

**STATE OF GEORGIA**  
**COUNTY OF BULLOCH**

**AMENDMENT TO THE CODE OF ORDINANCES OF**  
**BULLOCH COUNTY, GEORGIA**

**BE IT ORDAINED** by the Bulloch County Board of Commissioners that Articles 1 through 25, inclusive, of Appendix C-Zoning of the Code of Ordinances of Bulloch County, Georgia is hereby amended to read as follows:

## APPENDIX C – Zoning

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## **ARTICLE 1 – GENERAL**

### **Section 101: Short Title.**

This document is entitled "The Zoning Ordinance of Bulloch County, Georgia." It may also be known by and cited by the short title of "Bulloch County Zoning Ordinance."

### **Section 102: Authority.**

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

### **Section 103: Jurisdiction.**

This ordinance applies to all land within the unincorporated areas of Bulloch County, Georgia.

### **Section 104: Purposes.**

(a) The Zoning Ordinance of the county seeks to encourage the development of desirable land use patterns within the county in accordance with the County Comprehensive Plan. The promotion of sound land use patterns is intended to reduce or eliminate the occurrence of certain conditions that can threaten the general health, safety, and welfare of the residents of the county. This Ordinance should serve the following purposes:

- (1) Reduce the occurrence of hazardous traffic patterns and general congestion.
- (2) Secure safety from fire, panic, and other dangers.
- (3) Assure that adequate light and air is provided.
- (4) Prevent the overcrowding of land, urban sprawl, and undue concentration of population.
- (5) Facilitate the adequate provision of public utilities, the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements and facilities.
- (6) Promote adequate living conditions and sustained suitability of neighborhoods.
- (7) Protect property against blight and depreciation.
- (8) Promote the proper location, height, bulk, number of stories and size of buildings and other structures, the size of yards, courts, and the use of other open spaces, the use of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, public activities, and other purposes.
- (9) Encourage the most appropriate use of land, buildings, and structures and for other purposes.

(b) Additional benefits to the public interest that can accrue from the development of sound land use patterns are as follows:

- (1) Efficient development and use of community utility networks.
- (2) Economy in governmental expenditures.
- (3) A higher level of convenience, order, prosperity, and aesthetics.

### **Section 105: Content.**

This ordinance provides for the following:

- (a) Defines certain terms used in this Ordinance.

(b) Establishes certain land use districts and specifies the boundaries of those districts.

(c) Provides procedures for administering and amending the Ordinance.

(d) Regulates the erection, alteration, and use of buildings and structures.

(e) Provides penalties for violation of this ordinance.

(f) Defines the powers and duties, as they relate to this Ordinance, of the Board of Commissioners, as well as such administrative officers, bodies, and agencies as the Board of Commissioners may establish for the efficient exercise of the zoning powers of the County under provisions specified in the Zoning Procedures Act O.C.G.A Chapter 36-66.

(g) Repeals conflicting ordinances.

**Section 106: [Reserved].**

## ARTICLE 2 – DEFINITIONS OF TERMS USED

### Section 201: Interpretation of certain common terms.

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

### Section 202: General definitions.

*Accessory Uses:* A structure or use that is incidental and subordinate to and serves the principal structure or use located on the same lot, parcel or tract.

*Administrative Variance:* A variance which may be granted by the building and zoning official.

*Adult Entertainment:* As defined in Chapter 4.5 of the Code of Ordinances of Bulloch County, Georgia.

*Agriculture:* The production, raising, breeding, or maintenance of plants and animals including, but not limited to: forage and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef, cattle, sheep, swine, horses, or goats, game animals, exotic fish, and any mutations or hybrids thereof, including the breeding and grazing of any or all such species; bees and apiary products; fur animals; trees and forest products; fruit of all kinds, including grapes, nuts, berries; vegetables, nursery; floral, ornamental and greenhouse products; or land devoted to a soil conservation or forestry management program on tracts of land at least five (5) acres in size, including all associated activities. Retail selling of products raised on the premises is permitted provided that space necessary for the parking of customers' vehicles is provided off the public right-of-way. This does not include the commercial slaughter of poultry, livestock, or other animals.

- (1) In relation to the treatment of agricultural facilities and operations as nuisances, Georgia law provides in O.C.G.A. § 41-1-7(a) that "it is the declared policy of the state to conserve, protect, and encourage the development and improvement of its agricultural and forest land and facilities for the production or distribution of food and other agricultural products. When nonagricultural land uses extend into agricultural or agriculture-supporting industrial or commercial areas or forest land or when there are changed conditions in or around the locality of an agricultural facility or agricultural support facility, such operations often become the subject of nuisance actions. As a result, such facilities are sometimes forced to cease operations. Many others are discouraged from making investments in agricultural support facilities or farm improvements or adopting new related technology or methods. It is the purpose of this Code section to reduce losses of the state's agricultural and forest land resources by limiting the circumstances under which agricultural facilities and operations or agricultural support facilities may be deemed to be a nuisance."
- (2) The Code further states in O.C.G.A. § 41-1-7(d) that "no agricultural facility, agricultural operation, any agricultural operation at an agricultural facility, agricultural support facility, or any operation at an agricultural support facility shall be or shall become a nuisance, either public or private, if the facility or operation has been in operation for two years or more. The provisions of this subsection shall not apply when a nuisance results from the negligent, improper, or illegal



operation of any such facility or operation.”

- (3) The code further states in O.C.G.A. § 41-1-7(e) that “for purposes of this Code section, the established date of operation is the date on which an agricultural operation or agricultural support facility commenced operation. If the physical facilities of the agricultural operation or the agricultural support facility are subsequently expanded or new technology adopted, the established date of operation for each change is not a separately and independently established date of operation and the commencement of the expanded operation does not divest the agricultural operation or agricultural support facility of a previously established date of operation.”

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

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

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

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

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

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

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

*Automotive Oil Change and Lubrication Shop:* This use comprises establishments primarily engaged in changing motor oil and lubricating the chassis of automotive vehicles, such as passenger cars, trucks, and vans.

*Automotive Parts Store:* This use comprises of establishments known as automotive supply stores primarily engaged in retailing new, used, and/or rebuilt automotive parts and accessories [This use does not include the sales, dismantling, or storage of wrecked or junked vehicles]; and establishments selling new or used vehicles.

*Automotive Repair:* This use comprises establishments primarily engaged in providing: (1) a wide range of mechanical and electrical repair, including but not limited to body work and painting, maintenance and installation services for automotive vehicles, such as passenger cars, trucks, and vans, motorcycles, trailers, and accessories or (2) engine repair and replacement.

***Automotive Sales and Rental Facilities:*** This use comprises establishments primarily engaged in retailing, renting or leasing of new and used motor vehicles in combination with activities, such as repair services, retailing used cars, and selling replacement parts and accessories. Motor vehicles include those that include but are not limited to all-terrain vehicles, passenger cars, trucks, truck tractors, buses, semi-trailers, utility trailers, boats or recreational vehicles.

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

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

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

***Board of Commissioners:*** The Board of Commissioners of the County.

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

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

***Body Art Studio:*** Any permanent building or structure on a permanent foundation, holding a valid county occupational tax certificate and permit from the county board of health, wherein a tattoo/body piercing artist performs tattooing or body piercing.

***Bonus Incentive:*** A bonus incentive provides an increase in allowed dwelling units per acre, and in floor area ratio (FAR) in exchange for providing certain amenities or meeting other public policy goals.

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

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

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

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

***Building and Zoning Official:*** One or more persons, officers or officials or his authorized representative, whom the County Manager has appointed to administer and enforce individually or collectively, the building code, subdivision, and zoning ordinances.

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

***Building Line:*** A line extended along the foundation of a building from which is measured the distance

that a building must be set back to meet the minimum distance from the building line to the front, rear or side property line or in some cases, to the center line of an adjacent roadway.

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

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

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

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

*Camper:* A motor home, tent, trailer, or other self-contained vehicle designed for recreational purposes. This type of vehicle shall not be considered as a permanent habitable space and shall not be connected to on-site sewer or water systems unless located in an authorized recreational vehicle park and campground or being used as an authorized temporary occupancy unit. See also the definition for *Recreational Vehicle*.

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

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

*Check Cashing and Small Loan Establishment:* This use comprises establishments that provide financial services and other credit intermediation offering a range of simple transactions and consumer finance products, such as check cashing, money orders, electronic bill payment and small secured or unsecured loans. These companies also offer payday loans or advances, or may be combined with pawn shops.

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

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

*City:* Any incorporated municipality in the County.

*Civic and Social Organization:* This use comprises establishments primarily engaged in promoting the civic and social interests of their members [e.g., lodges and clubs]. AG-5 zoning district also allows places for an assembly of non-members groups provided such use is located on property that fronts a county, state or federal road or highway.

*Commercial and Industrial Machinery and Equipment (except automotive and electronic) Repair and Maintenance:* This use comprises establishments primarily engaged in the repair and maintenance of commercial and industrial machinery and equipment. Establishments in this industry either

sharpen/install commercial and industrial machinery blades and saws or provide welding (e.g., automotive, general) repair services; or repair agricultural and other heavy and industrial machinery and equipment (e.g., forklifts and other materials handling equipment, machine tools, commercial refrigeration equipment, construction equipment, and mining machinery).

*Commercial and Industrial Machinery and Equipment Sales and Leasing:* This use comprises establishments primarily engaged in sales, rental or leasing heavy vehicles or equipment without operators that may be used for construction, mining, agriculture or forestry, such as bulldozers, earthmoving equipment, well drilling machinery and equipment, cranes, or similar activities.

*Commercial Vehicle Washing Facility:* This use comprises establishments primarily engaged in the cleaning and detailing of passenger motor vehicles, but may also include trailers, recreational vehicles and buses. Facilities may be full serve or self-serve.

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

*Community Office:* This use includes establishments renting real estate to others and/or managing the property.

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

*Condominium:* A lot developed in accordance with the provisions of the Georgia Condominium Act codified at Section 44-3-70 et seq. of the Official Code of Georgia Annotated.

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

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

*County:* Bulloch County.

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

*DCA:* Georgia Department of Community Affairs.

*Day Care Facility:* A facility designed and intended to provide care for children under the age of fifteen (15) years, or adults, for not more than twelve (12) hours per day. The maximum number of children permitted at such center shall be the greater of six (6) or the maximum number permitted by the rules established by the Department of Human Resources for the State. Facility must comply with all applicable Georgia Department of Human Resources rules.

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

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

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

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

*Domesticated Livestock:* Means and includes horses, cows, goats, pigs, or any other hoofed animal used for pleasure or profit. Fowl and rabbits are expressly included within this definition.

*Drive-Through Facility:* A business establishment providing a driveway approach or parking spaces to serve patrons in a short time span passing through in motor vehicles. Such a facility may be a principal or accessory use and includes but is not limited to restaurants, pharmacy/drug stores, commercial vehicle washing facilities, gasoline pump islands, bank ATM's, ice vending and other similar uses.

*Drycleaning and Laundry Service:* This use comprises establishments primarily engaged in one or more of the following: (1) providing drycleaning services; (2) providing laundering services; (3) providing drop-off and pickup sites for laundries and/or drycleaners; and (4) providing specialty cleaning services for specific types of garments and other textile items (except carpets and upholstery), such as fur, leather, or suede garments; wedding gowns; hats; draperies; and pillows. These establishments may provide all, a combination of, or none of the cleaning services on the premises.

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

*Dwelling, Accessory:* A unit established within the principal building or in a separate structure, and on the same lot as the principal structure.

*Dwelling, Apartment:* Three (3) or more dwelling units, under a single ownership, designed for lease or rent and located on one (1) lot of land designed and intended for lease or rental.

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

*Dwelling, Multiple-family:* A building designed, constructed, altered or used for three (3) or more adjoining dwelling units. A multiple-family dwelling may be apartments or condominiums. Each unit shall have a heated floor area of at least 600 square feet per dwelling unit and be compatible with other conventional construction which may be permitted in the same general area, or existing development, or proposed development in the same zoning classification or area, or as set forth in the comprehensive plan of the county.

*Dwelling, Single-family Detached (site built):* A single site built residential detached building designed for or containing one (1) dwelling unit.

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

*Dwelling, Two-family:* A detached dwelling designed, constructed, altered, or used for two (2) adjoining dwelling units, with each dwelling unit having a party wall connecting it with the other dwelling unit, located on one lot; also known as a "duplex." Site-built and industrial homes shall have a heated floor area of at least 1,200 square feet. Each dwelling unit shall have a minimum of 600 square feet each.

*Dwelling Unit:* One (1) or more rooms within a dwelling forming a separate, independent housekeeping establishment for use of one (1) family involving owner or renter occupancy, with provisions for cooking, eating, and sleeping.

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

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

*Electric Vehicle Charging Station (Private Restricted Use):* A private parking space with no access to the general public that is served by battery charging station equipment for the purpose of transferring electric energy (by conductive or inductive means) to a battery or other energy storage device within an electric vehicle.

*Electric Vehicle Charging Station (Public Use):* A public parking space on a commercial or non-residential site that is served by battery charging station equipment for the purpose of transferring electric energy (by conductive or inductive means) to a battery or other energy storage device within an electric vehicle.

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

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

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

- (1) No single dwelling unit located in a single-family residential zoning district shall have more than four (4) unrelated individuals residing therein, nor shall any "family" have, additionally, more than four (4) unrelated individuals residing with said family.
- (2) When the dwelling is located in any zoning district other than a single-family residential district, one of the following is permitted:
  - a. Family related by blood, marriage, adoption or foster care may have two (2) additional unrelated individuals; or
  - b. Unrelated individuals not exceeding four (4).
- (3) In all cases, household employees employed on the premises may be housed on the premises without being counted as a separate family or unrelated individual. The term "family" does not include any organization or institutional group.

- (4) Any non-conforming use created by the adoption of this definition of "family" shall be permitted to continue for a period of one (1) year from November 4, 1994. After which period, the use of such dwellings(s) shall be in compliance herewith.

*Farm:* Any tract or parcel of land containing five (5) or more acres that is devoted to the raising of agricultural products, including, but not limited to, soil crops, livestock, dairying horticulture, poultry, fish, fowl, sod farming, farm forestry, and commercial timber and other similar bona fide agricultural enterprises (see "Agriculture") or use of land or structure regardless of the quantity or value of production.

*Farm Supply Store:* This use includes farm supply stores and agricultural related businesses, such as agricultural implements sales and service, auction facilities, feed and grain stores and other businesses not involving sales or services to the general public, that fronts on a county, state, or federal road or highway and provided such buildings or uses are not located within 100 feet of an abutting property zoned R or MHP, or utilized for single family residential or manufactured home use.

*Farm Winery:* As defined in Title 3, Chapter 6, Article 2 of the Official Code of Georgia Annotated, provided that a farm winery must maintain a farm winery alcohol license in accordance with Chapter 3 of the Code of Ordinances and must comply with the supplemental standards in Article 14 of this appendix.

*Fence:* A fence must meet the following standards:

- (1) The fence must not be over four feet in height if located in the front yard of the street that the front of the dwelling faces.
- (2) The fence must be chain link, decorative wood, decorative vinyl, or ornamental wrought iron.
- (3) Any other fencing materials must be approved by the building and zoning official.

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

- (1) Flag lots are only allowed in the AG-5 zoning district.
- (2) No flag lot may be subdivided from a single lot or parcel of property with less than 500 feet of road frontage.
- (3) With the exception of adjacent flag lots, no more than one flag lot shall be permitted to front on the same side of the road every 500 feet when subdividing a single lot or parcel of property. Provided however, that this distance requirement shall not be applicable to flag lots that are created from separate lots or parcels of property. For purposes of this provision, the distance shall be measured along the road between the nearest property lines.
- (4) No more than two flag lots created from the same lot or parcel of property shall be permitted to be adjacent to one another.
- (5) The limitations regarding road frontage, distance, and adjacent flag lots in subsections (2), (3), and (4) shall not be applicable to flag lots created pursuant to the provisions of subsection 503(a)(15) of this chapter (the AG-5 Family Provision), provided that no more than five flag lots are created from a single lot or parcel pursuant to said provision.

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

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

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

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

*Freight Trucking (Terminals, Storage and Parking):* This use comprises establishments primarily engaged in providing local and long-distance general freight trucking that includes freight terminals and truck parking facilities primarily designed for either the unloading, loading, or temporary storage of trucks, semi-trailers, and shipping containers, or to provide rest for drivers who must observe federal hours-of-duty regulations. This does not include truck stops, fueling centers or manufacturing and distribution activities.

*Fruit and Vegetable Market:* This use comprises establishments primarily engaged in retailing fresh fruits and vegetables.

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

*Garage or Carport, Private:* A covered space for the storage of one (1) or more motor vehicles belonging to the occupants of the principal use on the lot. No business, occupation or service may be conducted for profit within the private garage except a home occupation or a garage sale, provided the garage sale is not conducted on a regular basis as part of the occupation or business of the owner or occupant of the garage. In R3 district, garage shall not exceed the storage capacity of three automobiles per dwelling unit.

*Garden (Non-Commercial):* Includes greenhouse and other customary garden structures.

(1) R80, R40, R25, R15, R8 and R2 districts: structures cannot be over twelve feet high.

(2) R3 district: structures cannot be over eight feet high.

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

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

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



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

*Government: Local, State, Federal:* Includes buildings, facilities or property owned, operated or used by Bulloch County, the State of Georgia or the United States of America.

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

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

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

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

*Home Occupation (Residential):* An occupation for gain or support conducted by members of a family residing on the premises, and other employees, entirely within the principal or accessory building(s).

*Home Occupation (Cottage Industry):* A small business enterprise or activity where the family unit who owns or operates the business resides, and, which is typically greater in scale or intensity than that of a home occupation, but, less than what would be required to be located in a Commercial or Industrial zoning district.

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

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

procedures, and pharmacy services.

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

*Hotel, Extended Stay:* This use comprises establishments primarily engaged in providing longer-term lodging facilities containing 20 per cent or more of its rooms intended or designed to be used, rented or hired out to be occupied for overnight guests for up to 30 days during a 180-day period. Such facilities may typically provide the same services and amenities as a short-term hotel, but also offer in-room kitchen appliances for food preparation (stoves/ovens and hot plate, but not microwaves and coffee makers), self-serve laundries and other like amenities.

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

*Industrialized Building:* A home manufactured in accordance with the Georgia Industrialized Building Act and the Rules of the Commissioner of the Georgia Department of Community Affairs issued pursuant thereto. State approved buildings meet the State Building and Construction Codes and bear an insignia of Approval issued by the Commissioner.

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

*Intermediate Care Home:* A facility that admits residents on medical referral. It maintains the services and facilities for institutional care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies. It otherwise complies with the rules and regulations contained in Chapter 290-5-9: Intermediate Care Homes (Rules of the Georgia Department of Human Resources).

*ISO Intermodal Steel Container:* Structure for the storage and maintenance of equipment and supplies used in maintaining the principal building and its grounds. Must meet the following standards:

- (1) The floor of the container is elevated at least one (1) foot off the ground.
- (2) The container must be adequately screened from view from any public road.
- (3) The container must be maintained in good condition, free of rust and holes (AG5, HC and GC districts only).
- (4) One container cannot be connected to another container; provided, however, that containers which are connected only by a roof or awning shall not violate this provision.
- (5) Two per five acres (maximum of 5 per lot) in AG district.

*Junk Yard, Salvage Yard, and Auto Wrecking Yard:* A place where waste, discarded or salvaged metals, structure materials, paper, textiles, used plumbing fixtures, used vehicles or equipment in inoperative condition, or similar items are bought, sold, exchanged or stored, baled or cleaned. Also includes the parking, storage or disassembly of three (3) or more junked vehicles, or wrecked or non-operable automobiles, trucks, or other vehicles that do not bear a current license plate.

*Kennel (Commercial):* The housing for four (4) or more dogs, cats, or other domestic animals for the purpose of providing an income or revenue for such activities as boarding, breeding, training or veterinary care.

*Kennel (Private):* The housing for four (4) or more dogs, cats, or other domestic animals for the purpose of private enjoyment for such activities as boarding, breeding, or training.

*Laundromat:* This use comprises establishments primarily engaged in (1) operating facilities with coin-operated or similar self-service laundry and drycleaning equipment for customer use on the premises and/or (2) supplying and servicing coin-operated or similar self-service laundry and drycleaning equipment for customer use in places of business operated by others, such as apartments and dormitories.

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

*Liquor Store:* This use comprises commercial retail establishments that have the required state and local licenses for package sales of distilled spirits.

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

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

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

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

*Maintenance Building/Shed:* This use includes a structure for storage of equipment and supplies used in maintaining the principal building and its ground.

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

- (1) Manufactured homes are not permitted to be used as storage buildings.

- (2) Manufactured homes located on manufactured home sales lots shall have 60 days to meet the requirements of Section 9.5(e) of the Manufactured Home Ordinance.
- (3) In R80, R40, R25, R15, R2, and R3 districts, a manufactured home must have a heated floor space of at least 975 square feet and be compatible with conventional construction which may be permitted in the same general area, or existing development, or proposed development in the same zoning classification or area, or as set forth in the comprehensive plan of the county.
- (4) One parcel or contiguous parcels of land under single ownership which has been planned and improved for the placement of five or more manufactured homes for residential occupancy shall be considered a Manufactured Home Park and placed in a Manufactured Home Park zoning district.

*Manufactured Home or Industrialized Home Dealer:* This use comprises establishments primarily engaged in retailing new and/or used manufactured homes, industrialized homes, parts, and equipment.

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

*Manufactured Home Space:* An area of land within a planned manufactured home community designed to accommodate one (1) manufactured home.

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

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

- (1) Occupies less than forty (40) percent of the floor area.
- (2) Employs no more than five (5) persons. (Establishments with five or fewer manufacturing employees in connection with a commercial activity are considered to be primarily commercial and compatible with a commercial district. Manufacturing activities with more than five employees would be considered large enough to belong in a manufacturing district with other such uses rather than in a commercial district.)

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

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

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

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

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

*Mobile Vendor:* Shall mean a vendor that sells or attempts to sell any commodity, merchandise or thing of value from a vehicle, push cart, wheeled cart, or other mobile equipment or implement on a transient basis at one or more locations within the county. A temporary use permit is required.

*Modular Home:* A factory-fabricated single-family dwelling that is constructed in one (1) or more sections and complies with the definition of Industrialized- Building.

*Multi-section Home:* A term used to describe a manufactured home finished in two (2) or more sections.

*Museum or Exhibit Area:* Museum or exhibit area in conjunction with an area or use of recognized historical, aesthetic, or educational significance, provided that no commercial activities other than the possible collection of an admission fee, are associated with said museum or exhibit area.

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

*Natural Resource Development:* Includes the removal of minerals and natural materials (includes appurtenant buildings and machinery). The owners or operators of the mine or quarry must present to the building and zoning official documentation which confirms that a permit has been issued in accordance with the Georgia Surface Mining Act of 1968, as amended.

*Nursery, Garden Center, and Farm Supply Store:* This use comprises establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod. Also included in this industry are establishments primarily engaged in retailing farm supplies, such as animal (non-pet) feed. Farm supply stores are a conditional use in the AG-5 zoning district.

*Nursing Home:* A facility that admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision. It maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home. It otherwise complies with the rules and regulations contained in Chapter 290-5-8: Nursing Homes (Rules of the Georgia Department of Human Resources).

*Office Park:* An area of land in which many office buildings are grouped together.

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

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

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

*Outdoor Seasonal Sales:* Outdoor seasonal sales refer to temporary stands and structures used for the retail sales of seasonal items. Examples of seasonal items may include plants, Christmas trees fireworks, pumpkin stands. A temporary use permit is required.

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

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

*Parking Space:* The storage space for one (1) motor vehicle.

*Pawn Shop:* An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or other valuable things.

*Personal Care Home:* A building or group of buildings, a facility, or place in which is provided two (2) or more beds and other facilities and services—including rooms, meals, and personal care for non-family ambulatory adults. It otherwise complies with the rules and regulations contained in Chapter 290-5-35: Personal Care Homes (Rules of the Georgia Department of Human Resources). For the purpose of this Ordinance, Personal Care Homes are classified as follows:

- (1) Family Personal Care Home: A home for adults in a family type residence, non-institutional in character, which offers care to two (2) through six (6) persons.
- (2) Group Personal Care Home: A home for adult persons in a residence or other type building(s), non-institutional in character, which offers care to seven (7) through fifteen (15) persons.
- (3) Congregate Personal Care Home: A home for adults which offers care to sixteen (16) or more persons.

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

*Planned Commercial Development, Large Scale:* New principal single tenant or multi-tenant buildings or structures individually or collectively consisting of a minimum of 40,000 square feet that is primarily engaged in the sale, rental or leasing of retail goods and merchandise to the general public or by membership, and which may also render personal and business support services, hotels and motels, dining and entertainment, and indoor amusement. It also includes any permitted or conditional principal use or structure in a commercial district that is habitable for permanent human occupancy. It also includes automotive and equipment sales and rental facilities, automotive repair (including oil change and lubrication shops), building materials dealers, gasoline stations and convenience stores, manufactured home and prefabricated building dealers, professional office buildings (or office parks), shopping centers, variety stores and truck stops.

*Planned Commercial Development, Medium Scale:* New principal single tenant or multi-tenant buildings or structures individually or collectively consisting of 12,000 to 39,999 square feet that is primarily engaged in the sale, rental or leasing of retail goods and merchandise to the general public or by membership, and which may also render personal and business support services, hotels and motels, dining and entertainment, and indoor amusement. It also includes any permitted or conditional principal use or structure in a commercial district that is habitable for permanent human occupancy. It also includes automotive and equipment sales and rental facilities, automotive repair (including oil change and lubrication shops), building materials dealers, gasoline stations and convenience stores, manufactured home and prefabricated building dealers, professional office buildings (or office parks), shopping centers, variety stores and truck stops.

*Planned Commercial Development, Small Scale:* New principal single tenant or multi-tenant buildings or structures individually or collectively consisting of less than 12,000 square feet that is primarily

engaged in the sale, rental or leasing of retail goods and merchandise to the general public or by membership, and which may also render personal and business support services, hotels and motels, dining and entertainment, and indoor amusement.

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

*Planned Residential Development:* A lot conforming to an approved development plan and used as a residential area occupied by single-family dwelling units with a minimum heated floor area of 975 square feet, two-family dwellings with a minimum heated floor area of 600 square feet per dwelling unit, multi-family dwellings with a minimum heated floor area of 600 square feet per dwelling unit, or some combination thereof. For purposes of this definition, the term “approved development plan” means the submission and approval of a sketch plan, preliminary plan, and final plat in accordance with the requirements for subdivisions in Appendix B-Subdivision Regulations. Density shall not exceed twelve (12) dwelling units per acre and individual buildings must be separated by not less than ten (10) feet. Ownership of dwelling units may be transferred. Ground areas must remain under common ownership of the developer or an association for purposes of maintenance and upkeep; provided, however, that ground areas around a dwelling unit may be transferred to the owner of the dwelling unit if the developer or association retains an easement for the purpose of maintaining and upkeeping the grounds. The developer or association must retain responsibility for maintenance and repair of septic systems serving more than one dwelling unit, either through ownership of the septic system or through an easement allowing the developer or association to maintain and repair the septic system.

*Planning and Zoning Commission:* The County Planning and Zoning Commission.

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

*Pre-fabricated Home:* A general term used to describe any home constructed in a factory setting including manufactured homes, modular homes, and industrialized buildings.

*Pre-fabricated Structures/Buildings (Other):* A general term to describe permanent or portable accessory structures such as barns, sheds, decks, garages, gazebos, and playground sets that are usually manufactured off-site and are sometimes delivered and assembled on-site by the manufacturer or retailer.

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

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

*Public Sewer:* Sanitary sewer service provided by the County or the City of Statesboro.

*Public Water:* Water service provided by the County, the City of Statesboro, the City of Brooklet, or a private water system approved by the Department of Natural Resources.

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

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

***Recreation Facility, Outdoor Commercial:*** This use includes commercial unenclosed recreation facilities including but not limited to: archery ranges, fairgrounds, paintball fields/facilities, firearms shooting range, golf driving ranges, parks and trails for motorized or nonmotorized vehicles (including bicycles, and skateboards) and race tracks for animals or motorized vehicles.

***Recreation Facility, Outdoor Private:*** A common area serving a planned single-family residential or multi-family residential development that is set aside for leisure activities that are usually formal in nature and intended for group participation. Such activities typically require equipment and take place at prescribed places, sites, or fields, including, but not limited to, swimming pools, tennis, volleyball, and basketball courts, and baseball, soccer, or other playing fields. This definition shall not be interpreted to include the following uses: archery ranges, fairgrounds, paintball fields/facilities, firearms shooting range, golf driving ranges, parks and trails for motorized or nonmotorized vehicles (including bicycles, and skateboards) and race tracks for animals or motorized vehicles.

***Recreational vehicle:*** A motor home, tent, trailer, or other self-contained vehicle designed for recreational purposes. This type of vehicle shall not be considered as a permanent habitable space and shall not be connected to on-site sewer or water systems unless located in an authorized recreational vehicle park and campground or being used as an authorized temporary occupancy unit. See also the definition for *Camper*.

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

***Recycling Center:*** A facility which may be held in public and/or private ownership and which is designated to sort and process materials (aluminum cans, glass, newspaper, tin, HPDE and PET plastics), which have been separated from waste normally discharged into sanitary landfills and sold for re-use in other markets (see Heavy Manufacturing).

***Research and Technology Park:*** The facility which may be held in public or private ownership to facilitate the efficient transfer of technology, proprietary information, and inventions to the private sector.

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

***Right of Way Line:*** The boundary of a strip of land designed, reserved, dedicated, or acquired for the purpose of pedestrian or vehicular access.

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

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

***School:*** Schools must be located on either an arterial or collector road and the lot must have a minimum road frontage of 200 feet.



(1) Setbacks for schools include the following.

Setback	AG-5	R80, R40, R25	R15	R2, R3	MHP	HC, GC
Front Yard: Arterial Street/Collector Street	25'	80'/70'	70'/60'	60'/50'	80'/70'	50'
Side Yard	25'	150'	150'	150'	150'	50'
Rear Yard	25'	60'	50'	50'	60'	50'

(2) Schools in MHP must have a minimum of five (5) acres.

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

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

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

*Shopping Center:* This use comprises establishments primarily engaged in acting as lessors of buildings (except mini-warehouses and self-storage units) that are not used as residences or dwellings. Included in this industry are: (1) owner-lessors of nonresidential buildings; (2) establishments renting real estate and then acting as lessors in subleasing it to others; and (3) establishments providing full service office space, whether on a lease or service contract basis. The establishments in this industry may manage the property themselves or have another establishment manage it for them.

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

*Site-built Home:* See definition of conventional construction.

*Solar Electric Power Generation:* Comprises non-residential establishments primarily engaged in operating solar electric power generation facilities. These facilities use energy from the sun to produce electric energy. The electric energy produced in these establishments is provided to electric power transmission systems or to electric power distribution systems.

*Solid Waste Landfill:* This use comprises establishments primarily engaged in (1) operating landfills for the disposal of nonhazardous solid waste or (2) the combined activity of collecting and/or hauling nonhazardous waste materials within a local area and operating landfills for the disposal of nonhazardous solid waste. Such establishment shall comply with all applicable requirements of the Georgia Environmental Protection Division.

*Stick-built Home:* See definition of conventional construction.

*Street or Road, Arterial:* Shall mean a street of exceptional continuity that is intended to carry the greater portion of through traffic from one area of the county to another. This class of roadway describes a high capacity urban road that sits between interstate highways and collector roads on the road hierarchy in terms of traffic flow and speed. Such roadways are identified on a functional classification map from the most current version of Bulloch County's long-range transportation plan as rural or urban principal arterials and rural or urban minor arterials.

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

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

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

*Structure, Non-conforming:* A structure which does not comply with the zoning district development standards of that district in which the structure is located.

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

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are at least equal to the standards of the zoning ordinance; and
- (2) The division of land where no new street is involved and where no new public or community water system or sanitary sewer system requiring permits by the Georgia Environmental Protection Division is involved; provided, however, that a division of land that was previously approved as a subdivision with a new street or streets or a public or community water or sanitary sewer system shall not come within this exception.

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

*Swimming Pool, Bath House or Cabana (private):* An artificially enclosed body of water intended for swimming or water-based recreation. A pool can be built either above or in the ground, and from materials such as metal, plastic or concrete. A bath house or cabana is a permanent free-standing shade structure with traversing curtains, decorative drapes and/or solid walls.

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

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

*Temporary Occupancy Unit:* Manufactured homes, recreational vehicles, or campers shall be allowed as temporary occupancy units during the construction of a principal residential use subject to supplemental standards.

*Temporary Use:* Shall mean a use of a short-term nature or fixed duration, which do not require permanent construction. A temporary use permit shall be required for seasonal sales not to exceed 45 days, transient merchants and mobile vendors not to exceed 90 days.

*Tennis Court and/or Basketball Facility (Private):* If lighted, lights must be designed so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten (10) feet high.

*Tobacco shops, vape shops and hookah lounges:* A tobacco shop is a retailer whose business is exclusively or primarily involves the sale of tobacco products and related goods. A vape shop comprises

establishments primarily engaged in retailing electronic cigarettes and supplies, but may also retail cigars, tobacco, pipes, and other smokers' supplies. A tobacco shop or a vape shop does not include a tobacco department, or section of a larger commercial establishment, or of any establishment with a liquor permit, or of any restaurant. A hookah lounge is a smoking establishment whose business operation, whether as its primary use or as an ancillary use, is devoted to the on-premises use of hookahs.

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

*Transfer Station:* A facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

*Transient Merchant:* Shall mean any person, firm, or corporation, whether resident or nonresident, who has no permanent, regular place of business within the county and who engages in the business of selling or offering to sell goods or services from a temporary fixed place of business located within the county. A temporary use permit is required.

*Traffic Impact Study:* A study conducted by a certified Professional Traffic Operations Engineer (PTOE) to analyze the development impact to the transportation network. Studies typically examine the trip generations from a site and determine improvements required; methodology to be used shall be approved by the county engineer. The GDOT Driveway and Encroachment Manual and Manual on Uniform Traffic Control Devices (MUTCD) are typically used.

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

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

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

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

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

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

*Utility Substations:* This use comprises a building or structure located above ground such as pump stations and equipment buildings used to transmit, distribute, or switch power, water, sewerage, natural gas, or communications signals.

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

*Variety store:* A retail sales use with a floor area less than twelve thousand (12,000) square feet that offers for sale a combination and variety of convenience and consumer shopping goods at a price typically less than ten dollars (\$10.00). Examples include but are not limited to Family Dollar, Dollar General, Dollar Tree, Five Below, dime stores or 5 and dime stores.

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

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

*Wastewater Pre-treatment Facility:* A facility which collects sludge from septic tanks and restaurant grease traps and uses a process to separate the solids from the liquids.

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

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

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

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

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

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

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

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

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

**Section 203: [Reserved].**

## ARTICLE 3 – ESTABLISHMENT OF DISTRICTS

### Section 301: Districts established.

(3) Districts: For the purposes of this Ordinance, the County is divided into districts as follows:

(1) AG – 5 Agricultural – 5 acre minimum	Article 5
(2) Residential districts	Article 6
(3) [Reserved]	Article 7
(4) Commercial and industrial districts	Article 8
(5) [Reserved]	Article 9
(6) MHP Manufactured home park	Article 10
(7) [Reserved]	Article 11
(8) PUD – Planned Unit Development	Article 12
(9) [Reserved]	Article 13
(10) [Reserved]	Article 14
(11) [Reserved]	Article 15
(12) [Reserved]	Article 16
(13) [Reserved]	Article 17
(14) [Reserved]	Article 18
(15) [Reserved]	Article 19
(16) CP Conservation preservation district	Article 20

### Section 302: Districts explained.

(a) Districts are areas of land within the County to which different development requirements and standards are applied. These differences are intended to promote the separation of incompatible uses, encourage sound land use patterns, and retain the character of the community. Although this appendix established the locations of districts as indicated on the Official Zoning Map, a district may be changed in the future in accordance with the provisions of Section 414.

(b) In making the decision to change a district, the points contained in Section 414 must be considered by the Planning and Zoning Commission as well as the Board of Commissioners.

€ Zoning to apply when lot is divided by district boundary line. In the event that a district boundary line on the zoning map divides a lot of record held in one ownership on the date of the original passage of this ordinance (November 4, 1994), each part of the lot so divided shall be used in conformity with the regulations established by this appendix for the district in which each such parcel is located. However, if the property owner of such a lot so desires he may apply for an amendment to extend a use allowed in one district into the other provided that the other district is a like kind use district and that such extension is in accordance with setbacks and yard requirements of the district into which he is extending. Such extensions may only be considered upon review by the Board of Commissioners through the amendment process. Fee may be waived in such instances.

(d) Any parcel of land that is recorded as one parcel and is split by a road without a deeded right-of-way (public or private) for subdividing purposes shall be considered as one (1) parcel. Any parcel of land

that is recorded as one parcel of land and is split by a public road with a right-of-way deeded to and accepted by a governmental entity shall be considered as two (2) parcels for subdividing purposes.

## **ARTICLE 4 – GENERAL PROCEDURES**

### **Section 401: Initial information.**

(a) Article 4 outlines the procedures to be followed in order to comply with the requirements of this appendix. Initial information about the appendix may be obtained from the building and zoning official.

(b) The building and zoning official will provide and maintain copies of the appendix for review and/or sale.

### **Section 402: Compliance with zoning ordinance required.**

No building shall be erected, used, occupied, moved or altered nor shall any use be allowed that does not conform to the requirements specified for the district in which such building or use is located, except that all buildings or uses not in conformity with the district requirements which lawfully existed at a particular location at the time this appendix was originally adopted (November 4, 1994) may be continued but only as provided in Section 403, "Continuance of Nonconforming Uses."

### **Section 403: Continuance of nonconforming uses or structures.**

A lawful use of or vested right to use any building, structure or land existing at the time of the original adoption of this appendix (November 4, 1994) or the adoption of any amendment thereto may be continued subject to the restrictions contained in this appendix even though such use does not conform with the regulations of this ordinance except that:

(a) A nonconforming use or structure shall not be changed to another non-conforming use or structure.

(b) A nonconforming residential or agricultural structure, provided the use therein is a permitted use, may be enlarged, provided it is an improvement, subject to building codes and regulations, to come into conformity with the zoning district development standards, after the date of original adoption of this appendix (November 4, 1994) or the adoption of any amendments thereto.

€ A nonconforming use shall not be reestablished after discontinuance for 6 months regardless of any reservation of an intent not to abandon.

(d) Any intended nonconforming use for which a vested right was acquired prior to the original adoption of this appendix (November 4, 1994) or the adoption of an amendment thereto shall be prohibited unless such is actually commenced within one year of the original adoption of this appendix (November 4, 1994) or the adoption of an amendment thereto regardless of the intent or expectation to commence or abandon such nonconforming use.

€ A nonconforming structure shall not be rebuilt, altered, or repaired except as provided herein:

(1) If the structure is altered or repaired, said alterations or repairs shall be an improvement and in conformity with the building codes and development standards (except for minimum lot area) in force at the time of said alteration or repair.

(2) If the structure is totally rebuilt, the replacement structure shall conform with all the requirements and development standards (except minimum lot area) of this appendix except as to the uses permitted in the particular district.

### **Section 404: Height of fences and walls in a residential zoning district.**

No fence or freestanding wall, other than a retaining wall, in a required setback area for a residential zoning district shall be more than six (6) feet in height above finished grade, except as required for screening.



