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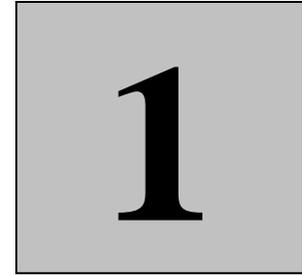
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# Chapter 1

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### **1.01.00 TITLE**

This code shall be known as and entitled the "Lowndes County Unified Land Development Code" and may be referred to as the "ULDC."

### **1.02.00 AUTHORITY**

This ULDC is enacted pursuant to the requirements and authority of Article IX, Section 2, Paragraph 4, of the Georgia Constitution and the amendments thereto.

### **1.03.00 APPLICABILITY**

#### **1.03.01 GENERALLY**

- A. This ULDC shall apply only to the unincorporated areas of Lowndes County.
- B. No buildings, structures, or land shall be used or occupied; and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in conformity with the regulations of this ULDC.
- C. A change of use shall conform to the standards, criteria, requirements, and procedures of this ULDC.
- D. Nothing contained herein shall be construed to restrict the operation of a bona fide farm or the production of agricultural products including produce, livestock, and forest products, except where limitations are specifically enumerated.

#### **1.03.02 EXEMPTIONS AND EXCEPTIONS**

The following general conditions or circumstances are exempt from the provisions and requirements of the ULDC:

- A. Buildings or structures that are legally under construction on the date of adoption of the ULDC;
- B. Buildings or structures for which a building permit has been issued as of the effective date of this ULDC, provided that construction commences prior to the expiration of the building permit, and continues until completed;
- C. Development pursuant to an approved development plan or subdivision plat approved prior to the effective date of this ULDC, provided that development commences not later than one (1) year after the effective date of this ULDC; or
- D. The proposed use of property lawfully approved as of the effective date of this ULDC.

#### **1.03.03 SEVERABILITY**

- A. If any section, clause, sentence, or phrase of this ULDC is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ULDC.

### 1.04.00 PURPOSE AND INTENT

- A. These regulations are enacted to promote the proper location, height, bulk, number of stories, and size of buildings and other structures, sizes of yards, courts, and the use of other open spaces, density and distribution of population, and the use of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, and public activities.
- B. The purpose of these regulations is to:
  - 1. Lessen congestion in the streets;
  - 2. Secure safety from fire, panic, and other dangers;
  - 3. Promote health and the general welfare;
  - 4. Provide adequate light and air;
  - 5. Prevent the overcrowding of land;
  - 6. Avoid undue concentration of population;
  - 7. Prevent urban sprawl;
  - 8. Assure the provision of required streets, utilities, and other facilities and services;
  - 9. Assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian;
  - 10. Assure the provision of space for recreational, educational, and other public purposes;
  - 11. Promote desirable living conditions and the sustained stability of neighborhoods;
  - 12. Protect against blight and depreciation;
  - 13. Secure economy in governmental expenditures;
  - 14. Conserve the value of buildings;
  - 15. Encourage the most appropriate use of land, buildings, and structures; and
  - 16. Assure that land is developed in conformity with the Comprehensive Plan.

### 1.05.00 RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Lowndes County Comprehensive Plan (Plan) is the official development policy and implementation guide for the County to coordinate and direct physical and economic development, related public investment, and, to provide reasonable regulations for the development of private property in the interest of public health, safety, and welfare. This ULDC is designed to implement all provisions of that Plan for the development and use of land.

### 1.06.00 COUNTY MANAGER

The County Manager is the chief administrative official of Lowndes County. For the purposes of this ULDC, the County Manager is assigned to administer, interpret, and implement the standards, criteria, and procedures of this ULDC. The County Manager may delegate such responsibilities in writing to County staff. Throughout this ULDC, the term “County Manager” is used to indicate the

responsibility for specified actions, except where specified actions are reserved or specifically delegated by law to another official. In all instances, “County Manager” means the “County Manager or designee.”

## **1.07.00 DOCUMENTS ADOPTED BY REFERENCE**

### **1.07.01 Lowndes County Zoning Map**

The Lowndes County Zoning Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ULDC.

### **1.07.02 Lowndes County Thoroughfare Plan**

The Lowndes County Thoroughfare Plan, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ULDC.

### **1.07.03 Georgia Stormwater Management Manual**

The Georgia Stormwater Management Manual (GSMM) is hereby adopted by reference and declared to be a part of this ULDC. The GSMM provides the data and requirements to be implemented in Lowndes County to control stormwater runoff and protect water quality.

### **1.07.04 Building and Construction Codes**

Each building and construction code listed in Section 1.07.04 (A) through (M) is hereby adopted by reference as if set forth in its entirety. The following standard building codes as approved by the State of Georgia include any attachments, future editions, and amendments.

- A. 2006 International Building Code with Georgia Amendments;
- B. 2006 International Fuel Gas Code with Georgia Amendments;
- C. 2006 International Mechanical Code with Georgia Amendments;
- D. 2006 International Plumbing Code with Georgia Amendments;
- E. 2003 International Existing Building Code with Georgia Amendments;
- F. International Property Maintenance Code
- G. 2005 National Electric Code with Georgia Amendments
- H. National Fire Protection Code
- I. 2000 International Energy Conservation Code with Georgia Amendments;
- J. 2006 International Fire Code with Georgia Amendments;
- K. 2006 International Residential Code with Georgia Amendments;
- L. 1997 Georgia Accessibility Code;
- M. 2000 Life Safety Code

### **1.07.05 Water Resource Protection Districts Overlay and Groundwater Map**

The map depicting groundwater and water resource protection districts is hereby adopted by reference and declared to be part of this ULDC.

### **1.07.06 (Reserved)**

### **1.07.07 Technical Standards Manual**

(To be provided.)

## **1.08.00 RULES OF INTERPRETATION**

### **1.08.01 Generally**

- A. Specific provisions of this ULDC shall be followed in lieu of general provisions that may be in conflict with the specific provision.
- B. In the interpretation and application of this ULDC all standards, provisions, and requirements shall be liberally construed in favor of the objectives and purposes of the County and shall not be construed to limit nor repeal any other powers granted under State statutes.
- C. Where provisions of this ULDC conflict with other regulations, the more stringent restrictions shall be applied.

### **1.08.02 Responsibility for Interpretations**

- A. In the event that any question arises concerning the application of regulations, standards, definitions, development criteria, or any other provision of this ULDC, the County Manager shall be responsible for interpretation. In the interpretation of this ULDC, the County Manager shall be guided by the Greater Lowndes County Comprehensive Plan and applicable State law.
- B. Responsibility for interpretation by the County Manager as set forth in this section shall be limited to standards, regulations, and requirements of this ULDC, and shall not be construed to include interpretation of any technical codes adopted by reference in this ULDC. Interpretation shall not be construed to override the responsibilities assigned by the Board of Commissioners to any commission, board, or official named in other sections or chapters of this ULDC
- C. Should the enforcement of a building or construction code listed in Section 1.07.04 create a conflict Table 1.08.02(C) shall govern the primary and supplemental enforcement of that building or construction code:

**Table 1.08.02(C). Code Reference Guide**

Area	Primary Code	Supplement Code
Occupancy Classification	LSC	IBC
Building Construction Types Including allowable height, allowable building areas, and the requirements for sprinkler protection related to minimum building construction types.	IBC	LSC
Means of Egress	LSC	NONE
Standpipes	IBC	IFC
Interior Finish	LSC	NONE
HVAC Systems	IMC	NONE
Vertical Openings	LSC	NONE
Sprinkler Systems minimum construction standard	LSC	NONE
Fire Alarm Systems	LSC	NONE
Smoke Alarms and Smoke Detection Systems	State Statute and LSC	NONE
Portable Fire Extinguishers	IFC	NONE
Cooking Equipment	LSC and NFPA 96	NONE
Fuel Fired Appliances	IFGC	NFPA 54 or IFGC
Liquid Petroleum Gas	NFPA 58	NFPA 54 or IFGC
Compressed Natural Gas	NFPA 52	NONE

### 1.08.03 Rules for Boundary Interpretations

Interpretations regarding boundaries of zoning districts shall be made in accordance with the following:

- A. Boundaries shown as following or approximately following any street shall be construed as following the centerline of the street.
- B. Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such line.
- C. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.
- D. Boundaries shown as following or approximately following the shoreline of a river, stream, lake or other water body shall be construed as following such shoreline.
- E. Uses on a split zoned property shall not exceed 50ft beyond the furthest edge of the zoning boundary which allows the use.

### 1.08.04 Rules of Construction

- A. Words used in the present tense include the future tense.
- B. Words used in the singular include the plural, and words used in the plural include the singular.
- C. The masculine gender includes the feminine and the neuter.
- D. The word "person" includes a firm, partnership, company, corporation, or association as well as individuals.
- E. The word "shall" is always mandatory; the word "may" is permissive.
- F. "Or" may be read "and," may be read "or," if the sense requires it.
- G. The term "written" or "in writing" shall include any representation of words, letters, or figures, whether by printing or otherwise.
- H. The term "day" means a calendar day.
- I. The term "month" means a calendar month.
- J. The word "week" shall mean seven (7) days.
- K. The word "year" shall mean a calendar year.

### 1.08.05 Computation of Time

When a number of days is prescribed for the exercise of any privilege or the discharge of any duty, the first or last day shall not be counted; and if the last day falls on Saturday or Sunday, the person having such privilege or duty shall have through the following Monday to exercise the privilege or to discharge the duty. When the last day prescribed for such action falls on a public and legal holiday as provided for in O.C.G.A., section 1-4-1, the person having the privilege or duty shall have through the following day to exercise the privilege or to discharge the duty; however, when the following day is a Saturday or Sunday, the person shall have through the following Monday to exercise the privilege or to discharge the duty.

### 1.09.00 ACRONYMS AND DEFINITIONS

Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning. The following terms are defined for purposes of this ULDC.

#### 1.09.01 Acronyms

**ADA** – Americans with Disabilities Act

**AFB** – Air Force Base

**APZ** – Accident Potential Zone

**AASHTO** – American Association of State Highway and Transportation Officials

**BMP** – Best Management Practices

**CABO** – Council of American Building Officials

**C-C** – Crossroads Commercial District  
**C-G** – General Commercial District  
**C-H** – Highway Commercial District  
**CON** – Conservation District  
**COR** – Corridor Road Overlay District  
**CS** – Conservation Subdivision  
**DBH** – Diameter at Breast Height  
**DHR** – Department of Human Resources  
**DNR** – Department of Natural Resources  
**DOT** – Georgia Department of Transportation  
**DRI** – Development of Regional Impact  
**E-A** – Estate Agricultural District  
**EPD** – Georgia Environmental Protection Division  
**FAA** – Federal Aviation Administration  
**FCC** – Federal Communications Commission  
**FEMA** – Federal Emergency Management Agency  
**FIRM** – Flood Insurance Rate Map  
**GIS** – Geographic Information System  
**GDOT** – Georgia Department of Transportation  
**GSMM** – Georgia Stormwater Management Manual  
**HVAC** – Heating, Ventilation, and Air Conditioning  
**IBC** – International Building Code  
**ICC** – Interstate Commerce Commission  
**IFC** – International Fire Code  
**IFGC** – International Fuel Gas Code  
**IMC** – International Mechanical Code  
**ITE** – Institute of Transportation Engineers  
**LCUS** – Lowndes County Utility System  
**LDN** – Day-Night Average Sound Level  
**LSC** – Life Safety Code

**MAZ** – Moody Activity Zoning District(s)

**MSL** – Mean Sea Level

**NFPA** – National Fire Protection Association

**NOI** – Notice of Intent

**NWI** – National Wetland Inventory

**OCGA** – Official Code of Georgia Annotated

**OI** – Office Institutional District

**PD** – Planned Development District

**R-A** – Residential Agricultural District

**RFS** – Residential Fly-in Subdivision

**RV** – Recreational Vehicle

**SBCCI** – Southern Building Code Congress International (International Building Code)

**SGRDC** – South Georgia Regional Development Center

**TLA** – Twin Lakes Area Overlay District

**TRC** – Technical Review Committee

**ULDC** – Unified Land Development Code

**USACE** – United States Army Corps of Engineers

**VALOR** – Valdosta Lowndes Regional Geographic Information System

**VLD** – Valdosta Regional Airport Overlay District

**ZBA** – Zoning Board of Appeals

### 1.09.02 Definitions

**Acceleration/deceleration lanes.** Paved exits and entrances off of a major thoroughfare onto private property for the purpose of expediting the free flow of traffic.

**Accessory.** A use or structure which is incidental and subordinate to the principal use or structure, and which is located on the same lot as the principal use or structure (Please also see Building definition for **accessory** Buildings e.g. garages, storage sheds, carports, etc.).

**Addition.** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire

wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

**Administrative Waiver.** A grant of relief by the County Manager from specified standards of the ULDC.

**Adult Entertainment.** Performances by topless and/or bottomless dancers, strippers or similar entertainers, where such performances are characterized by the display or exposure of specific anatomical areas.

**Adult Entertainment Establishments.** Any commercial establishment which has as its primary purpose or business the offer for sale of any book, publication or film which depicts nudity, or sexual conduct or engages in services such as bath houses, massage parlors, wrestling parlors or like activity including a night club, cabaret, lounge or other establishment which features adult entertainment.

**Animal Shelter.** Any facility operated by or under contract for the state, county, municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection and humane treatment of animals.

**Animal Foster Home.** Any place routinely or in the practice of providing temporary care for animals, except equine. An Animal Foster Home must be under a written contract with a licensed Animal Shelter. An Animal Foster Home will be considered an agent for the Animal Shelter, and not an animal shelter itself.

**Appeal.** A formal review of an administrative decision regarding provisions of this ULDC.

**Aquifer.** Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

**Area of Special Flood Hazard.** The land within the flood plain that is subject to a one (1) percent or greater chance of flooding in any given year.

**Area of Shallow Flooding.** A designated AO Zone or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding

is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of Special Flood Hazard.** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Section 3.01.05.

**As-built Plans.** Detailed construction plans showing completed improvements as constructed.

**Assisted Living Facility.** Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication.

**Base Flood.** The flood having a one (1) percent chance of being equaled or exceeded in any given year. The “base flood” is synonymous with the “100-year flood.”

**Base Flood Elevation (BFE).** The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

**Basement.** That portion of a building having its floor sub grade (below ground level) on all sides.

**Bed and Breakfast Inn.** A facility where overnight accommodations are provided to transients for compensation, with or without a morning meal, and where the operators of the facility live on the premises.

**Berm.** An earthen mound or embankment, usually two (2) to six (6) feet in height, designed to provide visual interest, screen views, reduce noise, or fulfill other such purposes.

**Block.** An area of land within a subdivision that is entirely surrounded by streets, public lands, rights-of-way, watercourses, or other well-defined and fixed boundaries. (**Blocks** are illustrated in Figure A.1.)

**Board of Commissioners.** The Lowndes County Board of Commissioners.

**Board of Health.** The Lowndes County Board of Health is used in these regulations to denote the fact that all matters pertaining to health regulations shall be directed to that official or his staff.

**Buffer:** A natural and/or landscaped area intended to visibly separate uses through distance to shield or block noise, light, glare, or other nuisances, or to protect natural features such as streams or wetlands.

**Buffer, State Waters.** The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

**Buildable Area.** The portion of a lot which is not located within any minimum required yard, landscape strip/area or buffer; that portion of a lot wherein a building or structure may be located.

**Building.** A structure, with a roof, designed and built for support, shelter, storage, or enclosure for occupancy by persons or animals.

**Accessory Building.** A detached, subordinate structure, the use of which is clearly incidental to, customarily associated with, and related to the principal structure or use of the land, and which is located on the same lot as the principal structure or use, and has a separate means of egress.

**Building Addition.** Any walled and roofed expansion to the perimeter of a building which is connected by a common load-bearing wall other than a firewall.

**Building Frontage.** The linear feet of the exterior wall of a building that faces any road or street that provides a means of direct ingress and egress to the lot.

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

**Building Line.** A line beyond which no foundation wall or part of the structure of any building shall project, with the exception of roof overhang, walkways, and the subsurface projection of footings; provided, however, that such overhang does not exceed six (6) feet and does not encroach upon the adjacent property or right-of-way.

**Elevated Building.** A building constructed with the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls.

**Principal Building.** The building in which the primary use permissible on the lot is conducted.

**Certificate of Occupancy.** A document issued by the building official indicating the use of a particular building or land conforms to the requirements of this ULDC.

**Club or Lodge.** An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public.

**Comprehensive Plan.** The Comprehensive Plan for Lowndes County, Georgia, approved by the Greater Lowndes Planning Commission and the County Board of Commissioners, which may consist of the Major Thoroughfare Plan, General Land Use Plan, Street and Road Classification Plan, and other maps, data, and descriptive matter for the physical development of Lowndes County or any portions thereof, including any amendments, extensions, or additions thereto as adopted by the Greater Lowndes County Planning Commission and the Board of Commissioners.

**Construction.** Any site, preparation, assembly, erection, substantial repair, alteration or similar action but excluding demolition, for or of public or private right-of-way, structures, utilities or similar property.

**Construction Standard Drawing.** The Lowndes County Technical Standards Manual and related drawings for public improvements.

**Correctional Facility.** A public or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

**Critical Facility.** Any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

- (a) structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
- (b) hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
- (c) emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
- (d) generating plants, and other principal points of utility lines.

**Critical Root Zone.** An area on the ground around a tree that is equal to the reach of the farthest branches, containing sufficient root mass for survival.

**Curb Cut.** The providing of vehicular ingress and/or egress between property and an abutting public street.

**County Manager.** The official, or his authorized representative, designated by the Lowndes County Board of Commissioners as its agent for the administration of the provisions of the ULDC.

**Crosswalk.** A right-of-way within a block dedicated to public use for pedestrian use only and so designed as to provide access to adjacent streets or lots.

**Cul-de-sac.** A dead-end local street, of limited density, opened at one (1) end and closed at the other by a permanent turnaround.

**Cut.** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below the original ground surface to excavated surface. Also known as excavation.

**Day Care Establishment.** Any place operated by a person, society, agency, corporation, institution or group wherein are received for pay for group care, for fewer than twenty-four (24) hours per day without transfer of legal custody, children under eighteen (18) years of age and which is required to be licensed or commissioned by the Georgia Department of Human Resources. The following categories shall be designated:

**Family Day Care (6 or less children).** A private residence operated as day care for up to six (6) children.

**Day Care Homes (7 to 18 children).** Any place operated as day care for not less than seven (7) or more than eighteen (18) children.

**Day Care Centers (19 or more children).** Any place operated as day care for nineteen (19) or more children.

**Density.** The total number of dwelling units divided by the gross site area.

**Development.** Man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

**Diameter at Breast Height.** A forestry term that takes the thickness measurement of a tree at four and one-half (4.5) feet above the ground.

**Drainage Structure.** A device composed of virtually non-erodible material such

as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, and flood control purposes.

**Dwelling or Dwelling Unit.** Any building, or part thereof, constituting a separate, independent housekeeping establishment for no more than one (1) family, and physically separated from any other rooms or housekeeping establishments which may be in the same structure. A dwelling unit contains sleeping facilities, sanitary facilities, and a kitchen.

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

**Duplex or Two-Family Dwelling.** A building containing two (2) dwelling units, designed for occupancy by not more than two (2) families living independent of each other.

**Multi-Family Dwelling.** A building either designed, constructed, altered, or used for more than two (2) adjoining dwelling units, with each dwelling unit having a party wall or party floor ceiling connecting it to at least one (1) other dwelling unit in the building.

**Single-Family Dwelling.** A detached building used and either designed or constructed for one (1) dwelling unit.

**Townhouse.** One (1) of a series of attached dwelling units on separate lots which are separated from each other by party wall partitions extending at least from the lowest floor level to the roof.

**Easement.** A grant of one (1) or more property rights by a property owner to the general public, a public utility, a governmental unit, or a private individual or corporation for the use of a portion of the owner's land for a specific purpose, or use as a means of access to other property. Easements shall be designated "public" or "private" depending upon the nature of the usage.

**Conservation Easement.** An agreement between a land owner and a governmental agency or land trust that permanently protects the land by limiting the amount and type of development that is permissible, while leaving the remainder of the fee interest in private ownership.

**Drainage Easement.** An agreement allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

**Elevated Building.** A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

**Erosion.** The process by which land surface is worn away by the action of wind, water, ice and gravity.

**Existing Construction.** Any structure for which the "start of construction" commenced before April 17<sup>th</sup> 1991.

**Existing Manufactured Home Park or Subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before April 17<sup>th</sup> 1991.

**Expansion to an Existing Manufactured Home Park or Subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

**Family.** One (1) or more persons occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, or fraternity or sorority house.

**Farm.** A bona fide farm is the primary or principal use of land and buildings for the purpose of conducting agricultural activities including, raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; producing or storing feed for use in the production of livestock; or the production of plants, trees or timber. When agricultural activities are secondary or an accessory to the principal residential or other use, the property shall not be considered a bona fide farm.

**Fill.** A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

**Base Flood.** The base flood storm event is the 100-year, twenty-four (24) hour storm event.

**Flood Hazard Boundary Map (FHBM).** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

**Flood Insurance Rate Map (FIRM).** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study.** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary/floodway map and the water surface elevation of the base flood.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**Minimum Flood Elevation.** The base flood elevation established by the Federal Emergency Management Agency on the Flood Insurance Rate Map.

**Floodplain.** Any land area susceptible to flooding.

**Floodproofing.** Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to land, water and sanitary facilities, structures, and contents of buildings.

**Floor.** The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**Floor Area.** The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls, excluding basement areas, attic, porches, carports, and garages.

**Freeboard.** A factor of safety usually expressed in feet above a flood level for

purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**Frontage.** The distance measured along a public street right-of-way or the main street property line of a lot.

**Grade.** The lowest point of elevation of the finished surface of the ground immediately surrounding the building or structure.

**Finished Grade.** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

**Highest Adjacent Grade.** The highest natural elevation of the ground surface next to the proposed walls of a structure.

**Grading.** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

**Ground Elevation.** The original elevation of the ground surface prior to cutting or filling.

**Group Home.** A residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such facility shall be at least four (4) residents but not more than fifteen (15) residents.

**Height.** The vertical distance measured from average elevation of the proposed finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof on a building. When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

**Highest Adjacent Grade.** The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

**Historic Structure.** Any structure that meets one (1) or more of the following conditions:

- (1) Listed individually in the National Register of Historical Places (as maintained by the U.S. Department of Interior) or preliminarily

- determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - (3) Individually listed on a state inventory of historic places and determined as eligible under the state historic preservation program which has been approved by the Secretary of the Interior; or
  - (4) Individually listed on a local inventory of historic places and determined as eligible under the local historic preservation program which has been certified either by an approved state program as determined by the Secretary of the Interior.

**Home Occupation.** Any business occupation or profession customarily conducted entirely within a dwelling and carried on by an occupant thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes.

**Impervious Surface.** A surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

**Inert Waste Landfill.** A disposal facility permitted by the Georgia Department of Natural Resources as an inert waste landfill to accept only wastes that will not or are not likely to cause production of leachate of environmental concern limited to earth and earth-like products, concrete, cured asphalt, rocks, bricks, yard trimmings, stumps, limbs, and trees.

**Infill.** Development of vacant or remnant lands passed over by previous development in the area.

**Junk Yard.** Use of property for outdoor storage, keeping, abandonment, sale, or resale of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

**Jurisdictional Wetland.** An area that meets the definitional requirements for wetlands as determined by the U. S. Army Corps of Engineers.

**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.

**Landfill.** A property operated as a commercial venture for profit or operated by a county or municipality for the disposal of solid waste or any location where a private owner accepts solid waste for compensation from sources other than his own property for disposal. As used herein, the term “solid waste” means putrescible and nonputrescible wastes, except water carried body waste, and shall include garbage, rubbish (paper, cartons, boxes, wood, tree branches, yard trimmings, furniture and appliances, metal, tin cans, glass, sludges, animal manures, industrial wastes (waste materials generated in industrial operations), residue from incineration, food processing wasters, demolition wastes, abandoned automobiles, dredging wastes, construction waste, and any other waste material in a solid or semisolid state.

**Lot.** A portion or parcel of land separated from other portions or parcels by description, as on a subdivision plat or record of survey map or as described by metes and bounds, and intended for transfer of ownership or for building development. For the purpose of this ULDC, the term does not include any portion of a dedicated right-of-way.

**Lot by Default.** A lot which was once whole but divided into parts through the acquisition of public property or construction of a public road. Each piece of the once whole lot shall henceforth be considered a separate and independent lot. The lots shall be governed by Section 9.01.02 Nonconforming Lots of Record.

**Lot, Corner.** A lot having frontage on two (2) or more public streets at their intersection.

**Lot Depth.** The average horizontal distance between the front and rear lot lines.

**Lot, Double Frontage or Through Lot.** A lot other than a corner lot, that has frontage upon two (2) or more streets that do not intersect at a point abutting the property.

**Lot, Flag.** A lot having only its driveway fronting on a public street, with the result that only the width of the driveway is the frontage of the lot.

**Lot, Interior.** A lot other than a corner lot or a through lot.

**Lot Line (Property Line).** The property boundary, abutting a right-of-way

line, or any line defining the exact location of a lot.

**Lot of Record.** A lot which is part of a subdivision plat recorded in the office of the Clerk of Superior Court after the adoption of the subdivision regulations on September 6, 1972. Also, a lot which was created either by a recorded metes and bounds description or a recorded subdivision plat before the adoption of the subdivision regulations on September 6, 1972.

**Lot Width.** The distance between the side lot lines, measured at the building line, parallel to the street right-of-way line.

**Lowest Floor.** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

**Manufactured Home.** A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is 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. Section 5401, et seq.

**Manufactured Home Community.** A contiguous parcel of land, which has been developed for the installation of manufactured homes. Manufactured homeowners lease a site for the installation of their home, or lease both the home and site. (Manufactured home park or subdivision)

**Mean Sea Level.** The average height of the sea for all stages of the tide, used as a reference for establishing various elevations within the floodplain. For purposes of this ULDC, the term is synonymous with National Geodetic Vertical Datum.

**Metropolitan River Protection Act (MRPA).** Georgia state law referenced as O.C.G.A. 12-5-440 et. seq., which addresses environmental and development matters in certain metropolitan river corridors and their drainage basins.

**Mixed Use.** Development or a development project that incorporates more than one (1) land use or activity, such as residential, commercial, office, and/or industrial.

**Modular Home or Industrialized Building.** Certain manufactured buildings which are regulated by the Georgia Department of Community Affairs. Georgia law defines an Industrialized Building as “any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.” Industrialized buildings are constructed and regulated in accordance with the “Industrialized Buildings Act”, Georgia Law 1982 (OCGA Title 8, Chapter 2, Article 2, Part 1).

**National Geodetic Vertical Datum.** As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

**Natural Ground Surface.** The ground surface in its original state before any grading, excavation or filling.

**Natural Vegetative Buffer.** A river corridor containing the flora native to that area. 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.

**New Construction.** ANY structure (see definition) for which the "start of construction" commenced on or after April 17<sup>th</sup> 1991 and includes any subsequent improvements to the structure.

**New Manufactured Home Park or Subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after April 17<sup>th</sup> 1991.

**Nonconformity.** A land use activity, building or structure legally established prior to adoption of this ULDC, or subsequent amendment to it, that would not otherwise be permissible under the provisions of this section. Specific regulations that govern dates for determining the point of legal establishment are as follows:

Road Frontage- September 6<sup>th</sup> 1972

Minimum 60' of Road Frontage- July 3<sup>rd</sup> 1985

Minimum of 5 acres in Agricultural Zoning- January 1987

Minimum of 1 acre and 120' lot width for Well/Septic Eligibility- March 1966

Minimum of 15,000 sqft and 100' lot width for Community Water/Septic Eligibility- March 1966

**Outside Storage.** The placement or containment of goods, materials, or equipment other than within a building, for purposes of keeping such goods, materials, or equipment for processing, use, sale, or transfer to other locations.

**Overlay District.** A defined geographic area that encompasses one (1) or more underlying zoning districts and that imposes additional requirements above those required by the underlying zoning district. An overlay district can be coterminous with existing zoning districts or containing only parts of one (1) or more such districts.

**Parking Area.** All property used for off-street parking vehicular aisles and access ways, loading zones, interior and perimeter landscaping, and other outdoor vehicular use areas.

**Parking Lot.** An area or plot of land used for the storage or parking of motor vehicles.

**Parking Lot Island.** A strip of property, which separates groups of parking spaces from other groups of parking spaces or internal driveways.

**Perennial River.** A river or section of a river that flows continuously throughout the year.

**Permit.** The authorization necessary to conduct a land disturbing activity under the provisions of this ULDC.

**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 the State, any interstate body or any other legal entity.

**Personal Care Home.** A building or group of buildings, a facility, or place in which is provided beds and other facilities and services including room, meals and personal care for non-family ambulatory adults. This term does not include buildings which are devoted to independent living units which include kitchen facilities in which residents have the option of preparing and servicing some or all of their own meals or boarding facilities which do not provide personal care. Personal care homes are categorized as follows:

**Family Personal Care Home.** A home for adults in a family type residence, non-institutional in character, which offers care to four (4) through six (6) persons.

**Group Personal Care Home.** A home for adult persons in a residence or other type building(s), noninstitutional in character, which offers care to seven (7) through fifteen (15) persons.

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

**Planned Development.** Development intended to encourage both residential and non-residential land uses according to a master development plan, with related covenants and restrictions. Developments within a PD project may have flexibility in the application of development standards when approved according to a master development plan, and to promote the conservation of natural resources, more efficient use of land, and, efficiency in the extension of streets and utilities.

**Pollution Susceptibility.** The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in the recharge area.

**Pollution Susceptibility Map.** The graphic depiction of the relative vulnerability to pollution prepared by the Georgia Department of Natural Resources as Hydrologic Atlas 20: Groundwater Pollution Susceptibility Map of Georgia.

**Principal Use.** The principal purpose for which a lot or the main building thereon is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

**Recharge Area.** Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.

**Significant Recharge Areas.** Those areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 18 (latest edition).

**Recreational Vehicle.** A vehicular-type portable structure, built on a single chassis, without permanent foundation which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreation, camping, and travel use. Examples of recreational vehicles include travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**Regulated Activity.** Any activity, which will, or which may reasonably be

expected to, result in the discharge of dredged or fill material into waters of the U.S. excepting those activities exempted in Section 404 of the Federal Clean Water Act.

**Residential.** Pertaining to the use of land, means premises such as homes, townhomes, patio homes, mobile homes, duplexes, condominiums or apartment complexes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein.

**Residential Fly-In Neighborhood.** A subdivision designed to include a private airport or landing strip.

**Right-of-Way.** A portion of land being used or to be used as a public street, road, thoroughfare, crosswalk, pipeway, drainage canal, and/ or other similar uses and designated by means of right-of-way lines.

**River/Stream Bank.** The rising ground, bordering a river or a stream, which serves to confine the water to the natural channel during the normal course of flow.

**River Corridor.** All the land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A 12-5-440 through 12-5-457), or the Coastal Marshlands Protection Act (O.C.G.A. 12-5-280 through 12-5-293), in areas of 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 riverbanks, 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 the local governments in the same manner as the river corridor and shall be included within the River Corridor Protection District.

**Roadway Drainage Structure.** A device such as a bridge, culvert, or ditch, composed of a virtually nonerrodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one (1) side of a traveled way consisting of one (1) or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

**Runway.** A defined area at the airport prepared for landing and takeoff of aircraft along its length.

**Runway Protection Zone.** A trapezoidal shaped, two-dimensional area located near each planned runway end.

**Sediment.** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice or gravity as a product of erosion.

**Sedimentation.** The process by which eroded material is transported and deposited by action of water, wind, ice or gravity.

**Sensitive Natural Area.** Any area, as identified now or hereafter by the Georgia Department of Natural Resources, which contains one (1) 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 Georgia Department of Natural Resources; and which are sensitive or vulnerable to physical or biological alteration.

**Setback, Front.** The distance between the centerline of a street right-of-way and the front exterior wall of the principal building or structure on a lot.

**Setback, Side or Rear.** The distance between the property line and any structure, measured from the back or side property line.

**Shopping Center.** Two (2) or more commercial establishments planned and managed as a single unit with common off-street parking and loading facilities provided on the property.

**Sign.** Any device or display consisting of letters, numbers, symbols, pictures, illustrations, announcements, cutouts, insignia, trademarks or demonstrations, including all trim and borders, which is used or intended to be used to attract attention or convey information when the same is placed in view of the general public.

**Banner Sign.** Any sign having characters, letters, or illustrations applied to cloth, paper, or fabric of any kind, with only such material as backing, which is mounted to a pole or building by one (1) or more edges. National, state, or municipal flags or the official flag of a business or institution shall not be considered a banner.

**Bracket Sign.** Any sign, single- or double-faced, mounted on brackets, poles or beams, projecting at an angle from the front or side of any building and supported solely by brackets or beams attached to the

building.

**Bulletin Board.** A sign used to announce meetings or programs to be held on the premises of a church, community recreation center, school, auditorium, library, museum or similar non-commercial places of public assembly.

**Canopy Sign.** Any sign, attached to or made part of the front, side, or top of a canopy structure, excluding awnings and marquees, projecting beyond the structure and/or extending along said structure, that is generally designed and constructed to provide protection from the weather.

**Construction Sign.** Any sign advertising the construction actually being done on the premises where the sign is located. The sign may also include the contractor's name, the owner's name, the architect's name and the name of the institution providing financial services.

**Directional Sign.** Any sign located on the premises to direct the public to any parking areas, facility, or service located on the premises, or to direct traffic on the premises.

**Entrance Sign.** Any sign placed at the intersection of a public street and a public or private entryway into an apartment complex, condominium complex, office complex, industrial complex or other building or buildings with multifamily residential dwelling units or multiple commercial units.

**Externally Illuminated Signs.** Any sign illuminated by an external light source directed primarily toward such sign.

**Flag.** A usually rectangular piece of fabric of distinctive design that is used as a symbol of a government, as a signaling device, or as a decoration.

**Freestanding or Ground Sign.** Any sign supported by uprights or braces which are permanently placed into the ground, and not supported by or suspended from any building. Includes the term "Monument sign."

**Height, Sign.** The vertical distance measured from the lowest adjacent street grade to the highest point of the sign or sign structure.

**Identification Sign.** Any sign which indicates the name, owner or address of a residence, office or business, but bearing no advertising.

**Internally Illuminated Signs.** Any sign which has characters, letters,

figures, designs or outlines illuminated by electric lights or luminous tubes located within the interior parts of the sign.

**Garage Sale Sign.** Any sign pertaining to the sale of personal property in, at, or upon any residentially zoned property.

**Off-Site Sign.** Any sign which advertises the services or products of a business not on the premises where the sign is erected.

**On-Site, On-Premise, or Point of Business Sign.** A sign which directs attention to a business, profession, or industry located upon the premises where the sign is displayed, to types of products sold, manufactured, or assembled, and/or to service or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

**Political Signs.** Any sign concerning candidacy for public office or urging action on any ballot issue in a forthcoming public election, or pertaining to or advocating political views or policies.

**Portable Sign.** Any sign, whether on its own trailer, wheels, chassis, or otherwise movable support, which is manifestly designed to be transported from one (1) place to another.

**Projecting Sign.** Any sign which is affixed to any building, wall, or structure and which extends beyond the building, wall, and structure, building line or property line.

**Real Estate Sign.** Any on-premises structure showing that the premises upon which it is located is either for sale, for lease or for rent, or open for inspection.

**Sandwich or Sidewalk Sign.** Any sign, double- or single-faced, which is portable and may readily be moved from place to place.

**Signable Area.** The total area upon which a message is displayed on any sign. For double-face signs, the side with the largest signable area shall be used in computing signable area. If the two (2) faces of a double-face sign are of unequal area, the signable area shall be the area of the larger face. For wall signs consisting entirely of products shaped in the form of letters or other figures attached directly to a wall or roof, the signable area shall consist of the net geometric area measured by the smallest possible single square or rectangle enclosing the display surface of the sign including the outer extremities of all letters, characters and

delineations.

**Snipe Sign.** Any sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or other objects where the advertising material thereon is not applicable to the present use of the premises upon which the sign is located.

**Temporary Sign.** Any sign or device which is not permanently attached to the ground or other permanent structure, which is designed to be mobile or is designed to remain in place for a limited time. This includes, but is not limited to, signs which are designed to be transported regularly from one (1) location to another, signs which are designed with wheels, regardless of whether the wheels remain attached to the sign, or signs tethered to an existing structure.

**Window Sign.** Any sign displayed to an outside observer on or through a window or covering a window, which may include a door.

**Time and Temperature Sign.** Any sign displaying time and temperature or date information in a variable manner.

**Wall Sign.** Any sign that shall be affixed parallel to the wall or painted on the wall of any building in such a manner as to read parallel to the wall on which it is mounted, in such a way that the wall becomes the supporting structure for, or forms the background surface of the sign; provided, however, said wall sign shall not project more than 12 inches from the face of the building; shall not project above the top of the wall or beyond the end of the building.

**Site Plan.** The development plan for one (1) or more lots or parcels on which is shown the existing and proposed conditions of the lot(s) or parcel(s) including all of the requirements set forth in this ULDC.

**Soil and Water Conservation District Approved Plan.** An erosion and sedimentation control plan approved in writing by the Alapaha Soil & Water Conservation District.

**Special Event.** A temporary gathering or event, typically outdoors, which occurs upon private or public property that may affect the ordinary use of property, public streets, rights-of-way, or sidewalks for which the promoter or other person, firm, or corporation holding or producing the event must obtain a temporary use permit. Special events include, but are not limited to, seasonal sales, carnivals, fairs, tours, tent meetings, grand opening celebrations, races, rodeos, parades, festivals, concerts, holiday celebrations, bicycle runs, block

parties, reoccurring weddings, reoccurring retreats, and other similar uses. Typical events held at event facilities that are properly zoned, permitted, and licensed shall not be considered special events.

**Stabilization.** The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

**Start of Construction.** The date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**State Waters.** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

**Stormwater Management.** The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, stream bank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

**Street.** A right-of-way which provides vehicular access to abutting property.

**Alley.** A roadway dedicated to public use which affords only a secondary means of access to the rear or side of properties otherwise abutting a public street.

**Major Arterial Street.** A street which is designated as such on the Major Thoroughfare Plan and which is intended to provide swift and safe movement of traffic through the County.

**Secondary or Minor Arterial Street.** A street which is designated as such on the Major Thoroughfare Plan and which is intended to provide easy and convenient traffic movement within the County.

**Collector Street.** A street which is designated as such on the Major Thoroughfare Plan and which is intended to collect traffic from local streets and direct it safely to secondary or major arterial streets. A collector may also provide direct access to adjacent properties.

**Cul-de-Sac.** A dead-end local street, of limited length, opened at one (1) end and closed at the other by a permanent turnaround.

**Dead-end Street.** A street having only one (1) end open for access to another street, and other end being abruptly terminated with no turnaround.

**Frontage Road or Marginal Access Street.** A street generally parallel to and adjacent to an arterial street providing access to abutting properties and protection from through traffic.

**Local Street.** A street that serves a limited area, used for local circulation and whose primary function is to provide direct access to adjoining properties.

**Private Street.** A strip of land improved and used for vehicular access but has not been nor will it be accepted by the Lowndes County for maintenance.

**Public Street.** Right-of-way dedicated to Lowndes County held or owned by the County for public street purposes.

**Stub Street.** A dead-end street at adjoining property lines intended for future extension to serve the development of adjoining areas.

**Structure.** Anything constructed, installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural or office purposes either temporarily or permanently. It also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and

signs.

**Subdivision.** All divisions of a tract or parcel of land into two (2) or more lots, parcels, building sites, or other divisions for the purpose, whether immediate or future, of creating sites for development, the rearrangement of existing lot lines, or for the purpose of transfer of ownership.

**Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**Substantial Improvement.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure prior to the "start of construction" of the improvement. NOTE: *The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring.* This term includes structures, which have incurred "substantial damage", regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project, or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Substantially Improved Existing Manufactured Home Parks or Subdivisions.** The repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**Surface Water.** Includes any river, creek, stream, or body of water that is not man-made.

**Transitional Care Facility.** A building or buildings in which is provided long-term but not permanent living accommodations for one or more persons who are in need of short term or long-term housing assistance, and in which may also be

provided meals and social services including physical therapy, social therapy, emotional therapy, counseling, rehabilitation, or substance abuse recovery assistance.

**Use or Occupied.** The purpose or activity for which land or buildings are designed, arranged, intended, or occupied and maintained. Used and occupied include the words "arranged, designed or intended to be used," and the word "occupied" shall be deemed to include the words "arranged, designed or intended to be occupied."

**Utility.** Any community service available to the public by means of an overhead or underground distribution or collection system such as electricity, telephone, water, gas, and sewerage disposal.

**County Water and Sewer System.** Refers to the Lowndes County water distribution and wastewater collection systems, and all component parts, equipment, and structures necessary to provide such services.

**Private Water and Sewage System.** A system owned and operated by a community corporation or an individual serving two (2) or more premises and approved by the Georgia Department of Natural Resources, Environmental Protection Division.

**Variance.** A grant of relief from the requirements of this ULDC which permits construction in a manner otherwise prohibited by this ULDC where specific enforcement would result in unnecessary hardship.

**Violation.** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

**Visibility Triangle.** The area of land described as either of the following:

- (1) The triangular area of property on each side of a driveway formed by the intersection of the driveway and the public right-of-way line and the third side being a line connecting the ends of the two (2) other sides; or
- (2) The triangular area of property located at a corner formed by the intersection of two (2) or more public rights-of-way with two (2) sides of the triangular area along the abutting public right-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the two (2) other sides.

**Watercourse.** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

**Water Resource Protection District.** A mapped area, which imposes a set of requirements and/or specific development standards or use restrictions.

**Wetlands.** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.

**Generalized Wetlands.** The data sets contained on the current U.S. Fish and Wildlife Service National Wetlands Inventory maps, utilized to develop the Water Resource Protection Districts Overlay Map for Lowndes County, Georgia.

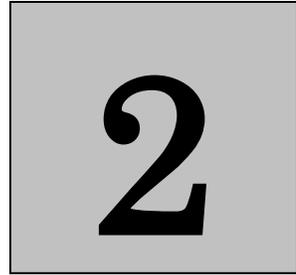
**Yard.** A required open space located on the same lot as the principal building, unoccupied and unobstructed except for accessory uses, vegetation, and fences.

**Front Yard.** That area of a lot lying between the abutting street right-of-way line and the principal building of the lot and extending across the front of a lot from side lot line to side lot line. The front yard of a corner lot shall be that yard abutting the street with the least frontage, unless otherwise determined on a recorded plat or in a recorded deed. The front yard of a lot existing between two (2) streets not intersecting at a corner of the lot, shall be that yard abutting the street on which adjoining properties face, unless otherwise determined on a recorded plat or in a recorded deed.

**Rear Yard.** That area of a lot extending across the rear of a lot from side lot line to side lot line and lying between the rear lot line and the principal building on the lot.

**Side Yard.** The area extending from the front building line to the rear building line between the side lot line and the side building line.

**Zoning District.** The use classification of parcels of land as generally defined under this ULDC.



# CHAPTER 2

## ZONING DISTRICTS AND USES

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## 2.00.00 GENERALLY

The use of **buildings, structures**, and land shall comply with the use requirements for **zoning districts** set forth in Chapter 2. **Buildings, structures**, or land shall be **occupied** or used only in conformity with all of the regulations set forth herein for the **district** in which it is located.

## 2.01.00 ESTABLISHMENT AND PURPOSE OF ZONING DISTRICTS

### 2.01.01 Lowndes County Zoning Map

- A. **Zoning districts** for Lowndes County are hereby established as shown on the “Lowndes County Zoning Map.”
- B. The Lowndes County Zoning Map shall be identified by the signature of the chair of the **Board of Commissioners**, attested by the County Clerk, and shall include the date of adoption.
- C. The Lowndes County Zoning Map may be amended according to the procedures set forth in Chapter 10 of the ULDC.

### 2.01.02 Rural Zoning Districts

The following rural **zoning districts** are established:

- A. E-A, Estate Agricultural **District** (5 acre). This **district** is intended to provide for agricultural activities, including those related to crops, livestock, and timber, protected from the effects of suburban **residential development**. Single-family homes, and specified **accessory structures** and uses are permissible.
- B. R-A, **Residential Agricultural District** (2.5 acre). This **district** is intended to preserve the mixed agricultural and **residential** character of land while providing a transition between rural and agricultural land and suburban and urban land.
- C. CON, Conservation **District**. This **district** is intended to provide for the long-term protection and preservation of environmentally sensitive natural resource systems. **Development** within the Conservation **district** is limited to **buildings** that are supportive of and **accessory** to the conservation land **uses**.

### 2.01.03 Residential Zoning Districts

The following **residential zoning districts** are established:

- A. R-1, Low **Density Residential** (1 acre). This **district** is intended to provide for single-family **residential dwellings** on individual lots at a low **density of development**, consistent with the **use** of private wells and septic tanks.
- B. R-21, Medium **Density Residential** (21,780 square feet). This **district** is intended to provide for single-family **residential dwellings** on individual **lots** at a moderate **density of development**, consistent with the **use** of either county or private water systems or county or private sewerage disposal systems or both. The **use** of **on-site** septic systems may be permissible.
- C. R-10, Suburban **Density Residential** (10,000 square feet). This **district** is intended to provide locations for **single-family dwellings** on small

individual **lots**, based on the availability of both community water and community sewerage systems to serve the **development**.

#### 2.01.04 Commercial, Office, and Institutional Zoning Districts

The following commercial, office, and institutional **zoning districts** are established:

- A. OI, Office Institutional. This **district** is intended to allow **development** of business and professional activities, medical and dental facilities, and the **development** and maintenance of publicly owned lands and **structures**, parks and recreation areas, public schools, and **buildings used** principally for government functions. Limited retail **uses** normally associated with office or institutional **uses**, **accessory structures**, and essential public services are also permissible.
- B. C-C, Crossroads Commercial. This **district** is intended to provide locations for limited retail and service **uses** to satisfy the common and frequent needs of residents of nearby **residential** and agricultural areas. It is further the intent of this **district** to encourage such **uses** to be a part of a crossroads commercial convenience center.
- C. C-G, General Commercial. This **district** is intended to provide locations for a wide variety of retail and service **uses** to satisfy the common and frequent needs of residents in large sections of the County and of the traveling public. It is the intent of this **district** to encourage businesses to be part of planned commercial centers, neighborhood **shopping centers**, or community **shopping centers**.
- D. C-H, Highway Commercial. This **district** is intended to provide areas for commercial activities which provide products and services that generally require locations with the highest level of access to major collector roads, arterial highways, and regional transportation systems.

#### 2.01.05 Industrial and Intensive Zoning Districts

The following industrial **zoning districts** are established:

- A. M-1, Light Manufacturing. This **district** provides for light industrial **uses** which do not create excessive noise, odor, smoke, or dust and do not produce, store, or handle hazardous wastes. Permissible **uses** include activities involved in warehousing, assembly, storage, and commercial services.
- B. M-2, Heavy Manufacturing. This **district** provides for the manufacturing, assembling, storage, distribution, and sales activities that are generally high intensity. For those industries which may have negative impacts or nuisance factors associated with their **use**, supplemental standards shall apply within the **district**.
- C. M-3, High Intensity Industrial. This **district** provides for industrial **uses** that are involved in high intensity manufacturing and processing of materials which create excessive noise, odor, smoke, or dust. Special considerations for high intensity industrial **uses** include screening of

activities, noise mitigation, and protection from encroachment from incompatible **development**.

- D. I-S, Intensive Services. This **district** is intended to provide sites for public and private facilities for wastewater treatment, land application of effluent, **landfills**, energy generation, resource recovery, and similar **uses** which may require environmental **permits**.

### 2.01.06 Moody Activity Zoning District (MAZ)

The Moody Activity Zoning Districts (MAZ) are intended to provide for compatible land **uses** and unique design requirements for lands in the vicinity of Moody AFB related property, **runway protection zones**, airspace zones, and noise areas. Site design and other standards within the MAZ are intended to protect people, property, and Moody AFB operations. Requirements may include, but are not limited to, **height** limitations, density limitations, smoke limitations, lighting or other visual interference limitations, use limitations, and electronic interference limitations. Three **districts** are described for the Moody Activity Zoning Districts: MAZ I, MAZ II, and MAZ III. MAZ I dominantly includes all of the Moody AFB property, the Clear Zones, and Accident Potential Zones I. MAZ II dominantly includes Accident Potential Zones II and areas between the outer boundaries of MAZ I and the inner boundaries of MAZ III. MAZ III dominantly includes areas between the outer boundary of MAZ II and the outer boundary of the MAZ.

### 2.01.07 Planned Development Districts

PD, **Planned Development** and PD-R, Rural **Planned Development**. These **districts** are intended for the **development** of a combination of **residential**, office, and limited commercial **uses**. These **districts** are established to encourage creative and resourceful **projects** that include compatible, interrelated **uses** and related public facilities unified by a **development** plan and tailored to either an urban or rural setting.

## 2.02.00 ESTABLISHMENT AND PURPOSE OF OVERLAY DISTRICTS

### 2.02.01 Generally

The purpose of **Overlay Districts** is to provide a means of modifying the site design requirements that are otherwise applicable to the underlying **zoning district(s)**. Such design requirements are set forth in Chapter 4. When the site design standards for a base **zoning district**, standards for an **overlay district**, or supplemental standards are in conflict, the stricter standard applies.

### 2.02.02 Corridor Road Overlay District (COR)

- A. The purpose of the Corridor Road **Overlay District (COR)** is to provide for the unique design requirements to ensure the safe flow of traffic and provide for compatible **development** along important major arterial roadways. The COR **district** includes specific design standards for **signs**, access, parking, landscaping, inter-parcel connectivity, and other corridor design standards.
- B. The following COR **Overlay districts** are hereby established:

1. Inner Perimeter Road.
2. Bemiss Road, North.
3. Old Clyattville Road, South.
4. Old US 41, North.
5. US 84, West.

### 2.02.03 Valdosta Regional Airport Overlay District (VLD)

The Valdosta Regional Airport (VLD) **Overlay District** is established to provide for limitations on land uses and obstructions that have a potential negative impact on the airport and its operations. As set forth in the master plan for the airport, the following land uses should be limited in close proximity to the airport and **runway** approach zones in order to ensure compatibility: medical, religious, school, and **residential** establishments. Further, within the **runway** approach zones, the **height** of **structures** should be limited consistent with the Part 77 Plan for the airport.

### 2.02.04 Twin Lakes Area (TLA) Overlay District

The Twin Lakes Area **Overlay District** (TLA) is intended to promote appropriate **residential development** of those lands abutting or adjacent to Long Pond, Twin Lakes, or Dykes Pond. The TLA **district** includes use and design standards to prevent **development** detrimental to surrounding property and the usefulness of the water bodies.

## 2.03.00 LAND USES PERMITTED IN EACH ZONING DISTRICT

### 2.03.01 Generally

Table 2.03.03 describes those uses that are permissible in each base **zoning district**.

### 2.03.02 How to Read the Table of Uses

- A. Within the following table the letter “P” indicates that the land use is permissible, subject to compliance with the standards of the **zoning district**.
- B. The letter “S” indicates that the land use is permissible, subject to compliance with the standards of the **zoning district**, and the supplemental standards specified for the use. Supplemental standards for a specific use are contained in Chapter 4 and Chapter 5.
- C. A blank cell indicates the land use is prohibited.
- D. Any land use that is not identified in Table 2.03.03 is prohibited unless it is found to be similar by the **County Manager**.
  1. A requested use shall be considered similar when the characteristics of the requested use are equivalent in type, intensity, degree, or impact when compared to a use named in Table 2.03.03. Such characteristics include, but are not limited to:
    - a. Typical hours of operation;
    - b. use of outdoor storage;
    - c. Trip generation rates;

- d. Generation of noise, light pollution, odor, smoke, electromagnetic interference, or vibration; and
- e. Customary functions of the use.

