitation, cooking, ventilating, heating, cooling, or lighting are designed for the use of one (1) family only on a minimum of a single Lot. One (1) Family Dwelling includes Modular Homes as defined herein.

- (47) **DWELLING UNIT** - One or more rooms which are arranged, designed, or used as living quarters for a Family. A Dwelling Unit includes bathroom and kitchen facilities in addition to sleeping and living areas.
- (48) **ENGINEER** - An individual licensed by the State of Georgia as a Professional Engineer.
- (49) **ENTERTAINMENT ESTABLISHMENT, ADULT** - A Use which contains, or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by employees, devices, equipment or by personnel provided by the establishment; or where the patrons views a series of dance routines, strip performances or other gyrational choreography provided by the establishment which appeals to the prurient interest of the patron.
- (50) **ENTERTAINMENT FACILITY** - A play house, concert hall, or other facility for performance and dancing, excluding Adult Entertainment Establishment.
- (51) **EXISTING LOT OF RECORD** - A Lot described on a plat or deed recorded in the Clerk's Office that: (a) was recorded prior to June 3, 1975 or (b) was approved by the Planning Commission or County Commission prior to the Effective Date of this Ordinance.
- (52) **FAMILY** - One (1) person or two (2) or more persons related by blood or marriage, with any number of natural children, foster children, stepchildren or adopted children, living together as a single housekeeping unit in a One (1) Family Dwelling.
- (53) **FARM ANIMALS, LARGE** - Horses, cows, goats, sheep, hogs, or other animals commonly considered as livestock.
- (54) **FARM ANIMALS, SMALL** - Any animal not defined as a Large Farm Animal and raised or bred for commercial purposes.
- (55) **FEES** - All sums required to be paid to the County pursuant to this Ordinance, the Building Code, the Bryan County Code or State Law.
- (56) **FLOOR AREA** - The sum of the gross floor area for each of the

several stories under roof, measured from the interior limits or faces of a Structure.

- (57) **FRONTAGE** - The distance or width of a Lot abutting a public or private Road, as measured along such right-of-way.
- (58) **GARAGE, COMMUNITY** - A Structure or series of Structures under one (1) roof, for the storage of Vehicles by three (3) or more owners or occupants of property in the vicinity where said Structure is situated with no facilities for mechanical service or repair of a commercial or public nature for profit.
- (59) **GARAGE, PRIVATE** - A Structure for the private use of the owner or occupant of a Principal Structure, situated on the same Lot as the Principal Structure for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature for profit.
- (60) **GARAGE, PUBLIC** - A Structure for the storage, care, repair, or refinishing of Vehicles, or a Structure containing a public shop, or where Vehicle mechanical service is provided.
- (61) **GROUP DWELLING** - A Building or portion of a Building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families. The term "Group Dwelling" includes, but is not limited to, the terms "rooming house", "apartment hotel", "fraternity house" or "sorority house", "Y.M.C.A." or "Y.W.C.A.". A Hotel, or motel, shall not be deemed to be a Group Dwelling as herein defined.
- (62) **GROUP HOME** - A Residential Building under the ownership or supervision of or funded, in whole or in part by a government agency, and occupied or intended for occupancy by several persons who may or may not be related, but in which separate cooking facilities are not provided for such resident persons.
- (63) **GUEST HOUSE or ACCESSORY LIVING UNIT** - A detached unit that is clearly subordinate and incidental to the principal residence on the same building site that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation. (Revised-8/2/05)
- (64) **HOME BUSINESS OFFICE** - An office within a Dwelling which is secondary to the Use of the Structure for Residential

purposes. The office may be for the purposes of service or trade workers who customarily work at various locations, such as electricians, plumbers, appraisers, or individuals who work at home, such as writers or computer programmers. Home Business Offices are not offices for on site customer servicing.

