

Zoning Ordinance
of
Schley County, Georgia

December 8, 2015

Board of Commissioners

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ARTICLE I: PREAMBLE AND ENACTMENT

Section 1 Title

This ordinance shall be known as the “Zoning Ordinance of Schley County, Georgia”, for the purpose of setting forth standards and permissible uses of land designed to conserve and protect the natural, economic and scenic resources of Schley County; to secure safety from fire, panic and other dangers; to promote health, aesthetics, morals, convenience, order, prosperity and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to promote desirable living conditions and stability in neighborhoods; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements by dividing Schley County into districts of such size and shapes as may be best suited to carry out the purposes of the legislative act and of this ordinance.

ARTICLE II: PURPOSE, AUTHORITY AND JURISDICTION

Section 1 Legislative Authority

Counties of the State of Georgia are authorized by the Georgia State Constitution, Article 9, Section 2, Paragraph 4, and Chapter 66 of Title 36 of the Official Code of Georgia Annotated, to exercise the powers of planning and zoning; and it is hereby determined by the Board of Commissioners of Schley County, Georgia, that it is necessary and desirable to adopt these zoning regulations under the authority of the above cited Constitutional and statutory provisions.

Section 2 Method of Regulation

The Board of Commissioners of Schley County, Georgia, as authorized by the Constitution of the State of Georgia, and having created herewith a Zoning Commission known as the Schley County Zoning Commission, does hereby adopt these zoning regulations for the following purposes: (1) to define certain words used herein; (2) to create district boundaries; (3) to regulate the location of trades, professions, businesses, and industries; (4) to regulate the density in distribution of population; (5) to provide for the gradual elimination of nonconforming uses of land, buildings and structures; (6) to provide for the method of administration, amendment and enforcement; (7) to provide for imposition of penalties for violations; (8) to repeal conflicting ordinances and resolutions; (9) and for other purposes.

Section 3 Jurisdiction

This zoning ordinance shall govern the use of all land and development within the unincorporated limits of Schley County, Georgia, in accordance with O.C.G.A. 36-70-5.

Section 4 Development Pattern

This ordinance is designed to sustain the community’s historic development pattern, which is an overwhelming majority of land in agriculture and forest interspersed with a very low level of single-family residential development, and an even lower level of a combination of other types of land use. In support of general policy statements in the most recent comprehensive plans standards are hereby established to protect existing development, maintain the rural character with similar ratios of land uses, and encourage the concentration of higher intensity land uses, commercial and industrial, etc., in, and on the periphery of, the City of Ellaville. With this regulatory structure in place the county is positioned to respond promptly to the need for higher intensity land uses and “spillover” from the city.

ARTICLE III: DEFINITIONS

Section 1 Purpose

For the purpose of this ordinance, words in the singular shall include the plural, and words in the plural shall include the singular number unless the obvious construction of the wording indicates otherwise. The word "shall" is mandatory. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line relation to which the distance is specified. The word "lot" includes the words "parcel" and "plot"; the word "used" shall be deemed also to include "designed", "intended", or "arranged to be used"; the term "erected" shall be deemed also to include "constructed", "reconstructed", "altered", "placed", or "moved". The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building". The word "adjacent" means "nearby" and not necessarily "contiguous".

Section 2 Definitions

Accessory Building or Accessory Use A detached, subordinate structure for use such as a garage, workshop and the like, functionally related to, clearly incidental to, and located on the same lot as the principal structure or use.

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 See Sexually Oriented Businesses

Agricultural Adjacency Waiver A waiver indicating that the property owner understands that a farm animal operation is existing adjacent to the owner's property and that such use may produce noise, odors, dust and other effects that may not be compatible with the land use on his property if the farm animal operation is constructed closer to the use than provided for in the zoning code of Schley County. The agricultural adjacency waiver shall state that despite such, the owner understands the potential effects on the owner's property and he agrees to sign the agricultural adjacency waiver waiving any objection to such potential effects. The waiver shall state that permits will be issued and processed only on reliance on the owner's agreement not to bring any action against the local government and adjacent property owner operating the farm animal operation for any such effects. Such waiver must be signed by the actual owner of the property and shall be recorded in the real estate records of the Clerk of the Superior Court of Schley County and shall be binding on subsequent land owners.

Agriculture or Agricultural The bona fide use of a parcel of land of ten (10) acres or more for the cultivation of land, raising of poultry and/or livestock, or for similar agrarian activity including forestry for gain or profit, and the related buildings (e.g. packing shed, feed mill, etc.) structures, and appurtenances associated with or necessary to carry out the aforementioned activities.

Airfield Any area of land or water with airspace certified by the Federal Aviation Administration and utilized for the landing or taking off of aircraft.

Airport Any area of land or water with airspace certified by the Federal Aviation Administration and designed and set aside for the landing and taking off of aircraft, and utilized, or to be utilized, in the public interest for such purposes. An airport shall include all runways, terminal buildings, hangars, and related facilities located on the airport premises.

Alternative Energy A form of energy derived from a natural source, such as the sun, wind, tides, or waves also called renewable energy.

Apartment Building A single-structure located on a parcel of land under single or joint ownership, containing four or more independent, residential units with cooking facilities for the sole use of each residential unit.

Automobile Sales Lot Open premises arranged, designed, or used for storage and display for sale of any motorized vehicle and/or trailer which can be towed legally on Georgia roadways.

Base Flood The flood having a one percent chance of being equaled or exceeded in any given year. Base flood is synonymous with the term “regional” or “100-year” flood.

Bed and Breakfast Home A residential structure occupied as principal residence by the owner(s) of record wherein lodging or lodging and breakfast only is provided to guests for compensation.

Bed and Breakfast Inn A bed and breakfast inn is a building or dwelling unit, not necessarily owner-occupied, that offers transient lodging accommodations and breakfast for four or more guest rooms for compensation provided.

Biomedical Waste Facility Any facility or location where the final disposition of any amount of biomedical waste (as that term is defined in O.C.G.A. 12-8-22, as amended) occurs, whether or not mixed with or including other waste allowed under Subtitle D of the Resource Conservation and Recovery Act of 1976, as amended, and includes, but is not limited to, biomedical waste landfills and biomedical waste thermal treatment technology facilities.

Boarding House A dwelling in which lodging and meals are furnished for compensation. Maximum occupancy shall be governed by life safety codes.

Buffer That portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established as landscaped open space for the purposes of screening and separating properties with incompatible land uses, the width of which is measured from the common property line into a given lot. A buffer consists of trees, shrubs, and other natural vegetation undisturbed by grading or site development and replanted where sparsely vegetated or where disturbed for approved access and utility crossings.

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

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 the foundation wall and any roofed porch, vestibule or other such portion of a building shall not project.

Building, Principal The building in which is conducted the principal and primary use of the lot on which the structure is situated.

Care Home A rest home, nursing home, convalescent home, home for the aged or similar use established and operated on a profit or non-profit basis to provide lodging and meals and domiciliary care for the aged, infirm, chronically ill or convalescent persons. The term “care home” shall include the term

“extended care facility” as defined by Georgia Law. Such facility shall be licensed pursuant to applicable Georgia codes. This term does not include facilities for the care of mental patients, alcoholics, drug addicts, and does not include nursery school.

Caretaker or Employee Residence An accessory residence (including mobile and manufactured homes) placed on an otherwise occupied tract for use by a bona fide caretaker, employee or the owner himself.

Child Care A service offered at any place operated by a person, society, agency, corporation, institution, or group where pay is received for group care of minor children (under 18 years of age) for less than 24 hours per day, without transfer of legal custody.

Child Care, Day-Care Center A place operated and where pay is received for group care for less than 24 hours per day, without transfer of legal custody, of nineteen (19) or more children under 18 years of age.