2.03.03 Table of Land Uses

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts			Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts							
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)	
<b>Land Uses:</b>																				
<b>Residential</b>																				
<b>Dwellings</b>																				
Single-family(See Also Section 4.01.03 and 9.01.01(C))	P	P		P	P	P										S	S	S		
Two-family (See Also Section 4.01.03)					P	P											S	S		
Multi-family																		S		

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts				Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts					
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
<b>Manufactured homes</b> (See Also Section 4.01.03 and 9.01.01(C))	P	P		P	P	P										S*	S	S	
<b>Manufactured home Communities</b> (For an “S” See Also Section 4.03.26)																		S	
<b>Social Services</b>																			
<b>Family Personal Care Homes</b> (4-6 residents) (For an “S” See Also Section 4.03.16)	S	S		S	S	S	S	S	S	S							S	S	

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts			Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts						
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
<b>Group Personal Care Homes</b> (7-15 residents) (For an “S” See Also Section 4.03.16)	S	S		S			S	S	S	S							S	S	S
<b>Hospital, Nursing Homes, and Congregate Personal Care Homes</b> (For an “S” See Also Section 4.03.13)							S	S	S	P	P							S	S
<b>Transitional Care Facility</b> (For an “S” See Also Section 4.03.27)										S	S	S							S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts				Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts					
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
<b>Correctional Facility</b> (For an “S” See Also Section 4.03.28)											S	S	S						
<b>Agricultural Uses</b>																			
<b>Agricultural and Farm Operations</b> (For an “S” See Also Section 4.03.02)	P	S								P	P	P	P	P	S	S	S	S	S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts			Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts						
<p><b>Zoning Districts:</b></p> <p>P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited</p>	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
<p>Agricultural Processing, Sales (wholesale and retail), and Outdoor Storage. (For an “S” See Also Section 4.03.02)</p>	P	S						S		S	P	P	P			S*	S		S
<p>Commercial Greenhouse and Plant Nurseries (For an “S” See Also Section 4.03.03)</p>	P	S						S	S	S	P	P	P			S	P	S	S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts			Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts						
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
Stables and Livestock (For an “S” See Also Section 4.03.02)	P	S									P	P	P		S	S	S	S	S
Kennel without Outdoor Run (For an “S” See Also Section 4.03.01)	S	S						S		S	S	S	S			S	S	S	S
Kennel with Outdoor Run (For an “S” See Also Section 4.03.01)	S	S								S	S	S	S			S	S		S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts			Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts						
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
<b>Non-residential Uses</b>																			
Adult Entertainment (See Also Adult Entertainment Ordinance)										S									
Alcohol Package Store								P	P	P						S	S	S	S
Animal Hospital, Veterinary Clinic, or Animal Shelter (For an “S” See Also Section 4.03.01)	S							S		P	P	P	P			S	S	S	S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts				Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts					
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
Automobile, Truck, and Other Motor Vehicle Repair (For an “S” See Also Section 4.03.11)								S		S	P	P	P			S	S		S
Bait and Tackle			P					P	P	P	P	P	P			S	S	S	S
Bed and Breakfast Lodging (For an “S” See Also Section 4.03.17)	S	S		S			S	S	S	S							S	S	S
<b>Building</b> Materials and Supply (For an “S” See Also Section 4.03.05)									S	S	S	P	P		S	S	S	S	S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts				Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts					
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
<b>Bulk Storage Yards</b>												P	P	P	S	S	S		
<b>Business Services</b> such as Copying, Mailing, or Printing							P	P	P	P	P	P	P			S	S	S	S
<b>Cemeteries</b> (For an “S” See Also Section 4.03.06)	S	S					S	S	S	S	S	S				S	S	S	S
<b>Club, Lodge, Meeting or Event Facility</b>									P	P	P	P					S	S	S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts			Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts						
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
Day Care Center (19+ children) (For an “S” See Also Section 4.03.08)								P	P	P						S*	S	S	S
Home Day Care (7-18 children) (For an “S” See Also Section 4.03.08)	S	S		S	S		S	P	P	P						S*	S	S	S
<b>Family</b> Day Care (6 or less children) (For an “S” See Also Section 4.03.08)	P	P		P	P	P	P	P	P	P						S*	S	S	
Detail Shop / Car Wash								P	P	P	P	P	P			S	S	S	S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts				Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts					
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
Essential Public Services, such as Transmission Lines and Lift Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	S	S	S	S
Farmers Market and Outdoor Sales (For an “S” See Also Section 4.03.09)	P	S						S	S	S	S	P					S	S	S
Financial Institutions, Banks and Credit Unions							P	P	P	P	P	P	P			S*	S	S	S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts			Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts						
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
Freight and Moving Establishments with total cumulative building sqft. under 30,000 sqft.										P	P	P	P			S	S		S
Freight and Moving Establishments with total cumulative building sqft. over 30,000 sqft.											P	P	P			S	S		S
Funeral Home								P	P	P	P						S	S	S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts			Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts						
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
Gasoline Station, with or without a Convenience Store								P	P	P	P	P	P			S	S	S	S
Golf Course (with or without driving range) (For an “S” See Also Section 4.03.10)			S	S	S	S	S	S	S	S						S	S	S	S
Government and Civic Buildings, including Library, Museum, and Cultural Facilities			P				P	P	P	P	P	P	P	P			S	S	S
Grocery Store								P	P	P	P	P				S*	S	S	S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts			Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts						
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
Home Sales Lot, Manufactured or Site Built Display										P	P	P				S	S		S
Hotels and Motels									P	P	P						S	S	S
Ice Vending Machine (For an “S” See Also Section 4.03.25)								S	S	S	S	S	S		S	S	S	S	S
Junk and Salvage Yards (For an “S” See Also Section 4.03.12)												S	S	S		S	S		

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts			Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts							
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)	
<b>Landfill</b> , Sanitary or Inert (For an “S” See Also Section 4.03.18 or 4.03.19)													S	S						
<b>Laundry, Self-Service</b>								P	P	P	P	P	P			S	S	S	S	
<b>Lounge, Bar, and Nightclub</b>										P							S		S	
<b>Light Industry</b> with total cumulative building sqft. under 30,000 sqft.										P	P	P	P		S	S	S		S	

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts				Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts					
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
Light Industry with total cumulative building sqft. over 30,000 sqft.											P	P	P		S	S	S		S
Heavy Industry												P	P						
Industrial Uses with Nuisance Features such as Odor, Noise, Vibration, or Hazardous Materials (For an “S” See Also Section 4.03.20)												S	S	S					

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts				Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts					
Zoning Districts:  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
Medical and Dental Clinics, Laboratories							P	P	P	P	P	P	P				S	S	S
Mini-Storage or Self-Storage Facility (For an “S” See Also Section 4.03.21)							S	S	S	S	S	S	S			S	S	S	S
<b>Parking lots</b> and Parking Garages								P	P	P	P	P	P	P		S	S	S	S
<b>Personal Services</b> Barber, Beauty, Shoe Repair, Dry Cleaning Pick-Up							P	P	P	P	P	P	P			S	S	S	S
Professional Offices							P	P	P	P	P	P	P	P		S*	S	S	S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts				Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts						
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)	
Radio, TV and Telecommunication Towers (For an “S” See Also Section 5.05.00)	S		S				S	S	S	S	S	S	S	S						S
Amusement Parks and Drive-In Theaters (For an “S” See Also Section 4.03.22)										S	S									S
Nature Facilities, Picnic Areas, Parks, and Trails	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	S	S	S	S	S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts			Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts						
<p><b>Zoning Districts:</b></p> <p>P – Permissible                      S – Permissible                      Subject to Supplemental Standards                      Blank – Prohibited</p>	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
Indoor Recreation such as Billiard Parlors, Bowling Alleys, Game Rooms, and Skating Rinks									P	P	P						S	S	S
Outdoor Recreation such as Miniature Golf, Stables, Marinas, Sports Fields, and Fishing/Hunting Preserves (For an “S” See Also Section 4.03.23)	S	S	S					S		P	P	P	P	S			S	S	S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts				Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts					
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
<b>Recreational Vehicle Park and Campground</b> (For an “S” See Also Section 4.03.14)	S		S					S		S							S		S
<b>Religious Uses and Facilities</b> (For an “S” See Also Section 4.03.15)	S	S		S	S	S	S	S	S	S	S						S	S	S
<b>Research and Experimental Laboratories</b>										P	P	P	P	P		S*	S		S
<b>Restaurant</b>								P	P	P	P	P				S*	S	S	S
<b>Retail Stores</b>								P	P	P	P	P				S*	S	S	S
<b>Business, Commercial Schools</b>								P	P	P	P	P						S	S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts				Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts					
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
Private K-12 Schools (For an “S” See Also Section 4.03.24)	S	S		S	S	S	P	P	P	P								S	S
Private Colleges and Universities (For an “S” See Also Section 4.03.07)	S	S		S	S	S	P	P	P	P	P							S	S
Trade, Industrial Schools								P		P	P	P	P	P			S		S
Studios, such as Music, Dancing, Art, or Photography Schools							P	P	P	P	P	P					S	S	S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts			Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts						
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
Terminals for Freight by Rail or Truck with total cumulative building sqft. under 30,000 sqft.										P	P	P	P			S*	S		S
Terminals for Freight by Rail or Truck with total cumulative building sqft. over 30,000 sqft.												P	P						
Theaters, Movie or Performing Arts (Indoor Only)								P	P	P							S	S	S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts			Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts						
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
Trades and Repair Services such as Electrical, Heating and Air, Mechanical, Painting, Glass and Plumbing								P	P	P	P	P	P	P	S	S	S	S	S
Truck Stops										P	P	P	P			S	S		S
Vehicle Sales, (automobile, truck, motorcycle, boat and <b>Recreational vehicles</b> ) (For an “S” See Also Section 4.03.04)								S	S	S	P	P	P			S	S	S	S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts				Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts					
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
Warehouse, Not Including Mini-Storage with total cumulative building sqft. under 30,000 sqft.										P	P	P	P	P	S	S	S	S	S
Warehouse, Not Including Mini-Storage with total cumulative building sqft. over 30,000 sqft.											P	P	P	P		S	S		S
Wholesale Establishments with total cumulative building sqft. under 30,000 sqft.										P	P	P	P			S	S		S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts				Industrial and Intensive Zoning Districts			Mixed Use Zoning Districts					
<b>Zoning Districts:</b>  P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
Wholesale Establishments with total cumulative building sqft. over 30,000 sqft.											P	P	P			S	S		S

\*An asterisk indicates that the use is prohibited within the MAZ Accident Potential Zone (APZ) II area (See Also Section 4.02.04).



# CHAPTER 3

## PROTECTION OF NATURAL FEATURES AND RESOURCES

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### 3.00.00 GENERALLY

The provisions set forth in Chapter 3 are intended to protect the natural features and natural resources within Lowndes County, and to implement policies in the Greater Lowndes **Comprehensive Plan**. The natural features and natural resources included in Chapter 3 are the **floodplain**, groundwater **recharge areas**, **wetlands**, **river corridors**, and **erosion** and soil control.

### 3.01.00 FLOOD DAMAGE PROTECTION

#### 3.01.01 Generally

##### A. Findings of Fact

1. The **flood** hazard areas of Lowndes County, Georgia are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for **flood** relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These **flood** losses are caused by the occupancy in **flood** hazard areas of uses vulnerable to **floods**, which are inadequately elevated, **flood**-proofed, or otherwise unprotected from **flood** damages, and by the cumulative effect of obstructions in **floodplains** causing increases in **flood heights** and velocities.

##### B. Purpose

It is the purpose of this section to promote the public health, safety, and general welfare and to minimize public and private losses due to **flood** conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or **erosion** hazards, or which result in damaging increases in **erosion** or in **flood heights** or velocities;
2. Require that uses vulnerable to **floods**, including facilities which serve such uses, be protected against **flood** damage at the time of initial **construction**;
3. Control the alteration of natural **floodplains**, stream channels, and natural protective barriers which are involved in the accommodation of **floodwaters**;
4. Control **filling**, **grading**, dredging and other **development** which may increase **erosion** or **flood** damage; and
5. Prevent or regulate the **construction** of **flood** barriers which will unnaturally divert **floodwaters** or which may increase **flood** hazards to other lands.
6. Minimize expenditure of public money for costly **flood** control **projects**;
7. Minimize the need for rescue and relief efforts associated with **flooding** and generally undertaken at the expense of the general public;
8. Minimize prolonged business interruptions;

9. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, **streets** and bridges located in **floodplains**;
10. To help maintain a stable tax base by providing for the sound **use** and **development** of **flood**-prone areas in such a manner as to minimize **flood** blight areas; and
11. To ensure that potential home buyers are notified that property is in a **flood** area.

**C. Applicability**

This section shall apply to all areas of special **flood** hazard within the jurisdiction of the Lowndes County Board of **Commissioners**.

**D. Warning and Disclaimer of Liability**

The degree of **flood** protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger **floods** can and will occur; **flood heights** may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special **Flood** Hazard or **uses permitted** within such areas will be free from **flooding** or **flood** damages. This ordinance shall not create liability on the part of Lowndes County or by any officer or employee thereof for any **flood** damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

**E. Administration**

The Lowndes County Engineer is hereby appointed to administer and implement the provisions of this ordinance. The duties and responsibilities of the County Engineer shall include but not be limited to:

1. Review proposed **development** to assure that the **permit** requirements of this ordinance have been satisfied.
2. Review proposed **development** to assure that all necessary **permits** have been received from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such **permits** be provided and maintained on file.
3. Review all **permit** applications governed by Section 3.01.00 **Flood** Damage Protection to determine whether proposed **building** sites will be reasonably safe from **flooding**.
4. When **Base Flood** Elevation data or **floodway** data have not been provided in accordance with this ULDC, then the County Engineer shall obtain, review and reasonably utilize any **base flood** elevation and **floodway** data available from a Federal, State or other sources in order to administer the provisions of this ULDC.
5. Review and record the actual elevation in relation to **mean sea level** (or **highest adjacent grade**) of the **lowest floor**, including

**basement**, of all new or substantially improved **structures** in accordance with this ULDC.

6. Review and record the actual elevation, in relation to **mean sea level** to which any new or substantially improved **structures** have been **flood-proofed**, in accordance with this ULDC.

7. When **flood-proofing** is utilized for a **structure**, the County Engineer shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Sections 3.01.04(B)(2)(b) and 10.02.01(C)(7).

8. Make **substantial damage** determinations following a **flood** event or any other event that causes damage to **structures** in **flood** hazard areas.

9. Notify adjacent communities and the Georgia **Department** of Natural Resources prior to any alteration or relocation of a **Watercourse** and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

10. For any altered or relocated **Watercourse**, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community **flood** maps through the Letter of Map Revision process. Assure **flood** carrying capacity of any altered or relocated **Watercourse** is maintained.

11. Where interpretation is needed as to the exact location of boundaries of the Areas of Special **Flood** Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the County Engineer shall make the necessary interpretation. Any **person** contesting the location of the boundary shall be given a reasonable opportunity to **appeal** the interpretation as provided in Section 10.04.00.

12. All records pertaining to the provisions of this ordinance shall be maintained in the office of the County Engineer and shall be open for public inspection.

### 3.01.02 Basis for Establishment of Areas of Special Flood Hazard

The areas of special **flood** hazard identified by the Federal Emergency Management Agency in its 100-year **floodplain** study, dated September 26, 2008, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference, and declared to be a part of this section. The repository for public inspection of the **flood insurance study** (FIS), accompanying maps and other supporting data is located at the SGRDC.

### 3.01.03 General Standards in Areas of Special Flood Hazard

A. **New construction** and **substantial improvements** shall be anchored to prevent flotation, collapse, or lateral movement of the **structure**.

B. **Manufactured homes** shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited

- to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- C. **New construction** and **substantial improvement** shall be constructed with materials and **utility** equipment resistant to **flood** damage.
  - D. **New construction** or **substantial improvements** shall be constructed by methods and practices that minimize **flood** damage.
  - E. Electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities shall be designed or located so as to prevent water from entering or accumulating within the components during conditions of **flooding**.
  - F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of **floodwaters** into the system.
  - G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration or **floodwaters** into the systems and discharge from the systems into **floodwaters**.
  - H. **On-site** waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during **flooding**.
  - I. Any alteration, repair, reconstruction, or improvements to a **building** which is in compliance with the provisions of this ULDC shall meet the requirements of "**new construction**" as contained in this section.
  - J. Any alteration, repair, reconstruction, or improvements to a **building** which is not in compliance with the provisions of this section shall be undertaken only if said **nonconformity** is not furthered, extended, or replaced.

### 3.01.04 **Building Standards for structures and Buildings Within the Areas of Special Flood Hazard**

#### A. **Residential Buildings**

**New construction** or **substantial improvement** of any **residential building** or **manufactured home** shall construct to the following standard.

1. Elevate the **lowest floor**, including **basement**, no lower than two (2) feet above the **base flood** elevation.
2. Should solid foundation perimeter walls be used to elevate a **structure**, openings sufficient to facilitate the unimpeded movements of **floodwaters** shall be provided in accordance with standards of Section 3.01.04(C).
3. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above two (2) feet above the **base flood** elevation.

#### B. **Non-Residential Buildings and Critical Facilities**

1. **New construction** or **substantial improvement** of any commercial, industrial, or nonresidential **building** shall have the **lowest floor**,

including **basement**, elevated no lower than two (2) feet above the level of the **base flood** elevation.

2. **Buildings** or **structures** located in all A-zones may be **flood**-proofed in lieu of elevation, provided that:
  - a. All areas of the **building**, together with attendant **utility** and sanitary facilities, shall be designed to be water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
  - b. A registered professional engineer or architect shall provide certification to the **County Manager** that the standards of Section 3.01.04(B)(2)(a) are satisfied.
3. **Critical Facilities**
  - a. Critical Facilities shall not be located in the 100-year **floodplain**.
  - b. Where applicable, ingress and egress from any **Critical Facility** must be protected to the 500-year **flood** elevation.

**C. Elevated Buildings and Structures**

1. **New construction** or **substantial improvements** of elevated **structures** that include fully enclosed areas formed by foundation and other exterior walls below the **base flood** elevation shall be designed to preclude finished living space and to allow for the entry and exit of **floodwaters** to automatically equalize hydrostatic **flood** forces on exterior walls.
2. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
  - a. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to **flooding**;
  - b. The bottom of all openings shall be no higher than one (1) foot above **grade**; and
  - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they **permit** the automatic flow of **floodwaters** in both directions;
3. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator); and
4. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

**D. Accessory Structures and Facilities**

**Accessory structures** and facilities (such as barns, sheds, gazebos, detached garages, **parking lots**, recreational facilities, and other similar

**structures** and facilities) which are permitted to be located within the limits of the **floodplain** shall be designed and constructed to pass all **floodwater** in a manner consistent with the standards set forth in Section 3.01.03.

**E. Manufactured Homes**

1. All **manufactured homes** placed, or substantially improved, on individual **lots** or parcels, in expansions to existing **manufactured home parks** or **subdivisions**, or in substantially improved **manufactured home parks** or **subdivisions**, must meet all the requirements for **new construction**, including elevation and anchoring;
2. All **manufactured homes** placed or substantially improved in an **existing manufactured home park or subdivision** must be elevated so that:
  - a. The **lowest floor** of the **manufactured home** is elevated no lower than two (2) feet above the level of the **base flood** elevation; or
  - b. The **manufactured home** chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, no less than thirty-six (36) inches in **height** above **grade**;
  - c. The **manufactured home** must be securely anchored to the adequately anchored foundation system to resist flotation, collapse, and lateral movement;
  - d. In an **existing manufactured home park or subdivision** on which a **manufactured home** has incurred “**substantial damage**” as the result of a **flood**, any **manufactured home** place or substantially improved must meet the standards of Section 3.01.04(E)(2)(a).

**F. Recreational Vehicles**

All **recreational vehicles** placed on sites shall be either:

1. Fully licensed and ready for highway **use** (a **recreational vehicle** is ready for highway **use** if it is on its wheels or jacking systems, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached **structures**); or
2. Fully compliant with the requirements for **new construction**, including anchoring and elevation requirements in Section 3.01.04(C); or
3. Be on the site for fewer than 180 consecutive days.

**3.01.05 Building Standards for Streams Without Established Base Flood Elevations or Floodway Zones**

Located within the areas of special **flood** hazard established in Section 3.01.02 where streams exist but where no **base flood** data has been provided or where **base flood** data has been provided without **floodways**, the below provisions apply. In accordance with the below provisions, the County Engineer shall certify the **lowest floor** elevation level and the record shall become a permanent part of the **permit** file.

- A. When **base flood** elevation data or **floodway** data have not been provided in accordance with Section 3.01.02, then the County Engineer shall obtain,

review, and reasonably utilize any scientific or historic **base flood** elevation and **floodway** data available from a Federal, State, or other source, in order to administer the provisions of Section 3.01.00. ONLY if data are not available from these sources, then the following provisions (B&C) shall apply:

- B. No encroachments, including **fill** material or **structures**, shall be located within areas of special **flood** hazard unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed **development**, when combined with all other existing and anticipated **development**, will not increase the water surface elevation of the **base flood** more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- C. **New construction** or **substantial improvements** of **buildings** shall be elevated or **floodproofed** to elevations established in accordance with Section 3.01.02. Certification of the elevation shall be provided by a registered professional engineer or registered land surveyor following **construction** of the **lowest floor**.
  - 1. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three (3) feet above the **highest adjacent grade** at the **building** site.

### 3.01.06 Standards for Areas of Shallow Flooding (AO Zones)

Areas of Special **Flood** Hazard established in Section 3.01.02, may include designated "AO" shallow **flood**ing areas. These areas have **base flood** depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following provisions apply:

- A. All **new construction** and **substantial improvements** of **residential** and **non-residential structures** shall have the **lowest floor**, including **basement**, elevated to the **flood** depth number specified on the **flood insurance rate map** (FIRM), above the **highest adjacent grade**. If no **flood** depth number is specified, the **lowest floor**, including **basement**, shall be elevated at least three feet (3) above the **highest adjacent grade**. Openings sufficient to facilitate the unimpeded movements of **flood** waters shall be provided in accordance with Section 3.01.04(C). The County Engineer shall certify the **lowest floor** elevation level and the record shall become a permanent part of the **permit** file.
- B. **New construction** or the **substantial improvement** of a **non-residential structure** may be **flood-proofed** in lieu of elevation. The **structure**, together with attendant **utility** and sanitary facilities, must be designed to be water tight to the specified FIRM **flood** level plus one (1) foot, above **highest adjacent grade**, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or

architect shall certify that the design and methods of **construction** are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Sections 10.02.01(C)(7)(c) and 10.05.03(B).

- C. Drainage paths shall be provided to guide **floodwater** around and away from any proposed **structure**.

### 3.01.07 Standards for Subdivisions

- A. All **subdivision** proposals shall be consistent with the need to minimize **flood** damage;
- B. All **subdivision** proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize **flood** damage;
- C. All **subdivision** proposals shall have adequate drainage provided to reduce exposure to **flood** hazards; and
- D. **Base Flood** Elevation data shall be provided for **subdivision** proposals and other proposed **development** (including **manufactured home** parks and **subdivisions**) with fifty (50) **lots** or five (5) acres, whichever is less. Any changes or revisions to the **flood** data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the **project**, the developer is responsible for submitting the “as-built” data to FEMA in order to obtain the final LOMR.
- E. All final plats for **subdivisions** shall provide the finished **floor** elevation (FFE) for each **lot** in the **subdivision**. Certification of the elevation shall be provided by a registered professional engineer or registered land surveyor.

### 3.01.08 Floodway Encroachments

Located within areas of special **flood** hazard are areas designated as **floodways**. Since the **floodway** is an extremely hazardous area due to the velocity of **floodwaters** which carry debris, potential projectiles and has **erosion** potential, the following provisions shall apply:

- A. Prohibit encroachments, including **fill**, **new construction**, **substantial improvements** and other **developments** unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in **flood** levels during occurrence of the **base flood** discharge.
- B. If the provisions of Section 3.01.08(A) are satisfied, all **new construction** and **substantial improvements** shall comply with all applicable **building** and **structure** standards of this Section.
- C. Prohibit the placement of **manufactured homes** (mobile homes), except in an existing **manufactured homes** (mobile homes) park or **subdivision**. A replacement **manufactured home** may be placed on a **lot** in an existing

**manufactured home park or manufactured home park or subdivision**, provided the anchoring standards of Section 3.01.04(E)(2)(c), the elevation standards of Section 3.01.04(E)(2)(a), and the encroachment standards of Section 3.01.08(A) are met.

### 3.02.00 WATER RESOURCE PROTECTION DISTRICTS

#### 3.02.01 Purpose

The intent of this section is to establish minimum **development** standards and criteria, which will afford reasonable protection of environmentally sensitive natural resources found throughout Lowndes County. Based on the Department of Natural Resources, Part V “Environmental Planning Standards,” the “Mountain and **River Corridor** Protection Act of 1991,” and the findings of the Greater Lowndes **Comprehensive Plan**, it has been determined that the wise management of these resources as defined in this ULDC is essential to maintaining the health, safety, welfare and economic well being of the public, and to provide a guide for future growth and **development** in the water resource **Districts** as defined.

#### 3.02.02 Establishment of Three Water resource protection districts

- A. Lowndes County hereby establishes the following **Water Resource Protection Districts**:
1. Groundwater **Recharge Area** Protection Districts
  2. **River Corridor** Protection Districts
  3. **Wetlands** Protection Districts
- B. The boundaries of these **Water Resource Protection Districts** are shown on a map designated as “**Water Resource Protection Districts Overlay Map**” and are included as part of this ULDC. The map is on file with the County Engineer’s office located in the County Administration **Building** and on the VALOR on-line mapping system. The map is hereby incorporated into and made a part of this ULDC by reference.

#### 3.02.03 Specific Requirements for Septic Tanks and Drainfields within Water Resource Protection Districts

No **construction** may proceed on a **building, manufactured home**, or mobile home to be served by a septic tank unless the Lowndes County **Board of Health** first approves the proposed septic tank installations as meeting the requirements of the Georgia Department of Human Resources *Manual for **On-site Sewage Management*** (hereinafter DHR manual), or Table 3.03.04(A) below.

### 3.03.00 GROUNDWATER RECHARGE AREA PROTECTION DISTRICT

#### 3.03.01 Purpose

- A. Groundwater is susceptible to contamination when unrestricted **development** occurs within **significant** groundwater **recharge areas**. Contamination may occur in the following ways:

1. Excessive **impervious surface** in **recharge areas** can alter or impair their recharge characteristics thereby decreasing groundwater supplies.
  2. Pesticides, herbicides sprayed on crops, animal waste and septic tank effluents contribute to deterioration in the groundwater quality and can threaten the health of residents relying on well water.
  3. Unregulated hazardous wastes.
- B. In order to provide for the health, safety, and welfare of the public and a healthy economic climate within Lowndes County and surrounding communities, it is essential that the quality of public drinking water be ensured through management of land uses within groundwater **recharge areas**.

### 3.03.02 Applicability

Regulations in this section are to be applied in addition to regulations found elsewhere in this ULDC for the specified groundwater **recharge area protection district** and to be consistent with the goals of the Greater Lowndes **Comprehensive plan**.

### 3.03.03 Establishment of Groundwater recharge area Protection District

- A. The Groundwater **Recharge Area Protection District** is hereby established which shall correspond to all lands within the jurisdiction of Lowndes County, Georgia that are mapped as **Significant Recharge Areas** by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition. Said map is hereby adopted by reference and made a part of this ULDC.
- B. Each **recharge area** shall be determined to have a **pollution susceptibility** of high, medium, or low based on the Georgia **Pollution Susceptibility Map**, Hydrologic Atlas 20, 1992 edition. Said map is hereby adopted by reference and made a part of this ULDC.

### 3.03.04 Protection Criteria

A. Land **Uses** or activities **permitted**

**Table 3.03.04(A). Land Use Criteria within the Groundwater recharge Protection Area.**

Use or Activity	Development Criteria
New agricultural waste impoundment sites	Lined if they are in the following locations: <ul style="list-style-type: none"> <li>▪ high <b>pollution susceptibility</b> area</li> <li>▪ medium <b>pollution susceptibility</b> area and the site exceeds fifteen (15) acre-feet</li> <li>▪ low <b>pollution susceptibility</b> area and the site exceeds fifty (50) acre-feet</li> <li>▪ As a minimum, the liner shall be constructed of compacted clay having a thickness of one (1)-foot and a vertical hydraulic conductivity of less than <math>5 \times 10^{-7}</math> cm/sec or other criteria established by the Natural</li> </ul>

Use or Activity	Development Criteria
<p>Homes served by septic tank/drain field systems<sup>1</sup></p> <p>a. Within a high <b>pollution susceptibility</b> area</p> <p>b. Within a medium <b>pollution susceptibility</b> area</p> <p>c. Within a low <b>pollution susceptibility</b> area</p>	<p>Resource and Conservation Service.</p> <p><b>Lots</b> shall meet the minimum size limitations established by the strictest combination of the standards found on Table 4.01.01(G), a Lowndes County <b>Board of Health</b> evaluation, and the application of the appropriate susceptibility measurement below. Under no circumstances is the minimum <b>lot</b> size established before the application of the susceptibility measure to be less than 15,000 sq.ft.</p> <p>a. 150 percent of the minimum <b>lot</b> size</p> <p>b. 125 percent of the minimum <b>lot</b> size</p> <p>c. 110 percent of the minimum <b>lot</b> size</p>
<p>New mobile home parks served by septic tank/drain field systems<sup>1</sup>:</p> <p>a. Within a high <b>pollution susceptibility</b> area</p> <p>b. Within a low or medium <b>pollution susceptibility</b> area</p>	<p><b>Lots</b> shall meet the minimum size limitations established by the strictest combination of the standards found in Section 4.03.26, a Lowndes County <b>Board of Health</b> evaluation, and the application of the appropriate susceptibility measurement below. Under no circumstances is the minimum <b>lot</b> size established before the application of the susceptibility measure to be less than 10,000 sq.ft.</p> <p>a. 150 percent of the minimum <b>lot</b> size</p> <p>b. 125 percent of the minimum <b>lot</b> size</p>
<p>New above-ground chemical or petroleum storage tanks having a minimum volume of 500 gallons</p>	<p>Secondary containment for:</p> <ul style="list-style-type: none"> <li>▪ 110 percent of the volume of such tanks</li> <li style="text-align: center;">or</li> <li>▪ 110 percent of the volume of the largest tank in a cluster of tanks</li> <li>• Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements</li> </ul>
<p>New facilities which handle hazardous materials, of types and in amounts regulated by the Georgia DNR <sup>2</sup></p>	<ul style="list-style-type: none"> <li>▪ Perform operations on <b>impervious surfaces</b> ;</li> <li>▪ Conform with any applicable federal spill prevention requirements and local fire code requirements; and</li> <li>▪ Excludes underground storage tanks.</li> </ul>
<p>Permanent storm water infiltration basins</p>	<p>Prohibited in areas of high <b>pollution susceptibility</b></p>
<p>New wastewater treatment basins</p>	<p>Impermeable liner approved by the Georgia Environmental Protection <b>Division</b></p>

<sup>1</sup>All other septic tank installation is prohibited

<sup>2</sup>Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks).

**B. Exemptions**

Any lot of record approved and recorded prior to the adoption of these standards is exempt from the minimum lot size requirements contained in Table 3.03.04(A).

**3.04.00 RIVER CORRIDOR PROTECTION DISTRICTS**

The Alapaha River, Little River, and Withlacoochee River have been designated as protected rivers by the State of Georgia.

**3.04.01 Purpose**

River corridors are the strips of land that flank major rivers in Georgia and are of vital importance to Georgia. The purpose of this section is to:

- A. Protect and safeguard the health and welfare of all the citizens of Lowndes County and adjacent counties;
- B. Establish intelligent measures to guide future growth and development in the areas adjacent to the Alapaha, Little, and Withlacoochee Rivers;
- C. Provide protection to sections of the rivers that are or may be used as a future source of drinking water
- D. Preserve those qualities that make the rivers suitable as a habitat for wildlife and allow the free movement of wildlife from area to area within the State;
- E. Help control erosion and river sedimentation; and
- F. Help absorb floodwaters.

**3.04.02 River Corridor Protection Districts Established**

- A. The Alapaha River, Little River, and Withlacoochee River Corridor Protection Districts are hereby designated and shall comprise all land, inclusive of islands, in areas of the Alapaha River, Little River, and Withlacoochee River within Lowndes County and being within 100-foot horizontally on both sides of the rivers as measured from the river banks. Also included is the area between the top of the bank and the edge of the river although this strip of land is not included as part of the 100-foot buffer requirement contained in the minimum standards. These districts shall be further defined and delineated on the Water Resource Protection Districts Overlay Map.
- B. River Corridor Protection Districts shall be shown on any site plan, subdivision plat, or survey required and submitted according to the provisions set forth in Chapter 10. Inspections are required as set forth in Chapter 10.

**3.04.03 Protection Criteria**

The purpose of river corridor protection criteria is to help maintain high water quality of the designated rivers.

**A. River Corridor Area Criteria**

- 1. A natural vegetative buffer shall be maintained at all times in the river corridor except as otherwise provided in Tables 3.04.03(A) and 3.04.03(B).

2. The following uses are permitted in the **river corridor**, provided that such uses do not impair the long-term functions of the protected river or the **river corridor**:

**Table 3.04.03(A). Uses and construction Criteria within the river corridor.**

Use or Activity	Construction Criteria
1. <b>Natural vegetative buffer</b>	The <b>natural vegetative buffer</b> shall be restored 30 days following any land disturbance
2. Timber production and harvesting, subject to the following conditions	a. Forestry activity shall be consistent with <b>best management practices (BMP's)</b> established by the Georgia Forestry <b>Commission</b> ; and b. Forestry activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended.
3. <b>Construction</b> of road crossings and <b>utility</b> crossings	a. Meets all requirements of the <b>Erosion</b> and <b>Sedimentation</b> Control Act of 1975; and b. Meets all applicable local ordinances on soil <b>erosion</b> and <b>sedimentation</b> control.
4. Wildlife and fisheries management activities	Consistent with the purposes of O.C.G. A. 12-2-8.
5. Recreational <b>Uses</b>	a. Passive recreation consistent with the maintenance of a <b>natural vegetative buffer</b> ; Paths and walkways within the <b>river corridor</b> are consistent with this criterion. b. <b>River</b> -dependent recreation A boat ramp would be consistent with this criterion but a hard-surface tennis court would not. <b>Parking</b> lots are not consistent with this criterion.
6. Natural water quality treatment or purification	As permitted by the Environmental Protection <b>Division</b> .
7. Agricultural production and management	a. Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission; b. Agricultural activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended; and c. Agricultural activity shall be consistent with all state and federal laws, and all regulations promulgated by the Georgia Department of Agriculture.
8. Waste-water treatment	As permitted by the Environmental Protection Division.
9. Industrial and commercial land <b>uses</b> existing in the <b>river corridor</b> prior to November 27, 2002.	a. These <b>uses</b> do not impair the drinking quality of the river water. b. These uses do meet all state and federal environmental rules and regulations.
10. Other <b>Uses</b>	As permitted by the Department of Natural Resources or under Section 404 of the Clean Water Act.

**B. Buffer Area**

**Construction** within the **buffer** area is prohibited.

- C.** The standards and requirements in this section do not supersede those contained in the **Metropolitan River Protection Act** and the **Erosion and Sedimentation Act**.

**3.05.00 WETLANDS PROTECTION DISTRICTS**

**3.05.01 Generally**

The **wetlands** in Lowndes County are indispensable and fragile natural resources with significant **development** constraints due to **flooding, erosion,** and soils limitations. In their natural state, **wetlands** serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; **flood** control; **erosion** control; natural resource education; scientific study; and open space and recreational opportunities. In **addition**, the wise management of forested **wetlands** is essential to the economic well being of many communities within the State of Georgia.

**A. Purpose**

The purpose of this section is to promote **wetlands** protection, while taking into account varying ecological, economic **development**, recreational and aesthetic values. Activities that may damage **wetlands** should be located on upland sites to the greatest degree practicable as determined through a permitting process.

**B. Applicability**

Regulations for the protection of **wetlands**, set forth in Section 3.05.00, shall apply to all **wetlands** within the jurisdiction of Lowndes County.

**3.05.02 National Wetland Inventory (NWI) Maps**

The U.S. Fish and Wildlife Service, National **Wetlands** Inventory Maps (NWI Maps), together with all explanatory matter thereon and attached thereto, is hereby adopted by reference, and declared to be a part of this ULDC. The NWI Maps are available at <http://www.fws.gov/nwi>.

**3.05.03 Wetlands Protection Districts Established**

- A.** The **Wetlands Protection District** is hereby established which shall correspond to all lands within the jurisdiction of Lowndes County, Georgia that are mapped as wetland areas by the U.S. Fish and Wildlife Service, National **Wetlands** Inventory Maps. These **wetlands** areas are depicted on the Water Resources Protection **Districts** Overlay Map.

- B.** The generalized wetland areas depicted on the Water Resources Protection **Districts** Overlay Map do not necessarily represent the boundaries of **Jurisdictional Wetlands** within Lowndes County, Georgia and cannot serve as a substitute for a delineation of wetland boundaries by the USACE, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this ULDC does not relieve the landowner from federal or State permitting requirements.

**3.05.04 Protection Criteria**

**A. Requirement for Local Permit or Permission**

1. No **regulated activity** will be permitted within the **Wetlands Protection District** without a **permit** from Lowndes County, Georgia.
2. If the area proposed for **development** is located within twenty-five (25) feet of a **Wetlands Protection District** boundary, as determined by the County Engineer using the **Water Resource Protection Districts Overlay Map**, a USACE determination shall be required.
3. If the USACE determines that **wetlands** are present on the proposed **development** site, the local **permit** or permission will not be granted until a Section 404 **permit** or letter of permission is issued.

**B. Permitted Uses Within Wetlands**

The uses in Table 3.05.04(B) shall be allowed as of right within the **Wetlands Protection District** to the extent that:

1. They are not prohibited by any other ordinance or law, including laws of trespass;
2. They do not require **structures, grading, fill**, draining, or dredging except as provided herein; and,
3. The uses listed are exempted from Section 404 regulations provided they do not have impacts on a navigable waterway that would necessitate acquisition of an individual 404 **permit**. However, under Section 10 of the **Rivers and Harbors Act**, a **permit** may be required in some circumstances.

**Table 3.05.04(B). Permitted Uses within wetlands.**

Permitted Uses	Conditions
1. Conservation or preservation of soil, water, vegetation, fish and other wildlife	Provided it does not affect waters of Georgia or of the United States in such a way that would require an individual 404 <b>permit</b>
2. Outdoor passive recreation activities	Including fishing, bird watching, hiking, boating, horseback riding, and canoeing
3. Forestry practices	<ol style="list-style-type: none"> <li>a. Applied in accordance with Best Management Practices approved by the Georgia Forestry Commission</li> <li>b. As specified in Section 404 of the Clean Water Act.</li> </ol>
4. Cultivation of agricultural crops	Agricultural activities shall be subject to Best Management Practices approved by the Georgia Department of Agriculture
5. Pasturing of livestock	<ol style="list-style-type: none"> <li>a. Provided that riparian <b>wetlands</b> are protected;</li> <li>b. That soil profiles are not disturbed; and</li> <li>c. That approved agricultural Best Management Practices are followed</li> </ol>

6. Education, scientific research, and nature trails	Subject to USACE regulations.
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**C. Prohibited Uses Within Wetlands**

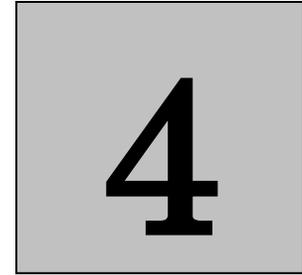
**Table 3.05.04(C). Prohibited Uses within wetlands.**

<b>Prohibited Uses</b>
▪ Receiving areas for toxic or hazardous waste or other contaminants
▪ Hazardous or sanitary waste <b>landfills</b>
▪ Activities that have impacts on a navigable waterway that would necessitate acquisition of an individual Section 404 <b>permit</b>

**3.06.00 EROSION AND SEDIMENT CONTROL**

**3.06.01 Generally**

A. See Appendix A



# CHAPTER 4

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## GENERALLY

### 4.00.01 Purpose

The purpose of this chapter is to provide design standards applicable to all **development** activity within the County. This chapter also provides design standards applicable in specific situations, such as **development** within **Overlay Districts** or **development** of specific **uses** that require additional standards to address potential impacts.

### 4.00.02 Principles of Site Design and Development

**Development** design shall first take into account the protection of environmental and natural resources as set forth in Chapter 3. All **development** shall be designed to avoid unnecessary **impervious surface** cover; to provide adequate access to **lots** and sites; and to avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

### 4.00.03 Applicability

The design standards set forth in this chapter apply to all **development** in unincorporated Lowndes County.

## 4.01.00 SITE DESIGN STANDARDS FOR BASE ZONING DISTRICTS

### 4.01.01 Design Standards for Lots

- A. Only one (1) principal **residential building** and its allowable **accessory buildings** shall hereafter be erected on any one (1) **lot** in any **Residential Zoning district**.
- B. Except as specifically provided in this ULDC, no **lot** existing at the time of adoption of this ULDC shall be reduced, divided, or changed so as to produce a **lot** or tract of land which does not comply with the minimum dimensional or area requirements of this section.
- C. Notwithstanding any other provision of the ULDC, a **lot** may be divided to produce a parcel or tract of land which does not comply with the requirements of this ULDC for a **lot**, and a plat of **subdivision** of such parcel or tract of land may be approved in accordance with this ULDC and recorded in the office of the Clerk of the Superior Court of Lowndes County, provided such division is made and such plat of **subdivision** is approved and recorded solely for the purpose of transferring such parcel or tract of land which does not comply with the requirements of this ULDC for a **lot** to the owner of an abutting **lot** for the purpose of being combined with and made a part of such abutting **lot** and not for **development** of such parcel or tract of land as a separate **lot**, not for other use of such parcel or tract of land as a separate **lot**, and not for avoiding any requirement of this ULDC. The approval of such a plat of **subdivision** of such parcel or tract of land which does not comply with the requirements of this ULDC for a **lot** shall be subject to Section 10.01.04(G).
- D. Land which is required, dedicated, and accepted for public use is exempt from the requirement of Section 4.01.01(B).

- E. **Lot width** shall be measured at the **building line**, parallel to the **street right-of-way line**.
- F. **Impervious surface** standards are expressed as the maximum percent of land coverage for each **zoning district**. The **impervious surface** ratio is calculated by dividing the total of all **impervious surfaces** on the **lot** by the **lot area**. **Impervious surfaces** include all **buildings, structures, paving and water bodies**.
- G. Standards for **lot area, width, and impervious surface** coverage are set forth in Table 4.01.01(G).

Table 4.01.01(G). Standards for Lot Area, Width, and Impervious surface.<sup>1</sup>

Zoning District	Minimum Lot Area <sup>1</sup> (sq. ft.)		Minimum Lot width <sup>1</sup> (feet)		Maximum Impervious surface Ratio (Percent)
	With Individual Well Water	With Central Water System	With Individual Well Water	With Central Water System	
E-A	217,800	217,800	210	200	15
R-A	108,900	108,900	150	100	20
CON	43,560	43,560	N/A	N/A	15
R-1	43,560	43,560	120	100	30
R-21 <sup>2</sup>	43,560	21,780	120	100	40
R-10 <sup>3</sup>	43,560	10,000	120	80	50
OI	43,560	10,000	120	100	75
C-C	43,560	10,000	120	80	75
C-G	43,560	10,000	120	80	75
C-H	43,560	10,000	120	100	85
M-1	43,560	30,000	120	100	85
M-2	43,560	43,560	150	150	85
M-3	43,560	43,560	150	150	85
MAZ Residential	108,900	108,900	120	100	30
MAZ Non-Residential	43,560	10,000	120	80	85
IS	As established in the Environmental Permit.				

<sup>1</sup>Installation of septic systems are subject to the approval of the Board of Health. See Section 6.02.00

<sup>2</sup>**Development** within the R-21 **zoning district** may be permitted with septic tanks, subject to the approval of the **Board of Health**.

<sup>3</sup>**Development** within the R-10 **zoning district** at the 10,000 sqft **lot** size shall require both a central water supply system and community sanitary sewer system. **Development** shall be **permitted** on individual wells or on individual septic tanks, subject to the approval of the **Board of Health**.

## 4.01.02 Dimensional Standards for Building Height and Location

### A. Measurement of Setbacks

1. **Front setbacks** shall be measured from the centerline of the right of way of the abutting **street** to the wall of the **building** or **structure**.
2. Side and **rear setbacks** shall be measured from the **property line** to the wall of the **building** or **structure**.

### B. Encroachments into Required Setbacks

1. Architectural features, such as steps and fire escapes, may project not more than three (3) feet beyond a required setback line, except where such projections would obstruct driveways which are used or may be used for access of service and/or emergency vehicles.
2. The following **building** features may **project** into a minimum **side yard** up to eighteen (18) inches: eaves, gutters, sills, cornices and chimneys.
3. In the case of automobile service stations, motels, and similar **uses** which serve the motoring public, canopies shall be allowed over a driveway or walkway within the **front yard** not to extend from the **principal building** to a point any closer than fifteen (15) feet from the **street right-of-way** line. Such canopies shall provide a minimum twelve (12) feet vertical clearance.
4. Side or **rear setbacks** shall not apply to **structures** associated with the **use** of a railroad stub-out.

### C. Lots with Multiple Frontage

1. For a **corner lot**, **side yard** setback requirements from the centerline of the **right-of-way** of abutting **streets** shall be equal to eighty (80) percent of that required for the **front yard** setback.
2. For a **corner lot**, the **street** with the higher classification shall be considered the front for purposes of this section, regardless of which **street** the entrance (front door) faces. Setbacks for side and **rear yards** shall be established according to the standards in the table below for the **yards** as indicated on the plan or plat.
3. If a **building** is constructed on a **through lot** having **frontage** on two (2) roads not at an intersection, a setback from each road shall be provided equal to the **front yard** requirement for the **district** in which the **lot** is located.

### D. Maintenance of Setbacks

1. No open space or **yard** established through standards for setbacks shall be encroached upon or reduced in any manner except in conformity to the **yard**, setback, off-**street** parking, and **accessory buildings** standards of this ULDC. Shrubbery, driveways, retaining walls, fences, curbs, and planted **buffer** strips shall not be construed to be an encroachment of **yards**.
2. No part of any required **yard**, other open space, or off-**street** parking or loading space shall be considered to be part of a required **yard**, other

open space, or off-street parking or loading space for any other building or structure or use.

E. **Building** setback and **height** standards are provided in Table 4.01.02(E).

Table 4.01.02(E). Standards for Building Locations and Heights.

Zoning district	Minimum Setbacks from Centerline of Street <sup>1</sup>			Minimum Setbacks from Property lines		Maximum Building Height (ft.)
	Front <sup>2</sup> (feet)			Side (ft.)	Rear (ft.)	
	Arterial	Collector	Residential			
E-A	80	70	60	20	50	35
R-A	80	70	60	20	40	35
CON	100	80	65	20	40	35
R-1	80	70	60	20	40	35
R-21	80	70	60	10	30	35
R-10	80	70	60	10	30	35
OI	80	70	60	15	30	45
C-C	80	70	N/A	20	12	45
C-G	80	70	N/A	20	12	45
C-H	100	80	N/A	20	20	60
M-1	100	80	N/A	20	12	60
M-2	150	120	N/A	40	50	100
M-3	150	120	N/A	40	50	100
IS	150	120	N/A	40	50	100
MAZ Residential	80	70	60	10	30	35
MAZ Non-Residential	80	70	60	15	12	45

<sup>1</sup>For **Street** classifications, see *Lowndes County Thoroughfare Plan*.

<sup>2</sup>Plus ½ any amount which the **right-of-way** width exceeds 60 feet for **residential streets**, 80 feet for **collector streets**, and 100 feet for arterial **streets**.

F. The **height** limitations of this section shall not apply to church spires, belfries, cupolas, domes, ornamental towers not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimney, smoke stack, conveyor, flag pole, radio or television towers, masts or aerials, or parapet wall not extending more than four (4) feet above the roofline of the **building**, and necessary mechanical appurtenances.

G. The **lot** contained within and contiguous to the **building** walls, and for a minimum distance of 10 feet measured from all sides of said **building**, shall have a minimum elevation of two (2) feet above the 100-year **flood** stage of ponds, lakes, streams, canals, or other water features in the particular being developed based on acceptable engineering procedures and as approved by the County Engineer.

### 4.01.03 Design Standards for Single-Family dwellings

#### A. General

1. This section applies to all single-family residential structures, whether constructed on-site or partially or wholly constructed off-site.
2. Structures subject to these standards shall meet the standards for the zoning district in which the structure is proposed for location.
3. Manufactured homes located in a manufactured home park shall meet the standards for manufactured home parks set forth in Section 4.03.26 and are exempt from the standards set forth in Section 4.01.03(B).

#### B. Additional standards to ensure appearance consistent with the surrounding neighborhood are provided in Table 4.01.03(B) and required as follows:

1. All homes shall be situated on the lot so that the conventional front of the home faces the front yard.
2. The building shall be constructed according to standards established by the applicable codes listed in Section 1.07.04, and/or the State Minimum Standard Codes, the Standard Building Code, the National Manufactured Housing Construction and Safety Standards Act, or the State of Georgia Industrialized Building Act.
3. A manufactured home permanent foundation must meet the requirements of the manufacturer's permanent installation instructions. In the event the manufacturer's installation instructions are no longer available, the Rules & Regulations of the applicable Division of the Office of the Georgia Commissioner of Insurance or the codes listed above in Section 4.01.03 (2) shall be followed.
4. Roof materials shall be wood shakes, asphalt composition, wood shingles, standing seam metal, concrete, clay tile, fiberglass tiles, slate, or built-up gravel materials.
5. The area beneath the home shall be enclosed. The enclosure will include the space between the floor joists and the ground level, except for the required minimum ventilation and access. Said access shall remain closed when not being used for that purpose.
6. For manufactured homes, all tongues, wheels, axles, transporting lights, and other towing apparatus shall be removed from the home and placed out of sight prior to occupancy.
7. At each exterior door, there shall be a landing that is a minimum of thirty-six (36) inches by thirty-six (36) inches. Such landing shall be securely affixed to the ground and shall be constructed of materials similar to other housing in the surrounding area, where porches, landings, or stoops are constructed.

**Table 4.01.03(B) Additional Design Standards**

Design Standard	Zoning districts	
	E-A, R-A, Residential/Mixed Use PD-R, & MAZ III	Residential/Mixed Use P-D, R-1, R-21, R-10, & MAZ II
Minimum <b>Building</b> Width* (feet) *As measured from the front wall of the <b>dwelling</b> to the back wall of the <b>dwelling</b> .	13.5	21
Minimum Roof Pitch	3:12	3:12
Minimum Front and Rear Roof Overhang* (inches) *As measured from the wall of the <b>dwelling</b> to the outermost edge of the starter trim, drip rail, shingles, or the guttering system.	0	5
Exterior Siding Material	All are permissible.	Wood, masonry, concrete, stucco, masonite, vinyl lap, or other materials of like appearance. The siding shall not be made of metal or any similar shiny or reflective material.
Skirting Material	Brick, concrete, wood, rock, vinyl or other materials specifically manufactured for the purpose of skirting.	Brick, concrete, wood, rock, or other materials specifically manufactured for the purpose of skirting. Vinyl skirting is not allowed.

**4.02.00 SITE DESIGN STANDARDS FOR SPECIAL AND OVERLAY DISTRICTS**

**Overlay Districts** are a special purpose zoning classification used to supplement, but not change the regulations of the current **zoning districts**, called the "underlying **District**," in order to protect and promote public/private investment. More stringent controls generally apply within the **Overlay District** than would normally be required in the underlying **districts**.

#### 4.02.01 Site Design Standards for the Corridor Road (COR) Overlay District

##### A. Description

The Corridor Road (COR) **Overlay District** shall be defined as the corridor of land extending 400 feet in depth from the outer most edge of the existing **right-of-way** of roads designated for corridor overlays on the Lowndes County Zoning Map. The **COR Overlay District** applies to unincorporated lands within the legal jurisdiction of the Lowndes County Board of Commissioners.

##### B. Purpose

1. The purpose of the **COR Overlay District** is to provide for a superior environment along a major transportation corridor through the application of an **Overlay District**. The **Overlay District** regulations are intended to supplement the regulations of the underlying **districts** and to provide for harmony and compatibility of **development** over the length of the corridor.
  2. This **district** is established to protect the public investment in a major highway and ensure that this can continue to serve its primary function of moving volumes of traffic safely. Provisions of the **COR Overlay District** are therefore intended to expedite the free flow of traffic and reduce the hazards arising from unnecessary points of ingress and egress and cluttered roadside **development**.
  3. The **Overlay District** is intended to enhance the value of adjacent lands by preserving land, extending the useful life of the highway, avoiding **development** patterns that conflict with the roadside and the surrounding area, and reducing the risks of creating blighted **development**. Insuring the attractiveness of roadside **uses** will contribute to and enhance trade, tourism, capital investment, and the general welfare.
- C. The following standards shall apply within the **COR Overlay District**:

##### 1. Lot width

Properties fronting a designated corridor road shall be required to have a minimum **lot width** of 250 feet.

##### 2. Traffic Circulation and Access

##### a. Urban Section

- i. Median **cuts** along a designated corridor shall be permitted at a minimum spacing of one (1) for every one-half (1/2) mile or 2,640 feet. Establishing the location of the median **cuts** shall be done on a first come, first served basis.
- ii. **Curb cuts** along a designated corridor road shall be permitted at a minimum spacing of one (1) for every one-quarter (1/4) mile or 1,320 feet. Like median **cuts**, establishing the location of the **curb cuts** shall be done on a first come, first served basis.

- b. **Rural Section.** The minimum spacing of median **cuts** and curbs **cuts** along rural sections of a designated corridor shall follow the standards published by ASHTO.

**3. Interconnectivity**

- a. Unless a pre-existing hardship is present, a minimum of a 24-foot wide ingress/egress **easement** will be required for all properties fronting a designated corridor road. The purpose of this **easement** shall be for inter-connectivity and sharing of **curb cut** access among these properties, any required landscaping, parking spaces along the roadway as necessary, two-way traffic flow, and any other required provisions that may be necessary.
- b. Circulation drives shall interconnect all **lot** access points with all vehicle parking, loading, servicing, and like areas and **structures**, in order to create an on-site circulation network which, together with any service drives abutting the **lot**, will provide a safe and convenient means for **lot** servicing and fire protection. Table 4.02.01(A) provides the standards to determine connectivity:

**Table 4.02.01(C)(3). Interconnectivity within the Corridor Road Overlay District.**

Road Frontage	Connectivity
Less than 500 feet	<ul style="list-style-type: none"> <li>• Both adjoining properties</li> </ul>
Between 500 feet and 1,000 feet	<ul style="list-style-type: none"> <li>• At least 1 adjoining property and</li> <li>• All adjoining <b>lots</b> with less than 500 ft. road <b>frontage</b></li> </ul>
Greater than 1,000 feet	<ul style="list-style-type: none"> <li>• All adjoining <b>lots</b> with less than 500 ft. road <b>frontage</b></li> </ul>

**4. Parking**

Parking within the Corridor Road **Overlay District** shall conform to the provisions established in Section 6.01.03 and shall also include the following standards:

- a. For every four (4) or fewer rows of parking spaces delineated, one (1) raised **parking lot island** shall be provided along the length of each row, thereby creating separated **parking areas** to aid in safe and orderly **use** of the **lot** and confine vehicular movement to marked drives.
- b. Such islands shall also be constructed at the ends of the rows of parking spaces or at other locations where circulation drives intersect.
- c. Such islands shall act as traffic barriers and conform to the following specifications:

**Table 4.02.01(C)(4). Parking lot islands within the COR Overlay District.**

Design Feature	Standard
Height of island	<ul style="list-style-type: none"> <li>• Minimum six (6) inches from <b>parking lot</b> surface</li> </ul>
Length of island	<ul style="list-style-type: none"> <li>• Equal to length of the parking row</li> </ul>
Width of island	<ul style="list-style-type: none"> <li>• Eight (8) feet if landscaped</li> <li>• Six (6) feet if not landscaped</li> <li>• Forty (40) feet at end of parking rows to form an “T” configuration</li> </ul>

d. Circulation drives shall be clearly defined and marked appropriately with arrows and the like to assist public circulation into, on, and out of the property and through **parking lot** areas.

