

# **ZONING REGULATIONS**

**FRANKLIN COUNTY, GEORGIA**

**APRIL 4, 2005**

*Revised December 1, 2014*

*Poultry Setbacks Revised March 28, 2017*

**Franklin County Board of Commissioners  
141 Athens Street  
P.O. 159  
Carnesville, Georgia 30521  
706/384-2483**

## 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 Franklin County and the State of Georgia, including among other purposes:

1. Promoting such (a) distribution of population, (b) classification of land uses, (c) distribution of land uses, and (d) land development and land utilization, as will tend to protect and promote desirable living conditions and the sustained stability of neighborhoods;
2. Preventing the overcrowding of land and avoiding both undue concentration of populations and urban sprawl;
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 our farm lands and open spaces by classifying them so that the farmers and landowners can continue their family operations and are not pressured to sell them;
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;
15. And encouraging the most appropriate use of land and structures throughout Franklin County.

All in accordance with a Comprehensive Plan for the development and conservation of Franklin County, the County Commission does hereby ordain and enact into law the following Articles and Sections.

**ARTICLE II  
SHORT TITLE**

These regulations shall be known and may be cited as the “Zoning Regulations of Franklin County, Georgia”.

**ARTICLE III  
ESTABLISHMENTS OF DISTRICTS  
&  
PROVISIONS FOR OFFICIAL ZONING MAP**

**Section 300. Land Use Districts.**

For the purpose of these Regulations, Franklin County is divided into the land use districts below:

| <b>District Group</b> | <b>Districts</b> | <b>District Description</b>            |
|-----------------------|------------------|--|
| AGRICULTURE           | AG               | Agriculture General District           |
|                       | AI               | Agriculture Intensive District         |
|                       | AR               | Agriculture Residential District       |
|                       | AB               | Agriculture Business District          |
| RESIDENTIAL           | RS               | Residential Single-Family District     |
|                       | RM               | Residential Multi-Family District      |
| COMMERCIAL            | CC               | Commercial Community Business District |
|                       | CG               | Commercial General Business District   |
|                       | CI               | Commercial Industrial District         |
| ENVIRONMENTAL         | EC               | Environmental Conservation District    |

**Section 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 Franklin 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, Franklin 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 Governing Body 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.

**Section 302. Interpretation of District Boundaries.**

- 302.1 Where boundaries are indicated as approximately following the centerline of streets or highways, street right-of-way lines or railroad right-of-way lines or such lines extended, such centerline, street right-of-way lines or railroad right-of-way lines shall be construed to be such boundaries.
- 302.2 Where boundaries are indicated as approximately following the corporate limit line of a city or county, such corporate limit line shall be construed to be such boundaries.
- 302.3 Where boundaries are indicated following property lines or such lines extended, such property line or such lines extended, as indicated by boundary, survey, deed or legal description maintained in the official file of said zoning adoption or amendment, if available, shall be construed to be such boundaries.
- 302.4 Where boundaries are indicated as approximately the centerline of streambeds or riverbeds, such centerline shall be construed to be such boundaries.
- 302.5 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.

**Section 303. Boundary Line Divides a Lot of Single Ownership**

Where a boundary line as appearing on the Official Zoning Map divides a lot in single ownership at the time of the enactment of these Regulations, the requirements for the district in which the greater portion of the lot lies may be extended to the balance of the lot without recourse in amendment procedure, provided that this provision shall not apply to a double frontage lot. In the case of a double frontage lot, the restrictions of the district applying to the adjoining lots which front on the same street as the lot frontage in question shall apply.

**Section 304. 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.

**Section 305. Definitions.**

When used in this Ordinance, the following words and phrases shall have the meaning given in this Article. Terms not herein defined shall have their customary dictionary definitions where not inconsistent with the context. The term "shall" is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

Abandonment: The cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abandoned Motor Vehicle: Any motor vehicle which has been left unattended on any private property without the property owner's consent; has been left unattended on any public street, road or highway or other public property for a period more than five (5) days; or that has been lawfully towed onto the property of another at the written request of a law enforcement officer and left there for a period more than sixty (60) days without anyone made claim thereto.

Abutting: Having property or district lines in common, or having property separated by only an alley. Separation by a street right-of-way is not considered abutting.

Accessory Apartment: A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility for a single housekeeping unit, with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is considered an accessory use and/or structure to the main dwelling.

Accessory Building or Use: A building or use which: is not more than two (2) stories in height; is subordinate to and serves a principal building or principal use; is subordinate in area, extent, or purpose to the principal building or use served; contributes to the comfort, convenience or necessity of occupants of the principal building or principal use; and is located on the same lot as the principal building or principal use.

Adult Entertainment: An establishment consisting of including, or having the characteristics of any or all of the following:

1. Adult Bookstore: An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
2. Adult Cabaret: (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female

impersonators, or similar entertainers for observation by patrons.

3. **Adult Drive in or Motion Picture Theater:** A drive in or an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

**Agriculture:** The cultivation or growth of a field or horticultural crop or the raising of livestock, including dairying and poultry raising, farm, forestry, and other similar enterprises or uses.

**Alley:** A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**Alteration:** Any change in the supporting members of a building; any modification or change in construction; any addition which increases the area or height; any change in use from that of one district classification to another.

**Animal Hospital:** A facility operated by a licensed veterinarian specifically for the practice of veterinary medicine.

**Antique Shop:** A store or shop for the sale of relics, objects of ancient times or of an earlier period, works of art, pieces of furniture or decorative objects made at a much earlier period than present.

**Apartment House:** A multi-family dwelling located on a parcel of land under a single ownership, designed for use by three or more housekeeping units, living independently of each other, and doing their own cooking on the premises.

**Art Gallery:** A facility, structure or building used for the display of sculptures, paintings, photographs or other artistic works for public viewing with only incidental sales.

**Auction:** An event where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with one another.

**Automated Teller:** An accessory facility through which certain banking functions such as deposits and withdrawals can be completed without the personal assistance of a bank employee.

**Automobile Sales Lot:** An area of land on which more than one (1) car, truck, van, boat, agricultural vehicle or implement, motorcycle, recreational vehicle, or other motorized vehicle exists, and where such vehicles are indicated as for sale, as evidenced by "for sale" signs, dealer tags, warranty signs in windows, or other such indications.

**Bed and Breakfast Inn:** A small, in-type establishment where no more than 10 guest rooms, with or without meals, are provided for compensation, and where the operator resides on the premises. Bed and breakfast (B&B) accommodations differ from rooming and boarding houses in that they are truly transient accommodations, with guests rarely staying more than a few days. In addition, the owner almost always lives in the facility. The impact of a B&B should not be much greater than that of a private home with frequent houseguests, with the exception of parking demand. Many B&Bs are not accessible by mass transit and, consequently, guests usually arrive by auto. Adequate parking must be provided. Other zoning regulations should address the number of rooms that can be rented out, limit breakfasts to guests only, and require the owner or renter of the house to live on premises.

**Board of Appeals:** A group of five (5) members appointed by the County Board of Commissioners which has powers to make decisions of variances, appeals, special exceptions, and conditional uses.

**Broadcasting Studio:** A room or suite of rooms operated as a radio or television broadcasting studio or station with local broadcast capability or intended for satellite distribution of programs.

**Buffer:** A landscaped open space and/or screen located between incompatible land uses for the purpose of visibly separating uses through distance and to shield or block noise, light, glare, or visual or other nuisances; that portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established for the purpose of screening and separating properties with incompatible land uses, the width of which is measured from the common property line and extending the developed portion of the common property line. A buffer consists of trees, shrubs and other natural vegetation undisturbed by grading or site development and replanted where sparsely vegetated or where disturbed for approved access and utility crossings.

**Buildable Area:** The portion of a lot remaining after required yards, buffers and building setbacks have been provided, where construction of principal buildings is permitted.

**Building:** Any structure, either temporary or permanent, above or below ground, having a roof or other covering, and designed, built, or used as a shelter or enclosure for persons, animals, or property of any kind.

**Building Inspector:** The Building Inspector of Franklin County, or his authorized representative.

**Building, Principal:** A building or structure in which is conducted the main use of the property on which the building or structure is located. In any residential district, any structure containing a dwelling unit shall be defined to be the principal building on the lot on which said structure is located.

**Building Setback Line:** A line establishing the minimum allowable distance between the main or front wall of a building, including any covered porches, and the street right-of-way or property line when measured perpendicularly thereto. In the case of corner lots or double frontage lots, front yard requirements shall be observed for those areas adjacent to street right-of-ways.

**Car Wash:** An establishment engaged in the business of washing vehicles with self serve, automated or staffed facilities.

**Carport:** An accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two (2) sides, and designed or used for the storage of motor vehicles or boats.

**Cemetery:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, but not including crematories and mortuaries. Land used as a cemetery must be a minimum of 5 acres in size and burial sites must be setback a minimum of 100 feet from any property line.

**Certificate of Occupancy:** A legal statement or document issued by the Building Inspector indicating that the building and use or reuse of a particular building or land is in conformity with all applicable codes and regulations, and that such building or land may be occupied for the purpose stated therein.

**Church:** An institution that people regularly attend to participate in or hold religious services, meeting and other purposes, including education, day care and recreation facilities when owned and operated by such church.

**Circus:** The temporary use of land offering entertainment and instruction in the form of such things as thrill rides, games of chance and skill, educational exhibits, display of oddities and the like. The term also includes carnivals and fairs.

**Clinic:** A building designed and used for the diagnosis and treatment of patients that does not include overnight care facilities.

**Club, Non-Profit:** A building or facilities owned or operated by a group for social, educational or recreational purposes, but not customarily for profit or to render a service that is customarily carried on for gain.

**Commercial Recreation Facility:** Any use of building and/or land that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: amphitheaters and stadiums; assembly halls, auditoriums and meeting halls; billiard halls, pool rooms and amusement/video arcades; bowling alleys; firearms shooting ranges and turkey shoots; golf driving ranges, miniature golf courses and baseball batting cages; private clubs operated for profit, race tracks for animals and motor-driven vehicles, ice and roller skating rinks; horse and pony-riding rinks; circuses and carnivals; indoor and drive-in theaters; physical fitness facilities and health clubs; botanical gardens and zoological gardens; racquetball courts; bungi jumping.

**Compatibility:** The characteristics of different uses or activities that permit such uses or activities to be located near each other in harmony and without conflict. Some elements affecting compatibility include: intensity of occupancy as measured by dwelling units per acre or gross square footage per acre; pedestrian or vehicular traffic generated; volume of goods handled; and such environmental effects as noise, vibration, odor, glare, air pollution or radiation.

Comprehensive Plan: Those coordinated plans or portions thereof which have been prepared by or for the Governing Body for the physical development of the jurisdiction; or any plans that designate plans or programs to encourage the most appropriate use of the land in the interest of public health, safety and welfare.

Conditional Use: A use which would not be appropriate without restriction throughout a zoning district and is not automatically permitted by right within a zoning district, but which may be permitted within a zoning district subject to meeting specific conditions (such as controls on number, size, area, location and activities) contained in these regulations or required by the Governing Body. Such uses may be permitted only if approved by the Governing Body in accordance with the regulations established herein.

Conditional Zoning: The granting or adoption of zoning for property subject to compliance with restrictions as to use, size, density or actions stipulated by the Governing Body to mitigate adverse impacts that are anticipated without imposition of such conditions.

Condominium (Residential Building): A building or complex of multiple-unit dwellings in which a tenant holds full title to his unit and joint ownership in the common grounds.

Continuing Care Retirement Community: An age restricted development or facility that provides, to individuals of retirement status, accommodations and care such as board, independent living, licensed nursing care and medical or other health related services, and that typically enters into contracts to provide care.

Contractor's Establishment: An establishment engaged in the provision of construction activities including but not limited to plumbing, electrical work, building, paving, carpentry and other such contracting activities, including the storage of materials and the overnight parking of commercial vehicles.

Convalescent Home: A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two (2) or more persons are professionally cared for.

Convenience Store: A small retail store which sells packaged food products, household items, and other items, and which may include the sale of gasoline and diesel fuel.

Conversion: Any change in the original use or purpose of a building or lot to a different use.

County Engineer: The Engineer or Engineering Firm in the employ of Franklin County, or his authorized representative.

County Marshal: means the person appointed, employed, or otherwise designated to enforce the ordinances of the county.

Crematory: A facility authorized by the State of Georgia Department of Human Resources, other than a hospital, clinic, or laboratory, in which cremation is performed.

Curb Cut: A provision for vehicular ingress and/or egress between property and an abutting public street.

Day Care Center: Any place operated by a person, society, agency, corporation, institution or group wherein are received for pay for group care, for fewer than twenty-four (24) hours per day without transfer of legal custody, seven (7) or more children under eighteen (18) years of age. A day care center of six (6) children or less may be considered to be a home occupation.

Density: The number of dwelling units developed, or to be developed, per gross acre of land, or the gross square footage of a building per acre of land.

Development: Any man-made change on improved or unimproved real estate including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or permanent storage of materials or equipment.

Developmentally Disabled Person: A person with a disability resulting in substantial functional limitations in such person's major life activities which disability is attributable to mental retardation, cerebral palsy, epilepsy, or autism or is attributable to any other condition related to mental retardation because such condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons

District, Zoning: A geographical area or areas, designated with the use of symbols on the Official Zoning Map, wherein uses of land are restricted in type, size, height and other limitations as established in these regulations.