#### **Section 405: Buffers, screening and landscaping, intent and general provisions.**

- (a) Buffers, screening, and landscaping are necessary to visibly separate one use from another through screening and distance, to provide privacy and security, and to shield or block the effects of potential nuisances, including but not limited to noise, the glare of lights, dust, dirt, and litter.
- (b) Supplemental standards for specific uses may have more restrictive requirements.
- (c) Bona fide agriculture or silviculture use, commercial timber operations, and single-family subdivisions of 5 dwelling units or less are exempt from these requirements.
- (d) Existing natural vegetative buffers may be maintained to satisfy buffer, screening, and landscaping requirements provided the building and zoning official determines that it is appropriate. If existing natural buffers are intended to be cleared or removed in any manner, the developer must submit what is to be replaced in a landscape plan before development approval.
- (e) Exceptions and alternative methods of compliance may be authorized by the building and zoning official if site conditions such as lot shape and size and nearby physical features prohibit compliance. Financial hardship is not a justification for alternative compliance.
- (f) Buffers and screening devices used on side lot lines for side yards must extend from the rear lot line to the public right-of-way, and rear lot lines must extend from side yard to side yard.
- (g) Only approved roads, streets, site entrances, driveways, signs, utility and drainage structures, and easements may encroach on the required buffers.
- (h) Merchandise displays or storage of equipment shall not encroach on the buffers or landscape frontage buffer widths.
- (i) Chain-link fencing is only permitted in side or rear yards and must be dark vinyl coated if it is facing a street.
- (j) Dumpsters or trash enclosures in refuse areas shall be placed on a concrete foundation and screened from view from the street and adjacent parcels with an opaque wall or fence consisting of similar primary building materials as the principal building structure at a height that is no less than the height of the receptacle.
- (k) Screening devices can be combined to create a more decorative effect. Walls and fences can be combined with landscaping materials or berms, or landscaping materials can be combined with berms provided minimum and maximum height and opacity requirements can be met.
- (l) Landscape materials can be combined to include a dense mix of trees and massed low to medium-height shrubbery.
- (m) No certificate of occupancy or completion shall be issued for any principal residential structures, without foundation landscape bedding, a permanent stand of seeded turfgrass, sprigs or sod established for the front and side yards extending to the rear drip line exclusive of designated landscape beddings to abate soil erosion, and unless the current phase of development complies with County erosion control and sedimentation standards.
- (n) In non-residential subdivisions or planned developments, at least five percent (5%) of the interior parking area shall be landscaped with plantings, and at least one (1) tree for each ten (10) spaces shall be installed exclusive of any buffer.
- (o) Plantings shall be maintained in a manner appropriate for the specific plant species through the first growing season, with appropriate irrigation methods, and dead and dying plants shall be replaced by the applicant during the next planting season. Buffer areas shall be maintained and kept free of all debris, rubbish, weeds, and tall grass.
- (p) Trees and vegetation shall be located so that roots do not intrude into underground utilities, roads, and pedestrian ways. Branches shall not intrude into overhead utilities.
- (q) The building and zoning official is authorized to ensure inspection for all buffers, screening, and landscaping to assure compliance with a submitted landscape plan for correct installation and condition. No certificate of occupancy or additional or future phases of development shall be

approved if the installed landscaping materials in a previous phase have not been installed, have been poorly maintained, or require corrective action.

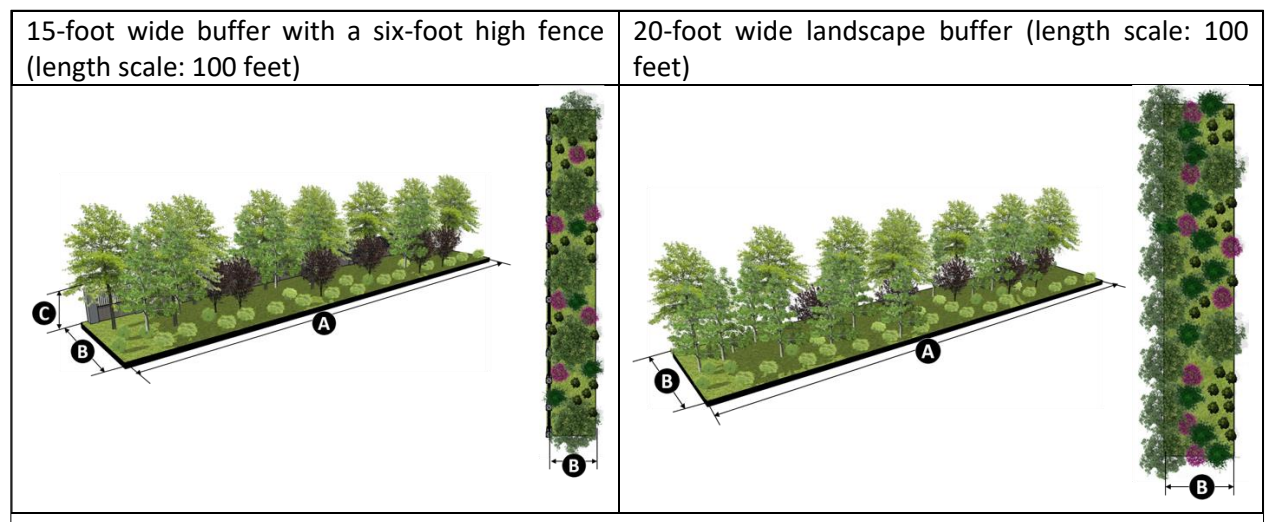
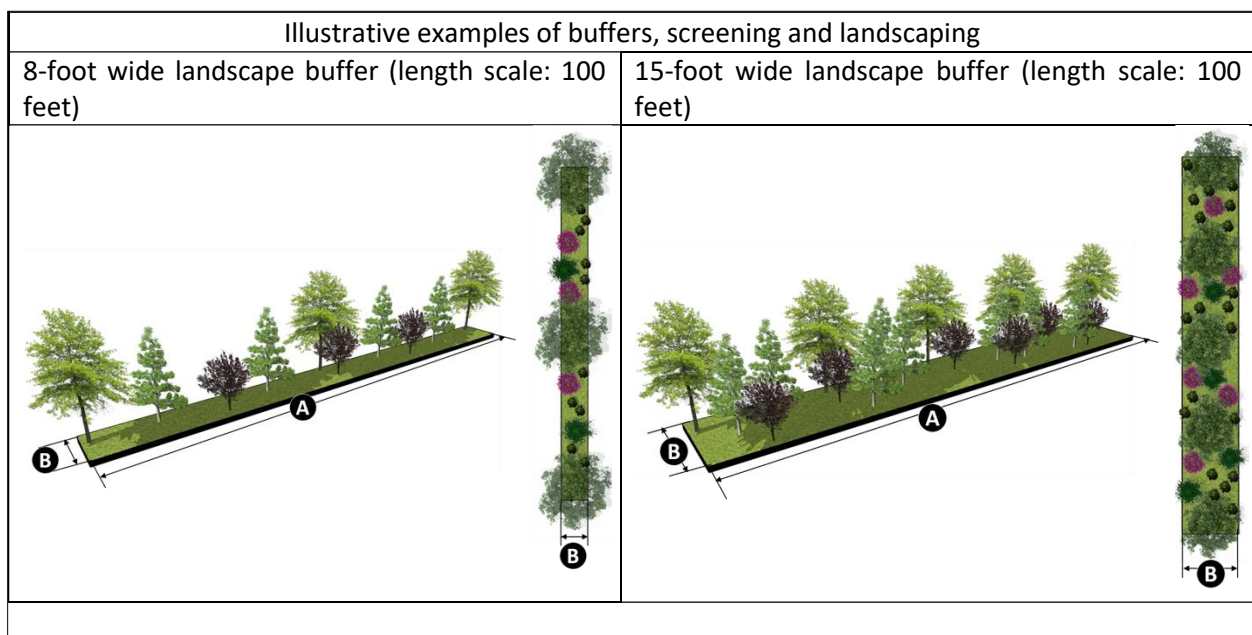
- (r) Any enforcement inspections required after the final inspection (for project release by phase) are subject to re-inspection fee schedules approved by the Board of Commissioners.
- (s) Buffers shall be designated as landscaped areas on the application for development approval, as landscape easements when shown on a subdivision plat, and shall be shown on the recorded plat of the property as a landscape buffer easement.


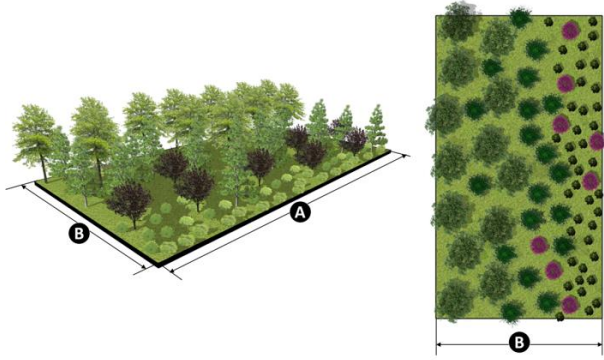
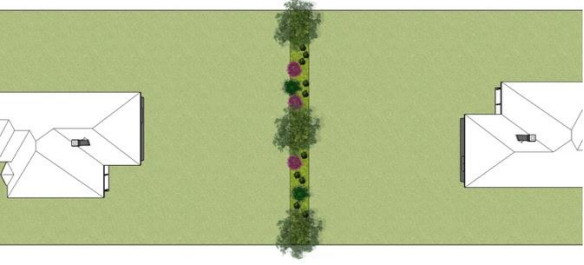
**Section 406: Buffers, screening and landscaping; applicability.**

- (a) Buffers widths, screening devices by purpose and use, and applicable zoning districts are described in the table below.
- (b) Installation of approved landscape materials shall be external to fencing.

<b>Required Buffer Setting</b>	<b>Minimum Landscape Buffer Width and/or Required Screening Device</b>	<b>Zoning Districts with Uses Where Buffer is Required</b>
Back-to-back lots in multi-family developments	8' landscape buffer width from the rear of the building or structure, or a wall, fence or berm	R-3, PUD-2, PUD-3
Recreation Facility, Outdoor Private	8' landscape buffer width from the rear of the building or structure, or a wall, fence or berm	Planned Residential Districts
Off-street parking and circulation for any use with 10-50 spaces (3,250 s.f. – 16,250 s.f.)	8' landscape frontage buffer width when visible from a public street	R-3, HC, GC, NC, HI, LI, PUD-2, PUD-3
Off-street parking and circulation for any use with more than 50 spaces	15' landscape frontage buffer width when visible from a public street	R-3, HC, GC, NC, HI, LI, PUD-2, PUD-3
Service, loading and outdoor storage areas	An approved wall or fence	HC, GC, NC, HI, LI, PUD-2, PUD-3, MHP
Mechanical equipment	An approved wall or fence (roof mounted equipment shall be screened by a parapet or an enclosed wall)	HC, GC, NC, HI, LI, PUD-2, PUD-3
Refuse containers (dumpster)	An approved wall or fence	All zoning districts except AG-5
Community water system well (on-site)	8' landscape buffer width when visible from a public street or adjoining properties (or an approved wall, fence or berm)	All zoning districts except AG-5
Road frontage where new residential lots or units will have side or rear yards abutting a road	15' landscape frontage buffer width from back of right-of-way (or 8' with an approved fence or wall)	R-40, R-25, R-15, R-8, R-2, R-3, PUD, MHP
Road frontage for commercial and industrial uses	15' landscape frontage buffer width from right-of-way (or 8' with an approved wall, fence or berm)	HC, GC, NC, HI, LI, PUD-2, PUD-3

Single and two-family planned residential development abuts AG-5, residences and vacant parcels	25' landscape buffer width along the side and rear property line of adjoining properties (or 15' with a wall, fence or berm)	R-80, R-40, R-25, R-15, R-8, MHP, PUD-1, PUD 2
Mixed use or higher residential density abuts lower density residential district, residences, AG-5, or vacant parcels	25' landscape buffer width along the side and rear property line of adjoining properties (or 15' with a wall, fence or berm)	R-2, R-3, MHP, PUD-1, PUD-2
Planned commercial or industrial development abuts AG-5, residential district, residences, mixed use or vacant parcels	25' landscape buffer width from side and rear property line of adjoining properties (or 15' with a wall, fence or berm)	HC, GC, NC, HI, LI, PUD-2, PUD-3



25-foot wide buffer with a 6-foot high landscape berm (length scale: 100 feet)	50-foot wide landscape buffer (length scale: 100 feet)
	
8-foot wide buffer for a back-to-back lot	
	

#### Section 407: Buffers, screening and landscaping, specifications and plan review.

(a) Specifications for screening and landscaping are described in the table below.

Screening Device	Height	Placement	Approved Materials	Opacity
Wall	6' maximum from ground-level not including posts or columns.	Interior side of buffer area	Durable masonry including decorative brick, stone or concrete	100%
Fence	6' maximum from ground-level not including posts or columns	Interior side of buffer area	Durable posts including brick, stone or decorative metal, with fence materials consisting of pressure-treated wood or composite, expanded metal or mesh, decorative metal, vinyl or composite, (dark vinyl-	75%

			coated chain link for side or rear yard storage only)	
Berm	6' minimum in height (in combination with formal landscaping) with 3:1 slope	Within the buffer area	Stabilized and sodded to prevent erosion, with minimum crown width of 2 feet	75%
Canopy and shade trees	6' minimum in height and one inch 1" caliper	One tree every 50 linear feet within the buffer	Bald cypress, crepe or wax myrtle, dogwood, magnolia, oak, palm redbud, river birch	75%
Evergreen shrubs	3' minimum that grows to no less than six feet 6' in height	Five shrubs every 50 linear feet within the buffer area	Azalea, camellia, cleyera, eleagnus, euonymous, holly, juniper, ligustrum	75%

- (b) A landscaping plan shall be prepared by a Georgia licensed landscape architect providing sufficient detail to determine whether the required amount and type of materials that best serve the intended function has been selected.
- (c) Landscape plans submitted for plan review shall include the following information for buffers and screening:
- (1) Location of buffers, screening devices and landscape materials (minimum scale of 1" = 400).
  - (2) Show and label existing vegetation to remain or to be removed, and vegetation to be installed.
  - (3) Location, name, and size of all existing trees, shrubs, groundcover and other plant materials that are to be incorporated as part of the landscape plan but will not count toward required landscaping.
  - (4) A plant installation schedule to include scientific and common name, size at time of installation, method of containment (container size, etc.), quantity, and comments.
  - (5) Symbols designating type, size, and location, with center of each tree noted (shrubs and groundcover can be shown as a mass).
  - (6) Landscape beds and architectural planting surrounding existing and/or proposed structures on the site.
  - (7) A maintenance plan for the first growing season.
  - (8) Where applicable, location and sizes of irrigation facilities adequate to maintain the planting areas, including meters, wells, pumps and backflow prevention devices. The total square footage of irrigated area of each type of zone (turf, shrub or flower bed), shall be clearly indicated on the plan.

#### **Section 407A: Minimum yard setback.**

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

a least the required minimum distance from the rear property line, etc.

#### **Section 408: [Reserved]**

#### **Section 409: Appealing an action of the building and zoning official or planning and zoning commission.**

(a) If the building and zoning official executes an action which the aggrieved party believes to be contrary to this ordinance, that action may be appealed. Such an appeal must be filed within thirty (30) days of the date on which the action by the building and zoning official was taken.

(b) The planning and zoning commission has jurisdiction for hearing appeals concerning actions of the building and zoning official related to this ordinance. Applications for appeal may be obtained from and submitted to the building and zoning official, who will transmit them to the planning and zoning commission for its consideration.

(c) When an action of the building and zoning official is appealed, all construction or other activity authorized by the appealed action must be stopped immediately. In certain cases, however, the building and zoning official may feel that the stopping of such construction or other activity authorized by the appealed action will cause imminent peril to life or property. Then, the building and zoning official may certify to the planning and zoning commission that, by reason of facts stated in the certificate, the halting of construction or other activity authorized by the appealed action would in his opinion cause imminent peril to life or property. In such cases, the construction or other activity authorized by the appealed action is allowed to continue unless the construction is halted by the planning and zoning commission or a restraining order is granted by a court of competent jurisdiction.

(d) When an application for appeal of an action of the building and zoning official is received, the planning and zoning commission will set a time and place for a public hearing on the appeal. Notice of the hearing must be published in a newspaper of general circulation in the county at least thirty (30) days before the hearing and, if the appeal concerns a variance, the building and zoning official shall post a sign on the subject property at least thirty (30) days prior to the hearing setting forth the purpose, date, time, and place of the scheduled public hearing. In addition, the parties to the appeal (including the owner of any property that is the subject of the proposed action) will be mailed notice of the date of the hearing by the planning and zoning commission at least thirty (30) days before the hearing. Any person may appear at the hearing or have a representative attend instead.

(e) The planning and zoning commission will make a decision concerning the appeal and record the decision in the minutes for that meeting. Any person aggrieved by any decision of the planning and zoning commission (including but not limited to decisions on appeals or variances) may appeal such decision to the county board of commissioners. Such an appeal must be filed in writing with the building and zoning official within thirty (30) days of the date of the decision being appealed. When an application for appeal of a decision of the planning and zoning commission is received, the board of commissioners will set a time and place for a public hearing on the appeal. Notice of the hearing must be published in a newspaper of general circulation in the county at least thirty (30) days before the hearing and, if the appeal concerns a variance, the building and zoning official shall post a sign on the subject property at least thirty (30) days prior to the hearing setting forth the purpose, date, time, and place of the scheduled public hearing. In addition, the parties to the appeal (including the owner of any property that is the subject of the proposed action) will be mailed notice of the date of the hearing by the board of commissioners at least thirty (30) days before the hearing. Any person may appear at the hearing, or have a representative attend instead.

(f) An application for appeal of an action of the building and zoning official may be withdrawn by the applicant as a matter of right until 5:00 p.m. the day prior to the meeting of the planning and zoning

commission or the board of commissioners at which such application is scheduled to be heard. Such withdrawal must be in writing and must be received by the building and zoning official by 5:00 p.m. the day before the scheduled meeting.

#### **Section 410: Procedures: Variances, Conditional Uses and Amendments.**

##### **(a) Pre-application Conference**

- (1) Pre-Application Conference: Recommended. Any applicant seeking approval for a proposed zoning action is advised to engage in a pre-application conference. Prior to filing an application, an applicant may meet with the building and zoning official and the county staff development review committee and discuss their intentions with regard to a given application and questions regarding the procedures or substantive requirements of this appendix. The applicant should bring sufficient information including sketch maps of the site, a description of the existing environmental, topographical and structural features on the site, the proposed project or use, graphics that illustrate the scale, location and design of any buildings or structures to the extent known, and a list of the issues to be discussed at the conference. No matters discussed at said meeting shall be binding on either the applicant or the County.
- (2) Pre-Application Conference: Mandatory. Any applicant seeking approval for a proposed zoning action involving 1) a residential use of more than 50 dwelling units; 2) a non-residential use that would generate an additional 500 or more vehicle trips per day as defined by the Institute of Traffic Engineers Trip Generation Manual; 3) a Planned Unit Development; or, 4) a Development of Regional Impact, is required to engage in a pre-application conference with the building and zoning official and the county staff development review committee at its regularly scheduled monthly meeting *or such other meeting as the building and zoning official may determine*. The building and zoning official may waive the pre-application conference requirement in cases where it is clear such a waiver is not detrimental to the applicant or the County.

##### **(b) Application**

- (1) The developer or owner submitting a request for a variance, conditional use, or an amendment to the official map or text of the zoning ordinance (hereinafter in this section collectively referred to as a "zoning request") must have at least fifty-one (51) percent ownership of the subject property or be the duly authorized agent of such a person, possessing notarized authorization in writing, under the owner's signature. The building and zoning official, the planning and zoning commission, or the board of commissioners (hereinafter collectively referred to as the "local government") may also propose a zoning request.
- (2) Application for a zoning request may be made with the building and zoning official. The building and zoning official will take the required information and transmit it to the planning and zoning commission for its consideration. The planning and zoning commission shall hold a public hearing on all variances and shall make the final decision on all variances, unless such decision is appealed to the board of commissioners in accordance with the provisions of Section 409. The board of commissioners shall hold a public hearing on all conditional uses and amendments and shall make the final decision on all conditional uses and amendments, after receiving a recommendation on the conditional use or amendment from the planning and zoning commission. The planning and zoning commission may at its option hold a public hearing on a conditional use or amendment prior to making its recommendation to the board of commissioners.
- (3) No application is to be accepted from any person in violation of the Bulloch County Code of Ordinances. If an applicant for a zoning request or any other action by the planning and zoning

commission is, at the time of such application, determined by the building and zoning official to be in violation of the Bulloch County Code of Ordinances, then the building and zoning official will be prohibited from accepting or processing any application from that applicant until the applicant voluntarily removes or changes the cause of the violation and ceases to be in violation. The applicant must notify the building and zoning official that he has ceased the violation and obtain a release from the building and zoning official as to the violation. When the applicant has ceased to be in violation of the Bulloch County Code of Ordinances, the building and zoning official will then accept the application for a zoning request. A receipt showing that all county ad valorem taxes on the subject property have been paid and that no delinquencies exist must be submitted with all applications for zoning requests. The building and zoning official may waive the requirements of this paragraph when the building and zoning official, in his discretion, determines that the enforcement of these requirements would cause an extraordinary and undue hardship on the applicant, and that the waiver of these requirements will not have a significant negative impact on the safety, benefit or welfare of the public.

- (4) A Traffic Impact Study (TIS) shall be required for any development which involves a use (or re-use) of a property which is determined to produce one-hundred (100) vehicle trips or more in the peak hour or five-hundred (500) vehicle trips or more per day. A preliminary determination of the anticipated vehicle trips shall be based on the guidelines of the Institute of Transportation Engineer's (ITE's) Trip Generation Manual. In certain cases, supplemental traffic data based on actual data from similar developments can be included and considered. The TIS shall include:
- a) Level of Service (LOS) and Capacity Analysis: Evaluate existing and proposed LOS or capacity conditions as applicable on roadways and intersections. The difference in operations shall be considered the site impacts. If the access point is on an arterial or collector road LOS should be recalculated as necessary. Roadway improvements shall be developed to address the proposed site impacts.
  - b) Sensitivity Analysis: In special circumstances, typically involving large developments or developments on critical roadways, the county may require either sensitivity testing or 10 to 20 year traffic projections. Sensitivity testing would entail capacity analyses on incremental (5% to 20%) traffic increases. Traffic projections would require evaluation of future traffic operations based on an agreed annual growth rate. Operational impacts as a result of background traffic increases (sensitivity testing or traffic projections) may not be required to be mitigated unless such is a result of a phased development.
  - c) Peak-hour Analysis: Existing and proposed AM (7:30-8:30) and PM (5:00 and 6:00) peak hour trips.
  - d) Trip Generation Analysis: Evaluate existing and proposed trip generation. It should be noted that often trip generation data is based on limited sample size and, therefore, application of such could have varying results. Additionally, some land uses may not lend well to direct application of the Manual and upward or downward adjustments may be justifiable. An example of such might include trip rate factors for apartments in which the ITE Trip Generation Manual bases such on national apartment profile characteristics. However, in the case of the county, many of the apartment complexes house 2 to 4 students in a single unit. This would result in a higher number of vehicles than expected (4 vehicles versus 2) and higher trip numbers per unit.
  - e) Trip Distribution Analysis: Existing and proposed 24-hour directional traffic count on a typical weekday for each roadway or access point.
  - f) Internal Circulation Analysis: Evaluation of driveway lengths for vehicular queuing and lane needs, which would affect the operation of the public roadway system, should be addressed as part of the site impacts.



- g) Traffic Impact Mitigation: Evaluation and recommendations of on-site and off-site roadway improvements to accommodate the additional predicted traffic to be generated by the site, including access management and safety improvements regarding warrants for additional turn lanes and channelization, medians and islands and signalization as provided in the GDOT Driveway and Encroachment Control Manual.
- h) The results of the traffic impact study submitted to the county are not automatically binding: The county, at its discretion, may review the traffic study and may overrule submitted recommendations.

(c) Notification

- (1) Notice of the hearing for a zoning request that is a variance must be published in a newspaper of general circulation in the county at least thirty (30) days but not more than forty-five (45) days before the hearing. Such notice will state the time, place and purpose of the hearing. If the zoning request for a variance is initiated by a party other than the local government, the building and zoning official shall also post a sign in a conspicuous place on the subject property at least thirty (30) days prior to the date of the scheduled public hearing. The sign should set forth the purpose, date, time, and place of the scheduled public hearing. In addition, the building and zoning official shall mail notice of the hearing to the applicant and property owner (if different from the applicant) at least thirty (30) days prior to the hearing.

(2) Notice of the hearing for a zoning request that is a conditional use or amendment must be published in a newspaper of general circulation in the county at least fifteen (15) days but not more than forty-five (45) days before the hearing. Such notice will state the time, place and purpose of the hearing. If the zoning request is for an amendment to rezone property from one district to another and is initiated by a party other than the local government, then the notice shall also include the location of the property, the present zoning district of the property, and the proposed zoning district of the property. If the zoning request for a conditional use or amendment is for a particular parcel or parcels of property and is initiated by a party other than the local government, the building and zoning official shall post a sign in a conspicuous place on the property at least fifteen (15) days prior to the date of the scheduled public hearing. The sign should set forth the purpose, date, time, and place of the scheduled public hearing, and the present and proposed zoning districts in case of a rezone.

- (3) The planning and zoning commission shall make its recommendation respecting a requested conditional use or amendment to the board of commissioners within sixty (60) days of its first meeting at which the application is heard. If the planning and zoning commission fails to send its recommendation to the board of commissioners within the aforesaid sixty (60) days, it shall mean that the planning and zoning commission recommends approval of the conditional use or amendment, including any conditions recommended by staff. Provided, however, that the planning and zoning commission may defer making its recommendation on a conditional use or amendment for more than sixty (60) days with the consent of applicant. After receipt of the recommendation of the planning and zoning commission, the board of commissioners shall conduct a public hearing on the proposed conditional use or amendment.

(d) General Guidelines

- (1) Any person desiring a transcript of the hearing must arrange for a court reporter at their own expense.
- (2) Zoning requests shall, as a general rule, be called in the order in which they are received by the County, provided that nothing shall prevent the commission or board from changing the order

of decisions reviewed at the time of the hearing for the convenience of the commission or board and the public.

- (3) The chairperson will read or cause to be read a summary of the proposed zoning request under consideration prior to receiving public input.
- (4) As a general rule, the chairperson shall call each person who has signed up to speak on the zoning request in the order in which the persons have signed up to speak, except for the applicant, who will always speak first, or if the local government has brought a zoning request to the hearing, then a representative of the local government shall speak first.
- (5) Nothing contained herein shall be construed as prohibiting the commission or board from taking reasonable steps necessary to insure that hearings are conducted in a decorous manner, and to assure that the public hearing on each zoning request is conducted in a fair and orderly manner.
- (6) The planning and zoning commission and board of commissioners will make a decision concerning the zoning request and record the decision in the minutes for that meeting.

(e) Public Comments

- (1) Written comments on the subject of the hearing may be submitted by any citizen or property owner at any time prior to the adjournment of the hearing.
- (2) All persons who wish to address the planning and zoning commission or board of commissioners at a hearing concerning a zoning request shall first sign up on a form to be provided by the county prior to the commencement of the hearing. Only those persons signed up to speak prior to the commencement of the hearing shall be entitled to speak, unless the chairperson of the planning and zoning commission or board of commissioners, in his discretion, decides to make an exception at the time of the hearing, notwithstanding the failure of the person to sign up prior to the hearing.
- (3) Each side will be allowed a minimum time period of ten (10) minutes to make its presentation. The length of time of oral presentations permitted to each speaker will be determined by the chairperson of the planning and zoning commission or board of commissioners, and will depend upon the number of persons present and desiring to speak and the complexity of the zoning request under consideration.
- (4) All questions will be addressed to the chairperson of the planning and zoning commission or board of commissioners.
- (5) Each speaker shall speak only to the merits of the proposed zoning request under consideration and shall address his or her remarks only to the members of the planning and zoning commission or board of commissioners.
- (6) Each speaker shall refrain from personal attacks on any other speaker or from discussing facts or opinions irrelevant to the proposed zoning request under consideration.
- (7) The chairperson of the planning and zoning commission or board of commissioners may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.
- (8) Prior to speaking, the speaker will identify himself or herself and state his or her current address, and if an attorney or other designated agent, identify his or her principal.
- (9) The merits of the zoning request shall include, but not necessarily be limited to, evidence or opinions regarding devaluation, fair market value, nuisance, environmental concerns, traffic,

noise, aesthetics and in general, the health, welfare and benefit of the community or county as it is affected by the zoning request. The speaker shall refrain from comment on unrelated zoning issues and unrelated tracts of land.

(f) Decisions

- (1) The board of commissioners is not bound by the recommendation of the planning and zoning commission. The board of commissioners may grant or deny the application for a zoning request and, if granted, establish such additional conditions and development standards as it deems appropriate for the protection and benefit of surrounding landowners and neighborhoods, to ameliorate the effects of the zoning request, and otherwise for the general public safety and welfare.
- (2) The planning and zoning commission may impose such additional conditions and development standards on variances and recommend such additional conditions and development standards on conditional uses and amendments as it deems appropriate for the protection and benefit of surrounding landowners and neighborhoods, to ameliorate the effects of the zoning request, and otherwise for the general public safety and welfare.
- (3) After reviewing the record of the public hearing and considering recommendations from the planning and zoning commission, the board of commissioners may approve or deny the requested amendment, reduce the land area for which the amendment is requested, change the district or land use category requested, or impose conditions which may restrict the use or development of the property in a manner not otherwise required by this appendix. Any such conditions imposed by the board of commissioners shall be incorporated into this appendix and shall become a part of the official zoning map, whether or not actually entered upon the official zoning map.
- (4) The power to approve a variance rests with the planning and zoning commission, except that in consideration of a rezoning of property from one zoning district to another or a conditional use the board of commissioners may approve a variance in connection with its approval of a conditional rezoning or conditional use.
- (5) The power to approve a conditional use and enact an amendment rests with the board of commissioners.

(g) Deferrals

- (1) Prior to the close of the hearing, the planning and zoning commission or board of commissioners shall announce whether it will vote on the zoning request at that same hearing or whether it will defer its vote for a period not to exceed forty-five (45) days. Provided, however, that the planning and zoning commission or board of commissioners may defer its vote on a zoning request for more than forty-five (45) days with the consent of the applicant.

(h) Withdrawals

- (1) An application for a zoning request or the appeal of the denial of a zoning request may be withdrawn by the applicant as a matter of right until 5:00 PM the day prior to the meeting of the planning and zoning commission or the board of commissioners at which such application is scheduled to be heard. Such withdrawal must be in writing and must be received by the building and zoning official by 5:00 PM the day before the scheduled meeting.

(i) Reapplication

- (1) If an application for a zoning request is for an amendment to rezone property and the zoning request is denied, then an application to rezone the same property may not be filed with the

building and zoning official until the expiration of at least six (6) months following the denial of the rezoning. If an application for a zoning request that is a variance or a conditional use is denied, then an application for a conditional use or a variance on the same property that is substantially the same may not be filed with the building and zoning official until at least six (6) months following the denial.

#### **Section 411: Variances.**

(a) A variance is a permit, issued by the Planning and Zoning Commission, which allows construction or maintenance of a building or structure in a way that varies from requirements for the district in which the property is located. A variance may be granted only in an individual case where unnecessary or undue hardship would result if all of the requirements of this appendix were applied stringently to a particular piece of property. Unnecessary or undue hardship means that owing to conditions peculiar to the property and not as a result of any action on the part of the property owner, a permitted use of a lot is not reasonable if all of the requirements of this appendix are to be met.

(b) A hardship may exist for medical reasons which would permit the temporary placement of a manufactured home, meeting applicable development standards, on the same parcel as the original principal dwelling. Such temporary dwelling shall be placed behind and within 300 feet of the principal dwelling whenever possible. Such temporary dwelling shall provide living quarters for an infirmed family member or provide living quarters for a family member or certified/registered assisted living employee to aid in the care of one or more infirmed family members living in the original principal dwelling. Variances approved for medical hardship cases shall be reviewed annually by the zoning administrator. When the medical hardship ceases to exist, the owner of the principal dwelling shall notify the zoning administrator. Such manufactured home shall be removed within 30 days, or subject the owner of the principal dwelling to fines and penalties as outlined in Section 418.

(c) With the exception of a medical hardship variance, a variance may be granted only for permitted uses in the zoning district in which the property in question is located. (For example, a two-family dwelling would not be allowed to be placed in an R15 district under a variance).

(d) Where a variance is granted for a construction activity requiring a building permit, the building permit must be obtained within twelve (12) months of the issuance of the variance. Otherwise, the variance expires after twelve (12) months.

(e) The planning and zoning commission will consider the following standards in arriving at a decision on the variance.

- (1) Will the variance cause substantial detriment to the public good or impair the purposes of this appendix?
- (2) Is the spirit of this appendix observed and the public safety and welfare secured?
- (3) Is the hardship related to conditions peculiar to the property and not a result of any action of the property owner?

(f) The building and zoning official shall have the power to grant administrative variances from the development standards of this appendix where, in the opinion of the building and zoning official, the intent of this appendix can be achieved and equal performance obtained by granting a variance. The authority to grant such variances shall be limited to variances from the following requirements:

- (1) Front yard or yard adjacent to public street setback: variance not to exceed twenty percent of the setback in the applicable zoning district.
- (2) Side yard setback: variance not to exceed twenty percent of the setback in the applicable zoning district.

- (3) Rear yard setback: variance not to exceed twenty percent of the setback in the applicable zoning district.
- (4) Height of building: variance not to exceed twenty percent of the setback in the applicable zoning district.
- (5) Extension of variance or conditional use for a construction activity requiring a building permit: variance to grant a maximum of two one-year extensions of the time limits in Sections 411(d) and 413(e) if the variance or conditional use is for a project requiring multiple building permits and at least one of the permits has been obtained and construction has begun under that permit.
- (6) Parking spaces: variance not to exceed ten percent of required in applicable zoning district.
- (7) Lot size: variance not to exceed five percent of the lot size in the applicable zoning district (minor subdivisions only – as determined by the subdivision ordinance).
- (8) Lot width: variance not to exceed ten percent of the lot width in the applicable zoning district (minor subdivisions only – as determined by the subdivision ordinance).
- (9) Minor amendments to conditions of approval established by the planning and zoning commission.
- (g) When an application for an administrative variance is received, the building and zoning official will set a time and place for a public hearing on the administrative variance. Notice of the hearing must be published in a newspaper of general circulation in the county at least thirty (30) days but not more than forty-five (45) days before the hearing. The building and zoning official shall also post a sign on the subject property at least thirty (30) days prior to the hearing setting forth the purpose, date, time, and place of the scheduled public hearing. In addition, the building and zoning official shall mail notice of the hearing to the applicant and property owner (if different from the applicant) at least thirty (30) days prior to the hearing. The building and zoning official shall allow the applicant and/or property owner the opportunity to speak at the hearing. The building and zoning official shall also allow anyone at the hearing who is opposed to the granting of the administrative variance the opportunity to speak. The building and zoning official may limit the time for speakers to no more than ten (10) minutes per side. The building and zoning official will make a decision to either grant or deny the administrative variance at the conclusion of the hearing.

#### **Section 412: Developments of regional impact (DRI).**

(a) Local zoning provision to allow for DRI review: For new developments proposed within the county which meet or exceed the minimum threshold identified in the Department of Community Affairs' Procedures and Guidelines for the review of Developments of Regional Impact (DRI), the county will comply with these intergovernmental review procedures. The county shall be allowed up to a maximum of thirty (30) days to complete the review process for large development projects that are likely to create impacts in other local jurisdictions. The county will not take any official action to further any such developments until the DRI Review Process is completed or a maximum of thirty (30) days has transpired from the date the completed DRI Request for Review Form was forwarded to the Regional Commission.

#### **Section 413: Conditional use.**

(a) Some zoning districts permit certain uses only upon approval of the board of commissioners after receiving a recommendation from the planning and zoning commission. These uses are identified in this

appendix as conditional uses and such uses are allowed only under the circumstances specified in this appendix.

(b) An applicant requesting a conditional use shall provide the building and zoning official any information as may be deemed appropriate to assist in the consideration of the request (e.g., sketch plan, traffic impact study).

(c) The planning and zoning commission and board of commissioners will consider the following standards in arriving at a decision on the conditional use:

- (1) Is the type of street providing access to the use adequate to serve the proposed conditional use?
- (2) Is access into and out of the property adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?
- (3) Are public facilities such as schools, EMS, sheriff and fire protection adequate to serve the conditional use?
- (4) Are refuse, service, parking and loading areas on the property located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor?
- (5) Will the hours and manner of operation of the conditional use have no adverse effects on other properties in the area?
- (6) Will the height, size, or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?
- (7) Is the proposed conditional use consistent with the purpose and intent of the zoning ordinance?

(d) If the building and zoning official finds that any restrictions upon which a conditional use was granted are not being complied with, he/she may suspend the permit for the conditional use until such time as the applicant brings the conditional use into compliance with the restrictions imposed by the board of commissioners. Only work upon the conditional use may be allowed during suspension of the permit which is necessary to bring the conditional use into compliance with the restrictions imposed by the board of commissioners.

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

#### **Section 414: Amendments.**

(a) Any landowner may request that the official map be amended from the existing zoning district to another as it applies to the owner's property. Also, any person affected by this zoning ordinance may propose an amendment to the text of this zoning ordinance under the provisions of this section. As used in this section, the term "amendment" shall mean both a change to the official map and a change to the text of this appendix unless otherwise indicated.

(b) An applicant requesting an amendment to the official map shall provide the building and zoning official the following:

- (1) Details of the specific proposed use(s) of the property, including but not limited to a sketch plan prepared by a licensed surveyor or engineer. Applications for speculative zoning without specific uses will not be accepted.
- (2) A copy of the recorded plat and legal description will be the minimum requirement for the planning and zoning commission.

- (3) Where the building and zoning official or the county staff development review committee has recommended the preparation of special studies pursuant to a pre-application conference or where the applicant elects to submit additional technical reports in support of the proposed development, such reports shall be submitted with the initial application form.
- (4) During review of any application, the Planning and Zoning Commission may determine that additional specific technical information is needed regarding any potential environmental, fiscal, or public service impacts. If such a determination is made, the Planning and Zoning Commission shall have the discretion to defer its recommendations concerning such an application upon preparation of a special study intended to analyze the potential impacts or any specific areas of concern.
- (5) Where preparation of a special study has been required, no application shall be recommended to be submitted to the Board of Commissioners for a public hearing until such study has been received and reviewed by the Planning and Zoning Commission. The cost of any special study shall be borne by the applicant, unless the Board of Commissioners approves the participation of public funds, as necessary, or being in the public interest.
- (6) Any other materials or information as may be deemed appropriate by the building and zoning official.

(c) When considering a proposal to amend the official map, the following standards shall be considered.

Standards:

- (1) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
- (2) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?
- (3) Are there substantial reasons why the property cannot or should not be used as currently zoned?
- (4) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, EMS, sheriff or fire protection?
- (5) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?
- (6) Will the proposed use be consistent with the purpose and intent of the proposed zoning district?
- (7) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan?
- (8) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

(d) When considering a proposal to amend the text of the zoning ordinance, the following standards shall be considered.

Standards:

- (1) Is the proposed text amendment compatible with the purpose and intent of the Comprehensive Plan?
- (2) Is the proposed text amendment consistent with the purpose and intent of the Zoning Ordinance?

- (3) Will adoption of the amendment further the protection of the public health and safety or general welfare?

#### **Section 415: Planning and Zoning Commission.**

(a) The planning and zoning commission shall consist of seven (7) members, appointed by the board of commissioners to serve for staggered three-year terms or until their successor has been appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the board of commissioners upon written notice and an opportunity to be heard. The board of commissioners shall determine the amount of compensation, if any, to be paid to the members of the planning and zoning commission.

(b) The planning and zoning commission shall elect from its membership a chairman, a vice-chairman, and a secretary, each of whom shall serve for one year or until he is re-elected or his successor is elected. The vice-chairman shall preside over meetings in the chairman's absence. The chairman (or, in the chairman's absence, the vice-chairman) may not introduce or second motions and shall not vote except in the case of a tie vote among the other members, the chairman then voting to break the tie. The planning and zoning commission shall adopt rules in accordance with this ordinance and state law. Meetings of the planning and zoning commission shall be held at the call of the chairperson and every thirty (30) days or at other times as the planning and zoning commission may determine. The planning and zoning commission shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall keep records of its examinations and other official actions, all of which shall be filed, upon official approval, in the office of the clerk of the board of commissioners and shall be a public record. All meetings and all records of the planning and zoning commission shall comply with O.C.G.A. Chapters 14 and 18, Title 50.

(c) The planning and zoning commission shall require the applicant to furnish such information as it deems necessary when filing an application.

(d) It shall be the responsibility of the planning and zoning commission to review and recommend to the board of commissioners its approval, disapproval, or approval with conditions on all requests for rezoning, map and text interpretations and other amendments submitted to the designated officials or initiated by any other individual or governmental unit.

(e) The planning and zoning commission does not have the power to amend any zoning ordinance, to rezone any land, or to allow any use not permitted by this ordinance.

#### **Section 416: Designation of Officers for Service of Petitions and Appeals.**

(a) The county manager or, in his absence, the assistant county manager, is designated as the officer who has the authority to approve or issue any form or certificate necessary to perfect the petition described in Title 5 of the Official Code of Georgia Annotated for review of lower judicatory bodies and upon whom service of such petition may be effected or accepted on behalf of the planning and zoning commission during normal business hours at the regular offices of the board of commissioners.

(b) The county manager or, in his absence, the assistant county manager, is designated as the officer who has the authority to accept service and upon whom service of an appeal of a quasi-judicial decision may be effected or accepted on behalf of the board of commissioners during normal business hours at the regular offices of the board of commissioners.