Child Care, Family Day-Care Home A private residence operated by any person who receives pay for the supervision and care for less than 24 hours a day, without transfer of legal custody, at least three (3) but not more than six (6) children under 18 years of age who are not related to such person and whose parents or guardians are not residents in the same private residence. All definitions reflect current State of Georgia definitions.

Child Care, Group Day Care Home Any place operated by any person or group wherein pay is received for not less than seven (7) nor more than eighteen (18) children under 18 years of age for care and supervision for less than 24 hours per day.

Church A building in which people regularly assembles for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

Club or Lodge Building in which organized religious, fraternal, recreational, social or educational meetings are conducted on a regular, non-profit basis. Fraternal organizations must show that they have received recognition and sanction from a parent group or organization. A private club must show that its membership is limited by either: (a) the use and operation of an amateur athletic facility including but not limited to golf courses, tennis courts, shooting ranges or swimming pools; or (b) residency in a particular subdivision, condominium, apartment project or other residential development.

Conditional Use A use which is not permitted inherently in a specific district but which may be permitted under specific conditions subject to approval by the Board of Commissioners.

Condominium A building or building on a single parcel comprised of multiple dwelling units in which each tenant holds full title to his dwelling unit and joint ownership in the common grounds.

Construction Codes The Georgia Minimum Standard Codes, as amended, eight mandatory construction codes adopted in the Georgia Uniform Codes Act, consisting of the International Building, Residential, Fire, Plumbing, Mechanical, Fuel Gas, Energy Conservation and National Electrical Code. Unless otherwise noted, all construction is to be performed in accordance with the applicable code.

Cul-de-sac A street which has one end open to traffic and the other end permanently terminated by a circular turn-around.

Day Care Center An establishment operating for profit which provides care and education for six or more children opened for the major portion of the day or night and in which meals are served.

Designated Official The Zoning Administrator or other designated official as determined by the Schley County Board of Commissioners.

Drive-In Any retail or service enterprise wherein a good or service is provided to the consumer on the inside of the principal building and to the consumer while in his motor vehicle through an exterior wall of the principle building. The term “drive-in” includes but is not limited to drive-in restaurants and dairy bars, theaters, banks, laundries, food & beverage stores and car washes.

Dwelling A building or portion thereof designed or used for permanent residential purposes, not including recreation vehicles, hotels, motels or farm implement buildings, farm storage/shop buildings and all buildings used for animal confinement.

Dwelling, Single- Family Detached A dwelling containing not more than one dwelling unit that is designed as a single-family household.

Dwelling, Multi-Family A building designed, constructed, altered for three or more adjoining dwelling units, where the occupants of each individual unit are living independently of each other, with each dwelling unit having a party wall or party floor connecting it to at least one other dwelling unit in the same building. Multi-family buildings may also be townhomes provided they meet all State of Georgia and International Code requirements.

Dwelling Unit A building or portion thereof, that provides complete living quarters including kitchen, bathroom and living space with all plumbing indoors for one or more persons living in a single housekeeping environment.

Duplex A duplex is a structure used for residential purposes and consisting of two living units with a common wall.

Easement A grant to a person or to the public by a property owner of a strip of his land for road right-of-way or other specified purposes.

Equestrian Center A tract of land of five acres or more on which more than four adult horses are kept for the purpose of training boarding, sale or breeding, or where instruction pertaining to the same is given for a fee. For the purposes of this zoning ordinance this term includes facilities for riding trails and rings, shows, competitive equestrian events and riding lessons.

Family A family is a group of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit. For the purposes of this ordinance, “family” does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or any group of individuals who are in a group living arrangement as a result of criminal offenses or drug and alcohol rehabilitation.

Farm A parcel of land consisting of a minimum of ten (10) plus acres on which bona fide agricultural and related uses are conducted as specified in “agriculture”.

Farm Implements Includes but not limited to, any tools, machinery, equipment, appliances, devices or apparatus used to perform agricultural operations, except when such implements are intended for sale in the ordinary course of business.

Farm Implement Building A building that is used to store machinery, farm implements, hay, or other agricultural equipment or products to protect it from the weather during the period of not being used or

protection from the environment for an extended period of time. This structure will not be supplied with power or any electrical generating equipment to enhance or add to the overall structure of the building. This will consist of pole construction without walls but not limited to and will be a permanent attachment to the property itself.

Farm Storage/ Shop Building A building without electricity used to temporarily store farm machinery, farm implements, equipment, seed, plants and harvested crops used in agricultural practices from the weather. A building with electricity used to store seed, agricultural products, farm machinery, and equipment and to repair farm equipment.

Farm Stand A booth or stall located on a farm from which produce and farm products only are sold to the general public.

Farmland, Prime Land which is best suited to producing food, feed, forage, fiber and oilseed crops produces the highest yields with minimum inputs of energy and money, and results in the least damage to the environment when farmed.

Farm Animal House Structure designed primarily for the housing of cattle, swine, sheep, emus, etc. for commercial sale of milk or animals.

Fish Farm (1) Commercial - A business enterprise in which the grower's income is derived from harvesting fish in mass, and subsequent bulk sale of large volume catches to one buyer, usually under contract. **(2) Recreational** A facility in which fishermen catch fish, usually one at a time, for sport and/or food, and in which the owner of the facility may or may not charge for the fish taken.

Flood or Flooding A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters, or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain The low-lying and relatively flat areas adjoining inland waters, and including, at a minimum, that area subject to a one percent or greater chance of flooding in any given year.

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 foot.

Flood Zone Zones as they appear on the Flood Insurance Rate Map (FIRM) in which the risk premium insurance rates have been established by a Flood Insurance Study.

Frontage That dimension of a lot measured along the front street / road right-of-way line. If said front street /road right-of-way line is curved, then the dimension along the chord of the arc.

Garage, Mechanical/Repair Building (s) and premises designed or used for the purpose of service or commercial repair of motor vehicles, provided (1) that all body work and painting shall be conducted within fully enclosed buildings, (2) that the storage of junk, wrecked vehicles, dismantled parts or supplies shall be solely for the purpose of repairing motor vehicles and not as a salvage or junkyard business, and (3) that the storage of junk, wrecked vehicles, dismantled parts or supplies not be visible beyond the premises.

Group Home A residence under the ownership and supervision of a public educational or governmental institution occupied or intended for occupancy by several unrelated persons or families, and in which cooking facilities are shared among all resident persons or families.

Group Personal Care Home See “Personal Care Home, Group”.

Halfway House A center for formerly institutionalized individuals, such as mental patients, drug addicts, alcohol dependent or previously incarcerated person(s), designed to facilitate readjustment to private life.

Hazardous Waste Any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act which are in force and effect on February 1, 1991, codified as 40 C.F.R. Section 261.3 and any designated hazardous waste, and as that term is defined in O.C.G.A. 12-8-62, as amended.

Hazardous Waste Facility Any property or facility that is intended or used for storage, treatment, or disposal of hazardous waste and which has been legally certified, licensed, approved and otherwise sanctioned by the appropriate state and federal agencies.

Health Department Schley County Health Department

Hobby Farm A small farm less than ten (10) acres in size operated for pleasure or supplemental income rather than for primary income. As defined by the IRS a farm is considered a hobby farm if it does not profit in any three of five consecutive years or two of seven consecutive years.

Home Occupation An occupation or profession conducted entirely within a dwelling and which is carried on by a resident thereof and no more than two nonresidents, and which is clearly incidental and secondary to the use of the dwelling for residential purposes. A Home Occupation does not allow access by the public. A Home Occupation is designed to be less restrictive than a Home Office but more restrictive than a Residential Business in regard to access by the public, size, visibility, number of employees and types of business.

