Bryan County
Unified Development Ordinance

Note: the following Unified Development Ordinance replaces Appendix A, Appendix B, and Appendix C of the existing County code in addition to modifying some other chapters. Code Administration

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Article I. Code Administration

This article sets forth general provisions, describing the UDO's purposes, organization, applicability and administration.

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Section 100. Title

This ordinance shall be known and may be cited as the "Unified Development Ordinance of Bryan County, Georgia" ("UDO").

Section 101. Purpose

The purposes of this UDO are to:

(a) Promote and protect the health, safety, prosperity, and welfare of the citizens of Bryan County Georgia ("County");

(b) Achieve the goals and objectives of the County's Comprehensive Plan through effective zoning and subdivision regulation;

(c) Maintain the County's appearance;

(d) Conserve and protect the natural, scenic, environmental and historic resources of the County;

(e) Provide adequate light, water, and air;

(f) Avoid both undue concentration of population and urban sprawl;

(g) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;

(h) Protect property against blight and depreciation;

(i) Encourage the most appropriate use of land and structures throughout the County;

(j) Support the fiscal health of the County;

(k) Maintain the economic viability of the forestry and agricultural resources of County;

(l) Promote site and building designs and development that foster safe, healthy, sustainable neighborhoods;

(m) Ensure that residential and commercial lots within County will be of such design, area, and width as will prevent health and sanitation problems;

(n) Prevent and reduce traffic congestion and traffic hazards within County;

(o) Provide buffers to ensure compatibility between uses, protect property values, and maintain the rural character and scenic beauty of County;

(p) Ensure that drainage systems for development within County are constructed to avoid adverse impacts on the natural drainage systems for surrounding properties;

(q) Reduce maintenance problems with roads, drainage and other subdivision and non-residential development improvements within County;

(r) Ensure the timely completion of improvements within subdivisions in County;

(s) Ensure that the taxpayers of County are not burdened with costs of completing subdivision improvements or correcting improperly constructed subdivision improvements, by having sufficient financial guarantees;

(t) Prevent development in areas of County unsuitable for residential or commercial uses because of soils, wetlands, special flood hazard areas, or drainage characteristics;

(u) Ensure that all newly created lots within the County will be accessible to firefighting equipment and other emergency and service vehicles;

(v) Promote private investment in sustainable residential, mixed-use and non-residential development; and

(w) Foster a mix of housing types that provide housing options for County residents.

Section 102. Authority

This UDO is adopted pursuant to the authority granted by the Constitution and statutes of the State of Georgia in accordance with applicable laws, statutes, ordinances and regulations of the State of Georgia to exercise authorized powers for zoning and subdivision regulations.

Section 103. Jurisdiction

This ordinance shall apply to all land and structures within the unincorporated areas of the County.

Section 104. UDO Organization

The provisions of this UDO are organized into the following articles and appendices:

(a) **Article I: Code Administration** establishes general provisions for the application, interpretation and administration of the UDO.

(b) **Article II: General Development Procedures** establishes the general procedures for development applications, notice, reviews, actions and appeals.

(c) **Article III: Procedures Requiring Public Hearings** establishes the specific procedures for development applications, reviews, and actions for applications associated with approvals requiring public hearings.

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(d) **Article IV: Development Procedures Requiring Administrative Review** establishes the specific procedures for development applications, reviews, and actions for applications that are approved by County Staff.

(e) **Article V: Zoning Districts and Uses** establishes the zoning districts, the zoning map and district specific rules for the use of land within a district.

(f) **Article VI: Site Development Standards** establishes the rules for the design and improvement of lots and development sites, including standards for building location, building dimensions, lot and block design, parking and loading, landscaping, tree preservation, buffering, open space, recreational facilities, and signs.

(g) **Article VII: Supplemental Conditions for Specific Uses** establishes standards for specific uses that are supplemental to use standards established in Articles IV or VII for specific zoning districts.

(h) **Article VIII: Development Patterns and Design Guidelines** establishes standards for a variety of development patterns in addition to building and site design standards for types of development that are not addressed in Article IV.

(i) **Article IX: Environmental Management** references the County's floodplain management provisions that are included in Chapter 105 of the County Code of Ordinances and establishes standards for stormwater management, erosion control, and grading.

(j) **Article XI: Roads and Trails** establishes standards for the design and improvement of roads, sidewalks, trails and other facilities.

(k) **Article XII: Utilities** establishes standards for water and sewer system improvements, in addition to requirements for electric, telecommunications and other utilities within County.

(l) **Article XIII: Non-Conforming Situations** establishes rules for the continuation, modification, expansion, and termination of lots, uses and structures that do not conform to UDO standards.

(m) **Article XIV: Interpretation and Definitions** establishes specific rules for interpretation of language and definitions for terms used within the UDO.

(n) **Appendices:** Attached to and made part of this ordinance are appendices listing amendments to the UDO text and zoning map, engineering design standards, and development applications

Section 105. UDO Interpretation

The regulations expressed in this document shall be considered as the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience and welfare of the general public. This UDO is intended to be administered with the flexibility to respond to unique circumstances of individual properties in ways that best achieve its purposes.

(a) This UDO establishes many, but not all, of the standards and procedures for development. Other portions of the County Code shall apply to development, whether specifically referenced or not, including, but not limited to, flood hazard regulations, building codes, fire codes, utility, road and drainage design and engineering design standards.

(b) The issuance of any development approval pursuant to this UDO shall not relieve the recipient from the responsibility to comply with all other County, State or federal laws, ordinances, rules or regulations.

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(c) References to other regulations or provisions of the UDO are for the convenience of the reader. The lack of a cross-reference does not exempt a property, building, structure, or use from other regulations.

(d) The UDO contains numerous graphics, pictures, illustrations, and drawings to assist the reader in understanding and applying the UDO. However, to the extent that there is any inconsistency between the text of the UDO and any such graphic, picture, illustration, or drawing, the text controls unless otherwise provided in the specific section.

(e) Unless otherwise specified, when any requirement of this UDO results in a fraction, such as to the number of dwelling units or any other measurement, that fraction will be disregarded and the nearest lower number shall apply.

(f) Additional rules for interpreting language and the provisions are included in Article XIII of this UDO

Section 106. UDO Applicability

(a) **Generally.** This UDO applies as follows**:**

(1) **Use and Occupancy.** The UDO applies to the development, use, occupancy or sale of land or buildings as provided herein. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on or in a building or land.

(2) **Building permits required**. No building permits shall be issued until the Community Development Director certifies that the proposed construction complies with this UDO.

(3) **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 Community Development Director has, pursuant to the Code of Bryan County, Georgia (County Code), issued a certificate of occupancy. Such occupancy or use must also conform with the provisions of this UDO.

(4) **Agricultural Exemption**. Agricultural land uses in the County are exempt from the UDO's land use regulations when the property is used for bona fide farm purposes and those uses are an integral part of the agricultural use. If bone fide agricultural uses occupy a portion of the property, then the agricultural uses on that portion of the property are exempt from the land use regulations. If the primary use is for non-agricultural purposes, then the property is not exempt. If the property is subdivided so that all or portions of the property are no longer a bona fide farm, then such portions are not exempt. For purposes of this section, a bona fide farm use shall be established by the following evidence:

a. A farm sales tax exemption issued by the State Department of Revenue;

b. A copy of the property tax listing showing that the property is eligible for an agricultural property tax exemption;

c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return;

d. A forest management plan, if applicable; and

e. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

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(5) **State and Federal Law**. This UDO does not apply to activities that are exempted by State or Federal law.

(b) **Limits on Development and Use of Land.** Except as herein specifically provided, no building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except subject to the following limitations:

(1) No use may be established unless the use is permitted in the zoning district in which the use is located, pursuant to Article V of this UDO.

(2) No more than one principal building may be located on one lot, unless otherwise authorized.

(3) No camper, shipping container, storage container, bus, tractor trailer, or other structure not specifically designed as a permanent residence may be used as a principal or accessory structure in a RR or R district.

(4) No structure or land shall be occupied or used without first obtaining a Certificate of Occupancy or Zoning verification**.**

(5) All uses shall comply with all applicable building, life, safety, fire and health codes adopted by the County and all applicable regulations adopted by the County, State or federal governments.

(6) No development of property, e.g., clearing, grading, construction of infrastructure, shall be allowed until the necessary local, state, and federal permits and/or approvals are obtained.

(c) **Subdivision of Land.** No land shall be subdivided, and no subdivision plat shall be filed for recording, recorded or modified except in conformance with this UDO. After the effective date of the UDO, unless a subdivision is approved in accordance with the provisions of this UDO :

(1) The County shall not accept the dedication of any subdivision improvements within such subdivision;

(2) The County shall not issue any building permits within such subdivision; and

(3) The Clerk shall not record any plat of such subdivision or any plat of a lot within such subdivision.

(d) **Transfer of Land; Permits**. No parcel of land in a subdivision created after the adoption date of this UDO shall be transferred or sold; nor shall a building permit or certificate of occupancy be issued for any use or structure thereon, until a plat has been recorded with the Clerk of Court – Real Estate Office in accordance with the provisions of this UDO.

(e) **Pending Actions**. The adoption of this UDO will not affect any action, suit, or proceeding which may be pending at the effective date of this ordinance.

(f) **Government property**. Property owned by the State of Georgia or the United States of America and used or held for governmental purposes, is not subject to this UDO. Bryan County-owned property shall comply with UDO requirements.

(g) **Minimum Requirements**. The requirements of this UDO are the minimum requirements for the promotion of the public health, safety and general welfare. The Board of Commissioners may impose additional requirements to ensure that proposed development will:

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(1) Express and reflect the unique sense of place and the desirable qualities of County through innovative and sustainable design and architectural standards for development;

(2) Promote the use of the best available technology at a reasonable cost, using local, state and federal grants, loans, tax credits and deductions, for installation of energy and resource conservation measures, including green and sustainable building and neighborhood requirements for all public and private buildings, structures and land uses;

(3) Ensure that building projects are planned, designed, constructed, and managed to minimize adverse environmental impacts; to effectively manage stormwater; to conserve natural resources; to promote sustainable development; and to enhance the quality of life in County.

(4) Reflect the transportation network of the region and provide within each development a framework of transportation alternatives and inter-connectivity, including automobiles, transit, pedestrian, and bicycle systems to maximize access and mobility throughout the region; and

(5) Place high regard for the protection of individual property rights in appropriate balance with the community's need to implement the goals, objectives, policies and strategies of the Comprehensive Plan.

Section 107. Development Under Prior Regulations

Development under prior regulations shall be allowed, provided a valid development approval has not expired. All new applications shall comply with the provisions of this UDO. Legal non-conforming situations may continue in conformance with **Article XII** of this UDO.

(a) **Uses**. Uses that were legally established under prior regulations may continue to operate subject to applicable provisions for non-conforming uses in this UDO. Any use authorized by a conditional use permit approved prior to adoption of this UDO may be established if that use is established within six (6) months of adoption of this UDO or the Community Development Director has determined that a vested right has been established pursuant to **Article IV.Division 2**.

(b) **Structures**. Existing structures established under prior regulations may continue to be used subject to applicable provisions for non-conforming structures in this UDO. Any structure authorized by a building permit or site plan approval prior to the adoption of this UDO may be constructed provided that a certificate of occupancy has been granted not more than twelve (12) months after the adoption of this UDO or the Community Development Director has determined that a vested right has been established pursuant to **Article IV.Division 2**.

(c) **Site Plans**. Development pursuant to a site plan approved under prior regulations shall be allowed, provided that construction is initiated within six (6) months of adoption of this UDO and is substantially completed within twelve (12) months of adoption of this UDO, or the Community Development Director has determined that a vested right has been established pursuant to **Article IV.Division 2.**

(d) **Subdivisions.** Any subdivision that has received sketch plat approval prior to adoption of this UDO may receive final plat approval under the regulations under effect at the time of the sketch plat approval provided that said sketch plat approval has not expired prior to submittal of the final plat and that the final plat is submitted within eighteen (18) months of adoption of this UDO. Pending subdivisions that do not meet the above criteria may be processed under existing regulations pursuant to the following conditions:

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(1) A Pending Subdivision is a proposed subdivision that:

a. Is a continuation of the development of a contiguous tract by the applicant. As used herein, the term "continuation of the development of a contiguous tract" means that, prior to the effective date of this ordinance, the applicant recorded a subdivision plat or plats that were approved by the Planning and Zoning (P&Z) Commission, or the Board of Commissioners that are contiguous to the proposed subdivision, and share the same access roads as constructed in connection with the previously developed subdivision or subdivisions;

b. Prior to the effective date of this ordinance, was either owned by the applicant or subject to a written option to purchase in favor of the applicant; and

c. Prior to the effective date of this ordinance, the applicant had taken specific actions exhibiting the applicant's intent to complete the proposed subdivision as a continuation of a prior development. Evidence of such intent may include, but is not limited to, the inclusion of the proposed subdivision on a plat, development plan, or master plan of a development; the obtaining for the proposed subdivision of an on-site soils survey or jurisdictional wetlands delineation; or the inclusion of the proposed subdivision in a master drainage plan of a development or a traffic impact analysis or traffic design analysis.

(2) A subdivision designated as a Pending Subdivision under this section may be exempted from the provisions of this UDO relating to:

a. Open space and recreational facilities, where open space and recreational facilities have been provided for a development under the subdivision regulations in effect prior to the effective date of this ordinance ("prior regulations");

b. Pedestrian ways, provided that pedestrian ways in the Pending Subdivision are a continuation of pedestrian ways provided in a development under the prior regulations;

c. Drainage system, provided that the drainage system in the pending subdivision is a continuation of the drainage system provided for in a development under the prior regulations; or

d. The design specifications of subdivision improvements for a limited area in the Pending Subdivision, provided such area is used to provide a safe, orderly and aesthetically acceptable transition between the design of subdivision improvements constructed under the prior regulations and the design of subdivision improvements in the Pending Subdivision.

(3) Termination of designation as pending subdivision. The designation of a subdivision as a pending subdivision shall terminate unless a sketch plat of the pending subdivision is approved by the Board of Commissioners within eighteen (18) months of adoption of this UDO. Upon such termination, the pending subdivision shall no longer be exempt from any of the provisions of this UDO.

(e) **Conditions of Prior Approvals**. Any conditions attached to a prior development approval or provisional or conditional rezoning shall remain in effect unless modified by action of the applicable approval body.

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Section 108. Relationship of UDO to Other Documents and Actions

(a) **Conflicts with Other Regulations**. Where a regulation contained within the UDO imposes higher or more stringent standards than those required under another statute, ordinance or regulation, the regulation adopted under the UDO controls. If the other statute, ordinance, or regulation imposes higher or more stringent standards, that statute, ordinance, or regulation controls.

(b) **Consistency with Comprehensive Plan Required.** The Board of Commissioners intends this UDO to implement the County's Comprehensive Plan and all other area or corridor plans. Any amendments to the UDO or local development approvals, including zoning map amendments shall be consistent with the Comprehensive Plan in effect at the time of the amendment or local development approval.

(c) **Issuance of Policies, Rules and Regulations for Public Improvements**. The County may promulgate reasonable policies, rules and regulations regarding the design and installation of improvements required pursuant to this UDO.

(d) **Minimum Standard May Exceed State Standards**. Any rule and regulation established shall meet the minimum County and State standards, but nothing in this section shall prevent the County from requiring compliance with higher or more stringent requirements than the State regulations.

(e) **Relationship to Private Agreements**. This UDO is not intended to abrogate, annul, or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of this UDO are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement, the regulations of this UDO shall govern.

(f) **Relationship to Other Codes**. The procedures and standards of the UDO are intended to facilitate and ensure compliance with other technical standards adopted by the County, including, but not limited to building codes, fire codes, and property maintenance codes.

Section 109. Code Administration Responsibilities and Organization

This section provides a list of responsibilities assigned to each entity/staff position in carrying out the provisions of this UDO. These duties and responsibilities are specific to this UDO and are not applicable to other sections of the County Code.

(a) **Board of Commissioners**.

(1) **Responsibilities**. The County Board of Commissioners shall decide on applications for:

a. Comprehensive Plan text and map amendments;

b. UDO text and map amendments;

c. Preliminary development plans for planned developments;

d. Conditional use permits;

e. Sketch plats for major subdivisions;

f. Development agreements;

g. Acceptance of improvements and right-of-way;

h. Abandonment right-of-way;

i. Other actions assigned by this UDO; and

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j. Any actions required pursuant to State law to be approved by the Board of Commissioners.

(2) **Membership and Other Rules**. See Chapter 2 of the Bryan County Code.

(b) **Planning & Zoning Commission (P&Z Commission**) [note: repeal Article II, Chapter 101]

(1) Responsibilities.

a. The P&Z Commission shall make the final decisions on applications for appeals to staff decisions on modifications to the design standards authorized in Article VIII.

b. The P&Z Commission shall recommend action on applications for:

1. Comprehensive Plan text and map amendments;

2. UDO text and map amendments;

3. Preliminary and final development plans for planned developments;

4. Conditional use permits; and

5. Sketch plats for major subdivisions.

c. Conduct other actions assigned by this UDO or requested by the Board of Commissioners.

(2) **Membership.** The P&Z Commission shall consist of seven (7) members who shall be residents of the County, appointed by the Board of Commissioners.

(3) **Terms of Office**. The terms of the members shall be for four (4) years. Any vacancy in membership shall be filled for the unexpired term by the Board of Commissioners.

(4) **Compensation**. The Board of Commissioners may authorize a monthly stipend to offset members' expenses for attending meetings and performing their duties.

(5) **Attendance.** P&Z Commission members are required to attend regularly scheduled meetings. A member is allowed to miss two meetings a quarter, not to exceed four meetings in a calendar year, without providing evidence of just cause. If the P&Z Commission member has not provided evidence of just cause for failing to meet the attendance requirements, the Board of Commissioners may remove the member.

(6) **Removal.** P&Z Commission members are subject to the Ethics Code of Bryan County, Chapter 2, Article III, Division 2. In addition to the disciplinary action identified in the Ethics Code, the Board of Commissioners may remove a P&Z Commission member upon a finding that the member violated the Ethics Code.

(7) **Officers; Meetings; Quorum; Minutes; Procedures, Generally**.

a. The P&Z Commission shall elect the chairman from its members. The term of the chairman shall be one year, with eligibility for re-election. The P&Z Commission shall appoint a secretary, who may be an officer or employee of the County. The P&Z Commission shall make its own rules of procedure and determine its time of meetings. All meetings of the P&Z Commission at which official action is taken shall be open to the public and all records of the P&Z Commission shall be public records.

b. Four (4) Commissioners shall be considered a quorum.

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c. The P&Z Commission 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 Community Development Department and shall be a public record.

d. The P&Z Commission may request assistance with services as it may deem necessary for its work. Upon determining the request is reasonable and related to the duties and responsibilities of the P&Z Commission, the Board of Commissioners may contract with the state planning agency and planners and other consultants for such services as the P&Z Commission may require.

(8) **Decisions.** Unless otherwise provided by this UDO, P&Z Commission recommendations or decisions for approval shall require an affirmative vote of the majority of the quorum.

(9) **Records.** The Community Development Director shall be responsible for maintaining records of all actions by the P&Z Commission.

(10) **Assistance by Board of Commissioners.** The Board of Commissioners shall provide for such administrative and clerical assistance and office space as is required by the P&Z to carry out its functions under this UDO.

(c) **Board of Adjustment**.

(1) **Responsibilities**. The Board of Adjustment shall hear and decide upon:

a. Appeals in accordance with Article III.Division 6 of this UDO, where it is alleged that there is error in any requirement, decision or determination made by the Community Development Director for any decision for which the Director has final decision authority.

b. Applications for variances in accordance with Article III.Division 5 of this UDO.

(2) **Membership**. The Board of Adjustment shall consist of five (5) members residing within County and appointed by the Board of Commissioners.

(3) **Attendance.** Board of Adjustment members are required to attend regularly scheduled meetings. A member is allowed to miss two meetings a quarter, but not more than four in one calendar year, without providing evidence of just cause. If the Board of Adjustment member has not provided evidence of just cause for failing to meet the attendance requirements, the Board of Commissioners may remove the member.

(4) **Removal**. Board of Adjustment members are subject to the Ethics Code of Bryan County, Chapter 2, Article III, Division 2. In addition to the disciplinary action identified in the Ethics Code, the Board of Commissioners may remove a Board of Adjustment member upon a finding that the member violated the Ethics Code.

(5) **Terms of Office.** The term of office for each member shall be four (4) years; however, so that no terms shall expire upon the same date, the terms of the original members shall be as follows: two appointees shall serve for four (4) years, two appointees shall serve for three (3) years, and one appointee shall serve for two (2) years. Thereafter, each appointee shall be appointed to serve for four (4) years. Members may be re-appointed to successive terms.

(6) **Compensation**. The Board of Commissioners may authorize a monthly stipend to offset members' expenses for attending meetings and performing their duties.

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(7) **Officers; Meetings; Quorum; Minutes; Procedures, Generally**.

a. The Board of Adjustment shall elect one of its members as chairman, who shall serve for one (1) year or until reelected or a 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 meeting specified per the meeting calendar aqdopted annually by the Board of Adjustment.

b. The Board of Adjustment 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 Community Development Department and shall be a public record. The full text of the resolution shall be sent to the applicant/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 or the denial of the requested variance.

(8) **Decisions.** Except as otherwise provided for decisions on variance applications by this UDO, Board decisions shall require an affirmative vote of the majority of a quorum of the Commission. Three (3) voting Board members shall be considered a quorum. For appeals of administrative decisions, 80 percent of the members voting must affirmatively vote to overturn the administrative decision. Failure to meet the 80 percent threshold shall result in an affirmation of the administrative decision.

(9) **Records.** The Community Development Director shall be responsible for maintaining records of all actions by the Board.

(10) **Assistance by Board of Commissioners.** The Board of Commissioners shall provide for such administrative and clerical assistance and office space as is required by the Board of Adjustment to carry out its functions under this UDO.

(d) **Building and Construction Board of Appeals**

(1) **Responsibilities**.

a. The Building and Construction Board of Appeals shall hear and decide upon appeals in accordance with the procedures of Section 355 of this UDO, where it is alleged that there is error in any requirement, decision or determination made by:

1. The Building Official for any decision under this UDO or Chapter 103 of the County Code for which the Building Official has final decision authority; or

2. The Engineering Director for any decision under this UDO, the Engineering Design Manual, or Chapter 105 for which the Engineering Director has final decision authority.

b. The Building and Construction Board of Appeals shall also serve as the Flood Prevention Review Board and shall hear and decide requests for appeals or variances brought pursuant to Chapter 105 "Flood Damage Prevention" of the County ordinances.

(2) **Membership**. The Building and Construction Board of Appeals shall consist of five (5) members residing or operating a business within Bryan County and appointed by the Board of Commissioners. The Board membership shall consist of one (1) civil engineer,

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three (3) members representing the following trades: electrical, plumbing, mechanical, and one member who is a general contractor. A person with expertise in structural engineering or architecture may be appointed in lieu of a general contractor.

(3) **Removal**. Building and Construction Board of Appeals members are subject to the Ethics Code of Bryan County, Chapter 2, Article III, Division 2. In addition to the disciplinary action identified in the Ethics Code, the Board of Commissioners may remove a member of the Building and Construction Board of Appeals upon a finding that the member violated the Ethics Code.

(4) **Term of Office**. The term of office for each member shall be three (3) years; however, so that no terms shall expire upon the same date, the terms of the original members shall be as follows: two appointees shall serve for two (2) years, two appointees 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 re-appointed to successive terms.

(5) **Compensation**. The Board of Commissioners may authorize a stipend to offset members' expenses for attending meetings and performing their duties.

(6) **Officers; Meetings; Minutes; Procedures, Generally**.

a. The Building and Construction Board of Appeals shall elect one of its members as chairman, who shall serve for one (1) year or until reelected or a 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 not more than forty-five (45) days after submittal of an appeal or variance. Meetings shall be held in the location (north or south end of the County) where the majority of the properties subject to appeal or variance applications are located.

b. The Building and Construction Board of Appeals 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 Community Development 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 or applicant. 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 or the denial of the requested variance.

(7) **Decisions.** Unless otherwise provided by this UDO, Board decisions shall require an affirmative vote of the majority of a quorum of the Commission. Three (3) Board members shall be considered a quorum.

(8) **Records.** The Community Development Director shall be responsible for maintaining records of all actions by the Board.

(9) **Assistance by Board of Commissioners.** The Board of Commissioners shall provide for such administrative and clerical assistance and office space as is required by the Building and Construction Board of Appeals to carry out its functions under this UDO.

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(e) **County Administrator Responsibilities.** The County Administrator shall be responsible for recommending action on development agreements to the Board of Commissioners, in addition to appointing the Community Development Director, Engineering Director, and Building Official, or the individuals responsible for those roles as established in this UDO.

(f) **Community Development Director**. The Community Development Director shall be responsible for interpreting the provisions of this UDO in addition to:

(1) Supporting the efforts of the Board of Commissioners and other boards, commissions and County departments in the enforcement of this UDO;

(2) Coordinating meetings of the Development Review Committee;

(3) Reviewing and recommending action to the Planning and Zoning Commission on Comprehensive Plan text and map amendments, UDO text and map amendments, conceptual and preliminary development plans for planned developments, conditional use permits, and sketch plats;

(4) Forwarding recommendations of the P&Z Commission to the Board of Commissioners;

(5) Acting on applications for final development plans for planned developments;

(6) Acting on applications for final plats;

(7) Acting on applications for zoning verification letters, site plans, minor subdivisions, temporary use permits, special events permits, administrative relief, and home occupation permits;

(8) Forwarding information and providing analysis of applications for variances and appeals to the Board of Adjustment;

(9) Preparing forms and administering the development application review and approval processes;

(10) Maintaining records of actions on development applications taken by the Community Development Director pursuant to this UDO;

(11) Maintaining a copy of this UDO and the zoning map;

(12) Establishing such rules of procedure as are necessary and proper for the administration of this UDO;

(13) Rendering interpretations of the provisions of this UDO and the zoning district boundaries indicated on the zoning map;

(14) Conducting planning studies and performing other tasks requested by the P&Z Commission, Board of Commissioners or County Administrator; and

(15) Performing any and all other tasks required to implement this UDO.

(g) **Engineering Director**. The Engineering Director shall be responsible for:

(1) Providing requested support to the Community Development Director and Development Review Committee;

(2) Reviewing and recommending action on applications for abandonments of rights-of-way and easements;

(3) Interpreting the UDO regarding requirements for public improvements;

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(4) Preparing and updating the Engineering Design Manual and Construction Details;

(5) Reviewing and acting on applications for construction plan approval;

(6) Inspecting public improvements required by this UDO;

(7) Reviewing and recommending action to the Board of Commissioners on abandonments of rights-of-way and easement;

(8) Reviewing and recommending actions pursuant to traffic impact analyses;

(9) Recommending action on acceptance of public improvements and rights-of-way to the Board of Commissioners;

(10) Acting on requests for administrative relief as authorized by the UDO;

(11) Acting on land distrubance permits and right-of-way encroachment permits;

(12) Reviewing and providing recommendations to the Building and Construction Board of Appeals for appeal and variance applications;

(13) Maintaining records of actions for which the Engineering Director has responsibility pursuant to this UDO;

(14) Performing other tasks as requested by the Board of Commissioners or County Administrator; and

(15) Performing any and all other tasks required to implement this UDO.

(h) **Building Official.** The Building Official shall be responsible for:

(1) Providing requested support to the Community Development Director and Development Review Committee;

(2) Acting on applications for building permits, certificates of use and occupancy and sign permits;

(3) Maintaining records of actions on development applications taken by the Building Official pursuant to this UDO; and

(4) Reviewing and providing recommendations to the Building and Construction Board of Appeals for appeal and variance applications; and

(5) Performing other tasks as requested by the Board of Commissioners or County Administrator.

(i) **Development Review Committee.**

(1) **Purpose**. The Development Review Committee (DRC) is intended to secure comments, coordinate responses, and resolve conflicts from input provided by various County departments and other agencies having responsibility for review or providing services to proposed development.

(2) **Membership**. The Community Development Director shall serve as the chair and coordinator for all DRC meetings. Other participants, who shall participate as needed in the review of specific applications shall include the Engineering Director, Fire Chief, Public Health Director, and Public Works Director. At the discretion of the Community Development Director, representatives from other County public service agencies may be asked to comment on development or participate in DRC meetings.

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(3) **Responsibilities**. The DRC shall be responsible for reviewing applications as requested by the Community Development Director; evaluating compliance with the requirements of UDO and other technical requirements; recommending site and building design modifications to ensure greater compliance with adopted standards; and identifying public improvement implications for the following types of actions pursuant to the procedures in this UDO:

a. Comprehensive plan map and text amendments;

b. Zoning map amendments;

c. UDO text amendments;

d. Planned development applications;

e. Conditional use permit applications;

f. Site plan applications;

g. Variance applications;

h. Subdivision applications;

i. Temporary use and special events permits; and

j. Other development approvals pursuant to this UDO as requested by the Community Development Director.

Section 110. Enforcement and Penalties

(a) **Complaints Regarding Violations**. Whenever a violation of this UDO occurs, or is alleged to have occurred, a complaint stating fully the causes and basis thereof may be submitted by any person or County agency with the Community Development Director. The Community Development Director shall record such complaint, investigate, and take such action thereon as provided by this UDO.

(b) **Penalties for Violation**.

(1) Any person violating any provision of this UDO shall, upon conviction, be deemed guilty of a misdemeanor and shall be subject to such penalties as are provided by law for other misdemeanors.

(2) Any person or entity that violates any provision of this UDO or fails to comply with the requirements thereof shall, upon conviction, be fined not more than $1,000.00 or imprisoned in the county jail for not more than six (6) months, 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 of the 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.

(3) If any structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained in violation of this ordinance, the Board of Commissioners, Community Development Director, Engineering Director or the County Administrator may institute an action in the magistrate court of County, for a temporary or permanent

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injunction, mandamus or other appropriate action as provided for under state or federal law to:

a. Prevent such unlawful erection, placement, construction, reconstruction, alteration, conversion, maintenance or use;

b. Correct or abate such violation; and

c. Prevent the occupancy or use of such structure or lot.

Section 111. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, or if the provisions of any part of this UDO 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 UDO not so held to be invalid. It is hereby declared that this UDO would have been adopted had such invalid portion not been included herein.

Sections 112-199. Reserved

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Article II. General Development Procedures

This article establishes all development procedures and the minimum criteria for development approvals.

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Section 200. Purpose

The purpose of this Article is to establish procedures for filing and processing applications for development approval. The format is designed to allow users to determine the steps involved to obtain development approval.

Section 201. Procedural Requirements

No development is permitted unless all applicable approvals are issued in accordance with this Article. Development approvals are required for all development, unless otherwise exempted, to ensure compliance with adopted codes, standards, and laws, and to ensure consistency with the Comprehensive Plan. This part describes procedural elements common to all applications. The specific procedures followed in reviewing various applications for development approval differ. Subsequent sections of this Article address the specific procedures and requirements for particular applications. Generally, the procedures for all applications have five common elements:

(a) Submittal of a complete application, including required fee payments and appropriate information and studies;

(b) Review of the submittal by appropriate staff, agencies, and boards;

(c) A decision to approve, approve with conditions, or deny, together with the description of the actions authorized and the time period for exercising rights;

(d) Options to amend or appeal the decision; and

(e) Documenting the decision.

Section 202. Approvals Required

Except as specifically exempted by State law, the use of property may not be substantially changed, substantial clearing, grading or excavation may not be commenced, land may not be subdivided, and buildings or other substantial structures may not be constructed, erected, moved, occupied or substantially altered except in accordance with and pursuant to this UDO. Required development approval types, responsibilities for action and references to applicable UDO sections are listed in **Exhibit 202**. An "(H)" indicates that a public hearing is required prior to action by the applicable hearing body.

Section 203. Authority to Condition Development Approvals

(a) County Staff, the P&Z Commission, Board of Adjustment, Building and Construction Board of Appeals, and the Board of Commissioners may impose conditions as are reasonably necessary to assure compliance with applicable general or specific standards identified in this UDO after review of the application and other pertinent documents and any evidence made part of the public record.

(b) Any conditions recommended by the Community Development Director, Development Review Committee, or P&Z Commission may be modified subsequently by the Board of Commissioners.

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Exhibit 202: UDO Procedures and Responsibilities

Development Application	Recommendation	Final Decision	Appeal	UDO Section
Comprehensive Plan Text and Map Amendment	Community Development Director/ P&Z Commission (H)	Board of Commissioners (H)	Superior Court of County	Article III.Division 1
UDO Text and Map Amendment	Community Development Director/P&Z Commission (H)	Board of Commissioners (H)	Superior Court of County	Article III.Division 2
Planned Development				
Preliminary Development Plan	Community Development Director/P&Z Commission (H)	Board of Commissioners (H)	Superior Court of County	Section 325
Final Development Plan	Community Development Director	Community Development Director	Board of Commissioners	Section 326
Conditional Use Permit	Community Development Director/P&Z Commission (H)	Board of Commissioners (H)	Superior Court of County	Article III.Division 4
Variance	Community Development Director	Board of Adjustment (H)	Superior Court of County	Article III.Division 5
Appeals to Staff Decisions	Community Development Director or Engineering Director	Board of Adjustment (H) or Building and Construction Board of Appeals based on type of appeal	Superior Court of County	Article III.Division 6
Vested Rights Determination	Community Development Director	Community Development Director	Board of Adjustment	Article IV.Division 2
Major Subdivision				
Sketch Plat	Community Development Director/P&Z Commission (H)	Board of Commissioners	Superior Court of County	Section 365
Construction plans	Engineering Director	Engineering Director	Building and Construction Board of Appeals	Section 366
Development Agreement (optional)	County Administrator	Board of Commissioners (H)	Superior Court of County	Article III.Division 9
Final Plat	DRC	Community Development Director	Board of Adjustment	Section 367
Acceptance of Improvements and ROW	Engineering Director	Board of Commissioners		Section 368
Abandonment of Land Not Needed for Road Improvements	Engineering Director	Board of Commissioners (H)	Superior Court of County	Article III.Division 7
Zoning Certification	Community Development Director	Community Development Director	Board of Adjustment	Section 418
Site Development Plan	DRC	Community Development Director	Board of Adjustment[3]	Section 419
Subdivisions, Minor	DRC	Community Development Director	Board of Adjustment	Article IV.Division 1

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Development Application	Recommendation	Final Decision	Appeal	UDO Section
Tree Removal Permit		Community Development Director	Board of Adjustment	Section 421
Temporary Use Permits	DRC	Community Development Director[1]	Board of Adjustment[2]	Section 424
Special Events Permit	DRC	County Administrator[1]	Board of Adjustment[2]	Section 425
Administrative Relief	Staff	Community Development Director or Engineering Director pursuant to UDO	Board of Adjustment	Section 417
Building Permits	Building Official	Building Official	Building and Construction Board of Appeals	Section 431
Certificates of Use and Occupancy	Building Official	Building Official	Building and Construction Board of Appeals	Section 431
Land Disturbance Permit	Engineering Director	Engineering Director	Building and Construction Board of Appeals	Section 426
Floodplain Development Permit	Engineering Director	Engineering Director	Building and Construction Board of Appeals	Section 427
Sign Permits	Building Official	Building Official	Board of Adjustment or Building and Construction Board of Appeals based on type of appeal	Section 422
Road Encroachment Permit	Engineering Director	Engineering Director	Building and Construction Board of Appeals	Section 429
Traffic Impact Assessment		Engineering Director	Building and Construction Board of Appeals	Section 428
Landscape Plan		Community Development Director	Board of Adjustment	Section 420
Home Occupation Permit	Community Development Director	Community Development Director	Board of Adjustment	Section 423

Table Notes:

(1) If the Community Development Director determines the proposed use has a potentially detrimental impact to the public, the application must be reviewed by the Board of Commissioners.

(2) The Board of Adjustment hears the appeal unless the Community Development Director has determined the Board of Commissioners must review the application. If the Board of Commissioners makes the final determination, appeals are filed in the Superior Court.

(3) If the decision is related to design standards identified in Article VIII, appeals of these decisions are heard by the Planning and Zoning Commission

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Section 204. Fees

(a) **Fees**. No application shall be reviewed or considered complete in accordance with Section 213, except for building permit applications, unless the applicant has paid the applicable fee or the Board of Commissioners has waived the fee.

(b) **Professional Service Fees**.

(1) When the Engineering Director or Community Development Director requires a third-party review of a development application, including but not limited to construction plans or Traffic Impact Analyses, the Engineering Director shall select a third-party reviewer from the County's approved vendor list. Based on the County-approved hourly rates, the Engineering Director shall provide the applicant a written estimate for the third party review. The applicant shall provide funds, in the form of cashier's check or money order, to the County in an amount consistent with the written estimate. The funds shall be deposited into an escrow account, and the County shall bill against the account for the third-party review. The County will not commence a development application review until the funds have been received.

(2) The County shall provide a monthly statement to the applicant showing the amount billed to date. If the escrow account is depleted prior to the development application being approved, the Engineering Director shall notify the applicant and provide an additional estimate for completing the applicable review. No further reviews will be performed until applicant submits additional funds in the form of a cashier's check or money order. Upon approval of the development application, the County shall refund to the applicant any remaining funds in the escrow account within 30 days of approval.

Section 205. Burden of Persuasion Regarding Approval

(a) The applicant has the burden of producing sufficient substantial, competent and material evidence for the hearing body to conclude that the requirements of the applicable ordinance(s) have been met.

(b) Regarding appeals, the decision of the administrative official, e.g., Community Development Director, Engineering Director, shall be presumed correct. The appellant shall have the burden of persuasion, and the hearing body shall not overturn the administrative decision unless the appellant presents clear and convincing evidence that the administrative official has erred in implementing this UDO. The hearing body shall not substitute its opinion for the administrative official's decision.

Section 206. Pre-Application Conference

Before any application is filed with the Community Development Director, the applicant is encouraged to attend a pre-application meeting with the Community Development Director. The purpose of the pre-application meeting is to discuss, in general, the procedures and substantive requirements for the application.

Section 207. Application Requirements

(a) **Submittal Requirements. Appendix X** of this UDO lists the detailed submittal requirements for each application listed in this UDO. The lists include approvals from State agencies, when required and such approvals shall be secured prior to submittal of an application to the County unless otherwise approved by the Community Development or Engineering Director. Requests for any development approval required by this UDO shall be made on applications provided by

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County staff or using the County's online application process. If the County has an online application process, applicants shall be required to submit applications digitally, including accompanying drawings and documents.

(b) **Owners Authorization Required**. Applications for development approvals will be accepted only from the owners or lessees of property, persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this UDO, or the agents of such persons. The Community Development Director shall require evidence of the applicant's authority to submit the application when there is a reasonable basis for questioning this authority.

(c) **Traffic Impact Analyses**. If required by Section 428, a traffic impact analysis prepared in accordance with [insert cross reference] shall be submitted in conjunction with an application for preliminary development plan, sketch plat, zoning map amendment, conditional use permit or site plan approval. The Community Development Director or Engineering Director may permit an applicant to submit a traffic impact analysis prior to the submittal of a development application.

(d) **Intent to Serve**. Intent to serve letters for the development are required from all utility providers, including but not limited to water, sewer, electric, cable, internet, telephone, and gas with applications for preliminary development plan, zoning map amendment, site plan, skethch plat, and conditional use permit approval.

(e) **Utility Study**. Utility studies (water, sewer, and stormwater) demonstrating the general layout of on-site and off-site utility improvements, stormwater management systems, and identifying existing capacity and projected demands may be required by the Engineering Director in conjunction with an application for preliminary development plan, sketch plat, zoning map amendment, conditional use permit or site plan approval.

(f) **Developments of Regional Impact Compliance.** Applicants shall be required to demonstrate compliance with rules and regulations applicable to Developments of Regional Impact in Bryan County.

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Section 208. Official Filing Date

The time for processing applications for development approval shall commence on the date that the Community Development Director or Engineering Director certifies that a completed application has been filed. Modification of any application by the applicant following its filing and prior to action shall restart specified review times.

Section 209. Application Processing

Following the determination that an application is complete, the Community Development Director or Engineering Director shall review the application, forward the application for review to applicable advisory bodies, prepare all required reports, and schedule the matter for public hearing and/or decision within the time and in the manner required by this UDO.

Section 210. Computation of Time

Unless otherwise specifically provided, time shall be computed by excluding the first and including the last day and "days" shall mean calendar days.. If the last day is a Saturday, Sunday or County holiday, that day shall be excluded. When the period of time prescribed is less than seven days intermediate Saturdays, Sundays and holidays shall be excluded. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice and the notice is served by mail, three (3) days shall be added to the prescribed period.

Section 211. Concurrent Review

For multi-step applications (e.g., Planned Developments and Subdivisions) and for developments requiring multiple approvals, the applicant may request concurrent review of multiple applications. The hearing body shall review such applications concurrently, but take independent actions on each application. Approval of one application does not guarantee approval of others that are reviewed concurrently.

Section 212. Phased Development

An applicant may submit plans that show multiple phases provided that:

(a) The requirements of this UDO will be satisfied with respect to each phase.

(b) A phasing plan shall be approved by the Board of Commissioners that designates a date or event by which substantial work on each phase will begin and be completed.

(c) If a development that is to be built in phases includes improvements that benefit the entire development, then the applicant shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases.

(d) Once a schedule has been approved and made part of the approval by the Board of Commissioners, no land may be used, buildings occupied or subdivision lots sold except in accordance with the approved schedule unless otherwise provided in this UDO.

Section 213. Completeness Review

(a) **Applications to Be Complete.**

(1) No application is complete unless all of the information required herein is included and all filing fees have been paid.

(2) Additional information may be required to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this UDO. Failure to provide additional required information may result in application denial. The presumption established by this UDO is that all required application information is necessary.

(3) Review for completeness of application forms is solely for the purpose of determining whether preliminary information required for submission with the application is sufficient to allow further processing, and shall not constitute a decision as to whether application complies with the provisions of the UDO.

(4) The Community Development Director may agree to process an application without all required information at the risk to the applicant that the hearing body may later require the information prior to acting on the application.

(b) **Time Limits for Completeness Determination**.

(1) Not later than five (5) business days after the Community Development Director has received an application, the Community Development Director shall determine whether the application is complete and either notify the applicant at the DRC meeting or via written correspondence of required materials needed to correct the deficiencies.

(2) If the application requires review by any other local or special district, or regional, state, or federal agency or entity, the applicant shall provide a listing of outside agency approvals required for the project before the application is deemed complete.

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(3) If the application, together with the submitted materials, is determined not to be complete:

a. The Community Development or Engineering Director shall specify in writing the information required.

b. The applicant may resubmit the application with the information required by the Community Development Director or may appeal that decision in writing to the Board of Adjustment.

c. The applicant may resubmit the application with the information required by the Engineering Director or may appeal that decision in writing to the Building and Construction Board of Appeals.

d. If appealed, the Board of Adjustment or Building and Construction Board of Appeals shall render a final written determination on the appeal not later than the next available meeting after receipt of the applicant's written appeal.

Section 214. Continuance

(a) Nothing in this section precludes an applicant and County staff from mutually agreeing to a continuance or extension of any time limit provided by this section.

(b) If the Community Development receives the written request for a continuance prior to the public hearing being noticed, the applicant's request for a continuance will be automatically granted. An applicant is not entitled to more than two (2) automatic continuances.

(c) If the Community Development Director receives the written request for a continuance after the public hearing is noticed, the applicant is not entitled to an automatic continuance. The Hearing Body will consider the request for a continuance and shall only grant such request upon a demonstration by the applicant of good cause for a continuance.

(d) If an applicant receives a continuance, the applicant shall reimburse the County for all advertising costs associated with rescheduling the public hearing for the application. The reimbursement fee must be paid prior to the County posting the advertisement.

Section 215. Minor Amendments and Major Amendments

(a) The Community Development Director may allow minor amendments to an application without re-submittal of the entire application.

(b) Minor amendments to an application include adjustments to achieve greater compliance with the UDO, technical codes or other applicable rules and regulations.

(c) Major amendments include, but are not limited to the following:

(1) Increases in land area, the number of lots, dwelling units, floor area, height, built-upon area, or any additional land-use disturbance;

(2) Introduction of different land uses than those requested in the original application;

(3) Requests of variances other than those included in the original application;

(4) Reductions in buffer or transition areas, landscaping, or required setbacks, or any change in the design characteristics or materials used in construction of the structures;

(5) Requests to reduce or eliminate conditions attached to a final development approval unless a new notice is provided; or

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(6) Changing the method of providing water and sewer service.

(d) The Community Development Director may postpone the consideration of the application by the public hearing body if the Community Development Director determines staff needs to additional time to fully evaluate the proposed amendments, minor or major. If the applicant does not agree to the postponement, the Community Development Director or Engineering Director may recommend denial of the application.

(e) If the proposed amendment is determined to be a major amendment, as identified in paragraph (b) and the public noticing has already been posted/advertised, the Community Development Director shall re-notice the application and consideration of the application shall be delayed for a month if the applicant agrees to the postponement.

Section 216. Withdrawal of Applications

(a) A filed application may be withdrawn by the applicant at any time prior to the provision of notice of the public hearing for the application. After that time, the applicant may file a request to withdraw the application with the Community Development Director. The Community Development Director shall present the request to the hearing body at the scheduled meeting.

(b) When an applicant withdraws an application, the applicant shall not re-submit the application for six (6) months following such withdrawal; provided, however, if the withdrawal is made at the County's request, the application may be re-filed within thirty (30) days.

(c) For the purposes of this section, "withdrawal" is defined as the retraction of a filed application, either for amendment and re-submission or for permanent revocation. Should the hearing body defer consideration of an application to its next meeting, either at the request of the applicant or upon its own initiative, such deferral of consideration shall not constitute "withdrawal" and shall not trigger the limitations on resubmission set forth in paragraph (b) of this section.

Section 217. Approvals

(a) **Effect on Successors and Assigns**. Development approvals are transferable if the use of land or structures or any portion thereof subject to the approval continues to comply with all the terms and requirements of that approval.

(b) **Amendments to Development Approvals**.

(1) The Community Development Director may authorize minor amendments to development approvals as defined in subsequent sections of this UDO upon finding that the amendment has no discernible impact on neighboring properties, the general public or those intended to occupy or use the proposed development.

(2) All other requests for changes in approved plans will be processed as a modification to the original application, and new conditions may be imposed only on the specific site or area requested to be modified. The applicant retains the right to withdraw the request for an amendment and may then proceed in accordance with the previously issued permit.

Section 218. Notice

(a) **Generally**.

(1) 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 [et seq.], known as the "Zoning Procedures Law" and other applicable State laws.

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(2) The notice requirements for each type of application are established in **Exhibit 221** and as prescribed in the individual subsections of this Article and/or the state statute. For any inconsistency between the provisions of this Article and state statute, the state statute governs.

(3) Any defective notification of a required County procedure, not otherwise required by State or Federal law, shall not invalidate the proceedings if the defect is determined to be harmless by the hearing body.

(4) The Community Development Director shall make every reasonable effort to comply with the notice provisions set forth in this chapter and shall document such notice.

(b) **Content.**

(1) Posted notices shall indicate the following information:

a. The development approval requested;

b. Date, time, place and purpose of hearing; and

c. Contact information for persons seeking additional information about the application.

(2) Published and mailed notice shall include:

a. A description of the property subject to the application that includes the street address, if available and the real property tax assessment roll parcel number. If the application is for a rezoning, the notice must include the current zoning of the property and the requested zoning district;

b. A brief description of the proposed development, including, current and revised zoning classification (if any);

c. Date, time, place, and purpose of hearing; and

d. Notice that the complete application can be reviewed at the office of the Community Development Director.

(c) **Format and Timing**.

(1) **Published Notice**. Notice shall be published in a paper of general circulation in the County for the first time not fewer than fifteen (15) days nor more than forty-five (45) days before the date set for the public hearing.

(2) **Mailed Notice**. The County may, but is not required to, mail notices to the owners of all properties involved in the application request as well as neighboring property owners. The Community Development Department shall be responsible for creating a notification policy.

(3) **Posted Notice.** At least one (1) sign shall be posted at least fifteen (15) days prior to the hearing in a conspicuous place visible from each street along the frontage of the subject property. Signs shall be in a form approved by the Community Development Director with words clearly describing the requested development approval (e.g., rezoning, subdivision, variance) and the Community Development Department phone number clearly legible from the street.

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Exhibit 221: Notice Requirements

Development Application	Publication	Mail	Posting
Comprehensive Plan Amendment	✓		
UDO Text Amendment	✓		
UDO Map Amendment	✓	✓	✓
Planned Development District			
Preliminary PD Plan	✓	✓	✓
Final PD Plan			
Major Subdivision			
Sketch Plat		✓	✓
Final Plat			
Development Agreement	✓	✓	✓
Conditional Use Permit	✓	✓	✓
Variances	✓	✓	✓
Appeals	✓	✓	✓
Vested Rights Determination			✓
Development Approval Revocation	✓	✓	✓
Abandonment of Roads, Alleys or Easements	✓	✓	✓

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Section 219. Hearings

Public hearings shall be scheduled and conducted in accordance with the procedures in this section as may be modified by the more specific procedures established in subsequent sections of this Article.

(a) **Calling a Hearing.** Whenever required by this UDO or state law, public hearings shall be called by either the Community Development Director, the Chair of the Planning and Zoning Commission or Board of Adjustments , or the Board of Commissioners in the manner set forth in this ordinance. However, if a conflict exists between provisions of this UDO and the state law all public hearings shall be called in the manner set forth in state law.

(b) **Hearing Timing/Location.** When hearings are required by both the P&Z and Board of Commissioners, at least 14 days shall be required between the hearings. The intent of this provision is to ensure that there is adequate time to accurately convey P&Z Commission recommendations to the Board of Commissioners and to ensure that at least one hearing is conducted in the portion of the County where the proposed development is located.

(c) **Hearing Body**. As used in this article, the term "hearing body" shall mean either the Board of Commissioners, P&Z Commission, Board of Adjustment, or Building and Construction Board of Appeals.

(d) **Written Comments**. Written comments on the subject of the hearing may be submitted by any agency, citizen or property owner at any time prior to the adjournment of the hearing.

(e) **Oral Comment Sign-in Required**. Persons desiring to present their views orally at the hearing, must first signup on a form to be provided by the hearing body prior to the commencement of the hearing.

(f) **Reading of Requested Action**. The hearing body chair will cause to be read the requested action under consideration and any analysis or recommendations from staff or other hearing bodies prior to receiving public input.

(g) **Applicant and Representative Comments**. Comments from the applicant and the applicant's agent or attorney shall be heard before public comments.

(h) **Public Comments**. The hearing body chair shall call each person who has signed up to speak on the proposed decision or matter in the order in which the persons have signed up to speak. Each person shall have only one opportunity to speak unless called back to by the chair for questions or clarifications. Prior to speaking, the speakers will identify their names, current addresses, and clients, if the speaker is representing the applicant or an organization. Notwithstanding anything contained in this article to the contrary, a minimum time period of no less than ten minutes per side shall be allowed for rezoning applications presentation of data, evidence, and opinion by proponents and opponents of each hearing matter.

(i) **Content of Comments**. Each speaker shall speak only to the merits of the requested action under consideration and shall address remarks solely to the hearing body. The merits of the proposed decision or matter shall include evidence or opinions regarding devaluation, fair market value, nuisance, environmental concerns, traffic, noise, aesthetics and in general, the health, safety, welfare and benefit of the County as it is affected by the requested action. Speakers shall refrain from comment on unrelated 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 hearing body chair may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.

(j) **Maintaining Decorum**. Nothing contained herein shall be construed as prohibiting the hearing body from taking reasonable steps it deems necessary to ensure that hearings are conducted in a decorous and safe manner, or to assure that the public hearing on each requested action or matter is conducted in a fair and orderly manner.

(k) **Discussion.** After the public hearing is closed, the hearing body shall proceed to open the matter for discussion.

(l) **Transcripts**. Any person desiring a transcript of the hearing must arrange for a court reporter at their own expense.

(m) **Responses to P&Z Commission Recommendations**. In response to P&Z Commission recommendation, the applicant may provide supplemental information prior to the Board of Commissioners public hearing. Supplemental information shall be submitted a minimum of ten (10) business days before the scheduled hearing in front the Board of Commissioners. If the supplemental information is not submitted within this timeframe, Board of Commissioners may postpone the hearing. If the supplemental information significantly changes the information presented at the P&Z Commission meeting, the Board of Commissioners may require the P&Z Commission rehear the matter and provide a new recommendation.

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Section 220. Action by Hearing Body.

After a hearing body has held the required public hearing, the hearing body shall either reject the requested action or approve the action with or without conditions or modifications. In the case of the P&Z Commission, their action shall be to recommend rejection or approval with or without conditions unless they are serving as an appellate body. The hearing body may also table or defer the decision upon determining there is a legitimate reason to delay a decision. If the hearing body chooses to defer or table the decision, the County may, but is not required, to hold another public hearing.

Sections 221-299. Reserved

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Article III. Procedures Requiring Public Hearings

This Article describes the development procedures that involve one or more public hearings.

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Division 1. Comprehensive Plan Amendments

Section 300. Applicability

This Division applies to any amendment to the text or maps of the Comprehensive Plan or to the preparation or amendment of an area or corridor plan that is adopted as part of the Comprehensive Plan.

Section 301. Comprehensive Plan Amendment Process Overview

The approval process and typical timing for Comprehensive Plan amendments are summarized in Exhibit 301a and 301b. Actual timing may vary based on the date of submittal and scheduled hearing dates.

Exhibit 301a: Approval Process Summary

Plan Amendment Process
Application, Review and Notice
P&Z Commission Public Hearing
Board of Commissioners Public Hearing/Action

Exhibit 301b: Typical Timing

Plan Amendment Timing	
Completeness Review	5 business days (from Application Submittal deadline)
P&Z Commission Public Hearing	45 days (from Completeness Certification)
Board of Commissioners Public Hearing	30 days (from P&Z Commission Decision)

Section 302. Initiation

(a) The P&Z Commission, the Board of Commissioners, or County Administrator may initiate a request for an amendment to the future land use map or text of the Comprehensive Plan. A property owner may only initiate a Comprehensive Plan amendment if the request is in conjunction with a rezoning application.

(b) The application for amendment of the future land-use map must be accompanied by an application for a zoning district map amendment, which may be processed concurrently.

(c) By resolution, the Board of Commissioners may establish a schedule prescribing when and how frequently Comprehensive Plan amendments will be considered.

(d) Before any application is made, the applicant shall schedule a pre-application conference with the Community Development Director to discuss the procedures and requirements for a Comprehensive Plan amendment request pursuant to these regulations.

(e) The application shall be filed with the Community Development Director, shall describe the proposed amendment and shall include a complete application in accordance with Appendix A of this UDO unless the application is being filed by a County board, commission or the County Administrator on behalf of County.

Section 303. Review

The Community Development Director shall review the Comprehensive Plan amendment application and shall determine if the application is complete pursuant to the provisions of Section 213. Upon finding that the application is complete the Community Development Director shall consult with the Development Review Committee (DRC) and prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with Section 218. If the Community Development Director determines the requested Comprehensive Plan amendment will require a review and approval by the Department of Community Affairs, the Community Development Director shall initiate the required amendment process pursuant to state law. All time limits identified in this UDO for review by the County shall be tolled until the Department of Community Affairs has completed their review.

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Section 304. Criteria

In determining whether the proposed amendment should be approved, the P&Z Commission and Board of Commissioners shall consider if the change is needed to address:

(a) **Appropriateness**: Amending the Comprehensive Plan is the appropriate mechanism to address the matter presented and the proposed amendment does not raise policy or land use issues that would be more appropriately addressed in another manner, e.g., during the County's five or ten-year update, through the implementation schedule of the CIP, etc.

(b) **Original Errors or Omissions**: Whether there was error or omission in the adoption of the Comprehensive Plan, or in the supporting premises and findings.

(c) **Subsequent Events**: Whether events subsequent to the Comprehensive Plan adoption have invalidated portions of the Plan, changed the character of the County, or demonstrated new information.

(d) **Need for Amendment**: The need for processing the amendment prior to a routine Comprehensive Plan update.

Section 305. P&Z Commission Action

The P&Z Commission shall hold a public hearing and should render its recommendation in accordance with the procedures set forth in this Article.

Section 306. Board of Commissioners Action

Within forty-five (45) days of the P&Z Commission recommendation, the Board of Commissioners shall hear the application. Following the hearing, the Commission may approve, conditionally approve or deny the application. If the application is denied, the Board of Commissioners shall advise the applicant of the reason for denial.

Section 307. Effect of Approval

The approval of an amendment to the Comprehensive Plan does not authorize the use, occupancy, or development of property until the applicant receives necessary development approvals, such as zoning changes, subdivision and site plan approval.

Division 2. Code Text/Map Amendments (Rezonings)

Section 308. Applicability

(a) The provisions of this section apply to any application to:

(1) Revise the text of the UDO (Text Amendment); or

(2) Reclassify a lot, tract, parcel, or land area from one zoning district to another (Map Amendment).

(b) **Amendments to Appendices.** The following amendments to the appendices of this UDO may be made by resolution of the Board of Commissioners at any regular of special meeting:

(1) **Road Classification Plan**. The Engineering Director shall maintain a list of all approved public roads and private roads. The Engineering Director shall update the list whenever the Commissioners and/or staff: a) formally accept public right-of-way into the County's public road system; b) approves an abandonment of public right-of-way; c) the County accepts an existing private right-of-way pursuant to Chapter 24 "Special Districts" Article III "Special County Road Pavement Tax Districts"; and d) approve a subdivision plat establishing a private right-of-way.

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(2) **Submittal Requirements.** Modify the submittal requirements in **Appendix X**.

(c) **No Hearings Required**. No public hearings are required prior to the Board of Commissioners adopting resolutions permitted under paragraph (b) of this section.

Section 309. Approval Process Overview

The approval process and typical timing for UDO amendments are summarized in **Exhibits 309a** and **309b**. Actual timing may vary based on the date of submittal and scheduled hearing dates.

Exhibit 309a: Approval Process Summary

UDO Amendment Process
Application, Review and Notice
P&Z Commission Public Hearing
Board of Commissioners Public Hearing

Exhibit 309b: Timing

UDO Amendment Timing	
Completeness Review	5 business days (from Application Submittal deadline)
P&Z Commission Public Hearing	45 days (from Completeness Certification)
Board of Commissioners Public Hearing	30 days (from P&Z Commission Decision)

Section 310. Initiation

(a) **Zoning Map Amendments**. The P&Z Commission, the Board of Commissioners, the County Administrator, or a property owner, may initiate a request for an amendment to the Official Zoning Map (rezoning).

(1) If such a request is initiated by a property owner, a pre-application conference with the Community Development Director is strongly encouraged prior to submittal of a zoning map amendment application to the Community Development Director.

(2) When such a request is made by the Board of Commissioners, P&Z Commission or County Administrator, the Community Development Director shall cause an appropriate ordinance to be drafted, required notice to be provided, and set a date for a public hearing.

(3) When any other person requests such an amendment, the application shall be filed with the Community Development Director, describe the proposed amendment and include a complete application in accordance with **Appendix X** of this UDO.

(b) **UDO Text Amendments**. A UDO Text Amendment may be initiated by the Board of Commissioners, P&Z Commission, County Administrator, or Community Development Director. The Community Development Director shall prepare the appropriate ordinance, publish such notice as required, and schedule the public hearing.

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Section 311. Completeness Review

The Community Development Director shall review the application and shall determine if the application is complete pursuant to the provisions of Section 213. Upon finding that the application is complete the Community Development Director shall consult with the DRC and prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with Section 218 and the following section.

Section 312. Notice

(a) **For text or zoning map amendments**, The Community Development Director shall provide notice as identified in **Section 218**.

(b) **For zoning map amendments**: The notice required in this section shall not be required in the case of a comprehensive revision and re-adoption of the entire Zoning Map unless the revision involves the rezoning of parcels of land to less intense uses or 'down zoning', in which case notification to owners of those parcels shall also be made by first class mail.

Section 313. Criteria for Zoning Map Amendments

In its review of an application for a zoning map amendment, staff and hearing bodies shall consider the following criteria. No single factor is controlling except for (a). If the request is not consistent with the Comprehensive Plan, the application shall be denied unless the applicant submits an application for Comprehensive Plan Amendment and such request is approved For all other criteria, each criteria must be weighed in relation to the other criteria. The hearing body shall not consider any representations made by the applicant that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the hearing body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

(a) **Consistency.** Whether the proposed amendment is consistent with the adopted Comprehensive Plan and helps carry out the purposes of this ordinance;

(b) **Compatibility with Neighboring Lands**. Whether the proposed reclassification is compatible with or would negatively impact the overall character or land use pattern on an abutting property or neighborhood near the subject property;

(c) **Adequacy of Public Facilities and Services.** Whether public facilities and services, 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, are adequate to serve projected demands from development allowed by the amendment;

(d) **Adverse Impacts**. Whether the proposed reclassification will adversely affect known archaeological, historical, cultural or environmental resources, negatively impact water or air quality, ground water recharge areas, or drainage patterns; or increase soil erosion or flooding;

(e) **Suitability as Presently Zoned**. Whether the property is suitable for authorized uses as presently zoned;

(f) **Net Benefits.** Whether the relative gain to the public exceeds the hardships imposed upon applicant by the existing zoning restrictions;

(g) **Development Plans.** Whether the applicant has plans for development of the property. Applications for multifamily or non-residential zoning classifications carry a rebuttable presumption that such rezoning shall adversely affect the zoning scheme unless a site plan is submitted with the application;

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(h) **Market Demand**. Whether there is projected demand for the property as currently zoned, which may be determined by the length of time the property has been failed to produce income or be used productively as zoned, or whether there are substantial reasons why the lot cannot be used in accordance with the existing zoning classification; and

(i) **Health, Safety, and Welfare.** Whether the proposed map amendment bears a substantial relationship to the public health, safety or general welfare.

Section 314. P&Z Commission Action on Map and Text Amendments.

The P&Z Commission shall hold a public hearing on a proposed map or text amendment and shall render its recommendation in accordance with the procedures set forth in this chapter after considering the criteria in Section 313. In making its recommendation on a map amendment, the P&Z may recommend approval, approval with conditions, or denial. In making a recommendation on a text amendment, the P&Z may recommend approval as presented, recommend modifications to the text, or recommend denial. If the P&Z recommends denial of the text amendment, the P&Z shall provide reasons for recommendation.

Section 315. Board of Commissioners Action on Map Amendments

(a) The Board of Commissioners shall conduct a public hearing on the application after receiving the P&C Commission's recommendation. The Board of Commissioners is not bound by any recommendations of the P&Z Commission. If the P&Z Commission has not made a recommendation in accordance with the procedures set forth in this chapter, the Board of Commissioners may proceed with the required readings and render a decision on the amendment.

(b) The Board of Commissioners is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on applications for amendments.

