Chapter 59 LAND USE REGULATIONS[1]

ARTICLE I. PREAMBLE AND ENACTMENT CLAUSE

Pursuant to the authority conferred by the 1983 Georgia State Constitution, Article IX, Section II, Paragraph IV, and for the purpose of promoting health, safety, convenience, order, prosperity and general welfare of the present and future inhabitants of Stephens County, including among other purposes:

(1) Promoting (a) classification of land uses, (b) distribution of land uses, and (c) land development and land utilization, as will tend to protect and promote desirable living conditions and the sustained stability of neighborhoods;

(2) Preventing incompatible uses;

(3) Conserving and protecting the county's precious natural resources, while encouraging the efficient management of their uses;

(4) Preserving buildings, structures and uses in areas having national, regional, state or local historic or environmental significance;

(5) Protecting rural character, farm land and open space;

(6) The lessening of congestion on the streets;

(7) Protecting property against blight and depreciation;

(8) Maintaining the value of buildings;

(9) Facilitating the adequate provision of transportation, water, sewerage service, schools, parks, and other public requirements;

(10) Improving the aesthetic appearance of the county;

(11) Securing safety from flood, fire, panic and other dangers;

(12) Promoting health and general welfare;

(13) Providing plentiful light and clean air;

(14) Securing economy in governmental expenditures; and

(15) Encouraging the most appropriate use of land and structures throughout Stephens County.

[1]Editor's note(s)—Printed herein are the land use regulations for the county, which derive from an ordinance adopted March 11, 2014. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

All in accordance with [the] official zoning map of the comprehensive plan for the development and conservation of Stephens County, the county commission does hereby ordain and enact into law the following articles and sections. Any reference herein to maps or zoning maps shall mean the official zoning map.

ARTICLE II. SHORT TITLE AND DEFINITIONS

Sec. 59-200. Short title.

These regulations shall be known and may be cited as the "Stephens County Land Use Regulation Ordinance."

Sec. 59-201. Definitions.

(a) *Words given customary meanings.* For the purpose of interpreting this chapter, certain words or terms are herein defined. All other words used in this chapter shall carry their customary meaning.

(b) *Interpretation of certain terms and words.*

(1) Words used in the present tense include the future tense.

(2) Words used in the singular number include the plural, and words used in the plural include the singular.

(3) The word "person" includes a firm, copartnership or corporation.

(4) The word "lot" includes the words "plot" and "parcel" and "tract."

(5) The word "building" includes the word "structure."

(6) The word "shall" is always mandatory, and not merely directory.

(7) The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied.

(c) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accessory building. A building that is used for another purpose other than the purpose of the principal building on a lot.

Antique shop. Any business that sells, at retail, merchandise which is at least 50 years old where such merchandise reflects the architectural, design, or construction aesthetic of a particular historical period, person, or geographical area as distinguished from used retail merchandise, used automobiles, junk or other articles that would otherwise be sold at specialty shops, flea markets, bazaars or variety shops as defined herein. In any antique shop as defined herein, new or reproduction goods, which have been made to resemble antiques, shall not make up more than 25 percent of the business's inventory.

Basement. A story partly underground but having at least one-half of its height above the average level of the adjoining ground.

Bazaars. Any meeting place, either temporary or permanent, where retail or wholesale business is conducted in junk as defined herein, used merchandise, used merchandise or junk sold on consignment, and/or new merchandise.

Board of commissioners. The duly elected Governing Authority of Stephens County, Georgia also known as county commissioners.

Boundary line. A line that indicates or delineates a boundary between properties, districts or other land areas. The term boundary line is synonymous herein with lot line and property line.

Boardinghouse. Any dwelling in which more than two persons are lodged on a continuous basis and served meals for compensation.

Building. Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or chattels.

Building, accessory. A building subordinate in nature, extent or purposes to the principal building on a lot, and used for purposes customarily incidental to those of the principal building.

Building, alteration of. Any change or rearrangement in the supporting members (such as bearing walls, beams, columns or girders) of a building, any addition to a building, or movement of a building from one location to another.

Building, front line of. A line parallel to the street, intersecting the foremost point of the building, excluding steps.

Building, principal. A building in which is conducted the main use of the lot on which the building is located.

Cellar. A story partly underground and having more than one-half of its height below the average level of the adjoining ground.

Clinic. A building used by a group of doctors or dentists for the medical examination or treatment of persons on an outpatient, or nonboarding basis only.

Club. A building owned, leased or hired by a nonprofit association of persons, who are bona fide members paying dues, the use of which is restricted to those members and their guests. The serving and selling of food and alcoholic beverages may be permitted, providing that adequate kitchen facilities are available and that any sales are in accordance with federal, state and municipal laws.

Collector street. A collector street is a street that functions as a feeder from a region of limited traffic to a major highway or street. These streets are designed to give access to residential areas. Collector streets can either be major streets or minor streets.

Commercial nursery. A place where young trees or other plants are raised for transplanting, for sale, or for experimental study or for other purposes and done, or acting with the chief emphasis on salability or profit.

Condominium. A type of joint ownership applying to buildings (usually apartment buildings) in which dwelling units or enclosed spaces are individually owned, each owner receiving a recordable deed enabling him to sell, mortgage, exchange, etc., his enclosed area or apartment independently of owners of other areas or apartments; and further applying to an undivided interest in common areas and facilities.

Crematorium. A furnace or establishment for the incineration of corpses and where cremations are done.

Curb break. Any interruption, or break, in the line of a street curb in order to connect a driveway to a street, or otherwise to provide vehicular access to abutting property.

Dwelling. A building, or portion thereof, designed, arranged or used mainly for residential occupancy, but not including trailers, mobile homes or recreation vehicles.

Dwelling, one-family. A building designed, arranged or used exclusively for occupancy by one family.

Dwelling, one-family attached. Any dwelling in a structure which consists entirely of dwellings each of which is attached to one or more other dwellings, has its own separate entrance from the exterior of the building, and has an adjacent ground level outdoor area for the exclusive use of its occupants.

Dwelling, multifamily. A residential building designed, arranged or used for occupancy by three or more families living independently of each other.

Dwelling, two-family. A building designed, arranged or used for occupancy by two families living independently of each other.

Dwelling unit. A dwelling, or portion thereof, providing complete living facilities for one family.

Family. One or more persons related by blood, adoption or marriage, living and cooking together as a single nonprofit housekeeping unit, exclusive of household servants. A number of persons but not exceeding three living and cooking together as a single nonprofit housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.

Farm animal. Any animals kept for use or profit, including but not limited to, cattle, horses, swine/pigs, poultry, llamas, rabbits, mink, alpaca, goats, sheep, donkeys, ducks, bison, buffalo, emu, geese, honey bees, turkey, yak, mules.

Feed lot. A type of animal feeding operation used in intensive animal farming in which animals are kept in close proximity with the goal of growing and/or fattening the animals until they reach slaughter weight.

Flea market. Any retail or wholesale business which buys, sells, exchanges, or accepts for sale on consignment junk, as defined herein, or used merchandise less than 50 years old.

Floodplain. An area identified by the U.S. Army Corps of Engineers or other surveying agencies as subject to flooding once every 100 years and necessary for the flow of floodwaters.

Floor area. The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches and balconies, garages, basements and cellars, measured from the exterior faces of the exterior walls or from the centerlines of walls or partitions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerlines of walls or partitions separating those uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to those uses.

Frontage. The length of the front lot line.

Garage. An accessory building or portion of a principal building used for vehicular storage only, and having a capacity adequate to accommodate the automobiles or light trucks owned and registered in the name of the occupants of the principal building.

Gasoline service station. Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, dry cleaning or otherwise serving motor vehicles. However, major mechanical or body repair, customarily known as a repair garage, shall not be included in this definition.

Home occupation. Any accessory use of a commercial service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of the secondary use, where there is no group instruction, assembly or activity, where no power other than that used in the home is used, no signs other than a name plate not in excess of one square foot in area is displayed, no merchandise or other articles are stored in the open or in accessory resident buildings or are displayed for advertising purposes, no assistants other than family members and one employee not related by blood or marriage to the property owner(s) are employed.

Height. The distance between the eaves of a building and the average ground line across the front of the building.

Junk. Items including, but not limited to, waste, secondhand materials and merchandise less than 50 years old, scrap iron and other metals, paper, rugs, tires, bottles, broken items, and items in disrepair which are unserviceable for their originally intended purpose.

Junkyard. An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

Kennel. Any building or land used, designed or arranged for the boarding, breeding or care of dogs for a fee.

Kindergarten school. Any building used routinely for the daytime care or education of preschool age children, and including all accessory and play areas.

Labor pools.

(1) *Labor pool* means a business entity which operates by:

a. Contracting with other entities or persons to supply them with temporary employees for short term assignments of casual labor;

b. Hiring persons to fulfill these contracts for short term assignments of casual labor; and

c. Employing each individual employee no longer than the time period required to complete the assignment for which that individual employee was hired, although an individual may be eligible for rehire when additional temporary assignments are available.

(2) A business entity which fulfills any contracts in accordance with this subsection is a labor pool, even if the entity also conducts other business.

(3) Labor pool does not include a temporary help service that requires advanced applications, job interviews and references.

(4) Short-term assignment of casual labor means a work assignment for a term of 40 hours or less involving work for which neither the entity nor the person contracting or arranging for temporary employees requires any of the following from any such employees:

a. A professional or occupational license which requires for its issuance a demonstration of knowledge or proficiency and which is issued by the state or a political subdivision of the state;

b. A high school diploma or its equivalent;

c. Education beyond high school;

d. Vocational education;

e. Demonstrated proficiency with a specified type of machinery; or

f. Training before the assignment or on the job which exceeds one hour.

This subsection shall not be construed as prohibiting or limiting the placement of a skilled employee on a short-term assignment of casual labor as long as such skill or education is not a requirement of the assignment.

Livestock. Animals, including but not limited to, cattle, sheep, horses, swine, pigs, poultry, goats or other useful animals, raised for home or other use, for profit, for sale, for food or other products, commonly kept or associated with a farm.

Lodge. See "Club."

Lot. A portion or parcel of land devoted to a single principal use, or occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Lot, corner. A lot fronting on two or more streets at their intersection.

Lot coverage. The total horizontal ground area of a lot covered by all buildings on the lot and which is not open to the sky.

Lot coverage, maximum. The maximum permitted ratio of lot coverage to usable area of the lot. Usable area shall not include floodplains or slopes in excess of 30 percent grade.

Lot depth. The mean horizontal distance between the front and rear lot lines, measured perpendicular to the front lot line.

Lot, double frontage. An interior lot having frontage on two parallel or approximately parallel streets not intersecting at a point common with the boundary lines of lot.

Lot, interior. A lot other than a corner lot.

Lot line, front. The lot line coincident with a street right-of-way line.

Lot of record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the clerk of the county superior court, or a parcel of land, the deed to which has been recorded in the same offices as of the effective date of this chapter.

Lot width. The horizontal distance between the side lot lines, measured at right angles to the depth.

Manufactured home. A structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 USC § 5401 et seq. ("HUD Code"), effective June 15, 1976, which, as of March 19, 1996, means the following: A structure, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or 40 feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the HUD Code.

Noxious odors. Any odor that would be considered objectionable to the average person.

Nursery. Any building or lot, or portion thereof, used for the cultivation or growing of plants, and including all accessory buildings.

Nursing home. Any rest home, personal care home, convalescent home or home for the aged and any place devoted primarily to the maintenance and operation of facilities for treatment and care of any persons suffering from illness, diseases, deformities or injuries, not requiring extensive or intensive care that is normally provided in a general hospital or other specialized hospital, but who do require care in excess of room and board and who need medical, nursing, convalescent, counseling or chronic care.

Parkway. A broad thoroughfare with a dividing strip or side strips planted with grass, trees, etc.

Patio houses. A type of single-family attached dwelling unit which covers the entire lot by combining front, side and rear yards into one "landscaped patio" bordered on two sides by the house, and on the other two sides by ornamental brick or stone walls at least seven feet in height. Windows are located at the front of the house and usually glass walls are adjacent to the patio. Units are built abutting each other, making common use of three of the enclosure walls.

Personal Wireless Service Facility ("PWSF'"). Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other wireless communications, including commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996, and usually consisting of an antenna or group of antennas, transmission cables, feed lines, equipment cabinets or shelters, and may include a tower. The following developments shall be deemed a PWSF: new, mitigated, or existing towers, public towers, replacement towers, collocation on existing towers, attached concealed and non-concealed antenna, concealed towers, and non- concealed towers (monopoles, lattice and guyed}, and certain towers constructed for OTARD purposes which (a) are not "customer-end" installations designed to permit reception of fixed wireless communications and exceed 70 feet in height, or (b) are "customer-end" installations for reception of fixed wireless communications but exceed 47 feet in height.

Planned unit development (PUD). A PUD is a land development project which is planned as one entity, grouping dwelling units into clusters providing an appropriate amount of land for open space, mixed housing types and densities. Many development and dimensional requirements are generally waived and land use intensity and design criteria are applied through a site plan review process.

Principal building. A building or combination of buildings of chief importance or function on a lot. In general, the principal use is carried out in a principal building.

Restaurants, drive-in. Restaurants oriented to serving the motoring public, where curb service, window pickup or counter service is provided for over ten percent of the customers.

Right-of-way. The term "right-of-way" as used herein shall include deeded right-of-way and if the road or street in question has no deeded right-of-way then all reference to right-of-way shall constitute the outer edge of the maintained portion of a road or street.

Setback, front. The distance from the edge of the right-of-way lines to the nearest point of a building or structure.