Home Office An office use conducted entirely within a dwelling which is carried on by an occupant thereof and no other individual, and which is clearly incidental and secondary to use of the dwelling for residential purposes. The office may be for the purpose of service or trade workers who customarily work at various locations, such as electricians, plumbers, appraisers, real estate salespersons, or individuals who work at home, such as writers or computer programmers. There will be no changes that would alter the character of the dwelling or reveal from the exterior that the dwelling is being used in part for other than residential purposes. The office shall be limited to one room of the dwelling and not exceed more than three hundred square feet in area. Home Office shall not include any business, which involves the sale, manufacture or repair of merchandise on the premises. Home Offices shall also not include any business requiring access by the public, including, but not limited to, customers, clients or vendors. No outside storage or display, including signs is permitted and no one other than family members who reside on the premises may be employed in the office.

Hospital Any institution receiving patients and rendering medical care including those wherein mentally retarded, mentally disturbed, epileptic, alcoholic or drug addicted, chronically ill and physically disabled patients are treated or cared for. Such facility shall be legally and properly certified, licensed, approved and otherwise sanctioned by the appropriate state or federal agency.

Hotel A building where overnight accommodations are provide for ten or more individuals of the general public for compensation and where provisions for cooking are made in a central kitchen and not in

individual rooms or suites and where ingress and egress to all rooms are made through an inside lobby or office.

Hunting/Fishing Camp A location at which permanent and/or temporary housing facilities are located for temporary occupancy by hunters and fishermen.

Industrial Park A tract of land subdivided and developed according to a comprehensive development plan in a manner which provides a park setting for industrial establishments.

Industrialized Building A term used in Georgia, "industrialized building" replaces the now obsolete term "Factor-Built Housing" and describes certain manufactured housing regulated by the Georgia Department of Community Affairs. Georgia law defines industrialized buildings 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 Building Act" (Georgia Law 1982 (O.C.G.A., Title 8, Chapter 2, Article 2, Part 1). An industrialized building shall meet all requirements of the zoning district in which it is located. The term shall also include modular home and systems built home or unit.

Kennel, Commercial Any place in or at which more than four adult dogs, cats, rabbits or other domesticated animals are kept for the purpose of sale, boarding, care, breeding or training, and for which any fee is charged for such services. This term does not apply to similar facilities operated for agrarian or agricultural purposes.

Laboratory An establishment or premises where scientific services are provided including testing or analysis of medical, chemical, physical, mechanical, electric or electronic nature, or the calibration of instruments.

Landfill An area of land on which, or an excavation in which, solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile, as that term is defined in O.C.G.A. 12-8-22, as amended.

Lodging Home See "boarding house".

Lot A parcel of or a portion of land of varying size and shape, described as a single unit of property and held in single ownership by one person or in common ownership by more than one person or corporation. A parcel of land which satisfies the area requirements for the district within which it is located, or on which exists a legal nonconforming use, and has frontage along or legal access to a public right-of-way, and is intended as a unit for transfer of ownership or for building development. A lot shall have a separate tax parcel reference number designated in the office of the County Tax Commissioner and/or the County Tax Assessor.

Lot Line, Front The front property line coincident with the street right-of-way line. The front lot line of a corner lot shall be the lot line facing the principal building entrance.

Lot, Interior A lot other than a corner lot.

Lot Line, Rear The rear lot line is generally opposite the front lot line. If the rear lot line is less than ten feet in length or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel

to the front lot line, not less than ten feet long, and lying wholly within the lot and farthest from the front lot line.

Lot, Substandard A lot, which does not meet the minimum lot size requirements for the district in which it is located.

Lot Width The distance between the side lot lines measured at the front building line.

Manufactured Home or Office A new or used structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-condition, and electrical systems contained therein. Such term shall also include any structure which meets all the requirements of this paragraph except 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 Manufacturing Housing Construction and Safety Standards established under the National Manufacturing Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et seq. Manufactured home shall meet all requirements of Article VII, Section 3 of this ordinance.

Manufactured Home Park A parcel of land planned and improved for the placement of two or more mobile homes for non-transient use and occupancy or for rental occupancy. The term "park" includes the term "community".

Materials Recovery Facility A solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials suitable for use as a fuel or soil amendment, or any combination of such materials, and as that term is defined in state statute.

Mobile Home A structure, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or 40 feet or more in length or, when erected on-site, is 320 or more square feet and which is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976.

Modular Systems-Built Home or Building A factory fabricated dwelling which is constructed in one or more sections and is manufactured in accordance with the Georgia Industrialized Building Act and the rule of the Commission of the Georgia Department of Community Affairs. Each modular home shall meet the standards of an industrialized building and shall bear the seal of approval as issued by the Commission of the Georgia Department of Community Affairs. Modular homes are transported to the site and installed onto a permanent foundation, never having an axel or a tongue (hitch).

Modular Home A factory fabricated transportable (carted) building consisting of units designed to be incorporated at a building site on a permanent foundation as a permanent structure with the appearance of a conventional, on-site constructed building to be used for residential purposes, bearing a seal of compliance with regulations of the Southern Building Code Congress International, the Georgia Industrialized Building Act, or the Manufactured Housing Construction and Safety Standards Act, as amended.

Motel A building or group of detached, semidetached or attached buildings containing guest rooms or dwellings, typically having separate outside entrances for each guestroom, with garage or parking space

conveniently located to each unit, and which is designed, used or intended to be used primarily for the temporary accommodation of individuals or families in transit.

Nonconforming Use Any use of a parcel or lot of land and/or building which lawfully exists at the time of adoption of this ordinance and which does not conform to the regulations of the district in which it is located.

Nursing Home An orphanage, rest home, care home, convalescent home, boarding home for the aged, or similar use established to render domiciliary care, but not including facilities for the care of mental patients, alcoholics, drug addicts, and not including day nurseries.

Occupy To use land or buildings for any length of time for a purpose for which the land or a building or part thereof is used or is intended to be used. Any variation of the term “occupy” shall be encompassed by this definition. Used synonymously with reside, dwell, inhabit.

Open Air Business Open Air Businesses shall include the following:

1. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
2. Retail sale of fruit and vegetables.
3. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children’s amusement park or similar recreation services.
4. Bicycle, trailer, motor vehicle, boat or home equipment sales, repair service or rental service.
5. Outdoor display and sale of garages, swimming pools and similar uses.

Park, Community A parcel of land owned by a unit of government or a private organization and used or intended to be used for recreational or leisure time activities, and which is open to the public at no charge. Such parks may include food or recreational sales as accessory uses.

Personal Care Home This term refers to a residence providing the protective care of adults who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility for safety of the resident while inside the building and may include daily awareness by the management of the resident’s functioning and whereabouts, making and reminding a resident of appointments, the ability and readiness for intervention in the event of a resident experiencing a crisis, supervision in the areas of nutrition and medication, and the actual provision of transient medical care. See also, “Group and Personal Care Home,” “Congregate and Personal Care Home, Family”.

Personal Care Home, Congregate This term refers to a personal care home for adults in a single-family residence or other type building, non-institutional in character and appearance, offering care to 16 or more person.

Personal Care Home, Group A personal care home for adults in a single-family residence or other type building, non-institutional in character and appearance, offering care to seven through fifteen persons.

Personal Care Home Family: This term refers to a personal care home for adults in a single-family residence non-institutional in character and appearance offering care to two through six persons.

Plat A sketch, map or survey of a lot, tract or parcel of land depicting the relative positions of all lot lines, street rights-of-way and easements with the dimensions of these features inscribed thereon.

Plat, Development A preliminary design which shows the proposed layout of a subdivision in sufficient detail to indicate its workability and conformation to the design requirements of the subdivision regulations in all aspects, but not in final form for recording and the details are not completely computed. The development plat shall be approved by the Zoning board prior to any development.

Plat, Final A finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for commission. Streets shown on the plat shall be approved by the board of commissioners prior to recordation.

Poultry House Structure designed primarily for the housing of chickens, turkeys, ducks or any other fowl for commercial sale of eggs or birds.