#### **Section 417: Fees.**

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



**Section 418: Penalties.**

Any person who violates any provision of this appendix or any amendment to this appendix, or who fails to perform any act required hereunder or commits any prohibited act, upon conviction thereof shall be subject to punishment as provided in section 1-11 of the Bulloch County Code of Ordinances. Each and every day for which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

**Section 419: Remedies.**

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

**ARTICLE 5 – AG-5 AGRICULTURAL AND RESIDENTIAL****Section 500: Statement of purpose.**

The Agricultural districts are established as districts in which the principal use of land is for farming, dairying, forestry operations and other agricultural activities. For the agricultural districts, in promoting the general purposes of these regulations, the specific intent of this article is to protect land needed and used for agricultural pursuits from encroachment by untimely and unplanned residential, commercial, or industrial development, and to allow the continuation of existing agricultural pursuits in areas where, in accordance with the recommendations of the comprehensive plan, future agricultural, commercial, industrial, or residential development is anticipated, but where the present application of zoning controls for future more intensive land uses would be unreasonable and premature.

**Section 501: Purpose.**

AG-5 zoning districts are intended to establish and preserve low-to-medium density areas where agriculture is the primary land use. Residences, which may or may not be incidental to these activities, are also permitted. These districts are free from other uses which are incompatible with low-to-medium density agricultural and residential uses.

**Section 502: Boundaries of AG-5 districts.**

The official map (section 2301 of this ordinance) shows the boundaries of all AG-5 districts within the County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

**Section 503: Permitted uses.**

(a) The following principal uses are permitted in AG-5 districts:

- (1) Dwelling, Single-family Detached with a heated floor area of at least 975 square feet.
- (2) Industrialized Building.
- (3) Church (subject to supplemental standards).
- (4) Farm.
- (5) Fruit and Vegetable Market.
- (6) Nursery, Garden Center, and Farm Supply Store.

- (7) Kennel (Commercial, subject to supplemental standards).
- (8) Cemetery (subject to supplemental standards).
- (9) School.
- (10) Government: Local, State or Federal.
- (11) Utility Substations.
- (12) Manufactured Home.
- (13) Single-family dwellings by farm owner, agricultural or seasonal workers and related to the agricultural operation of the farm on which it is situated and intended for the temporary or seasonal housing of farm workers. These shall be allowed at one manufactured home per 5 acres. However, no manufactured home shall be placed closer than 200 feet to another manufactured home. The planning and zoning commission shall be granted the power to allow a greater number / density of manufactured homes where it is deemed warranted by unique agricultural needs. Must comply to D.O.L. Standards for housing.
- (14) A landowner may deed to a family member a minimum of one acre from the previously recorded parcel for the construction or placement of a single-family dwelling, provided a minimum of one acre remain in the original parcel of land. This provision shall be allowed one (1) time per eligible family member. For purposes of this provision, the term "family member" means a child, grandchild, parent, grandparent, sibling or step-child. A single-family dwelling on a lot deeded under this provision shall be required to meet the minimum setback requirements of the R-80 zoning district as set forth in Section 606 of this ordinance. This provision shall not apply if the lot being deeded to the family member is five acres or greater in area.

(b) *Conditional uses (AG-5):* The following conditional uses shall be permitted in this district upon approval by the board of commissioners pursuant to section 413:

- (1) Farm Supply Store.
- (2) Personal Care Home: Family Personal Care Home or Group Personal Care-Home (subject to supplemental standards).
- (3) Recreation Facility, Outdoor Commercial and Outdoor Private (subject to supplemental standards).
- (4) Airport (public, private, commercial) or Airstrip (private).
- (5) Facilities to Host Private and Public Functions (subject to supplemental standards).
- (6) Day Care Facility (subject to supplemental standards).
- (7) Golf Course, Tennis Court and Country Club.
- (8) Machine Shop.
- (9) Farm Winery (subject to supplemental standards).
- (10) Bed and Breakfast Inn (subject to supplemental standards).
- (11) Civic and Social Organization.
- (12) Solid Waste Landfill.
- (13) Natural Resource Development (subject to supplemental standards).

(14) Manufactured homes, mobile offices, recreational vehicles or camping trailers shall be allowed as temporary occupancy units during the construction of a principal residential use (subject to supplemental standards).

(15) Tower.

(16) Solar Electric Power Generation (subject to supplemental standards).

(17) Boarding House (subject to supplemental standards).

(c) The following accessory uses are permitted in AG-5 districts:

(1) Garage or Carport, Private.

(2) ISO Intermodal Steel Container.

(3) Children's Playhouse.

(4) Swimming Pool, Bath House or Cabana (private).

(5) Tennis Court and/or Basketball Facilities (private).

(6) Garden (non-commercial).

(7) Deck, Patio, Barbecue Grill, or Other Such Facility.

(8) Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.

(9) Antenna (non-commercial).

(10) Temporary Building for Storage of Materials.

(11) Roadside Stand.

(12) Home Occupation (Residential) (subject to supplemental standards).

(13) Temporary occupancy unit.

(14) Electric vehicle charging stations (private restricted use).

(15) Dwelling, Accessory (subject to supplemental standards).

(d) The following accessory uses are allowed as conditional uses in AG-5 districts:

(1) Home Occupation, Cottage Industry (if located outside subject to supplemental standards).

(2) Electric vehicle charging stations, public use (subject to supplemental standards).

(e) All uses not permitted within AG-5 district by this section are specifically prohibited, except as may be allowed by other provisions of this ordinance.

#### **Section 504: Development standards for AG-5 districts.**

The following standards are required within AG-5 districts:

- |                       |  |
|-----------------------|--|
| (1) Minimum lot area: | As specified by the county health department, but in no case less than 5 acres; however a lot of record lawfully existing at the time of the original passage of this ordinance (November 4, 1994) and having an area which does not conform to the above standards may nevertheless be developed with a use which is permitted within an AG-5 district if approved by the county health department. |
|-----------------------|--|

- (2) Minimum lot width: 200 feet.
- (3) Minimum front-yard setback: 100 feet from property line.
- (4) Minimum side-yard setback: 30 feet.
- (5) Minimum rear-yard setback: 50 feet.
- (6) Maximum bldg. height: 45 feet; however, this height limit does not apply to projections not intended for human habitation. For buildings and structures with such projections, the minimum required yards must be increased 1 foot for every 2 feet (or part of 2 feet) of height greater than 45 feet.
- (7) Applicability to land and open space: No building, structure or land may be used or occupied—and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered—unless in conformity with all of the regulations specified for the district in which it is located.
- (8) Every use must be on a lot: No building or structure may be erected or use established unless upon a lot as defined by this ordinance.
- (9) Only one principal building per lot: Only 1 principal building and its accessory buildings may be erected on any lot, except for planned developments or as otherwise provided.
- (10) Open space not to be encroached upon: No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in this ordinance. Shrubbery, driveways, retaining walls, fences, curbs, and buffers are not considered to be encroachments of yards. Open space areas as required by this ordinance must be permanently maintained as open space in accordance with the requirements of this ordinance.
- (11) Reduction of yards or lot area: Except as otherwise provided in this ordinance, a lot existing at the time of the original passage of this Ordinance (November 4, 1994) may not be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless that reduction or division is necessary to provide land which is needed and accepted for public use.
- (12) Lots with multiple frontage: In the case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street.
- (13) Street frontage: No principal building may be erected on any lot which has less than 30 feet of immediate frontage on at least 1 public street. For purposes of this provision, the term “frontage” includes the width of an easement from a public street to otherwise land locked property.
- (14) Yards and other spaces: No part of a yard, other open space, off-street parking, or loading space required for another building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.
- (15) Substandard lots: When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot of record at the original effective date of this ordinance (November 4, 1994), such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this ordinance are met.
  - a. Adjoining lots in same ownership: When 2 adjoining lots are in the same ownership, they may be utilized as one (1) lot without being replatted.

- (16) Encroachment on public rights of way: No building, structure, service area, required off-street parking, or loading/unloading facilities are permitted to encroach on public rights-of-way.
- (17) Physical design standards: Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in applicable development regulations of the county. Consult that document for specific requirements.
- (18) Off-street parking and service requirements: Minimum standards for off-street parking and service requirements are contained in the county standard for off-street parking and service facilities (appendix G).
- (19) Other applicable development regulations: Information concerning any other applicable development regulations may be obtained by consulting the zoning administrator.
- (20) Residential structures and non-residential structures designed or intended for human occupancy shall not be allowed to locate any closer than the height of the tower to any existing tower. See Sections 2602 and 2605 of Article 26-Standards for Towers and Wireless Telecommunications Facilities.

## ARTICLE 6 – RESIDENTIAL DISTRICTS

### Section 601: Purpose.

#### R-80 Single Family Residential (minimum lot size – 80,000 square feet)

R-80 zoning districts are intended to establish and preserve quiet, relatively low-density neighborhoods of single-family residences as desired by large number of people. These districts are free from uses which are incompatible with single-family homes.

#### R-40 Single Family Residential (minimum lot size – 40,000 square feet)

R-40 zoning districts are intended to establish and preserve quiet, relatively low-density neighborhoods of single-family residences as desired by large number of people. These districts are free from uses which are incompatible with single-family homes.

#### R-25 Single Family Residential (minimum lot size – 25,000 square feet)

R-25 zoning districts are intended to establish and preserve quiet, relatively low-density neighborhoods of single-family residences as desired by large number of people. These districts are free from uses which are incompatible with single-family homes.

#### R-15 Single Family Residential (minimum lot size – 15,000 square feet)

R-15 zoning districts are intended to establish and preserve quiet, relatively low-density neighborhoods of single-family residences as desired by large number of people. These districts are free from uses which are incompatible with single-family homes.

#### R-8 Single Family Residential (minimum lot size – 8,000 square feet)

R-8 zoning districts are intended to provide locations for single-family dwellings on small individual lots, based on the availability of both public water and public sewerage systems to serve the development. These districts are free from uses which are incompatible with single-family homes.

#### R-2 Two Family Residential (minimum lot size – 15,000 square feet)

R2 zoning districts are intended to establish and preserve quiet, relatively low to medium density neighborhoods of two family residences. These districts are free from other uses which are incompatible with single family homes.

#### R-3 Multiple Family Residential (minimum lot size – 15,000 square feet)

R-3 zoning districts are intended to: 1) encourage the development of land as planned neighborhoods or communities, 2) preserve the natural amenities of the land by encouraging scenic and functional open areas within residential areas, 3) provide for efficient use of land resulting in smaller networks of utilities and streets as well as lower development and housing costs, and 4) provide an environment of stable character which is compatible with surrounding residential areas.

## Section 602: Residential – Principal Uses.

	<b>R80</b>	<b>R40</b>	<b>R25</b>	<b>R15</b>	<b>R8</b>	<b>R2</b>	<b>R3</b>
Boarding House	C						
Cemetery	C,S	C,S	C,S	C,S	C,S	C,S	
Church	C,S	C,S	C,S	C,S	C,S	C,S	C,S
Condominium							P
Day Care Facility	C,S	C,S	C,S	C,S	C, S		
Dwelling, Multiple-family							P
Dwelling, Single-family Detached (Site Built)	P	P	P	P	P	P	P
Dwelling, Two-family						P	P
Golf Course, Tennis Court and Country Club	C	C	C	C	C		
Government: Local, State, Federal	P	P	P	P	P	P	P
Hospice Care Facility	C	C	C	C	C	C	C
Manufactured Home	P	C	C	C			
Nursing Home	C	C	C	C	C	C	C
Personal Care Homes: Family or Group	C,S	C,S	C,S	C,S	C,S	C,S	C,S
Planned Apartment Home Community						P	P
Planned Residential Development	P,S	P,S	P,S	P,S	P,S	P,S	P,S
Recreation Facility (Private)	P,S	P,S	P,S	P,S	P,S	P,S	P,S
School	C	C	C	C	C		
Utility Substations	P	P	P	P	P	P	P

P – Permitted Use.

C – Conditional Use.

S – Supplemental Standards.

**Section 603: Residential – Accessory Uses.**

	<b>R80</b>	<b>R40</b>	<b>R25</b>	<b>R15</b>	<b>R8</b>	<b>R2</b>	<b>R3</b>
Animals (Domesticated Livestock)	P,S	P, S					
Antenna (Non-commercial)	P	P	P	P	P	P	P
Children's Playhouse	P	P	P	P	P	P	P
Deck, Patio, Barbecue Grill, or Other Such Facility	P	P	P	P	P	P	P
Dwelling, Accessory	P,S	P,S	P,S				
Electric Vehicle Charging Stations (Private Use)	P	P	P	P	P	P	C,S
Electric Vehicle Charging Stations (Public Use)							C,S
Fence, Wall, Exterior Lighting Fixture, or Other General Landscaping and Site Development Facility	P	P	P	P	P	P	P
Garage or Carport, Private	P	P	P	P	P	P	P
Garden (Non-commercial)	P	P	P	P	P	P	P
Home Occupation Conducted within an Accessory Building, Excluding Automotive Repair	C	C	C	C	C	C	
Home Occupation Conducted within the Principal Building, Excluding Automotive Repair	P	P	P	P	P	P	P
Laundromat						P	P
Maintenance Building/Shed	P	P	P	P	P	P	P
Sign	P	P	P	P	P	P	P
Swimming Pool and Bath House or Cabana (Private)	P	P	P	P	P	P	P
Temporary Building for Storage of Materials	P	P	P	P	P	P	P
Temporary Occupancy Unit	C	C	C	C	C		
Tennis Court and/or Basketball Facilities (Private)	P	P	P	P	P	P	P

P – Permitted Use.

C – Conditional Use.

S – Supplemental Standards.

**Section 604: Reserved.****Section 605: Reserved.**



## Section 606: Development Standards.

Requirements	R-80	R-40	R-25	R-15	R-8	R-2	R-3
<b>Heated Area (Minimum)<sup>1</sup></b>							
Single Family	975'	975'	975'	975'	975'	975'	975'
Two Family						600'	600'
Multi Family							600'
<b>Lot Size (Minimum)<sup>2</sup></b>	80,000'	40,000'	25,000'	15,000'	8,000'	15,000'	15,000'
<b>Lot Width (Minimum)</b>							
No Water/Sewer	125'	125'	125'	125'	125'	125'	125'
Water/No Sewer	100'	100'	100'	100'	100'	100'	100'
Water/Sewer	80'	80'	80'	80'	70'	80'	80'
<b>Front-yard Setback/With Public Sewer (Min.)</b>						40'/35'	40'/35'
Street or Road, Arterial	80'	80'	80'	80'	80'		
Street or Road, Collector	60'	60'	60'	60'	60'		
Street or Road, Local	40'	40'	40'	40'	40'		
<b>Lots with Multiple Frontage – Setbacks</b>							
<b>Side-yard Setback/With Public Water (Min.)</b>						25'/12' <sup>3</sup>	25'/12' <sup>4</sup>
Street or Road, Arterial	20'	20'	20'	20'	20'		
Street or Road, Collector	15'	15'	15'	15'	15'		
Street or Road, Local	10'	10'	10'	10'	10'		
<b>Rear-yard Setback (Minimum)</b>							
Street or Road, Arterial	20'	20'	20'	20'	20'	25'	25'
Street or Road, Collector	10'	10'	10'	10'	10'	25'	25'
Street or Road, Local	10'	10'	10'	10'	10'	25'	25'
<b>Building Height (Maximum)</b>							
Habitable <sup>5</sup>	35'	35'	35'	35'	35'	35'	35' <sup>6</sup>
<b>Street Frontage (Minimum)<sup>7</sup></b>	30'	30'	30'	30'	30'	60'	60'

<sup>1</sup> Square feet.

<sup>2</sup> Square feet. Lot size as specified by the Bulloch County Health Department, but in no case less than listed. A lot of record lawfully existing at the time of the original passage of this Ordinance (November 4, 1994) and having an area which does not conform to the above standards may be developed with a use which is permitted within the district if approved by the county health department.

<sup>3</sup> Minimum side yard setback shall not apply to the common wall separating the individual dwelling units of a two-family dwelling.

<sup>4</sup> Minimum side yard setback shall not apply to the common wall separating the individual dwelling units of a two-family dwelling or a multi-family dwelling.

<sup>5</sup> This height limit does not apply to projections not intended for human habitation. For building and structures with such projections, the minimum required yards must be increased 1 foot for every 2 feet (or part of 2 feet) of height greater than maximum habitable building height.

<sup>6</sup> Height limit does not apply to projections not intended for human habitation except for satellite, television, and radio antennas, to which this limit does not apply.

<sup>7</sup> No principal building may be erected on any lot which has less than the minimum street footage of immediate frontage on at least 1 public street. For purposes of this provision, the term "frontage" includes the width of an easement to a public street from otherwise land locked property.

- (1) Conversion of dwellings: The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces. Not applicable in R2 and R3 zoning districts.
- (2) Applicability to land and buildings: No building, structure or land may be used or occupied—and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered—unless in conformity with all of the regulations specified for the district in which it is located.
- (3) Every use must be on a lot: No building or structure may be erected or use established unless upon a lot as defined by this ordinance.
- (4) Only one principal building per lot: Only 1 principal building and its accessory buildings may be erected on any lot, except for planned developments or as otherwise provided. Not applicable in the R3 zoning district.
- (5) Open space not to be encroached upon: No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in the ordinance. Shrubbery, driveways, retaining walls, fences, curbs, and buffers (see definition in Article 2) are not considered to be encroachments of yards. Open space areas as required by this ordinance must be permanently maintained as open space in accordance with the requirements of this ordinance.
- (6) Reduction of yards or lot area: Except as otherwise provided in this ordinance, a lot existing at the time of the original passage of this Ordinance (November 4, 1994) may not be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless that reduction or division is necessary to provide land which is needed and accepted for public use.
- (7) Yards and other spaces: No part of a yard, other open space, off-street parking, or loading space required for another building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this Ordinance.
- (8) Substandard lots: When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot of record at the original effective date of this ordinance (November 4, 1994), such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this ordinance are met. Not applicable in the R3 zoning district.
  - a. Adjoining lots in same ownership: When 2 adjoining lots are in the same ownership, they may be utilized as one (1) lot without being replatted.
- (9) Encroachment on public rights of way: No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.
- (10) Physical design standards: Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in the county subdivision regulations.
- (11) Off-street parking and service requirements: Minimum standards for off-street parking and service requirements are contained in the county standard for off-street parking and service facilities (appendix G).

- (12) Other applicable development regulations: Information concerning any other applicable development regulations may be obtained by consulting the zoning administrator.
- (13) Residential structures and non-residential structures designed or intended for human occupancy shall not be allowed to locate any closer than the height of the tower to any existing tower. See Sections 2602 and 2605 of Article 26-Standards for Towers and Wireless Telecommunications Facilities.
- (14) The building and zoning official may authorize a bonus incentive of 15% for increased floor area ratio or net density, provided that the new development meets performance standards and offers amenities according to sections 1212 and 1213 of this appendix.

## **ARTICLE 7 – (RESERVED)**

## ARTICLE 8 – COMMERCIAL AND INDUSTRIAL DISTRICTS

### Section 801: Purpose.

#### Highway Commercial (HC)

HC zoning districts are intended to establish and preserve business areas that are motor vehicle oriented, rather than pedestrian oriented. HC districts provide areas that are convenient and attractive for retail activities, business transactions, and services to the public designed primarily to meet the day-to-day shopping and services needs not only of residents of the county, but of surrounding communities as well. Off-street parking and minimum yards are required. Properties in this district must be located on major arterial roadways.

#### General Commercial (GC)

GC zoning districts are intended to provide adequate space for various types of general commercial business uses, including the retailing of major goods and services of larger scale than allowed in NC districts and other types of more intensive commercial activities involving non-industrial use of chemicals, outdoor displays, sales and storage and establishments that rely on highway-oriented passerby traffic.

#### Neighborhood Commercial (NC)

NC zoning districts are intended to establish and preserve small business areas of a limited nature that serve primarily the residential neighborhood in which they are located. Development standards for NC districts are designed to promote compatibility with the surrounding residential neighborhood. In order to promote such business development so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive or loud noises, vibrations, smoke, glare, heavy truck traffic, or late hours of operation. The intent of this district is also to encourage the concentration of local business areas in locations proposed in the comprehensive plan to the mutual advantage of both consumers and merchants and thereby promote the best use of land at certain strategic locations.

#### Light Industrial (LI)

LI zoning districts are intended to establish and preserve physically and aesthetically desirable areas in which clean, low-intensity manufacturing activities may locate and be protected from the intrusion of incompatible land uses. By having such areas available, both new and existing industries may operate and undertake expansion of facilities with the least possible adverse effect on other types of activities which might be incompatible with manufacturing. The elimination of non-manufacturing activities from LI districts benefits manufacturing activities by removing some possible obstacles to their smooth operation and expansion.

This district is intended for firms that assemble or fabricate manufactured products that are ready for retail sale. Processing of certain types of agricultural products is allowed in this district. Firms that utilize substantial quantities of water in manufacturing are not permitted in this district.

#### Heavy Industrial (HI)

HI - zoning districts are intended to establish and preserve physically and aesthetically desirable areas in which clean, higher intensity manufacturing activities may locate and be protected from the intrusion of incompatible land uses. By having such areas available, both new and existing industries may operate and undertake expansion of facilities with the least possible adverse effect on other types of activities which might be incompatible with manufacturing. The elimination of non-manufacturing activities from HI district benefits manufacturing activities by removing some possible obstacles to their smooth operation and expansion.

**Section 802: Commercial and Industrial – Principal Uses.**

	<b>HC</b>	<b>GC</b>	<b>NC</b>	<b>LI</b>	<b>HI</b>
Adult Entertainment	C	C			
Agriculture				P	P
Airport or Airstrip (public, private, commercial)				C	C
Appliance Repair and Maintenance	P	P		P	P
Asphalt Plant (permanent)					P,S
Automotive Oil Change and Lubrication Shop	P,S	P,S		P,S	
Automotive Repair	C,S			P,S	P,S
Automotive Parts and Accessories Store	P,S	P,S		P,S	
Automotive Sales and Rental Facilities	P,S	C,S		C,S	P,S
Automotive Towing	P,S	C,S		C,S	P,S
Banking	P	P	C		
Bed and Breakfast Inn	P,S	P,S	C,S		
Body Art Studio	C,S	C,S			
Building Material Dealer <sup>1</sup>				P	P
Bus Station / Taxi Service	P	P			
Cemetery	C	C	C		
Church	C	C	P	C	C
Civic and Social Organization	C	C	C		
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance					P,S
Commercial and Industrial Machinery and Equipment Sales and Leasing	P,S	C,S		C,S	P,S
Commercial Vehicle Washing Facility	P,S	C,S		P,S	
Community Center	C	C	C		
Concrete Plant (permanent)					P,S
Contractor	C,S	C,S		P,S	P,S
Day Care Facility	P,S	P,S	C,S		
Display Advertising	P	P		P	P
Drive-Through Facility	C,S	C,S	C,S	C,S	C,S
Drycleaning and Laundry Service	P	P	C	P	P
Dwellings, Multiple-family	C	C	C		
Dwellings, Single-family Detached	C	C	C		
Dwellings, Two-family	C	C	C		
Education or Training Facility	P	P	C	P	P
Facilities to Host Private and Public Functions	C,S	C,S	C,S		
Flea Market	C	C			
Food Processing Facility	C			C	P
Freight Trucking	C,S			C,S	C,S
Funeral Homes and Funeral Service	C	C			
Gasoline Station with Convenience Store	P,S	C,S	C,S		
General Business	C	C	C		
Government: Local, State, Federal	P	P	P	P	P
Grocery Store	P	P	C		
Heavy Manufacturing					C
Home and Garden Equipment Sale, Repair, and Maintenance	C	C		P	P

	HC	GC	NC	LI	HI
Hospice Care Facility	P	P			
Hospital	P	C			
Hotel and Motel	P	P			
Hotel, Extended Stay	C,S				
Inert Landfill	C			C	C
Intermediate Care Home	P	P			
Junk Yard, Salvage Yard, and Auto Wrecking Yard					C,S
Kennel (Commercial)	C,S	C,S		P,S	
Light Manufacturing				C	C
Manufactured Home	C	C	C		
Manufactured Home or Industrialized Homes Dealer	P,S				
Mini-warehouses and Self-Storage Units	C,S			P,S	
Mobile Office	P	P		P	P
More Than One Principal Use and/or More Than One Principal Building on a Single Lot <sup>2</sup>	C	C	C	C	C
Natural Resource Development				C	C
Nursery, Garden Center, and Farm Supply Store	P	P	C		
Nursing Home	P	P			
Office Park	C,S			P	
Outdoor Advertising Sign	P	P		P	P
Outdoor Storage	P,S	P,S			
Parking Lot and Garage	P	P		P	P
Pawn Shop	C,S	C,S			
Personal Care Home: Group or Congregate	P	P	C		
Retail and Commercial Center (Large-Scale)	C,S				
Retail and Commercial Center (Medium-Scale)	C,S	P,S			
Retail and Commercial Center (Small-Scale)	C,S	P,S	P,S		
Pre-fabricated Structure/Building (Other) Dealers	P,S				
Printing/Publishing	P	P		P	P
Radio Station	P	P			
Railroad Transportation					P
Recreation Facility (Commercial)	C,S				
Recreational Vehicle Park and Campground	C,S				
Restaurant	P	P	C		
Sawmill				P	P
School	P	P			
Service Establishments Catering to Industry				P	
Shopping Center	C	C			
Technical and Trade School	P			P	
Tobacco Shop, Vape Shop and Hookah Lounge	C,S				
Tower	C	C	C	C	C
Transfer Station					C
Truck Stop	P			P	
Used Merchandise (e.g., Antique Stores)	P	P	C		
Utility Substations	P	P	P	P	P
Variety Store	C,S	C,S			

	<b>HC</b>	<b>GC</b>	<b>NC</b>	<b>LI</b>	<b>HI</b>
Veterinary Service	P,S			P,S	
Warehousing and Storage	P	P		P	P
Wastewater Pre-Treatment Facility				C	C
Wholesale Operation	P	P		P	P
Wholesale Trade Agent and Broker (Auctions)	P	P			P
Wood Kitchen Cabinet and Countertop Manufacturing	C			P	P

<sup>1</sup> If in LI zoning district, must be entirely enclosed by a fence that is at least six (6) feet high and screens the yard from view.

<sup>2</sup> Except for planned developments. Ownership of individual units on a single lot may be transferred, provided that ground areas remain under common ownership.

P – Permitted Use.

C – Conditional Use.

S – Supplemental Standards.



**Section 803: Commercial and Industrial – Accessory Uses.**

	<b>HC</b>	<b>GC</b>	<b>NC</b>	<b>LI</b>	<b>HI</b>
Customarily Appurtenant to Those Uses Permitted in the District (Determined by the Zoning Administrator)	P	P	P	P	P
Drive-Through Facility	C,S	C,S	C,S	C,S	C,S
Electric Vehicle Charging Stations (Public Use)	C,S	C,S	C,S	C,S	C,S
Fences	P	P	P	P	P
Guard Living Quarters				P	P
ISO Intermodal Steel Container	C	C		P	P
Manufacturing (commercial districts)	P	P			

P – Permitted Use.

C – Conditional Use.

S – Supplemental Standards.

**Section 804: Reserved.****Section 805: Reserved.**

## Section 806: Development Standards.

Requirements	HC	GC	NC	LI	HI
<b>Heated Area (Minimum)<sup>1</sup></b>					
Single Family (per dwelling unit)	975'	975'	975'		
Two-Family (per dwelling unit)	600'	600'	600'		
<b>Lot Area (Minimum)<sup>2</sup></b>					
Private Water and Sewer	30,000'	30,000'	30,000'	1 Acre	1 Acre
Public Water and Sewer	12,000'	12,000'	12,000'	1 Acre	1 Acre
Public Water Only	20,000'	20,000'	20,000'	1 Acre	1 Acre
<b>Lot Width (Minimum)</b>	100'	100'	100'	100'	100'
<b>Front-yard setback (Minimum)</b>	35'	35'	60'	70'	70'
<b>Lots with Multiple Frontage – Setbacks</b>	Corner or double frontage lot – front yard setback requirements apply to all lot lines abutting a street.				
<b>Side-yard Setback (Minimum)</b>					
Interior	15'	15'	15'	15'	30' adjoins HI / 100' adjoins other district
Street	35'	35'	35'		
<b>Rear-yard Setback (Minimum)</b>	15'	15'	35'	25'	35' adjoins LI or HI / 100' adjoins other district
<b>Building Height (maximum)</b>					
Habitable	45'	45'	35'	35'	
Non-Habitable <sup>3</sup>	1' for every 2' greater than 45'	1' for every 2' greater than 45'	1' for every 2' greater than 35'	1' for every 2' greater than 35'	100' <sup>4</sup>
<b>Flag Lot – Road Frontage</b>					
One Flag Lot	500'	500'	500'	500'	500'
Two Flag Lots	1,000'	1,000'	1,000'	1,000'	1,000'
<b>Lot Coverage (Maximum)</b>	80%				
<b>Street Frontage (Minimum)<sup>5</sup></b>	60'	60'	60'	60'	60'

<sup>1</sup> Square feet.

<sup>2</sup> Square feet or as specified by the Health Department.

<sup>3</sup> 1' for every fraction of 2'.

<sup>4</sup> If over 35', a Fire Control Plan must be approved, in writing, by the County Public Safety Director.

<sup>5</sup> No principal building may be erected on any lot which has less than the minimum street footage of immediate frontage on at least 1 public street. For purposes of this provision, the term "frontage" includes the width of an easement to a public street from otherwise land locked property.

- (1) Applicability to land and buildings: No building, structure or land may be used or occupied—and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered—unless in conformity with all of the regulations specified for the district in which it is located.
- (2) Open space not to be encroached upon: No open space may be encroached upon or reduced in any manner, except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in the ordinance. Shrubbery, driveways, retaining walls, fences, curbs, and buffers (see definition in article 2) are not considered to be encroachments of yards. Open space areas as required by this ordinance must be permanently maintained as open space in accordance with the requirements of this ordinance.
- (3) Reduction of yards or lot area: Except as otherwise provided in this ordinance, a lot existing at the time of the original passage of this ordinance (November 4, 1994) may not be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located, unless that reduction or division is necessary to provide land which is needed and accepted for public use.
- (4) Yards and other spaces: No part of a yard, other open space, off-street parking, or loading space required for another building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.
- (5) Substandard lots: When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot at the original effective date of this ordinance (November 4, 1994), such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this ordinance are met.
  - a. Adjoining lots in the same ownership: When 2 adjoining lots are in the same ownership, they may be utilized as one (1) lot without being replatted.
- (6) Encroachment on public rights of way: No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.
- (7) Physical design standards: Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in applicable development regulations of the county. Consult the zoning administrator for specific requirements.
- (8) Off-street parking and service requirements: Minimum standards for off-street parking and service requirements are contained in the county standard for off-street parking and service facilities (appendix G).
- (9) Yards abutting railroads: Side yards and rear yards are not required adjacent to railroad right-of-way.
- (10) Other applicable development regulations: Information concerning any other applicable development regulations may be obtained from the zoning administrator.
- (11) Residential structures and non-residential structures designed or intended for human occupancy shall not be allowed to locate any closer than the height of the tower to any existing tower. See Sections 2602 and 2605 of Article 26-Standards for Towers and Wireless Telecommunications Facilities.
- (12) The building and zoning official may authorize a bonus incentive of 15% for increased floor area ratio or net density, provided that the new development meets performance standards and offers amenities according to sections 1212 and 1213 of this appendix.

**Section 807: Industrial Performance Standards (LI and HI districts only).**

- (1) Automatic screw machine: Permitted only when operated with noise silencers, and when located not less than 300 feet from any zoned residential district.
- (2) Control of noise: Shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness. Noise as measured at the street or property line may not exceed 60 decibels, and must comply with requirements of the County's Code of Ordinances.
- (3) Control of gases, smoke, dust, dirt and fly ash: Such emission shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable health laws as pertaining to air pollution and smoke abatement.
- (4) Control of glare and heat: Glare and heat from arc welding, acetylene torch cutting or similar processes shall be performed behind solid walls or frosted glass adjacent to the structure concerned.
- (5) Safety hazards: The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all governmental rules and regulations.
- (6) Sewage wastes: Industrial sewage wastes shall comply with all applicable requirements of the governing body and the State of Georgia.

## **ARTICLE 9 – (RESERVED)**

## **ARTICLE 10 – MHP MANUFACTURED HOME PARK**

### **Section 1001: Purpose.**

Encourage the development of land as planned manufactured home communities and to provide efficient networks of utilities to service these communities.

### **Section 1002: Boundaries of MHP districts.**

The official map (section 2301 of this ordinance) shows the boundaries of all MHP districts within the county. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

### **Section 1003: Permitted Uses.**

(a) The following principal uses are permitted in MHP districts:

- (1) Manufactured Home (subject to supplemental standards).
- (2) Utility Substations (subject to supplemental standards).
- (3) Community Offices.
- (4) Laundromat.
- (5) Maintenance Building/Shed.
- (6) Recreation Facility (private).

(b) The following conditional uses are permitted in MHP Districts:

- (1) Church (subject to supplemental standards).
- (2) School.
- (3) Day Care Facility (subject to supplemental standards).
- (4) Home Occupation (Residential).
- (5) Golf Course, Tennis Court, and Country Club.

### **Section 1004: Development standards of MHP districts.**

(a) All parks shall meet the following requirements:

- (1) The minimum park size shall be five (5) acres.
- (2) No manufactured home park shall be occupied by a greater number of manufactured homes than authorized in the approved plan submitted pursuant to the requirements of the Bulloch County Manufactured Home Ordinance. No manufactured home park shall be enlarged or extended unless a modification to the original plan has been approved by the planning and zoning commission.
- (3) No manufactured home site permit may be issued unless the park layout has been reviewed and approved by the planning and zoning commission.
- (4) Each manufactured home shall be provided with utility access.
- (5) If located in a flood hazard area, the following additional requirements apply for the new communities:

- a. Manufactured lots must be elevated on compacted fill, or on piers, so that the lowest floor of the manufactured home will be at or above two (2) feet above base flood elevation or if base flood elevation is not determined it shall be three (3) feet above the adjacent property or crown of the road whichever is higher.
- b. Surface drainage must be adequate and a hauler must provide for easy access.
- c. When elevated on piers, lots must be large enough to permit steps: pier foundations must be placed on stable soil no more than ten (10) feet apart and steel reinforcement must be provided for piers more than six (6) feet high.
- d. Existing Manufactured Home Parks which are located in flood hazard areas must take the following actions: install ground anchors and tie downs as provided by law, notify each purchaser, renter or lessee that the manufactured home is located in a flood hazard area, prepare an evacuation plan to be used in case of flood and file it with disaster preparedness authorities in the Public Safety Division.

## **Section 1005: Infrastructure**

- (a) All parks shall meet the following requirements:
  - (1) *Water Supply.* An adequate, safe and potable supply of water shall be provided for the manufactured home. The source of water supply shall be through a community water system. The construction drawings shall be prepared by an engineer licensed in the state of Georgia. Water mains shall provide a minimum flow of water of 500 gallons per minute for four minutes or 250 gallons per minute for two hours at the furthestmost point from the tank. Fire hydrants shall be provided at distances not greater than 1,000 feet from the most distant manufactured home. The water main may be located in the right-of-way but may not be located under the pavement. Water lines three-fourths inch in size shall be stubbed out to each lot before the street is surfaced. The water system shall be a permitted community water system as required by the state of Georgia Safe Water Drinking Act. An approved, signed copy from EPD (Environmental Protection Division) of the water system plans must be submitted prior to final approval. A letter of certification is required from a licensed engineer stating the water system has been installed according to the plans and that it meets the fire flow stated above.
  - (2) *Refuse.* The storage, collection, and disposal of refuse for the manufactured home community shall be so conducted as to prevent health hazards, rodent harborage, or insect breeding areas.
  - (3) *Sanitary Sewage.* If a sanitary sewer is installed in a development, sanitary sewers shall be installed to the plans and specifications approved by and in accordance with the rules and administrative regulations of the County Health Department. When the sewer line is located in a street right-of-way and it will be necessary to cut into the street surface to serve the abutting lots, a connection shall be stubbed-out to the property line to serve each lot prior to surfacing the street.
  - (4) *Sewage Disposal Systems.* Prior to the construction of any community sewage disposal system, such as private septic tanks, an oxidation pond or other facility, the location, size, plans and specifications of such a facility shall be approved by and be in accordance with the rules and administrative regulations of the Board of Commissioners and the County Health Department.
  - (5) *Natural Gas.* Gas lines will not be allowed in a right-of-way.
  - (6) *Lot/Site Drainage.* The ground surface shall be graded and equipped to drain all surface or storm water in a safe, efficient manner.

- (7) *Topsoil.* Topsoil shall not be removed from lots or used as spoil, but shall be redistributed so as to provide at least six inches of cover on the lots and at least four inches of cover between sidewalks and curbs, and shall be stabilized by seeding or planting.
- (8) *Storm Drainage.* An adequate drainage system, including necessary open ditches, pipes, culverts, storm sewers, intersectional drains, drop inlets, bridges and other necessary appurtenances shall be installed by the developer according to plans and specifications approved by the County Engineer.
- (9) *Curb and Gutters.* If concrete curbs or paved valley type gutters are required, they shall be installed in accordance with plans and specifications prepared by an engineer, registered surveyor or architect, and approved by the County Engineer or the Board of Commissioners or its designee.
- (10) *Street Grading and Surfacing.* Street grading, base preparation, and surfacing shall be carried out by the developer according to plans and specifications approved by the County and the Georgia Department of Transportation.
- (11) *Street Name Signs.* Street name signs shall be installed at all intersections within a development. The location and design shall be approved by the Board of Commissioners or its designee.
- (12) *Entrances.* The entrance and exit street(s) shall be designed to provide safe and convenient access between the public street and the community interior street system. At the sketch plan stage, the Planning and Zoning Commission may limit the number of entrances, driveways, or curb cuts. At the preliminary and final plat stages, the zoning official shall coordinate with the County Manager, County Engineer, and Public Safety Director with respect to entrances, driveways, or curb cuts. Design standards on county or state roads shall be consistent with all state, federal, and local laws and applicable ordinances, including the Georgia Department of Transportation Rules and all amendments or revisions in effect as of the date of the preliminary plat approval. At the sketch plan stage, the Planning and Zoning Commission may consider safety as well as require available alternatives for reducing or increasing the number of entrances, driveways or curb cuts.
- (13) *Identification Signs.* An identification sign, including the name of the manufactured home park, and the name of the owner/manager or another designated individual who can act for the owner/manager, measuring not less than ten square feet, and no more than sixteen (16) square feet, shall be placed on private property, close to the entrance of the park and readily visible from both directions of the public right-of-way. Signs may be located within the setback area. Signs shall not exceed a combined total of one hundred fifty (150) square feet per park. The signs may be illuminated.
- (14) *Fencing.* A six-foot high opaque fence shall be erected along all property lines which abut a residential district.
- (15) *Lot Identification.* Each manufactured home lot shall be clearly defined by means of concrete, steel, or iron pipe markers placed at all corners. Lot identification numbers must be clearly visible from the lot to the road accessing it.
- (16) *Recreation Area.* At least two hundred (200) square feet per manufactured home lot shall be developed in one or more locations for community playground and recreation purposes.
- (17) *Sidewalks and driveways.* Sidewalks, walkways, driveways, parking spaces, roads, streets and similar areas on private property shall be kept in proper state of repair and maintained free from hazardous conditions.



(b) Street System:

- (1) In all developments, regardless of size, paving will be required for all streets, including private streets, within the development. All roads inside the development must be paved with either concrete or asphalt approved by the County Engineer and zoning official.
- (2) There shall be a minimum of twenty (20) feet totally unobstructed between the center of any two-way roadway and any manufactured home or accessory building.
- (3) There shall be a minimum of fifteen (15) feet totally unobstructed between the center of any one-way roadway and any manufactured home or accessory building.
- (4) No access roadway shall be located closer than one hundred fifty (150) feet to any public street intersection.
- (5) Parks with less than one hundred (100) feet frontage are only allowed one (1) combination ingress and egress road.
- (6) Roadway intersections within the Manufactured Home Park shall be at least one hundred fifty (150) feet apart.
- (7) All dead-end roadways shall terminate in a cul-de-sac with adequate turn-around room (must be approved by the County Engineer).
- (8) Each site shall be accessible from abutting streets for all essential and emergency uses by vehicular equipment, including equipment used by public protective agencies (i.e., fire, police, ambulance services).
- (9) Traffic control signs (i.e., stop, yield, and speed limit), shall be placed throughout the community where necessary.
- (10) Each street shall have a permanent sign installed with a designated name or number identifying each street. (All street names must be approved by E911 prior to naming the streets).
- (11) Maintenance of streets and parking areas shall be the responsibility of the operator/manager of the Manufactured Home Park; and the same shall be maintained in a condition suitable for emergency vehicle ingress and egress.