Setback, rear. The distance from the rear property lines or rear lot lines to the nearest point of a building or structure.

Setback, side. The distance from the side property lines or side lot lines to the nearest point of a building or structure.

Showstock. Animals held as property and raised for the purpose of public exhibition, whether through a judged event or display in which breeding stock is exhibited.

Single-family attached dwelling. A type of residential development which includes a dwelling unit on a subdivided lot usually individually owned, though attached by a common party wall to another dwelling unit on an adjoining lot.

Specialty shops. Any business that sells, at retail, merchandise that has been previously used or is sold on consignment and has been previously used that sells junk, sells new or reproduction goods which have been made to resemble antiques that make up at least 25 percent of the business's inventory, operates a flea market or bazaar all as defined in this article, or does not sell antiques as defined in this article.

Street. A public way for vehicular traffic which affords primary means of access to abutting property.

Street centerline. A line surveyed at the direction of the Board of Commissioners or lawful designee and designated as an official street centerline, or in the absence of such line, a line drawn parallel to and midway between the right-of-way lines of any mapped street.

Story. The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between any floor and the ceiling next above it. A basement shall be counted as a story for height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet. A cellar shall not be counted as a story for height measurement.

Story, half. A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of that story.

Structure. Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to, the following: site-built buildings, industrialized buildings, modular homes, manufactured homes, mobile homes, swimming pools, accessory buildings and fallout shelters. The term "structure" as defined herein shall not include fences, signs or billboards.

Telecommunications facility. See definition of Personal wireless service facility ("PWSF").

Tower. A structure, such as a lattice tower, guy tower, or monopole tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment. The term "tower" as defined herein does not include telecommunications towers or facilities or personal wireless service facilities.

Use, accessory. A use subordinate in nature, extent or purpose to the principal use of a building or lot, and customarily incidental thereto.

Use, conditional. A use of a building or lot that is permitted only if and when the planning commission, and board of commissioners specifically approve that use, and all plans, specifications, written conditions or written restrictions are complied with on a continuing basis.

Used car lot. Any lot or tract used for the storage, display or sale of used automobiles, trucks or other motorized vehicular equipment, including the sales and maintenance buildings incidental thereto.

Use, nonconforming. Any lawful use of a building or lot which does not comply with all of the regulations of this chapter governing the use at that particular location.

Use, principal. The main use of a building or lot.

Variety shops. Any business that sells, at retail, new merchandise except that such a business may have up to 25 percent used merchandise other than antiques, as defined in this chapter, as part of the business's inventory.

Yard. An unoccupied space, open to the sky, on the same lot with a building.

Yard, front. A yard measured at right angles from the front lot line to the nearest point of the principal building, exclusive of steps, and extending the full width of the lot.

Yard, rear. A yard measured at right angles from a rear lot line to the nearest point of the principal building, exclusive of steps, and extending the full width of the lot.

Yard, side. A yard measured at right angles from a side lot line to the nearest point of the principal building, exclusive of steps, and extending the front yard to the rear yard.

(Amend. of 6-28-2016; Ord. of 4-25-2017)

ARTICLE III. ESTABLISHMENTS OF DISTRICTS AND PROVISIONS FOR OFFICIAL ZONING MAP

Sec. 59-300. Land use districts.

For the purpose of these regulations, Stephens County is divided into the land use districts below:

District Group	Districts	District Description
AGRICULTURE	AG/AR	Agriculture general/residential district
	AI	Agriculture intensive district

	AB	Agriculture business district
RESIDENTIAL	RS	Residential single-family district
	RM	Residential multi-family district
COMMERCIAL	CC	Commercial community district
	CG	Commercial general business district
	CI	Commercial industrial district
PUD	PUD	Planned unit development
ENVIRONMENTAL	EC	Environmental conservation district

Sec. 59-301. Official zoning map.

The location and boundaries of the above listed districts are hereby established as shown on a map entitled "Official Zoning Map of Stephens County". Said map, with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of these regulations.

The official zoning map shall be identified by the signature of the county commission chairman, attested by the county clerk and bear the following words: "This is to certify that this is the Official Zoning Map referred to in Article III of the Land Use Regulations, Stephens County Georgia," together with the date of the adoption of these regulations.

If in accordance with the provisions of these regulations and the applicable laws of the State of Georgia, changes are made in boundaries or other matters portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the board of commissioners with appropriate entry or indication of such amendment on the official zoning map. No amendment to these regulations that involves matters portrayed on the official zoning map shall become effective until after such change and entry has been made.

No changes of any nature shall be made on the official zoning map or matters shown thereon except in conformity with the procedures set forth in these regulations. Any unauthorized change of whatever kind by any person shall be considered a violation of these regulations.

Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map shall be located in the office of the county clerk and shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the county.

Sec. 59-302. Interpretation of district boundaries.

(a) All boundary lines shall be determined by the official zoning map.

(b) In the case where exact location of a boundary cannot be determined by the foregoing methods, the planning director, shall upon application, determine the location of the boundary.

Sec. 59-303. Designation after street abandonment.

Where a public street, alley or other right-of-way is officially vacated or abandoned, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned public street, alley or right-of-way.

Sec. 59-304. Reserved.

ARTICLE IV. AG—AGRICULTURE GENERAL/RESIDENTIAL DISTRICT

Sec. 59-400. Purpose and intent.

Located within Stephens County are several areas which contain soils and conditions highly suitable for the cultivation of agricultural crops and livestock production.

The intent of the general agriculture district is to:

(1) Encourage and protect a valuable natural resource, farm land, whose protection is in the public interest.

(2) Encourage the general character of openness better suited to agricultural usage.

(3) Discourage the residential subdivision of land which is inappropriate for this district.

(4) To permit home occupations or home-based businesses which are related to, and/or compatible with, agricultural operations.

(5) To encourage general farming areas where some development of low-density estate single-family residential land uses has occurred or is occurring.

(6) To provide a compatible buffer between AG/AI agriculture districts and RS low-density residential development.

(7) To encourage the use of farms, family estates, pastures and woodlands.

(8) To provide the landowner an opportunity to engage in limited hobby-type agricultural activities for personal use, such as growing fresh fruits, flowers or vegetables, which may be sold to the public including allowing the landowner to sell a limited number of animals raised on the farm.

(9) To encourage and support the maintenance of the rural character of the county, which requires extremely low-density restrictions.

Sec. 59-401. Minimum acreage.

A minimum of a one acre parcel is required for the maintenance of this district.

Sec. 59-402. Permitted uses.

(a) Agricultural uses, including field crops, fruits, vegetables, nuts, forestry products, commercial greenhouses not located in platted subdivisions, plant nurseries, and livestock and poultry grazing, provided they meet all district minimum requirements, all minimum requirements of these regulations.

(b) Farm structures, including barns, grain storage facilities, implement sheds and other structures accessory to agricultural uses.

(c) Residences, single family detached, including manufactured homes and modular homes, provided that one (1) such residence is permitted per lot for any parcel under two (2) acres, and provided further that such dwelling is farm-related subordinate to the principal use of agriculture. For any parcels greater than two (2) acres in size, one (1) additional principal structure is permitted by right, provided that setbacks are maintained.

(d) Accessory uses and structures normally incidental and subordinate of one (1) or more permitted principal uses.

(e) Agricultural uses including gardens and the raising of farm animals for the property owner's use and limited selling.

(Ord. of 4-25-2017)

Sec. 59-403. Conditional uses.

(a) Home occupations and home-based businesses which meet the requirements of the regulations.

(b) Public structures and uses.

(c) Secondary residences provided that such dwelling is farm-related and subordinate to the principal use of the property, and that the placement of such residence meets all criteria of these regulations and the Stephens County Subdivision Regulations.

(d) Agriculture-related recreation developments, including but not limited to private or public fishing lakes and horse-backing riding, provided a comprehensive plan for the area is submitted.

(e) Churches, temples, synagogues, places of worship and cemeteries.

(f) Golf courses.

(g) Parks, playgrounds, community centers, tennis courts, swimming pools and other small-scale recreational facilities operated on a non-profit basis.

(h) Public, parochial and private schools; and related non-profit educational institutions.

(i) Reserved.

(j) Reserved.

(Amend. of 6-28-2016)

Sec. 59-404. District requirements.

1.	Lot size—Minimum	- 1 acre			
2.	Tract width at R/W—Minimum	- 30 feet			
3.	Building height—Maximum	- 50 feet			
			Front	Side	Rear
4.	Building Setbacks—Min.	Residence/accessory	40'	10'	10'
5.	Building Setbacks—Min.	Non-comm. livestock	60'	60'	60'

Sec. 59-405. Reserved.

ARTICLE V. AI—AGRICULTURE INTENSIVE DISTRICT

Sec. 59-500. Purpose and intent.

It is the intent of the agriculture intensive district to establish a means by which individuals and family-farm corporations involved in intensive, large-scale, farming operations can be provided protection. Food crop, fiber crop, poultry and livestock farms are a major component of the agricultural economic base in Stephens County and they are worthy of special protection. The use of land in this district may result in odors, noise, dust or other effects that may not be compatible with residential, commercial and industrial uses.

It is also the intent of this district to permit home business uses, which are related to, and/or compatible with, agricultural operations.

Sec. 59-501. Permitted uses.

(a) All permitted uses in the AG district are also permitted in the AI district.

Sec. 59-502. Conditional uses.

(a) Home occupations and home-based businesses which: (1) are related to and/or compatible with agricultural uses and (2) meet the requirements of the regulations.

(b) Secondary residences provided that such dwelling is farm-related and subordinate to the principal use of the property, and that the placement of such residence meets all criteria of these regulations and the Stephens County Subdivision Regulations.

(c) Churches, temples, synagogues, places of worship and cemeteries.

(d) Public structures and uses.

(e) Golf courses.

(f) Livestock and poultry operations provided they meet all district minimum requirements.

Sec. 59-503. District requirements.

(a)	Tract size—Minimum	- 10 acres			
(b)	Tract width at R/W—Minimum	- 30 feet			
(c)	Building height—Maximum	- 50 feet			
			Front	Side	Rear
(d)	Building setbacks—Min.	Residence/accessory	40'	10'	10'
(e)	Building setbacks—Min.	Non-com. livestock	100'	100'	100'
(f)	Building setbacks—Min.	Broiler house	200' from property line		
(g)	Building setbacks—Min.	Layer house	200' from property line		
	(Items (f) and (g), if there is an inhabitable dwelling the setback must be 300' from the property line. The exhaust end of the house (area where exhaust fans or other equipment used to release air from the house) must be 600' from an inhabitable dwelling, except those located on the subject property where the poultry operations are to be conducted)				
(h)	Lagoon setbacks—Min. - 150' from any stream (USGS topo maps) 500' from property line				
(i)	Building setbacks—Min. from nearest house for commercial livestock				
	(Feed lots, dairy lots, hog lots)		500' from property line		
(j)	Poultry structures/stack houses		200' from property line		

(k)	Site specific nutrient management plan

(Amend. of 6-28-2016; Ord. of 4-25-2017)

Sec. 59-504. Special district requirements and protection.

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

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

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

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

In order for an existing poultry or livestock operation to receive the "Notice of Adjacency" protection in the agriculture intensive (AI) district, it must first have qualified for the preferential agriculture assessment (or the conservation easement assessment) in accordance with the Official Code of Georgia Annotated (O.C.G.A. § 48-5-7.1).

Sec. 59-505. Reserved.

ARTICLE VII. AB—AGRICULTURE BUSINESS DISTRICT

Sec. 59-700. Purpose and intent.

The agriculture business district is intended to provide areas solely for small-scale business uses that are of a rural nature and are related to meeting the needs of a rural and agricultural community. These types of establishments are usually located at rural crossroads and on collector roads rather than major arterial roads.

Sec. 59-701. Permitted uses.

(a) Retail gas sales.

(b) A general store, convenience-type.

(c) Small feed stores, hardware stores and nurseries.

(d) Animal hospitals or veterinarian clinics.

Sec. 59-702. Conditional uses.

(a) Campgrounds and commercial fishing ponds.

(b) Public uses.

Sec. 59-703. Building requirements.

The minimum area, yard, height and building requirements of the rural business district shall be as follows:

1.	Lot Size—Min.	- 1.5 acre except that where contiguous to a commercial district, the min. lot size will be that necessary to meet health department requirements concerning water supply and sewage disposal, if required.			
2.	Lot width at R/W—Min.	- 125 feet			
3.	Building height—Max.	- 50 feet			
			Front	Side	Rear
4.	Building setbacks—Min.	Residence/accessory	80'	25'	25'
		(Parking space is allowed in setback)			
		- State highway			
		- Collector street	60'	25'	25'
5.	Corner lot ingress/egress	- 50' setback from intersection			

Sec. 59-704. Reserved.

ARTICLE VIII. RS—RESIDENTIAL SINGLE-FAMILY DISTRICT

Sec. 59-800. Purpose and intent.

It is the intent of the residential single-family district to provide suitable areas where the development of residential subdivisions has occurred or is occurring. These areas are intended to establish and preserve quiet, stable and affordable single-family neighborhoods at medium-densities, free from other land uses, except those which are compatible with and convenient to the residents of such district.

It is also the intent of this district to recognize the need for conservation and open space as densities increase and to require that open spaces be set aside for the benefit of the community, the developer and all future generations who live in this district.