**5. Signs**

All **Signs** within the Corridor Road **Overlay District** shall conform to the provisions established in Section 5.04.00 and shall also include the following standards:

- a. Freestanding **signs** shall be mounted on a permanent foundation, and shall be limited to a maximum 150 square feet in area, and a maximum thirty five (35) feet in **height**.
- b. All freestanding **signs** shall have a landscaped area at the base of the **sign** which is a minimum of three (3) feet wide on each side, and at least the length of the **sign**.
- c. The **sign** area landscaping shall consist of a dense vegetative ground cover or a minimum one (1) shrub per three (3) linear feet of landscaped area on each side of the **sign**.
- d. Landscaped areas containing shrubs greater than three (3) feet in **height** shall be located a minimum of twenty (20) feet from the intersection of two (2) **street** rights-of-way lines, or the intersection of a **street right-of-way** line with a driveway pavement edge.
- e. **Sign** area landscaping shall be maintained in good condition at all times.

**4.02.02 Site Design Standards for Twin Lakes Area (TLA) Overlay District**

**A. Description**

The Twin Lakes Area (TLA) **Overlay District** shall be defined as all property abutting or adjacent to Long Pond, Twin Lakes, or Dykes Pond, defined as the Twin Lakes Area of Lowndes County.

**B. Purpose**

The purpose of this **district** is to promote **residential development** of the Twin Lakes Area and to protect the area from higher **density development** that would be detrimental to surrounding property and the usefulness of the water bodies.

- C. The following standards shall apply within the TLA Overlay District:
1. All **development** shall conform to the standards of the R-10 zoning district, except as otherwise provided in this section.
  2. Principal land uses within the TLA Overlay District shall be limited to single **family residential**.
  3. Within the TLA Overlay District, the minimum required rear setback does not apply to any **structure** located over water bodies.

#### 4.02.03 Site Design Standards for the Valdosta Regional Airport Overlay District (VLD)

##### A. Generally

1. Airport zoning regulations are important for both the protection of airspace and land use compatibility in relation to the airport. The regulations set forth in this section are intended to prevent encroachment into the **runway** protection zones, airspace zones, and noise zones of the Valdosta Regional Airport. Further, these regulations are intended to ensure that **structures**, such as but not limited to telecommunication towers/cellular antennas, **buildings**, water tanks, smokestacks, power lines, and cranes, are not erected too close to the airport.
2. The specific purposes of the regulations set forth in this section are:
  - a. To protect the health, safety, and welfare of **persons** and the value of property within the vicinity of the Valdosta Regional Airport in Lowndes County, Georgia;
  - b. To provide for the safe and efficient operation of the Valdosta Regional Airport;
  - c. To ensure the safety of flyers using the Valdosta Regional Airport from hazards to air navigation;
  - d. To ensure compatibility between Valdosta Regional Airport and surrounding land uses; and
  - e. To protect the Valdosta Regional Airport from encroachment of incompatible uses, **structures**, and natural growth.
3. Illustrations and additional details regarding FAA designations of approach zones, surface zones, **runways**, and other physical features of the airport layout may be found in *FAA Advisory Circular 150* and in the *Airport Master Plan Update*, dated April 2001, prepared for the Valdosta – Lowndes County Airport Authority.
4. **Runway protection zones** are established within the VLD Overlay District. These protection zones are described on the Part 77 Plan, and as depicted on drawing “6 of 8” in the *Airport Master Plan Update*.
5. This section establishes standards that apply to any **development**, use, alteration, **structure**, or natural growth on any **lot** or portion thereof, which is in whole or in part contained within the boundaries of the VLD Overlay District. The standards and criteria apply only to that

portion of the subject property within the boundaries of the VLD **Overlay District**. These standards and criteria shall be applied in **addition** to the site design standards for the underlying **zoning district**. In the event of a conflict between the requirements of the VLD **Overlay District** and the underlying **zoning district**, the stricter standard shall apply.

6. The provisions of this section do not require any change in the **construction**, or intended **use** of any **structure**, the **construction** or alteration of which was begun prior to the effective date of this ULDC and which is pursuant to a valid **building permit**.
- B. The following generalized land **uses** are prohibited within **runway protection zones**:
1. Any natural growth, tree, or man-made **structure** that exceeds thirty (30) feet in **height**.
  2. Combustible Material Storage, Single-family dwellings, Two-family dwellings, Multi-family dwellings, Manufactured homes, **Manufactured Home** Communities, **Family Personal Care Homes** (4-6 residents), **Group Personal Care Homes** (7-15 residents), Hospital, Nursing Homes, **Congregate Personal Care Homes**, **Transitional Care Facility**, **Correctional Facility**, Agricultural Processing, Agricultural Sales (wholesale and retail), Agricultural Outdoor Storage, Bed and Breakfast Lodging, **Club**, **Lodge**, Meeting or Event Facility, Day Care Center (19+ children), Home Day Care (7-18 children), **Family Day Care** (6 or less children), Farmers Market and Outdoor Sales, Financial Institutions, Banks and Credit Unions, Funeral Home, Gasoline Station (With or without a Convenience Store), Government and Civic **Buildings** (Including Library, Museum, and Cultural Facilities), Grocery Store, Hotels and Motels, **Landfill** (Sanitary or Inert), Laundry (Self-Service), Lounge, Bar, Nightclub, Industrial uses with Nuisance Features (Such as Odor, Noise, Vibration, or Hazardous Materials), Medical and Dental Clinics, Medical and Dental Laboratories, **Personal Services** (Barber, Beauty, Shoe Repair, and Dry Cleaning Pick-Up), Professional Offices, Radio Towers, TV Towers, Telecommunication Towers, Amusement Parks, Drive-In Theaters, Nature Facilities, Picnic Areas, Parks, Trails, Indoor Recreation (Such as Billiard Parlors, Bowling **Alleys**, Game Rooms, and Skating Rinks), Outdoor Recreation (Such as Miniature Golf, Stables, Marinas, Sports Fields, and Fishing/Hunting Preserves), **Recreational Vehicle** Parks, Campgrounds, Religious uses and Facilities, Restaurants, Retail Stores, Business Schools, Commercial Schools, Private K-12 Schools, Private Colleges, Universities, Trade Schools, Industrial Schools, Studios (Such as Music, Dancing, Art, or Photography)

- Schools), Theaters (Movie or Performing Arts (Indoor Only)), and Truck Stops.
3. Land **uses** that attract birds or which **significantly** increase the potential for interference of airborne fowl with landing and departing aircraft such as **stormwater management** facilities or waste disposal/handling facilities.
  4. **Construction** activities and land **uses** that would produce smoke and/or dust in such a manner to impair visibility of pilots using the airport.
  5. High intensity lighting, including, but not limited to, lighting for **signage**, private drives, **parking lots**, and security, which is located in such a manner as to impair the visibility of pilots using the airport, unless such lighting is properly shielded.
  6. Land **uses** which create electrical interference with navigational **signals** or radio communications between the airport and aircraft.
  7. Land **uses** which make it difficult for flyers to distinguish between airfield lights and other lights, results in glare in the eyes of flyers using the airfield, impairs visibility in the vicinity of the airfield, or otherwise endangers the landing, takeoff, or maneuvering of aircraft.
- C. No **building** or **structure** shall be erected, altered, or maintained in a zone created by this section to a **height** in excess of the **height** limit established below. Such **height** limitations are computed from the established airport elevation.
1. Precision approach zone – Slopes fifty (50) feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended **runway** centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended **runway** centerline.
  2. Non-precision approach zone – Slopes thirty-four (34) feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended **runway** centerline.
  3. Visual approach zone – Slopes twenty (20) feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended **runway** centerline.
  4. Transitional surface zone – One (1) foot in **height** for each seven (7) feet in horizontal distance beginning at the lateral edge of each approach zone of the **runways**, measured at right angles to the longitudinal center line of the **runway**, extending upward to a maximum **height** of 1,026 feet above **mean sea level**. Where the non-precision instrument approach zones project beyond the conical zone,

there are established **height** limits sloping seven (7) feet outward for each one (1) foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at ninety (90) degree angles to the extended **runway** centerline.

5. Horizontal surface zone – 1,026 feet above **mean sea level**.
  6. Conical surface zone – One (1) foot in **height** for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone and at 1,026 feet above **mean sea level** and extending to a **height** of 1,226 feet above **mean sea level**.
- D. Noise protection requirements apply within the area shown on drawing “7 of 8” in the *Airport Master Plan Update* within the 65 Ldn noise contour for the specified **uses** below.
1. The noise protection zones are based on the LDN noise contours for airport noise developed as part of the *Airport Master Plan Update*. A property is considered inside the noise zones if any LDN noise contour line crosses all or part of the property.
  2. All new **residential**, school, hospital, nursing home, or library, **buildings** shall be constructed with sound protection based on the level of noise exposure, which can be determined by the location of the **building** within the adopted noise contour maps. Sound attenuation is not required if the site is located outside the 65 LDN noise contour. Noise reduction standards, **construction**, and methods are specified in *FAA Advisory Circular 150*.

**E. Permits For Certain Other Future Uses**

Within the VLD Overlay Zone, no material change shall be made in the **use** of land, and no **structure** or natural growth shall be materially erected, altered, planted, or otherwise established unless a **permit** has been granted as set forth in Chapter 10, including notification of the **Director** of the Valdosta – Lowndes County Airport Authority.

**F. Hazard marking and lighting**

In order to carry out the intended purpose of this section, any **permit** or **variance** granted under the provisions of this ULDC may be granted with the conditions that the owner of the **structure** or natural growth in question shall, at his or her own expense, install, operate, and maintain thereon such markers and lights as may be necessary, to indicate to aircraft pilots the presence of a hazard to air navigation. (See Chapter 9 regarding **variance** procedures and Chapter 10 regarding issuance of **Development Permits**.)

**G. Navigation Easement**

Any **permit** or **variance** granted under the provisions of this ULDC may be granted with the condition that the owner of the **structure** or natural growth in question shall enter into a navigation **easement**, which shall be in a form established by the Lowndes County, signed by the landowner,

recorded in the Lowndes County Clerk's Office, and a note on all final plats and site improvements plans, indicating the book and page of the recorded **easement**, shall be required. (See Chapter 9 regarding **variance** procedures and Chapter 10 regarding issuance of **Development Permits**.)

#### 4.02.04 Site Design Standards for the Moody Activity Zoning districts (MAZ)

- A. The purpose of the Moody Activity **Zoning districts** (MAZ I, MAZ II, and MAZ III) is to:
1. Ensure safety to people and property within the MAZ;
  2. Prohibit the establishment of incompatible **structures** within the designated MAZ I, II and III;
  3. Protect the airspace, Military Operating Area, approach zones, inner horizontal zones, conical zones, outer horizontal zones, and transitional zones from the establishment of **structures** or placement of objects that interfere with the safe operation of aircraft;
  4. Limit land **uses** within the MAZ to those **uses** that are compatible with the Moody Air Force Base;
  5. Protect people and property from the potential adverse effects of aircraft noise; and aircraft crashes and
  6. Ensure the continued presence of the Moody Air Force Base in Lowndes County.
- B. Location of **districts** within the MAZ:
1. MAZ I: Dominantly includes all Moody AFB owned property, plus Clear Zones and Accident Potential Zones (APZs) I.
  2. MAZ II: Dominantly includes APZs II and areas between the outer boundaries of MAZ I and the inner boundaries of MAZ III.
  3. MAZ III: Dominantly includes areas between the outer boundary of MAZ II and the outer boundary of the MAZ.
- C. **Development** standards within the MAZ **Zoning districts**
1. Within the MAZ, in addition to those uses prohibited in Chapter 2, the following **uses** are prohibited:
    - a. **Multi-Family Residential Development**; and
    - b. **Single-Family Residential** with a **Density** of more than one (1) unit per two and one-half (2.5) acres.
  2. **Buildings, structures**, and objects with a **height** of ninety (90) feet or more are prohibited, except where the Moody Air Force Base Installation Commander or designated representative specifically certifies that the proposed **height** is not a hazard to aircraft take-offs, landings, or flight operations.
  3. All lights used in conjunction with **streets**, parking, **signs**, and **uses** of land shall be arranged and operated in such a manner that they do not interfere with pilot vision during take-off, landing, or flight operations.

4. No **uses** or operations of any type shall produce smoke, glare, birds or other visual interference that will present a hazard to aircraft during take-off, landing, or flight operations.
  5. No **uses** or operations of any type shall produce electronic interference with navigation signals or radio communication between aircraft, the airport, or the air traffic controller.
  6. A noise impact area is established and the following standards apply to **development** within the noise impact area:
    - a. All work and operations shall be conducted within **buildings** or enclosed **structures**.
    - b. All new **development**, redevelopment, and **building** alterations or **additions** permitted within the noise impact area shall be required to meet the noise attenuation requirements of AICUZ Report.
    - c. Applications for the approval of **development** within the noise impact area shall include certification from a qualified acoustical expert that the proposed **construction** complies with the standards of AICUZ Report
- D. All applications for rezoning and **development** approval, including **site plans**, **building permits**, **subdivision** plats, **sign permits**, temporary **use permits**, and other **permits** and plans shall be subject to review by the Moody Air Force Base Installation Commander or designated representative. Such review shall be limited to issues of compatibility with Moody Air Force Base and issues affecting the safety of **persons** and property related to aircraft take-offs, landings, and flight operations.

**4.03.00 SUPPLEMENTAL STANDARDS FOR SPECIFIC USES**

**4.03.01 Animal Care Facilities (Animal Hospitals, Veterinary Clinics, Animal Shelters, and Kennels)**

A. Design standards for an animal hospital, veterinary clinic, or animal shelter in a freestanding **building** are shown in the following table:

**Table 4.03.01(A). Standards for Freestanding Animal Hospitals, Veterinary Clinics, or Animal Shelters**

<b>Development Feature</b>	<b>Standard</b>
Animals allowed in an animal hospital and veterinary clinic	Domestic pets, <b>farm</b> animals, and livestock; wild animals are prohibited
Animals allowed in an animal shelter	Domestic pets; <b>farm</b> animals, livestock, and wild animals are prohibited
Minimum setback from any <b>residential zoning district</b> for <b>buildings</b>	75 feet
Minimum setback from any <b>residential zoning district</b> for outdoor runs	75 feet
<b>Building</b> design	Consistent with the design, materials, and color of <b>buildings</b> in the surrounding area
Outdoor runs	Drains connected to an approved sanitary facility Odor and Pest control required Hours of operation limited to 7:00 a.m. until 7:00 p.m.
<b>Buffer</b> requirements	1.5 times the <b>buffer</b> requirement of Section 4.07.06 plus a fence or wall on any <b>residentially zoned property line</b>
Boarding	Soundproofing required

B. Design standards for an animal hospital, veterinary clinic, or animal shelter in a **shopping center** are shown in the following table:

**Table 4.03.01(B). Standards for Animal Hospitals, Veterinary Clinics, or Animal Shelters**

<b>Development Feature</b>	<b>Standard</b>
Animals allowed	Domestic pets only; <b>farm</b> animals, livestock, and wild animals are prohibited
Minimum <b>building</b> setback from any <b>residential zoning district</b>	75 feet
<b>Building</b> design	Soundproofing required Odor proofing required Pest control required
Outdoor runs	Prohibited
Boarding	Prohibited

C. Keeping animals shall be considered a kennel when there are six (6) or more domestic pets, not including fish, reptiles, and birds. Pigs and emus shall be considered livestock and are not domestic pets.

1. A kennel shall comply with the nuisance requirements pertaining to animal control as set forth in the County Code of Ordinances.
2. A kennel shall meet the design standards set forth in Table 4.03.01(C).

**Table 4.03.01(C). Standards for Kennels.**

Development Feature	Standard
Animals allowed	Domestic pets
Minimum setback from any <b>residential zoning district</b> for <b>buildings</b>	50 feet
Minimum setback from any <b>residential zoning district</b> for outdoor runs	100 feet
Outdoor runs	Drains connected to an approved sanitary facility Odor and pest control required Hours of operation limited to 7:00 a.m. until 7:00 p.m.
<b>Buffer</b> requirements	1.5 times the <b>buffer</b> requirement of Section 4.07.06 plus a fence or wall on any <b>residentially zoned property line</b>
Boarding	Soundproofing required

#### 4.03.02 Agricultural Uses, Including Agricultural and Farm Operations; Agricultural Processing, Sales, and Outdoor Storage; Stables and Livestock Facilities

A. Supplemental standards for agricultural and **farm** operations, stables, and livestock are shown in the following table:

**Table 4.03.02(A). Standards for Agricultural and Farm Operations, Stables, and Livestock.**

Development Feature	Standard
Animals allowed	Domestic animals, <b>farm</b> animals, and livestock; wild animals are prohibited.
Minimum land area	2.5 acres
<b>Buildings, structures</b> , outdoor tracks, and exercise <b>yards</b> adjacent to R-1, R-21, R-10	Minimum setback of 150 feet
<b>Buffers</b> for row crops	In addition to the <b>buffer</b> required in Section 4.07.06, there shall be ten (10) small trees for each 100 linear feet.
Odor and pests	Management plan for odor and pest control.
Fences	The parcel shall be fenced. An outdoor track and each exercise <b>yard</b> shall be separately fenced.

B. Supplemental standards for agricultural processing, sales, and outdoor storage are shown in the following table:

**Table 4.03.02(B). Standards for Agricultural Processing, Sales, and Outdoor Storage.**

Development Feature	Standard
Minimum land area	2.5 acres
Outdoor processing	Minimum setback 1,000 feet
Outdoor sales or outdoor storage	Minimum setback 300 feet
Processing or sales within an enclosed <b>Building</b>	Minimum setback 150 feet
<b>Buffers</b>	2.0 times the <b>buffer</b> requirement of Section 4.07.06 plus a fence or wall

C. Additional standards for confinement feeding **Lots**:

**Table 4.03.02(C). Additional Standards for Confinement Feeding Lots.**

Development Feature	Standard
Minimum land area	2.5 acres
Minimum setback	1,000 feet
<b>Buffers</b>	2.0 times the <b>buffer</b> requirement of Section 4.07.06 plus a fence or wall
State and federal license	Proof of receipt of State and Federal <b>permits</b>

### 4.03.03 Commercial Greenhouses and/or Plant Nurseries

A. The following are the site design requirements for greenhouses and plant nurseries:

**Table 4.03.03(A). Standards for Commercial Greenhouses and Plant Nurseries.**

Development Feature	Standard
Minimum land area	2.5 acres
Access requirements	Arterial road
Outdoor storage and loading areas	Setback from <b>residential</b> properties a minimum of 100 feet Fully screened, by opaque fence or solid wall, from any view from adjacent properties and the public <b>right-of-way</b>
Storage of loose materials, such as topsoil, compost, mulch, gravel, and similar materials	Fully enclosed by a solid fence or solid wall. Stockpiles of loose materials shall be limited in <b>height</b> to the <b>height</b> of the fence or wall.
Sales	Limited to plants grown onsite and associated organic materials, such as top soil and mulch

### 4.03.04 Vehicle Sales Establishments (Cars, Trucks, Boats, and RVs, New or Used)

- A. Vehicle sales establishments may sell, rent, or lease vehicles, including **recreational vehicles**, motor vehicles, and watercraft.
- B. The following are the site design standards for vehicle sales establishments.

**Table 4.03.04(B). Standards for Vehicle Sales Establishments.**

Development Feature	Standard
Minimum setback from property zoned for <b>residential use</b> .	100 feet
Display and sales areas	Shall be provided with a paved, or stabilized, dust free surface Shall not include any parking spaces required to meet the standards of Section 6.01.03
Mechanical repairs, body work, and paint repairs	Permitted as an <b>accessory use</b> to facilities providing new vehicles, watercraft, and <b>recreational vehicle</b> sales Repairs shall only be conducted within an enclosed <b>building</b> which meets all applicable federal and state requirements, including health, safety, and fire prevention regulations
Guardrails required	All <b>property lines</b> adjacent to vehicle displays shall have installed a permanent guardrail, fence, or parking <b>block</b> to prevent vehicles from accidentally rolling from the display area
Exterior lighting	Shall be directed or shielded to avoid illumination of adjacent properties
Paging systems	Audio amplification systems, including, but not limited to, telephone loudspeakers or paging systems, shall be located to ensure that they cannot be heard on adjacent properties
Outdoor storage areas	Outdoor storage areas are limited to 25 percent of the total site area All <b>outside storage</b> and loading areas shall be fully screened from view from adjacent properties and the public <b>right-of-way</b> Screening shall be a wooden, masonry, or solid fence or wall Landscaping may be used in conjunction with a fence or wall, provided that plant materials are evergreen, are at least as tall as the fence or wall, and have dense foliage to provide full screening Where a fence is provided, the fence shall be a maximum of 6 feet in <b>height</b> . The finished side shall face outward

- C. Only motor vehicles, **recreational vehicles**, and watercraft that are operable may be sold or leased.
- D. The owner of vehicle sales establishment shall prepare a plan and inventory for the safe storage of flammable or hazardous materials to be stored or used on the property. The plan shall provide for the prevention, containment, recovery, and mitigation of spilled fuel or other hazardous material. The inventory shall be submitted to the County prior to the **site plan** approval, listing the type, quantity, and location of these materials. The inventory shall be kept current pursuant to direction provided by the County.
- E. Vehicles, **signs**, banners, tents, or other items shall not be stored, parked, displayed, or otherwise placed on public rights-of-way at any time.

#### 4.03.05 Building Materials and Supply

- A. Outdoor storage of materials and supplies is permissible, subject to the following standards:
  - 1. Storage areas shall be setback a minimum of eighty (80) feet from the front **property line**;
  - 2. Storage areas shall be fully enclosed;
  - 3. Storage areas shall not be used for retail sales; and
  - 4. Storage areas within fifty (50) feet of property zoned or used for **residential** purposes shall provide a masonry or solid non-wooden fence not less than eight (8) feet in **height**. The decorative side of the fence shall face outward.
- B. A minimum **buffer** of forty (40) shall be provided, as set forth in Section 4.07.06.
- C. The primary access to the lumber and **building** supply establishment shall be from an arterial **street**. Where the property has **frontage** on two (2) **streets**, one (1) secondary access may be allowed on a **collector street**. Access on any **local street** is prohibited.
- D. All outside areas used for display, storage, or sale shall contain a dust-free surface.
- E. All exterior lighting shall be directed or shielded to avoid illumination of adjacent properties.
- F. Audio amplification systems, including, but not limited to, telephone loudspeakers or paging systems, shall be located to ensure that they cannot be heard on adjacent properties.
- G. Required parking shall not be used for storage, seasonal sales, promotional sales, or other retail or wholesale activities. Required parking shall be used for parking purposes only.
- H. Stored materials shall not be used for **signage**.

### 4.03.06 Cemeteries

- A.** Cemeteries for interment of human remains shall comply with State law and the provisions of Section 4.03.06. Cemeteries for interment of pet remains shall comply with the provisions of Section 4.03.06.
- B.** A cemetery may include one (1) or more of the following: a burial park for earth interments, a mausoleum for vault or crypt interments, and a columbarium.
- C.** A cemetery may include a chapel when operated in conjunction with and within the boundaries of such cemetery.
- D.** Site design requirements are as follows:

**Table 4.03.06(D). Standards for Cemeteries.**

Development Feature	Standard
Minimum land area Registered cemeteries (per State law) Other	10 acres 2 acres
Minimum setbacks for <b>structures</b> , storage, materials, equipment, or interment lots <b>Front yard</b> <b>Side yard</b> <b>Rear yard</b> Adjacent to a <b>residentially</b> zoned property	40 feet 20 feet 20 feet 50 feet
<b>Lot</b> dimensions Minimum road <b>frontage</b>	200 feet
Minimum <b>buffer</b> requirements Adjacent to state bodies of water	25 feet
Access for existing cemeteries	<b>Easements</b> for access may be required in new <b>subdivisions</b>

- E.** Location requirements
  1. A cemetery shall not be located in a wetland, 100-year **floodplain**, **floodway**, or **flood** hazard area.
  2. All new cemeteries must be located not less than 150 feet from a drinking water well.
- F.** Adequate off-**street** waiting space shall be provided for funeral processions so that no vehicle stands or waits in a dedicated **right-of-way**.
- G.** All cemetery access shall be provided from an arterial **street**, **collector street**, or state highway. The entrance and exits to the cemetery shall be only from the **frontage street**.
- H.** Mausoleums and columbaria may be located only within the boundaries of approved cemeteries. Mausoleums and columbaria shall have facades of brick or stone.

### 4.03.07 Private Colleges and Universities

A. The following are the site design standards for private colleges and universities:

**Table 4.03.07(A). Standards for Private Colleges and Universities.**

Development Feature	Standard
Minimum site area	3 acres
Minimum lot width	200 feet
Access requirements	Major or minor arterial road
Outdoor recreation areas	Setback a minimum of 150 feet from any property zoned or used for <b>residential</b> purposes.
Outdoor lighting	Directed and shielded to avoid illumination of adjacent properties, as measured at the <b>property line</b>

### 4.03.08 Day Care Facilities (Adult or Child Day Care)

A. The requirements of this section apply to child day care centers, group day care homes, nursery schools, preschools, **family** day care homes, adult day care facilities, and adult day care centers.

D. All facilities regulated in this section shall comply with State regulations and acquire applicable State licenses for operation.

E. Adult day care within a **dwelling** shall be limited to the provision of care and supervision to not more than six (6) **persons**.

F. When the day care facility is operated as a **home occupation**, it shall comply with the provisions of Section 5.01.00 pertaining to **home occupations**.

G. Day care centers shall comply with the following standards:

**Table 4.03.08(G). Standards for Child Day Care Centers, Nursery Schools, and Preschools.**

Development Feature	Standard
Number of children	Nineteen (19) or more
Place of operation	Freestanding <b>structure</b> , or Within a religious facility (see Section 4.03.15 for standards), or Within a public or private school.
Outdoor play area	Minimum of 200 square feet per child, based on the number of users at any one (1) time, and Fully enclosed by a security chain link fence, a minimum of four (4) feet in <b>height</b> , or Fully enclosed by a solid decorative fence, a minimum of four (4) feet in <b>height</b>
Indoor play area	Minimum of 35 square feet per child
Access requirements	Drop-off location, separated from parking, and located off- <b>street</b>

**H.** Day care homes and family care facilities shall comply with the following standards:

**Table 4.03.08(H). Standards for Child Day Care Homes and Day Care Family Facilities.**

Development Feature	Standard
Number of children Day care home Day care home in R-21 Day care - <b>family</b>	Eighteen (18) or fewer Twelve (12) or fewer Six (6) or fewer
Place of operation	Freestanding <b>structure</b> , or Within a <b>dwelling</b> .
Outdoor play area	Minimum of 200 square feet per child, based on the number of <b>users</b> at any one (1) time, and Fully enclosed by a security chain link fence, a minimum of four (4) feet in <b>height</b> , or Fully enclosed by a solid decorative fence, a minimum of four (4) feet in <b>height</b>
Indoor play area	Minimum of 35 square feet per child
Access requirements	Drop-off location, separated from parking, and located off- <b>street</b> .

**I.** Adult day care centers shall comply with the following standards:

**Table 4.03.08(I). Standards for Adult Day Care Centers.**

Development Feature	Standard
Number of adults	More than six (6).
Place of operation	Freestanding <b>structure</b> , or Within a religious facility (see Section 4.03.15 for standards).
Recreation areas	Fully enclosed by a fence, a minimum of four (4) feet in <b>height</b> . Chain link is permissible in side or <b>rear yards</b> ; decorative fencing is required in <b>front yards</b> .
Access	Drop-off facilities shall be provided off- <b>street</b> and separated from parking.

#### 4.03.09 Outside Sales Facilities, Including Farmers Markets

**A.** Outside sales may include the sale of vegetables, fruit, produce, eggs, or other agricultural products, and arts and crafts objects or supplies. Agricultural products shall not include poultry or livestock. Outside sales facilities as regulated herein do not include food or other vendors otherwise regulated by the County Code of Ordinances.

**B.** Outside sales facilities may include temporary shelters, such as canopies, tents, or other similar **structures**, subject to the following standards:

1. All such canopies, tents, or other **structures** shall comply with the Standard **Building Code**.
2. Tents shall be located at least five (5) feet from any curb, sidewalk, **crosswalk**, or fire hydrant.

- 3. Tents shall be positioned so as to keep entrances, exits, and emergency exits clear at all times.
  - 4. Tables, chairs, displays, display stands, and other similar equipment shall be located at least five (5) feet from any curb, sidewalk, **crosswalk**, fire hydrant, entrance, or emergency exit.
- C. Outside sales facilities shall comply with the standards set forth in Table 4.03.09(C).

**Table 4.03.09(C). Standards for Outside Sales, Including Farmers Markets.**

Development Feature	Standard
Parking	One (1) parking space for every 200 square feet of sales area shall be provided Parking spaces shall be separate from the sales area Parking shall be provided out of the <b>right-of-way</b> <b>Parking areas</b> shall be paved, gravel, or other dust-free surface Handicapped parking shall be provided according to ADA requirements
<b>Outside storage</b> of boxes, crates, pallets	Fully screened from visibility from the <b>right-of-way</b>
Exterior lighting	No exterior lighting shall shine or cause glare on any abutting property
Sanitary facilities	All outside sales facilities shall provide sanitary facilities consistent with State law

**4.03.10 Golf Courses**

- A. A golf course may be public or private and may include the following **buildings and accessory uses**:
  - 1. A clubhouse with or without a pro shop, retail sales of golf supplies and accessories, and a restaurant or snack shop;
  - 2. An equipment **building** for maintenance, minor repairs, and storage. Storage may include fertilizers, herbicides, or pesticides; and
  - 3. Driving range
- B. The types of golf courses may be par 3, executive, or regulation.
- C. The following are site design standards for golf courses:

**Table 4.03.10(C). Standards for Golf Courses.**

Development Feature	Standard
Minimum setback for <b>buildings</b> , greens, and fairways	60 feet
Safety netting for driving ranges	Required on the perimeter of the playing area abutting <b>public streets</b> Minimum of 32 feet in <b>height</b>
Outdoor lighting for driving range, tees, greens, and fairways	Directed and shielded to avoid illumination of properties used or zoned for <b>residential</b> purposes. Outdoor lighting shall be turned off not later than 9:00 p.m.

Loudspeakers or paging systems	Prohibited
<b>Outside storage</b> and loading areas	Fully screened from view from adjacent properties and from the public <b>right-of-way</b>
Golf cart crossings	Shall be plainly marked and located for safety of both the cart users and <b>persons</b> using sidewalks or <b>streets</b> that are crossed.

**4.03.11 Vehicle Repair Shops**

- A. Drainage pits for oil and fluid change shall be located within an enclosed **structure**. Applications for vehicle repair shops providing oil and fluid change facilities and services shall include proof of compliance with State and federal regulations regarding handling and disposal of oil and automotive fluids.
- B. There shall be no more than two (2) cars offered for sale at any time.
- C. There shall be no more than x (X) cars stored in addition to the cars offered for sale at any time.
- D. Vehicle repair shops shall comply with the standards set forth in Table 4.03.11(D).

**Table 4.03.11(D). Standards for Vehicle Repair Shops.**

<b>Buffers</b>	2.0 times the <b>buffer</b> requirements stated in Section 4.07.06
Vibration or electromagnetic interference	Shall not be discernable on adjacent properties
Loading docks	Screened from view from adjacent properties and from the public <b>right-of-way</b> Setback a minimum of 100 feet from any <b>residentially</b> zoned property
<b>Outside storage</b>	Screened from view from adjacent properties and from the public <b>right-of-way</b> Setback a minimum of 100 feet from any <b>residentially</b> zoned property
Exterior lighting	Directed and shielded to avoid illumination of adjacent properties
Loudspeakers and paging equipment	Prohibited

**4.03.12 Junk Yards or Salvage Yards**

- A. The site design standards for salvage **yards** and **junk yards** are set forth in the following table:

**Table 4.03.12(A). Standards for Salvage Yards and Junk Yards.**

<b>Development Feature</b>	<b>Standard</b>
Minimum setback	500 feet from any <b>residentially</b> zoned

	property
Screening required Minimum <b>Height</b> Minimum setback	Solid wall or solid fence 8 feet 100 feet from all <b>property lines</b>
Storage of salvaged or junk materials	Materials shall not exceed the <b>height</b> of the fence or wall. This shall not be construed to prohibit equipment and vehicles used in the salvage operation.
Exterior lighting	Directed and shielded to avoid illumination of adjacent properties

### 4.03.13 Hospitals, Nursing Homes, and Congregate Personal Care Homes

- A. The following are site design standards for hospitals and nursing homes:  
**Table 4.03.13(A). Standards for Hospitals and Nursing Homes.**

Development Feature	Standard
Minimum side and <b>rear yard</b> setback	100 feet
Emergency vehicle entrances	Shall not face <b>residentially</b> zoned properties
Exterior lighting	Directed and shielded to avoid illumination of adjacent properties
Dumpsters	Fully screened Setback a minimum of 50 feet from any <b>property line</b>
<b>Outside storage</b> of materials, equipment, hazardous materials and wastes, and tanks	Screened from public view from rights-of-way and from properties zoned for <b>residential use</b> . Setback a minimum of 100 feet from any <b>property line</b> .

### 4.03.14 Recreational Vehicle Parks and Campgrounds

- A. **Recreational vehicle** parks and campgrounds may include motor homes, travel trailers, fifth wheel trailers, pop-up trailers, tents, and other similar vehicles.
- B. The condition of soils, groundwater level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences and no portion subject to unpredictable and/or sudden **flooding**, subsidence, or **erosion** shall be used for any purpose which would expose **persons** or property to hazards.
- C. **Accessory uses** and **structures** permissible in the **recreational vehicle** park include management headquarters, recreational facilities, showers, coin-operated laundry facilities, and other **uses** and **structures** customarily incidental to operation of a **recreational vehicle** park. Standards for **Accessory Uses** are in the following table:

**Table 4.03.14(C). Standards for Accessory Uses in RV Parks and Campgrounds.**

Development Feature	Standard
Minimum site area, including <b>structures</b> and associated parking	10 percent of gross area of park
<b>Use of Accessory Structures</b>	Limited to park tenants
Storage of <b>unoccupied</b> units	Fully enclosed by a solid fence, solid wall, or opaque <b>buffer</b>

**D.** Site design standards for **recreational vehicle** parks are set forth in the following table:

**Table 4.03.14(D). Site Design Standards for RV Parks and Campgrounds.**

Development Feature	Standard
Minimum site area	5 acres
Maximum <b>density</b>	10 RV <b>lots</b> per gross acre
Park models	Limited to ten (10) percent of the total units on the site
Site location	Major arterial
Minimum site width	300 feet
Access	Prohibited through <b>residential zoning districts</b>
Minimum setback for <b>Lots</b>	50 feet from public <b>right-of-way</b>
Occupancy of individual <b>Lots</b>	Maximum of 90 days
<b>Buffers</b>	1.5 times the <b>buffer</b> otherwise required by Section 4.07.06

### 4.03.15 Religious Facilities

- A. The **principal use** is considered worship, which is a form of religious practice, together with its creed and ritual.
- B. **Uses** and activities other than worship shall be considered **accessory uses** and shall be clearly ancillary to the primary use. Such **uses** and activities shall be limited to:
  - 1. Religious instruction (such as “Sunday School,” Bible school, or similar instruction or study typically associated with the religion);
  - 2. Offices to support the establishment;
  - 3. Child or adult day care, subject to the standards of Section 4.03.15(E);
  - 4. Private academic school, subject to the standards of Section 4.03.15(F);
  - 5. A fellowship hall, with or without a kitchen, (which may be known as a community center, activity hall, or life center);
  - 6. Recreation facilities;
  - 7. **Family or group personal care homes; group homes; transitional care facilities** of no more than 15 individuals;
  - 8. Individual meeting spaces; and
  - 9. A parsonage, subject to the standards of Section 4.03.15(H).

- C. All **accessory uses** are subject to the following requirements:
1. The **accessory use** shall be owned and operated only by the owner of the **primary use**;
  2. The facility housing the **accessory use** shall meet all local, State, or federal standards;
  3. The owner of the **primary use** shall obtain any licenses required to conduct the **accessory use**. Any approval of the **accessory use** shall be contingent upon receipt of all licenses;
  4. Loudspeaker or paging systems shall be located to ensure that they cannot be heard at the **property line** of adjacent properties;
  5. All outdoor activities shall occur no earlier than 7:00 a.m. and no later than 10:00 p.m.;
  6. All exterior lighting shall be directed or shielded to avoid illumination of adjacent properties, as measured at the **property line**;
  7. Outdoor play or activity areas shall be no closer than fifty (50) feet from any **residential property line**;
- D. Child day care, adult day care, preschool, or child nursery **uses** are allowable **accessory uses** subject to the following standards:
1. An off-**street** drop-off area for **persons** served by the facility shall be provided. The entrance and vehicle drop off points shall not be located on a **street** providing primary access to residences, unless such **street** is classified as a collector or arterial.
- E. Private academic schools are allowable **accessory uses** subject to the following standards:
1. The entrance and vehicle drop off points for students shall not be located on a **street** providing primary access to residences, unless such **street** is classified as a collector or arterial.
- F. One (1) **residential dwelling unit** is allowable to serve as a parsonage, subject to the following standards:
- G. A minimum **lot** area, within the parcel developed for religious **uses** and facilities, to be devoted to the **dwelling unit** (“parsonage **lot**”) shall be 8,000 square feet. The parsonage **lot** shall be **used** exclusively for the **dwelling unit**, and shall not include any primary or other **accessory use** allowable on the site. The parsonage **lot** shall not be **used** for any support activity to the primary or **accessory uses**, such as outdoor play areas, storage, or parking, other than as specifically provided in Section 4.03.15(H)(2) through (3) below.
- H. Two off-**street** (2) parking spaces shall be provided within the parsonage **lot**.
- I. The maximum **building height** on the parsonage **lot** shall be thirty-five (35) feet.

- J. The **building** shall be compatible with other residences in the surrounding neighborhood and shall include façade treatment as necessary to insure compatibility.
- K. The parsonage **lot** may contain children’s outdoor play equipment, in a size and quantity typical of **residential uses**.
- L. The parsonage **lot** may contain a **residential** swimming pool, fully enclosed, and attached to the **dwelling**.
- M. A specific parking plan shall be provided. This plan shall identify the **principal use** and each **accessory use** proposed on the site. The parking plan shall indicate the hours of operation and peak times of **use** (parking demand) for the **primary use** and each **accessory use** on the site. The parking standards for the **principal use** and each **accessory use** shall be identified based upon ULDC requirements, set forth in Section 6.01.03. The parking plan may propose reduced or shared parking. The parking plan shall indicate areas designated for overflow parking during times of extraordinary **use** (such as festival or holiday periods).
- N. For religious facilities that exceed 10,000 square feet in total **floor area**, excluding the parsonage, if any, the minimum setback from any **property line** that is otherwise required shall increase five (5) feet for each 2,000 square feet, or portion thereof, over 10,000 square feet.

**4.03.16 Group Personal Care and Family Personal Care Homes**

- A. The following site design standards are required for **Group Personal Care Homes** and **Family Personal Care Homes**:

**Table 4.03.16(A). Standards for Group personal care homes and Family personal care homes.**

<b>Development Feature</b>	<b>Standard</b>
Site location	Collector or arterial
Minimum setbacks Side and <b>rear yards</b>	50 feet
Fence	The <b>lot</b> shall be fenced according to the standards in Section 5.02.03
<b>Signs</b>	Prohibited
Parking	2 spaces are required and may be located in the driveway or garage or in the <b>rear yard</b> ; additional spaces shall be located in the <b>rear yard</b> only and shall be screened from view from adjacent properties.
Compliance with Local, State, and Federal regulations	The Facility shall comply with all applicable local, state, and federal regulations, and applicable permits shall be provided to the TRC prior to the issuance of a certificate of occupancy or final inspection. Specifically, if applicable, compliance shall include satisfying the public hearing requirements found in O.C.G.A. and all state DHR regulations.

#### 4.03.17 Bed and Breakfast Lodging

- A. The owner of the **bed and breakfast inn** shall reside in the inn. However, where an individual owns two (2) such facilities, owner-occupancy shall be required in one (1) inn.
- B. **Density** shall be based on the underlying zoning.
- C. Within **residential zoning districts**, the **building** in which the bed and breakfast lodging is located shall be substantially similar in design, appearance, and character to **residential dwellings** located within a 200-foot radius. Distance shall be measured from all **property lines** of the **lot** on which the bed and breakfast lodging is located.
- D. Breakfast, social events, and activities shall be limited to the guests or lodgers in the bed and breakfast lodging, and shall not be held out to the general public.
- E. Parking for bed and breakfast lodging within **residential zoning districts** shall be located as follows:
  - 1. Two (2) parking spaces may be located in a driveway in the front of the inn.
  - 2. All other required parking spaces shall be located to the side or rear of the principal **structure**.
  - 3. There shall be no on-**street** parking associated with the bed and breakfast lodging.
- F. One (1) **sign** identifying the **bed and breakfast inn** shall be allowed, subject to the following standards:
  - 1. The maximum **sign** area shall not exceed eight (8) square feet.
  - 2. The **sign** shall have color, design, and materials consistent with the color, design, and materials of the lodging establishment.
  - 3. The **sign** shall not be illuminated.
  - 4. The **sign** shall be only a monument **sign** or a **building** mounted **sign**.

#### 4.03.18 Sanitary Landfills

- A. Sanitary **landfills**, together with necessary **buildings** and machinery for **landfill** operations, are allowable subject to the standards of the **zoning district** and the supplemental standards of this section.
- B. Applications for approval of a new sanitary **landfill** or the expansion of an existing sanitary **landfill** shall demonstrate compliance with all State and federal laws and regulations applicable to **landfills** to include consistency with the Greater Lowndes Solid Waste Management Plan.
- C. A waste-handling **permit** from the State and the County is required.
- D. There shall be clear evidence, providing by licensed professional in soils, hydrology, or other applicable fields, that soils, groundwater levels, **floodplains**, and other natural resources shall not be negatively impacted by the **landfill**.
- E. The site design standards required for a sanitary **landfill** are set forth in the following table:

**Table 4.03.18(E). Standards for Sanitary Landfills.**

Development Feature	Standard
Minimum land area	10 acres
<b>Buffer</b>	3.0 times the <b>buffer</b> otherwise required in Section 4.07.06.
Access	Prohibited through <b>residentially</b> zoned areas

**4.03.19 Inert Landfills**

- A. Inert **landfills**, together with necessary **buildings** and machinery for **landfill** operations, are allowable subject to the standards of the **zoning district** and the supplemental standards of this section.
- B. Applications for approval of a new inert **landfill** or the expansion of an existing inert **landfill** shall demonstrate compliance with all State and federal laws and regulations applicable to **landfills** to include consistency with the Greater Lowndes Solid Waste Management Plan.
- C. There shall be clear evidence, providing by licensed professional in soils, hydrology, or other applicable fields, that soils, groundwater levels, **floodplains**, and other natural resources shall not be negatively impacted by the **landfill**.
- D. The site design standards required for a inert **landfill** are set forth in the following table:

**Table 4.03.19(D). Standards for Inert Landfills.**

Development Feature	Standard
<b>Buffer</b>	2.0 times the <b>buffer</b> otherwise required in Section 4.07.06.
Access	Prohibited through <b>residentially</b> zoned areas

**4.03.20 Industrial Uses with Nuisance Features**

- A. Industrial **uses** associated with nuisance features, such as odor, noise, vibration, or the **use** or storage of hazardous materials are permissible subject to the standards of the **district** and the standards set forth in this section.
- B. Industrial **uses** associated with nuisance features shall comply with the following standards:

**Table 4.03.20(B). Standards for Industrial Uses with Nuisance Features.**

Development Feature	Standard
Minimum land area	1 acre
Minimum setback on all sides for <b>Buildings</b> or <b>Structures</b>	100 feet
<b>Buffer, M-2</b>	2.0 times the <b>buffer</b> otherwise required in Section 4.07.06
<b>Buffer, M-3</b>	2.0 times the <b>buffer</b> otherwise required in Section 4.07.06. Additional <b>buffers</b> may be provided, including open space <b>buffers</b> on

	parcels adjoining the industrial <b>use</b> .
Vibration	Shall not be discernable on adjacent properties, measured at the <b>property line</b>
Electromagnetic interference	Shall not be discernable on adjacent properties, measured at the <b>property line</b>
Noise	A wall or fence shall be provided and shall include noise abatement design techniques. The wall or fence shall be designed by a licensed engineer specializing in noise abatement techniques
Compliance with State and Federal regulations	Testing results for stormwater runoff and groundwater shall be provided to the County NFPA placard placed on all <b>buildings</b> Demonstrated compliance with regulations regarding hazard materials handling, storage, <b>use</b> , transport, or disposal
Outdoor storage	Screened from view from adjacent properties and from the public <b>right-of-way</b>
Refuse and solid waste containers	Fully enclosed, except for an access gate. Screened from view from adjacent properties and the public <b>right-of-way</b>
Loading docks	Located on the side or rear of the property. Fully screened from view from adjacent properties and the public <b>right-of-way</b>

#### 4.03.21 Mini-Storage or Self-Service Storage Facilities

- A. The following activities or **uses** are prohibited on the grounds or within the **buildings** of self-service storage facilities:
1. Wholesale sales;
  2. Retail sales, including garage sales, or other commercial activities;
  3. Manufacturing, fabrication, processing, or other industrial activity;
  4. Service or repair of vehicles, engines, electronic equipment or similar activities;
  5. Rehearsal or practice of musical instruments; and
  6. **Residential use.**
- B. Notwithstanding the limitations described in Section 4.01.21(B) above, the following activities may be conducted:
1. Rental of storage bays;
  2. Truck rental business, limited to a maximum of twenty-five (25) percent of the gross site area;
  3. Sales of boxes or goods related directly to the operation of a self-service storage facility; and
  4. Sales by the owner or manager of the facility of abandoned items for reclamation of rental costs.
- C. Except as specifically provided in this section, all property stored on the site shall be entirely within enclosed **buildings**.

- D. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.
- E. As an **accessory use**, one (1) **dwelling unit** may be established for security personnel, management personnel, or the facility owner.
- F. The following site design requirements shall be met:

**Table 4.03.21(F). Site Design Standards for Self-Service Storage Facilities.**

Development Feature	Standard
Minimum site area	2.0 acres
Maximum site area	5.0 acres
Minimum <b>lot width</b>	100 feet
Access requirements	Major or minor arterial
Minimum setbacks for <b>buildings</b> or walls <b>Front yard</b> <b>Side yard</b> <b>Rear yard</b>	75 feet 25 feet 25 feet
<b>Buffers</b>	1.5 times the <b>buffer</b> required by Section 4.07.06
Dumpsters and trash containers	Fully screened from view from adjacent properties and public <b>right-of-way</b>
Outdoor lighting	Shielded and directed to avoid direct illumination of adjacent properties, as measured at the <b>property line</b>
Loudspeakers and paging equipment	Prohibited

- G. The following design standards are required for the self-service storage **Buildings**:

**Table 4.03.21(G). Building Design Standards for Self-Service Storage Facilities.**

Development Feature	Standard
<b>Building</b> separation (2 or more <b>buildings</b> on the site)	12 feet
Overhead access doors	Shall not be visible from <b>residentially</b> zoned property or public <b>right-of-way</b>
Storage bays Minimum size Maximum size	4 feet by 4 feet (16 s.f.) 20 feet by 80 feet (1,600 s.f.)
Maximum <b>building height</b> , including all roof-mounted air conditioning and other equipment	35 feet
Exterior facade	Front façade shall be consistent with color, materials, and design of <b>buildings</b> in the surrounding area Side and rear facades may have metal exterior walls.
Roof design	Type of roof, roof line, and roofing materials shall be fully consistent with <b>buildings</b> in the surrounding area

H. Outdoor (open) storage is permissible, subject to the following standards:

**Table 4.03.21(H). Standards for Outdoor Storage at Self-Service Storage Facilities.**

Development Feature	Standard
Types of goods to be stored	Limited to <b>recreational vehicles</b> and boats on trailers Dry stacking of boats when covered to provide screening from view Abandoned, wrecked, or junked vehicles are prohibited
Maximum area devoted to outdoor storage	25 percent of <b>building</b> area of the site
Screening	Fully screened from view from adjacent <b>residentially</b> zoned <b>districts</b> , from adjacent office areas, and from public <b>right-of-way</b> Screening may be a solid fence, solid wall, other similar <b>structure</b> , or landscaping
Fencing required	Minimum of 6 feet in <b>height</b> Maximum of 8 feet in <b>height</b> Decorative wall or fence required, with brick, stone, masonry, wood, chain link, or similar material
Fence location	May be either in front of or behind the <b>buffer</b>
Security	Gate, equipped with alarm and keyless opening required

I. Traffic circulation requirements:

1. Traffic lane widths shall be established to provide for the adequate circulation, safety, and accessibility of trucks, cars, and individuals who utilize dead storage in such facilities;
2. The minimum traffic lane width shall be twenty-five (25) feet;
3. The maximum traffic lane width shall be forty (40) feet;
4. Traffic flow patterns, directional signage, and painted land markings with arrows shall also be clearly marked;
5. In order to ensure appropriate access and circulation by emergency vehicles and equipment, the turning radii of the aisle ways shall be approved by the County Engineer and the Fire Chief at the time of preliminary plan review; and
6. There shall be no aisle ways or other vehicular access ways located in the **buffer** area or within the designated rights-of-ways.

**4.03.22 Amusement Parks and Drive-in Theaters**

A. Amusement parks may include one (1) freestanding amusement facility, or two (2) or more amusements may be combined, provided that a unified design is provided.

- B. Amusement parks and drive-in theaters may include **accessory uses**, such as snack shops or food stands, ice cream stands, gift shops, or similar **uses**, provided that such **uses** are not open to the general public without entrance to the amusement park or drive-in theater.
- C. Amusement parks and drive-in theaters shall meet the following site design standards:

**Table 4.03.22(C). Standards for Amusement Parks and Drive-in Theaters.**

Development Feature	Standard
Minimum land area	10 acres
Minimum setback for <b>buildings</b> Abutting <b>residential zoning districts</b> Abutting non <b>residential zoning districts</b>	200 feet 100 feet
Minimum setback for <b>parking lots</b> and access drives, when abutting <b>residential zoning districts</b>	200 feet
<b>Parking lot</b> design	Aisles shall be paved Spaces may be grass, dirt, or gravel as approved by the County
Access requirements	<b>Major arterial street</b>
Minimum <b>Buffer</b> Abutting <b>residential zoning districts</b>  Abutting non <b>residential zoning districts</b>	2.0 times the <b>buffer</b> specified in Section 4.07.06, plus a wall with noise abatement features 2.0 times the <b>buffer</b> specified in Section 4.07.06
Lighting	No exterior lighting shall shine or cause glare on any abutting property
Loudspeakers or paging systems	Designed, installed, and used such that they are not heard at the abutting <b>property line</b> of adjacent properties
<b>Outside storage</b> and loading areas	Screened from view from adjacent properties and from the public <b>right-of-way</b> Setback a minimum of 200 feet from any <b>residentially</b> zoned property
Refuse and solid waste containers	Screened from view from adjacent properties and from the public <b>right-of-way</b> Setback a minimum of 100 feet from all <b>property lines</b>
Sanitation facilities, temporary or permanent	Screened from view from adjacent properties and from the public <b>right-of-way</b> Setback a minimum of 200 feet from all <b>property lines</b>
Vibration or electromagnetic interference	Shall not be discernable on adjacent properties

### 4.03.23 Outdoor Recreation

- A. Outdoor recreation facilities includes such activities as miniature golf, pony rides, climbing walls, tracks for go-carts and other similar vehicles, marinas, sports fields, parks and playgrounds, and other similar recreation activities.
- B. Outdoor recreation facilities may be freestanding, or two (2) or more facilities may be combined in a unified **development** site.
- C. Outdoor recreation facilities may include **accessory uses**, such as snack shops or food stands, gift shops, ice cream stands, or similar **uses**, provided that such **uses** are not open to the general public.
- D. Outdoor recreation facilities shall comply with the standards set forth in the following table:

**Table 4.03.23(D). Standards for Outdoor Recreation Facilities.**

Development Feature	Standard
Minimum land area	2 acres
Minimum setback for <b>buildings</b> Abutting <b>residential zoning districts</b> Abutting <b>nonresidential zoning districts</b>	200 feet 100 feet
Minimum setback for <b>parking lots</b> and access drives, when abutting <b>residential zoning districts</b>	200 feet
Outdoor recreation areas	Setback a minimum of 150 feet from any property line.
Minimum <b>buffer</b>	1.5 times the <b>buffer</b> specified in Section 4.07.06 plus a fence or wall
Lighting	No exterior lighting shall shine or cause glare on any abutting property
Loudspeakers or paging systems	Designed, installed, and used such that they are not heard at the <b>property line</b> of adjacent properties
Operations involving Recreational Vehicles	Hours of operation limited to 7:00 am until 7:00 pm
<b>Outside storage</b> and loading areas	Screened from view from adjacent properties and from the public <b>right-of-way</b> Setback a minimum of 200 feet from any <b>residentially</b> zoned property
Refuse and solid waste containers	Screened from view from adjacent properties and from the public <b>right-of-way</b> Setback a minimum of 100 feet from all <b>property lines</b>
Sanitation facilities, temporary or permanent	Screened from view from adjacent properties and from the public <b>right-</b>

	<p><b>of-way</b>                  Setback a minimum of 100 feet from all <b>property lines</b></p>
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**4.03.24 Private Elementary, Junior High (Middle), or Senior High Schools**

A. Private elementary, junior high (middle), or senior high schools shall comply with the supplemental standards set forth in the following table:

**Table 4.03.24(A). Standards for Private Elementary, Junior High (Middle), or Senior High Schools.**

<b>Development Feature</b>	<b>Standard</b>
Minimum site area	2 acres
Minimum <b>lot width</b>	100 feet
Access requirements	Arterial or <b>collector street</b> Paved roads
Outdoor recreation areas	Setback a minimum of 75 feet from any property zoned or used for <b>residential</b> purposes Fully enclosed by a solid decorative fence, a minimum of four (4) feet in <b>height</b>
Outdoor lighting	Directed and shielded to avoid illumination of adjacent properties, as measured at the <b>property line</b>
Drop-off and pick-up areas	Designed and located away from <b>residential</b> areas Separated from <b>parking areas</b>

**4.03.25 Ice Vending Machines**

- A. The **lot** shall include a **buffer** that is two (2) times the **buffer** required by Section 4.07.00 plus a fence or wall.
- B. The ice vending machine shall be set back a minimum of fifty (50) feet from any property zoned for **residential use**.
- C. Two (2) parking spaces shall be provided, plus one (1) additional accessible space as required by the ADA.