(c) Paved Parking:

- (1) Off-street parking areas or on-street parking lanes shall be provided for the use of park occupants and guests.
- (2) Each lot/site shall have a minimum of four hundred (400) square feet of parking to accommodate two (2) automobiles. The four hundred (400) feet shall not be considered a portion of the required lot size for manufactured homes. A minimum of two (2) paved parking spaces shall be provided for each manufactured home. Parking spaces shall be within thirty (30) feet of the manufactured home. All parking spaces within a manufactured home community must also be paved with either concrete or asphalt approved by the County Engineer and zoning official. Paved parking is not required for a Travel Trailer Park or Campground.
- (3) Driveways shall have a minimum width of ten (10) feet.
- (4) All off-street parking areas shall have direct access to an interior street. A direct driveway access shall not be permitted between the manufactured home lot and any exterior street.

**Section 1006: Setbacks.**

(a) No manufactured home shall be located closer than ten feet to any lot line, except that no manufactured home shall be located closer than 20 feet to a right-of-way.

(b) All manufactured homes and all buildings and structures within a Manufactured Home Park shall have a forty (40) foot front setback, from any street or highway, based on an approved survey by a licensed surveyor.

(c) The minimum distance between any two manufactured homes or between any manufactured home and any other building in the park shall be 20 feet. Manufactured homes shall be at least twelve (12) feet from any common building.

(d) Residential structures and non-residential structures designed or intended for human occupancy shall not be allowed to locate any closer than the height of the tower to any existing tower. See Sections 2602 and 2605 of Article 26-Standards for Towers and Wireless Telecommunications Facilities.

**Section 1007: Lot regulations.**

(a) All Manufactured Home Park lots shall have a minimum area of ten thousand square feet.

(b) All manufactured home, travel trailer or campground lots shall front upon a roadway.

(c) A manufactured home shall not cover more than thirty-five percent (35%) of the lot on which it stands.

(d) There shall be no storage of liquid or gas fuels within a Manufactured Home Park, except as authorized by the local fire department or its authorized representative.

(e) No pets shall be sheltered in the crawl space under the manufactured home.

(f) Every Manufactured Home shall be numbered by a means to provide ready visibility from a roadway with three (3) inches in height numbering made of a durable, clearly visible material and shall contrast with the color of the manufactured home. The numbering shall be placed next to the roadway, not more than ten (10) feet away from the road access for the Manufactured Home Park.

**Section 1008: Accessory structures.**

All accessory buildings shall be located in the rear or side yard only. No accessory building shall be located closer than twelve (12) feet from the manufactured home or closer than ten (10) feet from the side or rear lot lines.

**Section 1009: Permit requirements.**

Any Manufactured Home Park owner that allows the placement of a manufactured home without a permit being issued shall be in violation of this ordinance. Such violation can result in a citation being issued to be heard in the Magistrate Court of Bulloch County.

**Section 1010: Owner Responsibilities.**

The owner and/or occupant of the property shall maintain all structures and properties in compliance with the requirements in the Manufactured Home Ordinance Section 9.33 – General Safety and Aesthetic Standards, except as otherwise provided for. A person shall not occupy as owner-occupant or permit another person to occupy premises which does not comply with the requirements of these standards.

**Section 1011: Review Process.**

Manufactured home park developments must submit for review, consideration and approval a Sketch Plan, Preliminary Plat and Final Plat as contained in the Bulloch County Subdivision Ordinance.

**ARTICLE 11 – (RESERVED)**

## ARTICLE 12 – PLANNED UNIT DEVELOPMENTS

### Section 1201: Purpose.

A Planned Unit Development (PUD) is a type of land use planning option that is intended to provide a more flexible approach to permitting unified developments on a larger scale and to encourage the best possible site plans and building arrangements. It is the purpose of the PUD district to encourage the development of compatible land uses within the framework of a master development plan for residential and nonresidential land uses within an environmentally compatible setting. In addition to the natural environment, such developments take into consideration different architectural styles, relative scales of various structures, the network efficiency of streets and utilities, and the larger community setting, and the goals and objectives of the Bulloch County Comprehensive Plan.

### Section 1202: Definitions.

(a) The definitions set forth in Article 2 of this appendix shall apply to this article. In addition, for the purposes of this article, the following terms shall have the meanings given in this section:

- (1) *Master development plan.* A written and graphic submission for a planned development which represents a tract of land, proposed subdivision, the location and bulk of buildings and other structures, density of development, public and private streets, parking facilities, common open space, public facilities and all covenants relating to use thereof. The master development plan is submitted in conjunction with a rezoning application for the PUD district.
- (2) *Open space.* Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common ownership and use by the residents of the developments and may include complementary structures and improvements as are necessary and appropriate.
- (3) *Residential land uses.* Any variety of residence types as permitted within respective separately zoned areas of the PUD, and as shown on the approved master development plan.
- (4) *Nonresidential land uses.* Those designated areas which are not residential land uses, which includes but is not limited to: commercial or industrial zoned land, common open space, private streets, drives, service and parking areas, recreation and other open space areas.
- (5) *Ownership types.* These include all types of residential development including, but not limited to, single-family, duplex, apartments, townhouses, rental, such that ownership may be fee simple, lease purchase, leased or rented, and common ownership of open spaces, recreation facilities, streets and parking areas.
- (6) *Net land area.* The area calculated in terms of net acres, or the land devoted to residential, commercial or industrial use exclusive of streets, rights-of-way, flood hazard areas and public lands.
- (7) *Maximum allowable net density.* The total number of dwelling units or housing structures per unit of land based on the net land area.
- (8) *Preliminary concept plan.* A preliminary plan of the proposed planned development, of sufficient accuracy to be used for purpose of reviewing the proposed land uses and general layout.
- (9) *Comprehensive land use plan.* The comprehensive long-range plan containing policies to guide the growth and development of Bulloch County, which includes the analysis, recommendations and proposals for the county's population, economy, housing, transportation, community facilities and land use.

- (10) *Professional consultant.* The person who is a registered and or certified engineer, architect or planner who prepared the plan, within the scope of their respective legal responsibilities.
- (11) *Zero Lot Line.* A development concept that allows a setback for: 1) a single family detached dwelling, where the dwelling is situated on a side property line that is common to another parcel; 2) a two-family, multifamily or other attached dwelling, where the duplex that is constructed and intended to be divided, thereby creating two zero lot line dwellings. For single family detached dwellings, a copy of proposed deed restrictions, conditions, or covenants, providing a maintenance easement of at least four (4) feet in width, which will allow for the maintenance of exterior dwelling walls facing a zero setback line, and a requirement that dwelling walls facing a zero setback be windowless. Zero side yard lot requirements are not applicable to accessory buildings.

### **Section 1203: Boundaries of PUD districts.**

The official map (section 2301 of this ordinance) illustrates the boundaries of all PUD districts within the county. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

### **Section 1204: Types of PUD Districts permitted.**

(a) Planned Residential Development (PUD-1): This is a planned development concept that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas. A mix of residential dwelling unit types is also desirable in this concept to promote a balanced community. Innovative concepts such as zero lot lines, townhouse-condominiums, traditional neighborhoods, villages, cluster-type or conservation subdivisions are encouraged.

(b) Planned Mixed Use Development (PUD-2): This is a planned development concept that calls more than one type of use in a building or set of buildings, including some combination of residential and selective non-residential uses such as commercial, office and institutional uses.

(c) Planned Business Center Development (PUD-3): This is a planned development concept for commercial, office, institutional and light industrial centers typically concentrated at or readily accessible to major arterial roads. This concept shall have a building composition with a unified architectural style and is planned, developed, analyzed as a unit, related in location, size and type of business establishments to the trade area that the unit serves.

### **Section 1205: General criteria.**

(a) A PUD shall be defined as having a minimum area of twenty (20) acres.

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

(c) A PUD shall be located on roads with a minimum classification or status of Major collector.

### **Section 1206: Review criteria.**

(a) Relationship of the proposed PUD to the Bulloch County Comprehensive Plan and Future Land Use Map.

(b) Adequacy and arrangement of vehicular traffic access, convenience, safety and design.

(c) Adequacy and arrangement of pedestrian traffic access, convenience, safety and design.

- (d) Location, arrangement, appearance and sufficiency of off-street parking and loading.
- (e) Location, arrangement, size and placement of buildings(s), lighting and signs.
- (f) Arrangement of landscape features and buffer areas.
- (g) Adequacy of water, wastewater and stormwater management facilities.
- (h) Adequacy of structures and roadways in areas with moderate to high susceptibility to flooding, ponding or erosion.
- (i) Preservation of architectural, scenic, historic or natural areas.

#### **Section 1207: Master Development Plan approval.**

(a) The application for approval of a PUD master development plan is treated as an application for an amendment to this ordinance (rezoning), and thus shall follow the procedures contained in section 414 and 2302 of this ordinance. The applicant shall submit with other materials in an application for zoning map amendment the following exhibits:

- (1) A statement of objectives that describes the following:
  - a. The general purpose and character of the proposed development including types and uses.
  - b. Tables or calculations illustrating conformance with PUD performance development standards.
  - c. A table of projected building sizes by land use.
  - d. A proposed phasing schedule for each area or development pod.
  - e. A description of water, wastewater, and stormwater facilities to be provided.
  - f. Any special studies recommended or required by the county staff development review committee.
- (2) A master plan sketch map drawn to approximate scale showing proposed street networks, land uses, open spaces, buffers, lot sizes and building footprints, parking areas (non-residential only) and phasing areas or development pods.

(b) The proposed PUD may depart from strict conformance with the requirements of zoning and subdivision requirements to the extent specified in the master development plan and documents authorizing the PUD so long as tangible benefits are provided to the neighborhood or community in which it is located. These benefits shall be in the form of provisions of exceptional amenities, design excellence, etc. The waiver of any requirement shall be the direct cause of accrual of positive benefits to the residents of the development as well as to the general community (e.g., waiver of yard requirements might result in more usable open space). Departure from any requirement specified in this ordinance or other County ordinances and regulations is a privilege, and shall be granted only upon recommendation of the Planning and Zoning Commission and approval by the Board of Commissioners, as applicable in this article.

#### **Section 1208: Final Development Plan approval.**

(a) If the rezoning approval for the PUD is granted, the applicant shall submit a conceptual site plan for each phase or pod of development, as prescribed in Section VIII of the Bulloch County Subdivision Regulations, to the Planning and Zoning Commission. The applicant shall also submit with other materials in an application for final development plan approval the following exhibits:

- (1) An illustration on the conceptual site plan where open space, landscaping and buffers will be located.

- (2) An illustration on the conceptual site plan showing the delineation and layout of proposed residential and non-residential areas by mix or type including location by land use, building unit types, total number of building units, and total number of lots,
- (3) An illustration on the conceptual site plan showing the proposed layout and dimensions of lots within each proposed phasing area or development pod.
- (4) A statement describing the general substance of proposed covenants, grants, easements (except for utility easements) or other restrictions to be imposed on the use of land buildings or structures, including what open space or common interest elements will be dedicated and maintained by a homeowner's association or similar conduit.
- (5) A statement with tables or calculations illustrating conformance with PUD performance standards and consistency with the approved master development plan.
- (6) A request for minor modifications from the requirements of the approved PUD master development plan, if any, [for] the applicable phasing area or development pod being requested.

(b) The Planning and Zoning Commission may approve proposed minor modifications by the applicant to the master development plan during conceptual site plan review provided that such modifications meet any approved zoning conditions or the general intent of development standards of this section or ordinance as a whole. Upon subsequent approval by the Planning and Zoning Commission, subsequent minor changes or deviations from the approved Conceptual Site Plan which do not affect the intent or character of the development shall be reviewed by the Planning Director. Minor changes may include, but are not limited to:

- (1) Change in alignment, location direction, or length of a local street.
- (2) Adjustments, shifts or transfer, not resulting in increased overall density or land use intensity.
- (3) Reorientation or slight shifts in building locations.

(c) No land disturbing activity permit shall be granted for any portion of a proposed PUD until the final development plan has been approved. No final plat or building permit shall be granted until the appropriate local, state or federal agencies shall approve all proposed lot size reductions for on-site, public, or community sewerage.

#### **Section 1209: Amendment of a Planned Unit Development.**

Any proposed major and substantial change in the approved master development plan which affects the intent and character of the development, rearrangement of lots, the density or land use pattern, the location or dimensions of arterial or collector streets, or similar substantial changes, shall be reviewed by the Board of Commissioners in the same manner of the initial zoning application. A request for an amendment of the PUD master development plan shall be supported by a written statement and by revised sketch plans or maps.

#### **Section 1210: Planned Unit Development time limitations.**

If substantial construction, as determined by the Planning Director, has not begun within two (2) years after approval of the PUD, the approval of the PUD will expire. The Planning Director may extend the period for beginning construction, at the request of the owner for not more than 3 months after approval of the final development plan. If the PUD expires under this provision, the Planning Director shall petition the Board of Commissioners for the PUD district to be removed from the official zoning map and to reinstate the zoning district which was in effect prior to the approval of the PUD. The Board of Commissioners shall hold a public hearing on the Planning Director's petition to amend the map in accordance with Section 409. It shall not be necessary for the Planning and Zoning Commission to make

a recommendation on the Planning Director's petition to amend the map because of an expiring PUD prior to the Board of Commissioners making a final decision on said petition.

### Section 1211: Permitted Uses.

All uses not permitted within PUD districts by this section are specifically prohibited, except as may be allowed by other provisions of this ordinance.

Use	PUD-1	PUD-2	PUD-3
Accessory Uses (incidental to principal uses)	P	P	P
Banking		P	P
Church	P		
Day Care Facility	P	P	P
Dwelling, Multiple-family	P	P	
Dwelling, Single-family Detached	P	P	
Dwelling, Two-family	P	P	
Golf Course, Tennis Court and Country Club	P	P	P
Government: Local, State, Federal	P	P	P
Hotel and Motel		P	P
Light Manufacturing (no outdoor storage)		P	P
Office Park		P	P
Open Space	P	P	P
Professional Office		P	P
Research and Technology Park		P	P
Restaurant and Service Establishment (serving the development)		P	P
School	P	P	P
Security Service, Private (serving the development)	P	P	P
Shopping Center		P	P

### Section 1212: Development Performance Standards.

The following performance standards set forth criteria by which the design, bulk, area and location of buildings shall be evaluated upon that place the responsibility for sound design upon the applicant based on the PUD concept selected.

Standard	PUD-1	PUD-2	PUD-3
Floor Area Ratio (non-residential) (max.)		70%	70%
Floor Area Ratio (residential) (max.)	30%	30%	
Impervious Surface Ratio (max.)	30%	50%	70%
Net Density Per Acre (w/o approved sewer) (max.)	2.0	2.0	
Net Density Per Acre (with approved sewer) (max.)	10.0	10.0	
Open Space Ratio (min.)	20%	25%	25%

Formulas for calculating density and land use intensity ratios:  
*Floor Area Ratio* = Gross Floor Area of a Structure / Lot Size  
*Impervious Surface Ratio* = Total Area of all Impervious Surfaces / Net Buildable Area  
*Net Buildable Area* = Total Land Area of Tract – Right-of Ways, Easements and Open Space  
*Net Density Ratio* = Proposed Number of Dwelling Units / Net Buildable Area  
*Open Space Ratio* = Total Amount of Open Space / Net Buildable Area

### Section 1213: Bonus Incentives.

The following bonus incentives shall be granted beyond the performance standards if the applicant provides a single amenity or combination of amenities below. The amount of the bonus incentive shall



not exceed 15%.

<b>Amenity</b>	<b>Density</b>	<b>Floor Area Ratio</b>	<b>Parking Space Ratio Reduction</b>	<b>Specifics</b>
Electric Vehicle Charging Station, Public Use	5%	5%	5%	Minimum of five (5) charging station per development but not more than fifteen (15) maximum.
Open Space	5%	5%	5%	Permanent open space used for passive recreation or resource protection that is freely accessible to users of the site.
Pedestrian Sidewalk System	5%	5%	5%	A comprehensive system linking uses and building sites.
Recreational Facility	5%	5%	5%	Jogging or walking trails, clubhouse, swimming pool or other facility serving the site.
Public Use Site (as determined by the County needs)	5%	5%	5%	Dedication of one acre site or more for future law enforcement, fire, emergency medical services, or other essential facilities.
Public Pedestrian Plaza	5%	5%	5%	An open area with benches, landscaping, monuments or public art.

**ARTICLE 13 – (RESERVED)**

## **ARTICLE 14 – SUPPLEMENTAL STANDARDS FOR SPECIFIC USES**

### **Section 1401: Purpose.**

The purpose of this article is to establish supplemental standards for specific uses and activities that are permitted or conditionally permitted in several or all districts. These standards intend to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public.

### **Section 1402: Applicability.**

Each land use and activity covered by this article shall comply with the requirements of the section applicable to the specific uses or activities, in addition to any applicable standard required in the base or overlay district where the use or activity is proposed. Prior to a certificate of occupancy being issued, proof of the following must be submitted to the Administrative Officer:

- (a) Except for single-family and two-family residential developments, a contract or subscription with a private waste hauler is required.
- (b) The facility must meet all building, fire safety, health and safety and local tax compliance codes.
- (c) A right-of-way encroachment permit shall be applied for with the County Engineer's Office for approval of driveway access, design and construction.
- (d) Upon completion of forty (40) percent of a residential planned development, any required amenities shall be completed or installed.

### **Section 1403: Accessory Uses.**

- (a) They may not be located closer than ten (10) feet to any property line in AG5, R80, R40, R25, R15, and R8 zoning districts or five (5) feet in R2, R3, PUD, HC, GC, NC, LI and HI zoning districts; however, this requirement does not apply to fences.
- (b) Accessory buildings not attached to the principal building must be located at least twelve (12) feet from the principal building on the lot.
- (c) They must be located in the rear or side yard; however, this requirement does not apply to fences. Not applicable in HC, GC, LI and HI zoning districts. Also, not applicable to lots of 5 acres or more in the AG-5 zoning district.
- (d) Accessory structures shall not be erected on a lot prior to the construction of the principal structure.
- (e) Accessory structures shall not be used as a dwelling unit, except as provided in Section 1404 which sets forth standards for accessory dwellings.

### **Section 1404: Accessory Dwellings**

- (a) Accessory dwellings include, but are not limited to, site-built constructed structures including basement apartments, garage apartments, caretaker or other employee quarters, guesthouses, and other accessory dwellings.
- (b) Accessory dwellings are permissible within the principal dwelling or as a freestanding dwelling in the following zoning districts: AG5, R80, R40, and R25 provided it is in a planned residential subdivision.
- (c) There shall be no more than one (1) accessory dwelling unit per lot. Accessory dwellings contained within a principal dwelling shall comply with the following standards:
  - a. There shall be no more than one (1) accessory dwelling in a principal dwelling unit.
  - b. The accessory dwelling shall not exceed twenty-five (25) percent of the habitable floor area of the principal dwelling.
  - c. One (1) additional off-street parking space shall be provided to serve the accessory dwelling.

- d. The accessory dwelling shall comply with all building and health code standards.
- (c) Freestanding accessory dwellings shall comply with the following standards:
  - a) The accessory dwelling unit may be located in a second floor over a detached garage or may be a separate structure.
  - b) The accessory dwelling shall be located only within the side or rear yard.
  - c) Façade materials shall be identical to the principal structure.
  - d) The lot shall comply with the minimum lot area standards set forth in Section 606.
  - e) One (1) additional off-street parking space shall be provided to serve the accessory dwelling unit.
  - f) An accessory dwelling located in the AG5 district shall be 750 (conditioned space) square feet or greater but shall not exceed sixty (60) percent of the primary structure square footage up to 1,500 square feet, whichever is less.
  - g) Accessory Dwellings located in residential districts shall be 750 (conditioned space) square feet or greater but shall not exceed sixty (60) percent of the primary structure square footage up to 1,200 square feet, whichever is less.

**Section 1405: Animals (Domesticated Livestock).**

- (a) Horses, cows, pigs, ponies, donkeys and other domestic livestock may be kept, raised or bred for home use and enjoyment shall be allowed on tracts of two acres or more, but limited to one animal per acre.
- (b) Buildings or other structures which are located in residential districts and are used to accommodate or restrain animals noted in this section shall be located no less than 50 feet from all property lines and no less than 250 feet from any residence.
- (c) 4' landscape buffer width and fence from the rear of the primary building along the side and rear parcel boundaries or; a wall, or 100% opaque fence
- (d) The keeping, breeding, or training of any animals or fowl for monetary gain or profit shall be deemed a commercial business and is expressly prohibited in all residential districts except where such operations may qualify as a home occupation.
- (e) The killing, slaughtering and/or butchering of livestock, fowl or other domestic or farm animals, whether for personal consumption or for resale or gift, is expressly prohibited in all residential districts
- (f) Residential Fowl Restrictions
  - a. No more than 8 hens shall be kept on a residential lot as a non-commercial accessory use
    - i. Residential lots greater than 8 acres may keep one additional hen per every whole acre over 8 acres.
  - b. No rooster shall be kept upon the property.

**Section 1406: Asphalt or concrete plant (temporary or permanent).**

- (a) All buildings or structures shall be 1,000 feet from any residence.
- (b) Minimum lot size of 5.0 acres.
- (c) The buffer width shall be 2.0 times the minimum required with an approved fence, wall or berm.
- (d) Access shall only be from an arterial road.
- (e) Hours of operation are limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.
- (f) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (g) An operation plan containing the following information shall be submitted as part of the application for conditional use:
  - 1) Date of commencement of the operation and its expected duration.

- 2) A description of the method of operation, including a description of the equipment to be used in the manufacturing process and transport of materials.
- 3) A traffic impact study shall be submitted as part of the application for conditional use approval identifying any state or county-maintained road or bridge within or adjacent to the property, and shall state any repaving, alterations, turning lanes, signalization, or other road additions or improvements necessary to accommodate the potential increase of traffic volume or weight occasioned by the proposed operations.

**Section 1407: Automotive sales and rental facilities, and commercial and industrial machinery and equipment sales and leasing facilities.**

- (a) Buildings or structures shall be 250 feet from any residence.
- (b) Minimum lot size of 1.0 acre for automotive sales and rental facilities.
- (c) Minimum lot size of 3.0 acres for commercial and industrial machinery and equipment sales and leasing facilities.
- (d) The buffer width shall be 2.0 times the minimum required with an approved fence, wall or berm.
- (e) Minimum road frontage of 200 feet.
- (f) Access shall only be from an arterial road.
- (g) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (h) Temporary or portable structures for offices or storage is prohibited.
- (i) Service bays with overhead doors shall not face a public road (unless provisions are made for screening them, or there is no reasonable alternative).
- (j) Vehicles and equipment not on display but approved for repair or service shall be parked and stored on a paved asphalt or concrete surface in a fully screened location on the rear or side lot with an opaque wall or fence, or within a building.
- (k) Vehicles and equipment areas shall not encroach a buffer area or a public right-of-way and segregated from employee or service area parking.
- (l) Adequate access and circulation space must be allocated, specifically identified on a site plan, and reserved on the site for the unloading of vehicles and equipment brought to the site by carriers.
- (m) All accessory merchandise shall be displayed and sold indoors.
- (n) All service work, maintenance and repair and vehicle washing shall be conducted in an enclosed building that is a permanent structure.

**Section 1408: Automotive repair, and automotive oil change and lubrication shop.**

- (a) Buildings or structures shall be 250 feet from any residence.
- (b) Minimum lot size of 1.0 acre.
- (c) Hours of operation are limited to 7:00 a.m. to 9:00 p.m.
- (d) Minimum road frontage of 200 feet.
- (e) Access shall only be from an arterial road.
- (f) All service work, maintenance and repair, sales of accessory merchandise, body work, and vehicle washing shall be conducted in an enclosed building that is within a permanent structure.
- (g) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (h) Temporary or portable structures for offices or storage is prohibited.
- (i) Service bays with overhead doors shall not face a public road (unless provisions are made for screening them, or there is no reasonable alternative).
- (j) Outside storage of parts, supplies and junk, or parking of non-operable vehicles or vehicles with body damage is prohibited.

- (k) Vehicles and equipment approved for repair or service shall be parked and stored on a paved asphalt or concrete surface in a fully screened location on the rear or side lot, or within a building. They shall not encroach a buffer area or a public right-of-way, and be segregated from employee or service area parking.
- (l) Adequate space must be allocated, specifically identified, and reserved on the site for the unloading of vehicles and equipment brought to the site by carriers.
- (m) Vehicles for sale, limited to three, shall be parked in designated parking spaces that do not encroach buffers or in public right of ways.

**Section 1409: Bed and breakfast inn.**

- (a) Minimum lot size of 1.0 acre.
- (b) Minimum building size shall be 4,000 square feet, with a maximum of 8,000 square feet.
- (c) Minimum of 4 guest rooms, and a maximum of 8 guest rooms.
- (d) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (e) One name plate sign is allowed for the establishment limited to sixteen (4) square feet.
- (f) The establishment must be a permanent residence for the owner.
- (g) Food service shall be limited to breakfast only, which shall be served only to guests taking lodging. Guest rooms shall not contain cooking facilities.
- (h) Cooking shall be done in a central kitchen for overnight guests only. Food preparation and service shall comply with all requirements of the County Health Department.

**Section 1410: Boarding house.**

- (a) No new establishment shall be located within 1.0 mile of an existing establishment measured across a straight line from property line to property line.
- (b) Minimum lot size of 2.0 acres.
- (c) Outdoor play or passive recreation areas shall be provided in a rear or side yard consisting of 50 square feet per person, and shall be enclosed by a solid wall or fence at least six feet in height.
- (d) No basement, attic, or accessory building shall be used for boarding house purposes.
- (e) Parking shall be in the side or rear yard, and shall be 25 feet from any property line.
- (f) No room shall be occupied as a sleeping room by any person unless there are at least 120 square feet of bedroom space, exclusive of wardrobe and closet space, for each and every person occupying any such room.
- (g) All sleeping quarters shall be served by working heating and cooling facilities and a bed with a mattress for each registered occupant.
- (h) Cooking shall be done in a central kitchen for overnight guests only. Food preparation and service shall comply with all requirements of the County Health Department.
- (i) At least one flush water closet, lavatory basin, and bathtub or shower, connected to a water and sewerage system and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a home. All such facilities shall be located within the dwelling so as to be accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.

**Section 1411: Building Material Dealers.**

- (a) Buildings or structures, including parking, circulation and storage areas shall be 250 feet from any residence.
- (b) The buffer width shall be 2.0 times the minimum required with an approved fence, wall or berm.
- (c) Access shall only be from an arterial road.

- (d) Use of sound amplification devices is prohibited.
- (e) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (f) Temporary or portable structures for offices or storage is prohibited.
- (g) Storage areas shall be fully enclosed with a fence or a wall and not used as a retail sales area.
- (h) Adequate access and circulation space must be allocated, specifically identified on a site plan, and reserved on the site for the unloading of vehicles and equipment brought to the site by carriers.
- (i) Merchandise displayed shall be stored in a fully screened location on the rear or side lot with an opaque wall or fence, or within a building.

#### **Section 1412: Cemeteries.**

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

#### **Section 1413: Church or place of worship.**

- (a) It must be located on either an arterial or collector road.
- (b) The lot must have a minimum road frontage of 200 feet (except in a MHP district).
- (c) No church building shall be located within 100 yards of any establishment that has been licensed for the sale or consumption of alcoholic beverages. For purposes of this subsection, distance shall be measured by the most direct route of travel on the ground.
- (d) In R80, R40, R25, R15, R2, R3 and MHP districts, the lot must have an area of at least two and one-half (2½) acres, unless a cemetery is adjacent then five (5) acre lot size is required.
- (e) In R80, R40, R25 and R15 districts, off street parking shall be provided as set forth in the parking section of this ordinance.
- (f) Setbacks for churches (where no cemetery is developed).

Setback	R80, R40, R25	R15, R8	R2, R3	MHP	HC, GC, NC	AG5
Front Yard: Arterial Street / Collector Street	80'/70'	70'/60'	60'/50'	80'/70'	50'	100'
Side Yard	150'	150'	150'	150'	50'	50'
Rear Yard	60'	50'	50'	60'	50'	50'

#### **Section 1414: Commercial Cryptocurrency Mining Operation.**

- (a) Prior to approval of the certificate of completion or occupancy, the applicant shall provide written verification from the electrical service provider stating the following:
  - 1) Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the service area is consistent with the

normal projected load growth envisioned by the provider.

- 2) Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.
  - 3) The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.
- (b) Prior to approval of the certificate of completion or occupancy, the applicant shall provide the County with written verification that the electrical work has passed a third-party final inspection.
  - (c) All principal and accessory structures used for cryptocurrency mining operations, server farms, and/or data centers, shall be arranged, designed and constructed to be harmonious and compatible with the site and with the surrounding properties. If pre-fabricated, pre-engineered or modular structures are installed, the following standards are required:
    - 1) All structures shall have concrete foundations.
    - 2) All exterior facades shall have muted earth tone colors, and shall not be defective, decayed or corroded.
    - 3) If intermodal shipping containers are utilized such installation shall comply with the requirements of the most recent edition of Industrialized Building Rules and Bulletins of the Georgia Department of Community Affairs.
  - (d) The operations shall not cause the dissemination of vibration or noise in excess of the maximum environmental noise level established by Bulloch County Code of Ordinances Chapter 10, Article VI. The operators shall not cause, allow, or permit the operation of any source of sound which creates at an occupied residential building or defined sensitive receiver, as may exist at the time of the issuance of a certificate of completion or occupancy, a sound level that exceeds a daytime continuous sound level of 50 dBA or a nighttime continuous sound level of 45 dBA, for any 15-minute measurement interval unless otherwise permitted.
  - (e) The operators shall not cause, allow, or permit the operation of any source of sound which creates a pure tone where the one-third ( $\frac{1}{3}$ ) octave band sound pressure level in the band of interest exceeds the arithmetic average of the sound-pressure levels for the two adjacent one-third octave bands by the corresponding decibel (dB (Flat)) values as follows:
    - 1) 5 dB for center frequencies of 500 Hertz and above,
    - 2) 8 dB for center frequencies between and including 160 and 400 Hertz, and
    - 3) 15 dB for center frequencies less than or equal to 125 Hertz.
    - 4) A pure tone shall be deemed present by measurement.
  - (f) For permitting and compliance purposes, measurements shall be performed using a calibrated Type 1 Sound Level Meter, configured to log and record 1/3 octave flat-weighted equivalent sound pressure levels, and A-weighted equivalent level (Leq), slow time weighting, with a 15-minute averaging interval. Measurements shall be made proximate to, but no closer than, 100' from an occupied residential structure or other designated sensitive receiver. Transient background sounds must be excluded from the measurement period by post-processing or other means. Compliance is indicated if the noise solely generated by the operator cannot be discriminated from the equivalent-continuous background sound pressure level, or if the noise levels solely generated by the operator otherwise conform to the requirements of Section e and Section f.
  - (g) Prior to the issuance of a certificate of completion or occupancy, a report with noise level test results shall be submitted for approval by the applicant from a qualified acoustical professional for the purpose of demonstrating compliance.
  - (h) A noise reduction barrier or device may be required at the discretion of the Zoning Administrator when it is conclusive that noise level tests do not conform to sections e. and f.



- (i) Terminology as used herein related to acoustic levels and measurements follow American National Standard ANSI S12.9: "Quantities and Procedures for Description and Measurement of Environmental Sound – Part 1: Basic Quantities and Definitions," and ANSI S12.9: "Quantities and Procedures for Description and Measurement of Environmental Sound. Part 3: Short-term measurements with an observer present".
- (j) The limitations of Section e and Section f herein shall not apply to any residential or sensitive receiver that is established after the date of issuance of a certificate of completion or occupancy for the applicant's operation.
- (k) The equipment used in any Commercial Cryptocurrency Mining operation shall be housed in a metered electrically grounded and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that will automatically close in the event of fire independent of a possible electric system failure.
- (l) Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be carried on in such a manner that it is not perceptible at or beyond the property line.
- (m) Any use of cargo containers or ISO shipping containers or similar as housing, whether horizontally combined or independent of other structures for the commercial cryptocurrency mining operation, shall not be vertically combined to exceed a height greater than nine (9) feet.
- (n) Each Commercial Cryptocurrency Mining operation shall provide a 24-hour emergency contact signage visible at the access entrance. Signs shall include company name if applicable, owner/representative name, telephone number, and corresponding local power company and telephone number.
- (o) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (p) The buffer width shall be 4.0 times the minimum required with an approved fence, wall or berm.
- (q) Any Commercial Cryptocurrency Mining operation that is not operated for a continuous period of 12 months and for which there are no applications pending for permitted use of the structure at the end of such 12-month period, shall be considered abandoned, whether or not the owner or operator intends to make use of the device(s). The owner of an abandoned server farm or data center, and the owner of the property where the abandoned server farm and data center are located shall be under a duty to remove such facilities. If such facilities are not removed within a reasonable time, not to exceed three months, after receipt of notice from the governing authority notifying the owner(s) of such abandonment, the governing authority may remove such facilities and place a lien upon the property for the costs of removal. The governing authority may pursue all legal remedies available to it to ensure that abandoned device(s) are removed. Delay by the governing authority in acting shall not in any way waive the governing authority's right to act.

**Section 1415: Commercial vehicle washing facilities.**

- (a) Supplemental standards for drive-through facilities shall be observed in addition to the standards below.
- (b) Principal and accessory uses must be 100 feet from a public right-of-way.
- (c) The buffer width shall be 2.0 times the minimum required with an approved fence, wall or berm.
- (d) If the facility is an accessory use, the facility must comply with building setbacks for a principal use.
- (e) The number of washing and drying/detailing bays shall be limited to 10.
- (f) Vehicle washing activities other than drying must occur inside a building or bay.

- (g) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (h) Where public sanitary sewer is available, wastewater must be filtered, recycled, or otherwise cleansed to minimize the discharge of soap, wax and solid matter into public sewers.
- (i) Temporary or portable structures for offices or storage is prohibited.
- (j) At all times solid waste generated must be contained and disposed of in an approved on-site solid waste container.
- (k) Automated drive-through wash facilities shall have a by-pass lane for passing vehicles.
- (l) The operations shall not cause the dissemination of vibration or noise in excess of the maximum environmental noise level established by Bulloch County Code of Ordinances Chapter 10, Article VI. The operators shall not cause, allow, or permit the operation of any source of sound which creates at an occupied residential building or defined sensitive receiver, as may exist at the time of the issuance of a certificate of completion or occupancy, a sound level that exceeds a daytime continuous sound level of 50 dBA or a nighttime continuous sound level of 45 dBA, for any 15-minute measurement interval unless otherwise permitted.
- (m) The operators shall not cause, allow, or permit the operation of any source of sound which creates a pure tone where the one-third ( $\frac{1}{3}$ ) octave band sound pressure level in the band of interest exceeds the arithmetic average of the sound-pressure levels for the two adjacent one-third octave bands by the corresponding decibel (dB (Flat)) values as follows:
  - a. 5 dB for center frequencies of 500 Hertz and above,
  - b. 8 dB for center frequencies between and including 160 and 400 Hertz, and
  - c. 15 dB for center frequencies less than or equal to 125 Hertz.
  - d. A pure tone shall be deemed present by measurement.
- (n) For permitting and compliance purposes, measurements shall be performed using a calibrated Type 1 Sound Level Meter, configured to log and record 1/3 octave flat-weighted equivalent sound pressure levels, and A-weighted equivalent level (Leq), slow time weighting, with a 15-minute averaging interval. Measurements shall be made proximate to, but no closer than, 25' from an occupied residential structure or other designated sensitive receiver. Transient background sounds must be excluded from the measurement period by post-processing or other means. Compliance is indicated if the noise solely generated by the operator cannot be discriminated from the equivalent-continuous background sound pressure level, or if the noise levels solely generated by the operator otherwise conform to the requirements of Section e and Section f.
- (o) Prior to the issuance of a certificate of completion or occupancy, a report with noise level test results shall be submitted for approval by the applicant from a qualified acoustical professional for the purpose of demonstrating compliance.
- (p) A noise reduction barrier or device may be required at the discretion of the Zoning Administrator when it is conclusive that noise level tests do not conform to sections e. and f.
- (q) Terminology as used herein related to acoustic levels and measurements follow American National Standard ANSI S12.9: "Quantities and Procedures for Description and Measurement of Environmental Sound – Part 1: Basic Quantities and Definitions," and ANSI S12.9: "Quantities and Procedures for Description and Measurement of Environmental Sound. Part 3: Short-term measurements with an observer present".
- (r) The limitations of Section e and Section f herein shall not apply to any residential or sensitive receiver that is established after the date of issuance of a certificate of completion or occupancy for the applicant's operation.

#### **Section 1416: Contractor.**

- (a) Buildings or structures shall be 250 feet from any residence.
- (b) Minimum lot size of 1.0 acre.

- (c) Service bays with overhead doors shall not face a public road (unless provisions are made for screening them, or there is no reasonable alternative).
- (d) All maintenance and repair work shall be conducted within an enclosed building.
- (e) Vehicles, parts and implements, and any equipment associated with the establishment shall be stored within a building, or in a side or rear yard of the lot, fully screened from view of all public roads and nearby properties via buildings and/or a solid, opaque wooden fence or masonry wall at least six feet in height.
- (f) All outdoor surfaces where vehicles are parked or stored or where parts, implements, or any equipment associated with the establishment is stored outside, shall be on a paved asphalt or concrete surface.
- (g) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (h) Temporary or portable structures for offices or storage is prohibited.

**Section 1417: Day care facility, residential zone.**

- (a) Minimum lot size of 2.0 acres.
- (b) No new establishment shall be located within 1,000 feet of an existing establishment measured across a straight line from property line to property line.
- (c) A buffer area and screening are required on side and rear lot lines.
- (d) Hours of operation are limited to 8:00 a.m. to 8:00 p.m., including all deliveries.
- (e) There is no external signage or other evidence of the use of the dwelling as other than a residential dwelling unit.
- (f) Outdoor play or passive recreation areas shall be provided in a rear or side yard consisting of 50 square feet per person, and shall be enclosed by a solid wall or fence at least six feet in height.
- (g) The facility shall provide adequate areas for the safe drop-off and pick-up of children in a driveway, turnaround or parking area.

**Section 1418: Drive through facility (principal and accessory).**

- (a) Drive through facilities should be included in a parking and circulation plan submitted to the Administrative Officer.
- (b) Drive-through lanes shall not be any closer than fifty feet 50' to a residential zoning district.
- (c) The buffer with shall be 2.0 times the minimum required with an approved fence, wall or berm.
- (d) Stacking spaces shall not impede on-site or off-site traffic.
- (e) No drive through lane shall cross an access easement on the lot.
- (f) No drive through window shall be permitted on the front façade of a building.
- (g) Each drive-through aisle shall be separated from the circulation routes necessary for ingress or egress from the property, or access to a parking space.
- (h) Pedestrian walkways should not intersect the drive-through drive aisles, but where they do the walkways shall have clear visibility and shall be delineated by textured and colored paving.
- (i) Speakers associated with drive-through facilities must be located and designed to minimize noise levels on nearby uses. Sound attenuation walls, landscaping or other mitigation measures may be required to ensure that the facility will not have adverse noise-related impacts on nearby residential uses.
- (j) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (k) Menu/order boards shall be a maximum of 30 square feet, with a maximum height of 6 feet and shall be shielded from view from any public street.
- (l) Vehicle stacking lanes shall be a minimum of 8 feet wide, and 160 feet in length for food service establishments, and 80 feet in length for all other uses.

- (m) A stacking lane is not required for accessory facilities where vehicles do not routinely queue up while waiting for the service. Examples are window washing, air compressor and vacuum cleaning stations.

**Section 1419: Electric vehicle charging station (public use).**

- (a) Any EV charging station installed shall be either a Level 2 or Level 3 charger and meet National Electrical Code standards.
- (b) If a charging station has more than one (1) port, each port shall count as a charging station.
- (c) The proposed EV charging station and parking spaces shall be located within the side or rear yard of a principal building and shall not front on a public right-of-way, unless setback at least 200 feet.
- (d) The designated parking space(s) for EV chargers shall be above the minimum number of parking spaces required for the entire site, but comprising no more than 10% of total parking spaces.
- (e) The parking space dimensions for an EV charging station are a minimum of 10 feet wide by 20 feet long when new spaces are installed for such use.
- (f) Each parking space designated for an EV charging station shall be clearly marked as reserved for EV charging only.
- (g) The charging station/equipment shall be setback 24 inches from the face of the parking space, and be protected by wheel stops, curbs or bollards.
- (h) Charging station equipment shall not exceed eight (8) feet in height.
- (i) Charging stations shall not include overhead canopies.
- (j) There shall be no appurtenances attached to the charger other than what is necessary for operation.
- (k) Cords or connectors shall be configured so that they do not cross a driveway, sidewalk or passenger unloading area.
- (l) The location, legend, and mounting height details for any proposed electric vehicle parking sign shall be included on the plans and submitted with the building permit application.
- (h) Adequate security and lighting for use of the charging station shall be provided. All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (m) Any electric vehicle charging station or combination of stations that is not operated for a continuous period of 90 days and for which there are no applications pending for permitted use of the structure at the end of such 90-day period, shall be considered abandoned, whether or not the owner or operator intends to make use of the station. The owner of an electric vehicle charging station and the owner of the property where the abandoned station is located shall be under a duty to remove such station. If such station is not removed within a reasonable time, not to exceed three months, after receipt of notice from the governing authority notifying the owner(s) of such abandonment, the governing authority may remove such device(s) and place a lien upon the property for the costs of removal. The governing authority may pursue all legal remedies available to it to ensure that abandoned device(s) are removed. Delay by the governing authority to act shall not in any way waive the governing authority's right to do so.