To support conservation designs and encourage open spaces, this district is designed to:

(1) Retain and protect open space areas within residential developments;

(2) Promote new development, which is compatible with existing uses, architecture, landscapes and community character;

(3) Provide standards reflecting the varying circumstances and interest of land owners and the individual characteristics of their properties;

(4) Preserve unique and sensitive landscapes and site features by locating new dwelling sites in areas removed from such features;

(5) Protect scenic vistas from encroachment by development;

(6) Provide an opportunity for flexible lot designs and building arrangements not afforded to with lot-by-lot development, allowing for buildings and improvements to be sited as a response to site conditions, with the locations of lot lines reflecting land management decisions;

(7) Provide for a more varied, innovative and efficient development pattern;

(8) Provide a means to attain the objectives of the Stephens County Comprehensive Plan providing for orderly growth, enhancement of natural resources and preservation of rural characteristics.

Sec. 59-801. Permitted uses.

(a) Residences, single-family detached, including manufactured homes and modular homes, provided that only one such residence is permitted per lot for any properties under two (2) acres. For properties greater than two (2) acres, one (1) additional principal structure is allowed by right, provided that setbacks are maintained.

(b) Accessory uses and structures normally incidental and subordinate to one or more permitted principal uses.

(c) Farm animals may be raised on property in a Residential Single-Family District (RS) as long as the parcel has a minimum of three (3) acres and is not within a subdivision as defined by the Stephens County Subdivision Ordinance; with three (3) or more acres, for every whole acre, a limit of one (1) farm animal shall be permitted. An exception shall be Backyard Chickens, as referenced below. Any and all livestock shall be confined to a fenced enclosure. The enclosure shall be at least 20 feet from any established or existing setback. No farm animals shall be allowed in the front-yard setback.

(d) Backyard Chickens: The keeping of chickens supports a local, sustainable food system by providing an affordable, nutritious food source of fresh eggs. The keeping of chickens also provides free nitrogen-rich fertilizer, chemical-free pest control, animal companionship and pleasure, and weed control. This regulation is intended to make a provision for the limited keeping of chickens, for the health, convenience, and personal enjoyment benefits afforded by such use within single-family residential districts (RS) provided that:

(1) No roosters shall be permitted in RS-zoned parcels without conditional approval.

(2) For residential lots less than three (3) acres, no more than ten (10) hens shall be kept on a residential lot.

(3) Residential lots three (3) acres or more may keep an additional five (5) hens per every whole acre over three (3) acres.

(4) Within the fenced enclosure, a well-maintained structure (henceforth referred to as a coop) shall be required for all chickens.

(5) The coop and area within the fenced enclosure must be clean and odor free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, objectionable odor, or other adverse impact.

(6) Objectionable odors from chickens, their waste, or other chicken-related substances shall not be perceptible at the property boundary line to the general public, Stephens County Marshals, Stephens County Sheriff, or the lawful designee of Stephens County.

(7) Provision must be made for the storage and removal of chicken droppings and any dead chickens. All stored droppings shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All other droppings not used for composting or fertilizing shall be removed. In addition, the coop, enclosure, and surrounding area must be kept free from trash and accumulated droppings. Dead chickens must be disposed of in a sanitary manner.

(8) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity, Stephens County Marshals, Stephens County Sheriff, or the lawful designee of Stephens County.

(e) Personal use gardens, orchards, and apiaries.

(f) Internet sales.

Sec. 59-802. Conditional uses.

(a) Home occupations and home-based businesses meeting these regulations requirements.

(b) Parks, playgrounds, community centers, tennis courts, swimming pools and other small-scale recreational facilities operated on a non-profit basis.

(c) Public structures and uses.

(d) Public, parochial, private schools, and related educational institutions not offered for profit.

(e) Churches, temples, synagogues, places of worship and cemeteries.

(f) Showstock.

(g) Farm animals on parcels that do not meet the specifications laid out in Sec. 59-801. Permitted uses.

(h) Roosters on parcels one (1) acre or larger.

(Amend. of 6-28-2016)

Sec. 59-803. District requirements.

1.	Lot size—Min. and carrying capacity.	- 1.0 acre, but may vary due to open space requirements			
2.	Lot width at R/W—Min.	- 30 feet			
3.	Building height—Max.	- 40 feet			
			Front	Side	Rear
4.	Building setbacks—Min.	Residence/accessory	40'	10'	10'
5.	Building setbacks—Min.	Lake Shore lots	40'	10'	5'

Sec. 59-804. Buffer, landscaping and open space requirements.

All single-family residential developments shall conform to the above open space regulations. These regulations are designed to promote the health, safety, order, aesthetics and general welfare by: (1) protecting against incompatible uses of land, (2) controlling problems of flooding, soil erosion and air pollution, (3) providing for a more attractive environment, (4) assuring adequate open space and (5) reducing noise, night lighting, glare, odor, objectionable view, loss of privacy and other adverse impacts and nuisances through the use of buffers, landscaping and open space.

Sec. 59-805. Open space requirements for a residential single-family district.

(a) Open space requirement: Not less than 20 percent of the development shall be maintained as permanent open space. Such open space may include common areas, buffers, landscaped yards, water areas and any natural areas. Such open space shall be computed beginning five feet outside the building walls. Parking and other paved surfaces, except patios and courtyards, shall not count toward this open space requirement. Any required open space may be left under individual ownership if it falls on an individual lot, but a property owners' association shall maintain any common area not dedicated to the Stephens County Commission. Restrictive covenants, declarations and restrictions running with the land shall provide for access across and permanent maintenance and protection of the common space within these requirements.

(b) The minimum amount of permanent open space shall comprise not less than 20 percent of the gross tract area.

(c) Natural areas with development limitations such as floodplains, steep slopes (greater than 25 percent), wetlands, lakes, ponds and streams shall not constitute more than one-half of the total open space.

(d) Open space shall include irreplaceable natural features of the site such as streams, lakes, ponds, significant stands of trees, individual trees of significant size, rock-out croppings, ridges and peaks that are themselves, scenic features or from which scenic views are available.

(e) Golf courses shall not occupy any of the open space.

(f) The overall maximum density for residential developments using open spaces is as follows:

    (1) One acre per dwelling unit for developments connecting to public utilities that provide public water and public wastewater collection and treatment (sewage).

    (2) One acre per dwelling unit for developments connecting only to a public water system and providing individual septic tank systems.

    (3) One acre per dwelling unit for developments providing individual wells and septic tanks.

In some cases, open space may be used for placement of individual septic tanks and drainfield lines where approved at the discretion of the Stephens County Health Department.

(g) Ownership of open space in any subdivision may be owned by a homeowner's association, a land trust, another conservation organization recognized by the county and/or remain in private ownership.

(h) The open space land and associated facilities may be held in common ownership by a homeowner's association. The association shall be formed and operated under the following provisions:

    (1) The developer shall provide a description of the association including its by-laws and methods for maintaining the open space.

    (2) The association shall be organized by the developer and operating with financial subsidization by the developer, before the sale of any lots within the development.

(3) Membership in the association is mandatory for all home purchasers therein and their successors.

(4) The conditions and timing of transferring control of the association from the developer to homeowners shall be identified.

(5) The association shall be responsible for maintenance and insurance on common open space land, enforceable by liens placed by the homeowner's association.

(6) Maintenance obligations may be enforced by the county which may place liens to recover costs.

(7) Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.

(8) The members of the association shall share equitably the cost of maintaining such open space.

(9) Shares shall be defined within the association by-laws.

(10) Association dues shall be structured to provide for annual maintenance costs and property taxes.

(11) Prior to the (in the event of) transfer of ownership of open space, the county and all property owners within the development shall be notified.

(12) Open space land may be leased to qualified persons or corporations for maintenance or operation with this agreement:

a. The residents of the development shall have access at all time to the open space land (except that access to the land that is actively farmed shall be limited to times of the year when the fields are fallow);

b. The open space land shall be maintained for the purposes set forth in this chapter; and

c. The operation of the open space shall be for the benefit of the residents.

(13) At the time of preliminary plan submission, the applicant shall provide a draft of the homeowner's association documentation with sufficient detail to demonstrate feasible compliance with this section.

Complete homeowner's association documentation demonstrating compliance with the provisions herein shall be filed with the final subdivision and land development plans.

(i) The county may, but shall not be required to, accept easements for public use of any portion or portions of open space.

(j) Open space may be entered or crossed by utility easements where such easements will involve access by persons or vehicles for periodic maintenance or repair.

(k) Open space shall be interconnected with open space areas on abutting parcels wherever possible. Provision for pedestrian pathways for general public use to create lined systems within the county shall be encouraged.

(l) Open space shall not be used for the disposal or location of debris from any clearing and construction taking place within the development.

Sec. 59-806. Exemption from open space requirements.

An individual dwelling unit being constructed on a single, individual lot, not in a multi-lot residential development, is exempt from the open space requirements if the individual dwelling unit being constructed meets the same density requirements.

Sec. 59-807. Reserved.

ARTICLE IX. RM—RESIDENTIAL MULTI-FAMILY DISTRICT

Sec. 59-900. Purpose and intent.

The residential multi-family district is intended to provide suitable areas for the development of a variety of multi-family dwelling types at medium to high densities (up to eight units per acre).The intent of this district is to (1) locate in areas of close proximity to where public water and public sanitary sewer treatment services are available or (2) where alternate systems are approved by (a) the appropriate state agencies and (b) the Stephens County Board of Commissioners.

Sec. 59-901. Permitted uses.

Apartments, condominiums, duplexes, townhouses and manufactured home parks.

Sec. 59-902. Development regulations.

All apartments, condominiums, duplexes, townhouses and manufactured home park developments shall conform to the following regulations:

GENERAL PROVISIONS

Sec. 59-903. Site plan approval required.

All multi-family developments, including apartments, condominiums, duplexes, townhouses and manufactured home parks shall require site plan approval by the planning commission in accordance with all procedures and requirements established by the county and this chapter.

Sec. 59-904. Site plan requirements.

All site plans required by this section shall, at a minimum, contain the following information:

(1) Title of the proposed development and the name, address and telephone number of the property owner.

(2) The name, address and telephone number of the architect, engineer or other designer of the proposed development.

(3) Scale, date, north arrow and general location map showing relationship of the site to streets or natural landmarks.

(4) Boundaries of the subject property, all existing and proposed, streets, including right-of-way and street pavement widths; buildings; water courses; parking and loading areas, and other physical characteristics of the property and proposed development.

(5) Building setbacks, buffers and landscape strips.

(6) A study of traffic impacts and proposed improvements.

Sec. 59-905. Parking.

Off-street, paved parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. No off-street parking space shall be more than 100 feet by the most direct pedestrian routes from a door of the dwelling unit it is intended to serve. Parking shall be provided at a rate of two parking spaces for each housing unit in the development.

Sec. 59-906. Service buildings.

(a) Subordinate accessory structures are hereby permitted for maintenance, storage and other incidental uses supporting the primary use of the property. These types of facilities shall be centrally grouped and conveniently located for complex patrons. All service facilities shall be built and maintained by the complex owner(s) in compliance with all building codes.

(b) Community service facilities and related accessory structures are subject to site plan approval for the convenience of the complex patrons. Such structures may include, but are not limited to the following: facility management offices, community laundry facilities and indoor community recreation uses.

(c) All multi-family developments shall provide adequate covered school bus stop shelters accessible to an approved school bus route.

Sec. 59-907. Reserved.

CONDOMINIUM DEVELOPMENTS

Sec. 59-908. Residential condominium development regulations.

(a) *Regulations.* All condominium developments shall meet all applicable state laws, including the Georgia Condominium Act.

(b) *By-laws.* Proof of the existence of all condominium bylaws shall be submitted to the planning commission and shall comply with the requirements of the Georgia Condominium Act or applicable Georgia State Law.

(c) *Minimum lot size.* Each development for condominiums shall have a minimum lot size of ten acres.

(d) *Width and frontage.* The minimum lot width and frontage for each development shall be 100 feet. Each development shall have frontage on a public street of at least 35 feet.

(e) *Setbacks.* All condominium developments shall have side setbacks minimum of 20 feet and a minimum rear setback of 50 feet.

(f) *Building height.* No condominium building or structure shall exceed the height of 50 feet.

(g) *Maximum units per building.* No more than four condominiums shall be permitted to form any one, single building.

(h) *Minimum heated floor area.* All units have minimum heated floor area of 800 feet.

(i) *Maximum density.* All condominium development shall not exceed a density of eight units per acre.

(j) *Parking.* Insofar as practicable, off-street parking facilities shall be in grouped bays, either adjacent to street or in the interior blocks. No off-street parking space shall be more than 100 feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.

APARTMENT/DUPLEX DEVELOPMENTS

Sec. 59-909. Apartment and duplex regulations.

(a) *Minimum lot size.* Each lot for apartment or duplex developments shall have a minimum lot area of ten acres.

(b) *Width and frontage.* The minimum lot width and frontage for each development shall be 100 feet. Each development shall have frontage on a public street of at least 35 feet.

(c) *Structure separations.* Apartment buildings shall be constructed with a separation of least 20 feet if one or more buildings contain two or more stories. Duplex buildings shall be constructed with a separation of at least 20 feet if more than one or more buildings are constructed.

(d) *Setbacks.* All apartment and duplex developments shall have side setback minimums of 20 feet and a minimum rear setback of 50 feet.

(e) *Building height.* No apartment building or structure shall exceed the height of 50 feet.

(f) *Minimum heated floor area.* All units shall have a minimum heated floor area of 800 square feet.

(g) *Maximum density.* All apartment and duplex developments shall not exceed a density of eight units per acre.

(h) *Parking.* Insofar as practicable, off-street parking facilities shall be in grouped bays, either adjacent to street or in the interior of blocks. No off-street parking space shall be more than 100 feet by the most direct pedestrian routes from a door of the dwelling unit it is intended to serve.