Private Road/Way A private street, drive or road provided solely for those property owners whose property is contiguous to and have a legal right to use. Such is not maintained or acceptable for maintenance by the governing authority but must meet minimum standards.

Public Right-of-Way A street or road which has been dedicated for public use by deed, plat and/or prescription.

Recreational Use of a Commercial Nature A building or use which provides entertainment, education, recreation or amusement for profit such as, but not limited to, a health spa, dance hall, bowling alley, skating rink, shooting range, amusement park, private zoo, sports stadium or arena, art gallery, concert hall, swimming pool or drive-in theater.

Recreational Vehicle A motorized camper, converted bus, tent-trailer or other similar vehicular or portable structure used or designed for temporary portable housing or occupancy while on vacation, recreation or other trips which provides sleeping accommodations.

Restaurant An establishment, however designated, at which food is sold for consumption on the premises. However, a snack bar, concession stand or refreshment stand at a public or non-profit community swimming pool, playground, park or marina operated solely for the convenience of patrons of the facility shall not be deemed a restaurant.

Residential Business An occupation or profession conducted within a dwelling, and which is carried on by an occupant thereof and no more than three (3) nonresidents, and which is clearly incidental and secondary to the use of the dwelling for residential purposes. The business may allow access by the public. The Residential Business is designed to be less restrictive than a Home Office or Home Occupation but more restrictive than a Rural Business in regard to access by the public, size, visibility, number of employees and types of business.

Right-of-way Line The outside boundary of a right-of-way, whether such right-of-way is established by usage, recorded easement, deed, dedication or by the official right-of-way map of Schley County.

Road A dedicated and accepted public right-of-way which affords the principal means of access to abutting properties.

Rural Business An occupation or profession conducted within a dwelling, an accessory structure or outside the dwelling and which is carried on by a resident of that property and no more than fifteen (15)

nonresidents, and which is clearly incidental and secondary to the use of the property for residential dwelling purposes. The business may allow access by the public. The Rural Business is designed to be less restrictive than a Home Office, Home Occupation or Residential Business in regard to access by the public, size, visibility, number of employees and types of business.

Setback The minimum horizontal distance between the right-of-way line, or the lot line of an adjacent lot, and the front, rear or side lines of a building on the lot with setback restrictions. The term “required setback” means a line beyond which a building is not permitted to extend under the provision of this zoning ordinance establishing minimum depth and widths of yards.

Sexually Oriented Business Sexually oriented business means any business enterprise that: has as a regular and substantial business purpose the sale, display or rental of goods that are designed for use in connection with “specified sexual activities”, or that emphasize matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, or has one of the following as a regular and substantial business purposes: the providing of entertainment where the emphasis is on performances, live or otherwise that depict, portray, exhibit or display “specific anatomical areas” or “specified sexual activities”, or the providing of services that provide “specific sexual activities” or “specified anatomical areas” ancillary to other pursuits, or allow participation in “specified sexual activities” ancillary to other pursuits.

Salvage Yard The use of any space, whether inside or outside a building, for the storage, keeping, salvage or sale of junk, scrap metals or other scrap materials, including the dismantling, demolition or abandonment of one or more automobiles or other vehicles or machinery or parts thereof.

Shopping Center A group of commercial establishments planned, developed and owned or managed as a unit with on-site parking and of similar architectural characteristics.

Slow Rate Land Treatment System A system for wastewater treatment by spray irrigation (land application). The term refers to the advanced treatment of wastewater by irrigation on the land to support vegetative growth. For purposes of this zoning ordinance, the use may include ponds (lagoons) for the temporary storage of the treated wastewater before application to the spray fields.

Solid Waste Handling Facility A facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste (as that term is defined in O.C.G.A. 12-8-22 as amended).

Special Flood Hazard Area Flood prone land subject to a one- percent or greater chance of flooding in any given year. In absence of official designation by the Federal Emergency Management Agency, such areas shall be those designated by the Schley County Board of Commissioners.

Street See “Road”

Structure Anything constructed or erected, the use of which requires permanent or semi-permanent location on the ground, or attached to something having permanent location on the ground.

Subdivision The division of a tract, parcel or lot into two or more building sites or other divisions for the purpose, whether immediate or future, of sale, or building development. This includes all divisions of land involving a new street or a change in existing streets and includes a re-Subdivision and, where appropriate, relates to the process of subdividing the land or area to subdivide.

Subdivision, Minor Any Subdivision containing not more than five (5) lots on an existing street, not involving any new streets or road, or the extension of County facilities, or the creation of any public improvement, and not in conflict with any provision or portion of the Comprehensive Plan or Subdivision Regulations.

Subdivision, Major All subdivisions not classified as a Minor Subdivision, including but not limited to subdivisions of six (6) or more lots, or any size subdivision requiring any new street or extension of county facilities, or creation of any public improvements.

Townhouse A residential structure containing three or more attached single-family units designed as a single structure having common or party walls. Each unit shall have its own front door which opens to the outdoors, and the units shall have two floors, but without access between adjoining units.

Travel Trailer A portable, vehicular structure not over eight feet wide by thirty-five feet long designed as a temporary dwelling for travel, recreational and vacation uses, and which may or may not have kitchen equipment, toilet, lavatory and bathing facilities, but if such facilities are included, a sewage holding tank for sanitary waste is required. Any vehicle designed or converted to a design with plumbing connections for attachment to outside sewage systems shall not be included in this definition.

Travel Trailer Park A parcel of land which has been planned and developed to accommodate two or more travel trailers, tents or other camping units for temporary occupancy. Maximum length of occupancy of any tenant shall not exceed sixty consecutive days.

Use, Permitted Those uses specifically listed in this ordinance as “uses permitted inherently” and conditional uses subject to approval by the board of commissioners.

Use, Principal The principal purpose for which a lot, building or land is designed, arranged, intended, occupied or maintained.

Variance A grant of relief or other modification of the requirements of this ordinance.

Vehicle Any device or contrivance for carrying or conveying persons or objects, said device being designed to be self-propelled by its own motor or power.

Water System, Community A potable water supply and treatment system other than an individual or public water system serving more than one building, residence, manufactured or mobile home or other facility designed or used for human occupancy or congregation. The system is one which is owned by a person or legal entity other than a unit of government.

Water System, Individual A potable water system other than a community or public water system serving a single building, residence, manufactured or mobile home, or other facility designed or used for human occupancy or congregation.

Water System, Public A potable water supply and treatment system, other than an individual or community water system, owned by a unit of government.

Zoning Administrator The official or other designated authority charged by the Schley County Board of Commissioners with the administration and enforcement of this ordinance or his/her duly appointed representative.

Zoning Commission The public body appointed by the Schley County Board of Commissioners, members of which serve specified terms, responsible for administering the Schley County Zoning Ordinance and, when deemed appropriate, recommending to the Schley County Board of Commissioners specific changes in said ordinance. Also referred herein as “Zoning Board”.

ARTICLE IV: GENERAL PROVISIONS

In addition to requirements stipulated elsewhere in this resolution, the use of land shall be subject to the following general provisions.

Section 1 Scope

No building structure, land or part thereof, shall be used or occupied, and no building or structure shall hereinafter be erected, constructed, re-constructed or altered and maintained, and no new use or change shall be made or maintained on or of any building, structure or land or part thereof, except in conformity with the provision of this ordinance and other applicable local, state building and health codes. Refer to Article IX, Nonconforming Uses, for further information regarding local development regulations.

Section 2 Accessory Building

An accessory building shall not be located less than ten (10) feet from side or rear lot lines.

When an accessory building is attached to the principal building by a breezeway, passageway, or similar means, it shall be considered part of the principal building and shall comply with the yard/setback requirements of the principal building.

No accessory building shall be constructed prior to construction of the principal use building.

An accessory building in the side yard of a corner lot shall not be closer to the right-of-way line of a side road than the required front yard setback along said side road.