Drive-in: A retail or service enterprise wherein service is provided to the customer within a motor vehicle on the outside of the principal building.

Drive-in Theater: A facility designed for the outdoor projection of motion pictures onto a permanent screen to be viewed from the patron's automobile.

Dry Cleaners: An establishment engaged in providing laundry, dyeing and dry cleaning services to individual customers.

Dry Cleaning Plant: An establishment engaged in providing laundry, dyeing and dry cleaning services on a large scale for institutions, businesses or other such establishments.

Dwelling: A building, or portion thereof, designed, arranged or used for permanent living, and/or sleeping quarters.

Dwelling Unit: A building, or portion thereof, designed, arranged and used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

Dwelling, Multi-Family: A building designed for or occupied exclusively by three (3) or more single housekeeping units with separate kitchen and bath facilities for each family or housekeeping unit, including apartment houses, row houses, townhouses, and similar housing types but not including motels, hotels, lodging houses, hospitals, nursing homes, or public institutions such as prisons and mental institutions.

Dwelling, Single-Family: A building designed or arranged to be occupied by one (1) single housekeeping unit only.

Dwelling, Two-Family (Duplex): A building designed or arranged to be occupied by two (2) single housekeeping units living independently of each other.

Easement: A non-possessory interest in land; a grant by a property owner for the use by the public, a corporation or persons, of a portion of land for a specified purpose or purposes.

Exterminator: An establishment or person engaged in the service of killing insects, mice, rats or other pests.

Family: An individual, or two (2) or more persons related by blood, marriage, adoption or guardianship, or a group of not more than five (5) unrelated persons, occupying a single dwelling unit and using the same cooking facilities; provided however that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. Any group which is licensed by the State of Georgia, or any political subdivision thereof, which contains up to six developmentally disabled persons and up to two supervisors or surrogate parents residing on the premise at one time shall constitute a family.

Family, first degree member: A son, daughter, mother, father, sister or brother.

Family Burial Plot: A private non-commercial cemetery dedicated to and used, or intended to be used, for permanent interment of human remains. Such term shall not include governmentally owned cemeteries, commercial cemeteries, fraternal cemeteries, cemeteries owned and operated by churches, synagogues, or communities. The minimum size of the tract or parcel of contiguous land used for a family burial plot must be 5 acres. The maximum size of the family burial plot shall be 1600 square feet and have forty (40) feet of width and forty (40) feet of length. Burial sites must be setback a minimum of 100 feet from any property line, building, structure, water source or surface water. Burial sites must be recorded on the property deed within 60 days of interment. Family burial plots are permitted uses on any zoning classification that meets these requirements. Solicitation or sale of any burial space or grave within the family burial plot is prohibited. In order for a family burial plot to be moved to an exempt status in the tax digest, the property owner must provide a survey by a registered surveyor containing a registration point and the boundaries of the family burial plot.

Farm: An area of land principally devoted to agriculture.

Fence: A structural barrier for enclosure, screening or demarcation, presenting a solid face or having openings amongst or between its constituents members; also, a wall separate from or extending from a building.

Finance, Insurance and Real Estate Establishments: Including but not limited to banks, savings and loan institutions and credit unions; security and commodity exchanges; insurance agents, brokers and service; real estate brokers, agents and managers; trusts; holding and investment companies.

Flea Market: The use of land, structures or buildings for the sale of produce or new or used goods, usually of second quality or at cut-rate prices, in which more than two (2) vendors are accommodated in spaces on the same lot or within the same building.

Flood Plain: The channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater.

Floor Area: The gross heated, finished horizontal area of the floor or floors of a dwelling unit, exclusive of basement, attic, carport or garage.

Funeral Home: A building or part thereof used for human funeral services, which may contain space and facilities for: embalming and the performance of other services used in preparation of the dead for burial; performance of autopsies; storage of caskets; and chapel services. Crematories may be allowed in conjunction with the funeral home with approval of a conditional use permit.

Garage: An accessory building or portion of a principal building used only for the private storage of motor vehicles and other personal property as an accessory use.

Glare: A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

Governing Body: The County Commissioners of Franklin County, duly elected by the citizens within jurisdiction.

Greenhouse: A building designed or used for growing or propagating plants, with walls or roof usually designed to transmit light. Greenhouses shall not be construed to include commercial horticultural activities.

Guest House: A lodging unit for temporary guests in an accessory building. No such lodging unit shall contain independent cooking or kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

Height, Building: The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the declines of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

Historic District: A geographically definable area designated as a historic district pursuant to the criteria established by appropriate ordinance adopted by the Governing Body.

Historic Property: An individual building, structure, site, object or work of art including the adjacent area necessary for the proper appreciation thereof designated by the Governing Body as a historic property pursuant to the criteria established by appropriate ordinance adopted by the Governing Body.

**Home Occupation:** Any use, occupation or activity conducted on the same lot as a dwelling by the residents thereof, which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof, and where only those persons residing on the premises and not more than one (1) outside employee are employed specifically in connection with the home occupation.

**Hospital:** An institution providing health services, for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patients department, training facilities, central service facilities and staff offices.

**Hotel:** A public commercial lodging facility intended for use as temporary residence which may make provisions for meals, entertainment and various personal services provided for compensation to persons traveling for business, tourism or other visitation purposes in which ingress and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours.

**Household Pet:** An animal which is customarily kept for company or pleasure within a home or yard; such animal is not exhibited to the public or raised for commercial purposes (e.g. "show dogs"). Household pets include domestic canines, felines, tropical birds, fish, rabbits, rodents and other animals customarily sold in pet stores.

**Inoperable Vehicle:** Any motorized vehicle, other than those vehicles temporarily disabled incapable of immediately being driven. Any motorized vehicle without a current vehicle registration tag shall be considered an inoperable vehicle.

**Junk:** Any scrap material or debris, including iron, steel, brass, copper, tin, lead, or other base materials; cordage, ropes, rags, fibers and fabrics; rubber; bottles and glass; brick, wood and other building/structural materials; bones; wastepaper; used plumbing fixtures, stoves, refrigerators and other household appliances, tires and used auto parts; and inoperable and junk motor vehicles.

**Junk Motor Vehicle:** Any motorized vehicle which is inoperable for 90 days or more, dismantled or partially dismantled, wrecked beyond minor repair, ruined or scrapped.

**Junkyard:** Any yard, lot, place or property involving the abandonment, parking, storage, sale, resale, rental, dismantling, processing, salvage, baling, and/or disposal of junk, as defined by this ordinance, in whole units or by parts.

**Kennel:** The housing, breeding, boarding or training of four (4) or more dogs, cats, or other domestic animals, operated for the purpose of providing income or revenue.

**Land-Disturbing Activity:** Any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands of the State, including but not limited to clearing, dredging, grading, scraping, excavating, transporting, or filling of land; and any construction, rebuilding or alteration of a structure, but specifically excluding agricultural and gardening practices.

**Landfill:** An area wherein solid wastes are placed, under license, compacted and covered but specifically excluding hazardous or radioactive wastes.

**Landscaping:** Changing, rearranging or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation.

**Landscaping Service:** An establishment engaged in performing a variety of lawn and landscaping services such as lawn fertilizing, mowing, spraying and planting, and the planting and maintenance of landscaping.

**Laundromat:** A business that provides home-type washing and drying machines for hire to be used by customers on the premises.

**Library:** A building in which literary, musical, artistic or reference materials are kept for use but not generally for sale.

Livestock: Cattle, horses, donkeys, mules, goats, sheep, swine and other hoofed animals; poultry, ducks, geese, pigeons, peacocks and other live fowl; and fur or hide-bearing animals; whether owned or kept for pleasure, utility or sale. The term livestock shall not include small species of pigs, cage birds or rabbits kept within a dwelling as a household pet.

Livestock, Non-commercial: Livestock kept for non-commercial purposes.

Loading and Unloading Space: A space, typically with dimensions of twelve (12) feet by sixty (60) feet, logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled to delivery vehicles to be used, and accessible to such vehicles.

Lot: A parcel of land having principal frontage on a public street; a developed or undeveloped tract of land in one ownership legally transferable as a single unit of land.

Lot Area: The total horizontal area within the lot lines of a lot, exclusive of public street right-of-ways but inclusive of easements.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

Lot Coverage: The part or percent of a lot occupied by buildings and structures, including accessory buildings and structures, but not including unenclosed parking areas.

Lot Depth: The mean horizontal distance from the front lot line to the rear lot line.

Lot, Double Frontage: Any lot, other than a corner lot, which has frontage on two (2) streets that do not intersect at a point abutting the property.

Lot, Flag: A tract or lot of land of uneven dimensions in which the portion fronting on a public street is less than the required minimum width for construction of a building or structure on that lot.

Lot Frontage: The width in linear feet of a lot where it abuts the right-of-way of any public street.

Lot of Record: A lot which is part of a subdivision, a plat of which has been recorded in the records of the County Superior Court Clerk; or a parcel of land, the deed of which has been recorded in the same office as of the date of adoption of these regulations.

Lot Width: The horizontal distance between side lot lines measured at the minimum required front yard (regulatory front building set back) line.

Manufactured Home: A structure, built to conform to national standards embodied in the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et seq. administered by the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three-hundred twenty (320) or more square feet, 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 mandatory plumbing, heating, air-conditioning and electrical systems contained therein. A manufactured home displays a certificate from the U.S. Department of Housing and Urban Development.

Manufacturing, Processing and Assembling: The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins or liquors.

Marquee: A permanent roof-like structure made of metal or other durable material affixed to the wall of a building.

**Metes and Bounds:** A system of describing and identifying land by distances or measures (metes) and bearings or direction (bounds) from an identifiable point of reference, such as a monument or other marker or the corner of intersecting streets.

**Mini-Warehouse:** A building or group of buildings that contains varying sizes of individual, compartmentalized stalls or lockers used for storage, which may include an accessory office and/or night watchman's residence, but not including retail sales on the premises, commercial repairs or other services, manufacturing or any other commercial use.

**Mobile Home:** A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three-hundred twenty (320) or more square feet 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 required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein and manufactured prior to June 15, 1976.

**Mobile Homes/Manufactured Home Park:**

(a) A parcel of land or any portion thereof under single ownership which has been designed, planned, or improved for the placement of two (2) or more mobile homes/manufactured homes for residential use, including land, buildings, and facilities used by the occupants of such homes on the property.

(b) Premises where two or more mobile and/or manufactured homes are placed for a period of time exceeding thirty (30) days, or where spaces or lots are set aside and offered for rent for use by mobile or manufactures homes. Provided, however, that the following situations shall not be included in this definition: (1) mobile or manufactured homes sales lots; (2) where two or more mobile or manufactured homes are structurally connected and used as a single dwelling unit by a landowner; or (3) where the occupant of said home is related by blood or marriage to the owner of the land or home and the owner of said home or land upon which said home is situated received no rent or other income from the occupant of said home.

(c) Any property on which three (3) or more manufactured homes are located or intended to be located for purposes of residential occupancy.

**Modular Structure:** A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential or commercial purposes and which bears a seal of compliance with regulations of either the Southern Building Code Congress International or the Georgia Industrialized Building Act.

**Motel:** A public commercial lodging facility intended for use as temporary residence, which may also include provision of meals, entertainment and various personal services, provided for compensation to persons traveling for business, tourism or other visitation purposes, distinguished from a hotel in that ingress and/or egress to and from all rooms is made primarily from an exterior walkway rather than from an interior lobby.

**Museum:** An establishment engaged in the procurement, care, study, and display of objects of historical, educational and cultural value and interest.

**Noise Hazards:**

(a) The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.

(b) Anything that substantially interferes with the use or enjoyment of property, creates a risk of endangering the public health or safety, or is offensively to the senses.

**Non-Conforming Lot:** A lot, the area, width, or other characteristic of which fails to meet requirements of the zoning district in which it is located and which was of record as of the date of adoption of these regulations.

**Non-Conforming Structure:** Any building or structure which does not conform to the regulations governing the bulk, location, height or size of buildings or structures permitted in the district.

**Non-Conforming Use:** Any building or use of land or building lawfully existing at the date of adoption of these regulations or as a result of subsequent amendments to these regulations, which does not conform with the permitted use provisions established herein for the district in which it is located.

Nuisance: Anything that interferes with the use or enjoyment of property, endangers public health or safety, or is offensive to the senses; anything that causes hurt, inconvenience or damage to another, even though it may otherwise be lawful.

Nursing Home: A long-term care facility which admits patients by medical referral and provides for continuous medical supervision via 24-hour-a-day nursing care and related services in addition to food, shelter, and personal care. A nursing home may be licensed as a skilled nursing facility, an intermediate care facility, or an intermingled facility.

Off-street: Not located on a street as defined by this Article.

Office: A building or portion thereof wherein predominantly administrative, professional or clerical operations are performed, and not involving retail sales or other sales of any kind on the premises.

Official Zoning Map: The map, which accompanies the zoning ordinance text, that delineates the geographic location of the boundaries of zoning districts established in this ordinance in relation to natural features, man-made features and/or property uses.

Open Air Business: Any commercial establishment that displays products in a non-enclosed area.

Outdoor Display: The keeping of any goods, junk, material or merchandise outside of a business, building or establishment or in an area visible from a public street, for display, advertisement or purposes of attracting rental or sales. Such definition shall not be construed as to include the temporary loading or unloading of such goods, junk, material or merchandise to or from an enclosed area.

Outdoor Storage: The keeping of any goods, junk, material, merchandise, or commercial vehicles in the same outdoor place for more than twenty-four hours.