**4.03.26 Manufactured Home Communities**

Where a **development** is proposed as a **manufactured home** park or community, consisting solely of **manufactured homes**, the following standards shall apply:

- A. The minimum parcel size shall be three (3) acres.
- B. The community shall have minimum **side yards** of twenty (20) feet and a **front yard** at least twenty (20) feet greater than that required for other uses permitted in the **zoning district**.
- C. Each **manufactured home** shall be connected to an approved water and sewer system.

- D. The minimum **lot** size for each **manufactured home** shall be 4,000 square feet with a minimum **lot width** of forty (40) feet where **lots** are served by both public water and public sewer systems. The minimum **lot** size shall be 7,500 square feet where **lots** are served by a community water system and a septic tank.
- E. The minimum distance between any two (2) **manufactured homes** or between any **manufactured home** and any other **building** in the community shall be twenty (20) feet.
- F. Each individual **manufactured home lot** shall have a properly drained and weatherproofed parking space for at least two (2) motor vehicles, designed and built in compliance with Section 6.01.03 as it pertains to parking stalls.
- G. Each **manufactured home lot** shall be clearly defined by means of concrete, steel, or iron pipe markers placed at all corners.
- H. At least 200 square feet per **manufactured home lot** not to be a part of required **manufactured home lot**, shall be provided in one (1) or more locations for community playground and recreation purposes.
- I. No **manufactured home community** shall be **occupied** by a greater number of **manufactured homes** than that authorized in the approved **building** and inspection **permit**. No **manufactured home community** shall be enlarged or extended unless a separate **building permit** and a separate final inspection **permit** have been issued.
- J. Entrance to the community shall be limited to paved **streets** with at least sixty (60) feet of **right-of-way**.
- K. An identification **sign**, including the name of the **manufactured home community**, and the name of the owner/manager or another designated individual who can act for the owner/manager, measuring not less than ten (10) square feet and no more than sixteen (16) square feet, shall be placed on private property, close to the entrance of the community and readily visible from both directions of the public **right-of-way**.

**4.03.27 Transitional Care Facility**

- A. Design standards for **transitional care facilities** are shown in the following table:

**Table 4.03.27(A). Standards for Transitional Care Facilities**

Development Feature	Standard
Sighting distances	500 feet from any property line of land used for public recreational facilities, schools, universities, colleges, trade-schools, libraries, day care centers, and other training facilities where minors are the primary patrons.  1500' from any area where law enforcement records indicate the incidence of crime is high.

Access requirements	Collector or Arterial
Buffer	40 ft from all rural, residential, commercial, office, institutional, moody activity zoning, and planned development zoning districts.  20 ft from all industrial and intensive services zoning districts.  1.5 times the planting requirements required in Section 4.07.06
Lighting	Shielded and directed to avoid direct illumination of adjacent properties used or zoned for residential use, as measured at the property line
Minimum setback on all sides for Buildings or Structures	50 feet
Refuse and solid waste containers	Fully enclosed, except for an access gate. Screened from view from adjacent properties and the public right-of-way
Compliance with Local, State, and Federal regulations	The Facility shall comply with all applicable local, state, and federal regulations, and applicable permits shall be provided to the TRC prior to the issuance of a certificate of occupancy. If applicable, compliance shall include satisfying the public hearing requirements found in O.C.G.A.

### 4.03.28 Correctional Facilities

A. Design standards for **Correctional Facilities** are shown in the following table:  
**Table 4.03.28(A). Standards for Correctional Facilities**

<b>Development Feature</b>	<b>Standard</b>
Sighting distances	All proposed property lines must be at least 250 feet from any existing buildings used for residential purposes, public recreational facilities, and public or private institutional uses, including but not limited to churches, schools, universities, colleges, trade-schools, libraries, day care centers, and other training facilities where minors are the primary patrons
Access requirements	Arterial or Major Collector
Buffer	100 ft from all property lines.  2.5 times the planting requirements required in Section 4.07.06
Fencing	Constructed in accordance with American Correction Institute standards and located interior of required buffers
Lighting	Shielded and directed to avoid direct illumination of adjacent properties used or zoned for residential use, as measured at the property line

Minimum setback on all sides for buildings or structures	500 feet
Refuse and solid waste containers	Fully enclosed, except for an access gate. Screened from view from adjacent properties and the public right-of-way
Loading docks	Located on the side or rear of the property. Fully screened from view from adjacent properties and the public right-of-way
Compliance with Local, State, and Federal regulations	The Facility shall comply with all applicable local, state, and federal regulations, and applicable permits shall be provided to the TRC prior to the issuance of a certificate of occupancy. If applicable, compliance shall include satisfying the public hearing requirements found in O.C.G.A.

#### 4.04.00 CONVENTIONAL SUBDIVISION DESIGN STANDARDS

##### 4.04.01 Generally

- A. The purposes of the **subdivision** design standards are:
  1. To encourage economically sound and stable **development** of land;
  2. To assure the provision of required **streets**, utilities, and other facilities and services;
  3. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian;
  4. To assure the provision of needed public open spaces and **building** sites through the dedication or reservation of land for recreational, educational, and other public purposes; and
  5. To assure that land is developed in conformity with the Lowndes County Comprehensive Plan.
- B. At the discretion of the property owner and applicant, **subdivision** design may be proposed in compliance with alternative **design** standards.
  1. Clustering, through the application of conservation **subdivision** standards, is permitted, as provided in Section 4.05.00
  2. Within a **Planned Development (PD) District**, alternative **residential subdivision** design standards are permissible, as provided in Section 4.06.00.

##### 4.04.02 General Design Standards for Subdivisions

- A. A proposal to subdivide a parcel into six (6) or more **lots** is considered a conventional **subdivision**. A proposal to subdivide a parcel into five (5) or fewer **lots** is considered a minor **subdivision**. The calculation of the number of **lots** subdivided from the parent tract shall be cumulative.
- B. All **development** shall be on a designated, platted, and recorded **lot** that meets all standards set forth in this ULDC.
- C. The standards for design and layout of conventional **subdivisions** are contained in this section and Section 4.04.03. The standards for the

- design and installation of public improvements and infrastructure for **subdivisions** and all other **developments** are contained in Chapter 6.
- D. A **subdivision** shall have at least two (2) entrances if the **subdivision** is planned to have twenty-five (25) or more **lots**.
- E. Submittal and procedural requirements regarding preliminary plats and final plats are set forth in Chapter 10.
- F. General requirements for potable water system
1. Water mains properly connected with the County water supply system or with an alternate supply system approved by the Lowndes County **Board of Health** shall be constructed in such a manner to adequately serve all **lots** shown on the **subdivision** plat for both **residential use** and fire protection.
  2. All **subdivisions** shall be required to connect to a public water system when the County's water system is within 1,000 feet radius of the parent tract of a **lot** created by a new **subdivision development**.
  3. The standards for a potable water system are set forth in the Lowndes County Technical Standards Manual. All materials, labor, equipment, and other items related to **construction** of the water distribution system shall be provided in accordance with policies and specifications of Lowndes County.
- G. General requirements for public sewer system
1. When the **subdivision** is located within the service area of a public sewerage system, sanitary sewers shall be installed to serve all **lots** with connection to the public system.
  2. All **subdivisions** shall be required to connect to a public sewer system when the County's sewer system is within 1,000 feet radius of the parent tract of a **lot** created by a new **subdivision development**.
  3. Where sanitary sewer service is not available, all **lots** without connection to the public system shall be developed with a private on-site sewage disposal system approved by the Lowndes County **Board of Health**, consistent with the minimum **Lot** area requirements of Section 4.01.01(G) or other such **lot** area requirement as may be established by the Lowndes County **Board of Health** at the time of preliminary plat.
  4. The standards for a public sewer system are set forth in the *Technical Standards Manual*.
- H. General requirements for all other utilities
- When the applicant constructs or upgrades infrastructure for a **subdivision** the applicant shall make the necessary arrangements with the appropriate **utility** companies for the installation of utilities to assure that all **lots** have adequate gas, electrical, cable, and telephone communication services.
- I. General requirements for public lands
- Where a site within a tract of land proposed for **subdivision** is determined to be suitable and necessary for a school, public park, fire station, water or

sewage treatment plant, water reservoir, public works, **yard**, or other public facility, the necessary land area shall be reserved or dedicated for acceptance by the Lowndes County Board of Commissioners. Such land should be located in accordance with the Lowndes County Comprehensive Plan. The preliminary and final plats for the **subdivision** shall show these sites as being reserved or dedicated.

#### 4.04.03 Design Standards for Blocks, Easements, and Lots

- A. Conventional **Subdivision Blocks** shall be sufficient to provide for two (2) tiers of **lots**.
- B. The length, width, and shapes of all **subdivision lots** shall be determined with regard to:
  - 1. Dimensional requirements of **lots**, as set forth in Section 4.01.01;
  - 2. Provision of required **yards**, as set forth in Section 4.01.02.
  - 3. Provision of adequate sites to accommodate required parking, as set forth in Section 6.01.03;
  - 4. Protection of natural features and environmentally sensitive lands, as set forth in Chapter 3; and
  - 5. Provision of sites that are appropriate for the topographic conditions, natural conditions, and man-made features.
- C. All **subdivision lot** lines shall be at right angles to straight lines and radial to curved **street right-of-way** lines.
- D. All **subdivision lots** shall have **frontage** on and access to an existing or proposed paved **public street**.
- E. Double **frontage** or **through lots** shall be required to have:
  - 1. A planted, non-encroachable **buffer** strip, pursuant to the standards set forth in Section 4.07.06.
  - 2. The location of the non-encroachable **buffer** strip shall be approved by the County Engineer.
- F. Rights-of-way for pedestrian **crosswalks** in all **subdivisions** may be required in order to provide direct pedestrian access to schools, **shopping centers**, and parks. Such rights-of-way shall comply with the standards set forth in Section 6.01.02 and the *Technical Standards Manual*.
- G. **Easements**
  - 1. All **lots** within a **subdivision** shall provide **easements** for stormwater drainage, water systems, sanitary sewer systems, gas lines, electric lines, cables, telephone lines, and **utility** poles. Standards for such **utility easements** are set forth in Section 6.03.02.
  - 2. Where a **subdivision** is traversed by a river, stream, **watercourse**, or drainage way, there shall be provided a **drainage easement** along each side of the **watercourse** for the purpose of widening, deepening, improving, relocating, or protecting **watercourse**. The **easement**, an undisturbed **buffer**, shall be at a width specified in Chapter 3.

#### 4.04.04 Specific Provisions for Family Ties Land Division

##### A. Applicability

The provisions of this section apply to land **divisions** in the E-A or R-A zoning districts.

##### B. Exemptions from Requirements

1. **Lots** created as a result of the **Family Ties Land Division** are exempt from the **subdivision** standards set forth in Section 4.04.00, the water/sewer connection requirements in Chapter 4 and 6, and the platting requirements set forth in Chapter 10, provided that the **lots** are conveyed to a grandparent, parent, spouse, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the owner(s) of the parcel to be divided (parent parcel). These exemptions do not exclude any state requirements for **development**.
2. Applications to create **lots** under the **Family Ties Land Division** process shall be processed by the TRC as set forth in Chapter 10.

##### C. Design Standards for Lots to be Conveyed

1. All **lots** created under the **Family Ties Land Division** process shall comply with all **design** standards for the **zoning district** in which the **lots** are located, except as specifically provided in this section.
2. The minimum **lot** area is one (1) acre.
3. All **lots** created under the **Family Ties Land Division** process shall meet one (1) of the following requirements for access:
  - a. Have sixty (60) feet of **frontage** on a public **right-of-way** and meet the **lot width** requirements set forth in Table 4.01.01(G); or
  - b. Share one (1) access driveway that provides access to all **lots** that do not front a public right-of-way.
    - i. The access driveway easement shall be sixty (60) feet wide, shall begin at a public road, and shall be recorded as an **easement** with access rights to all **lots**.
    - ii. The access driveway shall be constructed as an all weather road with a minimum clearance of twenty (20) feet in width and twelve (12) feet in **height**.

D. The remainder of the parent parcel after creation of **lots** under the **Family Ties Land Division** process shall meet the minimum **lot** area requirements set forth in Table 4.01.01(G).

##### E. Limitations on number of conveyances

1. The parent parcel may be divided one (1) time to create up to five (5) **lots** for conveyance to **Family** members as described in Section 4.04.04(B).

2. All lots created under the **Family Ties Land Division** process shall have a recorded and approved survey prior to the issuance of any **Building Permit**.

#### 4.05.00 ALTERNATIVE SUBDIVISION DESIGN STANDARDS

##### 4.05.01 Conservation Subdivision (CS)

###### A. Generally

1. The intent of the conservation **subdivision** (CS) is to provide for flexibility of design in order to promote environmentally sensitive and efficient **uses** of the land.
2. The number of **residential dwelling units** shall not exceed the number of such units permissible by the **zoning district** in which the CS is located.
3. All requirements set forth in Section 4.04.00 regarding conventional **subdivisions** for provision of public improvements and infrastructure shall apply to conservation **subdivisions** except where specifically modified in this section.
4. Where there is conflict between the standards and requirements set forth in this section for the CS and the standards and requirements in Section 4.04.00 regarding a conventional **subdivision**, the standards of this section shall apply. The standards set forth in this section are intended to replace the standards in Section 4.04.00 regarding the design of **subdivisions**.
5. No **building permits** and no public improvements or services shall be authorized or installed for any CS until approval has been granted for the **subdivision** plat. Procedures for application, review, and approval of preliminary and final plats, and acceptance of public improvements, are set forth in Chapter 10.
6. In addition to other application requirements, an application for CS approval shall include a:
  - a. Site analysis map depicting significant site features, consistent with the requirements of Chapter 3 for the protection of natural resources and environmentally sensitive lands;
  - b. Plan for management of open space and common facilities; and
  - c. Legal instrument for permanent protection of designated open space.

###### B. Applicability

The CS **development** alternative shall be applied only to land in the E-A and R-A **zoning districts**. The number of **dwelling units** permissible in a CS **development** shall not exceed the number of **dwelling units** that are permissible in the underlying **zoning district**.

###### C. Purpose

1. Promote the preservation of open space in environmentally sensitive areas, provide for open space connectivity, and provide for wildlife habitat and corridors within the region;
  2. Preserve in perpetuity unique or sensitive natural resources such as groundwater **recharge areas**, **floodplains**, **wetlands**, streams, woodlands, and wildlife habitat;
  3. Preserve important historic and archaeological sites;
  4. **Permit** clustering of houses and **structures** on less environmentally sensitive soils, which will reduce the amount of infrastructure, including paved surfaces and **utility easements**, necessary for **residential development**; and
  5. Reduce **erosion** and **sedimentation** by minimizing land disturbance and removal of vegetation in **residential development**.
- D. Minimum requirements for water and sewer
- The CS shall have access to, or propose to install, a central sanitary sewer system. As an alternative, a shared drain field may be proposed whereby two (2) or more lots have septic tanks which flow to a drain field in a designated common area or open space. Shared drain fields shall only be allowable when approved by the County **Board of Health**. A homeowner's or property owner's association shall be required for management and maintenance of the common drain field.
- E. The tract of land to be subdivided may be held in single or multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single **development** plan. A legal instrument shall be required to designate the authority and responsibility for open space and other common areas.
- F. The CS shall meet the following design requirements:
1. Minimum land area of ten (10) acres;
  2. Designation of open space pursuant to Section 4.05.01(H);
  3. Maximum number of **dwelling units** limited to the number of **dwelling units** permitted by the underlying **zoning district** (EA or RA);
  4. Clustering of **residential development** on remaining land after designation of protected open space (see Section 4.05.01(G));
  5. Location of **dwellings** and driveways to ensure minimal visual impact and to avoid interruption of views of open fields, pastures, or other agricultural areas;
  6. Limiting **impervious surface** area to a maximum of three (3) percent within designated open space areas and to a maximum of sixty (60) percent of **residential development** areas (including lots, driveways, and roads); and
  7. Meeting the following standards for lots and **building** placement:

**Table 4.05.01(F). Dimensional Standards for Lots and Building Locations in Conservation Subdivisions.**

Requirement	Standard
Minimum road <b>frontage</b>	80
Setbacks	
Front, measured from centerline	60
Side, measured from <b>property line</b>	10
Rear, measured from <b>property line</b>	30
Minimum <b>lot</b> area	10,000 sq. ft.

**G. Open space standards**

1. All open space shall be permanently protected through a legal instrument of permanent protection.
2. The minimum open space requirement shall be forty (40) percent of the gross tract area or the sum of primary conservation areas (see Section 4.05.01(H)), whichever is greater.
3. At least seventy-five (75) percent of the open space shall be in one (1) contiguous tract.
4. The open space shall adjoin any neighboring areas of protected open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
5. Open space shall be directly accessible to the majority of **lots** within the **subdivision**. Non-adjoining **lots** shall be provided with safe, convenient access to the open space.

**H. Designation of open space**

1. Primary conservation areas are required to be included within the open space. The following comprise primary conservation areas:
  - a. The 100-year **floodplain** (see Section 3.01.00);
  - b. Watershed protection areas (see Section 3.02.00);
  - c. Groundwater protection areas (see Section 3.03.00);
  - d. **River corridor** protection areas (see Section 3.04.00);
  - e. **Wetlands** that meet the definition used by the U.S. Army Corps of Engineers pursuant to the Clean Water Act (see Section 3.05.00);
  - f. Populations of endangered or threatened species, or habitat for such species; and
  - g. Archaeological sites, cemeteries, and burial grounds.

**I. Secondary conservation areas shall be included within the open space, to the maximum extent feasible, in order to protect the following features:**

- a. Important historic sites;
- b. Existing healthy, native forests of at least one (1) acre contiguous area;

- c. Other significant natural features and scenic vistas such as ridge lines, peaks, and rock outcroppings, particularly those that can be seen from public roads;
  - d. Prime agricultural lands of at least five (5) acres contiguous area;
  - e. Existing trails that connect the tract to neighboring areas; and
  - f. Views from major and minor arterial roadways.
- J. Permitted uses of open space may include the following:
- 1. Conservation of natural, archeological, or historical resources;
  - 2. Meadows, woodlands, **wetlands**, wildlife corridors, game preserves, or similar conservation-oriented areas;
  - 3. Unpaved walking or bicycle trails or paths;
  - 4. Passive recreation areas, such as open fields;
  - 5. Active recreation areas, such as playgrounds or playing fields which meet the following standards:
    - a. Such areas do not exceed ten (10) percent of the total open space; and
    - b. Such areas are located outside any primary conservation areas.
- K. Agriculture, horticulture, silviculture, or pasture uses, provided that all applicable **best management practices** are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas;
- L. **Easements** for drainage, access, and underground **utility** lines; and
- M. Landscaped areas around **stormwater management** facilities and community wastewater disposal systems, provided that the **stormwater management** facilities or wastewater disposal system is located outside of Primary Conservation Areas. A retention or detention pond shall not be considered part of the open space.
- N. Prohibited **uses** of open space:
- 1. Golf courses;
  - 2. Roads, **parking lots**, and **impervious surfaces** except as provided for in Section 4.05.01(F).

#### 4.05.02 Residential Fly-in Subdivisions (RFS)

##### A. Generally

- 1. The intent of this section is to **permit** flexibility of design in order to allow the design and **development** of **subdivisions** that accommodate residences with aircraft hangars and private landing strips or private airports.
- 2. All requirements set forth in Section 4.04.00 regarding conventional **subdivisions** for provision of public improvements and infrastructure shall apply to RFS **developments** except where specifically modified in this section.
- 3. RFS **developments** are alternatives to conventional **subdivisions**. Where there is conflict between the standards and requirements set

forth in this section for the RFS and the standards and requirements in Section 4.04.00 regarding a conventional **subdivision**, the standards of this section shall apply.

4. No **building permits** and not public improvements or services shall be authorized or installed for any RFS until approval has been granted for the **subdivision** plat. Procedures for application, review, and approval of preliminary and final plats, and acceptance of public improvements, are set forth in Chapter 10.
  5. A legal entity shall be created to be responsible for ownership and maintenance of any common space. See Chapter 10 regarding the standards for a plan for the management of open space and common facilities.
  6. RFS may be located in the E-A and R-A **zoning districts**.
- B. The minimum area of a RFS shall be forty (40) acres.
- C. A RFS shall meet the following requirements:
1. **Uses** and activities may include the following:
    - a. **Runway(s)**, taxiways, parking ramps, and hangars for the **use** of individual homeowners and their invited guests for the parking and storing of aircraft;
    - b. **Residential dwellings**;
    - c. **Accessory uses** and **structures** that are permissible for **residential Uses** in the E-A and R-A **zoning districts**; and
    - d. Noncommercial fuel facilities for the not-for-profit **use** of homeowners and guests, provided the facility is properly **permitted** to meet health and safety standards. Such facilities shall be located in a common area and be maintained by a homeowner's association or other legal entity approved by the County. Oil and water separators are required.
- D. The following **uses** are prohibited:
- a. Any **uses** not specifically listed in (C)(1) above that may otherwise be associated with the operation of an airport, including, but not limited to:
    - i. Flight instruction;
    - ii. Aircraft storage (other than hangars for used by homeowners);
    - iii. Aircraft maintenance (other than routine maintenance by the owner of the aircraft);
    - iv. Aircraft fueling (other than the provision of limited fuel facilities for homeowners as listed in (C)(1)(c) above); and
    - v. Other similar airport activities;
  - b. Any commercial or business **use**; and
  - c. **Structures** in the approach zone exceeding the **height** limits established by the FAA (Advisory Circular 150).
- E. Any private airport or landing strip allowed by this ULDC shall be compatible with the established character of the surrounding

- neighborhood. **Development** of the RFS shall be of a scale and intensity that shall not result in an adverse impact on **residential uses** in the surrounding neighborhood.
- F. All land needed for the private airport or landing strip approach zone(s) shall be part of the common ownership of the airport and shall not be privately owned by individuals other than the owner of the airport. Land within the approach zone(s) shall not be platted into separate parcels apart from the parcel on which the airport or landing strip is located.
- G. A **buffer** shall be provided at the boundary of the approach zone, and may be required to include noise abatement features, vegetation, walls, or **berms**. The purpose of the **buffer** shall be to screen sight or sound of airport activities from adjacent and nearby **residential** neighborhoods. The **buffer** shall be a minimum of 100 feet in width, and shall conform to the plant material requirements and specifications set forth in Section 4.07.00. However, two (2) small trees may be substituted for each required large tree in order to avoid encroachment in any approach zones.
- H. Design standards for the airport, landing strip, taxiways, and associated **uses**:
- a. The airport shall demonstrate compliance with applicable laws and regulations of the Georgia Department of Transportation and the Federal Aviation Administration;
  - b. Airports and landing strips in a RFS shall not be lighted for night operations; and
  - c. If **subdivision streets** are proposed for use as taxiways, no encroachments from trees, landscaping, mailboxes, **utility** poles, or other **utility** equipment shall be permitted.
7. Design standards for **lots** and **blocks**:
- a. RFS **developments** are not required to comply with the design and layout standards for conventional **subdivision lots** and **blocks** in Section 4.04.00. The standards for design and layout of **lots** shall comply with (7)(b) through (7)(d) below;
  - b. RFS **lots** shall meet the minimum **lot area**, **lot width**, and **impervious surface** standards set forth in Section 4.01.01(G) for the applicable **zoning district**. In addition, **lot area** shall be sufficient to accommodate any proposed private hangars on the same **lot** as the principal **structure (dwelling unit)** in full compliance with the setback requirements in Section 4.01.02;
  - c. **Lots** may be located to allow direct access from the **lot** to the landing strip or taxiway;
  - d. **Lots** may be designed according to conventional **subdivision** design standards, with hangars located in a common area to provide access to the landing strip or taxiway;
  - e. The maximum **height** of hangars is limited to the maximum **height** set forth for the principal **structure** in Section 4.01.02; and

- f. All other requirements regarding access, infrastructure and improvements, **signs**, landscaping, and natural resource protection shall be met in the design and **development** of a RFS.

#### 4.06.00 STANDARDS FOR PLANNED DEVELOPMENT (PD) DISTRICT

##### 4.06.01 Generally

###### A. Purpose

1. The purpose of the **Planned Development (PD) Districts** is to encourage creative and flexible projects that include compatible **residential**, commercial, office, and related public facilities unified by a **development** plan and tailored to either an urban or rural setting.
2. The PD and PD-R **districts** shall be **zoning districts**, and are permissible when approved according to a **site plan** that ensures the conservation of the natural environment, more efficient **use** of land, and efficiency in the extension of **streets** and utilities.

###### B. Objectives

The **Planned Development Districts** shall have the following characteristics:

1. Open space. Encourage ingenuity and resourcefulness in land planning techniques by developing functional open spaces.
2. Sense of place. Allow the design of **developments** that are architecturally and environmentally innovative and that achieve more efficient utilization of land than is possible through application of conventional zoning standards.
3. Mixture of **uses**. Accommodate a mixture of land **uses** which are compatible both internally and externally.
4. Protection of natural resources. Ensure the conservation of the natural environment including trees and vegetation, topography, and geological resources such as groundwater, soils, and drainage areas.
5. Efficient land **use**. Encourage efficient **use** of land, **street** networks, and **utility** locations.
6. Compatibility and consistency. Maintain compatibility with nearby **Development** and consistency with the future land **use** element of the Lowndes County Comprehensive Plan.

##### 4.06.02 Minimum Standards

- A. Land **uses** within a PD and PD-R **District** may include any specific **uses** that are not prohibited as set forth below. Section 4.06.02(D) and (E) describe the general types of **uses** and standards that apply to those **uses**. In addition, Table 4.06.02(B) indicates the minimum and maximum percentage of each type of **use**. The prohibited **uses** within a PD **District** are:

- 1. Industrial uses not allowed in C-H zoning;
- C. Outdoor storage of materials or equipment;
- B. The PD and PD-R **districts** may be proposed in any location consistent with the future **development** map in order to provide flexibility in the application of **development** and site design standards. A PD and PD-R **development** shall meet the following requirements for size, location, and ownership:

**Table 4.06.02(B). Planned development Requirements.**

Development Feature	Standard		
Minimum Land Area	Three (3) contiguous acres.		
Location	Major arterial or collector. (Not Required for PD-R)		
Road access	Required. (Not Required for PD-R)		
Public water and sewer			
Minimum Common Open Space	15% of total <b>project</b> area. Twenty-five (25) percent of the open space area may be used for <b>stormwater management</b> facilities.		
Minimum Project Setbacks (on exterior boundary of project)	Thirty (30) feet from all <b>property lines</b>		
<b>Residential</b> and Mixed PD Land Use Standards	<b>Residential</b>	Minimum	Maximum
	Open Space	40%	85%
	Recreation, Civic or Public Use	10%	50%
		5%	25%
Non- <b>Residential</b> PD Land Use Standards	Office	0%	85%
	Commercial	0%	85%
	Open Space	15%	50%
	Civic or Public Use	0%	30%
Ownership	Single owner, or Multiple owners, provided that a joint application for rezoning and <b>development</b> plan approval is submitted.		

- C. Provisions for the permanent ownership, operation, and maintenance of common open space shall be provided by covenant, deed restriction, **easement**, or ownership by and for the benefit of a property owners association, land trust, or other legal authority.

**D. Residential Uses:**

- 1. Any type of **residential dwelling unit** is permissible, including single-**family**, multi-**family**, town house, apartments, **duplex** units, and manufactured housing;
- 2. Community centers, meeting facilities, and indoor or outdoor recreation facilities and spaces are permissible when limited to use by the residents of the PD or PD-R **development** through recorded covenants and restrictions.

**E. Commercial and office uses:**

1. Unless otherwise prohibited, any commercial or office **use** may be proposed;
2. **Development** shall be designed as an office park, a **shopping center**, or a planned service center;
3. **Development** shall be designed and landscaped in a manner that ensures compatibility with **residential uses** within the PD or PD-R and adjacent to the PD or PD-R; and
4. Traffic circulation shall not route commercial traffic through **residential** areas within or adjacent to the PD or PD-R.

**F. Civic and public uses:**

1. **Development** shall be centrally located within the PD or PD-R to ensure adequate access by residents and users; and
2. Pedestrian and bicycle paths shall be provided to connect civic and public **uses** to **residential** areas.

#### 4.06.03 Site Plan Requirements

- A. A PD or PD-R **District** shall require a **site plan** to accompany the application for rezoning. The submittal and content requirements for the **site plan** are set forth in Chapter 10.
- B. A PD or PD-R District without a site plan that was rezoned to PD or PD-R as a result of action initiated by Lowndes County shall be eligible for a site plan that is prepared and approved by the TRC and the owner of the subject property. Differences in position regarding the specifications of the site plan shall be under the authority of the County Manager to resolve.
- C. Specific site design and **development** standards shall be set forth on the **site plan** and accompanying schedules of **use** and design standards.
- D. Upon approval of the rezoning to a PD or PD-R **district**, the **site plan** shall be binding on all future **development** and **use** within the PD or PD-R **development**.
- E. **Building permits** and public improvements shall not be authorized or installed for any PD or PD-R **development** until final approval has been granted.
- F. Procedures for minor and major modifications to an approved PD or PD-R **site plan** are set forth in Chapter 10.
- G. Development standards and procedures for use changes within P-D or PD-R Zoning created by Lowndes County are set forth in Section 9.01.02(C) and Section 9.01.04(F)

#### 4.07.00 LANDSCAPING, BUFFERS AND TREE PROTECTION

##### 4.07.01 Purpose

- A. The purpose of this section is to provide requirements for landscaping, **buffering** of **developments**, and tree protection within Lowndes County.

- B. It is the intent of the County to reduce the adverse visual, environmental, and aesthetic effects of **development** in order to:
1. Minimize the rate of stormwater runoff;
  2. Maximize the capability of groundwater recharge;
  3. Provide shade for the ground surfaces;
  4. **Buffering** adjacent incompatible land uses;
  5. Filter and reduce the glare of headlights and reflected sunlight from parked automobiles onto the **public street** rights-of-way and adjacent properties;
  6. Improve the appearance of **parking areas** and vehicular surface areas; and
  7. Minimize the visual blight created by large expanses of paved surface area.

#### 4.07.02 Applicability and Provision of Landscape Plans

- A. The requirements of this section shall apply to all properties to be substantially developed within the County, except as may specifically be exempted in Section 4.07.02(C) below. Substantial **development** is defined as **development** in which the cost thereof exceeds 25% of the ad valorem tax value as established by the current digest at the time the proposed **development** begins or is contemplated. Substantial **development** to the extent that the cost thereof, excluding landscaping, exceeds twenty-five percent (25%) of the ad valorem tax value as determined by the current digest shall comply as follows: **development** at a cost which equals twenty-five percent (25%) of the ad valorem tax value as determined by the current digest shall comply with the landscape standards of this section at the rate of twenty-five percent (25%) of the total requirements. **development** at a cost between twenty-five percent (25%) to forty-nine percent (49%) of the ad valorem tax value as determined by the current digest shall comply with the landscape standards of this section at the same ratio or percentage as the cost of **development** relates to the total ad valorem tax value (i.e., 45% improvements of the tax digest value requires 45% compliance with the landscape standards and requirements herein). **development** at a cost that equals fifty percent (50%) of the ad valorem tax value as established by the current tax digest or greater shall require full compliance with the landscape standards. A second **development** within twelve (12) calendar months shall require full compliance with the landscape standards.
- B. In order to demonstrate compliance with the requirements of this section, a landscaping plan shall be submitted with applications for **development** approval for all substantial **development** subject to these standards. Compliance with the requirements of this section shall not result in noncompliance with the Americans with Disabilities Act, Federal or State law, or other regulations within this ULDC. The requirements and

- procedures for submittal, review, and approval of all applications are set forth in Chapter 10.
- C. The following types of **development** are exempt from the requirements to provide a landscaping plan:
1. **Single-family** and **two-family dwellings**;
  2. Applications for **accessory uses**, **accessory structures**, or temporary uses;
  3. Plant or tree nurseries or botanical gardens;
  4. Lowndes County or its authorized agent for the purpose of removal of a tree on County-owned property or a public **right-of-way** that is dead or a hazard to the public;
  5. **Utility** companies or their authorized agents for the purpose of removal of a tree that is a substantial hazard to overhead wires or for trimming that is necessary for establishment or maintenance of service;
  6. The trimming or pruning of trees or the removal of underbrush;
  7. The removal of trees or other landscaping damaged by fire, windstorm, lightning, or other acts of nature, which pose imminent danger to life or property.
  8. **Development** as a result of fire or natural disaster or **structures** which are improving their interior only shall not be required to comply. If the existing footprint of the exterior of the **structure** is being altered (i.e. **additions**), the landscaping shall be in compliance with Section 4.07.02(A) above if such improvements exceed 25% of the ad valorem tax value of the property.

#### 4.07.03 Maintenance Requirements

- A. All landscaped areas shall be maintained to ensure that plant materials are healthy and thrive. Any diseased or dead plant materials shall be replaced as soon as reasonably possible based on the growing season, but not later than six (6) months following identification of the need for replacement.
- B. All landscaped areas shall be provided with an irrigation system or as an alternative, a watering plan shall be included with the landscaping plan, sufficient to ensure that plants are established in a healthy growing condition.
- C. Where an irrigation system is proposed in a landscaped area, the system shall be shown on the landscaping plan. Where proposed, irrigation systems shall provide an automatic shut-off feature activated during rain events.
- D. Necessary trimming and maintenance shall be performed to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to assure that the landscaped and **buffer** areas serve the intended purpose.

### 4.07.04 General Landscape Standards

**A. Minimum specifications for plant materials:**

1. All plant material shall be nursery grown, number 1 **grade**, meet current American Nursery and Landscape Association Standards, and installed according to accepted planting procedures.
2. All landscaped areas and **buffers** shall be sodded or covered with ground cover.
3. Ground cover used in lieu of grass shall be planted so as to present a finished appearance and reasonably complete coverage within three (3) months of installation.
4. Retention of and replacement with native and drought tolerant species is preferred. Installation of plants not native to the Lowndes County area is discouraged.
5. At least twenty-five (25) percent of the required trees installed in landscaped **buffers**, landscaped **parking areas**, and to meet tree planting requirements shall be canopy trees.
6. Existing trees, which are four (4) inches DBH or larger, and shrubs may be counted toward meeting the requirements for landscaped **buffers**, landscaped **parking areas**, and tree retention.
7. Canopy trees shall not be installed under any overhead **utility** line, over any buried utilities, or within a **utility easement**.

**B. Requirements for landscaping**

1. The landscaping plan shall demonstrate compliance with the standards of this section. The plan shall show the location, size, description, and specifications of all proposed plant materials.
2. Existing plant materials, other than invasive species, may be counted toward meeting the landscaping requirements set forth in this section.
3. At least ten (10) percent of the total gross land area of a **development** site shall be landscaped. The landscaped areas shall be located on the site in such manner as to maximize preservation of existing trees.
4. At least four (4) shade trees per acre shall be provided, which may include existing trees, trees required for **buffers**, or trees required for **parking lot** landscaping.

**C. Trees, shrubs and ground cover for landscaped and **buffer** areas shall be selected from Table 4.07.04(C).**

**Table 4.07.04(C). Landscape Plant Materials – Trees, Shrubs and Ground Cover.**

**Small Trees**

Common Name	Botanical Name
Trident Maple	Acer buergeranum
Japanese Maple	Acer palmatum
Pindo Palm	Butia capitata
Eastern Redbud	Cercis Canadensis
Fringe Tree	Chionanthus virginicus

Flowering Dogwood	Cornus florida
Hawthorn	Crataegus uniflora
Loquat	Eriobotrya japonica
Two-wing Silverbell	Halesia diptera
Carolina Silverbell	Halesia Carolina
Lusterleaf holly	Ilex latifolia
Yaupon Holly	Ilex vomitoria
Foster, Savannah, and Nellie R. Stevens	Ilex X attenuate
Star Anise	Illicium parviflorum
Crape Myrtle	Lagerstroemia indica
Little Gem	Magnolia grandiflora
Japanese Saucer Magnolia	Magnolia X soulangeana
Flowering Crabapples	Malus species
Wax Myrtle or Bayberry	Myrica cerifera
Wild Olive	Osmanthus americanus
Eastern Hornbeam	Ostrya virginiana
Flowering Cherry	Prunus campanulata 'Okame'
Aristocrat	Pyrus calleryana
Needle palm	Rhapidophyllum hystrix
Cabbage or Sabal Palm	Sabal palmetto
Windmill Palm	Trachycarpus fourtunei

**Canopy Trees Permitted Within 20-30 Feet of Overhead Utility Lines**

<b>Common Name</b>	<b>Botanical Name</b>
River Burch	Betula nigra
Arizona Cypress	Cupressus arizonica
American Holly	Ilex opaca
Eastern Red Cedar	Juniperus virginiana
Dawn Redwood	Metasequoia glyptostroboides
Blackgum	Nyssa sylvatica
Sourwood	Oxydendrum arboretum
Shortleaf Pine	Pinus echinata
Slash Pine	Pinus elliottii
Spruce Pine	Pinus glabra
Longleaf Pine	Pinus palustris
Loblolly Pine	Pinus taeda
Chinese Pistachio	Pistacia chinensis
Common Sassafras	Sassafras albidum
Pond Cypress	Taxodium ascendens
Bald Cypress	Taxodium distichum

**Canopy Trees**

<b>Common Name</b>	<b>Botanical Name</b>
Florida Maple	Acer barbatum
Red Maple	Acer rubrum
Silver Maple	Acer saccharinum
River Birch	Betula nigra
Pecan	Carya illinoensis
Pignut Hickory	Carya glabra
Mockernut Hickory	Carya tomentosa
Southern Catalpa	Catalpa bignonioides
Sugarberry	Celtis laevigata
China-fir	Cunninghamia lanceolata
Arizona-cypress	Cupressus glabra
American Beech	Fagus grandifolia
White Ash	Fraxinus Americana
Green Ash	Fraxinus pennsylvanica
Maidenhair Tree	Ginkgo biloba
Honey Locust	Gleditsia triacanthos
Loblolly-bay	Gordonia lasianthus
American Holly	Ilex opaca
Eastern Red Cedar	Juniperus virginiana
Golden Raintree	Koelreuteria paniculata
American Sweetgum	Liquidambar styraciflua
Yellow Poplar	Liriodendron tulipifera
Southern Magnolia	Magnolia grandiflora
Sweetbay Magnolia	Magnolia virginiana
Dawn Redwood	Metasequoia glyptostroboides
Blackgum	Nyssa sylvatica
Sourwood	Oxydendrum arboretum
Shortleaf Pine	Pinus echinata
Slash Pine	Pinus elliottii
Spruce Pine	Pinus glabra
Longleaf Pine	Pinus palustris
Loblolly Pine	Pinus taeda
Chinese Pistachio	Pistacia chinensis
Sycamore	Platanus occidentalis
Eastern Cottonwood	Populus deltoids
White Oak	Quercus alba
Laurel Oak	Quercus henisphaerica
Diamondleaf Oak	Quercus laurifolia

Overcup Oak	Quercus lyrata
Swamp Chestnut Oak	Quercus michauxii
Water Oak	Quercus nigra
Willow Oak	Quercus phellos
Shumard Oak	Quercus shumardii
Post Oak	Quercus stellata
Black Oak	Quercus velutina
Live Oak	Quercus virginiana
Weeping Willow	Salix babylonica
Sassafras	Sassafras albidum
Pond Cypress	Taxodium ascendens
Bald Cypress	Taxodium distichum
Winged Elm	Ulmus alata
American Elm	Ulmus Americana
Ailee Elm	Ulmus parvifolia 'Ailee'
Bosque Elm	Ulmus parvifolia
Chinese Elm	Ulmus parvifolia 'Athena'
Drake Elm	Ulmus parvifolia 'Drake'

**Prohibited Plants**

<b>Common Name</b>	<b>Botanical Name</b>
Kudzu*	Pueraria Montana
Chinese privet*	Ligustrum sinense
Japanese honeysuckle*	Lonicera japonica
Hydrilla*	Hydrilla verticillata
Chinese tallow tree*	Triadica sebifera
Nepalese browntop*	Microtegium vimineum
Bamboo*	Phyllostachys aurea
Autumn olive (silverberry)*	Elaeagnus umbellate
Chinese wisteria*	Wisteria sinensis
Mimosa*	Albizia julibrissin
Alligatorweed	Alternanthera philoxeroides
Benghal dayflower	Commelina benghalensis
Bermudagrass	Cynodon dactylon
Cogongrass	Imperata cylindrical
Chinaberry	Melia azedarach
Chinese silvergrass (zebragrass)	Miscanthus sinensis
Common broomrape	Orobanche minor
English ivy	Hedera helix
French tamarix (salt-cedar)	Tamarix gallica
Giant reed	Arundo donax

Itchgrass	Rottboellia cochinchinensis
Japanese climbing fern	Lygodium japonicum
Japanese knotweed	Polygonum cuspidatum
Johnsongrass	Sorghum halepense
Lespedeza, bicolor	Lespedeza bicolor
Lespedeza, sericea	Lespedeza cuneata
Multiflora rose	Rosa multiflora
Musk thistle	Carduus nutans
Nandina	Nandina domestica
Parrotfeather	Myriophyllum aquaticum
Phragmites (common reed)	Phragmites australis
Paulownia (Princess-tree, Empress-tree)	Paulownia tomentosa
Privet, Waxleaf	Ligustrum lucidum
Queen Anne's Lace (Wild Carrot)	Daucus carota
Rattlebush (rattlebox)	Sesbania punicea
Salvinia, giant	Salvinia molesta
Salvinia	Salvinia auriculata
Salvinia	Salvinia biloba
Salvinia	Salvinia herzogii
Tall fescue	Festuca arundinacea
Tall vervain	Verbena bonariensis
Torpedograss	Panicum repens
Tropical soda apple	Solanum viarum
Water hyacinth	Eichornia crassipes
Wintercreeper	Euonymus fortunei

\* denotes top ten exotic pest plants in Georgia.

#### 4.07.05 Landscape Requirements for Parking Lots

##### A. Perimeter landscaping for parking lots

A minimum of 15% of landscaped green space should be in the form of at least a 3ft landscaped **buffer** from **property lines** not used for cross-access. The 3ft landscaped **buffer** may not be used for overhang of parking spaces.

##### B. Interior landscaping

1. **Parking lots** with twenty (20) or more parking spaces shall provide interior landscaping.
2. Five (5) percent of the total **parking lot** area shall consist of internal landscaping.
3. Interior planting areas may be located in tree islands, at the end of parking bays, or between rows of parking spaces. Planting areas may also be located within driveway medians, provided the median is a minimum of ten (10) feet wide.

4. There shall be one (1) tree required for each 500 square feet of internal landscape areas.
5. The design of interior landscaped areas shall comply with the specifications set forth in Section 4.07.04.
6. Vehicle stops or curbing shall be used to ensure that vehicles do not overhang required landscaped areas.

#### 4.07.06 Buffer Requirements

- A. The intent of these requirements shall be to enhance the visual and aesthetic appearance of the County. The purpose of these **buffer** requirements is to:
  1. Provide space definition and landscape continuity within the built environment;
  2. Provide appropriate screening and relief from traffic, noise, heat, glare, odor, and the spread of dust and debris;
  3. Reduce the impact of **development** on the drainage system and reduce **flooding**;
  4. Provide for a sense of privacy;
  5. Provide for reduction or elimination of incompatibility;
  6. Reduce the visual impact of unsightly aspects of adjacent **development**; and
  7. Provide for the separation of spaces.
- B. Location, Measurement, and Design of **buffers**
  1. **Buffers** shall be located on the outer perimeter of a **lot** or parcel, extending to the **lot** or parcel boundary line. **Buffers** shall not occupy any portion of an existing, dedicated, or reserved public or **private street**, or **right-of-way**.
  2. **Buffer** width is normally measured from the **property line**; however, design variations are allowed. Average width shall be measured at the two (2) end points of the **buffer** and two (2) additional points which are each approximately one-third (1/3) of the total linear distance from the end point.
  3. **Buffer yards** shall be located on private property between the **property line** and any required fence or wall. They shall consist of a minimum four (4) shade trees and twenty-five (25) shrubs per 100 linear feet. Shrubs shall be at least eighteen (18) inches in **height** at the time of installation. **Buffer yards** shall be maintained as green open space, consisting of sod or ground cover, along with required plantings and access drives only.
  4. The **buffer** shall be designed to avoid or minimize plantings within drainage, **utility**, or other **easements**.
  5. **Buffers** shall be designed taking into consideration the site's soils conditions, topography, and natural resources. Native vegetation shall be used for landscaping and **buffering** unless the applicant

demonstrates that the use of non-native, drought-resistant plants would best serve the site.

6. **Buffers** shall be established and maintained by the owner of the proposed **development** site.

C. **Buffer** Area Standards

Table 4.07.06(C). **Buffer Area Standards.**

Proposed Land Use	Adjacent Zoning district	Minimum Buffer Area*
Intensive Service or Industrial	E-A, R-A, CON, R-1, R-21, R-10, MAZ Residential	40 feet*
<b>Multi-family</b> , Commercial or Mixed-use areas	E-A, R-A, CON, R-1, R-21, R-10, MAZ Residential	30 feet*
Office or Institutional	E-A, R-A, CON, R-1, R-21, R-10, MAZ Residential	20 feet*
* The installation of a 6' to 8' opaque fence enables the <b>buffer</b> area to be decreased by 50% and the <b>buffer</b> landscaping requirement to be decreased by 25%. For example, with the installation of an 8' fence a 30' <b>buffer</b> area with 4 shade trees and 25 shrubs per 100 linear feet can be reduced to 15 feet with 3 shade trees and 19 shrubs per 100 linear feet.		

4.07.07 **Tree and Vegetation Protection**

A. Generally

The terms and provisions of this section and the standards set forth shall apply to:

1. Individuals engaged in any activity, private and/or governmental, on real property which requires the issuance of a land disturbance **permit**.
2. Individuals engaged in the **building** and/or **development** of **single-family** homes or **subdivisions**, **multi-family** and **manufactured home developments**, and all nonresidential uses.
3. Owners of individual properties more than ten (10) acres in size and which are not part of a platted **subdivision**.

B. Nothing in this section shall be construed to allow the removal of any tree or vegetation in a required stream **buffer**, watershed **buffer**, **buffer** adjacent to waters of the state, or other undisturbed or planted **buffer** located for protection of natural resources, except where such removal has been specifically authorized as set forth in this ULDC.

C. Specific Requirements for Timber Lands

1. Land that has been designated silviculture may subsequently be developed, provided that a **development** plan has been prepared and approved by the **County Manager** prior to any clearing, **grading**, clear-cutting, or other land disturbance.

2. The purpose of the **development** plan is to ensure that **cutting** or **harvesting** of trees occurs in such a manner as to avoid the practice called “clear-cutting” prior to any subsequent **development**.
3. The **development** plan shall include a forest management plan, based on the Georgia Forestry Commission's “Best Management Practices” (BMPs), for the timberlands site.

#### D. Exemptions

The following situations are exempt from the provisions of Section 4.07.07;

1. Individual homeowners within platted **subdivisions**. The exemption does not include an exemption from requirements for protective **buffers** along streams, creeks, and reservoirs as set forth in Chapter 3.
2. The following situations within all **residential districts** shall also be exempted:
  - a. Where the **construction** of an **accessory structure(s)** and/or **uses** including, but not limited to, swimming pools and tennis courts, is permitted.
  - b. All properties which are ten (10) acres or less in size, not part of a platted **residential subdivision**, and cleared for conversion or crop land, pasture land, or other bona fide agricultural purposes.
  - c. The removal of diseased, deceased, infested or dying trees, or living pine trees or other trees which may pose a danger to an existing or proposed home, or other **structure**.

#### E. Requirements in All Zoning Districts

1. All protected trees shall be shown on a tree survey, submitted with an application for a land disturbance **permit**.
2. The mass **grading** and/or clear-cutting of properties and/or parcels of land which are ten (10) acres in size or larger for **residential development** is strictly prohibited. As to each such **development**, only so much land area shall be cleared as is necessary for the **development** and **construction** of roadways, utilities, and amenity areas (i.e., **parking lots** for clubhouses, pool areas, tennis courts, etc.).
3. Mass **grading** and clear cutting of any **lot** in a **residential subdivision** are prohibited. On such **lots**, land area shall be cleared only as is necessary for purposes of the proper **development** of said **lot**. Clearing shall be limited to the specific **development** and an area not to exceed ten (10) feet from the specific **development**, including areas for:
  - a. The placement of the individual home;
  - b. The placement of driveways and sidewalks;
  - c. The placement of utilities and detention ponds;
  - d. The placement of septic systems;
  - e. The placement of roads;
  - f. The placement of decks and patios;
  - g. The placement of county approved trash pits; and
  - h. Proper drainage as required by the County.

4. Developers and builders shall coordinate the location of all utilities with all **utility** companies in order to prevent root damage within the **critical root zones** of protected trees, so as to minimize damage to trees in the protected zones.
  5. Topographical difficulties and/or the installation of utilities shall be considered at the time of the **development** of a **residential subdivision** or parcel. Each parcel of land shall be considered on a case-by-case basis as to the removal of trees where topography and/or **utility** installation is a factor. Special consideration should be given to maintaining the natural topography of the land when possible, and to apply existing trees to the **development** of a site. The **County Manager** shall have final approval of the site. Failure to follow the approved **development** plan shall result in denial of the issuance of a **certificate of occupancy**.
  6. Unnecessary removal of trees or other vegetation shall be prohibited. The planting of grass or other ground covers shall not supersede the requirement for trees as indicated by each **zoning district**.
  7. Efforts should be taken to preserve existing trees, especially those trees which are eight (8) inches DBH or larger and which are of a considerable age but not dying or deceased. The preservation of large specimen trees is encouraged.
  8. It is desirable that planted trees be ecologically compatible with the site and neighborhood.
  9. Replacement trees shall be planted in a manner that will provide adequate space for nourishment, light, and maturation. The combined DBH of replacement trees shall equal or exceed the combined DBH of trees authorized for removal.
- F. Protection of Trees During Construction
- Methods and standards for tree protection shall be required as follows:
1. Trees identified to be preserved and/or planted, shall have a valid, recognizable method of tree-protection (tree-save) marking or delineation installed at the **critical root zones**.
  2. No **person** engaged in the **construction** of any **structure(s)** or improvement(s) shall encroach on a designated tree-save/**critical root zone** area with heavy machinery or the storage of heavy **building** materials.
  3. During construction, a tree save area must be designated around any trees that are to remain at the end of construction. Desirable trees should be identified and a physical barrier set up around the tree or group of trees. This barrier can consist of a four (4) foot high orange safety fence, wide plastic caution tape, a simple fence made of lumber, or other appropriate methods that can identify the non-invasive drip line area.

4. The barrier should be placed beyond the drip zone (**critical root zone**) and should prevent the stockpiling of soil or **building** materials, dumping cleaning solvents, or parking vehicles or equipment within this barricaded area.



# CHAPTER 5

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## STANDARDS FOR ACCESSORY AND TEMPORARY USES

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## 5.00.00 GENERALLY

The provisions of Chapter 5 apply to **accessory uses**, **accessory structures**, and temporary **uses**. **Home occupations** are considered **accessory uses** to **residential development**. Standards for **home occupations** are set forth in Section 5.01.00. Standards pertaining to **accessory structures** are set forth in Section 5.02.00. Standards for temporary **structures** and **uses** are set for in Section 5.03.00. Standards for **signs**, which may be either **accessory structures**, or the **principal use** on a parcel, are provided in Section 5.04.00. Standards for wireless communication facilities, which may be located on a **lot** or parcel with a **principal use**, or which may be the **principal use**, are provided in Section 5.05.00.

## 5.01.00 HOME OCCUPATIONS

### 5.01.01 Generally

- A. A **home occupation** is permissible in a lawfully established **dwelling unit** in any **zoning district** where **residential uses** are permissible. All **home occupations** shall meet the standards set forth in Section 5.01.02. **Home occupations** in the E-A and R-A **zoning districts** shall meet the additional standards in Section 5.01.03.
- B. The following and similar **uses** shall be considered **home occupations**:
1. Office for professionals, such as attorneys, drafters, realtors, insurance agents, engineers, architects, and other consultants;
  2. Instruction or teaching, such as, but not limited to, academic tutoring, performing arts, or fine arts, provided that no more than two (2) students are instructed at any one (1) time;
  3. Administrative or clerical support services, such as transcription, court reporters, stenographers, notary public, or addressing services;
  4. Personal services, such as beauty or barber shop, nail technician, dress-making or tailoring, provided that the service is limited to one (1) station;
  5. Pet grooming;
  6. Day care for six (6) or fewer children;
  7. Licensed medical practitioner (excluding veterinarians);
  8. Manufacturers' representative;
  9. Cottage industries, such as cooking, creation of intellectual property, light assembly of small equipment; and
  10. Studios for artists, photographers, or artisans.
- C. An interpretation that a **use** not listed in Section 5.01.01(B) is similar shall be based on the tasks and activities normally associated with the proposed **use** and the similarity of those tasks and activities with the tasks and activities normally associated with a listed **use**.