**Section 1420: Family or group personal care home (agricultural-residential zone, or residential zone).**

- (a) Minimum lot size of 2.0 acres in residential districts, and 5.0 acres in the AG-5 agricultural-residential.
- (b) No new establishment shall be located within 1,000 feet of an existing establishment measured across a straight line from property line to property line.

- (c) There is no external signage or other evidence of the use of the dwelling as other than a residential dwelling unit.
- (d) The managing caregiver must be the owner of the property and a full-time resident of the facility.
- (e) Outdoor play or passive recreation areas shall be provided in a rear or side yard consisting of 50 square feet per person, and shall be enclosed by a solid wall or fence at least six feet in height.

**Section 1421: Farm winery.**

- (a) Minimum lot size of 30.0 acres.
- (b) Must produce no less than 2,000 gallons of wine annually.
- (c) In granting a conditional use permit for a farm winery, the board of commissioners may specify allowable uses related or complementary to the operation of the farm winery other than the production and sale of wine. A farm winery that is granted a conditional use permit is prohibited from engaging in any use not specified in the conditional use permit (or otherwise allowed as a permitted use in the AG-5 zoning district) without applying for and being granted a modification of the conditional use permit by the board of commissioners. The following list of related or complementary uses that may be specified in a conditional use permit for a farm winery is not intended to be exhaustive but is merely illustrative of the types of uses the board of commissioners may consider in granting or modifying the conditional use permit:
  - (1) Facilities to host private and public functions, including, but not limited to, weddings, receptions, dinners, festivals and socials.
  - (2) Principal dwellings.
  - (3) Parks or open space which is privately owned, operated or maintained.
  - (4) Bed and breakfast inn.
  - (5) Restaurant.
  - (6) Wedding chapel.

**Section 1422: Freight Trucking Facility**

- (a) *Standards applicable to all freight facilities:*
  - 1) Unless located in an existing planned industrial park, no new establishment shall be located within 2.0 miles of an existing establishment measured across a straight line from property line to property line.
  - 2) All new establishments must be located within 1.5 miles of Interstate 16.
  - 3) Buildings or structures, including vehicle and container storage, parking and circulation areas shall be 300 feet from any residence.
  - 4) A road frontage buffer and landscape strip are required.
  - 5) The buffer width shall be 2.0 times the minimum required with an approved fence, wall or berm.
  - 6) Perimeter fencing is required and must be decorative metal or dark vinyl-coated chain link with landscaping external to fencing.
  - 7) A solid fence or wall is required to screen truck headlights contiguous to any residential property.
  - 8) Minimum lot size of 10.0 acres.
  - 9) Access shall only be from an arterial road, unless within a planned industrial park.
  - 10) All access, circulation and designated parking areas shall be on a paved asphalt or concrete surface.
  - 11) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
  - 12) A stormwater management plan is required for review and approval.

- 13) Vehicle gates or access control features shall not be installed within 150 feet of the public right-of-way.
  - 14) Truck stop electrification equipment must be provided for a minimum of 25 percent of the parking spaces.
  - 15) Maximum vertical stacking for intermodal shipping containers is limited to two containers in height.
  - 16) The following uses or activities are prohibited:
    - a. Temporary or portable structures for offices or storage.
    - b. Vehicle repairs or dismantling
    - c. Maintenance or sales of any kind.
    - d. Long-term storage of parts.
    - e. Non-operable, salvaged or abandoned vehicles.
  - 17) Containers will be stacked in a "pyramid" appearance along the front of the site. Corner lots shall be treated as having two front property lines. The initial row shall not exceed one container in height, with such successive interior row gaining one container in height to a maximum of two containers in height. For the sides beyond the front area, the "pyramid" appearance shall not be required.
  - 18) If containers or container trailers are to be stacked, a stacking plan must be approved by the administrative official. Such plan shall, at a minimum, show the location of all abutting streets and sidewalks, all internal travel-ways, a stacking schedule, and the proposed maximum stacking height, and shall indicate how it meets all of the requirements of this section.
- (b) *Standards applicable to freight terminals:*
- 1) Outdoor storage except for trailers waiting to be loaded or unloaded is prohibited.
  - 2) All loading docks shall be screened from view of the public right-of-way.

**Section 1423: Gasoline station with convenience store.**

- (a) Buildings or structures shall be 250 feet from any residence.
- (b) Fuel pumps must be located at least 50 feet from any public right-of-way or lot line.
- (c) Maximum building size of 7,500 square feet, unless the use is within or attached to a multi-tenant building, the floor area cannot exceed fifteen percent (15%) of the gross floor area of the entire building or 5,000 square feet, whichever is greater.
- (d) Minimum lot size of 2.0 acres.
- (e) Vehicle repair or service is prohibited.
- (f) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (g) Drive-under canopies shall only utilize recessed lighting.
- (h) Earth tone colors complimentary to building design shall be required.
- (i) The color of the canopy sign should be compatible with the color or trim of the building façade or signage.
- (j) Merchandise for sale shall be inside of the building except for secured items such as ice coolers, propane gas or similar goods customary to convenience store sales. All such goods shall be attached to or contiguous to the principal building.
- (k) Temporary or portable structures for offices or storage is prohibited.
- (l) Outside vending machines except for tire pumps, water and vacuum cleaners are prohibited.
- (m) Ground floor front window paintings and signage shall cover no more than 25 percent of the total window and door area.
- (n) For all new buildings constructed after April 1, 2023, and existing buildings which expand the gross square footage of the buildings by more than 50 percent, the minimum ground floor transparency shall be 50 percent on the front façade consisting of windows and doors, and 20 percent on all other ground floor street facing facades.

- (o) Supplemental standards for drive-through facilities and small-scale retail and commercial service centers shall be observed.

**Section 1424: Home occupation, cottage industry.**

- (a) The following list of uses allowable as cottage industries is illustrative only and is not intended to be exhaustive: sales of antiques and collectibles, art or photography studios, computer software development, handicrafts, ironworking or blacksmith shop, construction or trades office, furniture repair or refinishing, pottery shop, real estate sales office, small equipment repair, woodworking shop, excavating contractors, small engine and boat repair.
- (b) Cottage industries are appurtenant and accessory uses.
- (c) The cottage industry shall conform to the development standards in the applicable zoning district, except as provided below.
- (d) The cottage industry must be owned and operated by the owner of the property upon which the cottage industry is to be located, or the business owner must have written approval of the owner of the property, if the applicant is a tenant.
- (e) The appurtenant and accessory structure used as a cottage industry shall not occupy a total area greater than 2,400 square feet.
- (f) All activity related to the conduct of the business or industry, except for activities related to the growing and storing of plants, shall be conducted within an enclosed structure or be sufficiently screened from view of adjacent residences. A buffer may be required by the Administrative Officer if it is determined that the use needs to be sufficiently screened from view of adjacent residences, using site location, topography, landscaping, fencing, the retention of native vegetation, or a combination thereof.
- (g) No cottage industry shall be located on a lot less than 80,000 square feet in size, regardless of whether the lot was a lot of record at the time of the original passage of this section (November 4, 1994).
- (h) Except for outside storage of materials or equipment, all business operations, activities, and transactions associated with the cottage industry shall be conducted entirely within the primary dwelling unit and/or in an accessory building located on the same lot. No business operations, activities, or transactions shall be conducted in any portion of the lot not approved for cottage industry use by the county.
- (i) Business traffic (either by the business operators or business customers) is permitted only between the hours of 8:00 a.m. and 6:00 p.m. The use shall not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which it is located. Traffic generated by the cottage industry shall not exceed the level of service adopted for the public roadway which accesses the use, nor generate significant traffic in excess of that normally generated by typical uses found within the particular district.
- (j) No business may provide drive-through service.
- (k) The use of more than six general purpose and/or heavy-duty vehicles and the employment of more than six employees for exclusive use of the business are prohibited. In approving the conditional use, the number of vehicles that may be parked on the premises at any time may be limited and vehicles may be required to be kept behind an enclosed fenced or buffered area.
- (l) A permitted cottage industry shall maintain a service agreement with a competent waste handler chosen from a list provided by the hazardous waste management section of the Georgia Environmental Protection Division of the Georgia Department of Natural Resources, for the periodic removal and recycling of any batteries, gasoline, oil, transmission fluid, brake fluid, and other solvents and chemical agents. Interim storage of such materials shall be in a manner satisfactory to the county health department. The county public safety director shall verify the use or absence of hazardous materials for the cottage industry upon registration.

- (m) There shall be no parking or storage of damaged vehicles except on a temporary basis which is not to exceed 72 hours. Junk parts and junk vehicles shall not be kept outside the building.
- (n) No nuisances shall be produced including but not limited to smoke, glare, vibrations, noises, or odors that may be discernable by neighbors proximate to the dwelling unit.
- (o) There shall be no structural, electrical or plumbing alterations necessary for the cottage industry which are not customarily found in dwellings or residential accessory structures.
- (p) There shall be no outdoor display of merchandise on the premises.
- (q) All noise-generating operations shall be buffered.
- (r) All lights shall be directed on site and shielded to reduce glare to adjacent areas.
- (s) Business operations shall not cause any visual or audible interference with radio or television reception.
- (t) One sign is permitted advertising the cottage industry, not exceeding two square feet, that is nonmoving, and which has illumination, if any, which is non-flashing.

**Section 1425: Home occupation, residential.**

- (a) The following and similar uses shall be considered home occupations, but are not limited to this list: accountant, addressing service, architect, art instructor, beauty shop (with no more than one operator), drafting, dressmaking, insurance agent, manufacturing agent, music instruction, (students: limited to two (2) students at a time), teacher, notary public, photographer, real estate agent, and tax consultant.
- (b) The following and similar uses are considered appropriate uses of accessory buildings for home occupations: artist or craftsman's work area, photographic darkroom, clock repair shop, gunsmith shop, laboratory, pottery shop, and basket weaver's shop.
- (c) The following uses are prohibited as home occupations: auto sales or auto repair, restaurants, animal hospitals, veterinary clinics, funeral homes, retail or wholesale shops, machine shops or manufacturing.
- (d) The home occupation shall be operated by a resident of the home.
- (e) No home occupation shall employ more than two (2) persons who do not reside in the dwelling located on the premises.
- (f) The home occupation must be incidental and subordinate to the residential use of the dwelling and must not change the residential character of the property.
- (g) No internal or external alterations shall be permitted which would change the fire rating for the structure.
- (h) The home occupation shall be limited to 25 percent of one floor of the square footage of the principal structure.
- (i) If an accessory structure is used for the business, the size of the accessory structure is limited to 25 per cent of the square footage of the residential building. It shall be located behind the residential building with setback requirements of no less than 20 feet from the property line and 30 feet from the side yard.
- (j) No display of products shall be visible from the street.
- (k) One (1) non-illuminated name plate, not more than two (2) sq. ft. in area may be attached to the building which shall contain only the name of the occupation conducted on the premises.
- (l) A home occupation shall be operated in such a manner as not to be a nuisance to adjacent residential structures. This shall apply to noise, lighting, traffic, and unsightly outside storage, where applicable.
- (m) No outside storage of materials or supplies used in connection with the home occupation shall be permitted.
- (n) All parking for the home occupation shall be located on the property and only on the side or rear yards.



- (o) Only vehicles designed and used primarily as passenger vehicles (including pickup trucks) shall be used in connection with home occupations in residential zoning districts.

**Section 1426: Hotel, extended stay.**

- (a) Buildings or structures shall be 250 feet from any residence.
- (b) Minimum lot size of 2.0 acres.
- (c) Extended stay hotels shall be classified as upper mid-scale or higher by the Smith Travel Report Chain Scales Report.
- (d) Management must be on the property 24 hours a day, seven days a week.
- (e) Daily maid service must be included in the standard room rate.
- (f) No extended stay hotel, motel, or facility shall provide lodging at an hourly rate.
- (g) No more than 25 guest rooms per acre shall be permitted.
- (h) Each guest room must have a minimum area of 240 square feet.
- (i) The facility must contain a lobby area of at least 750 square feet.
- (j) The facility must contain an enclosed, heated and air-conditioned laundry space containing a minimum of one clothes washer and one clothes dryer for each 10 guest rooms.
- (k) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (l) Extended stay hotels, motels, or facilities must have a minimum of 25 percent of the lot area dedicated to either active or passive open space with a minimum size of 750 square feet. The open space shall include active recreation, such as a children's playground area, and/or passive recreation, such as green space and walking paths.
- (m) All vehicles parked at any extended stay hotel, motel, or facility must be in good working order.
- (n) Temporary or portable structures for offices or storage is prohibited.

**Section 1427: Junk yard, salvage and auto wrecking yard.**

- (a) Buildings or structures, including parking and circulation areas, shall be 750 feet from any residence, and five hundred feet from any property line.
- (b) Buildings or structures, including parking and circulation areas shall be 1,000 feet from any water body or flood zone.
- (c) The buffer width shall be 2.0 times the minimum required, with an opaque wall or fence of 8 feet in height, and 100 percent opacity.
- (d) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (e) Materials or vehicles stored shall not exceed the height of the fence or wall.
- (f) There shall be no temporary or permanent storage outside of any fence or wall.
- (g) Objectionable smoke, noise, odors or other adverse impacts on adjoining properties is prohibited.
- (h) Any draining of fluids or removal of batteries from wrecked or towed vehicles must be completed in an enclosed structure on a concrete pad or floor or other impervious surface. Any drained fluids shall be disposed of in a manner consistent with state or federal regulations.
- (i) The ground surface in the outdoor work/storage area shall be covered with gravel, asphalt or concrete or other material as approved by the Administrative Official.
- (j) Vehicles may not be stored at an outdoor work/storage area for longer than 12 months.
- (k) Towing and wrecker service businesses are a separate type of business from salvage yards and junk yards. Towing and wrecker service businesses that store and resell used vehicle parts or dismantle, demolish, and abandon inoperable vehicles shall comply with all county ordinances that are applicable to salvage and junk yards.

**Section 1428: Liquor stores.**

- (a) The buffer width shall be 2.0 times the minimum required with an approved fence, wall or berm.
- (b) All storefronts shall contain transparent glass windows that allow for views into the establishment from the nearest public right-of-way.
- (c) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.

**Section 1429: Manufactured home and prefabricated structure/building dealers.**

- (a) Buildings or structures shall be 250 feet from any residence.
- (b) The buffer width shall be 2.0 times the minimum required with an approved fence, wall or berm.
- (c) All display units shall be setback 100 feet from the public right-of-way and a landscaped frontage strip or screening device is required.
- (d) Hours of operation are limited to 7:00 a.m. to 7:00 p.m.
- (e) Minimum lot size of 2.0 acre.
- (f) Minimum road frontage of 200 feet.
- (g) Access shall only be from an arterial road.
- (h) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (i) The sale of vehicles is prohibited.
- (j) No outside storage of parts or parking of non-operable vehicles or vehicles with body damage is prohibited.
- (k) Units on display shall not encroach a buffer area or a public right-of-way and shall be segregated from employee or service area parking.
- (l) An area shall be designated for employee and customer parking on such area shall be on a paved asphalt or concrete surface.
- (m) Adequate space must be allocated, specifically identified, and reserved on the site for the unloading of units and equipment brought to the site by carriers.
- (n) All access, circulation and designated parking areas shall be on a paved asphalt or concrete surface.
- (o) All accessory merchandise shall be sold indoors.
- (p) Temporary or portable structures for offices or storage is prohibited.
- (q) A permanent building or structure for sales or other business activities is required. Such building or structure shall be constructed or installed according to local building codes prior to occupancy.

**Section 1430: Mini-warehouses and self-storage units.**

- (a) Buildings or structures shall be 100 feet from any residence.
- (b) The buffer with shall be 2.0 times the minimum required with an approved fence, wall or berm.
- (c) The minimum lot size shall be 2.0 acres.
- (d) Access shall only be on an arterial road, unless located in a planned industrial park.
- (e) Overhead access doors of individual bays shall not face any road frontage, unless provisions are made for screening them.
- (f) Building facades shall have muted earth tone colors.
- (g) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (h) Storage buildings or structures shall have gabled roofs with a 2:12 slope.
- (i) No individual building shall exceed 200 feet in length.
- (j) There shall be a minimum separation of 20 feet between buildings.
- (k) The minimum aisle width shall be 18 feet for one-way traffic and 36 feet for two-way traffic.

- (l) Traffic flow patterns in the aisle ways shall be clearly marked with directional signage and painted lane markings with arrows.
- (m) To assure appropriate access and circulation by emergency vehicles and equipment, a minimum turning radius for all aisle ways and access roads within the development will be determined by the Fire Chief and County Engineer.
- (n) The maximum size of a storage bay shall be one thousand 1,000 square feet.
- (o) The facility shall be fenced along the entire perimeter boundary.
- (p) Fencing adjacent to a road frontage or abutting a residential use shall be a decorative with a minimum height of six feet, and shall be placed interior to any required landscape strip.
- (q) Storage units shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; rehearsing or practicing utilizing band instruments; conversion to an apartment or dwelling unit; or to conduct any other commercial or industrial activities, or for the storage of hazardous materials, toxic substances, flammable liquids, or highly combustible or explosive materials.
- (r) Open storage of recreational vehicles, boats, trailers, recreational equipment and similar vehicles of the type customarily maintained by private individuals for their personal use shall be permitted subject to the total area devoted to open storage shall not exceed 25 percent of the site.
- (s) No vehicle maintenance, washing, or repair shall be permitted within the open storage area.
- (t) Abandoned, wrecked or junked vehicles are prohibited.
- (u) A leasing, management, and/or security office shall be permitted in conjunction with a self-service storage facility. Within such office, the sale or rental of items related to moving and storage such as moving boxes, packing supplies and hand trucks shall be permitted.
- (v) Temporary or portable structures for offices is prohibited.

**Section 1431: Natural resource development.**

- (a) No activities conducted shall be within 500 feet of any residence, or within 250 feet of the lot line of a property with any other use.
- (b) Activities shall be setback 250 feet from any public road.
- (c) Minimum lot size of 10.0 acres.
- (d) The buffer width shall be 2.0 times the minimum required with an approved fence, wall or berm.
- (e) Hours of operation are limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.
- (f) Activities having greater than one acre of disturbed area must obtain state and local permits.
- (g) Surety in the form of a bank letter of credit is required as a guarantee against the damages of any publicly maintained roads and shall remain in place until operations have ceased, and all reclamation activities have been completed.
- (h) An operation plan containing the following information shall be submitted as part of the application for conditional use:
  - 1) Date of commencement of the operation and its expected duration.
  - 2) A description of the method of operation, including the disposition of topsoil, overburden and by-products.
  - 3) A description of the equipment to be used in the extraction process.
  - 4) A statement regarding the intended use of explosives, if any, or other hazardous materials, if any, and the methods and procedures proposed for handling, use, storage and disposal of the materials.
  - 5) A plan for reclamation of the land upon completion of mining, quarrying, or other excavation.
  - 6) An analysis by a licensed civil engineer containing the following information shall be submitted as part of the application for conditional use approval identifying any state or county-maintained road or bridge within or adjacent to the property, and shall state any

repaving, alterations, turning lanes, signalization, or other road additions or improvements necessary to accommodate the potential increase of traffic volume or weight occasioned by the proposed operations.

**Section 1432: Outdoor seasonal sales, transient merchants and mobile vendors.**

- (a) A temporary use permit shall be required from the planning and development office.
- (b) Permit requirements are exempted for such activities if conducted by the following organizations for fund raising or special events:
  - a. Bona fide religious institution
  - b. K-12 school
  - c. 501-c3 non-profit or civic organization.
  - d. Roadside stands selling agricultural products grown on site
  - e. Authorized special events held on public property are exempted.
- (c) No sales of merchandise shall be permitted on vacant private lots.
- (d) Evidence of permission of the property owner, and/or all tenants of a group development is required.
- (e) The location of any merchandise, vehicles and equipment or displays shall be a minimum of 15 feet from the edge of any driveway, utility box or vaults, ADA required ramp or parking space, building entrance, sidewalks, fire lane or fire hydrant.
- (f) The location of any merchandise, vehicles and equipment shall not interfere with pedestrian or vehicular traffic movements, and shall not be in the public right-of-way or buffer areas.
- (g) Hours of operation are limited to 6:30 a.m. to 9:30 p.m.
- (h) All vehicles, equipment, parking, and customer seating areas associated with a mobile business must be located on an improved surface, such as asphalt, concrete, or gravel.
- (i) Evidence of a current occupational tax certificate with Bulloch County or another jurisdiction is required.
- (j) Free standing signage, flashing or moving lights or a sound amplification device is prohibited.
- (k) If electricity is used for operation, the electrical connection must be of a type which can be quickly disconnected and must comply with all applicable laws, including National Electrical Code Chapter 550.
- (l) Recreational Vehicles shall be allowed as temporary occupancy units for the duration of a temporary seasonal sales use permit.
- (m) At all times solid waste generated must be contained and disposed of in an approved on-site solid waste container.
- (n) If food is prepared or served, a permit is required by the County Health Department.

**Section 1433: Pawn shop, check cashing and small loan establishments.**

- (a) No new establishment shall be located within 1.0 mile of an existing establishment measured across a straight line from property line to property line.
- (b) Pawn shops, check cashing and small loan establishments shall not be located within 300 feet, measured property line to property line, from a school (public or private), family day care home, child-care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.
- (c) The buffer with shall be 2.0 times the minimum required with an approved fence, wall or berm.
- (d) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (e) All storefronts shall contain transparent glass windows that allow for views into the establishment from the nearest public right-of-way.
- (f) Onsite storage or sales of vehicles or equipment is prohibited.
- (g) Temporary or portable structures for storage is prohibited.

**Section 1434: Planned residential developments with multi-family dwellings, including mixed-use or mixed residential developments.**

- (a) Multi-family buildings or structures including parking and circulation areas, shall be 75 feet from any property line or public right-of-way.
- (b) The buffer with shall be 2.0 times the minimum required with an approved fence, wall or berm.
- (c) Access shall only be from an arterial or collector road.
- (d) Sidewalks, curb and gutter are required on all internal public streets.
- (e) No less than 5 percent of the net buildable area must be set aside as open space that includes an amenity such as a clubhouse, pool, athletic court(s), active playground, walking trail, pedestrian plaza with benches, a passive use recreation area (fishing, boating/dock, picnicking, etc.), or any combination thereof.
- (f) All interior roads, sidewalk systems and open space set asides shall remain private and maintained by a common interest element.
- (g) No more than 12 attached dwelling units per floor shall form a single building for apartments.
- (h) No more than 8 attached dwelling units shall form a single building for a townhouse or condominium.
- (i) Townhomes and condominium dwellings shall not front face-to-face, or back-to-back less than 50 feet apart, and the front of a dwelling shall not face the rear of another dwelling unless separated by 100 feet.
- (j) Dwelling units shall have private open space including enclosed balconies, sun decks, patios equivalent to 10 percent of the floor area of the unit served.
- (k) Primary materials and finishes are required to consist of 50%, natural wood, brick, brick veneer, stacked stone, marble, unglazed tile, split face block/concrete masonry unit, finished concrete tilt up, concrete masonry unit, or finished concrete block.
- (l) Secondary materials permitted for trim and accents can include metal, aluminum or vinyl siding stucco or EIFS, engineered fiber cement board, composite vinyl siding.
- (m) All buildings shall provide articulated building planes along each elevation, containing variations of mass to voids in a coordinated rhythm. Acceptable variations include fluctuations in the building plane on each elevation, which incorporate architectural elements such as building projections, roof lines, material changes, windows, canopies, arcades, eaves, and other decorative features that enhance the building's appearance. A flat unarticulated wall with just windows and doors serving as voids is prohibited.
- (n) A minimum of 10 percent of the total buildable area in any parcel shall be devoted to formal landscaping (including ground cover, grass, or sod), in addition to any required landscape buffers.
- (o) Ground and roof mounted equipment shall be screened from view with landscaping or solid fencing.
- (p) Parking lot lighting poles and fixtures, if constructed, shall complement the overall site architecture and design in terms of scale, color, and style, and shall not exceed 20 feet in height.
- (q) Night-time intersection lighting at primary entrances will be required, with the cost for installation and maintenance to be borne by the developer or a common interest element.
- (r) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (s) Uses that propose night lighting other than incidental security lighting shall be required to submit a photometric plan to enable the evaluation of impacts from illumination and that are compliance with the outdoor lighting requirements.
- (t) Temporary or portable structures for offices or storage is prohibited.

**Section 1435: Planned residential developments with single-family and/or two-family dwellings, including mixed-use and mixed-use residential developments.**

- (a) There should be distinctly different front façade designs for each dwelling unit including variation in width or height, roof planes, location and proportion of front porches and garages. Mirror images or repetition of the same configuration of each dwelling are prohibited.
- (b) Except for trim, each dwelling unit should have a primary and secondary material coverage on the front and side building façade.
- (c) If the primary materials and finishes except for trim and accents include aluminum or vinyl siding, then secondary materials and finishes are required to consist of 25% natural wood, brick, brick veneer, stacked stone, unglazed tile, fiber-cement, or a combination thereof.
- (d) Street lighting within the development will only be allowed under a county streetlight special tax district.
- (e) Night-time intersection lighting at primary subdivisions entrances will be required, with the cost for installation and maintenance to be borne by the developer or a common interest element.
- (f) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.

**Section 1436: Private and public event facilities.**

*(a) Standards for all zoning districts:*

- 1) Buildings and structures, including parking and circulation areas shall be set back 150 feet from the property line and 500 feet from any residence.
- 2) The buffer width shall be 2.0 times the minimum required.
- 3) Hours of operation are limited to 9:00 a.m. to 11:00 p.m.
- 4) No outdoor amplified sound or entertainment is allowed between 11 p.m. and 9 a.m.
- 5) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- 6) The following information must be submitted to the administrative officer with any conditional use application:  
A site plan, survey or sketch drawing depicting the location of event structures, signage in compliance with the county sign ordinance, parking and traffic circulation for guests and staff, emergency vehicle access route, location of sanitation and refuse facilities, including portable toilets or restrooms connected to the sanitary sewer system.
- 7) A right-of-way encroachment permit shall be applied for with the County Engineer's Office for approval of driveway access, design and construction.
- 8) Prior to each event, where applicable proof of the following must be submitted to the Administrative Officer:
- 9) Catered alcohol service shall have a proper license issued by the County.
- 10) Catered food service is subject to proper permitting issued by the County Health Department.

*(b) Standards for commercial zoning districts:*

- 1) The minimum lot size is 3.0 acres.
- 2) Maximum number of guests is 300.
- 3) All driveways, parking and circulation areas shall be on a paved asphalt or concrete surface.

*(c) Standards for the Agricultural-Residential (AG-5) zoning district:*

- 1) The venue in whole or in part must be on property used for bona fide agricultural purposes and contains land that is classified as such by the County's Property Appraiser (agricultural exemption).
- 2) Minimum lot size is 10.0 acres.
- 3) Maximum number of guests is 300.
- 4) Parking and circulation areas for event patrons must be on a surface that is flat and durable enough to withstand the event traffic except where required by off-street parking standards and should not be a fire hazard.
- 5) Commensurate with the number of guests, portable toilets must be provided, unless the property has adequate restroom facilities that are connected to the sanitary sewer or septic system.

**Section 1437: Recreation facility, outdoor commercial.**

- (a) Buildings and structures, including parking and circulation areas shall be set back 150 feet from the property line and 1,000 feet from any residence.
- (b) The buffer width shall be 2.0 times the minimum required, with a noise barrier for activities that generate over 50 decibels.
- (c) Minimum lot size of 10.0 acres.
- (d) Hours of operation are limited to 8:00 a.m. to 10:00 p.m., including all deliveries.
- (e) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (f) Prior to a certificate of occupancy or other development permit being issued, proof of the following must be submitted to the Administrative Official:
  - 1) A site plan, survey or sketch drawing depicting the location of event structures, signage in compliance with the county sign ordinance, parking and traffic circulation for guests and staff, emergency vehicle access route, location of sanitation and refuse facilities, including portable toilets or restrooms connected to the sanitary sewer system.
- (g) Prior to each event, where applicable proof of the following must be submitted to the Administrative Officer:
  - 1) Catered alcohol service shall have a proper license issued by the County.
  - 2) Catered food service is subject to proper permitting issued by the County Health Department.

**Section 1438: Recreation facility, outdoor private**

- (a) Buildings or structures shall be 100 feet from any residence.
- (b) Hours of operation are limited to 8:00 a.m. to 10:00 p.m.
- (c) An adequate fire access route shall be reviewed and approved by the Fire Chief.
- (d) A parking and circulation plan are required.
- (e) If proposed as part of a residential subdivision or multi-family development, a community recreation facility must be built during the first phase if the development has phases, and no more than 40 percent of first phase of the dwelling units authorized within the development or subdivision phase will be granted building permits until the community recreation facility is completed.

**Section 1439: Recreational vehicle park and campground.**

- (a) Buildings or structures shall be 500 feet from any residence.
- (b) All campers, tents, trailers and vehicles shall be fifty 50 feet from a public road or right-of-way.
- (c) Every vehicle or trailer must be parked at least 20 feet apart from each other.
- (d) The buffer width shall be 4.0 times the minimum required with an approved fence, wall or berm.
- (e) Minimum lot size of 10.0 acres.

- (f) Minimum of camping site size of 360 square feet for tents, 720 feet for campers, and 1,200 square feet for recreational vehicles.
- (g) Minimum 100 feet of road frontage is required.
- (h) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (i) Only passive recreational activities are permitted, such as hiking, bicycling, walking, picnicking, canoeing, fishing and wildlife observation, etc.
- (j) Recreational vehicle parks shall be connected to a public water supply and a public sanitary sewer system or a community water system and on-site sewage management system approved by the County Health Department.
- (k) All access roads within the development shall be private with a minimum easement width of 40 feet and on a paved asphalt or concrete surface with a minimum pavement width of 20 feet, and lighted with a minimum spacing of 200 feet each between streetlights.
- (l) At least 20 percent of the park must be set aside as open space or for recreation purposes.
- (m) No recreational vehicle or space shall be rented or occupied for a period of more than 30 days.
- (n) Management offices, active indoor or passive outdoor recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a recreational vehicle park are permitted as accessory uses, provided use is restricted to the occupants of the park.
- (o) A copy of the park management rules and regulations must be submitted to the Administrative Official for approval prior to a certificate of occupancy. The park operator will be responsible for ensuring that visitors comply with the rules and regulations.

#### **Section 1440: Planned commercial development, large-scale**

- (a) Buildings or structures, including parking, circulation and storage areas shall be 250 feet from any residence.
- (b) The buffer width shall be 2.0 times the minimum required with an approved fence, wall or berm.
- (c) Primary access shall be from an arterial road.
- (d) Supplemental standards for drive-through facilities, and seasonal, transient merchants and mobile vendors shall be observed.
- (e) The use of sound amplification devices is prohibited.
- (f) Primary building materials and finishes shall consist of 75%, brick, brick veneer, stacked stone, marble, split face block/concrete masonry unit, finished concrete tilt up, concrete masonry unit, or finished concrete block.
- (g) Secondary materials permitted for trim and accents can include natural wood, metal, aluminum, stucco, exterior insulation and finish systems, engineered fiber cement board, or composite vinyl siding.
- (h) Buildings that are located on outparcels including accessory buildings shall be constructed of materials complimenting the principal buildings.
- (i) Where pre-engineered steel buildings are constructed all building facades shall consist of primary and secondary materials to minimize the static appearance.
- (j) The use of muted and earth tone colors as the predominant colors on the façade is preferred. Building trim, accent areas, and entrance doors into the units may feature brighter colors.
- (k) Facades over 100 feet in length shall provide wall projections or recesses with a minimum of three feet in depth and a minimum of 20 contiguous feet in length for each 100 feet.
- (l) 25 percent of the facades visible from a public street shall use arcades, display windows (real or faux), entry areas and awnings, or any combination thereof.
- (m) Parapets, gable and hip roofs or dormers shall be used to conceal flat roofs and roof top equipment from public view.



- (n) Areas for outdoor storage, truck parking, loading and unloading, refuse collection or compaction or similar uses shall not be visible from a public right-of-way, and have approved screening devices.
- (o) Temporary or portable structures for offices or storage is prohibited.
- (p) Landscape plans shall be prepared by a landscape architect, architect, or engineer legally registered under the laws of this state regulating the practice of landscape architecture, architecture, or engineering, and shall affix their seal to such plan.
- (q) Retail shopping centers and big-box retail facilities shall provide at a ratio of 10 percent of the building space shall include a public amenity including one or more of the following: a common area or green, a park, sitting areas, playground, or a plaza.
- (r) All plant material shall be of native plant species and nursery grown meeting number 1 grade American Nursery and Landscape Association standards.
- (s) 5% of the entire area devoted to parking spaces, aisles and connecting driveway shall be formally landscaped with any combination of trees, shrubs, grass or ground cover.
- (t) Interior landscape islands with raised curbing is required for parking lots of 20 or more spaces, and shall be designed having a minimum width of 10 feet, and a minimum length of the required parking space(s).
- (u) The landscape frontage strip must be 20 feet wide for sites containing 50 or more parking spaces.
- (v) 40 percent of the parking and circulation space shall be on the sides of the building frontage.
- (w) Uses that propose night lighting other than incidental security lighting shall be required to submit a photometric plan to enable the evaluation of impacts from illumination and that are compliance with the outdoor lighting requirements.
- (x) Parking lot lighting poles and fixtures that are constructed shall complement the overall site architecture and design in terms of scale, color, and style, and shall not exceed 20 feet in height.
- (y) Roof mounted lighting or backlit awnings are prohibited.
- (z) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties. All canopy lighting shall be recessed into its ceiling.

#### **Section 1441: Planned commercial development, medium scale**

- (a) Buildings or structures, including parking, circulation and storage areas shall be 150 feet from any residence.
- (b) Primary access shall be from an arterial road.
- (c) Supplemental standards for drive-through facilities, and seasonal, transient merchants and mobile vendors shall be observed.
- (d) The use of sound amplification devices is prohibited.
- (e) Primary building materials and finishes shall consist of 75%, brick, brick veneer, stacked stone, marble, split face block/concrete masonry unit, finished concrete tilt up, concrete masonry unit, or finished concrete block.
- (f) Secondary materials permitted for trim and accents can include natural wood, metal, aluminum, stucco, exterior insulation and finish systems, engineered fiber cement board, or composite vinyl siding.
- (g) Buildings that are located on outparcels including accessory buildings shall be constructed of materials complimenting the principal buildings.
- (h) Where pre-engineered steel buildings are constructed all building facades shall consist of primary and secondary materials to minimize the static appearance.
- (i) The use of muted and earth tone colors as the predominant colors on the façade is preferred. Building trim, accent areas, and entrance doors into the units may feature brighter colors.

- (j) Facades over 100 feet in length shall provide wall projections or recesses with a minimum of three feet in depth and a minimum of 20 contiguous feet in length for each 100 feet.
- (k) 25 percent of the facades visible from a public street shall use arcades, display windows (real or faux), entry areas and awnings, or any combination thereof.
- (l) Parapets, gable and hip roofs or dormers shall be used to conceal flat roofs and roof top equipment from public view.
- (m) Areas for outdoor storage, truck parking, loading and unloading, refuse collection or compaction or similar uses shall not be visible from a public right-of-way, and have approved screening devices.
- (n) Temporary or portable structures for offices or storage is prohibited.
- (o) Landscape plans shall be prepared by a landscape architect, architect, or engineer legally registered under the laws of this state regulating the practice of landscape architecture, architecture, or engineering, and shall affix their seal to such plan.
- (p) All plant material shall be of native plant species and nursery grown meeting number 1 grade American Nursery and Landscape Association standards.
- (q) 5% of the entire area devoted to parking spaces, aisles and connecting driveway shall be formally landscaped with any combination of trees, shrubs, grass or ground cover.
- (r) Interior landscape islands with raised curbing is required for parking lots of 20 or more spaces, and shall be designed having minimum width of 10 feet, and a minimum length of the required parking space(s).
- (s) The landscape frontage strip must be 20 feet wide for sites containing 50 or more parking spaces.
- (t) 40 percent of the parking and circulation space shall be on the sides of the building frontage.
- (u) Uses that propose night lighting other than incidental security lighting shall be required to submit a photometric plan to enable the evaluation of impacts from illumination and that are compliance with the outdoor lighting requirements.
- (v) Parking lot lighting poles and fixtures that are constructed shall complement the overall site architecture and design in terms of scale, color, and style, and shall not exceed 20 feet in height.
- (w) Roof mounted lighting or backlit awnings are prohibited.
- (x) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties. All canopy lighting shall be recessed into its ceiling.

#### **Section 1442: Planned commercial development, small scale**

- (a) Buildings or structures, including parking, circulation and storage areas shall be 100 feet from any residence.
- (b) Primary access shall be from an arterial road, or a collector road if in a General Commercial or Neighborhood Commercial zoning district.
- (c) Supplemental standards for drive-through facilities, and seasonal, transient merchants and mobile vendors shall be observed.
- (d) The use of sound amplification devices is prohibited.
- (e) Primary building materials and finishes shall consist of 75%, brick, brick veneer, stacked stone, marble, split face block/concrete masonry unit, finished concrete tilt up, concrete masonry unit, or finished concrete block.
- (f) Secondary materials permitted for trim and accents can include natural wood, metal, aluminum, stucco, exterior insulation and finish systems, engineered fiber cement board, or composite vinyl siding.
- (g) Where pre-engineered steel buildings are constructed all building facades shall consist of primary and secondary materials to minimize the static appearance.

- (h) The use of muted and earth tone colors as the predominant colors on the façade is preferred. Building trim, accent areas, and entrance doors into the units may feature brighter colors.
- (i) Facades over 50 feet in length shall provide wall projections or recesses with a minimum of one and one-half feet in depth and a minimum of 10 contiguous feet in length for each 50 feet.
- (j) 25 percent of the facades visible from a public street shall use arcades, display windows (real or faux), entry areas and awnings, or any combination thereof.
- (k) Parapets, gable and hip roofs or dormers shall be used to conceal flat roofs and roof top equipment from public view.
- (l) Areas for outdoor storage, truck parking, loading and unloading, refuse collection or compaction or similar uses shall not be visible from a public right-of-way, and have approved screening devices.
- (m) Temporary or portable structures for offices or storage is prohibited.
- (n) Landscape plans shall be prepared by a landscape architect, architect, or engineer legally registered under the laws of this state regulating the practice of landscape architecture, architecture, or engineering, and shall affix their seal to such plan.
- (o) All plant material shall be of native plant species and nursery grown meeting number 1 grade American Nursery and Landscape Association standards.
- (p) 5% of the entire area devoted to parking spaces, aisles and connecting driveway shall be formally landscaped with any combination of trees, shrubs, grass or ground cover.
- (q) Interior landscape islands with raised curbing is required for parking lots of 20 or more spaces, and shall be designed having minimum width of 10 feet, and a minimum length of the required parking space(s).
- (r) The landscape frontage strip must be 20 feet wide for sites containing 50 or more parking spaces.
- (s) 40 percent of the parking and circulation space shall be on the sides of the building frontage.
- (t) Uses that propose night lighting other than incidental security lighting shall be required to submit a photometric plan to enable the evaluation of impacts from illumination and that are compliance with the outdoor lighting requirements.
- (u) Parking lot lighting poles and fixtures that are constructed shall complement the overall site architecture and design in terms of scale, color, and style, and shall not exceed 20 feet in height.
- (v) Roof mounted lighting or backlit awnings are prohibited.
- (w) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties. All canopy lighting shall be recessed into its ceiling.

#### **Section 1443: Solar electric power generation.**

- (a) Buildings or structures shall be 500 feet from any residence.
- (b) Inverters, transformers and similar noise producing equipment (not including arrays or panels) shall be placed a minimum of 75 feet away from properties abutting adjacent residential properties.
- (c) Minimum lot size is 10.0 acres.
- (d) The buffer width shall be 2.0 times the minimum required with an approved fence, wall or berm.
- (e) Screened chain-link or pressure treated lumber security fencing will be required at a minimum height of 6 feet, but not at a greater height than 8 feet around the perimeter of the facility inside the required setbacks, and it shall be regularly maintained.
- (f) All mechanical equipment (including arrays and panels) and outdoor lighting fixtures shall be limited to a height of 15 feet.
- (g) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.