An accessory building is a building that is greater than two hundred (200) square feet. All other buildings will be considered as a pump house for protection of the operational parts of water wells.

Section 3 Automobile Service Station/Truck Terminals

All fuel pumps and above-ground storage tanks shall be setback at least twenty-five (25) feet from the nearest road right-of-way line.

Curb cuts (vehicular entrance or exit) for service stations shall not exceed sixty (60) feet in width, and there shall not be more than two (2) curb cuts to a service station per road frontage. Two (2) curb cuts on the same road frontage shall be separated by a distance of not less than twenty-five (25) feet.

Section 4 Corner Visibility

No structure, plant(s) or other visual obstruction between the heights of two (2) feet and twelve (12) feet above grade elevation shall be allowed or permitted within twenty-five (25) feet of the intersection of two (2) road rights-of-way or the intersection of a road right-of-way and railroad right-of-way. Utility poles and traffic signs may be allowed in said area.

Section 5 Home Occupations

The intent of this section is to provide for the reasonable development of home occupations as an accessory use to a residential use.

1. The owner of a home occupation must have a county business license as required by county code.
2. No external physical alteration which would be inconsistent with residential use of the building shall be permitted.
3. Adequate off-street parking must be provided for the cumulative total of on-site residents, employees and business visitors.
4. Only one (1) motionless, non-lighted sign, not exceeding two (2) square feet in area, is allowed and such sign must be attached to the structure housing the home occupation.
5. The home occupation shall not constitute a nuisance in the neighborhood.
6. Nursing or convalescent homes, childcare centers, boarding houses, massage studios; restaurants or similar establishments shall not be considered home occupations.

Section 6 Rural Business

1. Description

A rural business shall be secondary or incidental to the primary use of property for agricultural or residential purposes. Such business shall be primarily directed toward providing local or neighborhood services to the Rural district. Rural businesses are intended to be of smaller size, intensity and scale than commercial uses that would be more commonly found in a commercial district. Rural businesses shall be similar to home occupations except that the rural business activity can occur in an accessory structure detached from the residence. In addition, an applicant for a rural business permit must be residing on the subject property prior to submitting the application for the business permit, and must maintain residency thereon throughout the period the business continues to operate.

2. Development Standards

- 2.1 The property containing the site of the rural business must also be the bona fide residence of the petitioner/business owner.
- 2.2 A rural business shall be located on property containing at least one (1) acre of land, and the site upon which the business is actually conducted shall not exceed one-half (½) acre of land.
- 2.3 Only one (1) non-illuminated sign limited to a maximum of forty (40) square feet shall be permitted. This sign may have two (2) faces of up to forty (40) square feet each, back to back, sharing the same set of supports.
- 2.4 Adequate off-street parking must be provided for the cumulative total of on-site residents, employees and business visitors

3 Exemptions

The following standards shall apply to all rural businesses unless the petitioner can demonstrate to the satisfaction of the Zoning Commission that exemption from one or more of the standards will not result in adverse impacts on surrounding property(ies). A modification of the following standards shall be permitted only if: (a) there are special and unusual topographic conditions unique to the property or structure, or (b) the proposed use is clearly of such small scale, and will remain at such small scale, that conducting or operating the business would not be obvious or noticeable from the adjoining property or by the public in general, and (c) the intent of the rural business provision is maintained.

- 3.1. The rural business must be located to the side or rear of the principal residence on the property.
- 3.2. Neither the structure in which the rural business is housed nor the grounds on which rural business activity is performed shall contain equipment which would not ordinarily be found in accessory structures in an agricultural or residential area.
- 3.3. The structure in which the business is performed shall be readily and easily usable for customary agricultural and residential uses.
- 3.4. The architectural style of the structure in which the business is performed shall be in keeping with surrounding agricultural and residential development.
- 3.5. A rural business shall not exceed 15,000 square feet of gross floor area.
- 3.6. A rural business shall have no more than twenty- five employees.

Section 7 Open-Air Business

Open-air businesses shall blend with the rural environment in which they are permitted and be compatible with surrounding rural development. Open-air business uses shall include the following:

- 7.1 Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
- 7.2 Retail sale of fruit and vegetables.
- 7.3 Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation services.
- 7.4 Bicycle, trailer, motor vehicle, boat or home equipment sales, repair service or rental service.
- 7.5 Outdoor display and sale of garages, swimming pools and similar uses.
- 7.6 Shooting Range

Section 8 Limited Use (LU) Provision

Upon receipt of a rezoning petition the Zoning Commission may determine the proposed development, though neither permitted nor conditioned in the district in which the proposed development site is located, may have less impact than some of the land uses permitted or conditioned in the district. The Zoning Commission may, in response to a rezoning petition, recommend to the Board of Commissioners that the site in question be approved for development as a specific limited use, e.g. Commercial-L.U. beauty shop, rather than for the more general zoning classification of commercial. However, any such limited use must previously have been specifically permitted or conditioned in at least one of the county's zoning districts.

Section 9 Lot Frontage

Each lot containing a principal building shall have frontage of at least one hundred (100) feet on a publicly owned or maintained right-of-way, except as may otherwise be stipulated herein. A variance may be permitted for lot frontage on a cul-de-sac, provided lot width at the building line is not less than the frontage granted by variance.

Section 10 One Principal Building

Except as may otherwise be provided herein, only one single-family, detached dwelling and its customary accessory structures shall hereafter be placed or erected on any residential lot.

Section 11 Agreement with Health Codes

No requirement mandated herein shall be enforced where said requirement or provision is in conflict with public health, safety and welfare codes of the Health Department.

Section 12 Reduction of Yard or Lot Area

No lot existing at the time of passage of this ordinance shall be reduced, divided, or changed so as to result in a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located, unless said reduction or division is necessary to provide land that is needed and accepted for public use.

Section 13 Every Lot Shall Abut a Road

1. No building shall be erected on a lot which does not abut an open public road or a private road meeting current county development standards and duly approved by the Road Superintendent.
2. The standard driveway to a lot shall not be less than 12 feet in width.
3. The road must be accessible in all weather.
4. If the road is one-way in and one-way out there must be an area of clearance of not less than 100 feet or a cul-de-sac style turnaround point at the end of the road.

Section 14 Multiple Frontage Lots

Lots which front more than one road or street shall satisfy the front setback requirements for each road or street it fronts.

Section 15 Uses Prohibited

If either a use or class of use is not specifically stated as being permitted in a district, either as a matter of right, or as a Special Exception, such use, class of use or structures for such use is prohibited in such district.

Section 16 Substandard Lots of Record

Any lot of record at the time this ordinance is adopted which has an area or a width less than that required by this ordinance may be used as a building site for a structure or use permitted in that zone, provided that the same yard, setback, open space, and other dimensional requirements are met that would be required for a standard lot.

Section 17 Substandard Lots Resulting From Public Dedication or Condemnation

In the event an undeveloped lot of record is reduced in size through an act of public dedication or condemnation for public purposes, the development standards contained in the chapter for width, depth, or area may be waived by the Schley County Zoning Commission and such property may be utilized for all permitted and, where authorized, conditional uses. Said waiver is permissible only if the Health Department determines that the health and general welfare of the lot owner and Schley County will not be adversely affected by the intended use. Adjacent, underdeveloped lots of record which are owned by the same individual and which are affected by dedication or condemnation for public purposes shall be combined, where possible, to standard lots.

ARTICLE V: ESTABLISHMENT OF DISTRICTS

Section 1 Purpose

For purposes of this ordinance the area of Schley County outside the corporate limits of the City of Ellaville is divided into land use districts or zones for the purposes of promoting the proper location, height, bulk, number of stories, size of open space, density and distribution of population and use of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against flooding, public activities, and other purposes so as to lessen congestion in roads and streets, to secure safety from fire, panic, and other dangers, to promote the public health and general welfare, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to prevent urban sprawl, to facilitate adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, to promote desirable living conditions and stability of neighborhoods, to protect against blight and depreciation, to secure economy in governmental expenditures, to conserve the value of buildings and to encourage the most appropriate use of land, buildings, and structures throughout Schley County, and for other purposes.