MANUFACTURED HOME PARK
DEVELOPMENTS

Sec. 59-910. Manufactured home park development regulations.

Development for manufactured home parks in the RM district shall conform to the following regulations.

Sec. 59-911. Location and frontage.

All interior streets within the park shall be graded, drained, based and paved in accordance with the county's requirements for an accepted right-of-way. If a proposed street is to be greater in length than 300 feet, a plan profile for the road system shall be submitted along with the site plan. The board of commissioners shall approve all road construction specifications at the time the final plat is submitted.

Sec. 59-912. Lot area and width.

A manufactured home district development shall have minimum area of five contiguous acres.

Sec. 59-913. Density.

The maximum density of a manufactured home district development is up to three units per acre provided they meet all other requirements of this article. This density does not include acreage contained in: (1) the open space, (2) the perimeter screening or (3) the recreation and other community facilities such as laundry, office, service and storage.

Sec. 59-914. Perimeter setback required.

No manufactured home or other building or structure shall be located closer than 50 feet to any manufactured home perimeter property boundary.

Sec. 59-915. Perimeter screening required.

A landscaped screen consisting of dense evergreen trees and/or shrubs and having a minimum width of ten feet along all property lines shall be required. All perimeter screening must be maintained by park owners.

Sec. 59-916. Service buildings.

All manufactured home park developments shall provide a covered school bus stop shelter accessible to a designated school bus route.

Sec. 59-917. Miscellaneous.

(a) In the event that a swimming pool is developed or planned as part of the manufactured home park, this facility shall be enclosed by a chain link, masonry or wood fence, not less than six feet high.

(b) No individual lot in any park may be sold or control of that lot transferred with the intent or effect of a sale unless that lot and the park shall meet all requirements of chapter 66 of the Code of Stephens County, Georgia.

(c) Junk vehicles shall not be allowed to be stored or placed at any location within a manufactured home park. This does not include vehicles that are receiving temporary maintenance and/or repair. This shall be enforced by the owner(s) of the manufactured home park.

(d) Any covenants required by the owner(s) of all manufactured home parks shall be submitted with the site plan.

Sec. 59-918. Setbacks.

No manufactured home within the park shall be located closer than ten feet to any exterior boundary line, and the front setback for each manufactured home shall be at least 30 feet from the front lot line.

Sec. 59-919. Reserved.

Sec. 59-920. Travel trailer park development regulations.

Development for travel trailer parks in the RM District shall conform to the following regulations and the regulations set forth in section 46-37 of the Code of Stephens County, Georgia and as subsequently amended. To the extent that the regulations set forth in article IX of the Stephens County Land Use Regulation Ordinance conflict with section 46-37 of the Code of Stephens County, Georgia these regulations herein shall control.

(Ord. of 4-28-2020(2))

Sec. 59-921. Location and frontage.

All interior streets within the park shall be graded and stabilized, which shall be durable and well drained under normal use and weather conditions. A detailed site plan is to be submitted to, and approved by, the building official before any construction or improvements begin. The board of commissioners shall approve all road construction specifications at the time the final plat is submitted.

(Ord. of 4-28-2020(2))

Sec. 59-922. Lot area and width.

A travel trailer park development shall have minimum area of five contiguous acres. Lots shall abut upon an interior driveway. All interior driveways shall have unobstructed access to a public street or highway. Lots may be set at an angle, set parallel to the street, or varied in other ways provided that the arrangement is approved by the board of commissioners.

(Ord. of 4-28-2020(2))

Sec. 59-923. Density.

Five or more travel trailers on any tract shall constitute a travel trailer park. Each lot within the park shall have a minimum area of not less than 1,995 square feet, and lot lines shall be clearly delineated and meet all other requirements of this article.

(Ord. of 4-28-2020(2))

Sec. 59-924. Minimum acreage required.

Each lot within the park shall have a minimum of 35 feet of street frontage and shall have a minimum of depth of 57 feet.

(Ord. of 4-28-2020(2))

Sec. 59-925. Perimeter screening required.

All park grounds shall be maintained with grass, trees, and/or shrubs to enhance the appearance of the park and to prevent soil erosion or the creation of dust during dry weather.

(Ord. of 4-28-2020(2))

Sec. 59-926. Service buildings.

All travel trailer parks must be equipped with men's and women's restrooms with toilets, showers and lavatories at a ratio of two fixtures for each sex per 20 trailer spaces, and a central sanitary dump station. Community service facilities and accessory structures are permitted for the convenience of park patrons. Such structures may include, but are not limited to, the following uses: (1) park management offices, (2) community laundry facilities, (3) community sanitary facilities, (4) indoor community recreation areas, and (5) commercial uses supplying essential goods or services for the exclusive use of the park patrons.

(Ord. of 4-28-2020(2))

Sec. 59-927. Miscellaneous.

(a) In the event that a swimming pool is developed or planned as part of the travel trailer park, this facility shall be enclosed by a chain link, masonry or wood fence, not less than six feet high and shall meet the same requirements for pools in the manufactured home parks.

(b) No individual lot in any park may be sold or control of that lot transferred with the intent or effect of a sale unless that lot and the park shall meet all requirements of chapter 66 of the Code of Stephens County, Georgia.

(c) Junk vehicles shall not be allowed to be stored or placed at any location within a travel trailer park. This does not include vehicles that are receiving temporary maintenance and/or repair. This shall be enforced by the owner(s) of the travel trailer park.

(d) No permanent structure, no manufactured homes and no non-motorized vehicles, except those falling under the definition of travel trailers, shall be permitted on any approved lot within the park.

(e) Each lot shall be equipped with a suitable and approved electrical outlet, a threaded potable water standpipe and faucet, an approved connection to the community sewer system except at tent-only sites, a fire pit with a permanent masonry or stone enclosure, a picnic-type table and a covered trash and garbage container. Garbage shall be removed daily from campsites.

(f) Each park must provide on-site public telephone access.

(g) Every park must have a public, community or private water and sewer system which shall be approved by the county health department and the local water department, when appropriate. Water and sewer approval shall be obtained prior to final approval of the site plan by the building official.

(h) Any covenants required by the owner(s) of all travel trailer parks shall be submitted with the site plan.

(i) Off-street parking for the park shall be provided at a rate of one parking space per each travel trailer lot.

(Ord. of 4-28-2020(2))

Sec. 59-928. Setbacks.

No travel trailer within the park shall be located closer than ten feet to any exterior boundary line, and the front setback for each travel trailer shall be at least 30 feet from the front lot line.

(Ord. of 4-28-2020(2))

Sec. 59-929. Reserved.

ARTICLE X. CC—COMMERCIAL COMMUNITY BUSINESS DISTRICT

Sec. 59-1000. Purpose and intent.

The community commercial district is intended to provide neighborhoods with limited, small-scale commercial business of a convenience nature that serves nearby residential communities.

Sec. 59-1001. Permitted uses.

(a) Small retail trade establishments.

(b) Restaurants, but not including drive-in or drive-through facilities. Unenclosed seating areas are permitted.

(c) Finance, insurance and real estate establishments.

(d) Dry cleaning, shoe repair and other similar service establishments.

(e) Professional offices.

(f) Museums, galleries and instructional studios.

(g) Small food catering establishments.

(h) Day care and personal care facilities.

(i) Business supply and copying centers, not exceeding 2,500 square feet.

(j) Accessory uses and structures incidental to permitted principal uses and structures.

(k) Convenience stores without gasoline, diesel or kerosene pumps.

(l) Small retail, service and office establishments that do not exceed 20,000 square feet in size.

Sec. 59-1002. Conditional uses.

(a) Repair shops (excluding automotive, mechanical, etc.).

(b) Convenience stores with gasoline, diesel or kerosene pumps.

(c) Outdoor storage facilities.

Sec. 59-1003. Prohibited uses.

(a) Outdoor sales facilities.

(b) Automotive and mechanical.

(c) Compost production facilities.

(d) Waste reclamation or recycling.

(e) Any facility that would produce noxious odors.

Sec. 59-1004. Building requirements.

The minimum area, yard, height and building requirements for the community commercial district shall be as follows:

(1) Minimum lot size: 1.5 acre (65,340 square feet) or greater as may be required by the Health Department, regarding water supply and sewage disposal.

(2) Building setbacks—Minimum:

Front yard	- 80 feet on state highways;
	- 60 feet on all other collector streets;
Side yard	- 25 feet;
Rear yard	- 25 feet.

Where the commercial community business district abuts a residential district, an additional 30-foot setback for a landscaped evergreen vegetative buffer shall be required.

(3) Building height—Maximum: No structure shall be higher than 40 feet.

(4) Corner lot ingress/egress: 75 feet from intersection of the right-of-way lines.

Sec. 59-1005. Full disclosure.

Commercial or industrial businesses shall, as part of their building permit or license application process, provide the planning director with full disclosure of all hazardous or dangerous products used in their commercial or industrial processes together with an explanation of safety measures, disposal measures and emergency medical and evacuation procedures. The planning director shall then forward this information to the emergency management director, the fire department and the sheriff's department.

Sec. 59-1006. Reserved.

ARTICLE XI. CG—COMMERCIAL GENERAL BUSINESS DISTRICT

Sec. 59-1100. Purpose and intent.

The commercial general business district is intended to provide adequate space for various types of general business uses that serve both residents and regional consumers, rather than a smaller neighbor. This includes the retailing of major goods and services on a medium to large scale, and other types of somewhat more intensive commercial activities, such as those establishments that rely on high traffic roadways.

Sec. 59-1101. Permitted uses.

(a) Any use permitted in the CC and AB district.

(b) Restaurants, including drive-in and drive-through facilities.

(c) Retail trade establishments, enclosed and unenclosed.

(d) Lodging facilities, hotels, motels and inns.

(e) Hospitals, medical clinics and related medical facilities involving professional care and treatment.

(f) Institutional uses such as colleges, universities and technical training facilities.

(g) Financial institutions with drive-through facilities.

(h) Civic auditoriums, assembly halls, amphitheaters and stadiums.

(i) Office support, supply and copying establishments.

(j) Full-service gas stations and convenience stores.

(k) Manufactured home sales and services.

(l) Radio and television studios and stations (associated towers must meet requirements of PWSF ordinance (chapter 75 of the Code of Stephens County, Georgia) and/or tower ordinance (chapter 74 of the Code of Stephens County, Georgia).

(m) Accessory uses and structures normally incidental to permitted principal use.

(n) Accessory commercial recreational facilities, including health clubs and spas, but not including such businesses as firearm shooting ranges and racetracks.

(o) Home and office appliances—Sales, service, rental and repair.

(p) Road and home construction.

(q) Vehicular and mobile charging stations.

(Amend. of 6-28-2016)

Sec. 59-1102. Conditional uses.

(a) Pawn shops.

(b) Flea markets.

(c) Pet kennels and grooming establishments.

(d) Recycling pick-up centers.

(e) Truck stops and truck terminals.

(f) Small travel terminals.

(g) Small printing establishments.

(h) Indoor shooting ranges.

(i) Churches and cemeteries.

(j) Public and private schools.

(k) Public uses.

(l) Automotive services, sales and repair.

Sec. 59-1103. Building requirements.

The minimum area, yard, height and building requirements for the general business commercial district shall be as follows:

(1) Lot size—Minimum: Minimum lot size shall be 1.5 acres or greater.

(2) Building setbacks—Minimum:

Front yard	- 80 feet on state highways;
	- 80 feet on all other collector streets.
Side yard	- 25 feet;
Rear yard	- 25 feet.

Where the commercial community business district abuts a residential district, an additional 30-foot setback for a landscaped evergreen vegetative buffer shall be required.

(3) Building height—Maximum: 40 feet.

(4) Corner lot ingress/egress: 100 feet from intersection.

(5) Acceleration, deceleration and turn lanes as called for by the board of commissioners.

Sec. 59-1104. Full disclosure.

Commercial or industrial businesses shall, as part of their building permit or license application process, provide the planning director with full disclosure of all hazardous or dangerous products used in their commercial or industrial processes together with an explanation of safety measurers, disposal measures and emergency

medical and evacuation procedures. The planning director shall then forward this information to the emergency management director, the fire department and the sheriff's department.

Sec. 59-1105. Reserved.

ARTICLE XII. CI—COMMERCIAL INDUSTRIAL DISTRICT

Sec. 59-1200. Purpose and intent.

The commercial industrial district is established for the purpose of reserving certain areas, with adequate water and sewerage facilities and access to major arterial highways, for industrial operations. This district is not to be placed in close proximity to residential and other districts that may be damaged by the objectionable circumstances such as: the emission of noise, vibration, smoke, dust, gas, fumes, odors, radiation, large vehicles, heavy traffic, create fire or explosion hazards or have other objectionable conditions. Certain industries having an open storage characteristic where goods or materials are stored in an open or transportable container, or which are most appropriately located within an industrial area, are also included within this district.

Sec. 59-1201. Permitted uses.

(a) Permanent sawmills, lumber and wood products processing or storage, pulpwood yards.

(b) Textile manufacturing, processing, fabrication, assembly.

(c) Metals, cement, asphalt, concrete, plastics or wood products manufacturer, fabrication, production or building materials.

(d) Truck and cargo transfer terminals, bus and truck garages.

(e) Wholesale building supply and material storage or sales and warehousing, including mini-storage and mini-warehousing facilities.

(f) Bottling works and ice manufacturing plants.

(g) Recycling facilities which recycle non-waste related, non-hazardous materials and materials which will not produce noxious odors.

(h) Baking and other food processing plants.