(c) At the conclusion of the public hearing, the Board of Commissioners may proceed to vote on the proposed amendment, refer it to a committee for further study or take any other action consistent with its usual rules of procedure.

(d) After considering the criteria in Section 313, the Board of Commissioners may approve, approve with conditions or deny the application. If the application is denied, the Board of Commissioners shall advise the applicant of the reason for denial. The Board of Commissioners shall not regard as controlling any advantages or disadvantages to the individual requesting the change but shall consider the impact of the proposed change on the public at large.

(e) If conditions are attached the approval, the 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 circulations systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provisions of open space and other matters that the Board of Commissioners finds appropriate or that the applicant may propose. Such conditions to approval of the application may include dedication to the County of any rights-of-way or easements for streets, water, sewer or other public utilities necessary to serve the proposed development.

(f) Any conditions attached to the approval are binding on the property. The conditions will be part of the zoning map amendment ordinance and a violation of the conditions, unless amended or removed, shall be considered a violation of the County ordinances and subject to all the

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remedies provided for under State law and this UDO. If an applicant seeks to amend a condition, the same process of the zoning map amendment must be followed.

Section 316. Board of Commissioners Action on Text Amendments

After deliberating the merits of a proposed UDO text amendment and considering the criteria in Section 313, the Board of Commissioners may approve, approve with amendments or reject a proposed text amendment.

Section 317. Effect of Approval

Approval of a map amendment entitles the property owner to use the property in accordance with the standards of the applicable zoning district. The approval of an amendment to the UDO text or Zoning Map does not authorize the use, occupancy, or development of property until the applicant receives necessary development approvals, such as subdivision, site plan and building permit approval.

Section 318. Recording Procedures

When the amendment involves changes to the existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land showing the new zoning classifications and indicating their boundaries. The Community Development Director shall refer to the attested ordinance as a record of the current zoning status until such time as the zoning map can be changed.

Section 319. Effect of Denial of Application.

A application for the amendment to the zoning map that has been denied in whole or in part, or approved to a classification other than the classification originally requested, shall not be resubmitted within one year of the date of the Board of Commissioners action on the original application. However, nothing in this article shall preclude the seeking of a different classification.

Section 320. Reserved

Division 3. Planned Development

Section 321. Purpose

The purpose of this section is to establish procedures and review criteria for the establishment of Planned Development districts (PD) that comply with the purposes and standards established in Article V.Division 9. No building permits shall be issued prior to final development plan approval for the applicable portion of a PD district, except for single-family detached dwelling units on a single parcel.

Section 322. Approval Process Overview

The general approval process for the creation of a PD district involves a zoning map amendment which typically occurs in coordination with the subdivision of land. The approval process is two-phased with the applicant required to obtain conceptual plan approval and then obtain final development approval. The process summarized in **Exhibit 322** identifies the steps involved in a typical PD district creation. Actual process may vary based on the complexity of the proposed Development.

Exhibit 322: PD District Approval Process Summary

Planned Development Process
Pre-application Conference
Preliminary Development Plan
Final Development Plan

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Section 323. Initiation

(a) **Pre-Application Conference Required**. Before any application is made, the applicant shall schedule a pre-application conference with the Community Development Director to discuss the procedures and requirements for a PD district request pursuant to these regulations.

(b) **Ownership and Division of Land**. No tract of land may be considered for a PD district unless such tract is under single or unified ownership or control. If listed in several ownerships, the application for the creation of a PD district shall be accompanied by each landowner's written consent. The holder of a written option to purchase or a developer under contract shall be considered an owner for purposes of this section provided the landowner's written consent is included with the application.

Section 324. Reserved

Section 325. Preliminary Development Plan

(a) **Purpose**. The purposes of the preliminary development plan are to demonstrate that:

(1) The proposed land use mix and intensity are consistent with the Comprehensive Plan;

(2) Proposed system of streets, trails and greenways are consistent with County plans and this UDO, as well as the mobility needs of the County and the proposed development;

(3) The proposed development is consistent with the ability to provide and maintain public facilities and services on which the development, area and County depend;

(4) The proposed development is well integrated with the protection of natural features, including watersheds, wetlands, woodlands and other natural features;

(5) The proposed amenities and project design will be superior to that which could be developed through conventional zoning.

(6) The proposed development patterns and products are compatible with the character and vitality of the neighborhood and community; and

(7) The proposed phasing plan for the development will ensure that each proposed phase of the PD will be developed in a manner that ensures its users will be fully served by proposed public and private facilities, services and amenities.

(b) **Applicability**. A preliminary development plan shall be required to show all contiguous land holdings and the development patterns for the portions of the PD district that are proposed to be developed. Preliminary development plan submittal are not required if the property has a valid PUD approval and has received a sketch plat or site plan approval prior to the adoption of this UDO. For phased PUD projects commenced before the adoption of this UDO, the applicant shall not be required to submit a preliminary development plan as long as each subsequent sketch plat or site plan is submitted within two years of the previously approved sketch plat or site plan..

(c) **Preliminary Development Plan Process Overview**. The approval process and typical timing for preliminary development plan approval are summarized in **Exhibits 325a and 325b**. Actual timing may vary based on the date of submittal and scheduled hearing dates.

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Exhibit 325a: Preliminary Development Plan Approval Process Summary

Preliminary Development Plan Process
Application, Review and Notice
P&Z Commission Public Hearing
Board of Commissioners Public Hearing

Exhibit 325b: Timing

Preliminary Development Plan Timing	
Completeness Review	5 business days (from application submittal deadline)
P&Z Commission Public Hearing	45 days (from completeness certification)
Board of Commissioners Public Hearing	30 days (from P&Z Commission decision)

(d) **Initiation**. The preliminary development plan application shall be filed with the Community Development Director. The preliminary development plan application shall comply with the requirements established in **Appendix X**. The application may include renderings illustrating the proposed development patterns and architectural character of development.

(e) **Completeness**. The Community Development Director shall review the application and shall determine if the application is complete pursuant to the provisions of **Section 213**. Upon finding that the application is complete and consulting with the DRC, the Community Development Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with **Section 218**.

(f) **Criteria for Approval.**

(1) The application demonstrates that it will achieve the purposes of the PD district and this section;

(2) The proposed PD district is consistent with the Comprehensive Plan;

(3) The mix and intensity of uses is compatible with existing and proposed adjacent land uses;

(4) The proposed land uses are meeting a market demand;

(5) The PD furthers the County's goal of providing a diverse use of land and balances residential and commercial development;

(6) Whether the proposed PD will adversely affect known archeological, historical, or cultural resources, such as cemeteries and historic buildings; impact environmental resources; impact water, air quality, groundwater recharge areas, or drainage patterns; or increase soil erosion or flooding.

(7) The preliminary development plan conforms to all applicable provisions of this UDO;

(8) The proposed development is in an area of the County that is appropriate;

(9) Existing or proposed roads, utilities and other public facilities and services will be adequate to accommodate demands from existing and proposed development;

(10) Private amenities will be sufficient to meet the demands from all proposed phases of development within the PD district;

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(11) The proposed development patterns and design are superior to development that could occur under conventional zoning; and

(12) The phasing plan ensures that all development will be fully served by the required infrastructure as each phase is developed.

(g) **P&Z Commission Action**. The P&Z Commission shall conduct a public hearing and recommend approval, conditional approval or denial of the preliminary development plan based on the criteria established in paragraph (f) of this section.

(h) **Board of Commissioners Action**. The Board of Commissioners shall conduct a public hearing and approve, conditionally approve or deny the preliminary development plan based on the criteria established in paragraph (f) of this section. The Board of Commissioners is not bound by the recommendation made by the P &Z Commission.

(i) **Conditions.** If the Board of Commissioners chooses to place conditions on the approval, such conditions shall be consistent with the parameters established in paragraphs (e) and (f) of this section.

(j) **Effect of Approval.**

(1) The PD zoning is granted at the time of preliminary development plan approval.

(2) Approval of a preliminary development plan shall constitute approval of:

a. Land uses, densities and development patterns;

b. The general arrangement of roads, drainage, utilities, parks and open space, and pedestrian and bicycle trails;

c. The locations and types of amenities to be provided; and

d. The phasing of development and the improvements identified in this paragraph.

(3) No clearing, grading, or construction shall be authorized until the final development plan has been approved and other applicable development approvals have been secured.

(4) While the zoning will be retained, resubmittal of a preliminary development plan will be required unless a final development plan is approved within twenty-four (24) months. For multiphase PDs, the preliminary development plan shall expire if twenty-four (24) months elapse between the first final development plan approval and each successive phase or as otherwise provided in the approved phasing plan

Section 326. Final Development Plan

(a) **Purpose.** The purpose of the final development plan is to demonstrate that the proposed PD is consistent with the preliminary development plan approval, the purposes and standards of the PD district and other applicable requirements of this UDO.

(b) **Applicability.** Final development plan approval shall be required before a sketch plat is approved for the subject property. Final Development Plan approval is not required if the property has a valid PUD approval under the prior zoning ordinance that included a conceptual site plan and design guidelines.

(c) **Final Development Plan Process Overview.** No hearing is required for final development plan approval unless the applicant chooses to appeal the Community Development Director's

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decision to the Board of Commissioners, or the applicant proposes a major design modification from the approved preliminary development plan.

(d) **Initiation.** The final development plan application shall be filed with the Community Development Director. It is the applicant's responsibility to comply with timeframes and submittal deadlines established in this UDO.

(e) **Review and Action by Community Development Director.** The Community Development Director shall review the application and shall determine if the application is complete pursuant to the provisions of **Section 213.** Upon finding that the application is complete, the Director shall provide the Final Development Plan to the DRC for its review.

(1) Following input from the DRC, the Community Development Director shall determine if the final development plan complies with the conditions of preliminary development plan approval, and, upon making such determination, shall approve such plan, and:

a. Transmit notice to the P&Z Commission and Board of Commissioners of the approval of the Final Development Plan together with a copy of the final development plan; and,

b. Notify the applicant of the approval for the area included within the final development plan.

(2) If the Community Development Director determines that the final development plan submittal does not comply with the preliminary development plan approval or the criteria) in paragraph (f) of this section, the Community Development Director shall provide written notice of the denial of the final development plan submittal. If denied, the applicant may:

a. Revise and resubmit such final development plan;

b. Appeal the decision of the Community Development Director to the Board of Commissioners; or

c. If the final development plan constitutes a major change from the preliminary development plan, submit a new preliminary development plan application pursuant to **Section 325**.

(3) If the applicant does not receive approval of the final development plan within the required 24-month approval period, the Preliminary Development Plan shall be void, and the applicant must submit a new Preliminary Development Plan. The 24-month period is tolled if a final development plan is in the process of being reviewed.

(f) **Criteria for Final Development Plan Approval**.

(1) The application demonstrates that it will achieve the purposes of the PD district and this section;

(2) The final development plan application complies with all conditions of the preliminary development plan approval and conforms to all applicable provisions of this UDO.

(g) **Effect of Approval.** Approval of a final development plan authorizes the applicant to proceed with sketch plat submittal.

(h) **Minor Amendments to a PD Approval**. The Community Development Director may authorize the following minor amendments to a preliminary or final development plan:

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(1) Deviations arising from limited technical considerations which could not reasonably be anticipated during the approval process.

(2) Amendments required to bring the application into compliance with adopted technical codes.

(3) Any other change which has no material effect on the character of the approved preliminary or final development plan, as determined by the Community Development Director, such as:

a. Driveway relocations;

b. Facility design modifications for design, recreational or other amenities;

c. Changes to the boundaries of open spaces and amenity areas that do not reduce the area reserved for buffers open space or amenities or the depth of open space, amenities or buffers that adjoin internal lots of record or external boundaries of the PD;

d. Realignments of internal streets and trails prior to final plat approval as long as the realignment does not reduce the gross area of common areas or open spaces, reduce residential lot sizes, eliminate required buffers or create street alignments that fail to conform with County standards;

e. Adjustment of lot boundaries for unrecorded lots that do not adjoin internal lots of record or external lots, provided that the lot boundary adjustments do not reduce average lot sizes or increase the number of lots; and

f. Expansions of buffers, open spaces and landscape areas.

(i) **Major Amendments to a PD Approval.** Major amendments to the preliminary development plan shall be resubmitted for preliminary development plan review and approval in accordance with **Section 325.** Major amendments include:

(1) Changes in allowable uses or the mix of uses;

(2) Increases in the density or intensity of development;

(3) Designation of additional land uses unless the Community Development Director finds that the new use is substantially similar to a specifically authorized use in its intensity, character, and impacts;

(4) Change in the location of permitted use(s) from what is shown on the approved preliminary development plan;

(5) An increase or decrease in project area other than surveyor base data corrections;

(6) Decrease in open space;

(7) Change in dimensional standards set forth in the development conditions that result in a decrease in minimum standards (e.g., reduction in minimum setbacks or reductions in street widths) or increase in maximum standards (i.e. an increase in building height and/or gross density or intensity of land uses);

(8) Change to proposed amount or design buffering, landscaping, land uses or lot sizes along the perimeter of the PD other than those specifically allowed as minor amendments in paragraph (h) of this section;

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(9) Addition or reduction of driveways or access points, especially those which negatively affect connectivity or street safety; or

(10) Other design modifications to the approved preliminary development plan that the Community Development Director determines to be major.

Division 4. Conditional Use Permits

Section 327. Purpose.

This division establishes a process and standards to approve certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right. These uses may be permitted through the issuance of a conditional use permit (CUP) after ensuring that the use complies with the CUP approval criteria. No inherent right exists to receive a CUP. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation is unique and may be subject to specific requirements to mitigate the impacts of the proposed use.

Section 328. Applicability.

The provisions of this section apply to any application for approval of a CUP. Only those uses that are authorized as conditional uses in in the applicable zoning district, as set forth in Article III shall be authorized by the Board of Commissioners.

Section 329. CUP Process Overview.

The approval process and typical timing for conditional use permit approval are summarized in **Exhibits 330a** and **330b**. Actual timing may vary based on the date of submittal and scheduled hearing dates.

Exhibit 330a: CUP Approval Process Summary

CUP Process
Application, Review and Notice
P&Z Commission Public Hearing
Board of Commissioners Public Hearing

Exhibit 330b Timing

CUP Timing	
Completeness Review	5 business days (from application submittal deadline)
P&Z Commission Public Hearing	45 days (from completeness certification)
Board of Commissioners Public Hearing	30 days (from P&Z Commission recommendation)

Section 330. Initiation.

The CUP application shall be filed with the Community Development Director in compliance with the requirements of **Appendix X.**

Section 331. Completeness.

(a) The Community Development Director shall review the application and shall determine if the application is complete pursuant to the provisions of **Section 213**.

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(b) Upon finding that the application is complete and considering DRC comments, the Community Development Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with **Section 218**.

Section 332. Criteria.

A conditional use is permitted only if the applicant demonstrates that the proposed use and its operation:

(a) Comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;

(b) Conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;

(c) Are served by adequate public facilities as set forth herein;

(d) Do not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district;

(e) Are not detrimental to or endanger the public health, safety, comfort or general welfare; and

(f) Promote the public health and welfare sufficiently to outweigh individual interests that are adversely affected by the establishment of the proposed use.

Section 333. Conditions

(a) In approving any CUP, the P&Z Commission may recommend, and the Board of Commissioners may impose such reasonable standards, conditions, or requirements, in addition to or superseding any standard specified in the UDO, as it may deem necessary to protect the public health, safety and welfare. Such additional standards may include, but need not be limited to:

(1) Adequate and reasonable mitigation of potentially adverse effects on adjacent properties. In making such a determination, consideration shall be given to:

a. The location, type, orientation, design and height of buildings or structures;

b. The type and extent of landscaping and screening on the site; and

c. Whether the proposed use is consistent with any policy of the Comprehensive Plan that encourages mixed uses and/or densities;

(2) Providing adequate public facilities or services;

(3) Dedication of easements or land in fee title;

(4) Funding for extraordinary costs associated with the development through direct contribution or agreement to establish an acceptable funding mechanism;

(5) Creation of restrictive covenants;

(6) Standards pertaining to traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, and similar characteristics;

(7) Adequate measures to provide ingress and egress designed to minimize traffic hazards and to minimize traffic congestion on the public roads;

(8) Provision of sustainable features, solar or other renewable energy source, rain water capture, storage and treatment or other sustainability requirement;

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(9) Provision of performance guarantee acceptable in form, content, and amount to the County Attorney to ensure continued compliance with all conditions and requirements as may be specified; or

(10) Other conditions that the hearing body finds are necessary to achieve the purposes of this section and UDO.

(b) The Board of Commissioners may not attach conditions that provide regulatory relief from specific requirements set forth in this UDO.

(c) All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this ordinance.

Section 334. P&Z Commission Action

The P&Z Commission shall conduct a public hearing on the application and recommend approval, conditional approval or denial of the application based on the criteria in **Section 332**.

Section 335. Board of Commissioners Action

The Board of Commissioners shall conduct a public hearing and approve, conditionally approve or deny the conditional use permit based on the criteria established in **Section 332.**

Section 336. Effect of Approval

(a) Once a CUP is granted, such use may not be enlarged, extended, increased in intensity, or relocated unless the request is reviewed and approved following the same process as the initial application unless the initial approval specifically established alternative procedures for consideration of future expansion or enlargement.

(b) The provisions of this UDO relative to expansion of nonconforming uses, do not supersede this requirement unless the conditionally permitted use for which the development approval was initially granted is no longer a use permitted as of right or as a conditional use in the zoning district in which it is located.

Section 337. CUP Amendments

(a) An amendment or modification is a request for any enlargement, expansion, increase in intensity, relocation, or modification of any condition of a previously approved and currently valid CUP.

(b) Amendments to an approved conditional use permit approval may be considered minor or major amendments. The Community Development Director shall review a request for a modification and shall determine whether the request for amending an approved conditional use permit is minor or major. In addition to a conditional use permit application, a developer requesting approval of modifications shall also submit a written request, and plans or drawings as necessary, identifying and detailing the requested changes. Approval or denial of a request and any changes shall be provided to the applicant in writing.

(1) Minor amendments from a conditional use permit issued by the Board of Commissioners may be granted by the Community Development Director. For purposes of this section, minor modifications or changes are those that have no substantial impact on neighboring properties, the general public or those intended to occupy or use the proposed development. Such permission may be obtained without a public hearing or payment of any additional fee; however, a formal application for the requested modification to the

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CUP and/or applicable revised site plans, studies, or sketch plats, shall be filed with the Community Development Director.

(2) Major amendments are any proposed amendment other than those defined above as minor CUP amendments and shall be approved in the same manner and under the same procedures as the original approval. During the process for a major amendment, new conditions may be imposed only on the specific site or area requested to be modified. The applicant, however, retains the right to reject such additional conditions by withdrawing the request for an amendment and proceeding in accordance with the previously issued permit. Major amendments shall include, but are not limited to the following:

a. Designation of additional land uses;

b. Change in the location of use(s) from what is shown on the approved site plan or sketch plat, to another location on the same parcel;

c. An increase or decrease in project area other than surveyor other base data corrections. For a decrease in project area, the amendment will only be considered major if the decrease results in an increase in density or intensity as calculated by total square footage or total number of units within the project area;

d. Change in dimensional standards set forth in the development conditions created in the CUP approval that result in a decrease in minimum standards (e.g., reduction in minimum setbacks or reductions in street widths) or increase in maximum standards (i.e. an increase in building height and/or gross density or intensity of land uses, a decrease in setbacks established by the CUP);

e. Change to proposed treatment of buffering, landscaping, land uses or lot sizes along the perimeter of the development;

f. Addition or reduction of driveways or access points, especially those which negatively affect connectivity or street safety; or

g. Other modifications to the approved Conditional Use Permit that the Community Development Director determines to be major.

(c) Amendments shall have no detrimental impact on any adjacent property caused by significant change in the appearance or use of the property or any other contributing factor.

(d) An amendment shall only be approved if the proposal conforms to the UDO and is in keeping with the spirit and intent of any adopted Comprehensive Plan and nothing in the currently valid conditional use permit precludes or otherwise limits such amendment.

Section 338. Revocation of Conditional Use Permits.

(a) Any conditional use permit granted under the authority of this Article is subject to revocation for any or all of the following reasons:

(1) Non-compliance with any conditions or requirements imposed by the UDO or by the Board of Commissioners at the time of approval of the conditional use permit;

(2) Violation of any provisions of the UDO pertaining to the use of the land, construction or uses of buildings or structures, or activities conducted on the premises by the applicant or agents of the applicant; or

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(3) Violation of any other applicable UDO provisions or any state or federal law or regulation by the applicant or agents of the applicant, provided that such violations relate to the conduct or activity authorized by the conditional use permit or the qualifications of the applicant or its agents to engage in such conduct or activity.

(b) The Board of Commissioners may revoke the CUP after providing notice to the property owner/applicant, conducting a public hearing, and finding one of the above-stated reasons has occurred.

Division 5. Variances

Section 339. Purpose.

The Board of Adjustment shall have the power to vary the provisions of this UDO when the applicant demonstrates that the standards impose a substantial and unique hardship on the use of a property. No change in permitted uses may be authorized by variance. The following may not be varied:

(a) Permitted uses, i.e., allowing a use not permitted in a zoning district;

(b) Minimum lot size (total square footage/acreage);

(c) Maximum density;

(d) Maximum number of parcels that may be served by a private easement;

(e) Maximum number of parcels that may be created as a minor subdivision;

(f) Minimum time between further subdivision of parcels within a minor subdivision; and

(g) Development standards established for a PD unless the request is for an individual lot.

Section 340. Application.

The variance application shall be filed with the Community Development Director and shall comply with the requirements established in **Appendix X**. The application shall state fully the special conditions applying to the building, other structure or land for which such variance is sought and how the application satisfies the criteria established herein.

Section 341. Review.

The Community Development Director shall review the application and shall determine if the application is complete pursuant to the provisions of **Section 213**. Upon finding that the application is complete, the Community Development Director shall cause notice to be provided in accordance with **Section 218**, and prepare a report making findings and recommendations on the application based on the criteria in **Section 342**.

Section 342. Review Criteria.

A variance may be granted by the Board of Adjustment if it finds that all the following conditions have been shown.

(a) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

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(c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(d) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Section 343. Board of Adjustment Hearing.

(a) The Board of Adjustment shall conduct a public hearing and approve, conditionally approve or deny of the application based on the criteria established in **Section 342**.

(b) Before granting a variance, the Board of Adjustment must affirm by a simple majority that each of the required findings set forth as criteria **Section 342** is true. In so far as practicable, a motion to make an affirmative finding on each of the requirements shall include a statement of the specific reasons or findings of fact supporting each criterion.

(c) In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

(d) A motion to deny a variance may be made on the basis that any one or more of the criteria are not satisfied or that the application is incomplete. In so far as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion shall be adopted as the Commission's decision if supported by one-fifth (1/5) of the Board of Adjustment's membership (excluding vacant seats).

(e) If a variance request is denied, an applicant may submit the same or similar variance request for the subject parcel within a year of the date of denial.

Section 344. Effect of Approval.

(a) Except when the Board of Adjustment specifies that the variance shall be issued for an indefinite duration or for a specified duration, the variance shall expire one (1) year after the approval unless the applicant establishes the building, structure or other condition for which the variance was sought. The applicant may request a one-time extension of up to one (1) year to establish the building, structure, or other condition. The Community Development Director shall have the authority to approve or deny the request upon finding a reasonable reason for the delay. The applicant may appeal a denial by the Community Development Director to the Board of Adjustment pursuant to Article III.Division 6.

(b) The nature of the variance and any conditions attached to it shall be entered on the face of the development permit or the development permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this chapter.

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Division 6. Appeals to Staff Decisions

Section 345. Purpose.

The Board of Adjustment shall have the power to decide appeals to any decision on a development application or interpretation/application of the UDO made by the Community Development Director except for appeals to the Community Development Director's modifications of the provisions of Article VIII that are authorized by **Section 800,** which shall follow the procedures established in **Section 354.** Any person aggrieved of such a decision may appeal the decision to the Board of Adjustment and in the manner provided in this section. Decisions on construction plans made by the Engineering Director, and decisions of the Building Official on building or construction standards related to a sign permit shall be appealed to the Building and Construction Board of Appeals.

Section 346. Initiation.

The appeals application shall be filed with the Community Development Director and shall state fully the decision being appealed, including applicable code section, and the reasons that the applicant believes the decision was made in error. The application to appeal shall be filed within thirty (30) days of receiving notice of the development decision being appealed. In calculating the thirty (30) days, if the decision is emailed, notice shall be presumed to be the date of the email. If the decision is mailed via U.S. mail, receipt of notice shall be presumed to be three days from the date of the letter/decision. If the appeal is not timely filed, the decision shall be final.

Section 347. Stay of Proceeding.

An appeal stays all actions by the Community Development Director seeking enforcement of or compliance with the order or decision appealed from, unless the Community Development Director certifies to the Board of Adjustment that a stay would cause imminent peril to life or property. If enforcement is not stayed, then the Board of Adjustment shall meet and hear the appeal within thirty (30) days or the next regularly scheduled meeting, whichever is later, after such request is filed.

Section 348. Board of Adjustment Hearing

The Board of Adjustment shall conduct a quasi-judicial hearing. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If the appellant raises issues or presents evidence not included in the initial application, the Community Development Department shall be entitled to a continuance of the hearing

Section 349. Board of Adjustment Considerations

In evaluating an Appeal, the Board of Adjustment shall determine whether the decision being appealed:

(a) Was made based on correct interpretation of the applicable regulations; or

(b) Reflected a reasonable interpretation/application of the UDO. The Board may not reverse the decision based on its opinion of the outcome; its decision must be based on whether the decision was based on a reasonable interpretation of the UDO.

Section 350. Board of Adjustment Action.

The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination needed to effect the Board of Adjustment's decision. The Board shall have all the powers of the official who made the decision. The Board's decision shall not exceed the scope of the specific issue(s) presented in the appeal application.

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Section 351. Findings Required.

A motion to reverse, affirm or modify the order, requirement, decision or determination appealed from shall include, in so far as practicable, a statement of the specific reasons or findings of facts that support the motion.

Section 352. Failure to Act.

If a motion to reverse or modify is not made or fails to receive a majority vote necessary to overturn the action being appealed, then the decision appealed from is upheld.

Section 353. Burden of Proof in Appeals.

When an appeal is taken to the Board of Adjustment in accordance with this Division, the Community Development Director shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who also shall have the burden of persuasion.

Section 354. Appeals Heard by the Planning & Zoning Commission

(a) **Purpose and Applicability**. Appeals to the Community Development Director's decisions on modifications to the design standards authorized by **Section 800** shall be heard by the P&Z Commission.

(b) **Initiation.** The appeals application shall be filed with the Community Development Director and shall state fully the decision being appealed, including applicable code section, and the reasons that the applicant believes the decision was made in error. The application to appeal shall be filed within thirty (30) days of receiving notice of the development decision being appealed. In calculating the thirty (30) days, if the decision is emailed, notice shall be presumed to be the date of the email. If the decision is mailed via U.S. mail, receipt of notice shall be presumed to be three (3) days from the date of the letter/decision. If the appeal is not timely filed, the decision shall be final. No notice is required for the hearing other than the posting of the agenda pursuant to this UDO.

(c) **P&Z Commission Hearing and Action.** The Commission shall hear the application and, after considering testimony and other evidence provided at the hearing, may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination needed to effect the decision. The Commission shall base its decision on whether the decision being appealed would better achieve the purposes and objectives of this UDO than the modification proposed by the applicant. The Commission's decision shall not exceed the scope of the specific issue(s) presented in the appeal application.

(d) **Burden of Proof in Appeals**. When an appeal is taken to the P&Z Commission in accordance with this Division, the Community Development Director shall have the initial burden of presenting to the Commission sufficient evidence and argument to justify the decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who also shall have the burden of persuasion.

(e) **Effect of Decision**. The Community Development Director shall abide by the decision of the P&Z Commission in decisions affecting any site plan or building permit application that is subject to the requested modification.

Section 355. Appeals Heard by the Building and Construction Board of Appeals

(a) **Purpose and Applicability**. This section establishes the procedures for hearings and action under the authority of the Building and Construction Board of Appeals, which include:

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(1) Appeals where it is alleged that there is error in any requirement, decision or determination made by:

a. The Building Official for any decision under this UDO or Chapter 103 of the County Code for which the Building Official has final decision authority; or

b. The Engineering Director for any decision under this UDO, the Engineering Design Manual, or Chapter 105 for which the Engineering Director has final decision authority.

(2) Appeals or variances brought pursuant to Chapter 105 "Flood Damage Prevention" of the County Code.

(b) **Initiation.** The application shall be filed with the Community Development Director and shall state fully the decision being appealed or the flood damage prevention provision for which a variance is being sought, including applicable code section, and the reasons that the applicant believes the decision was made in error or a variance is justified. An application to appeal shall be filed within thirty (30) days of receiving notice of the development decision being appealed. In calculating the thirty (30) days, if the decision is emailed, notice shall be presumed to be the date of the email. If the decision is mailed via U.S. mail, receipt of notice shall be presumed to be three (3) days from the date of the letter/decision. If the appeal is not timely filed, the decision shall be final. No notice is required for the hearing other than the posting of the agenda pursuant to this UDO.

(c) **P&Z Commission Hearing and Action.** The Building and Construction Board of Appeals shall hear the application. After considering testimony and other evidence provided at the hearing:

(1) May reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination needed to effect the decision; or

(2) May grant, grant with conditions, or deny the requested variance.

(d) **Basis for Decision**. The Building and Construction Board of Appeals shall base its decision on whether the decision being appealed would better achieve the purposes and objectives of this UDO than the modification proposed by the applicant. The Board's decision shall not exceed the scope of the specific issue(s) presented in the appeal application.

(e) **Burden of Proof in Appeals**. When an appeal is taken in accordance with this Section, the Community Development Director shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who also shall have the burden of persuasion.

(f) **Effect of Decision**. The Community Development Director shall abide by the decision of the Building and Construction Board of Appeals.

Division 7. Abandonment of Right-of-way or Easements

Section 357. Purpose and Applicability.

This division identifies the process for approving the abandonment of right-of-way or easement, in whole or in part, when such property no longer serves a public purpose.

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Section 358. Initiation.

The process may be initiated by the Board of Commissioners or the owner of property abutting the right-of-way or easement. If abandonment is not initiated by the County, the requestor must submit an application to the Engineering Director. The Engineering Director shall seek input from applicable County Department Heads, staff, and other interested parties and prepare a report with their recommendation to the Board of Commissioners. In preparing their recommendation, the Engineering Director may request additional information from the requestor such as a title report, boundary survey, or new subdivision plat. Costs to prepare such documents shall be borne by the requestor. The Board of Commissioners, upon receipt of the recommendation, shall either adopt a resolution declaring its intent to abandon right-of-way or easement and call for a public hearing or deny the request for abandonment.

Section 359. Notice.

The Engineering Director shall cause the notice to be published once a week for two (2) successive weeks prior to the hearing. Notice shall be mailed to all the owners of property adjoining the road or alley or to all entities having an interest in an easement at least thirty (30) days prior to the hearing. The cost of notice shall be borne by the applicant for the abandonment.

Section 360. Decision.

At the hearing, any person may be heard on the question of whether or not the abandonment would be detrimental to the public interest, or the property rights of any individual. If the Board of Commissioners determines after the hearing that abandoning the right-of-way or easement is not contrary to the public interest, and that no individual owning property in the vicinity of the right-of-way or easement or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property, the Commission may adopt an order abandoning the right-of-way easement. A certified copy of the order shall be filed in the office of the Clerk of the Court – Real Estate Division.

Section 361. Ownership.

(a) Except as provided in paragraph (c) of this section, upon the abandoning of the right-of-way in accordance with this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the right-of-way, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the right-of-way.

(b) The provisions of this subsection regarding division of right-of-way abandonment may be altered as to a particular right-of-way abandonment by the assent of all property owners taking title to an abandoned right-of-way by the filing of a plat which shows the right-of-way abandonment and the portion of the right-of-way to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the abandoned right-of-way.

(c) The County may reserve its right, title, and interest in any utility improvement or easement within a right-of-way abandoned pursuant to this section. Such reservation shall be stated in the order of abandonment. Such reservation also extends to utility improvements or easements owned by private utilities which at the time of the right-of-way abandonment have a utility agreement or franchise with the County. To retain such easements, the Board of Commissioners shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements.

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Section 362. Recording Procedures.

Upon approval of the abandonment of the right-of-way or easement, the Engineering Director shall cause to be recorded all required documents with the Clerk of Court- Real Estate Division and shall update all County records that such right-of-way or easement is no longer part of the County inventory.

Division 8. Major Subdivisions

Section 363. Generally

(a) **Subdivision Required.** No person may subdivide land except in accordance with the provisions of this Division or the minor subdivision process in **Article IV.Division 1**. In particular, no person may subdivide land unless and until a final plat of the subdivision has been approved in accordance with the provisions of this UDO and recorded with the Clerk of Court – Real Estate Division.

(b) **Exemptions**. A major subdivision plat is not required for any of the following:

(1) The public acquisition by purchase of strips of land for the widening or opening of roads or for public transportation corridors; or

(2) If a court orders the partition of land by dividing the same among the owners, provided that the County is made a party defendant to said action and gives its consent

(c) **Required Improvements**. Except as otherwise provided by the subdivision regulations, a developer shall provide, install and pay for improvements including but not limited to road name signs, traffic control devices, water and sewer improvements, stormwater management, roadway, and utilities to serve their subdivision. All utilities shall be underground including electrical, cable, and gas lines. Utilities shall be located, where possible, in accordance with the applicable roadway cross-section detail in the Engineering Design Manual.

(d) **Process Overview**. The Applicant for major subdivision shall follow the procedures established in this Division, which are summarized in **Exhibit 363**.

Exhibit 363: Major Subdivision Approval Process Summary

Major Subdivision Process
Sketch plat
Construction Plans
Final Plat
Acceptance of Improvements

Section 364. Reserved

Section 365. Sketch Plat

(a) **Purpose**.

(1) The sketch plat serves as a guide to future density, intensity, land uses, pedestrian and bicycle ways, trails, parks and open space, as well as lot, road and drainage patterns. It is intended to ensure that a landowner investigates the broad effects that subdivision of property will have on the site itself as well as on adjacent properties and public infrastructure systems.

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(2) Approval of a sketch plat shall constitute acceptance of the land-use mix, development intensity, general road patterns, conceptual drainage patterns, lot patterns, parks and open space lands, and the general layout of pedestrian and bicycle trails, provided that these factors may be modified in conjunction with subsequent approvals if additional information reveals development constraints that are not evident during sketch plat review.

(3) The sketch plat, together with the attendant items required herein, is to provide a basis for the construction of the subdivision and its improvements as well as a draft of the final plat of the subdivision. To achieve this, the applicant should consult with the Community Development Director, Engineering Director and other agencies concerned with the subdivision and the improvements.

(b) **Applicability**. Sketch plat approval is required prior to approval of a final plat for any major subdivision. The provisions of this section do not apply to any major subdivision that has received approval of preliminary plat prior to the date of adoption of the UDO for which a final plat is recorded within twenty-four (24) months of adoption of this UDO.

(c) **Initiation**.

(1) **Process Overview**. The approval process and typical timing of sketch plat approval are summarized in **Exhibits 365a** and **365b**. Actual timing may vary based on the date of submittal and scheduled hearing dates.

Exhibit 365a: Sketch Plat Approval Process Summary

Sketch plat Process
Application, Review and Notice
P&Z Commission Public Hearing
Board of Commissioners Public Hearing

Exhibit 365b: Timing

Sketch plat Timing	
Completeness Review	5 business days (from application submittal deadline)
P&Z Commission Public Hearing	30-60 days (from completeness certification)
Board of Commissioners Public Hearing	60 days (from P&Z Commission decision)

(2) **Application**. The applicant shall file a completed sketch plat application with the Community Development Director and shall comply with the requirements established in Appendix X.

(3) **Completeness Review**. The Community Development Director shall review the application and shall determine if the application is complete pursuant to **Section 213**.

(4) **Notice**. Following the Community Development Director's determination that the application is complete, the notice shall be provided pursuant to **Section 218**.

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(d) **Review.** Upon finding that the application is complete, the Community Development Director shall forward copies of the sketch plat to the DRC and other reviewing entities, who shall evaluate the application. The Community Development Director shall then prepare a report making findings and recommendations on the application's compliance with the criteria established in the following paragraph.

(e) **Review Criteria.** Each of the following criteria must be satisfied prior to sketch plat approval.

(1) The application is consistent with the findings and recommendations from sketch plat review, if applicable.

(2) The application is consistent with the Comprehensive Plan, as well as any other adopted plans for roads, alleys, trails, parks, playgrounds, and public utility facilities;

(3) The proposed subdivision complies with applicable County, state and federal regulations;

(4) Traffic impacts from the proposed development will be mitigated;

(5) The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties;

(6) The proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development;

(7) That the subdivision design provides adequate amenities and connectivity to roads, sidewalks and trails; and

(8) That the sketch plat demonstrates a layout that minimizes clearing and grading and protects existing trees.

(f) **Planning & Zoning Commission Hearing, Deliberation, and Action**. The Planning and Zoning Commission shall conduct a public hearing on the application. Following the hearing, the Commission shall deliberate the application's compliance with the criteria established in paragraph (e) of this section and shall recommend that the Board of Commissioners approve, conditionally approve or disapprove the sketch plat application.

(g) **Board of Commissioners Deliberation and Action.** The Board of Commissioners may approve, approve with conditions or disapprove the application pursuant to the criteria established in paragraph (e) of this section.

(h) **Effect of Board of Commissioners Action.**

(1) Approval constitutes the finding that the plat complies with the County's subdivision and zoning regulations.

(2) The sketch plat governs the preparation of construction plans and the final subdivision plat, which must be submitted for approval and recordation upon fulfillment of the requirements of this UDO.

(3) The sketch plat shall be valid for two years. If the construction plan approval is not obtained within this two-year period, the sketch plat shall be void. If construction plans and final plat are submitted and approved according to the time frames this Division, the sketch plat will remain valid. The Board of Commissioners may approve a phasing plan extending the effective period of the sketch plat approval for up to five (5) years where it

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is the intent of the landowners to proceed to final plats covering only a portion of the site at any one time. The phase plan must be submitted with the sketch plat.

(4) If construction is not completed in the timeframes identified in paragraph (h)(3) of this section, the Community Development Director or Engineering Director may require the applicant obtain a new sketch plat approval.

(5) Approval of the sketch plat by the Board of Commissioners shall not be deemed final approval of the overall subdivision.

(i) **Amendments to Sketch plat.** Amendments to a sketch plat shall be approved in the following manners:

(1) **Minor Amendments**. Minor amendments may be approved by the Community Development Director without filing a new sketch plat. Minor amendments include the following:

a. Changes in the internal alignment of roads that do not affect external properties or connectivity;

b. Changes in internal lot boundaries that do not abut external property lines provided that all lots comply with minimum area and dimensional requirements;

c. Changes in setbacks along internal property lines, provided the changes compy with minimum setback requirements;

d. Changes in the routing of trails and pedestrian ways;

e. Changes to the location or boundaries of open spaces that do not reduce the total area or function of the open spaces;

f. Adjustments in easements, utilities or drainage improvements identified as necessary during the preparation of construction plans; or

g. Changes in the orientation of buildings on internal parcels.

(2) **Major Amendments**. Plat amendments not categorized as minor amendments require the filing of an application for an amended sketch plat for review, deliberation and approval following the same process identified in this section. Major plan amendments shall include any of the following:

a. Changes in permitted uses;

b. Increased intensity of use as measured by the number of dwelling units or square feet of nonresidential building area;

c. Increased trip generation;

d. Increased demand for public utilities;

e. Decreased public or private open space area;

f. Changes that conflict with the tree protection requirements of this UDO; or

g. Any proposed amendment that the Community Development Director determines is a major amendment.

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Section 366. Construction Plans

(a) **Purpose of Construction Plans**. Construction plans ensure that public and private improvements associated with developments are consistent with the County's design standards and that improvements are documented in a way that facilitates the long-term management and enhancement of public infrastructure and ensures that improvements will be durable. Approved construction plans allow for the issuance of a road construction permit or site development permit.

(b) **Applicability**. Prior to review of a final plat or site plan for a non-residential development, the applicant shall have prepared, by a professional engineer registered in the State of Georgia, construction plans consisting of complete construction drawings and specifications of all easements, roads, traffic control devices, streetlights, sanitary sewers, stormwater facilities, water system facilities, sidewalks, trails and other improvements required by federal, state and local law. Landscape and tree protection plans shall be prepared by a Registered Landscape Architect. The applicant may obtain a clearing and grading permit (land disturbance permit) per Section XX prior to obtaining for construction plan approval or the applicant may submit the clearing and grading (land disturbance permit) with the construction plans.

(c) **Application for Construction Plan Approval**.

(1) **Submittals**. Complete construction plan applications shall be submitted to the Engineering Director for review and approval. The application shall comply with the requirements established in **Appendix X**. In addition to review fees established pursuant to **Appendix X**, the Engineering Director may require payment of an escrow to cover the costs of plan review by the County's engineering consultants in accordance with section Section 204 of this UDO.

(2) **Stormwater Management Standards**. In addition to the requirements in Appendix X, the applicant must provide or address the following for stormwater management:

a. A certificate from applicant's engineer stating that the development of the subdivision will not increase, decrease or change the quality or quantity of surface or subsurface water reaching adjacent property shall be required. If such certificate cannot be delivered to the County, then an easement from or other agreement with the affected adjacent property owner shall be required.

b. Each subdivision shall incorporate stormwater management facilities sufficient to maintain pre-development peak discharge rates across adjacent property lines.

c. No subdivision shall be undertaken unless the applicant can establish to the Engineering Director that the flood potential within the subdivision, on adjacent or surrounding lands or wetlands will not be increased by the development of such subdivision. If such potential is in question, the Engineering Director shall make the final determination.

d. Inter-basin transfer of water between river basins is prohibited

(3) **Completeness Review**. The Engineering Director shall review the application and shall determine if the application is complete pursuant to **Section 213**.

(d) **Public Hearing**. A public hearing is not required for construction plan approval. The process for construction plan approval is included in this Article because construction plan approval is closely associated with the sketch plat and final plat approval process.

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(e) **Engineering Director Review and Action**.

(1) **Review**. The applicant shall submit the construction plans to all applicable local, State and Federal reviewing agencies and public utility companies that will service the subdivision. The applicant shall incorporate comments from those agencies into the plans and submit with all permits as part of the initial application.

(2) **Action**. The Engineering Director shall approve, conditionally approve, or disapprove the construction plan application within forty-five (45) calendar days of a determination of completeness based on the application's compliance with the County code and Engineering Design Manual requirements, conditions of sketch plat approval and other applicable rules and regulations; unless subsequent submittals are required based on the initial plan review. In this case the Engineering Director shall have an additional fourteen (14) calendar days to render a decision.

(3) **Deviations from Approved Sketch plat.** Subject to the approval of the Community Development Director, the construction plans may result in minor amendments as defined in Section 365(i). Any amendment to a sketch plat that is not considered a minor amendment shall require resubmittal and review of the sketch plat pursuant to **Section 365**. To assist in the review in compliance with the sketch plat, a draft final plat shall be submitted with the construction plans.

(4) **Deviation from Engineering Design Manual**. The applicant's engineer may make a written request and the Engineering Director may authorize design waivers from the specific requirements of the Design Manual upon finding that the deviation will result in a design that is equivalent to or better than the specified standard when considering the function, durability, maintenance, repair, and replacement costs associated with the specified improvement. The written request shall reference the specific section from which relief is being sought as well as alternatives being proposed. The request shall include all documentation and data needed to support the request. The Engineering Director shall have five (5) business days to respond to the request.

(f) **Effect of Approval**.

(1) Construction plan approval grants the right to initiate construction, grading, filling, major clearing and other development activities specifically referenced in the approved construction plans. No grading, removal of trees or other vegetation other than the minimum required to complete necessary survey work, land filling, construction of improvements, or other material change, except for purposes of aiding in preparation of final engineering drawings or plans, shall commence on the subject property until the applicant has:

a. Obtained a separate clearing and grading permit per the requirements of Section; or

b. Received approval of the construction plans and all necessary permits from the Engineering Director; and

c. Obtained necessary approvals and permits from other affected agencies; and

d. A preconstruction meeting with all interested parties and the Engineering Director has been held and the County has issued a notice to proceed.

(2) The applicant shall complete improvements and secure final inspections and acceptance of improvements within twenty-four (24) months. Prior to expiration of construction plan

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approval, the applicant may apply to the Engineering Director for an extension of up to twelve (12) months. The Engineering Director may approve the extension of the approval or require modification of the plans to meet any changes to requirements of the Engineering Design Manual or other applicable requirements.

(3) Expired plans may be resubmitted as a new application and will be subject to applicable changes to rules and regulations since the initial application.

(g) **Appeals to Engineering Director Action**. If an applicant believes that the Engineering Director has erred in any finding or condition of approval or disapproval, the applicant may appeal the decision to the Building and Construction Board of Appeals in writing, specifying the reasons for the appeal and providing technical justification supporting the appeal. The appeal must filed within 30 days of the Engineering Director's decision. The Building and Construction Board of Appeals shall review the appeal pursuant to Section XX of the County Code.

(h) **Resubmittal** and **Amendments**. The Engineering Director may approve minor amendments to approved construction plans without the applicant having to submit complete revised plan sets and the County conducting a complete review process. The applicant must submit the proposed minor amendment to the Engineering Director for review and approval. If the Engineering Director determines the amendment is a major change, the applicant must submit a revised plan set for formal review and approval.

(i) **Construction of Improvements**. All improvements required pursuant to these regulations shall be constructed in accordance with the applicable requirements herein and, where applicable, the requirements and authorization of the appropriate federal and state agency, utility company or local franchisee.

(j) **Inspection of Improvements**.

(1) **Inspection Required**. All improvements required by these regulations shall be inspected by the Engineering Director, except for improvements made under the jurisdiction of other public agencies, in which case engineers or inspectors of such agency will make the necessary inspections. Where inspections are made by other agencies, the applicant shall provide the County with written reports of each final inspection.

(2) **Inspection Schedule**. It shall be the responsibility of the applicant to request the required inspection a minimum of forty-eight (48) hours prior thereto. Inspections shall follow the schedule, sequence, and standards identified in Appendix XX, which may be amended from time-to-time

(3) **Compliance with Standards**. The applicant or the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.

(4) **Engineer of Record's Responsibility.** The Engineer of Record is required to review all phases of construction and determine if the work performed complies with the approved construction plans and County standards. If the Engineer of Record determines changes modifications are required, revised construction plans shall be submitted for review and approval if the change/modification is a major change. The Engineering Department may, but is not required to, approve minor changes in the field.

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(5) **County's Right to Require Testing/Removal/Reinstallation.** The Engineering Director has the right to require removal and reinstallation of work performed if upon inspection the Engineering Director determines the improvements are not in accordance with County standards and/or the approved construction plans. All such improvements shall be removed and redone to the satisfaction of the Engineering Department. If needed, the developer may be required to uncover all such improvements and independent third-party testing may be required.

(k) **Record Drawings Required.** Prior to final inspection of the required improvements, the applicant shall submit to the Engineering Director record drawings for each of the required improvements that have been completed.The drawings shall be submitted in digital format (CAD) and certified by the applicant's engineer indicating the date when the record drawing survey was made. Records Drawings shall be prepared in accordance with the Record Drawing Standards in **Appendix XX.**

(l) **Completion of Improvements**. Required improvements shall be completed prior to recording the final plat, to the satisfaction of the Engineering Director. The required improvements shall be those specified in the approved sketch plat, and construction plans. A letter from the project engineer of record certifying completion of all improvements in substantial conformance with all approved documents shall be provided.

(m) **Acceptance of Improvements**.

(1) Final approval of the installation and construction of improvements by the Engineering Director shall be required prior to the recording of the final plat.

(2) The County shall not have any responsibility with respect to any road, or other improvement, notwithstanding the use of the same by the public, unless the road or other improvements shall have been accepted by the recording of the final plat and dedication documents.

(n) **Site Cleanup Required**. The applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, road, public way or property therein or adjacent thereto. Dumping of such debris into sewers, onto adjacent property or onto other land in the County is prohibited.

(o) **Performance and Maintenance Guarantees**.

(1) **Performance Guarantee Required**. Prior to final plat approval or as otherwise approved in a development agreement a performance guarantee shall be submitted in the form provided in paragraph (p)(2) of this section for the final two (2) inch asphalt surface course required to be installed in accordance with the approved construction plans.

(2) **Amount of Performance Guarantee**. The amount of the guarantee shall be one hundred twenty-five (125) percent of the total cost of construction as approved by the Engineering Director, and it shall remain in effect until such time that final asphalt surface course has been installed and accepted by the County.

(3) **Type of Security**. The security shall be in the form of a performance bond, an irrevocable letter of credit, or cashier's check.

(4) **Timing of Pavement Completion**. The developer may not request installation of the final asphalt surface course until such time that buildings for a minimum of seventy-five (75) percent of the lots approved as part of the final plat application have received certificates

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of occupancy. For multiple phase developments the installation shall occur after completion of at least seventy-five (75) percent of all lots that may be accessed by construction vehicles in subsequent phases. The Performance Guarantee shall be for an initial period of one-year. If the required final two-inch asphalt surface is not installed during this time period, the Performance Guarantee shall be extended for the time period required by the Engineering Director.

(5) **Release of Performance Guarantee**. All performance guarantees provided shall remain in effect until such time that the improvements have been satisfactorily completed and accepted by the County and a maintenance guarantee has been submitted in accordance with paragraph (p)(6) of this section. The applicant shall request a final inspection from the Engineer Director no less than thirty (30) but no more than sixty (60) days prior to the end of the performance guarantee period. If the Engineering Director determines the required improvements do not meet minimum County requirements/standards, the applicant shall be required to extend the performance guarantee for a time period identified by the Engineering Director.

(6) **Maintenance Guarantee**. Prior to the release of any performance guarantee a maintenance guarantee shall be submitted in the form of a maintenance bond, irrevocable letter of credit, or cashier's check for all improvements constructed in the County right-of-way . The amount of the guarantee shall be fifteen (15) percent of the total cost of construction as approved by the Engineering Director, and the guarantee provided shall remain in effect for a minimum of three (3) years from the date of final acceptance of the applicable improvements by the County.

a. If the applicant has entered into a development agreement for the completion of required improvements, an appropriate percentage of the performance guarantee may be retained by the County in lieu of a maintenance guarantee.

b. Responsibility for maintenance of curbs and sidewalks shall transfer to the property owner upon sale of the lot abutting said improvements if the sale occurs prior to the three-year guarantee period commencing.

c. Damage to curbs and sidewalks shall be repaired at no cost to the County prior to issuance of a certificate of occupancy for any lot abutting affected improvements.

(7) **Release of Maintenance Guarantee.** Prior to the Engineering Director releasing/closing the maintenance guarantee, the applicant shall submit a request for final inspection no less than one month but no more than two months in advance of the maintenance guarantee expiring. If the Engineering Director determines the required improvements do not meet minimum County requirements/standards, the applicant shall be required to extend the maintenance guarantee for a time period identified by the Engineering Director.

Section 367. Final Plat

(a) **Purpose**. To establish a process and standards to create and document the rights and responsibilities associated with the subdivision of land.

(b) **Applicability**. No final subdivision plat shall be recorded until a final plat has been approved as provided in this section or the provisions of **Article IV.Division 1**. of this UDO.

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(c) **Application**. The final plat application shall be filed with the Community Development Director in compliance with **Appendix X**. The approval process and typical timing for final plat approval are summarized in **Exhibits 367a** and **367b**. Actual timing may vary based on the date of submittal.

(d) **Timing.** Final plats must be submitted within five years of the date of approval of the sketch plat. If the project is phased, final plats must be submitted in the timeframe identified in the phasing plan or within five years of the sketch plat approval, whichever is later. If the final plat is not submitted within the time period prescribed, the approved sketch plat shall be null and void. The applicant will be required to resubmit the application for sketch plat and be subject to all fees related to the application. The sketch plat shall comply with all current regulation in place at the time it is resubmitted.

Exhibit 367a: Final Plat Approval Process Summary

Final Plat Process
Application and Review
Community Development Director Action

Exhibit 367b: Timing of Final Plat Process

Final Plat Timing	
Completeness Review	5 business days (from application submittal)
Community Development Director and DRC Review/Action	15 days (from completeness certification)

(e) **Community Development Director Review and Action**.

(1) The Community Development Director shall review the application and shall determine if the application is complete pursuant to **Section 213**.

(2) Upon finding that the application is complete the Community Development Director shall determine whether the final plat complies with the approved sketch plat and other applicable rules and regulations. The applicant may submit a final plat for only that portion of the approved sketch plat, if such portion conforms to all requirements of this UDO.

(3) The final plat shall conform to O.C.G.A. §15-6-67, as amended, known as "The Georgia Plat Act," any additional requirements as prescribed in this chapter, the "Required Items and Certifications" in **Appendix X**, and other applicable rules and regulations.

(4) All required public improvements shall be completed and approved by the Engineering Director prior to the application.

(5) Any subdivision improvements dedicated to the County:

a. Must be clearly noted on the final plat with the following statement: "The undersigned fee simple owner of all the real estate depicted on this plat, and identified as owned by the undersigned, does hereby dedicate and transfer to the Bryan County Board of Commissioners all roads, rights-of-way and necessarily attendant drainage facilities and easements for the roads, and drainage and utility facilities and easements all identified in favor of the County on this plat";

b. Must be covered by a fully executed warranty which is secured as required under **Section 366(o)(6)**; and

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c. Dedication documents, in a form approved by the County, must submitted and approved by the Board of Commissioners by resolution. The Board of Commissioners may approve the dedication documents via the consent agenda.

(6) Any private subdivision improvements:

a. Must meet UDO requirements for the applicable infrastructure improvements; and

b. Must be covered by a fully executed maintenance agreement that has been approved by the Engineering Director.

(7) Prior to approval of the final plat of a subdivision which includes a open space or recreational facilities pursuant to Article VI.Division 5 or Article VI.Division 6:

a. The Community Development Director must approve a plan submitted by the applicant for the continued maintenance of the open space and/or recreational facilities; and

b. Prior to the construction of thirty (30) percent of the lots or multi-family dwelling units in any phase of a subdivision, the approved improvements must be completed and installed on the recreation tract for that phase.

(8) Within fifteen (15) days of the certification of a complete application submittal, the Community Development Director shall approve the final plat if:

a. The application complies with this UDO and applicable state and federal rules and regulations, and

b. The application is consistent with the conditions of prior planned development, sketch plat, conditional zoning, or conditional use permit approvals.

(f) **Other Reviews**. In addition to the Community Development Director's review of the final plat application, the Community Development Director shall obtain the review of the final plat from the following individuals and departments:

(1) The Engineering Director and/or health department shall review the water supply and sewerage disposal system and determine that the water supply and sewerage disposal facilities have been constructed and completed in accordance with the approved construction plans;

(2) The Engineering Director shall determine the compliance of the final plat with the approved construction plans and with this ordinance and other applicable laws and shall, upon request by the Community Development Director, review and inspect the construction or installation of any subdivision improvements, including tree protection improvements subject to the tree protection requirements of this UDO;

(3) If deemed necessary by the Community Development Director, review and comment from consultants or other professionals retained by the County;

(g) **Board of Commissioners Action.** If the applicant proposed a development agreement, then the final plat shall require review and approval by the Board of Commissioners.

(h) **Effect of Approval**. Approval of the final plat allows the applicant to record the final plat and officially subdivide the subject parcel.

(i) **Recording**. Following approval of the final plat, the Community Development Director shall secure necessary signatures to execute the plat. The action of the County shall be noted on all

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copies of the Final Plat to be retained as required for records or further action of the department or other affected agencies of the County or state. Within sixty (60) days of approval of the final plat, the applicant shall record it with the Clerk of Court – Real Estate Division. The Community Development Director may grant up to two (2) extensions for recording the final plat, each up to six (6) months. Failure to record the final plat within the time frame noted shall cause the final plat approval to be void.

(j) **Amendments**. Amendments to a final plat shall be approved in the same manner as the original plat, except as otherwise provided for amending plats herein.

(k) **Plat Approval is Not Acceptance of Dedication Offer**. Approval of a plat does not constitute acceptance by the County of the offer of dedication of any roads, sidewalks, parks or other public facilities shown on a plat.

Section 368. Acceptance of Dedications

(a) **Purpose.** The provisions of this section ensure that subdivision improvements are constructed and maintained in accordance with County standards prior to the County's acceptance of maintenance responsibilities.

(b) **Environmental Site Assessment**. Before the Engineering Director shall recommend acceptance of proposed dedications, the applicant shall have submitted a Phase I Environmental Site Assessment prepared according to the standards established by ASTM International and accepted by the Engineering Director with the Sketch Plat.

(c) **Protection Against Defects**. Prior to Board of Commissioners acceptance of dedications, the engineer of record retained by the applicant shall certify to the County that all facilities and improvements to be dedicated to the County have been constructed in accordance with the requirements of this chapter.

(d) **Developer's Certification of Non-litigation**. Prior to the Board of Commissioners acceptance of dedications, the developer shall certify that there are no pending or threatened actions of law that involve the subdivision improvements, including any liens from contractors, sub-contractors, suppliers or material and equipment, and all providers of labor or services associated with the subdivision improvements have been paid in full. If any such actions of law or liens remain unresolved, the County will not accept the subdivision improvements for maintenance until releases or waivers are provided.

(e) **Maintenance of Improvements and Facilities**. The applicant shall be responsible for maintaining all improvements or facilities required by this UDO. For facilities and improvements dedicated to the County, the applicant shall be required to maintain such improvements for a period of three years and if the applicant fails to maintain such improvements, the County may perform the necessary repairs and reimburse its costs from the maintenance guarantee provided for in **Section 366(o**).

(f) **Acceptance**. When the Engineering Director finds that a subdivision's improvements complies with the requirements of this section and a maintenance guarantee is in effect in accordance with **Section 366(o)(6),** the Engineering Director shall recommend that the Board of Commissioners accept responsibility for any or all dedications associated with a subdivision by resolution**.** The matter shall be scheduled for the next available Board of Commissioners meeting, and the Board of Commissioners may accept the offer of dedication by resolution. The applicant shall provide the dedication documents, in a form acceptable to the County.

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Division 9. Development Agreements

Section 369. Purpose.

This section promotes and facilitates orderly and planned growth and development through the provision of certainty in the development approval process by the County and through corresponding assurances by developers. The development agreement is intended to:

(a) Implement the capital improvements program and the conditions of development approval

(b) Eliminate uncertainty in the development approval process;

(c) Assure applicants that, upon approval of their project, they may proceed in accordance with the policies, rules, and regulations identified in the development agreement;

(d) Achieve the County's goals and objectives through assurances that public facilities will be provided concurrent with development; and

(e) Provide a mechanism to allow regulatory flexibility for specific development proposals that achieve the County's goals and objectives.

Section 370. Applicability.

This section applies to any Development Agreement entered into between an applicant and the County to:

(a) Enforce a condition of development approval;

(b) Recognize the existence of vested rights;

(c) Facilitate the reasonable phasing of large-scale developments requiring significant infrastructure investment;

(d) Provide for the provision of infrastructure, design amenities, or other conditions; and/or

(e) Resolve potential legal disputes.

Section 371. Criteria for Entering into Development Agreements.

The Board of Commissioners may approve a development agreement pursuant to this section only if it finds that:

(a) The development to which the development agreement pertains is consistent with the Comprehensive Plan and capital improvements program, this chapter and other applicable requirements;

(b) The development subject to the agreement advances the County's adopted goals, objectives and policies, in accordance with the criteria established herein; and

(c) The applicant agrees to make contributions of capital improvements for community facilities for one or more types of public improvements, that advance provision of facilities needed to serve the projected demands from the proposed development after considering demands from already approved development.

Section 372. Initiation.

An application for a development agreement may be made to the Community Development Director. Application may be made by any person having a legal or equitable interest in the subject real property in accordance with State Law. If made by the holder of an equitable interest, the application shall be accompanied by a verified title report and by a notarized statement of consent to proceed with the proposed development agreement executed by the holder of the legal interest.

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Section 373. Mandatory Provisions.

The development agreement shall include, at a minimum, provisions pertaining to the following:

(a) The land that is the subject of the agreement;

(b) The duration of the agreement;

(c) The permitted land use or uses and density/intensity for the proposed development and any conditions attached thereto;

(d) Proposed infrastructure improvements and the timing of their installation;

(e) Provisions for the dedication of land for public use, whether by easement, right-of-way or fee simple conveyance; and

(f) Any other provisions required by State Law.

Section 374. Optional Provisions.

If agreed to by the applicant and approved by the Board of Commissioners, the development agreement may include, without limitation, provisions pertaining to the following:

(a) The phasing of the proposed development project in coordination with the provision of public facilities, including, but not limited to, roads, water, sewer, drainage, parks, libraries, and other County facilities, required to accommodate the impacts of the proposed development project on such facilities at the County;

(b) The identification of public facilities to be dedicated, constructed, or financed by the developer pursuant to the development agreement and the designation of such facilities as project improvements, system improvements, or subsystem improvements;

(c) The determination of the development project's proportionate share of the total system and subsystem improvement costs required to be dedicated, constructed, or financed by the developer of the development project;

(d) The County's share of the costs of system and subsystem improvements to be dedicated, constructed, or financed pursuant to the development agreement;

(e) Reimbursements, as applicable, to the owner of the subject property for the amount of any contributions for system or subsystem improvements in excess of the proportionate share of the benefit derived from such facility by the subject property; and

(f) The rules, regulations, ordinances, laws, plans, and official policies of the County governing development applicable to the subject property.

Section 375. Review.

The proposed development agreement shall be submitted to the Community Development Director. The County Administrator shall be responsible for reviewing and negotiating the terms and conditions of the development agreement. The County Administrator, or designee, shall receive input for applicable departments and other local, state, and federal agencies. The development agreement shall not be placed on a Board of Commissioners agenda and scheduled for a public hearing until the County Administrator and County Attorney have reviewed and approved the final draft of the development agreement.

Section 376. Board of Commissioners Public Hearing and Action.

The County Administrator shall schedule the development agreement for a public hearing and approval by the Board of Commissioners. The Board of Commissioners may:

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(a) Approve the development agreement as recommended by the County Administrator;

(b) Approve the development agreement with modifications; or

(c) Reject the development agreement in whole or in part and take such further action as it deems to be in the public interest. Any such action shall be taken by the affirmative vote of at least a majority of the voting members of the Board of Commissioners.

(d) If the Board of Commissioners denies the development agreement, the County Clerk shall give notice within ten (10) days of such action to the applicant at the address shown on the application and to the Community Development Director.

Section 377. Execution of Development Agreement.

If approved by the Board of Commissioners, the development agreement shall become effective upon execution by the County Administrator and any other parties to the development agreement.

Section 378. Recordation of Agreement.