Parking Lot: Any public or private open area used for the express purpose of temporary parking of private motor vehicles. A parking lot may be the principal use on a given lot or an accessory use to the principal use on a given lot.

Parking Space: An area having an area of at least 160 square feet and three hundred (300) square feet including maneuvering space within a parking lot, to be used exclusively as a temporary parking space for a motor vehicle.

Permitted Use: A use which is specifically authorized in a particular zoning district.

Person: An individual, firm, partnership, corporation, company, association or institution, including any trustee, assigns or other representative.

Personal Care: Protective care and watchful oversight of a resident who needs a watchful environment but who does not have an illness, injury, or disability which requires chronic or convalescent care including medical and nursing services.

Personal Care Home: A building or group of buildings, a facility or place in which is provided two or more beds and other facilities and services, including room, meals and personal care, for non-family ambulatory adults.

Personal Care Home, Family: A personal care home for adults in a family-type residence, non-institutional in character, which offers care to two (2) through six (6) persons.

Personal Care Home, Group: A personal care home for adult persons in residence or other type building(s), non-institutional in character, which offers care to seven (7) through fifteen (15) persons.

Personal Care Home, Congregate: A personal care home for adults which offers care to sixteen (16) or more persons.

Photography Studio: An establishment engaged in photography for hire for the general public, including but not limited to portrait, passport, wedding and other special occasion photographs.

Planned Unit Development: A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, common open space, and a mix of building types and land uses in a more dense setting than allowable on separate zoned lots.

Planning Commission: The Franklin County Planning Commission as previously established by this Ordinance.

Poultry House: A place where domesticated birds are kept or raised for eggs or meat.

Premises: A lot as otherwise used in this Ordinance.

Public Use: Any building, structure or use owned and/or operated by the Federal Government, State of Georgia, Franklin County or other county, or municipalities, or any authority, agency, board or commission of the above governments, which is necessary to serve a public purpose, such as but not limited to the following: government administrative buildings, police and fire stations, public health facilities and hospitals, public works camps, parks and community centers, public roads and streets, airports, water and sanitary sewerage storage, intake, collection and treatment and pumping facilities, public housing facilities, jails and correctional centers.

Recreational Vehicle: A vehicular type portable structure which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping and travel uses.

Recreational Vehicle (RV) Park: Any lot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy on a temporary basis by recreational vehicles of the general public as temporary living quarters by campers, vacationers or travelers.

Recycling Collection Center: A principal or accessory use that serves as a neighborhood or regional drop-off point for temporary storage of recoverable resources such as cans, bottles and newspapers, but specifically excluding processing of such resources.

Rehabilitation: The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions of the property which are significant to its historic, architectural and cultural values.

Rehabilitation Center: Facilities authorized or licensed by appropriate agencies for the primary purpose of rehabilitation of: offenders against the law; persons with drug or alcohol abuse problems; mentally handicapped; and physically handicapped.

Residence For Caretaker or Night Watchman: An accessory residence, located inside or in addition to the principal structure or use of a parcel of land, designed or occupied by security personnel for security reasons only.

Residential District: Any RS and RM Zoning District as indicated on the Official Zoning Map.

Restaurant: Any place or premises used for sale, dispensing or service of food, refreshment or beverages.

Restaurant, Drive-in: Any place or premises used for sale, dispensing or service of food, refreshment or beverage to person(s) in automobiles, including those establishments where customers may eat or drink on the premises.

Retail Trade Establishment, Enclosed: Any business offering goods and products for sale to the public, which operates entirely within a structure containing a roof and walls on all sides, except for outdoor display or other use during business hours and accessory storage in enclosed, subordinate buildings. Incidental repair is also included. The following are considered enclosed retail trade establishments (list is not all-inclusive): paint, glass and wallpaper stores; grocery and miscellaneous food stores including retail bakeries; apparel, shoe and accessory clothing stores; furniture, floor covering and home furnishing stores; household appliance stores; radio, television and computer stores; musical instrument stores; record, tape and compact disc stores; eating and drinking places not involving drive-in or drive-through facilities; drug stores and proprietary stores; liquor stores; used merchandise stores; sporting goods and bicycle shops; book, art and stationery stores; hobby, toy and game shops; jewelry, gift, novelty, souvenir and antique shops; camera and photographic supply stores, luggage and leather goods stores; sewing, needlework and piece goods stores; catalog and mail order stores; florists; tobacco stores; optical goods stores; news stands; automotive parts stores; video rental and sales stores; watch and clock shops; pawnshops; convenience stores with or without retail gasoline sales.

Retail Trade Establishment, Unenclosed: Any business offering goods and products for sale to the public, which does not operate entirely within a structure containing a roof and walls on all sides, and which all or a portion of the goods and products are displayed and/or stored, or business transacted, in the open-air or other shelter not completely enclosed. The following are considered unenclosed retail trade establishments (list is not all-inclusive): lumber and building materials; retail nurseries and garden supply stores; mobile and manufactured home/modular building dealers; new and used car, truck, boat, recreational vehicle, camper, motorcycle, and other motorized vehicle sales and leasing; eating and drinking places including drive-in and drive-through facilities; fuel oil and liquified petroleum dealers; agricultural implement and equipment sales and rental; Christmas tree sales; flea markets; monument sales establishments; automatic teller facilities; gas stations; produce stands; firewood sales.

Rezoning: An amendment to or a change in the official zoning map.

Right-of-Way: That area, distinguished from an easement, which is owned in fee-simple title by the governing body or other government, for the present or future use of roads, streets, and highways, together with its drainage facilities and other supporting uses and structures.

Rooming House: A building where, for compensation, lodging only is provided.

Sanitarium: A hospital used for treating chronic and usually long-term illness.

School: A facility that provides a curriculum of elementary and secondary academic instruction. A school is considered public if operated by a unit of government.

School, Trade, Technical, Business: An establishment in which is offered, for compensation, instruction in a trade, craft, technical field, or business skills.

Screening: A method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, berms, densely planted vegetation, natural vegetation or other means; a visual and acoustical barrier which is of such nature and density that provides year-round maximum opacity from the ground to a height of at least six (6) feet or that screens structures and activities from view from the normal level of a first story window on an abutting lot. Screening methods include opaque fences, walls, hedges, berms and other features.

Semi-Public Use: Any building, structure or use owned and/or operated by private utilities or private companies for a public purpose, or which is reasonably necessary for the furnishing of adequate service by such utilities, such as but not limited to the following: underground or overhead gas, electrical, steam or water distribution or transmission lines or systems, electric power substations, wires, towers, cables, and poles, railroad facilities and bus and air terminals.

Service, Automotive: An establishment providing services and repairs to motor-driven vehicles, including but not limited to: rental car facilities; automobile parking lots; top and body, paint, automotive glass, transmission, and tire repair shops; car washes, including automated and full service facilities; oil change and lubrication.

Service Establishment, Business: A facility engaged in support functions to establishments operating for a profit on a fee or contract basis, including but not limited to: advertising agencies; photocopying, blueprinting and duplication services; mailing agencies; commercial art and graphic design; disinfecting, exterminating and pest control; personnel supply services and employment agencies; computer and data processing services; protected and detective and security system services; accounting, auditing and bookkeeping services; publications and business consulting firms; food catering; interior decorating; and locksmiths.

Service Establishment, Personal: A facility engaged in the provision of services to persons and their apparel, including but not limited to: barber and beauty shops; coin-operated and full service laundries and dry cleaners; photographic studios; shoe repair and shoeshine parlors; dance studios, schools and halls; specialized instructional studios and schools; day care centers; massage parlors; travel agencies.

Service, health: Health care facilities as well as establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen and miscellaneous types of medical supplies and services; offices of doctors, dentists and other medical practitioners.

Service, Lodging: A facility which offers temporary shelter accommodations, or place for such shelter, open to the public for a fee, including but not limited to: hotels, motels and motor hotels; rooming and boarding houses; bed and breakfast inns; recreational vehicle parks and campgrounds.

Service, Miscellaneous: Those service establishments not otherwise specifically classified, including but not limited to: animal hospitals and veterinary clinics; funeral homes, mortuaries and mausoleums; construction contractor's establishments not involving outside storage of vehicles or materials; hospitals and clinics; palm reading and fortune telling; pet grooming, pet psychologists, dog obedience schools, taxidermists.

Service Station: Any building, structure or land used for the retail sale of motor vehicle fuel, oil, accessories, and motor vehicle servicing, except that major repairs, body repairs, and painting of motor vehicles shall not be considered motor vehicle servicing.

Setback: The minimum horizontal distance between a street, alley, or the property boundary lines of a lot and the front, rear, or side lines of a building located on that lot.

Shopping Center: A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking on the property.

Sign: Any writing, pictorial presentation, illustration, or decoration, flag, banner or pennant or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known, and which is designed to be visible from any street or adjoining property, except for house numbers and address numbers and non-business letters on mailboxes. For the purposes of these regulations, any sign not visible from a street or adjoining property or any sign within a business, office, mall or totally enclosed area is exempted from these regulations, as are all approved traffic control signs and devices.

Sign, Abandoned: Any sign that remains longer than a period of ninety (90) days where such sign no longer pertains to a business or other use on the subject property.

Sign, Animated: Any sign of which all or any part thereof visibly moves in any fashion whatsoever; and any sign which contains or uses for illumination any light, lights or lighting device or devices which change color, flash or alternate, show movement or motion, or automatically change the appearance of said sign or any part thereof.

Sign, Area: The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background; any blank rectangular area which consists of ten (10) percent or more of the area of the sign as otherwise computed shall be disregarded. All of the lettering and other sign elements printed or mounted upon a wall of a building without any distinguishing border, panel, or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation. Where a sign has two or more faces, the area of all faces shall be counted as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

Sign, Bench: A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Sign, Construction: Any sign giving the name or names and location of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed.

Sign, Directional: A sign temporarily or permanently erected on a site other than that to which persons are directed (off-site) which denotes the route to a particular business or other destination.

Sign, Flashing: A sign designed to attract attention through the use of a flashing, changing, revolving or flickering light source, or a change in light intensity.

Sign, Freestanding/ Ground: A permanently affixed sign which is wholly independent of any building for support.

Sign Height: The vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

Sign, Identification: A sign which depicts the name and/or address of a building, subdivision or establishment on the premises where the sign is located as a means of identifying said building, subdivision or establishment.

Sign, Internally Illuminated: A sign illuminated with a light source which is enclosed within the sign and viewed through a translucent panel.

Sign, Mansard: A sign attached to or erected against a mansard or marquee of a building, with the face horizontally parallel to the building wall. Since said sign is mounted parallel to and within the limitations of the building wall on which same is mounted, such sign is deemed to be a wall sign and not a roof sign.

Sign, Number: For the purposes of determining the number of signs, a sign shall be construed to be a single display surface or device containing elements organized, related and composed to form a single unit. A ground sign with sign surface on both sides of such sign shall be construed as a single sign, and the total area of such sign shall be the area computed on a single side.

Sign, Off-site: Any notice or advertisement, pictorial or otherwise which directs attention to goods, commodities, products, services, entertainment or other items that are not sold or offered upon the premises where such sign is located, except that government notices and directional signs shall not be considered off-site signs.

Sign, On-site: Any notice or advertisement, pictorial or otherwise which directs attention to goods, commodities, products, services or entertainment sold or offered upon the premises where such sign is located.

Sign, Political: A sign which announces, promotes or advertises the name, program, or political party of any candidate for public office, or an opinion regarding a public referendum.

Sign, Portable: A sign, whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols. Even though the wheels or supports of such sign should be removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, such sign shall retain its character as a portable sign based on its original design unless modified to change its original design through incorporation into a permanent ground sign.

Sign, Projecting: A sign other than a wall sign affixed to any building or wall whose leading edge extends more than one (1) foot beyond such building or wall.

Sign, Real Estate: A temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, lease or for sale.

Sign, Roof: Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

Sign, Sandwich: Any sign, double or single-faced, other than a portable sign as defined herein, which is portable and may readily be moved from place to place.

Sign, Structure: Any construction used or designed to support a sign.

Sign, Temporary: A handbill, circular, pamphlet, postcard, sign or other literature made of paper or paper products, lightweight plastic or similar materials including, but not limited to posters, signs or notices, for the purposes of advertising, notifying or otherwise publishing notice of short term special events, such events including but not limited to yard and garage sales, elections, community events, and flea markets. These signs can be no larger than 18" x 24", must have their own supports and be removed within two (2) days after the event is held.

Sign, Wall: A sign attached to or erected against the wall of a building with the face in a parallel plane to the plane of the building wall.

Sign, Window: Any sign painted or placed inside or upon a door or window facing the outside and which is intended to be seen from the exterior, which is devoted to operational aspects of a business or other establishment (i.e., open, closed, out-to-lunch, no smoking, etc.) or which may contain general advertising material.

Site Plan: A graphic illustration, two-dimensional, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a lot or tract and the location of all buildings, structures, uses and principal site development features proposed for a specific lot or tract of land.

Stack House: A stand alone covered structure dedicated to the storage of manure/litter.

Story: That portion of a building comprised between a floor and the floor or roof next above.

Street: A public or private thoroughfare which is open to the general public and which affords the principal means of access to abutting property.

Street, Arterial: Unless otherwise specified by the Comprehensive Plan, Transportation element of the Comprehensive Plan or Major Thoroughfare Plan, arterial streets are those streets and highway facilities, including full and partial access controlled highways and major urban area entrance highways, which are designed to carry the highest traffic volumes and the longest trips through and within an urban area.