(i) Building material or other outdoor storage yards, except junkyards, provided that the goods or building materials stored do not create or cause noxious odors.

Sec. 59-1202. Conditional uses.

(a) Any other industrial use that the planning commission or board of commissioners determines not to be dangerous, offensive, unhealthy, nor detrimental to the community that is not listed as prohibited activities or uses in Stephens County.

(b) Airports or airfields, after planning director review and county commission approval.

(c) Mining, dredging, sand or gravel removal operations and any other ancillary uses to a quarry, after planning commission determines not to be dangerous, offensive, unhealthy, nor detrimental to the community that is not listed as prohibited activities or uses in Stephens County.

(d) Storage of petroleum products, but only after the location of the premises has been approved by the EMA director and, further provided that residential homes shall not be located within 100 yards of the location.

(e) Public recreation facilities, such as racetracks and outdoor firing ranges.

(f) Public services uses subject to the review, approval and conditions of the planning commission. These uses include, but are not limited to: substations, transformers, telephone exchanges, pump houses, etc.

(g) Adult entertainment.

(h) Heavy machine and equipment sales, service, rental and repair.

(i) Transportation, communication and utility facilities.

(j) Waste recycling centers and composting production facilities and operations, if assurances and controls are in place to control any odors emanating from any such facility in addition to meeting the criteria for approval of a conditional use set forth in this chapter. An example of an additional assurance may include but not be limited to, an engineer's certification regarding the lack of odor.

(Amend. of 6-28-2016)

Sec. 59-1203. Prohibited uses.

Prohibited uses include, but are not limited to crematoriums.

Sec. 59-1204. Building requirements.

The minimum area, yard, setback and building requirements in the CI district are as follows:

(1) Lot size—Minimum: The minimum lot size shall be determined by the setbacks called for in this article of these regulations.

(2) Building setbacks—Minimum:

Front yard	- 80 feet on parkways;
	- 80 feet on state highways;
	- 80 feet on all other collector streets.
Side yard	- 25 feet;
Rear yard	- 25 feet.

Rear and side setbacks when abutting a residential district, an additional 100 feet of landscaped evergreen vegetative buffer shall be required. Where the CI district abuts a residential district, a buffer shall be required as presented in section 59-1416 of these regulations. Additional requirements for access, curb cuts, deceleration and acceleration lanes, traffic signals, water, sewer, etc., will be determined and required by the Planning Commission on an individual site basis.

(3) Maximum building height. Buildings designed for human occupancy shall not be higher than 75 feet. Non-occupied buildings may be permitted if no hazard or other adverse effect is created for adjacent properties as determined by the Planning Commission after public notice and hearing.

(4) Additional requirements. The Planning Commission and Board of Commissioners reserve the right to set special requirements for certain industries which may require greater screening and buffer requirements, thereby creating greater lot or area requirements.

(5) Corner lot ingress/egress: 100 feet from intersection.

(6) Acceleration, deceleration and turn lanes, as called for by the Planning Commission. The Planning Commission shall consider recommendations by law enforcement and county fire services and may consult traffic studies and data to determine if such lanes are necessary to protect the safety of the public.

(7) Location with access to a major thoroughfare in the county.

(Amend. of 6-28-2016)

Sec. 59-1205. Full disclosure.

Commercial or industrial businesses shall, as part of their building permit or license application process, provide the planning director with full disclosure of all hazardous or dangerous products used in their commercial or industrial processes together with an explanation of safety measurers, disposal measures and emergency medical and evacuation procedures. The planning director shall then forward this information to the emergency management director, the fire department and the sheriff's department.

Sec. 59-1206. Reserved.

ARTICLE XIII. PUD—PLANNED UNIT DEVELOPMENT

Sec. 59-1300. Purpose and intent.

The planned unit development is designed to:

(1) Encourage the development of tracts of land as planned neighborhoods, communities, or mixed-use developments;

(2) Encourage flexible and creative concepts in site planning in cooperation with the Board of Commissioners;

(3) Preserve the natural amenities of the land by encouraging scenic and functional open areas within residential areas, while at the same time, supporting the growth of the community through proper planning and procedure;

(4) Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of the other articles of this chapter;

(5) Provide for the efficient use of land resulting in smaller networks of utilities and streets and thereby lower development and housing costs;

(6) Provide an environment of stable character compatible with surrounding residential areas.

(7) A particular emphasis to PUD zoning designations is given to the areas of Stephens County in which utilities have been placed for future growth, including along the Toccoa Bypass.

Sec. 59-1301. Requirements.

(a) A planned unit development must contain a minimum of five contiguous acres.

(b) A planned unit development is to be planned, developed, operated, and maintained as a single entity (whether by a single owner or under unified control) containing one or more structures to accommodate residential and commercial uses, or an appropriate mix thereof, and appurtenant common areas and other uses incidental to the predominant uses.

(c) All planned unit developments shall meet the following standards:

(1) The development shall be compatible with the topography of the land and shall preserve any unusual natural features.

(2) The development shall not adversely affect developed or undeveloped neighboring properties.

(3) The development shall utilize design features that would not be possible under traditional, Euclidean-style zoning regulations.

(4) The development shall have adequate and properly arranged vehicular and pedestrian traffic access, convenience, safety, and design.

(5) The development shall have sufficient and properly arranged off-street parking and loading.

(6) The development shall preserve all architectural, scenic, historic, or natural areas currently existing within the bounds of the property.

(7) Water, sewer, stormwater management, electrical, and gas service, existing and proposed streets, schools, and other public facilities shall be adequate for the development or there shall be a definite proposal for making them so.

(8) The development shall be included within private deed covenants running with the land to assure continuance of the development in accordance with the approved plans.

(9) Any changes from the plans at any time must be reviewed by the planning department and approved by the Board of Commissioners before project implementation.

Sec. 59-1302. Development plan.

(a) An applicant shall file a petition within the county planning department for approval of a planned unit development. This application shall be supported by a development plan and written summary of intent, and shall show the relation between the proposed development and the surrounding area, both existing and proposed. The site plan shall be prepared by a competent designer and shall be of sufficient detail to ensure compliance with this section. In addition, the applicant shall submit other necessary information to ensure compliance with the provisions of this chapter. Any special studies recommended or required by county staff shall also be provided.

(1) The proposed planned unit development may depart from strict conformance with the requirements of zoning and subdivision requirements to the extent specified in the master development plan and documents authorizing the development so long as tangible benefits are provided to the neighborhood or community in which it is located. These benefits shall be in the form of provisions of exceptional amenities, design excellence, etc. Departure from any requirement specified in this article or other county ordinances and regulations is a privilege, and shall be granted only upon recommendation of the planning commission and approval by the Board of Commissioners, as applicable in this article. Requested variances from the zoning ordinance shall be listed out to ensure full clarity.

(b) The written statement submitted with the development plan shall include the following information:

(1) An explanation of the character of the proposed development, including a summary of the number of acres, the number of proposed dwelling units, and a statement which defines lot size, yard, and space requirements.

(2) A general statement of the proposed development schedule.

(3) A description of any agreements, provisions, and/or covenants which govern the use, maintenance, and protection of the development. The Board of Commissioners may require that certain uses and maintenance needs be addressed by any property operating under the PUD zoning designation.

(c) Approval:

(1) An application for approval of a planned unit development will be considered as a petition for rezoning and will be subject to the procedures established in the Code of Ordinances and under the State Zoning Procedures Act.

(2) If the development plan is approved, the county will cause the official zoning map to be changed to indicate the planned unit development. If the plan is approved with modifications, the applicant shall file written notice of consent to the modifications and a properly revised site plan shall be filed with the county prior to changing the zoning map. No building permits shall be issued until the development plan has been approved as required by the land use ordinance of the county.

Sec. 59-1303. Revision of zoning approval.

Upon approval of an amendment creating a planned unit development, the construction shall begin within two years, or if the applicant fails to maintain the approved development schedule, approval of the development plan shall lapse. At its discretion and for good cause, the County Commission may extend the period for beginning construction for any phase of the project for up to one additional year. If the approval of a development plan lapses under this provision, the county shall cause the development to be removed from the official zoning map and shall reinstate the zoning district and regulations which were in effect prior to approval.

Sec. 59-1304. Permitted uses.

The uses permitted within a planned unit development shall be both residential and commercial and may include the following uses:

(a) Single-family detached dwellings.

(b) Duplexes and townhouses.

(c) Multi-family dwellings.

(d) Public and semi-public facilities to include community and club facilities.

(e) Certain commercial or retail uses, including storefronts, offices, clinics, restaurants, gas stations, hotels, and other such facilities provided they meet the following criteria:

(1) The location is appropriate in relation to other land uses.

(2) The proposed use is designed so that it will primarily serve the planned development.

(3) Accessory uses to those listed above.

Sec. 59-1305. Density controls.

The maximum number of dwelling units per acre in residential areas of a planned unit development shall not exceed fifteen (15) dwelling units were acre. For the purpose of this section, density shall be interpreted as the number of dwelling units per gross acre devoted to residential development. Gross acreage shall include, in addition to land area and parcels used primarily for residential purposes, all open spaces included private lakes reserved for common usage. Gross acreage shall exclude areas reserved or dedicated for street rights-of-way. An overall higher density may be allowed provided the applicant can show that such higher density will not be

detrimental to the surrounding neighborhood. Unless topographical or other barriers protect the privacy of existing adjoining uses, the county commission may impose one or both of the following requirements:

(1) Structures or buildings located at the perimeter of the development shall be set back a sufficient distance to protect the privacy and amenities of adjacent existing uses.

(2) Structures or buildings located at the perimeter of the development shall be permanently screened in a manner which sufficiently protects the privacy and amenities of the adjacent existing uses.

Sec. 59-1306. Reserved.

ARTICLE XIV. GENERAL PROVISIONS

Sec. 59-1400. Use occupancy and erection.

No building, structure, land, open space or water shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, structurally altered or maintained, and no new use or change shall be made or maintained of any building, structure, land open space or water, unless in conformity with all the regulations herein specified for the district in which it is located.

Sec. 59-1401. Use prohibited when not specified.

Any use not specifically permitted in the district shall be prohibited in that district, subject to the procedures herein for conditional use and variance. Regardless of the uses listed in each district, the following uses are prohibited in any district:

(1) Construction and demolition (C&D) landfills.

(2) Hazardous waste landfills.

(3) Inert waste landfills.

(4) Municipal solid waste landfills.

(5) Medical waste landfills.

(6) Explosives manufacturing.

(7) Glue manufacturing.

(8) Fertilizer manufacturing.

(9) Paper mill.

(10) Pulp mill.

(11) Nuclear waste storage.

(12) Waste reclamation/recycling/composting facilities, including but not limited to solid waste, human waste, food waste, animal waste and by products, and septage except as provided herein.

Sec. 59-1402. Minimum requirements.

Within each district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of building, structure or land.

Sec. 59-1403. Height limitations.

If the regulations for each district created herein do not establish a maximum height then no building or structure shall hereafter be erected, constructed or altered, except as otherwise specifically exempted in these regulations, to exceed the height of 75 feet; provided, however, that the Board of Commissioners may permit buildings and structure to exceed these height limitations upon approval of a conditional use or variance as specified in these regulations. The height limitation herein shall not apply to any district that provides for a maximum height in that district.

The height limitations established herein shall not apply to chimneys, smoke stacks, church spires and steeples, dome, flag poles, public monuments, electricity transmission towers, utility poles and similar structures.

(Amend. of 6-28-2016)

Sec. 59-1404. Every use must be on a lot of record.

No building or structure shall be erected or use established unless upon a lot of record as defined by these regulations as otherwise provided herein.

Sec. 59-1405. Principal buildings on a lot of record.

(a) Only one principal building and its accessory building may hereafter be constructed on any one lot intended for use under two (2) acres; provided, however, that more than one multiple dwelling, office, institutional, commercial or industrial building, or agricultural buildings or structures may be located upon a lot subject to setbacks and separation as provided in these regulations.

(b) Properties greater than two (2) acres in size may have one (1) additional principal structure allowed by right provided, however that they are subject to setbacks and separation as provided in these regulations. Any additional principal uses beyond those specified here shall be allowed only by approval of a variance.

Sec. 59-1406. Separation between principal buildings.

No principal building shall be located closer than 20 feet to another principal building.

Sec. 59-1407. Reduction in lot size prohibited.

No lot shall be reduced, divided or changed in size so that lot width, size of yards, lot area per dwelling or any other requirement of these regulations is not maintained, unless said reduction is necessary to provide land which is acquired for a public purpose.

Sec. 59-1408. Street frontage requirement.

No building or structure shall hereafter be constructed on a lot that does not abut for at least 30 feet on a public street. To meet this requirement the lot must have a minimum of 30 feet of frontage on the public street or have easement access with a minimum of 30 feet of frontage on a public street.

(Ord. of 10-13-2020)

Sec. 59-1409. Accessory buildings and uses.

Accessory buildings and uses shall be permitted only in side or rear yards, except as otherwise provided by these regulations. An accessory building is a building that is used for another purpose other than the purpose of the principal building. A principal building is a building or combination of buildings for chief importance or function on a lot. In general, the principal use is carried out. Accessory buildings and uses shall be permitted only if they meet the following:

(1) No more than three accessory buildings shall be permitted on a residential lot.

(2) Accessory buildings and uses shall be setback a minimum of five feet from any property line.

(3) Where an accessory building is structurally attached to the principal building, it shall be subject to and must conform to all regulations applicable to the principal building.

(4) In the case of double frontage lots, accessory buildings shall observe front yard requirements on both streets.