Within ten (10) days following execution of a development agreement, the Clerk or Court shall record with the recorder of deeds a fully executed copy of the development agreement. The agreement shall be binding upon, and the benefits of the agreement shall inure to the parties and all successors in interest to, the parties of the development agreement.

Section 379. Existing and Subsequently Adopted Rules, Regulations, Ordinances, and Policies.

(a) Unless otherwise provided by the development agreement, rules, regulations, ordinances, general or specific plans, and official policies of the County governing permitted uses, development, density and intensity of use, permitted uses of the land, growth management, public facilities, environmental considerations, and governing design, improvement and construction standards and specifications applicable to the subject property shall be those in force and effect at the time of commencement of the term of the development agreement.

(b) The adoption of a development agreement, however, shall not prevent the County, in subsequent actions applicable to the property or to the County general, from applying such newer, modified rules, regulations, ordinances, laws and official policies that do not conflict with those applicable to the property at the time of the development agreement and that do not prevent the development of the land as set forth in the development agreement. The existence of the development agreement shall not prevent the County from denying or conditionally approving any subsequent development not expressly addressed in said agreement based upon such existing or new rules, regulations, and policies.

(c) Unless otherwise addressed in the development agreement, application, processing and inspection fees, utility fees, impact fees, and improvement standards that are revised during the term of a development agreement shall apply to the property, provided that:

(1) Such fees, standards, and specifications generally apply to public works within the County; and

(2) Their application to the subject property is prospective only as to applications for building and other development approvals not yet accepted for processing.

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Section 380. Subsequently Adopted State and Federal Laws.

If state or federal laws or regulations are enacted following approval of a development agreement that prevent or preclude compliance with one or more provisions of the development agreement, the provisions of the agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations, and every such development agreement shall so provide.

Section 381. Periodic Review, Termination, or Modification.

An adopted development agreement shall be reviewed at least once a year, at which time the owner or owners of the property subject to the development agreement shall be required to demonstrate good faith compliance with the terms of the development agreement. If, as a result of such review, the Board of Commissioners finds and determines, on the basis of substantial evidence, that the applicant has not complied in good faith with the conditions of the development agreement, the Board of Commissioners may unilaterally terminate or modify the agreement. Such action shall be taken by the Board of Commissioners at a regular or special meeting, provided that the developer is notified at least ten (10) days in advance of such meeting.

Section 382. Amendment or Cancellation of Agreement.

A development agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the agreement or their successors in interest. The procedure for amendment or cancellation shall be the same as that for adoption.

Sections 383-399. Reserved

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Article IV. Development Procedures Requiring Administrative Review

This Article establishes procedures for development approvals that may be approved by County staff without a public hearing.

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Division 1. Minor Plats

Section 400. Purpose

To create an efficient minor splat process that allows staff approval of applications that have minimal impact on public facilities, do not require the construction or extension of the County roadway network or utility infrastructure, and are consistent with County zoning, subdivision and public improvement requirements.

Section 401. Applicability

Minor plats include each of the following:

(a) **Minor Subdivisions** enable the subdivision of land to create a limited number of new parcels. The new parcels may be accessed from a new or existing private road or an existing public road. If the subdivision requires the construction of a new public road, extension of an existing public road, or extension of public utilities greater than 200 feet in length, the subdivision will be considered a major subdivision.

(1) **Minor Subdivision Served by Private/Public Road** – enables the creation of a maximum of six (6) buildable lots or parcels from a single parcel when:

a. Access to each parcel will be from a new private road, built to County standards;

b. Access to each parcel will be from an existing private road. If the private road is not built to County standards, the road must be brought up to current standards, unless the Engineering Director waives this requirement; or

c. Access to each parcel will be from an existing County road, which is constructed to current County road improvement standards.

(2) **Minor Subdivision Served by Private Easement** enable the creation of up to three (3) lots or parcels from a single parcel when one lot will have access to a public or private road built to County standards and a maximum of two additional lots will be accessed from an easement.

(b) **Conveyance plats** enable the division of land into up to six (6) parcels of ten (10) acres or more from a single parcel, which are not intended to be developed for any purpose requiring a building permit without subsequent subdivision approval.

(c) **Lot line adjustments** enable changes to existing lot or parcel boundaries that do not create any additional lots or alter the overall density of the affected lots.

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(d) **Plat corrections** enable corrections to errors or omissions on a recorded plat that does not materially change the boundaries of any of the parcels shown on the plat.

(e) **Dedication plats** – plats documenting the conveyance of rights-of-way or easements.

(f) **Combination plats –** plats combining two or more existing lots of record into one lot.

Section 402. Limitation of Subsequent Minor Subdivisions

The minor subdivision process may be used no more than once in a five-year period for any parcel that is included within the boundaries of a minor subdivision or is a remaining portion of a parcel that was previously subdivided using the minor subdivision process.

Section 403. Application

The formal approval process for each type of minor plat begins with the submittal of a complete application to Community Development Director in accordance with **Appendix** X. For minor subdivisions, applicants are encouraged to discuss the proposed subdivision prior to formal application. For subdivisions involving the creation of a private road, the applicant shall provide a proposed maintenance and access agreement, which will include the rights and obligations, including financial, for owning, using, and maintaining the private road.

Section 404. Review

(a) The Community Development Director shall review the application for completeness in accordance with **Section 213**.

(b) Upon finding the application complete, the Community Development Director shall review the proposed minor plat and any other documents deemed necessary to determine the compliance of the proposed minor plat with this ordinance, and other applicable laws. The review of the following individuals must also be obtained for minor subdivisions when required by the Community Development Director:

(1) The health department shall review the proposed water supply and sewerage disposal system and determine compliance with this ordinance and other applicable rules and regulations.

(2) The Engineering Director shall review the proposed minor subdivision and determine the conformity of proposed road alignment with existing roads, the road classification plan and proposed public roads.

(3) The Engineering Director shall review the proposed water, sewer, and stormwater management improvements for compliance with applicable requirements.

(4) If deemed necessary by the Community Development Director, review and comment from any local, state, or federal agencies, and consultants or other professionals retained by the County may be obtained.

Section 405. Public Hearing and Notice

Notice and a public hearing are not required for minor plats.

Section 406. Approval Criteria

(a) **Approval Criteria for Minor Subdivisions served by Private/Public Road**. Before approving this type of subdivision, the Community Development Director shall find that the proposed subdivision complies with each the following provisions:

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(1) All lots created by this process shall comply with the minimum area and dimensional standards of Bryan County's zoning and subdivision regulations. Area included within the right-of-way for a public or private road shall be excluded for purposes of calculating minimum lot area.

(2) Each lot shall be independently accessible from an abutting public or private road created in compliance with applicable Bryan County standards, unless the Engineering Director waives any necessary improvements to bring the road to County standards.

(3) No public road shall be created through the minor subdivision process, but the plat may include the dedication of public right-of-way for the widening of existing public roads abutting lots in the proposed minor subdivision.

(4) Private roads serving four (4) or more parcels shall be placed in a private road right-of-way of at least forty (40) feet in width, unless the Engineering Director finds that greater width is needed due to topography, drainage, or private road alignment. The road shall be designed and constructed to comply with the County Road Crush and Run Standard in the Engineering Design Manual.

(5) New private roads meeting the standard in paragraph (4) of this section shall not exceed six-hundred (600) feet in length.

(6) Off-site utility improvements are limited to water and/or sewer line extensions of not more than two-hundred (200) feet from the nearest property line of the subdivision.

(7) The applicant shall submit a Private Road Ownership and Maintenance Agreement that shall be recorded with the final plat that assigns ownership of and responsibilities for maintenance of private roads and drainage systems. Responsibility for maintenance of the private roads shall be clearly stated on the minor subdivision plat.

(8) Off-site stormwater improvements are limited to abutting rights-of-way or easements, which may be used only with the owner's consent.

(b) **Approval Criteria for Minor Subdivisions Served by Private Easement**. Before approving a minor subdivision served by private easement, the Community Development Director shall find that the proposed subdivision complies with each the following provisions:

(1) All lots created by this process shall comply with the minimum area and dimensional standards of Bryan County's zoning and subdivision regulations. Area included within the easement shall be excluded for purposes of calculating minimum lot area.

(2) An easement with a minimum width of thirty (30) feet shall be provided for lots created by this process and not having direct access from an existing road. The Engineering Director may require an increased width if they find that greater width is needed due to topography, drainage, or private road alignment. The road shall be designed and constructed to comply with the Private County Dirt Road Standard in the Engineering Design Manual. The plat shall include a note addressing maintenance of the easement.

(3) At least one lot shall be independently accessible from an abutting public road.

(4) No public road shall be created through this process, but the plat may include the dedication of public right-of-way for the widening of existing public roads abutting lots included in the minor subdivision.

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(5) Off-site utility improvements are limited to water and/or sewer line extensions of not more than two-hundred (200) feet from the nearest property line of the subdivision.

(6) Off-site stormwater improvements are limited to abutting rights-of-way or easements, which may be used only with the owner's consent.

(c) **Approval Criteria for Lot Line Adjustments**. Before approving a lot line adjustment, the Community Development Director shall find that:

(1) All resulting lots shall comply with minimum area and dimensional standards of County zoning and subdivision regulations; or

(2) Where one (1) or more of the existing lots is non-conforming, the proposed lot line adjustment improves overall compliance of the affected lots.

(d) **Approval Criteria for Plat Corrections**. Before approving a plat correction, the Community Development Director shall find that the amendments are limited to changes required to correct a surveying or scrivener's error or omission, and do not change the density, eliminate restrictions or substantively change the rights and responsibilities of the owners of the affected lots.

(e) **Approval Criteria for** Dedication **Plats**. Before approving a dedication plat, the Community Development Director shall find that subdivision is created solely to document the conveyance of right-of-way or an easement for a public or private road, drainage improvement, utility improvement or other public purpose.

(f) **Approval Criteria for Combination Plats**. Before approving a combination plat, the Community Development Director shall find that the lots to be combined are existing lots of record.

(g) **Approval Criteria for Conveyance Plats**. Before approving a conveyance plat, the Community Development Director shall find that:

(1) All parcels resulting from the conveyance plat process shall be ten (10) acres or larger in net area, excluding water bodies, protected wetlands and land with elevations below the mean high tide, provided that any parcel that is placed in a conservation easement shall be 10 acres or larger in gross area.

(2) The conveyance plat shall include the following statement: "No building permits will be issued for a building on any lot in this subdivision."

Section 407. Community Development Director Action on Minor Plats

The Community Development Director shall approve or disapprove the application within thirty (30) days of finding the application complete and shall notify the applicant of the action in writing. If the plat complies with the requirements of these regulations, the Community Development Director and Engineering Director shall sign the proposed final plat which can then be recorded in the Real Estate Division of the Clerk of Court. If the Community Development Director finds that the proposed minor plat does not comply with this ordinance and other applicable laws, then such plat shall be disapproved, and reasons noted for such disapproval in the records. The Community Development Director may not approve the minor plat until the Engineering Director and Public Health Director have signed the minor if their review is determined to be required.

Section 408. Appeals

Decisions of the Community Development Director made pursuant to this Division are appealable to the Board of Adjustment. Appeals shall follow the procedures identified in Article III.Division 6.

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Section 409. Variances

Variances are not permitted for the maximum number of parcels that may be created pursuant to the Minor Subdivision process. Additionally, variances are not permitted for the development standards identified **Section 406(a)(4)** and **Section 406(b)(2).**

Section 410. Effect of Approval

After approval, the applicant may proceed with installation of the private road or drive and any other required public improvements provided they receive the necessary approvals, including but not limited approved construction plans, encroachment permits, Army Corps of Engineers' permit, and EPD and Public Health approvals. No building permits shall be granted until required improvements are completed and approved in compliance with Section 411, and the plat is recorded in compliance with **Section 412**.

Section 411. Inspection

The Engineering Director shall inspect all required improvements to determine compliance with applicable requirements and provide written approval of the improvements or a written explanation of any deficiencies precluding approval.

Section 412. Recording

Applicant shall record the minor plat within six (6) months of the Community Development Director's approval. Failure to record shall result in expiration and require resubmittal.

Division 2. Vested Rights Determination

Section 413. Applicability

(a) This section applies to any application for development approval in which the applicant claims an exemption from any provision of this chapter based on common law, statutory vested rights or estoppel.

(b) Any applicant may apply for a vested rights determination, provided that the requirements of this section are satisfied. An application for a vested rights determination may be approved subject to compliance with a consent agreement.

Section 414. Vested Rights Determination Process

(a) **Initiation**. An application shall be made to the Community Development Director requesting a determination of vested rights.

(b) **Application**. The application shall include all information needed to support the applicant's claim of vested rights. Information should include but is not limited to applicable statutes or ordinances, Board of Commissioners, Planning and Zoning Commission or other duly appointed County board meeting minutes, correspondence, permits, applications, and official land use maps.

(c) **Review and Approval**. After receiving an application for a vested rights determination, the Community Development Director shall review the application and determine if the application is complete. If deemed incomplete, the applicant shall provide additional information for consideration of the application within ten (10) days. Within thirty (30) days of receiving a complete application, the Community Development Director shall determine whether there is sufficient evidence to establish vested rights. If so, the Director shall issue a consent agreement, in compliance with Section 415 to the applicant recognizing vested rights for the project. The

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consent agreement shall set forth all terms and conditions required for the continuance of the vested rights being recognized.

(d) **Common Law Vested Rights**. The applicant for common law vested rights must show compliance with the following criteria for the specific project to acquire such rights:

(1) In reliance upon lawfully issued development approval, the applicant makes a substantial financial commitment or assumes substantial financial obligations within the purview of the activities authorized by said development approval;

(2) The applicant has proceeded in good faith, has relied upon the issuance of the development approval, and such development approval has not lapsed or been revoked; and

(3) The applicant has established any other factor that may establish estoppel under state or federal law.

Section 415. Consent Agreement

A consent agreement shall be executed by the Community Development Director and the applicant upon determining vested rights pursuant to **Section 414(c).** The agreement shall include the following terms and conditions:

(a) A legal description of the subject property and the names of the legal and equitable owners;

(b) The duration of the consent agreement and the conditions that will result in revocation;

(c) The uses permitted on the property, including population densities and/or building intensities and height, setbacks, floor area ratio, setbacks, and other bulk regulation requirements;

(d) A description of the public facilities that will service the proposed development, including who shall provide such facilities; the date that any new facilities, if needed, will be constructed; and a schedule to assure that public facilities are available concurrent with the impacts of the Development;

(e) A description of any reservation or dedication of land for public purposes;

(f) A description of all development approvals or other local, state, or federal approvals needed for the proposed development;

(g) A finding that the proposed development is consistent with the Comprehensive Plan and the relevant provisions of this UDO;

(h) A description of any conditions, terms, restrictions, or other requirements determined to be necessary for the preservation and protection of the public health, safety, or welfare;

(i) A statement indicating that the omission of a limitation or restriction shall not relieve the applicant of the necessity of complying with all applicable local, state, and federal laws;

(j) A phasing plan indicating the anticipated commencement and completion date of all phases of the proposed development;

(k) Provisions for remedies in the event of default;

(l) A statement that the County Attorney shall review progress pursuant to the consent agreement at least once every twelve (12) months to determine if there has been demonstrated good faith compliance with the terms of the consent agreement; and

(m) Any other provisions as required by State law.

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Section 416. Failure to Comply with Consent Agreement

If the Board of Commissioners finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the consent agreement, the consent agreement may be revoked or modified by the Board of Commissioners after a public hearing, which has been noticed by publication and for which notice has been expressly provided to the applicant.

Division 3. Other Community Development Director Actions

Section 417. Administrative Relief

(a) **Purpose**. Administrative relief provides for expeditious review of minor deviations from the provisions of this chapter under specified circumstances. The administrative relief process does not involve a public hearing unless a decision is appealed by the applicant to the Board of Adjustment.

(b) **Initiation**. The Board of Commissioners, County Administrator or property owner may initiate an application. The applicant shall file a completed application with the Community Development Director in conformance with the Appendix A.

(c) **Types of Administrative Relief**. Administrative relief may be granted for any of the following situations:

(1) **Building Setback Reduction**: The side and rear building setbacks shall not be less than ninety (90) percent of the minimum setback requirement. Front building setbacks shall not be less than eighty (80) percent of the minimum setback requirement. All setbacks shall be required to meet minimum requirements of the Fire Code.

(2) **Landscaping and Buffers**: Minimum buffer width and planting requirements may be reduced to create a more natural undulating buffer, provided that the average width of the buffer on each side of a parcel meets the minimum and not more than twenty (20) percent of the length of a buffer is below the minimum required width.

(3) **Parking Spaces**: The number of parking spaces may be reduced by based on the proposed use, site conditions and availability of on-street parking. Applicant shall submit a parking study or parking analysis from a recognized publication, e.g., ITE Trip and Parking Generation Manual or other source determined to be credible ty the Community Development Director, when requesting such administrative relief.

(4) **Parking Dimensions**: The minimum parking aisle width may be reduced by up to one (1) foot per travel lane if parking space width of every space along the aisle is increased by at least one-half (1/2) foot.

(d) **Criteria**. Administrative Relief may be granted when the Community Development Director finds that the application meets each of the following criteria:

(1) The relief will not create a burden on adjacent property owners or conflict with the zoning district's purposes;

(2) The relief is necessary to allow efficient use of the property due to site conditions or circumstances that do not commonly affect properties in the district; and

(3) The relief does not convey a right or privilege that would be unavailable to similarly situated properties.

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(e) **Action**. After a review period of not more than fifteen (15) business days, the Community Development Director shall approve, conditionally approve or disapprove any application for administrative relief and provide written documentation justifying the action.

Section 418. Zoning Certification

As part of any development approval listed in Articles III and IV of this UDO, the Community Development Director shall be required to certify whether the proposed development is consistent with the existing zoning of the property being developed.

Section 419. Site Development Plan

(a) **Purpose.** Site development plan review is intended to ensure that the layout and general design of proposed development in areas regulated by this chapter complies with all applicable standards in this ordinance and all other applicable rules and regulations. The purpose of this section is to establish the submittal requirements and review process for the approval of site plans.

(b) **Applicability**. Site development plan approval is required for any development of a multi-family, mixed-use or non-residential structures, the establishment of any non-residential land use, and any change to an existing multifamily, mixed-use or non-residential development or change of use that causes an increase in required parking by more than the lesser of ten (10) percent of current requirement or ten (10) spaces.

(c) **Initiation**.

(1) Applications for site plan review may be initiated by any party with an interest in developing property within areas regulated by this chapter. Written approval from the current landowner shall be required as part of any application for site plan review.

(2) The applicant or an authorized agent of the applicant shall submit to the Community Development Director a complete site plan application as required by **Appendix A**.

(3) All site plans shall be prepared to scale and with sufficient detail and clarity to demonstrate compliance with applicable technical rules and regulations. Site plans shall be prepared by a licensed professional engineer in the State of Georgia unless waived by the Community Development Director or Engineering Director.

(4) The Community Development Director shall review the application and shall determine if the application is complete pursuant to **Section 213**.

(d) **Approval Criteria**. All site plans shall comply with the following criteria:

(1) The proposed land uses, densities and intensities comply with applicable zoning district requirements and prior development approvals, including but not limited to variance, conditional zoning or conditional use permit approvals;

(2) The site and building design comply with applicable standards in this chapter and the design guidelines adopted as part of this UDO;

(3) Minor deviations not granted through the administrative relief provisions of this chapter have been granted by the Community Development Director and are noted on the site plan;

(4) Variances, if needed, are granted prior to site plan approval;

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(5) The applicant has applied for approval of ESA, land disturbance and wetlands permits, and will receive final approval prior to site plan approval; and

(6) The applicant shall demonstrate compliance with the tree protection and other applicable requirements of this UDO.

(e) **Review and Action**. After determining that the application is complete, the Community Development Director shall solicit comments from the DRC and review the site plan for compliance with the criteria established in paragraph (d) of this section. If the application satisfies the criteria established in paragraph (d) of this section, the Community Development Director shall approve site plan within forty-five (45) calendar days of certifying that the application is complete.

(f) **Appeals to Site Plans**. If the applicant disagrees with the findings of the Community Development Director, the applicant may appeal the decision to the Board of Adjustment pursuant to **Article III.Division 6**.

(g) **Review and Action on Site Plans**. If a site plan complies with all of the provisions of this ordinance, including the approval criteria in paragraph (d) of this section, the Community Development Director may approve the site plan, approve the plan subject to conditions or disapprove the site plan.

(h) **Effect of Approval**.

(1) Site plan approval authorizes issuance of a building permit subject to approval of building plans. If no building permit is obtained within twelve (12) months or the building permit lapses, the site plan approval lapses.

(2) Development activities shall conform to the approved site plan and any conditions of approval. Any deviation from the approved site plan, unless approved in advance and in writing bythe Community Development Director is deemed a violation of this UDO.

(3) Construction, however, may not commence until the applicant obtains a site development permit pursuant to Division 4.Section **426(c)**.

(i) **Site Plan Amendments**. A site plan may be modified in accordance with the procedures established for site plan review in this section.

Section 420. Landscape Plans

(a) **Purpose.** Landscape plans are intended to:

(1) Document existing vegetation to be removed or protected and preserved;

(2) Analyze existing and proposed canopy for applicable developments;

(3) Identify the locations, species and dimensions of proposed plantings;

(4) Demonstrate compliance with the provisions of **Article VI.Division 4** for canopy retention, tree preservation, buffers and other required plantings; and

(5) Document plans for protection, planting and maintenance of existing and proposed plantings.

(b) **Applicability.** Landscape plans shall be submitted in conjunction with construction plans for major subdivisions, with final development plans for a planned development, and site development plans for multi-family, non-residential and mixed-use developments. If sketch plat

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approval is required, however, the tree survey described in paragraph (c)(3) of this section shall be submitted with the sketch plat application. The Community Development Director may waive specific submittal requirements if a previously approved landscape plan achieves the purposes of this section.

(c) **Landscape Plan Requirements**.

(1) **Landscape Plan**. Landscape plans shall be submitted as required with construction plans, site development plans and plats. Landscape plans shall comply with the requirements identified in **Appendix X**.

(2) **Tree Preservation and Protection Plan**. As part of the landscape plan, the applicant shall submit a Tree Preservation and Protection Plan demonstrating compliance with the Tree Protection and Preservation Requirements identified in **Section 633.** The Tree Preservation and Protection Plan shall be prepared and stamped by a registered landscape architect or a certified arborist. The Tree Preservation and Protection Plan shall be submitted with a PD preliminary development plan application or major subdivision sketch plan application and shall include all required information as identified in **Appendix X**.

(3) **Tree Survey**. A tree survey, which is a foundational element of the landscape plan landscape shall comply with the following provisions:

a. The tree survey shall be prepared by a certified arborist or forester and shall depict the location, species, and size in diameter breast height (dbh) of all protected trees in the development area and differentiate them as to whether they are Heritage or Historic trees. The development area shall be defined as all areas within fifty (50) feet of any proposed grading, temporary and permanent structures, and other improvements; and as wetlands proposed to be disturbed. The survey shall specify which trees are proposed for removal.

b. For developments disturbing more than twenty-five (25) acres, the Community Development Director may approve a tree survey being conducted by a "sample area" survey. Each sample shall cover at least one (1) acre. Sample areas shall be evenly distributed throughout the site and proportional to the acreage of types of forest found on the site. Sample areas shall represent at least five (5) percent of the site or five (5) acres, whichever is greater. The surveyor shall estimate the relative densities and total number of Heritage Trees across the site based on the distribution of these trees in the samples. Historic trees shall nevertheless be individually surveyed and documented by location, species, and size in dbh. Upon reviewing the sample survey, the Community Development Director may require that inventories be taken of additional sample sites.

c. For development plans disturbing twenty-five (25) or fewer acres, both Heritage and Historic Trees shall be individually surveyed.

(d) **Review Process.** The landscape plan shall follow the same process as the application the plan is submitted with for review and approval.

(e) **Effect of Approval.** Landscape plan approval is required prior to or in conjunction with final development plan, construction plan, and site plan approval. Landscape plan approval in conjunction with one of these approvals entitles the applicant to development activities

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authorized by the specified approval. Landscape plan approval shall authorize the removal of trees without the need to secure a separate tree removal permit.

(f) **Deviation from Plans**. At any time after the approval of any landscape plan, an applicant shall have the right to amend the proposed plan. Approval for deviations from the approved plan shall follow the same steps as changes or revisions to any other required plat/site plans within the County.

Section 421. Tree Removal Permits

(a) **Purpose.** Tree removal permits are required to prevent the unnecessary removal of Heritage and Historic trees.

(b) **Applicability.** A tree removal permit is required prior to the removal of any Heritage or Historic tree excluding those that are removed pursuant to a bona fide silviculture operation.

(c) **Initiation.** The applicant for removal of one or more Heritage or Historic trees shall submit the application to the Community Development Director on a form provided by the Director.

(1) Application for permits must be made at least three (3) business days in advance of the proposed tree removal. The Community Development Director shall issue the permit, valid for 60 days, if the request meets the criteria for tree removal.

(2) Authorization for removal of a Heritage or Historic tree may be granted in conjunction with a final development plan, major subdivision, site development plan, land disturbance permit or building permit approval. Any Heritage or Historic tree removed subject to the provisions of this paragraph (c)(2) shall provide for mitigation in accordance with **Section 632(f)**.

(3) The applicant shall post the tree removal permit on the property in a place that is visible from the public right-of-way throughout any tree removal activity.

(d) **Review and Action.** After determining that the application is complete, the Community Development Director shall review the application for compliance with the criteria listed in paragraph (e) of this section. If the application demonstrates compliance, the Community Development Director shall approve the tree removal permit within five (5) days of certifying that the application is complete.

(e) **Tree Removal Permit Criteria**. The following criteria, when attested to by a registered forester or certified, qualified arborist (ISA Certified Arborist), shall constitute grounds for issuance of a tree removal permit regardless of use or zone:

(1) Trees potentially hazardous to surrounding trees, permanent structures, public utilities, rights- of-way, or persons due to a loss of stability caused by high wind, unstable soil, age, or other natural forces.

(2) Diseased and/or infectious trees and trees in decline.

(3) Trees or their root systems causing visible damage to permanent structures that cannot be prevented through proper pruning.

(4) Trees or their root systems causing damage to utility lines that cannot be prevented through proper pruning.

(5) Trees inhibiting access through a public right-of-way such that proper pruning cannot mitigate the condition.

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(6) Trees creating hazardous conditions on pedestrian walkways underneath such trees due to excessive debris of a size and shape known to cause injuries from tripping and falling, as determined by the Community Development Director.

(7) The tree is not within twenty-five (25) feet of Waters of the State, and no disturbance shall occur within the critical root zone, even if more than twenty-five (25) feet from such water.

Section 422. Sign Permits

(a) **Purpose.** This section documents the procedures for issuance of sign permits for signs that comply with this section and **Article VI.Division 7** of this UDO.

(b) **Applicability.** Except as otherwise provided in the sign regulations of this UDO, no sign may be erected, moved, enlarged or substantially altered except in accordance with the provisions of this section. Mere repainting, changing the message of a sign, or replacing a sign face with a sign face of the same type and dimensions shall not be considered a substantial alteration. Changes to the location, height, width, thickness or structure of the sign shall be considered substantial changes.

(c) **Initiation.** An applicant shall submit an application containing the information listed in **Appendix X**.

(d) **Master and Common Signage Plans**.

(1) **Purpose**. Large-scale development projects may benefit from implementing a master or common signage plans that establish a coordinated set of sign design requirements for multi-tenant or multi-owner projects.

(2) **Applicability** Master and common signage plans may be established for development in B-2, C-I, PD, I-1 and I-2 zoning districts. Master signage plans apply to developments where all properties are under control on a single person or entity at the time of application and the standards of the master signage plan will be applied to future owners, tenants and users of the property. Common signage plans apply where the owners of two or more contiguous (disregarding intervening streets and alleys) lots file with the County a common signage plan conforming with the provisions of this section

(3) **Effect of a Master or Common Signage Plan**. Where a master or common signage plan has been approved, no permit shall be issued for an individual sign requiring a permit unless it conforms to the plan as approved by the County.

(4) **Incentive for Submittal of a Master or Common Signage Plan***.* Up to twenty (20) percent more sign area than would be otherwise allowed by this UDC may be approved for a development subject to a master or common signage plan.

(5) **Submittal Requirements.** A master or common signage plan application shall include the following information:

a. An accurate plot plan of the lot at such scale as the County may reasonably require.

b. Existing and proposed locations of buildings, parking lots, driveways, and landscaped areas on such lot.

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c. Computation of the maximum total sign area, the maximum area for individual signs, and the allocation of sign area to freestanding and wall signs for each lot or business within a multi-tenant parcel.

d. For freestanding signs, the height of signs, and the number, location, lighting, dimensions, materials, and design of freestanding signs allowed on the lot(s) and buildings included in the plan and a general description of the design of all signs which are proposed to be erected or installed on the property.

e. For wall signs and other allowed signs that are attached to structures, a coordinated set of design standards for signs that meet or exceed the standards that would otherwise be required under this UDO. While there may be some variation in the shapes, colors, and materials used in signs to accommodate diverse users, the master or common signage plan shall specify the minimum requirements for each type of sign allowed so that signs appear to be a coordinated design element of the development.

(6) **Limit on Freestanding Signs Under Master Signage Plan.** The master signage plan shall limit the number of freestanding signs to one per parcel or, where parcels have more than 500 feet of street frontage, one per 500 feet of frontage or fraction thereof.

(7) **Limit on Freestanding Signs Under Common Signage Plan***.* The common signage plan, for all lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one for each street on which the lots included in the plan have frontage. For projects with intervening streets, one freestanding sign may be allowed on each side of a street frontage. The maximum height of the freestanding signs permitted shall be thirty (30) feet.

(8) **Other Provisions of Master or Common Signage Plans***.* The master or common signage plan may contain such other restrictions as the owner(s) of the lots may reasonably determine.

(9) **Consent***.* The master or common signage plan shall be signed by all owners or their authorized agents in such form as the County shall require.

(10) **Joint Processing***.* A master or common signage plan shall be included in any site plan, planned development plan, or other official plan required by the County for all proposed commercial development and shall be processed simultaneously with such other plans. The master signage plan for a planned development shall be submitted for review and approval in conjunction with the preliminary development plan.

(11) **Amendment***.* A master or common signage plan may be amended by filing a new master or common signage plan that conforms with all requirements of the ordinance then in effect. Amendments shall be reviewed and acted upon by the Community Development Director; provided, however, that any amendment to a master signage plan for a planned development that is determined to be a significant deviation from the plan approved in conjunction with a preliminary development plan of a planned development may be referred to the Board of Commissioners for review and action at the Director's discretion.

(12) **Existing Signs Not Conforming to Master or Common Signage Plan***.* When a master or common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance all signs not conforming to the proposed

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amended plan or to the requirements of this UDO within three (3) years of approval of the application.

(13) **Binding Effect**. After approval of a master or common signage plan, no sign shall be erected, placed, painted, or maintained on the property referenced by the plan, except in conformance with such plan and such plan may be enforced in the same way as any provision of this chapter. In case of any conflict between the provisions of such plan and any other provision of this chapter, this chapter shall have precedence and control.

(e) **Substitution of Noncommercial Speech for Commercial Speech.** Notwithstanding anything contained in this section or sign code to the contrary, any sign erected pursuant to the provisions of this section or sign code, or otherwise lawfully existing with a commercial message, may, at the option of the owner, contain a noncommercial message unrelated to the business located on the premises where the sign is erected. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or sign type.

(f) **Content Neutrality as to Sign Message.** Notwithstanding anything in this section or sign code to the contrary, no sign or sign structure shall be subject to any limitation based on the content of the message contained on such sign or displayed on such a sign structure unless the sign's shape, message or imagery are determined by the Community Development Director to be obscene pursuant to **Section 664**.

(g) **Signs Excluded from Regulation.** See Section 663 for a listing of signs that are exempt from certain sign regulations.

(h) **Approval.** After the Community Development Director determines that the sign complies with the requirements of this UDO, the Building Official shall review the application for compliance with building and electrical code compliance prior to issuing a sign permit.

(i) **Effect of Approval**. The work authorized under a sign permit must be begun within three (3) months of its issue date and must be completed no more than six (6) months after the permit issue date, otherwise the permit shall lapse.

(j) **Inspection**.

(1) The County shall inspect each sign for which a permit for a new sign, or for modification of an existing sign, is issued.

(2) All outdoor advertising and freestanding signs shall be subject to a footing inspection prior to erection of the sign. All signs shall be subject to a final inspection to ensure that they comply with the sign permit and all applicable provisions of County Code. The Building Official shall direct the applicant to bring non-compliant signs into compliance within a specified time upon determining that the sign does not comply with the terms of the permit. Upon failure to do so, the permit shall be revoked, and the sign removed.

(k) **Non-Conforming Signs.** Non-conforming signs are subject to the provisions of **Section 671**.

(l) **Discontinued Signs.** Upon the discontinuance of business occupancy of an establishment for a consecutive period of six (6) months, the Building Official shall require the removal of the on-premises sign(s) advertising or identifying the establishment. If the owner fails to remove the sign, the Building Official shall give thirty (30) days' notice to the property owner to remove the sign(s), including all its attendant supports, frames and hardware. Failure to remove the sign(s)

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within the thirty (30) day period shall constitute a violation of this UDO and shall be remedied in accordance with the provisions of this UDO. If a new establishment will use the sign, the owner of the property must submit to the Community Development a letter requesting the sign be allowed to remain, identify the new establishment, timeframe for the new establishment commencing operation, and acknowledging the sign will need to meet current regulations and standards. The Community Development Director may grant the property owner a maximum of one-year to demonstrate the new establishment has commenced operations, and the sign complies with current regulations. No extensions shall be granted. If the new establishment does not commence operations within the year, the property owner must remove the sign within 30 days. Failure to do so will constitute a violation of this UDO and shall be remedied in accordance with the provisions of this UDO.

Section 423. Home Occupation Permits

(a) **Purpose.** This section documents the procedures for issuance of home occupation permits for uses that comply with this section and **Section 707** of this UDO.

(b) **Applicability.** No home occupation may be established, enlarged or substantially altered except in accordance with the provisions of this section. If any retail sales are proposed or the home occupation will have on-site customers, the applicant shall be required to secure a conditional use permit pursuant to **Article III.Division 4.** The conditional use permit shall establish conditions under which on-site customers or retail sales may occur.

(c) **Initiation.** An applicant shall submit an application containing the information listed in **Appendix X** to the Community Development Director.

(1) Applications may be initiated by the owner or occupant of a residence. However, written approval from the current property owner shall be required as part of any application for a home occupation.

(2) The Community Development Director shall review the application and shall determine if the application is complete pursuant to **Section 213**.

(d) **Review and Action**. If the application complies with all applicable provisions of this ordinance, the Community Development Director may approve the home occupation permit, approve the application subject to conditions or disapprove the application.

(e) **Effect of Approval**. Home occupation permit approval authorizes the applicant to conduct the subject home occupation subject to the conditions of approval. If the occupation is not established within twelve (12) months of approval, the approval lapses.

(f) **Appeals**. An applicant may appeal the decision of the Community Development Department to the Board of Adjustment pursuant to **Article III.Division 6**.

(g) **Business License and Occupation Tax**. If a home occupation permit is granted, the applicant is responsible for obtaining the required business license and paying the annual occupation tax.

Section 424. Temporary Use Permits

(a) **Purpose.** This section documents the procedures for issuance of a temporary use permit for uses that comply with this section and **Section 742** of this UDO.

(b) **Applicability.** No temporary use may be established, enlarged or substantially altered except in accordance with the provisions of this section.

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(c) **Initiation.** An applicant shall submit an application containing the information listed in **Appendix X** to the Community Development Director.

(1) Applications may be initiated by the owner or the proposed operator of the temporary use. However, written approval from the current property owner shall be required as part of any application for a temporary use permit.

(2) The Community Development Director shall review the application and shall determine if the application is complete pursuant to **Section 213**.

(d) **Review and Action**. If the application complies with all applicable provisions of this ordinance, the Community Development Director may approve the temporary use permit, approve the application subject to conditions, disapprove the application or, upon determining that the proposed use will obstruct traffic or interfere with emergency access, forward the application to the Board of Commissioners for review and action at the Board's next public meeting. A public hearing will not be required, but the Chairman of the Board of Commissioners or the County Administrator may schedule public hearing if they determine public comment is necessary.

(e) **Effect of Approval**. Temporary use permit approval authorizes the applicant to conduct the use subject to the conditions of approval. If the occupation is not established within ninety (90) days of approval, the approval is void.

Section 425. Special Event Permits

(a) **Purpose.** This section documents the procedures for issuance of a special event permit for uses that comply with this section and **Section 742** of this UDO.

(b) **Applicability.** No special event may be established, enlarged or substantially altered except in accordance with the provisions of this section.

(c) **Initiation.** An applicant shall submit an application containing the information listed in **Appendix X** to the Community Development Director.

(1) Applications may be initiated by the owner or the proposed operator of the special event. However, written approval from the current property owner shall be required as part of any application for a special event permit.

(2) The Community Development Director shall review the application and shall determine if the application is complete pursuant to **Section 213**.

(d) **Review and Action**. If the application complies with all applicable provisions of this ordinance, the Community Development Director shall forward the application to the County Administrator, who may approve the special event permit, approve the application subject to conditions, disapprove the application or, upon determining that the proposed use has potentially detrimental impacts on the public health, safety or welfare, forward the application to the Board of Commissioners for review and action at the Board's next public meeting. A public hearing will not be required, but the Chairman of the Board of Commissioners or County Administrator may schedule a public hearing if they determine the proposed use could obstruct traffic to the extent that it would limit normal or emergency access to nearby properties.

(e) **Effect of Approval**. Special Event permit approval authorizes the applicant to conduct the special event subject to the conditions of approval. If the special event is not held on the date(s) specified in the application, the applicant must obtain a new permit.

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Division 4. Development Approvals by Engineering Director

Section 426. Land Disturbance Permit

(a) **Purpose.** A land disturbance permit is required pursuant to Chapter 111 of the County Code to ensure compliance with state and local requirements for erosion, sedimentation, and stormwater management, in addition to the County's tree preservation requirements.

(b) **Applicability**.

(1) No clearing of land, grading, or filling may occur until a land disturbance permit has been issued by the Engineering Director in accordance with Chapter 111 of the County Code.

(2) Erosion and sedimentation controls shall be required on all sites in accordance with Chapter 111, the Erosion and Sedimentation Act of 1975 (O.C.G.A. § 12-7-1 et seq.) and all other outside agency approvals required.

(c) **Types of Permits**: The County has three types of land disturbance permits. These permits are:

(1) **Clearing and Grading Permit** – A clearing and grading permit allows an applicant to clear and grade a site, including removing trees stumps. An applicant shall submit an application for a clearing and grading permit in compliance with the requirements in Appendix X. As a condition of the permit, an applicant will have to post a restoration bond in an amount approved by the Engineering Director.

(2) **Road Construction Permit** – A road construction permit allows an applicant to clear and grade a site and construct a new road, including the installation of underground utilities (water, sewer, electrical, cable, gas, stormwater) or install improvements related to existing roads. For roads that are part of a major subdivision, the applicant shall comply with the process identified in **Article III.Division 8.**

(3) **Site Development Permit** – A site development permit allows an applicant to clear and grade a site and install infrastructure and other improvements not associated with a major subdivision. An applicant shall submit an application for a site development permit in compliance with the requirements in **Appendix X**. The process for approval shall follow the construction plan approval process identified in **Article III.Division 8.**

Section 427. Floodplain Development Permits

(a) **Purpose and Applicability.** All development shall comply with the provisions of Chapter 105 of the County Code to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Require uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

(3) Control grading activities and other development which may increase erosion or flood damage;

(4) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and

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(5) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

(b) **Procedures.** Permits for development within the bounds of a Special Flood Hazard Area (SFHA) shall comply with the procedures and standards of Chapter 105 of the County Code.

(c) **Appeals**. Appeals to the Engineering Director's decisions on floodplain development permits shall be heard by the Building and Construction Board of Appeals.

Section 428. Traffic Impact Assessment

(a) **General Applicability.** Traffic studies may be required in conjunction with a subdivision, planned development, conditional use permit, rezoning or site plan application if projected traffic from a development reaches the thresholds established in paragraphs (c) and (d) of this section. Exhibit 428 summarizes the process for traffic study review

Exhibit 428: Traffic Study Review Process Summary

Traffic Study Review Process
Applicability and Scoping Meeting with Engineering Director
Preparation and Submittal of Study
Initial Review by Engineering Director (30 days)
Final Review and Approval by Engineering Director (30 days)

(b) **Types of Studies**.

(1) **Traffic Impact Analysis** – for projects having impacts on major roads, multiple roads, or multiple intersections.

(2) **Traffic Design Analysis** – for projects having more localized impacts and focused on ingress, egress and abutting intersections.

(c) **Traffic Impact Analysis (TIA) Purpose and Applicability**.

(1) **Purposes**: The purposes of a TIA will be to:

a. Evaluate traffic operations and impacts at site access points under projected traffic loads;

b. Evaluate the impact of site-generated traffic on affected intersections in the impact area;

c. Evaluate the impact of site-generated traffic on the quality of traffic flow on public roads located in the Impact area;

d. Evaluate the impact of the proposed development on residential roads in the impact area;

e. Ensure that site access and other improvements needed to mitigate the traffic impact of the development meet commonly accepted engineering design standards;

f. Ensure that adequate facilities for pedestrians, transit users and bicyclists have been provided; and

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g. Identify transportation infrastructure needs and related costs created by the development and cost sharing for needed improvements.

(2) **Applicability**: A TIA will be required to be submitted and approved by the Director of Engineering prior to approval of a sketch plat, zoning map amendment, conditional use permit, planned development plan, or site plan for development that exceeds the following thresholds in one or more development applications submitted for a parcel or contiguous parcels under common ownership at the time of the adoption of this UDO or at the time of the development application:

a. The proposed development will generate more than 1,000 average daily trips at full occupancy, according to most current version of the ITE Trip Generation Manual or comparable research data approved by the Engineering Director; or

b. The proposed development will concentrate three hundred (300) or more trips per day through a single access point

(d) **Traffic Design Analysis (TDA) Purpose and Applicability**. All Development projected to generate two hundred (200) average daily trips more than existing conditions that does not require a TIA shall be required to complete a Traffic Design Analysis (TDA). The purposes of a TDA will be to:

(1) Ensure that the proposed road layout is consistent with adopted road design standards;

(2) Ensure the proper design and spacing of site access points and identify where limitations on access should be established;

(3) Ensure that potential safety problems have been properly evaluated and addressed;

(4) Ensure that internal circulation patterns will not interfere with traffic flow on existing public roads;

(5) Ensure that appropriate facilities for pedestrians, transit users and bicyclists have been provided in plans for the development; and

(6) Identify the transportation infrastructure needs and related costs created by the development.

(e) **Waiver**. Engineering Director may waive requirements of a TIA or TDA upon determining that the analysis is not necessary to determine needed road improvements, that adequate capacity exists to serve the proposed development, and that no unsafe or hazardous conditions will be created by the development as proposed.

(f) **Preparation**. The cost of TIA or TDA preparation shall be the responsibility of the applicant. The applicant shall retain the services of a qualified traffic engineer approved by the Engineering Director. TIAs and TDAs shall be sealed by a Georgia licensed professional civil engineer.

(g) **Traffic Level of Service Standards**. The standards for traffic service that shall be used to evaluate the findings of a TIA or TDA are:

(1) **Level of Service**. Level of Service D (LOS D) or less congested shall be maintained on all arterial and collector road segments and intersections. LOS C or less congested shall be maintained on all other road segments and intersections. For multi-phase developments, the applicable levels of service shall be maintained for each phase.

(2) **Number of Access Points**. The spacing of access points shall comply with applicable County, state and AASHTO standards.

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(3) **Internal Circulation**. On-site vehicle circulation and parking patterns shall be designed so as not to interfere with the flow of traffic on any public road and shall accommodate all anticipated types of site traffic at projected volumes.

(4) **Safety.** Access points shall be designed to provide for adequate sight distance and appropriate facilities to accommodate acceleration and deceleration of traffic using the site.

(5) **Curb Space Use Plan**. Details shall be provided for curb space use on public roads along the development site when such areas be used for parking, parking space access, delivery and loading zones, passenger zones, bus stops, fire zones and/or other official/emergency zones. The curb space use plan shall include a description of existing conditions prior to development, and proposed changes resulting from the development, including a description of any loss or gain in curb space use by the activities intended.

(h) **Traffic Analysis Contents**. A TIA shall be based on peak hour traffic and shall contain information addressing the factors listed below.

(1) **Project and Site Description**. The analysis shall contain illustrations and narrative that describe the characteristics of the site and adjacent land uses as well as expected development in the Impact area that will influence future traffic conditions. A description of the proposed development including but not limited to access plans, staging plans and an indication of land use and intensity, shall be provided.

(2) **Impact Area**. The analysis shall identify the geographic area under study and identify the roadway segments, critical intersections and access points to be analyzed. The study shall include: all road segments, intersections and driveways on or within 150 feet of the site; all collector or arterial roads and road intersections within one-quarter (¼) mile of the site; and all arterial roads and intersections that the proposed development is projected generate five (5) percent or more of the peak hour traffic.

(3) **Existing Traffic Conditions**. The analysis shall contain a summary of the data used in the analysis of existing traffic conditions, including:

a. Existing Demand, including traffic count and turning movement information, including the source of and date when traffic count information was collected;

b. Roadway characteristics, including the design configuration of existing roadways, existing traffic control measures (speed limits, traffic signals, etc.) and existing driveways and turning movement conflicts in the study area; and

c. The existing LOS for roadways and intersections without project development traffic using methods documented in the Special Report 209: Highway Capacity Manual, published by the Transportation Research Board, or comparable accepted methods of evaluation. LOS shall be calculated for the weekday am and pm peak hours and, in the case of uses generating high levels of weekend traffic, the Saturday or Sunday peak hour may be required as determined by the Engineering Director.

(4) **Traffic Assignment**. The TIA shall identify projected peak hour traffic volumes for applicable roadway segments, intersections and driveways in the study area. Applicable road segments, intersections and driveways and traffic distribution assumptions shall be identified by the Engineering Director prior to completion of the study. Projected trip generation shall be based on latest data from the ITE or other studies as approved by the

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Engineering Director. This section will document all assumptions affecting the direction, volume and mode split of traffic generated by the project.

(5) **Analysis**. The analysis shall be based on ten (10) and twenty (20) year projections. The analysis shall compare existing demand plus projected demand plus proposed demand with planned capacity for the applicable projections.

(6) **Mitigation Alternatives**. In situations where the LOS standards are projected to be exceeded, the analysis shall evaluate each of the following alternatives for achieving the traffic service standards:

a. Identify additional right of way and road improvements needed to implement mitigation strategies;

b. Identify suggested phasing of development and transportation improvements where needed to maintain compliance with LOS standards;

c. Identify the anticipated cost of recommended improvements; and

d. For developments impacting constrained facilities, identify access, pedestrian, transit or other improvements required to mitigate the impacts of the proposed development on the constrained facility.

(i) **TDA Contents**. A TDA shall include the information required for a TIA, except as modified by the Engineering Director. The study area for a TDA shall include all road segments, intersections and driveways on or within 150 feet of the site.

(j) **Process for the Review and Preparation**. The following steps provide an outline of the steps to be included in the preparation and review of a traffic analysis:

(1) The applicant shall meet or correspond with the Engineering Director to determine whether a TIA or TDA needs to be prepared for a proposed development application, and to identify study issues, assumptions, projections and time periods to be analyzed, analysis procedures, available sources of data, past and related studies, report requirements and other topics relevant to study requirements. GDOT shall be contacted and coordinated with, as appropriate, when the proposed development is adjacent to and/or impact a GDOT right-of-way. The Engineering Director must approve the scope of the TIA or TDA prior to submittal.

(2) Following initial completion of a traffic study, the report shall be submitted to the Engineering Director for distribution to all jurisdictions involved in the construction and maintenance of public roadways serving the development.

(3) Within thirty (30) days, the Engineering Director shall provide comments to the applicant. The applicant shall be responsible for responding to the comments. A meeting to discuss the contents and findings of the report and the need for additional study may be requested by the applicant. The applicant shall be responsible for submitting a revised draft, and the TIA or TDA shall not be considered final until the Engineering Director and GDOT, as required, have approved the TIA or TDA.

(4) Within thirty (30) days of the Engineering Director determining the TIA or TDA is final, the Engineering Director shall prepare a report outlining recommendations that have been developed to address the findings and conclusions included in the analysis regarding the proposed Development's access needs and impacts on the transportation system. The

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recommendations shall be incorporated into the staff report or staff approval for the applicable application.

(5) In the case of a TIA or TDA showing deficiencies requiring mitigation within the public right-of- way, negotiations based on the conclusions and findings resulting from the TIA or TDA shall be held with appropriate County staff. The subsequent development approval or, at the option of the applicant, a development agreement, shall identify the applicant's and the County's responsibilities for implementing identified mitigation measures.

(k) **Findings and Mitigation Measures**. If the proposed development will not meet applicable service level standards, the Engineering Director shall recommend denial of the application unless the applicant submits a mitigation plan that, in the opinion of the Engineering Director, addresses the deficiency through one or more of the following actions:

(1) Reduce the size, scale, scope or density of the development to reduce traffic generation;

(2) Divide the project into phases and with only one phase at a time being authorized until traffic capacity is adequate for the next phase of development;

(3) Dedicate right-of-way for road improvements;

(4) Construct new road improvements;

(5) Expand the capacity of existing roads and/or intersections;

(6) Redesign ingress and egress to the project to reduce traffic conflicts;

(7) Alter the use and type of development to reduce peak hour traffic;

(8) Reduce background (existing) traffic;

(9) Eliminate the potential for additional traffic generation from undeveloped properties in the Impact area; or

(10) Integrate non-vehicular design components (e.g., pedestrian and bicycle paths or transit improvements) to reduce trip generation.

(l) **Proportionate Share Responsibility.** If the Engineering Director determines that requiring the applicant to construct or fund one hundred percent of the improvement would not be proportionate to the project's impact to applicable transportation infrastructure, the Engineering Director shall establish a proportionate (fair) share cost, and the applicant shall mitigate the impact by paying the fair share of the cost of the improvement.

(m) **Appeals**. Appeals to the Engineering Director's decision shall be heard by the Building and Construction Board of Appeals.

(n) **Validity**. TIAs and TDAs shall be valid for one year from the date of approval. The Engineering Director may require an updated TIA or TDA if development has not commenced within one year, and there has been a significant change in circumstances, e.g., increase in background traffic, improvements to transportation network, change in project scope, etc. If five or more years have elapsed since the TIA or TDA was approved and development has not commenced or phases of the project have not been started, an updated TIA/TDA shall be required subject to the scope established by the Engineering Director. For multi-phased projects, the Engineering Director shall determine when and if development has commenced within the five-year period.

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Section 429. Road Encroachment Permits

(a) **Purpose.** This section documents the procedures for issuance of a road encroachment permit to ensure that access to and construction within public right-of-way is done in a safe manner that is consistent with this UDO and other applicable requirements of the County and state.

(b) **Applicability.** No work or construction activity related to the installation of any new improvements, and/or enlarging/substantially altering any existing improvements within a County right-of-way is permitted until a road encroachment permit is issued in accordance with the provisions of this section.

(c) **Initiation.** An applicant shall submit an application containing the information listed in **Appendix X** to the Engineering Director. Applications may be initiated by the owner or agent of the property abutting the right-of-way in which the work is proposed.

(d) **Review and Action**. If the application complies with all applicable provisions of this UDO, the Engineering Director may approve the application, approve the application subject to conditions, disapprove the application, or request additional documentation in order to make a determination.

(e) **Effect of Approval**. The road encroachment permit shall be valid for six months. If the proposed work is not completed within this timeframe, the Engineering Director may renew the permit for an additional six months at the request of the applicant if just cause is shown.

(f) **Appeals**. Appeals to the Engineering Director's decision shall be heard by the Building and Construction Board of Appeals.

Section 430. Adoption of Technical Standards

Division 5. Development Approvals by Building Official

Section 431. Building Permits and Certificates of Occupancy

No structure shall be constructed, altered, repaired, equipped, used, occupied, located, maintained, removed or demolished except in compliance with Chapter 103 of the County Code. Building permits shall be required prior to initiation of applicable structural work. A certificate of occupancy shall be required prior to the habitation or occupancy of a building or structure.

Sections 432-499 Reserved

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Article V. Zoning Districts and Uses

This Article establishes the County's zoning districts, the zoning map, the land uses authorized in each zoning district, conditions specific to certain uses in the district, the intensity of development, and district-specific development standards.

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Division 1. Zoning Generally

Section 500. Establishment of Zoning Districts

All unincorporated areas of the County are hereby divided into the zoning districts listed in **Exhibit 500** to regulate the arrangement, location and use of land, buildings, and structures for trade, industry, residence, and other purposes; to regulate the height and size of buildings hereafter erected or structurally altered; to establish minimum setbacks, areas of yards, courts, and other open spaces; and to regulate the density of population.

Exhibit 500: Zoning Districts

District Abbreviation	Zoning District Name	UD0 Reference
Agricultural and Rural Residential Districts		
A-5	Agricultural	Article V.Division 4
RR-2.5	Rural Residential 2.5	
RR-1.5	Rural Residential 1.5	
RR-1	Rural Residential 1	
Residential Districts		
R-15	Low-Density Residential 15	Article V.Division 3
R-M	Multi-family Residential	
R-MH	Manufactured Home Park	
Commercial Districts		
B-1	Neighborhood Commercial	Article V.Division 4
B-2	General Commercial	
C-I	Interchange Commercial	
Industrial and Institutional Districts		
I-1	Light Industrial	Article V.Division 5
I-2	General Industrial	
P/I	Public/Institutional	
WP	Waste Management	
Waterfront Business and Dunes/Marsh Districts		
WB	Waterfront Business	Article V.Division 6
DM-1	Dunes and Marshlands	
Other Zoning Districts		
PD	Planned Development	Article V.Division 7

Section 501. Transitions from Prior Zoning Districts

The UDO eliminates, consolidates or changes several preexisting zoning districts. Unless otherwise rezoned subsequent to UDO adoption, the following districts will transition to the new districts listed in **Exhibit 501**. All buildings, structures, and uses that were legally established prior to UDO adoption may continue to be occupied and used as authorized prior to UDO adoption in accordance with Article VI: Non-Conformities. New development, redevelopment and newly established uses must comply with the provisions of the newly adopted zoning district and other applicable rules and regulations.

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Exhibit 501: Zoning District Transitions

Prior Zoning District to be Eliminated	New Zoning District Assignment
AR-2.5 – Agriculture Residential	RR-2.5
AR-1.5 – Agriculture Residential	RR-1.5
AR-1 – Agriculture Residential	RR-1
R-30 – Residential	RR-1 or R-15[1]
R-1 – Residential	R-15
R-2 – Two-family residential	R-15
R-3 – Multifamily residential	R-M
R-4 – Manufactured home park	R-MH
BN – Neighborhood business	B-1
I-L – Light industrial	I-1
I-1 – General Industrial	I-2
O – Office	P/I
WB-1 – Waterfront Business	WB
WB-2 – Waterfront Commercial	WB
WB-3 – Waterfront Commercial/Industrial	WB
PUD – Planned development	PD

Note: (1) RR-1 zoning applicable to lots of 1 acre or greater. R-15 zoning applicable to lots smaller than 1 acre. In determining the appropriate zoning district, however, the Community Development shall determine the average lot size of R-30 parcels within a platted subdivision, lot size for single parcels outside of a major or minor subdivision, or review the conceptual plan included with a rezoning application for undeveloped tracts of land.

Section 502. Conditional Districts

Upon the adoption of this UDO, the "Conditional District (CD)" designation shall no longer be permitted. For those parcels with a "Conditional District (CD)" designation prior to the adoption of this UDO, all conditions placed on the parcels shall remain valid and binding until such time as the Board of Commissioners, through the zoning map/text amendment process, modifies, amends, or removes the condition(s).

Section 503. Zoning Map

(a) **Establishment, Amendment and Maintenance of the Official Zoning Map**.

(1) There shall be a map designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the County's Planning Jurisdiction. This map shall be stored on the County's geographic information system (GIS) and printed on durable material. Prints shall be dated and kept in the Community Development Department.

(2) The Official Zoning Map is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with the provisions of Article III of this UDO.

(3) The Community Development Director shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the Board of Commissioners. Upon entering any such amendment on the map, the Community Development Director shall change the date of the map to indicate its latest revision. The Community Development Department shall keep copies of superseded prints of the zoning map for historical reference.

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(4) No unauthorized person may alter or modify the Official Zoning Map. . If an unauthorized person alters or modifies the Official Zoning Map, the amendment shall be considered null and void, and the original zoning designation shall be reinstated.

(5) GIS records shall indicate the zoning designation, the number and date of the ordinance creating the designation and, where a conditional zoning district was established prior to this UDO or conditions were included with the zoning map amendment approval,, the conditions of that rezoning. GIS records shall maintain the zoning history.

(6) Should the Official Zoning Map be lost, destroyed or damaged, the Community Development Director may have a new map generated from the most reliable available data. No further Board of Commissioners authorization or action is required so long as no district boundaries are changed in this process.

(7) If there is a question or dispute concerning the current zoning of a property, the Community Development Director shall research the County's official records, including but not limited to application files, P&Z minutes, Board of Commissioners minutes, and County ordinances, to determine if the Official Zoning Map correctly identifies the parcel(s) zoning. The Community Development Director shall be the final authority as to the current zoning status of the parcel in the County.

(b) **Interpretation of Zoning District Boundaries**.

(1) Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Map or any other map incorporated in or referenced by the UDO, the following rules shall apply:

a. Boundaries indicated as approximately following the centerlines of streets, alleys or other public rights-of-way shall be construed to follow such centerlines. Where the street, alley or right-of-way has been vacated through official action of the governing body, the boundary shall be construed to follow the centerline of the vacated right-of-way.

b. Boundaries indicated as approximately following property lines shall be construed to follow such lines.

c. Boundaries indicated as approximately following jurisdictional boundaries shall be construed to follow such boundaries.

d. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

e. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline shall be construed as moving with the actual shoreline.

f. Boundaries indicated as approximately following the centerlines of canals, streams or other bodies of water shall be construed to follow such centerlines.

g. Boundaries indicated as parallel to features described in paragraphs (a) through (f) above shall be construed as parallel to such features at the distance from the feature indicated on the Official Zoning Map. If a distance is not indicated on the Official Zoning Map, the distance shall be determined by the scale of the map unless actual dimensions are noted.

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(2) If, because of an error or omission on the Official 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.

(3) Where interpretation is needed as to the exact location of boundaries of any mapped area, the Community Development Director shall make the necessary interpretation.

(c) **Parcels Divided by District Lines**.

(1) Whenever a single parcel of two (2) acres or less in size is located within two (2) or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot.

(2) Whenever a single lot greater than two (2) acres in size is located within two (2) or more different zoning districts, then:

a. If each portion of the lot located within a separate district is equal to or greater than the minimum lot size for that district, then each portion of the lot shall be subject to all regulations applicable to the district in which it is located.

b. If any portion of the lot located within a separate district is smaller than the minimum lot size for that district, then such smaller portion shall be regarded as if it were in the same zoning district as the nearest larger portion to which it is attached.

Section 504. Authorized Use Tables Established.

Each district includes a table of authorized land uses showing the principal uses allowed by right within zoning districts, uses subject to supplemental conditions, and uses that must be authorized by conditional use permit. A master table showing all uses and districts is included in Appendix B.

(a) **By Right Uses**. A "P" indicates the listed use is allowed by right within the respective zoning district subject to required approvals in accordance with the procedures established in Articles II-IV.

(b) **Uses Subject to Supplemental Conditions**. An "S" indicates that the listed use is allowed by right, but subject to supplemental use regulations established in the zoning district regulations, or Articles VII and VIII.

(c) **Conditional Uses**. A "C" indicates the listed use is allowed within the respective zoning district only after review by the Planning & Zoning Commission and approval of a conditional use permit by the Board of Commissioners in accordance with the procedures established in Article III. Specific conditions for some of these uses are established in the zoning district standards and Articles VII and VIII.

(d) **Prohibited Uses**. A blank cell in an authorized use matrix means that the use is prohibited in the applicable zoning district.

Section 505. Uses Not Listed in Authorized Land Use Tables.

In the case where a use is not listed in any authorized use matrix of the UDO, and such use is not otherwise prohibited by law, the Community Development Director shall determine whether a substantially similar use exists in the use matrix. If the Community Development Director determines that a substantially similar use exists, then the regulations governing that use shall apply to the particular use not listed. In making the determination, the Community Development Director shall consider the purposes of the zoning district and the following rules of construction:

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(a) Because the list of permissible uses set forth in the authorized use tables cannot be all-inclusive; those uses that are listed shall be interpreted liberally by the Community Development Director to include other uses that have similar impacts to the listed uses.

(b) If a use cannot be interpreted by the Community Development Director for inclusion in an authorized land use table, that use shall be prohibited. Authorized land use tables shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another use that is permissible in other zoning districts.

If, when seeking periodic ratification of interpretations through text amendment to this UDO, the Community Development Director's interpretation is reversed by action of the Board of Adjustment, then prior decisions regarding a development application made in reliance on the Community Development Director's interpretation shall be valid, except that non-conforming use regulations of this UDO shall apply to the use.

Division 4. Agricultural and Rural Residential Districts

Section 506. Agricultural and Rural Residential District Purposes

(a) **"A-5" Agricultural District Purpose**. Agriculture and forestry are the primary activities to be conducted within this district, which is intended to conserve natural resources and open space of land. The district allows very-low density residential development that is compatible with nearby agricultural and forestry uses.

Source: Georgia Farm & Garden Tours

(b) **"RR-2.5" Rural Residential Districts**. The purpose of this district is to provide for large-lot single family development in a rural environment that may include limited agricultural and forestry activities. Residential development shall be compatible with nearby agricultural and forestry uses.

(c) **"RR-1.5" Rural Residential District**. The purpose of this district is to provide for large-lot single family development in a rural environment. Limited non-commercial agricultural activity is permissible here.

(d) **"RR-1" Rural Residential Districts**. The purpose of this district is to provide for large-lot single family development in a rural environment. Limited non-commercial agricultural activity is permissible here.

Section 507. Authorized Land Uses.

Exhibit 507 identifies the land uses that are allowed within agricultural and rural residential zoning districts, by right (P), subject to supplemental conditions (S) or by conditional use permit (C). Supplemental Use conditions for these districts can be found in **Section 508** and **Article VII**. See **Appendix X** for a consolidated table of authorized uses showing all uses and districts.