- (65) **HOME OCCUPATION** - An occupation or profession carried on by the inhabitants of a One Family Dwelling which is clearly incidental and secondary to the Use of the Dwelling for Residential purposes.
- (66) **HOSPITAL** - An institution providing health services, primarily for in-patients, and medical and surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.
- (67) **HOTEL** - A Structure containing individual guest rooms or suites of rooms, in which lodging, with or without meals, is provided and offered to the public for compensation, and which is open primarily to transient guests.
- (68) **JUNK** - Inoperable, abandoned or wrecked automobiles, trucks, tractors, wagons, Trailers, campers, Mobile Homes, and other such Vehicles, machinery, equipment and parts thereof, scrap building materials, scrap piping, bottles, glass, old iron, machinery, rags, paper, mattresses, beds or bedding, appliances, boats or any other kind of scrap or waste material which is stored, kept, handled, or displayed. As used herein, an abandoned Vehicle is a Vehicle that either does not have a current year state license plate or has been inoperable for more than sixty (60) days. Also called "Salvage".
- (69) **JUNK YARD** - Any Lot or Structure used for storage or sale of Junk, or for the dismantling, storage or salvaging of automobiles or other Vehicles not in running condition, or of machinery or parts thereof, but not to be used as a dump.
- (70) **KENNEL, COMMERCIAL** - Premises where four (4) or more adult dogs are kept for sale to the public. As used herein, an adult dog is one (1) year old or older.
- (71) **KENNEL, NON-COMMERCIAL** - Premises where four (4) or more adult dogs are kept for personal use. As used herein, an adult dog is one (1) year old or older.
- (72) **LIFETIME LEARNING** - Schools teaching specific skills such as music, art, technology, tutorial or remedial education.

- (73) **LOT** - A developed or undeveloped tract or parcel of land suitable for building purposes and legally transferable as a single unit of land.
- (74) **LOT, CORNER** - A Lot having frontage on two (2) Roads which are at their intersection.
- (75) **LOT, INTERIOR** - A Lot which is not a Corner Lot that has frontage only on one (1) Road other than an Alley.
- (76) **LOT LINES, FRONT** - In the case of a Lot abutting upon only one (1) Road, the front Lot line is the line separating such Lot from such Road. In the case of any other Lot, the Front Lot Line shall be determined by the Planning Director.
- (77) **LOT LINES, REAR** - The rear Lot line is that boundary which is opposite and most distant from the Front Lot Line. In the case of a Lot pointed at the rear, or any odd-shaped Lot, the Rear Lot Line shall be determined by the Planning Director.
- (78) **LOT LINES, SIDE** - A side Lot line is any Lot boundary line not a Front Lot Line or a Rear Lot Line. A Side Lot Line separating a Lot from a Road is an **Exterior Side Lot Line**. A Side Lot Line separating a Lot from another Lot, or Lots, is an **Interior Side Lot Line**.
- (79) **LOT, THROUGH** - A Lot having frontage on two (2) Roads which are approximately parallel.
- (80) **LOUNGE (SEE ALSO TAVERN)** - An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. A Lounge is distinct from a Tavern in the presence of facilities for live entertainment in a Lounge.
(Revised - 8/2/05)
- (81) **MANUFACTURED HOME** - A Structure, transportable in one or more sections which is built on a permanent chassis, and designed to be used as a Dwelling with or without permanent foundation, when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems contained therein. Manufactured Homes are constructed to the Federal Manufactured Home Construction and Safety Standards governed by the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et. seq.
- (82) **MANUFACTURED HOUSING PARK** - A parcel of land under single

ownership providing rental of Manufactured Housing Spaces or Manufactured Homes. Such Manufactured Housing Park may also include recreational and laundry facilities solely for the use of occupants of the Manufactured Housing Park.

- (83) **MANUFACTURED HOUSING SPACE** - An area within a Manufactured Housing Park providing a defined space for the location of an individual Manufactured Home and its Accessory Structures.
- (84) **MOBILE HOME** - A Structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet in size 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 was manufactured prior to June 15, 1976.
- (85) **MODULAR HOME** - A factory fabricated transportable Building consisting of units designed to be incorporated at a Building Site on a permanent foundation into a permanent Structure to be used for Residential purposes and which bears a seal of compliance with the regulations of the Southern Building Code Congress International, the Georgia Industrialized Building Act, or the National Manufactured Housing Construction and Safety Standards Act as amended. For the purpose of this Ordinance, a Modular Home is a One-Family Dwelling.
- (86) **MOTEL** - One or more Buildings containing sleeping units which have individual access to the outside in which sleeping accommodations are provided and offered to transient guests for compensation. The term "Motel" shall include tourist homes and motor courts.
- (87) **NON-CONFORMING LOT** - Any Existing Lot of Record which: is (i) smaller than the minimum dimensions, area, or other requirements of the Zoning District in which the Lot is located or (ii) a remaining tract resulting from a division of land approved by the either the Planning Commission or County Commission between June 3, 1975 and the Effective Date of this Ordinance.
- (88) **NON-CONFORMING STRUCTURE** - Any Structure, including an Accessory Structure legally existing prior to the Effective Date of this Ordinance which does not conform to the requirements of this Ordinance.