(5) No accessory building on a residential district lot shall exceed a height of 50 feet.

(6) Detached buildings shall be located a minimum of ten feet from the principal building on a lot.

Sec. 59-1410. Regulations for specific structures.

The following specified structures shall conform to the following regulations:

(1) Gasoline pumps: Gasoline pumps and pump islands shall be setback a minimum of 30 feet from public right-of-way and property lines.

(2) Canopies: Canopies and other attached or detached structures intended for cover shall be setback a minimum of 15 feet from any public right-of-way and property line.

(3) Temporary offices in mobile or manufactured homes: Mobile or manufactured homes may be used for a temporary construction office for a licensed contractor in any district, upon issuance of a permit by the planning director. Said permit shall be temporary for a period of one year, but renewable as needed.

(4) Temporary structures: Temporary structures shall not be permitted in any district except when they are used in conjunction with construction work or pending completion of a permanent building. Such structure shall be used for a period not to exceed one year and shall be removed when construction of the permanent structure is completed.

Sec. 59-1411. Home occupations in a residential district.

A home occupation as defined by these regulations shall conform to the following requirements:

(1) The home occupation shall be clearly incidental and secondary to the residential use of the dwelling and shall not change the residential character of the building or lot.

(2) Only residents of the dwelling and one person not related by blood or marriage to the resident may be engaged in the home occupation.

(3) No storage of products or materials shall be visible from the adjoining street of adjacent properties.

(4) No external alterations of the dwelling solely for the accommodation of a home occupation are permitted.

(5) Any chemical, electrical or mechanical equipment that is normally a part of domestic or household equipment may be used for a home occupation. Commercial equipment that is required by a home occupation may be used providing that: (1) it does not pose a health, noise or safety hazard and (2) the commercial equipment being used is approved by the planning director for home occupations.

(6) An occupation tax certificate shall be obtained, if required by the county, prior to the operation of any home occupation. Said occupation tax certificate shall require approval by the planning director.

(7) The following uses are allowable as home occupations in a residential district:

a. Tutoring, consultation and instruction in music, dance, arts, crafts and similar subjects, limited to two students at one time;

b. Day care center serving six or less persons;

c. Professional services (i.e., attorneys, architects, accountants, realtors, insurance and travel agents);

d. Secretarial services and answering services;

e. Mail order and general offices not involving storage of equipment, materials or vehicles;

f. Phone solicitations;

g. Beauty salons and barber shops limited to two patrons at one time;

h. Food catering;

i. Any other home occupation that the Planning Commission and/or Board of Commissioners deem to otherwise meets the requirements in this section and any other requirements set forth in this ordinance and are harmonious with the residential character of the district

(8) The following uses are specifically prohibited as home occupations in any residential district: cabinet shops or metal cutting; doctors, dentists or other medical professionals; automotive repair or related work.

The failure of a home occupation licensee to comply with any of the above conditions shall be reasonable grounds for revocation of a home occupation license.

(Amend. of 6-28-2016)

Sec. 59-1412. Visibility at intersections.

No fence, wall, sign, hedge or planting which obstruct the sight lines at elevation between two and 12 feet above any roadway shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines, or such lines extended, and a line connecting such right-of-way lines at points 25 feet from the intersection of the right-of-way lines. (Barbed wire or hog wire fences are exempt).

Sec. 59-1413. Personal wireless service facilities ("PWSF").

Telecommunications facilities are governed by chapter 75 of the Code of Stephens County, Georgia. Towers other than personal wireless service facilities ("PWSF")/telecommunications Facilities are governed by chapter 74 of the Code of Stephens County, Georgia.

(Amend. of 6-28-2016)

Sec. 59-1414. Conditional uses not otherwise set forth in land use districts.

In recognition that the conditional uses set forth in the land use districts herein are not exhaustive and that other similar and compatible uses may be appropriately considered for a conditional use in a particular district the planning commission and board of commissioners may consider other uses for conditional use approval if said use(s) meet the criteria for conditional uses in Section 1608, meet any other requirements imposed herein and otherwise are deemed compatible and harmonious with other permitted, conditional and existing uses in that land use district.

(Amend. of 6-28-2016)

Sec. 59-1415. Subdivision plats must meet zoning requirements.

No proposed plat of a subdivision, nor any plat of re-subdivision, shall hereafter be approved by the board of commissioners or by the planning commission unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various zoning districts in these regulations and unless such plat fully conforms with the statutes of the State of Georgia and regulations of the board of commissioners.

Sec. 59-1416. Determination of buffer requirements between districts.

If two adjoining properties are in dissimilar districts, and the property owner in the more intensive district is acquiring a building permit, then this property owner is required to provide the buffer, unless the buffer was pre-existing. The buffer width/depth between dissimilar districts shall increase as the use intensities between the districts increase.

If two adjoining vacant properties are in dissimilar districts, and the property owner in the less intensive district is acquiring a building permit, then no buffer is required.

Sec. 59-1417. Fences, signs and billboards.

For the purpose of this article and section, fences shall not be considered structures or buildings. Fences are excluded from the regulations provided herein. Also, for the purpose of this article and section, signs and billboards shall not be considered structures or buildings as defined herein. All regulations and requirements for signs and billboards are set forth in the Stephens County Sign Ordinance and are not governed by this land use regulation ordinance.

(Ord. of 4-25-2017)

ARTICLE XV. NONCONFORMING LOTS, BUILDINGS AND STRUCTURES

Sec. 59-1500. Purpose and intent.

Within the districts established by these regulations, there exist certain incompatible lots, building, structures, signs and uses of land which were lawful before these regulations were adopted but which would be prohibited, regulated or restricted under the terms of these regulations or future amendments.

It is the intention of this article to permit these nonconformities to continue until they are removed. It is further the intent of these regulations that nonconformities shall not be expanded or enlarged or extended upon beyond the existing lot. Further, nonconformities shall not be basis for adding other structures or uses prohibited elsewhere in the same district.

Sec. 59-1501. Nonconforming lots of record.

In any district, while meeting the limitation imposed by other provisions of these regulations, a permitted structure may be erected on any single lot of record existing at the effective date of adoption or amendment of these regulations, even though such lot fails to meet that district's requirement for area and width. Building setbacks and other requirements of the lot shall conform to the regulations for the district in which the lot is located.

Except for those lots described above, if two or more lots or combination of lot and portion of lots with continuous frontage in single ownership are of record at the time of adoption or amendment of these regulations, and if all or part of the lots do not meet the requirements for lot width and area as established by these regulations, the lands involved shall be considered an undivided parcel for the purpose of these regulations. No portion of said parcel shall be used which does not meet lot width and area requirements established by these regulations and the Stephens County Health Department, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the applicable requirements.

Sec. 59-1502. Continuance of nonconforming use.

The lawful use of any building, structure, sign or land existing at the time of enactment of these regulations may be continued, even though such a use does not conform with the provisions of these regulations, except that the use of a principal building, structure or land containing a nonconforming use shall not be:

(1) Changed to another nonconforming use;

(2) Re-established after discontinuance or abandonment for one year;

(3) Expanded, enlarged or extended beyond the existing lot, unless such use is changed to a use permitted in the district in which such use is located;

(4) Rebuilt, altered or repaired after damage unless such rebuilding, alteration or repairs completed within two years of such damage;

(5) Reserved.

(6) Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition any building, structure or portion thereof, declared to be unsafe by an official charged with protecting the public safety or health, upon of such official; and

(7) Changes in ownership or tenancy of a nonconforming use are permitted.

Sec. 59-1503. Expansion of nonconforming buildings.

A nonconforming building which contains a conforming use may be expanded, enlarged or extended, provided that any such additions meet the applicable yard and building setbacks, buffer and landscape strip requirements and all other regulations for the district in which it is located. This section shall not, however, be construed as to authorize the expansion of a nonconforming building for a use which is not permitted by the regulations for the district within such building is located.

Sec. 59-1504. Buildings under construction.

Nothing in this article shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the adoption of these regulations.

Sec. 59-1505. Reserved.

ARTICLE XVI. AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS

Sec. 59-1600. Authority to amend.

The board of commissioners may from time to time amend the number, shape, boundary or area of any district, or may amend any regulation pertaining to any district; or may amend any article or section of this chapter. The procedure for amending this chapter shall be as provided in this article.

Sec. 59-1601. Initiation of land use amendments.

A petition to amend the text of these land use protection regulations or the official land use district map may be initiated by the Board of Commissioners, the Planning Commission or any person, firm, corporation or agency that owns property involved in a petition for amendment, subject to the provisions established herein. This shall also include the legal representative of the Board of Commissioners, the Planning Commission or any person, firm, corporation or agency that owns property involved in a petition for amendment.

Sec. 59-1602. Frequency of application.

The Board of Commissioners or the Planning Commission may at any time file, in its own name, an application for amendment to the text of the zoning protection regulations or the official land use district map, except that if a zoning decision of the Board of Commissioners is for the rezoning of property and the amendment to the land use protection resolution and associated map to accomplish the redistricting is defeated by the Board of Commissioners, the same property may not again be considered for redistricting until the expiration of at least six months immediately following the defeat of the redistricting by the board of commissioners.

A property owner or subsequent property owner shall not initiate action for a map amendment, conditional use permit, certificate of appropriateness or variance affecting the same or any portion of property more often than once every six months from the date of any previous decision rendered by the Board of Commissioners; provided, however that a property owner may petition for alteration, modification or deletion of conditions of land use protection in accordance with the provisions of this article.

A property owner or subsequent property owner shall not initiate action for a text amendment affecting the same or any portion of property more often than once every six months from the date of any previous decision rendered by the board of commissioners.

Sec. 59-1603. Withdrawal of amendment application.

Any petition for an amendment to these regulations, official land use district map, conditional use approval or variance may be withdrawn, at the discretion of the person or agency initiating such request, at any time prior to final action by the Board of Commissioners upon written notice to the planning director. Any required fees shall be forfeited.

Sec. 59-1604. Application requirements.

Application materials specified in this section shall be required for the following petitions:

(1) Amendments to the official land use district map;

(2) Alterations or extensions of conditional use decision;

(3) Conditional use permits; and

(4) Applications for variances or appeals to the board of commissioners.

Application materials shall include:

(1) An application form furnished by the planning director; and

(2) A legal description of the property to be considered in the application. The legal description shall be by metes and bounds unless an alternative legal description which clearly describes the property in question without ambiguity and without conflicting with the description of any other property, is determined to be acceptable by the planning director. Boundary surveys of the property should be submitted with the application whenever available; and

(3) A letter of intent which describes general characteristics of the proposed development, such as type and time frame of development, background information in support of such application and any other information deemed pertinent by the applicant.

a. For variance applications, the letter shall address the criteria specified in this chapter.

b. For land use district map amendment applications, the letter of intent shall address the standards specified in this chapter.

c. For conditional use permit applications, the letter of intent shall address the standards specified in section 59-1607 of this chapter.

(4) A site plan with all information specified in this chapter. Unless otherwise noted in the approval, the site plan submitted in support of an approved application shall be considered a part of the approval and must be followed.

(5) A fee for said application as established by the Board of Commissioners from time to time.

(6) Applications which require action by the Board of Commissioners shall also require disclosure of any conflicts of interest as specified in O.C.G.A. [Tit. 36,] Ch. 67A, "Conflict of Interest in Land Use District Actions."

Applicants shall submit three copies of any required site plans or development plans and letters of intent to the planning director for distribution to the applicable bodies and/or review agencies. The planning director may require more or less copies depending on the nature and extent of required review.

Sec. 59-1605. Site plan requirements.

All site plans required by this article shall, at a minimum, contain the following information:

(1) General location map showing scale, date, north arrow and relationship of the site to streets or natural landmarks.

(2) Specific schematic map or plat showing (a) boundaries of the subject property (b) all existing and proposed streets, including right-of-way and street pavement widths; (c) buildings; (d) building setbacks, buffer, landscape strips and environmentally sensitive areas; (e) parking and loading areas and other physical characteristics of the property; and

Each of these two maps must contain:

(1) Title of proposed project.

(2) Name, address and contact number of property owner.

(3) Name, address, contact number of architect, engineer or other designer.

Sec. 59-1606. Criteria to consider for map amendments.

The applicant, staff, Planning Commission and Board of Commissioners should review an application for land use district map amendment with regard to the following criteria:

(1) The existing uses and district designation of nearby property and whether the proposed land use will adversely affect the existing use or usability of nearby property.

(2) The extent to which property values are diminished by the particular zoning restrictions.

(3) The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.

(4) The relative gain to the public, as compared to the hardship imposed upon the individual property owner.

(5) The physical suitability of the subject property for development as presently districted land under the proposed land use district.

(6) The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property and whether there are pre-existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.

(7) The zoning history of the subject property.

(8) The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks or other public facilities.

(9) Whether the land use proposal is in conformity with the policy and intent of the comprehensive plan or other adopted plans.

The staff, Planning Commission and Board of Commissioners, may consider other factors deemed relevant before formulating recommendations and taking action on a particular request.

Sec. 59-1607. Conditional uses.

(a) Land use districts established herein permit certain uses which are allowable therein provided they meet specified conditions, as set forth therein and here. No such use shall be permitted until a conditional use permit has been issued authorizing such use. The procedures for granting such permits shall be the same as for amendments to the zoning ordinance or zoning map.

(b) Those conditions specified in this chapter shall be considered to be the minimum standards which must be met before the conditional use application may be considered by the planning commission for review and recommendation and the board of commissioners for decision. In deciding upon whether or not a conditional use meets the minimum standards and promotes the health, safety, morals, or general welfare of the county, the board of commissioners shall utilize the applicable standards of review set forth in this chapter.