Street, Collector: Unless otherwise specified by the Comprehensive Plan, Transportation element of the Comprehensive Plan or Major Thoroughfare Plan, collector streets are those streets that collect traffic from minor streets or other collector streets and channel it to the arterial system. Collector streets provide land access and traffic circulation within residential neighborhoods, commercial and industrial areas.

Street, Public: A dedicated and accepted public right-of-way which affords the principal means of access to abutting properties.

Structure: Anything constructed or erected, the use of which requires more or less permanent or semi-permanent location on the ground, or which is attached to something having more or less permanent location on the ground, not including utility poles, but specifically including tents, bleachers, gasoline pumps, recreational vehicles, travel trailers signs, and structures from which products are vended and similar objects.

Subdivision: The division of a parcel or tract of land into two (2) or more lots for the purposes of creation of lots for development, the rearrangement of existing lot lines, or for the purpose of transfer of ownership.

Telecommunications Tower: A structure that is intended to send and/or receive radio, telephone and television communications.

Temporary Use: A use intended for a specified limited duration.

Townhouse: A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Transitional Use: A permitted use, building or structure that by nature or level and scale of activity acts as a transition or buffer between two or more incompatible uses.

Transportation, Communication and Utility Facilities: Including but not limited to the following: bus passenger stations and terminals; airports, heliports and helistops; taxi cab and limousine services; radio and television studios and broadcasting towers; recycling collection centers; truck stops and truck terminals; trucking and courier services; marinas; railroad facilities; gas, electric, water supply services; emergency medical services; ultra-light flight parks.

Travel Trailer: A portable dwelling or lodging unit having no other foundation than wheels, distinguished from a mobile or manufactured home, designed for short-term travel, recreational or vacation use, including pickup campers and motor homes.

Tree: Any self-supporting, woody perennial plant having a single trunk diameter of two (2) inches or more which normally grows at maturity to an overall height of a minimum of fifteen (15) feet.

Truck Stop: An area principally devoted to the service, refueling, temporary storage or parking of trucks, including accessory buildings, structures and uses such as restaurants.

Truck Terminal:

(a) An area where cargo is stored for routing or reshipment and where trucks load and unload cargo on a regular basis, or an area in which semi-trailers and/or trucks are parked and stored.

(b) An area and building where trucks load and unload cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

Unenclosed Area: Any area of a given lot or structure which is not covered with a roof and protected by opaque walls on each of the sides of said area or structure.

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

Utility: Public or private water and sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, cable television lines, roads, driveways, river/lake access facilities, stormwater facilities, railroads, airports and bus terminals.

Variance: A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

Warehouse: A building or group of buildings for the storage of goods or wares, with controlled access to contents.

Wholesale Distribution: An establishment engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers.

Wrecked Motor Vehicle Compound: An area used to store disabled motor vehicles until such time as their disposition (either by junk, salvage or repair) has been determined by the insurance company, the owner of the vehicle, or his legal representative.

Yard: A space on the same lot with a principal building, which is open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted. A yard may contain a parking and/or loading area unless otherwise specified by these regulations.

Yard, Front: A space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot. In the case of a corner lot, both spaces with street frontage shall be considered front yards. In the case of double frontage lots, the spaces as defined above shall both be considered front yards.

Yard, Rear: The space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

Yard, Side: A space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard.

Yard Sale: The temporary sale of home furniture, appliances, clothing and/or domestic items owned by an occupant of a residential dwelling and taking place on the premises on which such occupant resides, whether in the yard or in a carport or garage, usually as a result of the occupant moving/relocating to another place of residence. Yard sales which do not take place on the premises on which such occupant resides are considered open-air businesses.

Zero Lot Line: The location of a building on a lot in such a manner that one or more building sides have no side building set back and rest directly on a side lot line.

Zoning: A legislative procedure in which the community is divided into districts or zones within which permitted uses, and in some cases conditional uses, are established as well as regulations governing lot size, bulk, height and other development requirements.

Zoning Administrator: The Franklin County Planning Director or other officer so designated by the Board of Commissioners to enforce an ordinance.

## ARTICLE IV AG – AGRICULTURE GENERAL DISTRICT

### **Section 400. Purpose and Intent.**

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

The intent of the Agriculture General 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; and (3) discourage the residential subdivision of land which is inappropriate for this district. It is also the intent of this district to permit home occupations or home-based businesses which are related to, and/or compatible with, agricultural operations.

### **Section 401. Permitted Uses.**

1. Agricultural uses, including field crops, fruits, vegetables, nuts and forestry products.
2. Farm structures, including barns, grain storage facilities, implement sheds and other structures accessory to agricultural uses.
3. Residences, single family detached, including manufactured homes and modular homes, provided that one such residence is permitted per lot (except as noted in Section 1405 of these Regulations).
4. Accessory uses and structures normally incidental and subordinate of one or more permitted principal uses.
5. Home occupations and home-based businesses which: (a) are related to and/or compatible with agricultural uses and (b) meet the requirements of these regulations and are specifically listed in Section 1411.

### **Section 402. Conditional Uses.**

1. Livestock and poultry operations are allowed as conditional if they meet the minimum requirements of these regulations.
- 1(a). Poultry houses shall only be permitted as a conditional use in this zoning district and in areas shown as "Rural Area" on the current Recommended Character Areas Map in the Franklin County Comprehensive Plan.
2. Home occupations and home-based businesses which: (a) are related to and/or compatible with agricultural uses and (b) meet the requirements of these regulations and are not specifically listed in Section 1411.
3. Public and semi-public structures and uses, including telecommunication towers.
4. 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 Franklin County Subdivision Regulations.
5. 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.
6. Churches, temples, synagogues, places of worship and cemeteries.
7. Golf courses.

### **Section 403. District Requirements.**

1. Lot size – 1.5-acre minimum lot size when private well and on-site septic system will service the lot;  
1.0-acre minimum lot size when public water and on-site septic system will service the lot;  
0.75-acre minimum lot size when public water and public sanitary sewer will service the lot.
  2. Lot Width at principle residence – Minimum - 125 feet
  3. Building Height – Maximum - 35 feet
- |                             |                     | <u>Front(C/L)</u> | <u>Side</u> | <u>Rear</u> |
|-----------------------------|---------------------|-------------------|-------------|-------------|
| 4. Building Setbacks – Min. | Residence/Accessory | 60'               | 35'         | 35'         |
| 5. Building Setbacks – Min. | Non-Comm. Livestock | 100'              | 100'        | 100'        |

### **Screens or 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.

## ARTICLE V AI – AGRICULTURE INTENSIVE DISTRICT

### **Section 500. Purpose and Intent.**

It is the intent of the Agriculture Intensive District to establish a voluntary means by which individuals and family-farm corporations involved in intensive, large-scale, farming operations can be provided protection from the encroachment and complaints of non-agricultural land uses.

Food crop, fiber crop, poultry and livestock farms are a major component of the agricultural economic base in Franklin 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.

### **Section 501. Permitted Uses.**

1. All permitted uses in the AG district are also permitted in the AI district.
2. Home occupations and home-based businesses which (a) are related to and/or compatible with agricultural uses and (b) meet the requirements of the Regulations and are specifically listed in Section 1411.
3. 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 Franklin County Subdivision Regulations.
4. Inert waste landfills five (5) acres or less including buffer requirements
5. Public and semi-public structures and uses, including telecommunication towers.

### **Section 502. Conditional Uses.**

1. Home occupations and home-based businesses which (a) are related to and/or compatible with agricultural uses and (b) meet the requirements of the Regulations and are not specifically listed in Section 1411.
- 1(a). Poultry houses shall only be permitted as a conditional use in this zoning district and in areas shown as "Rural Area" on the current Recommended Character Areas Map in the Franklin County Comprehensive Plan.
2. Churches, temples, synagogues, places of worship and cemeteries.
3. Golf courses
4. Livestock and poultry operations provided they meet all district minimum requirements.

### **Section 503. District Requirements.**

1. Lot size – 1.5-acre minimum lot size when private well and on-site septic system will service the lot;  
1.0-acre minimum lot size when public water and on-site septic system will service the lot;  
0.75-acre minimum lot size when public water and public sanitary sewer will service the lot.
2. Lot Width at principle building – Minimum 125 feet
3. Building Height – Maximum 35 feet

|    |  | <u>Front(C/L)</u>       | <u>Side</u> | <u>Rear</u> |
|----|--|-------------------------|-------------|-------------|
| 4. | Building Setbacks – Min. Residence/Accessory | 100'                    | 35'         | 35'         |
| 5. | Building Setbacks – Min. Non-Comm. Livestock | 100'                    | 100'        | 100'        |
| 6. | Building Setbacks – Min. Broiler House       | 200' from property line |             |             |
| 7. | Building Setbacks – Min. Layer House         | 200' from property line |             |             |

**(Items 6 & 7, if there is an inhabitable dwelling nearby (within 100 feet of a property line) the setback must be at least 300' from the property line. The exhaust end must be at least 600' from any inhabitable dwelling. This does not include dwellings on the property on which the poultry house is being constructed.) Poultry houses shall be constructed where the exhaust end is at least 1,000' (measured perpendicular from the exhaust end of the poultry house) from any building that is regularly used as a government building, school, hospital, church, or other place of worship, senior center, nursing home, retirement home, restaurant, or public community center, and 1,000' from the property line of any public park, public recreational area, or Corps of Engineers Lake Hartwell, provided, however, that this requirement may be waived by the owner of the property (or their authorized agents) on which such establishment is located. If more than one person owns or has any ownership interest of record of the property where such establishment is located, then the consent of all owners shall be required.**

8. Lagoon Setbacks – Min. 150' from any stream and 500' from property line.
9. Commercial Livestock (Feedlots, Dairy Lots, Hog Lots) Building Setbacks - Min. 500' from property line
10. Commercial Poultry Structures/Stack House Setbacks – Min. 200' from property line
11. Site Specific Nutrient Management Plan

**Section 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 (48-5-7.1).

**Screens or 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.

**ARTICLE VI  
AR – AGRICULTURE RESIDENTIAL**

**Section 600. Purpose and Intent.**

This district is comprised of general farming areas where some development of low-density estate single-family residential land uses has occurred or is occurring. It is designed to provide a compatible buffer between AG/AI agriculture districts and RS low-density residential development.

It is the intent of this district to encourage the use of mini-farms, family estates, pastures and woodlands. This provides 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. These activities do not include commercial nurseries or livestock operations. This does not prevent the landowner from selling a limited number of animals raised on the mini-farm.

It too is the intent of this district to encourage and support the maintenance of the rural character of the county, which requires extremely low-density restrictions.

**Section 601. Permitted Uses.**

Residences, single family detached, including mobile homes, manufactured homes and modular homes, provided that only one such resident is permitted per lot.

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

Agricultural uses including gardens and the raising of farm animals for the property owner’s use.

Home-based businesses which (a) are related to and/or compatible with agricultural uses and (b) meet the requirements of these regulations and are specifically listed in Section 1411.

**Section 602. Conditional Uses.**

Home-based businesses which (a) are related to and/or compatible with agricultural uses and (b) meet the requirements of these regulations and are not specifically listed in Section 1411.

Public and semi-public structures and uses.

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

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

Churches, temples, synagogues, places of worship and cemeteries.

Golf courses.

**Section 603. Prohibited Uses.**

Due to the noise, odor, dust and any other activity that could be offensive, the following activities, among others, are prohibited: (1) Metal Shops; (2) Automotive Repair Shops and (3) Cabinet Shops.

**Section 604. District Requirements.**

- 1. Lot size - 1.5-acre minimum lot size when private well and on-site septic system will service the lot.  
1.0-acre minimum lot size when public water and on-site septic system will service the lot;  
0.75-acre minimum lot size when public water and public sanitary sewer will service the lot.

- 2. Lot Width at principle building - 100 feet Min.
- 3. Building Height – Max. - 35 feet

|                             |                     | <u>Front(C/L)</u> | <u>Side</u> | <u>Rear</u> |
|-----------------------------|---------------------|-------------------|-------------|-------------|
| 4. Building Setbacks – Min. | Residence/Accessory | 100’              | 35’         | 35’         |
| 5. Building Setbacks – Min. | Non-Comm. Livestock | 100’              | 100’        | 100’        |

**Screens or 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.

**ARTICLE VII  
AB- AGRICULTURE BUSINESS DISTRICT**

**Section 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.

**Section 701. Permitted Uses.**

1. Retail gas sales (no repair garage).
2. A general store, convenience-type.
3. Small feed stores, hardware stores and nurseries, not exceeding 10,000 area feet.
4. Animal hospitals or veterinarian clinics.
5. Public and semi-public uses, including telecommunication towers.

**Section 702. Conditional Uses.**

1. Campgrounds and commercial fishing ponds.

**Section 703. Building Requirements.**

The minimum area, yard, height and building requirements of the Rural Business District shall be as follows:

1. Lot Size – 1.5-acre minimum lot size when private well and on-site septic system will service the lot;  
1.0-acre minimum lot size when public water and on-site septic system will service the lot;  
0.75-acre minimum lot size when public water and public sanitary sewer will service the lot.