### 5.01.02 Standards for All Home Occupations

- A. All **home occupations** shall have a business license from Lowndes County.
- B. Employees of the **home occupation** shall be limited to the residents of the **dwelling**.
- C. The **home occupation** shall be clearly incidental to the **residential use** of the **dwelling**.
- D. The **use** of the **dwelling** for a **home occupation** shall not change the **residential** character of the **building**.
- E. No internal or external alterations which are inconsistent with the **residential use** or character of the **dwelling** shall be **permitted**.
- F. Products for sale or **use** in the **home occupation** shall not be visible from the **street**.
- G. Use of a **dwelling** for a **home occupation** shall not exceed twenty-five (25) percent of one (1) **floor** of the **dwelling**.
- H. The **home occupation** shall not constitute a nuisance to the surrounding neighborhood, as evidenced by the **use** of machinery or equipment that produces noise, smoke, odor, vibration, electrical interference, or other objectionable condition beyond the property line of the **lot** on which the **home occupation** is located.
- I. **Outside storage** of materials **used** in connection with a **home occupation** is prohibited.
- J. A **home occupation** shall not be conducted in an **accessory building**; however, storage of materials is permissible.
- K. Up to two (2) commercial vehicles may be used in connection with the **home occupation**, provided that such vehicles are parked only in the **rear yard**.
- L. No business shall be conducted between the hours of 8:00 p.m. and 7:00 a.m.
- M. Only one wall (1) **sign** shall be permissible in associated with the **home occupation**. The **sign** shall comply with the following standards:
  - 11. The **sign** shall not exceed eight (2) square feet in area;
  - 12. The **sign** shall be motionless.

### 5.01.03 Standards for Agricultural Home Occupations

- A. The following **uses** may be conducted as a agricultural **home occupation** in the E-A and R-A **zoning districts**:
  - 1. Taxidermy;
  - 2. Agricultural sales of products grown on the premises;
  - 3. Tree services;
  - 4. Woodworking;
  - 5. **Farm** equipment service; and
  - 6. Small businesses limited to **farm** products or services.
- B. Agricultural product sales are prohibited on a **lot** or parcel that is part of a **subdivision**.

- C. Notwithstanding the provisions in Section 5.01.02 above, agricultural products grown on the premises in the E-A and RA **zoning districts** may be visible from the **street**; however, no products shall be displayed in the **front yard**.
- D. Trucks and vehicles other than passenger vehicles may be **used** in connection with the operation of an agricultural **home occupation**.
- E. An agricultural **home occupation** may be located in an **accessory building**, subject to the following standards:
  - 1. The **accessory building** shall be setback 100 feet from the property line of any **residentially zoned lot**;
  - 2. The **accessory building** shall be located in a rear or **side yard** only; and
  - 3. The **accessory building** shall be located to comply with the rear and **Side yard** setback requirements for the **zoning district**.
- F. Only one (1) **sign** shall be permissible in association with the agricultural **home occupation**. The **sign** shall comply with the following standards:
  - 1. The **sign** shall not exceed eight (8) square feet in area;
  - 2. The **sign** shall be motionless; and
  - 3. The **sign** shall not be lighted.
- G. All parking to serve the agricultural **home occupation** shall be located off-**street**, and shall be in a side or **rear yard**.

## 5.02.00 ACCESSORY USES AND STRUCTURES

### 5.02.01 Generally

- A. It is the intent of this section to regulate the installation, configuration, and **use** of **accessory structures** on property where the **principal use** is **residential**. Regulation is necessary in order to ensure that **accessory structures** are compatible with the surrounding neighborhood and are consistent with the character and intent of the **zoning district** in which the **accessory structures** are located.
- B. Permissible **accessory uses** and **structures** are identified in Table 2.03.04.
- C. **Accessory structures** shall be on the same **lot** and subordinate to the **principal use** or **structure**.
- D. **Accessory use** of open land shall comply with the following standards:
  - 1. The **accessory use** of open land shall include recreation, water access, and similar activities, whether or not such activities are provided for compensation.
  - 2. The **accessory use** of open land shall be prohibited except where a **principal structure** has been located on the parcel.
- E. Standards for specific **accessory structures** are set forth in Sections 5.02.02 through 5.02.07. All **accessory structures** shall comply with the standards set forth below:
  - 1. Unless otherwise provided, **accessory structures** shall be located only in a side or **rear yard** of the **lot** on which the **principal building** is located;

2. **Accessory structures** shall not be located on or within any recorded or required **easement**;
3. **Accessory structures** shall not be erected on a **lot** prior to the **construction** of the principal **structure**;
4. **Accessory structures** shall be included in all calculations for **impervious surface** ratio standards and for **stormwater management** standards;
5. **Accessory structures**, other than fences located in compliance with the requirements of Section 5.02.03, shall not be located within any required **buffer** or landscaping area, **parking lot**, protected resource area, or **stormwater management** area;
6. **Accessory structures** located in any **residential zoning district** shall not be **used** for any type of commercial operation, except as provided in Section 5.01.03;
7. **Accessory structures** shall not be used as a **dwelling unit**, except as provided in Section 5.02.02 which sets forth standards for **accessory dwellings**; and
8. **Accessory structures** shall comply with the setback standards set forth in the following table:

**Table 5.02.01(D)(8). Setback Standards for Accessory structures.**

	<b>Standard</b>
Setbacks for <b>accessory buildings</b> in <b>residential zoning districts</b> <ul style="list-style-type: none"> <li>• From side property lines</li> <li>• From rear property lines</li> <li>• Side or rear property lines on a corner <b>lot</b></li> </ul>	<ul style="list-style-type: none"> <li>• Same setback as required for the principal <b>structure</b></li> <li>• 10 feet</li> <li>• Setback from the centerline a distance equal to 75 percent of the <b>front yard</b> setback</li> </ul>
Setbacks for <b>accessory buildings</b> in <b>non-residential zoning districts</b>	Same as front, side, and <b>rear Setbacks</b> for the principal <b>structure</b>

9. **Accessory buildings** shall comply with the standards for number of structures and maximum floor area set forth in the following table:

**Table 5.02.01(D)(9). Maximum floor area for accessory buildings.**

Lot Area Where Accessory building is Proposed	Maximum Number of Accessory Buildings	Maximum Total Floor Area for All Buildings
Up to 21,780 square feet	3	600 square feet
21,781 to 43,560 square feet	3	800 square feet
43,561 or more square feet	5	1,500 square feet, plus 500 square feet for each additional 43,560 square feet of lot area, not to exceed a total of 5,000 square feet of floor area

F. An **accessory building** may be permitted on a separately platted lot provided that the following standards are met:

1. The lot on which the **accessory building** is proposed shall abut the lot on which the **principal building** is located;
2. The lot on which the **accessory building** is proposed and the lot on which the **principal building** is located shall have the same ownership;
3. The lot on which the **accessory building** is located shall comply with the standards for lots within the **zoning district** as set forth in Section 4.01.01;
4. The **accessory building** shall be located in compliance with the setback standards for the **zoning district**, as set forth in Section 4.01.02; and
5. The **accessory building** shall otherwise comply with all standards set forth in Section 5.02.01.

**5.02.02 Accessory Dwellings (Guest Houses, Caretaker Houses)**

- A. **Accessory dwellings** include, but are not limited to, **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**: E-A, R-A, R-1, R-21, MAZ III, P-D, and PD-R. **Accessory dwellings** are permissible within the following **zoning districts** as freestanding **dwelling units**: CON, M-1, and M-2. **Accessory dwellings** within the principle structure are permissible within the following **zoning district**: MAZ II.
- C. **Accessory dwellings** contained within a **principal dwelling** shall comply with the following standards:

1. There shall be no more than one (1) **accessory dwelling** in a principal **dwelling unit**;
  2. The **accessory dwelling** shall not exceed twenty-five (25) percent of the habitable **floor area** of the principal **dwelling**;
  3. One (1) additional off-**street** parking space shall be provided to serve the **accessory dwelling**; and
  4. The **accessory dwelling** shall comply with all **building** and health code standards.
- D. Freestanding **accessory dwellings** shall comply with the following standards:
1. There shall be no more than one (1) **accessory dwelling unit** per **lot** on any **residentially** zoned property and no more than five (5) **accessory dwelling units** per **lot** on any agriculturally zoned property provided the **accessory dwellings** are **occupied** by a grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the owner of the parent parcel or the occupants are full-time employees of the property owner and are responsible for the agricultural production of the property.;
  2. The **accessory dwelling unit** may be located in a second **floor** over a detached garage or may be a separate **structure**;
  3. The **accessory dwelling** shall be located only within the **side** or **rear yard**;
  4. The **lot** shall comply with the minimum **lot** area standards set forth in Table 4.01.01(G);
  5. One (1) additional off-**street** parking space shall be provided to serve the **accessory dwelling unit**; and
  6. The **accessory dwelling** shall not exceed the standards set forth in Table 5.02.01(D)(9) pertaining to total **floor area**.

### 5.02.03 Fences and Walls

- A. Location of fences and walls
1. Fences and walls may be located on or inside property lines;
  2. Setback requirements applicable to **buildings** shall not prohibit or restrict any necessary retaining wall, below ground foundation, or fence which shall be necessary for the proper **development** of a site as required by the County;
  3. Fences and walls shall be located to avoid interference with the required clear visibility area designated in Section 6.01.05; and
  4. Fences and walls shall not obstruct, hinder, or impede the movement of pedestrian and vehicular traffic, and shall not present a nuisance, danger, or hazard to the general public.

Types of fences

**Table 5.02.03(B). Types of Fences.**

Fence Type	E-A, R-A	R-1, R-21, R-10	All Other
Opaque: wood, polyurethane, masonry, stone	Permitted	Permitted	Permitted
Decorative: wood, stone, masonry, wrought iron	Permitted	Permitted	Permitted
Chain link	Permitted	Side and <b>rear yards</b> only	Permitted
Barbed wire	Limited to top of the fence or wall	Prohibited	Limited to top of the fence or wall
Welded or hog wire	Permitted	Prohibited	Prohibited
Electric	See Section 5.02.02(C)	Prohibited	See Section 5.02.02(C)

**B. Electrical fencing shall meet the following standards:**

1. Electrical fencing shall be permissible only on **residential lots** that are not within a platted **subdivision**;

**C. Electrical fencing shall be limited to side and rear yards;**

**D. Signs** are required to provide a warning of the type of fence and the voltage of the fence;

**E. Warning signs** shall be placed at each corner and additional **signs** shall be placed fifteen (15) feet apart along the entire fence; and

**F. Warning signs** shall not exceed four (4) square feet in area.

**G. Height Standards**

1. **Heights** of fences shall be measured from ground level at the base of the fence to the topmost part of the fence.
2. The maximum **height** of a fence in a side or **rear yard** is eight (8) feet.
3. The maximum **height** of a fence in a **front yard** is six (6) feet.
4. Where barbed wire is permissible, it shall not exceed an additional two (2) feet beginning at the top of the fence as measured in Sections 5.02.03(D)(1) through (3).

**5.02.04 Outside Storage**

**A. Outdoor or outside storage** is storage of equipment, machinery, or materials other than enclosed within a **building**. Specific provisions for outdoor storage associated with **uses** subject to supplemental standards are set forth in Section 4.03.00. Section 5.02.04 is intended to address additional situations where agricultural, commercial, or industrial uses may wish to provide outdoor storage for the machinery or equipment used in the conduct of the business.

- B. **Outside storage** involving machinery and equipment, service areas for vehicles in need of major service or repair, materials for **construction** or distribution is permissible only in the C-H, M-1, and M-2 **zoning districts**.
- C. **Outside storage** involving machinery and equipment for agricultural support is permissible only in the R-A, E-A, M-1, and M-2 **zoning districts**.
- D. The provisions of this section shall not be construed to prohibit the outdoor storage of non-commercial lawn equipment in **residential** areas.
- E. **Outside storage** shall be located within a **rear yard** or **side yard**.
- F. **Outside storage** shall be fully concealed from public view with a solid fence, eight (8) feet in **height**.
- G. **Outside storage** of parts and materials, service areas, refuse, or work activity areas shall be maintained in a neat and orderly manner.
- H. Stored materials shall not exceed the **height** of the fence enclosing the **outside storage** area.
- I. Materials shall not be stored within any required **buffer** area, **stormwater management** area, or **easement**.

#### 5.02.05 Dumpsters

(See Figure 5.1 for an illustration of dumpster standards.)

- A. Dumpsters shall be screened with a solid masonry wall or opaque fence. The fence shall be a minimum of six (6) feet and a maximum of eight (8) feet in **height**.
- B. Double-staggered shrubs shall be installed around the perimeter of the wall or fence to form a continuous hedge. Plant materials shall meet the requirements set forth in Section 4.07.00.
- C. A gate shall be provided for access.
- D. Where possible, dumpsters shall be sited to be not visible from the public **right-of-way**.
- E. Dumpsters shall be located on a paved surface of sufficient size to accommodate the dumpster.
  - 1. Dumpsters for food service establishments shall provide a drain.
  - 2. Dumpsters for food service establishments shall provide a grease trap.
- F. The dumpster location shall be easily accessible for pick-up.
- G. Dumpsters shall be located to the rear or side of the **principal building**. A location in the front of the **principal building** shall be permissible only where side and **rear yard** locations cannot provide adequate access for pick-up.
- H. Dumpsters shall not be located within any required **buffer** area, required landscaped area, required **parking lot** landscaping, or **stormwater management** area.

### 5.02.06 Employee Support Facilities (Cafeteria or Dining Room, Day Care Facility, or Recreation Facility)

A **principal use** located in C-G, C-H, M-1, or M-2 **zoning districts** may provide a central dining facility, day care facility, or recreation facility to serve the employees of the **principal use**, subject to the following standards:

- A. The facility shall not be open to the general public.
- B. There shall be no **signs** advertising the presence of the facility.
- C. The facility shall be an integral part of the permitted **principal building**.
- D. Each separate support facility shall occupy not more than ten (10) percent of the total gross **floor area** of the **principal building** or **buildings** on the site. The total gross **floor area** for all employee support facilities shall not exceed thirty (30) percent of the total gross **floor area** of the **principal building** or **buildings** on the site.
- E. Where a day care facility is provided, it shall comply with all state and federal standards for such a facility.

### 5.02.07 Support Facilities for Lodging or Multi-Family Residential Development (Newsstands, Laundry Centers, Recreation Facility)

Lodging or Multi-Family Residential Development may provide a newsstand, laundry center, or recreation facility to serve the residents of the **residential development** or lodging establishment, subject to the following standards:

- A. The facility shall not be open to the general public.
- B. There shall be no **signs** advertising the presence of the facility.
- C. Free-standing facilities shall comply with the following standards:
  - 1. The facility shall be located, designed, and oriented in such a way as to ensure compatibility with any surrounding and adjacent **residential development**. Compatibility shall be ensured through measures that limit the impacts of noise from traffic or gathering places, limit the impacts of outside lighting, protect the privacy of residents, and ensure consistency of appearance of the facility with the appearance of the **residential uses** in the surrounding and adjacent area. Measures to ensure compatibility may include:
    - a. **Building** orientation;
    - b. Location, type, and extent of landscaping;
    - c. Location, **buffering**, and extent of parking;
    - d. Location of access drives; and
    - e. Location and **buffering** of active recreation areas and facilities.
- D. Facilities devoted to newsstands or laundry centers shall not exceed 500 square feet in gross **floor area**.
- E. Facilities or land areas devoted to recreation **uses** shall be of a size sufficient to provide park and recreation space to meet the needs of the

- development**, based on the population served. Recreation **uses** may include the following:
- a. Passive park space, such as picnic areas, walking trails, or seating areas.
  - b. Active recreation facilities may include swimming pools, ball fields, ball courts, or playgrounds.
- F. Facilities shall be interconnected with any surrounding **residential** area by pedestrian paths, bicycle paths, sidewalks, or trails.
- G. Facilities that are an integral part of the **principal building(s)** serving the **use** shall meet the following standards:
- 1. A newsstand shall not exceed ten (10) percent of the gross **floor area** of the **principal building** in which it is located.
  - 2. A laundry center shall not exceed ten (10) percent of the gross **floor area** of the **principal building** in which it is located.
  - 3. Recreation facilities shall not exceed twenty (20) percent of the total gross **floor area** of the **principal building** or **buildings** on the site.

### 5.02.08 Animal Foster Homes

**Animal Foster Homes** are permissible as **accessory** uses in the E-A, R-A, MAZ II, and MAZ III zoning districts subject to the following supplemental standards. **Animal Foster Homes** are allowed as **accessory** uses in the R-1, R-21, R-10, PD, and PD-R zoning districts, subject to approval by the Board of Commissioners (See Also Section 10.01.05(E)) and the following supplemental standards.

- A. An **Animal Foster Home** must be located upon the same lot as a principal residential use and must be **accessory** to such residential use.
- B. The operator of the **Animal Foster Home** must have a contract with an **Animal Shelter** licensed by the Commissioner of the Georgia Department of Agriculture.
- C. The operator of the **Animal Foster Home** must display its contract with an **Animal Shelter** on the premises of the **Animal Foster Home**.
- D. The operator of the **Animal Foster Home** must comply with all rules of the Georgia Department of Agriculture applicable to Foster Homes for animals.
- E. The maximum number of animals allowed on a lot in an R-1, R-21, R-10, PD, or PD-R **zoning district** on which an animal foster home is located shall be:

Lot size	Dogs	Total Dogs & Cats
Less than 10,000 sq. ft.	5	8
10,000 to 21,780 sq. ft.	5	10
Greater than 21,780 sq. ft.	5	12

- F. An **Animal Foster Home** must comply with the following design and operating standards

**Table 5.02.08(G). Standards for Animal Foster homes.**

Development Feature	Standard
Animals allowed	Domestic pets. <b>Farm</b> animals, livestock, and wild animals are prohibited
Minimum <b>setback</b> from any property line for buildings	30 feet
Minimum <b>setback</b> from any <b>dwelling</b> for outdoor runs	100 feet
Outdoor runs	Located within <b>side</b> or <b>rear yard</b> only Drains connected to an approved sanitary facility Odor and pest control required
<b>Buffer</b> requirement	Required beginning on the <b>side</b> and <b>rear yards</b> if animals are allowed outside. <b>Buffer yards</b> shall not be construed to be required in the <b>front yard</b> portion of the subject property.
<b>Buffer</b> Standard (If Required – See Above)	Fifteen (15) ft vegetative <b>buffer</b> with a six (6) to eight (8) ft opaque fence <b>constructed</b> consistent with Section 4.07.06.

## 5.03.00 TEMPORARY STRUCTURES AND USES

### 5.03.01 Temporary Structures and Uses During Construction

A temporary **building** or **use** in connection with a **construction project** shall be permitted during the **construction** period. The following standards shall be met by temporary uses established during **construction**:

- A. A **building permit** shall be required.
- B. Temporary offices may be located on a **construction** site to be used for administrative functions during **construction**. Temporary **construction** offices may have the name of the **construction** company printed on one (1) permanently affixed **sign** on the outside of the **building**. Such **sign** shall be a maximum of four (4) feet by eight (8) feet. In addition, the proposed **construction building** shall meet tie-down requirements for mobile **structures**, and have a contract for sewage pump-out. **Construction buildings**, equipment, machinery, and materials shall be removed within thirty (30) days of completion of the **construction** site for which they are **permitted**.
- C. **On-site** outdoor storage of equipment and **construction** materials shall be allowed during the period of **construction**.
- D. Portable toilet facilities shall be provided.
- E. **Construction** and demolition debris dumpsters are allowable and are not required to be screened.
- F. A temporary office shall be allowed, which may be used for sales functions or sales offices, allowing for the sale, resale, or marketing of **dwellings**,

**structures**, or property within the **development** in which it is located, or adjacent **developments** under the same control.

- G. **On-site** temporary use of **structures** and equipment for the **building** of roads, public utilities, and government **projects** shall be allowed.

### 5.03.02 Special Events and Seasonal Sales

- A. **Special events** and seasonal sales shall be limited to the following **zoning districts**: E-A, OI, C-C, C-G, C-H, M-1, M-2, **Residential**/Mixed Use PD or PD-R, and Non-**Residential** PD or PD-R.
- B. Except for the special events and seasonal sales addressed in Section 5.03.02(C) and (D) a temporary use **permit** is required according to the procedures set forth in Chapter 10.
- C. The following **special events** and seasonal sales shall not be required to obtain a temporary use permit or be bound by the frequencies in Table 10.05.04(G), but shall be required to comply with other applicable **special events** and seasonal sales standards: those events or sales conducted by a religious facility or those events or sales conducted by a school.
- D. The following **special events** and seasonal sales shall not be required to obtain a temporary use permit or be bound by special event or seasonal sales regulations: Typical events held at event facilities that are properly zoned, permitted, and licensed.
- E. Failure to adhere to applicable special events or seasonal sales standards may result in fines, the revocation of applicable permits, and/or the termination of the event. The fines shall not exceed \$2,000 per offense per day or part of the day.
- F. The following standards apply to **special events**:
1. The applicant shall ensure the provision of adequate sanitation facilities, sewage disposal, garbage and refuse disposal, litter control, potable water supply, food service, and noise control during the **special event**;
  2. The area devoted to the **special event** shall not be located on any required setbacks, **buffers**, parking spaces, **parking lot** aisles, driveways, fire lanes, or other traffic circulation areas.
  3. If any activities are to be offered during darkness, the applicant shall ensure that the site shall have floodlighting for the **special event** and **parking areas**. Lighting shall be shielded and directed to avoid direct illumination of adjacent properties as measured at the property line;
  4. The site shall have adequate parking facilities. Parking may be **on-site** or off-site. Where off-site parking is provided, there shall be adequate plans for transporting or conducting patrons from the off-site parking facilities to the **special event** area;
  5. With respect to their various jurisdictions, as approved by the Sheriff, the County Engineer, and the County Manager or their designee(s) the applicant shall provide adequate traffic control, security, and

emergency medical services in and around the **special event** area during the hours of operation;

6. The applicant shall provide adequate emergency plan preparations;
  7. All stages, booths, tents, scaffoldings, or **structures** of any nature on, under, or within which **persons** may congregate, shall conform to applicable **building**, fire, health, and other **construction** codes; and
  8. Special events and seasonal sales with an expected participation of greater than 2,500 people shall be required to provide prior notice to the adjacent property owners about the special event. At a minimum this notice shall include a point of contact phone number for both the special event and the property owner.
- G. The following standards apply to seasonal sales:
1. The area devoted to seasonal sales shall not be located on any required setbacks, **buffers**, parking spaces, **parking lot** aisles, driveways, fire lanes, or other traffic circulation areas;
  2. Goods, tents, equipment, or materials used for the seasonal sales activity shall not be located within any **right-of-way**;
  3. Parking spaces shall be provided to support the seasonal sales activity. Parking spaces necessary to support the seasonal sales activity shall be in addition to parking provided on the site to serve other uses and shall be calculated based on the square feet of sales area according to the standards in Section 6.01.03;
  4. The applicant shall ensure the provision of adequate garbage and refuse disposal;
  5. The applicant shall demonstrate conformance with all applicable **building**, fire, health, and other federal, state, or local laws.

### 5.03.03 Mobile Food Services

A. Applicability

Mobile food services are permissible on vacant **lots** or on **lots** containing a business in the OI, C-C, C-G, C-H, MAZ II, MAZ III, M-1, and M-2 **zoning districts** in accordance with the standards of this section.

B. A **permit** is required according to the procedures set forth in Chapter 10.

C. The applicant shall have written permission of the property owner and all business owners on the **lot** to conduct food services.

D. The applicant shall possess a valid occupational license and a valid health license.

E. Mobile food services shall not be located within:

1. The public **right-of-way**;
2. Any required setback area or **buffer** area;
3. Any required parking space;
4. Any driveway or access way, or in such a manner as to **block** a driveway or access way; or
5. Any designated fire lane or in such a manner as to **block** a fire lane;

F. Mobile food services shall provide parking spaces:

1. Parking spaces shall be provided in addition to any required parking serving an established **use** on the **lot**.
2. One (1) additional parking space shall be provided for every 200 square feet of food service area.
3. Handicapped parking and access shall be provided according to Section 6.01.03.

G. One (1) **sign** may be **permitted** to identify the mobile food service.

#### 5.03.04 Roadside Vendors (Transient Merchants)

##### A. Applicability

Roadside vendors conducting retail sales are permissible on vacant **lots** or on **lots** containing a business in the OI, C-C, C-G, C-H, M-1, and M-2 **zoning districts** in accordance with the standards of this section.

B. A **permit** shall be required in accordance to the procedures set forth in Chapter 10.

C. The applicant shall have written permission of the property owner and all business owners on the **lot** to conduct retail sales.

D. The applicant shall possess a valid occupational license.

E. Roadside vendors shall not be located within:

1. The public **right-of-way**;
2. Any required setback area or required **buffer** area;
3. Any required parking space;
4. Any driveway or access way, or in such a manner as to block a driveway or access way; or
5. Any designated fire lane or in such a manner as to block a fire lane;

F. Roadside vendors shall provide parking spaces:

1. Parking spaces shall be provided in addition to any required parking serving an established **use** on the **lot**.
2. One (1) additional parking space shall be provided for every 200 square feet of display area.
3. Handicapped parking and access shall be provided according to Section 6.01.03.

G. One (1) **sign** may be **permitted** to identify the roadside vendor or transient merchant.

#### 5.03.05 Model Homes and Sales Offices

A. Model homes are permissible only in conjunction with a new **residential development** during the period of **construction** of site improvements and new homes.

B. Model **dwelling units** may be erected or displayed in **districts** that include **residential** uses, provided that such models shall not be used for **residential** purposes, but only for display as a means to sell homes.

C. One (1) or more model homes may be established in a **residential development**, including planned **developments**, subject to the following standards:

1. A model home shall be located on a platted lot meeting all standards of this ULDC;
  2. A model home shall be located to meet all site design standards of this ULDC, except for the modifications specifically enumerated herein;
  3. A model home shall be located only on a collector or arterial **street**;
  4. A model home may include a sales office. Hours of sales operations shall not extend beyond 8:00 p.m.;
  5. One (1) off-**street** parking space shall be provided for each employee plus one (1) off-**street** parking space per model home. In addition, one (1) off-**street** parking space shall be provided for handicapped parking. These spaces shall be provided on the same **lot** as the model **dwelling unit** or on a contiguous **lot** within the specific **project**; and
  6. The number of model home units shall not exceed five (5) percent of the number of homes or **lots** permissible in the **residential development**. Fractions shall be rounded to the nearest whole number.
- D.** The model home shall be discontinued as a model unit and sales office when ninety (90) percent of the **lots** or homes in the **residential development** have been sold. The model home site shall be redesigned to comply with all site design requirements applicable to the **residential development**. Such redesign includes, at a minimum, removal of parking in excess of that associated with a single-**family** home; removal of any **signs**; and removal of any exterior lighting associated with the model home and sales office.

## 5.04.00 SIGNS

### 5.04.01 Purpose

The purpose of this section is to ensure adequate means of communication through **signage** while maintaining the attractive visual appearance within the County. The purposes of this section are to:

- A.** Protect and enhance the character of certain areas within the County by conforming the size and location of **signs** to the scale of a predominantly rural county experiencing suburban scale **development**;
- B.** Protect and maintain the visual integrity of roadway corridors within the County by establishing a maximum amount of **signage** on any one (1) site to reduce visual clutter;
- C.** Establish locations and setbacks for **signage** which are designed to protect motorists from visual distractions, obstructions, and hazards;
- D.** Restrict **sign** regulation to time, place, and manner, without limitations on content, so long as the material displayed avoids content commonly judged by the community to be immoral, indecent, or obscene;

- E. Enhance the appearance of the physical environment by requiring that **signage** be designed as an integral architectural feature of the site and **structure** to which such **signage** is intended to identify, and sited in a manner which is sensitive to the existing environment;
- F. Provide for **signage** which satisfies the needs of the local business community for visibility, identification, and communication.

#### 5.04.02 Construction Standards for All Signs

- A. All **signs** shall be erected, constructed, and maintained in accordance with the provisions of this section.
- B. It shall be unlawful for any **person** to erect, construct, alter, or relocate any **sign** within the County without having first obtained a **permit**, except as provided for in this section.
  - 1. Work which may be performed by a property owner or lessee:
    - a. Painting the face of any freestanding or **wall sign**; and
    - b. Erection of any **temporary sign** permissible as set forth in this ULDC.
- C. Work which shall be performed by a licensed **sign** contractor, general contractor, or **building** contractor:
  - 1. **Construction**, installation, erection, or electrical connection of any **sign** that is internally illuminated;
  - 2. **Construction**, installation, or erection of any freestanding **sign** over twelve (12) feet in **height**, requiring wind load calculations;
  - 3. **Construction**, installation, or erection of any **projecting sign** as set forth in this ULDC.
- D. All **signs** shall meet the standards for visibility at intersections as set forth in Section 6.01.05.
- E. It shall be unlawful for a **person** to display false or misleading statements upon **signs**, calculated to mislead the public as to anything sold, any services to be performed, or information disseminated. The fact that any **sign** or display shall contain words or language sufficient to mislead a reasonable and prudent **person** in reading same, shall be prima facie evidence of a **violation** of this section by the **person** displaying the **sign** or **permitting** same to be displayed.
- F. Inspection of **Signs**  
The **County Manager** may inspect at any time each **sign** or other advertising **structure** regulated by this ULDC for the purposes of ascertaining whether the **structure** is safe, in need of repair or maintenance, not in conformance with the approved **permit**, or otherwise in **violation** of the provisions of this ULDC.
- G. Unsafe **signs** and **signs** violating this ULDC  
If it is determined that any **sign** or other advertising **structure** regulated herein is unsafe or insecure, is a menace to the public, or has been constructed or erected or is being maintained in **violation** of the provisions of this ULDC, the **County Manager** shall give written notice to the owner

of such **structure**. If the owner fails to remove or alter the **structure** to comply with the standards set forth herein within the time prescribed in the notice, such **sign** or other advertising **structure** may be removed or altered to comply by the County at the expense of the owner of the property upon which it is located. The **County Manager** may cause any **sign** or other advertising **structure** that presents an immediate peril to **persons** or property to be removed without notice.

#### H. Maintenance of **Signs**

The owner of any **sign** as defined and regulated by this ULDC shall be required to properly maintain such **sign**. For a **sign** to be properly maintained, the **sign**, together with its framework, braces, angles or other supports shall be in a safe condition, properly secured, supported and braced, and shall be able to withstand weather conditions and loads as required by the **building** codes. Maintenance shall include painting and parts replacement.

### 5.04.03 Prohibited Signs

The **signs** identified in this section are prohibited within the County.

- A. Any **sign** which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination.
- B. Any **sign** that obstructs the vision between pedestrians and vehicles using the public **right-of-way**, including, but not restricted to, those not meeting intersection visibility requirements set forth in Section 6.01.05.
- C. **Signs**, other than changeable copy **signs**, with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color except for changeable text **signs**.
- D. **Signs** that contain words and traffic control symbols so as to interfere with, mislead, or confuse motorists, such as "stop," "look," "caution," "danger," or "slow."
- E. **Snipe signs**, which includes **signs** attached to **utility** poles, trees, rocks, or other natural object.
- F. **Signs** with visible moving, revolving, or rotating parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
- G. **Signs** with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion.
- H. Strings of light bulbs used on **nonresidential structures** for commercial purposes, other than traditional holiday decorations.
- I. **Signs** that emit audible sound, odor, or visible matter such as smoke or steam.
- J. **Signs** or **sign structures** that interfere in any way with free **use** of any fire escape, emergency exit, or standpipe.

- K. **Signs** made of combustible materials that are attached to or in close proximity to fire escapes or firefighting equipment.
- L. **Signs** that resemble any official **sign** or marker erected by any governmental agency, or that by reason of position, shape, or color, would conflict with the proper functioning of any traffic **sign** or signal, or be of a size, location, movement, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic control device.
- M. **Signs** that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- N. **Signs** that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or **street**, except house numbers and traffic control **signs**.
- O. **Signs** mounted on any portion of a roof.
- P. Abandoned **signs**.
- Q. **Signs** erected on public property, with the exception of **signs** erected by public authority for public purposes.
- R. Any other **signs** that are not specifically **permitted** or exempted by this ULDC.

#### 5.04.04 Exempt Signs

The **signs** identified in this section are permissible within the County and are exempt from the requirement to obtain a **permit**.

- A. Regulatory, statutory, traffic control, or **directional signs** erected on public property by or with permission of State of Georgia, the United States, or Lowndes County.
- B. Legal notices and official instruments.
- C. Holiday lights and seasonal decorations displayed at times when such lights and decorations are generally considered appropriate.
- D. **Signs** incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as **signs** customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.
- E. Advertising and identifying **signs** located on taxicabs, **buses**, trailers, trucks, or vehicle bumpers.
- F. Public warning **signs** to indicate the dangers of swimming, animals, or similar hazards.
- G. Memorial **signs** or tablets, names of **buildings**, and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- H. **Signs** carried by a **person**.

### 5.04.05 Provisionally Exempt Signs

Signs identified in this section may be placed without a **permit**, provided that such signs comply with the standards in Table 5.04.05.

**Table 5.04.05. Standards for Provisionally Exempt signs.**

Type of sign	Standards
<b>Identification signs</b> , including parking <b>identification signs</b>	<ul style="list-style-type: none"> <li>• Eight (8) s.f. or less in area, and</li> <li>• No individual letters, symbols, logos, or designs in excess of eight (8) inches in vertical or horizontal dimension</li> </ul>
"No trespassing" or "no dumping" <b>signs</b>	<ul style="list-style-type: none"> <li>• Eight (8) s.f. or less in area</li> </ul>
Menu boards or price lists for drive-through facilities	<ul style="list-style-type: none"> <li>• Maximum of two (2) such boards, and</li> <li>• Maximum area of twenty four (24) s.f. or less, and</li> <li>• Located adjacent to and oriented toward the drive-through area</li> </ul>
<b>Real estate signs</b>	<ul style="list-style-type: none"> <li>• Sixteen (16) s.f. or less in area in R-10, R-21 and R-1 <b>zoning districts</b>, or</li> <li>• Thirty-two (32) s.f. or less in all other <b>zoning districts</b>, and</li> <li>• Located on property for sale or rent, and</li> <li>• Located only during the period of offering for sale or rent</li> </ul>
<b>Construction signs</b>	<ul style="list-style-type: none"> <li>• Sixteen (16) s.f. or less in area in R-10, R-21 and R-1 <b>zoning districts</b>, or</li> <li>• Thirty-two (32) s.f. or less in all other <b>zoning districts</b>, and</li> <li>• Located on property where a valid <b>building permit</b> has been issued and has not expired</li> </ul>
<b>Yard or Garage sale signs</b>	<ul style="list-style-type: none"> <li>• Eight (8) s.f. or less in area, and</li> <li>• Located on the property on which a sale is being conducted, and</li> <li>• Limited to the period of the sale, but not to exceed two (2) weeks per year per <b>lot</b></li> </ul>
Occupant or owner <b>identification sign</b>	<ul style="list-style-type: none"> <li>• Four (4) s.f. or less in area when located in a <b>residential zoning district</b></li> </ul>
Pennants	<ul style="list-style-type: none"> <li>• Individual pennants shall not exceed twelve (12) inches on any one (1) side. The length of the pennant streamer shall not exceed the length of the <b>street frontage</b> of the property on which the pennants are located.</li> </ul>
<b>Directional signs</b>	<ul style="list-style-type: none"> <li>• Five (5) s.f. or less in area per <b>sign</b> or a cumulative total not to exceed twenty (20) s.f. and</li> <li>• The <b>sign height</b> shall be limited to three (3) ft.</li> </ul>

A. Balloons are provisionally exempt, subject to the following standards:

1. Permissible for community events;
2. Permissible for grand openings of new businesses, businesses that

have changed ownership, businesses that have reopened after extensive renovation, or businesses that have made appreciable expansion to their facilities. For purposes of clarification, the term "new business," as used in this section, shall mean any newly organized commercial venture that is opening for the first time, or an existing business that has changed location;

3. Specifically authorized by the **County Manager**;
  4. Limited to a period of thirty (30) days; and
  5. Permissible for promotion of events for nonprofit organizations of community importance or significance.
- B. Campaign advertising or **political signs** are provisionally exempt, subject to the following standards:
1. Campaign **signs** shall comply with the requirements of State law.
  2. Campaign **signs** shall be placed only upon private property with the permission of the property owner. **Signs** placed within the **right-of-way** are subject to immediate removal.

#### 5.04.06 Special Limitations

A. **Temporary signs**, including banners

1. No **temporary sign** may be erected or placed on any **lot** for more than a six (6) month period for a single **lot**.
2. All **temporary signs** shall be securely installed, and shall meet all applicable safety standards as prescribed by the ULDC and the **building** code.
3. A temporary **portable sign** shall comply with all setback and **height** requirements pertaining to permanent **on-site signs**.
4. There shall be no more than one (1) temporary **portable sign** on a parcel of land.

B. **Off-Site Signs**

**Off-Site signs** shall be **permitted** only on routes maintained by the State of Georgia or within 660ft of I-75 in the Highway Commercial (C-H), Light Manufacturing (M-1), Heavy Manufacturing (M-2), or High Intensity Industrial (M-3) **zoning districts** according to the standards set forth in Section 5.04.08.

C. **Abandoned On-Site Signs**

1. Any **sign** face now or hereafter existing which no longer advertises a bona fide business conducted or a product sold shall be deemed abandoned and shall be removed by the owner of the **building** or **structure** upon which such **sign** face may be found.
2. Any **sign** that is located on property that becomes vacant and unoccupied, pertains to a business which does not maintain a current and valid County occupational license, or pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned.

3. Any **sign** damaged or destroyed to the extent of fifty (50) percent or more of the replacement cost is considered an abandoned **sign**.
4. An abandoned **sign** shall be removed not later than thirty (30) days after the abandonment occurs as described in Sections 5.04.06(A) and (B) above. Where the **structure** supporting the abandoned **sign** does not comply with the requirements of all applicable **building** and **construction** codes and the requirements of this ULDC, the entire **structure** shall be removed.
5. A **sign structure** which supported an abandoned **sign** and which complies with all applicable **building** and **construction** codes and the requirements of this ULDC shall be allowed to remain in place.
6. An abandoned **sign** shall be subject to code enforcement action.

### 5.04.07 Tables of Sign Standards for Permanent On-Site Signs

#### A. Measurement

(See Figure 5.2 for an illustration of **sign** measurements.)

1. Where a **sign** is composed of letters or pictures attached directly to a facade, wall, window, door, awning, monument **sign**, or freestanding **sign**, and the letters or pictures are not enclosed by a border or trimming, the **sign** area shall be the area within the smallest rectangle, parallelogram, triangle, circle, semicircle, or a combination of any of these geometric shapes, the sides of which touch the extreme points of the letters or pictures as a whole.
2. Where a **sign** is composed of letters or pictures enclosed by a border or trimming, the **sign** area shall be the area within the border or trim.
3. In cases where material is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered a single **sign**.
4. The area of a freestanding **sign** shall include the area of the outside frame, but not of the supporting **structure**.

#### B. Number of Signs

1. The number of **signs** shall be the number of **structures** with a **sign** face.
2. A double-faced **projecting** or freestanding **sign** shall be construed as having the area of a single face, provided that the **sign** faces are placed back to back and are at no point more than four (4) feet apart.

#### C. Wall Signs

1. The allowable area of a **wall sign** shall be calculated as a percentage of the **signable area**.
2. The **signable area** is the area of the facade of the **building** up to the roofline, not including windows, doors, or major architectural features.

#### D. Sign Height

1. The **height** of a **sign** is the vertical distance from the **finished grade** to the highest point of the **sign**.
2. Where a **sign** is placed on a **berm**, the **height** shall be measured from the **grade** at the base of to the highest point of the **sign**.

**E. Permissible Permanent On-Site Signs**

(See Figure 5.3 for an illustration of **sign** types.)

1. Permanent **on-site signs** shall be limited to the following **sign** types:
  - a) Freestanding **signs**, which may be either ground, monument, or pole **signs**;
  - b) **Wall signs**
  - c) **Awning signs**; and
  - d) **Projecting signs**.
2. Permanent **on-site signs** shall be permissible in all **zoning districts** subject to the standards in Table 5.04.07(E)(3).
3. The number and types of permanent **On-site signs** shall comply with the standards in Table 5.04.07(E)(3).

**Table 5.04.07(E)(3). Number and Types of Permanent On-site signs**

<b>Sign Type:</b> <b>Zoning District:</b>	<b>Freestanding</b>	<b>Canopy</b>	<b>Wall</b>	<b>Awning</b>	<b>Projecting</b>
R-10, R-21, R-1, Residential or Mixed Use P-D or PD-R, Residential MAZ II or MAZ III	1*	0		0	
E-A, R-A, Non- Residential P-D or PD-R, Non- Residential MAZ II or MAZ III	1*	1 per <b>Canopy</b> side		1 per <b>Building</b>	
OI, C-C, C-G, C-H, M- 1, M-2, M-3, I-S	1 per <b>street</b> <b>Frontage</b>	1 per <b>Canopy</b> side	1 wall face per <b>Building</b>	1	1

\* Two (2) **signs** per entrance to the **residential Development** are **permitted**.

4. Permanent **on-site signs** shall comply with the design standards set forth in Table 5.04.07(E)(4).

Table 5.04.07(E)(4). Design Standards for Permanent On-site signs.

Sign Type: Standard:	Freestanding	Canopy	Wall	Awning	Projecting
Maximum <b>sign</b> face area	For non- <b>residential</b> zonings 5 s.f. per linear foot of <b>frontage</b> , to a maximum of 750 s.f. For <b>residential</b> zonings a maximum of thirty-two (32) s.f.	Fifty (50) square feet; or One (1) square feet per two (2) linear feet of <b>canopy</b> side	30% of wall	20% of awning	24 s.f.
<b>Sign</b> location	Set back 5 feet from property line	N/A	Front or side facade	Front facade	Front facade <b>sign</b> shall not extend more than 4 feet from the <b>building</b> face
Maximum <b>sign</b> <b>Height</b>	35 feet, or 70 feet in C-H, M-1, or M-2 within 660 feet of I-75	N/A	N/A	Lowest part of awning must be a minimum of 8 feet above ground	Lowest part of <b>sign</b> must be a minimum of 8 feet above ground

**F. Sign Setbacks and Restrictions**

1. All **signs** shall be required to be located within the required **front yard** of a principal **structure**.
  2. Except as specifically provided herein, **signs** shall not be **permitted** to extend beyond the front property line into the **street right-of-way**.
  3. No **sign** shall be erected or maintained that obstructs the sight distance along a public **right-of-way**.
  4. The location of **signs** shall not interfere with the view of a traffic signal.
  5. **Externally illuminated signs** which use devices such as, but not limited to, **flood** or spot lights shall be so placed and so shielded as to prevent the rays or illumination from being cast into neighboring **dwellings**, or into the eyes of motorists or pedestrians.
- G. In shopping centers**, professional complexes, or commercial parks incorporating three (3) or more establishments, the center may be identified by a freestanding ground **sign** meeting the standards set forth in this section.

1. The area of the **sign** may be increased above the standard set forth for freestanding **signs** in Table 5.04.08(C) an additional five (5) square feet for each independently operated establishment in the center, to a maximum **sign** face area of 1,000 square feet.
2. **Shopping centers**, professional complexes, or commercial parks with **street frontage** of 400 feet or more may have an additional freestanding **sign** for each 400 feet of **frontage**. Any additional freestanding **signs** shall not exceed 500 square feet in **sign** face area.
3. One (1) wall, awning, or **projecting sign** is permissible for each establishment in a **shopping center**, professional complex, or commercial park. The total area of all **wall signs** in the center shall not exceed thirty (30) percent of the total wall area as described in Section 5.04.07(E)(3). Allocation of that total area to the individual establishments shall be the responsibility of the owner/operator of the center, complex, or park.
4. The endcapped walls of **shopping centers** may be used for additional **signage** provided only stores within the **shopping center** are advertised and the **area** does not exceed the standards set forth for **wall signs** in Table 5.04.07(E)(4).

#### 5.04.08 Signs Along Interstate Highways

- A. This section shall apply to all **signs** located within 660 feet of either side of the **right-of-way** I-75.
- B. All existing GDOT conforming **signs** with GDOT conforming **permits** will retain their conforming status and will be governed by the same rules as Georgia DOT Rules and Regulations of Outdoor Advertising.
- C. No new **sign** shall be erected unless it is in compliance with the regulations of this section. **Signs** shall be constructed of durable materials, maintained in good condition, and not **permitted** to become dilapidated.
- D. For **lots** located within 660 feet of either side of the **right-of-way** I-75, a second freestanding **sign** may be located in the **rear yard**.
- E. **Nonconforming Signs**
  1. A nonconforming **sign** shall not be replaced by another nonconforming **sign** except that the substitution of interchange of poster panels, painted boards, or demountable materials on nonconforming **signs** shall be **permitted**.
  2. Minor repairs and maintenance of nonconforming **signs** such as repainting, electrical repairs, neon tubing repairs shall be **permitted**. However, no structural repairs or changes in the size or shape of a **sign** shall be **permitted** except to make the **sign** comply with the requirements of this ULDC.
  3. New point of business **signs** related to legally established nonconforming **uses** may be erected provided they comply with the **sign**

regulations applicable to the **use** in the most restrictive **district** in which the **use** is **permitted**.

#### F. New Signs

New **signs** shall meet the following requirements:

1. The outside measurement of all new **signs** shall not exceed fourteen (14) feet in **height** and forty-eight (48) feet in length, with or without trim, except that existing factory manufactured metal **signs**, are considered to be conforming with respect to size requirements until such time as the **sign** is moved, enlarged, raised or otherwise physically altered with respect to dimensions or changes from its present configuration or **sign** type;
2. Extrusions beyond the face of the **sign**, excluding aprons, are prohibited.
3. Only one (1) **sign** shall be allowed to face the same direction per location. This allows either a back-to-back **sign** or a "V" formation **sign**, but prohibits two (2) **signs** (side-by-side or stacked atop one another) facing the same direction.
4. **Sign** locations shall be no less than 500 feet apart measuring from the two (2) closest points on the same side of the **right-of-way**.
5. **Sign structures** shall be no less than ten (10) feet from any property or **right-of-way** line.
6. Three (3) **signs** shall be allowed per quadrant of an interchange adjacent to the Interstate. This will allow a maximum of twelve (12) **signs** per interchange. These **signs** shall be within an area zoned commercial or industrial as specified in state law.

#### 5.04.09 Non-Interstate Off-Site Signs on State-Maintained Roads

- A. This section shall apply to all **off-site signs** located on state maintained roads outside of 660 feet of either side of the **right-of-way** I-75.
- B. All existing conforming **signs** with conforming **permits** will retain their conforming status and will be governed by the same rules as Georgia DOT Rules and Regulations of Outdoor Advertising.
- C. No new **sign** shall be erected unless it is in compliance with the regulations of this section. **Signs** shall be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.

#### D. Nonconforming Signs

1. A nonconforming **sign** shall not be replaced by another nonconforming **sign** except that the substitution of interchange of poster panels, painted boards, or demountable materials on nonconforming **signs** shall be permitted.
2. Minor repairs and maintenance of nonconforming **signs** such as repainting, electrical repairs, neon-tubing repairs shall be permitted. However, no structural repairs or changes in the size

or shape of a **sign** shall be permitted except to make the **sign** comply with the requirements of this ULDC.

3. New point of business **signs** related to legally established nonconforming **uses** may be erected provided they comply with the **sign** regulations applicable to the **use** in the most restrictive **district** in which the **use** is **permitted**.

#### E. New Signs

New **signs** shall meet the following requirements:

1. **Sign structures** shall not exceed 35ft in **height**.
2. The outside measurement of all new **signs** shall not exceed fourteen (14) feet in **height** and forty-eight (48) feet in length, with or without trim, except that existing factory manufactured metal **signs**, are considered to be conforming with respect to size requirements until such time as the **sign** is moved, enlarged, raised or otherwise physically altered with respect to dimensions or changes from its present configuration or **sign** type;
3. Extrusions beyond the face of the **sign**, excluding aprons, are prohibited.
4. Only one (1) **sign** shall be allowed to face the same direction per location. This allows either a back-to-back **sign** or a "V" formation **sign**, but prohibits two (2) **signs** (side-by-side or stacked atop one another) facing the same direction.
5. **Sign** locations shall be no less than 750 feet apart measuring from the two (2) closest points on the same side of the **right-of-way**.
6. **Sign** locations shall be no less than a 500 feet radius apart measuring from the two closest points of either **sign** location.
7. **Sign structures** shall be no less than ten (10) feet from any property or **right-of-way** line and any **utility** line or **easement**.
8. **Sign structures** shall be setback a minimum distance of the maximum **height** of the billboard from any existing **structure**.
9. **Sign** lighting shall not intrude on neighboring properties.

### 5.05.00 TELECOMMUNICATION TOWERS

#### 5.05.01 Purpose

It is the intent of Lowndes County to allow telecommunication facilities (telecommunications towers and/or antennas) in compliance with State and federal regulations. It is further the intent of the County to protect the public health, safety, and welfare through regulating the placement and design of allowable wireless communication facilities. The regulations in this section are designed to:

- A. Enhance the ability of the providers of telecommunications services to deliver such services to the community effectively and efficiently
- B. Preserve the character and appearance of Lowndes County while allowing adequate wireless telecommunication services to be developed;

- C. Locate telecommunications towers and antennas in areas where adverse impacts on the community are minimized and to promote harmonious co-existence of telecommunications towers with other land **uses**;
- D. Encourage the location of towers in non-**residential** areas and to minimize the total number of towers within **residential** areas;
- E. Provide standards and requirements for the operation, siting, design, appearance, **construction**, monitoring, modification, and removal of wireless communication facilities and towers;
- F. Encourage the innovative **use** of alternative tower **structures**, such as church steeples, outdoor advertising **signs**, electric transmission towers, and other such **structures**, where technologically feasible;
- G. Minimize tower and antenna proliferation by requiring the sharing of existing communications facilities, towers, and sites where possible and appropriate;
- H. Encourage the design and **construction** of towers and antennas to minimize adverse visual impacts and promote visual quality; and
- I. Minimize the potentially adverse visual effects of towers and other facilities through careful design and siting standards.

#### 5.05.02 Consistency with Federal Telecommunications Act

- A. It is specifically the intent of Lowndes County that the regulations set forth in Section 5.05.00 shall be construed in such a manner as to maintain consistency with the Federal Telecommunications Act. Therefore, these regulations shall not be construed to:
  - 1. Prohibit or have the effect of prohibiting the provision of wireless services;
  - 2. Unreasonably discriminate among providers of functionally equivalent services; or
  - 3. Regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the Federal Communications **Commission** (FCC) regulations concerning such emissions. The Federal Telecommunications Act of 1996 gives the Federal Communication **Commission** sole jurisdiction of the field of regulation of radio frequency emissions and wireless communication facilities which meet the FCC standards shall not be conditioned or denied on the basis of radio frequency impacts.
- B. All telecommunication facilities shall meet or exceed current standards and regulations of the Federal Aviation Authority, the FCC, and any other agency of the federal government with the authority to regulate telecommunication facilities. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers, antennas and/or support **structures** into compliance with such revised standards and regulations within six (6) months of the effective dates of such standards and regulations unless a

more or less stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers, antennas, and supporting **structures** into compliance with such revised standards and regulation shall constitute grounds for the removal of the tower, antenna, or support **structure** at the owner's expense.

### 5.05.03 Applicability

- A. Except as set forth in Section 5.05.03(C), the requirements of Section 5.05.00 shall govern the location of all telecommunications towers and/or antennas that exceed a **height** of forty-five (45) feet within the MAZ or VLD **Overlay District**, or exceed a **height** of fifty (50) feet elsewhere in unincorporated Lowndes County.
- B. The provisions of Section 5.05.00 shall not apply to governmental facilities and **structures**.
- C. For locations outside the MAZ or VLD **Overlay District**, the provisions of Section 5.05.00 shall not govern any tower or the installation of any antenna, that is seventy-five (75) feet or less in **height** and is owned and operated by a federally-licensed amateur radio station **operator** from the **operator's** residence, or is used exclusively as a receive-only antenna. For locations outside the MAZ or VLD **Overlay District**, Section 5.05.00 shall not govern any device designed for over-the-air reception-only of television broadcast signals, multi-channel multi-point distribution service or direct broadcast satellite service whose tower and/or antenna is seventy-five (75) feet or less in **height**. Any tower or antenna for which a **permit** has been properly issued prior to the effective date of this ULDC shall not be required to meet the provisions of Section 5.05.00, other than the requirements of Sections 5.05.02(B) and 5.05.05(N). Any such towers or antennas shall be referred to as "pre-existing towers" or "pre-existing antennas."

### 5.05.04 Procedures

All wireless communication facilities shall be permissible when designed and located in compliance with the standards set forth in Section 5.05.00.

- A. A letter signed and stamped by a engineer certified in the State of Georgia shall be required stating that the tower, antenna, and support **structure** meets or exceeds all applicable requirements set forth herein.
- B. Procedures for application, review, approval, and inspection of telecommunication facilities are set forth in Chapter 10.
- C. An application for any tower or tower **structure** within the MAZ or VLD **Overlay District** or any tower or tower **structure** that the **County Manager** determines as likely to interfere with the use of the aircraft traffic operations around the Valdosta Regional Airport or Moody AFB, shall be submitted to the Valdosta-Lowndes County Airport Authority and/or Moody AFB for a letter of clearance. A letter of clearance from the

- Valdosta Regional Airport Authority and/or the Moody AFB shall adhere to the following:
1. Be completed within twenty-one (21) days from notification by the **County Manager**.
  2. Be considered by the **County Manager** in the determination of approval for the tower or tower **structure**.
  3. Include one of the following recommendations:
    - a. No objection. The proposed **construction**/alteration does not exceed obstruction standards and marking/lighting is not required.
    - b. Conditional Determination. The proposed **construction**/alteration would be acceptable contingent upon implementing mitigating measures e.g. marking, lighting, etc.
    - c. Objectionable. The proposed **construction**/alteration is determined to be a hazard and is thus objectionable. The reasons for this determination would be outlined to the applicant/agent and the **County Manager**.
- C. Upon the transfer of ownership of any tower, alternative tower **structure**, or **lot** upon which a **structure** has been erected, the **permit**-holder shall notify the **County Manager** of the transaction in writing within thirty (30) days.
- D. The following **uses** may be approved by **County Manager** after conducting an administrative review:
1. Installation of an antenna on any alternative tower **structure**, and further including the placement of additional **buildings** or other supporting equipment **used** in connection with said antenna, so long as such addition does not add more than twenty (20) feet to the **height** of the existing **structure**.
  2. Installation of an antenna on an existing tower of any **height**, including a pre-existing tower, and further including the placement of additional **buildings** or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the **height** of said existing tower.