(c) If the Board of Commissioners, after applying the evidence to the standards of review and conditions, have been convinced that the allowance of the conditional use will promote the health, safety, morals, or general welfare of the county, a conditional use permit may be granted, subject to those provisions that may be imposed by the Board of Commissioners.

Sec. 59-1608. Criteria to consider for conditional uses.

The applicant, staff, Planning Commission and Board of Commissioners should review applications for conditional uses with regard to the following criteria, in addition to other standards and criteria set forth in this chapter:

(1) Off-street parking and loading facilities are adequate in terms of location, amount and design to serve the use.

(2) The number, size and type of signs proposed are compatible with the surrounding area.

(3) The amount and location of open space and the provisions of screening is such that buffering of incompatible uses is achieved.

(4) Ingress and egress to the property is suitable and safe, and the effects of the proposed activity on traffic flow along adjoining streets is not adverse.

(5) The location and intensity of outdoor lighting is such that it does not cast light on adjacent or neighboring properties.

(6) Hours and manner of operation of the proposed are not inconsistent with adjacent and nearby uses.

(7) Public facilities and utilities are capable of adequately serving the proposed use.

(8) The proposed use will not have a significant adverse effect on the level of property values or the general character of adjacent land uses or the general area.

(9) The physical conditions of the site, including size, shape, topography and drainage, are suitable for the proposed development.

(10) The proposed use is consistent with the goals and objectives of the Comprehensive Plan of Stephens County and this chapter. The staff, Planning Commission and Board of Commissioners may consider other factors deemed relevant before formulating recommendations and taking action on a particular conditional use application.

Sec. 59-1609. Public notice and public hearing required.

This section shall apply to all applications for amendments to (1) the text of the land use protection regulations, (2) amendments to the official zoning district map, (3) petitions for variances and appeals to the board of commissioners, (4) requests for conditional use approval, (5) requests for alteration or extension of conditional redistricting.

Upon receipt of a completed application, fees and other information required by this article, the planning director shall cause notice of such application to be published at least one time in a newspaper of general circulation in the community at least 15 days but not more than 45 days prior to the date of the public hearing before the Board of Commissioners.

Said published notice shall include, as a minimum, the purpose, location, date and time of the public hearing, before the Board of Commissioners, the purpose, location, date and time of the public hearing before the planning commission, the location of the property being considered, the present land use classification of the property, and proposed action to be taken, as appropriate, such as proposed land use district, type of conditional use, variance to particular articles and sections, and so forth. The administrative office shall also cause to have posted in a conspicuous place on said property one or more sign(s), each of which shall contain the information specified for published notices. No public hearing shall take place until said sign(s) have been posted for at least 15 days, but not more than 45 days prior to the date of the public hearing.

On any application, a public hearing shall be held first by the Planning Commission who reviews and makes their recommendation. The application along with their recommendation shall be forwarded to the Board of Commissioners for their review.

Public hearings regarding variances and appeals shall be held by the board of zoning appeals and no action shall be taken on said applications until a public hearing has been held by the Board of Commissioners.

Public hearings may be delayed, rescheduled or continued at another time and date, provided announcement is given at the time and place of the initially scheduled and advertised public hearing, and provided such date, time and location of the public hearing to be delayed, rescheduled or continued is given. If the applicant of a petition before the planning commission or board of commissioners fails to attend the public hearing, then the planning commission or board of commissioners may require re-advertisement of the subject petition at the expense of the applicant or may proceed on the application in the absence of the applicant or the applicant's legal representative.

Sec. 59-1610. Recommendation by planning director.

The planning director may as appropriate customarily submit to the recommending and/or decision making body, prior to a scheduled public hearing, copies of the site plan and letter of intent along with a written recommendation for approval, disapproval, deferral, withdrawal or other recommendation. Said recommendation shall include reasons for said recommendations, considered within the context of the appropriate criteria as specified by this chapter. The recommendations of the planning director shall have an advisory effect only and shall not be binding on the Board of Commissioners. Copies of the planning director's recommendations shall be made available to the applicant and other interested parties upon completion and distribution to the appropriate bodies and at the public hearing.

The duties of the planning director can be found in appendix 1 which is incorporated herein by reference.

Note(s)—Appendix 1 has been set out at the end of this chapter.

Sec. 59-1611. Planning Commission recommendation.

Prior to the public hearing held by the Board of Commissioners, the Planning Commission shall hold a public hearing on all applications for amendment to the text of the land use protection regulations, amendments to the official land use district map, conditional use permit applications, petitions for alteration or extension of conditional land uses requests for site plan for manufactured home parks in the residential district and variances.

After completing its studies of the particular petition, the Planning Commission shall submit a recommended action in writing to the Board of Commissioners. The Planning Commission may submit any additional report it deems appropriate. The recommendations of the Planning Commission shall have an advisory effect only and shall not be binding on the Board of Commissioners. Copies of the Planning Commission's recommendations and reports shall be made available to the applicant and other interested parties upon completion and distribution to the Board of Commissioners and at the public hearing before the Board of Commissioners.

The Planning Commission shall have 30 days within which to submit its recommendations. The Board of Commissioners shall not take action on any of said applications, until it has received the recommendation of the Planning Commission within the specified time period. If the Planning Commission fails to submit a recommendation within a 30-day period, it shall be deemed to have approved the proposed application.

The bylaws of the Planning Commission can be found in appendix 2 which is incorporated herein by reference.

Note(s)—Appendix 2 has been set out at the end of this chapter.

Sec. 59-1612. Conduct of public hearings.

All public hearings regarding applications considered by the Board of Commissioners and Planning Commission shall be held in accordance with any procedures adopted by said body and, in addition, shall be governed by the following procedure:

(1) The presiding officer shall open the hearing by stating the specific application being considered at the public hearing. At this time, the presiding officer may summarize the public hearing procedures.

(2) The planning director will present a description of the proposed application, any applicable background material, his/her recommendation regarding action on said application as appropriate, and the recommendations and reports of the planning commission as appropriate.

(3) Persons who support the application will be asked to comment first. The petitioner may, upon recognition and upon statement of name and address, present and explain his application. The petitioner, or his designated agent, shall be required to attend the public hearing unless written notice of hardship is received prior to such meeting. Failure of the petitioner or agent to attend the public hearing or meeting, except in cases of hardship, may be due cause for dismissal or denial of such application. A time limitation may be imposed at the discretion of the chairman.

(4) Persons who oppose the application will be asked to comment next. All interested parties after being recognized shall be afforded an opportunity to address the proposed application by standing before the appropriate body and identifying their name, address and interest, along with any comments on the proposed application. A time limitation may be imposed at the discretion of the chairman.

(5) The petitioner shall have an opportunity for summary remarks and rebuttal concerning the proposed application.

(6) Upon completion of any comments from interested parties and the petitioner, the public hearing shall be completed and adjourned.

(7) All public comments having been heard, the members of the body considering the application may discuss the request among themselves. During this discussion period, the members of the body may call on the petitioner or other interested parties to clarify points made previously or to answer questions. Said petitioner or interested parties may respond upon recognition.

(8) The public hearing procedures as adopted by the board of commissioners shall be made available to all parties and the public by requesting a copy from the clerk of the Board of Commissioners.

Sec. 59-1613. Action by the appropriate body.

After the public hearing has been completed, the Board of Commissioners may take action to approve or deny the request, refer the application back to the planning director or Planning Commission for further study or the Board of Commissioners may table or defer action until a later meeting. The Board of Commissioners, after the public hearing has been completed, may take action to approve or deny the request, or defer action until a later meeting.

Sec. 59-1614. Conditional approval permitted.

The planning director and Planning Commission may recommend, and the Board of Commissioners may approve, applications for map amendments and conditional use permits, subject to certain conditions, provided that said conditions are set forth in the ordinance regarding approval of such application. Said conditions of approval may reduce the number or type of permitted uses, limit the nature or scope of permitted uses, restrict certain activities on the property, restrict the number and kind of improvements which can be made on the

property, stipulate specific acts which the property owner will perform or any other conditions directly related to the physical use of land and which are designed to render the proposed land use or use compatible with nearby properties. Applications for alteration or extension of conditional districting shall be made in accordance with the requirements of this article.

Sec. 59-1615. Standards of review.

(a) In ruling on any matter herein in which the exercise of discretion is required, or in ruling upon any application for zoning map amendment, the planning director, Planning Commission or Board of Commissioners shall act in the best interest of the health, safety, morals, and general welfare of the county. In doing so, they will consider one or more of the following factors, in addition to other factors and criteria set forth in this chapter, as they may be relevant to the application:

(1) The existing land use pattern;

(2) The possible creation of an isolated district unrelated to adjacent and nearby districts;

(3) The population density pattern and possible increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, and streets;

(4) The cost of the county and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;

(5) The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity;

(6) Whether the proposed zoning map amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;

(7) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;

(8) The aesthetic effect of existing and future use of the property as it relates to the surrounding area;

(9) The extent to which the proposed zoning map amendment is consistent with the land use plan;

(10) The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;

(11) The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;

(12) Applications for a zoning map amendment which do not contain specific site plans carry a rebuttable presumption that such rezoning shall adversely affect the zoning scheme;

(13) The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;

(14) In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

(b) After hearing evidence at the zoning hearing, the Board of Commissioners shall apply the evidence to the standards of review in making their decision. It will not be required that the Board of Commissioners consider every criteria contained in the standards of review. It shall be the duty of the applicant to carry the burden of proof that the proposed zoning map amendment promotes the public health, safety, morality or general welfare.

(c) If the Board of Commissioners determine from the evidence presented that the applicant has shown that the proposed zoning map amendment promotes the health, safety, morals and general welfare under the standards of review, then the application shall be granted, subject to those reasonable provisions as may be imposed by Board of Commissioners as provided in this chapter. Otherwise, such application shall be denied.

(d) In ruling on any petition in which the petitioner has brought a challenge of the existing zoning classification, the Board of Commissioners may impose upon such property any appropriate zoning classification, which might be consistent with the considerations contained in [subsection] (a) above.

Sec. 59-1616. Reversion of conditional districting and/or conditional use approval.

If, after 24 months from the date the Board of Commissioners approves a map amendment or conditional use permit, action has not been taken to utilize the property, pursuant to such conditions, such as securing a development permit, the approval shall expire. The Board of Commissioners shall, by official action, cause the conditional use approval to expire or the land use district to revert to the district classification assigned to the property immediately prior to the approval.

The planning director shall notify all property owners in question of pending action to rescind or revoke approvals, and such notice shall be by certified mail, dated at least 15 days prior to the date of the Board of Commissioner's scheduled meeting and directed to the owner's address as it appears on the tax rolls of the Board of Commissioners.

Prior to notification by the planning director of any reversion of approval, the owner of the property in question may petition the Board of Commissioners for a modification or extension of land use or conditional use approval. Any such extension shall valid for 24 months from the date of approval. Only one such extension shall be permitted.

Sec. 59-1617. Approval required by appropriate body.

Applications for amendments to the text of the land use protection regulations, land use district map amendments, alterations or extensions of conditional districting and conditional use permits require approval by the Board of Commissioners before development may be initiated or before such application is made effective. Applications for variances and appeals shall require approval by the Board of Commissioners before development may be initiated or before such application is made effective.

Sec. 59-1618. Procedure for approved land use protection resolution text amendments.

The date of all approved amendments to the text of this chapter may be indicated on the title/cover page of the text, and any sections within this resolution text hereafter amended or repealed shall be so indicated by an asterisk (*, **, ***, etc.) and concurring footnote providing the date such amendment was approved. All such text amendments shall be incorporated within the text without unreasonable delay.

Sec. 59-1619. Criteria for requiring screens and buffers.

Where noise, visual effects or distracting activity is determined by the Planning Commission to affect adjacent property or roadway, a vegetative screen, cement or masonry wall, or earth berm may be required by the planning commission to reduce the undesirable effects. In deciding if such screens and buffers are necessary the planning commission shall consider the following criteria and factors:

(1) The nature of the adjoining use;

(2) The size of the property being considered for screens and buffers;

(3) The existence of any light, noise, odor or other impact caused by the property being considered for screens and buffers;

(4) Screens and buffers can be required as a permit condition for a conditional use permit or variance application; and

(5) Any factors herein for consideration of conditional use permits.

Sec. 59-1620. Reserved.

Sec. 59-1621. Conflict with Georgia's Zoning Procedures Law.

In the event that any provisions of this article conflict with the minimum requirements of O.C.G.A. § 36-66-1 et seq., as subsequently amended, known as the "Zoning Procedures Law," the provisions of O.C.G.A. § 36-66-1 et seq., as subsequently amended, known as the "Zoning Procedures Law" shall control.

ARTICLE XVII. ADMINISTRATION, INTERPRETATION, ENFORCEMENT, PENALTIES AND REMEDIES

Sec. 59-1700. Administration and interpretation.

The provisions of this chapter shall be administered by the planning director who shall be appointed by the Board of Commissioners and serve at its pleasure. The planning director shall be responsible for interpretation of the provisions of this chapter and for maintenance of the official zoning map.

Sec. 59-1701. Enforcement.

The provisions of this chapter shall be enforced by the building official, planning director or lawful designee of the Board of Commissioners.

Sec. 59-1702. Building permit required.

No building, structure or sign, except as specifically exempted by this chapter, (1) shall be erected, moved, extended, enlarged or structurally altered, nor (2) shall any excavation or filling of any lot for the construction of any building be commenced until the building official has issued a building permit for such work in conformity with the provisions of this chapter.