2. Lot Width at principle building -125 feet Min.

3. Building Height – Max. - 35 feet

4. Building Setbacks – Min.
 

|                                 |       |      |      |
|---------------------------------|-------|------|------|
| Residence/Accessory             | Front | Side | Rear |
| - State Highway                 | (C/L) |      |      |
| - Collector Street              | 80'   | 25'  | 25'  |
| - 50' setback from intersection | 60'   | 25'  | 25'  |

5. Corner Lot Ingress/Egress

**Screens or 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.

**Section 704. Full Disclosure of Hazardous or Dangerous Products.**

When an application is made for a business permit in an AB district, the applicant must provide full disclosure of all hazardous or dangerous products used in their commercial or industrial processes. The applicant must also provide an explanation of safety measures, disposal measures and emergency medical and evacuation procedures.

Changes in processing or manufacturing after initial approval relative to this requirement must be reported to the Planning Director within fifteen (15) days.

The Planning Director shall then forward this information to the Emergency Medical Director.

**ARTICLE VIII**  
**RS – RESIDENTIAL SINGLE-FAMILY DISTRICT**

**Section 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:

- Retain and protect open space areas within residential developments;
- Promote new development, which is compatible with existing uses, architecture, landscapes and community character;
- Provide standards reflecting the varying circumstances and interest of land owners and the individual characteristics of their properties;
- Preserve unique and sensitive landscapes and site feature by locating new dwelling sites in areas removed from such features;
- Protect scenic vistas from encroachment by development;
- 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;
- Provide for a more varied, innovative and efficient development pattern;
- Provide a means to attain the objectives of the Franklin County Comprehensive Plan providing for orderly growth, enhancement of natural resources and preservation of rural characteristics.

**Section 801. Permitted Uses.**

Residences, single-family detached, including mobile homes, manufactured homes and modular homes, provided that only one such residence is permitted per lot, except as allowed for in Section 1405 of these regulations.  
Accessory uses and structures normally incidental and subordinate to one or more permitted principal uses.

**Section 802. Conditional Uses.**

Home occupations and home-based businesses meeting the requirements found in Section 1411.  
Parks, playgrounds, community centers, tennis courts, swimming pools and other small-scale recreational facilities operated on a non-profit basis.  
Public and semi-public structures and uses. (Telecommunication towers are not allowed).  
Public, parochial, private schools, and related educational institutions not offered for profit.  
Churches, temples, synagogues, places of worship and cemeteries.

**Section 803. District Requirements.**

1. Lot Size – 1.5-acre minimum lot size when private well and on-site septic system will service the lot;  
1.0-acre minimum lot size when public water and on-site septic system will service the lot;  
0.75-acre minimum lot size when public water and public sanitary sewer will service the lot.
2. Lot Width at principle building – Min. 80 feet
3. Building Height – Max. - 35 feet
4. Building Setbacks – Min. 

|             |      |      |
|-------------|------|------|
| Front (C/L) | Side | Rear |
| 35'         | 10'  | 15'  |

**Section 804. Reserved for Future Use.**

**Section 805. Reserved for Future Use.**

**Section 806. Reserved for Future Use.**

**Section 807. Interior Roads.**

Interior roads serving any single-family residential development shall be constructed and paved to AASHTO standards as specified in the Franklin County Subdivision Regulations. In addition, these roads shall have: (1) a minimum pavement width of twenty (20) feet, and (2) a minimum right-of-way of sixty (60) feet. All interior roads within the development are the responsibility of the property owner(s) and shall be adequately maintained to acceptable county standards until such time as the roads are dedicated to and accepted by Franklin County.

## ARTICLE IX RM – RESIDENTIAL MULTI-FAMILY DISTRICT

### **Section 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 (8) 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 Franklin County Board of Commissioners.**

It is also the intent of this district to serve as a transition area between lower-density residential land uses and those of high-density residential uses.

### **Section 901. Permitted Uses.**

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

### **Section 902. Development Regulations.**

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

## GENERAL PROVISIONS

### **Section 902.1. 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.

### **Section 902.2. Site Plan Requirements.**

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

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

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

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

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.

Building setbacks, buffers and landscape strips.

A study of traffic impacts and proposed improvements.

### **Section 902.3. 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 one hundred (100') 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.

### **Section 902.4. Interior Roads.**

Interior roads serving any multi-family development shall be constructed and paved to AASHTO standards specified in the Franklin County Subdivision Regulations. In addition, these roads shall have:

A minimum pavement width of twenty (20) feet.

Curb and gutter.

A minimum right-of-way of sixty (60) feet, if it is to be dedicated to the public, either immediately or eventually. All interior roads within the development are the responsibility of the property owner(s) and shall be adequately maintained to acceptable county standards until such time as the roads are dedicated to and accepted by Franklin County.

### **Section 902.5. Fire Protection.**

All multi-family developments shall provide adequate fire protection in the form of placement of water lines, fire hydrants, sprinkler systems or fire walls as deemed necessary by the Planning Commission and/or according to all local building codes for these types of structures.

### **Section 902.6. Street Lighting.**

Street lighting shall be required at each entrance or exit to a multi-family development. Street lighting shall also be placed and staggered every three hundred (300) feet along all streets in the development.

### **Section 902.7. Buffer, Landscaping, and Open Space Requirements.**

All multi-family developments shall conform to the following 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.

A buffer of at least ten (10) feet in width shall be provided and maintained around the entire exterior perimeter of all apartment, condominium, duplex, townhouse and mobile home developments. Utilization of existing trees and vegetation is appropriate for inclusion within the buffer, or when not found appropriate, shall be supplemented with approved evergreen plantings and landscaping.

### **Section 902.9. Utilities.**

All multi-family home developments shall be served by approved public water and public sanitary sewer systems. All electric, gas, phone and cable lines serving multi-family home developments shall be placed underground. Meter boxes shall also be clustered in designated sites and adequately buffered.

### **Section 902.9. Refuse Collection.**

Each multi-family home development shall provide refuse collection pads at locations convenient to each home, but in no case more than fifty (50) feet from the street serving each home. Refuse collection sites must be properly screened and buffered with both fencing and a vegetative buffer.

### **Section 902.10. Space Numbering.**

Each multi-family home shall be provided with a sign, not less than one (1) square foot in area, which indicates the appropriate space number or address. Numbering shall be approved by the E911 Director.

### **Section 902.11. Service Buildings.**

1. 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.
2. 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.
3. All multi-family developments shall provide adequate covered school bus stop shelters accessible to a designated school bus route.

### **Section 902.12. General Requirements For Signs in a Residential Multi-Family District.**

Signs and other advertising structures may be constructed and maintained in strict conformity with building and electrical codes and all other applicable regulations. Signs and other advertising structures are permitted as accessory uses, subject to all applicable limitations as specified in this Regulation.

1. Signs, together with any supporting members, shall be kept in good repair and maintained so as to present a neat, clean appearance and be in a safe state of preservation. Painted areas and sign surfaces shall be kept in good condition, and illumination, if provided, shall be maintained in safe and good working order.
2. Signs shall be setback a minimum of three (3) feet from any public street right-of-way.
3. No sign shall be erected where it will interfere with vision clearance along any street or obstruct the vision of either drivers or pedestrians.
4. Any illuminated sign shall be placed so that the rays and illumination there from shall not be cast upon neighboring dwellings.
5. All permitted marquee or projecting signs shall be erected under the supervision and approval of the Planning Director
6. Other attached signs shall be inspected for safety and compliance with this ordinance at the discretion of the Planning Director or other official designated by the County Commission.
7. When a building is constructed, remodeled or expanded, all signs shall be approved by the appropriate official before an occupancy permit is issued. Drawings containing dimensions of signs and/or descriptions of sign

dimensions, construction, materials and methods of erection or design and stress diagrams may be approved by the Planning Director or other appropriate official; when, in best judgment, erection of the sign will not constitute a safety hazard and upon determination that it meets all the requirements of this Ordinance and the Building Codes.

8. Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the Planning Director, the owner thereof, or the person or firm maintaining the sign, shall upon written notice from the Planning Director or the Administrative Officer, forthwith in the case of immediate danger and in any case within ten (10) days, secure the sign in a manner to be approved by the Planning Director, in conformity with the applicable provisions of the Building Codes. If such order is not complied within ten (10) days, the sign shall be removed under instruction of the appropriate official, at the expense of the owner(s) or lessee thereof. In case any sign shall be installed, erected or constructed in violation of any of the terms of this ordinance the Planning Director shall notify, by certified mail or written notice served personally, the owner or lessee thereof to alter such sign, secure the necessary permit, make required alterations, or remove the sign. If such order is not completed within twenty-four (24) hours from the time of notice being received, the sign shall be removed under instruction of the appropriate official, at the expense of the owner(s) or lessee thereof.

### **Section 902.13. Townhouse Development Regulations.**

1. Lots – Each townhouse shall be located on its own lot of record.
2. Minimum Lot Size – A minimum lot size for a total townhouse development is ten (10) acres.
3. Width and Frontage – The minimum lot width and frontage for each development shall be one hundred (100) feet. Each development shall have frontage on a public street of at least thirty-five (35) feet.
4. Setbacks – Townhouses shall conform to setbacks of a minimum of fifty (50) feet from the front and shall have front setbacks and rooflines varied/staggered by a minimum of two (2) feet. Between buildings, there shall be a side yard of not less than twenty (20) feet. A minimum of twenty (20) feet from a side boundary is required. The rear setbacks shall be a minimum of fifty (50) feet.
5. Building Height – No townhouse building or structure shall exceed the height of thirty-five (35) feet.
6. Maximum Units per Building – No more than four (4) townhouses shall be permitted to form any one, single building.
7. Minimum Heated Floor Area – All units shall have a minimum heated floor area of eight hundred (800) square feet.
8. Maximum Density – Townhouse development shall not exceed a density of eight (8) units per acre.
9. Parking – Insofar as practicable, off-street parking facilities shall be in grouped bays, either adjacent to streets or in the interior of blocks. No off-street parking space shall be more than one hundred (100) feet by the most direct pedestrian routes from a door of the dwelling unit it is intended to serve.

## **CONDOMINIUM DEVELOPMENTS**

### **Section 902.14. Residential Condominium Development Regulations.**

1. Regulations – All condominium developments shall meet all applicable state laws, including the Georgia Condominium Act.
2. By-laws – Proposed condominium bylaws shall be submitted with the application for site approval. Format and content of the by-laws and declarations are subject to approval of the County Attorney and Planning Commission.
3. Minimum Lot Size – Each development for condominiums shall have a minimum lot size of ten (10) acres.
4. Width and Frontage – The minimum lot width and frontage for each development shall be one hundred (100) feet. Each development shall have frontage on a public street of at least thirty-five (35) feet.
5. Setbacks – All condominium developments shall have side setbacks minimum of twenty (20) feet and a minimum rear setback of fifty (50) feet.
6. Building Height – No condominium building or structure shall exceed the height of thirty-five (35) feet.
7. Maximum Units per Building – No more than four (4) condominiums shall be permitted to form any one, single building.
8. Minimum Heated Floor Area – All units have minimum heated floor area of eight hundred (800) feet.
9. Maximum Density – All condominium development shall not exceed a density of eight (8) units per acre.
10. 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 one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.

## **APARTMENT / DUPLEX DEVELOPMENTS**

### **Section 902.15. Apartment and Duplex Regulations.**

1. Minimum Lot Size – Each lot for apartment or duplex developments shall have a minimum lot area of ten (10) acres.
2. Width and Frontage – The minimum lot width and frontage for each development shall be one hundred (100) feet. Each development shall have frontage on a public street of at least thirty-five (35) feet.
3. Structure Separations – Apartment buildings shall be constructed with a separation of least twenty (20) feet if one or more buildings contain two (2) or more stories. Duplex buildings shall be constructed with a separation of at least twenty (20) feet if more than one or more buildings are constructed.
4. Setbacks – All apartment and duplex developments shall have side setbacks minimum of twenty (20) feet and a minimum rear setback of fifty (50) feet.
5. Building Height – No apartment building or structure shall exceed the height of thirty-five (35) feet.
6. Minimum Heated Floor Area – All units shall have a minimum heated floor area of eight hundred (800) square feet.
7. Maximum Units per Building – No more than four (4) units shall be permitted to form any one, single building.
8. Maximum Density – All apartment and duplex developments shall not exceed a density of six (6) units per acre.
9. 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 one hundred (100) feet by the most direct pedestrian routes from a door of the dwelling unit it is intended to serve.

## **MANUFACTURED HOME PARK DEVELOPMENTS**

### **Section 902.16. Manufactured Home Park Development Regulations.**

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

### **Section 902.17. Site Plan Approval Required.**

All manufactured home park developments shall require site plan approval by the Planning Commission.

### **Section 902.18. Location and Frontage.**

A Manufactured Home Park District development shall be located on property with a minimum frontage of one hundred (100) feet on a public street.

### **Section 902.19. Street Requirement.**

Interior roads serving the development shall be constructed to county standards as specified in the Franklin County Subdivision Regulations, and in addition shall have a minimum pavement width of twenty (20) feet, including curb and gutter. All interior roads within the development are the responsibility of the property owner(s) and shall be adequately maintained to acceptable AASHTO standards. Cul-de-sac radius should be sufficient for a school bus and/or fire truck.

### **Section 902.20. Lot Area and Width.**

A Manufactured Home District development shall have minimum area of five (5) contiguous acres.

### **Section 902.21. Density.**

The maximum density of a Manufactured Home District development is four (4) units per acre. 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.

### **Section 902.22. Recreation and Other Community Facilities.**

Not less than fifteen (15) percent of the total area of the development shall be devoted to recreation and other community use facilities for those manufactured home parks designed for or containing ten (10) or more mobile homes.