- (h) Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns.
- (i) A right-of-way encroachment permit shall be applied for with the County Engineer's Office with design and construction providing for a paved asphalt or concrete surface driveway and apron leading to any access gate upon completion of the project.
- (j) The developer shall be able to graphically demonstrate to the Administrative Officer through the use of renderings, photographs or similar credible media that proposed solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
- (k) Textured glass and/or anti-reflective coating shall be used on solar panels to minimize glare.
- (l) Any solar collection device or combination of devices that is not operated for a continuous period of 12 months and for which there are no applications pending for permitted use of the structure at the end of such 12-month period, shall be considered abandoned, whether or not the owner or operator intends to make use of the device(s). The owner of an abandoned solar collection device and the owner of the property where the abandoned solar collection device is located shall be under a duty to remove such device. If such device is not removed within a reasonable time, not to exceed three months, after receipt of notice from the governing authority notifying the owner(s) of such abandonment, the governing authority may remove such device(s) and place a lien upon the property for the costs of removal. The governing authority may pursue all legal remedies available to it to ensure that abandoned device(s) are removed. Delay by the governing authority to act shall not in any way waive the governing authority's right to do so.
- (m) The developer of any solar collection device or combination of devices shall provide the following documentation to the Administrative Official before any land development begins:
  - 1) A recorded plat creating a new parcel containing the boundaries of the facility and showing the panel locations within a properly fenced area.
  - 2) Name, address, phone number and contact information of the owners of the installed solar infrastructure which shall be submitted the County Tax Appraiser's office for personal property tax purposes.
  - 3) Proof of adequate project financing, along with insurance or surety.
  - 4) Proof of compliance with regard to interconnection requirements with appropriate public utilities or public utilities regulatory agencies.
  - 5) A letter from the Georgia Department of Natural Resources that there are no adverse impacts on historical or cultural resources.
  - 6) Submission of a site plan that meets the requirements of the county soil erosion and sedimentation ordinance, and a drainage plan approved by the county engineer.

**Section 1444: Tobacco shops, vape shops and hookah lounges.**

- (a) No new establishment shall be located within 1.0 mile of an existing establishment measured across a straight line from property line to property line.
- (b) These establishments shall not be located within 300 feet, measured property line to property line, from a school (public or private), family day care home, child-care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.
- (c) The buffer with shall be 2.0 times the minimum required with an approved fence, wall or berm.
- (d) All storefronts shall contain transparent glass windows that allow for views into the establishment from the nearest public right-of-way.
- (e) Temporary or portable structures for offices or storage is prohibited.

- (f) These establishments shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to the smoke shop and tobacco store. It shall be unlawful for a smoke shop and tobacco store to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.
- (g) Except for hookah lounges, no smoking shall be permitted indoors at any time.
- (h) No sales may be solicited or conducted on the premises to persons under the age of 21.

**Section 1445: Body Art Studio.**

- (a) No new establishment shall be located within 1.0 mile of an existing establishment measured across a straight line from property line to property line.
- (b) Body art studios shall not be located within 300 feet, measured property line to property line, from a school (public or private), family day care home, child-care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.
- (c) The buffer with shall be 2.0 times the minimum required with an approved fence, wall or berm.
- (d) All storefronts shall contain transparent glass windows that allow for views into the establishment from the nearest public right-of-way.
- (e) All canopy lighting shall be recessed into its ceiling.
- (f) Temporary or portable structures for offices or storage is prohibited.
- (g) The establishment shall comply with Chapter 8 Article 6 of the Bulloch County Code of Ordinances.

**Section 1446: Temporary occupancy unit during single family building construction**

- (a) There shall be an additional permit required for placement of a temporary occupancy unit with a fee as prescribed in the County's Schedule of Fees. Subject to any other conditions of expiration herein, a temporary occupancy permit shall be valid for one year. The zoning administrator may grant a one-year extension of the permit if, in the zoning administrator's opinion, the permittee has made a good-faith effort to construct the principal residential use.
- (b) If a valid building permit for a dwelling serving as a principal use on the subject lot, parcel or tract is not maintained, the temporary permit shall become void on the day the building permit lapses.
- (c) No more than one (1) temporary occupancy unit may be occupied per parcel.
- (d) The temporary occupancy unit may be occupied either by the permanent occupants of the principal use under construction, or any work crew employed by the owner-occupant(s) whose purpose is for the construction of the principal use of the subject lot, parcel or tract. At no time shall any temporary occupancy unit be leased or rented for other residential or occupancy purposes.
- (e) The temporary occupancy unit must be removed no later than thirty (30) days after receiving an approved certificate of occupancy for the principal residential structure, unless such unit is for the recreational use of the owner-occupant of the principal structure.
- (f) The temporary occupancy unit shall comply with all other applicable requirements of the zoning ordinance, including but not limited to setback and height requirements.
- (g) All recreational vehicles and campers shall be built to American National Standards Institute Code (ANSI).
- (h) If the temporary occupancy unit has restroom facilities that are used, the temporary occupancy unit must be attached to an on-site sewage disposal system (septic tank) approved by the County Health Department.
- (i) Heating systems shall be maintained in accordance with the manufacturer's requirements. Any additional or new solid or liquid-fuel burning appliances to be used in a recreational vehicle or

camper shall be installed, used and maintained in accordance with the listing for the appliance and the manufacturer's requirements, including provisions allowing their use in recreational vehicles or campers.

- (j) LP-gas storage and delivery systems shall be maintained in accordance with the manufacturer's requirements. In lieu of complying with the manufacturer's requirements, additional storage of LP-gas is permitted provided the storage and delivery systems comply with the current editions of the Uniform Fire, Building and Mechanical Codes.
- (k) The recreational vehicle and campers shall be set up in compliance with the manufacturer's minimum specifications and shall remain mobile. No ancillary structures may be permitted with regard thereto for the temporary occupancies provided for herein.
- (l) The application for the placement and use of a manufactured home or mobile office for the purpose(s) herein may require the applicant to post a bond in the form of a surety bond, cash or irrevocable letter of credit in the amount not to exceed three thousand dollars (\$3,000.00) per unit to ensure the removal of the temporary occupancy unit within the specified time frame.
- (m) Upon request of a County code enforcement officer investigating any complaint, satisfactory evidence shall be presented of continuing compliance with the applicable standards for temporary occupancy or the occupancy shall cease.

#### **Section 1447: Transfer station.**

- (a) Such facility must receive a permit from and comply with the rules of the Environmental Protection Division of the Georgia Department of Natural Resources for transfer stations.
- (b) The buffer shall be 2.0 times the minimum required with an approved fence, wall or berm.
- (c) Solid waste shall be confined to the interior of transfer stations, and not allowed to scatter to the outside. Waste shall not be allowed to accumulate, and floors, shall be kept clean and well drained.
- (d) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (e) Sewage solids shall be excluded from transfer stations.
- (f) Dust, odors and similar conditions resulting from transfer operations shall be controlled at all times.
- (g) Rodents, insects and other pests shall be controlled.
- (h) Any contaminated runoff from wash water shall be discharged to a wastewater treatment system and, before final release, shall be treated in a manner approved by EPD.
- (i) Hazardous waste: no person owning or operating a transfer station shall cause, suffer, allow, or permit the handling of regulated quantities of hazardous waste.

#### **Section 1448: Utility substation.**

- (a) Minimum setbacks. Utility substations, including any required fencing, must be set back a minimum of 60 feet from all public rights-of-way and from adjacent property lines of any lot on which a residence is located, and 30 feet from all other adjacent property lines.
- (b) Minimum lot size. The lot on which a utility substation is located must be of sufficient size to meet the minimum setback requirements; however, in no case shall the lot on which a utility substation is located be less than 1/4 acre.
- (c) Utility substations, including any woven wire fencing, shall be completely enclosed by decorative fencing such as, but not necessarily limited to, brick, stone or wood. Utility substations must also be enclosed by a woven wire fence at least eight (8) feet high with bottom of fence either flush with the ground or with a masonry footing; however, the requirement for woven wire fencing may be waived if the applicant reasonably demonstrates that the utility substation does not pose a hazard to the public. If the requirement for woven wire fencing is waived, then the zoning administrator may waive the requirement for the building to be completely enclosed by

decorative fencing if the zoning administrator determines that such waiver would not negatively impact the aesthetic quality of the building. However, all equipment located outside the building, such as but not limited to generators and tanks, shall be enclosed by decorative fencing.

- (d) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (e) No vehicles or equipment may be stored on the lot.
- (f) A buffer a minimum of 25 feet wide must be maintained along the side and rear property lines. If any decorative fencing requirements are waived, the zoning administrator may require additional landscaping to preserve the aesthetic quality of the site.
- (g) Any building at a utility substation site must be architecturally compatible with adjacent properties.
- (h) The applicant must submit a site plan to the administrative officer, showing the proposed location and design of any buildings, the proposed location and type of any exterior equipment, the proposed location and design of all fencing, any proposed landscaping, the means of ingress and egress, the uses of adjacent property, and the distance of all improvements from adjacent property lines and rights-of-way. The site plan must be approved by the administrative officer prior to the issuance of a permit, and the zoning administrator may require any modifications to the site plan necessary to achieve compliance with the standards and spirit of this Ordinance.
- (i) The development standards in each district shall not apply to utility substations.

#### **Section 1449: Variety store.**

- (a) No new establishment shall be located within 1.0 mile of an existing establishment measured across a straight line from property line to property line.
- (b) Buildings or structures shall be 250 feet from any residence.
- (c) Hours of operation are limited to 7:00 a.m. to 9:00 p.m., including all deliveries.
- (d) Maximum building size of 12,000 square feet.
- (e) Minimum lot size of 2.0 acres.
- (f) No merchandise for sale including vending machines shall be permitted outside of the building.
- (g) The buffer width shall be 2.0 times the minimum required with an approved fence, wall or berm.
- (h) Access shall only be from an arterial or collector road.
- (i) Use of sound amplification devices is prohibited.
- (j) A minimum of 20 percent of the site shall be landscaped, not including buffers.
- (k) Facades over 50 feet in length shall provide wall projections or recesses with a minimum of one foot in depth and a minimum of 10 contiguous feet in length for each 100 feet.
- (l) A minimum of twenty-five percent (25%) of facades visible from a public street shall consist of window (real or faux) and door openings.
- (m) Parapets, gable and hip roofs or dormers shall be used to conceal flat roofs and roof top equipment from public view.
- (n) Temporary or portable structures for offices or storage is prohibited.
- (o) Seasonal, transient merchants and mobile vendors shall follow requirements of this ordinance.

#### **Section 1450: Veterinary services, and commercial and private kennels.**

- (a) All buildings, structures, and outdoor runs shall be 200 feet from all property lines.
- (b) Minimum lot size of 2.0 acres where commercial kennels or outdoor runs are present.
- (c) The buffer width shall be 2.0 times the minimum required with an approved fence, wall or berm.
- (d) Animal boarding shall take place entirely within an enclosed building. Buildings shall be designed and constructed to mitigate noise to limit negative impacts on adjacent properties. Additional noise mitigation shall be required for existing buildings not originally built for the

boarding of animals, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray on noise insulation

- (e) Odors shall be controlled by means of an air filtration system or an equivalent measure.
- (f) Buildings housing animals shall have a drain connected to an approved sanitary facility, and shall not be located in a front yard, or buffer areas.

**Section 1451: Wastewater pre-treatment facility.**

- (a) The facility shall either be connected to a municipal wastewater treatment system for final treatment of wastewater created from the de-watering process, or the wastewater created from the de-watering process shall be discharged into a remote lift station of a municipal wastewater treatment system which is approved by the municipality. The facility shall be subject to the rules of the accepting municipality.
- (b) Minimum lot size shall be 5 acres.
- (c) No facility shall be within 1,000 feet of a residential dwelling.
- (d) No facility shall be within 100 feet of a floodplain or wetland.
- (e) No facility shall be within 300 feet of an individual or public water supply source or well.
- (f) No facility shall be within 300 feet of any water impoundment, lake, stream, pond or any permanent or intermittent waterbody considered waters of the State.
- (g) No facility shall be located in an unconfined aquifer which is used or may be used as a principal source of potable water.
- (h) Odor control methods must be used.
- (i) A 25' landscaped buffer consisting of trees capable of growing to a height of no less than 40' feet shall be installed and maintained along the side and rear property lines. If the facility is visible from the road accessing the property, either the aforementioned standard of landscaping or opaque fencing of no less than six, but not greater than eight feet in height shall be installed within the front setback.
- (j) Access to the property shall be on a paved public road with all driveway aprons being paved to the edge of the right of way.
- (k) All interior parking and circulation within the facility shall consist at a minimum of a gravel or similarly compacted pervious or impervious surface to minimize on-site erosion and runoff.
- (l) All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- (m) All on-site and off-site drainage shall be installed so as to minimize the potential for any pollution run-off and shall be compliant with NPDES requirements.
- (n) All collected solid waste must be deposited only in an EPD permitted solid waste handling facility authorized to receive the applicable waste types.
- (o) Wastewater pre-treatment facilities shall be paved and enclosed.
- (p) Vehicles or containers used for the collection and transportation of wastes shall be covered, substantially leakproof, durable, and of easily cleanable construction.
- (q) Solid waste collection and transportation vehicles shall be cleaned frequently and shall be maintained in good repair.
- (r) Vehicles or containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not leak or spill therefrom.
- (s) All wastewater from cleaning of vehicles must be handled in a manner which meets all applicable environmental laws and regulations.
- (t) The facility shall be maintained in a clean and sanitary condition.
- (u) The facility shall receive all permits required by the State of Georgia.
- (v) No business that pumps or hauls waste from grease traps or septic tanks whose primary place of business is located outside of Bulloch County would be allowed to utilize this facility or transfer waste to a truck owned by a business in Bulloch County.



**ARTICLE 15 – (RESERVED)**

**ARTICLE 16 – (RESERVED)**

**ARTICLE 17 – (RESERVED)**

**ARTICLE 18 – (RESERVED)**

## **ARTICLE 19 – IGO, INTERSTATE GATEWAY OVERLAY DISTRICT**

### **Section 1901: IGO district boundaries.**

The boundaries of the Interstate Gateway overlay district correspond to the boundaries of the Tax Allocation District #1 - I-16/U.S. 301 Interstate Gateway Redevelopment Area, as adopted by the Board of Commissioners and shown on the Official Zoning Map of Bulloch County, and as may be amended from time to time in accordance with the procedures of this Zoning Ordinance. The Tax Allocation District #1 - I-16/U.S. 301 Interstate Gateway Redevelopment Area is referred to herein as the “Interstate Gateway Redevelopment Area,” and the Redevelopment Plan adopted for the Interstate Gateway Redevelopment Area is referred to as the “Interstate Gateway Redevelopment Plan.”

### **Section 1902: IGO district design standards; intent.**

(a) The intent of the IGO district is to maintain high quality, long-lasting and sustainable development within the Interstate Gateway Redevelopment Area and such other areas as may be designated by the Bulloch County Board of Commissioners from time to time. The standards established by the IGO district are intended to enhance the visual aspect, livability and economic vitality of the areas included within the overlay district; foster common design themes and architectural diversity and interest; and achieve and maintain a consistent, durable and pleasing aesthetic/visual quality.

(b) It is further the intent of the IGO district to implement the Interstate Gateway Redevelopment Plan through consistency with or as guided by the design standard concepts and the future land use, infrastructure and transportation plans adopted as part of the Interstate Gateway Redevelopment Plan, and such plans as may be amended by the Board of Commissioners from time to time.

(c) The IGO district does not change the underlying zoning district of a property, but rather adds provisions that enhance, change or replace certain requirements as specified in this Article that otherwise apply to the underlying zoning district.

### **Section 1903: IGO district design standards; applicability.**

(a) Construction activities subject to the IGO design standards.

(1) The design standards contained in this Article apply to all new nonresidential, multifamily and mixed-use buildings and projects to be issued building or development permits within the IGO overlay district, regardless of the underlying zoning of the property, and to any construction activity that results in the change of the principal use of a building or property.

(2) The design standards contained in this Article do not apply to additions, renovations or maintenance of buildings or land uses that existed prior to the adoption of the IGO district, provided that such activities do not involve or result in a change of the principal use of the building or property.

(b) Uses allowed in the IGO district.

All principal and accessory uses allowed by right or by conditional use approval in the underlying zoning district on a property are similarly allowed within the IGO district, except signs that are regulated under Section 1907, below.

(c) All other standards, requirements and provisions of this Zoning Ordinance shall apply in accordance with the underlying zoning on a property except as modified, added to or superseded by the provisions of this Article 19 for a building or development project within the IGO district.

(d) Additional and individual standards may be established through conditional zoning approval for any property within the IGO district by the Board of Commissioners.

#### **Section 1904: Development enhancements.**

Development in the underlying zoning districts within an IGO district shall be developed under the following enhanced provisions in lieu of regulations established in other articles and sections of this Zoning Ordinance:

(a) Condominium or multi-family projects.

- (1) A condominium or multi-family project, where otherwise allowed by the zoning of the property, may be developed at a maximum density of no more than 8 dwelling units per acre; except as allowed under the following Section 1904(a)(2).
- (2) A condominium or multi-family project otherwise allowed under the property's zoning may be developed at a maximum density of no more than 12 dwelling units per acre provided that community recreation amenities are provided that meet or exceed the following guidelines:
  - a. A community recreation amenity area or areas must be provided to serve the development. The minimum recreational facilities shall be based on the number of dwelling units served in accordance with Table 19.1, which may be met through the provision of one or more amenity areas.
  - b. All amenities must be completed and available for use prior to issuance of a certificate of occupancy on more than 50% of the dwellings served by the recreational amenity in the development.
  - c. The recreation amenity may be designed to serve the entire development or separate amenity areas may be provided for specific residential development areas. If multiple recreation amenity areas are provided, the total of all amenities shall be no less than the total required by Table 19.1 based on the entire development as a whole, distributed proportionally to each development area based on the number of dwelling units each amenity area serves.

(b) A hotel, motel or resort hotel located within the IGO district, where otherwise allowed by the zoning of the property, shall meet or exceed the following provisions:

- (1) Each guest unit must contain a minimum square footage per unit of 300 square feet.
- (2) At least 15 square feet of gross floor area per guest unit must be provided for one or more of the following:
  - a. A restaurant, deli or other sit-down food service area for breakfast service or dining;
  - b. A health spa operated in accordance with state law (O.C.G.A §10-1-392 et seq.) staffed with massage therapists that are available on site full-time or by appointment and licensed in accordance with O.C.G.A § 43-24A-a et seq.;
  - c. A retail store such as a convenience, travel accessory, tourist or sports shop;
  - d. A business or concierge center for guests; and/or
  - e. Meeting rooms or convention facilities.
- (3) Common areas for recreational use by guests collectively containing a minimum of 15 square feet of area per guest unit must be provided. In computing the total square footage provided, swimming pools, fitness or work-out centers and other recreational or leisure facilities available to all guests may be used in determining the square footage; check-in, lobby and waiting areas shall not be included.
- (4) Management must be on the property 24 hours a day, seven days a week.

(5) Daily maid service must be included in the standard room rate.

(c) In the LI and HI zoning districts, the minimum front yard setback may be reduced by the Zoning Official to no less than 35 feet if the entire area between the building and the adjoining street is landscaped to the standards for frontage landscape strips under Section 1911.

<b>Table 19.1: Recreation Amenities</b>				
<b>Amenity Required</b>	<b>Number of Dwellings in the Development</b>			<b>Standard</b>
	<b>25 to 99</b>	<b>100 to 249</b>	<b>250 or more</b>	
Active Play Area <sup>1</sup>	Min. ½ acre total	Min. 1 acre total	Min. 2.3 acres total	Total area: 400 sf per dwelling unit (d/u).
Athletic Courts <sup>2</sup>	Min. 1 court	Min. 1 court + 1 per 100	Min. 3 courts + 1 per 100	Minimum shown + 1 court per additional 100 d/u's (rounded down). <sup>3</sup>
Swimming Pool <sup>4</sup>		Min. 1,800 sf (30 x 60)	Min. 2,250 sf (30 x 75)	Total water surface area: Minimum shown + 9 sf per d/u >250, to a maximum 4,500 sf (45 x 100).
Clubhouse			Min. 2,500 sf	Total floor area: 10 sf per d/u
<p><sup>1</sup> Children's play area including active play equipment. Multiple play areas are allowed, but none less than ½ acre in size. This area may also be occupied by athletic courts and swimming pools as required herein, and by other recreational amenities.</p> <p><sup>2</sup> Any combination of tennis, basketball or volleyball courts.</p> <p><sup>3</sup> For instance, 100-149 dwellings = 1 court; 150-249 dwellings = 2 courts; 250-299 dwellings = 3 courts; 300-399 dwellings = 4 courts.</p> <p><sup>4</sup> Pools shall meet or exceed ANSI/NSPI-1 standards for Class B public pools and maintain compliance with construction and operating permits issued by the Health Department.</p> <p>Note: "sf" stands for "square feet."</p>				

## Section 1905: Streets and roads.

- (a) Public streets and roads within a development must meet the design and construction requirements for all such public roads established by Bulloch County.
- (b) Private streets and roads may be approved with alternate design and construction standards intended to foster "smart growth" concepts and accepted principles of "new urbanism." Such an alternate design must be approved by the Development Services Staff, and may require curb and gutter to justify reductions from the right-of-way width required for a public street. Alternate designs may include but are not limited to:
  - (1) Roundabouts and traffic circles.
  - (2) On-street parking refuges with landscaped "bulb-outs."
  - (3) Traffic calming strategies such as central landscaped islands, speed tables and undulating lanage created by variations in curb lines.

- (4) Alternate decorative paving materials at entrances and for pedestrian crossings.

(c) While traffic signs and other traffic control devices must conform to the Federal Highway Administration's Manual on Uniform Traffic Control Devices, street name signs may be decorative in nature when used throughout a development, subject to approval by the Development Services Staff for readability and ease of identification for emergency vehicles.

- (d) US 301 corridor access.

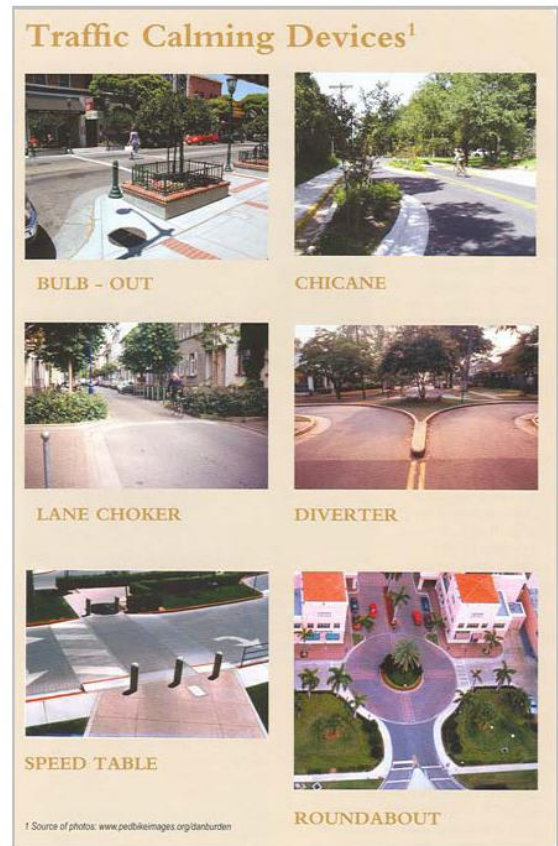
Any new construction or change in the principal use on a property within the IGO district having frontage on US 301 must comply with the following design standards.

- (1) Along those portions of US 301 where a highway median is installed or planned:
  - a. Full-service vehicular driveway access directly from US 301 shall be located only at median breaks where left-turning movements are allowed or planned and a left-turning lane in the median is or will be installed.
  - b. Between installed or planned median break locations, vehicular driveway access directly from US 301 shall be limited to right-in/right-out movements and shall be located no closer to any other vehicular driveway access on the same side of the highway than 350 feet (measured centerline-to-centerline of each driveway).
- (2) Along those portions of US 301 where a highway median is not installed or planned, vehicular driveway access directly from US 301 shall be located no closer to any other vehicular driveway access on the same side of the highway than 350 feet (measured centerline-to-centerline of each driveway).
- (3) Properties having frontage on US 301 shall provide service road access to all abutting properties in accordance with Section 1906 as a condition of issuance of a building permit or development approval, whether or not such properties have independent access to US 301.
- (4) All driveway connections to US 301 must be approved by and issued permits by the Georgia Department of Transportation prior to construction. County driveway requirements that are more restrictive than those of the Georgia DOT shall prevail.

#### **Section 1906: US 301 corridor road and utility access.**

- (a) Intent and purpose of this Section.

- (1) The intent of this Section is to:

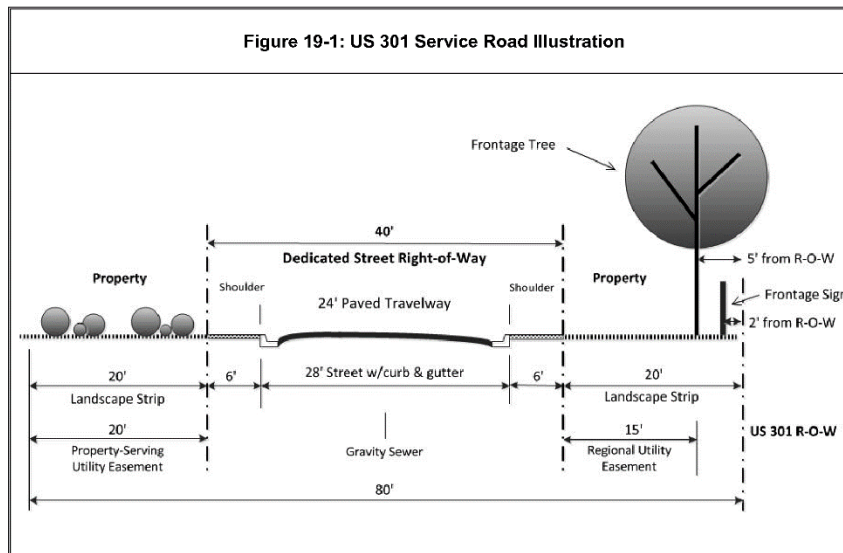


- a. Create a continuous service road serving all properties that are adjacent to (or otherwise would obtain their access from) US 301 in order to provide vehicular access for all such properties adjacent to or served by this limited access state highway;
  - b. Provide vehicular access to properties that are to the rear of properties adjacent to US 301 and that have no alternate access from a public street;
  - c. Provide for the placement of utilities serving properties that provide or are provided access to US 301; and
  - d. Provide signage and landscaping enhancements that encourage economic development of the area.
- (2) The purpose of this Section is to protect the public health, safety and welfare by:
- a. Providing for equal economic development opportunities for all properties within the US 301 corridor;
  - b. Providing for safe vehicular movements between US 301 and adjacent properties;
  - c. Protecting the operational efficiency and safety of US 301 traffic, in compliance with access restrictions imposed by the Georgia Department of Transportation;
  - d. Providing for uniformity and equal access to public and private utilities serving the area and each property;
  - e. Allowing special signage to be placed on each property abutting US 301 for enhanced visibility of businesses and development from the highway; and
  - f. Providing for the aesthetic quality of the US 301 corridor through the provision of landscaping to a higher standard than that required of other properties in the IGO district.
- (b) Service road and easements required.
- (1) For any property that has frontage on US 301, as a condition of issuance of a development or building permit, property owners shall provide a publicly dedicated service road and grant utility easements and frontage landscape strips across their property, as described in this Section, to each abutting property that also has frontage on US 301 and to any other abutting property that has no access from a public street.
  - (2) The service road shall permit vehicular access between abutting properties and to driveway connections with US 301 located in accordance with the provisions of this Article, planned road improvements contained in the I-16 / US 301 Redevelopment Plan, and the standards imposed by the Georgia Department of Transportation.
  - (3) Each required utility easement shall be granted as a permanent, fully-assignable easement to Bulloch County, which may be assigned by Bulloch County for the placement of public and private utilities such as, but not limited to, water, sewer, telephone, cable, natural gas and electrical service.
- (c) Design and improvement standards.
- (1) Any service road and its associated utility easements and landscaping strips, as required by Section 1906(b)(1), collectively shall be no less than 80 feet in width.
  - (2) The service road shall occupy a publicly dedicated right-of-way of no less than 40 feet in width, and shall be improved with a roadway no less than 28 feet in width (including raised curbs and a 24-foot wide travelway) in order to accommodate two-way vehicular traffic to and from the

adjoining properties. The paved travelway and curbs shall be centered within the right-of-way. (See Figure 19-1, below.)

- (3) A service road and utility easements running through a property that has frontage on US 301 to a property located to the rear that has no public street access, shall be located by the County in consultation with the property owners involved.
- (4) The service road travelway shall be paved and constructed to the public road cross-sectional standards contained in the Bulloch County Subdivision Regulations under Section 7.1, paragraphs (a) through (j) or as most recently amended. Curbing shall be raised concrete curb and gutters and provided in accordance with Section 6.2.5 of the Bulloch County Subdivision Regulations. The roadway shall be provided with a 6-foot wide shoulder behind each curb. After the service road has been inspected and accepted by Bulloch County, the owner(s) shall convey fee simple title to the service road right-of-way to Bulloch County.
- (5) A 20-foot wide frontage landscape strip shall be provided along each side of the service road. See Section 1911 for landscaping requirements in frontage landscape strips in general, and specifically Section 1911(c)(5) relating to the placement of frontage trees along the US 301 right-of-way.
- (6) Utility easements shall be granted as follows:
  - a. A 15-foot wide utility easement shall be located within the required 20-foot wide frontage landscape strip between the service road right-of-way and the right-of-way of US 301, parallel and adjacent to the service road right-of-way. (See Figure 19-1, below).
  - b. In all other cases, a 20-foot wide utility easement shall be located within the required 20-foot wide frontage landscape strip parallel and adjacent to the service road right-of-way, extending into the property to be developed.
- (7) A frontage sign may be placed within the landscape strip adjacent to the US 301 right-of-way in accordance with Section 1907(b)(2).
- (8) Driveways connecting development on a property to the service road shall be no more than 24 feet wide for two-way traffic and shall be no less than 100 feet from any other two-way or one-way driveway (measured centerline-to-centerline). One-way paired driveways shall be no more than 12 feet wide and shall be separated by at least 50 feet (measured centerline-to-centerline).
- (9) Construction of the service road, extension of utilities and placement of landscaping material shall be done in conjunction with the development or construction approved on the property, and their completion shall be required prior to issuance of a Certificate of Occupancy for such development or construction.
- (d) Modifications and relief.
  - (1) Prior to its construction, the County Manager or their designee shall have the power and authority to determine or modify the location, layout, design or improvement of a service road or utility easement on a property, in order to preserve or enhance the integrity, character or safety of traffic operations; its aesthetic characteristics; or the installation of public or private utilities within or crossing the property.
  - (2) For service roads that terminate at the right-of-way of I-16, improvements shall be modified to provide vehicular access only as needed to serve development on the property and to serve abutting properties that otherwise have no public street access.

**Figure 19-1: US 301 Service Road Illustration**



### Section 1907: Signage.

All provisions of Article 22 of this Zoning Ordinance pertaining to signs and sign permit requirements apply to properties within the IGO district, with the following exceptions:

(a) Interstate signs.

In addition to the freestanding signs allowed under Article 22, one Interstate Sign is allowed on each property that adjoins or lies within 660 feet of the right-of-way of I-16, and is occupied by a commercial, office or industrial use, under the following provisions:

- (1) Such a sign shall be a minimum of 120 feet and a maximum of 180 feet in height;
- (2) Such a sign may include a total of 150 square feet of sign area for all signage on the sign structure;
- (3) Such a sign shall be no closer than 200 feet from any other Interstate Sign (measured in all directions); and
- (4) Such a sign shall be no closer to the I-16 right-of-way than 50 feet.

(b) Frontage signs along US 301.

On any property that has frontage on US 301:

- (1) Signs that are otherwise allowed under Article 22 of this Zoning Ordinance, including billboards, shall not be located within any utility easement or within a landscape strip that lies between a service road right-of-way and the right-of-way of US 301; and
- (2) One sign (in addition to the signs that are allowed under Article 22) may be located on the property within a landscape strip (but not within a utility easement) that lies between a service



road right-of-way and the right-of-way of US 301. Such frontage sign must be a monument sign of no more than 120 square feet in area, must be 6 feet in height, and its nearest edge must be parallel to and located 2 feet from the US 301 right-of-way.

(c) Interstate signs (allowed under Subsection (a), above) and billboards shall not be located within any minimum required front, side or rear yard.

### **Section 1908: Architectural design guidelines.**

(a) The use of a common palate of building materials for a specific nonresidential or multi-family project shall be maintained for all building façades to create a consistent and themed architectural identity. For large commercial/retail buildings, variations in façade, roofline and depth must be provided to lend the appearance of multi-tenant occupancy.

(b) Terms used in this Section:

*Arcade:* A covered walkway or structural canopy extending along the entire length of the front façade of a commercial building.

*Building types:*

- (1) *Multi-Family Residential:* A residential building containing three or more dwelling units.
- (2) *Commercial or Office:* A building occupied by one or more business establishments that are primarily engaged in the sale of goods; the provision of personal, professional, business, entertainment or other commercial services; the management of a business enterprise; or the provision of temporary housing to the traveling public (such as a motel).
- (3) *Mixed-Use:* A building occupied by both commercial stores or offices and residential dwelling units.
- (4) *Industrial:* A building occupied by one or more business establishment that are primarily engaged in the fabrication, manufacture or production of durable or non-durable goods.
- (5) *Institutional:* A building occupied by a nonprofit religious, recreational or philanthropic organization, club or private school.

*Façade:* A vertical exterior face or elevation of a building.

- (1) *Front Façade:* Any façade with a public entry that faces a public right-of-way. "Facing" a right-of-way shall include being angled 60 degrees or less toward a right-of-way.
- (2) *Rear Façade:* Any façade without a public entry that does not face a public right-of-way. Such façades may form the "sides" of a building if not facing a right-of-way.
- (3) *Side Façade:* Any façade without a public entry but facing a public right-of-way or any façade with a public entry but not facing a public right-of-way. A side façade typically connects a front façade with a rear façade.

*Net Square Footage of Wall Area:* The total area in square feet of a single building façade, less the total area of windows and doors contained within the façade.

*Nonresidential Use or Development:* A property that contains or is intended to contain a commercial, office, industrial or institutional building as its principal use (as defined in this Zoning Ordinance), or a mixed-use building that exclusively contains commercial, office, industrial or institutional uses on its first or ground floor.

*Obscured from View:* The imposition of structural or natural materials between an observer and an object such that the features of the object become visually indistinguishable.

(c) Building plans:

- (1) All building plans submitted as an application for a building permit within the IGO district must clearly indicate all of the proposed building materials and colors for each façade as described herein. The plans must clearly show the location and calculate the amount/percentages of all building materials per façade.
- (2) Groups of buildings on the same parcel of land may be reviewed and permitted as a single project rather than individual buildings. Grouping of similar buildings is encouraged to minimize the number of reviews required and to allow for originality and design flexibility.

(d) General architectural requirements.

- (1) All ground mounted mechanical, HVAC and like systems shall be obscured from view on all sides by an adequately opaque wall, fence or lattice made of materials compatible with the building's materials, or with dense evergreen landscaping.
- (2) For all commercial or office buildings, roof mounted mechanical, HVAC and like systems shall be obscured from view from any public street.
- (3) Permanent mounted exterior neon lights shall not be allowed. Under-canopy lighting shall be recessed and not directly visible from any public street.
- (4) In a nonresidential development with out-parcels, buildings located on the out-parcels shall be constructed of the same primary building material as the principal building with which they are associated.
- (5) Back-lit awnings, roof mounted lights, and/or roof mounted flag poles are not allowed. Satellite dishes shall be located and painted to blend with the background as much as practical.
- (6) Overhead doors for nonresidential uses are not allowed to face a public street or highway.

(e) Building materials.

The following building materials may be used and combined to create a consistent, attractive, interesting and long-lasting building design. The quantity and type of building materials are described below.

(1) Allowed Building Materials:

- a. Brick or brick veneers.
- b. Stone or stone veneers of natural stone such as, but not limited to, granite, limestone and marble are allowed building materials. Terra Cotta and/or Cast Stone, which simulate natural stone, are also acceptable. Painted stone is not allowed.
- c. Tilt/Architectural Pre-Cast Concrete.
- d. High Grade Stucco. Simulated or artificial stucco products are not acceptable.
- e. Painted Concrete Block.
- f. Split-Face Block/Concrete Masonry Unit (CMU).
- g. Natural Wood and cement-based artificial wood siding.
- h. Structural glass or glass curtain wall.

- i. Pre-engineered metal buildings.

(2) Ratios and amounts of allowed building materials.

The following Table 19.2 outlines the allowed building materials for specific types of uses that apply to each façade.

<b>Table 19.2: Allowed Building Materials</b>					
	<b>Building Type <sup>1</sup></b>				
	<b>Multi-Family</b>	<b>Commercial or Office</b>	<b>Mixed-Use</b>	<b>Industrial</b>	<b>Institutional</b>
Brick	Yes	Yes	Yes	Yes	Yes
Stone	Yes	Yes	Yes	Yes	Yes
Glass	No	Yes	Yes	Yes	Yes
Tilt/Precast	No	No	No	Yes	No
Stucco					
Front/Side	Max. 50%	Max. 25%	Max. 25%	Max. 25%	Yes
Rear <sup>2</sup>	Max. 50%	Max. 50%	Max. 50%	Max. 50%	Yes
Concrete Block					
Front/Side	No	No	No	No	No
Rear <sup>2</sup>	No	Yes	Yes	Yes	Yes
CMU/Split-Face Block					
Front/Side	No	No	No	Yes	Yes
Rear <sup>2</sup>	No	Yes	Yes	Yes	Yes
Metal Building	No	Yes <sup>3</sup>	No	Yes <sup>3</sup>	Yes <sup>3</sup>
Wood Siding					
Front/Side	Max. 50%	Max. 25%	Max. 25%	No	Yes
Rear <sup>2</sup>	Max. 50%	Max. 50%	Max. 50%	No	Yes
<sup>1</sup> See the descriptions of building types under Section 1908(b). <sup>2</sup> Rear façades that are visible from a public or private street, or face the front or side of an adjacent building, must meet the standards for a front/side façade. <sup>3</sup> Any façade of a pre-engineered metal building visible from and within 200 feet of the right-of-way of US 301 may not be exposed metal siding, and must be covered with an alternate building material allowed by this Section.					

(3) Accent/trim exterior building material.

Small amounts of building materials such as wood, tile, etc., may be used to enhance the elevation of the building or for decorative elements but must not exceed 10% of total wall area per façade.

(4) Façade calculations

- a. With the exception of accent/trim materials, there shall be no more than two primary building materials used on any one façade. When a material is restricted as a percentage in Table 19.2, such as stucco, siding, etc., the building material may not be combined with another restricted building material. The allowed façade materials shall not apply to windows, glass-front windows, entry doors and/or roll-up doors.
- b. The amount of permitted material shall be calculated using the net square footage of wall area per façade. A building material that is allowed (such as brick) may be used in any percentage throughout the structure. A material that is restricted (such as stucco) is allowed as a maximum percentage.

For example, a commercial building has a front façade with a gross façade area of 1,200 square feet with 400 square feet consisting of windows and doors. Begin with the net square footage of wall area of 800 square feet (1,200 minus 400) for required building material calculations. In this case, the front façade of a commercial building with a net wall area of 800 square feet shall have no more than 200 square feet of stucco on the front façade ( $800 \times 25\% = 200$ ). The balance must be brick or another allowed material without a percentage restriction.

(f) Roof requirements.

(1) Sloped roofs.

Sloped roofs must be covered with shingles, tiles, standing seam metal, or other material with similar appropriate texture and appearance. Tar paper and corrugated metal roofs are not allowed on sloped roofs.

(2) Mansard roofs.

Mansard roofs shall have a minimum pitch of 2:1 (60°) and a maximum pitch of 90° (vertical), with a minimum 4-foot vertical surface rise. The top story of a building may simulate a mansard roof but the minimum and maximum pitches will apply.

(3) Canopies.

Drive under canopies for gasoline pumps may have a flat roof with vertical or factory formed facing of finished sheet metal.

(4) Arcade for multi-tenant commercial building.

For any multi-tenant commercial shopping center or strip retail/service center, a covered arcade shall be provided along the front façade of the building. Arcades are covered walkways connected to or separate from the principal building. They should be designed in a manner that provides architectural depth to the building and includes covered areas for relief from the weather. The arcade must be a minimum of five feet in width.

(g) Alternate standards.