- (89) **NON-CONFORMING USE** - Any Use of a Lot or Structure which Use was legally existing prior to the Effective Date of this Ordinance, and which Use does not comply with the requirements of this Ordinance.
- (90) **NON-COMPLYING COMMERCIAL STRUCTURE** - Any Structure erected without a Building Permit between June 3, 1975 and the Effective Date of this Ordinance and used for Commercial purposes.
- (91) **NON-COMPLYING LOT** - A Lot: (i) resulting from a division of land between June 3, 1975 and the Effective Date of this Ordinance without the approval of the Planning Commission or the County Commission and either (ii) described in a deed or shown on a plat recorded in the Clerk's office between June 3, 1975 and the Effective Date of this Ordinance or (iii) is the remaining tract resulting from a division of land described in (i) above.
- (92) **OFFICIAL ZONING MAP OF BRYAN COUNTY ("ZONING MAP")** - The illustration of the manner in which unincorporated areas of the County are classified and divided up into distinct Zoning Districts.
- (93) **PEDESTRIAN WAY, RECREATION AND BUFFER COMMITTEE ("COMMITTEE")** - The Committee established pursuant to the Subdivision Regulations.
- (94) **PARKING SPACE** - That area required for the parking or storage of one (1) Vehicle, including necessary aisle or driveway space providing access thereto.
- (95) **PERSONAL SERVICES** - Includes barber, hairdresser, beauty parlor, shoe repair, shoe shine, laundry, laundromat, dry cleaner, photographic studio and businesses providing similar services of a personal nature.
- (96) **PONDS, CLASS A** - A pond located in an A-5 or AR-2.5 Zoning District, situated on a Lot of at least five (5) acres, with a surface area of greater than two thousand square feet. (Revised-9/7/04)
- (97) **PONDS, CLASS B** - A pond located in an A-5, AR-2.5, AR-1.5 or AR-1 zoning district with a surface area of less than two thousand square feet. (Revised-9/7/04)
- (98) **PONDS, CLASS C** - A pond with a surface area less than one thousand (1,000) square feet that is capable of containing water at a depth of greater than eighteen (18) inches. (Revised-9/7/04)

- (99) **PONDS, CLASS D** - A decorative or landscape pond with a depth of no more than eighteen (18) inches.
- (100) **PREMISES** - A Lot or other tract of land, including the Structure thereon.
- (101) **PRINCIPAL STRUCTURE** - A Structure in which is conducted the Principal Use of the Lot or Lot on which such Structure is situated.
- (102) **PRINCIPAL USE** - The specific primary purpose for which a Lot or Structure is used.
- (103) **PROFESSIONAL SERVICES** - The conduct of business in any of the following or related categories: law; architecture; accounting; engineering; medicine; dentistry; optometry; osteopathy; podiatry; counseling; psychology; chiropractic or optician.
- (104) **PROJECTED AVERAGE DAILY TRAFFIC COUNT** - The maximum traffic projected for a road at time of complete build out of all land abutting said Road, based on five (5) vehicle trips per residence per day. (Revised-3/3/98)
- (105) **PUBLIC BODY** - Any government or governmental agency of Bryan County, the State of Georgia, or the United States of America.
- (106) **PUBLIC ROAD** - A Road owned by either the United States of America, State of Georgia or Bryan County.
- (107) **PUBLIC USE** - Structures and Uses of land owned, operated and maintained by a Public Body, including but not limited to Schools, fire stations, recreational sites and facilities and water and sewerage treatment facilities.
- (108) **PUBLIC UTILITY** - Any entity duly authorized to furnish and furnishing to the public under federal, state, County, or municipal regulations: natural gas, telephone, electricity, water, sewage disposal or cable television.
- (109) **RECREATIONAL VEHICLE** - A transportable Vehicle constructed for use as temporary living quarters. It may be self-propelled, mounted on a truck bed, or towable on its own chassis.
- (110) **REMOVAL** - The date on which a Structure is rendered uninhabitable.
- (111) **REPAIRS** - Restoration of portions of a Structure to its

condition as before decay, wear or damage, but not including alteration of the shape or size of any portion of a Structure.