### 5.05.05 Development Standards

#### A. Principal or Accessory Use

A tower and/or antenna is considered a **principal use** if located on any **lot** or parcel of land as the sole or primary **structure**, and is considered and **accessory use** if located on a **lot** or parcel shared with a different existing primary **use** or existing **structure**. An existing **use** or **structure** on the same **lot** or parcel shall not preclude the installation of an antenna or tower. For purpose of determining whether the installation of a tower or antenna complies with **zoning district** requirements, including but not limited to setback, **buffer**, and other requirements, the dimensions of the

entire **lot** or parcel shall control, even though the antenna or tower may be located in a leased area within such **lot** or parcel. Towers that are constructed and antennas that are installed, in accordance with the provisions of Section 5.05.00 shall not be deemed to constitute the expansion of a nonconforming **use** or **structure**.

#### **B. Inventory of Existing Sites**

1. To facilitate the co-location review of antennas, each applicant seeking to locate a new tower, alternative tower **structure** or antenna, or modify any such existing **structure**, shall provide an updated inventory of its existing towers or alternative tower **structures**. Applicants seeking to erect an amateur radio tower or antenna, or receive-only antenna as described in Section 5.05.03(C), shall be exempt from this provision. This required inventory information shall be maintained by Lowndes County in the form of a digital database that is geographically referenced and encoded as part of the County's Geographic Information System (VALOR). It is the responsibility of the applicant to ensure that this inventory data is accurate and kept up to date.
2. The inventory shall include all such **structures** that are within the jurisdiction of the governing authority; within a municipality located, in whole or in part, within Lowndes County; or within one-quarter (1/4) mile outside the border of Lowndes County. This inventory shall include specific information about the location (latitude and longitude coordinates), **height**, design, tower type, and general suitability for antenna co-location of each tower. Such information is a public document.

#### **C. Collocation of Antennas Required**

Applicants for the erection of a tower or placement of an antenna shall be required to collocate upon an existing tower or alternative tower **structure**. An exception to collocation shall be made only if the applicant adequately demonstrates that an existing tower suitable for collocation does not exist in the geographic antenna placement area utilizing the tower inventory maintained by the County, and that no suitable alternative tower **structure** is available as set forth in Section 5.05.05(E).

#### **D. Design Requirements for Collocated Antennas**

In **addition** to all applicable **building** and safety codes, all towers except amateur radio towers shall be designed to accommodate the collocation of other telecommunication antennas according to the following:

1. For towers up to 150 feet in **height**, the **structure** and fenced compound shall be designed to accommodate at least two (2) providers.
2. For towers 150 feet in **height** or greater, the **structure** and fenced compound shall be designed to accommodate at least three (3) providers.

#### **E. Availability of Suitable Existing Structures for Collocation**

No new tower, except amateur radio towers, shall be permitted unless the applicant demonstrates that no existing tower or existing alternative tower **structure** can accommodate the proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts. Evidence submitted to demonstrate that no existing tower or **structure** can accommodate the proposed antenna shall consist of one (1) or more of the following:

1. That no existing towers or suitable alternative tower **structures** are located within the geographic antenna placement area required to meet the applicant's engineering requirements;
2. That existing towers or **structures** are not of sufficient **height** to meet the applicant's engineering requirements;
3. That existing towers or **structures** do not have sufficient structural strength to support the applicant's antenna and related equipment;
4. That the applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing towers or **structures**, or the antenna on the existing tower or **structures** would cause interference with the applicant's proposed antenna;
5. That the cost or contractual provisions required by the tower owner to share an existing tower or **structure**, or to adapt an existing tower or **structure** for sharing are unreasonable. Costs exceeding new tower **development** are presumed to be unreasonable; or
6. That the applicant adequately demonstrates that there are other limiting factors that render existing towers and **structures** unsuitable.

#### F. Alternative Options for Collocation

If it is adequately demonstrated that antenna collocation as required above, is not possible for a given geographic antenna placement area, the following options are allowed if approved by the **Board of Commissioners**. However, all such options shall comply with all applicable requirements of Section 5.05.00 as well as all other applicable codes and ordinances.

1. Constructing a new tower, including the placement of additional **building** or other supporting equipment used in connection with said tower or antenna provided however, that all **structures** shall meet the setback, screening, and **buffer** requirements contained herein, and are located a minimum distance of 110 percent of the **height** of the tower from any **residentially** zoned property.
2. Installation of an antenna on an existing **structure** other than a tower (such as a **building**, **sign**, light pole, water tower, or other freestanding non-**residential structure**) that is fifty (50) feet in **height** or greater, if the additional antenna **height** adds no more than twenty (20) feet to the **height** of the existing **structure**, subject to the special review provisions of Section 5.05.04(C).

#### G. Aesthetics

The guidelines set forth in this section shall govern the design and **construction** of all towers and the installation of all antennas.

1. Towers/antennas shall either maintain a galvanized steel or concrete finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
2. At all tower sites, the design of all **buildings** and related **structures** shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and **building** environment.
3. For antennas installed on a **structure** other than a tower, the antenna and supporting electrical and mechanical ground equipment shall be of a neutral color to make the antenna and related equipment visually unobtrusive.
4. Towers shall not be artificially lighted, unless required by the FAA or applicable authority. If lighting is required, such lighting shall be of a design that causes the least disturbance to the surrounding views.
5. Towers shall not be located where they will negatively affect **historic structures** or **districts**, or scenic view corridors.

#### H. Signage

Telecommunications facilities shall contain a **sign** no larger than four (4) square feet to provide adequate notification to **persons** in the immediate area of the presence of an antenna that has transmission capabilities. The **sign** shall contain the name(s) of the owner (s) and **operator(s)** of the antenna(s) as well as emergency phone numbers. The **sign** shall be located to be visible from the access point of the site. The **sign** shall not be lighted. No other **signage**, including advertising, shall be **permitted** on any telecommunication facilities, antennas, antenna supporting **structures**, or antenna towers, unless otherwise required by law.

#### I. Setbacks

The following setback requirements shall apply to all towers:

1. Towers/antennas shall be setback a minimum distance equal to one-third (1/3) of the **height** of the tower from its base to any public **right-of-way** or property line of the **lot** or parcel containing the tower.
2. Guy wires and **accessory buildings** and facilities shall meet the minimum **accessory use** location and setback requirements prescribed for the **zoning district** in which the tower is proposed.

#### J. Security Fencing and Anti-Climbing Devices

All towers and supporting equipment shall be enclosed by fencing not less than seven (7) feet in **height** and shall be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood, or other alternative as approved by the **Board of Commissioners**.

#### K. Landscaping

The following landscaping requirements shall apply to all towers:

1. Tower facilities shall be landscaped with a landscaped area of plant materials which effectively screen the view of the tower compound. Landscaped areas shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the compound. Landscaped areas shall satisfy the minimum design and planting requirements for **buffers** set forth in Section 4.07.06.
2. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site provides an adequate visual screen, an undisturbed **buffer** may be utilized.
3. It shall be the responsibility of the owner/tenant to keep all landscaping material (as part of the landscaped area) free from disease and properly maintained in order to fulfill the purpose for which it was established. The owners of the property, and any tenant on the property where **buffers** and landscaping are required, shall be jointly and severally responsible for the maintenance of all landscaping materials. Such maintenance shall include all actions necessary to keep the **buffer** and landscape areas free from litter and debris, to keep plantings healthy, and to keep planting areas neat in appearance. Any vegetation that constitutes part of the **buffer** or landscaping shall be replaced in the event it dies.

**L. Noise**

No equipment shall be operated at a telecommunication tower to produce noise which would constitute a nuisance based on local or state laws, except in emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis, not to exceed fourteen (14) days. No generator shall be used for regular operations prior to commercial power being delivered to the site.

**M.** Telecommunication facilities shall be constructed in accordance with the standards in the latest edition of the following publications:

1. **Construction** standards for telecommunications towers, published by the Electronic Industries Association.
2. "Minimum Design Load for **Buildings** and **Structures**," published by the American Society of Civil Engineers.
3. "Guide to the use of Wind Load Provisions," published by the American Society of Civil Engineers.
4. **Building** and technical codes adopted by Lowndes County.

**N.** Where antennas are attached to existing **structures**, the **structure** and antennas shall be screened with architectural elements or integrated into architectural elements. Examples of appropriate stealth techniques include elements such as chimneys, spires, steeples, or cupolas. Screening or other elements may be proposed, so long as the result is an integration of the antenna and any supporting **structure** into the existing **building** design features.

- O. Telecommunication facilities shall be continually maintained in compliance with the standards set forth in Section 5.05.00. If, upon inspection, the **County Manager** concludes that a tower fails to comply with all applicable codes and standards, or constitutes a danger to persons or property, written notice shall be provided to the owner, tenant, or **permit-holder** of the tower. Said party shall have fifteen (15) days to bring the telecommunication facility into compliance with such standards. Failure to bring the telecommunication facility into compliance shall result in removal of the facility. Prior to the removal of any facility, the **County Manager** may consider detailed plans submitted by the owner, tenant, or **permit-holder** for repair, and may grant a reasonable extension of the above referenced compliance period. Any such removal by the governing authority shall be in the manner provided in O.C.G.A Sections 41-2-7 through 41-2-17.

### 5.05.06 Removal of Abandoned Towers

Any tower or antenna that is not operated for a continuous period exceeding twelve (12) months shall be considered abandoned and the owner of such antenna or tower shall remove the **structure** and return the site back to its original condition within ninety (90) days of receipt of notice from the **County Manager** notifying the owner of such abandonment. Foundation components shall be removed to a minimum depth of twenty-four (24) inches below original **grade**. If said tower or antenna is not removed within said ninety (90) days, the governing authority may, in the manner provided in *O.C.G.A.* Sections 41-2-8 through 41-2-17, remove such antenna or tower at the owner's expense. If there are two (2) or more users of the single tower, then this provision shall not become effective until all users cease utilizing the tower.

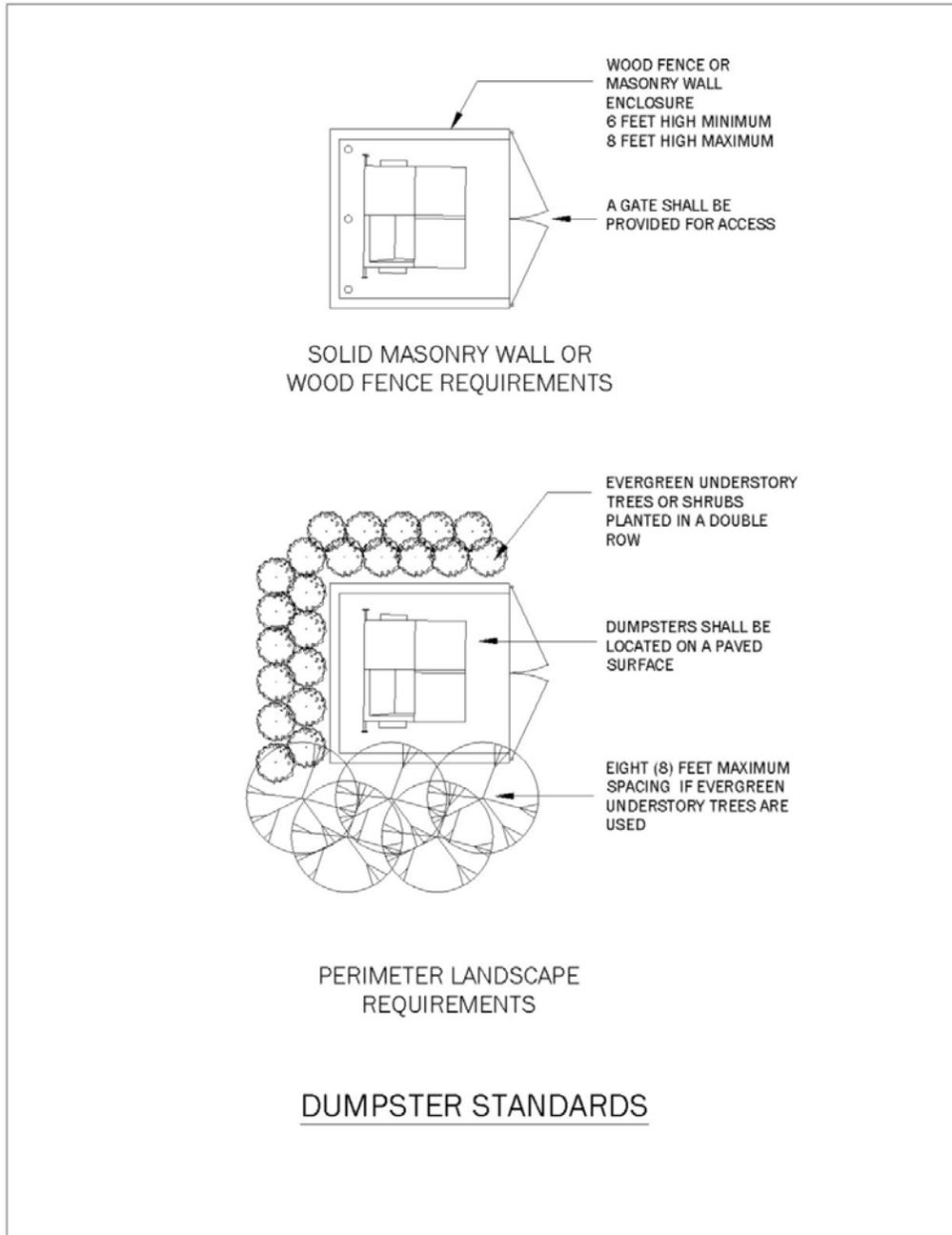


Figure 5.1.

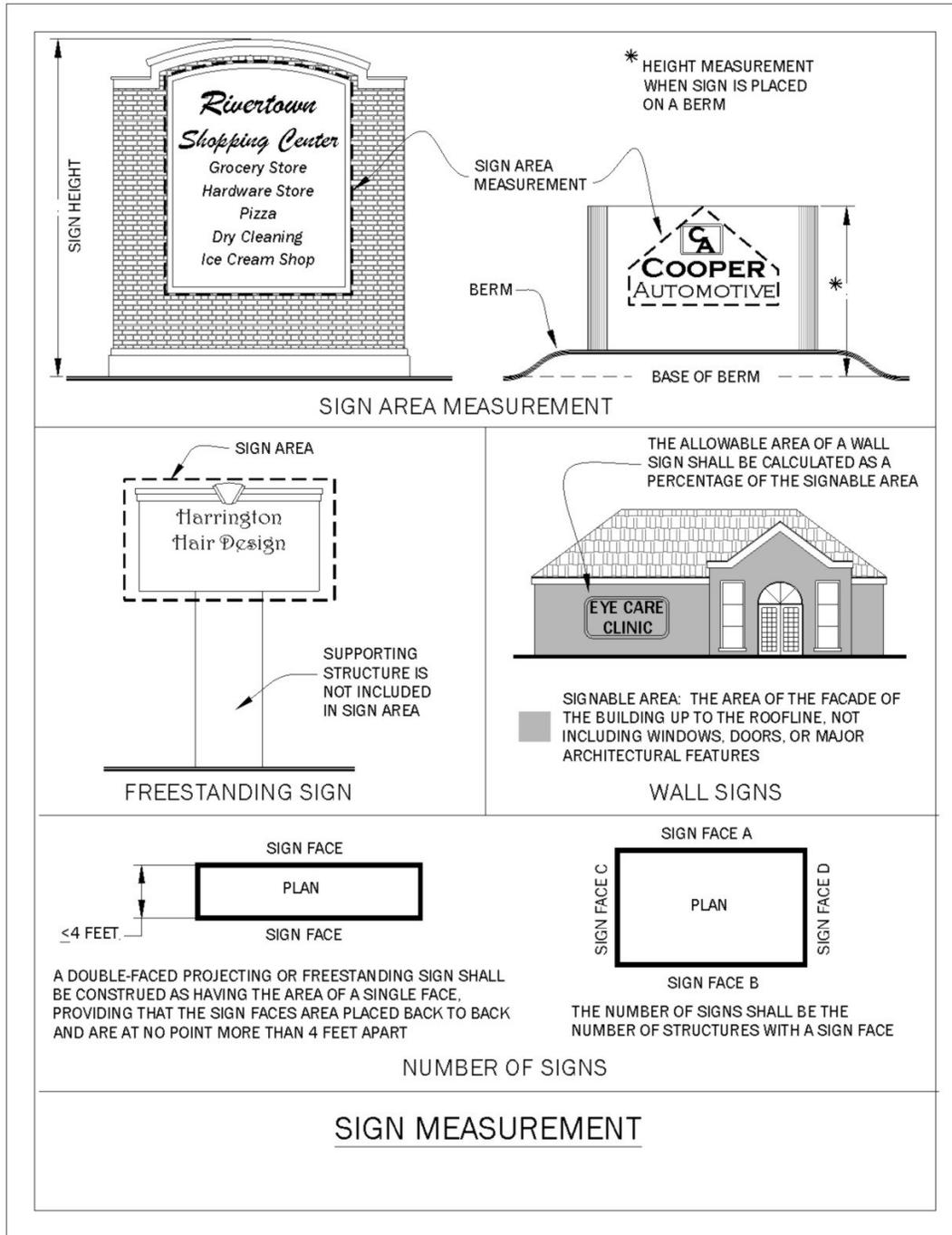


Figure 5.2.

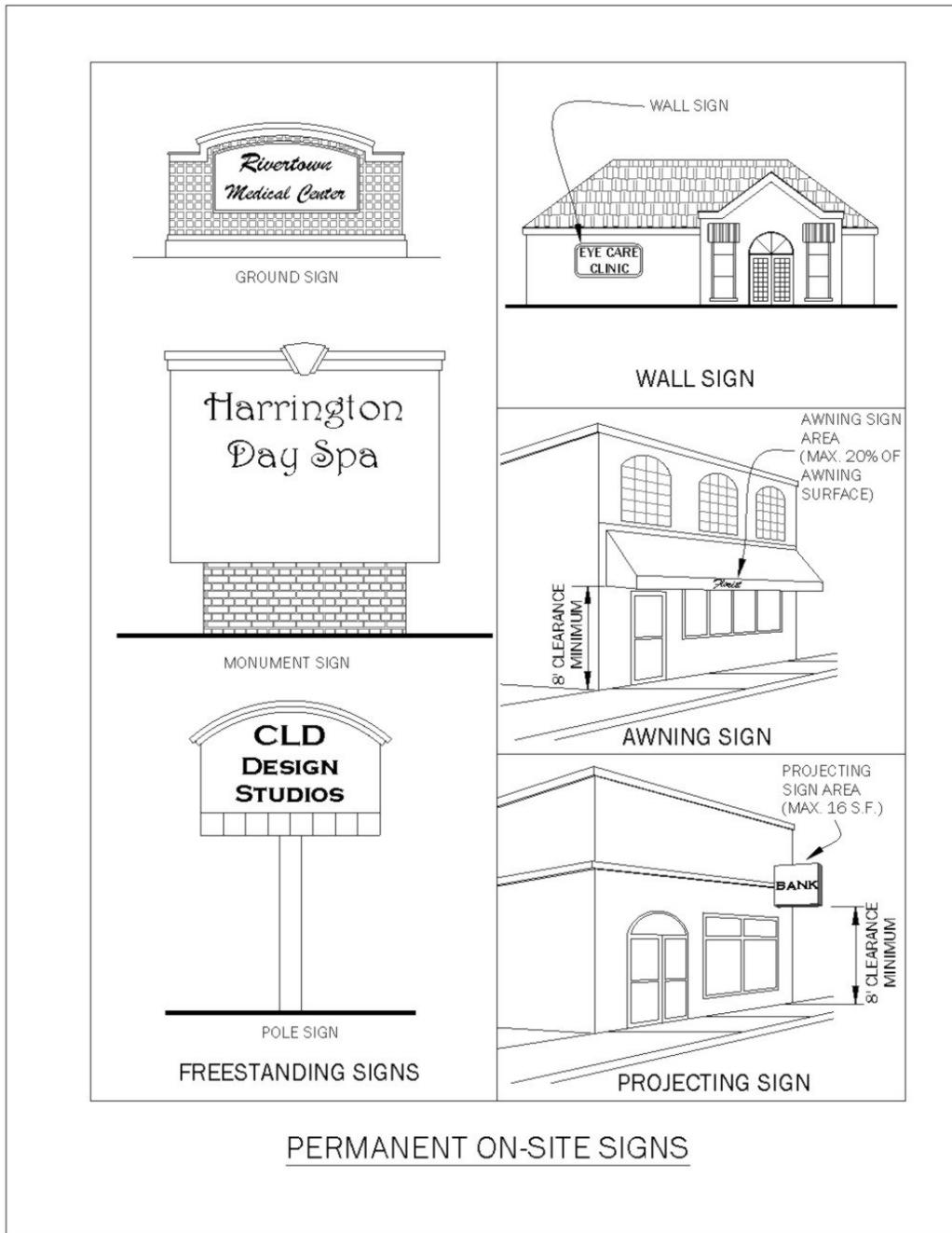


Figure 5.3.



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# CHAPTER 6

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## INFRASTRUCTURE IMPROVEMENTS

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## 6.00.00 GENERALLY

The purpose of this chapter is to establish standards and requirements for the provision of infrastructure by all **development**. This chapter contains requirements for the transportation system, set forth in Section 6.01.00, including access, **streets**, off-**street** parking and clear visibility at intersections. Lowndes County **Board of Health** requirements are set forth in Section 6.02.00. Requirements for utilities are set forth in Section 6.03.00, including potable water and sanitary sewer. Requirements for drainage and **stormwater management** are set forth in Section 6.04.00.

## 6.01.00 TRANSPORTATION AND PARKING

### 6.01.01 Access and Driveway Design Requirements

#### A. Limitations on Curb Cuts

Within any **Zoning District** where the lowering or **cutting** away of any curbs or installation of ditch piping for purposes of ingress and egress is required, such **curb cut** shall be subject to the following provisions:

1. Any parcel of property with **frontage** of less than fifty (50) feet on any one (1) **street** shall be allowed only one (1) combined entrance and exit.
2. Any parcel of property with **frontage** of fifty (50) feet to 200 feet on any one (1) **street** shall be allowed no more than two (2) combined entrances and exits.
3. Any parcel of property with **frontage** of more than 200 feet on any one (1) **street** shall be permitted additional entrances or exits after showing of actual requirements of convenience and necessity and upon approval of the **County Manager**.
4. At **street** intersections, no **curb cut** shall be located within fifty (50) feet of the intersections of two (2) curb lines or such lines extended, or within fifteen (15) feet of the intersection of two (2) property lines extended. When a culvert is required it shall receive approval from the **County Manager**.
5. The distance between any two (2) **curb cuts** on the same side of the **street** and located on one (1) property shall be not less than ten (10) feet. **Curb cut** distance shall be measured between the points of tangency of the curb return radii and the established curb line of the abutting **street**.
6. All driveways shall be constructed so as to be at least two (2) feet from any property line.
7. The maximum width of any driveway shall not exceed thirty-five (35) feet measured at the **right-of-way** line.
8. The maximum width of any **curb cut** including curb returns shall not exceed fifty (50) feet, except for **curb cuts** for truck stops if approved by the County Engineer.
9. The location, design, and **construction** of driveway connections shall comply with the Lowndes County Technical Standards Manual.

**B. Joint Access Driveways and Cross Access Easements**

Joint access driveways and cross access **easements** as specified in Corridor **Overlay Districts**, shall be designed according to the following provisions:

1. Adjacent commercial or office properties shall provide a cross access drive and pedestrian access to allow circulation between sites through a system of joint use driveways and cross access **easements** as shown in Figure 6.1. The design of the joint or cross access area shall incorporate the following:
  - a. Continuous service drive or cross access corridor extending the entire length of each **block** served to provide for driveway separation;
  - b. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive; and
  - c. Sufficient separation between side **street** access to the property and the major road to ensure safety.
2. In order to ensure continuous availability of access to all properties, all property owners shall:
  - a. Record an **easement** with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
  - b. Record an agreement with the deed that remaining access rights along the thoroughfare shall be dedicated to the County and pre-existing driveways shall be closed and eliminated after **construction** of the joint-use driveways; and
  - c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

**6.01.02 Streets and Rights-of-Way**

- A.** The location, arrangement, extent, width, and **grade** of all **streets** shall conform to the Lowndes County Thoroughfare Plan, and shall be considered in relation to existing and planned **streets**, topographical conditions, public safety and convenience, and proposed **use** of land to be served by the **streets**. The layout of a **subdivision** shall conform to the requirements and design principles described in this ULDC.
- B.** The location, design, and **construction** of all **streets** shall comply with the Lowndes County Technical Standards Manual and the Georgia **Department** of Transportation (GDOT) standards for **streets**.
- C.** **Streets signs** designating the approved name of each **street** shall be placed in accordance with County standards.
- D.** Access
  1. Except as provided in Section 6.01.02(E) below, each **lot** within a **subdivision** shall front a paved **public street** a minimum width of sixty (60) contiguous feet.

2. Where the **subdivision/development** does not immediately adjoin a **public street**, the subdivider/developer shall provide a paved **public street** from the **subdivision/development** to a paved **public street**.
3. A driveway connecting the **public street** with adjoining property is the responsibility of the property owner. Prior to installation, any needed drainage pipe under the driveway shall be approved by the County Engineer.
4. **Alleys** or fire lanes may be provided at the rear of **lots** in **residential subdivisions**. **Alleys** or fire lanes shall be provided at the rear of **lots** in commercial and industrial **developments**.

#### **E. Private Roads**

1. The **development** of a **subdivision** on private roadways shall be permitted subject to the provisions of this section.
  - a. **Subdivisions** which utilize **private streets** must be approved by the Board of **Commissioners**.
  - b. The developer of a **subdivision** which utilizes **private streets** shall establish of a responsible association with the authority to maintain the **private streets**.
  - c. **Private streets** shall be approved for **development** only when they are eligible for categorization as a **local street**.
  - d. **Private streets** shall be designed and constructed to comply with the Lowndes County Technical Standards Manual and the Georgia **Department** of Transportation (GDOT) standards for **public streets** and shall conform to the Lowndes County Thoroughfare Plan.
  - e. **Private streets** shall be designed so as to prohibit through traffic.
  - f. To allow for installation of utilities, there shall be a thirty (30) feet **utility easement** required to be indicated on the **subdivision** plat.
  - g. Prior to the issuance of **building permits** for **lots** within the **development**, the developer shall file with the **County Manager** a "Release of Maintenance Agreement," acknowledging that Lowndes County shall have no responsibility for present or future maintenance of the **private streets**.
  - h. A **street sign** indicating that the **street** is a **private street** shall be erected at the intersection of each **public street** and the **private street**.
  - i. **Development** with **private streets** or drives may erect a security gate at the entrance provided that the security gate is equipped with a pass key system or an emergency alarm activated gate to provide access for emergency vehicles and is located at least thirty (30) feet back from the point where the **private street** or drive meets the surface of the public road.

## F. Design Standards

1. Alignment and Continuation. **Streets** within a **subdivision** shall be so arranged as to provide for the alignment and continuation of existing **public streets**.
2. **Cul-de-sacs**
  - a. **Cul-de-sacs** shall be limited in length so that each **cul-de-sac** serves as **street** access for no more than twenty-four (24) **lots**.
  - b. Permanent **cul-de-sacs** shall terminate in a circular turnaround having a **right-of-way** of not less than 100 feet.
  - c. Paving within the turnaround shall have an outside diameter of not less than eighty (80) feet.
  - d. Where phased development is chosen, the property owner/developer shall provide a temporary **cul-de-sac** on all phase ending **streets** or **alleys**. At minimum the temporary cul-de-sac will be constructed with an all weather gravel material and have an outside diameter of not less than eighty (80) feet.
3. Permanent **dead-end streets** and dead-end **alleys** shall be prohibited.
4. Permanent half **streets** and half **alleys** shall be prohibited.
5. **Intersections**
  - a. The center line of no more than two (2) **streets** shall intersect at any one (1) point.
  - b. No **street** shall intersect another **street** at less than eighty (80) degrees and shall as nearly as possible intersect at ninety (90) degrees.
6. The **right-of-way** radius at **street** intersections shall be no less than twenty (20) feet except on **major arterial streets**, where GDOT standards shall apply.
7. **Horizontal and Vertical Alignment of Streets**
  - a. New **streets** shall be designed to meet all minimum requirements for the appropriate classification as listed in the most recent edition of the Lowndes County Thoroughfare Plan "Road Classifications" table.
  - b. The classification will be determined by the estimated traffic volume for each **street** and the land **use** of **lots** adjacent to the **street**. Traffic volumes shall be estimated in accordance with the latest edition of Trip Generation published by the Institute of Transportation Engineers (ITE).
  - c. New **streets** shall have horizontal alignment, vertical alignment, and superelevation designed in accordance with the latest edition of the American Association of State Highway and Transportation Officials (ASHTO), Geometric Design of Highways and **streets**.
8. **Right-of-Way Extension**
  - a. Where the proposed **Subdivision** has twenty-five (25) or more **lots** and abuts undeveloped properties, **street** rights-of-way shall be

extended by dedication to the boundary of the proposed **subdivision** as necessary such that every **subdivision** and prospective **subdivision** will have at least two (2) points of ingress onto and egress from the public road system either upon completion of **construction** of the proposed **subdivision** or when both proposed **subdivision** and the undeveloped property are developed.

- b. Undeveloped properties are unimproved lands without prior plans or plats submitted to or recorded with Lowndes County where such plans or plats are for the purpose of allowing a higher and better **use** of the property than allowed in its unimproved state.

9. **Street** jogs at intersections shall be not less than 150 feet between centerline offsets.

10. **Street Right-of-Way and Pavement Width**

- a. **Street rights-of-way** shall be measured between **lot** lines.
- b. **Street rights-of-way** and pavement widths shall meet the minimum requirements as listed in the latest edition of the Lowndes County Thoroughfare Plan “Road Classifications” table.
- c. If the **subdivision** boundary line lies adjacent to the **right-of-way** line of an existing **street** of less than the minimum **right-of-way** width, a minimum of one-half (1/2) the required extra **right-of-way** shall be dedicated.

11. **Medians**

- a. When a new **development** is proposed with a median in a **street**, the subdivider must make provisions for future maintenance of the grassing and landscaping within the median. Prior to issuance of **building permits** for **lots** within the **development**, the developer shall file with the **County Manager** a “Release of Maintenance Agreement,” acknowledging that Lowndes County shall have no responsibility for present or future maintenance of the medians.
- b. Median in a **street** with curb and gutter
  - i. Additional **right-of-way** will be required to provide a shoulder of at least ten (10) feet width measured from back of curb to **right-of-way**.
  - ii. **Utility easements** will be required beyond the **right-of-way** for the installation of utilities. The width of such **easements** will be as required by the County Engineer after review of the Preliminary Plat and preliminary **construction** plans of the subject **subdivision**.
- c. Median in a **street** with rural ditches: additional **right-of-way** will be required as needed to provide the shoulder, front slope, ditch bottom, and back slope widths as required in the latest edition of the Lowndes County Thoroughfare Plan “Road Classifications” table.

12. **Street and Subdivision** names. The subdivider shall provide on the **subdivision** plat the approved names or number of all **streets** within the **subdivision**.
  - a. **Streets** and roads that are obviously in alignment with and are extensions of existing previously named or numbered **streets** shall bear that name.
  - b. The names of all new **streets** and **subdivisions** shall be subject to the review and approval of the Lowndes County Engineer.
  - c. New **street** names and **subdivision** names shall not duplicate or closely resemble the names of **streets** already in existence within Lowndes County or any incorporated part of Lowndes County.

### 6.01.03 Parking Standards and Design

#### A. Parking Space Requirements

1. Except as provided in this section, no application for a **building permit** shall be approved unless there is included with the plan for such **building**, improvements, or **use**, a **development** plan showing the required space reserved for off-**street** parking and loading. Occupancy shall not be allowed unless the required off-**street** parking and loading facilities have been provided in accordance with those shown on the approved plan.
2. Minimum off-**street** vehicular parking spaces shall be provided at the time of the **construction** of the **principal building** or at the time of the conversion of a **building** having a previously existing **use**, to a more intensive **use** of the same property.
3. When an **addition** is made to a **building** containing less than the required parking or loading requirements, off-**street** parking shall be provided for the entire **building**, based upon the standards in this section.
4. No **addition** to an existing **building** shall be constructed which reduces the number of spaces, area, or usability of an existing **parking lot** or loading space, unless such **building** and its **addition** conform with the regulations for parking and loading contained herein.
5. Requirements for off-**street** parking for **uses** not specifically mentioned in this section shall be the same as required for the **use** most similar to the one sought.
6. The minimum number of parking spaces shall conform to the standards in Table 6.01.03(A).
7. Calculation of required parking;
  - a. Where **floor area** determines the amount of off-**street** parking required, the **floor area** of a **building** shall be the sum of the gross horizontal areas of every **floor** of the **building**, using exterior wall dimensions.

- b. For places of public assembly, the number of seats shall be the maximum occupancy load established for the **building** by the Fire Marshall.

**Table 6.01.03(A). Parking Space Requirements.**

Type of use or Activity	Minimum Number of Spaces
Assembly places (religious facilities, funeral homes, schools, theaters, auditoriums, arenas, civic centers, and facilities with an auditorium, sanctuary, or gathering place, whether fixed seats or open area)	1 space per 4 seats
Business and commercial activities, including retail sales, <b>shopping centers</b> , and business activities not otherwise specified	1 space per 250 s.f. of gross <b>floor area</b>
<b>Clubs and lodges</b> (including fraternities, sororities, and other social or civic membership organizations)	1 space per each 2 employees, plus 1 space for each 4 seats in the largest assembly area
Day care, child care centers and kindergarten	1 space per employee on the largest shift
Gasoline service stations	1 space per employee on the largest shift, plus 2 spaces per repair bay
Hospitals, nursing homes, rest homes, convalescent homes, assisted care facilities, and other similar facilities and other medical facilities providing overnight accommodations	1 space per each 3 beds, plus 1 space for each employee on the largest shift
Indoor recreational activities, including bowling <b>alley</b> , YMCA and similar uses	1 space per 150 s.f. of gross <b>floor area</b>
Lodging accommodations, without restaurants or lounges	1 space per sleeping room
Lodging accommodations, with restaurants or lounges	1 space per sleeping room, plus parking required for the restaurant or lounge
Libraries and museums	1 space per each 500 s.f. of gross <b>floor area</b> .
Manufacturing, warehousing and industrial uses	2 spaces for each 3 employees on the largest shift, plus 1 space for each company vehicle operating from the premises
Medical offices and clinics	1 space per 200 s.f. of gross <b>floor area</b>
Mortuary and funeral homes	1 space for each 4 seats in the chapel, plus 1 space for each 3 employees
<b>Multi-Family Dwellings</b>	2 spaces per <b>dwelling unit</b>
Offices (general, professional, or government)	1 space per 300 s.f. of gross <b>floor area</b> , plus 1 space for each 2 employees
Public parks and outdoor recreation facilities	1 space per 1,000 s.f. feet of active use area
Restaurants, eating, drinking, or entertainment	1 space per 2 seats, plus 1 space for

Type of use or Activity	Minimum Number of Spaces
establishments (without drive-in facilities)	each 2 employees on the largest shift
Schools and educational uses; Elementary, middle and junior high schools	2 spaces for each classroom, office and kitchen
Schools and educational uses; High schools, trade schools, private colleges and universities	5 spaces for each classroom, plus 1 space for each staff member
<b>Single-Family Dwellings</b>	1 space per unit
Wholesale and agricultural sales	1 space for each employee on the largest shift, plus sufficient spaces to accommodate vehicles used in the conduct of business

**B.** Parking space requirements (number of spaces) may be adjusted by the **County Manager** for a specific **use**. Adjustments may be granted for a multiple tenant establishment, commercial center, or joint use of two (2) or more adjacent or adjoining **uses**. The property owner shall provide the following information to support a request for reduction or waiver of otherwise required parking.

1. There is one (1) or more paved driveway connections between the **parking areas** of the **developments** involved. The number, location(s), and design specifications of said driveway(s) shall be acceptable to the County.
2. A parking study shall be provided to document the proposed number of parking spaces. The study shall include an estimate of the number of spaces required and the source of the estimate. Acceptable sources include studies such as conducted by the Urban Land Institute or the Institute of Transportation Engineers. Parking data for similar **uses** may be included, provided that the similar **uses** are documented as similar in **density**, scale, bulk, area, type of activity, hours of operation, and location. The County shall retain the sole authority to accept the parking data as appropriate for the proposed **use**.
3. A cross-access and cross-parking agreement, in recordable form acceptable to the County, shall be **executed** by the owners of **developments** involved. Said agreement shall guarantee the joint **use** of a specified number of parking spaces.

**C.** Parking space requirements may be reduced, waived by the **County Manager**, or shared parking may be approved, based upon the availability of an off-site and non-contiguous parking facility or **parking lot** for a specific **use**. The property owner shall provide the following information to support a request for reduction or waiver of otherwise required parking.

1. The availability of the off-site **parking lot** shall be guaranteed in perpetuity, by virtue of common ownership with the primary site, recorded **easements**, or other binding agreements acceptable to the County.

2. The off-site **parking lot** shall be located no more than 200 feet from the primary site. The distance shall be measured along the paved public **right-of-way** from the entrance driveway into the **parking area** to the entrance of the **principal building**.
3. The off-site **parking lot** shall meet all **development** standards set forth in this ULDC.

**D. Parking Lot Design Requirements.**

Off-street **parking lots**, individual parking spaces, loading areas, and loading stalls shall be designed to conform to the following criteria and standards.

1. All multi-family **residential** and non-**residential developments**, shall provide a paved, dust-free surface. The **use** of approved permeable or pervious pavement materials shall be subject to approval by the County Engineer.
2. All such areas shall be at all times maintained at the expense of the owners thereof in a clean, orderly, and dust-free condition to the extent it does not create a nuisance.
3. All off-street parking and loading areas shall be well maintained. **Parking lots** and loading areas shall be free of potholes, debris, weeds, broken curbs, and broken wheel stops.
4. All off-street parking, loading, and service areas shall be drained so as to prevent damage to abutting properties and/or **public streets**.
5. All **parking areas** shall be arranged for convenient access and safety of pedestrians and vehicles.
6. All **parking areas** shall provide barriers when located at the perimeter of the **lot** to prevent encroachment onto adjacent property.
7. All off-street parking, loading, and service areas shall be separated from walkways, sidewalks, and **streets** by curbing or other suitable protective device. Loading stalls shall not hinder movement of pedestrians or vehicles over a **street**, sidewalk, or **alley**, or to and from an off-street **parking area**.
8. Off-street parking and loading areas that are to be used at night shall include proper illumination for the safety of pedestrians, vehicles, and for security purposes. Lighting shall be located and shielded to avoid direct illumination of adjacent properties.
9. Individual spaces and internal aisles shall be designed according to the standards below;
  - a. Parking space dimensions shall be a minimum of nine (9) feet by twenty (20) feet.
  - b. The number, design, and location of parking spaces provided to ensure handicapped access shall comply with the Americans with Disabilities Act standards for accessible design.
  - c. There shall be provided adequate interior driveways to connect each parking space with a public **right-of-way**.

Table 6.01.03(B). Parking Lot Design.

Required Width of Interior Driveways and Aisles (feet)	Parking Design (degree of angle)
24	90°
18	60°
12	Parallel
12	One-way traffic Not adjacent to parking
24	Two-way traffic Not adjacent to parking

10. Each off-street parking space shall be clearly marked, and directional arrows or **signs** shall be provided wherever necessary. Markers, directional arrows, and **signs** shall be properly maintained so as to ensure their maximum efficiency.

**E. Loading Space Design Standards**

1. Industrial, wholesale, institutional, and commercial operations shall provide loading spaces as follows:
  - a. Commercial centers, commercial **uses**, hotels, hospitals, and institutional **uses** with less than 10,000 square feet of gross **floor area** shall provide one (1) off-street loading space.
  - b. Commercial centers, commercial **uses**, hotels, hospitals, and institutional **uses** with 10,000 square feet or more of gross **floor area** shall be provide one (1) space per 10,000 square feet of gross **floor area**, plus one (1) space for each additional 20,000 square feet, or fraction thereof.
  - c. Industrial **uses** shall provide one (1) space for each 10,000 square feet of gross **floor area**.
2. Elementary, middle and junior high schools, day care centers, and childcare centers shall provide safe and convenient drop off areas for students. The drop off area is intended to allow a student to enter or exit a vehicle directly to a sidewalk abutting the entrance to the school or day care center.
3. Off-street loading spaces shall be designed and constructed so that all maneuvering for loading and unloading can take place entirely within the property lines of the premises. Loading spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on public rights-of-way.
4. Off-street loading spaces shall meet the following design requirements:
  - a. Loading spaces shall not **block streets, alleys**, or sidewalks. Loading spaces shall not impair the movement of vehicles or pedestrians on **streets, alleys**, or sidewalks.

b. Every loading space shall meet the following minimum dimensions:

Length	30 feet
Width	12 feet
<b>Height</b> Clearance	14 feet

**6.01.04 Drive-Through Facilities and Stacking Lanes**

- A. All **uses** and facilities providing drive-up or drive-through service shall provide stacking lanes in compliance with the standards of this section.
- B. Restaurants with drive-up or drive-through facilities shall provide a minimum stacking space to accommodate eight (8) vehicles. A by-pass lane shall be required.
- C. Banks and financial institutions shall provide stacking spaces according to Table 6.01.04(A). A by-pass lane shall be provided.

**Table 6.01.04(A). Stacking Lane Requirements for Banks and Financial Institutions.**

Number of Drive-Through Lanes	Total Number of Vehicles Accommodated
1	6
2	10
Each additional lane	2 additional vehicles accommodated

D. Stacking lanes shall not be located within a designated delivery area or area designated for loading spaces.

**6.01.05 Visibility at Intersections**

- A. In order to provide a clear view of intersecting rights-of-way and/or private driveways, there shall be a triangular area of clear visibility formed by the two (2) intersecting rights-of-way, driveways, or combination thereof.
- B. The horizontal dimensions of sight areas are defined as triangular areas formed by the intersecting **right-of-way** lines and a straight line joining the **right-of-way** lines twenty (20) from the point of intersection of the **right-of-way** lines.
- C. The vertical dimensions of sight areas are defined as that vertical space between the **heights** of three (3) feet and twelve (12) feet in elevation above the nearest edge of the **street** pavement of a paved **street** or above the nearest edge of the riding surface of an unpaved **street**.
- D. Within the clear **visibility triangle** area no fence, wall, **sign, structure**, slope or embankment, parked vehicle, hedge, foliage or other planting, and other object or **structure** shall be placed, erected, or maintained which will obstruct visibility. (See Figure 6.2).
- E. **Streetlights** and **street** name **signposts** shall be permitted, provided that illuminating fixtures or nameplates are not within the prescribed clear space.

## 6.02.00 BOARD OF HEALTH REQUIREMENTS

### 6.02.01 Purpose

The purpose of this section is to insure that private water supply wells, private septic tanks, and **on-site** sewage disposal systems are located and installed in a manner that protects the general health and safety of the citizens of Lowndes County.

### 6.02.02 Jurisdiction

- A. The Lowndes County **Board of Health** shall have jurisdiction for protecting the health of the community for **developments** that propose the installation of private wells, private septic tanks, or **on-site** sewage disposal systems.
- B. The **Board of Health** shall review proposed **development** for the suitability of soils, minimum **lot** size, and minimum **lot width** for the location and installation of private wells, private septic tanks, or **on-site** sewage disposal systems.
- C. Administrative procedures, including the role of the **Board of Health** in the review of proposed **development**, are provided in Chapter 10.

### 6.02.03 Soil Suitability Criteria

In determining the suitability of soils for the installation of private wells, private septic tanks, or **on-site** sewage disposal systems, the **Board of Health** shall use the following sources:

- A. Preliminary review of soil suitability shall be based on the **Water Resource Protection District** Map, maintained by the VALOR mapping system at the RDC.
- B. The **Board of Health** may require soil borings of the proposed **development** site to determine the suitability of soils. Soil borings may be required at up to three (3) stages of the **development** review process:
  - 1. At the time of application by the developer of the property.
  - 2. During the **development** review process by the **Board of Health**.
  - 3. At the time of the application for a **building permit** by the applicant of the **building permit**.

### 6.02.04 Water Supply and Sanitary Sewage, and Septic Systems

- A. No **building permit** shall be issued by the **County Manager** without the approval of the Lowndes County **Board of Health** for the proposed private wells, private septic tanks, or **on-site** sewage disposal systems.
- B. Community or shared sewage disposal systems may be approved by the **Board of Health**.
- C. Community or shared sewage disposal systems with a capacity of greater than 10,000 gallons per day shall require approval of Georgia EPD.
- D. Where topography, soil characteristics, drainage, groundwater or other physical conditions preclude safe **on-site** water supplies and/or sewage disposal systems, the developer shall furnish to the Georgia EPD, plans

and specifications for a public water supply and/or public sewage disposal system for the **development**.

### 6.03.00 REQUIREMENTS REGARDING POTABLE WATER, SANITARY SEWER, AND OTHER UTILITIES

#### 6.03.01 Generally

- A. All **development** shall include adequate provision for **utility** infrastructure in full compliance with the standards of Section 6.03.00.
- B. A **Certificate of Occupancy** shall not be issued for **structures** in a **subdivision** or a **development** until **Board of Health** approval has been received and all necessary utilities have been installed in full compliance with the design, **construction**, and placement standards set forth in Section 6.03.00.
- C. All **construction** drawings shall be prepared and sealed by a professional engineer registered in the State of Georgia.
- D. All engineering plans and specifications shall be reviewed and approved by Lowndes County prior to the developer submitting plans and specifications to any other governmental agencies.

#### 6.03.02 Requirements for All Utilities

- A. New connections to the existing Lowndes County Utility System (LCUS) are subject to all County standards, specifications, codes, and ordinances as they pertain to water and sewer systems and/or facilities.
- B. The location, design, and **construction** of utilities shall comply with the Lowndes County Technical Standards Manual.
- C. All **construction** and installation shall be performed by a **utility** contractor licensed by the State of Georgia.
- D. The developer shall construct and convey to Lowndes County, free and clear of all encumbrances and at no cost to the County, the extension to the LCUS and the complete water and/or sewer system on the subject property prior to recording of the final plat.
- E. Following conveyance to Lowndes County by the developer, the extension and any **additions**, repairs and replacements thereto shall at all times remain the sole, complete and exclusive property of and under the control of Lowndes County. The developer shall have no right or claim in or to the developer's extension provided, however, that the extension shall be used for providing service to the **development**.
- F. A minimum ten (10) foot **utility easement** is required outside of the **right-of-way** for the provision of utilities.
- G. A minimum twenty (20) foot **utility easement** shall be the standard width for the installation of one (1) utility when the easement is not wholly adjacent to the **right-of-way**.
- H. A minimum thirty (30) foot **utility easement** shall be the standard width for the installation of two (2) or more utilities when the easement is not wholly adjacent to the **right-of-way**.

- I. Open cutting of paved or improved County roads for the installation of any utility is prohibited.

### 6.03.03 Potable Water System Requirements

- A. The developer shall be responsible for the design of an adequate system of water supply, treatment, transmission, and distribution facilities for the **development**.
- B. All potable water systems shall comply with the design and **construction** standards of the Lowndes County Utility Department.
- C. Water mains with a diameter of two (2) inches or greater are required to be cased under roadways.
- D. All **development** shall be required to connect to a public water system when the County's water system is within a 1,000 feet radius of the parent tract of the new **subdivision** and/or **development**.
- E. The Lowndes County Utility Department may determine that conditions are such that a private water system is acceptable. It is the developer's responsibility to contact the Lowndes County Utility Department for this determination. The Lowndes County Utility Department will advise the developer as to the proper procedures for connecting to the LCUS.
- F. If it is determined that a private water system is **permitted**, it is the responsibility of the developer to coordinate with the private **utility** company for approval of the connection. Plans, specifications, and design calculations must be submitted to the Lowndes County Utility Department for approval, whether the system is public or private.
- G. All water systems, public or private, shall be located entirely within rights-of-way or permanent **easements** dedicated to Lowndes County.
- H. Hydrants
  1. Specifications for the location and depth of the connection of hydrants shall meet the minimum standards contained in the Lowndes County Technical Standards Manual.
  2. No hydrants shall be installed by the developer.
  3. The developer shall install saddle "T" and a five (5) feet stub out line with a cap for the future installation of each fire hydrant.
  4. For private water systems the Developer will pay the County for the cost of fire hydrants and for the future installation of said fire hydrants by the County once the County system is connected.

### 6.03.04 Sanitary Sewer System Requirements

- A. The developer shall be responsible for the design of an adequate sewage collection system and/or treatment facilities where necessary.
- B. All wastewater systems shall comply with the design and **construction** standards of the Lowndes County Utility Department.
- C. All **development** shall be required to connect to a public sewer system when the County's sanitary sewer system is within a 1,000 feet radius of the parent tract of the new **subdivision** and/or **development**.

- D. The developer is responsible for the coordination of connection to a privately owned system.
- E. All sewer systems, public or private, shall be located entirely within rights-of-way or permanent **easements** dedicated to Lowndes County.
- F. Waste disposal through the use of injection wells is prohibited.

#### 6.03.05 Other utility Requirements

- A. When water, sewer, electrical power, telephone, or cable television facilities are installed and intended to be owned, operated, or maintained by a public **utility** or any entity other than the property owner or developer, the ownership of such **utility** or facility shall be transferred to the service provider.
- B. All lines for electricity, telephone, cable television, streetlights, and gas distribution (exclusive of transformers or enclosures containing electrical equipment, including, but not limited to, switches, meters, or capacitors) shall be placed underground within **easements** or dedicated public rights-of-way.

### 6.04.00 REQUIREMENTS REGARDING DRAINAGE AND STORMWATER MANAGEMENT

#### 6.04.01 Generally

- A. The purpose of the drainage and **stormwater management** requirements set forth in this section is to minimize the detrimental effects of stormwater runoff and to provide for mitigation of stormwater impacts from new **development** and **redevelopment**.
- B. The regulations in this section are intended to:
  - 1. Establish minimum **post-development stormwater management** standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
  - 2. Provide retention/detention of stormwater runoff to maintain **surface water** quality, to ensure percolation, and reduce contamination to **surface water** and groundwater;
  - 3. Preserve natural lakes, creeks, other water courses, and natural drainage features;
  - 4. Prevent creation of **flood** hazards due to new **development**;
  - 5. Encourage the use of nonstructural **stormwater management** and stormwater better site design practices, such as the preservation of green space and other conservation areas, to the maximum extent practicable;
  - 6. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural **stormwater management** practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety.

- C. The requirements of this ULDC do not supersede those of other State or federal agencies.

#### 6.04.02 Applicability and Exemptions

- A. All proposed **development**, except as specifically described in this section, shall comply with the standards and criteria set forth in Section 6.04.00.
- B. No drainage system, whether natural or manmade, shall be altered, designed, constructed, abandoned, restricted or removed without prior written approval of the County Engineer and all appropriate State and federal agencies.
- C. The following activities are exempt from the requirements of Section 6.04.00
  1. An individual **single-family residential dwelling unit** on a legal lot of record;
  2. **Additions** or modifications to existing **single-family** or **duplex residential structures**;
  3. Maintenance of an existing **structure** which will not change the peak discharge rate, volume, or pollution load of stormwater runoff from the site on which that **structure** is located; and
  4. Agricultural or silvicultural land management activities within the E-A and R-A **zoning districts**.

#### D. Stormwater design manual

All **Stormwater management** plans shall utilize the policy, criteria, technical specifications, and standards in the latest edition of the Georgia **Stormwater Management Manual (GSMM)** for the proper implementation of the requirements of this section. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience. All references to the GSMM mean the latest edition as defined on the GSMM website at [www.georgiastormwater.com](http://www.georgiastormwater.com). Updates, errata, and revisions will be provided on the website.

#### 6.04.03 Standards for Stormwater management

- A. A “Master Drainage and **Stormwater Management Plan**,” prepared, signed, and sealed by a registered professional engineer shall be submitted to the County Engineer simultaneous with preliminary plat submittal.
  1. The developer shall be responsible for the design of an adequate drainage and **stormwater management** system for the **development**.
  2. The developer shall provide for adequate drainage for springs or other ground water drainage.
  3. The location, design, and **construction** of drainage and **stormwater management** systems shall comply with the Lowndes County Technical Standards Manual.
  4. The Master Drainage and **Stormwater Management Plan** shall contain sufficient information demonstrate that the requirements and criteria

in Section 6.04.00 are being complied with and that opportunities are being taken to minimize adverse post-**development** stormwater runoff impacts from the proposed **development**.

5. The plan shall consist of maps, narrative, and supporting hydrologic and hydraulic design calculations for the proposed drainage and **stormwater management** system.
6. The plan shall include all of the information required in the **Stormwater Management Site Plan** checklist found in the GSMM.