Section 2 Establishment of Districts

In order to carry out the intent and purpose of this ordinance unincorporated Schley County is hereby divided into the following districts:

<u>DISTRICT NAME</u>	<u>ABBREVIATION</u>
Rural	R
Wildlife Protection	WP
Industrial	I

Section 3 Description and Specific Purpose of Districts

Rural - intended to accommodate the general continuation of the historical land use pattern which, at the time of adoption, the predominant land use being forestland/agriculture ($\pm 95\%$) interspersed with single-family residential ($\pm 5\%$), and the numerous other land uses collectively accounting for the balance ($\pm 1\%$). Residences are distributed widely across the county with a few, sparsely-developed pockets.

Wildlife Protection - an overlay to the Rural District comprised almost entirely of wetland and/or floodplain. This protective area is created in recognition of the natural resources, eco-systems, flora and fauna which make positive contributions to the local quality of life and the need to protect these resources from the adverse effects of development. The purposes of the area are to promote and facilitate economic development through public enjoyment of these perishable resources by residents and non-residents without compromising resource sustainability. Official recognition of such resources is also intended to minimize property losses that could result from flooding, and illegal development in environmentally sensitive/protected areas. Limitations on the use of land in this area are in addition to those which apply to the rest of the Rural District.

Industrial – an area suitable for light industrial activity; activity which is typically more labor-intensive than capital-intensive, with end products most often sold to the end-user rather than to another processor, and is usually less environmentally problematic. The district is strategically located to promote and facilitate sustainable industrial development.

Section 4 Zoning Map

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled “Official Zoning Map of Schley County, Georgia”. Said map shall be further identified by the signature of the chairman of the Schley County Board of Commissioners, the signature of Schley County Clerk of Commissioners, and the adoption date of this ordinance. The official zoning map along with all notations, references and other information recorded thereon comprise the other component of this ordinance and have the same force and effect as if fully set forth, repeated and described herein.

Section 5 Interpretation of District Boundaries

- 5.1. Where boundaries are indicated as approximately following street lines, land lot lines, militia district lines, railroad lines, stream beds or river beds, private lot lines or corporate limit lines, such lines existing at the time of passage of the zoning resolution shall be construed to be such boundaries.
- 5.2. Where a district boundary divides a parcel, location of the district boundary shall be determined by use of the map scale appearing on the official zoning map, unless clearly indicated otherwise by dimensions on the zoning map.
- 5.3. Where a public right-of-way is officially vacated or abandoned, the vacated property shall be considered as being within the same zoning district as the adjoining property.
- 5.4. Where district boundaries are shown so as to indicate they are approximately parallel to the centerlines of roads or highways, such boundaries shall be construed as being measured from or being parallel to the center lines of such roads or highways. If no distance is provided, dimensions shall be determined by the use of the map scale appearing on the official zoning map.

ARTICLE VI: ZONING DISTRICT STANDARDS AND PERMITTED USES

Section 1 Zoning District, Lot and Height Standards

The requirements regarding lot size, building size, and building placement on the lot for each zoning district shall be met as indicated in Article IV- General Provisions and Article VI, Section I Zoning District, Lot and Height Standards. The districts not listed in the following table have standards in separate articles of this ordinance. This table is provided for quick reference and such standards are set forth in greater detail in Articles VII - VIII.

District	Minimum Lot Area ¹	Minimum Lot Width at Setback Line	Front Yard	Side Yard Setback	Rear Yard Setback	Max. Bldg. Height
Industrial (I)	1 Acre	150'	90'	20'	25'	100'
Rural	1 Acre	210'	90'	50'	50'	40'
Wildlife Protection (WP)	See Text	100'	50'	50'	50'	20'

¹ or the minimum area required by the Health Department, whichever is larger

Section 2 Permitted Uses in Zoning Districts

The following matrix indicates where in Schley County specific land use activities are allowed (A), not allowed (N), and allowed on condition (C) after review by the Zoning Commission and approved by the Board of Commissioners. See underlying zoning districts for uses allowed, not allowed, or conditional. See text for additional allowed and conditional use information.

Specific Land Use Activity	Zoning Districts		
	A - allowed	N - not allowed	C - allowed on condition(s) TBD
Agricultural	R	I	WP
Agricultural Services (Feed Mill, Fertilizer)	A	A	N
Aquaculture Production – Fishing Pond	A	N	C
Chip Mill	N	C	N
Concentrated Animal Feeding/Production Operations (cattle, pork, poultry)	C	N	N
Commercial Swine Feeding Operation	C	N	N
Crops (Field / Row)	A	N	C
Dairy Farm	A	N	C
Deer & Game Processing	A	C	N
Greenhouse	C	C	N
Horticulture (fruits, nuts, vegetables; processing)	A	A	C
Horticulture Production (fruits, nuts, vegetables) Non-Processing	A	N	A
Horticulture (greenhouse or plant nursery), Commercial Sales	A	C	C

Hunting / Fishing Camp	A	N	A
Livestock, Fish & Birds	A	N	C
Livestock Sales Pavilion, or Farmer's Market	A	C	N
Poultry Producers, Egg Producers Production	A	N	N
Produce Stands/Farm Stands	A	N	C
Silviculture Production	A	N	A
Slaughter House, Stock Yards	C	N	N
Stable (Riding), Private	A	N	C
Timber Production and Harvesting	A	N	A
Alternative Energy Systems	R	I	WP
Solar Panels, etc.	C	A	C
Wind Turbines, etc.	C	A	C
Animal Care Facilities	R	I	WP
Animal Hospital and Veterinary Clinics	A	N	N
Commercial Kennels, Boarding and Breeding	A	N	N
Pet Grooming Shops	C	N	N
Automotive and Farm Equipment Sales & Services	R	I	WP
Automobile Sales	C	N	N
Boat Sales/Service	C	A	N
Farm Equipment / Heavy Equipment Rental	C	A	N
Auto/Vehicle Parts and Tire Store	C	A	N
Paint Shops	C	A	N
Repair Shops	C	A	N
Tire Re-treading and Recapping	C	A	N
Equipment Trailer Sales	C	A	N
Upholstery Shop	C	A	N
Vehicle Storage (open storage of wrecked or junk vehicles)	C	A	N
Car Wash	C	N	N
Building Materials	R	I	WP
Paint, Glass and Wallpaper Stores	A	C	N
Plumbing and HVAC Equipment Dealers	A	C	N
Wood and/or Lumber Production (saw mill)	C	A	N
Communications	R	I	WP
Billboards	C	A	N
Broadcasting Stations	C	C	N
Telephone Business Exchange	C	C	N
Transmission Towers/Telecommunication Facilities	C	C	N
Construction Contractor	R	I	WP
Heavy Construction Contractors WITH Equipment and Material Yard	C	A	N
Heavy Construction Contractors WITHOUT Equipment and Material Yard	A	A	N
Construction and Special Trade Contractor Sales and Services With Screened Outside Storage	A	C	N
Education	R	I	WP
Research and Training Facility	C	C	N
Schools (public and private)/Accredited Nursery	A	C	N