**Section 902.23. Perimeter Setback Required.**

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

**Section 902.24. Perimeter Screening Required.**

A landscaped screen consisting of dense evergreen trees and/or shrubs and having a minimum width of ten (10) feet along all property lines shall be required. All perimeter screening must be maintained by park owners.

**Section 902.25. Utilities.**

All manufactured home parks shall be served by an approved public water and public sanitary sewer systems. All electric, gas, and cable lines serving mobile home parks shall be placed underground. Meter boxes shall also be clustered in designated sites and adequately buffered.

**Section 902.26. Refuse Collection.**

Each manufactured home park shall provide refuse collection pads at locations convenient to each manufactured home space, but in no case more than fifty (50) feet from the street serving each manufactured home. Refuse collection sites must be properly screened and buffered with both fencing and a vegetative buffer.

**Section 902.27. Space Numbering.**

Each manufacturer home space shall be provided with a sign, not less than one (1) square foot in area, which indicates the appropriate space number of address. Numbering shall be approved by the E-911 Director.

**Section 902.28. Fire Protection.**

All Manufactured Home Park developments shall provide adequate fire protection in the form of placement of water lines and fire hydrants and additional protection measures as deemed reasonable and necessary by the Planning Director and/or according to local building codes. Smoke detectors shall be required in all units.

**Section 902.29. 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 one hundred (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 (2) parking spaces per each manufactured home in the development.

**Section 902.30. Street Lighting.**

Street lighting shall be required at each entrance or exit to a manufactured home park. Street lighting shall also be placed and staggered every three hundred (300) feet along all streets in the mobile home park.

**Section 902.31. Service Buildings.**

1. Subordinate Accessory structures are hereby required for maintenance and other incidental uses supportive to the primary use of the property. A minimum forty-eight (48) square feet of storage space shall be required by the developer for each unit in a manufactured home park. This shall be included on a site plan and approved by the Planning Director. These types of facilities shall be grouped, centrally and conveniently located, for park patrons. All service facilities shall be built and maintained by the park owner(s) in compliance with all local commercial building codes.
2. Community service facilities and related accessory structures are subject to site plan approval, for the convenience of the complex patrons. A laundry facility for park patrons shall be required and must be maintained by park owner(s).
3. All manufactured home park developments shall provide a covered school bus stop shelter accessible to a designated school bus route.

**Section 902.32. Animal Control.**

All manufactured home park developments shall provide an animal control plan approved by the Planning Commission. The animal-control plan shall be enforced by the owner(s) of the manufactured home park.

**Section 902.33. Miscellaneous.**

1. 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 (6) feet high.
2. No individual lot or space in any manufactured home park may be sold or control of that lot or space transferred with the intent or effect of a sale unless that lot or space and manufactured home park shall meet

all requirements of the county subdivision regulations and the park owner(s) shall hold a valid subdivision recording permit.

3. 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.
4. Any covenants required by the owner(s) of all mobile home parks shall be submitted with the site plan.

**Section 902.34. Manufactured Home and Mobile Home Space Requirements.**

Each manufactured home with the development shall be located on a separate pad in accordance with the following regulations.

**Section 902.35. Space Size and Width.**

Each manufactured home space within the development shall contain a minimum space size of four thousand (4,000) square feet and a minimum space width of forty (40) feet.

**Section 902.36. Setbacks.**

Each manufactured home shall be setback a minimum of ten (10) feet from the front space line or street right-of-way, three (3) feet from the side space line and ten (10) feet from the rear space line.

**Section 902.37. Foundations and Tie-Downs.**

As provided by Georgia law, each manufactured home shall be supported by piers or foundation set on a concrete footing of six (6) inches deep and twenty (20) inches wide, and shall be anchored to the ground in accordance with building code requirements, to secure the manufactured home against uplift, sliding, rotation and overturning.

**Section 902.38. Porches/Landings.**

At each entrance/exit door of each mobile home shall be a landing or porch, with appropriate handrails, that is a minimum of sixty (60) inches.

**Section 902.39. Recreational Vehicles.**

Recreational Vehicles in manufactured home parks shall be limited to motor homes and travel trailers which have toilet, bath and kitchen facilities, and such use shall be limited to one hundred twenty (120) days with no extensions.

**ARTICLE X**  
**CC – COMMERCIAL COMMUNITY BUSINESS DISTRICT**

**Section 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. This district includes small retail, service and office establishments that do not exceed twenty thousand (20,000) square feet in size.

**Section 1001. Permitted Uses.**

1. Small retail trade establishments.
2. Restaurants, but not including drive-in or drive-through facilities. Unenclosed seating areas are permitted.
3. Finance, insurance and real estate establishments.
4. Dry cleaning, shoe repair and other similar service establishments.
5. Professional offices.
6. Museums, galleries and instructional studios.
7. Small food catering establishments.
8. Day care and personal care facilities.
9. Business supply and copying centers, not exceeding two thousand five hundred (2,500) square feet.
10. Accessory uses and structures incidental to permitted principal uses and structures.

**Section 1002. Conditional Uses.**

1. Repair shops (excluding automotive, mechanical, etc.).
2. Convenience Stores without gasoline, diesel or kerosene pumps.

**Section 1003. Prohibited Uses.**

Outdoor sales facilities.  
Outdoor storage facilities  
Automotive and Mechanical.

**Section 1004. Building Requirements.**

The minimum area, yard, height and building requirements for the Community Commercial District shall be as follows:

1. Lot size - 1.5-acre minimum lot size when private well and on-site septic system will service the lot or greater as may be required by the Health Department regarding water supply and sewage disposal.  
1.0-acre minimum lot size when public water and on-site septic system will service the lot or greater as may be required by the Health Department regarding water supply and sewage disposal;  
0.75-acre minimum lot size when public water and public sanitary sewer will service the lot.
2. Building Setbacks – Minimum:  
Front yard - eighty (80) feet on State Highways;  
- sixty (60) feet on all other collector streets.  
Side yard - twenty-five (25) feet;  
Rear yard - twenty-five (25) feet.  
Where the Commercial Community Business District abuts a residential district, an additional thirty (30) foot setback for a landscaped evergreen vegetative buffer shall be required.
3. Building Height – Maximum: No structure shall be higher than thirty-five (35) feet.
4. Screens or Buffers: Where noise, visual effects or distracting activity is determined by the Planning Commission to affect adjacent property or roadway, an evergreen vegetative screen, granite or granite-like block wall or earth berm as required by the Planning Commission to reduce the undesirable effects.
5. Corner Lot Ingress/Egress: seventy-five (75) feet from intersection of the right-of-way lines.

**Section 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. Changes in processing or manufacturing after the initial approval, relative to this requirement, must be reported to the Planning Director within fifteen (15) days. The Planning Director shall then forward this information to the Emergency Management Director, the Fire Department and the Sheriff's Department.

**ARTICLE XI**  
**CG – COMMERCIAL GENERAL BUSINESS DISTRICT**

**Section 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.

**Section 1101. Permitted Uses.**

Any use permitted in the CC and AB District.

Restaurants, including drive-in and drive-through facilities.

Retail trade establishments, enclosed and unenclosed.

Lodging facilities, hotels, motels and inns.

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

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

Financial institutions with drive-through facilities.

Civic auditoriums, assembly halls, amphitheaters and stadiums.

Office support, supply and copying establishments

Full-service gas stations and convenience stores.

Manufactured home sales & services.

Radio and television studios and stations, excluding towers.

Accessory uses and structures normally incidental to permitted principal use.

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

Home and office appliances – sales, service, rental and repair.

Mini-Warehouses.

**Section 1102. Conditional Uses.**

Pawn shops.

Flea markets.

Pet kennels and grooming establishments.

Recycling pick-up centers.

Truck stops and truck terminals located within two thousand (2,000) feet of the intersection of Interstate 85 and another road where I-85 has on/off ramps.

Small travel terminals.

Small printing establishments.

In-door shooting ranges

Churches and cemeteries.

Public and private schools.

Public and semi-public uses.

Automotive services, sales and repair.

**Section 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 determined by the setbacks established in the following Item 2 of this article.
2. Building Setbacks – Minimum:
  - Front yard - one hundred (100) feet on State Highways;  
- eighty (80) feet on all other collector streets.
  - Side yard - twenty-five (25) feet;
  - Rear yard - twenty-five (25) feet.Where the Commercial Community Business District abuts a residential district, an additional thirty (30) foot setback for a landscaped evergreen vegetative buffer shall be required.
3. Building Height – Maximum: Thirty-five (35) feet.
4. Screens or Buffers: Where noise, visual effects or distracting activity is determined by the Planning Commission to affect adjacent property or roadway, an evergreen vegetative screen, granite or granite-like block wall or earth berm as required by the Planning Commission to reduce the undesirable effects.
5. Corner Lot Ingress/Egress: one hundred (100) feet from intersection.
6. Acceleration, deceleration and turn lanes as called for by the Governing Body.

**Section 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 measures, disposal measures and emergency medical and evacuation procedures. Changes in processing or manufacturing after the initial approval, relative to this requirement, must be reported to the Planning Director shall then forward this information to the Emergency Medical Service, the Fire Department and the Sheriff's Department.

## **ARTICLE XII**

### **CI – COMMERCIAL INDUSTRIAL DISTRICT**

#### **Section 1200. Purpose and Intent.**

The Commercial Industrial District is established for the purpose of reserving certain areas, with (1) relatively level topography, (2) adequate water and sewerage facilities and (3) 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, or which are most appropriately located within an industrial area, are also included within this district.

#### **Section 1201. Permitted Uses.**

Permanent sawmills, lumber and wood products processing or storage, pulpwood yards.  
Textile manufacturing, processing, fabrication, assembly.  
Metals, cement, plastics or wood products manufacturer, fabrication or production.  
Truck and cargo transfer terminals, bus and truck garages.  
Wholesale building supply and material storage or sales and warehousing, including mini-storage and mini-warehousing facilities.  
Bottling works and ice manufacturing plants.  
Public and semi-public services uses such as substations, transformers, telephone exchanges, telecommunication towers, other transmission towers, pump houses, satellite receiving stations, etc.

#### **Section 1202. Conditional Uses.**

Any other industrial use that the Planning Commission or County Commissioner determines not to be dangerous, offensive, unhealthy, nor detrimental to the community that is not listed as prohibited activities or uses in Franklin County.  
Airports or airfields, after Planning Director review and County Commission approval.  
Mining, dredging and sand or gravel removal operations, 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 Franklin County.  
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 one hundred (100) yards of the location.  
Public and semi-public recreation facilities, such as racetracks and outdoor firing ranges.  
Compost production facilities.  
Adult entertainment.  
Heavy machine and equipment sales, service, rental and repair.  
Transportation, communication and utility facilities.  
Recycling centers.

#### **Section 1203. Prohibited Uses.**

The following uses and activities are prohibited unless specifically approved by the Planning Commission and County Commission: cement or asphalt manufacturer, steel mills, petroleum refinishing or bulk storage of highly inflammable products, stockyards or feedlots, commercial slaughtering of animals, paper or wood pulp manufacturer, open pit mining, quarrying or sand/gravel removal operations.

## **Section 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
    - one hundred (100) feet on Parkways;
    - one hundred (100) feet on State Highways;
    - eighty (80) feet on all other collector streets.
  - Side yard
    - twenty-five (25) feet;
  - Rear yard
    - twenty-five (25) feet.

Rear and side setbacks when abutting a residential district, an additional three hundred (300) 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 1416 of these regulations. Additional exactions and 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 thirty-five (35) feet unless adequate fireproofing construction materials are used, an adequate sprinkler system is provided, and a fire escape system approved by the State Fire Marshal is installed. Non-occupied buildings, water towers, smokestacks, radio antennas, etc., 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. Screens or Buffers: Where noise, visual effects or distracting activity is determined by the Planning Commission to affect adjacent property or roadway, (1) an evergreen vegetative screen, (2) granite or granite-like block wall, or (3) earth berm as required by the Planning Commission to reduce the undesirable effects.
5. 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.
6. Corner Lot Ingress/Egress: one hundred (100) feet from intersection.
7. Acceleration, deceleration and turn lanes, as called for by the Board of Commissioners.
8. Location with access to a major thoroughfare in the County.

## **Section 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 measures, disposal measures and emergency medical and evacuation procedures. Changes in processing or manufacturing after the initial approval, relative to this requirement, must be reported to the Planning Director within fifteen (15) days. The Planning Director shall then forward this information to the EMA Director, the Fire Department and the Sheriff's Department.

**ARTICLE XIII**  
**EC – ENVIRONMENTAL CONSERVATION OVERLAY DISTRICT**

**Section 1300. Purpose and Intent.**

The purpose and intent of this district is to establish minimum development standards and criteria that will afford reasonable protection of environmentally sensitive natural resources found throughout Franklin County. Based on the findings of the Franklin County Comprehensive Plan, it has been determined that the wise management of these natural resources are essential to maintaining the health, safety, general welfare and economic well-being of the public. The adoption of regulations for this district is also in compliance with the Department of Natural Resources Part V Standards for Environmental Planning in the 1989 Georgia Planning Act.

**Section 1301. Establishment Environmental Conservation Districts.**

Franklin County's Environmental Conservation Districts shall include the following overlay districts:

- Ground Water Recharge Area Protection District.
- Water Supply Watershed Protection District.
- Wetlands Protection District.
- River Corridor Protection District.