#### B. Design Standards

1. The drainage system for a **subdivision**, commercial or industrial **development** shall be designed in accordance with sound engineering principles and procedures such that all salable parcels included in the **subdivision** record plat are positively drained.
2. The drainage system shall be designed to accommodate drainage from adjacent lands which naturally drain to or through the lands being subdivided. This accommodation shall be provided by the **construction** of interceptor ditches along the entire upstream perimeter of the **subdivision**.
3. Further, this accommodation shall provide for the conveyance of the 100-year storm event peak flows through the **subdivision** in such a way as to prevent **flooding** of any proposed **buildings** or to the drainage and road infrastructure.
4. The drainage and **stormwater management** system shall be designed to not **significantly** affect the natural drainage onto adjacent lands.
  - a. Significant effects to natural drainage onto adjacent lands include both changes in flow rates and character and location of stormwater runoff, including changes from sheet flow to point discharge.
  - b. The post-developed peak discharge rate must not exceed the pre-developed peak discharge rate for the design storms unless appropriate agreements are obtained by the developer from the owner of such adjacent lands concurring with the proposed drainage design;
  - c. Such agreements must extend to the next natural or man-made drainage feature downstream of the **development**; and
  - d. Such downstream drainage feature must be capable of conveying the 100-year storm event peak flow rates for the entire drainage basin it serves.
  - e. Unless discharge is into an existing well defined drainage channel, such agreement must be provided.
    1. Evidence of such concurrence shall be submitted to the County Engineer along with the Master Drainage and **Stormwater Management Plan**, or
    2. A level spreader shall be designed and installed.
5. Drainage facilities for **stormwater management**, both detention and

retention, shall have their storage volumes and principal outlet control **structures** designed for the storms with return frequencies of two (2) years, five (5) years, ten (10) years, twenty-five (25) years, fifty (50) years, and 100 years.

- a. All such facilities shall have the emergency overflow **structures** designed to convey the 100-year storm event peak flows.
  - b. All facilities that impound water on a permanent or temporary basis with water depths greater than two (2) feet must either have side slopes below the 100-year water surface of 4H:1V or flatter, or be enclosed by a fence at least four (4) feet in **height**.
  - c. Fencing material must prohibit passage of items larger than six (6) inches in diameter, and adequate gates must be installed to allow maintenance.
6. All drainage systems discharging into any creek, stream, or natural body of water including but not limited to **wetlands**, as determined by the U.S. Army Corps of Engineers shall, pass through an approved **sedimentation** or detention pond prior to such discharge.
7. Drainage facilities associated with **streets** and roads must be designed:
- a. To convey stormwater in accordance with the minimum requirements listed in the Lowndes County Thoroughfare Plan "Road Classifications" table
  - b. Such that all lateral and longitudinal storm pipes and **Diameter at Breast Heights**, including catch basins and drop inlets, are capable of carrying the twenty-five (25) year design storm.
  - c. All cross drain pipes shall be designed such that all pipes are capable of carrying the fifty (50) year design storm.
  - d. All storm drain inlets must be marked by the developer with a curb marker provided by the Lowndes County Engineering **Department**.

### C. Record Documents

Upon completion of **construction** and prior to approval of the final plat, the subdivider shall provide record documents for all facilities that impound water on a temporary or permanent basis.

1. Drainage facilities including, but not limited to, culverts, rights-of-way, and **easements**, shall be dedicated to Lowndes County, at no expense to the County, and at the option of the County.
2. The record drawings shall include pipes and outlet control **structures**, shall show one (1) foot contours, and shall give pipe and **structure** elevations to the accuracy of 0.01'.
3. Such record plans shall demonstrate that the **construction** has been completed in accordance with the approved **construction** plans, shall be sealed by a professional engineer or registered land surveyor, and shall include the following statement:

ENGINEER'S/SURVEYOR'S CERTIFICATE  
STATE OF GEORGIA  
COUNTY OF LOWNDES

I, \_\_\_\_\_, being a registered Professional Engineer/Land Surveyor in the State of Georgia, registration number \_\_\_\_\_, do hereby certify that the **stormwater management** system elevations, pipe sizes, **structure** sizes, dams, and storage volumes for \_\_\_\_\_ (the **Project**) were constructed in general accordance with the plans and specifications approved by the County Engineer, County of Lowndes, Georgia, and that the **stormwater management** system will function as designed.

signed and sealed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(SEAL)

**Signature**

4. Ingress and egress **easements** shall be documented for the **stormwater management** facilities to ensure access from a public **right-of-way** to **stormwater management** facilities requiring regular maintenance and for the purpose of inspection and repair. Upon final inspection and approval, the final plat shall indicate that such **easements** exist shall be recorded and shall remain in effect even with the transfer of title of the property. Areas required for maintenance shall be cleared of all trees and underbrush which would interfere with maintenance of the facilities.
5. To provide for future access, drainage and **utility easements** measuring a minimum of five (5) feet shall be provided along each side and rear property line of every **lot** within a **residential subdivision**.
6. Drainage pond **structures** shall be designated as a separate **lot of record** on the final plat of a **residential subdivision**, unless otherwise approved by County Engineer.
7. All drainage pond **structures** shall remain in the ownership of the developer until the **subdivision** reaches ninety percent (90%) buildout.
8. All drainage pond **structures** shall carry a warranty for a minimum of one (1) year after acceptance by Lowndes County.

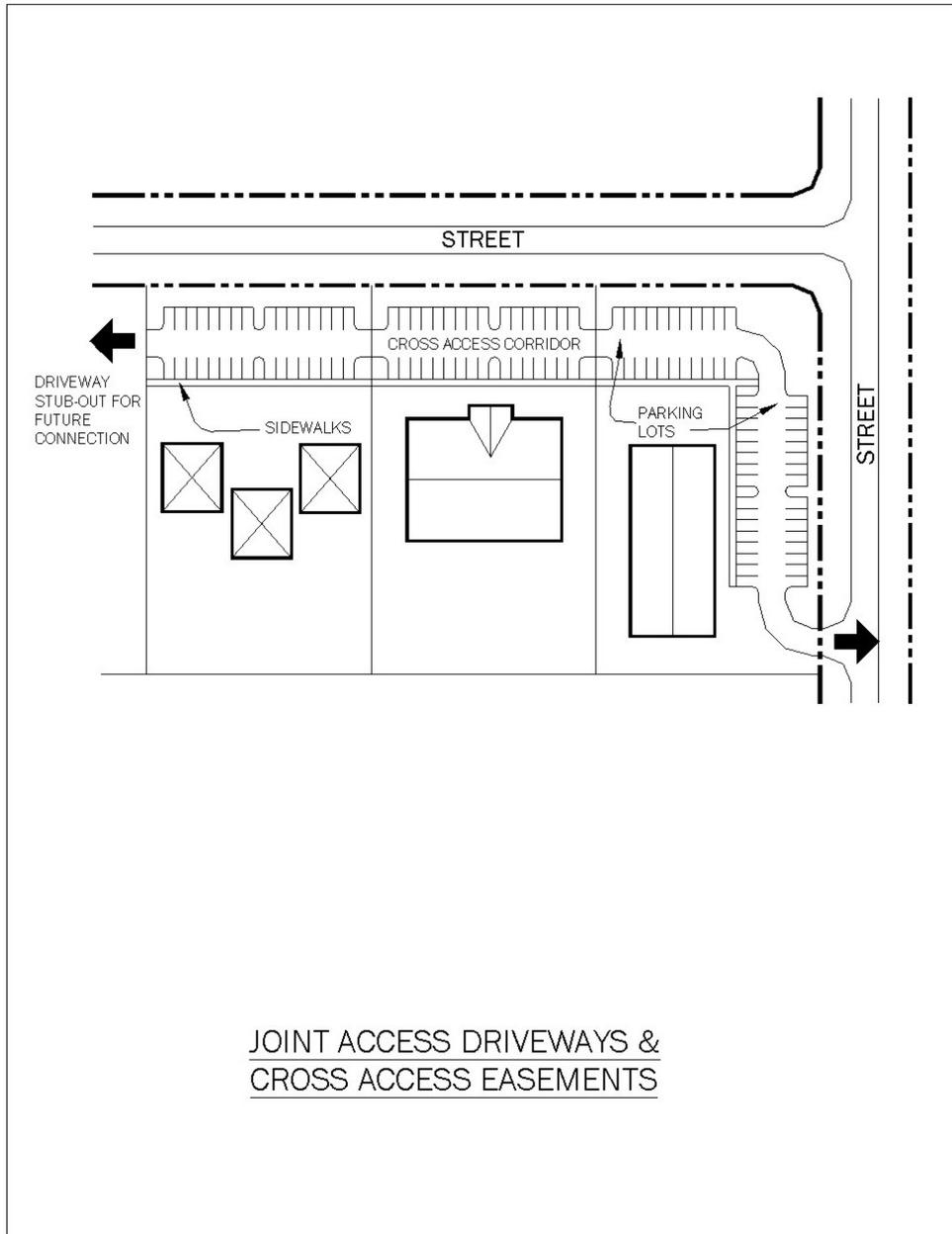


Figure 6.1.

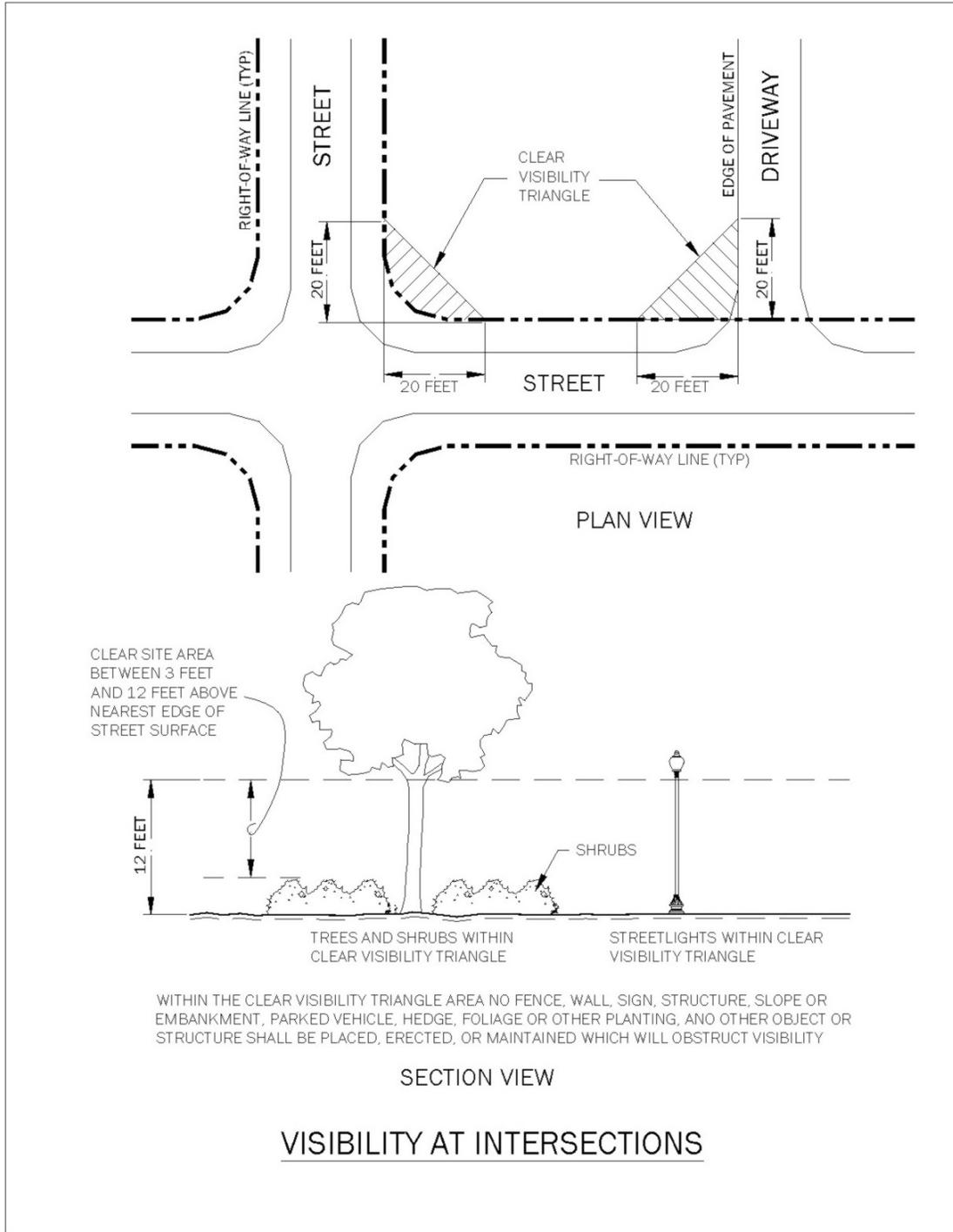
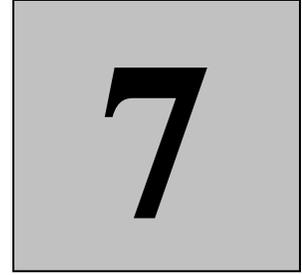


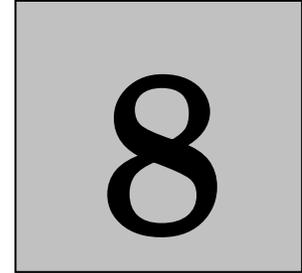
Figure 6.2.



# Chapter 7

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(Reserved)



# CHAPTER 8

## BOARDS AND COMMISSIONS

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## 8.00.00 GENERALLY

The **departments**, committees, boards, and **commissions** described in Chapter 8 are established for the purpose of implementing the provisions of the ULDC. The **departments**, committees, boards, and **commissions** described in this chapter shall have the powers and duties described necessary to achieve the purpose of this ULDC.

## 8.01.00 GREATER LOWNDES PLANNING COMMISSION

### 8.01.01 Creation

The Greater Lowndes Planning Commission, herein referred to as the Planning Commission, is created through a joint ordinance of the Lowndes County **Board of Commissioners** and the mayors and councils of the municipalities in Lowndes County.

### 8.01.02 Reference

The membership, duties, responsibilities, and by-laws for the Planning Commission are established through the joint ordinance of the Lowndes County **Board of Commissioners** and the mayors and councils of the municipalities in Lowndes County.

## 8.02.00 TECHNICAL REVIEW COMMITTEE

### 8.02.01 Creation

The Technical Review Committee (TRC) is hereby established as a voting body to provide coordinated review and approval for several steps in the administration of the ULDC.

### 8.02.02 Membership

- A. The TRC shall consist of the following members or their designee, designated by the **County Manager**, who shall also designate the chairperson of the TRC:
1. County Zoning Administrator;
  2. County Engineer;
  3. County Director of Utilities;
  4. County Planner;
  5. County Fire Chief;
  6. County Director of Inspections;
  7. Executive Director of the Lowndes County **Board of Health**; and
  8. For applications within the MAZ, a representative of the Moody Air Force Base.
  9. For applications involving regulations affecting animals, a representative of Lowndes County Animal Services.
- B. In addition, the **County Manager**, or his designee, shall serve the TRC as a non-voting, ex-officio member.

### 8.02.03 Quorum

A quorum of the TRC shall consist of any five (5) of the seven (7) regular members. Action by the TRC shall require five (5) votes and shall be binding.

### 8.02.04 Meetings

The TRC shall establish and publish a regular meeting schedule. Special meetings may be called by the chairperson.

### 8.02.05 Rules

- A. The TRC shall adopt operating procedures for the conduct of meetings and business of the TRC.
- B. The TRC shall adhere to the provisions of the ULDC with regard to the review and approval of site **development** plans.
- C. The TRC shall keep a record of its transactions, findings, and determinations, which record shall be a public record.

### 8.02.06 Duties, Procedures, and Responsibilities

- A. The procedures and duties of the TRC are established in Section 10.01.04.
- B. The TRC shall have responsibility for review and preparation of a report for applications to be submitted to the Planning Commission, ZBA, and, as applicable, the **Board of Commissioners**. See Chapter 10 for requirements for applications for rezoning and **development** approvals that are subject to TRC review.
- C. The TRC shall have responsibility for final decision on the following types of applications;
  1. **Development** plans;
  2. All subdivision plats;
  3. Amendments to **development** plans;
  4. **Administrative waivers**; and
  5. **Family** ties land divisions;

## 8.03.00 VALDOSTA-LOWNDES COUNTY ZONING BOARD OF APPEALS

### 8.03.01 Membership

- A. The Valdosta Lowndes County Zoning Board of Appeals, hereinafter referred to as the ZBA, shall consist of eight (8) members, all of whom shall be residents of Lowndes County, and of the eight (8) members one (1) member shall also be an attorney who has been admitted to the Georgia Bar.
  1. The **Board of Commissioners** shall appoint four (4) members from the County.
  2. The City of Valdosta Mayor and Council shall appoint four (4)

- members from the City.
3. The attorney shall be appointed by each governing body on a rotating schedule.
  4. The term of office of each member of the ZBA shall be for three (3) years.
  5. Any vacancy in membership shall be filled for the unexpired term in the same manner as the initial appointment.
  6. If an appointee of the **Board of Commissioners** is also a member of the Planning Commission and her or she ceases to be a member of the Planning Commission during his or her term on the ZBA, his or her term on the ZBA shall terminate and the **Board of Commissioners** shall make an appointment to fill his or her unexpired term on the ZBA.
- B. None of the ZBA members shall hold any other public office or position in the City or the County, except that two (2) members may also be members of the Planning Commission.
- C. Officers
1. The ZBA shall elect one (1) of its members as Chairman, who shall serve for one (1) year or until he is re-elected or his/her successor is elected.
  2. The ZBA shall appoint a secretary who may be an officer of Lowndes County or of the Planning Commission.
- D. The ZBA members shall receive no compensation for their service except that they shall be reimbursed for out-of-pocket expenditures made in connection with their duties.
- E. ZBA members shall be removed for cause, upon written charges, and after public hearing.
- F. Any member of the ZBA shall be disqualified to act upon a matter before the ZBA with respect to property in which the member has an interest.

### 8.03.02 Rules

- A. The ZBA shall have authority to adopt rules of procedure, or by-laws, to govern its operation.
- B. By-laws shall not conflict with the requirements of this ULDC. In the event of any conflict between the provisions of this ULDC and the by-laws, the provisions of this ULDC shall control.
- C. The following topics may be included in the by-laws:
1. The creation of committees;
  2. Code of conduct;
  3. Voting procedures;

4. Scheduling of meetings;
  5. Order of business; and
  6. Preparation of minutes.
- D. Meetings of the ZBA shall be held at the call of the Chairman and at such other times as said ZBA may determine.
- E. The Chairman, or in his/her absence the acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena, as otherwise permitted by law.
- F. The ZBA shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of **County Manager** and shall be a public record.
- G. The decisions of the ZBA shall be by resolution, which resolution shall contain a statement of the grounds of its decision or action.
- H. No **appeal** to the ZBA requesting the same relief in regard to the same property shall be received or heard by the ZBA for a period of twelve (12) months following the date of said resolution, except that this limitation shall not affect the right of said ZBA to grant a rehearing as provided in the rules of procedure adopted by said ZBA.

### 8.03.03 Administrative Procedures

- A. The procedures and duties of the ZBA are established in Chapter 10.
- B. The ZBA shall have responsibility for final decision on the following types of applications:
1. **Appeals** of administrative decisions; and
  2. **Variances**.
- C. The **County Manager** shall provide such technical, administrative, and clerical assistance and office or meeting space as is required by the ZBA to carry out its function under the provisions of these regulations.
- D. All applications submitted for **variances** and **appeals** under the provisions of the ULDC will be forwarded to the TRC, for preparation of a compliance report.



# CHAPTER 9

## VARIATIONS

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## 9.00.00 GENERALLY

The purpose of this chapter is to provide mechanisms for obtaining relief from the provisions of this ULDC. There are several ways that potential relief from hardship is addressed. Section 9.01.00 addresses relief through requirements regarding nonconforming **development**. Section 9.02.00 addresses relief through the grant of a **variance** in a particular situation due to the characteristics of the land to be developed based on the required site design standards. Section 9.03.00 addresses relief through the grant of an **administrative waiver** in specific situations. Section 9.04.00 addresses relief through recognition of vested rights regarding **use** and/or design.

## 9.01.00 NONCONFORMING LOTS, STRUCTURES, AND USES

### 9.01.01 Generally

- A. Within the zoning and **overlay districts** established by this ULDC there may exist **lots, structures, or uses** of land which were lawfully established before this ULDC was adopted but which do not comply with the requirements set forth in this ULDC.
- B. Except as defined within 9.01.01(C), it is the intent of Section 9.01.00 to allow these nonconformities to continue until they are removed or discontinued. It is further the intent of this section that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding **structures or uses** prohibited elsewhere in the same district.
- C. Sections 9.01.01, 9.01.02, 9.01.03, 9.01.04, and 9.01.05 shall not apply to the replacement, repair, or expansion of a lawfully established single-**family** dwelling or **manufactured home**. The replacement, repair, or expansion of a lawfully established single-**family** dwelling or **manufactured home** is allowed provided that the minimum requirements of the **district** for **front, side, and rear yard** setbacks, and **height** shall be complied with. When the single-family **dwelling or manufactured home** is within the MAZ II zoning district the dwelling standards in Section 4.01.03 shall also be complied with. In the case where the dwelling or home is to be replaced, the replacement must be completed within one (1) year from the previous dwelling's or home's removal or within one (1) year from the date it is **substantially damaged** whichever occurs first.
- D. Nonconforming **uses** are declared to be incompatible with **permitted uses** in the district where the nonconforming **use** is located.
- E. Nothing in Section 9.01.01 shall be construed to prevent the ordinary and routine maintenance and repair of nonconforming **structures or structures** which contain nonconforming **uses** provided that:
  - 1. Repairs do not exceed ten (10) percent of the current fair market value of the nonconforming portion of the **structure** during any period of twelve (12) consecutive months; and
  - 2. The cubic content of the **structure** is not increased.

- F. A **structure** damaged or destroyed by any means to an extent of more than fifty (50) percent of its fair market value at time of destruction shall be reconstructed only in conformity with the provisions of this ULDC.
- G. Fair market value, where required, shall be determined by reference to current statutory provisions pertaining to the valuation of real property for ad valorem tax purposes.
- H. A **structure** that is damaged to an extent less than fifty (50) percent of the fair market value may be restored and occupied as before the damage, provided the following standards are met:
  - 1. Restoration shall be commenced within six (6) calendar months from the date damages were incurred.
  - 2. If reconstruction is not commenced within six (6) months, the reconstruction and **use** of the land or **structure** shall thereafter conform to the provisions of this ULDC.
- I. A nonconforming **structure** or a **structure** containing a nonconforming **use** that is declared by the **County Manager** to be physically unsafe or unlawful due to lack of repairs and maintenance shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning **district** in which it is located.

#### 9.01.02 Nonconforming Lots of Record

- A. Any **lot of record** for which a plat or legal description has been recorded in the Office of Clerk of Superior Court of Lowndes County at the time of adoption of this ULDC and which fails to comply with the dimensional requirements for the district in which it is located may, if vacant, be used for any of the **uses permitted** within the district by this ULDC, provided that:
  - 1. The minimum requirements of the district for **front, side, and rear yard setbacks, open space, and height**, shall be complied with.
  - 2. The lot may be **used** for **duplexes** or **multi-family dwellings** when allowed within the **district**, only if the lot meets the minimum lot area requirements for those **uses** in the **district**.

#### B. Permitted Modification of Setback Requirements

When a **building** is proposed on a lot and when on either or both lots which adjoin such lot at the **street right-of-way** line there exists a **principal building** which does not conform to the setback requirements of this ULDC, the required setback for such **building** shall be as follows:

- 1. Where only one (1) said adjoining lot contains a **principal building** with a nonconforming setback, the setback shall be the computed average of the normal setback requirement and the nonconforming setback, or
- 2. Where both adjoining lots contain a **principal building** each with a nonconforming setback, the minimum setback shall be the computed average of the two (2) nonconforming setbacks.

### C. Planned Development (P-D or PD-R) lots of Record Initiated and Created by Lowndes County

When any **subdivision** or **development** is proposed within a section of P-D or PD-R zoning that was created by Lowndes County the minimum lot size, minimum lot **width**, maximum **impervious surface** ratio, setbacks, and maximum **building height** shall be determined by a comparable zoning district within Tables 4.01.01(G) and 4.01.02(E). Changes in **use** within a section of P-D or PD-R zoning created from consolidation shall be governed by Section 9.01.04(F).

#### 9.01.03 Nonconforming Structures

A lawfully established **structure** that becomes nonconforming at the time of adoption of this ULDC may continue subject to the following requirements:

- A. Any existing **use** of a nonconforming **structure** may be changed to another **use** upon the finding by the ZBA that the proposed **use**:
  1. Is similar in its operation and effect on surrounding properties;
  2. Will not generate more automobile or truck traffic, create more noise, vibration, smoke, dust or fumes, is not a more intensive **use** of **structures** than the existing **use**, and is not in any way a greater nuisance to the adjoining properties than the existing; and
  3. Will not have a negative impact on the public health, safety, and welfare.
- B. The nonconforming **structure** shall not be enlarged.
- C. The **structure** or portion thereof may be altered to decrease its degree of **nonconformity**.
- D. If a nonconforming **structure** is moved for any reason for any distance, it shall be brought into conformance with the site design standards of the zoning **district** to which it is moved.
- E. When any **use** of a nonconforming **structure** is discontinued for a continuous period in excess of twelve (12) months, any future **use** of the **structure** is permissible only when the **structure** has been brought into compliance with the provisions of this ULDC.

#### 9.01.04 Nonconforming Uses

A lawfully established **use** that becomes nonconforming at the time of adoption of this ULDC may continue subject to the following requirements:

- A. A **structure** containing a nonconforming **use** shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except to change the **use** to a **use** permitted in the zoning district in which it is located.
- B. A nonconforming **use** of a **structure** shall not be extended to occupy any land outside the existing **structure** devoted to the **use**. Any nonconforming **use** of a **structure** may be extended throughout any parts of a **building** which were manifestly arranged or designed for such **use** at the time of adoption or amendment of this ULDC.

- C. A nonconforming **use** of a **structure** or open land which is superseded by a permitted **use** shall not thereafter be resumed.
- D. A nonconforming **use** of a **structure** or open land or both in any combination that is discontinued or abandoned for twelve (12) consecutive months (except when government action impedes access to the premises) shall not be resumed. The **structure** or open land shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located.
- E. A nonconforming **use** of open land shall meet the following standards:
1. There shall be no expansion of the quantity of land devoted to the nonconforming **use**;
  2. There shall be no expansion of the activity on the land to occupy a greater amount of land within the nonconforming parcel; and
  3. No **structure** shall be established, installed, erected, or constructed so long as the nonconforming **use** exists.
- F. **Use Changes Within Planned Development (P-D or PD-R) Zoning Initiated and Created-by Lowndes County**

When a change in **use** is proposed within a section of P-D or PD-R zoning that was created by Lowndes County the change in **use** may require a rezoning and/or preparation of an approved **site plan** if the **use** slated for change is from single-family **residential** to multi-family **residential** or from any type of **residential** to commercial or mixed-**use**.

#### 9.01.05 Termination of Detrimental Nonconforming Structures and Uses

- A. There are found to be certain **uses** of land, natural growth, trees and **structures** as listed in Sections 9.01.05(B) which have an adverse effect on the carrying out of the Greater Lowndes **Comprehensive Plan**. Such **uses** shall be discontinued after the time periods set out in Sections 9.01.05(B) below, irrespective of the requirements for nonconforming **uses** set forth in Sections 9.01.01 through 9.01.04 above.
- B. The following **uses** shall be removed or made conforming within the specified amortization period. Said amortization period shall commence upon the effective date of this ULDC.
1. Fences, walls, and vegetation which constitute a hazard by virtue of impairing sight distances at a curve or intersection shall be made conforming within ninety (90) days.
  2. Nonconforming open storage operations include activities such as truck parking, automobile wrecking, salvage material storage, and similar **uses**. Such nonconforming operations shall be made conforming with the site design requirements for fencing, screening, or **buffering**, as set forth in Chapter 4 within two (2) years following adoption of this ULDC.

3. Improper disposal or treatment of any substance to include, but not limited to, inert waste or “solid waste” as defined in the definitions of **inert waste landfill** or **landfill** in Section 1.09.02 of any kind is prohibited and shall be made conforming within (30) days beginning July 8<sup>th</sup> 2008.
4. Natural growth, trees, or structures that, by virtue of their height, encroach into the Valdosta Regional Airport Overlay District (Section 4.02.03) or the Clear Zones and Accident Potential Zones (APZs) of the Moody Activity Zoning District (MAZ) (Section 4.02.04) shall be made conforming within ninety (90) days beginning March 10<sup>th</sup> 2009.

### 9.01.06 Regulation of Nonconforming Signs

#### A. Nonconforming Signs

1. The following provisions shall apply to **signs** which were conforming prior to the adoption of this ULDC, but which became nonconforming at the time of adoption of this ULDC.
2. Nonconforming **signs** may stay in place until one (1) of the following conditions occurs:
  - a. The **sign** deteriorates or is damaged to the extent that it becomes a hazard; or
  - b. The **sign** has been damaged to such an extent that structural repairs are required to restore the **sign**. A structural repair is any repair necessary only to maintain the stability and safety of the **sign**.
3. Nonconforming **signs** shall be allowed to continue, except as provided in Section 5.04.00, and as follows:
  - a. A nonconforming **sign** shall not be replaced by another nonconforming **sign** except that the substitution or interchange of poster panels, painted boards, or demountable materials on nonconforming **signs** shall be permitted.
  - b. Minor repairs and maintenance of nonconforming **signs** such as repainting, electrical repairs, neon tubing repairs shall be permitted. However, no structural repairs or changes in the size or shape of a **sign** shall be permitted except to make the **sign** comply with the requirements of this ULDC.
  - c. New **on-site signs** related to legally established nonconforming **uses** may be erected provided they comply with the **sign** regulations applicable to the **use** in the most restrictive **district** in which the **use** is permitted.
4. A nonconforming **sign** damaged by fire or other causes to the extent of more than fifty (50) percent of its fair market value shall not be repaired or rebuilt except in compliance with the standards for the type and location of **sign**.
5. A nonconforming **sign** damaged by fire or other causes to the extent of more than fifty (50) percent of its fair market value which is not

repaired or rebuilt in compliance with this section shall be removed from the lot, along with all associated debris, and disposed of appropriately.

- B. Nonconforming **signs** along interstate highways shall be governed by State law.

## 9.02.00 VARIANCES

### 9.02.01 Generally

- A. The ZBA may authorize upon request in specific cases such **variance** from the terms of this ULDC as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ULDC will, in an individual case, result in unnecessary hardship.
- B. A **variance** shall be authorized only so that the spirit of this ULDC shall be observed, secure public safety and welfare secured, and substantial justice done.
- C. A **variance** shall not be granted for a **use** of land or **structures** that is prohibited by this ULDC in the district in question.

### 9.02.02 Types of Variances

A request for a **variance** shall be limited to regulations within Chapters 3, 4, 5, 6, and Chapter 9 Section 9.01.00 in this ULDC under the authority of the Lowndes County **Board of Commissioners** except **Appeals** of Administrative Actions which shall be governed by Section 10.04.00 and Land Disturbance regulations as approved by EPD which shall be governed by Appendix A.

### 9.02.03 Requirements for Variances

A **variance** may be granted upon a finding by the ZBA that one of the following conditions has been met:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
- B. Such conditions are peculiar to the particular piece of property involved;
- C. The application of this ULDC to this particular piece of property would create an unnecessary hardship;
- D. Relief, if granted, will not cause substantial detriment to the public good or impair the purposes and intent of this ULDC;
- E. A literal interpretation of the provisions of this ULDC would deprive the applicant of rights commonly enjoyed by other properties of the zoning **district** in which the property is located;
- F. Granting the **variance** requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning **district** in which the applicant's property is located;
- G. The requested **variance** will be in harmony with the purpose and intent of this ULDC and will not be incompatible with the neighborhood or to the general public welfare;

- H. The special circumstances are not the result of the actions of the applicant;
- I. The **variance** requested is the minimum **variance** that will make possible the legal **use** of the land or **structure**;
- J. The **variance** is not a request to **permit** a **use** of land or **structures** which are not permitted by right in the zoning **district** involved;
- K. The extension of said nonconforming **use** will not further injure a permitted **use** on the subject property or on adjacent property;
- L. The design, **construction**, and character of the nonconformance is not suitable for **uses** permitted in a **district** in which the nonconformance is situated; and
- M. The nonconforming **use** is similar to the prior nonconforming **use**.

#### 9.02.04 Prohibited Considerations

In exercising the above powers, the ZBA shall not consider the following as grounds for the issuance of a **variance**:

- A. Any nonconforming **use** of neighboring lands or **structures** in the same district; or
- B. Any permitted **use** of land or **structures** in other districts.

#### 9.02.05 Procedures for Variances

##### A. Applications

1. An application for a **variance** shall include the information required for all applications, as set forth in Chapter 10.
2. An application for a **variance** shall include the following written explanation: the purpose of the regulation involved with the proposed **variance**, how the enforcement of the regulation is either incorrect, unfair, or unjust, and a statement explaining how the **variance** request conforms to at least one of the requirements listed in Section 9.02.03.
3. An application for a variance shall include a list of all current owners of record for properties located immediately adjacent to or directly across a **public street** or railroad **right-of-way** from the subject property. The list shall include the current names, mailing addresses, and tax Map-Parcel numbers as reflected on the current tax roll of Lowndes County.

##### B. Review of Applications

1. An application for a **variance** shall be reviewed by the **County Manager** for compliance with the requirements set forth in Chapter 10.
2. A public hearing shall be scheduled before the ZBA.
3. Notice of the public hearing shall be provided pursuant to the requirements of Chapter 10.
4. The ZBA shall conduct the public hearing in accordance with the procedures set forth in Chapter 10.

5. The ZBA shall approve, deny, or approve with conditions the application for **variance**, based upon findings regarding conditions set forth in Section 9.02.03.
  6. The **County Manager** shall issue a written order to the applicant when the **variance** is approved or approved with conditions by the ZBA.
- C. Expiration of **variance** approval  
Any **variance** authorized by the ZBA, for which **construction** has not commenced within one (1) year from the date on which the decision of the ZBA becomes final, shall be deemed abandoned and be void and of no further force and effect.

### 9.02.06 Appeal of ZBA Action

An appeal of a decision of the ZBA shall be to the Superior Court.

## 9.03.00 ADMINISTRATIVE WAIVER

### 9.03.01 Authority and Limitations

The **County Manager** is authorized to reduce specific site design and **development** standards of this ULDC where the intent of the ULDC can be achieved and equal performance obtained by granting a waiver of standards. The grant of a waiver shall include a recommendation from the TRC. The authority to grant a waiver shall be limited to the following:

- A. A reduction in the minimum front, side, or **rear yard** setbacks for a single lot, provided one of the following standards is met:
  1. The reduction is necessary in order to implement landscaping, **buffer**, and tree protection standards of this ULDC; or
  2. The reduction is limited to a maximum of twenty (20) percent of the minimum standard for no more than two (2) setbacks.
- B. A reduction in the parking requirement, provided two of the following standards are met:
  1. The reduction is necessary in order to implement landscaping, **buffer**, and tree protection standards of this ULDC; and/or
  2. The reduction is limited to either one (1) space or two (2) percent of the parking requirement, whichever is more; and/or
  3. The reduction does not limit the availability or location of required handicapped parking.
- C. A reduction in landscaping or **buffer** requirements, provided the following standards are met:
  1. The reduction is necessary due to particular physical conditions of the property, such as the shape of the lot, topography, presence of bodies of water, or other natural features;
  2. The reduction is limited to ten (10) percent of the otherwise required width of the **buffer**; and
  3. The reduction is limited to ten (10) percent of the otherwise required plant materials.

- D. In the event that an error is discovered with the Lowndes County Zoning Map, the TRC may correct the error administratively, provided that the error can be proven and documented. A file must be created including all evidence and documentation as well as a map depicting the zoning prior to and after the correction. Such error correction shall not be considered an amendment.

### 9.03.02 Annual Report Required

An annual report shall be prepared by the **County Manager** and shall summarize the number and type of **administrative waivers** granted in the previous year. Such reports shall be prepared in January of each year for the previous calendar year. Annual reports shall be presented to the Planning Commission for review and comment. Annual reports, together with recommendations from the Planning Commission, if any, shall be forwarded to the **Board of Commissioners**.

### 9.04.00 VESTED RIGHTS

The purpose of Section 9.04.00 is to provide a method to recognize vested rights and works-in-progress that were authorized prior to the adoption of this ULDC.

#### 9.04.01 Time Period and Applicability

- A. Any **project** that constitutes a public nuisance and/or any **project** presenting a danger to the public health, safety, and welfare of the residents of the Lowndes County shall not qualify for consideration.

#### 9.04.02 Applications

The affected party shall submit an application which shall include evidence that demonstrates entitlement to vested rights pursuant to applicable State law. The following information shall be provided:

- A. Citation of the specific section(s) of the ULDC that affect the **development** of the property.
- B. Identification of the exact dates that specific ordinances or amendments to the ULDC were passed by the **Board of Commissioners**.
- C. All complete applications provided for under this section shall be submitted not later than the one (1) year anniversary date of the adopted ULDC or amendments to the ULDC.

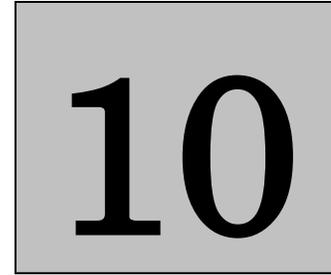
#### 9.04.03 Procedures

- A. Complete applications shall be submitted to the **County Manager**.
- B. Requests for a determination of vested rights shall be heard at a public hearing before the **Board of Commissioners**.
- C. Public notice shall be provided according to the procedures set forth in Section 10.03.00.

#### 9.04.04 Expiration of Approval

An approval for a work-in-progress shall automatically expire in one (1) year where no additional **development** activity is evident and/or a **building permit** has not been obtained. Any further work on the site shall require compliance with

the standards and procedures of this ULDC.



# Chapter 10

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## Administrative Procedures

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## 10.00.00 GENERALLY

### 10.00.01 Purpose

This ULDC sets forth the procedures for receiving, reviewing, and rendering decisions on applications for **subdivisions**, **multi-family** and **non-residential development**, **mixed use development**, **planned developments**, rezoning, and all **permits**. This ULDC also sets forth the requirements for **appealing** decisions and for enforcement. It is the County's intent that the procedures and requirements set forth in this ULDC shall be followed in order to seek approval for any **development**.

### 10.00.02 Approvals Required

- A.** No **person** shall develop any property within Lowndes County without first obtaining an approved **subdivision** plat, an approved **development** plan, approved improvements **construction** plans, and **permits** to perform such activities. All **development** activities or site work conducted after approval of a **development** plan or **subdivision** plat shall conform to the specifications of such approved plat or plan.
- B.** A plat of a land **subdivision** shall not be recorded in the office of the Clerk of the Superior Court of Lowndes County until approved as required by this Chapter, except that of a plat of a land **subdivision** for which Georgia statute provides no such approval shall be required.
- C.** The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to, exhibition of, or other use of a plat of a **subdivision** that has not been recorded in the office of the Clerk of the Superior Court of Lowndes County is prohibited, and the description by metes and bounds in such an instrument of transfer or other document shall not exempt the transaction from prescribed penalties.
- D.** The **Board of Commissioners** shall not accept, lay out, open, improve, **grade**, pave, or light any **street**, or lay any **utility** lines in any **street**, which has not attained the status of a **public street** prior to the effective date of this ULDC, unless such **street** corresponds to the **street** location shown on an approved **subdivision** plat or the Major Thoroughfare Plan.
- E.** A **building permit**, or a **sign permit** in case of a **sign**, issued by Lowndes County is required in advance of the initiation of **construction**, erection, moving, or alteration of any **building**, **structure**, or **sign** except for **farm accessory buildings** which are exempted. All **development** activities or site work conducted after approval of a **subdivision** plat or **development** plan shall conform to the specifications of the approved plans.
- F.** Major changes to an approved **development** plan, as defined below, shall require specific approval of an amended **development** plan.
  - 1. Altering the amount and velocity of stormwater runoff from the site;
  - 2. Increasing the amount of **impervious surface** within the **development**;
  - 3. Altering the overall **density** of **development**; or

4. Substantially increasing the amount of excavation, **fill**, or removal of vegetation during **construction**.
- G.** The following situations are exempt from the requirement to obtain an approved **development** plan prior to the issuance of required **permits**:
  1. Repairs to a facility that is part of a previously approved and permitted **development**;
  2. **Accessory structures**, provided applicable **permits** are obtained;
  3. **Farm-related development** on a bona fide **farm** as defined in Chapter 1; and
  4. **Single-family** detached homes constructed within an approved **subdivision**.
- H.** A change of use occurs when an existing use of land or a **building** is replaced by another use. When a change of use occurs, an application for a **development** plan is required.

### 10.00.03 Expiration of Approvals

- A.** If **construction** described in a **development permit** has not commenced within six (6) months from the date of issuance of the **permit**, the **permit** shall expire.
- B.** Any **building permit** shall become void if the work involved has not begun within six (6) months after the date of issuance of the **permit**.
- C.** If **construction** described in a **development permit** is suspended or abandoned after work has commenced, the **permit** shall expire six (6) months after the date that work ceased.
- D.** The time period for which a **permit** is valid may be extended for up to six (6) months where an application for such extension is filed and such extension has been granted in writing by the **County Manager**.

### 10.00.04 Resubmittal of Denied Applications

For amendments to the Lowndes County Zoning Map, no application for a zoning change affecting the same parcel of property or part thereof shall be accepted by the County until the expiration of at least one (1) year immediately following the denial of the rezoning request by the **Board of Commissioners**.

### 10.00.05 Requirements Regarding developments of Regional Impact

The Georgia Department of Community Affairs (DCA), pursuant to the Georgia Planning Act, has established criteria for the identification of certain large-scale **developments**, which have the potential to cause land use impacts beyond the boundaries of the respective local government where a **project** might be proposed. These **developments**, known as Developments of Regional Impact (DRIs), shall be submitted, based on established DCA standards, procedures, and format, to the South Georgia Regional Development Center (SGRDC) for review and recommendation prior to issuance of any local **building** or **development permit**, **utility** tap, or rezoning, whichever occurs first. As such, these requirements establish an official delay in the local **permitting** and/or review process to allow for compliance with these requirements.

### 10.00.06 Fees Required

- A.** All applications or permits shall be accompanied by payment of application or filing fees, as set forth in the Lowndes County Fee Schedule adopted by the **Board of Commissioners**. An application or permit shall not be approved until all required fees are paid. Such fees shall include the filing fee, and where notice is required, shall include an additional fee to defray the expense of preparing and mailing such notices.
- B.** For land clearing **permits**, a fee in addition to local permitting fees will be assessed pursuant to Georgia statutes. All applicable fees shall be paid prior to issuance of the land disturbance **permit**.

### 10.00.07 Procedures for Conducting Public Hearings

The following rules of procedure shall govern public hearings pertaining to **development** subject to the provisions of this ULDC:

- A.** The proposal or request to be considered shall be presented by the **County Manager**.
- B.** Public comments shall be heard in an orderly fashion. Comments and testimony shall be provided in the following order:
  - 1. Citizens speaking in opposition to the proposal or request;
  - 2. The applicant or applicant's agent;
  - 3. Citizens speaking in favor of the proposal or request; and
  - 4. Rebuttal.
- C.** Any party may appear at the public hearing in **person** or by agent or by attorney.
- D.** Each **person** who appears shall identify himself by name and address; if the **person** is the applicant, he shall state whether he is the owner of the property or agent for owner.
- E.** Each applicant or other interested party who submits documents at the hearing shall identify each document. Each document submitted shall be made a part of the official record of the hearing.
- F.** Time periods for testimony:

Opponents shall have a minimum of ten (10) minutes to present data, evidence, and opinions pertinent to the proposal. Proponents, including the applicant and other speaking in favor of the proposal, shall have a minimum of ten (10) minutes to present data, evidence, and opinions pertinent to the proposal. The chair of the board hearing the request or proposal may otherwise limit discussion. The chair of the board hearing the request or proposal may allow additional time in the chair's discretion.
- G.** The board hearing the request or proposal retains the privilege to ask any questions of the **County Manager**, other staff, or **persons** who have spoken on the matter.
- H.** At the conclusion of the hearing by the board hearing the request or proposal, the board hearing the request or proposal shall announce its decision. The **County Manager** shall notify an applicant in writing of the

decision of the board hearing the request or proposal. The written notification shall be made a part of the record.

- I. The board hearing the request or proposal may continue the public hearing where additional information is necessary in order to render a decision. The continuation shall be to a date certain. Where an application is remanded to the Planning **Commission** for consideration of additional conditions, it shall be heard by the Planning **Commission** on the next available meeting date.

## 10.01.00 APPLICATION AND DECISION-MAKING REQUIREMENTS

### 10.01.01 Pre-Application Conference Required

- A. A pre-application conference is a meeting between an applicant and/or their representatives and the **County Manager** for the purposes of:
  1. Exchanging information on the potential **development** of a site;
  2. Providing information on permissible uses of the site proposed for **development**;
  3. Providing information to an applicant regarding the design standards set forth in this ULDC that are applicable to a potential application;
  4. Providing information to an applicant regarding standards of regional, state, or federal agencies that may be applicable to a potential application;
  5. Determining the need and requirements for supporting plans, documents, and studies;
  6. Providing information to an applicant regarding infrastructure requirements and the **construction** of required improvements; and
  7. Providing information to an applicant regarding the appropriate procedures and schedules for receiving and reviewing applications and rendering decisions regarding a potential application.
- B. The applicant or representative of any new alcohol license that seeks for consumption on the premises or any applicant or representative required by the County Manager shall attend a pre-application conference.
- C. The pre-application conference shall include at least four (4) of the members of the TRC.
- D. It is the intent of the **Board of Commissioners** that all key points be identified during the pre-application conference.
- E. A prospective applicant may bring members of his **project** team, such as, but not limited to, the **project** engineer, land planner, architect, surveyor, or other **person** who will assist in the preparation of an application. A prospective applicant may provide an informal sketch plan to aid in the discussion. However, such an informal sketch plan shall not be fully reviewed for compliance with the standards and requirements of this ULDC, and shall be used only as an aid to the conduct of the pre-application conference.

### 10.01.02 Determination of Completeness

- A.** All applications shall be complete before acceptance for review and decision-making. A determination of completeness is a determination that all required documents and plans have been submitted in sufficient number, and that all fees have been paid. A determination of completeness is not a determination of compliance with substantive standards and criteria.
- B.** The **County Manager** shall determine, within five (5) days of receipt of an application, whether the application is complete.
- C.** If the **County Manager** determines that the application is not complete, the **County Manager** shall send notice to the applicant identifying the deficiencies. The applicant shall have five (5) days from the date of notice to correct the deficiencies. Until the applicant corrects the deficiencies, no further action shall be taken for processing the application. If the applicant fails to correct the deficiencies within the five (5) day period, the application shall be deemed withdrawn, and the fees, application, and materials submitted shall be returned.
- D.** If the **County Manager** determines that the application is complete, the application shall be processed for review and action in accordance with the procedural requirements set forth in this chapter.

### 10.01.03 Entity Responsibilities

The table below identifies the types of applications and the entity that is responsible for the final decision or, in the case of the Planning Commission, recommendation regarding the application.

**Table 10.01.03. Types of applications and entity responsible.**

Type of Application	Responsible Entities			
	TRC	ZBA	Planning Commission*	Board of Commissioners
Development Plans	X			
Amendments to Development Plans	X			
Administrative Waivers	X			
Family Ties Land Divisions	X			
Preliminary and Final subdivision plats, Minor subdivisions, Exempt plats	X			
Variances		X		
Appeal of Administrative Decisions		X		
Telecommunication towers and antennas			X	X
PD Development Plan Amendments			X	X
Rezoning, with or without a conceptual development plan			X	X
Amendments to zoning conditions			X	X
Amendment to the ULDC			X	X
Animal Foster Home Permit See Section 10.01.05(E)				X
Vested rights determination				X

\*The Planning Commission is responsible for recommendations to the Board of Commissioners on the aforementioned items.

### 10.01.04 Procedures for Action by the Technical Review Committee

- A.** For applications to be submitted to the Planning Commission, ZBA, or Board of Commissioners, the Technical Review Committee (TRC) shall review the application and all supporting materials and provide a report regarding compliance of the application with applicable standards and criteria. The TRC shall provide an analysis and recommendation regarding the following:
1. Consistency of the application with the Greater Lowndes **Comprehensive Plan**;
  2. Compliance of the application with the application requirements and **development** standards set forth in the ULDC;
  3. For rezoning applications, an analysis and recommendation regarding the following:

- a. The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this ULDC;
  - b. Potential positive effects of the amendment on the character of the proposed **zoning district**, a particular piece of property, neighborhood, a particular area, or the County as a whole;
  - c. The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property;
  - d. The impact upon adjacent property owners shall the request be approved;
  - e. The potential impact of the proposed amendment on County infrastructure including water and sewerage systems;
  - f. The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes;
  - g. The merits of the requested change in zoning relative to any other guidelines and policies for **development** which the Planning **Commission** and **Board of Commissioners** may use in furthering the objectives of the Greater Lowndes **Comprehensive Plan**;
  - h. The ability of the subject land to be developed as it is presently zoned; and
4. For applications to the ZBA, an analysis regarding the following:
    - a. The history of the adoption of the regulation involved with the proposed **variance** or proposed **appeal**; and
    - b. The enforcement of the regulation involved with the proposed **variance** or proposed **appeal**.
  5. For preliminary and final **subdivision** plats, see Section 10.01.06 for a complete description of procedures.
- B.** The TRC shall transmit a copy of the compliance report to the applicant. The applicant shall have thirty (30) days to correct any deficiencies noted in the report and submit revised or additional documents. Upon receipt of the materials provided by the applicant to correct any deficiencies, the TRC shall prepare a revised compliance report.
- C.** For matters subject to final approval by the TRC, the compliance report shall be filed with the application as support for approval, approval with conditions, or denial of the application by the TRC.
- D.** For matters subject to final approval by the ZBA or **Board of Commissioners**, a report will be forwarded together with supporting materials for review, recommendation, and final action by the designated entity.
- E.** Approval of minor **subdivisions** by the TRC
1. Minor **subdivisions** include:

- a. Up to five (5) **lots** created in compliance with the **zoning district lot** standards set forth in Chapter 4; and
  - b. **Subdivisions** which do not involve the platting, **construction**, or opening of new **streets**, water, or sewer facilities.
2. Applications for minor **subdivisions** shall be submitted in the form of a final plat, provided that essential data required by the reviewing agencies to insure compliance with the intent of these regulations is submitted.
  3. Essential data includes necessary percolation tests.
  4. The TRC is authorized to review and take final action to approve, approve with conditions, or deny the final plat.

**F.** Approval of revision plats

Proposed revisions to an already recorded plat or a plat by the Surveyor to be exempt from required approval by Georgia statute shall be submitted for review and final action by the Chair of the TRC. A revision to a recorded plat shall show the name, phase (if any), date of the recorded **subdivision** plat being revised, and the exact citation with regard to the County Land Records and the book and page number wherein said plat is recorded.

**G.** Approval of combination plats

Plats of **subdivision** which may be approved and recorded solely pursuant to Section 4.01.01(C) may be approved by the Chair of the TRC provided that the following requirements are met:

1. The plat complies with Section 10.02.01(A)(4).
2. The plat leaves at least three (3) 3.5" x 2" blank areas on each sheet.
3. The plat of **subdivision** shall clearly identify the subdivided parcel or tract of land that does not comply with the requirements of the ULDC for a **lot** and the abutting **lot** with which such subdivided parcel or tract of land will be combined.
4. A copy of the most recently approved **subdivision** plat for the **lot** from which the subdivided parcel or tract is subdivided and the identified abutting **lot**, if they exist, shall be submitted.
5. One (1) digital copy, one (1) mylar or plastic copy, and six (6) other copies shall be submitted. The mylar or plastic copy will be retained by the **County Manager**.
6. The approval of such a plat of **subdivision** shall state: "This plat of subdivision is approved pursuant to ULDC Section 4.01.01(C) and may be recorded in the office of the Clerk of the Superior Court solely for the purpose of transferring the illustrated parcel or tract of land that does not meet the requirements of the ULDC for a lot to the owner of the identified abutting lot for the purpose of being combined with and made a part of such abutting lot and not for development or other use of such illustrated parcel or tract of land as a separate lot."

**H. Approval of exempt plats**

An exempt plat includes a parcel resulting from public acquisition or the creation of one (1) lot consistent with Section 4.04.02(A). An exempt plat may be approved by the Chair of the TRC provided that the plat meets the following requirements:

1. If a new lot is proposed, a map and parcel number must be assigned by the Lowndes County Board of Tax Assessors.
  2. The lot shall have a well and septic system verification by the **Board of Health**.
  3. Any newly created lot shall meet the lot standards set forth in Section 4.01.01.
  4. The plat shall include a small scale map of sufficient clarity so that the location of the proposed lot can be readily determined.
  5. Show the approximate location and note lakes, streams, 100-year flood hazard areas or zones, groundwater recharge areas (note only), river corridors, and wetlands.
  6. If the lot contains any portion of the 100-year flood hazard area or zone then the plat shall note the necessary compliance with the site design standards for flood damage protection within the ULDC.
  7. One (1) mylar and five (5) copies shall be submitted. The mylar will be retained by the **County Manager**.
- I.** Applications for proposed family ties land divisions shall be submitted for review and final action by the TRC.
- J.** For applications eligible for final approval from the TRC, the TRC shall review the application and all supporting materials and provide a report regarding compliance of the application with applicable standards and criteria set forth in this ULDC within 10 days after such application is determined complete. The TRC shall approve, approve with conditions, or deny the application, and issue a written order setting forth the basis for such approval or denial. The written order, compliance report, and one (1) copy of plans and drawings submitted with the application together with any TRC notations upon such plans or drawings, shall be provided to the applicant. Action taken by the TRC to approve, approve with conditions, or deny the application shall be taken at a meeting of the TRC.
- K.** Actions by the TRC are subject to the administrative appeals procedure set forth in Section 10.04.00. Therefore, actions by the TRC are not final until thirty (30) days after the date that such actions are recorded.