Vocational Schools	A	N	C
Public (government-owned) Buildings and Structures	C	A	N
Manufacturing	R	I	WP
Alcohol or Alcoholic Beverage	C	A	N
Asphalt Plants	C	C	N
Automobile and Truck Manufacture	C	A	N
Brick, Clay, Tile or Concrete Products	C	A	N
Canning Plant	C	A	N
Cement, Lime Gypsum or Plaster of Paris	C	A	N
Chemical, Organic and Inorganic	C	A	N
Commercial Incinerator	C	C	N
Corrosive Acid or Alkali Storage and Manufacturing	N	C	N
Distillation of Beverages	C	A	N
Distillation of Bones and Glue Manufacture	C	C	N
Dye Works	C	A	N
Explosive Manufacture or Storage	N	C	N
Fabrication and Manufacturing Business Employing Not More Than 25 Workers in the Office and Manufacturing Operations(i.e. Small Tool and Shop, Dental, Surgical and Optical	C	C	N
Fish, Poultry, Beef, and Pork Processing	C	A	N
Rendering Plants and Fertilizer Manufacture Other than Blending	C	C	N
Lumber Yards/ Saw Mills	C	C	N
Manufacturing and/or Processing Facility of Sewage Sludge (Bio-Solids)	C	C	N
Manufacture and Storage of Gas Including But Not Limited to Butane, Propane, Chlorine or Other Toxic or Noxious or Pyrophoric Gases	C	C	N
Ice Manufacturing Plants	C	A	N
Paper and Pulp Manufacturing	C	A	N
Petroleum Bulk Plants/ Refining	N	C	N
Food Processing	C	A	N
Pallet Manufacture	C	A	N
Recycling Centers	C	C	N
Any Other Processing or Assembly of Goods	C	A	N
Recreation, Amusement, Entertainment	R	I	WP
Assembly Halls (public meeting hall, lodge hall)	C	A	N
Billiards and Pool Hall/Game Room	C	N	N
Civic, Social, and Fraternal Organizations/ Private Club(not for profit)	C	C	N
Cultural Facilities	C	N	N
Indoor/Outdoor Fitness Center/ Physical fitness facility	C	N	N
Movie Theater/Live Performance Theater	C	N	N
Museum	C	N	N
Parks, Public or Private	C	N	N
Recreation Centers	C	N	N
Public or Privately Owned Recreational Facilities (Golf /Country Club, Hunting Preserve, Swimming/Tennis Club, Shooting, Trap and Skeet Ranges)	C	C	C
Golf Course	A	N	N
Golf Driving Range, Miniature Golf	A	N	N

Skateboard Park, Bicycle Race Track	C	N	N
Automobile or Motorcycle Go-Cart Tracks, etc.	C	N	N
Parks, Campgrounds, Campsites, and Primitive Campsites	C	N	C
Carnival, Rodeo, Horse Show, Shooting Event, Athletic Event or Community	A	N	N
Swimming Pool	C	N	C
Residential	R	I	WP
Single Family (site-built)	A	N	A
Duplex	A	N	C
Triplex	A	N	C
Apartments	C	N	N
Townhouse	C	N	N
Condominiums	C	N	N
Manufactured Housing Unit	A	N	C
Manufactured Housing Unit Park	C	N	C
Manufactured Housing Unit Subdivision	C	N	N
Industrialized Building/Modular Housing	A	C	C
Homes for the Handicapped/Infirmed, Adult and Child Care	R	I	WP
Group Home	C	N	N
In-House Day Care	C	N	N
Group Day Care Center	C	N	N
Nursery/Kindergarten	C	N	N
Adult or Children Day Care	C	N	N
Personal Care Home (family)	C	N	N
Personal Care Home (group or congregate)	C	N	N
Half-Way Homes	C	N	N
Orphanages	C	N	N
Medical Facilities	R	I	WP
Medical Clinics	C	N	N
Dental Clinics	C	N	N
Sanitariums	C	N	N
Nursing Homes	C	N	N
Miscellaneous Rooms for Rent	R	I	WP
Bed and Breakfast Inn	A	N	N
Boarding House, Rooming House	C	N	N
Hotels & Motels	C	N	N
Housing Migrant Farm Workers	C	N	N
Travel Trailer Park/RV Campground	C	N	C
Religious Facilities	R	I	WP
Cemetery (church affiliated or commercial)	C	N	N
Churches	A	N	C
Restaurants, Bars, Night Club Entertainment Facilities	R	I	WP
Alcohol Drinking Establishments (night club, lounge)	C	N	N
Drive-In Restaurants	C	N	N
Dine-In Restaurants (eating only, no dancing, floor show, live entertainment)	C	N	N
Restaurants and Other Retail Food Establishments	C	N	N

Dine-in, Carry Out, Delivery Restaurants	C	N	N
Skating Rinks	C	C	N
Sexually Oriented Business	C	N	N
Retail Trade	R	I	WP
Apparel and Accessory Stores	C	N	N
Bicycle Sales	C	N	N
Books and Stationery Stores	C	N	N
Camera and Photographic	C	N	N
Catalog and Mail Order Houses	C	A	N
Communication Related Business (no tower)	C	A	N
Clothing	C	N	N
Drugstores	C	N	N
Farm and Garden Supply Stores	C	C	N
Flea Market Indoor	C	A	N
Flea Market Outdoor	C	C	N
Florists	C	N	N
Food Stores	C	N	N
Food Stores (including the minor manufacturing of food)	C	N	N
Furniture, Home Furnishings and Equipment Stores	C	N	N
Alternative Fuel Service Stations	C	N	N
Gasoline Service Station, Diesel	C	N	N
Gift, Novelty, Antique and Souvenir	C	N	N
Hardware and General Merchandise Shops	C	N	N
Hobby, Toy and Game Shops	C	N	N
Jewelry Stores	C	N	N
Liquor Stores	C	N	N
Merchandise Store (specialized)	C	N	N
Nursery/Greenhouse (retail)	C	N	N
Petroleum(liquefied gas)	C	C	N
Manufactured Housing Units Sales and Storage	C	A	N
News Dealers and News stands	C	N	N
Sales of Goods (produced and processed on premises)	C	N	N
Retail Store or Service Including Manufactured/ fabrication of Onsite articles sold at Retail Stores	C	N	N
Tobacco Shop/Stand	C	N	N
Rural Business	R	I	WP
Automated or Do-it-Yourself Car Washes	C	N	N
Sale, Lease and Rentals (principal use)	C	N	N
Sale, Lease and Rentals (accessory use)	C	N	N
Antique Shops	C	N	N
Sporting Goods Stores	C	N	N
Barber and Beauty Shops	C	N	N
Custom-made Furniture	C	N	N
Custom-made Sporting Goods	C	N	N
Offices (i.e., accountants, financial institutions, lawyers, doctors, real estate, other professionals and businesses)	C	N	N

Meat Cutting as a Retail Service to the Public	C	N	N
Custom Dress-making, Tailoring	A	N	C
Taxidermist	C	A	N
Upholstery Shops	C	A	N
Services	R	I	WP
Artisan	C	N	N
Art	C	N	N
Ambulance Services	C	A	N
Bed and Breakfast Home	C	N	N
Bank with Drive-in Window	C	N	N
Business , Professional, or Governmental Office Service Establishments	C	N	N
Correctional Institution/Jail/Detention Center	C	C	N
Dancing School/Studio	C	N	N
Diaper Service	C	A	N
Dry Cleaning Plants and Power Laundries	C	A	N
Funeral Home	C	N	N
Laundries (coin operated)	C	N	N
Laundry and Dry Cleaning Pick-up Stations	C	C	N
Mortuary	C	N	N
Moving Service	C	C	N
Music	C	N	N
Personal Service Business	C	N	N
Photographic Studios	C	N	N
Post Office	C	N	N
Public (government-owned) Buildings and Structures, Such as a School	C	N	N
Small Repair Shops (i.e. appliance, automobile, farm equipment, machinery)	C	C	N
Tailoring	C	N	N
HVAC	C	C	N
Storage	R	I	WP
Accessory Buildings	C	C	C
Mini-warehouses	C	N	N
Lumber Storage, Scrap Metal, Miscellaneous Scrap or Other Salvageable Material Storage Beyond the Needs of a Homeowner	C	A	N
Storage and Maintenance (equipment and vehicle)	C	A	N
Warehousing and Wholesalers	C	A	N
Transportation	R	I	WP
Airfield/Airports	C	N	N
Truck Terminals/Motor Freight	C	A	N
Waste Facilities	R	I	WP
Landfills	C	N	N

ARTICLE VII: RURAL DISTRICT (R)

Section 1 Agricultural Development Requirements and Standards

By their very nature, some agricultural activities generate noise, odor and insects detrimental to nearby land uses/occupants. To the extent any of these conflicts are a function of the size of specific agricultural activity, the adverse or negative effects of some noises, odors and insects can be mitigated by distance. For the purpose of mitigating the adverse impacts agricultural activity can have on surrounding property(ies) minimum distances between agricultural activities and surrounding land uses are hereby established.