The boundaries of these Environmental Conservation Districts are shown on a set of maps designated as "Overlay District" and are included as part of the County's Official Zoning District Map, which is on file with the Franklin County Clerk and is available for public access.

**Section 1302. Definitions.**

In addition to the definitions provided in Appendix A of this Ordinance, the following definitions shall apply to this Article:

- |   |   |
|---|---|
| <u>Corridor.</u>                            | All land within the buffer areas and setback areas specified in a water supply watershed.   |
| <u>Environmental Conservation District.</u> | An Environmental Conservation District is a map overlay that imposes a set of requirements in addition to those of the underlying zoning district.  |
| <u>Hazardous Waste.</u>                     | Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency (US EPA), pursuant to the federal act, which was in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.  |
| <u>Perennial River/Stream.</u>              | A river/stream or section of a river/stream that flows continuously throughout the whole year.  |
| <u>Protected River Corridor.</u>            | All land, inclusive of islands, in areas of protected river within a distance of one hundred (100) feet horizontally on both sides of the river measured from the uppermost part of the riverbank; the area between the top of the bank and the edge of the water is included in the protected area.  |
| <u>Reservoir Boundary.</u>                  | The edge of a water supply reservoir defined by its normal pool level.  |
| <u>River/Stream Bank.</u>                   | The rising ground, bordering a river or a stream, which serves to confine the water to the natural channel during the normal course of flow.  |
| <u>Utility.</u>                             | Public or private water or sewer piping systems, water or sewer pumping stations, electrical power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm-water systems and railroads or other utilities identified by a local government.  |
| <u>Water Supply Reservoir.</u>              | A governmental owned impoundment of water for the primary purpose of providing water to one or more governmental owned public drinking water systems.   |
| <u>Wetlands.</u>                            | Those areas that are inundated or saturated by the surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrological vegetation and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation. |

### **Section 1303. Groundwater Recharge Area Protection District.**

**Findings of Fact.** Recharge areas are vulnerable to urban development activities as well as agricultural activities. Urban development usually means an increase in the amount of land covered with impervious surfaces. Building homes and paving land in groundwater recharge areas will alter or impair the soil's ability to absorb water, thereby increasing runoff and decreasing groundwater supplies. Pesticides and herbicides sprayed on crops, animal wastes and septic tank effluents contribute to a deterioration in the groundwater quality and can threaten the health of residents relying on well water.

**Purpose.** The purpose of this district is to establish criteria to protect significant groundwater recharge areas from pollution by spills, discharges, leaks, impoundments, applications of chemicals, injections and other development impacting point source and non-point source pollution.

**District Delineation.** The groundwater recharge area protection map is delineated according to (1) the Georgia Department of Natural Resources' "Significant Recharge Areas, Hydrological Atlas 18, 1989 Edition" and (2) the "Pollution Susceptibility Map" Hydrologic Atlas 20, 1992 Edition, which categorize the land areas of Franklin County into areas having high, medium and low groundwater pollution potential. Said maps are hereby adopted and made part of this ordinance.

#### **Protection Criteria.**

- A. No construction may proceed on a building or mobile home to be served by a septic tank unless the Franklin County Health Department first approves the proposed septic tank installations as meeting the requirements of the Georgia Department of Human Resources for On-Site Sewage Management (hereinafter referred to as the DHR Manual), and Sections B and C below.
- B. New Homes served by a septic tank/drain field system shall be on lots having minimum size limitations as follows, based on the application of Table MT-1 of the DHR Manual (hereinafter referred to as DHR Table MT-1). The minimum set forth in the Table MT-1 may be increased further based on consideration of other factors (set forth in Sections A-F) of the DHR Manual.
  1. High Pollution: One hundred fifty (150) percent of the subdivision minimum lot size calculated based on the application of DHR Table MT-1, if they are within a high pollution susceptibility area.
  2. Medium Pollution: One hundred twenty-five (125) percent of the subdivision minimum lot size calculated based on the application of DHR Table MT-1, if they are within a medium pollution susceptibility area.
  3. Low Pollution: One hundred ten (110) percent of the subdivision minimum lot size calculated based on the application of DHR Table MT-1, if they are within a medium pollution susceptibility area.
- C. New Mobile Home Parks served by a septic tank/drain field systems shall be on lots or spaces having minimum size limitations as follows, based on the application of Table MT-2 of the DHR Manual (hereinafter referred to as DHR Table MT-2). The minimums set forth in Table MT-2 may be increased further based on consideration of other factors (set forth in Sections A-F) of the DHR Manual.
  1. High Pollution: One hundred fifty (150) percent of the subdivision minimum lot size calculated based on the application of DHR Table MT-2, if they are within a high pollution susceptibility area.
  2. Medium Pollution: One hundred twenty-five (125) percent of the subdivision minimum lot size calculated based on the application of DHR Table MT-2, if they are within a medium pollution susceptibility area.
  3. Low Pollution: One hundred ten (110) percent of the subdivision minimum lot size calculated based on the application of DHR Table MT-2, if they are within a medium pollution susceptibility area.
- D. New agricultural waste impoundment sites shall be lined if they are within a:
  1. High pollution susceptibility area;
  2. Medium pollution susceptibility area and exceed fifteen (15) acre-feet; or
  3. Low pollution susceptibility area and exceed fifty (50) acre-feet.As a minimum, the liner shall be constructed of compacted clay having a thickness of one (1) foot and a vertical hydraulic conductivity of less than  $5 \times 10^{-7}$  cm/sec or other criteria established by the Natural Resource and Conservation Service.
- E. New above-ground chemical or petroleum storage tanks, having a minimum volume of six hundred, sixty (660) gallons, shall have a secondary containment for one hundred ten (110) percent of the volume of such tanks, or one hundred ten (110) percent of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.

- F. New facilities that handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of ten thousand (10,000) pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and local fire code requirements.
- G. Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.

**Exemptions.**

Any lot of record approved prior to the adoption of this ordinance is exempt from the minimum lot size requirements contained in Protection Criteria Items B and C in this section of the ordinance.

**Prohibited Uses.**

The following uses are prohibited:

- All hazardous waste storage, treatment and disposal facilities.
- Permanent storm-water infiltration basins.
- Landfills of any type.

**Section 1304. Water Supply Watershed Protection District.**

**Findings of Facts.** In order to provide for the health, safety and welfare of the public and a healthy economic climate within Franklin County and surrounding communities, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter storm-water runoff can be threatened by unrestricted urban and suburban development. Land disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs. In addition, storm-water runoff, particularly from impervious surfaces, can introduce toxicants, nutrients and sediment into drinking water supplies, making water treatment more complicated, expensive and rendering water resources unusable. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby public drinking water supplies.

**Purpose.** The purpose of the Water Supply Watershed Protection District regulations is to establish measures to protect the quality and quantity of the present and future water supply for Franklin County that will minimize the transport of pollutants and sediment to the water supply and maintain the yield of the water supply watersheds.

**District Delineation.** The protected water supply watershed districts are hereby designated and shall comprise: (1) the land areas that drain to the public water supply intake and (2) the public water supply intake. The boundaries of these districts are defined by the ridge lines of the respective watersheds and the boundaries of these districts are defined by the ridge lines of the public water supply intakes. These districts shall be further delineated and defined on the Water Supply Watershed Protection District Overlay Map of the Franklin County's official Zoning District Map, which is hereby incorporated and made part of this Ordinance by reference.

**Permitted Uses.** All uses allowed in the previously presented zoning districts as established by this Ordinance, except those identified in the 'Prohibited Uses' section below, are permitted in the Water Supply Watershed Protection District, subject to the following standards:

**A. Natural, Undisturbed Buffer Requirements.**

1. Within a seven (7) mile radius upstream of the public water intakes, a natural, undisturbed vegetative buffer, one hundred (100) feet wide shall be maintained on both sides of the stream, as measured from the stream banks.
2. Outside the seven (7) mile radius, a natural buffer of fifty (50) feet shall be maintained on both sides of the stream, as measured from the stream banks.
3. A natural buffer shall be maintained for a distance of one hundred and fifty (150) feet from the boundary of any existing or future water supply reservoir.

**B. Impervious Surface Limitations.**

1. No more than twenty-five (25) percent of the land area of any parcel or lot on which new development is placed may be covered by impervious surface within a designated Water Supply Watershed Protection District.
2. Within a seven (7) mile radius upstream of all public water intakes, no impervious surface shall be constructed within a one hundred and fifty (150) foot setback area on both sides of the streams, as measured from the stream banks.

3. Outside a seven (7) mile radius upstream of all public water intakes, no impervious surface shall be constructed within a seventy-five (75) foot setback area on both side of the stream, as measured from the stream banks

Exemptions. The following uses are exempt from the stream corridor buffer and setback requirements, if they meet the stipulated conditions:

- A. Utilities.
  1. Utilities shall be located as far as reasonably possible from the stream bank, and shall not impair the quality of the drinking water stream.
  2. Utilities shall be installed and maintained without changing the integrity of the buffer and setback areas as much as possible.
- B. Forestry and Agricultural Activities.
  1. Agriculture activities involving the planting and harvesting of crops are exempted if they conform to the best management practices established by the Georgia Department of Agriculture.
  2. Silviculture activities must conform to the best management practices established by the Georgia Forestry Commission.

**Prohibited Uses Within the Water Supply Watershed Protection District.**

- A. All sanitary landfills with or without synthetic liners and leachate collection systems.
- B. All hazardous-waste manufacture, handling, storage treatment or disposal facilities.

**Section 1305. Wetlands Protection District.**

**Findings of Fact.** The wetlands within the Franklin County are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soil limitations. In their natural state, wetlands serve man and nature. They provide: (1) habitat areas for fish, wildlife and vegetation; (2) water quality maintenance and pollution control; (3) flood control; (4) erosion control; (5) natural resource education; (6) scientific study; (7) open space and (8) recreational opportunities.

**Purpose.** The purpose of this district is to promote the wise use of wetlands and protect them from alterations that will significantly affect or reduce their primary functions for: (1) water quality, (2) flood plain and erosion control, (3) ground water recharge, (4) aesthetic natural areas and (5) wildlife habitat areas.

**District Delineation.** These regulations shall apply to all lands within wetlands located within Franklin County. The Wetland Protection District Overlay Map, adopted as part of this ordinance, shows the general location of wetlands and should be consulted by persons contemplating activities in or near wetlands before engaging in a regulated activity. The Map, which is hereby incorporated and made a part of this ordinance by reference and shall be on file with the Franklin County Clerk.

**Wetland Development Permit Requirements.** No activity or use except those identified in Section 1303 of Article XIII shall be allowed within the Wetland Protection District without written permission from the Zoning Administration, in the form of a local building permit. Issuance of a local building permit is contingent on full compliance with the terms of this ordinance and other applicable regulations. If the area proposed for development is located within one hundred (100) feet of the Wetland Protection District Boundary, as determined from the Wetland Protection District Map, A U.S. Army Corp of Engineers determination shall be required. If the Corps determines that wetlands are present and that a Section 404 Permit or Letter of Permission is required, a local building permit will be issued only following issuance of the Section 404 Permit or Letter of Permission. Furthermore, the local building permit will only be granted if the proposed use is in compliance with underlying Zoning District requirements and other provisions of this Ordinance.

**Permitted Uses.** The following uses are permitted by right within the Wetland Protection District to the extent they are not prohibited by any other ordinance or law and provided they do not require structures, grading, fill, draining or dredging except as provided herein.

- A. Forestry practices applied in accordance with the best management practices as shown in the Georgia Forestry Commission's Best Management Practices (BMP) manual.
- B. Conservation or preservation of soil, water, vegetation, fish or other wildlife, provided they do not affect waters of the State of Georgia or of the United States in such a way that would require an individual 404 Permit.
- C. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.
- D. Natural water quality treatment or purification.

- E. Normal agriculture activities including the planting and harvesting of crops and pasturing of livestock. Such activities shall be subject to the best management practices as shown in the Georgia Department of Agriculture's Best Management Practices (BMP) manual.

**Prohibited Uses.** The following uses are prohibited in a Wetland Protection District:

- A. Receiving areas for toxic or hazardous waste or other contaminants.
- B. All hazardous or sanitary landfills with or without synthetic liners and leachate systems.
- C. All hazardous waste manufacture, handling, storage, treatment or disposal facilities.

**Section 1306. River Corridor Protection District.**

**Findings of Fact.** Perennial river or water courses with an average annual flow of at least four hundred (400) cubic feet per second are of vital importance to Georgia in that they help preserve those qualities that make a river: (1) suitable for habitat for wildlife, (2) a site for recreation and (3) a source for clean drinking water. These river corridors also: (1) allow for the free movement of wildlife with the state, (2) help control erosion and river sedimentation and (3) help absorb floodwaters. These protected river corridors are identified in the Franklin County Comprehensive Plan.

**Purpose.** The purpose of the major river protection district is to establish measures to preserve an adequate supply of safe drinking water which is necessary to protect the health and welfare of the public as well to provide for the state's future growth.