- (1) The architectural design standards of this Section 1908 are intended to be followed as outlined above. In the event the intent of these standards can be achieved with minor deviations that do not substantially affect the purpose and intent of this Section, the County Manager or their designee has the authority to modify the specific provisions on a case-by-case basis.
- (2) If substantial modifications or changes to the architectural design standards of this Section 1908 are desired for a particular property or building, the property owner may apply for a variance to

modify these standards. Any application for an alternate architectural design standard shall be accompanied with proposed elevations, building material descriptions and renderings necessary for the Planning and Zoning Commission to make a determination whether the alternate proposal meets the intent of these requirements. A variance approval may be granted with conditions, modifications or requirements deemed necessary to maintain the high level of development quality intended by the IGO district.

### **Section 1909: Exterior lighting.**

(a) Definitions of terms used.

*Direct Light:* Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminary.

*Luminary:* A complete lighting system, including a lamp or lamps and a fixture. This term shall be interpreted broadly as applying to all outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices (permanently installed or portable), used for illumination or advertisement.

*Luminary, Full Cut-off:* Outdoor light fixtures shielded or constructed so that no direct light rays are emitted by the installed fixture at angles above the horizontal plane of the lowest part of the luminary.

(b) Purpose and intent.

This Section is intended to reduce the problems created by improperly designed and installed outdoor light fixtures, eliminate problems of glare, and minimize light trespass, with regulations that avoid unnecessary direct light from shining onto abutting properties or streets.

(c) Direction of luminaries.

- (1) Light must be directed away from residential buildings and motor vehicles on public roadways.
- (2) Any luminary that is aimed, directed, or focused such as to cause direct light from the luminary to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public roadways, shall be redirected or its light output controlled or shielded as necessary to eliminate such conditions.

(d) Luminaries adjacent to residential districts.

For any commercial use adjacent to an area zoned AG-5, R-80, R-40, R-25, R-15, R-2, R-3 or MHP, or residential portions of a PUD, all luminaries, hereafter installed for outdoor lighting shall be full cut-off luminaries, as defined by this Section, or another luminary that does not emit any direct light above the horizontal plane of the lowest part of the luminary.

(e) Prohibited lighting.

The following types of outdoor lighting are prohibited:

- (1) Searchlights for advertising purposes;
- (2) Laser source light, or any similar high intensity light, used for any purpose.

### **Section 1910: Landscaping.**

The landscaping requirements of the IGO district are in addition to the buffer and screening requirements of Article 4 of this Zoning Ordinance.

(a) Purpose.

The purpose of the landscaping requirements of the IGO district is to improve the aesthetic qualities of the district and to protect and preserve the appearance, character and value of its neighborhoods and business areas by:

- (1) Providing for quality and consistency in the design and location of landscaping;
- (2) Providing for a “signature look” for the area to establish a unique sense of place; and
- (3) Providing for increased economic development opportunities through an enhanced aesthetic setting attractive to customers and employees alike.

(b) Definitions related to landscaping.

*Caliper:* The diameter of a tree (usually nursery stock) measured at a point 6 inches above the ground or top of root ball for up to and including 4-inch caliper trees, and at a point 12 inches above the ground or top of root ball for larger sizes.

*Deciduous:* A plant with foliage that is shed annually.

*Evergreen:* A plant with foliage that persists and remains green year-round.

*Ground cover:* Low growing, spreading plants, other than turf grass, such as but not limited to ivy, liriopse, juniper, mondo grass or sedge.

*Landscape materials:* Any combination of living plant materials and nonliving materials such as rocks, pebbles, wood chips, mulch and pavers, and decorative features, including sculpture, patterned walks, fountains, and pools. Synthetic landscaping materials acceptable to the Zoning Official may also be used.

*Mulch:* Pine straw, pine or cypress bark, pebbles, lava rock or synthetic landscaping materials acceptable to the Zoning Official.

*Shrub:* A self-supporting woody plant that normally reaches a height of less than 15 feet, such as but not limited to azalea, boxwood, yew, hydrangea, holly, nandina or camellia.

*Tree:* A large, woody plant that has one or several self-supporting stems or trunks and numerous branches, and that normally reaches a height of 15 feet or more. May be classified as deciduous or evergreen.

*Tree, shade:* A broadleaf tree that has a single trunk and which will reach at least 35 feet in height and 35 feet in spread at maturity. In defining such trees, reference may be made to the latest editions of Landscape Plant Materials for Georgia (Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625) and the Manual of Woody Landscape Plants (Michael Dirr, 1983, Castle Books).

**Section 1911: Frontage landscape strips.**

(a) Frontage landscape strips; where required.

- (1) Single-family residential subdivisions and lots are exempt from the requirements of this Section 1911.
- (2) All properties having frontage on US 301 shall provide landscape strips along US 301 and along their respective service roads, located as described in Section 1906(c)(5).
- (3) For all other properties having frontage on a public street other than US 301, multi-family, office, institutional, commercial and industrial projects located in the R-3, PUD, MHP, GC, NC, LI or HI

zoning districts shall provide and maintain a continuous 20-foot wide frontage landscape strip (exclusive of driveways) adjacent to all public street rights-of-way.

- (4) All minimum required landscape strips shall be landscaped in accordance with the requirements of this Section and shall be provided with an installed irrigation system. The location and detail of all required landscaping shall be depicted on the site landscaping plan required under Section 1913.

(b) Location of structures in frontage landscape strips.

If a frontage landscape strip is required, it shall contain no structures, parking areas, patios, non-landscaped or wet pond storm water detention facilities, or any other accessory uses except for the following:

- (1) Retaining walls or earthen berms constructed as part of an overall landscape design.
- (2) Pedestrian-oriented facilities such as sidewalks.
- (3) Underground utilities and fire hydrants.
- (4) Driveways required to access the property.
- (5) Signs otherwise permitted by the IGO district and this Zoning Ordinance.

(c) Landscaping required in frontage landscape strips.

- (1) All portions of a required frontage landscape strip shall be covered by landscape materials, as defined in this Article, except for those ground areas that are covered by permitted structures. A minimum of 50% of the required landscape area shall be covered with living plant materials.
- (2) Shrubs are to be provided within the frontage landscape strip at the rate of 3 shrubs for every 10 linear feet of street frontage, or portion thereof (excluding driveways). Shrubs must be at least 18 inches tall at the time of planting, and be of a species that will normally exceed 2 feet in height at maturity.
- (3) Trees may be planted in a frontage landscape strip in lieu of shrubs in a ratio of 1 tree = 6 shrubs. Such trees must be of a type that is suitable to local growing conditions. Upon planting, new deciduous trees shall have a caliper of no less than 2 inches and new evergreen trees shall be at least 6 feet tall.
- (4) Plant materials may be clustered for decorative effect following professional landscaping standards for spacing, location and design, except for trees required for tree-line planting along US 301.
- (5) Along US 301, within the frontage landscape strip adjacent to the highway, trees shall be planted in a line 5 feet from the right-of-way line of US 301. Trees shall be spaced 40 feet on center and located in multiples of 40 feet from the nearest intersection of the rights-of-way of US 301 and I-16 on the same side of the highway as the frontage landscape strip.

a. Such trees along US301 must be one or any combination of the following species.

1. Japanese Cryptomeria;
  2. Leyland Cypress; or
  3. Bald Cypress.
- b. An alternate but equivalent tree species approved by a Georgia Registered



Landscape Architect for growing conditions on a particular property may be considered for approval by the Zoning Official under the provisions of Section 1913(c)(2).

### **Section 1912: Parking lot plantings.**

#### **(a) Parking lot internal planting areas.**

The following requirements of this Section apply to any parking lot designed or intended to accommodate 5 motor vehicles or more for residents, employees, customers or visitors in the R-3, PUD, MHP, GC, NC, LI or HI zoning districts within the IGO district. Parking lots designed and intended for the storage of vehicles owned by the business on site overnight (such as a company fleet), or maintains a stock of vehicles as part of its business activities (such as a car sales lot, a salvage and wrecking yard, car rental agency, etc.), are not subject to the requirements of this Section 1912.

#### **(c) Trees required in parking lots.**

At least one shade tree or evergreen tree (as defined in this Article), occupying a planting space of at least 150 square feet each, shall be furnished for each 10 parking spaces in the parking lot.

- (1) Trees must be placed in or around the parking lot such that every parking space is within 50 feet of a tree. The 50-foot distance is measured from the center of the tree to any point within the parking space.
- (2) New shade trees shall have a caliper of no less than 2 inches upon planting, or a height of no more than 6 feet for evergreens, and shall be maintained in good condition. Trees that must be removed as a result of disease, damage or death, must be replaced.



#### **(c) Standards for parking lot planting areas.**

- (1) Landscape islands, strips or other planting areas shall be located within the parking lot and shall constitute at least 10% of the entire area devoted to parking spaces, aisles and connecting driveways.
- (2) Landscape islands, strips or other planting areas shall be landscaped with any combination of such plant materials as trees, shrubs, grass or ground cover, except for those areas that are mulched. Such planting areas shall be well drained and contain suitable soil; and shall be provided with an installed irrigation system.



- (3) As a minimum, a landscaping island shall be located at the end of every parking bay between the last parking space and an adjacent travel aisle or driveway. The island shall extend the length of the parking bay and shall be no less than 8 feet wide for at least one-half the length of the adjacent parking space.
- (4) Landscape islands between side-by-side parking spaces shall be no less than 8 feet in width and extend for at least one-half the length of the adjacent parking space. Landscaping strips between head-to-head parking spaces shall be no less than 8 feet in width without wheel stops, or 5 feet in width when provided with wheel stops in the parking spaces such that no vehicular overhang is permitted.



### **Section 1913: Landscaping plans; plant materials.**

- (a) Landscaping plans; when required.
  - (1) The provisions of this Section do not apply to landscaping of any kind that exceeds or is otherwise not required by the landscaping requirements of this Article.
  - (2) Site landscaping plans are required upon application for a development permit or for a building permit for new construction of buildings or any development to which landscaping requirements of this Article apply.
  - (3) Site landscaping plans shall be required for only that phase of development for which the development permit or building permit is being requested.
  - (4) In cases where approval of the required landscaping plans would cause harmful delay to the start of construction, the Zoning Official may issue footing and foundation permits for the project so that construction may proceed, pending approval of the landscaping plans.
  - (5) Authorization for construction beyond the footing and foundation shall not be issued until the required site landscaping plans have been submitted and approved.
- (b) Landscaping plans; specifications.

All site landscaping as required by this Article for frontage landscape strips and parking lot plantings shall be illustrated on plans as described in this Subsection.

- (1) Scale at 1 inch = 20 feet to 50 feet, as needed to clearly illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.
- (2) Caption:
  - a. The name of the development and its total acreage (or square footage if less than an acre).
  - b. Name, address, telephone and fax numbers of the property owner and developer.
  - c. Name, address, telephone and fax numbers of the applicant.
  - d. Name, address, telephone and fax numbers of the individual or company responsible for the design. The name, registration number and seal of the professional under whom the plan was prepared, if any, shall be stamped on the plan and signed.

- e. Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
- (3) The location and size of all underground or aboveground utilities within the landscaping area, including the limits of any public or private utility easements and storm water detention areas.
- (4) The outline of all existing (to remain) and proposed buildings and structures.
- (5) The boundaries of all areas required to remain undisturbed.
- (6) The location and details of any buffer or other screening required under Article 4 of this Zoning Ordinance.
- (7) The boundaries of each required landscape frontage strip and parking lot planting area.
- (8) A planting plan showing the location, size, and the botanical and common names of proposed plant materials.
- (9) The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Article for landscape strips or parking lot landscaping.
- (c) Acceptable plant materials.

The following are the minimum plant sizes and conditions to be used in satisfying the requirements of this Article. Acceptable plant materials for landscaping shall be as approved by a Georgia registered Landscape Architect if deviations from these standards are desired by the developer.

- (1) New plant materials.
  - a. Medium shrubs (those having a mature height of 4 feet or less), 18 x 24 inch balled and burlapped meeting the American Standard for Nursery Stock ANSI Z60.1 (2004 or latest adopted edition).
  - b. Large shrubs (those having a mature height greater than 4 feet), 24 x 30 inch balled and burlapped meeting the American Standard for Nursery Stock ANSI Z60.1 (2004 or latest adopted edition).
  - c. Ground cover, 2½ inch pot.
  - d. Deciduous trees, minimum 2-inch caliper.
  - e. Evergreen trees, minimum 6 feet high at the time of planting.

The American Standard for Nursery Stock, published by the American Association for Nurserymen, may be referred to for the determination of plant standards.

- (2) Approval of plant materials.
 

Approval of a proposal to use a specific landscaping material shall be subject to a determination by the Zoning Official that the proposed material is approved by a Georgia Registered Landscape Architect as the most appropriate for:

  - a. The specific location, given surrounding land uses on nearby properties, and
  - b. The specific topography, soil, existing vegetation, and other factors that may influence the effectiveness of a landscaping material.

(d) Installation and maintenance of plant materials.

(1) Installation of plant materials.

Plant materials, as required by the provisions of this Article, shall be installed prior to issuance of a certificate of occupancy. The Zoning Official may allow up to one planting season in a twelve-month period in which the installation of plant materials shall be completed, subject to the performance surety requirements, below.

(2) Performance surety.

- a. In such cases as when planting stock availability is low or weather conditions are not appropriate for planting, the project owner may postpone planting until the next planting season; provided that performance surety is posted with Bulloch County in accordance with the following criteria:
  1. Surety shall be in cash held in escrow or an irrevocable letter of credit submitted to the Zoning Official, with the appropriate documentation.
  2. Surety shall be provided in an amount equal to 110 percent of the cost of plant materials, installation and 2-year guarantee as demonstrated by a signed contract between the owner and their landscape contractor, and as approved by the Zoning Official.
- b. An inspection shall be made by the Zoning Official of all landscape plantings to assure compliance with plan requirements prior to release of the performance surety. The performance surety will be drawn upon by Bulloch County at the time of expiration if the planting requirements have not been fulfilled, or if the owner has not requested an extension. One 3-month extension may be permitted with documented justification acceptable to the Zoning Official. Any inspections performed after the final inspection (for project release) are subject to re-inspection fee schedules.

(3) Maintenance surety.

- a. Prior to issuance of a certificate of occupancy, or prior to release of a performance surety provided under this Section (whichever last occurs), a maintenance surety in the form of a letter of credit or cash escrow account in a form acceptable to the Zoning Official is required for all plant materials installed as a result of the requirements of this Article. The developer shall be responsible for maintenance of all such plant materials for 2 years from the date of acceptance of the maintenance bond.
- b. The value of the maintenance surety shall be equal to 25 percent of the actual cost of installation of the plant materials. The cost of installation shall be evidenced by copies of contractor agreements or actual invoices paid, or as otherwise determined by the Zoning Official in accordance with generally established costs for the industry.

(4) Maintenance of required plant materials.

- a. The owner, tenant and their agent, if any, and their successors and assigns shall be jointly and severally responsible for the maintenance in good condition of the plant materials used to meet the minimum landscaping requirements of this Article. This responsibility is in addition to and survives the release of any maintenance surety provided for the property by the developer.

- b. Plants that are diseased, unsurvivably damaged or are dead, shall be removed and replaced with a plant of the same species, variety or cultivar, as acceptable to the Zoning Official.
- c. Other landscape materials shall be maintained in proper repair and shall be kept clear of refuse and debris.

#### **Section 1914: Water and Sewer.**

(a) For purposes of this section, the following terms shall have the following meanings:

- (1) Planned Development refers to new private or public land developments within or partially within the IGO district approved by the County according to a development plan and consisting of residential subdivisions of five (5) or more lots, commercial subdivisions of two (2) or more lots, two-family or multi-family developments with a net density of two (2) units per acre or greater, planned unit developments as provided for in Article 12 of Appendix C - Zoning, Sections 1201 et seq. of the Code of Ordinances of Bulloch County, Georgia, or a single unit commercial or industrial development with an estimated usage of one thousand (1,000) gallons per day or more of wastewater calculated pursuant to the City of Statesboro's Aid-to-Construction Fee ordinance in accordance with City of Statesboro Code Section 82-176.
- (2) New Development refers to new private or public land developments within or partially within the IGO district that are not a Planned Development, a farm, or a single family residential property.

(b) Planned Developments or New Developments located on property within or partially within the IGO district shall be required to connect to the City of Statesboro's water and sewer infrastructure pursuant to Water/Sewer Agreement "A" for Tax Allocation District #1, included herein as Appendix 19.1, if any portion of the Planned Development's property or New Development's property is located within one thousand (1,000) linear feet of any component of the City of Statesboro's water and sewer infrastructure capable of providing the Planned Development or New Development water and sewer service, or if due to expansion of the City of Statesboro's water and sewer infrastructure the Planned Development's property or New Development's property becomes located within one thousand (1,000) linear feet of any component of the City of Statesboro's water and sewer infrastructure capable of providing the Planned Development or New Development water and sewer service.

(c) If a Planned Development or New Development located on property that is within or partially within the IGO district is not located within one thousand (1,000) linear feet of any component of the City of Statesboro's water and sewer infrastructure capable of providing the Planned Development or New Development water and sewer service, then the Planned Development or New Development may install a private water system and sewer disposal system in anticipation of future connection to the City of Statesboro's water and sewer infrastructure pursuant to the terms and conditions in Water/Sewer Agreement "B" for Tax Allocation District #1, included herein as Appendix 19.2.

(d) The City of Statesboro and the County reserve the right to grant a joint waiver of a Planned Development's or New Development's obligation imposed by the County on Planned Developments or New Developments within the IGO district to connect to the City of Statesboro's water and sewer infrastructure. The County and the City of Statesboro shall act in good faith in considering a request for waiver, and the grant of a waiver shall not be unreasonably withheld by either the County or the City of Statesboro.

**APPENDIX 19.1**  
**WATER/SEWER AGREEMENT "A" FOR**  
**TAX ALLOCATION DISTRICT #1**

GEORGIA, BULLOCH COUNTY

**THIS AGREEMENT** entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the **MAYOR AND CITY COUNCIL OF STATESBORO**, a municipal corporation, its assigns and successors, hereinafter referred to as "City" and \_\_\_\_\_, their heirs, assigns and successors, hereinafter referred to as "Developer", the developer of the project known as \_\_\_\_\_.

**WHEREAS**, in regard to extending and making additions to the City's water and/or sanitary sewer systems and also to the construction of water distribution and/or sanitary sewer collection and disposal systems to serve the property known as \_\_\_\_\_; located at \_\_\_\_\_ and \_\_\_\_\_

**WHEREAS**, the engineering design for said water and sanitary sewer systems will be accomplished by competent, professional engineers registered in the State of Georgia;

**NOW THEREFORE**, the City and \_\_\_\_\_ covenant and agree as follows:

1. City shall approve the designation of the engineer who shall be responsible for the engineering design and inspection in connection with the installation of said water and sanitary sewer systems. The Developer shall be responsible for providing resident inspection during construction and for insuring the engineer's conformance to area planning, adequacy of design, and conformance to City requirements regarding location, size and depth of lines, capacity and arrangements of lift stations and quality of construction. The Developer shall provide to the City a statement from the project engineer certifying that the materials and workmanship including pipes, bedding, thrust blocks, valves, fire hydrants, manholes, lift station equipment and other related materials and work meet the approved specifications and plans. Upon request of the City, the certification shall be substantiated by material affidavits from suppliers and by applicable test results for inflow/infiltration, exfiltration, deflection, pressure, leaks, bacteria, compaction and other tests required by the City. All construction, engineering and inspection costs in connection with these systems shall be borne by the Developer. The City will provide only the sewage treatment facility and the water supply facility.

2. The Developer will pay a five hundred (\$500.00) dollar non-refundable fee to the City of Statesboro to cover the costs for the City's Consulting Engineers to review plans for compliance with the City's Long Range Water and Sewer Master Plan as well as the Long Range Water and Sewer Master Plan adopted for Tax Allocation District One by BULLOCH COUNTY BOARD OF COMMISSIONERS and the MAYOR AND CITY COUNCIL OF STATESBORO. This fee will also cover the costs for said Engineer to update the Water and Sewer Master Plan as per the development and to update the City's water/sewer location maps to include this extension of mains. The Developer covenants and agrees to reimburse the City for additional inspection time on unfamiliar contractors until such time as the contractor is approved by the City.

3. Both parties covenant and agree that if the project is located outside the City Limits, but is not contiguous to the City Limits, in order to receive utilities from the City, the Developer will comply with the City's Water and Sewer access, design and construction standards. Except for the City's water and sewer access, design and construction standards, the County's developmental regulations, e.g. the County's comprehensive plan, the district redevelopment plan, land development standards, zoning, permitting, regulations and review processes not in conflict with the City's water and sewer access, design and construction standards shall apply.

4. The Developer shall hold the City harmless and indemnify City against any damages due to work associated with the tie on of existing water or sanitary sewer lines.

5. Both parties covenant and agree that upon completion of the systems and all related facilities, including all associated water and sewage fees being fully paid for by the Developer (except the sewage treatment facility and the water supply facility) and after the submission of "as built" drawings (one electronic copy in a format acceptable to the City and two blueprint plans), the City will, subject to approval of the City Engineer, accept title thereto and assume responsibility for maintenance and operation of those portions located within public easements or rights of

way. The acceptance shall include all rights, title and interest that the Developer has in the water and sanitary sewer systems servicing the said project and also all easements and/or rights of way required for the purpose of maintenance thereof. Developer agrees to execute any further documentation, such as a Bill of Sale and/or Easement, upon request of the City as may be necessary to transfer title to the systems. The Developer shall bear the costs for the proper recording of all water and sewer easements. Those portions of the facilities not so conveyed by the Developer such as single use lines, shall remain the responsibility of the Developer or its assigns as to the ownership and maintenance.

6. The Developer warrants the water and sanitary sewer systems to include all parts, piping and pumping devices that make up the water or sewer system against defects and improper installation for a period of one (1) year from the date the City accepts the system. During the one (1) year warranty any repairs to the system will be made at the expense of the Developer and any street repairs necessitated for the maintenance and repair of the water system and/or sanitary sewer systems will also be at the expense of the Developer.

7. The Developer agrees to, whenever possible, acquire and dedicate right-of ways and/or easements necessary to connect the project to the City's water and sewer infrastructure. In the event the developer cannot acquire and dedicate rights of ways and/or easements necessary to connect to the City's water and sewer infrastructure, and the City's subsequently acquires the needed rights of ways and/or easements necessary to connect to the City's water and sewer infrastructure, then the owner or developer shall reimburse that Party for all costs associated with acquiring the needed rights of ways and/or easements.

8. Upon approval engineering and design plans by the City, and if no rights of ways, easements or other property rights must be obtained to connect to the City's water and sewer infrastructure the Developer must connect the project to the City's water and sewer infrastructure within the District within ONE HUNDRED AND EIGHTY (180) days.

9. Upon approval of the engineering and design plans by the City, and if rights of ways, easements or other property rights must be obtained to connect to the City's water and sewer infrastructure the Developer must connect the project to the City's water and sewer infrastructure within the District within THREE HUNDRED AND SIXTY FIVE (365) days.

10. In the event the Developer sells any or all of the property containing the project prior to connecting to the City's water and sewer infrastructure, the developer shall upon sale include appropriate deed restrictions requiring all subsequent owners of the property to connect to the City's water and sewer infrastructure.

11. Both parties covenant and agree that all costs, including construction, land, legal and engineering, in connection with the addition and/or installation of the system shall be borne by the Developer. It shall be the Developer's responsibility to obtain all the necessary regulatory permits and approvals. It is understood and agreed by and between the parties that the City's sole responsibility will be to provide the sewage treatment facility, the water supply facility and any water and sewer mains that may already be in place.

12. Developer acknowledges that there is an Aid to Construction fee (ATC) for each gallon of sewage accepted by the City from Developer for treatment. This fee shall be imposed in accordance with the current City rates in effect and shall be paid by Developer to the City upon execution of this Agreement. The current rate is \$\_\_\_\_\_ per gallon per day of sewage accepted by the City for treatment. The City calculates that \_\_\_\_\_ gallons per day of sewage from the Project will be treated by the City. The Developer, therefore, tenders the amount of \$\_\_\_\_\_ to the City in payment of this fee. If it becomes apparent that the amount of sewage to be treated by the City will exceed the amount set forth above, Developer shall immediately tender such payment of the ATC fees to the City as is required. It shall be the responsibility of the City to correctly calculate the gallons of sewage from the Project to be treated by the City. The City's calculations shall be consistent with the City's schedule of contributory load factors. The ATC fee is payable upon execution of the agreement.

13. It is understood and agreed by and between the parties that there shall be a sanitary sewer connection fee and a separate water connection fee in accordance with the current City rates in effect. The connection fees shall be paid upon issuance of a building permit.

14. Developer acknowledges that the City shall be the sole provider of water for consumption or irrigation and covenants and agrees not to obtain a private well or obtain water from any source other than the City.

15. This agreement may not be transferred or assigned in whole or of any part by Developer without prior written consent of the City and any violation of this agreement shall terminate the City's obligation hereunder.

16. This agreement is to be governed by Georgia Law and it is understood and agreed by and between the parties that all provisions of both state and federal law now or hereafter in effect relating to water and sewage service shall be applicable to this Agreement.

IN WITNESS WHEREOF all parties have set their hands and seals on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

MAYOR AND CITY COUNCIL OF STATESBORO

BY: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Notary Public

DEVELOPER

BY: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Notary Public

## **SECTION 20 – CONSERVATION PRESERVATION DISTRICT**

### **Section 2001: Purpose.**

It is the intent of this section that the CP district be established and maintained to preserve and/or control development within certain land, marsh, and/or water areas of the county which:

- (1) Provide needed open space for the health and general welfare of the county's inhabitants;
- (2) Are utilized for outdoor recreation purposes;
- (3) Possess great natural beauty or are of historical significance;
- (4) Are subject to periodic flooding.

The regulations which apply within this district are designed to reserve such areas for the purposes outlined herein and to discourage any encroachment by residential, commercial, industrial, or other uses capable of adversely affecting relatively undeveloped character of the district.

### **Section 2002: Boundaries of CP districts.**

The official map (section 2301 of this ordinance) shows the boundaries of all CP districts within the county. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

### **Section 2003: Permitted uses.**

- (a) The following uses shall be permitted in any CP district:
  - (1) Boat House or non-commercial dock (private).
  - (2) Government: Local, State, Federal.
  - (3) Farm.
  - (4) Wildlife Refuge, including caretakers' residence as an accessory use.
  - (5) Swimming Beach.
  - (6) Utility substations.
- (b) The following are considered conditional uses in the CP district:
  - (1) Marina (commercial).
  - (2) Museum or Exhibit Area.



## ARTICLE 21 – PROTECTION OF RIVER CORRIDOR

### Section 2101: Purposes.

(a) This article provides for the protection of river corridors and the regulation of activities in or adjacent to those corridors; provides for the powers and duties of the county and other governmental entities; provides for goals, guidelines, practices, procedures, policies, rules, and regulations; provides for minimum standards for regulated activities within river corridors and their buffers which natural resources of the county are of vital importance to this county and its citizens; provides for enforcement; prohibits certain activities or actions; provides for civil and other penalties; repeals conflicting ordinances; and for other purposes.

(b) The state has determined that its river corridors are of vital importance in that they help preserve those qualities that make a river suitable as a habitat for wildlife, a site for recreation, and a source for clean drinking water. River corridors are fragile natural resources subject to flood, erosion, soil-bearing capacity limitation, and other natural and human induced hazards. In their natural state, they serve multiple functions for pollution control, aquifer recharge and discharge, storage and passage of flood water, and erosion and sedimentation control, as well as wildlife habitat, education, scientific study, open space and recreation, and scenic and aesthetic beauty.

(c) The Comprehensive Planning Act of 1989 provides for the development of coordinated and comprehensive planning by municipal and county governments. Such comprehensive plans shall consider the natural resources, environments, and vital areas within the jurisdiction of the local governments. Additionally, O.C.G.A. § 12-2-8 authorizes the department of natural resources to develop minimum planning standards and procedures for the protection of river corridors in the state and requires local governments to use these minimum standards in developing and implementing local comprehensive plans. The method mandated in O.C.G.A. § 12-2-8 for protecting river corridors is establishing a natural vegetative buffer bordering each protected river.

(Ord. of 7-6-99)

### Section 2102: Definitions.

For purposes of this article, the terms listed below shall be defined as follows.

(a) *Board*. Bulloch County Board of Commissioners.

(b) *Buffer or buffer area*. A landscaped open area and/or screened area designed to separate incompatible uses. See also "river corridor."

(c) *Comprehensive plan*. The Joint Comprehensive Plan for Bulloch County, the Town of Brooklet, the Town of Portal, and the Town of Register, Georgia, dated April 1993, and as may be amended.

(d) *Contaminant*. Any "regulated substance," as defined by the federal Resource Conservation and Recovery Act, as in effect on the date of passage of this article and as amended from time to time, and all petroleum products, including gasoline, oil, waste oils, and other fuels as well as their hazardous constituents.

(e) *County*. Bulloch County, Georgia.

(f) *Hazardous material*. Any "contaminant" as defined in this article, and any hazardous chemical for which a material safety data sheet must be filed under 42 USC 11021 and 11022.

(g) *Hazardous waste*. Any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency according to federal act, which are in force and effect on February 1, 1988, codified as 40 CFR § 261.3.

(h) *Land-disturbing activity.* Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in section 6.5-28, paragraph 5, of the Bulloch County Soil Erosion and Sedimentation Control Ordinance, 1992, as amended.

(i) *Land uses existing prior to the effective date of this article.* Any land use or land disturbing activity, including all human endeavors directly associated with such use or activity, which falls within one of the following categories prior to the effective date of this article (July 6, 1999):

- (1) The use or activity is completed;
- (2) The use or activity is under construction;
- (3) The use or activity is fully approved by the county;
- (4) All materials for the use or activity have been submitted for approval by the county; or
- (5) The property is zoned for such use or activity and expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such zoning.

(j) *Natural vegetative buffer or buffer area.* A river corridor containing the flora native to that area. Natural vegetative buffers are areas within 100 feet on either side of the banks of a protected river. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114, "The Natural Environments of Georgia." Habitats for endangered and threatened species may require human management of the river corridor in order to maintain those species.

(k) *Perennial river.* A river or section of a river that flows continuously throughout the year.

(l) *Person.* Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality, or other political subdivision of this state, any interstate body or any other legal entity.

(m) *Protected river.* Any perennial river or watercourse with an average annual flow of at least 400 cubic feet per second as determined by appropriate U.S. Geological Survey documents. In the county, the Ogeechee River is a protected river.

(n) *Public utility or utilities.* A service or services provided by a public utility company or a private entity which provides such service or services and including all equipment and structures necessary to provide such services.

(o) *River bank.* The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

(p) *River corridor.* All land, including islands, not regulated under the Metropolitan River Protection Act, O.C.G.A. § 12-5-440 et seq., or the Coastal Marshland Protection Act, O.C.G.A. § 12-5-280 et seq., in areas of a protected river and being within 100 feet horizontally on both sides of the river as measured from the river banks. The 100-foot buffer shall be measured horizontally from the uppermost part of the river bank usually marked by a break in slope. Although not within the measured 100-foot wide buffer, the area between the top of the bank and the edge of the river shall be treated by local governments in the same manner as the river corridor. Because stream channels move due to natural processes such as meandering, river bank erosion, and jumping of channels, the river corridor may shift with time. For the purpose of this article, the river corridor shall be considered to be fixed at its position at the beginning of each review period for the local comprehensive plan as established by the department of community affairs. Any shift in the location of the protected river after the start of the review period will require a revision of the boundaries of the river corridor at the time of the next review by the department of

community affairs.

(q) *Sensitive natural area*. Any area, as identified now or hereafter by the department of natural resources, which contains one or more of the following:

- (1) Habitat, including nesting sites, occupied by rare or endangered species;
- (2) Rare or exemplary natural communities;
- (3) Significant landforms, hydroforms, or geological features; or
- (4) Other areas so designated by the department of natural resources, and which are sensitive to physical or biological alteration.

(r) *Single-family dwelling*. A single residential detached building, manufactured home or site-built, designed for or containing one dwelling unit.

(s) *Surface mining*. Any activity constituting all or part of a process for the removal of minerals, ores, and dimension stone, and other solid matter for sale or for processing or for consumption in the regular operation of a business.

(Ord. of 7-6-99)

### **Section 2103: Applicability.**

The standards and procedures detailed in this article shall be applicable to unincorporated Bulloch County and all state owned or administered land. The protected river corridor applies to land adjacent to the Ogeechee River.

(Ord. of 7-6-99)

### **Section 2104: Protection criteria.**

The following protection criteria shall apply within the river corridor:

(a) A 100-foot natural vegetative buffer shall be maintained adjacent to the river corridor except as otherwise provided herein.

(b) Septic tanks and septic tank drainfields are prohibited within the river corridor, except as provided in section 2105 of this article.

(c) The natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity within the river corridor.

(Ord. of 7-6-99)

### **Section 2105: Permitted activities within the river corridor.**

Unless otherwise prohibited in the zoning district in which the property is located, the following uses and activities shall be permitted within the river corridor:

(a) Detached single-family dwellings and their customary appurtenances subject to the following conditions:

- (1) The dwelling and its customary appurtenances shall comply with all development standards for the particular zoning district in which the property is located (including lot size), building codes, and any other local regulations.
- (2) The dwelling must be located on a tract of land containing two acres. Where a tract includes any portion of the protected river, the area between the river banks cannot be counted towards

the two-acre minimum tract size. (Note: the minimum lot size may be greater than two acres depending on the zoning district in which the property is located.)

- (3) Only one dwelling is permitted on each two acre or larger tract.
- (4) Septic tank or tanks serving the dwelling may be located within the buffer.
- (5) Septic tank drainfields shall not be located within the buffer.

(b) Construction of road crossings and utility crossings provided that the construction meets all requirements of the Erosion and Sedimentation Control Act of 1975, as amended, and any applicable local ordinances pertaining to soil erosion and sedimentation control.

(c) Industrial and commercial land uses existing prior to the effective date of this article (July 6, 1999) are exempt from the protection criteria of this article, provided that:

- (1) The use of the river corridor does not impair the drinking quality of the river water; and
- (2) The activity within the river corridor meets all state and federal environmental rules and regulations.

(d) Timber production and harvesting provided that the activity is consistent with the state forestry commission's best management practices and the activity does not impair the drinking quality of the river water as defined by the Clean Water Act, as amended.

(e) Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. § 12-2-8.

(f) Waste water treatment.

(g) Recreational usage consistent with either the maintenance of a natural vegetative buffer or with river-dependent recreation.

(h) Natural water quality treatment or purification.

(i) Agricultural production and management provided that the activity is consistent with the state soil and water conservation commission's best management practices and the activity does not impair the drinking quality of the river water as defined by the Clean Water Act, as amended. Additionally, the activity must be consistent with all other state and federal laws and state department of agriculture regulations.

(j) Any other uses permitted by the department of natural resources or under § 404 of the Clean Water Act.

(Ord. of 7-6-99)

#### **Section 2106: Prohibited activities within the river corridor.**

Irrespective of the zoning district in which the property is located, the following uses and activities shall be prohibited within the river corridor:

- (a) Hazardous waste or solid waste landfills, or construction and demolition (C&D) landfills.
- (b) Commercial or industrial uses that involve handling hazardous materials other than wastes.
- (c) Handling areas for the receiving and storage of hazardous waste.
- (d) Construction within the river corridor is prohibited unless permitted in section 2105 of this article.
- (e) Surface mining activities.
- (f) Any other use or activity not specifically permitted in section 2105 of this article.

(Ord. of 7-6-99)

**Section 2107: Variances.**

Variances to the requirements of this article may be granted in accordance with section 411 of this appendix.

(Ord. of 7-6-99)

**Section 2108: Penalties and enforcement.**

Penalties for violation of this article and the enforcement of this article shall be in accordance with sections 418 and 419 of this appendix.

(Ord. of 7-6-99)

**Section 2109: Permit requirements and enforcement.**

Prior to the commencement of any development activities, the permitting process outlined in section 408 of this appendix must be followed.

(Ord. of 7-6-99)

**Section 2110: Miscellaneous provisions.**

(a) *Severability.* If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(b) *Conflicting provisions.* In the event of a conflict between the provisions of this article and any other provisions of this Code, including appendix C, the provisions of this article shall govern and the other conflicting provisions shall be deemed repealed insofar as they would otherwise apply to the subject of this article.

(c) *Effective date.* This article shall take effect immediately upon its adoption.

(Ord. of 7-6-99)

## ARTICLE 22 – SIGNS

### Section 2201: Purposes.

The Bulloch County Board of Commissioners have determined that it is in the best interest of the health, safety and welfare of the citizens of the county that a comprehensive and balanced system of control and regulation be enacted as to the placement, maintenance and removal of signs within the limits of the county, said determination having been derived from, but not limited to the following concerns:

(a) The safe and efficient flow of motor vehicle, bicycle and pedestrian traffic through the county which may otherwise be impeded by the indiscriminate proliferation of signage erected to attract the attention of the traveling public, and which if left unregulated, may result in hazards to travelers through the erection of increased numbers of larger, brighter or more distracting signs by owners attempting to convey competing messages;

(b) The protection of property values, both public and private, by assuring the compatibility of signs with surrounding land uses while balancing the community's variant interests of enhancing the commercial and economic atmosphere of the county with the desire to maintain a tranquil aesthetic environment that eliminates visual clutter and blight through the management of hardscape features, including signage;

(c) The interference with the ability of property owners to enjoy or use their property without undue visual obstruction, distraction or hazard;

(d) The preservation and protection of properties and areas having historic, recreational, educational, cultural, or religious values and environments, and prominent community gateways and major thoroughfares which, through orderly design and maintenance of the built environment—including signage—provide for community pride and exhibit clear community expectations that promote investment through a predictable development pattern;

(e) The elimination of potential hazards arising during times of inclement weather or other natural disaster;

(f) The provision of some signage that has the targeted purpose of promoting public safety but is difficult to describe without referring to its incidental function, such as address numerals or subdivision or major development entrance signage, which signage is a tool for enabling the traveling public and emergency personnel to locate point of ingress and egress during visitation or emergency call response. While such signage is referenced based upon the function it serves within the context of this ordinance, the provisions of this ordinance are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners;

(g) The control of the proliferation and placement of signs in an indiscriminate manner so as to pose a threat to the aesthetic and environmental values and qualities of life within Bulloch County;

(h) Increasingly vibrant and distracting signs, including those incorporating LED and similar technology, cause unique and substantial hazards to traffic caused by a higher level of distractability, are inconsistent with the standards established for major community thoroughfares and gateways, and demand greater diligence and resources in enforcing proper use and display than those signs not incorporating such technology; and,

(i) In addition to the other concerns stated within this section, specific districts, thoroughfares and gateways throughout the community, due to traffic volumes, population density, proximity to major community facilities, or other similar factors, may—absent the provision of reasonable land management regulations—be more susceptible to the proliferation of signage, banners and other similar displays than other parts of the county; certain of these districts, thoroughfares and gateways that have otherwise been

determined by the community to be of significant importance in maintaining an orderly, moderated and consistent development pattern and a community character free of visual clutter include, but are not limited to, the following:

- (1) *Veterans Memorial Highway*. The county's principal by-way alternatively serves as a community greenway, providing for areas of natural landscape; and, where flanked by development, a soft transition between the natural and built environment. With few direct vehicular access points to adjacent property, abutting properties will remain rural or develop in a residential manner. Signs on this thoroughfare must remain limited in number and scale to avoid the inadvertent placement of signage in proximity to the county's neighborhoods and greenspaces that would not otherwise be permitted in residential areas and on residential streets. The allowance for unregulated signage will further reduce the highway's function as a community parkway, contradicting the community interest of providing for an orderly visual environment.

## **Section 2202: Definitions.**

Words and phrases used in this article shall have the meanings set forth in this section. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or titles are for reference purposes only and shall not be used in the interpretation of this article.

*Aggregate sign area*. The combined sign area of all permanent signs on a single lot that require a permit except for billboards, including portions of any signs that are changeable copy or electronic message centers; or, where specified, all permanent permitted signs of a particular category on a single lot. For example, the aggregate sign area of all freestanding signs on a lot is the sum total of the sign areas of all freestanding signs on such lot.

*Animated sign*. A sign that utilizes moving structural elements, flashing or sequential lights, lighting elements, or other automated methods to create movement, the appearance of movement, or other special effects. Signs meeting the definition of and regulations governing changeable copy signs and traffic control devices and warning signs meeting the standards of the Manual of Uniform Traffic Control Devices are not considered animated signs.

*Banner*. Any sign printed or displayed on lightweight fabric or other flexible material with or without frames and that is mounted to a pole or building at more than one (1) edge. When mounted, banners shall remain stationary and not flap or wave in a manner similar to a flag or pennant. Flags and pennants shall not be considered banners.

*Beacon*. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

*Billboard*. A freestanding sign having a sign area of greater than 150 square feet.