- (112) **REPLACEMENT** - In the case of a Manufactured Home or Mobile Home, the date a Certificate of Occupancy is issued. In the case of a Site Built Dwelling, the date that the foundation, exterior walls and roof are completed.
- (113) **RESIDENTIAL** - A Lot or Structure used exclusively for family dwelling purposes or intended to be so used, including Accessory Uses specified herein.
- (114) **RESTAURANT** - A Building, room or rooms where food is prepared or served for profit to a group of families, a club, or to the public and for consumption within the enclosed Building.
- (115) **ROAD** - A way for vehicular traffic which affords the principal means of access to abutting property. For the purpose of this Ordinance the term "Road" or "Roads" also means avenues, boulevards, streets, lanes and other public or private ways. (Revised-3/3/98)
- (116) **MAJOR THOROUGHFARE** - A Road which is designated as a Major Thoroughfare on the Road Classification Plan, is designated to move traffic through the County and which has a Projected Average Daily Traffic County of 1501+ vehicles per day. (Revised-3/3/98)
- (117) **ROADS, ARTERIAL/CONNECTOR** - A Road which is designated as an Arterial Road on the Road Classification Plan and which has a Projected Average Daily Traffic County of 1500+ vehicles per day. (Revised-3/3/98)
- (118) **ROAD CLASSIFICATION PLAN** - An Appendix to this Ordinance which classifies Roads in the County as either Major Thoroughfares, Arterial Roads/Connector, Collector Roads, Scenic Parkways or Approved Private Road Systems. (Revised-3/3/98)
- (119) **ROAD, COLLECTOR** - Roads which: (i) traffic from Minor Roads to Arterial Roads and highways, including the principal entrance Roads of a residential Subdivision or (ii) provide circulation within such a Subdivision and which have a Projected Average Daily Traffic County of 401-1500 vehicles per day. (Revised-3/3/98)
- (120) **ROAD, LOCAL** - A Road which provides access only to adjacent properties and does not serve vehicles passing through an area with no origin or destination within such area and

which has a Projected Average Daily Traffic County of 101-400 vehicles per day. (Revised-3/3/98)

- (121) **ROADS, MARGINAL ACCESS** - A Minor Local Road which is parallel to and adjacent to Arterial Roads and highways and which provides access to abutting properties, with protection from through traffic. (Revised-3/3/98)
- (122) **ROAD, MINOR LOCAL** - A Road which provides access only to adjacent properties and does not serve vehicles passing through an area with no origin or destination within such area and which has a Projected Average Daily Traffic Count of 0-100 vehicles per day. (Revised-3/3/98)
- (123) **ROAD, SCENIC PARKWAY** - A Road shown in the Bryan County Comprehensive Plan as a Scenic Parkway or designated as such by the United States of America, State of Georgia or Bryan County. (Revised-3/3/98)
- (124) **ROOMING HOUSE** - A Building, other than a Hotel or dormitory, where, for compensation and by prearrangement for definite periods, lodging or lodging and meals are provided for more than three (3) persons not related to the owner of the Building. Also called a "Rooming House", "Boarding House", "Cooperative House", and "Lodging House".
- (125) **ROOMING UNIT** - Any room or group of rooms, forming a single habitable unit used for living and sleeping, but which does not contain cooking or eating facilities.
- (126) **SCHOOL** - A facility used for teaching general curriculum for educational advancement.
- (127) **SCREENING** - A wall, partition or planting carried up to a certain height for separation and protection.
- (128) **SECONDARY LIVING UNITS ("SLUS")** - A Dwelling situated on a Lot in addition to another Dwelling which is the Principal Structure on the Lot.
- (129) **SERVICE STATION** - A Structure designated or used for the retail sale or supply of fuel, lubricants, air, water, and other operating commodities for Vehicles and including the customary spacing and facilities for the installation of such commodities on, or in, such Vehicles, but not including space or facilities for the storage, painting, repair, refinishing, body work, or other servicing of Vehicles.
- (130) **SETBACK** - The minimum horizontal distance between the right-of-way line, rear or side lines of the Lot and the front,

rear or side lines of the Building situated on the Lot. When two (2) or more Lots under one ownership are used, the exterior property line so grouped shall be used in determining offsets.