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Exhibit 507 Authorized Land Uses in Agricultural and Rural Residential Districts

Land Use	A-5	RR-2.5	RR-1.5	RR-1	Supplemental Standards
AGRICULTURAL USES					
Agritourism	C				
Apiaries	P	P	P	P	
Aviaries	P				
Community Gardens	P	P	P	P	
Confined livestock feeding operation	C				
Farm animals, large	P	S	S	S	
Farm animals, small	P	S	S	S	
Farming (commercial)	P	C			
Farming (non-commercial)	P	P	P	P	
Feed and Grain Sales/Storage	C				
Fish hatcheries	C				
Nurseries and greenhouses - retail	C				
Nurseries and greenhouses - wholesale	P				
Poultry production - commercial	C				
Processing of agricultural products grown off-site	C				
Silviculture	P				
Slaughterhouse	C				
Stables (commercial)	P				
Wildlife refuge	P	P	P	P	
RESIDENCES OR ACCOMMODATIONS					
Detached single-family dwelling	P	P	P	P	
Accessory dwelling unit	S	S	S	S	
HOTELS, MOTELS, OR OTHER ACCOMMODATIONS					
Bed and Breakfast Home	S	S	S	S	
Bed and Breakfast Inn	S	S			
COMMERCIAL USES					
Animal boarding – inside kennels	C				
Animal boarding – outside kennels	C				
Animal shelter (private)	C				
Flea markets	C				
Markets for farm produce or crafts, ongoing	C				
Markets for farm produce or crafts, temporary	S				
Special Events Homes	S	C	C	C	

Land Use	A-5	RR-2.5	RR-1.5	RR-1	Supplemental Standards
TRANSPORTATION					
Air transportation, private	C				
Post office, federal	P	P	P	P	
COMMUNICATION, INFORMATION, AND UTILITIES					
Library or archive	P	P	P	P	
Power generation (Solar Energy System), accessory	S	S	S	S	
Power generation (Solar Energy System), commercial	C				
Public utilities services, major	P	P	P	P	
Public utilities services, minor	P	P	P	P	
Solid waste collection, combustion, landfills or separation/ sorting of recyclable materials from non-hazardous waste streams	C				
Wastewater treatment plants	C	C	C	C	
Water treatment plants	C	C	C	C	
Wireless telecommunications transmission	S	S	S	S	
ARTS, ENTERTAINMENT, AND RECREATION					
Amusements, outdoor, low impact	C				
Campgrounds (Camps, Camping, and Related Establishments	C				
Golf courses	S	S	C	C	
Golf driving ranges	C	C	C	C	
Motion picture viewing and exhibition services, drive-in	C				
Natural and Passive Recreational Parks	P	P	P	P	
Outdoor recreation, high intensity	S	C			
Outdoor recreation, low intensity	S	S	S	S	
Paintball ranges	C				
Shooting ranges, outdoor	C				
Special Events	S	S	S	S	
Temporary Uses	S	S	S	S	
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS					
Civic associations, non-profit associations, and private clubs	C	C	C	C	
Free-standing cemetery/columbarium	C	C	C	C	
Public safety	P	P	P	P	
Religious institutions	S	S	S	C	

Land Use	A-5	RR-2.5	RR-1.5	RR-1	Supplemental Standards
Residences – Community residential home	C				
Residences – Group home/community living arrangement	S	S	S	S	
Residences – Residential care/ institutional care facilities	C				
Residences – Transitional residential facilities	C				
School, middle or high schools	S	S	S	S	
School, grade school	S	S	S	S	
School, nursery or preschool	S	S	S	S	
Veterinary services	C				
CONSTRUCTION & MINING					
Mining and extraction	C				
ACCESSORY USES					
Accessory Bars	S	S	S	S	
Accessory dwelling units	S	S	S	S	
Accessory uses and structures not listed but customary to conditional uses	C	C	C	C	
Accessory uses for institutions not located in P/I Districts	S	S	S	S	
Accessory uses and structures not listed but customary to permitted uses	S	S	S	S	
Cemeteries/columbaria	C	C	C	C	
Childcare – family childcare learning center	S	S	S	S	
Commercial Vehicles Parking	S	S	S	S	
Family child care learning home	S	S	S	S	
Child care learning facilities located within a principal use	C	C	C	C	
Home office	S	S	S	S	
Home service business	S	S	S	S	
Home trade business	S	S	S	S	
Major Recreational Equipment Parking/Storage	P	P	P	S	
Special Event Venue	C	C			

Section 508. Agricultural and Agricultural/Residential District Use Conditions

The following use standards shall apply in addition to the standards established for specified uses in Article VII.

(a) **In the A-5 district**:

(1) Retail sales are limited to agricultural products grown or raised on the premises.

(2) Outdoor recreation uses are limited to low intensity activities that do not involve the use of motorized vehicles or rides, such as go carts, all-terrain vehicles, or carousels. Examples of low intensity uses are:

a. An unlighted, regulation-size or par three golf courses, including normal club house and pro shop activities, and other business activity associated with country clubs is permitted by right.

b. Simulated combat course for paintball gun users.

c. Unlighted recreation fields.

(3) Commercial riding stables are allowed, provided that no building or enclosure for animals is located closer than 100 feet from any property line.

(4) The maximum density for large farm animals, non-commercial, is 0.75 large animal units per acre or a minimum of 1.33 acres for each animal unit. For commercial farming, the operator shall comply with all state and federal requirements.

a. A large farm animal unit shall be considered one (1) horse, one (1) cow, or five (5) sheep. Other large animal units shall be calculated based on the formula of 1 animal unit equals 500 lbs. of average mature animal weight.

b. For purposes of this section, lot area must equal or exceed the minimum area for an entire large farm animal to allow an animal. For example, two (2) horses may be kept on a lot that is at least two and two-thirds (2.67) acres, and approximately four (4) acres is required for three (3) horses (3 horses * 1.33 acres/horse = 3.99 acres).

(5) There shall be no more than one (1) principal building per lot for parcels less than twenty-five (25) acres. Parcels containing twenty-five (25) acres or more will be allowed one (1) additional principal building on the parcel.

(6) Structures that are accessory to a bona fide agricultural use may be established in the absence of another principal structure

(b) **In RR-2.5, RR-1.5 and RR-1 districts**:

(1) There shall be no more than one (1) principal building per lot for parcels less than twenty-five (25) acres. Parcels containing twenty-five (25) acres or more will be allowed one (1) additional principal building on the parcel.

(2) No accessory structure may be established in the absence of a principal structure except for structures that are accessory to a bona fide agricultural use. Maximum number of accessory buildings for an agricultural use is three (3).

(3) Large farm animals are subject to the following limitations:

a. Large farm animals include any hooved livestock, such as cows, horses, mules, sheep, goats, llamas, and other animal other than a dog (canis familiaris) with an adult weight of fifty (50) pounds or more.

b. Large farm animals may not be raised, kept or used for commercial purposes on a parcel smaller than five (5) acres.

c. The minimum lot size for keeping of a large farm animal is two (2) acres.

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d. The maximum density for large farm animals is 0.75 large animal units per acre or a minimum of 1.33 acres for each animal unit.

e. A large farm animal unit shall be considered one (1) horse, one (1) cow, or five (5) sheep. Other large animal units shall be calculated based on the formula of 1 animal unit equals 500 lbs. of average mature animal weight.

f. For purposes of this section, lot area must equal or exceed the minimum area for an entire large farm animal to allow an animal. For example, two (2) horses may be kept on a lot that is at least two and one-half (2.5) acres, and at least four (4) acres is required for three (3) horses (4 acres * 0.75 animals/acre = 3 large animal units).

g. Enclosures for large farm animals shall be kept at least 100 feet from property lines. For purposes of this section, an enclosure is a physical structure such as a barn or a shed. A fence is not an enclosure.

h. The keeping of one or more pigs is not allowed within a RR district.

(4) Small farm animals are subject to the following limitations:

a. Small farm animals include poultry, rabbits and small hooved animals with adult weights of less than fifty (50) pounds. Dogs and other domesticated pets that are customarily kept within a household are not considered to be small farm animals subject to the provisions of this section.

b. Small farm animals may not be raised, kept or used for commercial purposes on a parcel smaller than one (1) acre.

c. The minimum lot size for keeping of small animals is one (1) acre.

d. Enclosures for non-commercial keeping of small farm animals shall be kept at least fifty (50) feet from property lines. Enclosures for commercial raising of small farm animals shall be at least one-hundred (100) feet from property lines. For purposes of this section, an enclosure is a physical structure such as a barn or a shed. A fence is not an enclosure.

(c) **In any Agricultural or Rural Residential district**: Public utilities substation or sub-installation including water towers are allowed on any sized lot, 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.

Section 509. Agricultural and Rural-Residential District Development Standards

Exhibit 509 summarizes the lot area, height and setback requirements in A and RR zoning districts; setbacks and height regulations apply to principal and accessory structures in these districts. See **Divisions 2 and 3 of Article VI** for additional rules and explanations of these standards.

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Exhibit 509: Summary of Lot Area, Height and Setback Requirements

Lot Development Standard	Zoning District			
	A-5	RR-2.5	RR-1.5	RR-1
Minimum Lot Area (acres)[1]	5	2.5	1.5	1
Maximum Density (dwelling units per acre)	0.2	0.4	0.67	1.0
Minimum Lot Width (feet)[4]	200	175	150	150
Minimum Front Setbacks (feet)[2]				
From arterial or collector road	75	75	75	75
From local road	50	50	50	50
Minimum Side Setback, Exterior/Street Side (feet)	50	50	40	40
Minimum Side Setback, Interior (feet)	50	40	35	35
Minimum Rear Setback (feet)	50	50	50	50
Maximum Building Height (feet)[3]	35	35	35	35
Maximum Percentage of Gross Land Area to be Covered[4]	20	20	20	30

Notes:
(1) Minimum lot area may be reduced through the use of the conservation subdivision process.
(2) See **Appendix E** for the classification of County Roads.
(3) See **Section 610** for additional height regulations.
(4) See **Section 612** for additional rules addressing lot dimensions and land coverage.

Division 5. Residential Districts

Section 510. Residential District Purposes

(a) **"R-15" Single Family Residential District**. The purpose of this district is to provide for medium to low-density single-family and duplex development free from intrusion by incompatible agricultural and commercial uses. This district is primarily to be served by centralized water systems and public or community sewage systems. Individual systems may be allowed on existing lots or lots created through the minor subdivision process that lack access to public or community systems and comply with minimum requirements of the Public Health Department and the Georgia Environmental Protection Division. Major subdivisions exceeding the minimum lot size and either served by an individual septic system or an individual well are permitted in this district.

(b) **"R-M" Multi-Family Residential District**. The purpose of this district is to provide locations for apartments, townhouses and other attached residential developments served by both a centralized water system and a centralized sewer system.

(c) **"R-MH" Manufactured Home Park District**. The purpose of this district is to provide locations for planned manufactured home parks that are adequately served by water and sewer systems.

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Section 511. Authorized Uses in Residential Districts

Exhibit 511 identifies the land uses that are allowed within residential zoning districts, by right (P), subject to supplemental conditions (S) or by conditional use permit (C). Supplemental Use conditions for these districts can be found in Section 512 and Article VII. See **Appendix X** for a consolidated table of authorized uses showing all uses and districts.

Exhibit 511: Authorized Land Uses in Residential Districts

Land Use	R-15	R-M	R-MH	Supplemental Standards
AGRICULTURAL USES				
Community Gardens	C	C	C	
Farm animals, small	S			
RESIDENCES OR ACCOMMODATIONS				
Detached single-family dwelling	P			
Two-family dwelling	S	S		
Townhouse or row house		P		
Three or Four family dwelling		P		
Other multi-family dwellings		P		
Accessory dwelling unit	S	S		
Manufactured home park or subdivision			P	
Personal care home		S		
TRANSPORTATION				
Post office, federal	P	P	P	
COMMUNICATION, INFORMATION, AND UTILITIES				
Power generation, (Solar Energy System) accessory	S	S	S	
Public utilities services, major	S	S	S	
Public utilities services, minor	S	S	S	
Water treatment plants	C	C	C	
Wireless telecommunications transmission	S	S	S	
ARTS, ENTERTAINMENT, AND RECREATION				
Golf courses	C			
Golf driving ranges	C			
Natural and Passive Recreational Parks	P	P	P	
Outdoor recreation, low intensity	S	S	S	
Special Events	S	S	S	
Temporary Uses	S	S	S	
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS				
Civic associations, non-profit associations, and private clubs	C	C	C	

Land Use	R-15	R-M	R-MH	Supplemental Standards
Public safety	P	P	P	
Religious institutions	C			
Residences – Group home/community living arrangement	S			
School, middle or high schools	S	S	S	
School, grade school	S	S	S	
School, nursery or preschool	S	S	S	
ACCESSORY USES				
Accessory bars	S	S	S	
Accessory dwelling units	S	S		
Accessory uses and structures not listed but customary to conditional uses	C	C	C	
Accessory uses for institutions not located in P/I Districts	S	S	S	
Accessory uses and structures not listed but customary to permitted uses	S	S	S	
Family child care learning home	S			
Cemetery/columbarium	C			
Child care learning facilities located within a principal use	C			
Commercial vehicles parking			S	
Family Child Care Learning Home	S			
Home office	S	S	S	
Home service business	C	C	C	
Home trade business	C	C	C	
Major recreational equipment parking/storage	S			

Section 512. Residential District Use Conditions

The following use standards shall apply in addition to the standards established for specified uses in **Article VII**.

(a) **In any residential district**:

(1) Public utilities substation or sub-installation including water towers, may be allowed on any sized lot, provided that:

a. Such use is enclosed by a painted or chain-link fence or wall at least eight (8) feet in height above finished grade;

b. There is no office, commercial operation or storage of vehicles or equipment on the premises; and

c. A landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility.

(2) There shall be no more than one principal building per lot except as otherwise allowed in the R-M and R-MH districts.

(b) **In the R-15 district:**

(1) On lots of one (1) acre or more small farm animals include poultry, rabbits and small hooved animals with adult weights of less than fifty (50) pounds may be kept subject to the conditions for RR-1 districts.

(2) On lots of 15,000 square feet or greater, up to two (2) small hooved animals or up to five (5) hens, rabbits or other small farm animals may be kept.

(3) Small farm animals may not be raised, kept or used for commercial purposes.

(4) Dogs and other domesticated pets that are customarily kept within a household are not considered to be small farm animals subject to the provisions of this section.Enclosures for

(5) small farm animals shall be kept at least fifty (50) feet from property lines. For purposes of this section, an enclosure is a physical structure such as a barn or a shed.

(c) **In the R-MH district**: Manufactured home parks shall comply with the provisions of **Section 737.**

Section 513. Residential District Development Standards

Exhibit 513a summarizes the lot area, height and setback requirements in residential zoning districts; setback and height regulations apply to principal structures. See the following paragraphs in this section, and Divisions 2 and 3 of Article VI for additional rules and explanations of these standards.

Exhibit 513a: Summary of Lot Area, Height and Setback Requirements for Residential Districts

Lot Development Standard	Zoning District		
	R-15	RM[6]	RMH
Minimum Lot Area[1]	15,000 sq.ft	2 acres	5 acres
Maximum Density (dwelling units per acre)	2.0	12	6
Minimum Lot Width (feet)[5]	75	150	
Minimum Front Setbacks (feet)[2] From arterial or collector road	45	50	75
From local road[3]	30	40	75
From minor local road[3]	30	34	50
Minimum Side Setback, Exterior/Street Side (feet)	20	40	50
Minimum Side Setback, Interior (feet)	15	10	50
Minimum Rear Setback (feet)	35	50	50
Maximum Building Height (feet)[4]	35	35	35
Maximum Percentage of Gross Land Area to be Covered[5]	30	40	

Notes:
(1) Minimum lot area may be reduced through the use of the conservation subdivision process in the R-15 district.
(2) See **Appendix E** for the classification of County Roads.
(3) See **Section 611** for front setback reductions
(4) See **Section 610** for height rules addressing multi-family and accessory structures.
(5) See **Section 612** for additional rules addressing lot dimensions and land coverage.

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Division 6. Commercial Districts

Section 514. Commercial District Purposes

(a) **"B-1" Neighborhood Commercial**. This district provides for locations of small-scale stores and services at locations serving residential areas. The design, use, scale, and traffic generation of businesses should be compatible with character and needs of the nearby neighborhoods they serve.

(b) **"B-2" General Commercial Districts**. This district provides locations for large, county-wide and regional businesses that tend to generate high traffic volumes.

(c) **"C-I" Interchange Commercial District**. This district provides locations for transportation related businesses associated with interstate highway travel and for commercial centers serving as regional commercial destinations.

Section 515. Authorized Uses in Commercial Districts

Exhibit 515 identifies the land uses that are allowed within commercial zoning districts, by right (P), subject to supplemental conditions (S) or by conditional use permit (C). Supplemental Use conditions for these districts can be found in **Section 516** and Article VII. See **Appendix X** for a consolidated table of authorized uses showing all uses and districts.

Exhibit 515: Authorized Land Uses in Commercial Districts

Land Use	B-1	B-2	C-I	Supplemental Standards
AGRICULTURAL USES				
Feed and Grain Sales/Storage		C		
Nurseries and greenhouses - retail	P	P		
Nurseries and greenhouses - wholesale		P		
RESIDENCES OR ACCOMMODATIONS				
Townhouse or row house		C	C	
Three or Four family dwelling		C	C	
Other multi-family dwellings		C	C	
Accessory dwelling unit	C	C	C	
Dwellings in mixed-use buildings	P	P		
Retirement Housing Services				
Assisted living center		S		
Continuing care retirement community		C		
Independent living facility		S		
Nursing Home		S		

Land Use	B-1	B-2	C-I	Supplemental Standards
Personal care home		S		
HOTELS, MOTELS, OR OTHER ACCOMMODATION SERVICES				
Hotel, motel,		P	P	
COMMERCIAL USES				
Adult uses, including bookstores, entertainment establishment and theater		S		
Animal boarding – inside kennels		S		
Animal services	S	S		
Antique shop	P	P		
Art galleries	P	P		
Art supplies	P	P		
Auction houses		C		
Bakery	P	P		
Bank, credit union, or savings institution	C	P	P	
Bar rooms, taverns, nightclubs and lounges	C	C	C	
Beer, wine, and liquor store		P	P	
Bicycle sales and service	P	P		
Brewpubs, micro-breweries, and micro-distilleries	C	S		
Convenience store, no fuel/ gasoline sales	S	P	P	
Convenience store, with fuel/gasoline sales	C	P	P	
Copy center, private mail center, consumer packing and shipping, other business support services but no on-site dispatching of delivery vehicles.	P	P		
Department store, warehouse club or superstore		P	P	
Drug store, pharmacies	P	P	P	
Employment services – dispatch, labor pool not on-site		P		
Employment services – labor pool on-site		C		
Fireworks sales, ongoing		P	P	
Flea markets		C		
Florist	P	P		
Food service, cafeteria or limited service restaurant	P	P	P	
Food service, catering	C	P		

Land Use	B-1	B-2	C-I	Supplemental Standards
Food service, food and beverage with drive-through or drive-in facilities	C	P	P	
Food service, full-service restaurant	P	P	P	
Food service, mobile	S	S	S	
Food service, snack or non-alcoholic bar	P	P	P	
Furniture or home furnishings		P		
Grocery store/supermarket, or bakery, specialty food stores	P	P	P	
Hardware, home center	P	P	P	
Laundromat, laundry and dry cleaning, excluding dry cleaning plants	P	P		
Markets for farm produce or crafts, ongoing	P	P		
Markets for farm produce or crafts, temporary	S	S		
Outside storage		C		
Parking lot and parking garage		C		
Pawn shops		C		
Personal services (hair, nails, spa)	P	P		
Pet or pet supply store	P	P	P	
Precious metal buyers		C		
Professional offices	P	P		
Rental – large equipment				
Rental – small equipment	C	P		
Rental - recreational goods		P		
Rental - vehicles		P	P	
Retail stores, general merchandise	S	P	P	
Repair shops without outside storage	P	P		
Services to buildings and dwellings (e.g., pest control, landscape management, septic management)		C		
Shopping centers	P	P	P	
Short-term loans/check cashing		C		
Special events centers	P	P	P	
Studios for arts, crafts, photography, dance, music, yoga or similar activity	P	P		
Tattoo parlor		C		
Thrift store	P	P		
Tobacco products		P		
Vape shop		C		

Land Use	B-1	B-2	C-I	Supplemental Standards
MANUFACTURING/WHOLESALE TRADE /WAREHOUSING				
Printing, lithographing or publishing plants		C		
Research and testing facilities		C		
Sign Manufacturing		C		
Tire treading and recapping		C		
Warehouse & distribution			C	
Warehousing, self-storage (mini-warehouse)		C	S	
Wholesale trade with indoor storage		C	C	
Wholesale trade with outdoor storage		C	C	
TRANSPORTATION				
Automobile and light truck sales		C	S	
Automobile and light truck parts, accessories, or tires sales	P	P	P	
Automobile repair, heavy		C	S	
Automobile repair, light	S	S	S	
Automobile and light truck washing	S	S	S	
Boat or marine supplies		P		
Boat, marine service and repair facilities - enclosed		C		
Bus Stations		C	P	
Local transit systems--bus, special needs, sightseeing, taxi and limousine services		P		
Manufactured home sales			C	
Pack and ship services	P	P	P	
Post office, federal	P	P	P	
Recreational vehicle/trailer sales		C		
Retail courier and package delivery	P	P		
Towing, services only without vehicle storage		C		
Towing and other road and ground services with impoundment lot		C	C	
Truck stops/truck plaza			S	
Vehicle sales, recreational vehicles, commercial trucks and similar large vehicles			S	
Vehicle washing facilities		S	S	
COMMUNICATION, INFORMATION, AND UTILITIES				

Land Use	B-1	B-2	C-I	Supplemental Standards
Library or archive	P	P		
Motion pictures and sound recording			C	
Outdoor advertising sign			P	
Power generation, accessory	S	S	S	
Public utilities services, major	S	S	S	
Public utilities services, minor	S	S	S	
Radio and television broadcasting studios or offices		P		
Radio and television antennas and towers		C		
Wastewater treatment plants	C	C	C	
Water treatment plants	C	C	C	
Wireless telecommunications transmission	S	S	S	
ARTS, ENTERTAINMENT, AND RECREATION				
Amusements, indoor	C	P	P	
Amusements, outdoor, high impact		C	C	
Amusements, outdoor, low impact		P	P	
Bowling, billiards, pool, etc.		P	P	
Fitness and recreational sports, gym, athletic club	P	P	P	
Golf driving ranges		C		
Indoor auditorium or arena other than accessory to theater, dance and music studio	C	P	P	
Movie theater		P	P	
Museums	P	P	P	
Natural and Passive Recreational Parks	P	P	P	
Outdoor recreation, low intensity	S	S		
Shooting ranges, indoor		P		
Special Events	S	S	S	
Temporary uses	S	S	S	
Theater, dance or music studio	C	P		
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS				
Ambulance Services	C	C		
Charitable care and food services		C		
Childcare – child care learning center	S	S		
Civic associations, non-profit associations, and private clubs	P	P		
College or university		C		

Land Use	B-1	B-2	C-I	Supplemental Standards
Daycare, adult care	S	S		
Emergency or urgent care facilities	P	P	P	
Free-standing cemetery/columbarium	C	C	C	
Funeral home and services, mortuaries		S		
General technical schools		C		
Hospital		P	P	
Medical or diagnostic laboratory; blood/organ bank		P		
Outpatient care clinic for medical, dental, physical therapy or similar health service	C	P	P	
Public safety	P	P	P	
Rehabilitation centers		P		
Religious institutions	C	S		
School, middle or high schools	S	S	S	
School, grade school	S	S	S	
School, nursery or preschool	S	S	S	
Truck and heavy equipment training		C		
Veterinary services	S	S		
CONSTRUCTION & MINING				
Contractors, offices, and shops, not including outdoor storage	P	P		
Contractors, offices and shops, including outdoor storage		C		
Sale of building materials and lumber yard; heating and plumbing equipment; heavy equipment		C		
ACCESSORY USES				
Accessory bars	S	S	S	
Accessory food service		S		
Accessory uses and structures not listed but customary to conditional uses	C	C	C	
Accessory uses for institutions not located in P/I Districts	S	S	S	
Accessory uses and structures not listed but customary to permitted uses	S	S	S	
Cemetery/columbarium	C	C		
Child care learning facilities located within a principal use	C	C		
Commercial vehicle parking			S	
Corporate offices incidental to the principal use	P	P	P	

Land Use	B-1	B-2	C-I	Supplemental Standards
Drive-in and drive- through facilities for automated teller machines, banks, pharmacies and similar uses (not including drive-through restaurants)	C	S	S	
Outdoor display areas for wholesale or retail establishments	S	S	S	
Outdoor dining and seating areas for restaurant, taverns and similar establishments	S	S	S	
Outdoor storage related to a principal use		C	C	

Section 516. Commercial District Use Conditions

The following use standards shall apply in addition to the standards established for specified uses in **Article VII.**

(a) **In the B-1 district**:

(1) Neighborhood convenience stores shall not exceed 3,500 square feet in size.

(2) Total square footage within a multi-tenant commercial building or development shall not exceed 40,000 square feet.

(3) Total square footage for a single tenant building shall not exceed 10,000 square feet.

(b) **In any commercial district**:

(1) One residential dwelling unit per lot as an accessory use within the same structure as the commercial activity.

(2) Outdoor storage of inoperable or junk vehicles is prohibited

(3) Except as limited in the B-1 district, drive-in and drive-through uses may be approved subject to the conditions in **Section 731**.

Section 517. Commercial District Development Standards

(a) **Lot Development Standards**. **Exhibit 517** summarizes the lot area, height and setback requirements in commercial zoning districts; height and setback requirements apply to principal and accessory structures in these districts. See the following paragraphs in this section, and **Divisions 2 and 3 of Article VI** for additional rules and explanations of these standards.

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Exhibit 517: Summary of Lot Area, Height and Setback Requirements for Commercial Districts

Lot Development Standard	Zoning District		
	B-1	B-2	C-I
Maximum District Size	2 acres	No limit	No limit
Minimum Distance between Districts	3,000 feet	No limit	No limit
Minimum Lot Area (square feet)[1]	21,780	21,780	21,780
Minimum Lot Width (feet)[3]	150	150	100
Minimum Front Setbacks (feet)	75	75	50
Minimum Side Setback, Exterior/Street Side (feet)	45	35	35
Minimum Side Setback, Interior (feet)	35	30	10
Minimum Rear Setback (feet)	50	50	15
Maximum Building Height (feet)[2]	35	35	35
Maximum Percentage of Gross Land Area to be Covered[3]	50	60	60
Minimum Percentage of Gross Land Area to be Open Space[4]	15	25	25

Notes:
(1) Minimum lot sizes per the Public Health Department standards shall be required.
(2) See **Section 610** for height rules addressing principal and accessory structures.
(3) See **Section 612** for additional rules addressing lot dimension land coverage.
(4) See Article VI.Division 5 for rules addressing open space.

(b) **Certain Lots Fronting on U.S. 17**. Lots which currently have frontage along the southbound portion of US 17 from the Richmond Hill County limits to Bryce Street, served by public sewer and water, not serviced by a through access road shall have the following lot and building requirements:

(1) Minimum lot area: 17,500 square feet.

(2) Minimum lot width at building line: 95 feet.

(3) Minimum front yard setback from road right-of-way: 50 feet.

(4) Minimum side yard setback from property line: 15 feet.

Division 7. Industrial and Public/Institutional Districts

Section 518. Industrial District Purposes

(a) **"I-1" Light Industrial District**. This district provides land for light industrial uses that are not significantly objectionable to surrounding properties due to noise, odor, fumes, and traffic. 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 for easy access to the County's thoroughfare network, as well as rail and air, if required. Development should be 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.

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(b) **"I-2" General Industrial District**. This district provides areas for manufacturing, assembling, fabricating and related activities and standards to prevent adverse effects on surrounding properties.

(c) **"P/I" Public/Institutional District**. This district provides areas for public and institutional buildings that provide public gathering places or support the provision of public services to County residents.

(d) **"WP" Waste Management District.** This district provides 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 impacted 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.

Section 519. Authorized Uses in Industrial and Public/Institutional Districts

Exhibit 519 identifies the land uses that are allowed within industrial and public/institutional zoning districts, by right (P), subject to supplemental conditions (S) or by conditional use permit (C). Supplemental Use conditions for these districts can be found in **Section 520** and Article VII. See **Appendix X** for a consolidated table of authorized uses showing all uses and districts.

Exhibit 519: Authorized Land Uses in Industrial and Public/Institutional Districts

Land Use	I-1	I-2	P/I	WM	Supplemental Conditions
AGRICULTURAL USES					
Feed and Grain Sales/Storage	P				
RESIDENCES OR ACCOMMODATIONS					
Accessory dwelling unit	C	C			
COMMERCIAL USES					
Animal shelter			C		
Food service, mobile	S	S			
Outside storage	C	P		S	
Rental – large equipment	P	P			
Services to buildings and dwellings (e.g., pest control, landscape management, septic management)	P				
MANUFACTURING/WHOLESALE TRADE /WAREHOUSING					
Asphalt emulsion (water based) plants		P			
Assembly plants	C	P			

Land Use	I-1	I-2	P/I	WM	Supplemental Conditions
Laundry, dry cleaning plants	P	P			
Linen and uniform supply	P	P			
Machine shops	C	P			
Mail order or direct selling establishment with distribution facilities	P	P			
Manufacture of products not specified elsewhere		P			
Manufacture of lime, cement or other non-metallic products		P			
Metal products manufacturing		P			
Printing, lithographing or publishing plants	P	P			
Research and testing facilities	P	P			
Smelting and refining		C			
Storage yards	C				
Warehouse & distribution	P	P			
Wholesale trade with indoor storage	C				
Wholesale trade with outdoor storage	C				
Wrecking, salvage, and junk yards		C			
TRANSPORTATION					
Automobile repair, heavy	S				
Automobile and light truck washing	S				
Boat, marine service and repair facilities - enclosed	P				
Boat sales	S	S			
Post office, federal	P	P			
Rail yards and rail transportation support establishment	C	P			
School and employee bus transportation			P		
Truck and freight transportation services/truck terminal	P	P			
Truck repair, commercial vehicles	P				

Land Use	I-1	I-2	P/I	WM	Supplemental Conditions
Vehicle sales, recreational vehicles, commercial trucks and similar large vehicles	S				
COMMUNICATION, INFORMATION, AND UTILITIES					
Data processing and management, hosting and related services	C				
Hazardous waste processing, storage, treatment or disposal		C		C	
Power generation (solar energy systems), accessory	S	S	S	S	
Power generation (solar energy systems), commercial		C	C	C	
Public utilities services, major	P	P	P	C	
Public utilities services, minor	P	P	P	C	
Radio and television antennas and towers	P	P	P	C	
Solid waste collection, combustion, landfills or separation/ sorting of recyclable materials from non-hazardous waste streams		C		C	
Wastewater treatment plants	C	C	C	C	
Water treatment plants	C	C	C	C	
Wireless telecommunications transmission	S	S	S	S	
ARTS, ENTERTAINMENT, AND RECREATION					
Natural and Passive Recreational Parks	P	P	P		
Outdoor auditorium/arenas			C		
Outdoor recreation, high intensity			C		
Outdoor recreation, low intensity			S		
Special events	S	S	S	C	
Temporary Uses	S	S	S	C	

Land Use	I-1	I-2	P/I	WM	Supplemental Conditions
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS					
Charitable care and food services			C		
Child and youth services			P		
Civic associations, non-profit associations, and private clubs			P		
Correctional facilities			C		
Daycare, adult care			P		
Emergency or urgent care facilities			P		
Other government functions			P		
Public safety	P	P	P	P	
Residences – Community residential home			C		
Residences – Residential care/ institutional care facilities			C		
Residences – Transitional residential facilities			C		
School, middle or high schools			S		
School, grade school			S		
School, nursery or preschool			S		
Truck and heavy equipment training	P	P			
CONSTRUCTION & MINING					
Construction supply yards		C			
Sale of building materials and lumber yard; heating and plumbing equipment; heavy equipment	P				
Mining and extraction		C			
ACCESSORY USES					
Accessory bar			S		
Accessory dwelling units for watchmen and operating personnel and their families	C	C			
Accessory food service	S	S	S	C	
Accessory uses and structures not listed but customary to conditional uses	C	C	C		

Land Use	I-1	I-2	P/I	WM	Supplemental Conditions
Accessory uses for institutions not located in P/I Districts	S	S		S	
Accessory uses and structures not listed but customary to permitted uses	S	S	S		
Accessory Food Service	S	S	S		
Commercial vehicle parking	P	P	P		
Corporate offices incidental to the principal use	P	P	P		
Outdoor display areas for wholesale or retail establishments	S	S	S		
Outdoor storage related to a principal use	P	P	C		
Retail businesses or services accessory to light-industrial use on the same premises	S	S			

Section 520. Industrial and Public/Institutional District Use Conditions

The following use standards shall apply in addition to the standards established for specified uses in **Article VII**.

(a) **Conditions Applicable to All Industrial Districts.**

(1) Retail businesses or services shall be incidental to a permitted use and located on the same premises as a principal use.

(2) Open yard use for the sale, rental, dismantling and/or storage of new or used salvage and/or junk materials or equipment may be permitted as a conditional use in an I-2 district, provided that:

a. Such uses are separated and screened from adjoining properties by a suitable planting screen, fence, or wall at least eight (8) feet in height. If a fence is used, the material must be opaque. A chain link fence with slats is not considered adequate screening and the use of razor wire is not permitted; and

b. No burning of materials or products will be conducted on the premises.

(b) **Conditions Applicable to All Industrial and Public/Institutional Districts.**

(1) All uses shall be 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.

(2) A watchman or caretaker's one- or two-family dwelling may be established, provided that:

a. Such dwelling is located on the premises of the permitted industrial or public/institutional use; and

b. A member of the household is employed by the industry as a watchman or caretaker.

(3) Uses that are accessory to conditional uses shall be approved through the conditional use process.

(c) **Conditions Applicable in Waste Management Districts**.

(1) There shall be a minimum of a 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 site plan. The site plan must be included in the rezoning application and approved by the Board of Commissioners.

(2) As conditions for approval, access to the site shall be controlled and monitored by the operator.

(3) The operator shall be responsible for the control and proper disposal of incidental litter by providing fencing or other physical barriers around the site.

(4) As a condition 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 Board of Commissioners.

(5) 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 1,000 feet of a residence or a residential domestic water supply (well).

(6) The applicant must show evidence that the facility will comply with all applicable federal, state and local laws, rules and regulations, including all specifications but not limited to provisions of the Bryan County ordinance regarding the collection, storage and disposal of solid waste.

(7) All waste management districts must have primary access to a state or federal highway.

(8) 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 521. Industrial District Development Standards

Exhibit 521 summarizes the lot area, height and setback requirements in industrial and public/institutional zoning districts; height and setback requirements apply to principal and accessory structures. See the following paragraphs in this section, and Divisions 2 and 3 of Article VI for additional rules and explanations of these standards.

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Exhibit 521: Summary of Lot Area, Height and Setback Requirements for Industrial and Public/Institutional Districts

Lot Development Standard	Zoning District			
	I-1	I-2	P/I	WM
Minimum Lot Area (sq.ft.)	43,560	43,560	43,560	50 acres
Minimum Lot Width (feet) [3]	150	150	150	1,000
Minimum Front Setbacks (feet)	75	75	75	200
Minimum Side Setback, Exterior/Street Side (feet)	30	30	30	200
Minimum Side Setback, Interior (feet)[1]	30	30	30	200
Minimum Rear Setback (feet)	50	50	50	200
Maximum Building Height (feet)[2]	45	45	45	45
Maximum Percentage of Gross Land Area to be Covered[3]	65	65	65	
Minimum percentage open space	15	15	15	

Notes:
(1) Interior side and rear setbacks for property lines abutting residential districts shall not be less than 75 feet.
(2) See **Section 610** for rules addressing building heights and height transitions.
(3) See **Section 612** for additional rules addressing lot dimensions and land coverage.

Division 8. Waterfront and Dunes/Marshlands Districts

Section 522. Waterfront and Dunes/Marshlands District Purposes

(a) **"WB" Waterfront Business District**. This district allows for the establishment of a broad range of businesses that are designed and operated to protect the environmentally sensitive waterfront and marsh front locations located in the district.

(b) **"DM-1" Dunes and Marshlands Districts**. This district is intended to protect those areas of the County that are considered to be environmentally sensitive 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 to the natural environment of the area, maintaining sensitive areas in their natural condition to the greatest extent possible is necessary to protect such areas from degradation. Areas that meet any one of the following criteria shall be considered an environmentally sensitive area, and subject to the conditions of this district which may be applied to such areas:

(1) **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.

(2) **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.

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Section 523. Authorized Uses in Waterfront Business and Dunes/Marshlands Districts

Exhibit 523 identifies the land uses that are allowed within waterfront and dunes/marshlands zoning districts, by right (P), subject to supplemental conditions (S) or by conditional use permit (C). Supplemental Use conditions for these districts can be found in **Section 524** and **Article VII**. See **Appendix X** for a consolidated table of authorized uses showing all uses and districts.

Exhibit 523: Authorized Land Uses in Waterfront and Dunes/Marshlands Districts

Land Use	WB	DM-1	Supplemental Standards
RESIDENCES OR ACCOMMODATIONS			
Accessory dwelling unit	C		
HOTELS, MOTELS, OR OTHER ACCOMMODATION SERVICES			
Bed and Breakfast Home	C		
Bed and breakfast Inn	C		
Hotel, motel,	C		
COMMERCIAL USES			
Bar rooms, taverns, nightclubs and lounges	C		
Convenience store, no fuel/ gasoline sales	P		
Convenience store, with fuel/gasoline sales	P		
Food service, full-service restaurant	S		
Food service, snack or non-alcoholic bar	P		
Rental - recreational goods	P		
MANUFACTURING/WHOLESALE TRADE /WAREHOUSING			
Seafood storage, packing or processing	C		
TRANSPORTATION			
Boat or marine supplies	P		
Boat ramps	P	C	
Boat, marine service and repair facilities - enclosed	C		
Boat sales	C		
Bus Stations			
Charter or cruise boats	C		
Commercial fishing boats under 25 feet in length (no storage, packing, or processing facilities).	P		
Commercial watercraft, including fishing boats greater than 25 feet	C		
Boat houses	C	C	

Land Use	WB	DM-1	Supplemental Standards
Gas and fuel facilities for boats and vehicles	P		
Marinas, including enclosed dry storage; outdoor storage; and docking with ramp and lift equipment	C		
Marine construction, and dock building	C		
COMMUNICATION, INFORMATION, AND UTILITIES			
Power generation (Solar Energy Systems), accessory	S		
Public utilities services, minor	P		
Wireless telecommunications transmission	S		
ARTS, ENTERTAINMENT, AND RECREATION			
Active and passive recreational uses not inherently destructive to the existence or integrity of marshlands and dunes		P	
Amusements, indoor	C		
Camps, Campgrounds, and Related Establishments	C	C	
Museums	C		
Natural and Passive Recreational Parks	P		
Outdoor recreation, low intensity	S		
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS			
Civic associations, non-profit associations, and private clubs	P		
ACCESSORY USES			
Accessory bar	S		
Accessory dwelling units	C		
Accessory dwelling units for watchmen and operating personnel and their families	C		
Accessory uses and structures not listed but customary to conditional uses	C	C	
Accessory uses and structures not listed but customary to permitted uses	S	S	
Corporate offices incidental to the principal use	P		
Outdoor dining and seating areas for restaurant, taverns and similar establishments	S		

Section 524. Waterfront Business District Use Conditions

The following use standards shall apply in addition to the standards established for specified uses in **Article VII.**

(a) **In WB districts**:

(1) Permitted and conditional uses may serve both water-based and land-based users.

(2) One residential dwelling unit per lot as an accessory use within the same structure as the commercial activity.

(3) Uses that are accessory to conditional uses shall be approved through the conditional use process.

(b) **In Dunes and Marshlands districts**:

(1) Permitted uses are limited to boating, swimming, sunbathing, picnicking, fishing, hunting, educational, and other active and passive recreational activities not inherently destructive to the existence or integrity of the marshlands and dunes.

(2) 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) **In Marshland Areas***:*

(1) 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.

(2) The following uses may be permitted in marshland areas of a DM-1 District upon approval by the Georgia Department of Natural Resources: seawalls, jetties, bulkheads, piers, revetments, groins, breakwaters, boat ramps, and docks and boat hoists. The construction of roads, driveways, utility lines, and water and sewer infrastructure requires a conditional use permit.

Section 525. Waterfront Business and Dunes/Marshlands District Development Standards

Because of the uniqueness of waterfront, dunes, and marsh front sites, applications for a reclassification to WB or DM districts must include a site plan proposing appropriate buffers and setbacks which must be approved by the Board of Commissioners. The appropriate minimum lot size shall be determined through the rezoning process. For lots created prior to this UDO, the building setback line shall be consistent with any existing structures on the lot unless modified by the Board of Commissioners. If the lot is undeveloped, the setbacks shall be no less than 30 feet in front, and ten feet on the side and rear.

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Division 9. Planned Development District

Section 526. Purpose.

To enable the application of flexible land development and use regulations that facilitate creative development patterns that achieve the goals of the Comprehensive Plan and this UDO better than development under conventional zoning districts. PD zoning is intended to encourage ingenuity and imagination on the part of architects, site planners and developers, to foster creative designs that may deviate from the strict application of use, setback, height, and the minimum lot size requirements of the County's other zoning districts. This flexibility is provided with the expectation that PDs will include more open space and amenities than are required for typical developments. PDs must include a program for the maintenance and operation of all common areas, amenities, neighborhood improvements, facilities, and necessary services for the common use of all occupants thereof. More specifically, the PD should:

Example: Diverse housing plans create more interesting neighborhoods

(a) Encourage a compatible mix of uses and/or residential dwelling types. If a PD is proposed to be solely residential, the PD shall have a minimum of two different housing types (e.g., single family and townhouses, condominiums and apartments, etc.);

(b) Allow for development of complete neighborhoods that include parks, open spaces, civic uses, schools, playgrounds, meeting areas and recreational facilities that enhance the development's livability;

(c) Preserve natural amenities of land through the maintenance of wetlands, natural areas and other open spaces;

(d) Provide for more efficient use of land;

(e) Allow for non-residential uses that support the needs of the development and surrounding neighborhoods; and

(f) Ensure that designs and building forms are interrelated and architecturally harmonious.

Example: tree retention in provides a natural amenity

Section 527. Standards.

The P&Z Commission and the Board of Commissioners shall consider the following standards when reviewing the PD application pursuant to **Article III.Division 3**:

(a) Compatibility with the surrounding area;

(b) Harmony with the character of neighborhoods within and surrounding the development;

(c) Need for the proposed development;

(d) The effects of the proposed PD upon the existing land uses and infrastructure in the surrounding areas;

(e) The effects of the proposed PD on the future development of the area;

(f) 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;

(g) That the land within and surrounding the proposed PD can be developed in coordination with the proposed PD in a manner that is consistent with the Comprehensive Plan;

(h) That the proposed change to a PD district is in conformance with the general intent of the Comprehensive Plan and this UDO;

(i) That the existing and proposed streets are suitable and adequate to safely carry anticipated traffic within the proposed district and in the vicinity of the proposed district and maintain an acceptable level of service;

(j) That the existing and proposed utility services are adequate for the proposed development;

(k) That the PD creates a desirable and stable environment; and

(l) That the PD is necessary for the creation of a creative, innovative and efficient use of the property.

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Example: Front porches and garage location keep focus on neighbors instead of cars

Section 528. Permitted land uses within a PD.

(a) Allowable residential and business uses within the PD zone may include, but shall not be limited to:

(1) **Residences.** Developers are encouraged to include a variety of housing products to meet the diverse needs of residents at different stages of life, including conventional detached single-family units, small lot single-family housing such as patio homes and zero-lot line housing, and attached residences such as townhouses and apartments.

(2) **General Office Uses**. Including, but not limited to, administrative, sales representatives, legal services, engineering and architecture, accountanting, auditing, bookkeeping, finance, real estate, physical fitness and health service clinics, veterinary clinics, insurance and personal services;

(3) **Indoor Amusement and Recreation**. Including, but not limited to theater, bowling, billiards, video and mechanical amusement games;

(4) **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;

(5) **Eating and Drinking Establishments**. Including, restaurants, with or without alcoholic beverages, cocktail lounges, nightclubs, taverns, and package stores;

(6) **Outdoor Amusement and Recreation**. Including, but not limited to marina, charter or sightseeing watercraft facilities, golf course, tennis courts;

(7) **Off-Street Parking Lots**. Including parking lots to serve the overall development.

(8) **Public/Institutional Uses.** Including meeting areas, schools and religious institutions**.**

(9) **Other residential support services** as deemed necessary by the Board of Commissioners.

(b) All proposed land uses will be identified within the PD application provided by the applicant. Land uses not included within the PD application shall be permitted only as a PD amendment through the approval of the Board of Commissioners.

Section 529. Minimum Lot Size

The minimum lot size for individual parcels shall be:

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(a) Single-family residential – 15,000 square feet;

(b) Multi-family – townhome – 1,600 square feet;

(c) Multi-family apartment/condominiums – two acres

(d) Commercial/Industrial – minimum parcel size determined during conceptual plan process

Section 530. Density.

(a) **Base Density**. The maximum density shall not exceed three (3) dwelling units per acre of developable land within a low-density suburban character area or six (6) dwelling units per acre within a mixed-use character area. Only developable acreage used for non-commercial purposes shall be used to calculate density. Developable land excludes wetlands, marshes and tidal lands, but may include upland areas that encompass retention areas and other small water bodies.

(b) **Density Bonus**. Density bonuses may be granted in accordance with **Exhibit 529** provided that the project density does not exceed a maximum of five (5) dwelling units per acre of developable land used for residential purposes in a low-density suburban character area or ten (10) dwelling units per acre of developable land used for residential purposes in a mixed-use character area.

Exhibit 529: Density Bonuses

Amenity	Allowable Density Bonus[1]
Low impact design to manage not less than 60 percent of project's stormwater.	0.15 du/a
Low impact design to manage not less than 80 percent of project's stormwater.	0.30 du/a
LEED-ND certified or equivalent standards for PD development	0.15 du/a
Exceed minimum open space requirements on upland areas by 10 percent or more	0.15 du/a
Exceed minimum open space requirements on upland areas by 25 percent or more	0.30 du/a
Achieve ?? credits per 50 dwelling units for recreational facilities pursuant to Article VI.Division 6	0.15 du/a
Achieve ?? credits per 50 dwelling units for recreational facilities pursuant to Article VI.Division 6	0.30 du/a
Achieve ?? credits per 50 dwelling units for recreational facilities pursuant to Article VI.Division 6	0.50 du/a
Exceed perimeter buffer planting and width requirements by 20 percent or more	0.15 du/a
Preserve significant cultural, archeological, environmental or historic resources	Up to 0.3 du/a[2]
Discretionary density bonus for achievement of other Comprehensive Plan goals	Up to 0.2 du/a[2]
(1) du/a = dwelling unit/acre (2) Amount of density bonus up to the allowable density bonus is at the sole discretion of the Board of Commissioners	

(c) **Density Bonus Application.** Applications for density bonuses shall be submitted in conjunction with preliminary development plan applications. Applications shall identify the type of amenity, the locations where amenities will be provided, sufficient design details to enable the Community Development Director or Engineering Director to evaluate the adequacy of the amenity, and the proposed timing of provision of the amenity.

(d) **Density Bonus Review and Action**. The P&Z Commission shall recommend, and the Board of Commissioners shall decide on all such applications. Any granted bonuses shall bind the applicant and successors to provision of the amenities in accordance with the preliminary development plan approval.

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(e) **Changes to Density Bonuses**. An applicant seeking to modify an approved density bonus shall demonstrate to the Board of Commissioners that:

(1) Any changes to proposed amenities will not result in a reduction of amenities anticipated by residents or owners of lots in the PD at the time of the application for the change; or

(2) If the property affected by the change remains under consolidated ownership by the applicant, the reduction in amenities is offset by a corresponding reduction in density within the PD.

Section 531. Minimum Site Area.

All PDs will have a minimum contiguous site area of fifty (50) acres. The requirement may be waived by the Board of Commissioners to insure orderly development of a particular area. The written request will include justification for the PD zone in lieu of a conventional zoning district. If an applicant requests a waiver to the minimum site area requirement, the applicant must submit a conceptual plan of the development. No public hearing is required related to a request to reduce the minimum site area, but the approval only applies to the waiver request and does not constitute approval of the conceptual plan or any development plans. The waiver shall be good for one year. If a preliminary development plan is not submitted within this time period, the waiver shall be void.

Section 532. Unified Ownership or Control Required.

(a) The title to all land within a proposed site for a PD will be owned or controlled by the applicant submitting the application provided for under this article.

(b) 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 533. Mobility.

(a) 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 PD application. County representatives shall be permitted ingress and egress on private rights-of-way, 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.

(b) Pedestrian circulation shall be provided within the PD. All uses within the PD shall be connected via a continuous network of pedestrian multi-use paths and sidewalks. Pedestrian access will be provided between all parking areas and the structure(s) served by such parking areas.

(c) The street network shall provide an interconnected system of roads that safely serve the needs of motorists, bicyclists, and pedestrians. The PD plan shall incorporate:

(1) Complete streets;

(2) Access to properties abutting the development;

(3) Block lengths that meet or exceed the standards in [insert cross reference];

(4) Roundabouts and/or traffic circles where appropriate;

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(5) Traffic calming street designs (e.g., stamped/textured pavement, center islands, chicanes, raised crosswalks) that use a combination of techniques that foster slow travel speeds within the development but do not rely on speed humps or other vertical traffic calming devices. The use of stop signs at intersections shall not be considered a traffic calming device/method; and

(6) Street trees.

Example: Pedestrian amenities enhance neighborhood mobility

Section 534. Parking.

(a) **Parking Required**. Parking shall be provided in accordance with **Article VI.Division 3** except as modified by this section.

(b) **On-Street Parking**. On-street parking may be used to satisfy minimum parking requirements. On-street parking shall be designed to promote traffic calming, pedestrian use, and shopping convenience. Parking configurations may include, but are not limited to, parallel and angle parking.

(c) **Off-Street Parking**. Off-Street site parking in the form of public lots, parking garages, and on-street parking may be used to satisfy all or part of the minimum parking requirements. On-street parking and off-street parking shall be within five hundred (500) feet of a use to satisfy minimum parking requirements.

(d) **Shared Parking**. Shared parking is encouraged in accordance with the provisions of **Section 619.**

(e) **Bicycle Parking** All civic, recreational and other non-residential uses shall provide bicycle parking in accordance with **Section 623**.

Section 535. Public Facilities and Services.

(a) **Centralized Water and Sewer Service Required**. All parts of the development must be served by a sanitary sewer system and water system approved by the appropriate government agencies.

(b) **Roads and Utilities**. All roads, sidewalks, drainage facilities, water systems, sewerage systems, or any other infrastructure proposed for dedication to the County, must be acceptable to the County, as to the design, configuration, size, shape, and location. Infrastructure will be constructed and fully improved according to the requirements of this UDO.

(c) **Underground Utilities Required**. 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.

Section 536. Open Space.

(a) A PD shall provide open space that meets or exceeds the standards of Article VI.Division 5.

(b) A minimum of five (5) percent of the required open space must be permanently preserved. 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) [repealed—see now O.C.G.A. § 12-6A-1, et seq.]). Whenever possible, the greenspace should connect or provide connections to existing greenspace areas either within or adjacent to the proposed PD.

(c) All open space and recreation facilities shall be included in the PD application and each preliminary and final development plan as called for in the PD application.

(d) 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 PD.

(e) 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.

Section 537. Recreational Amenities.

(a) **General Park Standards**. Recreational amenities shall meet or exceed the standards established in Article VI.Division 6. The PUD shall include provisions for recreational amenities and parks, including size, type, number and location to serve the residential component of the community.

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Example: Recreational amenities foster community and healthy residents

Source: HamptonHeightsPool.com

(b) **Civic Space.** A PD with more than 200 units in one or more phases shall be required to have a central civic space containing an enclosed amenity building (clubhouse) or an open-air pavilion. The open-air pavilion may be completely open on all sides but must include a fully sheathed and clad roof system. Trellises, arbors or similar structures with open roof systems are encouraged but cannot be solely used to satisfy this requirement for an open-air pavilion. The developer shall be responsible for construction of the civic space and its associated structures. Structure size shall be five (5) square feet per dwelling unit for enclosed conditioned building or a minimum of 225 square feet total for an open-air pavilion. Enclosed conditioned buildings shall have a minimum size of 1,000 square feet but shall not be required to exceed 2,000 square feet.

(c) **Parks Associated with Non-Residential Use Projects and Components**. Civic spaces shall be located to provide a public focal point. Civic spaces may include common areas, parks, plazas, greens, public gathering spaces, transit stops, amphitheaters, stages, and similar areas. Individual buildings with less than 10,000 square feet of enclosed area are exempt from this requirement. If the PD, however, has multiple non-residential buildings concentrated into one area and the aggregate space of the buildings exceed 10,000 square feet, this exemption does not apply. The following standards shall be employed for civic spaces:

(1) Typical uses may include, but are not limited to sitting areas; parks; employee lunch or break areas; plazas for public events and outdoor retail sales; and gardens.

(2) Tower elements, landscaping, kiosks, water features, sculptures, benches, arbors, gateways, or other hardscape and architectural features shall be incorporated in civic spaces. The Community Development shall be responsible for approving the number and location of the civic elements to satisfy this requirement.

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(3) Civic space for commercial and office uses shall be calculated at a minimum of 100 square feet per 1,000 square feet of enclosed building area. Civic spaces shall have a minimum size of 1,000 square feet and shall be a minimum of 25 feet in width.

(4) Civic space shall be owned and maintained by the developer or designated association. In all cases, for open space to qualify as a civic space, the area must be designed for pedestrian use and shall not be solely a landscaped area.

Section 538. Adequate Public Facilities and Services.

It is the responsibility of the applicant to predict the future demand for public facilities and services, including transportation, recreation, education, emergency services, libraries, and similar necessary facilities created by the development of the proposed PD. All public facilities and services for which a need is determined shall be constructed and fully improved according to County regulations. The Engineering Director may require water and sewer demand analyses as part of the PD application.

Section 539. Buffers.

The PD shall establish internal and external buffer standards that meet or exceed the standards established in **Section 629**. Development within the PUD is encouraged to be planned so that intervening uses of intermediate intensity provide the transition between more intense uses and less intense uses.

Section 540. Design Guidelines.

The PD shall include architectural design guidelines and enforce such guidelines through deed restrictions. The PD application shall establish design standards that meet or exceed the standards for the applicable development patterns in **Article VIII**. The PD application shall establish specific building typologies or other design requirements that clearly define acceptable site development and its relationship with the public realm.

Section 541. Landscaping and Tree Preservation Standards.

The PD will include landscape, tree preservation and planting standards that adequately address the public and private realms that meet or exceed the standards in **Article VI.Division 4**.

Section 542. Lighting Standards.

The PUD shall provide criteria to minimize the effects of nonresidential site lighting. The use of shielded and directional fixtures shall be required. The PUD shall require standards that comply with the International Dark-Sky Association.

Sections 543-599 - Reserved

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Article VI. Site Development Standards

This article sets for the rules for lot/site development.

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Division 1. General Site Development Standards

Section 600. Principal Structures.

(a) **Agricultural District**. With the exception of bona fide agricultural structures, only one principal structure and its customary accessory structures pursuant to Article VII.Division 2 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. The total number of principal structures on a lot may be increased in accordance with Section 508 – Agricultural/Residential District Use Conditions.

(b) **Rural Residential and Certain Residential Districts**. In the RR-2.5, RR-1.5, RR-1, and R-15 districts, only one principal structure and its customary accessory structures pursuant to Article VII.Division 2 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. The total number of principal structures on a lot may be increased in accordance with Section 508 – Agricultural/Residential District Use Conditions.

(c) **Multi-family and Manufactured Home Park Districts**. In the R-M and R-MH districts, there may be more than one principal residential structure and more than one accessory structure (e.g., clubhouse, office administration building) situated on a lot, provided that:

(1) An unobstructed accessway at least twenty (20) feet wide is maintained from a road to each structure for use by service and emergency vehicles; and

(2) Each structure on the lot is separated from any other structure on the lot by at least the minimum building separation requirement pursuant to Article VIII and the building code.

(d) **Non-Residential Districts**. In the B-1, B-2, C-I, I-1, I-2, P/I, and WB districts, more than one principal structure devoted to non-residential uses may be situated on a lot, provided that:

(1) An unobstructed accessway at least twenty (20) feet wide is maintained from a road to each structure for use by service and emergency vehicles; and

(2) Each structure on the lot is separated from any other structure on the lot by at least four (4) feet and comply with applicable building codes unless a greater separation is required by the applicable building codes.

(e) **Tracts with Multiple Dwellings or Principal Structures**. Where more than one dwelling or principal structure legally existed on a tract at the effective date of this UDO, such tract may be divided into an individual lot for each such dwelling or principal structure if the Community Development Director determines that each lot meets the applicable requirements of this article or a variance is granted by the Board of Adjustments.

(f) **Planned Development Districts**. Unless specifically modified by the approval of a PD, the provisions of this Article shall apply to all development within the PD.

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Section 601. Minimum Living Area.

Except for guest houses and accessory dwelling 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 400 square feet per dwelling unit.

Section 602. General Lot Requirements.

All lots shall comply with the following design standards:

(a) **Road Access**. Each lot shall abut a road or approved access easement, have sufficient road frontage and have access to the road as required in this article.

(b) **Lot Lines**. Side lot lines shall be as nearly as practical at right angles to straight road lines and radial to curved road lines.

(c) **Corner Lots**. Corner lots shall have sufficient width and depth to permit the establishment of required setbacks from both roads.

(d) **Lot Dimensions**. The area and dimensions of lots shall comply with the minimum standards of this article unless modified through the planned development process or varied by the Board of Adjustment. Minimum lot size requirements, however, may not be varied.

(e) **Flag Lots**. Flag lots are intended to only be used for the preservation of agricultural and sensitive lands or to address unique topographical situations in an A or RR district, and are not intended to act in lieu of an interior subdivision road built to county standards. After determination by the Community Development Director that standard lots are not feasible, the Community Development Director or Board of Commissioners may, in order to encourage more efficient use of land and to help preserve agricultural and sensitive lands, allow flag lots to be developed subject to the following conditions.

(1) The property cannot be subdivided with typical street frontage either at the present or in the foreseeable future.

(2) The flagpole or access strip portion of said lot shall front on a dedicated public or approved private street. The minimum width of the staff shall be thirty feet (30').

(3) No building or construction, except for driveways, shall be allowed on the access strip portion of said lot.

(4) Fencing may be required between the driveway and adjacent lots properties, provided that the fence height shall not exceed three and one-half (3.5) feet within the front setback of the adjacent lot and comply with sight triangle requirements.

(5) All lot size and setback requirements shall be the same as required by the zoning district in which the lot is located. The access strip portion of the lot shall not be used to calculate the minimum lot size. Setbacks shall be shown on the plat, and setbacks on all sides shall meet the applicable zoning district interior side setback requirement.

(6) Flag lots shall not be subdivided or otherwise altered in area or dimension unless all resulting lots comply with the provisions of this UDO.

Section 603. Block Requirements.

(a) **Purposes**. The block standards of this section are established to facilitate emergency access to and evacuation from lots; to provide convenient access between various parts of a subdivision and between the subdivision and surrounding areas; and to minimize traffic congestion and traffic hazards.

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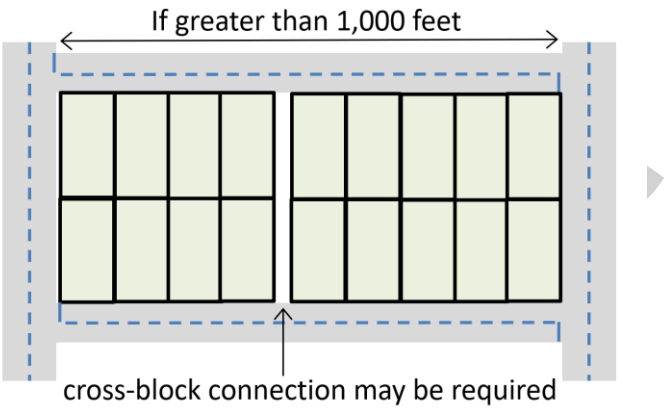
(b) **Maximum Block Length Generally**. Except as provided in paragraph (c) of this section the length of a block shall not exceed 1,800 feet unless the County finds that existing lot patterns, natural features, open space or community amenities preclude compliance.

(c) **Maximum Block Length in R-15 and R-M Districts**. In R-15 and R-M districts, unless the County finds that existing lot patterns, natural features, open space or community amenities preclude compliance:

(1) Block lengths shall not exceed 600 feet; and

(2) Cul-de-sac and dead-end roads shall not exceed 600 feet in length.

(d) **Cross-block Connections**. Where block lengths exceeding 1,000 feet are found to be necessary, the County may require installation of cross-block multi-purpose trails to improve bicycle and pedestrian connectivity (see sample graphic below).



(e) **Secondary Access Required**. For subdivisions with thirty (30) or more detached single-family or duplex lots, secondary road access shall be required. The Fire Chief and Engineering Director Board of Commissioners may approve the provision of emergency access in lieu of secondary street access for subdivisions with 100 or fewer lots.

Section 604. Easements.

Required Easements. All easements within subdivisions and along individual lots must be designed in accordance with the Engineering Design Manual and must be shown on a final plat. The following types of easements shall be required within subdivisions:

(a) **Individual lot**. Easements having a minimum width of five (5) feet and located along the side lot lines and a minimum of ten (10) feet along the rear lot lines shall be provided, as required, for utility lines, underground mains and cables, and drainage. If required, the property owner will provide a greater width for the easements at the direction of the Engineering Director. Conversely, the Engineering Director may reduce the required easement width upon showing of good cause by the applicant.

(b) **Drainage**. Where a proposed subdivision is traversed by a watercourse, drainage way, channel, or stream, the developer of such proposed subdivision shall offer the County a stormwater easement or drainage right-of-way which shall conform substantially with the lines of such watercourse, drainage way, channel, or stream and shall be of such additional width as deemed necessary for maintenance purposes by the Engineering Director. At a minimum, the access easement if mechanical cleaning is necessary shall be 20 feet in width along one side of the

drainage call. Such easements may be used as a location for pedestrian ways, bikeways and other amenities which do not conflict with the basic maintenance function of such easements. Such easements may be used as a location for pedestrian ways, bikeways and other amenities which do not conflict with the basic maintenance function of such easements.

(c) **County Maintenance Easement**. Maintenance easements shall be provided when deemed necessary by the Engineering Director.

(d) **Utilities**. Easements for utilities serving a proposed subdivision or non-residential development must be shown on the final plat or site plan. If a final plat is not required, the Engineering Director may require an owner to execute an easement document.