*Building sign*. Any sign attached to any part of a building.

*Bulloch County*. As used in this article, the term Bulloch County means the unincorporated areas of Bulloch County, Georgia.

*Canopy or awning*. A structure made of cloth, metal, or other material affixed to a building and/or supported by the ground.

*Canopy sign*. Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or other structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

*Changeable copy sign*. A sign designed to allow the changing of letters, words, logos, or symbols

through manual means without altering the face or surface of the sign, or creating movement or the appearance of movement.

*Electronic message center sign.* A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

*Flag.* Any fabric, banner or bunting containing distinctive colors, patterns, or symbols.

*Flashing sign.* A sign utilizing a pattern of changing light illumination where the sign illumination alternates suddenly between illuminated and non-illuminated for the purpose of drawing attention to the sign.

*Frame effect.* The use of movement or some element thereof, to depict action or create a special effect or scene.

*Freestanding sign.* A sign which is attached to, or part of, a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure. Freestanding signs may take the form of either monument or stanchion signs as defined herein.

*Incidental sign.* A sign of no more than two (2) square feet that serves the purpose of guiding safe traffic movements onto, from or on property, and without which there is an increased risk of incompatible traffic movements or obstructions. Examples of incidental signs include but are not limited to “stop,” “no parking,” “entrance,” “loading zone” and other similar traffic related directives.

*LED sign.* Any sign or portion thereof that utilizes light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro polymer (OEL), or any other similar technology. For purposes of this article, a LED sign is not considered to be a form of changeable copy sign.

*Lot.* Any piece or parcel of land, the boundaries of which have been established by a legal instrument of record, and that meets the requirements of the zoning ordinance.

*Marquee.* A permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, but not supported by the ground, and constructed of durable material to provide protection from the weather.

*Monument sign.* A freestanding sign which forms a solid structure from the ground to the top of the sign.

*Nonconforming sign.* Any sign which, while legal at the time of erection, does not comply with the requirements of this article.

*Normal grade.* The lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating for the purpose of locating the sign.

*Pennant.* Any lightweight fabric or other similar material, message or no message, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

*Person.* Any individual, firm, partnership, association, corporation, company, or organization, singular or plural, of any kind.

*Pole sign.* See stanchion sign.



*Portable sign.* Any sign which because of its design or construction was originally intended to be portable, whether or not such sign has been attached or affixed to the ground or other permanent structure. The term portable sign includes but is not limited to portable changeable copy signs, signs designed to be transported by means of wheels, signs converted to A- or T-frames, menu and sandwich board signs, and signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way unless said vehicle or trailer is regularly used for some other significant purpose consistent with the purposes for which it was designed in the normal day-to-day operations of the business.

*Principal building.* The main or principal building located upon a lot; the building in which the principal use of the premises is conducted. Lots with multiple principal uses may have multiple principal buildings. However, storage buildings, garages, and other clearly additional uses shall not be considered principal buildings.

*Projecting sign.* Any sign affixed to a building or wall and its leading edge extends beyond the line of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed by more than 12 inches.

*Roof sign.* Any sign erected, constructed, or maintained in whole or in part upon, against, or above the eave of a peaked roof or parapet line of a flat roof.

*Setback.* The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

*Sign.* Any fixture, placard, structure, or device illuminated or nonilluminated that uses any color, form, graphic, symbol, or writing to convey information of any kind and which is visible to the public from streets and/or public property.

*Special event sign.* See temporary sign.

*Spectacular sign or device.* Signs or devices, whether permanent or temporary, utilizing out of the ordinary materials, configurations or devices, including, but not limited to (i) balloons; (ii) animated animal forms; and (iii) other attention-getting devices. "Spectacular sign or device" does not include banners, flags or pennants meeting the standards of this ordinance.

*Stanchion sign.* A freestanding sign that is mounted on a pole or other vertical support such that the bottom of the sign face is elevated above ground level and there is no visual obstruction other than the vertical support between the ground and the bottom of the sign face.

*Standard informational sign.* A sign with an area not greater than four and one-half (4½) square feet, with a sign face made for short term use, containing no reflective elements, flags or projections and which, when erect, stands at a height not greater than three (3) feet and is mounted on a stake or metal frame with a thickness or diameter not greater than one and one-half (1½) inches.

*Street.* A strip of land or way, subject to vehicular as well as pedestrian traffic, that provides direct or indirect access to property, including, but not limited to, alleys, avenues, lanes, highways, roads, or other thoroughfares.

*Street frontage.* The distance for which a lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

*Suspended sign.* Any sign which is suspended from the underside of a horizontal plane surface and is supported by such surface.

*Temporary sign.* Any sign that by its design and construction is intended to be used only temporarily and is not permanently mounted or anchored. This definition excludes "portable signs" and "standard informational signs," which are separately defined under this article.

*Tri-vision sign.* A sign designed with a series of slats that mechanically rotate in sequence with one another to show multiple different sign messages in sequence. For purposes of this article, a tri-vision sign is not a changeable copy sign.

*Wall sign.* Any sign painted on or erected within twelve (12) inches and parallel to an exterior wall of any building or structure, which is supported by such wall or building, and which displays only on one sign surface.

*Window sign.* Any writing, pictures, symbols, or combination thereof, attached to, placed upon, or painted on the interior of a door or window or upon the window panes or glass and visible from the exterior of the window or door.

### **Section 2203: Permit procedures.**

(a) *Applications.* All applications for sign permits of any kind shall be submitted to the zoning administrator on an application form prescribed by the county. The applicant must be the property owner or the lessee of the lot on which the sign will be located, or an agent or representative of the property owner or lessee.

(b) *Permit for new sign or for sign modification.* An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by a detailed illustration of the dimensions, design, structure, and location of each sign in the format prescribed within the official application form.

(c) *Fees.* Fees shall be set forth in the Bulloch County schedule of fees and charges.

(d) *Action.* Within 15 business days of the submission of an application for a sign permit, including required and accompanying materials as provided in section 2203(b) of this ordinance, the zoning administrator shall either:

- (1) Issue the permit where it is found that such sign application is complete and the proposed sign adheres to the standards of this article and other applicable requirements of county ordinances and state law; or
- (2) Deny the permit where the application is incomplete, contains false material statements or where the proposed sign would violate standards of this ordinance or other ordinances or state laws regulating signage. Any denial of a permit shall be in writing and shall include a specification of the section(s) of the ordinance, or applicable provision of other county ordinances or state laws with which the sign is inconsistent. The denial shall be based upon and shall cite to the specific articulated standards in this article, or other law, and shall not be based upon or cited to the general concerns contained in section 2201 herein. A denied application later resubmitted in conformity with this ordinance shall be deemed to have been submitted on the date of resubmission, rather than on the date of original submission. A decision to deny a permit shall be in writing and shall be served on the permit applicant either by hand delivery or by first class mail to the address provided by the applicant no later than 15 business days after initial receipt of the application.

(e) *Lapse of permit.* If construction of a sign for which a permit has been issued has not begun within six months of the issuance of the permit, the permit shall lapse and become null and void. Thereafter, the applicant shall be required to obtain another permit prior to constructing or modifying the sign.

(f) *Inspections.* Upon substantial completion of the construction or modification of a billboard or other permanent sign for which a permit has been issued, the permittee shall notify the developmental services division and request an inspection. If the construction is substantially complete, but not in full compliance with this ordinance and other applicable codes, the zoning administrator or his designee shall give the

owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of such inspection for the deficiencies to be corrected. If deficiencies are not corrected by such date, the permit shall lapse. If the permit lapses, the zoning administrator may require the owner or applicant to remove the sign or obtain another permit to correct the deficiencies.

(g) *Appeals.* In the event of denial of an application for a permit, the applicant may appeal the decision in accordance with the procedures set forth in Section 409 of this appendix.

(h) *Work without permit issuance.* If any person, owner, authorized agent or contractor commences any work before securing permits required by this article, fees upon application shall be doubled.

(i) *Revocation.* In the event it is determined that a permit was issued in violation of this ordinance or other ordinance or law regulating the sign at issue or where the sign has been erected in violation of such standards, the zoning administrator may issue the permit holder a written notice of revocation of the permit, stating the grounds for such revocation action. The zoning administrator's decision to revoke a permit may be appealed in accordance with the procedures set forth in Section 409 of this appendix.

(j) *Multiple lots.* If several lots of record which are contiguous and adjacent have been combined for a single purpose, then the lots shall be considered as a single lot in determining the size, height and use requirements as set forth by this ordinance.

(k) *Display of permit.* The permit holder shall be responsible for maintaining the permit for every sign constructed, erected or maintained for which a permit is required by this article. Such permit shall be kept on the premises served by the sign and shall be exhibited promptly upon request of county officers and employees.

(l) *Assignment of sign permits.* A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject to any filing of such applications as the zoning administrator may require; no fees shall be charged for filing an assignment with the county. The assignment shall not require county approval. However, a modification of the sign by an assignee shall require a permit and payment of fee as for a new sign.

#### **Section 2204: Signs exempt from permit.**

The following signs shall be exempt from the permit requirements of this article, provided that such signs or devices erected or placed are located on property of the person who erects such signs or on property whose owner has given permission for such placement, and provided further that all other standards of this ordinance concerning the physical placement or dimensions of the sign are observed:

(a) Any public notice or warning required by a valid applicable law, regulation, or ordinance.

(b) Official traffic control signs and devices meeting the standards of the Manual of Uniform Traffic Control Devices.

(c) Address numerals not exceeding four (4) inches in height on residential properties or eight (8) inches in height on non-residential properties.

(d) Incidental signs and other signs on private property directing traffic, such as "Stop" or "Yield," that meet state department of transportation standards.

(e) Signs on the same premises as the business to which they relate; provided, however, that the sign is completed prior to issuance of a certificate of occupancy for the building in which the business is located.

(f) Flags are limited to twenty-four square feet and, if attached to a flag pole, shall be flown on a pole not exceeding 25 feet in height in Sign Districts 1 and 3. Flags in Sign District 2 shall not exceed 60

square feet in size nor be flown on poles higher than 40 feet. Two flags per property are permitted without permit. Additional flags are subject to permitting as “banners” under section 2207 of this section.

(g) Window signs are allowed in all Sign Districts. Window signs shall cover no more than 50 percent of any window or door pane area.

(h) Individual businesses are allowed one (1) non-illuminated portable sidewalk sign of an A-frame or easel construction per public street frontage during business hours. Such signs shall be located within three (3) feet of the entrance to the business. Such signs shall not impede pedestrian or vehicular traffic or obstruct the view of drivers entering or existing property or intersecting streets. Such signs shall further not exceed five (5) feet in height or two (2) feet in width and shall be removed by the owner at the end of each business day.

(i) Each owner and/or occupant of a lot in the county shall be allowed to erect two standard informational signs on that owner/occupant's property without first obtaining a permit.

(j) Political campaign signs shall be allowed in accordance with the provisions of O.C.G.A. § 16-7-58.

(k) Spectacular signs or devices are allowed in Sign Districts 2 and 3; provided, however, that the zoning administrator may require the removal and discontinuance of any spectacular sign or device if he determines that such spectacular sign or device is endangering the health, safety, or welfare of the public.

#### **Section 2205: Prohibited signs.**

The following types of signs are prohibited in all zoning districts of Bulloch County:

(a) No sign shall be constructed, erected or maintained that uses the words, "Stop," "Emergency" or "Danger," or uses emergency colors of red, blue or amber, in such a manner as to imply danger or emergency, or which is a copy or imitation of an official traffic-control sign or device.

(b) No signs are permitted within any street or highway right-of-way, except for traffic signs and signals, informational signs erected by a public agency, and approved signs identifying subdivisions or commercial/industrial developments.

(c) Signs attached to, drawn or painted on trees, rocks, or utility poles.

(d) Beacons; animated signs.

(d) Signs within three hundred (300) feet of any officially designated historical site or monument, except signs pertaining to that particular site or monument.

(e) Fluttering ribbons or pennants (excluding flags permitted under section 2204(f) or banners permitted on a temporary basis under section 2207).

(f) Roof signs, except on the facings of mansard roofs where the slope of the roof does not terminate in a unified ridge line, and when no other space is available for the mounting of signs. Supports for roof signs on such mansard roofs shall be attached to the structural supports of the roof, and shall not project above the peak of the roof.

(g) Illuminated signs from which direct rays of light are projected onto a lot other than on the lot where the illumination occurs.

(h) Signs displaying any obscene message or obscenity as defined by U.S. Supreme Court decisions.

(i) Portable signs, except as allowed under Section 2204(h) of this article.

(j) Projecting signs.

- (k) Suspended signs.

#### **Section 2206: Nonconforming signs.**

(a) *Existing nonconforming signs.* Any permanent sign existing as of the date of the adoption of this article (April 5, 2011), which sign was legal when erected but does not comply with all the requirements of this article, shall be exempt from the requirements of this article so long as it remains in continuous use without any renovation or modification other than routine maintenance and repair. The mere changing of the advertisement or message on an existing nonconforming sign, without any structural alteration to the sign, shall not be considered a renovation or modification that results in the loss of exempt status.

(b) *Maintenance of nonconforming signs.* Nonconforming signs that are exempt from the requirements of this article must nonetheless be maintained in good condition and not allowed to become dilapidated or structurally unsafe. If the zoning administrator or his designee determines that a nonconforming sign has been allowed to deteriorate to the point that it is structurally unsafe, the sign must be removed and cannot be replaced unless it is with a sign that complies with the requirements of this article.

(c) *Conforming and nonconforming signs.* No conforming sign or advertising device shall be erected on a lot if the permit holder or applicant maintains an existing nonconforming sign on the lot until the nonconforming sign has been removed.

(d) *Incentives for removal of nonconforming signs.* In the event a nonconforming sign is removed and replaced with a sign in conformance with this ordinance, the owner of the property on which the sign is placed shall be allowed a waiver of all permit fees associated with the new conforming sign.

#### **Section 2207: Temporary signs and banners.**

(a) Permits for temporary signs or banners on private property shall be allowed upon issuance of a temporary sign permit, which shall be subject to the application procedures required by section 2203 of this ordinance, and the following additional requirements:

- (1) A temporary sign permit shall be permitted for a period up to 90 days.
- (2) No more than three permits shall be issued for a lot in any calendar year.
- (3) The application shall specifically describe the sign and device as to construction and/or composition and location on the property.
- (4) Permitted temporary signs or banners shall adhere to the applicable standards of this ordinance which would otherwise apply to a sign intended to be erected on a permanent basis, including but not limited to size, height, setback, placement on a building elevation, etc.
- (5) Permitted temporary signs or banners shall not include any illumination or any feature or characteristic which would also meet the definition of a changeable copy sign.
- (6) Permitted temporary signs or banners shall pose no significant threat to person or property in the event of inclement weather.
- (7) Each temporary sign and banner shall not exceed thirty-two (32) square feet.

#### **Section 2208: Changeable copy signs and electronic message center signs.**

(a) Changeable copy signs and electronic message center signs are permitted as an integral part of any permanent signs which meet all other requirements of this article, and further subject to the following restrictions:

- (1) The changeable copy or electronic message center portion of the sign shall not exceed fifty (50) percent of the overall display surface area of the sign.
- (2) The total display area of any sign containing changeable copy panels shall not exceed the size limitations imposed elsewhere in this article.
- (3) Changeable copy signs and electronic message center signs will only be allowed as part of the original construction and erection of a sign which complies with the specifications required by this article or as part of a significant structural alteration to an existing sign.
- (4) Electronic message center signs may only display static images lasting for at least eight (8) seconds before transitioning to another static image. Transitions from one static image to the next may utilize frame effects so long as animation and flashing is prohibited.
- (5) All electronic message center signs shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with natural ambient light conditions.
- (6) No electronic message center sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area, measured as follows:

Area of Sign (sq. ft.)	Measurement Distance (ft.)		Area of Sign (sq. ft.)	Measurement Distance (ft.)
10	32		45	67
15	39		50	71
20	45		55	74
25	50		60	77
30	55		65	81
35	59		70	84
40	63		75	87

#### **Section 2209: Illuminated signs.**

Where internal or external illumination of signs is permitted within this article, no lighting arrangement shall impair the vision of the traveling public in any way.

#### **Section 2210: Reflective surfaces.**

Sign faces shall not incorporate reflective surface materials, which may obstruct, impair or interfere with the vision of the traveling public in any way.

#### **Section 2211: Location, number and dimension of permitted signs.**

(a) *Sign districts.* Signs of certain types, characteristics, numbers and dimensions are permitted in specific locations, and according to standards established by this section and other applicable sections of this article. For the purposes of categorizing suitable signs by location in the county, the following sign districts are established:

- (1) Sign District 1 includes the AG-5 district and any Residential District (AG-5, R-80, R-40, R-25, R-15, R-2, R-3, & MHP).
- (2) Sign District 2 is the HC, GC, NC, PUD, HI, and LI Zoning Districts on State and Federal Highway

Systems, except for those specific State and Federal highway segments identified and included within Sign District 3.

(3) Sign District 3 is the HC, GC, NC, PUD, HI, and LI Zoning Districts on thoroughfares not part of the State or Federal Highway system.

(b) *Exempt and prohibited signs.* Certain signs are exempt from permit requirements pursuant to Section 2204 of this article, and certain signs are prohibited pursuant to Section 2205 of this article. These exempt and prohibited signs are not listed in Table 1, and any exempt signs on a lot should not be included in computing the maximum sign areas in Tables 2, 3, and 4.

(c) *Type, number, and maximum area of signs.* The type, number, and maximum area of signs shall be as set forth in Tables 1, 2, 3, and 4 as follows:

<b>Table 1: Permitted Signs by Type and Sign District</b>					
<b>Sign Type</b>	<b>Sign District 1</b>			<b>Sign District 2</b>	<b>Sign District 3</b>
	<b>Residence on an individual lot</b>	<b>Residential development or subdivision</b>	<b>Nonresidential property</b>		
<b>Freestanding</b>					
Billboard	Prohibited	Prohibited	Prohibited	Needs a permit	Prohibited
Monument	Prohibited	Needs a permit	Needs a permit	Needs a permit	Needs a permit
Stanchion	Prohibited	Prohibited	Prohibited	Needs a permit	Needs a permit
<b>Building</b>					
Canopy	Prohibited	Prohibited	Prohibited	Needs a permit	Needs a permit
Marquee	Prohibited	Prohibited	Prohibited	Needs a permit	Needs a permit
Roof <sup>1</sup>	Prohibited	Prohibited	Prohibited	Needs a permit	Needs a permit
Wall	Prohibited	Needs a permit	Needs a permit	Needs a permit	Needs a permit
<b>Changeable Signs</b>					
Changeable Copy Signs	Prohibited	Prohibited	Prohibited	Needs a permit	Needs a permit
Electronic Message Center Signs	Prohibited	Prohibited	Prohibited	Needs a permit	Needs a permit
<b>Miscellaneous<sup>2</sup></b>					
Banner	Needs a permit	Needs a permit	Needs a permit	Needs a permit	Needs a permit
Temporary	Needs a permit	Needs a permit	Needs a permit	Needs a permit	Needs a permit

<sup>1</sup> Roof signs, where permitted, shall be subject to the provisions of section 2205(f).

<sup>2</sup> Signs listed as "miscellaneous" within this Table do not form part of the "aggregate sign area" for a parcel as defined in section 2202, or Tables 2, 3, and 4 as provided within this article.

**Table 2: Sign District 1 – Residential District (AG-5, R-80, R-40, R-25, R-15, R-2, R-3, MHP)**

	<b>Residence on an Individual Lot<sup>1</sup></b>	<b>Residential Development or Subdivision<sup>2</sup></b>	<b>Non-residential Use</b>
<b>AGGREGATE SIGN AREA<sup>3</sup>:</b>			
Maximum Number of Total Square Feet (SF)	N/A	Varies (All signs within a residential development or subdivision must be constructed of brick, stone, masonry, wood, or equal architectural material)	80 square feet
<b>FREESTANDING SIGNS:<sup>4</sup></b>			
1. Freestanding Sign Maximum Square Feet	N/A	40 square feet (Per development entrance sign) 18 square feet (Per sign identifying a development common area or facility)	40 square feet
2. Maximum Height	N/A	6 feet	8 feet
3. Setback Requirements	N/A	5 feet	5 feet
4. Number of Freestanding Signs Allowed	N/A	Two (2) sign structures per entrance to the development or subdivision. <sup>5</sup>	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two (2) such signs
<b>BUILDING SIGNS:</b>			
1. Maximum Number of Total Square Feet	N/A	18 square feet	40 square feet
2. Maximum Height	N/A	Building Elevation	Building Elevation
3. Number of Building Signs Allowed	N/A	One per building serving as the principal structure in a common area or facility.	One per building elevation with street frontage.

<sup>1</sup>Per the purposes of this article, “residences on an individual lot” refers to any individual lot principally serving as a single-family residential dwelling [attached, detached, townhouse, etc.] or a duplex.

<sup>2</sup>Per the purposes of this article signage related to a “residential development or subdivision” includes all common entry signage into the development, and all signage related to common areas and facilities.

<sup>3</sup>As provided in Section 2202 and Table 1 herein, “aggregate sign area” includes the combined sign area of all permanent signs that require a permit except for billboards, including portions of any signs that are changeable copy or electronic message centers.

<sup>4</sup>Excludes billboards. Billboards shall be subject to the provisions of section 2212 of this article.

<sup>5</sup>Unless incorporated into the street right-of-way as part of landscaped entryway feature – in which case only one (1) sign structure may be located at the entrance.

(NOTE: Illumination of freestanding or building signs is prohibited on any individual lot principally serving as single-family residential dwelling [attached, detached, townhouse, etc.] or a duplex. Land uses within Sign District 1 which may otherwise utilize illumination shall not incorporate internal illumination.)



<b>Table 3: Sign District 2 – HC, GC, NC, HI, LI, PUD Zoning Districts on State &amp; Federal Highway Systems</b>			
	<b>Sign for an Individual Establishment on an Individual Lot</b>	<b>Major Sign for Planned Commercial or Industrial Center or Development</b>	<b>Individual Establishments, Shops, etc., within a Planned Commercial or Industrial Center</b>
<b>Aggregate Sign Area:<sup>1</sup></b>			
Maximum number of Total Square Feet (SF)	250 square feet	Sign is based upon the overall floor space of the center as follows: 0-50,000sf = 100 sf 50,000 sf = 150sf	Not Applicable
<b>FREESTANDING SIGNS:<sup>2</sup></b>			
1. Maximum square feet	150 square feet	Size is based upon the overall floor space of the center as follows: 0-50,000 sf=100 sf >50,000 sf=150 sf	Not Applicable
2. Maximum Height	20' on St. or Fed. Frontage 10' on Local Frontage	25' on St. or Fed. Front 15' on Local Frontage	Not Applicable
3. Setback Requirements	10 feet from property line	10 feet from property line	Not Applicable
4. Number of Freestanding Signs allowed <sup>1</sup>	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two such signs	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two such signs	Not Allowed
<b>BUILDING SIGNS:</b>			
1. Maximum Square Feet	125 square feet	60 square feet	The greater of 60 sf or 5% of wall areas, allotted to the individual establishment
2. Maximum Height	Building Elevation	Building Elevation	Building Elevation
3. Number of Wall Signs allowed	One per elevation	One sign per common entrance	One per building elevation per tenant

<sup>1</sup>As provided in Section 2202 and Table 1 herein, "aggregate sign area" includes the combined sign area of all permanent signs that require a permit except for billboards, including portions of any signs that are changeable copy or electronic message centers.

<sup>2</sup> Excludes billboards. Billboards shall be subject to the provisions of section 2212 of this article.

<b>Table 4: Sign District 3 – HC, GC, NC, HI, LI, PUD Zoning Districts Not on State &amp; Federal Highway Systems</b>			
	<b>Business Sign for an Individual Establishment on an Individual Lot</b>	<b>Major Sign for Planned Commercial or Industrial Center or Development</b>	<b>Individual Establishments, Shops, etc., within a Planned Commercial or Industrial Center</b>
<b>Aggregate Sign Area:<sup>1</sup></b>			
Maximum number of Total Square Feet (SF)	100 square feet	Size is based upon the overall floor space of the center as follows: 0-50,000 sf=100 sf >50,000 sf=150 sf	Not Applicable
<b>FREESTANDING SIGNS:<sup>2</sup></b>			
1. Maximum square feet	60 square feet	Size is based upon the overall floor space of the center as follows: 0-50,000 sf=100 sf >50,000 sf=150 sf	Not Applicable
2. Maximum Height	10 feet	15 feet	Not Applicable
3. Setback Requirements	10 feet from property line	10 feet from property line	Not Applicable
4. Number of Freestanding Signs allowed	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two such signs	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two such signs	Not Allowed
<b>BUILDING SIGNS:</b>			
1. Maximum Square Feet	50 sq. ft.	60 square feet	The greater of 60 sf or 5% of wall areas, allotted to the individual establishment
2. Maximum Height	Building Elevation	Building Elevation	Building Elevation
3. Number of Wall Signs allowed	One per elevation	One sign per common entrance	One per building elevation per tenant

<sup>1</sup>As provided in Section 2202 and Table 1 herein, "aggregate sign area" includes the combined sign area of all permanent signs that require a permit except for billboards, including portions of any signs that are changeable copy or electronic message centers.

<sup>2</sup>Excludes billboards. Billboards shall be subject to the provisions of section 2212 of this article.

(d) *Dimensional standards by sign district.* Signs may be erected in those districts where the applicable sign type is allowed as provided within the Tables 2, 3, and 4 contained in this section. The following principles shall control when computing the sign area, height and other miscellaneous provisions provided in Tables 2, 3, and 4:

- (1) *Computation of area of individual signs.* The area of a sign face shall be calculated by means of the smallest shape (i.e., square, circle, rectangle) that surrounds the extreme limits of writing or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework.
- (2) *Computation of area of multifaced signs.* The area of a sign with more than one face shall be calculated by totaling the areas of all sign faces visible from any one point. When two faces are identical and back-to-back, so that both faces cannot be viewed from any one point at the same time, the sign shall be computed by the measurement of one of the faces.
- (3) *Computation of height.* The height of a sign shall be calculated as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.
- (4) *Computation of aggregate sign area for a lot.* The aggregate sign area for a lot shall be computed by adding together the area of all permanent signs on the lot that require a permit except for billboards, including portions of any signs that are changeable copy or electronic message centers.

## **Section 2212. Billboards.**

(a) The following standards shall apply to billboards:

- (1) All signs located on sites abutting or visible from the right-of-way of roads in the state highway system shall meet all federal and state requirements necessary to obtain a permit. In the event that the provisions of this article are more restrictive than the provisions of state and federal law, then this article shall prevail and control. Billboards shall be permitted only in Sign District 2 as established in section 2211(a)(2) and Table 3 under Section 2211(c) of this article.
- (2) No billboard shall exceed three hundred and seventy-eight (378) square feet in sign area, excluding architectural trim and structural support, unless such sign is adjacent to the right-of-way of and visible from Interstate 16, in which case the sign shall not exceed six hundred and seventy-two (672) square feet in sign area. For purposes of computing sign area, only one side of a V-type or double-faced sign shall be considered.
- (3) No more than one billboard per sign structure will be allowed to face the same direction. This provision prohibits double side-by-side or stacked signs, but allows V-type or back-to-back double-faced signs.
- (4) Billboards shall be a minimum of ten (10) feet above normal grade, measuring from the bottom of the sign. Billboards adjacent to and visible from Interstate 16 shall not exceed seventy (70) feet in total height. Billboards adjacent to and visible from all other roads shall not exceed forty-five (45) feet in total height.
- (5) All billboard structures must be designed to withstand a minimum twenty-five (25) psf wind load (100 mph). Certification from an engineer licensed in the State of Georgia that the proposed sign will meet this requirement must be submitted with the permit application.
- (6) Except as otherwise provided in this ordinance, no billboard shall be permitted to be erected within three thousand (3,000) feet of another billboard on the same side of the road as measured

along a line parallel to such road; provided, however, that this distance shall be reduced to fifteen hundred (1,500) feet if the applicant removes two existing nonconforming billboards.

- (7) Billboards adjacent to the right-of-way of and visible from Interstate 16 shall be limited to three (3) signs per roadway frontage per interchange quadrant with said signs being restricted to an area twelve hundred (1,200) feet long, beginning five hundred (500) feet from the point where the pavement commences or ceases to widen at exits from or entrances to the main traveled way, as measured to accommodate the longest entrance or exit ramp. Further, such signs shall be a minimum of five hundred (500) feet apart at their nearest point. No other billboard shall be permitted adjacent to or along the right-of-way of Interstate 16.
- (8) Except as otherwise provided in this ordinance, billboard structures shall be set back no less than ten (10) feet from any public right-of-way and shall maintain a minimum of fifteen (15) feet of clearance from any power lines.
- (9) No billboard shall be located within two hundred and fifty (250) feet of any residential zoning district nor within one thousand (1,000) feet of the property line of any public or private schools, public parks, playgrounds or recreation areas, cemeteries, public forests, public buildings, or historical sites listed in the state or national register.
- (10) All illuminated billboards shall use base mounted lights and shall be activated by photo-electric cells. Additional lighting including, but not limited to, neon, animation and running lights is prohibited. No lighting shall impair the vision of the traveling public in any way.
- (11) No billboard shall be located within one thousand (1,000) feet of the right-of-way of the State Route 67 Bypass or the State Route 73 (U.S. Highway 301) Bypass, collectively also known as the Veterans Memorial Parkway.
- (12) No billboard shall be located within one thousand (1,000) feet of the right-of-way of any road officially designated as a SCENIC BYWAY by federal, state, or local authorities.
- (13) Extrusions beyond the face of the sign, excluding aprons, are prohibited.
- (14) The approval for the placement of a billboard shall be void if the applicant fails to obtain a building permit within six (6) months from the date of authorization thereof or to complete erection of the billboard within six months of obtaining a permit.

(b) Distances, when required by this section, shall be established by a survey performed by a surveyor licensed in the State of Georgia. Said survey shall be submitted as part of the application for a sign permit.

### **Section 2213: Design, construction, and maintenance.**

(a) All signs shall be designed, constructed, and maintained in accordance with applicable provisions of the Standard Building Code and National Electrical Code as adopted by the county. All signs must be designed to withstand winds of 100 miles per hour.

(b) Except as otherwise permitted in this article, all signs shall be constructed of permanent materials and permanently attached to the ground, building or any other structure.

(c) All signs shall be maintained in good structural condition, aesthetically pleasing in appearance, and in compliance with all building and electrical codes. The following are some examples of deficiencies which reflect a lack of care: rust spots; loose boards; paint or lettering faded; paint chipping or peeling; lights not working or burned out; colored or transparent panels used with backlighting which are missing, broken, faded or damaged; inspection plates loose or missing; or overall sign appearance not consistent with the other signs in the general area.

**Section 2214: Violations and enforcement; penalties and remedies.**

- (a) A violation of any provision of this article shall be punishable by a fine not to exceed \$1,000.00.
- (b) Each day of a continuing violation of this article shall be considered a separate offense.
- (c) Citations for violations of this article shall be prosecuted in the Magistrate Court of Bulloch County.
- (d) In addition to any other remedy provided by law, the county may seek equitable relief in a court of competent jurisdiction to remedy any violation of this article.

**Section 2215: Miscellaneous provisions.**

(a) *No liability.* This article is remedial in nature and shall be construed to secure such beneficial interests and purposes thereof, which include public safety, health, and general welfare. This article shall not be construed as imposing upon the governing authority or any of its employees or agents any liability or responsibility for damages to any person or property in any way caused by or connected with any signage governed by this article. Nor shall the governing authority or any of its employees or agents be held as assuming any such liability or responsibility by reason of inspections, denials, approvals, or permits conducted or issued pursuant to this article.

(b) *Severability.* If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(c) *Conflicting provisions.* In the event of a conflict between the provisions of this article and any other provisions of the Bulloch County Code of Ordinances, including Appendix C, the provisions of this article shall govern and the other conflicting provisions shall be deemed repealed insofar as they would otherwise apply to the subject of this article.

(d) *Effective date.* This ordinance shall take effect immediately upon adoption.

## **ARTICLE 23 – OFFICIAL ZONING MAP OF BULLOCH COUNTY, GEORGIA (OFFICIAL MAP)**

### **Section 2301: Official Zoning Map, Bulloch County, Georgia (Official Map).**

The Official Zoning Map, Bulloch County, Georgia is hereby incorporated into and made a part of this zoning ordinance. Any reference to the "official map" in this appendix refers to the official zoning map, Bulloch County, Georgia.

### **Section 2302: Identification, alteration, and replacement of the official map.**

(a) The official map shall be comprised of a set of maps, which together comprise the official map. Upon adoption by the board of commissioners, each map which is part of the official map shall be signed by the clerk of the board of commissioners and shall bear the seal of the county or that of a notary public under the following words: "This certifies that this is the official zoning map, Bulloch County, Georgia referred to in article 23 of the zoning ordinance of Bulloch County, Georgia," together with the date of adoption of the ordinance (November 4, 1994).

(b) The official map may be amended under the procedure set forth in section 414 of this appendix. Any amendment to the official map is an amendment to this appendix. Any amendment involving a change of a zoning district shall be entered on the official map when an amendment has been approved by the board of commissioners. The entry showing an amendment to the official map shall be placed upon the property which is the subject of the amendment and shall show the date of the amendment, the zoning file number, and the zoning district which was approved by the board of commissioners as an amendment to the official map. All entries showing amendments to the official map must be signed by the clerk of the board of commissioners.

(c) Alterations to the official map may be made only by the procedures contained in sections 414 and 2302 of this ordinance. Any unauthorized alteration of the official map by any person is a violation of this appendix.

(d) The official map shall be on display in the office of the zoning administrator, and is the final authority as to the current status of zoning district boundaries.

(e) If the official map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the board of commissioners may adopt a new official map which will replace the previous official map. The new official map is identified as such in the same manner as described above in this section. When the new official map is adopted, a notation must be made on the previous official map that it is no longer valid, indicating the date that the new official map was adopted, as a reference aid. The previous official map should be preserved, if it has not been lost or destroyed, for possible future reference.

### **Section 2303: (Reserved).**

### **Section 2304: (Reserved).**

### **Section 2305: Zoning district boundaries.**

Where uncertainty exists with respect to the exact location of the boundary of a zoning district shown on the official map, the following guidelines will be used in establishing the exact location of the boundary:

(a) Where a zoning district boundary line as appearing on the official map divides a single lot that was a single lot at the time of the enactment of this appendix, the requirements for the zoning district shall extend only as far as the zoning district boundary line.

(b) Where a zoning district boundary is indicated as approximately following a municipal limits or

county line, the municipal limits or county line is the boundary.

(c) Where a zoning district boundary is indicated as approximately following a property line or such line extended, the line or lines extended is the boundary.

(d) Where a zoning district boundary is indicated as approximately following the center line of a stream bed, such a center line is the boundary.

(e) Where a zoning district boundary is indicated as approximately parallel to the center line of a street, road, railroad, or the right-of-way of such a facility, the zoning district boundary is parallel to the line and at a distance from it as indicated by scale on the official map.

**Section 2306: Relationship between official map and the county comprehensive plan.**

(a) The county comprehensive plan was adopted by the board of commissioners of the county. It should provide the best possible indication of desirable land use patterns that will meet projected future demand for land uses of various types. The county comprehensive plan supplies a body of information upon which decisions on future development may be made that are guided by sound planning principles. It contains a future land use map, which shows suitable areas for various types of land uses. Zoning districts may not necessarily conform to the land use map. The county comprehensive plan and future land use map shall serve as a guide for establishing appropriate zoning districts and for amending the official map, but the board of commissioners is not bound by any proposed land use in the comprehensive plan or future land use map when adopting the official map or adopting amendments to the official map.

(b) The zoning districts contained on the official map carry standards which must be met by all new development and construction in the county. The arrangement of zoning districts is initially based on land use information contained in the county comprehensive plan. Although there may not necessarily be consistency between the official map and the future land use map, the future land use map should continue to be used as a guide when establishing and amending zoning districts on the official map. Such coordination helps to ensure amendments are based on defensible findings of fact as well as sound comprehensive planning principles.

## **ARTICLE 24 – POWERS AND DUTIES OF VARIOUS OFFICIALS CONCERNING THIS APPENDIX**

### **Section 2401: Purpose.**

This article formalizes the powers and duties of the building and zoning official, the planning and zoning commission, the board of commissioners, and other officials as may be appropriate where this appendix is concerned. It should also provide a convenient list of services provided by each official to aid in complying with the requirements of this appendix.

### **Section 2402: Powers and duties of the building and zoning official.**

The building and zoning official or his designee has the power and duty to provide the following services related to this appendix:

- (1) Provide initial information about this appendix upon request.
- (2) Advise how to contact members of the planning and zoning commission, the board of commissioners, or other officials as may be appropriate for services provided by those bodies or officials.
- (3) Maintain official map on public display.
- (4) Determine in which zoning district a parcel of land lies.
- (5) Issue certificates of occupancy.
- (6) Offer practical suggestions on how to comply with the requirements of this appendix.
- (7) Maintain complete records concerning this appendix, building permits, and related matters, and make such records available to the public upon request.
- (8) Supervise all professional and clerical personnel employed in connection with the performance of the functions of the building and zoning official.
- (9) Serve as liaison to the planning and zoning commission and the board of commissioners.
- (10) Issue certificates of zoning compliance for all permitted uses as well as for variances or other applicable procedures which are granted by the planning and zoning commission and the board of commissioners.
- (11) Collect data and keep informed as to the best zoning practices, in order that he may be qualified to make recommendations to the planning and zoning commission and the board of commissioners concerning amendments to this appendix.
- (12) Research and make reference to the zoning ordinance in connection with each and every application received for variance or other applicable procedures and to make written recommendations to the planning and zoning commission on each such application as to whether:
  - a. The granting of such variance or other applicable procedures would result in an encroachment on existing land uses or zoning districts already established on adjoining or nearby neighborhood properties protected by the zoning ordinance from such adverse impact.
  - b. Sufficient authority exists in the zoning ordinance to allow the planning and zoning commission to grant the variance or other applicable procedures.
- (13) Maintain all written recommendations to other officials of the county in the application file to which each pertains.



- (14) Set offstreet parking requirements for certain land uses as necessary, according to procedures contained in the county standard for offstreet parking and service facilities (appendix G).
- (15) Issue, and when necessary, revoke building permits.

**Section 2403: Reserved.**

**Section 2404: Powers and duties of the planning and zoning commission.**

Appendix B details the establishment of the county planning and zoning commission. The planning and zoning commission has the power and duty to provide the following services related to this ordinance:

- (1) Advise the board of commissioners on applications for amendment to this appendix by examining amendment applications and providing written recommendations to the board of commissioners as specified in section 414.
- (2) Dispense general information about this appendix to the public upon request.
- (3) Propose amendments to this appendix.
- (4) Advise the board of commissioners on matters of zoning as it may deem appropriate.
- (5) Authorize variances according to procedures specified in section 411.

**Section 2405: Powers and duties of the board of commissioners.**

The board of commissioners have the power and duty to provide the following services related to this appendix:

- (1) Renders official decisions on applications for conditional uses or amendments to this ordinance after the planning and zoning commission has reviewed and made recommendations on the conditional uses or amendments as specified in sections 413 and 414.
- (2) Propose amendments to this appendix.
- (3) Hear appeals to the decisions of the planning and zoning commission and render official decisions on them according to procedures specified in section 409.
- (4) Any other powers and duties as may be conferred by this appendix or any other ordinances or laws.

## **ARTICLE 25 – LEGAL STATUS PROVISIONS**

### **Section 2501: Adoption of this appendix.**

This appendix is adopted to amend certain provisions of the Bulloch County Zoning Ordinance previously adopted on November 4, 1994 (“the original ordinance”), as amended. The original ordinance, as previously amended, shall remain valid and effective in all respects, except for those provisions that are amended by this appendix. Those provisions of the original ordinance, as previously amended, that are amended by this appendix, as well as any other provisions of the Bulloch County Code of Ordinances that are in conflict with this appendix, are hereby repealed.

### **Section 2502: Effect of repeal.**

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

### **Section 2503: Severability of provisions.**

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

### **Section 2504: Effect of catchlines.**

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

### **Section 2505: Effective date.**

Those provisions of this appendix that amend the original ordinance, as previously amended, shall be effective April 4, 2023 . The effective date for those provisions of the original ordinance, as previously amended, that have not been amended by this appendix remains the date of their enactment .

Adopted at a meeting of the Bulloch County Board of Commissioners held in compliance with Georgia’s Open Meetings Act on the 4<sup>th</sup> day of April, 2023, at which meeting a quorum was present.

BOARD OF COMMISSIONERS OF  
BULLOCH COUNTY, GEORGIA

By: \_\_\_\_\_  
Roy Thompson, Chairman

Attest: \_\_\_\_\_  
Venus Mincey-White, Clerk

(SEAL)