(131) **SITE BUILT DWELLING** - A Dwelling which is not a Manufactured Home, Mobile Home, Modular Home or Trailer.

(132) **SPECIFIED ANATOMICAL AREAS** -

(a) Less than completely and opaquely covering (1) human genitals, pubic regions, (2) buttocks and (3) female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(133) **SPECIFIED SEXUAL ACTIVITIES** -

(a) Acts of human masturbation, sexual intercourse, sodomy or any acts of bestiality;

(b) Fondling or other erotic touching of human genitals, pubic region, buttock or breast of either male or female; and

(c) Human genitals in a state of sexual stimulation or arousal.

(134) **STORY** - That portion of a Structure included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between the floor and ceiling next above it.

(135) **SURVEYOR** - An individual licensed by the State of Georgia as a Registered Surveyor.

(136) **STRUCTURE** - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, including but not limited to: Buildings, Manufactured Homes, Mobile Homes and fences.

(137) **SUBDIVISION** - All divisions of a tract or parcel of land into two (2) or more Lots, building sites, or other divisions for the purpose of immediate or future sale, legacy, or building development or all divisions of land involving a new Road or a change in existing Roads. The term "Subdivision" includes the re-subdivision of land and when appropriate to the context relates to the process of

Subdivision or to the land Subdivided. Also sometimes called "Division".

- (138) **SUPERINTENDENT** - The individual who supervises and directs the operation of the Bryan County Board of Education.
- (139) **SWIMMING POOL** - Any structure intended for swimming or recreational bathing that contains water over 24 inches deep with a closed-loop circulation of water through a water treatment system with a return to the pool. This includes in-ground, above-ground and on-ground swimming pools, hot tubs or spas. (Revised-9/7/04)
- (140) **TAVERN (SEE ALSO LOUNGE)** - An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. A Tavern is distinct from a Lounge in the absence of facilities for live entertainment in a Tavern. (Revised-8/2/05)
- (141) **THEATER, ADULT** - A Structure used for viewing of performances or activities by others, whether such performances are in the form of live shows, motion pictures, slide shows or other forms of photographic or visual display, which are distinguished or characterized by the emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
- (142) **TRAILER** - A non-self-propelled Vehicle or conveyance permanently equipped to travel upon a street or highway that is not to be used as a residence or living quarters, but may be used as a temporary office.
- (143) **TRASH** - Cuttings from vegetation, refuse, paper, bottles, or rags.
- (144) **USE** - The purpose for which a Lot or Structure is arranged, designed or intended, or for which it is or may be occupied or maintained.
- (145) **VARIANCE** - A modification of the strict terms of this Ordinance granted by the County Commission where such modification will not be contrary to the public interest, and where, owing to conditions unique to the individual Lot on which the Variance is sought and not as a result of any action on the part of the Lot owner, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

- (146) **VEHICLE** - A conveyance for persons or materials.
- (147) **WATERFRONT** - A site shall be considered Waterfront provided any or all of its Lot lines abut on or are contiguous to any body of water, including creeks, canals, rivers, or any other bodies of water natural or artificial, including marshlands, but excluding swimming pools.
- (148) **YARD** - An open space on a Lot situated between the Principal Building on such Lot and the Lot Lines of such Lot or situated between the Principal Building on such Lot and the center line of an abutting Road. In measuring a Yard for determining the width of a side Yard, the depth of a front Yard, or the depth of a rear Yard, the minimum horizontal distance between the Lot Line or the Road center line and the Principal Building on the Lot shall be used.
- (149) **ZONING DISTRICT** - An area delineated with specific geographical boundaries on the Zoning Map.