**District Delineation.** Protected Rivers as defined under the Rules for Environmental Planning Criteria, adopted by Georgia Department of Natural Resources pursuant to Section 12-2-8 of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated, includes any Perennial river or water courses with an average annual flow of at least four hundred (400) cubic feet per second. The Hudson River from its point of confluence with Nails Creek to the county line meets these criteria. The Broad River from its confluence with the Middle Fork of the Broad River south of U.S. 29 to the Hudson River at the county line meets these criteria. A protective one hundred (100) foot vegetation buffer is hereby established. The buffer area is measured horizontally from each riverbank. Under the methods prescribed by the Rules for Environmental Planning Criteria, no development or other land disturbing activity would be allowed to occur within a one hundred (100) foot buffer except for the following:

**Permitted Uses.** No development or other land disturbing activity will be allowed to occur within the one hundred (100) foot buffer except for the following:

- A. Single family dwellings, provided each dwelling is located on at least on at least two acres and septic tank drain field is located outside of the one hundred (100) foot buffer area;
- B. Any industrial or commercial uses existing prior to the adoption of local protection ordinances, providing they do not impair the drinking quality of water and meet all other federal environmental regulations;
- C. Road and Utility crossings, providing the construction of these crossings meet the requirements of the Erosion and Sedimentation Act;
- D. Timber production and harvesting, providing it is consistent with the Best Management Practices established by the Georgia Forestry Commission, and does not impair the drinking quality of the water;
- E. Agricultural production, provided it is consistent with the Best Management Practices established by the Georgia Soil and Water Conservation Commission, and all other state and federal regulations, and does not impair the drinking quality of the water;
- F. Wildlife and fisheries management activities;
- G. Natural water quality treatment or purification;
- H. Wastewater treatment; and,
- I. Recreational usage consistent with maintaining a vegetative buffer or river recreation.

**Prohibited Uses.** Facilities or areas used for the handling, receiving, or storing of hazardous wastes or solid waste landfills are specifically prohibited in the river corridor.

## ARTICLE XIV GENERAL PROVISIONS

### **Section 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.

### **Section 1401. Use Prohibited When Not Specified.**

Any use not specifically permitted in the district shall be prohibited in that district. Regardless of the uses listed in each district, the following uses are prohibited in any district:

- Construction and Demolition (C&D) Landfills
- Hazardous Waste Landfills
- Inert Waste Landfills larger than five (5) acres including required buffers
- Municipal Solid Waste Landfills
- Medical Waste Landfills
- Explosives Manufacturing
- Glue Manufacturing
- Fertilizer Manufacturing
- Paper Mill
- Pulp Mill
- Nuclear waste storage

### **Section 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.

### **Section 1403. Height Limitations.**

No building or structure shall hereafter be erected, constructed or altered, except as otherwise specifically exempted in these Regulations, to exceed the height of thirty-five (35) feet; provided, however, that the Governing Body may permit buildings and structures to exceed these height limitations upon approval of a conditional use as specified in these Regulations.

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

Towers used for wireless broadband service that are seventy (70) feet or less in height, are self-supporting with no guy wires, and are less than two (2) feet between legs at the base are permitted in any zoning classification as long as fencing and/or the proper no-climb safety equipment is installed at the time of construction. Towers used for wireless broadband service that do not satisfy this criteria shall require a conditional use permit.

### **Section 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.

### **Section 1405. One Principal Building on a Lot of Record.**

Only one principal building and its accessory buildings may hereafter be constructed on any one lot intended for use; provided, however, that more than one multiple dwelling, office, institutional, commercial or industrial building may be located upon a lot subject to setbacks and separation as provided in these Regulations; and up to two residences may be constructed on a lot provided it is for a first degree family member and the total acreage of the parcel satisfies the minimum lot size and building setback requirements provided in these Regulations for the total number of residences.

### **Section 1406. Separation Between Principal Buildings.**

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

### **Section 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.

**Section 1408. Street Frontage Requirement.**

No building or structure shall hereafter be constructed on a lot that does not abut for at least thirty (30) feet on a public street.

**Section 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. Accessory buildings and uses shall be permitted only if they meet the following:

1. No more than three (3) accessory buildings shall be permitted on a tract that is zoned residential.
2. Accessory buildings and uses shall meet the minimum front yard setback and be setback a minimum of five (5) feet from side and rear property lines.
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. Detached buildings shall be located a minimum of ten (10) feet from the principal building on a lot.
6. On a lot zoned residential an accessory building shall not exceed the gross ground floor area of the principal building.

**Section 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 thirty (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 fifteen (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 (1) 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 (1) year and shall be removed when construction of the permanent structure is completed.

**Section 1411. Home Occupations.**

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 (1) person not related to the resident may be engaged in the home occupation.
3. Any storage or display of products or materials shall be neat and orderly and shall not cause a health or safety hazard.
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 Zoning Administrator for home occupations.
6. A home occupation identification sign shall be permitted as follows:
  - a. Residential District: not exceeding four (4) square feet.
  - b. Agricultural District: not exceeding twelve (12) square feet.
7. 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 Zoning Administrator.
8. The following uses are allowable as home occupations (not all inclusive):
  - a. Tutoring, consultation and instruction in music, dance, arts, crafts and similar subjects, limited to two (2) students at one time;
  - b. Day care center serving six (6) or less persons;
  - c. Professional services (i.e., attorneys, architects, accountants, engineers, 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 (2) patrons at one time;
  - h. Food catering.

9. The following uses are specifically prohibited as home occupations in any Residential District (not all inclusive): 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 tax certificate.

**Section 1412. Visibility at Intersections.**

No fence, wall, sign, hedge or planting which obstruct the sight lines at elevation between two (2) and twelve (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 twenty-five (25) feet from the intersection of the right-of-way lines. (Barbed wire or hog wire fences are exempt).

**Section 1413. Use of Recreational Vehicles as Permanent Residences Prohibited**

The use of a recreation vehicle as a permanent residence is prohibited in any zone or on any lot except as allowed for in Section 902.39. This is not to prohibit the use of a recreational vehicle for temporary housing by a property owner while a permanent residence is under construction for which a building permit has been issued by Planning Director.

**Section 1414. Reserved For Future Use.**

**Section 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.

**Section 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.

**Section 1417. Health Department Requirements Affecting Minimum Lot Size.**

Notwithstanding anything to the contrary contained in the specific zoning district regulations, the minimum lot sizes set forth therein may be greater than those stated as may be required by the Board of Health regarding water supply and sewage disposal.

## **ARTICLE XV NON-CONFORMING LOTS, BUILDINGS AND STRUCTURES**

### **Section 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 non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of these Regulations that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for variances or for adding other structures or uses prohibited elsewhere in the same district.

### **Section 1501. Non-Conforming 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 (2) 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 Regulation, 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 Franklin 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.

### **Section 1502. Continuance of Non-Conforming 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 non-conforming use shall not be:

- 1502.1 Changed to another non-conforming use;
- 1502.2 Re-established after discontinuance or abandonment for one (1) year;
- 1502.3 Expanded, enlarged or extended, unless such use is changed to a use permitted in the district in which such use is located;
- 1502.4 Rebuilt, altered or repaired after damage exceeding seventy-five (75) percent of its replacement cost at the time of destruction as determined by the Building Official and provided such rebuilding, alteration or repair is completed within one (1) year of such damage;
- 1502.5 Moved in whole or in part to any other portion of the lot occupied by such use, except in conformity with these Regulations.

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. Changes in ownership or tenancy of a non-conforming use are permitted.

### **Section 1503. Expansion of Non-Conforming Buildings.**

A non-conforming 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 non-conforming building for a use which is not permitted by the regulations for the district within such building is located.

### **Section 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.

## **ARTICLE XVI AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS**

### **Section 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 Ordinance. The procedure for amending this Ordinance shall be as provided in this Article.

### **Section 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.

### **Section 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 (6) 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 twelve (12) 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 twelve (12) months from the date of any previous decision rendered by the Board of Commissioners

### **Section 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 application fees shall be refunded to the applicant only if such application has not been prepared and submitted for advertisement as determined by the Planning Director.

### **Section 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 Appeals.

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 is accepted by the Administrative Officer. 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 from 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 Section 1807 of this Ordinance.
  - b. For land use district map amendment applications, the letter of intent shall address the standards specified in Section 1606 of this Ordinance.
  - c. For conditional use permit applications, the letter of intent shall address the standards specified in Section 1607 of this Ordinance.
4. A site plan with all information specified in Section 1605. 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 Chapter 67A of the Georgia Code, "Conflict of Interest in Land Use District Actions".

Applicants shall submit three (3) copies of any required site plans or development plans and letters of intent to the Administrative Officer 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.

**Section 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.

**Section 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 re 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 pubic 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.

**Section 1607. Criteria to Consider for Conditional Uses.**

The applicant, staff, Planning Commission and Governing Body should review applications for conditional uses with regard to the following criteria:

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 Franklin County.

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.

**Section 1608. 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 Appeals, (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 (1) time in a newspaper of general circulation in the community at least fifteen (15) days but not more than forty-five (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 (1) 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 fifteen (15) days, but not more than forty-five (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 Appeals.

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 Governing Body fails to attend the public hearing, then the Planning Commission or Governing Body may require re-advertisement of the subject petition at the expense of the applicant.

**Section 1609. 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 Resolution. The recommendations of the Planning Director shall have an advisory effect only and shall not be binding on the Governing Body. 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.

**Section 1610. 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 Suburban 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 Governing Body. 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 Governing Body and at the public hearing before the Governing Body.

The Planning Commission shall have thirty (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 thirty (30) day period, it shall be deemed to have approved the proposed application.

**Section 1611. Conduct of Public Hearings.**

All public hearings regarding applications considered by the Board of Appeals, Planning Commission and Board of Commissioners 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.

**Section 1612. 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 Appeals, after the public hearing has been completed, may take action to approve or deny the request, or defer action until a later meeting.

**Section 1613. 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.

**Section 1614. Reversion of Conditional Districting and/or Conditional Use Approval.**

If, after twenty-four (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 fifteen (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 twenty-four (24) months from the date of approval. Only one (1) such extension shall be permitted.

**Section 1615. 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 Governing Body before development may be initiated or before such application is made effective. Applications for variances and appeals shall require approval by the Board of Appeals before development may be initiated or before such application is made effective.

**Section 1616. Procedure for Approved Land Use Protection Resolution Text Amendments.**

The date of all approved amendments to the text of the land use protection resolution shall 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.

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

**Section 1700. Administration and Interpretation.**

The provisions of this Resolution 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 Resolution and for maintenance of the official land use district map.

**Section 1701. Enforcement.**

The provisions of this Ordinance shall be enforced by the Building Official and Planning Director, under guidelines set forth by the Planning Commission and the Board of Commissioners.

**Section 1702. Building Permit Required.**

A building permit shall be required in advance of the initiation of construction, erection, or moving of any building or structure which is equal to or greater than 150 square feet, or for any building addition which is equal to or greater than 150 square feet.

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. 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.

Building Permits shall become invalid unless the work authorized by it shall have been commenced within ninety (90) days of its date of issue, or if the work authorized by it is suspended or abandoned for a period of six (6) months or more.

**Section 1703. Reserved for Future Use.**

**Section 1704. Penalties for Violation.**

Any person, firm or corporation violating, neglecting or refusing to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined (1) not less than fifty (50) dollars nor more than one thousand (\$1,000) dollars for each offense, or (2) as determined by the court of proper jurisdiction. Each day such violation continues shall constitute a separate offense.

**Section 1705.** 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 Resolution, then appropriate actions will be taken to ensure compliance.

The Building Official, Planning Director 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 Resolution 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.

Where a violation of this Resolution exists with respect to a structure or land, the Building Official may, in addition to other remedies, require that utility service be withheld until such time as the structure or premises is no longer in violation of this Resolution.

## **ARTICLE XVIII BOARD OF APPEALS**

### **Section 1800. Creation and Duties.**

A Board of Appeals is hereby established. The Board of Appeals 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.

### **Section 1801. Membership, Quorum and Voting.**

The Board of Commissioners shall serve as the Board of Appeals.

### **Section 1802. Meeting and Records.**

The Board of Appeals shall meet at least one (1) time each month at the call of the Chairman, or at such other times as the Board of Appeals may determine, unless no business is scheduled, and all such meetings shall be open to the public. Meetings of the Board of Appeals may be conducted on the same calendar day as a regular meeting of the Governing Body. 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. 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 Governing Body. 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.

### **Section 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.

### **Section 1804. Powers and Duties Limited.**

The Board of Appeals is a body of limited powers, and its actions are taken in quasi-judicial capacity rather than a legislative capacity. Failure to adopt written findings justifying all decisions shall render such decisions null and void.

### **Section 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 the land use protection regulations.

Such appeal shall be taken within sixty (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 Appeals.

The Board shall select a reasonable time and place for the hearing of the appeal and give at least fifteen (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.

### **Section 1806. Determination of District Boundaries.**

The Board of Appeals shall have original jurisdiction to, upon application, determine the location of a particular district boundary in question as specified in Section 302 of this Ordinance.

### **Section 1807. Variances.**

The Board of Appeals 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 Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this Ordinance 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 non-conforming 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 (1) 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.

**Section 1808. Conditional Approval Permitted.**

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

In exercising its powers, the Board of Appeals may, in conformity with the provisions of this Ordinance, 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.

**Section 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 than six (6) 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.

**Section 1810. Application, Hearings and Notice.**

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

**ARTICLE XIX  
LEGAL STATUS PROVISIONS**

**Section 1900. Conflict With Other Laws.**

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

**Section 1901. Separability.**

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

**Section 1902. Repeal of Conflicting Ordinances.**

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

**Section 1903. Effective Date.**

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

Effective Date:

04.04.05

Date of Last Amendment:

03.28.17

Chairman, Board of Commissioners:



Attested:

Elaine H. Ewan  
County Clerk