All building permits shall be issued by the building official, under guidelines set forth by the planning director, the Planning Commission and the Board of Commissioners. The building official and planning director positions may be held by the same person. In cases of uncertainty regarding whether a proposed building or structure conforms to any provisions within this resolution, the building official shall consult with the planning director for his interpretation and ruling unless both positions are held by the same person.

Building permits shall become invalid unless the work authorized by it shall have been commenced within 90 days of its date of issue, or if the work authorized by it is suspended or abandoned for a period of six months or more.

Sec. 59-1703. Reserved.

Sec. 59-1704. Penalties for violation.

Any person, firm or corporation violating, neglecting or refusing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined (1) not less than $50.00 nor more than $1,000.00 for each offense, or (2) as determined by the court of proper jurisdiction. Each day such violation continues shall constitute a separate offense.

Sec. 59-1705. Remedies.

In addition to any other penalty herein, if (1) any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or (2) any building structure or land is or is proposed to be used in violation of any provision of this chapter, then appropriate actions will be taken to ensure compliance.

The building official, planning director, lawful designee of the Board of Commissioners or any other appropriate authority may, in addition to other remedies and after due notice to the owner of the violation, (1) issue a citation for violation of this chapter requiring the presence of the violator in the court of proper jurisdiction, (2) institute an injunction or (3) take other appropriate actions or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to correct or abate such violation to prevent the occupancy of such building, structure or land.

Sec. 59-1706. Reserved.

ARTICLE XVIII. BOARD OF COMMISSIONERS/APPEALS

Sec. 59-1800. Creation and duties.

The Board of Commissioners is hereby established as the board of appeals. The Board of Commissioners shall perform all of its duties and exercise all of its powers in such a way that the purpose and intent of the zoning regulations shall be: (1) accomplished, (2) public health, safety and welfare secured, and (3) substantial justice done.

Sec. 59-1801. Membership, quorum and voting.

The Board of Commissioners shall serve as the board of appeals.

Sec. 59-1802. Meeting and records.

The Board of Commissioners shall meet at least one time each month at the call of the chairman unless there is no business to consider, or at such other times as the Board of Commissioners may determine, unless no business is scheduled, and all such meetings shall be open to the public. Meetings of the Board of Commissioners may be conducted on the same calendar day as a regular meeting of the Board of Commissioners. However, such meeting shall take place separate from such regular meeting and shall be adjourned or convened before or after such regular meeting. The board shall adopt rules for the transaction of business, or in lieu of such rules, the board shall follow "Robert's Rules of Order", latest edition or the procedural rules suggested by the Association of County Commissioners of Georgia. The board shall keep record of its findings, proceedings and official determinations, which shall be kept separate from minutes of any other meetings of the Board of Commissioners. These records

shall: (1) show the vote of each member on each question, or if absent or failing to vote, indicating such fact, and (2) be public record for purchase by interested parties at a reasonable cost.

Sec. 59-1803. Subpoena power.

The board shall have the power to subpoena and require the attendance of witness, administer oaths, compel testimony and the production of books, papers, files and other evidences pertinent to the matter before it. On all appeals, applications and matters before the board shall inform in writing all parties involved in its decision.

Sec. 59-1804. Reserved.

Sec. 59-1805. Appeals.

The board is empowered to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the planning director or building official, in the interpretation or enforcement of these land use protection regulations.

The board is empowered to hear an appeal made by any person, firm or corporation, or by any officer, department, board or bureau affected by any decisions of the planning director, building official or other employee based on these land use protection regulations.

Such appeal shall be taken within 60 days or as provided by the rules of the board, by filing with the planning director notice of appeal specifying the grounds thereof. All papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted to the board of commissioners.

The board shall select a reasonable time and place for the hearing of the appeal and give at least 15 days of public notice thereof and due notice to the parties in interest and shall render a decision on the appeal within a reasonable time.

The hearing procedures shall be governed by the provisions of chapter 3 of the Code of Stephens County, Georgia. A copy of which can be obtained from the clerk of the board of commissioners or online at www.municode.com.

Sec. 59-1806. Determination of district boundaries.

The Board of Commissioners shall have original jurisdiction to, upon application, determine the location of a particular district boundary in question as specified in section 59-302 of this chapter after the initial determination by the planning director if the planning director's decision is appealed.

Sec. 59-1807. Variances.

The Board of Commissioners is hereby empowered to authorize upon application in specific cases such variance from the term of this resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. This existence of a nonconforming use of neighboring land, buildings or structures in the same land use district or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance. A variance may be granted in an individual case of unnecessary hardship, after appropriate application in accordance with article XVI upon specific findings that all of the following conditions exist. The absence of any one of the conditions shall be grounds for denial of the application for variance.

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structure in the same district; and

(2) A literal interpretation of the provisions of these land use protection regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; and

(3) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; and

(4) Relief, if granted, will be in harmony with the purpose and intent of this resolution and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value; and

a. The special circumstances are not the result of the actions of the applicant;

b. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure; and

c. The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved.

Applications for variances shall require review and recommendation by the planning commission.

Sec. 59-1808. Conditional approval permitted.

In exercising the powers to grant appeals and approve variances, the board may attach conditions to its approval which it finds necessary to accomplish the reasonable application of the requirements of this chapter.

In exercising its powers, the Board of Commissioners may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all of the powers of the administrative officer and building official and may issue or direct the issuance of a permit.

Sec. 59-1809. Approval period limited.

No order of the board permitting the erection or alteration of a building or other variance shall be valid for a period of longer six months unless such use is established within such period; provided, however that such order by the board shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

Sec. 59-1810. Application, hearings and notice.

Applications for variance shall be made in accordance with all applicable provisions of article XVI.

Sec. 59-1811. Reserved.

ARTICLE XIX. LEGAL STATUS PROVISIONS

Sec. 59-1900. Conflict with other laws.

Whenever the provisions of this chapter impose more restrictive standards than are required in or under any other statute, the provisions of this chapter shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this chapter, the provisions of such statute shall govern.

Sec. 59-1901. Separability.

Should any article, section or provision of this chapter be declared invalid or unconstitutional by any court of competent jurisdiction, such declarations shall not affect the validity of this chapter as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Sec. 59-1902. Repeal of conflicting ordinances.

All properties regulated under the Land Use Ordinance are subject to compliance with all other Stephens County codes as found within the Stephens County Code of Ordinances where not in conflict with this Chapter.

All ordinances and resolutions and parts thereof in conflict herewith are repealed.

Sec. 59-1903. Pre-emption by state or federal law.

Whenever the provisions of this chapter conflict with state or federal law, such that the application of said provision would be pre-empted by law, such pre-emption shall not affect the validity of this chapter as a whole or any part thereof which is not specifically pre-empted by state or federal law.

Sec. 59-1904. Effective date.

This chapter shall take effect and be in force from and after adoption, the public welfare demanding it.

Sec. 59-1905. Reserved.

APPENDIX 1. PLANNING DIRECTOR DUTIES

1. The planning director is responsible for the receipt, review and processing of all applications for rezoning, conditional use permit applications, text amendments, and for applications for all permits required by this chapter.
2. The planning director is responsible for all administrative activities related to the use or occupancy of land and buildings under this chapter.
3. The planning director presents items, information, and where applicable, recommendations to the Planning Commission for consideration by the Planning Commission on making a recommendation to the Board of Commissioners.
4. The planning director shall receive and process all appeals filed with the county under the provisions of the appeals article of this chapter.
5. The planning director shall receive and process all variance application, hardship variances, and appeals under the provisions of the appeals article of this chapter.

APPENDIX 2. BYLAWS FOR THE STEPHENS COUNTY PLANNING COMMISSION

Section 1. Title; adoption; amendment.

1.1 These rules may be cited as the Stephens County Planning Commission Rules of Procedure.

1.2 These rules of procedure, and amendments thereto, shall be adopted by the Stephens County Planning Commission at a regularly scheduled meeting of the Stephens County Planning Commission.

1.3 These rules of procedure shall become effective upon adoption by the Stephens County Planning Commission and approval by the Stephens County Board of Commissioners. The initial adoption of the rules of procedure shall in connection with the adoption of the Zoning Regulations for Stephens County, Georgia.

Section 2. Membership; terms of office; officers; and vacancies.

2.1 The Planning Commission shall consist of five members, appointed by the Board of County Commissioners to serve for five-year terms. Initial appointments be as follows: one appointment for one year, one appointment for two years, one appointment for three years, one appointment for four years, and one appointment for five years. Members can serve a maximum of two consecutive five-year terms. For the initial appointments less than five years, those initial appointments shall not be considered a five-year term and those members shall be authorized to serve two additional five-year consecutive terms. After former members no longer serve for a period of one, five-year term, they are eligible for reappointment subject to the service limitations above.

2.2 The Planning Commission shall elect one of its members as chairperson and vice-chairperson, who will serve for one year or until the chairperson or vice-chairperson is re-elected or a successor is elected. The Board of County Commissioners shall appoint a secretary to take minutes of the Planning Commission's meetings, recording all motions and votes thereon as well as any other business of the Planning Commission conducted in a public forum. The Planning Commission shall maintain rules of procedure in accordance with this chapter and state law. The Board of Commissioners shall approve the Planning Commission's rules of procedure or any amendment before they become effective.

2.3 Resignation shall be in writing and delivered to the chair of the Stephens County Planning Commission. Any member who accumulates three successive unexcused absences shall be deemed to have resigned. The chairperson of the Stephens County Planning Commission shall decide which absences are excused. All decisions concerning unexcused absences may be appealed to the board of county commissioners.

2.4 Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be compensated as determined by the Stephens County Board of Commissioners but under no circumstances is compensation required. Any appointment to fill an unexpired term caused by vacancy shall not be considered a five-year term for the application of the two-term rule set forth in [section] 2.1 above.

Section 3. Duties of planning commission.

3.1 It shall be the responsibility of the Planning Commission to review and recommend to the Board of Commissioners its approval, disapproval, or approval with conditions on all requests for amendments.

3.2 It shall be the responsibility of the Planning Commission to review and make a recommendation to the Board of Commissioners in regard to all requests for conditional uses.

3.3 It shall be the responsibility of the Planning Commission to review and make a recommendation to the Board of Commissioners in regard to all requests for a variance.

3.4 It shall be the responsibility of the Planning Commission to review and make a recommendation to the Board of Commissioners in regard to the adoption of a comprehensive plan or amendment thereto.

3.5 The Stephens County Planning Commission does not have the power to amend any ordinance, to rezone land, to declare this chapter, or any amendment thereto invalid, or to allow any use not permitted by the same.

Section 4. Duties of planning commission officers.

4.1 The chairperson shall preside over meetings and shall be responsible for conduct and decorum of the meeting. The chairperson shall have the responsibility to ensure that all parties receive a full and fair hearing before the Planning Commission, enforcement of the rules herein and applicable state laws.

4.2 The chairperson shall be responsible for calling special called meetings and notifying the secretary of the Planning Commission so notice can be provided in accordance with Georgia law.

4.3 The vice-chairperson shall preside over meetings and assume the duties of the chairperson in the absence of the chairperson.

4.4 The chairperson shall have the power to appoint sub-committees of the Planning Commission if he or she finds such committee necessary to carry out the functions of the planning commission.

4.5 The secretary shall be responsible for the maintenance of the Planning Commission's minutes and records.

Section 5. Meetings.

5.1 A quorum of three members shall be required to conduct business; an affirmative vote of three members voting on a question shall be sufficient for the adoption of the question.

Members abstaining shall not be considered "members voting" in determining whether a question has been adopted.

5.2 The regularly scheduled meeting of the Planning Commission shall be held monthly on a date and time to be set by resolution of the Planning Commission or the Board of Commissioners and shall take place monthly unless there is no business to consider or no cause to hold such a meeting, in which case, the secretary shall inform the members of the Planning Commission at least 24 hours in advance of the regularly scheduled time.

5.3 Special called meetings may be called by the chairperson provided at least 24 hours' notice of such meeting is given.

5.4 Conduct of meetings.

5.4.1 All meetings shall be open to the public and may only be closed in accordance with Georgia law.

5.4.2 Order of business.

5.4.2.1 Roll call.

5.4.2.2 Approval of minutes.

5.4.2.3 Hearing on text amendments, map amendments, conditional uses and variances.

5.4.2.4 Committee reports.

5.4.2.5 Old business.

5.4.2.6 New business.

5.4.3 Procedures for hearing text amendments, map amendments, conditional uses and variances shall be those procedures provided in this chapter.

5.4.4 The Planning Commission may adjourn a regular meeting if a business cannot be disposed of on the day set, and no further notice shall be necessary for rescheduling such meeting if the time and place of its resumption is stated at the time of adjournment and is not changed after adjournment.

Section 6. Standards of conduct.

6.1 Conflicts of interest: A planning commissioner shall have a conflict of interest if said planning commissioner or his/her family, has a property interest in any real property affected by action on an application before the Planning Commission or has a financial interest in any business entity that has a property interest in any real property affected by action on an application before the Planning Commission. Any planning commissioner having a conflict of interest shall immediately disclose the nature and extent of such interest in writing to the Stephens County Board of Commissioners. These disclosures shall be made a public record. No planning commissioner shall vote or participate on a matter in which he or she has a conflict of interest.

6.2 No planning commissioner shall represent an applicant before the Planning Commission.

6.3 No planning commissioner shall discuss any matter pending before the Planning Commission with anyone outside a public hearing. All letters or other material personally received by a planning commissioner shall be provided to each planning commissioner at the public hearing on the item in question.