Section 605. Mailbox Kiosks

(a) Mailboxes shall be provided in compliance with United States Postal Service requirements. If mailbox kiosks (cluster mailbox) are required for either residential subdivisions or commercial development, the following standards shall apply: Installation of the mailbox unit(s), as well as any associated shelters, lighting, parking, and other related amenities shall be the responsibility of the developer;

(b) Maintenance of the mailbox unit(s), as well as any associated shelters, lighting, parking, and other related amenities shall be the responsibility of the homeowners, homeowners association, or property management association;

(c) Cluster mailbox units shall be prohibited within the public right-of-way;

(d) Cluster mailbox units, and any associated structures, shall not adversely impact sight distance to any driveway or road intersection, as determined by the Engineering Director. Whenever feasible, the mailbox unit should be located within an amenity center, if one is proposed for the development;

(e) Cluster mailbox unit(s) shall be located in area(s) that will best allow for vehicle stacking or parking without creating pedestrian safety or vehicle safety issues, as determined by the Engineering Director;

(f) A paved area with adequate ingress/egress, designed to the meet the requirements of the Engineering Department, shall be provided to allow vehicles to pull off the roadway safely while retrieving mail;

(g) All access to cluster mailbox unit(s) shall comply with current ADA and Georgia Accessibility Code standards. Any sidewalks required by this UDO shall be incorporated into the mailbox area(s);

(h) The mailbox unit(s) must be installed according to the manufacturer's standards; and

(i) The mailbox unit(s) and shelter, if any, shall be exempt from the normal setback requirements. Shelters or other structures are subject to building permit requirements.

Sections 606-609 - Reserved

Division 2. Bulk and Density Standards for Lots and Blocks

Section 610. Structure Height

(a) **District Standards**. Subject to the provisions of this section, buildings and structures shall not exceed the maximum heights established in the applicable zoning district's development standards.

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(b) **Measurement**.

(1) The height of a building is the vertical distance measured from the mean elevation of finished grade at the front building line or the base flood elevation to the highest point of a flat roof or parapet, the deck line of a mansard roof, or the midpoint between the ridge and the eave for a pitched roof (see building height definition for more detail). When a roof plane with the tallest ridge has dormers, height shall be based on the primary roof plane, with the dormers having no impact on height measurement unless they are higher than the highest ridge.

(2) For buildings subject to the height transition provisions, height is measured to the highest point of the building at the applicable distance from the property line.

(c) **Institutional Structures**. The following buildings, where authorized in a zoning district, may be constructed to any height subject to Fire and Building Codes and the requirement that any portion of a structure exceeding the maximum height of the district is set back from each property line at least one (1) foot for every one (1) foot that that portion of the building exceeds the maximum height of the applicable zoning district:

(1) Government offices;

(2) Schools;

(3) Libraries,; and

(4) Hospitals in excess of 10,000 square feet of floor area.

(d) **Exceptions**. The maximum height regulations shall not apply to:

(1) Belfries, cupolas, domes, monuments, water towers, transmission towers, steeples, chimneys, smokestacks, radio towers, masts and aerials, conveyors, and fire towers.

(2) Bulkheads, elevator penthouses, water tanks, cooling towers, scenery lofts and similar structures provided that such structures shall cover not more than twenty-five (25) percent of the total roof area of the building on which such structure is located.

(3) Heating and air conditioning equipment, solar collectors and similar equipment, fixtures and devices are exempt, provided that they are set back from the edge of the roof a minimum distance of one (1) foot for every foot the feature extends above the roof surface. Screen or parapet walls shall be constructed to the height of any fixture taller than three (3) feet in height that would be visible from a street or residential property abutting the property.

(e) **Additional Rules for Specific Structures**.

(1) Towers and antennas, where allowed, are subject to the provisions of Chapter 113 of the Bryan County Code.

(2) Flagpoles and similar devices shall be limited to sixteen (16) feet in height in R districts and thirty-five (35) feet in height in all other districts.

(3) Fences in the RR, R, and PD zoning districts may not exceed eight (8) in height and may not exceed ten (10) feet in height for all other districts. Additionally, in the RR, R, and PD zoning districts, the maximum height of a fence in the front yard shall be four feet.

(f) **Height Transitions**. The following provisions for height transitions are measured from property lines of parcels where multi-family, mixed-use or non-residential structures abut an arterial

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connector or collector road, or A-5, RR or R-15 zoning district. For purposes of this section, any story in excess of fifteen (15) feet shall be considered to be two (2) stories.

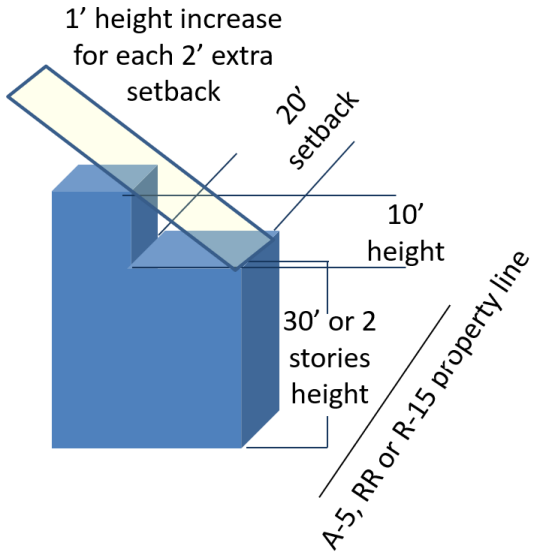
(1) In all districts, balconies that are located above the second story shall be setback at least one hundred (100) feet from affected property lines.

(2) In a R-M district, portions of the building exceeding the lesser of two (2) stories or thirty (30) feet shall be set back at least one hundred (100) feet from affected property lines.

(3) In B-2, I-1 and I-2 districts, portions of the building exceeding the lesser of two (2) stories or thirty (30) feet shall be setback an additional two (2) feet from the required building setback for each foot of height in excess of thirty (30) feet as illustrated in Exhibit 610c.

(4) For purposes of this paragraph (f), the maximum height shall be measured from the average elevation at finished grade at the affected building wall and the highest point of the roof.

Exhibit 610c: Height Transitions Lots Abutting A-5, RR or R-15 District



Section 611. Setbacks

(a) **Principal Structures.** No principal structure shall be located within any required setback area required by this ordinance, except as provided herein.

(b) **Setbacks for Accessory Structures**.

(1) **Agricultural and Rural Residential Districts**. Except as provided herein, no accessory structure shall be located within any required setback area in an A-5, RR-2.5, RR-1.5, or RR-1 district.

(2) **Residential Districts**. Except as provided herein, no accessory structure shall be located within any required front, side, or rear setback.

a. Accessory swimming pools, open and unenclosed, may encroach a maximum of ten (10) feet into a required rear setback. Every swimming pool shall be protected by a safety fence or barrier approved by the Building Official. Patios at grade shall be governed by (c)(2).

b. For enclosed, including screened, swimming pools, all portions of the swimming pools must meet required setbacks for the applicable zoning district.

c. Piers, docks, and other water- dependent accessory structures may be in any required setback or yard on lots which abut a body of water or marsh. A fence, wall, mailbox, power pole, light pole, patio at grade, paths, walkways, or berms may be in any required setback or yard.

(3) **Commercial, Industrial and Public/Institutional Districts.** Except as provided herein, no accessory structure shall be located within any required setback area in a B-1, B-2, C-I, I-1, I-2, WP, or P/I district.

(c) **Allowed Setback Encroachments**.

(1) Piers, docks, and other water-dependent accessory structures may be located in any required setback or yard on lots that abut a body of water or marsh.

(2) A patio at grade, path, or walkway may be located in any required setback or yard provided that they are not located within a required buffer. For a patio at grade, no portion of the patio, however, may be closer than five feet to a property line. For a patio at grade, no portion of the patio, however, may be closer than five (5) feet to a property line.

(3) A fence, wall, mailbox, power pole, light pole, or berm may be located in any required setback or yard.

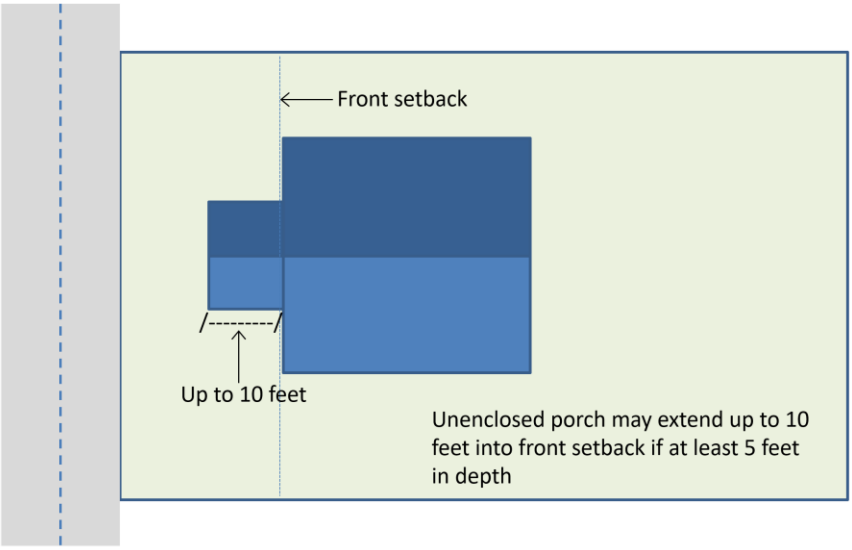
(4) Signs may be located in a required setback that abuts a road.

(5) In R-15 zoning districts:

a. A detached single-family or duplex residence may encroach a maximum of five (5) feet into the required front setback, provided that a front-facing garage is set back to the required front setback.

b. An unenclosed covered front porch may extend up to ten (10) feet from the allowed building front provided that the porch is at least five (5) feet in depth (see graphic below).

Allowable Front Porch Encroachment



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(6) Eaves and overhangs may encroach up to two (2) feet into required building setbacks, subject to building and fire code limitations.

(7) A step, stoop, uncovered and unenclosed porch (except for porches addressed in paragraph (5)d of this section), awnings or other appurtenances may extend up to five (5) feet from the minimum required side or rear setback for the applicable portion of the structure, provided such features do not impede pedestrian circulation.

(8) Canopies and portes cochere encroach up to fifty (50) percent of the required front or street side setback areas on lots occupied by churches, schools, hospitals, clinics, funeral homes, hotels, assisted living centers, continuing care retirement communities, or governmental buildings, and institutions of a philanthropic, educational, or religious nature.

(d) **Mechanical Equipment**. Mechanical equipment shall not be located within any front yard; it may encroach up to three (3) feet into a required side or rear setback if screened from view from adjacent streets or abutting property.

(e) **Setbacks for Principal Structures**. . The minimum setbacks for principal structures shall comply with the development standards established for the applicable zoning district. Standards for the PD district shall be determined in conjunction with PD approval. Note that base district conditions, as well as the provisions of this section may modify zoning district requirements under specific circumstances. Additional setbacks may be required to meet height, parking, planting, buffering, stormwater, or other standards specified in this article or the specific use standards of Article V.

(f) **Setback Measurement**. The setback is the shortest horizontal distance from the applicable property line to nearest extension of any part of a building or regulated structure that is substantially a part of the building or structure itself and not a mere appendage to it (such as a flagpole, etc.). The following rules are used to identify the applicable yard on which the setbacks are based when the yard cannot be readily determined based on the definition.

(1) When a lot has street frontage on two contiguous sides, the frontage shall be determined by the Community Development Director based on the most prevalent orientation of lots on each street. Where lots along a block face front equally on each street, the shorter of the two property lines abutting the street shall be considered the front property line and the longer property line shall be considered the exterior side or street side property line.

(2) A duplex, multi-family dwelling, mixed-use, or non-residential structure located on a corner lot that has front entries to separate units on each street shall be considered to have frontage on each street and shall meet front setback requirements on each street.

(3) When a lot has frontage on two non-contiguous property lines (e.g., for through lots), the lot is considered to have two front yards, and each shall be subject to the front yard setback requirements.

(4) For lots served by an access easement, the front yard shall be determined by the orientation of the house and location of the driveway.

(5) Setbacks from roads identified in the Capital Improvement Plan and with an identified funding source for widening shall be measured from the future right-of-way.

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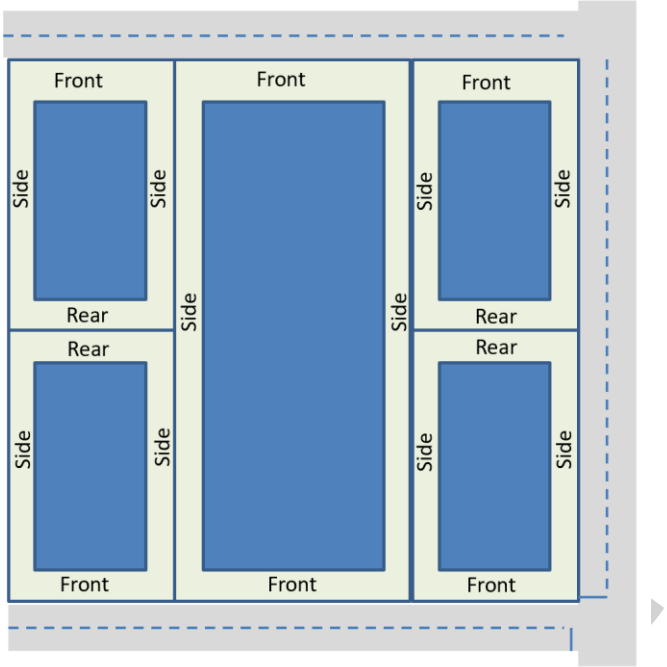
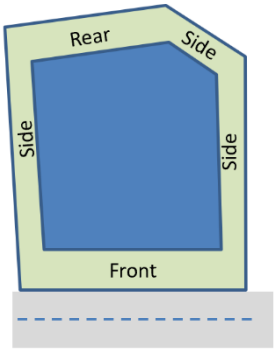
Front Yard Determination for Normal and Double-Frontage or Through Lots



(6) When a lot has more than one property line that is opposite the front yard, the rear property line shall be the lot line that is closest to paralleling the front property line and the rear setback shall be measured from that property line. The other property line shall be considered a side property line.

Determining Rear and Side Yards for Irregular Lots



Section 612. Lot Area, Lot Width, Density, and Gross Area Coverage

Summary of District Standards. The minimum lot area, lot width, and gross area coverage shall comply with the development standards for the applicable zoning district. Standards for the PD district shall be determined in conjunction with PD approval. Note that zoning district standards and the provisions of **Exhibit 612** may modify these requirements under specific circumstances. These requirements also may be affected by parking, planting, buffering, stormwater, wastewater or other standards specified in this article or the specific use standards of Article VII.

Exhibit 612 Minimum Lot Widths for Lots Fronting or Accessing Major Roads

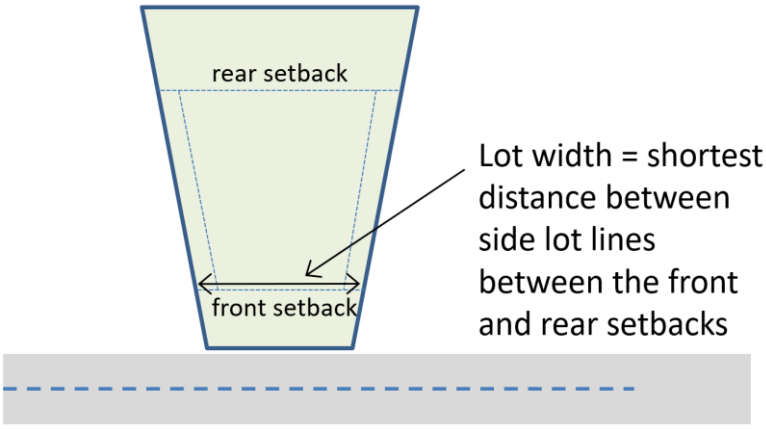
Road Type[1]	Minimum Lot Width Measured Along Frontage (feet)
Arterial Roads	250
Collector Roads	120

1. Road types are established in **Appendix E.**
2. Lot widths for applicable zoning district apply if the lot is buffered pursuant to **Section 628** and the lot does not directly access the major road.

(a) **Measuring Density:** Density shall be calculated on a net basis for major residential subdivisions. The overall density for a major residential subdivision or multi-family development, not located in a PD, shall be calculated by excluding areas dedicated to jurisdictional wetlands, ponds, and drainage canals. Minor subdivision density may calculated on a gross density basis.

(b) **Measuring Lot Width**. Minimum lot width is the shortest distance between side property lines at all points between the front and rear setbacks (see graphic below).

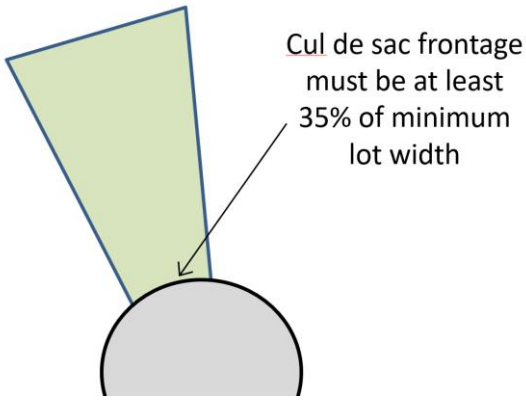
Lot Width Measurement



(c) **Maximum Percentage of Gross Land Area to be Covered**. The maximum percentage of gross land area to be covered is the percentage of the lot that has impervious coverage, including buildings, impervious pavement, and other impervious surfaces, including the water surface area of a swimming pool.

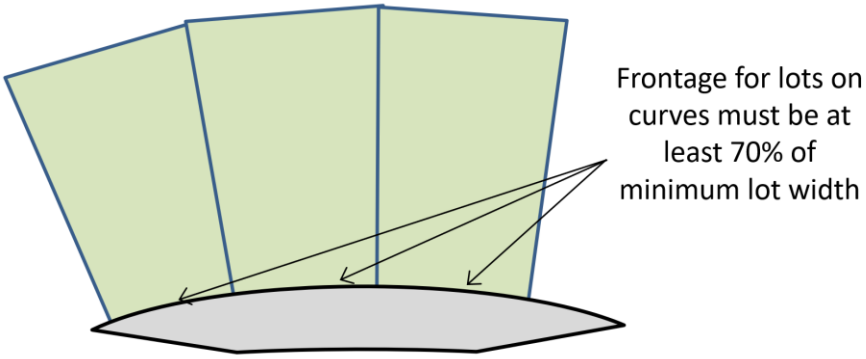
(d) **Lots on Cul-de-sac Roads**. Frontage for lots abutting a cul-de-sac turn-around shall be at least thirty-five (35) percent of the minimum lot width (see graphic below).

Minimum Frontage for Cul-de-sac Lots



(e) **Lots on Exterior of Road Curves**. Frontage for lots located on the outside of a curve in the road shall be at least seventy (70) percent of the minimum lot width (see graphic below)

Lot Frontage on Road Curves



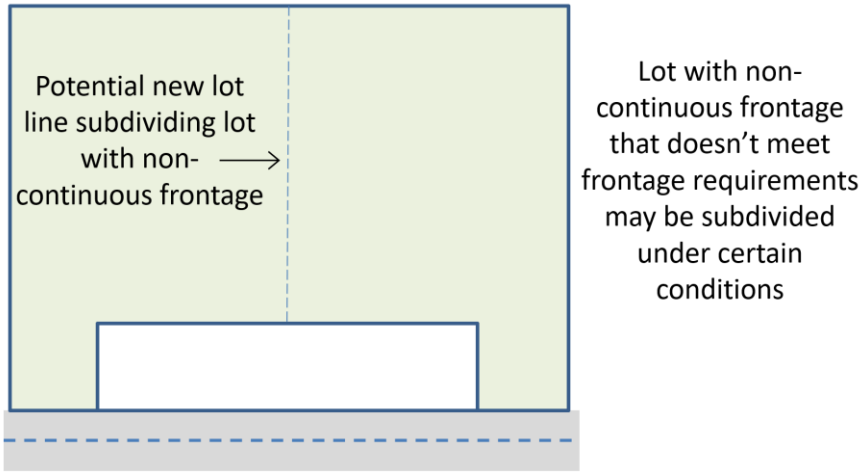
(f) **Lots with Non-continuous Road Frontages (Existing)**. Where the road frontage of a tract that is an existing lot of record is not continuous ("non-continuous tract") and where the road frontage of any part of a non-continuous tract ("non-continuous part") does not meet the minimum road frontage, such non-continuous tract may still be subdivided, provided (see graphic below:

(1) The number of lots does not exceed the number of non-continuous parts;

(2) The lot meets the minimum width and area requirements of the applicable zoning district; and

(3) All of the road frontage of a non-continuous part is used as a lot.

Existing Lots with Non-continuous Frontage



(g) **Lots with Non-continuous Road Frontages (New).** When a new lot is proposed with non-continuous road frontage, each non-continuous part must meet minimum road frontage requirements.

Division 3. Off-Street Parking and Loading

Section 613. Purpose.

Recognizing that different land uses have varying requirements for off-street parking, the County finds it necessary to establish minimum requirements for facilities and space for the off-street parking of vehicles and loading and unloading of goods, to promote the economic vitality, safety of pedestrians and motorists, the orderly movement of people, vehicles and goods, and safe access to properties.

Section 614. Applicability.

(a) **Generally**. No development permit shall be issued that causes any of the following situations unless the use for which the permit is being sought complies with these off-street parking and loading regulations:

(1) **New Building or Use**. Whenever a new building or use is established.

(2) **Expansion of a Building or Structure**. Whenever an existing building or structure is enlarged, and the enlargement causes increases the number of required parking spaces.

(3) **Expansion or Change of Use**. Whenever the use of an existing building, structure or site is expanded or changed so that it will increase the number of required parking spaces.

(4) **Resurfacing or Enlarging Existing Parking Areas**. Whenever an existing parking lot is resurfaced or is expanded by the greater of ten (10) percent or six (6) spaces, parking lot surfaces shall comply with the provisions of this UDO. For purposes of this section, resurfacing does not apply to patching, resealing, seal-coating or overlaying existing surfaces.

(b) **Existing Structures and Uses**. Structures and land uses in existence on the date of enactment of this UDO, or structures and uses for which building permits have been applied for or approved on the said date, shall not be subject to the parking and loading requirements set forth in this section. However, any parking and loading facilities now existing to serve such structures or uses may only be reduced if they continue to comply with the minimum parking and loading standards established herein.

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(c) **Exemptions**. The Community Development Director may adjust or waive the requirement for additional parking in the following circumstances:

(1) If the expansion or change of use of an existing development increases the demand for spaces but the applicant demonstrates the adequacy of existing parking to meet existing and projected demands.

(2) If the expansion or change of demand is less than the greater of ten (10) percent of the total parking requirement or five (5) or fewer spaces. This provision may be used only once for any given site.

(3) If the existing parking is non-conforming, yet accommodates existing demands, the Community Development Director may base the increased parking requirement on the demand created by the expansion of the building or use.

Section 615. Location of Parking

(a) **One and Two-Family Dwellings in A, RR or R Districts**.

(1) Off-street parking facilities for one- and two-family dwellings shall be located on the same lot as the building served.

(2) The combined area of driveways to garage, rear and/or side yard parking facilities shall not exceed thirty (30) percent of the front yard area. The remaining front yard area shall be pervious landscape area.

(3) Where parking spaces are located in a rear yard, paved parking may not exceed forty (40) percent of the rear yard.

(4) Driveways on abutting lots shall be separated by at least five (5) feet of pervious landscape space unless the properties use a shared driveway.

(5) The parking of vehicles in the area reserved for pervious landscaping space is prohibited.

(6) No vehicle 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. Commercial vehicles with greater than 26,000 gross vehicle weight rating (GVWR) are prohibited from being parked in any public road.

(7) In the RR and R-15 zoning districts, vehicles parked on a lot and visible from the street, must be operable and have current registration, i.e., license plate. Vehicles not complying with this requirement will be considered junk or wrecked an inoperable motor vehicle as defined in the International Property Maintenance Code, and they must either be parked or stored in an enclosed structure or parked or stored behind the structure and screened from view.

(b) **Multifamily Dwellings**.

(1) At least fifty (50) percent of parking spaces required for multifamily dwellings shall be provided within fifty feet of the building served by the parking.

(2) Up to fifty (50) percent of required parking may be located within 200 feet of the building served by the parking and shall be connected by continuous pedestrian facilities.

(3) Parking spaces shall not be located within any required setback area abutting a public road.

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(c) **Mixed-Use Development**. Required off-street parking for mixed-use development shall be located on the same parcel or parcel contiguous with the development.

(d) **Non-Residential Development**. Off-street parking facilities for all other industrial or commercial establishments should be located on-site or on the same parcel or a parcel adjacent to the site. Where required parking cannot be provided on-site, it shall be provided on a lot that is located within 300 feet of the development and connected by continuous pedestrian facilities.

Section 616. Parking Specifications

(a) **Parking Dimensions**.

(1) **Single Family and Duplex**. Minimum width for tandem driveway parking shall be ten (10) feet and a minimum of forty (40) feet in length and for side-by-side driveways, the minimum width shall be twenty (20) feet and a minimum of twenty (20) feet in length.

(2) **Multi-family and Non-Residential**. Except as otherwise provided in this section, each parking space and the necessary access aisles shall have at least the minimum dimensions listed in **Exhibit 616**, depending on the parking angle and the direction of the traffic flow. The length may be reduced by two feet when protective devices (curbing or curb stops) are provided. However, the overhang will not extend into the required buffers, required landscaped areas, required accessibility or other similar areas. However, the dimensions of all parallel parking stalls will not be less than nine feet by 24 feet. Handicapped parking stalls will not be less than eight feet by 19 feet with a five-foot aisle separation (13 feet by 19 feet overall).

(b) **Marking.** Parking spaces in lots shall be marked by painted lines to indicate individual spaces and in compliance with ADA and MUTCD standards. Signs or markers, as approved by the Engineering Director, will be used as necessary to insure efficient traffic operation of the lot. All parking facilities, except single-family detached and duplex dwellings, will be designed so that all existing movements onto a public street are in a forward motion.

(c) **Compact Car and Motorcycle Parking**. In parking areas containing ten (10) or more parking spaces, and upon the approval of the Community Development Director and Engineering Director:

(1) Up to twenty (20) percent of the parking spaces may be designated for compact car parking in spaces measuring eight (8) feet in width by sixteen (16) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

(2) Up to five (5) percent of the required parking spaces may be designated for motorcycle or motor scooter parking in spaces measuring at least four (4) feet wide by nine (9) feet long.

(d) **Parallel Parking**. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-two (22) feet in length by nine (9) feet in width.

(1) **Driveways**. Driveways that are not parking aisles shall be not less than twelve (12) feet in width for one-way traffic and twenty-four (24) feet in width for two-way traffic.

(e) **Head-In Parking**. With the exception of driveways for single-family, duplex and townhouse lots:

(1) Head-in parking shall not be counted towards required off-street parking unless the Community Development Director finds that provisions have been made for the extension of a safe public pedestrian walkway that connects to existing or future sidewalks along the

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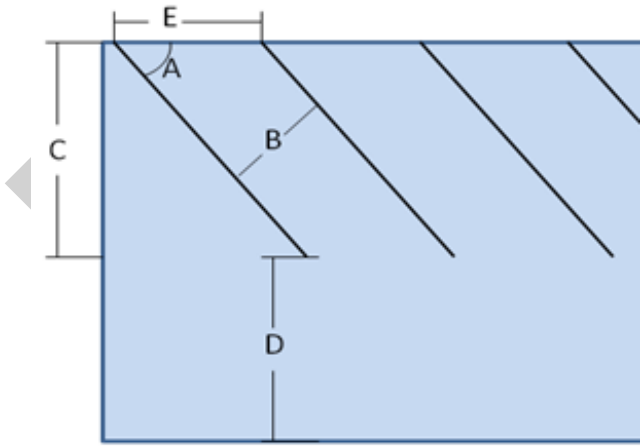
applicable street. Additionally, the Engineering Director must approve all head-in-parking to ensure public safety is maintained.

(2) No parking space shall be counted that requires pedestrians to walk between head-in parking spaces and a public street. Head-in parking may be approved for alleys and private drives.

Exhibit 616: Minimum Parking Lot Dimensions

A Parking Angle (degrees)	B Standard Stall Width (feet)	C Stall Depth from Curb (feet)	D Aisle Width 1-way/ 2-way (feet)	E Curb Length (feet)
0	9	9	12/24	22
30	9	15	12/24	18
37.5	9	16	12/24	15.1
45	9	17	13/24	12.7
52.5	9	18	15/24	11.4
60	9	19	18/24	10.4
90	9	19	24/24	9
Note: Letters A-E in the first 5 columns correspond to the angles and dimensions shown below.				



(f) **Parking Surfacing**.

(1) Parking and loading areas shall be graded and surfaced, marked and maintained in a dust-free condition in accordance with the provision of this section. Pervious pavement approved by the Engineering Directoring Director is encouraged in lieu of pavement wherever feasible.

(2) Parking areas having more than ten (10) spaces shall be paved or surfaced with pervious or impervious pavement approved by the Engineering Director. In reviewing the surfacing material, the Engineering Director shall consider the following factors:

a. Volume of traffic;

b. Frequency of use;

c. Size and location of the parking area;

d. Type of land use requiring the parking;

e. Topography; and

f. Control measures needed for stormwater, erosion and dust management.

(3) Subject to the provisions of paragraph (f)(2) of this section, permitted small businesses and single-family/duplex projects that are not part of a major subdivision will be exempt from paving in any zoning district when the following conditions are met:

a. The required number of parking spaces is ten (10) or fewer.

b. The required handicap parking spaces, walkways, and driveway apron are paved;

c. Any future expansion or change in use dictating more than ten (10) required parking spaces will require the developer to pave all required parking and access drives, existing and proposed;

d. The minimum surfacing excluding handicapped surfaces cited in paragraph (3)(b) shall be recycled concrete or graded aggregate base; and

e. An unpaved parking is consistent with the size and location of the parking area, the type of land use requiring the parking and consistent with the surround uses and development patterns.

Section 617. Required Number of Parking Spaces.

Exhibit 617 establishes the minimum number of required parking spaces for uses.

(a) In determining the number of parking spaces required, if calculations result in fractional parts of parking spaces, the number of spaces required shall be construed to be the next highest whole number.

(b) Whenever there is a change of use, increase in floor area, or increase in the number or dwelling units that would increase the number of required spaces, additional parking spaces shall be provided in number caused by the change unless there are sufficient spaces to serve the increased activity.

(c) The required number of spaces may be reduced by the Community Development Director if the applicant provides a parking demand analysis documenting that the use will require fewer spaces and the Community Development Director determines that the reduction will not reduce the viability of future use of the site. The parking demand analysis must be prepared by a traffic engineer or similarly qualified individual.

(d) The number spaces or area reserved for off-street parking or loading in accordance with the provisions of this division shall not be reduced in size or changed to any other use unless the permitted use it serves is discontinued or modified.

(e) Required parking spaces shall not be used for storage or display of merchandise, signs, vehicles used in connection with a business, dumpsters or operations associated with the use.

(f) The required space for any number of separate uses may be combined in one lot, but the required space assigned to each use may not be assigned to another use, except where the Community Development Director approves shared parking pursuant to **Section 619**.

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Exhibit 617: Minimum Number of Parking Spaces Required[1]

Use	Number of Parking Spaces
Residential Uses	
Accessory dwellings	1 space per dwelling unit
Bed and breakfast	2 for the owner/operator and 1 per leasable room
Boarding or rooming house	1 space per 2 beds, plus 2 additional spaces for owner or employees
Group homes, juvenile and adult	See Section 735
Multiple-family residential dwellings and attached single family dwellings	2 spaces per dwelling unit, plus 0.25 spaces per unit for guest parking
Senior apartments and senior independent living	1.25 spaces per unit. Should units revert to general occupancy, the requirements for multiple family dwellings shall apply
Single-family detached and two- family dwellings	2 spaces per dwelling unit
Institutional Uses	
Auditoriums, assembly halls, meeting rooms, theaters, and similar places of assembly	1 space per 3 seats or 1 space per 3 persons allowed based on maximum capacity in the main place of assembly, as established by the County fire and building codes
Child day care centers, nursery schools, and day nurseries; adult day care centers	1 per 400 sq. ft. of GLA, plus 1 per employee. Sufficient area shall be designated for drop-off of children or adults in a safe manner that will not result in traffic disruptions
Religious institutions and customary related uses	1 per 3 seats in the main unit of worship, plus spaces required for each accessory use such as a school
Colleges and universities; business, trade, technical, vocational, or industrial schools	1 per classroom plus 1 per 3 students based on the maximum number of students attending classes at any one time
Elementary and middle schools	1 per teacher, employee, and administrator, in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium
Government offices	1 per 300 sq. ft. of GLA plus requirements for auditoriums, meeting halls or similar assembly rooms
High schools; performing and fine arts schools	1 per teacher, employee, and administrator, and 1 per 10 students, in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium
Hospitals and similar facilities for human care	1 per 2 beds, plus 1 per employee on the largest shift.
Nursing and convalescent homes	1 per 4 beds or occupants and 1 space per staff member or employee on the largest shift
Post office	1 per 200 sq. ft. of GLA for customer parking, plus 1 per employee and additional space for delivery vehicles
Public libraries and museums	1 per 300 sq. ft. of GLA, plus requirements for auditoriums, classrooms or similar assembly rooms
Retail Uses	
Retail stores except as otherwise specified herein	1 per 250 sq. ft. of GLA

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Use		Number of Parking Spaces
Multi-tenant shopping centers	With 60,000 square feet or less of retail	1 per 250 sq. ft. of retail GLA
	With over 60,000 square feet of retail	1 per 220 sq. ft. of retail GLA
	With restaurants	If more than 20% of the shopping center's floor area is occupied by restaurants or entertainment uses, parking requirements for these uses shall be calculated separately. Where the amount of restaurant space is unknown, it shall be assumed to be 20%.
Agricultural sales, greenhouses and nurseries or roadside stands		1 per employee plus 1 per 100 sq. ft. of actual permanent or temporary area devoted primarily to sales
Animal grooming, training, day care, and boarding		1 per 300 sq. ft. of GLA
Convenience store		1 per 200 sq. ft. of GLA (if fuel sales are provided, each space in a fuel pump aisle shall count as ¼ of a required parking space)
Farmers' markets		1 per 150 sq. ft. of lot area used for sales or display
Furniture and appliance, household equipment, show- room of a plumber, decorator, electrician, hardware, wholesale and repair shop, or other similar uses		1 per 800 sq. ft. of net GLA plus 1 additional space per employee
Grocery store/supermarket		1 per 200 sq. ft. of GLA
Home improvement centers		1 per 300 sq. ft. of GLA
Open air businesses, except as otherwise specified herein		1 per 500 sq. ft. of lot area for retail sales, uses, and services
Vehicle dealerships, including automobiles, RV's, motorcycles, snowmobiles, ATV's and boats		1 per 300 sq. ft. of show room floor space, plus 1 per automobile service stall, plus 1 per employee
Service Uses		
Banks and other financial institutions		1 per 200 sq. ft. of GLA for the public. Drive-up windows/drive-up ATMs shall be provided with 3 stacking spaces per window or drive- up ATM
Beauty parlor or barber shop		2 parking spaces per chair/station
Contractor's yard		1 per business vehicle, plus 1 per 1,000 sq. ft. GFA
Dry cleaners		1 per 500 sq. ft. of GLA
Kennel – animal boarding without grooming or training services		1 per 400 sq. ft. of GLA, but no less than 4 spaces
Laundromats		1 per washer-dryer pair, plus 1 space per employee
Mail box clusters serving residential subdivisions or other concentrated developments		A turn-out/off-set area shall be provided adjacent to the mail box cluster of sufficient dimension (minimum 66 feet long by 7 feet wide) to accommodate three (3) standing vehicles
Mortuary establishment, funeral home		1 per 50 sq. ft. of assembly room or parlor floor space

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Use		Number of Parking Spaces
Motel, hotel or other commercial lodging establishment		1.25 per guest unit. In addition, spaces required for ancillary usessuch as lounges, restaurants, meeting rooms or places of assembly shall be provided and determined on the basis of specific requirements for each individual use
Motor vehicle service stations (gas stations and truck stops)		1 per employee, plus additional parking required for other uses within vehicle service station, such as the retail floor area, restaurants or vehicle repair stalls. Each automobile fueling position may count as one quarter (1/4) of a required space for other uses.
Offices, business, professional and general		1 per 300 sq. ft. of GLA, but no less than 5 spaces
Offices, medical, dental and veterinary		1 per 200 sq. ft. of GLA
Radio or television broadcast studio		1 per 400 sq. ft. GLA
Vehicle repair establishment, heavy or light		2 per service stall, plus 1 per employee
Vehicle quick oil change		2 stacking spaces per service stall, rack or pit plus 1 per employee
Vehicle wash	Self-service (coin operated)	2 spaces plus 2 stacking spaces per washing stall
	Full-service	2 spaces, plus 1 per employee. 6 stacking spaces per washing stall or line, plus a minimum 30 foot long drying lane to prevent water from collecting on street.
Restaurants, Bars and Clubs		
Standard sit-down restaurants with or without liquor license		1 per 75 sq. ft. of GLA
Carry-out restaurant (with no or limited seating for eating on premises)		6 per service or counter station, plus 1 per employee
Open front restaurant/ice cream stand		6 spaces, plus 1 per employee and 1 per 4 seats
Drive-through restaurant		1 per 75 sq. ft. GLA, plus 6 stacking spaces per food pickup window
Bars, lounges, taverns, nightclubs (majority of sales consist of alcoholic beverages)		1 per 50 sq. ft. of GLA
Private clubs, lodge halls, or banquet halls		1 per 3 persons allowed within the maximum occupancy load as established by the County fire and building codes
Recreation		
Athletic clubs, exercise establishments, health studios, sauna baths, martial art schools and other similar uses		1 per 3 persons allowed within the maximum occupancy load as established by County fire and building codes, plus 1 per employee
Billiard parlors		1 per 3 persons allowed within the maximum occupancy load as established by County building and fire codes or 2 per table, whichever is greater
Bowling alleys		4 per bowling lane, plus additional for accessory uses such as bars or restaurants

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Use	Number of Parking Spaces
Indoor recreation establishments including gymnasiums, tennis courts, roller or ice-skating rinks, exhibition halls, dance halls, and banquet halls	1 space per 3 persons allowed within the maximum occupancy load as established by the County fire and building codes
Golf courses open to the public, except miniature or "par-3"	4 per golf hole, plus additional for any bar, restaurant, banquet facility, meeting room or similar use
Miniature or "par-3" courses	2 per 1 hole, plus 1 per employee
Neighborhood amenities (swimming pools, club houses and similar facilities for the common use of residents within a development)	1 per 10 persons allowed within the maximum capacity as established by the County fire and building codes
Stadium, sports arenas, sports fields (ball diamonds, soccer fields, etc.) or similar place of outdoor assembly	1 per 3 seats or 3 per 6 feet of bench, plus 1 per employee. For fields without spectator seating, there shall be a minimum of 30 spaces per field.
Industrial Uses	
Industrial establishments, including manufacturing, research and testing laboratories, bottling works, printing, plumbing or electrical work- shops	1 per employees computed on the basis of the greatest number of persons employed at any one time during the day or night; or 1 per 550 feet of GFA, whichever is greater
Warehouses and storage buildings	1 per 5,000 sq. ft. of GFA
Mini-warehouse/self-storage	Unobstructed parking area equal to 1 space per 10 door openings, plus parking for uses on the site such as truck rental
Truck terminals	1 per employee, plus 2 truck spaces of 10 feet by 70 feet per truck berth or docking space
Note: (1) Handicap parking spaces shall be provided in compliance with the Americans with Disabilities Act.	

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Section 618. Handicap Parking Spaces

Handicap parking spaces shall be provided in compliance with the Americans with Disabilities Act. **Exhibit 618** provides the minimum required number of handicap parking spaces.

Exhibit 618: Minimum Number of Handicap Parking Spaces Required

Total Number of Parking Spaces	Total Minimum Number of Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of total parking provided in each lot
1001 and over	20 plus 1 for each 100 over 1000

Section 619. Shared Parking.

(a) Two (2) or more buildings or uses may share a common parking facility; provided, the number of parking spaces available shall equal the required number of spaces for all the uses computed separately.

(b) Cumulative parking requirements for mixed-use developments or shared facilities may be reduced by the by the Community Development Director as part of site plan review where the applicant demonstrates the continued availability of sufficient parking to meet all users.

(c) The following documentation shall be provided in conjunction with a request for shared parking:

(1) A shared parking analysis submitted to the Community Development Director that clearly demonstrates the feasibility of shared parking. The study must address, at a minimum, the size and type of the proposed development or combination of uses, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

(2) A shared parking plan and agreement signed by owner of the shared parking area stating that:

a. The land comprising the parking area shall never be disposed of, except in conjunction with the sale of the building so long as the facilities are required; and

b. The owner agrees to bear the expense of recording the agreement which shall bind his or her heirs, successors, and assigns.

(d) An attested copy of the shared parking agreement between the owners of record shall be submitted to the Community Development Director to be recorded in a form established by the County Attorney. The agreement must be recorded before issuance of a certificate of occupancy for any use to be served by the shared parking area. A shared parking agreement may only be revoked if all required off-street parking spaces will be provided on-site. The County shall void the written agreement if other off-street facilities are provided in accord with these parking regulations.

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Section 620. Temporary Parking.

For temporary uses and special events that result in a temporary reduction in the availability of required parking spaces or create a need for temporary off-site parking, such as outdoor sales events (seasonal sales), festivals or fairs, concerts, or sporting events, the Community Development Director may authorize the use of a portion of the required parking area for other purposes on a temporary basis or permit temporary off-site parking, upon a demonstration by the applicant that temporary off-site parking is located and designed to ensure safe and efficient circulation for both pedestrians and vehicles (a site plan may be required to demonstrate this), the proposed special event satisfies all other applicable County regulations and:

(a) The loss of the required parking spaces may be off-set by requiring employees or customers to park elsewhere or that due to the time of year or nature of the on-site business, the required spaces are not needed;

(b) All or part of the displaced parking may be accommodated on unpaved areas of the site;

(c) Permission has been granted by affected owners or operators to use their parking facilities; or

(d) The duration of the special event is so short or of such a nature as to not create any appreciable parking shortage for the normal operation of the existing on-site use;

Section 621. Maximum Allowed Parking.

To minimize excessive areas of pavement that detract from aesthetics, contribute to high rates of storm water runoff and generate reflective heat, the minimum parking space requirements of this section shall not be exceeded by more than ten (10) percent, unless the applicant demonstrates and the Community Development Director determines that the parking is necessary to accommodate the use on a typical day. Further, the Community Development Director, at the recommendation of the Engineering Director may require that parking spaces provided in excess of the minimum requirement to be located on permeable surfaces.

Section 622. Parking Lot Design and Use

Parking lots having ten (10) or more spaces shall be designed in accordance with the provisions of this section.

(a) **Location of Parking Lots**. Parking lots for newly developed or redeveloped sites should, to the greatest extent practical, be in the interior side or rear yards as shown in **Exhibit 622a.**

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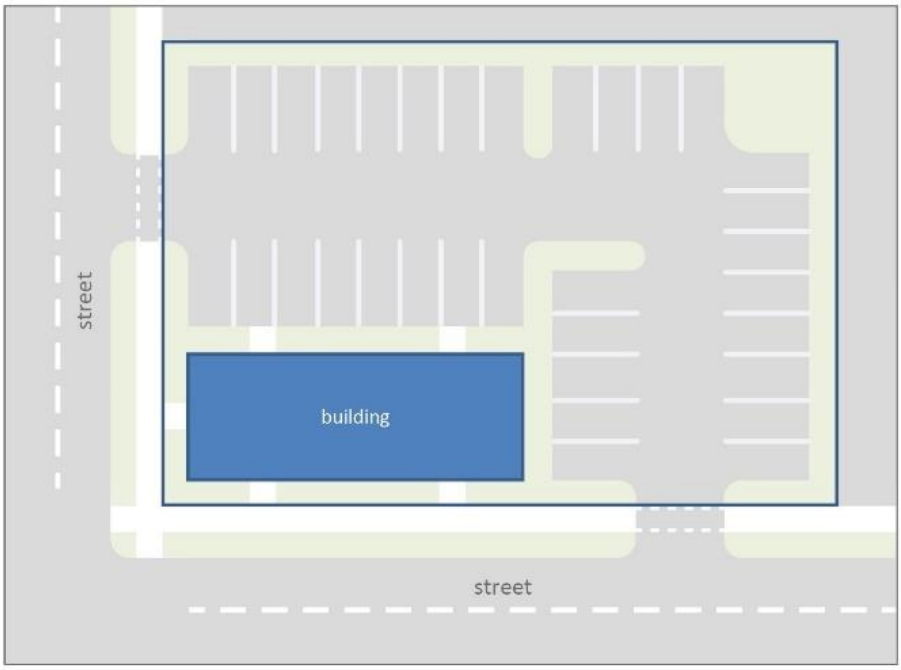
Exhibit 622a: Location of Parking Lots for New Development and Redeveloped Sites



(b) **Parking Lot and Vehicle Use Area Planting.** Planting requirements for areas within and abutting vehicle use areas and parking lots are established in **Section 630.**

(c) **Parking Lot Layout**. Large surface parking areas and other expansive areas of paved surfaces should be designed with a series of smaller parking areas. Smaller parking areas can be incorporated by physically separating parking areas with buildings or plazas, and may also be delineated with an on- site circulation system that uses uninterrupted drive aisles, mostly contiguous landscape planters, pedestrian walkways, or any combination thereof (see examples below).

Parking areas should be designed to break up large expanses of pavement

Good Example **Bad Example**

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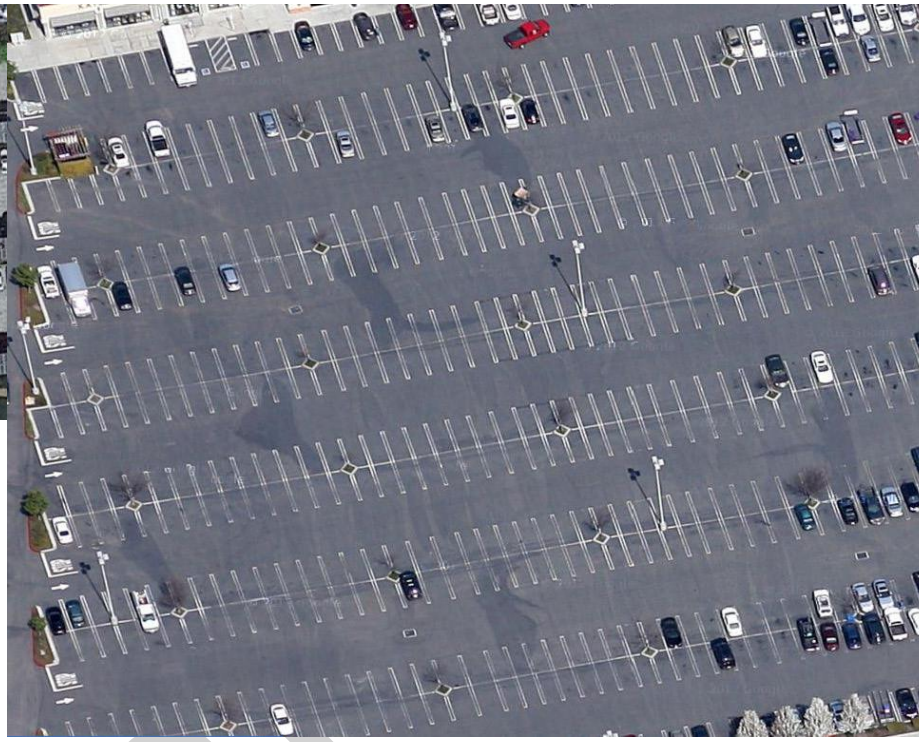

(d) **Ingress and Egress**. Adequate vehicular ingress and egress to the parking area shall be provided by means of clearly limited and defined drives. All parking lots shall provide interior access and circulation aisles for all parking spaces. The use of public streets for maneuvering into or out of off-street parking spaces shall be prohibited except as authorized for single-family and duplex residential lots.

(e) **Curbing**. A six (6) inch concrete curb or approved alternative shall be provided around all sides of any parking lot of 10 or more spaces to protect landscaped areas, sidewalks, buildings or adjacent property from vehicles that might otherwise extend beyond the edge of the parking lot. Curb openings are allowed for storm water drainage, as recommended by the Engineering Director. Plantings shall be set back two (2) feet from curbs to allow for bumper overhang. Approved barriers will be provided along boundaries to control entrance and exit of vehicles or pedestrians. Off-street parking spaces will be separated from walkways, sidewalks, streets, alleys and required yards by a wall, fence, or curbing.

(f) **Lighting**. Adequate lighting will be provided if off-street parking spaces are to be used at night. Equipment for lighting parking facilities will be arranged so that light does not interfere with traffic, is shielded or directed away from adjoining residences, and produces no glare across residential property boundaries. Lighting fixtures in parking areas shall conform to the requirements of **Article VI.Division 8.**

(g) **Fire Lanes**. Fire lanes shall be designated on the site and posted with signage prior to occupancy. Vehicle circulation shall meet turning radius requirements set by the Engineering Director.

(h) **Pedestrian Access**. Parking lots should have a direct pedestrian connection to the building entry points, especially if the parking is located along the side and/or behind the buildings. Designated pedestrian access shall be provided from all public parking areas to the primary building entrances.

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(i) **Crosswalks**. Pedestrian pathways and crosswalks in parking areas shall be distinguished from asphalt driving surfaces through the use of durable, low-maintenance, surface materials such as pavers, bricks, or scored, stamped or colored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the parking area.

(j) **Barrier Free Parking in Parking Lots**. Within each parking lot, signed and marked barrier free spaces shall be provided at a convenient location, in accordance with the applicable requirements of the Americans with Disabilities Act of 1990 (ADA). Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum four (4) feet shall be provided for wheelchair access.

(k) **Maintenance**. All parking areas shall be maintained free of trash and debris. Surface, curbing, light fixtures and signage shall be maintained in good condition.

(l) **Limitations on Use of Parking Lots**.

(1) Off-street parking areas are intended only for temporary vehicle parking. Except when land is used as storage space in connection with the business of a repair or service garage, use of parking areas or open land is not permitted for the storage or parking of wrecked or junked cars, or for creating a junk yard or nuisance.

(2) Loading spaces, as required in **Section 624,** and parking spaces, required in **Section 617,** shall be considered separate and distinct requirements and shall be provided as individual components on the site. In no case shall one component be construed as meeting the requirements of the other.

(3) Parking lots and loading areas shall not be used for the long-term storage of trucks or trailers, except where such outdoor storage is specifically permitted in the zoning district. Overnight parking or storage of commercial vehicles shall be prohibited, except for uses and locations approved for vehicle storage. This shall not be construed to prohibit the parking overnight of commercial fleet vehicles or the short-term parking of trailers in loading bays or staging areas related to commercial or industrial uses.

(4) It shall be unlawful to use a parking lot or open area to store or park any vehicle for the purpose of displaying vehicles for sale, except in an approved vehicle sales dealership.

Section 623. Bicycle Parking.

In addition to off-street vehicular parking requirements, the following bicycle parking requirements shall be met for all mixed-use, nonresidential and multi-family residential uses unless waived by the Community Development Director:

(a) Bicycle parking shall be provided in an amount equal to five (5) percent of the minimum required off-street parking spaces for vehicles or 10 bicycle spaces, whichever is less; but no fewer than two(2) spaces.

(b) Such parking shall be located in close proximity to the primary entrances used by customers, visitors, or residents.

(c) Bicycle parking areas shall be designed to utilize bike racks installed on all-weather surfaces.

(d) Bicycle parking areas and pathways connecting them to the buildings they serve shall be lighted for the safety of the cyclists and to discourage theft.

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(e) Bicycle parking shall be encouraged, though not required, for any individual building having a gross floor area of 5,000 square feet or less unless the building is part of a larger common site plan.

Section 624. Loading.

(a) **Uses Requiring Loading Area**. On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, retails sales, consumer services or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys and parking spaces. This provision shall not apply to retail sales and consumer service uses of less than 5,000 square feet.

(b) **Loading Space Requirements**. Loading and unloading spaces shall be paved unless otherwise approved by the Engineering Director and shall measure at least ten (10) feet wide by fifty (50) feet deep. **Exhibit 624** lists the minimum number of required loading spaces.

Exhibit 624: Minimum Number of Off-Street Loading Spaces

Building Gross Floor Area	Minimum Truck Loading Spaces
5,000 – 25,000 sq. ft.	1 space
25,001 – 40,000 sq. ft.	2 spaces
40,001--100,000 sq. ft.	3 spaces
100,001—160,000 sq. ft.	4 spaces
Over 160,000 sq. ft.	5 spaces, plus 1 space for each 80,000 sq. ft. in excess of 240,000 square feet (or fraction greater than ½)

(c) **Orientation of Overhead Doors**. Overhead doors for truck loading areas shall not face a public right- of-way and shall be screened to not be visible from a public street or an adjacent A, RR or R district.

(d) **Residential Setback**. Loading and unloading spaces shall not be located closer than 100 feet from any RR, R or PD district boundary, unless the spaces are wholly within a completely enclosed building or completely screened from the RR, R, or PD district. Screening shall comply with the screening standards in Division 4 of this article.

Division 4. Landscaping, Tree Preservation, Buffering and Screening

Section 625. Purpose

The requirements of this Division are intended to:

(a) Maintain the rural character of Bryan County;

(b) Protect and preserve mature, native, and healthy trees;

(c) Increase tree coverage to enhance the environmental and aesthetic benefits that trees provide;

(d) Improve the appearance of vehicular and pedestrian use areas;

(e) Provide buffers for different land uses to eliminate or minimize potential nuisances such as dust, litter, noise, glare of lights, signs and unsightly buildings or parking areas; and

(f) Protect and conserve property values within the Bryan County.

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Section 626. Applicability

This Division shall apply to the following development activities and uses:

(a) **Buffers** shall be required for development requiring major subdivision, planned development or site plan approval in accordance with **Section 629**.

(b) **Tree preservation** shall be required for development requiring minor or major subdivision, planned development or site plan approval, and for any use other than those exempted by **Section 633.**

(c) **Canopy retention or replacement** shall be required for all major residential and non-residential subdivisions, planned developments and for development of multi-family, mixed-use or non-residential development.

(d) **Parking lot landscaping** shall be required for development requiring PD or site plan approval in accordance with **Section 630**.

(e) **Landscape maintenance** shall be required for all new development, redevelopment and use of existing properties in accordance with **Section 632.**

Section 627. Exemptions

The following uses shall be exempt from the provisions of this Division:

(a) Lots developed for single-family and duplex residential uses that are not a part of a major subdivision, except that the requirement for protection of Heritage or Historic trees shall apply to all properties;

(b) Public utility providers are exempt from tree preservation requirements for facilities in easements and rights-of-way but are subject to perimeter buffering requirements for substations, lift stations and treatment plants;

(c) Commercial timber operations;

(d) Mitigation of wetlands pursuant to an approved plan from the US Army Corps of Engineers (COE);

(e) Trees grown specifically for sale by commercial nurseries; and

(f) Any bona fide agricultural or silviculture use.

Section 628. Buffers Required

(a) **Purpose and Applicability**. Buffers are required to retain the rural character of Bryan County and to minimize negative impacts between abutting developments. Buffers are required:

(1) **A**long the perimeter boundaries of major subdivisions;

(2) Along arterial and collector street frontage for all major subdivisions and for developments requiring site plan approval; and

(3) Along the boundaries between properties in different zoning districts at the time of subdivision and site plan development.

(b) **Subdivision Boundary Buffers**. The outer perimeter buffers around major subdivisions shall be at least thirty (30) feet in depth. If other buffer requirements are in conflict with the minimum depth of this paragraph, the greater standard shall apply. Such buffers may be platted as part of the lot/parcel for agricultural, multi-family, mixed-use, and non-residential subdivisions, but must be on a separate lot for residential development in a RR or R district. The same buffer

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requirement applies to any parcel being zoned to a commercial, business or industrial use. The Community Developer Director is authorized to modify this requirement I-2 zones.

(c) **Arterial and Collector Road Buffers**. Any major subdivision or development requiring site plan approval that abuts an arterial or collector street shall provide buffer along the street meeting the following requirements.

(1) Minimum buffer depth shall be:

a. 100 feet along an arterial road for a subdivision in an RR, R-15, RM or R-MH, or PD zoning district;

b. 50 feet along an arterial road for a development in B-1, B-2, C-I, I-1, I-2, or P/I district;

c. 30 feet along collector roads; and

d. The minimum buffer width specified for in Article V for the WP district.

(2) Buffers shall not be required on local roads to be constructed within a subdivision.

(3) Buffer design shall comply with the provisions of **Section 629**.

(4) Subdivision and site entrances and driveways may traverse required buffers.

(5) For commercial retail or service uses, the applicant may request to develop a streetyard as provided in **Section 630** instead of a buffer. The Community Development Director may approve such request if the streetyard would maintain the character areas and fulfill the purposes identified in **Section 625(a).**

(d) **Buffers Between Zoning Districts.** At the boundaries of different zoning districts or between uses within planned developments that are only authorized in different zoning districts (e.g., between single family residential and multi-family residential or between non-residential and residential uses), buffers shall comply with the minimum requirements established in **Exhibit 628** and the design requirements of **Section 629**.

Exhibit 628: Minimum Buffer Widths Between Zoning Districts

Zoning District of Proposed Development	Zoning of Abutting Development						
	A	RR or R-15	B-1	B-2 or C-I	I or P/I	PD	WP
A	none	none	None	none	None	none	None
R-R or R-15	50’	30’	30’	40’	40’	30’	40’
B-1	50’	40’	None	none	30’	30’	30’
B-2 or C-I	50’	40’	None	none	20’	40’	20’
I-1, I-2 or P/I	50’	40’	30’	20'	None	40’	None
PD[1]	50’	50’	30’	40’	40’	30’	40’
WP	200’	200’	200’	200’	200’	200’	200’
Note: (1) The buffer standard may be modified during the PD approval process.							

Section 629. Buffer Design Requirements.

(a) **Generally**. Buffers required under this section shall consist of undisturbed vegetation, planted trees and shrubs, or a combination of vegetation (planted or existing) and walls and berms that effectively screen development from the abutting road or property. The intent of these

requirements is to encourage the preservation of mature and healthy, and indigenous vegetation. It is not the intent of this ordinance to require existing vegetation to be removed in order to plant immature non-native species or maintain unhealthy tree stands.

(b) **When Required**. Prior to approval of construction plans for a subdivision or site plan requiring buffers, the applicant shall include buffer details on the landscape plans, as identified in **Section 420**.

(c) **Buffer Planting Requirements**.

(1) **Planted Buffers. Exhibit 629** lists the number of each type of plant required to be planted within buffers that are planted in conjunction with subdivision or site development. At least thirty (30) percent of canopy trees and fifty (50) percent of shrubs shall be evergreens. Not more than twenty-five (25) percent of required trees or shrubs may be of the same species.

Exhibit 629: Minimum Buffer Planting Requirements

Type of Plant[1]	Number of Plants Required Per 100 [2]Linear Feet of Buffer				
Buffer width (feet)	**20**	**30**	**40**	**50**	**100**
Large Canopy trees	2	2	3	4	8
Medium Canopy trees	1	2	2	3	4
Small Canopy trees	1	2	2	3	4
Shrubs	4	6	8	12	24

[1] See **Section 634** for list of large, medium and small canopy trees and shrubs
[2] For buffers exceeding 100' in width, the Community Development Director shall approve the required plantings.

(2) **Existing Vegetation**. Where mature existing vegetation is protected and retained during the development process, the Community Development Director may reduce the required buffer plantings upon finding that the existing vegetation will accomplish equivalent or better screening than a planted buffer. When the existing vegetation is insufficient to provide adequate screening, the required additional plantings shall be located to enhance the effectiveness of the natural buffer's screening and to ensure that not more than twenty-five (25) percent of trees or shrubs (existing and planted) are of the same species.

(3) **Buffer Maintenance**.

a. Required buffers will not be disturbed for any reason except for permitted signs, driveways, sidewalks, or other pedestrian or bicycle paths, walls, fences, or required landscaping, landscaping maintenance and replacement, or maintenance and construction of utility lines and drainage features that cross the bufferyard.

b. Where utility or drainage easements exist along property lines, the buffer shall be located adjacent to the easement and may be reduced by the width of the easement on the property where the buffer is required or twenty-five (25) percent of the required buffer width, whichever is smaller.

(4) **Buffers with Supplemental Walls or Berms.** When walls or berms meeting the following requirements are provided the minimum width of a required buffer may be reduced by five (5) feet. Fences have no impact on the minimum required width of a buffer.

a. **Walls**. Any wall used as part of a buffer shall be constructed in durable fashion of brick, stone, or other masonry material or a combination thereof. Walls shall be a

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minimum height of six (6) feet. Where walls are included in the buffer, they shall be located along the interior side of the buffer.

b. **Berms**. Berms shall be a minimum height of four feet with a maximum slope of 3:1. Berms in excess of six (6) feet in height shall have a maximum slope of 4:1 as measured from the exterior property line. Berms shall be stabilized to prevent erosion and shall be landscaped.

(d) **Adjustments to Buffer Widths and Plantings.** The Community Development Director may grant minor adjustments to the width of bufferyards upon finding that the average width of the buffer is maintained, and the buffer's function is consistent with its purposes. The Community Development Director may modify planting requirements upon finding that the adjustment results in the preservation of existing vegetation that better achieves the purposes of this Division.

Section 630. Parking Area Landscaping

(a) **Applicability**. Parking area planting requirements shall apply to all development or redevelopment that requires the establishment of ten (10) or more parking spaces.

(b) **Existing Parking Lots**. For existing parking lots that currently do not comply with the required parking lot plantings, such plantings shall be provided when any one (1) of the following occurs:

(1) A new principal building is constructed;

(2) A building addition is constructed that expands the building footprint by at least the lesser of thirty (30) percent or five-thousand (5,000) square feet;

(3) Rehabilitation of a building with a non-conforming parking lot that exceeds fifty (50) percent of the appraised value of the building.

(4) An existing parking lot is reconstructed or repaved or substantially modified;

(5) When an existing parking lot under ten-thousand (10,000) square feet in area is expanded by fifty (50) percent or more in total surface area; or

(6) When an existing parking lot over ten thousand (10,000) square feet in area is expanded by twenty-five percent (25%) or more in total surface area.

(c) **Interior Parking Lot Planting**.

(1) Ten (10) percent of the developed area (paved, gravel, building areas) will be open and landscaped in a manner as to divide and break up the expanse of paving with islands and barriers. These areas must be located throughout the parking area so that no parking space is more than 100 feet from the nearest tree. For every ten (10) off-street parking spaces, a minimum of one (1) tree and three (3) shrubs must be planted within required islands and barriers of the parking area. Planting islands shall be at least 200 square feet in area with a minimum dimension of eight (8) feet.

(2) Planting islands should be dispersed in a safe and efficient manner to promote safe pedestrian and traffic movements, and to increase on-site stormwater detention. (See **Exhibit 630a**)

(3) Parking lot planting shall be provided in addition to required buffers or permimeter plantings provided by the applicant.