**10.01.05 Procedures for Action by the Board of Commissioners**

- A.** Action by the **Board of Commissioners** regarding rezoning applications or amendments to zoning conditions shall be taken at an advertised public hearing, and shall be based on the following information:
1. The supporting documentation;
  2. The TRC report and recommendation;
  3. The recommendation of the **Planning Commission**;

4. The protection of the public health, safety, morality, and general welfare of Lowndes County against the unrestricted use of property, and any other factors relevant to balancing the above stated public interest;
5. Testimony during the public hearing; and
6. The following standards for exercising zoning powers:
  - a. The existing land use pattern;
  - b. The possible creation of an isolated district unrelated to adjacent and nearby districts;
  - c. The existing population **density** pattern and the possible increase of the load on public facilities;
  - d. Whether changed or changing conditions make the passage of the proposed amendment reasonable;
  - e. Whether the proposed change will adversely influence existing conditions in the neighborhood or the community at large;
  - f. Potential impacts on the environment, including but not limited to drainage, **wetlands**, groundwater **recharge areas**, endangered wildlife habitats, soil **erosion** and **sedimentation**, **floodplains**, air quality, and water quality and quantity;
  - g. The costs required of the public in providing, improving, increasing or maintaining public utilities, schools, **streets** and public safety necessities when considering the proposed change;
  - h. Whether the proposed change will be a deterrent to the value or improvement of **development** of adjacent or nearby property in accordance with existing regulations;
  - i. Whether the proposed change is out of scale with the needs of the neighborhood or Lowndes County;
  - j. Whether the proposed change will constitute a grant of special privilege to the individual owner as contrasted with the adjacent or nearby neighborhood or with the general public; and
  - k. The extent to which the proposed zoning decision is consistent with the adopted Greater Lowndes **Comprehensive Plan**.
- B.** In certain cases where it is deemed that a proposed **zoning district** would allow uses that are too intensive to mix compatibly with the surrounding area, the **Board of Commissioners** may, upon recommendation by the TRC and the Planning Commission, or on its own initiative, apply certain conditions to a rezoning request in order to allow the proposed use while protecting the neighbors from the potential negative effects of the proposed zoning and preserving the purpose and intent of this ULDC. Subsequent **development** and use of the property shall be subject to the conditions approved by the **Board of Commissioners**.
  1. Such conditions may be adopted as deemed necessary to protect neighboring properties and to lessen any potentially adverse effects of the zoning change, including, but not limited to the following:

- a. Setback requirements from any **lot line**;
  - b. Specified or prohibited locations for **buildings**, parking, loading, or storage areas;
  - c. Restrictions on land use activities otherwise permissible;
  - d. Maximum **building** dimensions and **height**;
  - e. Landscaping or planted area which shall include the location, type, and maintenance of plant materials within a designated **buffer** area;
  - f. Fences, walls, earth **berms**, or other landscape **buffer** provisions or protective measures;
  - g. Preservation of existing trees and vegetation;
  - h. Special conditions to eliminate or reduce undesirable views, light, glare, dust, or odor;
  - i. Hours of operation; and
  - j. Architectural details to be compatible with existing **buildings** in the area.
2. A rezoning approved with conditions shall list in writing those conditions adopted by the **Board of Commissioners** and shall include a requirement for adherence to a conceptual **development** plan, if any, submitted to accompany the application. The applicant or any successor in title shall construct only those uses and only in such a manner as identified in writing or upon the concept plan.
  3. A letter of credit may be required to ensure compliance with the conditions of approval. The amount of the letter of credit shall be as determined by the County.
  4. Prior to a final vote being taken upon any application for an amendment to the Lowndes County Zoning Map for which such conditions shall be imposed, such conditions shall be announced at the public hearing and made a part of the motion to approve. If the applicant finds such conditions to be unacceptable, it may, at the time, withdraw the application. Such withdrawal shall not enable the applicant to refile the same zoning map amendment for the same property until one (1) year has elapsed from the date of withdrawal.
  5. Any amendment, which is adopted with conditions, shall be indicated on the Lowndes County Zoning Map. The property shall be indicated on the Lowndes County Zoning Map with the suffix (c) to indicate that the property has been rezoned with conditions. Such conditions shall remain imposed upon the property until removed or modified by the **Board of Commissioners**.
- C. After a **subdivision** has been recorded, the property owner may petition the **Board of Commissioners** for permission to remove the **subdivision** plat from the land records of Lowndes County. The **Board of Commissioners** may permit such removal providing that no **lot** in the **subdivision** has been sold. Upon giving its permission for such removal, the **Board of**

**Commissioners** shall release the bonds and/or cash posted by the property owner pursuant to the provisions of Section 10.02.09.

- D.** Action by the **Board of Commissioners** regarding proposed amendments to the ULDC text shall be taken at an advertised public hearing, and shall be based on the following information:
1. The TRC compliance report and recommendation;
  2. The recommendation of the Planning Commission;
  3. The application and supporting documentation; and
  4. Testimony during the public hearing.
- E.** For zoning districts R-1, R-21, R-10, PD, and PD-R an operator of an Animal Foster Home must apply for and receive a permit from the Board of Commissioners and shall be subject to the supplemental standards in Section 5.02.08 and such additional standards established as conditions of such permit. The application for such a permit shall be made to the County Manager and shall include a site plan and such information as may be required by the County Manager. Notice shall be provided consistent with Section 10.03.00 for such permit. Factors to be considered by the Board of Commissioners and on which the Board of Commissioners will issue or decline to issue such a permit shall be:
1. The zoning of the lot;
  2. The zoning of neighboring properties;
  3. The size of the lot;
  4. The shape of the lot;
  5. The size of neighboring properties;
  6. The location of existing animal care facilities on the lot;
  7. Proposed new animal care facilities on the lot;
  8. Existing uses of neighboring properties;
  9. Permitted uses of neighboring properties;
  10. Proximity of existing and proposed new animal care facilities to uses of neighboring properties;
  11. Potential adverse or negative impact on neighboring properties.
- The purpose of these factors relates to the effect of the proposed Animal Foster Home on neighboring properties.

#### 10.01.06 Procedures for Approval of Subdivision Plats

- A.** No preliminary plat shall be approved by the TRC unless it is approved by the County Engineer and the Executive Director of the County **Board of Health** or designee. These officials shall approve with or without modification or disapprove the preliminary plat to the extent that each has jurisdiction. If the plat is disapproved, the official must provide a written statement of reasons for disapproval within ten (10) days of the time of submittal. Where a proposed **subdivision** includes or abuts on any part of a state highway system, a plat of the proposed **subdivision** shall be submitted to the Georgia Department of Transportation as required by *O.C.G.A.* 32-6-151.

- B.** Approved preliminary plats are valid for one (1) year only from date of approval. If final plat or **construction** drawings have not been submitted within this period, preliminary plat approval becomes invalid and must be resubmitted.
- C.** The final plat shall be deemed filed with the County when it has been determined to be complete as set forth in Section 10.01.02. At the time of filing, a certificate of filing shall be furnished the applicant which will include the time and date of filing. The **County Manager** shall have authority to reject the final plat if he finds that it does not conform to the approved preliminary plat or this ULDC. If the plat is rejected, the **County Manager** shall provide the applicant with a written statement specifying all the respects in which it does not conform.
- D.** No final plat shall be approved unless the TRC first obtains approval of the Executive Director of the Lowndes County **Board of Health** or designee and the County Engineer. Said officials shall approve, with or without modification, or disapprove the final plat to the extent to which each has jurisdiction. If the plat is disapproved, the official must provide a written statement of reasons for disapproval within ten (10) days of the time of submittal. Where a proposed **subdivision** includes or abuts on any part of a state highway system, a plat of the proposed **subdivision** shall be submitted to the Georgia Department of Transportation as required by *O.C.G.A. 32-6-151*.
- E.** The approval of a final plat shall not constitute an acceptance by the County of any **street** or other ground shown upon the plat.
- F.** Upon satisfactory compliance with these regulations and after approval by the TRC, the final plat will be forwarded to the **County Manager** to retain until such time that all required minimum improvements have been completed, accepted by the County, and the required guarantee has been posted. At such time the **County Manager** shall release said final plat for recording.

## 10.02.00 SUBMITTAL REQUIREMENTS

### 10.02.01 Submittal Requirements for All Applications

- A.** The following information shall be provided for all applications except revision plats as set forth in Section 10.01.04(F):
  1. An application form provided by Lowndes County.
  2. Proof of ownership in the form of the current deed recorded in the office of the Clerk of the Superior Court of Lowndes County.
  3. When the applicant is a representative of the property owner, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
  4. A property survey conducted no more than seven (7) years prior to the filing of the application, containing the legal description, boundaries,

land area, notation whether any portion of the property is within an environmental area regulated as set forth in Chapter 3, and whether any dwelling, accessory buildings, septic systems, wells, signs, or swimming pools are located within thirty (30) feet or the applicable zoning setback line whichever is greater from any property line on the site. Where two (2) or more parcels are included within a proposed **development**, the survey shall show all parcels that are part of the proposed **development**, including all phases. The survey shall be prepared and sealed by a surveyor registered in the State of Georgia.

5. A vicinity map indicating the location of the site proposed for **development**.
  6. Proof of payment of fees.
  7. An affidavit to indicate the **family** relationship for applications involving **family** ties land **divisions**.
  8. A digital copy of all plats, **site plans**, and/or other drawings, except for **development** or improvement plans, must be submitted in either an Adobe Acrobat (.pdf) or AutoCAD (.dwg) format.
  9. Other information to support the application as specified in this chapter and as may be required by the **County Manager**.
- B.** All drawings, including maps, concept plans, **development** plans, and preliminary and final **subdivision** plats, shall conform to the following standards:
1. All drawings shall contain the dates of preparation and the dates of any revisions.
  2. Drawing sheets shall be not larger than thirty (30) inches by forty-two (42) inches and shall be uniform in size for a submittal.
  3. All drawings shall contain a graphic and written scale and a north arrow with a notation referencing the bearings to magnetic north, astronomical north or grid north.
  4. All drawings shall contain the name, address, and telephone number of the preparer(s).
  5. Drawings for **development** proposed in phases shall contain all required information for the total site, for each phase, and shall depict phase lines on the drawings.
  6. All drawings shall contain the seal of the licensed professional preparing the drawings and computations.
- C.** Required support data and plans
- Specific plat, plan, and **site plans** submitted with applications shall be required to be accompanied by the required supporting data and plans as described below.
1. All preliminary plats and **development** plans shall be accompanied by a **stormwater management** plan meeting the requirements of Section 6.04.00.

2. Water bodies on the site or adjacent to the site, such as, but not limited to, streams, lakes, should be indicated on all plans.
3. **Development** proposed within a water resource protection area, groundwater **recharge area** protection **district**, **river corridor** protection **district**, or wetland protection **district** shall provide details to demonstrate compliance with the requirements set forth in Section 3.05.00, and shall contain the following information:
  - a. A map of all planned excavation and **fill**, including calculations of the volume of **cut** and **fill** involved, cross-sectional drawings showing existing and proposed **grades**. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
  - b. A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
  - c. Location, dimensions and area of all **impervious surfaces**, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet.
  - d. The orientation and distance from the boundaries of the proposed site to the nearest bank of a protected **river corridor**.
  - e. Elevations of the site and adjacent lands within fifty (50) feet of the site at contour intervals of no greater than two (2) feet and no greater than one (1) foot slopes less than or equal to two (2) percent.
  - f. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
  - g. All proposed temporary disruptions or diversions of local hydrology.
4. All applications shall include the following information: current and proposed zoning, current and proposed use, adjacent uses, locations of public improvements and utilities, proposed **structures** or **additions** to existing **structures** and paved areas, and locations of existing or proposed **streets**.
5. A landscape plan shall include sufficient information to determine whether the proposed landscape improvements are in conformity with the requirements of Section 4.07.00, including the following:
  - a. Identification of all trees, natural features, and manmade **structures** that will be retained upon the site; and
  - b. A description of proposed landscaping improvements and plantings, including the species, size, quantity, and location of trees, shrubs, and other landscaping materials.
6. Whenever a **development** contains protected open space, a management plan shall be provided, demonstrating compliance with the standards for resource and open space protection set forth in Chapter 3 and in Section 4.05.01, if applicable.

7. Whenever a **development** contains a **floodplain** or **floodway**, a **floodplain** management plan shall be provided to the County Engineer, demonstrating compliance with the requirements of Section 3.01.00, and including the following information:
  - a. Elevation in relation to **mean sea level** of the proposed **lowest floor** (including **basement**) of all **buildings**;
  - b. Elevation in relation to **mean sea level** to which any non-**residential building** will be floodproofed;
  - c. Certificate from a registered professional engineer or registered land surveyor that the non**residential** floodproofed **building** will meet the **floodproofing** criteria in Section 3.01.00; and
  - d. Description of the extent to which any **watercourse** will be altered or relocated as result of proposed **development**.

#### 10.02.02 Submittal Requirements for Subdivision Plats

- A. The purpose of the preliminary plat is to safeguard the applicant from unnecessary loss of time and expense in preparation of a **subdivision** plat which does not conform with the specifications of the **subdivision** regulations set forth in this ULDC. The preliminary plat requires only approximate accuracy of scale and dimension. Public agencies having jurisdiction will review preliminary plats regarding matters within their jurisdiction. The preliminary plat is required to be approved before improvement plans are submitted. In addition to the application requirements set forth in Section 10.02.01, the following information shall be required for a preliminary plat:
  1. General Layout: The plat shall show information as to the proposed **street** layout and widths, layout of **lots** with a notation as to the minimum size and width of **lots** and any proposed open space. Any lands to be dedicated will be identified. Plat scale, total acreage of the site and total number of **lots** created shall also be indicated. **Lot** and **block** identification and **building** setback lines shall also be indicated. Current zoning and approximate zoning boundaries if more than one zoning is present on the plat.
  2. Topography: The plat shall show existing contour lines dashed and any proposed contour lines solid, both set of lines to be at two (2) foot intervals, **mean sea level** (M.S.L.). Prominent drainage features such as lakes, depressions, streams, etc. which could affect the design of the **subdivision** shall be shown. Engineering data showing the high water elevation and how it was established shall be submitted with the plat.
  3. Existing Features: The plat shall show the locations and names of existing and platted property lines, **streets** (and its **right-of-way**), railroads (and its **right-of-way**), public and private rights-of-ways, sanitary sewer (and size), water mains (and size), bridges, culverts, storm drainage (and size), **easements**, parks and other public open spaces, land **lot** and land district lines, city limits lines and names of

- adjoining property owners or **subdivisions**. Groups of trees and swamp areas shall also be indicated.
4. Location Map: The plat shall include a small scale map of sufficient clarity so that the location of the proposed **subdivision** can be readily determined.
  5. Water and Sewer: A statement from the applicant shall be submitted with the preliminary plat which will describe the method by which sanitary sewer and water facilities will be provided. If non-public sewer is proposed to serve a **subdivision**, then a soils inventory, soils percolation test results, and contour map shall accompany the preliminary plat at the time of submission. The contour map shall show location and identification of each soil class and site of each percolation test. Percolation tests shall be made in accordance with **county health department** requirements.
  6. Future Tract Plan: In cases where a **subdivision** is to be developed in stages with additional plats being filed with the TRC at a later date(s), the filing of the initial plat will be accompanied by a future tract plan, a reasonably accurate plat in sketch form of the entire tract which will show the future **street** system and topography for the entire tract.
- B.** The final plat shall conform to the approved preliminary plat. If desired by the applicant he may submit only that portion of the preliminary plat he proposed to record and develop at that time; provided that such portion conforms to all requirements of these regulations. In addition to the application requirements set forth in Section 10.02.01, an application for final plat approval shall include the following information:
1. A complete list of major deviations, if any, from the approved preliminary plat.
  2. A certified copy of all private covenants or deed restrictions, if any, pertaining to land within the **subdivision**.
  3. A copy of the agreement for providing the necessary water and sewer facilities.
  4. Two (2) original reproducible on plastic and seven (7) blue-line prints of the final plat plus two (2) additional copies if located on a state route, which will include the following:
    - a. Sheet Design: The final plat shall conform to the requirements for a preliminary plat, and shall be drawn consistent with the State of Georgia Platting Act on one (1) or more sheets of mylar or plastic film. When two (2) or more sheets are used, a key map shall be shown on each sheet. There shall be a two (2) inch margin on the left end of the plat and a one-half (½) inch margin on the remaining three (3) sides.
    - b. Surveyor Certificate: The following certificate shall be entered on the face of the plat. Placement of this certificate may vary as necessary:

I certify that all measurements are correct and were prepared from an actual survey of the property made under my supervision; the field data upon which this plat is based has a closure precision of one (1) foot in feet and an angular error of per angle point, and was adjusted using rule; the plat has been calculated for closure and is found to be accurate within one (1) foot in feet; monument and pin locations are correctly shown by the symbols and the pins are (type of metallic material and length).

Signed \_\_\_\_\_ (Seal)  
Surveyor, Georgia Registration No. \_\_\_\_\_.

Date \_\_\_\_\_

- c. The surveyor shall certify whether not the property is located in a special flood hazard zone and indicate the informational source and zone of the property. If the property is located within a flood hazard zone then the limits of the zone must be shown,
- d. Owner Certificate: The following certificate shall be entered on the face of the plat. Placement of this certificate may vary as necessary:

Owner	Date	Mortgage	Date
_____	_____	_____	_____

- e. Approvals: The following spaces shall be provided in the form shown below for all agencies having jurisdiction. The placement on the plat may vary.

Approved by **Board of Health**, Lowndes County, Georgia.

Date \_\_\_\_\_ Signed \_\_\_\_\_  
**Board of Health** Representative

Approved by County Engineer, Lowndes County, Georgia.

Date \_\_\_\_\_ Signed \_\_\_\_\_  
County Engineer

- f. **Easement** lines (and width), land **lot** and land **district** lines will be shown. All dimensions shall be shown in feet and decimals to the

nearest 1/100 of a foot, and all angles shall be shown to the nearest second. The error of closure shall be as set forth by the State of Georgia Platting Act, or as defined by the technical standards required by Chapter 15 of Title 43 of the Official Code of Georgia Annotated governing the practice of professional engineers and surveyors.

- g. The final plat shall show the accurate location, material and description of all monuments. A permanent master bench mark shall be established (subject to the approval of the County Engineer) within or adjacent to the site by transfer of levels, not less than third order accuracy, from the nearest approved bench mark of known **mean sea level** (M.S.L.) elevation showing its location on the Final Plat and recording its elevation on the Final Plat to the nearest 1/100 of a foot.
  - h. In addition to the requirements for the preliminary plat as set forth in Section 10.02.02(A) of these regulations, the final plat will show the location and width of all temporary **construction easements** (as required by standard engineering practice), public **utility easements** and **drainage easements** where required.
  - i. At such time as the final plat is filed for review, the applicant shall submit **construction** drawings for review and approval if not previously approved. **Construction** drawings shall conform to county specifications.
  - j. The Tax Assessor's assigned map and parcel number will be added to the mylar (plastic) copy and used for Geographic Information System (County VALOR system) purposes.
  - k. Show the location, bearing and distance from either: the intersection of two public rights-of-way, the intersection of those **street/road** surface centerlines, a point-of-reference of the surveyors choosing located with GPS equipment capable of sub-meter accuracy or better with notations on the plat referencing this position expressed in state plane coordinates, datum NAD 83.
  - l. The final plat shall contain a note identifying the current and proposed amount of **impervious surface**.
5. Completion of Improvements. Before the final plat is approved, all developers shall be required to complete, to the satisfaction of the Lowndes County Engineer, all minimum improvements as required by Section 10.02.04.

### 10.02.03 Submittal Requirements for Development Plans

An optional **development** plan may be submitted to save the applicant time and eliminate any unnecessary financial expenditures which result from changes in site **development** identified after the submission of fully engineered architectural plans to the Inspections Department. **Development** plans, in the form of at least a 1 page **site plan**, may be submitted for all non-**residential development**. An

application for **development** plan approval shall contain all of the applicable information set forth in Section 10.02.01 and may be required to contain the following **additional** information:

- A.** A site **development** plan that demonstrates compliance with all design standards required for **development** in the zoning district in which the use is proposed. Such standards are set forth in Section 4.01.00.
- B.** For **development** proposed within a designated **overlay district**, a site **development** plan shall be provided that demonstrates compliance with all **design** standards specified for the applicable **overlay district**, as set forth in Section 4.02.00.
- C.** Where a **Planned Development** is proposed, a site **development** plan shall be provided that demonstrates compliance with the standards set forth in Section 4.06.02.
- D.** When a proposed **development** contains one (1) or more uses that are subject to supplemental standards, a site **development** plan shall be provided that demonstrated compliance with all design standards for the specified use or uses, as set forth in Section 4.03.00.
- E.** All site **development** plans shall contain details for proposed **Accessory uses** and shall demonstrate compliance with the standards for such **uses** set forth in Section 5.02.00.
- F.** The following specific information shall be provided:
  - 1. Proposed **density** (both gross and net).
  - 2. Location of all **buildings** and **structures**, showing setback lines, **building** orientation, and **building height**.
  - 3. For **mixed use projects**, drawing notes shall include a table summarizing the total amount of **development** in each use, the percentage of the total site, net **density** of proposed **residential development**.
  - 4. The location of all **utility** lines, **utility easements**, access **easements** and other **easements**.
  - 5. The distance to the nearest fire hydrant.

#### 10.02.04 Submittal Requirements for Improvements Plans

Plans for **infrastructure**, utilities, and other improvements shall be submitted after an approved preliminary plat has been obtained demonstrating compliance with the improvement plan checklist, the requirements of Chapter 6, the Technical Standards Manual, and other engineering and **construction** standards of Lowndes County.

##### **A. Installation of Improvements**

- 1. Following approval of the Preliminary Plat, the developer shall request approval of the improvement plans by the County Engineer. Said developer can begin installation of the minimum improvements, including **grading**, paving, installation of utilities, etc., upon approval of the improvement plans. In all cases, **sedimentation** control devices,

- retention, detention or **sedimentation** ponds shall be first in order of **construction**.
2. Final plat approval can be requested during or following the installation of minimum improvements.
  3. Improvements required and/or regulated by these regulations shall be constructed in accordance with approved engineering plans and specifications, the standards, requirements and regulations set forth in these regulations, and other applicable ordinances of the county.
  4. **Construction** of improvements required or regulated by these regulations shall not commence until the County Engineer has approved in writing engineering plans and specifications for said improvements.
  5. The subdivider or subdivider's engineer/surveyor shall notify the County Engineer of the commencement, suspension, or resumption of work at least one day prior to the commencement, suspension or resumption of such work. This requirement shall not apply to work suspended due to adverse weather conditions. In the event that the subdivider or subdivider's engineer/surveyor fails to comply with this requirement, the County Engineer is hereby authorized to take whatever steps may be necessary to insure that work performed complies with the approved improvement plans and specifications, the standards set forth in these regulations, and other applicable ordinances of the county.
  6. If, in the course of **construction**, the subdivider wishes to modify the size, type, quality, quantity and/or location of any or all of the improvements required or regulated by these regulations, the subdivider's engineer/surveyor shall submit a written change request to the County Engineer for review and written approval prior to proceeding with installation of the modified improvement.
  7. Tests required by these regulations shall be performed solely by independent testing laboratories, the subdivider's engineer/surveyor or **qualified personnel** employed by the subdivider's engineer/ surveyor, and shall be performed at the subdivider's expense. The subdivider's engineer/surveyor shall direct that the results of required tests be mailed or delivered to the County Engineer immediately on completion. All test results must be clearly indicated as to the **project** and the exact location of the sample and that no test results be withheld from the County Engineer.

#### **B. ACCEPTANCE AND GUARANTEE OF COMPLETED MINIMUM IMPROVEMENTS**

1. Acceptance. Upon written notification of completion of Minimum Improvements, the County Engineer shall within 30 days after such notice accept or reject, in writing, the completed improvements stating the deficiencies, if any.

- a. The required minimum improvements shall not be accepted unless they conform to these regulations and officially adopted county specifications.
  - b. Upon completion of **construction** of improvements required and/or regulated by this Chapter, the subdivider's engineer/surveyor shall deliver all required test data not previously forwarded to the County Engineer to the County Engineer.
  - c. The County Engineer is authorized to reject any **construction** which fails to conform to the approved plans and specifications and this chapter.
  - d. The county shall bill the subdivider the county's cost for any subsequent inspections necessitated by the subdivider's failure to construct improvements in accordance with approved plans and specifications and this chapter. Said costs shall be based on a schedule of fees established as two and one-half times the inspector's hourly rate.
2. Guarantee. The subdivider shall guarantee to the county, for a period of one year, after completion and acceptance of the improvement, all material and workmanship going into such improvement. The subdivider shall post bond with the county, conditioned upon the faithful performance of such guarantee. The guarantee shall be in the form of a performance bond from a bonding agent licensed in Georgia or an irrevocable letter of credit, payable upon demand to the Lowndes County **Board of Commissioners**. Such guarantee and bond shall be posted prior to approval by the county of the **subdivision** plat. This guaranty shall be in the amount of 10% of the total improvements' cost.
  3. Acceptance of Infrastructure. Acceptance for maintenance of infrastructure by Lowndes County occurs upon recording of said plat in the records of the Clerk of Court of Lowndes County. The subdivider retains responsibility for the maintenance and safety of the **development** until such acceptance.

#### 10.02.05 Submittal Requirements for Rezoning Applications

- A. In addition to the application materials specified in Section 10.02.01, applications for amendment of the Lowndes County Zoning Map shall include the following:
  1. The area of the land proposed to be reclassified, stated in square feet if less than one (1) acre, and in acres if one (1) acre or more.
  2. The application file number, date of application, and action taken on, all prior applications filed for the reclassification of the whole or part of the land proposed to be reclassified.
  3. A statement of intent, describing the specific nature of the request, a detailed justification for the request, and a statement demonstrating

compliance of the request with the Greater Lowndes **Comprehensive Plan**.

4. The community or area in which the land proposed to be reclassified is located, the **street** address, the tax Map-Parcel number(s), and the location with respect to the nearby public roads in common use.
  5. A list of all current owners of record for properties located immediately adjacent to or directly across a **public street** or railroad **right-of-way** from the subject property. The list shall include the current names, mailing addresses, and tax Map-Parcel numbers as reflected on the current tax roll of Lowndes County.
- B.** A conceptual **development** plan may be submitted with an application for rezoning. A conceptual **development** plan shall demonstrate the ability of the proposed use(s) to be located on the site in compliance with the standards of this ULDC. The conceptual **development** plan shall be of sufficient detail to bind the applicant to the features depicted on the conceptual **development** plan, and shall contain the following information:
1. **Project** name.
  2. Vicinity map showing zoning districts and existing land use within 500 feet of the boundaries of the site.
  3. Total area in acres and square feet.
  4. Current and proposed zoning classification, together with a summary of the applicable **development** standards for the proposed zoning district. A **Planned Development (PD or PD-R)** shall include drawing notes detailing the proposed standards for site design and **development** for the **PD zoning district**.
  5. Natural features, including topography at ten (10) foot intervals, surface drainage, **surface waters**, flood plains, watershed areas, groundwater **recharge areas**, general location of **wetlands**, and the general location of wooded areas.
  6. General soils.
  7. Location with respect to any designated **overlay districts**.
  8. General location of existing and proposed roads and **utility** rights-of-way or **easements**.
  9. Location of existing property lines within the **development** site, if applicable.
  10. General location of existing and proposed **development** by type of use.
  11. Proposed **residential density** and dwelling unit types, if applicable.
  12. Location of proposed open spaces, recreational areas, and public **buildings** and uses, indicating those areas reserved or dedicated for public use.
  13. General plan for the provision of utilities and infrastructure.
  14. A report or letter from the **Board of Health** indicating the ability of the site to be developed with septic systems.
- C.** An application for rezoning to an I-S, M-2, or M-3 zoning district shall provide the following Additional information:

1. A written description of the proposal designed to inform the County, in detail, about all aspects of the proposed operation and its anticipated impact on the community. The description must include copies of any reports required by the US Environmental Protection Agency or State Environmental Protection Division (EPD). The description must also include information regarding minerals, processes (including steps to minimize adverse community impact), products, by-products, wastes and any Additional information necessary for the county to fully understand the proposal. The description shall also include a listing of all federal, state and local approvals and **permits**, if any, that will be required by the proposed use and the status of all requests for such approvals or **permits**. Further, this report must address the immediate and anticipated future impacts, if any, of the proposed use on each of the following specific concerns:
  - a. Noise;
  - b. Odor;
  - c. Water quality (surface and sewer);
  - d. Smoke and particulate matter, noxious and/or hazardous fumes;
  - e. Vibrations;
  - f. Hazardous materials (ignitable, corrosive, explosive, toxic)
  - g. Radiation;
  - h. Lighting and glare;
  - i. Fire hazards;
  - j. Water usage;
  - k. Impact on local traffic and/or **streets**;
  - l. Adequate provision to reduce any adverse environmental impacts of the proposed use to an acceptable level;
  - m. Vehicular traffic and pedestrian movement on adjacent **streets** will not be substantially hindered or endangered; and
  - n. Any other concerns identified by the County or applicant as pertinent to the proposed use.

#### **10.02.06 Submittal Requirements for Amendments to P-D or PD-R Development Plans, Conceptual Development Plans, Approved Development Plans, and Zoning Conditions**

- A.** Modifications to conceptual **development** plans, approved **development** plans, and zoning conditions, not under the authority of the County Manager (See Also Section 4.06.03(B)) may include any increases to allowable uses, maximum **density**, maximum intensity, or decreases in any compatibility requirements attached to the zoning approval as conditions of approval. In addition to the application requirements set forth in Section 10.02.01, the application shall contain a statement outlining the details of the amendment requested, the situation giving rise

to the need for an amendment, and accompanied by plans fully describing the nature and extent of the amendment.

### 10.02.07 Submittal Requirements for Amendments to the Unified Land Development Code

- A.** Applications for amendment of this ULDC shall be made in the form of proposals for amendments of the text, standards, and other criteria. Proposals to amend the Lowndes County Zoning Map shall meet the requirements set forth in Section 10.02.05.
- B.** In addition to the application requirements set forth in Section 10.02.01(A)(1) and (A)(6), the following information shall be provided:
  - 1. Identification of the specific provision proposed for amendment;
  - 2. The proposed modifications in a strikethrough and underline format;
  - 3. A detailed explanation of the rationale and justification for the requested amendment; and
  - 4. A detailed explanation of the potential impacts of the modification on the development of Lowndes County.

### 10.02.08 Requirements Regarding Letters of Credit and Performance Bonds

(Reserved.)

### 10.02.09 Specifications for Digital File Submittals

- A.** General requirements
  - 1. All drawings shall be geographically referenced to the US State Plane coordinate system, NAD 83, GA West Zone, US Survey Feet.
  - 2. All features depicted in the drawings shall be surveyed after **construction**. Lowndes County will spot check all coordinates to ensure accuracy. The table in Section 10.07.01(C) specifies the features that shall be surveyed. Water system features shall be surveyed at a horizontal accuracy of  $\leq 0.5$  ft and vertical accuracy of  $\leq 0.5$  ft. Sewer system features shall be surveyed at a horizontal accuracy of  $< 0.5$  ft and a vertical accuracy of  $< 0.1$ ft.
  - 3. The following feature geometry types shall be shot directly using the survey instrument:
    - a. All point features (hydrants, valves, sewer manholes, etc.);
    - b. All line features at all endpoints, bends, and turns (pipes, etc.); and
    - c. All polygon features at all corners and bends (**project boundaries, lots, right-of-ways**, etc.).
  - 4. The following feature types are acceptable: *Line, Polyline, Text, and Insert*.
- B.** Layering
  - 1. All required layers (as listed in this section) shall contain only the features that are described for that layer. For example, the

BOUNDARY\_LINE layer shall only contain the boundary line and not such features as north arrows or parcels.

2. All required layers shall be present in the drawing except for features that do not pertain to a particular **project**. For example, some commercial **projects** may not contain sewer taps as part of the **construction** and should not be included in the drawing.
3. All layers shall be clearly differentiated from each other. For Example:
  - a. Two (2) layers having the names "WATER\_LINE" and "WATER\_LINES" shall not exist in the same drawing.
  - b. SEWER\_LINE\_TEXT and SEWER\_TEXT shall not exist in the same drawing.
4. All text shall appear on separate layers from the layers they annotate. For example, text describing a sewer line shall be on the SEWER\_LINE\_TEXT layer not the SEWER\_LINE layer.
5. Text leaders shall be placed on the text layer, not the feature layer. For example, the leader for the diameter of a water pipe shall be on the WATER\_LINE\_TEXT layer, not the WATER\_LINE layer. Leaders shall be drawn using *Line* features not *Leaders*.

**C. Drawing**

1. All layers shall conform to the proper geometry type (line, polygon, text) as indicated in the table below.

Layer Name	Type	Layer Contents	Surveyed
ADDRESS_TEXT	Text	<b>Street</b> postal address number	No
BLOCK_LETTER_TEXT	Text	Indicates the Block letter of a <b>subdivision</b>	No
FIRE_HYDRANT	Insert	Fire Hydrants	Yes
FIRE_HYDRANT_TEXT	Text	Text associated with FIRE_HYDRANT layer	No
FLOW_ARROW	Insert	Sewer line flow arrows	No
HORIZONTAL_AND_VERTICAL_CONTROL_POINT	Line	Survey control points (rebar or monuments) with x, y, z coordinates	Yes
HORIZONTAL_AND_VERTICAL_TEXT	Text	Text associated with HORIZONTAL_AND_VERTICAL_CONTROL_POINT	No
LAND_LOT_LINE	Line	Land <b>lot</b> lines.	No
LAND_LOT_LINE_TEXT	Text	Land <b>lot</b> numbers and other text	No
LOT_NUMBER_TEXT	Text	Individual <b>lot</b> numbers.	No
PROJECT_BOUNDARY	Poly	The boundary line of the <b>subdivision</b> or commercial property.	Yes
PROJECT_BOUNDARY_TEXT	Text	Text labels for the <b>project</b> boundary line.	No
PROPERTY_LINE	Poly	Property Lines (parcel lines)	Yes
RAILROAD_LINE	Line	Railroad Lines	Yes
RAILROAD_TEXT	Text	Text associated with RAILROAD	No

ROAD_EDGE_OF_PAVEMENT	Poly	Polygon: <b>Street</b> Edge of Pavement (not back of curb)	Yes
ROAD_TEXT	Text	Road Names	No
SEWER_END-OF-LINE	Insert	End of sewer line	Yes
SEWER_END-OF-LINE_TEXT	Text	Text associated with SEWER_END-OF-LINE	No
SEWER_EXISTING	Line	Sewer lines present before the <b>subdivision</b> was built	Yes
SEWER_EXSITING_TEXT	Text	Text associated with the SEWER_EXISTING layer	No
SEWER_FORCE_MAIN	Line	Sewer force mains	Yes
SEWER_FORCE_MAIN_TEXT	Text	Text associated with the SEWER_FORCE_MAIN	No
SEWER_LINE	Line	Sewer lines built as a part of the <b>subdivision</b> .	Yes
SEWER_LINE_TEXT	Text	Text associated with the SEWER_LINE layer	No
SEWER_MANHOLE	Insert	Sewer Manholes	Yes
SEWER_MANHOLE_TEXT	Text	Text associated with the SEWER_MANHOLE layer	No
SEWER_TAP	Line	Sewer taps	Yes
SEWER_TAP_TEXT	Text	Distance between taps in feet	Yes
UTILITY_EASEMENT	Poly	<b>Utility</b> line <b>Easement</b>	Yes
UTILITY_EASEMENT_TEXT	Text	Text associated with <b>utility easements</b>	No
WATER_CAP	Insert	Cap at the end of water line.	Yes
WATER_CAP_TEXT	Text	Text associated with WATER_CAP_TEXT	No
WATER_EXISTING	Line	Water lines present before the <b>subdivision</b> was built	Yes
WATER_EXISTING_TEXT	Text	Text associated with WATER_EXISTING	No
WATER_LINE	Line	Water lines	Yes
WATER_LINE_TEXT	Text	Text associated with WATER_LINE	No
WATER_METER	Insert	Customers water meters	Yes
WATER_METER_TEXT	Text	Text associated with WATER_METER	No
WATER_REDUCER	Insert	Water line reducer	Yes
WATER_REDUCER_TEXT	Text	Text associated with WATER_REDUCER	No
WATER_SERVICE	Line	Water service lines	Yes
WATER_SERVICE_TEXT	Text	Text associated with WATER_SERVICE	No
WATER_VALVE	Insert	Water Valves	Yes

WATER_VALVE_TEXT	Text	Text associated with WATER_VALVE	No
WATER_VAULT	Insert	Large meter or fire connection vault	Yes
WATER_VAULT_TEXT	Text	Text associated with WATER_VAULT	No
PUMP_STATION	Poly	Walls of the sewer pump (lift) station	Yes
PUMP_STATION_TEXT	Text	Text associated with PUMP_STATION	No

2. All polygon type features shall be completely closed. To accomplish this, lines may need to be duplicated on more than one (1) layer.
  - a. **Subdivision** parcels shall be closed figures on their layer (not closed with the **subdivision** boundary).
  - b. Road edge-of-pavement shall be drawn as closed polygons.
  - c. Where a polygon feature extends beyond the edge of the plan, the property boundary (repeated on the polygon feature's layer) shall be used to close the polygon.
  - d. All edges on polygon features shall be snapped together at the vertices. Gaps in polygon boundaries shall not be accepted.
3. Sewer features
  - a. Sewer lines and sewer taps shall be digitized with proper directionality: lines shall be drawn from the uphill node to the downhill node or flipped after the lines have been digitized.
  - b. All tangents between sewer manholes shall be drawn with a single line.
  - c. All tangents shall be snapped at endpoints intersecting at the exact center of the manhole. No gaps shall exist between tangents.
  - d. Manholes shall be symbolized consistently with a circle centered exactly on the tangent endpoints.
4. Water features
  - e. Water lines shall be digitized with all straight-line pipes consisting of only two (2) points. Straight-line pipes shall begin and end at the following features (nodes): hydrants, valves, meters, pumps, tees, crosses, and valves.
  - f. Curves may be digitized with enough vertices to capture the curve geometry. Curves or arcs may also be used to designate curved pipe.
  - g. All water lines shall be continuous, with pipe endpoints snapped to each other at endpoints (nodes).
  - h. End-of-line caps shall be drawn to differentiate end-of-lines from lines that extend beyond the extent of the drawing. Caps shall be drawn for lines that are to be permanently capped when the **project** is complete, not for lines that are temporarily capped pending inspection.

**D. Symbolization**

Symbols shall be standardized according to examples provided in the Lowndes County GIS template file. The following "point" features shall be symbolized using standard Lowndes County GIS CAD symbols and drawn as inserts:

- Vault 
- Valve 
- Hydrant 
- Manhole 
- Meter 
- End of Line/Cap 
- Reducer 

**E. Annotations**

1. Any non-standard water and sewer lines shall be annotated as such. Line diameter, material, ownership, etc. that does not conform to standard practice shall be noted in the corresponding annotation layer. For example, standard **subdivision** sewer lines are 8" in diameter. Any other diameter shall be annotated on the SEWER\_LINE\_TEXT layer.
2. All addresses and **lot** numbers shall be number data type (that is, no text or symbols (#, -, ft, \_, ", ', etc.)). If the **lot** does not have a number, this layer shall be blank.

**F. File naming and revisions**

1. File names shall correspond exactly to the **subdivision** name and shall be consistent from one (1) version to the next. The file name shall contain the drawing finalized date (in YYMMDD format) as part of the name. There shall be no blank spaces in the name, only underscores. An example file name for the November 10, 2003, final plat for the third phase of the Monarch Village **subdivision** is: "Monarch\_Village\_3\_031110."
2. File finalized dates shall only be updated by the contractor/developer and not by Lowndes County GIS.

**G. Deliverable format**

All files shall be delivered on single disk media in AutoCAD (release 2005 or higher) DWG format. CDs, 4½" floppies, and Zip disks are all acceptable media. Files shall not be spanned over more than one (1) disk.

**10.03.00 NOTICE REQUIREMENTS**

**10.03.01 Zoning Decisions**

- A.** At least fifteen (15) but not more than forty-five (45) days prior to the date of hearing, notice shall be published within a newspaper of general

circulation in the County stating the date, time, place, and purpose of the hearing.

- B.** If the zoning decision is for the rezoning of property and the rezoning is initiated by a party other than the County, then:
  - 1. The published notice shall also include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and
  - 2. A **sign** shall be placed in a conspicuous location on the property not less than fifteen (15) days prior to the hearing containing the nature of the request and the date, time, and place of the hearing.
  - 3. Property owners that are adjacent to the subject property, to include those across all **right-of-way**, shall be notified by certified mail. The certified mail shall include the location of the property, the present zoning classification of the property, the proposed zoning classification of the property and the date, time, and place of the hearing.

### 10.03.02 All Other Decisions

- A.** At least fifteen (15) but not more than forty-five (45) days prior to the date of hearing, notice shall be published within a newspaper of general circulation in the County stating the date, time, place, and purpose of the hearing.
- B.** If the hearing involves a specific parcel or parcels of property, then:
  - 1. The published notice shall state the location of the property; and
  - 2. A **sign** shall be placed in a conspicuous location on the property not less than fifteen (15) days prior to the hearing containing the nature of the request and the date, time, and place of the hearing.
  - 3. Property owners that are adjacent to the subject property, to include those across all **right-of-way**, shall be notified by certified mail. The certified mail shall include the location of the property, the present zoning classification of the property, the proposed zoning classification of the property and the date, time, and place of the hearing.

## 10.04.00 APPEALS OF ADMINISTRATIVE ACTIONS

### 10.04.01 Applicability

- A.** **Appeals** to the ZBA may be filed by any **person** aggrieved by any written interpretation, of the **County Manager**, TRC, or designated administrative official, based on or made in the enforcement of the ULDC. A **person** shall be considered aggrieved if:
  - 1. Said **person** or said **person's** property was the subject of the action **appealed** from; or
  - 2. Said **person** has a substantial interest in the action **appealed** from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

- B.** Such **appeals** shall be filed no later than thirty (30) days after the date of notification of the action **appealed** from. An **appeal** shall be filed with the County and shall include the following:
1. A completed application form, provided by the County;
  2. Written documentation specifying the alleged errors in the approval, denial, interpretation, or decision of the **County Manager**;
  3. Citation of the section(s) of the ULDC pertaining to the action ; and
  4. A statement of the specific relief requested by the party **appealing**.

#### 10.04.02 Stay of Proceedings

An **appeal** to the ZBA stays all legal proceedings in furtherance of the action **appealed** from, unless the **County Manager** certifies to the ZBA after the notice of **appeal** shall have been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the ZBA or by a court of record on application, on notice to the **County Manager**, and on due cause shown.

#### 10.04.03 Action on appeals

- A.** The appellant, and any public agency or private individual shall be entitled to present evidence on matters before the ZBA.
- B.** The ZBA may, in conformity with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, order, requirement, decision, or determination of the **County Manager**. The ZBA may direct the issuance of a **permit**. It shall be the duty of the **County Manager** to carry out the decisions of the ZBA.

### 10.05.00 PROCEDURES FOR ISSUANCE OF PERMITS

#### 10.05.01 Land Disturbance Permit

- A.** See Appendix A.
- B.** A tree survey and tree removal **permits** shall be required as a part of a clearing and grubbing plan for all **development** scheduled within disturbed areas. No clearing shall take place outside of the disturbed areas identified on the tree survey.
- C.** Under no circumstances is clear cutting allowed, except as provided for in Section 4.07.07(E)(3)

#### 10.05.02 Right-of-way Utilization Permit

(Reserved.)

#### 10.05.03 Building Permit

- A.** Before concrete foundations are poured **residential** property lines are required to be staked, blazed, strung, or marked for site inspections.
- B.** For all **new construction** and **substantial improvements** governed by Section 3.01.00 Flood Damage Protection, the **permit** holder shall provide to the County Engineer an as-built certification of the regulatory **floor**

elevation or flood-proofing level immediately after the **lowest floor** or flood proofing is completed. Any **lowest floor** certification made relative to **mean sea level** shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for non-**residential structures**, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of these certifications shall be at the **permit** holder's risk. The County Engineer shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the **permit** holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the **project**.

#### 10.05.04 Temporary Use Permit

- A. The approval of any temporary use permit shall be temporary in nature, as determined by the TRC, and shall not vest any permanent rights.
- B. Except for the special events and seasonal sales addressed in Section 10.05.04(C) and (D) no person shall conduct any special event or seasonal sales without first applying for and obtaining a temporary use permit to perform such activity.
- C. The following **special events** and seasonal sales shall not be required to obtain a temporary use permit or be bound by the frequencies in Table 10.05.04(G), but shall be required to comply with other applicable **special events** and seasonal sales standards: those events or sales conducted by a religious facility or those events or sales conducted by a school.
- D. The following **special events** and seasonal sales shall not be required to obtain a temporary use permit or be bound by special event or seasonal sales regulations: Typical events held at event facilities that are properly zoned, permitted, and licensed.
- E. Special events and seasonal sales with an expected participation of greater than 10,000 people shall be required to submit a preliminary request for a temporary use permit to the County Manager for consideration.
- F. Failure to obtain or adhere to the approved temporary use permit may result in fines, the revocation of applicable permits, and/or the termination of the event. The fines shall not exceed \$2,000 per offense per day or part of the day.

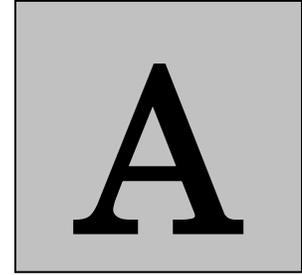
G. **Temporary use permits** shall be limited to the following zoning districts and calendar year frequencies:

**Table 10.05.04(G). Temporary Use Permit Zonings and Frequencies**

<b>Permitted Zoning District</b>	<b>Number of Allowable Temporary Use Permits Per Property Per Calendar Year</b>
<b>E-A, OI, C-C, C-G, C-H, M-1, M-2, Residential/Mixed Use PD or PD-R, &amp; Non-residential PD or PD-R</b>	<b>5</b>

- H. Except for expedited temporary use **permits** that are addressed in Section 10.05.04(I), the application for such a **permit** shall be made to the TRC at least thirty (30) days prior to the event date and shall include a **site plan** and such information as may be required by the TRC.
- I. When expedited review of a temporary use **permit** is granted by the **County Manager** then the application, **site plan**, and temporary use **permit** may also be turned in to and approved by the **County Manager**.
- J. Factors to be considered by the TRC and/or the **County Manager** and on which the TRC and/or the **County Manager** will issue or decline to issue such a preliminary request, **permit**, or expedited review shall be based on applicable regulations, previous experience(s), and/or historic or pending Code Enforcement action.
- K. Complete applications and preliminary requests will be reviewed and decided upon by the TRC and/or the **County Manager** within thirty (30) days.
- L. The TRC and/or the **County Manager** shall notify the applicant in writing of its findings.

## 10.06.00 ENFORCEMENT AND PENALTIES



# APPENDIX A

## LAND DISTURBANCE

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NOW, THEREFORE, BE IT ORDAINED, BY THE LOWNDES COUNTY BOARD OF COMMISSIONERS OF LOWNDES COUNTY GEORGIA.

## **SECTION 1 TITLE**

THIS ORDINANCE WILL BE KNOWN AS “THE LOWNDES COUNTY SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE.”

## **SECTION 2 DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

1. **Best Management Practices (BMPs):**  
These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the ‘Manual for Erosion and Sediment Control in Georgia’ published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.
2. **Board:** The Board of Natural Resources.
3. **Buffer:** The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
4. **Certified Personnel:** A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.
5. **Commission:** The Georgia Soil and Water Conservation Commission (GSWCC).
6. **CPESC:** Certified Professional in Erosion and Sediment Control with current certification by Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.
7. **Cut:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.
8. **Department:** The Georgia Department of Natural Resources (DNR).
9. **Design Professional:** A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control Inc.
10. **Director:** The Director of the Environmental Protection Division or an authorized representative.
11. **District:** The Alapaha Soil and Water Conservation District.
12. **Division:** The Environmental Protection Division (EPD) of the Department of Natural Resources.
13. **Drainage Structure:** A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from

- one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.
14. Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.
  15. Erosion, Sedimentation and Pollution Control Plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in section 4.C. of this ordinance.
  16. Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.
  17. Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.
  18. Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
  19. Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
  20. Ground Elevation: The original elevation of the ground surface prior to cutting or filling.
  21. 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 3, Paragraph 5.
  22. Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.
  23. Local Issuing Authority: The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.

24. Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. 12-5-440 et.seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.
25. Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.
26. Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.
27. NOI: A Notice of Intent form provided by EPD for coverage under the State General Permit.
28. NOT: A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.
29. Operator: The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.
30. Outfall: The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.
31. Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
32. 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 the State of Georgia, any interstate body or any other legal entity.
33. Phase or Phased: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.
34. Project: The entire proposed development project regardless of the size of the area of land to be disturbed.
35. Properly Designed: Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

36. Roadway Drainage Structure: A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.
37. Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.
38. Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
39. Soil and Water Conservation District Approved Plan: An erosion, sedimentation and pollution control plan approved in writing by the Alapaha Soil and Water Conservation District.
40. Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
41. State General Permit: The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.
42. State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
43. Structural Erosion, Sedimentation and Pollution Control Practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.
44. Trout Streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at [www.gaepd.org](http://www.gaepd.org). Streams designated as primary trout waters are defined as water supporting a self-sustaining population of

rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

45. Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:
- 1) Permanent seeding, sprigging or planting, producing long-term vegetative cover, or
  - 2) Temporary seeding, producing short-term vegetative cover; or
  - 3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

46. Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.
47. Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

### SECTION 3 EXEMPTIONS

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968".
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
4. The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall

be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority; Lowndes County recommends a 25' Buffer adjacent to all wetland lines indicated by a Soil Scientist.

5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section 4 C. of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;
7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
8. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;

9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;
10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
11. Any public water system reservoir.

## **SECTION 4 MINIMUM REQUIREMENTS FOR EROSION, SEDIMENTATION POLLUTION CONTROL USING BEST MANAGEMENT PRACTICES**

### **A. GENERAL PROVISIONS**

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil

erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Section 4 B. & C. of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

**B. MINIMUM REQUIREMENTS/ BMPs**

1. Best management practices as set forth in Section 4 B. & C. of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).
2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.
3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.

4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
  5. The LIA may set more stringent buffer requirements than stated in C.15. and 16., in light of O.C.G.A. § 12-7-6 (c).
- C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
1. Stripping of vegetation, regarding and other development activities shall be conducted in a manner so as to minimize erosion;
  2. Cut-fill operations must be kept to a minimum;
  3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
  4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
  5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
  6. Disturbed soil shall be stabilized as quickly as practicable as but no longer than seven (7) days.
  7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development at all times.
  8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable; but in no circumstances any longer than fourteen (14) days.
  9. All subdivisions and each subsequent lot/s covered under this ordinance will be maintained in a clean and orderly fashion. Construction site operators are responsible for controlling and managing waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. A refuse dumpster will be placed at all construction areas for the disposal of construction debris. The area will be maintained and kept free of litter and debris at the end of each day. All refuse must be disposed of in accordance with Federal, State and local rules and regulations.
  10. No subdivision lot may commence construction until all required BMP's are installed. This construction would include clearing, stripping and or installation of batter boards. The Lowndes County Engineering Department

will inspect the lot for compliance prior to the approval of the initial inspection of the building permit.

11. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
12. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
13. Cuts and fills may not endanger adjoining property;
14. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
15. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
16. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 4 B. 2. of this ordinance;
17. Except as provided in paragraph (16) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:
  - a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to

- protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
- b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
18. There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:
- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

- b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines.
- D. Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section 4 B. & C. of this ordinance.
- E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

## **SECTION 5 APPLICATION/PERMIT PROCESS**

### **A. GENERAL**

The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.

### **B. APPLICATION REQUIREMENTS**

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Lowndes County without first obtaining a permit from the Lowndes County Environmental Compliance Director to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.
2. The application for a permit shall be submitted to the Lowndes County Environmental Compliance Director and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section 5 C. of this ordinance. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Section 4 B. & C. of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by four (4) copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or

the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.

3. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.
4. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section 4 C. 15. & 16. has been obtained, all fees have been paid, and bonding, if required as per Section 5 B.6., have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.
5. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.
6. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

### C. PLAN REQUIREMENTS

1. Plans must be prepared to meet the minimum requirements as contained in Section 4 B. & C. of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.
2. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

### D. PERMITS

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
2. This issuance of an approved Land Disturbance Permit does not guarantee approval of the project construction. Construction plans must be submitted to the Lowndes County Engineer for review and approval by that office.
3. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section 4 C. 15. & 16. are obtained, bonding requirements, if necessary, as per Section 5 B. 6. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

4. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
5. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
6. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
7. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1).

## **SECTION 6 INSPECTIONS AND ENFORCEMENT**

- A. The Lowndes County Engineering Department and Environmental Compliance Office will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.
- B. The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.
- C. The Lowndes County Engineering Department and Environmental Compliance Office shall have the power to conduct such investigations as it may reasonably

deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

- D. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- E. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
- F. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

## **SECTION 7 PENALTIES AND INCENTIVES**

### **A. FAILURE TO OBTAIN A PERMIT FOR LAND-DISTURBING ACTIVITY**

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.

### **B. STOP-WORK ORDERS**

1. For the first violation of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five (5) days to correct the violation. If the violation is not corrected within five (5) days, the Director or the Local Issuing Authority

shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;

2. For a second and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order and issue a citation to appear in the Magistrate Court of Lowndes County to answer the charges.
3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the Director or his or her Designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

**C. BOND FORFEITURE**

1. If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section 5 B. 6. The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

**D. MONETARY PENALTIES**

1. Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in

any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

## **SECTION 8 EDUCATION AND CERTIFICATION**

- A.** Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.
- B.** For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- C.** Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.
- D.** If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

## **SECTION 9 ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW**

### **A. ADMINISTRATIVE REMEDIES**

The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the

holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Lowndes County Board of Commissioners within Fifteen (15) days after receipt by the Local Issuing Authority of written notice of appeal.

**B. JUDICIAL REVIEW**

Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Lowndes County, Georgia

**SECTION 10 EFFECTIVITY, VALIDITY, AND LIABILITY**

**A. EFFECTIVITY**

This ordinance shall become effective on the 8<sup>th</sup> day of December, 2015.

**B. VALIDITY**

If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.

**C. LIABILITY**

1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.
2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.
3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

ATTEST:

\_\_\_\_\_  
Lowndes County Board of Commissioners;  
Chairman: Bill Slaughter

\_\_\_\_\_  
Lowndes County Clerk  
K. Paige Dukes

Ordinance Number \_\_\_\_\_