ARTICLE XVI

BOARD OF APPEALS

(Revised-3/3/98)

Section 1600. Membership; Appointment; Term of Office; Vacancies; and Compensation:

- (a) Membership and Appointment: The Board of Appeals ("Board") shall consist of three (3) members ("Members") residing within the County and appointed by the County Commission. None of the Members shall hold any other public office in the County. Members shall be removable for cause, upon written charges by the County Commission. A Member shall be disqualified to act upon a matter before the Board with respect to property in which the Member has an interest.
- (b) Term of Office: The term of office for each Member shall be three (3) years; however, in order that no terms shall expire upon the same date, the terms of the original Members of the Board shall be as follows: One (1) appointee shall serve for two (2) years, one (1) appointee shall serve for three (3) years, and one appointee shall serve for one (1) year. Thereafter, each appointee shall be appointed to serve for three (3) years. Members may be reappointed to successive terms.

Adopted: November 7, 1995

- (c) Compensation: Members shall receive no compensation for service; except, that they shall be reimbursed for out-of-pocket expenditures made in connection with their duties.

Section 1601. Officers; Meetings; Quorum; Minutes; Procedures

Generally: The Board shall elect one (1) of its Members as chairman, who shall serve for one (1) year or until he is reelected or his successor is elected. The Board shall appoint a secretary who may be a Member or an employee of the County. The Board shall have authority to adopt rules of procedure. Meetings of the Board shall be held once per month within the County, with the place, time and date of the meetings specified by the chairman after consultation with the other Members. If, in any month, there are no appeals pending for at least fifteen (15) days, the Board shall not be required to hold a meeting during such month. Two (2) Members shall constitute a quorum.

The Board shall keep minutes of its proceedings, showing the vote of each Member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its official actions, all of which shall be immediately filed in the office of the Planning Department and shall be a public record. The decision of the Board shall be by resolution adopted by a majority of Members, which resolution shall contain a statement of the grounds of its decision or action. The full text of the resolution shall be sent to the appellant. If, because of absence or abstention, there is a tie vote on a resolution, the effect shall be an affirmation of the decision appealed from.

Section 1602. Power and Duty:

- (a) The Board shall hear and decide upon appeals where it is alleged that there is error in any requirement, decision or determination made by the Planning Director, in the enforcement of this ordinance;
- (b) Upon the filing of an appeal by an Applicant, at time limits for action by the Planning Director shall be suspended;
- (c) It shall be the duty of the Planning Director to carry out the decisions of the Board; and
- (d) Decisions of the Board, including the reasons for decisions, shall be transmitted to the Planning Department and shall be maintained in the records of the Planning Department.

Section 1603. Assistance by County Commission: The County

Adopted: November 7, 1995

Commission shall provide for such administrative and clerical assistance and office space as is required by the Board to carry out its functions under this Article XVI.

Section 1604. Record: The Planning Director shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Section 1605. Appeal Process:

- (a) Filing Fee: The filing fee for an appeal shall be One Hundred and no/100 (\$100.00) Dollars. The filing fee shall be refunded if the Board rules in favor of an appellant.
- (b) Presentation of Evidence: The Planning Director and the appellant shall be entitled to present evidence on the matter before the Board.
- (c) Time for Decision; Continuance; Rehearings; Effective Date of Decisions: The Board shall render its decision during the meeting at which an appeal is considered, however, by majority vote, the Board may continue a meeting until a time certain within ten (10) days. No rehearings shall be permitted. Decisions of the Board shall be effective when made.

Section 1606. Calendar of Appeals: Appeals filed in proper form shall be numbered serially, docketed and placed upon the calendar of the Board. The calendar of appeals to be heard shall be posted conspicuously in the office of the County Commission prior to each hearing date.

Section 1607. Forms: Appeals shall be made on forms provided therefor, and all information required on such forms shall be provided by the appellant. Appeals shall be filed with the Clerk of the County Commission. No appeal shall be accepted by the Board unless it contains all pertinent information and is accompanied by the required fee.

Section 1608. Appealing an Action of the Board of Appeals: If the Board of Appeals makes a decision which any party believes to be contrary to law, that action may be appealed to the Superior Court of Bryan County. Such an appeal must be filed within thirty (30) days of the date of the decision of the Board of Appeals. Said appeal shall be based solely on the record of the Board of Appeals' decision. No party shall be entitled to a de-novo appeal.