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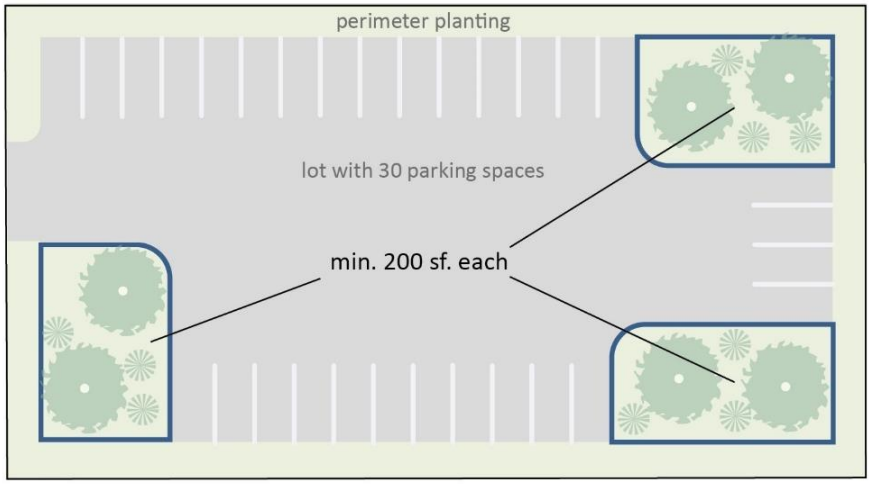
Exhibit 630a: Sample Interior Parking Island and Parking Lot Layout



(d) **Parking Areas Abutting Residential Lots**. On side and rear lot lines where parking areas abut any single-family or duplex residential lot, the required buffer and shall include an opaque wall or fence, not taller than six (6) feet in height.

(e) **Streetyard Planting for Commercial Areas Abutting Right-of-Way**. For properties abutting arterial or collector roads that are used for commercial retail, service or office uses, the applicant may request to provide a street yard in lieu of a buffer. Such request must be approved by the Community Development Director. If approved, the street yard shall be adjacent to the public right-of-way and include a planting strip along the entire length of the perimeter of the street facing area excluding authorized driveway widths.

(1) For all development abutting arterial roads the following standards shall apply:

a. A minimum twenty-five (25) foot deep landscaped street yard shall be established parallel to the entire front of the property along the road right-of-way in lieu of the required buffer. If an easement parallels the right-of-way frontage and precludes the ability to meet the streetyard requirement, the streetyard shall be in addition to the easement or increased to the extent that the planting requirements can be met. (Example: If a 15-foot power easement was directly adjacent to the right-of-way and did not permit trees within it, the twenty-five (25) foot street yard would commence from the interior edge of the easement for a total of forty (40) feet).

b. The street yard shall include:

1. Two (2) large canopy trees per 100 feet of linear frontage, spaced no more than 50 feet on center (o.c.) for the entire lot frontage. For areas where overhead utilities exist that preclude planting large trees, groups of three (3) small canopy trees shall be provided for every one (1) large tree required.

2. Three (3) medium canopy trees for every 100 linear feet of lot frontage

3. Two (2) small canopy trees for every 100 linear feet of lot frontage.

4. A double row, staggered evergreen shrub hedge or otherwise approved continuous grouping of evergreen shrubs planted along the lot frontage planted

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at a minimum of two and one-half (2 ½) feet o.c. and a species capable of being maintained at a three (3) foot height within two (2) years of planting.

5. Driveways should be defined using a mixture of trees, shrubs and groundcovers that will create a sense of arrival. Clusters of flowering and other ornamental plant species such as knockout roses, ornamental grasses and annuals is strongly encouraged. A minimum of 200 square feet shall be planted on each side of the entrance drive. Sight triangle requirements of **Section 1007** shall be maintained.

(2) For all development abutting collector roads the following standards shall apply:

a. A minimum twenty-five (25) foot deep landscaped street yard shall be established parallel to the entire front of the property along the road right-of-way. If an easement parallels the right-of-way frontage and precludes the ability to meet the streetyard requirement, the streetyard shall be in addition to the easement or increased to the extent that the planting requirements can be met. (Example: If a 15-foot power easement was directly adjacent to the right-of-way and did not permit trees within it, the 25-foot streetyard would commence from the interior edge of the easement for a total of 40 feet).

b. The street yard shall include:

1. One (1) large canopy tree per 100 feet of linear frontage, spaced no more than 50 feet on center (o.c.) for the entire lot frontage. For areas where overhead utilities exist that preclude planting large trees, groups of three (3) small canopy trees shall be provided for every one (1) large tree required.

2. Two (2) medium canopy trees for every 100 linear feet of lot frontage

3. Two (2) small canopy trees for every 100 linear feet of lot frontage.

4. A double row, staggered evergreen shrub hedge or otherwise approved continuous grouping of evergreen shrubs planted along the lot frontage planted at a minimum of two and one-half (2 ½) feet o.c. and a species capable of being maintained at a three (3) foot height within two (2) years of planting.

5. Driveways should be defined using a mixture of trees, shrubs and groundcovers that will create a sense of arrival. Clusters of flowering and other ornamental plant species such as knockout roses, ornamental grasses and annuals is strongly encouraged. A minimum of 200 square feet shall be planted on each side of the entrance drive. Sight triangle requirements of **Section 1007** shall be maintained.

(3) All required street yards shall contain only living landscaping materials, mulch, and fences or walls; provided, the following may be located within the streetyard when approved by the Community Development Director:

a. Walls and fences less than five (5) feet in height as depicted in **Exhibit 630b** shall be encouraged;

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Exhibit 630b: Samples of Streetyards

[insert photos**]**

b. Vehicular access drives placed approximately perpendicular to the right-of-way;

c. Electrical, telephone, gas, water supply, sewage disposal, and other utilities may be constructed to pass through or across the required streetyard area. If the installation of such services impacts the requirements of this UDO, additional landscaping and/or streetyard area may be required to meet the intent and standards of this section;

d. Foot and bicycle paths (including sidewalks);

e. Landscape sculpture, lighting fixtures, trellises, pedestrian amenities and arbors;

f. Signs;

g. Berming or mounding of soil; and

h. Bioretention and other heavily vegetated stormwater BMPs.

(4) When calculating lot frontage for minimum plantings, driveways shall be subtracted from the linear foot total.

(5) Where existing or created lagoons and drainage swales will occupy a substantial portion of the required streetyard, additional depth may be required to achieve the intent of this section.

(6) Any area not otherwise planted shall be mulched.

Section 631. Additional Planting Requirements

(a) **Screening of Storage, Service and Dumpster Areas.** Such areas shall be adequately screened with walls when visible from adjacent properties or public right-of-way, in accordance with the following:

(1) The design of a screening wall, excluding the gate, shall be the same architectural style and materials as the principal building or buildings on the lot.

(2) The height of a wall shall be adequate to block view to the area being screened, but shall not exceed eight (8) feet, except as otherwise allowed by this section.

(3) The height of a wall shall be measured from the finished grade at the base of the wall to the top of the wall, but shall not include columns or posts.

(4) Walls shall be interrupted at intervals not exceeding 25 feet by architectural features such as pilasters or columns or by various species of plants that are at least as tall as or taller than the wall.

(5) Such walls shall be setback a minimum of five (5) feet from any adjacent property lines.

(b) **Landscaping at the Base of Signs**. There shall be established a landscaping area around each principal freestanding sign that is equal to or greater than the total area of all sides of the sign structure. The sign landscaping area shall extend from the base or structural supports of the sign equally in every direction, but no less than five (5) feet. Within this sign landscaping area, the following standards shall apply:

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(1) All portions of the sign landscaping area shall be surrounded by protective covering and covered by landscape materials except for those ground areas that are covered by permitted structures. A minimum of eighty (80) percent of the required landscape area shall be covered with living plant materials, which may include any combination of ground covers and shrubs or mulch.

(2) Shrubs that are provided within the sign landscaping area must be at least twelve (12) inches tall at the time of planting and be of a species that will not normally exceed four (4) feet in height at maturity.

(3) Plant materials may be clustered for decorative effect following professional landscaping standards for spacing, location and design.

(c) **Street Trees.** For single family and duplex lots within a major subdivision including a PD, the builder shall be responsible for planting at least two (2) large canopy trees behind the front property line of each lot. The CCRs for the Homeowner's Association shall clearly identify maintenance responsibility for the trees, and the ongoing duty to maintain the street trees. The street trees shall also count toward required tree canopy for the overall subdivision.

Section 632. Plant, Planting and Maintenance Standards

(a) **Plant Material Standards**. The following standards apply as a minimum to all required buffers, streetyards, and other planting requirements, including plantings for canopy coverage, unless specifically stated in other parts of this division.

(1) Native and regionally appropriate plant species are required. Invasive species, as identified by the United States Forest Service, the University of Georgia or included as prohibited within Appendix X are prohibited from being planted.

(2) All plant and tree material shall meet the American Standard for Nursery Stock standards that are published by and available from the American Association of Nurserymen.

(3) Tree and landscape materials selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.

(4) The minimum standards specified in **Exhibit 632a** shall apply to all plantings required by this section at time of planting, except as otherwise specified.

Exhibit 632a. Plant Specifications

Plant Type	Min. Diameter	Min. Height	Canopy Coverage	Other
Canopy trees – large	3 in. caliper	16 feet	1,500 sq. ft./tree planted	
Canopy trees – medium	2 in. caliper	10 feet	550 sq. ft./tree planted	Multi-stemmed – one (1) in. on any cane
Canopy trees – small	1½ in. caliper	6 feet	250 sq. ft./tree planted	Multi-stemmed – one-half (½) in. on any cane
Shrubs		24 inch	N/A	Containerized

(b) **Installation Standards**.

(1) Installation of trees and landscape materials shall be in accordance with the standards established by the American National Standards Institute (ANSI).

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(2) Root barriers shall be installed within landscape/streetyard areas less than seven (7) feet between the back of curb and the sidewalk to prevent root penetration and destruction of infrastructure.

(3) Large and medium canopy trees shall not be planted underneath or directly adjacent to overhead power lines and shall be a minimum of 10 feet from any building or underground utility unless root barrier is used.

(4) Small trees and palms shall be a minimum of five (5) feet from any building or underground utility.

(5) Permanent built in or temporary water systems shall be installed to ensure the plants will survive the critical establishment period. This may include the use of tree gator watering bags for replacement or new trees.

(c) **Maintenance Standards**.

(1) All plant material shall be maintained in good condition at all times in accordance with standards established by ANSI. All required plantings that die or are destroyed must be replaced, during the next suitable planting season.

(2) To ensure the viability of all plant material, the landscape plan and/or tree preservation plan shall identify the permanent water system.

(3) Attaching lights, signage, fence rails, and any other items to trees is strictly prohibited.

(4) All sites are required to remain in compliance with the requirements for development of this division and are subject to inspection by the County for this purpose. If deficiencies are found, the owner of the property shall be notified to correct the deficiencies within ninety (90) days. If the deficiencies are not corrected in ninety (90) days, the County will seek administrative or judicial relief, as appropriate.

(5) From the effective date of this UDO, no person, firm, corporation or other entity shall trim, prune, cut, excavate near, dig or trench near, or otherwise disturb any tree on any property owned or controlled by the County and subject to this UDO without strictly complying with the following regulations:

a. Trees on public property may be pruned for utility line clearance only by tree pruners who have attended a certified utility line training course within a 12-month period of pruning activity. At each pruning site, names of pruning crew with date of certification shall be available for County review. All pruning of public trees shall be done in accordance with the American National Standard for Tree Care Operations (ANSI A300-2001) and the most current standards as developed by the National Arborist Association.

b. Requirements pertaining to utility companies.

1. Prior to conducting any non-emergency tree pruning, all utility companies shall notify the Community Development Director in writing, no less than three (3) days prior to the start of any work.

2. Utilities and telecommunications companies shall use directional pruning unless the County otherwise consents in writing.

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3. The County may halt the cutting when it is deemed to be detrimental to any protected tree or when the cutting exceeds what is needed for continued utility service.

4. When in the judgment of a utility company and the Community Development Director, a tree interferes with the safe and reliable operation of the electric power system along a street right-of-way, and cannot be pruned in accordance with ANSI Standard A300 to provide the required clearance, the utility company may offer to remove the tree and replant an acceptable specie tree for the location or in a location mutually acceptable to the County, the utility company, and the property owner. Such trees may be planted on public land, or private property, within the limitations and intent of this section.

(d) **Protection of Trees During Site Development and Construction**.

(1) The area directly beneath and covered by the canopy of a tree shall be designated as a tree protection zone (see **Exhibit 632b**: Tree Protection Zone) and shall be kept safe from harmful impact during construction and site development.

(2) Trees designated on the tree protection and preservation plan as protected trees must be completely enclosed by rigid tree protection fencing as approved by a licensed Georgia Landscape Architect or International Society of Arboriculture ISA certified Arborist prior to clearing or grading or the erection of any building. Tree protection fencing must be located as described on the tree protection and preservation plan.

(3) Tree protection fencing must remain in place until all construction has been completed or final occupancy permit has been issued, whichever is last.

(4) Failure to install tree protection fencing prior to any clearing, demolition, or construction will result in the loss of tree protection credits, a stop work order, and/or a possible fine.

(5) Any damage to protected trees, breach of the Tree Protection Zone, or other protection violation outlined herein which occurs during site development and construction phases must be documented and reported to the Community Development Director within seven (7) days.

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Exhibit 632b: Fencing for Tree Protection Zone

(e) **General Tree Protection**.

(1) The area directly beneath and within the drip line of trees shall be designated as the critical root zone (see **Exhibit 632c**).

(2) No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, or storage of equipment are allowed in the critical root zone.

(3) No ropes, signs, wires, unprotected electrical installation, or other device or material shall be secured or fastened around or through a tree.

(4) Toxic chemicals, gas, smoke, salt brine, oil, or other injurious substances shall not be stored or allowed to seep, drain, or empty within the critical root zone.

(5) Except for sidewalks and curb and gutter, no paving with concrete, asphalt, or other impervious material within the drip line of trees to be retained shall be allowed.

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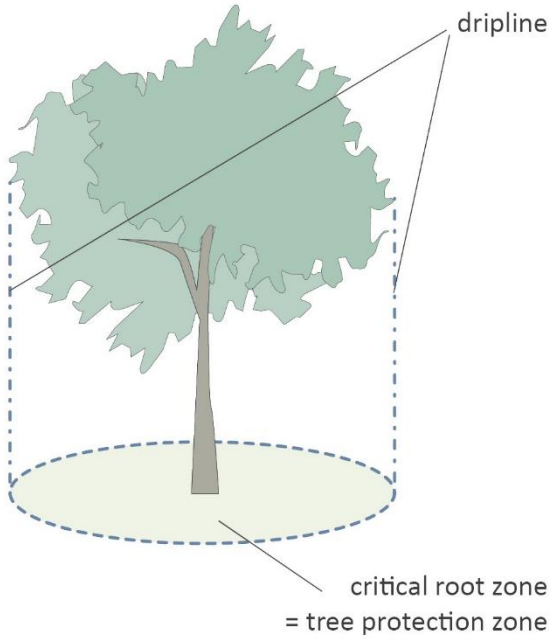
Exhibit 632c: Critical Root Zone



Section 633. Canopy Retention and Tree Preservation

(a) **Purpose.** The purpose of this section is to maintain tree canopy coverage in Bryan County and to protect and preserve Heritage and Historic Trees. These provisions apply to residential and non-residential properties and development as identified herein.

(b) **Canopy Requirements.** All applicable development shall be required to maintain a minimum tree canopy of forty (40) percent. Trees may be tiered and grouped with understory trees planted under the overstory shade canopy of a new or existing tree; however, a maximum of three (3) understory trees per one (1) overstory tree shall be allowed in calculating total canopy coverage. Total canopy coverage shall be computed from sum of the understory and overstory trees retained or planted. All trees retained or planted subject to other provisions of this division may be used to satisfy this requirement.

(1) **Applicability**. Canopy requirements of this section are applicable to:

a. Major subdivisions (including planned developments) being developed;

b. Non-residential, multi-family, and mixed-use projects (including commercial development in planned developments) being developed;

c. Any activity requiring issuance of a land disturbance permit where applicable as determined by County representatives.

(2) **Canopy Analysis**. The tree protection and preservation plan, including tree survey, shall be submitted with landscape plans as required in **Section 420.** The plan shall be based on the gross area to be developed and shall show the canopy line for each proposed tree. Once the developer sells individual lots, the builder/owner is responsible for implementing the plan for individual lots.

(3) **Standards for Compliance**. The canopy requirement must be met whether or not a site had trees prior to development or disturbance of the applicable site. The canopy may be achieved by preserving existing trees, by planting new trees according to the minimum standards of this UDO or by a combination of the two. Minimum tree canopy shall be calculated and established pursuant to the formula and analysis set forth in **Appendix X** to this UDO. Any existing tree of not less than six (6) inches DBH left in good growing condition on the property is eligible to be counted toward the minimum required canopy and has to be protected. Existing trees that will remain and be used toward meeting minimum canopy requirements, shall be identified on the tree protection and preservation plan of the required landscape plan..

(4) **Trees in Wetlands**. Fifty (50) percent of the canopy coverage in wetlands can be utilized to satisfy the canopy coverage requirements. If canopy coverage in wetlands meets the forty (40) percent gross canopy coverage required by this UDO, the developer/builder is still be required to meet the planting requirements identified in other sections of this UDO, (e.g., street tree requirement buffers, screening, and parking lot planting).

(5) **Qualifying Trees**. Trees replanted to achieve canopy requirements are to be selected from species listed in **Section 634.** Any indigenous species can be selected for replanting even though it may not be included in **Section 634.** In addition, replanting shall be at the ratio of not less than one overstory tree for every three understory trees. Canopy credit may be met by planting all overstory trees, but not by planting only understory trees. No more than forty (40) percent of any one genus may be included in any replanting plan. All replacement trees will be maintained properly to ensure their survivability.

(c) **Tree Preservation**

(1) **Protected Tree Classifications**. These regulations shall apply to two (2) categories of trees: Heritage Trees and Historic Trees. Heritage Trees and Historic Trees shall be collectively known as Protected Trees.

a. **Heritage Tree**. All trees meeting a minimum of sixteen (16) inches diameter at breast height (dbh) up to twenty-eight (28) inches dbh.

b. **Historic Tree**. A historic tree, due to its age and stature, is considered to have irreplaceable value and is defined as any tree twenty-eight (28) inches in dbh or greater.

(2) **Removal of Single/Individual Trees.** Except as otherwise exempt, it shall be unlawful to fell, improperly prune, or otherwise destroy a Protected Tree without first obtaining a tree removal permit from the Community Development Director. A tree removal permit shall not be necessary to remove a tree creating imminent danger to other trees, permanent structures, public utilities, rights-of-way or persons or for the ordinary pruning, trimming and maintenance of a Protected Tree. A tree posing imminent danger shall be defined as one damaged by a storm, fire, or vehicular accident such that its structural integrity is seriously compromised and that the tree can be reasonably expected to fall and injure persons or structures. Applications for permit shall be submitted as outlined in Article IV.

(3) **Major Subdivision/Site Plan Development**. All applications for sketch plat, construction drawings or site plan approval, must include a Tree Survey. The Tree Survey with Protected Trees identifiedmay be submitted with required landscape plans or separately. The Tree Survey shall comply with the submittal requirements identified Article 4.

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Protected Trees, unless otherwise permitted by these regulations, shall not be removed or be caused to be removed until Construction Plans and Landscape Plans are approved.

(4) **Standards for Property Development**. The following criteria shall be followed with respect to the applicable property development:

a. **Subdivision of parcel**: The subdivider shall make conscious efforts to avoid historic trees and groupings of heritage trees in proposing placement of rights-of-way and easements. Additionally, lots shall be platted in a way that avoids removal of historic trees or groupings of heritage trees such as locating them in the middle of proposed lots. Lot lines should be platted adjacent to protected trees to retain them as design features and vegetative buffers and to mitigate storm water run-off and erosion problems.

b. **Building envelopes**: Historic trees within proposed building envelopes shall be mitigated, in accordance with **paragraph (f)** of this section. Heritage trees within proposed building envelopes, as well as those within twenty (20) feet of the envelope, may be removed when necessary without mitigation.

c. **Yards and buffers**: Protected Trees shall not be removed from required yards, streetyards, or buffers. A Protected Tree may be limbed up if located outside a required buffer, or if located within a required visual buffer or clearance zone. Heritage trees may be limbed up to eight (8) feet, while historic trees may be limbed up to sixteen (16) feet to provide view sheds.

d. **Means of access and parking**: Historic trees shall not be removed to make way for parking lots, parking space, drive aisles, or driveways, unless the applicant demonstrates to the satisfaction of the Community Development Director that no reasonable alternative exists. If removal is permitted, the applicant shall mitigate as required in **paragraph (f)**of this section. Heritage trees may be removed in these locations, but mitigation shall be required in accordance with **paragraph (f)** of this section.

e. **Outdoor uses and active recreation areas**. Protected trees may be removed on land where the proposed principal use is conducted primarily outside; provided, mitigation shall be required in accordance with **paragraph (f)** of this section. The Community Development Director shall determine whether the proposed outdoor use qualifies under this provision and that the Protected Tree removal is the minimum necessary to accommodate the proposed use. Qualifying uses shall include, but are not limited to: outdoor sales areas with minimal ancillary indoor space, transportation and construction businesses that store fleet vehicles on site, outdoor storage of oversized bulk items that cannot practically be stored under roof, industrial activities and processes that do not occur under roof, as well as recreation areas, such as golf courses, athletic fields, courts, and pools managed by schools, public recreation departments, country clubs, home owners associations and other legally established organizations.

(5) **Waters of the State**: Protected trees within twenty-five (25) feet of any water of the state shall be preserved and no disturbance shall occur within the critical root zone, even if more than twenty-five (25) feet distant from such water.

(6) **Streets**: Protected Trees may be removed without mitigation from rights-of-way to allow for arterial and collector street construction, including widening, intersection

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improvements, parallel bicycle/pedestrian improvements, and drainage improvements. Historic trees removed for construction of local street projects shall be mitigated in accordance with **paragraph (f)** of this section, while Heritage trees may be removed from local street rights-of-way without mitigation. This provision only applies to projects undertaken by local or state government.

(7) **Water, sewer, and drainage improvements**: Protected trees may be removed, but must be mitigated in accordance with **paragraph (f)** of this section, for installation of water, sewer, and drainage infrastructure and implementation of associated easements. This provision only applies to projects undertaken by local or state government.

(d) **Timbering/Logging**. If a property owner timbers/logs a property pursuant to silviculture operations, the property owner, including successors in interest, may not submit an application for sketch plat, site plan, or construction plan approval for a period of two (2) years after the end of silviculture operations unless the property owner conducted a tree survey in accordance with this UDO and submitted the tree survey to the Community Development Department. All Protected Trees identified on the tree survey that are removed shall be mitigated if the property owner seeks to develop the property before the expiration of the two-year period.

(e) **Violation and Penalty**.

(1) The removal, damage or destruction of a protected tree without a required tree removal permit or approval of the tree preservation and protection plan of the landscape plan, shall constitute a violation of this UDO. Each Protected Tree that is removed, damaged or destroyed shall constitute a separate offense. Each day during which the loss of the tree goes unmitigated, as provided below, shall be judged a separate offense.

(2) In lieu of any fines and penalties incurred by a violator of this section, the Community Development Director may require tree replacement as a condition of granting Certificates of Occupancy. Replacement trees shall be required such that the total caliper-inches of new trees shall be equivalent to a fifty (50) percent increase in the mitigation requirements as set forth in in accordance with **paragraph (f)** of this section. In no case, however, shall any replacement tree measure less than four (4) inch dbh for heritage trees and historic trees.

(3) In the event that violations of this section result in the issuance of a stop work order, the violator shall be responsible for tree replacement, payment of fines or posting a financial guarantee, as determined by the Community Development Director, before construction is allowed to resume.

(4) In the event that the violator of tree protection standards cannot be identified and located, the developer shall be held responsible for fines and mitigation.

(f) **Mitigation for Tree Removal; Fee in Lieu**. Trees planted for mitigation shall meet performance standards per this section. Mitigation for protected trees shall be as specified in **Exhibit 633**, based on the species of the tree that was removed. The exhibit lists the percentage of the dbh for heritage or historic trees in each species category that must be replaced or mitigated. In addition, the following requirements shall apply:

(1) Any tree planted for mitigation of Heritage Trees and Historic Trees shall measure at least four (4) inches dbh at the time of planting.

(2) Any tree at least six (6) inches dbh but less than sixteen (16) inches dbh retained within the area of disturbance may be retained to contribute, inch for inch, to a tree mitigation

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requirement; provided, the tree does not stand in a wetland, any required buffer, or other area in which the tree would otherwise be required to be conserved. Such trees shall be protected as Heritage Trees.

(3) In lieu of planting trees required for mitigation, the developer may, if approved by Community Development Director, pay a fee per caliper-inch in an amount set by the Board of Commissioners. The fee shall be based on the current cost, at wholesale value, of installing a required tree to standards of the American Nursery and Landscape Association and its maintenance for one (1) year.

(4) Fees in lieu shall be put into an account reserved solely for the beautification of public lands and rights-of-way in Bryan County.

(5) Trees planted for mitigation in new developments shall be in addition to those required for streetscapes, buffering and parking lots and shall be used to create a street yard streetyard in existing developments where such streetyard does not currently exist.

Exhibit 633: Tree Replacement by Species Category

Species Category		Percent Replacement Required	
		Heritage Trees	Historic Trees
1	Live Oak, Bald Cypress, American Beech, Gingko, American Holly, Southern Magnolia, Sweetbay Magnolia, Tupelo, Chinese Pistache, White Oak, Willow Oak, Overcup Oak, Chestnut Oak, Eastern Red Cedar	60	100
2	Persimmon, Ash species, Hickory species, Tulip Poplar, Sycamore, Swamp White Oak, Scarlet Oak, Southern Red Oak, Shumard Oak, Post Oak, Laurel Oak	40	75
3	Sugarberry, Hackberry, Willow species, Water Oak, Black Cherry, American Elm, Red Maple	30	50
4	Pine species, Sweet Gum, Callary Pear varieties, River Birch, Mimosa, Chinaberry, Chinese Tallow, Camphor tree, White Poplar	0	0

Section 634. Plant Lists

(a) **Large Canopy Trees**: Acceptable large canopy trees are listed in **Exhibit 634a**. Large canopy trees reach heights of fifty (50) feet or taller and are suitable for areas with more than 400 square feet of total planting area.

Exhibit 634a: Large Canopy Trees

Common/Scientific Name	Height & Width	Sun/Shade	Insect & Disease Resistance	Growth Rate	Deciduous / Evergreen	Remarks
Beech, American *Fagus grandifolia*	50-75' h 40-80' w	PS/FS	L	S	D	Native. Needs ample room above and below ground. Acid soil. Fruit attracts wildlife, no litter, Zones 4-9
Blackgum Nyssa sylvatica	65-75' h 25-35' w	PS/FS	H	S	D	Native. Soil pH below 6 best, texture tolerant, drought tolerant, wet soil tolerant. Fruit attracts wildlife, some litter. Zones 4-9

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Common/Scientific Name	Height & Width	Sun/Shade	Insect & Disease Resistance	Growth Rate	Deciduous / Evergreen	Remarks
Cypress, bald Taxodium distichum	60-80' h 25-35' w	FS/PS	M	F	D	Native. Drought & wet tolerant. 'Knees' form in wet areas. Tolerates compaction. Zones 4-11
Cypress, pond Taxodium ascendens	50-60' h 50-60' w	PS/FS	H	F	D	Native. Soil adaptable below 7.5. Knobby 'knees' form in moist areas. Attracts wildlife. No litter. Zones 5-9
Hickory, pignut *Carya glabra*	50-60' h 30-40' w	PS/FS	M	M	D	Native. Soil texture adaptable. Drought tolerant. Nuts attract wildlife. Zones 4-9
Hickory, shagbark *Carya ovata*	60-80' h 25-35' w	PS/FS	H	S	D	Native. Soil texture adaptable. Abundant nuts attract wildlife. Shaggy bark attractive. Zones 4-8
Magnolia, Southern *Magnolia grandiflora*	60-80' h 30-40' w	PS/FS	M	M	E	Native. Soil adaptable. Bark is thin, protect from mechanical injury. White showy blooms in spring & summer. Good cultivars. Zones 7-9
Maple, Red *Acer rubrum*	60-75' h 25-35' w	PS/FS	H	F	D	Native. Prefers acidic soil, texture tolerant, wet tolerant. Bark is thin. Fruit attracts wildlife. Many cultivars. Zones 4-9
Oak, laurel/darlington *Quercus laurifolia*	60-70' h 50' w	PS/FS	H	F	SE	Native. Soil adaptable. Roots will heave sidewalks. Acorns attract wildlife, creates some litter. Zones 6-10
Oak, live Quercus virginiana	60-80' h 60-120' w	PS/FS	H	M	E	Native. Soil adaptable. Roots will eventually heave sidewalks. Good wind resistance. Some litter. Zones 8-10
Oak, shumard Quercus shumardii	60-80' h 40-50' w	FS	M	F	D	Native. Soil texture adaptable, acidic. Urban tolerant. Acorns attract wildlife. Some litter. Zones 5-9
Oak, southern red *Quercus falcata*	60-80' h 60-70' w	FS	M	M	D	Native. Acidic soil, all textures, urban tolerant. Fruit attracts wildlife, no significant litter. Zones 7-9
Oak, scarlet Quercus coccinea	60-75' h 45-60' w	FS	M	M	D	Native. Acidic soil, all textures. Needs ample root space. Nuts attract wildlife. Some litter. Zones 5-8
Oak, swamp chestnut *Quercus michauxii*	60-70' h 30-50' w	PS/FS	M	M	D	Native. Acidic soil, all textures, occasional wet. Leaf litter persistent, acorns for wildlife. Zones 6-9
Oak, white *Quercus alba*	60-100' h 60-80' w	PS/FS	H	M	D	Native. Acidic soil, all textures. Protect roots from disturbances. Nuts attract wildlife. Some litter. Zones 3-9
Oak, willow Quercus phellos	60-75' h 40-60' w	FS	M	F	D	Native. Acidic soil, all textures, occasional wet, drought, urban tolerant. Nuts attract wildlife. Some

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Common/Scientific Name	Height & Width	Sun/Shade	Insect & Disease Resistance	Growth Rate	Deciduous / Evergreen	Remarks
						litter. Zones 5-9
Pine, loblolly *Pinus taeda*	50-80' h 30' w	FS	M	F	E	Native. Soil texture adaptable, acidic. Thick bark - resistant to fire. Needle drop prolific. Zones 6-9
Pine, longleaf *Pinus palustris*	60-80' h 30-40' w	FS	M	F	E	Native. Soil texture adaptable. Beautiful bark. Needle and cone drop prolific. Drought tolerant once established. Zones 7-10
Redcedar, eastern *Juniperus virginiana*	40-50' h 8-25' w	FS	H	F	E	Native. Soil pH and texture tolerant. Blue fruit attracts wildlife. Good wind break, urban tolerant. Zones 3-9
Sweetgum Liquidambar styraciflua	75' h 50' w	PS/FS	H	M	D	Native. Soil pH of 7.5 or less. Surface roots. Fruit attract wildlife, significant litter. Cultivar 'Rotundifolia' fruitless. Zones 5-9
Sycamore, American *Platanus occidentalis*	75-90' h 60-70' w	FS	L	F	D	Native. Soil pH and texture adaptable. Prefers moist soil. Roots may heave sidewalks. Showy bark. Zones 4-9
Tulip poplar Liriodendron tulipifera	80-120' h 25-40' w	FS	H	F	D	Native. Acidic soil, occasional wet. Avoid drought & salt. Showy greenish-yellow blooms in spring. Some leaf drop in high heat. Zones 4-9
Zelkova, Japanese *Zelkova serrata*	50-90' h 50-75' w	FS	H	M	D	Japan. Soil adaptable. Drought & urban tolerant once established. Cultivar 'Green Vase' elm-like. Zones 5-8
KEY						
Sun/shade exposure:	Growth rate:			Pest resistance:		Type:
FS = Full sun	S = Slow (less than 1' per year)			H = High		D = Deciduous
PS = Part sun	M = Medium (1-2' per year)			M = Medium		E = Evergreen
S = Shade	F = Fast (more than 2' per year)			L = Low		SE - Semi Evergreen

(b) **Medium Canopy Trees**: Acceptable medium canopy trees are listed in **Exhibit 634b**. Medium canopy trees reach heights of thirty (30) to fifty (50) feet, and are suitable for areas with more than 100 to 200 square feet of total planting area.

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Exhibit 634b: Medium Canopy Trees

Common/Scientific Name	Height & Width	Sun/Shade	Insect & Disease Resistance	Growth Rate	Deciduous / Evergreen	Remarks
Birch, river *Betula nigra* 'Heritage'	40-50' h 40-50' w	PS/FS	M	F	D	Native. Acidic soil. Drought sensitive in confined spaces. Roots need room. Cultivars available. Zones 3B-9
Elm, lacebark *Ulmus Parvifolia* 'Drake'	40-50' h 35-50' w	FS	H	F	D	Asia. Soil adaptable. Drought tolerant once established. Thin bark. Urban tolerant. Zones 5-9
Goldenraintree Koelreuteria paniculata	30-40' h 30-40' w	FS/PS	M	M	D	China. Soil adaptable. Salt, drought, urban tolerant. Bright yellow flowers in spring. Zones 5-9
Holly, East Palatka *Ilex x attenuata*	30-45' h 10-15' w	FS	M	M	E	Florida natural hybrid. Urban & drought tolerant once established. Red berries attract wildlife. Zones 7-9
Holly, American *Ilex opaca*	40-50' h 15-25' w	FS	M	S	E	Native. Salt and drought tolerant once established. Red berries attract birds, no litter. Zones 5-9
Holly, Nellie R. Stevens *Ilex x*	20-30' h 10-15' w	FS	H	M	E	Hybrid. Soil texture tolerant. Needs male and female plants for berries. Drought tolerant. Showy red berries & deep green leaves. Zones 6-9
Holly, Savannah *Ilex x attemtata*	30-45' h 6-10' w	FS	M	M	E	Hybrid. Acidic soil, urban tolerant. Red berries attract birds, no litter. Zones 6-9
Loquat Eriobotrya japonica	20-30' h 30-35' w	PS/FS	M	M	E	China. Southern range only. Texture tolerant. Well drained soil, afternoon shade. Orange or yellow fruit attracts wildlife, litter. Zones 8-10
Magnolia, sweetbay *Magnolia virginiana*	40-50' h 15-25' w	PS	M	M	D	Native. Acidic soil. Tolerates wetlands. Flood & drought tolerant. Showy, white, fragrant flowers. Zones 5-9
Magnolia, Southern *Magnolia grandiflora*	30-50' h 15-30' w	FS	H	M	E	Native. Soil adaptable. White showy blooms in summer & early fall. Smaller leaves than species. Zones 6-9
Maple, trident *Acer buergerianum*	30-40' h 25' w	PS/FS	H	M	D	China. Acidic, well-drained soil. Urban, salt & wind tolerant. Attractive bark. Zones 5-8
Oak, overcup *Quercus lyrata*	35-50' h 35-50' w	FS	H	M	D	Native. Soil adaptable, wet & drought tolerant once established. Urban tolerant. Acorns attract wildlife, significant litter. Zones 5-9
Palm, cabbage	40-50' h	PS/FS	H	S	E	Native. Soil tolerant, frond and fruit

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Common/Scientific Name	Height & Width	Sun/Shade	Insect & Disease Resistance	Growth Rate	Deciduous / Evergreen	Remarks
Sabal palmetto	10-12' w					litter messy. Needs irrigation until established as all cut roots die back. Southern region only. Zones 8B-11
Palm, windmill Trachycarpus fortunei	20-40' h 6-10' w	PS/FS	M	S	E	China. Soil texture adaptable. Drought tolerant once established. Protect from wind. Southern range of state only. Zones 8A-10B
Pistachio, Chinese *Pistachio chine sis*	25-35' h 25-35' w	FS/PS	H	M	D	China. Soil texture, pH, drought, urban tolerant. Fruit causes some litter. Zones 6-9
Redbud, eastern *Cerci's Canadensis* 'Forest Pansy'	20-30' h 15-30' w	PS	M	F	D	Native. Light, rich, moist soil, texture adaptable. Showy purple blooms in spring. Cultivar 'Texas White' good. Short lived. Zones 4-9
Silver bell, Carolina *Haleiwa Carolina*	20-40' h 15-30' w	PS/FS	H	M	D	Native. Acidic soil. Drought sensitive in full sun, roots need room. Showy white blooms in spring. Zones 5-8
Stewart, tall Stewart monadelpha	25-35' h 15-25' w	PS/FS	H	S	D	Japan. Acidic soils. Thin bark, attractive bark. White, camellia-like blooms in summer. Part shade best in 8B. Zones 6-8
Yellowwood, American *Cladastris kentukea*	30-50' h 40-50' w	PS/FS	H	M	D	Native. Needs pruning while young. White fragrant blooms. Tolerates urban conditions. Zones 4-8
KEY						
Sun/shade exposure:	Growth rate:			Pest resistance:		Type:
FS = Full sun	S = Slow (less than 1' per year)			H = High		D = Deciduous
PS = Part sun	M = Medium (1-2' per year)			M = Medium		E = Evergreen
S = Shade	F = Fast (more than 2' per year)			L = Low		SE - Semi Evergreen

(c) **Small Canopy Trees**: Acceptable small canopy trees are listed in **Exhibit 634c**. Small canopy trees reach heights of up to twenty-five (25) feet and are suitable for areas with more than 50 square feet of total planting area.

Exhibit 634c: Small Canopy Trees

Common/Scientific Name	Height & Width	Sun/Shade	Insect & Disease Resistance	Growth Rate	Deciduous / Evergreen	Remarks
Chastetree Vitex agnus-castus	10-15' h 15-20' w	PS/FS	M	F	D	Europe. Soil & pH adaptable. Showy lavender blooms. Zones 7-8
Cherry, Okame Prunus x incamp	15-25' h 20' w	PS/FS	M	M	D	Hybrid. Soil texture and pH adaptable. Roots need room. Pink

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Common/Scientific Name	Height & Width	Sun/Shade	Insect & Disease Resistance	Growth Rate	Deciduous / Evergreen	Remarks
'Okame'						showy blooms. Fruit attracts birds. Zones 7-9
Crapemyrtle Lagerstroemia indica	15-30' h 15-25' w	FS	H	M	D	China. Soil adaptable, urban tolerant, drought tolerant once established. Showy summer blooms. Zones 7-9
Dogwood, flowering *Cornus florida*	20-30' h 20' w	PS	M	M	D	Native. Part shade. Drought sensitive, low salt tolerance, needs good drainage. White showy flowers. Horizontal branching pattern. Zones 5-9
Dogwood, kousa *Cormus kousa*	15-20' h 15-20' w	PS/FS	M	S	D	Japan. Soil adaptable. Part shade, needs water. Roots need room. Showy white blooms in spring. Fruit attracts birds. Zones 5-8
Fringetree Chionanthus virginicus	12-15' h 10-15' w	PS/FS	M	S	D	Native. Acidic soil. Thin bark easily damaged. Urban tolerant. Showy white blooms in spring. Fruit attracts birds. Zones 4-9
Holly, yaupon llex vomitoria 'Pendula'	15-20' h 15-20' w	S/FS	M	M	E	Native. Soil & pH greatly adaptable. Urban tolerant. Thin bark. Red berries attract wildlife. Zones 7-10
Maple, amur *Acer ginnala*	15-20' h 15-20' w	PS/FS	H	M	D	Japan. Soil adaptable. Drought tolerant once established. Showy white to yellow blooms in spring. Bright red fruit, some litter. Zones 3-8
Magnolia, star *Magnolia stellata*	15-20' h 10-15' w	PS/FS	M	S	D	Japan. Acidic rich soil, all textures. Not drought tolerant. White or pink showy blooms in spring. Zones 4-8
Magnolia, Southern Magnolia grandiflora 'Little Gem'	20-25' h 10-15' w	PS/FS	M	M	E	Native. Soil adaptable. Bark is thin, protect from mechanical injury. White showy blooms in summer and early fall. Zones 7-9
Palm, pindo *Butia capitata*	15-25' h 10-15' w	PS/FS	H	S	E	Brazil. Soil adaptable. Drought tolerant. Showy orange or yellow fruit attracts wildlife, significant litter. Southern range only. Zones 8B-11
Redbud, Chinese *Cercis chinensis*	10-15' h 6-10' w	PS/FS	M	F	D	China. Light, rich, moist soil. Showy purple blooms in spring. Zones 6-9
Redbud, Oklahoma Cercis reniformis	20-30' h 15-30' w	PS/FS	M	F	D	Native. Soil & pH adaptable, salt sensitive, showy thick leaves. Zones

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Common/Scientific Name	Height & Width	Sun/Shade	Insect & Disease Resistance	Growth Rate	Deciduous / Evergreen	Remarks
'Oklahoma'						5-9
Snowbell, Japanese *Styrax japonicus*	20-30' h 15-25' w	PS/FS	H	M	D	Japan. Acidic loamy soil. Afternoon shade, protect from wind. Attractive exfoliating bark. Whit showy blooms in spring. Zones 6-8
Waxmyrtle Myrica cerifera	15-20' h 20-25' w	PS/FS	M	F	E	Native. Soil & pH adaptable, urban tolerant. Blue berries attract wildlife. Zones 8-11

KEY			
Sun/shade exposure:	Growth rate:	Pest resistance:	Type:
FS = Full sun	S = Slow (less than 1' per year)	H = High	D = Deciduous
PS = Part sun	M = Medium (1-2' per year)	M = Medium	E = Evergreen
S = Shade	F = Fast (more than 2' per year)	L = Low	SE - Semi Evergreen

Exhibit 634d: Large Evergreen Shrub Species List (Shrubs 8-12 feet in height)

Botanical Name Common Name	Sun	Soil	Drought Tolerant	Comments
Anise (See Illicium)				
Azalea sp. Southern Indica Azaleas:	PS	WD		Shade in summer and in afternoon; acid soil
Bambusa multiplex Fernleaf Bamboo	S/Sh	WD		Good for screens; contained clump; fast-growing; Pest free
Callistemon lanceolatus Bottlebrush	S	WD	X	Red bloom spike in spring; thorny; pest-free; Use as background hedge or screen
Camellia japonica Camellia	PSh	M,WD	X	No wet feet; blooms in fall-winter; tea scale; Rich, humousy acid soil
Camellia sasanqua Camellia	PSh	M,WD	X	Same as above
Ceratiola ericoides Rosemary	S	Sandy	X	Native shrub with lavender flowers in early spring; well-drained sandy soil.
Cleyera japonica Cleyera	PS/Sh	WD	X	Upright; dark green leaves; pest-free
Elaeagnus pungens Elaeagnus	S,Sh	Tol.	X	Rampant grower, needs lots of room; silvery lvs; Natural hedge or border; wildlife plantings; no pest
Fatsia japonica Japanese Fatsia	Sh	WD	X	Coarse texture; white flowers in fall; blue berries in winter; tropical accent; dark green foliage.
Feijoa sellowiana Pineapple Guava	S	WD	X	White flower in spring; edible fruit; pest-free Good shrub massing or screen.
Fortunella japonica Kumquat	S	WD	X	Creamy fragrant flowers; edible fruit
Ilex cornuta Chinese Holly	S/PSh	WD	X	Red or yellow fruit in fall; dark green leaves; scale a problem; Specimen or foundation planting.
Ilex cornuta 'Burfordii' Burford Holly	S/PSh	WD	X	Orange-red berries; rapid, dense foliage; scale; Specimen or hedge planting
Illicium anisatum Japanese Anise Tree	S/PSh	WD	X	Coarse, aromatic leaves; pest-free Upright; Specimen or foundation planting

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Botanical Name Common Name	Sun	Soil	Drought Tolerant	Comments
Illicium floridanum Florida Anise Tree	S/PSh	M-WD	X	Moist to wet soil; deep red flowers in spring; Ornamental specimen
Illicium parviflorum Star Anise	S/PSh	M	X	Yellow-green flowers in June; aromatic leaves; Interesting fruit; Screen or hedge planting
Leucothoe populifolia Florida Leucothoe	Sh/PSh	M	X	White-pink flowers on old wood; irregular growth
Ligustrum japonicum 'Rotundifolium' Curlyleaf Ligustrum	S-PSh	WD	X	Dark green foliage; columnar plant; twisted; slow growing; easily pruned into tight spaces.
Loropetalum chinense Evergreen Loropetalum	S-PSh	WD	X	Feathery white or pink flowers in spring; irregular form; no pests; screen, shrub massing use.
Lyonia ferruginea Fetterbush	S-PSh	M		Native; leathery leaves; pink flowers in spring
Lyonia ligustrina Fetterbush	S-PSh	M		Same as above
Michelia figo Banana Shrub	S-Psh	WD		Banana-scented cream flowers in April; Fragrant accent or shrub border.
Myrtus communis True Myrtle	S	WD	X	White flowers in spring; aromatic berries on females; Fine textured specimen; hard to establish
Nerium oleander Common Oleander	S	WD	X	Red, pink, yellow, or white flowers in summer; toxic; Specimen; shrub border, hedge or screen use.
Photinia x 'fraseri' Fraser Photinia	S	WD	X	New leaves red; upright growth for screen, hedge or tree form; problems with disease.
Photinia glabra Redtip Photinia	S	WD	X	New leaves red; creamy-white summer flowers; red fruit in fall; use as hedge; do not plant near red brick; disease.
Photinia serrulata Chinese Photinia	S	WD	X	New leaves coppery red; flowers in spring; red summer fruit; rapid growth; use as specimen for large area.
Pittosporum tobira Pittosporum	S-PSh	WD	X	Interesting branching habit; variegated form; fragrant spring flowers; accent plant, shrub massing or hedge.
Pyracantha koidzumi Formosa Firethorn	S-PSh	WD	X	Bright red fall, winter fruit; specimen, screen, border; watch for scale; Cultivars: 'San Jose' spreading, 'Santa Cruz' is prostrate form, 'Low Dense' is mounding, 'Victory' has showy dark-red berries
Raphiolepis umbellata 'Majestic Beauty' Indian Hawthorn	S-PSh	WD	X	Fragrant pink or white flowers in spring; slow growing; salt tolerant; specimen, foundation planting.
Ternstroemia gymnanther Cleyera	PSh	WD		White flowers; red fruit in late summer; often confused with Cleyera japonica.
Viburnum macrophyllum Viburnum	S-Sh	WD		Large, dark green leaves; upright; shrub borders, hedge use. May be damaged by extreme cold.
Viburnum odoratissimum Sweet Viburnum	S-PSh	WD	X	Large, glossy leaves; white flowers; red-black fruit
Viburnum suspensum Sandankwa Viburnum	S-PSh	WD	X	Dark green foliage; pest free; Shrub border or foundation planting; May be damaged by extreme cold.
Viburnum tinus Laurus tinus	S-PSh	WD	X,M	White to pink flowers in winter; upright; border or screen; May be damaged by extreme cold -- use in protected areas.
Yucca aloifolia Spanish Bayonet	S-PSh		X	White flowers in summer; pest free; spiny leaves; specimen or protective screen use

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Exhibit 634e: Large, Deciduous Shrub Species List (Shrubs 8-12 feet in height)

Common Name Botanical Name	Sun	Soil	Drought Tolerant	Comments
Althea (See Hibiscus)				
Baccharis halimifolia Groundsel Bush/Salt Myrtle	S	Tol.	X	Native to salt marshes and dry uplands; showy white flowers in fall; natural borders; salt tolerance.
Cassia splendida		WD	X	Yellow flowers in fall; may dieback when cold. (Also Cassia corymbosa and others are good for fall color)
Cephalanthus occidentalis Sun Button Bush		M	Mod	Cream flowers; irregular form. Wet, natural areas
Chimonanthus praecox Wintersweet	S-PSh	WD	X	Fragrant yellow flowers in January; dark green leaves; Shrub border use.
Deutzia scabra Fuzzy Deutzia	S	WD		White flowers in May; tall and erect; shrub border or specimen; background for other plantings.
Exochorda racemose Pearlbush	S-PSh	WD	X	White flowers in spring; mass planting use
Forsythia x intermedia Border Forsythia	S	WD	X	Yellow flowers in early spring; good along banks, specimen planting; rapid growth; prune old canes annually; no pests.
Hibiscus syriacus Althea, Rose of Sharon	S	WD		Grown for flowers: white, rose, lavender, pink in summer; Use in shrub border; cut back in spring for increased bloom
Hydrangea quercifolia Oak Leaf Hydrangea	PSh	M-WD		Native with coarse oak-like leaves; large white flowers in spring; red fall color. 'Snow Queen' is upright cultivar.
Ilex ambigua Carolina Holly	S-PSh	WD		Translucent red fruit; not common in nurseries
Kolkwitzia amabilis Beautybush	S	WD	X	Pink flowers in spring; prune regularly to maintain shape; Shrub border use; pest free.
Lindera benzoin Spicebush	S-Sh	M-WD	M	Yellow flowers in early spring; yellow fall color; irregular form; shrub border or naturalistic setting.
Philadelphus coronaries Mock Orange	S	WD		Fragrant (orange blossom aroma) white flowers in spring; shrub border; irregular, rangy growth habit.
Rhododendron alabamense Alabama Azalea	PSh	WD		Early flowering; fragrant white with gold flowers
Rhododendron arborescens Sweet Azalea	PSh	WD		Mid to late flowering; fragrant white flowers
Rhododendron atlanticum Coastal Azalea	PSh	WD-M	M	Early, fragrant white flowers; stoloniferous
Rhododendron austrinum Florida Azalea	PSh	WD		Early, fragrant gold flowers
Rhododendron canascens Peidmont or Florida Pinxter	PSh	WD-M		Fragrant, early pink flowers; Native; to 8' in ht. and width
Rhododendron prunifolium Plumleaf Azalea	PSh	WD-M		Very late orange-red flowers
Rhododendron serrulatum Hammock-sweet Azalea	PSh	WD-M		Late fragrant white flowers

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Common Name Botanical Name	Sun	Soil	Drought Tolerant	Comments
Rhododendron speciosum Oconee Azalea				
Rhododendron viscosum Swamp Azalea	PSh	M		Mid season; fragrant, white flowers
Rosa laevigata Cherokee Rose			X	State Flower; white blooms in April
Viburnum nudum S-PSh Possumhaw Viburnum	Tol.			Flossy foliage; colorful fruit and fall foliage
Viburnum prunifolium Blackhaw Viburnum	S-PSh	Tol.	X	Creamy flowers in May; dark green foliage; bronze red fall color; blue fruit in fall; fast growing;

Exhibit 634f: Medium Evergreen Shrub Species List (Shrubs 3-8 feet in height)

Botanical Name Common Name	Sun	Soil	Drought Tolerant	Comments
Abelia grandiflora Glossy Abelia	S-Sh	WD		Pink-white flowers in June; bronze winter foliage; medium hedge, border or background planting; attracts butterflies.
Aucuba japonica Japanese Aucuba	Sh	WD		Shade; rapid growth; pest-free; coarse texture; variegated cultivars with gold color: Gold Dust Plant
Azalea species	Sh-PSh	WD		Many cultivars: 'Red Ruffle,' ' Hino de Giri,' 'Snow,' 'Coral Bells,' etc.
Berberis julianae Wintergreen Barberry	S-PSh	WD		Yellow bloom in spring; blue fruits; bronze/wine red leaves in winter; thorny; good barrier plant or hedge.
Cephalotaxus Harringtonia 'Drupacea'	PSh-Sh	WD		Drooping branches with dark green foliage; ground cover or foundation planting
Euonymus japonicus Evergreen Euonymus	S-Sh	WD		Compact form in sun; variegated leaves in some cultivars Susceptible to scale, pests, diseases; limit use.
Gardenia jasminoides Cape Jasmine	S-PSh	WD		Fragrant white flowers in summer; Pests: scale, whitefly; Hedges, borders, specimen planting
Ilex cornuta 'Burfordii Nana Dwarf Burford Hol	S-PSh	WD		Glossy foliage; red fruits; good screen, hedge use.
Ilex cornuta 'Carissa' Carissa Holly	S-Sh	WD		Hedge, edging; dense dwarf form
Ilex cornuta 'Needlepoint' Needlepoint Chinese Holly	S	WD		Long, narrow, twisted leaves; fast growth; dense foliage.
Ilex cornuta 'Rotunda' Dwarf Chinese Holly	S-Sh	WD		Glossy, spiny foliage; tolerates hot, dry areas; tough plant; no pruning needed.
Ilex crenata 'Compacta' Roundleaf Holly	S-Sh	WD		Dark green foliage; no fruit; pests; foundation plantings
Ilex crenata 'Helleri' S-Sh Heller's Holly		WD		Low spreading shrub with fine texture; scale, pests.
Ilex glabra Inkberry	S-Sh	Tol	X	Broad leaf; upright form; black berry; naturalistic plantings
Ilex vomitoria 'Nana' Dwarf Yaupon Holly	S-Sh	WD	X	Taller than I. v. 'Stokes'; same as above.

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Botanical Name Common Name	Sun	Soil	Drought Tolerant	Comments
Ilex vomitoria 'Stokes' Dwarf Schillings Holly	S-Sh	WD	X	Smaller than I. v. 'Nana'; compact shape; no pruning; some pests; drought resistant; fine texture.
Leucothoe axillaris Coastal Leucothoe	Sh-PSh	Acid		White or pink flowers in April; dark foliage; graceful form; mass plantings; acid conditions.
Lyonia lucida Fetterbush	S-PSh		M	Same as above
Jasminum mesnyii Primrose Jasmine	S-PS	WD		Mounding habit; pale yellow, semi-double flowers
Juniperus chinensis Juniper	S	WD	X	Silvery blue to gold foliage; rapid growth; horizontal Chinese spreading; pests are a problem; 'Armstrong' 'Blue Vase' 'Hetzi' 'Glauca' 'Hills Blue' 'Mint Julep' 'Old Gold' and 'Pfitzeriana' are preferred cultivars.
Mahonia bealei Leatherleaf Mahonia	PSh-Sh	WD		Yellow flowers in March; blue grape-like clusters of berries; Holly-like leaves; specimen, foundation planting
Mahonia fortune Chinese Mahonia	PSh-Sh	WD		Dark purple berries; moderate growth rate; specimen
Nandina domestica Heavenly Bamboo	S-PSh	WD		Bamboo-like foliage; cut out old canes; reddish foliage in winter; red berries in fall; white flowers in summer
Pittosporum tobira 'Wheeler's Dwarf' Dwarf Pittosporum	S-PSh	WD		Small white fragrant flowers; shiny dark green leaves; dense foliage; cold damage; 'Laura' is variegated form
Pyracantha coccinea Scarlet Firethorn	S	WD		Orange-red berries in fall; fast growth; thorns are toxic; pest problems; white flowers in spring; espaliers on walls.
Raphiolepis indica Indian Hawthorn	S-Psh	WD		White or pink flowers in spring; rounded leaves; shrub borders, foundation plantings.
Yucca gloriosa Spanish Dagger	S	WD	X	Greenish white flowers in September; spiny blue-green leaves; salt tolerant; barrier, specimen or accent plant.

Exhibit 634f: Medium Deciduous Shrub Species List (Shrubs 3-8 feet in height)

Botanical Name Common Name	Sun	Soil	Drought Tolerant	Comments
Buddleia alternifolia Butterfly Bush	S	WD	X	Old fashioned plant with sprays of flowers; attracts butterflies
Buddleia davidii Butterfly Bush	S	WD		White, pink, red or purple flowers all summer; accent plant or shrub border; attracts butterflies
Callicarpa americana American Beautyberry	S-PSh	WD		Clusters of purple berries arranged around stem; color difficult to blend with other plants; naturalistic plantings.
Callicarpa japonicum Japanese Beautyberry	S-Psh	WD		White berried plant with smaller leaves, drooping form; naturalistic borders.
Calycanthus floridus Sweetshrub	S-Sh	WD		Fragrant purple flowers in spring; brown fruit; pest free; shrub border use.
Cassia corymbosa Flowery Senna	S	WD	X	Showy golden flowers in summer-fall; fast growth; pest free; specimen plant; winter dieback possible.
Chaenomeles japonica Flowering Quince	S-PSh	WD		White, pink or red flowers in winter-early spring; old fashioned plant
Chaenomeles speciosa Flowering Quince	S-PSh	WD		Red, white, orange or pink flowers in early spring; pest free; color in shrub border; 'Nivales' - white, 'Cameo' - peach, 'Texas Scarlet' - bright red. Old fashioned plant.

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Botanical Name Common Name	Sun	Soil	Drought Tolerant	Comments
Clethra alnifolia Sweet Pepperbush	PSh-Sh	M		White flowers in summer; moist soil; pest free; shrub border, naturalized area use; looks good in winter.
Hibiscus mutabilis "Confederate Rose"	S	WD		Large, peony-shaped flower in pink, red, blooms in fall; Dies back to ground in winter, reappears in spring.
Hydrangea macrophylla Big Leaf Hydrangea	Sh-PSh	WD		White, pink or blue flower clusters in summer; bare stalks in winter.
Itea virginica Virginia Sweetspire	S-PSh	M		White flowers; moist soil; good red fall color; mass plantings; 'Henry's Garnet' has excellent color.
Kerria japonica Japanese Kerria	S-PSh	WD		Yellow flowers in spring; few pests; specimen or border plant; good against walls or fences.
Lantana camara Lantana	S	Tol	X	Blooms from spring to fall; rapid growth; color.
Lonicera fragrantissima Winter Honeysuckle	S	WD		Tiny white fragrant flowers in winter; no pests; specimen
Spiraea prunifolia 'Plena' Bridalwreath Spiraea	S-Sh	WD		White flower sprays in spring; rapid growth; informal use
Spiraea thunbergii Baby's Breath Spiraea	S-PSh	WD		White flowers in January-February; informal plantings
Spiraea vanhouttei Vanhoutte Spiraea	S-Sh	WD		White flowers in April; graceful specimen or border planting.
Tetrapanax papyriferus Rice Paper Plant	PSh	WD		Large, coarse leaves; greenish flowers in fall; winterkill; accent or specimen plant; suckers from roots
Vaccinium ashei Rabbiteye Blueberry	S	WD		Large, edible fruit; white bellshaped flowers in May; organic acid soil; shrub border or specimen.
V. corymbosum				
V. stamineum Deerberry				Purple fruit

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Exhibit 634g: Small Evergreen Shrub Species List (Shrubs to 3 feet in height)

Botanical Name Common Name	Sun	Soil	Drought Tolerant	Comments
Alexandrian-Laurel (See Danae)				
Ardisia crenata Coralberry	Sh	WD		Autumn red berries; loose upright form with twisted leaves; seeds itself
Ardisia japonica Japanese Ardisia	Sh	WD		Dark green foliage for ground cover use
Aucuba japonica 'Nana' Dwarf Aucuba	Sh	WD		Scarlet berries on female plants; need males and females for bloom/fruit; no pests; accent or border plant in shade.
Azalea (See also Rhododendron)				
Berberis thunbergii Barberry	S-Psh	WD		Semi-"evergreen" with reddish foliage; 'Rose Glow' and 'Crimson Pygmy' are good cultivars with rosy foliage

Botanical Name Common Name	Sun	Soil	Drought Tolerant	Comments
Buxus Harlandii Harland Boxwood	S-PSh	WD		Fine texture; low hedge or edging; requires pruning; upright growth
Buxus microphylla 'Japonica' Japanese Littleleaf Box	S-Sh	WD		Dark rich green color; mulch to provide moisture; pests; prune regularly; substitute for regular Boxwood; hedges
Cephalotaxus Harringtonia Prostrata' Plum Yew	Sh-Psh	WD		Dark green foliage, upright; hedges, foundation planting
Conradina canescens Dixie Rosemary	S-Psh	WD	X	Sandy soil; blue-gray leaves; shrub border Coastal dune native; aromatic foliage; endangered.
Cuphea hyssopifolia Mexican Heather	S-PSh	WD	X	White or purple tiny flowers; small leaves; self-seeds; borders, edges.
Danae racemosa Alexandrian Laurel	Sh	WD		Arching stems; dark corners
Daphne odora Winter Daphne	Sh-PSh	WD		Fragrant flowers in February; dark green or variegated leaves; slow growing; fungal problems
Euonymus fortunei' 'Radicans Wintercreeper	S-PSh	WD		Climbing shrub or groundcover; Susceptible to scale,pests; avoid wet soil; fungal diseases
Euonymus japonicus Dwarf Japanese Euonymus	S-Sh		Tol	Erect, dense foliage; Susceptible to scale, fungus; edging
Gardenia jasminoides 'Radicans' Dwarf Gardenia	S-PSh	WD		Fragrant white flowers in June ;susceptible to scale, whitefly;
Hypericum calycinum St. John's Wort	S-PSh	WD		Reseeds; yellow flowers in late summer-fall; native.
Jasminum floridanum Showy Jasmine	PS-PSh	WD		Glossy leaves; yellow flowers.
Nandina domestica 'Harbour Dwarf' Harbour Dwarf Nandina	S-PS	WD		Small white flowers; red berries; compact form of nandina; dense mound of foliage; pest free.
Nandina domestica 'Atropurpurea Nana' Dwarf Nandina	S-Psh	WD		Red fall color; mounded growth; cupped leaves
Rosmarinus officinalis Rosemary	S-PSh	WD	X	Green fragrant leaves; blue or white flowers; poor soil; lime needed
Ruscus aculeatus Butchers broom	S-Sh	WD	X	Red berries when male and female plants present; tolerates drought and neglect; pest free.
St. John's Wort (See Hypericum)				
Santolina chamaecyparissus Lavender Cotton	S	WD		Yellow flowers midsummer; silver-gray foliage; aromatic clumps
Santolina virens Green Santolina	S	WD		Finely textured green leaves; poor sandy soils; borders
Serissa foetida Serissa	S	WD		White flowers in spring-summer; fine texture; sandy soil; pest free; variegated form; massings or accents.
Serissa foetida 'Variegata' Variegated Serissa				See above

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Botanical Name Common Name	Sun	Soil	Drought Tolerant	Comments
Skimmia japonica Japanese Skimmia	PSh-Sh	WD		Fragrant white flowers in spring; scarlet berries in fall; need male and female plants; mounded form; moist, rich, acid soil; pest free; foundation and shrub massing.
Yucca filamentosa Adam's Needle	S	WD	X	White flowers in summer; stiff blades; barrier, accent plant.

Exhibit 634h: Small Deciduous Shrub Species List (Shrubs under 3 feet in height)

Botanical Name Common Name	Sun	Soil	Drought Tolerant	Comments
Almond, (See Prunus)				
Deutzia gracilis Slender Deutzia	S-PSh	WD		White flowers in spring; pest resistant; slow growing Accent; shrub massing
Euonymus americanus Strawberry Bush	PSh	WD		Irregular form; native plant good for natural plantings; strawberry-like fruit
Fothergilla gardenii Dwarf Bottlebrush	S-PSh	WD		White fragrant flowers in April-May; yellow fall color; mass plantings or naturalistic settings.
Jasminum nudiflorum Winter Jasmine	S-Sh	WD		January-February bloom with yellow flowers; fountain-like form; pest free; plant on banks, trailing over walls, etc.
Plumbago capensis Plumbago	S	WD	X	Pale blue flowers in summer and fall; profuse bloomer; 'Alba' is white flower
Prunus glandulosa Flowering Almond	S	WD		White or pink flower in spring; accent or specimen plant
Punica granatum 'Nana' Dwarf Pomegranate	S	WD	X	Orange-red flowers in summer; red fruit in fall; salt tolerant hedges, borders or container use.

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Division 5. Open Space

Section 635. Purposes and Applicability

(a) Open space retention is essential to:

(1) Maintain Bryan County's rural character;

(2) Limit stormwater runoff;

(3) Improve aesthetics of residential and non-residential development;

(4) Ensure proper functioning of the County's stormwater management systems;

(5) Maintain water quality; and

(6) Preserve wildlife habitat.

(b) The open space requirements of this division apply to major subdivisions and site development plans within certain zoning districts.

Section 636. Open Space Required

(a) **Required Area**. Except as provided in paragraph (c) of this section, every development shall include the minimum percentage of its gross acreage as open space as is shown in **Exhibit 431**.

Exhibit 431: Minimum Open Space

Zoning District	Minimum Percentage of Gross Acreage for Open Space
A-5, RR-2.5, RR-1.5, RR-1[1]	No minimum
R-15	10
R-M, PD	20
R-MH	15
B-1, B-2, C-I, I-1, I-2, P/I, WP	10
1. For projects in these districts requiring a site development plan, 10 percent open space shall be required.	

(b) **Open Space Includes**. For purposes of this section, open space means an area that:

(1) Is not encumbered with any substantial structure;

(2) Is not devoted to use as a roadway, parking area, or sidewalk, provided, however, that multi-user trails may be counted towards required open space;

(3) Reflects the character of the land as of the date development began. Wooded areas shall be left in their natural or undisturbed state except for the cutting of trails for walking, bicycling or jogging. Areas not wooded shall be landscaped for open play fields, picnic areas or similar facilities. For non-residential development, the open space shall be properly vegetated and landscaped with the objective of creating an area that is consistent with the purposes of this Division;

(4) Are nontidal wetlands comprising not more than fifty (50) percent of the open space requirement.

(5) Is used as a required buffer area; and

(6) For residential uses:

a. Is part of an independent lot shown on the plan as being reserved for open space; and

b. Is legally and practicably accessible to the residents of the development or to the public if the open space is dedicated to the County pursuant to **Section 638**.

(c) **Areas Not Allowed as Open Space**. The following areas shall not count toward common open space set-aside requirements:

(1) Private lots, required setback areas, yards, balconies and patios dedicated for use by a specific dwelling unit;

(2) Electric or gas transmission line rights-of-way;

(3) Public right-of-way or private streets and drives;

(4) Open parking areas and driveways for dwellings;

(5) Land covered by structures except for ancillary structures associated with the use of the open space such as gazebos and picnic shelters;

(6) Designated outdoor storage areas;

(7) Land areas between buildings of less than forty (40) feet;

(8) Land areas between buildings and parking lots or driveways of less than forty (40) feet in width;

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(9) Required setbacks; and

(10) Detention/retention facilities except as provided **Section 641**.

Section 637. Ownership and Maintenance of Required Open Space:

(a) Open space required to be provided by the applicant in accordance this division shall not be dedicated to the public but shall remain under the ownership and control of the developer (or the developer's successor) or a homeowners association or similar organization that satisfies the criteria established in Section 639. Open space within a residential subdivision shall be designated as an independent lot on the plat and shall be noted as being reserved for their intended purposes. For non-residential development, including multi-family, the open space may remain within the same lot as the development. See Section 8xx for additional open space requirements for multi-family developments.

(b) The person or entity identified in paragraph (a) as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.

(c) Open space may be dedicated to a registered land trust, if approved by the Board of Commissioners.

Section 638. Dedication of Open Space

If any portion of any lot proposed for residential or commercial development lies within an area designated on the officially adopted recreation master plan as a park or part of the greenway system or bikeway system, the area so designated shall be included as part or all of the open space requirement o**f Section 636** and dedicated to public use. Dedication of acreage in excess of the minimum required acreage is voluntary and acceptance of the dedication is entirely at the discretion of the County.

Section 639. Homeowners Associations

Homeowners associations or similar legal entities that are responsible for the maintenance and control of common areas, including open space, shall be:

(a) Established before any lot in the development is sold or any building occupied;

(b) Be granted clear legal authority to maintain and exercise control over such common areas and facilities; and

(c) Have the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

Section 640. Open Space Linkages

Where a trail, natural area or public park is dedicated to or acquired by the County, such area may be credited toward the minimum amount of common open space required.

Section 641. Open Space Design Criteria

All required open space shall meet the following design criteria, as applicable:

(a) Water bodies, retention areas, detention basins and wetlands basins, may constitute up to forty (40) percent of required open space, provided that retention facilities are designed to provide safe access to water. Retention or detention areas shall be given a natural character and shall be constructed of natural materials. Terracing, berming, and contouring are required in order to naturalize and enhance the aesthetics of the basin.

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(b) Unless otherwise approved by the Engineering Director, side slopes to retention facilities shall provide at least three (3) feet of horizontal run for each foot of vertical rise. Not more than twenty (20) percent of required open space may be used to meet the active recreational facilities requirement identified in **Article VI.Division 6.** The land area of the open space used for active recreational facilities, however, does not count toward the minimum land area required pursuant to the Active Recreation Land minimums in **Section 645(b)** and **(c)**. All passive park land may be counted towards required open space.

Division 6. Recreational Facilities

Section 642. Purposes and Applicability

(a) Recreational facilities are essential to:

(1) Promote a sense of community;

(2) Enhance the quality and livability of residential development; and

(3) Promote the health of Bryan County residents.

(b) The recreational facility requirements of this division apply to planned developments, major residential subdivisions, and multi-family or mixed-use developments, having a residential component, requiring subdivision or site plan approval.

Section 643. Ownership and Maintenance of Recreational Areas:

(a) Recreational facilities required to be provided by the applicant in accordance this division shall not be dedicated to the public but shall remain under the ownership and control of the developer (or the developer's successor) or a homeowners association or similar organization that satisfies the criteria established in Division 5.Section 639.

(b) The person or entity identified in paragraph (a) as having the right of ownership and control over such recreational facilities shall be responsible for the continuing upkeep and proper maintenance of the same.

Section 644. Homeowners Associations

Homeowners associations or similar legal entities that are responsible for the maintenance and control of common areas, including recreational facilities, shall be:

(a) Established before any lot in the development is sold or any building occupied;

(b) Be granted clear legal authority to maintain and exercise control over such common areas and facilities; and

(c) Have the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

Section 645. Recreational Facility Requirements

(a) **When Required**. In conjunction with an application for preliminary development plan approval in a PD district or sketch plat approval for a major subdivision within a R-15 or R-M district, the applicant shall identify proposed recreational facilities that will be provided in conjunction with the development of the proposed subdivision. The application shall identify the land areas, types and sizes of facilities, and proposed equipment. The recreational facilities associated with the preliminary development plan or sketch plat approval shall be the minimum facilities that must

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be constructed before thirty (30) percent of the lots or multi-family dwelling units in any phase of a subdivision or development have been issued a building permit.

(b) **Required Recreational Facilities**. All subject development shall include the following recreational facilities:

(1) **Active Recreational Land** – in addition to required open space, single family and multi-family developments with fifty (50) or more dwelling units in one or more phases shall provide active recreation facilities on one or more parcels totaling at least one and one-half (1.5) acres of usable area plus one-half (1/2) acre for each additional fifty (50) dwelling units. Active recreational land and open space areas, as provided for in Section 641(b,) may be developed in any combination of active recreational facilities listed in paragraph (c) of this section.

(2) **Active Recreational Land (Multi-family)–** For multi-family developments, with fewer than 50 dwelling units, the developer shall provide active recreational land at a rate of 150 square feet per dwelling unit. . This recreational land shall be used to meet the minimum active playground requirement in paragraph (c).This requirement may be waived if the proposed multi-family project is within a quarter-mile of a public park.

(c) **Eligible Active Recreational Facilities.** Where active recreational facilities are required by paragraph (b)(1) of this section, the development shall include any combination of the following facilities that totals one (1) credit per fifty (50) dwelling units. In calculating required credits, if a development exceeds the fifty (50) dwelling units by twenty-four (24) or fewer units, the required credit shall be rounded down and if it exceeds the fifty (50) dwelling units by twenty-five (25) or more dwelling units, the required credit shall be rounded up. For example, if the development has 124 units, two credits are required, but if the development has 125 units, three credits are required.

(1) **Active Recreation Fields** – these may consist of open fields or sport-specific fields encompassing at least 1.5 acres for each credit.

(2) **Swimming Pool** – swimming pools shall include at least 1,200 square feet of pool surface and 2,000 square feet of deck area for each credit. Restrooms, showers, and changing areas are required.

(3) **Sports Courts** – these may consist of tennis courts, basketball courts, volleyball courts, multi-purpose courts or similar facilities encompassing 40,000 square feet for each one-half (1/2) credit.

(4) **Picnic Areas** – these may consist of independent covered picnic tables or shelters accommodating multiple picnic tables. These may abut open spaces but shall not be used to satisfy required open space acreage. At least one (1) acre of land, ten (10) tables, and two (2) restrooms shall be provided for each one-half (1/2) credit.

(5) **Community Activity Building** – indoor community activity space may be provided in the amount of 30 square feet per dwelling unit. Restrooms must be included. One credit shall be given for the minimum square footage met.

(6) **Active Playground** – these may consist of a minimum of 2,400 square feet of play area and play equipment in locations so that each dwelling unit is within one-quarter (1/4) of a mile of a playground. Each active playground shall, at a minimum, include swings, a slide, climbing apparatus, and a bench, or equivalent recreational amenities as determined by

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the Community Development Director. One-half (1/2) credit shall be provided for each active playground.

(d) **Modification of Recreational Facilities**. The Community Development Director may approve minor modifications of recreational facilities approved by the Board of Commissioners upon finding that the proposed facilities will provide equal or greater recreational value for residents of the development. Any modification deemed by the Director to be major shall require approval of the Board of Commissioners.

Division 7. Signs

This division of the UDO shall be referred to as the sign code of Bryan County or sign code.

Section 660. Purposes.

(a) It is not the intent of this sign code to regulate the message that signs convey, to foreclose important and distinct mediums or expression for political, religious, or personal messages, or to suggest the County should regulate the content of signs in any manner. It is, however, the intent of this chapter to regulate the time, place, and manner of sign placement in a manner sufficient to meet the public purposes articulated in this section.

(b) These sign regulations are intended to:

(1) To promote the mental and physical health, safety and welfare of the public by providing for the orderly and harmonious display of signs within the County;

(2) To maintain and enhance the aesthetic environment by minimizing visual clutter, encouraging a positive visual environment, and avoiding the erection of displays which produce deleterious and injurious effects to adjacent properties and to the natural beauty of the environment;

(3) To provide for the safety of the traveling public, both vehicular and pedestrian, by limiting distractions, hazards, and obstructions;

(4) To maintain the County's ability to attract sources of economic development and growth and to aid in the identification of properties and enterprises for the convenience of the public;

(5) To protect the rural character of the County;

(6) To encourage the effective use of signs as a means for communication in the County by allowing the maximum amount of expression or speech consistent with its compatibility with the aesthetic, public health, safety and welfare concerns that the County is charged by law and the Georgia Constitution with preserving and protecting; and

(7) To enable the fair and consistent enforcement of these sign regulations while supporting the policies contained in the Comprehensive Plan.

Section 661. Findings

The Board of Commissioners finds that:

(a) Sign regulations achieve public safety rationales not achieved by provisions of the International Building Code, as adopted by the County. Without a sign ordinance, signs can pose a clear danger to public safety. It has been long recognized that sign controls are needed to promote traffic safety and avoid traffic accidents. Signs can distract motorists by impairing visibility. Traffic safety is improved by restricting the size, height, and locations of signs. Signs, if unregulated, can confuse motorists by mimicking traffic safety signals and signs.

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(b) Unregulated signs may negatively affect the character of communities and the value of buildings. For example, blighted signs and antiquated signs and sign structures (i.e., the pole with a blank structure for a sign face) can contribute to an overall image of blight and a reduction of property values in declining areas if not addressed and removed via sign controls. Unregulated signs can reduce the effectiveness of signs needed to direct the public because they compete with public purpose signs and reduce their visibility and effectiveness. Unregulated signage in special character areas would almost assuredly neutralize any public plan and investments to improve streetscapes.

(c) Sign regulation serves the interests of the business community. Unregulated competition among businesses where individual business signs are not adequately visible results in too many signs and a point of diminishing returns. Sign regulations help to maintain the scenic heritage and unique character of the community by implementing uniformity of standards and quality in signs. Signs substantially influence the appearance of the community, and sign regulation is essential to the community's long-term economic viability. Sign controls improve visual character.

(d) Signs are a proper use of private property, a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. However, an improperly regulated sign environment imposes health and safety dangers to the public.

(e) Effective sign regulation lessens hazardous conditions, confusion and visual clutter caused by the proliferation, improper placement, illumination and excessive height and size of signs which compete for the attention of pedestrians and vehicular traffic.

(f) Proper regulation of signs is a necessary prerequisite to a peaceable, orderly and safely designed business environment.

(g) Through proper regulation of signs, the aesthetic attractiveness and economic well-being of the County will be enhanced as a place to live, work and conduct business.

(h) Concerns about aesthetic and safety issues, as balanced with concerns about freedom of expression or speech, are reasonably promoted in the County by the provisions of these sign regulations. Some signage has a single targeted function and identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of providing addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Signs at the entrances to subdivisions or major developments favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this ordinance, the provisions of this sign code are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

Section 662. Applicability

(a) The regulations and requirements of this sign code apply to all signs that are or are intended to be viewed from a public right-of-way or adjacent property, or to be viewed from outdoor areas of private property, except as otherwise exempt under this sign code.

(b) A sign may be erected, placed, established, painted, created, or maintained within the planning jurisdiction of the County only in conformance with the standards, procedures, exemptions, and other requirements of this UDO. Section XX establishes the procedures to permit a variety of

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types of signs in commercial, residential and industrial areas that are subject to the standards of this sign code, which:

(1) Exempts certain signs as specifically provided;

(2) Prohibits certain types of signs;

(3) Identifies signs that may be permitted in various locations and circumstances;

(4) Establishes standards for the design of signs generally and within specified zoning districts;

(5) Establishes rules for sign measurement and maintenance and;

(6) Describes how non-conforming signs should be addressed and the rules for sign removal.

Section 663. Exemptions

Exhibit 663 lists the types of signs that are exempt from specific requirements of this sign code and describes the extent of the exemption and related requirements for the specified type of sign.

Exhibit 663. Signs Exempt from Certain Sign Code Provisions

Type of Sign	Requirements
Works of Art	No permit is required in any district for works of art that do not include a commercial message. Works of Art include exterior wall murals that do not include a commercial message.
Incidental Signs	No permit is required in any district for any sign that is not legible from a distance of more than three (3) feet beyond the lot line of the lot or parcel on which such sign is located; and any logo or decal, no greater than one and one-half (1½) sq. ft.. Signs not visible from public right-of-way or adjacent properties do not require a sign permit but may require building and electrical permits.
Seasonal and Holiday Signs	Seasonal and holiday decorations that convey no commercial messages are not considered signs in any district. Seasonal and holiday signs and decorations shall not be displayed longer than ten (10) days after the seasonal of holiday event and are therefore not regulated by this sign code.
Traffic Control Signs	No permit is required for non-commercial signs in any district complying with the provisions of the Manual on Uniform Traffic Control Devices (MUTCD), whether located on public or private property.
Private Directional Signs	No permit is required for signs of not more than 4.5 square feet in sign area in any district providing directions to uses within a development subject to the provisions of Section 666(a)
Official Governmental Signs	No permit is required for signs placed by or at the direction of a governmental body, governmental agency or public authority in any district. Such signs include, but are not limited to traffic signs, signals or regulatory devices or warnings; official emblems, public notices or official instruments; signs providing directions to specific locations facilities or locations; signs of historical interest; signs designating special events or areas of architectural of historic significance or gateways; signs announcing or providing directions to a government sponsored event; or other similar governmental signs or devices. Such signs are authorized within all rights-of-way or other properties controlled by such governmental body, agency or authority; and at such other locations as a governmental body, governmental agency or public authority may direct.

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Type of Sign	Requirements
Nameplate Sign	No permits required. Allowed to be affixed to single family residences or displayed at entrance drive. • Maximum number of signs - 1 • Maximum sign area – 2 square feet • Maximum sign height if not affixed to home – 3 feet
Street Address Numbers	No permits required for property address numbers provided in conformance with the emergency management ordinance
Legal Notices and Informational Signs	No permits required.
Memorial Signs	No permits required for memorial signs or tablets naming a building and date of erection when cut into any masonry surface or constructed of other incombustible materials and permanently incorporated into such building, not exceeding two (2) square feet sign face.

Free Expression Signs	No permits required. Sign area is in addition to maximum sign areas authorized in the applicable zoning district
	• RR, R and PD districts
	  ○ Maximum number of signs - 1
	  ○ Maximum sign area – 4.5 square feet
	  ○ Maximum sign height – 3 feet
	• Other Zoning Districts
	  ○ Maximum number of signs - 1
	  ○ Maximum sign area – 16 square feet
	  ○ Maximum sign height – 6 feet

Warning and Safety Signs	No permit required in any district. Back-to-back or single-faced signs not exceeding two (2) square feet per face or three (3) feet in height unless a larger sign is required by applicable law.
Flags	Permit not required for flag poles in A, RR, R and PD districts. • In RR, and R districts, no more than three flags, each not exceeding sixteen (16) square feet (one side) and not exceeding sixteen (16) feet in height. • In A, B, C, I and P/I districts, no more than three flags, each not exceeding thirty-two (32) square feet (one side). The flag poles must (i) stand perpendicular to the ground and be not less than fifteen (15) feet high and positioned so that the flag will not, under any circumstance or weather, intrude into the airspace above any public right-of-way, or (ii) extend from a building and be positioned so that the lowest part of the flag shall always be not less than nine (9) feet above the ground and so that the flag will not, under any circumstances or weather, intrude into the airspace above any public right-of-way. The top of a freestanding, vertical flagpole is limited to a maximum height of thirty-five (35) feet and shall require certification by a Georgia Registered Engineer when higher than twenty-five (25) feet in height. The top of a flagpole extended from a building may not be higher than the top of the Building to which it is attached.
Signs on Motor Vehicles	No permit is required for sign on a licensed, operable, motor vehicle, other than a prohibited vehicle sign as provided in **Section 664**.

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Type of Sign	Requirements
Signs Incorporated on Machinery or Equipment	No permit required in any district if signs placed on equipment or machinery by manufacturer or distributer, which identify only the manufacturer, the machinery or equipment and the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, fuel pumps and vehicles.
Window signs	No permit required for window signs placed on the inside of a windowpane or glass door of a nonresidential use provided that the sign complies with the provisions of **Section 667**

Section 664. Prohibited Signs

Exhibit 665 lists the types of signs that are prohibited and establishes additional requirements related to specific types of prohibited signs.

Exhibit 665. Prohibited Signs

Type of Sign	Additional Provisions
Swinging Sign	
Snipe Sign	This includes but is not limited to signs attached to or painted on natural features, utility poles or fence posts.
Revolving, Rotating, Twirling or Other Moving Sign	
Inflatable Sign	
Flashing Light or Beacon	This includes any sign including such features,
Animated Sign	
Sign Containing a Mirror or Reflective or Phosphorescent surface	
Sign Emitting Sound, Vapor, Smoke, Odor, Particles or Visible Matter	
Sign Incorporating any Laser Light	
Digital Light Show	
Holographic Display Sign or Projected Sign	
Electronic Message Center	Other than those authorized by **Section 666(e)**
Sign or Sign Structure Interfering with Traffic	This includes signs that obstruct the view of or may be confused with a traffic control or safety sign, or any official marker erected by County, state or federal authority. It also includes signs that obstruct or impair driver vision at intersections of streets and/or driveways. This includes any sign other than a traffic control device with the words “stop” or “danger”, or images that convey such warnings.
Sign in Fresh Water Wetland or Salt Marsh Areas	
Abandoned Sign	
Wall Wrap Sign	
Signs in Public Right-of-Way	No sign other than a sign placed by a local, state or federal authority may be placed within public right-of-way.

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Type of Sign	Additional Provisions
Vehicle Sign	Vehicle sign associated with a vehicle that is parked or placed within one hundred (100) feet of any street, which is visible from such street and that is used primarily for advertising as opposed to conveyance. In determining whether a parked vehicle is used primarily for advertising as opposed to conveyance, the following factors shall be considered: a. The location of the vehicle on the premises and the visibility of the vehicle to the passing public, b. The duration of parking, the time of day and the activity in the parking lot, c. The availability of other parking spaces on the premises and the proximity of the vehicle to the area on the premises where operable vehicles are customarily loaded, unloaded or otherwise carry out their primary purpose of conveyance, and d. Whether the vehicle is insured, operable, currently licensed by the state of Georgia to travel public highways. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operated by that firm during its normal hours of business and which is insured, operable and currently licensed by the state of Georgia to travel public highways, provided that such vehicle is used primarily for conveyance.
Obscene Signs	Signs displaying any obscene message as obscenity is defined by the State of Georgia at O.C.G.A. § 16-12-80(b), or nudity as defined by the State of Georgia at O.C.G.A. § 16-12-81(b)(1).

Section 665. General Sign Requirements

(a) **Generally**. The following regulations shall apply to all signs:

(1) Unless otherwise provided in this sign code, no sign shall be erected, constructed, modified, replaced, structurally altered, or relocated within the County without prior issuance of a permit.

(2) All signs shall be designed, constructed, and maintained in accordance with the following standards:

a. Except for banners, flags and temporary signs conforming in all respects with the requirement of this sign code, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.

b. Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable, and sound structural condition.

(3) All signs in areas adjacent to the rights-of-way of roads of the state highway system, which roads are also a part of the interstate and primary systems of highways within the state, are subject to the provisions of O.C.G.A. title 46, art. 3, pt. 2 (O.C.G.A. § 32-6-70 et seq.) As such, they shall comply with all provisions of such statute and shall meet all requirements and obtain all necessary permits under said code. However, in instances where the provisions of this chapter are more restrictive, the provisions of this chapter shall control.

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(4) The creation, construction or maintenance of freestanding signs in areas adjacent to and/or visible from an interstate highway system rights-of-way shall be limited to: B-1 Neighborhood Commercial, B-2 General Commercial, C-1 Interchange Commercial, and I-1 and I-2 Industrial Districts.

(5) No signs, except as otherwise specified, shall exceed the standard building height limit of the district in which they are located.

(b) **Basic Standards**.

(1) All permanent signs must be of a professional character, be erected by a qualified sign professional, and comply with the provisions of this sign code. Homemade lettered signs shall not be permitted, whether or not a permit is required, except for temporary signs.

(2) Signs shall be consistent with the appearance of the general neighborhood in which located. Signs shall not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or by creating a visual distraction for motorists.

(c) **Sight Triangle**. Signs shall not be placed within the sight triangle as defined in Section 1007, which provides a clear view between heights of three (3) feet and 10 feet.

(d) **Sign Placement**.

(1) No person shall paste, print, nail, tack or otherwise fasten any card, banner, handbill, sign, poster or advertisement or notice of any kind, or cause the same to be done, on any private property, without the written consent of the owner of such property.

(2) No person shall construct, erect, operate, use or maintain any sign without the written permission of the owner or other person in lawful possession or control of the property on which such structure or sign is located.

(3) No person shall erect a sign on public property other than the governmental entity responsible for such property or public utility companies or contractors occupying or working on public property pursuant to government contract or franchise. Nailing, posting, securing signs, temporary or permanent, to trees located on County property or within County right-of-way is prohibited.

(4) For signs in a Planned Development, each property or individual project within the planned development shall conform to the sign regulations established as part of the zoning approval for the PD. If no such provisions are included in the zoning approval of the PD, each property or individual development within a planned development shall conform to the provisions of this sign code in accordance with the land use of said property (or the predominant use of the ground floor in the case of a mixed-use building).

(e) **Illumination and Movement**.

(1) Except as otherwise specifically permitted in this sign code, signs shall not contain any intermittent, moving, blinking, flashing, oscillating, scrolling, or fluttering lights or animated parts; nor shall any device be used that has a changing light intensity, brightness of color or give such illusion, except as otherwise specifically permitted by this sign code.

(2) Except authorized electronic message signs, the light source for any illuminated sign shall not be directly visible from adjacent streets or property. Exposed neon-type tubing as part of any sign and/or on a building shall not be permitted. Backlight silhouetted halo letters shall be permitted, provided the light source is fully concealed.

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(3) For all signs, the level of illumination emitted or reflected from a sign shall not be of intensity sufficient to constitute a demonstrable hazard to vehicular traffic or pedestrians on any right-of- way or parking lot from which the sign may be viewed. All illumination must be of reasonable intensity and shall not spill onto adjacent properties or rights-of-way. Signs adjacent to residential buildings and streets shall not be of such brightness to cause reasonable objection from adjacent RR, R, or PD districts or residential uses.

(4) Illuminated signs abutting a RR, R or PD district or use shall be at least twenty-five (25) feet from the nearest property line of a RR, R or PD district.

(5) If illuminated, the illumination shall not interfere with the visibility of, or obscure, an official traffic sign, device, or signal.

Section 666. Regulations for Specific Types of Signs.

(a) **Private Directional Signs**. Within a development, private directional signs may be erected to identify where specific uses within the development are located, provided that the sign complies with the Manual for Uniform Traffic Control Devices (MUTCD) standards and the sign has not more than 4.5 square feet in sign area.

(b) **Freestanding Signs**.

(1) All permanent freestanding signs other than authorized outdoor advertising and pole signs allowed in the C-I, I-1 and I-2 district shall be monument signs.

(2) A property or development will be permitted only one freestanding sign, except that double frontage lots with more than 500 feet of frontage on two (2) or more arterial roads will be permitted a second freestanding sign with a total message area not to exceed fifty (50) percent of that allowed for the first sign and located a minimum of 250 feet from the adjacent sign located on the double frontage lot. Distance will be measured from the outer edge of the sign and/or supporting structure. This limitation on the area of the second sign shall not apply where a both a pole sign and a monument sign are allowed on the same parcel.

(3) Outparcels that meet the minimum road frontage requirements for a lot in the applicable zoning classification will be permitted one freestanding sign. Outparcels will not be deemed to overlap or to share frontage or area in any way with other outparcels or with the larger property of which they are a part.

(4) On a developed lot without road frontage, one (1) freestanding sign will be permitted. The sign shall not exceed ten (10) feet in height or fifty (50) square feet of sign area. The sign will be located where access for the business is located. Written permission must be obtained from the owner of the property where the sign is located.

(5) No freestanding sign shall be located closer than seventy-five (75) feet to another freestanding sign on a parcel that abuts an arterial road or fifty (50) feet on a parcel that abuts a collector road. However, if this provision precludes a sign on any parcel, the Community Development Director may approve a permit for a freestanding sign on the applicable parcel.

(c) **Wall Signs**. Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall comply with applicable provisions of this sign code and not exceed the maximum area established in **Section 667**.

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(d) **Projecting Signs**. Signs attached at an angle to a wall (including a 90-degree angle) may extend outward from the wall of a building not more than five (5) feet.

(e) **Electronic Message Centers**.

(1) **Locations**. Subject to the provisions of this section up to one Electronic Message Center (EMC) may be allowed per lot as a part of a monument sign in the B-2 and C-I zoning districts. EMCs shall not be allowed for any other type of sign regulated by this UDO except signs that are internal to a building and not located within four feet of a window, and signs that are not visible from adjacent right-of-way within the B-2 and C-I districts.

(2) **Maximum Size**. EMC are only allowed if incorporated into a larger sign, and shall not exceed eight (8) square feet of EMC sign area per sign in the C-I district or four (4) square feet per sign for signs in a B-2 district. Signs having two back-to-back faces with EMCs shall be counted as one sign with the sign area calculated from one side of the sign.

(3) **Luminance**. All EMCs shall have an automatic dimmer that limits the brightness based on ambient light conditions to no more than the maximum luminance allowed in this section. EMCs shall be adjusted at the time of installation so that auto-dimming shall be set so that the luminance is no greater than 0.3 foot-candles brighter than ambient lighting conditions.

(4) **Frequency of Message Change and Transitions**. Each message on an EMC shall remain static for no less than eight (8) seconds. Transitions shall not include any animation, blinking or flashing and shall not include any blank screens lasting longer than one (1) second. For EMCs that are divided into multiple frames, not more than one frame may change in any way other than brightness more than once per day unless all frames change concurrently.

(5) **Animation**. No EMC shall include any animation that creates the appearance of motion.

(6) **Non-conforming** Signs. No EMC shall be installed as part of or in place of any non-conforming sign unless the sign is brought into full compliance with the provisions of this Sign Code.

(f) **Outdoor advertising signs**. All outdoor advertising signs visible from the travel lanes of arterial roads and interstate rights-of-way shall meet the following requirements:

(1) **Uniform size**. The outside measurements of all such signs shall be 12 feet in height and not greater than 50 feet in length, with or without trim (600 square feet).

(2) **Illumination**. All illuminated outdoor advertising signs shall use base-mounted fluorescent or mercury vapor lights and shall be activated and deactivated by photo-electric cells. Additional lighting, including, but not limited to, neon, animation and running lights, is prohibited.

(3) **Height above highway/interstate grade**. All outdoor advertising signs shall be a minimum of ten (10) feet above adjacent highway/interstate pavement measuring from the lower portion of the sign face. Sign structures shall not exceed 80 feet in height. Two signs in the same location (back-to-back, over and under, or "V" formation) shall be the same height above the highway/interstate's surface.

(4) **Protrusions prohibited**. Protrusions beyond the face of the sign are prohibited, with the exception of aprons.

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(5) **Zones where permitted**. Outdoor advertising signs are only permitted in the C-I, I-1, and I-2 zoning districts that are within 3,000 feet of an interstate interchange as measured from the centerline of the road crossing the interstate highway.

(6) **Spacing**. Outdoor advertising sign locations shall be no less than 500 feet apart measuring from the two closest points, regardless of the dimensions of the lots on which they stand.

(7) **Distance from right-of-way/property lines**. Outdoor advertising signs shall be no less than 15 feet from the right-of-way line, and 15 feet or a distance equal to the height of the sign, whichever is greater, from all other property lines.

(8) **Locations limited per quadrant**. A maximum of three (3) outdoor advertising sign locations shall be permitted within 3,000 feet of the intersection of the rights-of-way centerlines at any interchange per interchange quadrant (where the intersection of two (2) highways creates four quadrant sections) provided that the spacing and lot requirements can be met.

(9) **General Advertisement Signs**. Other than signs located within 3,000 feet of any interchange, general advertisement signs adjacent to interstate highways and visible from the main traveled way of I-16 are prohibited, except for right-of-way logos on standards furnished by the department of transportation. Logos shall be defined as an easily read and identifiable symbol such as Shell Oi, Exxon Oil, Holiday Inn or independent company trademarks of a size to be approved the department of transportation.

(10) **Marsh and historic area locations**. No outdoor advertising sign shall be placed in or obstruct the view of a marshland area or any historic area designated by the Board of Commissioners.

(11) **Subdivision Entrance Signs**.

a. **Purpose.** In addition to serving the important role of helping to find properties within the County, subdivision entrance signs help defined the character and quality of a neighborhood. For these reasons, this unique type of identification sign is encouraged within the County.

b. **Locations**. All subdivision entrance signs must be located outside the limits of the public right-of-way, with the exception of median signs located in the subdivision's median. Entrance signs are to be placed in a location that will not obstruct the vehicle sight distance. Signs located within the median of subdivision roads must be located outside the limit of the intersecting right-of-way.

c. **Approval**. All proposed signs must be approved by the Engineering Director and the Community Development Director.

d. **Maintenance**. Subdivision entrance signs will not be maintained by the County.

e. **Dimensions**. Subdivision entrance signs are required to be monument signs or lettering placed on a brick or other masonry wall. Signs outside the right-of-way shall be less than eight (8) feet in height. Median signs must be less than three and one-half (3.5) feet in height measured from the road centerline intersection. Maximum sign area shall not exceed the requirements of **Section 667**.

f. **Lighting**. Subdivision entrance signs may be unlit, externally illuminated or have backlit lettering. The sources of lightning may not be visible from public right-of-way or adjacent properties.

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Section 667. Sign Requirements by Zoning District

(a) **District Standards. Exhibit 667a and Exhibit 667b** list the types of signs allowed in each zoning district, the maximum dimensions of those signs and other applicable criteria.

Exhibit 667a: Sign Requirements for A, RR, and R Zoning Districts

A-5, RR-2.5, RR-1.5 Districts	
Free-standing signs for residential lots	The area of all free-standing signs other than exempt street address numbers and election signs shall not exceed 16 square feet
Wall signs for residential lots	1 – Identification sign of not more than 2 sq.ft. in area 1 – address sign
Freestanding signs for authorized institutional uses	1 - externally illuminated or non-illuminated freestanding sign not exceeding 20 square feet in area. Signs with backlit lettering are permitted. Such sign shall be set back not less than 15 feet from the street right-of-way line.
Wall signs for authorized institutional uses	1 externally illuminated or non-illuminated wall sign not exceeding 20 square feet per street frontage. Signs with backlit lettering are permitted.
Subdivision entrance signs	2 subdivision entrance signs outside of right-of-way or 1 median sign per subdivision entrance. Maximum sign area shall not exceed 20 square feet per sign. See Section 666(f)(11)
RR-1, R-15, RMH Districts	
Free-standing signs for residential lots	The area of all free-standing signs other than exempt street address numbers and election signs shall not exceed 10 square feet
Wall signs for residential lots	1 – Identification sign of not more than 2 sq.ft. in area 1 – address sign
Freestanding signs for authorized institutional uses	1 - externally illuminated or non-illuminated freestanding sign not exceeding 6 square feet in area. Signs with backlit lettering are permitted. Such sign shall be set back not less than 15 feet from the street right-of-way line.
Wall signs for authorized institutional uses	1 externally illuminated or non-illuminated wall sign not exceeding 20 square feet per street frontage. Signs with backlit lettering are permitted.
Subdivision entrance signs	2 subdivision entrance signs outside of right-of-way or 1 median sign per subdivision entrance. Maximum sign area shall not exceed 20 square feet per sign. See Section 666(f)(11)
Signs in manufactured home parks	In RMH districts, up to two (2) signs, not to exceed a combined total sign area of sixty-four (64) square feet, per manufactured home park. Where a manufactured home park abuts a federal primary or interstate highway, only one sign, not to exceed a total sign area of 100 square feet per manufactured home park.
RM District	
Free-standing signs for residential lots	The area of all free-standing signs other than exempt street address numbers and election signs shall not exceed 24 square feet
Wall signs for residential lots/buildings	1 – Identification sign of not more than 2 sq.ft. in area per building 1 – address sign per building
Freestanding signs for authorized institutional uses	1 - externally illuminated or non-illuminated freestanding sign not exceeding 6 square feet in area. Signs with backlit lettering are permitted. Such sign shall be set back not less than 15 feet from the street right-of-way line.
Wall signs for authorized institutional uses	1 externally illuminated or non-illuminated wall sign not exceeding 20 square feet per street frontage. Signs with backlit lettering are permitted.
Project entrance signs	2 project entrance signs outside of right-of-way or 1 median sign per development entrance. Maximum sign area shall not exceed 20 square feet per sign. See **Section 666(f)(11)**

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Exhibit 667b: Sign Requirements for Non-residential Zoning Districts

Size of Development and Sign Type (Sq.Ft. of gross floor area)	Maximum Total All Sign Faces (Sq. Ft.)	Maximum Single Sign Face (Sq. Ft.)	Maximum Height of Sign Base (Ft.)	Maximum Total Sign Height (Ft.)	Maximum Total Sign Width (Ft.)
45,000 or more					
Free-standing sign	400	100	4	12.0	14.0
Wall sign		1 per linear ft of front wall of business		1 ft. below any point of parapet, facing wall of mansard roof or cornice	50% of front wall of business
Projecting sign		20			
Window sign		25% of window or door			
15,000 to 44,999					
Free-standing sign	300	100	4	12.0	14.0
Wall sign		1 per linear ft of front wall of business		1 ft. below any point of parapet, facing wall of mansard roof or cornice	50% of front wall of business
Projecting sign		20			
Window sign		25% of window or door			
5,000 to 14,999					
Free-standing sign	200	80	3	10.0	10.5
Wall sign		1 per linear ft of front wall of business		1 ft. below any point of parapet, facing wall of mansard roof or cornice	50% of front wall of business
Projecting sign		16			
Window sign		25% of window or door			
Less than 5,000					
Free-standing sign	150	50	2	10.0	9.0
Wall sign		1 per linear ft of front wall of business		1 ft. below any point of parapet, facing wall of mansard roof or cornice	50% of front wall of business
Projecting sign		16			
Window sign		25% of window			

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Size of Development and Sign Type (Sq.Ft. of gross floor area)	Maximum Total All Sign Faces (Sq. Ft.)	Maximum Single Sign Face (Sq. Ft.)	Maximum Height of Sign Base (Ft.)	Maximum Total Sign Height (Ft.)	Maximum Total Sign Width (Ft.)
		or door			

(b) **Additional District Provisions**. The following standards apply in addition to and may modify the district general district sign provisions in paragraph (a) of this section.

(1) **In a C-I, I-1 or I-2 district**:

a. Parcels that abut an interstate, the property owner may, in addition to the sign area authorized in **Exhibit 668b**, erect a single pole sign not taller than eighty (80) feet above the nearest abutting interstate travel lane. No more than two (2) freestanding signs shall be permitted.

b. The pole sign shall be erected so that no portion of the sign shall be less than fifteen (15) feet from the nearest road right-of-way.

(2) **In a PD district**, only those signs meeting the design criteria set forth for residential and B-1 districts are permitted unless otherwise incorporated into the plans for planned developments approved by the Board of Commissioners.

Section 668. Sign Measurement

The following principles shall control the computation of sign area and sign height:

(a) **Computation of area of individual signs**. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the wiring, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall.

(b) **Computation of area of multi-faced signs**. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces. When two (2) sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.

(c) **Computation of height**. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the sign face. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade of the sign is lower than the grade of the adjacent public street, normal grade shall be construed to be the grade of the adjacent public street. The term "adjacent public street" shall mean the street providing approved vehicle access to the property and which does or would bear the street address for the property.

(d) **Computation of maximum total permitted sign area**. To determine the maximum sign area, the total square footage for every sign on the parcel, including freestanding, wall signs, projecting, and window signs, shall calculated. Maximum total sign area shall comply with the zoning district standard.

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Section 669. Sign Maintenance

(a) Every sign, including those signs for which permits are required and those for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural condition at all times, including repair or replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign.

(b) To prevent rust, peeling, flaking, fading, or rotting, all signs and supports shall be painted, unless anodized or similarly treated.

(c) Broken panels, missing letters, defective illumination, torn fabric, flaking or peeling paint and other damage to a sign, shall be replaced or repaired.

(d) If determination is made by the County that any sign is unsafe, not secure, in violation of any applicable law or a public danger, notice of such violation shall be given to the property owner and/or occupant where such sign is located. The property owner and/or occupant shall have 30 days from the date of said notice to remove, repair, or remedy said violation.

Section 670. Temporary Signs

(a) **Temporary Signs; Allowed**.

(1) Signs in addition to those allowed in **Section 663** and **Section 666** are allowed on a property for the duration of a temporary event (as defined below). Such additional signs shall not be restricted as to the message displayed on the sign but must comply with the provisions of this section. If a sign meets the requirements of this section, i.e., qualifies as a temporary sign, no permit is required. The County, however, may remove any sign, regardless of the need for a permit, which fails to comply or maintain compliance with all requirements for temporary signs.

(2) Temporary signs must comply with all requirements of this sign code, except as modified by the provisions of this section, including the prohibitions of **Section 664** and general requirements applying to all signs.

(3) All temporary signs must be installed at a fixed location.

(b) **Temporary Event Defined**. A temporary event is an activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time. Temporary events include but are not limited to such activities as:

(1) The offering of a property or premises for sale or rent.

(2) An election, political campaign, referendum or ballot proposition put to the voters as part of County, state or federal governance.

(3) Special business promotions other than “grand openings”, such as but not limited to “close-out sales” and seasonal sales events.

(4) A grand opening for a new business.

(5) A yard sale.

(6) The construction of a building or development project, or the rehabilitation, remodeling or renovation of a building.

(7) A public announcement of a special event or seasonal activity not intended for commercial use by an individual or a nonprofit organization.

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(c) **Duration of Temporary Sign Placement**. Temporary signs may be placed on any property upon initiation of a temporary event, and must be removed upon the termination of particular events shall be interpreted as follows:

(1) **Sale or lease of a building or premises**. Initiation upon the availability of the building or premises for sale or lease, and termination upon the closing of the sale or execution of the rental agreement. Building construction or remodeling. Initiation upon issuance of a building permit authorizing the construction, interior finish or remodeling, and termination within seven (7) days after issuance of the certificate of occupancy.

(2) **Residential or nonresidential subdivision or condominium under development**. Initiation upon sketch plat or site plan approval by the County. Termination upon the sale of ninety-five (95) percent of the lots, dwelling units or sale or lease of eight-five (85) percent buildings or units in the final phase, or at the end of twelve (12) continuous months during which no building permits have been issued for new construction within the development, whichever occurs first.

(3) **Public issue**. Initiation ninety (90) days prior to the applicable election and termination within seven (7) days after the election of all candidates to office or resolution of all ballot questions put to the voters in the election.

(4) **Special business promotion**.

a. Initiation upon announcement of the special sale or sales event, and termination upon its completion or seven (7) days after initiation, whichever occurs first.

b. A special business promotion event may not occur for more than seven (7) continuous days once a month and no more than seven (7) total days each month on the same property for each business or tenant, regardless of the number of businesses on the property.

c. Additional provisions apply to banners placed during a special business promotion event.

(5) **Grand Opening**.

a. Initiation upon announcement of the grand opening event, and termination upon its completion or fourteen (14) days after initiation, whichever occurs first.

b. A grand opening event may not occur for more than fourteen (14) continuous days, and may occur only once for a business that has newly occupied the property.

c. Portable signs and festoons are allowed for fourteen (14) days during a grand opening event.

(6) **Yard Sale**. Initiation one (1) day prior to the announced date of the sale, and termination at the end of the announced date.

(7) **Nonprofit public announcement**. Initiation upon the placement of the sign and termination not more than fourteen (14) days after such placement.

(8) **Other temporary events**. The initiation and termination dates for any temporary event not listed above shall be determined by the Community Development Director for each temporary event, based on considerations such as: normal beginning and ending dates for such an event, the scheduled occurrence of the event, or similarities to other temporary events listed above or having previously occurred. Unless the Community Development

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Direcor finds that there are unique circumstances surrounding the event, the sign shall be limited to fourteen (14) days of display.

(d) **Number and Size of Temporary Signs**. Only one (1) temporary sign related to each temporary event per business or tenant may be located on a property at any one time, unless otherwise specified below:

(1) **Sale or lease of a mixed-use or non-residential building or premises**. One (1) building sign may be substituted for an authorized window or wall sign on each tenant space that is available for sale or lease, and the authorized free-standing sign may be used as a second sign.

(2) **Residential or nonresidential subdivision or condominium under development**. During construction of a residential or nonresidential subdivision or condominium development:

a. **Non-residential development**. One non-illuminated sign, not exceeding forty (40) square feet in area, displaying the name of the building, the contractor, the architects, the engineer, the owners, the financial, selling and development agencies is permitted upon the premises of any work under construction, alteration, or removal.

b. **Residential Subdivision Signs**. Temporary signs announcing a land subdivision development, and not exceeding (40) square feet in combined area per development, are permitted on the premises of the land subdivision. One sign shall be allowed at each subdivision entrance.

(3) **Election or political campaign**. Up to five (5) back-to-back or single-face signs not exceeding:

a. Four and one-half (4.5) square feet per sign face and three (3) feet in sign height on a lot in any RR, R, or PD district; and

b. Sixteen (16) square feet per face and six (6) feet in sign height in any other district.

(4) **Large non-residential buildings**. For a non-residential building containing 50,000 square feet of gross floor area or more, the following shall apply:

a. During the construction or remodeling of a commercial, industrial or institutional use building containing 50,000 square feet of gross floor area or more, no more than two (2) temporary freestanding or wall signs shall be allowed, not exceeding 64 square feet in area nor more than 10 feet in height; and,

b. During the start-up period while a commercial, industrial or institutional use building containing 50,000 square feet of gross floor area or more is initially for sale or lease, no more than two (2) additional freestanding signs shall be allowed, not exceeding 64 square feet in area not more than 10 feet in height.

(5) **Nonprofit public announcement**. No limit on the number of signs but signs shall not be located in rights- of-way.

(6) **Temporary signs in RR, R and PD districts**. Except as specifically authorized in this section, not more than one (1) temporary sign not exceeding four and one-half (4.5) square feet in sign area or three (3) feet in height may be allowed per lot.

(e) **Location of Temporary Signs**. All temporary signs shall be located on private property at least ten (10) feet from any street right-of- way line. Temporary signs shall be no closer to the right-of-way

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than adjacent permanent signs in the area. All temporary signs shall be located at least ten (10) feet from any side or rear property line and the pavement edge of a driveway. The sign location must not obstruct visibility exiting the drive.

(f) **Temporary Banners, Portable Signs, Festoons and Spectacular Signs or Device**. Banners. One (1) banner is allowed as temporary signage during a special business promotion event in accordance with the duration, number, size, location and lighting limitations of this sign code, and in accordance with the following additional provisions:

(1) Such a banner shall be placed on the site or on a building in such a manner as not to create a safety hazard as determined by the Community Development Director. They shall meet the same setback requirements as all other temporary signs.

(2) A banner that is larger than 32 square feet in size is not allowed.

(3) In B-1, B-2, and C-I districts a banner is allowed if covering and no larger than a sign face that has been damaged by windstorm or other casualty. Such banners may be displayed for up to forty-five (45) days or up to 180 days if the sign owner has entered into a contract for repair or replacement of the damaged sign.

(4) All other banners in a B-1, B-2 or C-I districts shall meet the following requirements:

a. A banner may be displayed for no longer than thirty (30) days;

b. The banner does not exceed thirty-two (32) square feet in overall surface area and ten (10) feet in height or width,

c. The banner is one-sided and located entirely against a building or lawful, pre-existing sign, and

d. The banner is stretched tightly and securely fastened at each corner or edge.

(g) **Weekend Signs**. Weekend signs are allowed as temporary signs under the following provisions. Location.

(1) Such signs are allowed on private property in all zoning districts, except that any such sign shall not be affixed to any tree, utility pole or official traffic sign or structure.

(2) All temporary signs shall be located on private property beyond the street right-of-way line.

(3) Such signs shall be placed and maintained on private property only with the permission of the owner of the property upon which the sign is placed.

(4) No setback from the street right-of-way line shall be required for a weekend sign.

(5) Such signs shall not exceed four and one-half (4.5) square feet in area and not be more than three (3) feet in height. Duration. Weekend signs shall be allowed only between Friday starting at 5:00 p.m. and Sunday ending at 8:00 p.m.

(6) Weekend signs shall not be illuminated.

(h) **Banners Mounted on a Pole (also known as blade or quill signs)**. No permit is required for one sign (1) per property frontage, provided that it is located no closer than ten (10) feet from any street right-of-way or property line, and is no larger than twenty-four (24) square feet in area or be more than eight (8) feet in height. The banners must be maintained in good physical condition with no tattered edges or tears and must be stored indoors when the establishment to which it refers is not open for business.

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Section 671. Non-Conforming Signs

Signs that, on the effective date of this UDO or any amendments thereto, were approved and legally erected under previous sign restrictions, and that became or have become nonconforming with respect to the requirements of this UDO due to its adoption or amendment, may continue in existence subject to the remaining provisions of this section.

(a) No increase in size of the nonconforming sign shall be permitted.

(b) Any existing sign that was legally erected but has become nonconforming with respect to setback from a street due to road widening may be moved to meet the setback requirement of this Sign Code; provided, the sign shall not be increased in size, shape or changed in any manner, except to become conforming.

(c) Existing, legally nonconforming signs, hereafter reconstructed, repaired, altered or replaced due to damage incurred by an act of God or other accident, shall be allowed to be restored to their original condition.

(d) Unless the structural base, pole or support of a sign is completely replaced; repairs, alterations and replacements made to legally nonconforming signs do not constitute a new sign and thus will be allowed to be restored to their original condition. In the event of conflict between the provisions of this UDO and other articles of the zoning ordinance, the most stringent requirements shall prevail and be controlling.

Section 672. Removal of Signs

(a) The Building Official shall cause the removal of any sign that, in the Building Official's sole discretion, endangers the public safety, such as an abandoned; dangerous; or materially, electrically or structurally defective sign. Any other sign for which no permit has been issued or which is otherwise in violation of this Sign Code shall also be subject to removal in accordance with this section.

(b) Any temporary sign erected in violation of the provisions of this section may be removed immediately by the Building Official. Any sign so removed shall be retained at a designated County facility until recovered by the sign owner following payment of applicable fees. Any sign not recovered within ten (10) days will be destroyed.

(c) The Building Official shall prepare a written notice to be sent by first class mail which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within 30 days, the sign shall be removed in accordance with the provisions of this section.

(d) The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign and the occupant of the property. If any such person is unknown or cannot be found, notice shall be mailed to that person's last known address, if any, and posted on the sign or on the premises.

(e) Any sign removed by the Building Official pursuant to the provisions of this section shall become the property of the County and may be disposed of in any manner deemed appropriate. The cost of removal of the sign by the County shall constitute a lien against the property and shall be recoverable in the same manner as County property taxes. The cost of removal shall include any and all incidental expenses incurred in connection with the sign's removal.

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Division 8. Lighting

Section 673. Purposes

The general purpose of this Division is to protect and promote the public health, safety and welfare, the quality of life, the ability to view the night sky, and ongoing operations on Fort Stewart by establishing regulations and a process of review for exterior lighting. These provisions establish standards for exterior lighting to:

(a) Protect against direct glare and excessive lighting;

(b) Provide safe roadways for motorists, cyclists and pedestrians;

(c) Protect and reclaim the ability to view the night sky, and help preserve the quality of life;

(d) Prevent light trespass in all areas of the County's jurisdiction or adjacent jurisdictions;

(e) Promote efficient and cost effective lighting;

(f) Ensure that sufficient lighting can be provided where needed to promote safety and security;

(g) Allow for flexibility in the style of lighting fixtures; and

(h) Provide lighting guidelines.

Section 674. Applicability

(a) All applications for site plan and PD final development plan approval shall include lighting plans showing location, type, height and lumen output of all proposed and existing fixtures. The applicant shall provide enough information to verify that lighting conforms to the provisions of this Division. The Community Development Director shall have the authority to request additional information in order to achieve the purposes of this Division.

(b) All exterior lighting installed after the effective date of the ordinance codified in this Division in any and all zoning districts in the County shall be in conformance with the requirements established herein and any other applicable ordinances. All existing lighting in any and all zoning districts in the County shall be addressed as follows:

(1) All existing lighting located on a subject property and will be modified or replaced as part of an application for a site plan or PD final development plan approval is required to be brought into conformance with this Division. Conformity shall occur prior to issuance of certificate of occupancy or final inspection.

(2) Non-conforming lighting shall not be moved to any other location unless the move results in the entire light being brought into compliance with all applicable regulations of this UDO.

(3) If a light is destroyed or rendered inoperable for any reason other than failure of the bulb it shall not be repaired unless such repair will bring the light into compliance with all applicable regulations of this UDO.

Section 675. Exemptions

(a) The following are exempt from the requirements of the UDO:

(b) Streetlights installed and/or regulated by a utility company;

(c) Outdoor lighting fixtures existing and legally installed prior to the effective date of this UDO;

(d) Navigational lighting systems at airports and other lighting necessary for aircraft safety;

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(e) Outdoor lighting fixtures that are necessary for worker safety;

(f) Holiday lights for the period from October 25th to January 15th, except that flashing holiday lights are prohibited on commercial properties.

(g) Vehicular lights and all temporary emergency lighting needed by the Fire and Sheriff's Departments, or other emergency services;

(h) Outdoor accent lighting for single-family residential properties provided that each light fixture emits no more than one thousand (1,000) lumens; and

(i) Lighting at County parks.

Section 676. General Standards

All exterior lighting shall be full cut-off fixtures with the light source fully shielded, with the following exceptions:

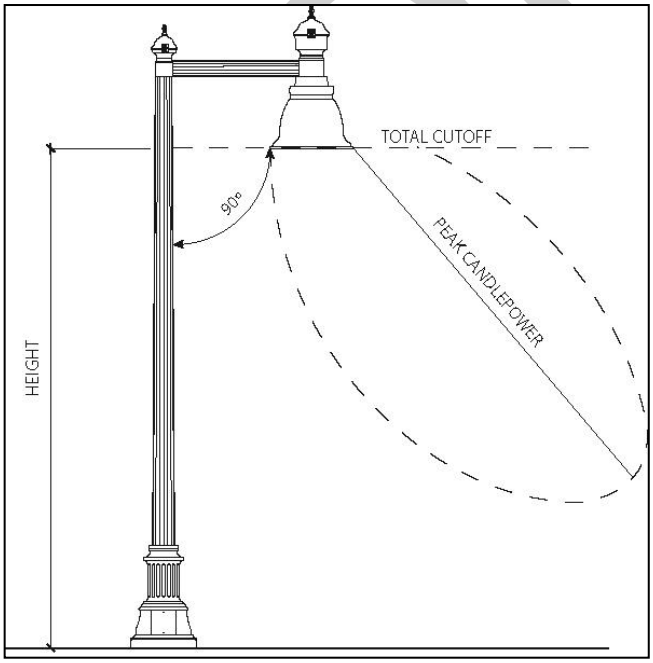
(a) **Luminaires with Total Cutoffs**. When a luminaire has total cutoff at ninety (90) degrees, the standards in Exhibit 676a shall be met.

Exhibit 676a: Standards for Luminaires with Total Cutoffs

Standard	Maximum Permitted Average Maintained Illumination**	Maximum Permitted Height of Light Source*
Commercial and Industrial Districts	2.00 lumens per square foot 3.00 lumens per square foot	30 feet 40 feet.

* Measured from the ground to light source.
**Measured at the property line

Examples of Luminaires with Total Cutoffs



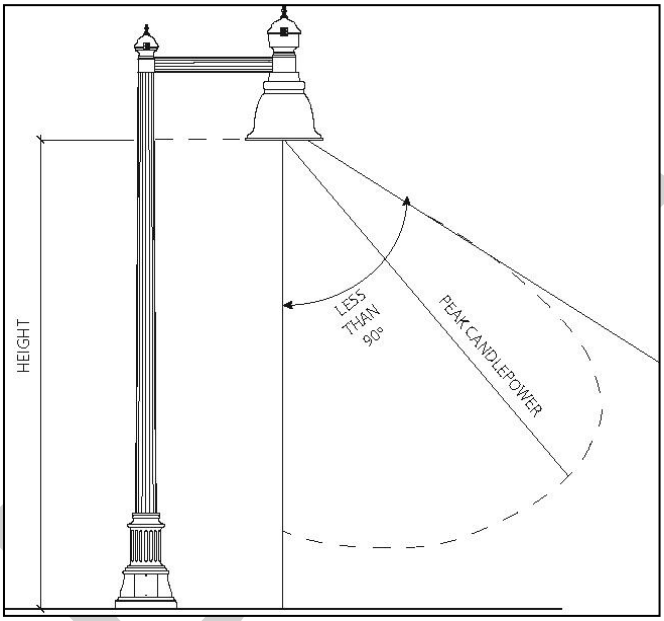
(b) **Luminaires with Cutoffs Less Than 90 Degrees**. When a luminaire has total cutoff of light at an angle less than ninety (90) degrees and is located so that the light source is completely shielded from the direct view of an observer five (5) feet above the ground any property line, then the

maximum permitted illumination and the maximum permitted height of the luminaire shall meet the standards in **Exhibit 676b**.

Exhibit 676b: Standards for Luminaires with Cutoffs Less Than 90 Degrees

Standard	Maximum Permitted Illumination**	Maximum Permitted Height of Light Source*
Commercial District (C or B)	2.00 lumens per square foot 3.00 lumens per square foot	30 feet 40 feet
Industrial	4.00 lumens per square foot	40 feet

* Measured from the ground to light source.
** Measured at the property line.



Examples of Luminaires with Cutoffs Less than 90 Degrees

(c) **Motion Sensor Lighting**. Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light shall not be triggered by activity off the property.

(d) **Non-Essential and Security Lighting**. All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.

(e) **Floodlamps and Area Lights**. All floodlamps and area lights shall be aimed downward at least forty-five (45) degrees and no portion of the light bulb shall extend below the bottom edge of an external shield. Any floodlamp or area light emitting 1,000 or more lumens shall be aimed downward at least sixty (60) degrees. The light source of floodlamps and area lights shall not be visible from adjacent properties or the public right-of-way. Flood lights with directional shielding and photocells with timers that allow a flood light to go on at dusk and off by eleven p.m. are encouraged.

(f) **Canopy Lights Service Stations**. The average lighting level for new and existing service stations shall be no greater than three (3) lumens per square foot under the canopy. All lighting shall be recessed to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property

(g) **Towers**. All radio, communication and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime. Lights shall be used in compliance with FAA standards and allow for the minimum impact to avian species.

(h) **Temporary Lighting.** Temporary lighting that conforms to the requirements of this UDO shall be allowed. Non-conforming temporary exterior lighting may be permitted by the Community Development Director only after considering (1) the public and/or private benefits which will result from the temporary lighting; (2) any annoyance or safety problems that may result from the use of the temporary lighting; and (3) the duration of the temporary non-complying lighting. The applicant shall submit a detailed description of the proposed temporary non-complying lighting to the Community Development Director in compliance with the temporary use permit application process.

(i) **Outdoor Sports Field /Outdoor Performance Area Lighting**

(1) These standards shall not apply to properties subject to State or Federal safe lighting standards.

(2) Because of their unique requirements for nighttime visibility and their limited hours of operation, ball fields, playing fields and tennis courts are exempted from the exterior lighting standards of paragraphs A, B and C of this section. These outdoor recreational uses must meet all other requirements of this UDO.

(3) The outdoor recreational uses specified above shall not exceed a maximum permitted post height of eighty (80) feet.

(4) The outdoor recreational uses specified above may exceed a total cutoff angle of ninety (90) degrees, provided that the luminaire is shield to prevent light and glare spillover to

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adjacent right-of-way or residential property. The maximum permitted illumination at the property line shall not exceed two (2) lumens per square foot.

(j) **Lighting of Outdoor Display Areas**

(1) Outdoor display areas shall have a maximum point of illuminance of twenty (20) lumens per square foot.

(2) All light fixtures shall meet the IESNA definition of Cutoff Fixtures. Forward throw fixtures (type IV light distribution, as defined by the IESNA) are required within twenty-five (25) feet of any public street right-of way.

Section 677. Additional Regulations

Notwithstanding any other provision of this section to the contrary:

(a) No flickering or flashing lights shall be permitted.

(b) **Measurement**

(1) Metering equipment. Lighting levels shall be measured in lumens per square foot with a direct reading, portable light meter. The meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five (5) percent. It shall have been tested, calibrated and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of the date of its use.

(2) Method of measurement. The meter sensor shall be mounted not more than six (6) inches above ground level in a horizontal position. Readings shall be taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading.

Division 9. Public Improvements Required

Section 678. Types of Improvements.

Except as otherwise provided by the subdivision regulations, a developer shall provide, install and pay for the following improvements to serve his subdivision. Utilities shall be located where possible in accordance with the proposed utility location detail.

(a) Water supply and distribution;

(b) Sanitary sewerage collection;

(c) Sewage disposal systems;

(d) Road grading and surfacing;

(e) Sidewalks and trails;

(f) Storm drainage;

(g) Road name signs;

(h) Electricity;

(i) Natural gas (optional); and

(j) Traffic control devices.

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Article VII. Supplemental Conditions for Specified Uses

This article includes all standards associated with specific uses listed in Article X of the zoning ordinance and other uses requiring special conditions.

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Division 1. Generally

Section 700. Supplemental Conditions.

The conditions in this Article apply to all applicable uses when authorized in any zoning district unless the conditions are specifically modified through a zoning district condition, conditional use permit, planned development approval or variance.

Section 701. 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 UDO, 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 off-road parking.

Section 702. Parking and Storing of Structures.

Unless otherwise authorized in this UDO 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 48 hours.

Division 2. Accessory Structures and Uses.

Section 705. Generally

(a) Except within an A-5 or RR-2.5 districts, as established in Article V, no accessory building shall be constructed upon a lot until construction of the principal building has commenced.

(b) No accessory building shall be occupied until the principal building is legally occupied.

(c) No accessory use shall be established until the principal use is legally established and operating.

(d) If the principal use is terminated, all uses accessory to that use shall be terminated.

(e) If the principal building is destroyed or damaged to the point that it may not be used, the owner may apply for a conditional use permit to allow continued use of accessory structures while the principal structure is repaired, but in no case shall the permit be granted for more than two years.

(f) No accessory building shall be in a front yard except that in an A-5, RR-2.5 RR-1.5, or RR-1 district, when the principal structure is set back at least fifty (50) feet from the front road line, a detached garage may be constructed in the front yard under the following conditions:

(1) The detached garage does not encroach into any required setback or easement;

(2) The garage doors do not face the road on which the lot fronts; and

(3) The garage is constructed of the same materials and is designed to appear to be part of or integrated with the principal structure.

(g) With the exception of a farm structure used for agricultural purposes in the A-5, RR-2.5, or RR-1.5 district, no accessory building may exceed the height of the principle building or exceed fifty (50) percent of the principal building's floor area.

(h) In any R or PD district, accessory buildings other than detached garages or authorized guest houses, shall not exceed fifteen (15) feet in height, or two-hundred (200) square feet in floor area. Detached garages and authorized guest houses shall comply with district setback and height limitations for principal structures.

(i) Excluding farm structures used for bona fide agricultural purposes, no more than three (3) accessory structures may be established in any RR, or R district.

(j) No outdoor storage of goods and materials, including mechanical equipment, structures on a permanent foundation or refuse containers shall be located within any required setback, except for the temporary placement of refuse containers for curbside pick-up.

(k) In an A-5 district, a landing strip for use by one single engine aircraft is allowed as an accessory use.

Section 706. Accessory Dwelling Units or Guest Houses.

An accessory dwelling unit or guest house shall be permitted as an accessory use on any lot on which a detached single-family dwelling unit exists in accordance with the provisions of this section and all applicable codes and regulations, including, but not limited to, building and health codes:

(a) The accessory dwelling unit or guest house 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.

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(b) The minimum lot size for a lot on which an accessory dwelling unit or guest house is situated shall be no less than one acre, unless the lot is serviced by community water or community sewer, in which case the minimum lot size can be reduced to 30,000 square feet.

(c) The accessory dwelling unit or guest house shall be limited in size to a maximum of forty (40) percent of the total living area of the principal dwelling. The maximum size of an accessory dwelling unit may not exceed 1,200 square feet.

(d) No more than one (1) accessory structure serving either as a accessory dwelling unit or guest house may be located on a lot.

(e) The accessory dwelling unit or guest house must be owned by the owner of the principal structure.

(f) The accessory dwelling unit or guest house must not be served by a driveway separate from the driveway serving the principal structure.

(g) The accessory dwelling unit or guest house 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 an accessory dwelling unit or guest house cannot extend higher than the principal structure as measured from grade.

(i) The accessory dwelling unit or guest house must be served by and through the same utility lines and meters that serve the principal structure.

(j) All accessory dwelling units or guest houses must be attached to a permanent foundation.

(k) The accessory dwelling unit or guest house shall share the same sewage disposal and water supply systems as the principal dwelling unit.

(l) The single-family dwelling unit must be a conforming use in the zoning district.

Section 707. Home Occupations

Home occupations include home offices, which are permitted by right, and home service businesses and home trade businesses, which require a conditional use permit in some circumstances.

(a) **General Standards**. All home occupations are subject to the following standards:

(1) The home occupation is operated by a resident of the home.

(2) 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. No internal or external alterations inconsistent with the residential use of a dwelling shall be permitted.

(3) The home occupation shall be limited to no more than twenty-five (25) percent of the gross floor area of the total dwelling.

(4) An accessory structure shall not be used in connection with a home occupation in R-15 or PD zoning districts except as provided in (c)(1) and (d)(1) of this section.

(5) Accessory structures may be used connection with a home occupation within A-5, RR-2.5, RR-1.5 and R-1 zoning districts.

(6) 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.

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(7) No outdoor display of products shall be visible from a road.

(8) 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.

(9) All operations and services shall be conducted indoors.

(10) Outside storage of goods or equipment is prohibited.

(11) No signs other than the authorized nameplate sign pursuant to Section 663 may identify the home occupation.

(12) Visiting clients, where authorized below, are limited to those provided on an appointment basis and services shall not be offered to the general public on a drop-by basis.

(13) Shipping deliveries and pick-ups (excluding U.S. Postal Service) are limited to two (2) per day.

(14) Home occupations shall comply with applicable Fire and Building Code standards.

(15) If the home occupation is a permitted use within a zoning district an application shall be submitted to the Community Development Director for review and approval pursuant to **Section 423.**

(16) If the home occupation requires a conditional use permit, it shall be reviewed by the P&Z Commission and forwarded to the Board of Commissioners for review and approval pursuant to **Article III.Division 4.**

(17) On an annual basis at the time of occupational tax renewal(s), the holder of a home occupation permit shall certify to the Community Development Director that there have been no changes in the home occupation as originally permitted.

(18) If the scope or nature of the home occupation changes or if complaints are filed with the Community Development Director, the Community Development Director shall have the option of revoking the home occupation permit if the permit was issued by the Director, or the Director shall refer the revocation to the Board of Commissioners if the home occupation was approved pursuant to a conditional use permit.

(19) If deemed necessary, the Building Official shall inspect the premises and report to the appropriate authority to ensure that applicable requirements are met prior to approval. The Building Official shall have the right to inspect home occupation sites on an annual basis.

(20) All required state and federal licenses and approvals are obtained and maintained for the duration of the home occupation. If the County determines that the required state or federal license is expired, the County may revoke the home occupation approval.

(b) **Home Offices**. Home offices are subject to the following regulations in addition to the provisions of paragraph (a) of this section.

(1) Home office uses do not involve retail trade, client visits, or non-resident employees, and may include:

a. Professional offices for certified, ordained, licensed or registered professions, including, but not limited to offices for an architect, draftsman, attorney-at-law, conveyancer, financial planner, land planner, surveyor, professional engineer (civil, electrical, mechanical or other), public accountant, minister or similar professions.

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b. Studios for artists and artisans where products are not sold to the public on the premises.

c. Telemarketing and internet-based businesses.

d. Telephone answering and message services.

e. Contractors office whose operations are limited to office work (i.e., no workers congregating on the site, no storage of construction equipment, and no storage of construction vehicles).

f. Other home occupations that the Community Development Director finds to have impacts similar to authorized home office uses.

(2) Only residents of a dwelling may be engaged in the home occupation.

(3) No vehicles requiring a commercial license may be used in association with the home office.

(c) **Home Service Businesses**. Home service businesses are subject to the following regulations in addition to the provisions of paragraph (a) of this section.

(1) Home service businesses include home occupations that involve specialized equipment, businesses that primarily provide services to visiting client visits, and businesses with incidental sales. A conditional use permit is required prior to approval of a home service business in an R or PD district, whether conducted in the principal residence or accessory building. Home service businesses may include:

a. Personal or medical services offered by individuals licensed by the state, such as licensed massage therapists, physicians, osteopaths, healers, dentists, midwives, barbers and hairstylists.

b. Individuals involved in teaching classes of up to three students at a time.

c. Bakers and caterers with no on-site sales or service.

d. Other home occupations that the Community Development Director finds to have impacts similar to authorized home office uses.

(2) In addition to the resident operator of the home service business, up to three (3) persons may be employed in the business, provided that at least one is a resident of the site.

(3) Retail sales shall be limited to sale of goods that are incidental to the primary service provided.

(4) The number of vehicles parked by clients, patrons, employees or business-related visitors at the site of a home-based business shall be limited to no more than three (3) at any given time.

(5) The applicant for a home service business shall demonstrate how on-site parking for the maximum number of allowed clients will be provided on the site.

(d) **Home Trade Business.** Home trade businesses are subject to the following regulations in addition to the provisions of paragraph (a) of this section.

(1) Home-trade businesses include home occupations that involve specialized equipment, and businesses that produce goods for sale to clients. A conditional use permit is required

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prior to approval of a home trade business in an R or PD district, whether conducted in the principal residence or accessory building. Home trade businesses may include:

a. Individuals producing custom products for individuals, such as furniture or works of art.

b. Growing of houseplants or flowers in a greenhouse no larger than 500 feet of floor area.

c. Artists or artisans with galleries or display areas that do not exceed 200 square feet of floor area.

(2) Sale of products shall be limited to products made on the premises unless otherwise approved by a conditional use permit.

(3) In addition to the resident operator of the home trade business, up to three (3) persons may be employed in the business, provided that at least one is a resident of the site.

(4) The number of vehicles parked by clients, patrons, employees or business-related visitors at the site of a home-based business shall be limited to no more than three (3) at any given time.

(5) The applicant for a home trade business shall demonstrate how on-site parking for the maximum number of allowed clients will be provided on the site.

(e) **Unsafe Home Occupations**.

(1) If, in the opinion of the Building Official, any home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians or motorists, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Building Official shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken directing that the home occupation be immediately made safe or be terminated.

(2) The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Building Official may take any action to make the home occupation and dwelling safe. Costs incurred by the Building Official, if forced to take enforcement actions, shall be borne by the property owner and, shall be treated as a zoning violation pursuant to this UDO.

(f) **Prohibited Home Occupations**. Except as specifically authorized above, the following home occupations are prohibited:

(1) Public or private clubs;

(2) Restaurants;

(3) Stables and kennels;

(4) Automobile repair and paint shops;

(5) Body piercing services;

(6) Hotels or motels;

(7) Palm reading and fortune telling;

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(8) Tattoo and body art or body modification studios; and

(9) Any use that would constitute a nuisance as defined by the County's code of ordinances.

Section 708. Family Child Care Learning Home.

A family child care learning home, providing day care only to six (6) or fewer non-resident children under the age of 18 that meet all applicable requirements imposed by the State of Georgia is allowed as an accessory use in the A-5, RR, R-15 and PD district subject to the following requirements:

(a) The owner of the dwelling shall reside on the premises.

(b) A family child care learning home shall not be located within 1,000 feet from any other family child care learning home.

Section 709. Outdoor Dining/Outdoor Seating

(a) **Generally.** The commercial use of patios and outdoor dining areas is an accessory use to restaurant uses of all types. Commercial use of patios and outdoor dining areas is limited to service of food and beverages, and may include occasional live entertainment, as provided in this section.

(b) **Use of Sidewalks**. Outdoor dining areas are not allowed within public easements, rights-of-way, or required setback.

(c) **Detectable Barrier**. If a patio or outdoor dining area projects from a building, a detectable barrier, which may be movable, that is at least thirty-six (36) inches in height shall enclose the patio or outdoor dining area. Access openings through the barrier shall be at least forty-four (44} inches wide.

(d) **Furnishings**.

(1) Umbrellas may be used to shade tables, and if provided, shall be least seven (7) feet of clearance.

(2) No cooking utilities, including grills, shall be permitted in the outdoor dining area. Cooking facilities shall be contained within the principal building unless specific written authorization is granted by the County Administrator for a special event.

(3) Appropriate waste receptacles with affixed lids shall be provided.

(e) **Clear Pedestrian Passage**. Outdoor dining areas that are located next to sidewalks or hard-surfaced trails shall leave not less than five (5) feet of clear sidewalk for pedestrian circulation.

(f) **Relationship to Abutting Businesses**. Outdoor dining areas and patios shall not interfere with access or visibility to abutting businesses.

(g) **Hours of Operation**. Commercial use of patios and outdoor dining areas is limited to the hours of:

(1) 7:00 AM to 11:00 PM if the principal use is located more than 600 feet from a residential zoning district; or

(2) 7:00 AM to 10:00 PM if the principal use is located 600 feet or less from a residential zoning district.

(3) All distances shall be measured from the nearest property line of the principal use to the nearest zoning district boundary.

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(h) **Live Entertainment**. Amplification shall be permitted only in conjunction with a special events permit.

(i) **Conditions of Approval**. The Community Development Director may condition approval of this accessory use upon:

(1) Limiting its extent;

(2) Establishing a certain approved layout, including a maximum number of tables and chairs;

(3) Establishing the range of dates during which the use may operate; and / or

(4) Restricting the piping of music or prohibiting live entertainment.

Section 710. Outdoor Display

The following regulations apply to all retail, wholesale, and service establishments except authorized open air businesses.

(a) The outdoor display area shall be arranged to provide safe pedestrian and vehicular circulation and safe emergency access. Maneuvering aisles shall be kept free of all obstruction.

(b) The sale or outdoor display of merchandise shall not be permitted within the required setback areas.

(c) Outdoor display areas located on parking lots shall not reduce the available parking spaces to fewer than those required by **Section 617** for the principal use.

(d) No outdoor display area or parking serving an outdoor display area shall be located within fifty (50) feet of any RR, R or PD district boundary line or road.

(e) The display of soil, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties. The outdoor display of fertilizers, pesticides, and other hazardous materials, unless packaged in approved containers, is prohibited.

(f) All outdoor display and sales areas shall be paved with a permanent, durable, and dustless surface and shall be graded and drained to dispose of all surface water.

(g) All loading and truck maneuvering shall be accommodated on-site. Maneuvering in the public right-of-way is prohibited.

(h) Lighting for security purposes may be required, as determined by the Community Development Director. All lighting shall be shielded from adjacent RR, R and PD districts and uses.

Section 711. Outdoor Storage

(a) Except as permitted by this UDO in certain zoning districts, the storing of junk or parking of an inoperable vehicle is prohibited.

(b) Outdoor storage shall not be permitted in any front yard.

(c) No articles, goods, materials fixed machinery or equipment, vehicles, trash, animals or similar items shall be stored, kept in the open or exposed view from adjacent sites, roads or sidewalks.

(d) In B-2, C-I and P/I districts, outdoor storage areas shall be fully enclosed by a brick, masonry, wooden or solid face fence or wall not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.

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(e) In I districts, outside storage and operations shall be screened by a combination of solid fences or walls made of wood, brick, or masonry, berms and plantings. The screen must be of such height that all outside storage is screened from public view. No sheet metal fence shall be allowed.

(f) The Community Development Director may permit the required screening to be comprised of plant material, upon a determination that the alternate materials will provide the same degree or better of opacity, screening and compatibility with adjoining properties as a fence or wall.

(g) Storage abutting properties zoned for residential use shall provide a fifty (50) foot buffer between the fence and the property line. Buffer shall meet the standards identified in Section Article VI Division 4 Landscaping, Tree Preservation, Buffering and Screening.

Section 712. Special Events Venues

For any for-profit business in which weddings, parties, gatherings, and the like take place in a privately owned dwelling or structure in an A-5 or RR-2.5 district, such events shall be conducted under the following restrictions:

(a) The maximum number of guests is eighty (80).

(b) No amplified music shall be located outside unless approved by the BOC through the conditional use process.

(c) A maximum of twenty (20) events may occur in any calendar year.

(d) Hours of operation shall be from 10:00 a.m. to 10:00 p.m.

(e) All parking shall be located on the property where the event is to take place. The parking surface may be unpaved if approved during the conditional use process. The applicant, however, will have to demonstrate dust control and stormwater management measures will be implemented, handicap access will be provided, and access to the site.

(f) The lot shall be a minimum of two and one-half (2.5) acres in area.

(g) All structures/buildings used in holding events shall comply with County Building Codes, including the installation and use of temporary structures such as tents.

(h) If outdoor lighting will be implemented, a lighting plan must be submitted with the conditional use permit application.

(i) Prior to conducting any events, the applicant shall apply for a conditional use permit pursuant to **Article III.Division 4**. The approval shall allow events to occur in compliance with the regulations of this section and any additional conditions established through the approval process.

Section 713. Storage or Parking of Vehicles and Major Recreational Equipment and Commercial Vehicles

(a) **Major Recreational Equipment**.

(1) For purposes of this section, "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.

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(2) Major recreational equipment may not be stored in front of the principal structure in the RR-1 and R-15 districts. Major recreational equipment must be stored either in an enclosed structure or on the side or rear of the lot and screened from street view. For purposes of this paragraph, storing shall be defined as parking major recreational equipment for more than seven (7) consecutive days where the equipment is in front of the principal structure.

(3) Major recreational equipment may not be parked on public right-of-way for longer than 24 hours. Storage of boats and recreational vehicles in public rights-of-way is prohibited.

(4) 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

(b) **Commercial Vehicles**.

(1) Commercial highway tractors or trailers, wreckers, earth moving equipment, logging trucks or trailers, farm tractors, dump trucks or any commercial vehicle with greater than 26,001 gross vehicle weight rating (GVWR) are prohibited from being parked, stored or maintained in in the R zoning districts.

(2) Commercial highway tractors or trailers, wreckers, earth moving equipment, logging trucks or trailers, farm tractors, dump trucks or any commercial vehicle with greater than 26,001 gross vehicle weight rating (GVWR) are prohibited from being parked, stored or maintained in RR-1 zoning districts, except where the lot on which such vehicle is parked, stored or maintained is at least 1.5 acres in size

(3) In the R-MH zoning districts, parking of commercial vehicles with greater thatn a 26,000 GVWR are subject to the approval of the property owner, homeowners association, or manufactured home park's management. If parking is permitted, the commercial vehicle must be located in a designated parking space and may not impede ingress or egress.

(4) For purposes of this paragraph (b), storage as defined as parked for longer than 24 consecutive hours.

Section 714. Accessory Bars

Bars shall be allowed as accessory uses to a hotel, restaurant, private club, or fraternal organization, provided the following standards are met:

(a) **Generally.** Accessory bars shall comply with applicable rules and regulations established in Chapter 4 – Alcoholic Beverages - of the Bryan County Code

(b) **Size**. The total floor area of all bars shall not exceed thirty (30) percent of the ground floor area up to a maximum area of 600 square feet of the hotel or restaurant.

(c) **External Entrance**. The bar shall not have a separate external entrance other than emergency exits required by this code.

Section 715. Accessory Uses for Institutions Not Located in P/I Districts.

(a) When an educational institution is located outside a P/I district, low impact accessory uses shall be permitted by right subject to applicable standards of this UDO.

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(b) Low impact accessory uses include auditoriums, gymnasiums, pavilions, picnic areas, unlighted sports fields and sports courts, and other uses that the Community Development Director determines are customary accessory uses that will not be incompatible with adjacent land uses.

Division 3. Specific Use Standards.

Section 720. Adult Uses

(a) Adult bookstores, adult entertainment establishments and adult theaters may be permitted in the B-2 zoning district after finding that the following location requirements have been met. Adult uses may not be located:

(1) Within 1,500 feet of the property line of a residential dwelling;

(2) Within 500 feet of the property line of any public library;

(3) Within 600 feet from the property line of any church, shrine, chapel or mortuary, or other place used for religious services;

(4) Within 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, business, music, art, vocational occupational, and other special subjects are taught;

(5) Within 1,000 feet of any other adult use; or

(6) Within 500 feet of any intersection with an average daily traffic count of 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 prior to November 7, 1995 shall be considered a non-conforming use. Such non-conforming use shall be subject to the requirements of **Article XIII** of this UDO.

(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 or distribution of obscene materials, as those acts are defined under federal, state or county laws.

Section 721. Animal Boarding, Animal Shelters (private), Veterinary Hospitals and Animal Services

Animal Boarding, Animal Shelters (private), Veterinary Hospitals and Animal Services shall be subject to the following requirements in addition to other applicable district standards:

(a) Minimum buffer requirement for all animal boarding faciliteis and animal shelters (private) will be thirty (30) feet on all sides as established in **Section 629**.

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(b) Minimum lot size for animal boarding and animal shelters (private) shall be two (2) acres.

(c) No dog runs or animal exercise areas shall be located in a front yard or in any required rear or side setback.

(d) Outdoor runs/exercise areas shall be set back a minimum of 75 feet from all property lines or the required setback for the zoning district, whichever is greater; provided, a 100-foot setback shall be maintained from any residential dwelling.

Section 722. Automobile Repair, Heavy

The following regulations shall apply to all businesses providing heavy repair services for automobiles and light trucks:

(a) All main and accessory structures shall be set back a minimum of 75 feet from any RR, R, or P district.

(b) There shall be a minimum lot frontage of 100 feet on an arterial or collector street; and all access to the property shall be from that street.

(c) A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.

(d) Overhead doors shall not face a public road or RR, R, or P district. The Community Development Director may modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be diminished through use of building materials, architectural features and landscaping.

(e) Where applicable, vehicle queuing space shall be provided in front of each service bay for at least one (1) vehicle.

(f) All maintenance and repair work shall be conducted completely within an enclosed building. Equipment, including hydraulic hoists, pits, and lubrication, greasing, and other automobile repairing equipment shall be located entirely within an enclosed building.

(g) There shall be no outdoor display of vehicle components and parts, such as tires and lubricants,, materials, commodities for sale, supplies or equipment.

(h) Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle, except a tow truck, shall be permitted in a designated area for up to thirty (30) days. Such area shall be screened from public view in accordance with the screening requirements of **Section ??.**

(i) If the use includes vehicle painting, all applicable state and federal requirements shall be met.

Section 723. Automobile Repair, Light

The following regulations shall apply to all businesses providing light repair services for automobiles and light trucks:

(a) A building or structure shall be located at least fifty (50) feet from any side or rear lot line abutting a RR, R, or PD district.

(b) Equipment, including hydraulic hoists, pits, and lubrication, greasing, and other automobile repairing equipment shall be located entirely within an enclosed building. Outdoor storage or display of merchandise, such as tires, lubricants and other accessory equipment is not permitted.

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(c) All activities shall occur inside a building. No vehicle may be stored on the property for more than forty-eight (48) hours.

(d) Storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gas above ground shall not be permitted.

(e) There shall be a minimum lot frontage of 75 feet on an arterial or collector road.

Section 724. Bars and Nightclubs

Stand-alone bars or drinking places require a conditional use permit and shall comply with the following standards:

(a) **Generally**. Bars and nightclubs shall comply with applicable rules and regulations established in Chapter 4 – Alcoholic Beverages - of the Bryan County Code.

(b) **Graffiti Removal**. The owner or operator of the bar shall remove all graffiti from the walls, fences, pavement, buildings, or other structures associated with the bar within forty-eight (48) hours of discovery of its appearance on the property.

(c) **Litter Control**. Each day, the owner or operator of the bar shall collect all litter and trash originating from the bar and deposited on the site of the bar and public property within two hundred (200) feet of any boundary of the property upon which the bar is located. For failure to maintain a litter-free environment, the owner or operator may be required to locate permanent, non-flammable trash receptacles, sixty (60) gallons or less in size, at convenient locations, appropriately screened from view from the street, outside the use and in the use's parking area. The owner or operator of the bar shall remove all trash from these receptacles on a daily basis, or more frequently if needed to maintain a litter-free environment, and from the sidewalk and public right-of-way adjacent to the property upon which the bar is located.

Section 725. Bed and Breakfast Establishments

(a) **Types of Bed & Breakfast Establishments**.

(1) **Bed and Breakfast Home**: A private home of not more than four (4) guest rooms that offers bed and breakfast accommodations.

(2) **Bed and Breakfast Inn**: A private home of more than four (4) but not more than ten (10) guest rooms that offers bed and breakfast accommodations.

(b) **Performance Standards**. The following standards shall apply to bed & breakfast homes and bed & breakfast inns:

(1) A bed and breakfast home or in shall be the permanent residence of the owner or manager of the business.

(2) A bed and breakfast establishment shall be permitted only in a residential structure with a minimum gross living area of three thousand (3,000) square feet for Bed and Breakfast Home and four thousand (4,000) for a bed and Breakfast Inn.

(3) In any zoning district where these uses are allowed, establishment must be located on a lot with a minimum area of one acre.

(4) Food service shall be limited to the breakfast meal for a Bed and Breakfast Home, and shall be available only to guests and not to the general public. For a Bed and Breakfast Inn, food service may include breakfast, lunch and dinner, but shall only be available to guests

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(5) The price of breakfast shall be included in the room rate for Bed and Breakfast Homes and Inns.

(6) Signage shall be limited to a nameplate not to exceed two (2) square feet.

(7) In both types of establishments, a maximum of one permitted guestroom may be located in an existing detached structure on the same property provided the additional guestroom does not exceed the maximum number rooms permitted.

(8) To avoid a concentration of bed and breakfast establishments in any RR, R or PD district, no new bed and breakfast establishment shall be located within one thousand three hundred twenty (1,320 feet) of another pre-existing bed and breakfast establishment, measured along a straight line from property line to property line.

Section 726. Brew Pubs, Micro-Breweries, and Micro-Distilleries.

Brew pubs, microbreweries,, and micro-distilleries are allowed in the B-1 district with a conditional use permit and allowed in the B-2 district subject to compliance with State rules and regulations, approval by the Public Health Department, if applicable and the following regulations:

(a) Tap rooms and tasting rooms shall comply with the requirements for accessory bars in **Section 714.**

(b) The establishment shall not have a drive-through facility.

(c) Outdoor entertainment shall not be permitted on properties within 1,200 feet of a RR, R or PD district.

(d) All operations shall be conducted within a completely enclosed building, except for an outdoor seating and entertainment area associated with a tap room or food service. An outdoor seating area associated with a tap room or brew pub shall comply with the outdoor dining/seating requirements in **Section 709.**

(e) A tap room may offer food to patrons.

(f) At least 51% of the malt or brewed beverages offered for consumption or sale at a tap room must be produced on the premises or on real property immediately adjacent to the premises.

(g) No equipment or storage related to the operation of the preparation of malt or brewed beverages (specifically excluding chillers) may be located outside the principal structure.

Section 727. Campgrounds

(a) Areas for the temporary location of recreational vehicles, travel trailers, self-propelled campers, tents, and other temporary and movable overnight accommodations may be permitted by conditional use permit in A-5, WB, and DM-1 districts if the following conditions are met:

(1) The proposed site shall contain at least ten (10) acres of area, with at least five thousand five hundred (5,500) square feet of land for each trailer site and shall provide at least four thousand (4,000) square feet of area in each vehicle or trailer space, which shall have at least forty (40) feet of frontage on a paved access road at least twenty (20) feet in width leading to a public street. Every vehicle or trailer must be parked at least twenty (20) feet from any other vehicle or trailer.

(2) The site shall be served by water supply and waste disposal systems acceptable to the Department of Public Health and/or the County.

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(3) A fifty (50) foot wide buffer shall be provided in accordance with Section 629between areas used for the parking of trailers and any adjacent commercial or residential uses.

(b) Parking areas for trailers or recreational vehicles permitted under this section may not be used for the location of a trailer for more than thirty (30) days.

(c) The following services shall be provided:

(1) An adequate supply of potable water for drinking and domestic purposes shall be supplied by pipes to all buildings and trailer lots within the campground. Each lot shall be provided with a cold water tap. Waste from this supply shall be emptied into a drain connected to an approved disposal system.

(2) Toilet and other sanitary facilities shall be provided for males and females and shall either be in separate buildings or shall be separated, if in the same building, by soundproof walls; shall be marked with appropriate signs; and shall have doors at least eight (8) feet apart. Each toilet and each shower stall shall be in a private compartment or stall.

(3) Toilet facilities for males shall consist of not less than one (1) flush toilet, one (1) urinal, one (1) shower with a dressing compartment with at least nine (9) square feet, and one (1) lavatory for every ten (10) spaces or fraction thereof.

(4) Toilet facilities for females shall consist of not less than two (2) flush toilet, one (1) shower with a dressing compartment with at least nine (9) square feet and one (1) lavatory for every ten (10) spaces or fraction thereof.

(5) Suitable laundry facilities shall be provided.

(6) An adequate supply of hot and cold running water shall be provided for each shower, lavatory, and laundry.

(7) Service buildings housing the toilets and sanitary facilities shall be permanent structures complying with all applicable ordinance and statutes regulating buildings, electrical installation, and plumbing and sanitation systems and shall be located not closer than twenty (20) feet nor further than two hundred (200) feet from any campgroung site or space.

(8) All service buildings and the grounds of the campground shall be maintained by the licensee or designated agent and kept free of trash, wastes, standing water or any other condition that would menace the health of any occupant or the public or constitute a nuisance.

(9) Waste from showers, bathtubs, flush toilets, urinals, and lavatories in service and other buildings within the court shall be discharged into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant or septic tank system of such construction and in a manner approved by the Department of Public Health.

(d) Development in campgrounds must meet all other applicable regulations in this UDO.

Section 728. Freestanding Cemetery and Columbarium

In A-5, RR, B-1, B-2 and C-I districts, freestanding cemeteries and columbaria are permitted by conditional use permit and shall meet the following standards:

(a) A survey showing the boundaries of the cemetery and required access is provided by the applicant.

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(b) Cemetery plots, columbaria and other structures shall be located a minimum of fifty (50) feet from the property line of any residential use or district and twenty-five (25) feet from any commercial district.

(c) Driveways and parking areas shall be located a minimum of twenty (20) feet from the property line of any residential use or district and ten (10) feet from any commercial district.

(d) Cemeteries plots, columbaria and other structures on private property shall provide a public access easement from a public road or a private road that allows public access.

(e) Owner/operators shall comply with all state laws, including notification requirements for closing or abandoning cemeteries.

Section 729. Check Cashing, Short Term Loans, Pawn Shops and Precious Metals Buyers

Establishments that offer check-cashing, short-term loans, pawn shops or precious metals buyers, excluding FDIC insured banks or credit unions are limited to the B-2 district with a conditional use permit and shall meet the following criteria:

(a) The minimum distance between any two short-term loan, check cashing, pawn shop establishments, and businesses that purchase precious metals shall be 2,500 feet, measured in a straight line between the nearest property lines.

(b) All state regulations, particularly with respect to pawn shops and money-lending standards, shall be met.

(c) Short-term loan and check cashing establishments shall post their interest rate and fees for loans clearly near the entrance of the facility.

(d) Pawn shops shall comply with requirements of section 8-19, et seq of the County Code.

Section 730. Child and Adult Day Care Facilities

Day care centers, including child care learning facilities for more than six (6) children, child care learning centers, and adult day care facilities, but not including family child care learning homes addressed in Section 708, shall comply with the following requirements:

(a) All state health department regulations for adult or child care centers or kindergartens shall be met, as applicable.

(b) For persons over eighteen (18) years of age, there shall be an appropriately enclosed outside recreation area of not less than thirty (30) square feet per person enrolled; for persons eighteen (18) years of age or less, there shall be an appropriately enclosed outside recreation area of not less than seventy-five (75) square feet per person using the recreation area at any one time.

(c) Outdoor recreation areas shall be screened by a privacy fence or wall measuring six (6) feet in height.

(d) If an off-site recreation area is used, there shall be safe pedestrian access between a care center and the recreational area.

(e) As required by the County, the facility shall post applicable traffic control signs notifying drivers of children/adults in the area and install the necessary improvements to ensure safe movement of children in and out of the site.

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(f) The minimum area and frontage regulations in **Exhibit 730** shall apply in all districts except where the center is a part of a multi-household building or group of buildings or the applicable zoning district requires greater area or frontage.

Exhibit 730: Care Center Area and Frontage Requirements

Number of Persons Enrolled	Minimum Lot Area (sq.ft.)	Minimum Street Frontage (feet)
6 to 10	15,000	100
11 or more	43,560	150

(g) Setbacks for the facility shall comply with the applicable zoning regulations of the district in which the facility is located.

(h) Additional conditions may be imposed pursuant to the site plan review process when applicable.

Section 731. Drive-through Facilities

Drive-through uses are subject to the following standards:

(a) Traffic queues will not interfere with pedestrian movement along public sidewalks or create a traffic hazard.

(b) Use of the drive-through service will not interfere with the use, enjoyment or operations of adjacent properties.

(c) Drive-through lanes or loading spaces shall not be located any closer than fifty (50) feet to a residential zoning district.

(d) A six (6) foot tall solid faced brick, masonry or wooden wall or fence shall be provided along a property line abutting lots or parcels zoned residential to block lights from vehicles in the stacking lanes or drive-through facility. The Community Development Director may modify or waive this requirement during the site plan review process, if the applicant can demonstrate the site configuration and required buffers will attenuate any light incursion.

(e) Stacking Lane Requirements

(1) All uses and facilities providing drive-up or drive-through service shall provide the at least the minimum required vehicle stacking spaces established in **Exhibit 731**.

(2) Stacking spaces shall be a minimum of eight (8) feet wide by twenty (20) feet long.

(3) Stacking spaces shall not impede on-site or off-site traffic movements, including access to parking spaces.

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Exhibit 731: Minimum Stacking Space Requirements

Activity	Minimum Required Stacking Spaces	Measured From
Restaurant, drive-through	6	Order Box to Beginning of Drive Through Lane
Restaurant, drive-through	3	Order Box to Pick-up Window
Car wash stall, automatic	6	Stall Entrance
Car wash stall, self-service	2	Stall Entrance
Gasoline Pump Island	2	Pump Island
Other drive-through uses	3	Teller or Window

Section 732. Excavation and Mining

(a) Purpose

(b) Applicability

(c) Exemptions

(d) Excavation

(e) Buffering

(f) Application Requirements

(g) Site Design Requirements

(h) State and Federal Permits

(i) Renewal Requirements

(j) Transportation Requirements

(k) Water Quality and Quantity Requirements

(l) Monitoring Requirements

(m) Reclamation Requirements

(n) Surety Requirements

(o) Existing Mine Operations

(p) Post Mining Use of Land

(q) Enforcement/Violations

Section 733. Food Service, Mobile

All mobile food vehicles providing retail sales of food (food trucks, food trailers or food carts) shall comply with the regulations of this section. These regulations do not apply to "meals on wheels" program vehicles, ice cream trucks or food home delivery services.

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(a) **Districts Where Allowed.**

(1) Mobile food trucks and trailers for retail sales of food shall be limited to the B-1, B-2, C-I, I-1, and I-2 districts.

(2) Mobile food carts for retail sales of food shall be limited to the B-1, B-2, C-I, I-1 and I-2 districts. Food carts shall not be self-propelled or exceed four (4) feet in width by ten (10) feet in length or eight (8) feet in height.

(b) **Location Criteria**.

(1) Food trucks, trailers and carts shall be located a minimum distance of fifteen (15) feet from the edge of any driveway, utility box or vaults, handicap ramp, building entrance, exit or emergency access/exit, emergency call box or fire hydrant.

(2) Food trucks, trailers and carts shall not be located within any area of the lot or parcel that impedes, endangers, or interferes with pedestrian or vehicular traffic.

(3) Food trucks, trailers and carts shall not occupy any parking spaces required to fulfill the minimum requirements of the principal use, unless the principal use's hours of operation do not coincide with those of the food truck business. Nor shall any food truck occupy parking spaces that may be leased to another business and used to fulfill its minimum parking requirements.

(4) Food trucks, trailers and carts shall not occupy or limit access to any handicap accessible parking space.

(5) Food trucks, trailers, and carts may not be located in the public right-of-way.

(6) The County Administrator must approve mobile food vehicles located on County-owned property, whether the truck, trailer, or cart is associated with a temporary event, special event or an ongoing operation.

(c) **Mobile Food Service Operations**.

(1) No freestanding signage or audio amplification shall be permitted as part of the mobile food vehicle operations.

(2) No mobile food service operations shall make or cause to be made any unreasonable or excessive noise in violation of County Code.

(3) No mobile food service shall use flashing or moving lights as part of its operation.

(4) Outside of business hours, the vehicle shall not be stored on the site of its operations.

(5) When open for business, the food truck, trailer or cart operator, or his or her designee, must be present at all times, except in cases of an emergency.

(6) The food truck, trailer or cart vendor is responsible for the proper disposal of waste and trash associated with the operation. Vendors shall remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. The vendor shall keep all areas of the permitted lot free and clean of grease, trash, paper, cups, cans or other materials associated with the operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the County's sanitary sewer system.

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(7) All equipment required for the operation shall be contained within, attached to or within twenty (20) feet of the food truck, trailer or cart. All food preparation, storage, and sales-distribution shall be in compliance with all applicable County, State and Federal Health Department sanitary regulations.

(d) **Authorization**.

(1) A mobile food service operation shall be considered a temporary use, and the operator shall obtain a temporary use permit from the County.

(2) The application shall include a sketch showing the footprint of the mobile food vehicle and all related dining or food service appurtenances.

(3)

(4) The temporary application shall include authorization from the property owner for any lot or parcel proposed to accommodate a mobile food vehicle.

(5) Prior to issuance of the temporary use permit, the vendor shall provide evidence of all necessary permits authorizing the preparation and sales of food within the Bryan County, including the Department of Public Health.

(6) If at any time evidence is provided that the lot or parcel is being used other than in compliance with these regulations, the property owner may be cited for violation of this zoning ordinance.

(7) Copies of the temporary use permit and all other applicable permits shall be kept in the food truck, trailer or cart at all times.

Section 734. Funeral Homes and Mortuaries

Funeral homes and mortuaries shall be subject to the following requirements:

(a) A minimum lot size of two (2) acres shall be required.

(b) An off-street vehicle assembly/staging area shall be provided for funeral processions and activities in addition to the required off-street parking and maneuvering area.

(c) No waiting lines of vehicles shall extend off site or onto adjacent public streets.

Section 735. Group Homes

This section applies to group homes, including adult congregate living facilities with six (6) or fewer residents. The intent of the provisions for group homes is to promote residential care opportunities for those individuals that have had difficulty in obtaining adequate housing.. It is not the County's intent to suppress and the County will make reasonable efforts to accommodate housing that is protected under the Federal Fair Housing Act. Group homes do not include accommodations for pre-release and post-release individuals who have been incarcerated.

(a) Any applicable State and Department of Public Health rules and regulations for community living arrangements shall be met.

(b) For residents over eighteen (18) years of age, there shall be an appropriately enclosed outside recreation area of not less than thirty (30) square feet per resident enrolled; for residents eighteen (18) years of age or less, there shall be an appropriately enclosed outside recreation area of not less than seventy-five (75) square feet per person using the facility at any one time.

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(c) The movement of traffic through the street on which the facility is located shall be capable of being controlled to the degree necessary to allow ingress and egress.

(d) The outdoor recreation areas shall be screened by an opaque fence or wall measuring six (6) feet in height.

(e) Setbacks for the facility shall comply with the applicable district regulations.

(f) Minimum off-street parking and loading space requirements shall be provided as follows:

(1) A minimum of two (2) parking spaces is required for each group home; plus

(2) One (1) parking space for every eight (8) residents, or one (1) for every resident with a car, which is greater; and

(3) One (1) parking space for every three (3) staff members. [discuss: parking regs x-ref this section]

Section 736. Institutional Care Facilities and Retirement Housing Services

This section applies to Institutional Care Facilities, which include transitional residential facilities (e.g., shelters, halfway houses, and transitional housing), community residential home, and residential care facilities, as defined and licensed by the State of Georgia,; and 2) Retirement Housing Services, which include long term care facilities (e.g., skilled nursing home, independent living facility, personal care home, continuing care retirement community, or assisted living center). Institutional Care Facilities and Retirement Housing Services are subject to the following regulations and applicable zoning district standards:

(a) Facilities shall meet all requirements of federal, state and other public agencies.

(b) The proposed site shall have direct access to at least one (1) collector or higher function road but shall not be located on a heavily traveled arterial or freeway unless substantial screening is provided along such heavily traveled road. In general, road access must be adequate for the traffic expected to be generated by the proposed development.

(c) The minimum area and frontage regulations in **Exhibit 737** shall apply in all districts except where the center is a part of a multi-household building or group of buildings

Exhibit 737: Institutional Care Facilities and Retirement Housing Services Area and Frontage Requirements

Number of Persons Enrolled	Minimum Lot Area (sq.ft.)	Minimum Street Frontage (feet)
4 to 10	15,000	150
11 to 25	43,560	200
More than 25	1 acre plus 500 sq.ft for each resident in excess of 25	400

(d) The design of the facility must be such that no sounds, smells or any other noxious emissions from such activities as kitchens or loading areas will become a nuisance to the community.

(e) Setback, screening, buffering and other requirements shall be established in conjunction with conditional use permit or site plan approval.

Section 737. Manufactured Home Parks

In addition to the applicable R-MH district standards, the following standards shall apply in the RMH district:

(a) **Incidental Sales**. The incidental sale of used manufactured homes shall be permitted within the boundaries of a manufactured home park, subject to the following conditions:

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(1) **Allowable number**. The number of manufactured homes for sale at any one time shall not exceed five percent of the total number of approved manufactured home spaces in any manufactured home park. However, if there are less than twenty (20) manufactured home spaces, only one 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 home park and subject to the same setbacks and yard requirements as occupied manufactured homes.

(b) **Maintenance**. There shall be no renovating, overhauling, or repairing to manufactured homes offered for sale within a manufactured home park. However, customary maintenance shall be permitted, such as would be allowed for an occupant while living in a manufactured home.

(c) **Perimeter Buffers Required**. Along all perimeter property lines of a manufactured home park, the operator shall provide and maintain buffers in accordance with **Exhibit 737** and **Section 629**. Entrance roads to manufactured home parks may traverse the required buffers. Buffer requirements do not apply to roads constructed within a manufactured home park, except where such roads intersect with a required buffer abutting another road or property line.

Exhibit 737b: Minimum Widths of Manufactured Home Park Buffers

Location	Minimum Width
Width abutting arterial roads	70 feet
Width abutting collector roads	50 feet
Width abutting all other roads	30 feet
Width abutting all property lines other than roads	25 feet

(d) **Compliance with Subdivision Design Standards**. In addition to complying with the requirements of this Article, except as modified herein, all manufactured home parks must comply with all applicable road and public utility standards.

(e) **Minimum Dimensional Requirements for Manufactured Housing Spaces**. The boundaries of all manufactured housing spaces must be shown on the manufactured home park plan and identifiable after construction of the manufactured home park. Each manufactured home must have a minimum 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 home park shall be 25 feet. All manufactured housing spaces must meet the minimum size requirements of the Public Health Department, however, in no case shall any manufactured housing space be less than 5,280 square feet.

(f) **Approval of Manufactured home park District**. No rezoning to a manufactured home park district may be considered and no manufactured home park may be developed, expanded, or occupied until all the requirements set forth herein have been met and a manufactured home park plan is approved by the Board of Commissioners. An application and all accompanying plans and supporting data required both by this section and article VI shall be filed with the Community Development Director in accordance with article VI. The manufactured home park plan must be submitted with a rezoning application. A parking plan shall include the following:

(1) Property boundaries;

(2) Access roads;

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(3) Interior manufactured home space layout including internal streets;

(4) Required and/or proposed buffers;

(5) Minimum exterior setbacks;

(6) Location of parking spaces;

(7) Lighting plan;

(8) Gross density;

(9) Open space;

(10) Location of trash pickup areas;

(11) Proposed utility connections; and

(12) Amenities.

(g) **Public Hearings – Park Plans**. No public hearings are required to approve an amended park plan established prior to the adoption of this UDO. If an existing manufactured home park seeks to expand and a park plan has not been previously approved, the owner shall submit a park plan in compliance with these standards for the existing park and expansion area and go through the required public hearing process.

(h) **Access***.* All manufactured home spaces must abut an interior road which has direct access to a public road and must comply with all access and entrance requirements of **Section XX**.

(i) **Off-drive Parking***.* Each manufactured home space shall be provided with at least two (2) off-road parking spaces located on or adjacent to the manufactured home space. In addition, one off-road parking space for each four manufactured home spaces in the manufactured home park for visitor parking must be provided. Off-road parking spaces shall not be considered a part of any manufactured home space which meets only the minimum required lot area. No vehicle parking will be allowed in other than the specified parking areas.

(j) **Additional Conditions***.* In approving a manufactured home park, the Board of Commissioners may attach additional conditions to protect both the occupants of the manufactured home park and the occupants of surrounding property, and to further the purposes of this UDO.

(k) **Minimum Requirements for Manufactured Homes**. No manufactured home shall be placed in a manufactured home park unless it is constructed to the Federal Manufactured Home Construction and Safety Standards Act of 1974, as amended, 42 USC §5401 et seq., and is in compliance with the building code.

(l) **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.

(m) **Refuse Collection Facilities**. Disposal of solid waste within a manufacture housing park shall be in compliance with all federal, state, and local laws and regulations.

(n) **Service, Administrative, and Other Buildings**.

(1) Within a manufactured home 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.

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(2) No building shall be located closer than thirty (30) feet to any manufactured home space.

(o) **Fire Protection**. All manufactured home parks shall comply with all fire and life safety codes, as adopted by the County. Manufactured home parks may be inspected by the local fire marshal to ensure compliance.

(p) **Management.** The owner of a manufactured home park shall ensure that the manufactured home park, its facilities, equipment, grounds, roads, buffers, fences, manufactured home 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.

(q) **Required Records**. The owner of a manufactured home park shall maintain the following records relating to the manufactured home 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.

(r) **Occupancy Permit**. No manufactured home shall be permanently placed within a manufactured home park until all provisions of this UDO and other applicable laws, codes or regulations have been complied with and a certificate of occupancy is issued by the Building Official.

(s) **Underground Utilities**. All utilities shall be under ground.

Section 738. Religious Institutions

Religious institutions having seating or occupancy for more than 100 people shall have direct access to a collector or arterial road.

Section 739. Self-Storage Facilities

(a) All ingress and egress from the site shall be directly onto an arterial or collector street.

(b) Storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined in the fire prevention code, or toxic materials, shall not be permitted within the self-storage buildings or upon the premises. However, storage of recreational vehicles containing fuel and other automotive fluids is permitted.

(c) The use of the premises shall be limited to storage of personal and business items, except as otherwise provided, and shall not be used for operating any other business, maintaining or repairing vehicles or for any recreational activity or hobby.

(d) Limited retail sales of products and supplies incidental to the principal use, such as packing materials, packing labels, tape, rope, protective covers, locks and chains shall be permitted within a central office.

(e) The entire site shall be fenced, in accordance with the requirements of **Section XX**. Fences within front yards and any side yards adjacent to residential zoned property shall be wrought iron or a similar decorative type. Chain-link, or similar style fences, are prohibited in these areas.

(f) A security manager may be permitted to reside on the premises. A minimum of two (2) parking spaces shall be provided for the dwelling unit in addition to other required parking.

(g) Minimum separation between self-storage buildings shall be twenty-four (24) feet.

(h) Internal drive aisles shall be at least twenty-four (24) feet wide.

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(i) Building design and materials shall be comply with the provisions of Section 805 If located adjacent to a RR or R zoning district, the front office building, or office portion of the building, shall reflect a residential character in architectural design.

(j) Buffering shall comply with the provisions of **Section 629**.

Section 740. Shooting Ranges

(a) Outdoor shooting ranges, including archery ranges may be permitted in A-5 districts by conditional use permit.

(1) Backstops.

(2) Hours of operation.

(3) Minimum distance from property line.

(4) Lighting.

(5) Buffering

(b) Indoor shooting ranges, including archery ranges may be permitted in B-2 districts by conditional use permit, provided the following conditions are met:

(1) Building plans certified by a design professional are required. Plans shall include backstops, ventilation, bullet traps, bullet resistant material between each firing lane, lead abatement and noise buffering to meet or exceed all applicable State and Federal laws and regulations.

(2) The operator shall cause a qualified design professional to perform annual inspections to verify continued compliance with all applicable design standards and safety procedures, a report of which shall be filed with the Building Official.

Section 741. Solar Energy System (SES)

(a) **Generally.** Solar Energy Systems (SES), also referred to as power generation facilities or solar farms, may be a primary or accessory use and shall comply with the following:

(1) The SES has a minimum of 25 acres, unless it is an accessory use;

(2) The SES property boundary is within two miles of an existing electrical transmission line if the SES is for commercial purposes; and

(3) A conceptual plan is submitted with the application demonstrating the SES will meet the design and development standards of this UDO.

(b) **Development Agreement**. The County Commissioners may require, at its sole discretion, a development agreement between the County and developers for properties developed as a SES or utilizing solar energy systems as a prerequisite to site plan approval.

(c) **Design and Development Standards**. The establishment and operation of a solar farm shall comply with the following specific design and development standards:

(1) Buffers are required as identified in **Exhibit 741**. This buffer is separate and distinct from the buffering requirements identified in Article VI. Only the following activities shall be permitted within the landscaped buffer:

a. Vehicular access drives which tie into approved access points as determined by GDOT and/or the County;

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b. Landscaping and landscaping fixtures;

c. Lighting;

d. Fencing; and

e. Signage

(2) Landscaping/Screening Requirements: In addition to buffering, screening shall be required by providing landscape within the buffer which achieves a full screening of all proposed site improvements with a minimum height of ten feet within three years. The intent is to provide sufficient screening, through a combination of buffers, fencing, landscaping, and/or landscaped berms to obscure the solar equipment from exterior view from adjoining property owners and public right of ways.

(3) A visually opaque screen shall be provided for any adjacent property that is zoned RR, R or PD, has an existing residential use, and/or has been subdivided to five acres or less. An opaque screen is intended to exclude a visual contact with the solar equipment from any protected property, public street or public right of way. An opaque screen may be composed of a wall, fence, building, landscaping, landscaped berm, or combination thereof. Natural areas as detailed below may also be used to meet screening requirements.

(4) Natural areas are comprised of existing vegetated area located on the same property as the SES; and is within or includes the required buffer; and is of sufficient height, length, and depth and contains adequate and sufficient healthy vegetation to provide a visually opaque screen where required. The Community Development Director may determine that further screening improvements shall not be required.

(5) The setbacks for solar equipment associated with the solar energy system shall be 25 feet larger than the applicable bufferyard to allow for an access road around the perimeter of the property.

(6) A security fence shall be required at least six feet in height to secure the solar equipment unless a taller fence is needed in order to obscure the solar equipment from exterior view. The fence may be on top of the berm in order to achieve this goal. A chain link fence shall not be allowed unless it is screened from exterior view from adjoining property owners and public rights-of-way; screening may include plantings to create a "living fence", or to obscure the view of the fence. Breaks in fencing may be allowed or required by board of commissioners to facilitate wildlife needs where natural features provide appropriate barriers to access by humans for security and safety purposes.

(7) The SES shall not exceed ten (10) feet in height, as measured from the ground to the foremost/tip end of the solar collector, provided there is a demonstration that the screening prevents the system from being visible from the exterior of the property. Ancillary non solar collector structures, such as inverters, transformers, etc., may be taller than ten feet in height, provided that such are not visible from the exterior of the property.

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Exhibit 741: SES Buffer Requirements

Existing Use of Adjacent Properties					
Agricultural	Single Family	All Other Residential Uses	Office / Institutional	Commercial / Industrial	Street
50'	200'[1]	200'[1]	50'	25'	100'[2]

[1]Single Family Dwelling and all other residential use buffers may, at the board of commissioners' discretion, be increased, or reduced with an approved berm and /or landscaping and screening plan, which will screen the SES equipment from being seen from the exterior of the property.
[2]Street buffer may, at the board of commissioners' discretion, be reduced to 50 feet with an approved berm and/or landscaping and screening plan, which will screen the SES equipment from being seen from the exterior of the property.

(d) **General Requirements**. SES shall also comply with the following general site and development standards:

(1) Solar collectors shall be designed with anti-reflective coating to minimize glare. Mirrors are prohibited.

(2) On-site electrical interconnections and powerlines shall be installed underground to the extent feasible. Existing above ground utility lines shall be allowed to remain in their current location.

(3) A warning sign concerning voltage must be placed at the main gate that states the address of the site, the name of the SES operator, and a local phone number in the case of an emergency.

(4) Access to the site must be controlled by a six-foot wooden fence or gate, if the fencing is visible from the exterior of the property. If the fencing/gate is within the interior 25 percent of the buffer, or is not visible from the exterior or the property, chain link gate and fencing may be used.

(5) Entrance roadway should include a dog leg or meander to obscure vision from the roadway.

(6) If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.

(7) Adequate provisions to reduce average/constant noise levels at the property boundary, not to exceed 50dBA at the property line, except during construction.

(8) A solar collection device or combination of devices are to be designed and located to avoid directing glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.

(e) **Site Restoration/Stabilization.** Unless otherwise agreed by the Board of Commissioners in its concept plan or development agreement approval process, the applicant shall submit a ten percent site restoration/stabilization guarantee in the form of a bond, irrevocable letter of credit, or other financial security acceptable to the County prior to issuance of the development permit. The site restoration/stabilization guarantee shall insure satisfactory grading, seeding, and stabilization of the site in case of default by the applicant and/or if the applicant does not install the required site improvements in a timely fashion as determined by the Engineering Director, including the costs of landscaping, screening, and or fencing for the site or such portion thereof being permitted. The developer shall provide the County with an itemized engineer's cost estimate of the approved site improvements. The site restoration guarantee may be refunded upon issuance of the certificate of project close-out for the site stabilization and improvements.

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(f) **Decommissioning**. Unless otherwise agreed by the board of commissioners in its concept plan or development agreement approval process, the applicant must provide a decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) that describes the anticipated life of the SES, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated timeline and manner in which the SES project will be decommissioned and the site restored to its condition prior to the development of the SES or such other conditions approved in the concept plan or required in a development agreement. If the property has been timbered within two years of conditional approval, original condition means replanted with timber. Decommissioning will be required following a continuous period of 12 months in which no electricity is generated by the facility other than for mechanical, repair, replacement and/or maintenance purposes. The permit holder will have 12 months to complete decommissioning of the SES. Decommissioning shall include removal of solar panels, foundations, structures, cabling, electrical components, conduit, and any other associated facilities as described in the commissioning plan.

(g) **Performance Guarantee**. Prior to issuance of development permit, the applicant must provide the County with a performance guarantee in the form of a bond, irrevocable letter of credit and agreement, or other financial security acceptable to the County in the amount of 125 percent of the estimated decommission cost minus the salvageable value, or $50,000, whichever is greater. Estimates shall be determined by an engineer licensed to practice in Georgia.

(h) **Updated Engineer's Cost Estimate**. Every five (5) years a new engineer's cost estimate of probable cost of decommissioning shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the County shall be adjusted upward or downward as necessary.

Section 742. Special Events and Temporary Uses

(a) **Special Events**. Special events may be approved by the Community Development Director pursuant to Section 425 and the following requirements:

(1) Carnival or circus may be approved for a period not to exceed four (4) weeks.

(2) Religious meetings in a tent or other temporary structure, may be approved for a period not to exceed forty (40) days, except in RR-1, R-15, R-M, R-MH or PD districts, the meeting period may not be longer than ten (10) days.

(3) Restaurants requesting outdoor live entertainment with amplification may be approved for a period not exceeding three months. The restaurant owner may request additional special event permits within a calendar year, but collectively, outdoor entertainment shall not exceed six months in a calendar year. In approving the request for a special event permit, the Community Development Director may include conditions reasonably necessary to limit noise and light impacts to surrounding property owners, address any increases in traffic and demand for parking.

(4) For other special events, the Community Development Director may include conditions of approval reasonably necessary to protect the public health, safety and welfare.

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(b) **Temporary Uses, Generally.**

(1) If the applicant is not the owner of the property, the applicant shall provide written permission of the owner of the property to allow such an event prior to beginning such temporary use.

(2) A minimum of one (1) parking space shall be provided for each 800 square feet of gross lot area used for the activity (not including storage areas) plus additional parking space for any structure utilized for retail sales computed in accordance with the parking requirements for retail stores.

(3) All equipment, materials, goods, poles, wires, signs, and other items associated with the temporary use shall be removed from the premises within two (2) days of the end of the event.

(4) The length of a temporary use shall not exceed seven (7) consecutive days or ten days cumulative in a six (6) month period, unless otherwise specified.

(5) Temporary uses may be allowed on any lot with a permitted principal building.

(6) Temporary uses may be allowed on a vacant lot when providing the minimum setback for all buildings, structures, and parking required for the appropriate zoning district.

(7) In no case shall the setbacks for any buildings, structures or parking be less than ten (10) feet.

(8) The temporary use must not prevent the continued use of sidewalks, rights-of-way, fire lanes, etc.

(c) **Construction trailer/Sales office.** Construction trailers and sales offices are permitted provided:

(1) Only one construction trailer is allowed per developer/builder, except the maximum number of construction trailers in a development shall not exceed four;

(2) Only one trailer may be used for sales per development;

(3) The trailer shall be located within the project boundary;

(4) If the property has been subdivided, the trailer shall be located on a lot of record and meet applicable setbacks for the district;

(5) The applicant shall be responsible for providing or obtaining an address from 911 for the trailer; and

(6) The construction trailer/sales office is not subject to the time limits identified (b)(4) above, but removal of the trailer shall comply with the provisions of **Section XX**.

(d) **Farmer's markets**. The Community Development Director may extend the time period for the temporary use permit so that a separate permit is not required for each event within any one (1) calendar year, provided, the number of dates and a schedule shall be established at the time of application and all conditions and requirements of the Community Development Director shall remain in force.

(e) **Temporary Sale of Consumer Fireworks**.

(1) Temporary structures for the sale of fireworks must be located within 1,000 feet of a fire hydrant or a fire department connection of a building, unless the the Bryan County Fire Chief gives permission in writing stating otherwise.

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(2) The duration of a temporary consumer fireworks retail sales facility shall initiate upon approval and terminate within ninety (90) days after initiation.

(f) **Holiday Sales.** Open lot sales of holiday goods, such as Christmas trees, pumpkins, etc., may be approved by the Community Development Director for a period not to exceed forty-five (45) days.

Section 743. Swimming Pools

(a) Swimming pools and above grade decks, including those in residential amenity areas, situated on a lot in a A-5, RR or R district 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 ensure the pool is enclosed and secure at all times.

(b) For all other swimming pools, their contiguous decking and accessory structures shall not be closer than 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.

Section 744. Telecommunications Facilities

Telecommunications facilities shall comply with Chapter 113 of the Bryan County Code.

Section 745. Temporary Buildings and Structures

Temporary principal or accessory buildings and structures may be permitted, subject to approval by the Community Development Director pursuant to **Section 425** and subject to the following conditions:

(a) Temporary buildings and structures may be used for the storage of construction materials, tools, supplies and equipment, for special events/temporary events (weddings, religious events, seasonal sales), and for temporary on-site sanitation, solid waste, or fuel facilities, related to construction activity on the same lot. The Community Development Director may approve other uses provided the applicant can demonstrate public health, safety, and welfare will not be negatively impacted.

(b) Tents encompassing one hundred and twenty (120) square feet or more of floor area , permit a gathering of ten or more persons or require a building permit under the Building Code shall be considered temporary structures and subject to all building and life safety codes.

(c) No temporary building or structure shall be used for dwelling purposes.

(d) Shipping containers are not considered temporary structures or buildings and may not be used for any use that would involve either occupancy by an employee or member of the public.

(e) Temporary buildings and structures shall be removed from the lot

(1) Within fifteen (15) days after an occupancy permit is issued by the Community Development Director for the permanent structure on such lot:

(2) Within fifteen (15) days after the expiration of a building permit issued for construction on such lot.

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(3) When used for a major subdivision, after ninety (90) percent of the lots have been sold for development;

(4) Within three days of completion of the temporary or special event; or

(5) As provided for in the special event/temporary use permit.

(f) Temporary buildings and structures must be identified on the temporary use or special event application identified in Section. The Community Development Director shall determine if separate building permit is required.

Section 746. Truck Stops

(a) **Applicability**. The standards of this section apply to all truck stops and travel plazas in addition to other applicable provisions of this UDO.

(b) **Minimum Parcel Area and Road Frontage**. The minimum parcel area for establishment of a new truck stop or travel plaza is ten (10) acres with at least two hundred (200) feet of direct road frontage on a major collector or arterial road.

(c) **Location**. The parcel on which the truck stop/travel plaza is located must be within 2,000 feet of the centerline of the nearest interstate highway exit/entry ramp.

(d) **Parking and Fueling Stations**. Fueling areas for automobiles and fueling areas for trucks must be separated. Pump island canopies may not exceed twenty-two (22) feet in height.

(e) **Operations**.

(1) All activities and operations shall be conducted entirely within an enclosed structure, except as follows:

a. The dispensing of petroleum products, water and air from pump islands.

b. The provision of emergency service of a minor nature.

(2) No vehicle shall be parked on the premises for the purposes of offering the vehicle for sale and no used or discarded automotive parts or equipment or disabled, junked, or wrecked vehicles shall be located in any open area.

(f) **Noise**. If the parcel on which the truck stop/travel plaza is located is within 1,320 feet of an RR, R or PD zoning district, the applicant must provide a noise impact study prepared by a qualified acoustical consultant and must propose necessary mitigation measures to ensure that noise levels at the boundary of the nearest RR, R or PD zoning districts will not exceed 60 dB (A) between the hours of 10 p.m. and 7 a.m. The applicant must also propose idling time restrictions and means of ensuring compliance with such restrictions. The purpose of such restrictions is to reduce noise and air quality-related impacts. Noise from bells or loudspeakers shall not be audible beyond the property line at any time.

(g) **Overnight Parking**. Overnight parking is not allowed unless electrified parking spaces (EPS), also known as truck stop electrification, is installed for each overnight space to allow truck drivers to provide power to necessary systems, such as heating, air conditioning, or appliances, without idling the engine.

(h) **Parking.** All parking areas must be paved and fully comply with current Bryan County landscaping and storm water management requirements. A parking lot separated from the truck fueling/parking area must be provided for employees and passenger vehicles utilizing the facility.

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(i) **Adult Uses**. No adult uses activities as defined by this UDO are permitted.

(j) **Security**. The truck stop/travel plaza must be designed with adequate lighting, fencing, security cameras, access control, signs, etc. to mitigate the potential for crime.

(k) **Additional Requirements**. The Community Development Director may require design changes or additional landscaping, screening, and berms as necessary to minimize the visual and noise impact of the truck stop or travel plaza on adjacent properties.

Section 747. Vehicle Sales

This standard applies to automobile, trailer, truck, farm equipment, heavy equipment, manufactured home, boat, recreational vehicle or motorcycle sales shall comply with the following supplemental regulations:

(a) The minimum lot size shall be one (1) acre with a minimum lot width of 200 feet.

(b) Signs shall conform to the requirements of **Article VI.Division 7**.

(c) Temporary or portable structures are not permitted.

(d) Outdoor displays shall conform to the following:

(1) Vehicles, for sale or otherwise, shall be parked on approved paved surfaces.

(2) Vehicle display areas shall not be located within any required streetyard or buffer area, as specified in **Article VI.Division 4**, and shall be outside of public rights-of-way.

(3) Vehicle display or storage shall not be allowed in areas required for visitor, employee or service parking.

(e) All other merchandise available for sale, including, but not limited to, clothing, accessories, tires, collectibles etc. shall be sold and displayed within an enclosed building.

(f) All service work, including vehicle washing, repair and general maintenance, shall be conducted entirely within an enclosed building.

(g) Audible paging systems or outdoor speakers are not permitted.

(h) The use of spotlights is prohibited.

(i) If the lot will be lighted at night, the property owner shall submit a lighting plan, including photometric details, with the site plan application.

Section 748. Vehicle Washing Facilities

The following regulations shall apply to all vehicle washing facilities, whether as a principal or accessory use:

(a) All washing activities other than drying of vehicles must occur inside a building.

(b) Required stacking spaces for waiting vehicles shall not be located within a public or private right-of-way and shall not conflict with maneuvering areas, parking spaces and other activities. Stacking lanes shall be designed to prevent vehicle queues from extending beyond the property.

(c) Wastewater must be recycled, filtered or otherwise cleansed to minimize discharge of soap, wax and solid matter into public sewers.

(d) For automated drive-through wash facilities, a by-pass lane is required that allows by-passing waiting vehicles.

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(e) Overhead doors shall not face a street, except as approved by the Community Development Director in these circumstances:

(1) When the doors of a through-garage are located at the front and rear of a building; or

(2) When a garage is located on a corner or through lot; or

(3) When determined that a rear garage door would negatively affect an abutting residential use or district.

(f) A vehicle wash facility building and any accessory buildings and uses, including vacuums, shall be located at least 100 feet from a street right-of-way line and any RR, R, or PD district boundary.

(g) The property owner or operator must comply with all nuisance regulations. Air handling equipment shall be located on a roof, be equipped with intervening noise reduction baffles and be in proper working condition.

Section 749. Wrecking, Salvage, and Junk Yards

Wrecking, salvage, and junk yards are subject to the following requirements:

(a) No yards shall be permitted closer than five hundred (500) feet to any RR-1, R-15, R-M or R-MH zoning districts as measured between the nearest property lines.

(b) All 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 materials shall be stacked higher than the screen fence or wall.

(d) There shall be no temporary or permanent storage at a yard of vehicles or junk outside the fence or wall required by paragraph (b) of this section.

Sections 750-799 Reserved

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