- 1. Farm animal operations of sizes greater than the following thresholds are classified as commercial:

Dairy Cows	66	Sheep/Goats	1,000
Ducks	500	Steers/Heifers	100
Horses	50	Swine	250
Poultry	60,000	Turkeys	5,500

All commercial farm animal operations constructed or expanded after the effective date of this ordinance shall construct all buildings and fencing used for concentrated animal confinement (e.g. poultry house, farrowing house, milk parlor, feedlot, etc.) at least one thousand two-hundred fifty (1,250) feet from the nearest property line and the nearest public road right-of-way, and two thousand five hundred feet (2,500) from any habitable building, including residential, commercial, industrial, churches or other structures normally occupied (that has been permitted), excluding any residential dwelling belonging to the owner of the agricultural operation; provided, however, that upon recommendation of the Zoning Commission the Board of Commissioners may modify said setback requirement with submission of an agricultural adjacency waiver duly executed by the adjoining property owner(s) and verified by the zoning administrator. (See definition of agricultural adjacency waiver.) Confinement fencing is most often used to facilitate a higher level of management most often in the latter stage of animal husbandry. The primary purposes of boundary fencing are most often to distinguish the lands of adjoining property owners, rights-of-way and to establish the outer limit of pasture or open grazing. The area between confinement fencing and boundary fencing may be used for row crop, vegetable or orchard production or pasture. In the event said area is used for pasture it shall not be stocked at a rate higher than recommended by generally accepted animal husbandry practices for open grazing of the specific animal species. Where said area is grazed, fencing or other appropriate structure shall be erected around any surface feature, e.g., bog, sufficient to block animal access to, and animal congregation in, such feature along boundary fencing. Livestock catch pens shall be allowed in this grazing area provided the specific site does not retain water.

- 1.1 Any site(s) used for temporary storage or active or passive treatment of any waste or by-product of a commercial farm animal operation shall be located at least 500 feet from the nearest point on the road property line, and 750 feet from the nearest existing dwelling on adjacent property. All handling and land application of waste and by-products from the operation shall be in compliance with all applicable state and federal regulations.
- 1.2 Machinery and equipment used to ventilate animal confinement buildings must be installed in such a way that air removed from said buildings is directed away from nearby developments and housing.

- 1.3 Any development proposed for a site adjacent to an existing commercial farm animal operation shall be constructed at least one thousand two-hundred fifty (1,250) feet from the nearest point along the property line of an existing commercial farm animal operation; provided, however, that upon recommendation of the Zoning Commission and approval of the Board of Commissioners said setback requirement may be waived with submission of an agricultural adjacency waiver duly executed by the owner of the site of the proposed development. (See definition of agricultural adjacency waiver.)
- 1.4 All dead animals shall be disposed in accordance with applicable environmental and health laws of regulatory agencies.
- 1.5 No commercial farm operation shall be constructed within one linear mile of the nearest point along the corporate limits of the City of Ellaville, as said corporate limits exist at the time the permit for construction is issued.
- 1.6 Any new farm animal operation or existing farm animal operation expanding to exceed the following thresholds are considered to be conditional uses subject to review, evaluation and permitting by the Schley County Board of Commissioners.

Dairy Cows	250	Sheep/Goats	3,000
Ducks	1,500	Steers/Heifers	300
Horses	150	Swine	750
Poultry	200,000	Turkeys	16,500

- 1.7 Farm animal operations shall maintain compliance with the requirements of this ordinance and the requirements of all state, federal and local laws, rules and regulations, and in doing so shall be presumed not to be a nuisance.

Section 2 Residential Development Standards

This includes placement in all minor and major residential subdivisions. See Subdivision definitions.

- 1. Every home shall:
 - 1.1 Be suitable for year-round occupancy,
 - 1.2 Be placed on a permanent masonry foundation or other substantial foundation that will comply with the Georgia Minimum Building Code for the erection and support of modular homes, stick-built/site-built and to be substantially fixed to its site also in compliance with the Georgia Minimum Building Code;
 - 1.3 Be connected to a water system approved by either the Health Department, or the Georgia Department of Natural Resources Environmental Protection Division, as the case may be, and resent to the County Inspector a letter or certification of such approval;
 - 1.4 Be connected to an approved wastewater disposal system approved by either the Health

Department or the Georgia Department of Natural Resources Environmental Protection Division, appropriate, and present the approval/letter of certification to the County Inspector;

- 1.5 Have all electrical supply systems and connections that comply with the current Georgia State Minimum Electric Code;
- 1.6 Be landscaped with trees, shrubs, and other plan material substantially equal to or better than one-family dwellings within five hundred (500) feet;
- 1.7 Have a maintained area around the structure that will be not less than 40 feet extending from the base of the structure;
- 1.8 Meet the General construction and safety standards of the latest edition of the Georgia State Minimum Building Codes;
- 1.9 Any open area or “crawl space” beneath the floor level of the residence shall be enclosed by permanent underpinning or skirting. This material shall be solid-faced around the full perimeter with the exception of only enough open area near the floor level to enable appropriate cross-ventilation beneath the residence. Skirting material shall be approved by the building official and installed only after building inspection and issuance of a Certificate of Occupancy. Skirting shall be installed within thirty days of issuance of the certificate.
- 1.10 All electrical, plumbing, and heating and air connections, improvements and repairs shall be made by an individual bearing the appropriate license for work performed issued by the State of Georgia.

Section 3 Additional Manufactured Home Requirements

This includes all minor and major subdivisions located in this section. See Subdivision definitions.

1. Additions - Any addition to a mobile home or accessory building shall comply with applicable requirements of the Building, Electrical, Plumbing and Gas Codes.
2. Foundations - All residential and accessory buildings shall be placed on properly engineered foundations which meet applicable installation requirements and applicable state and local codes.
3. Siding material - All mobile homes shall have exterior siding materials consisting of wood, masonry, concrete, stucco, hardboard siding, vinyl or metal lap. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation (under-pinning) is used, the siding material need not extend below the top of the foundation.
4. Tie-down - All mobile homes shall be secured to their respective sites in accordance with applicable state codes.
5. Certificate of Occupancy - Satisfactory compliance with all permitting and inspection requirements shall be achieved before the Certificate of Occupancy is issued.

6. Manufactured homes not meeting criteria listed above must be removed from Schley County or brought into compliance within 30 days of notification of non-compliance by the County Building Inspector.
7. Every Single-Family Manufactured Home shall:
 - 7.1 Be landscaped with trees, shrubs, and other plan material substantially equal to or better than one-family dwellings within five hundred (500) feet.
 - 7.2 Have a maintained area around the structure that will be not less than 40 feet extending from the base of the structure.

ARTICLE VIII: Wildlife Protection District (WP)

1. Land Conversion
 - 1.1 No acreage in forest land/woodland at the time this ordinance becomes effective shall be converted to any use other than forest land/woodland or agriculture row-crop, except as provided herein below.
 - 1.2 Harvest of forestland/woodland and reforestation activities shall conform to the most current Best Management Practices for Forestry as published by the Georgia Forestry Commission. Agricultural activities shall conform to the most current Best Management Practices for Agriculture as published by the Georgia Soil and Water Conservation Commission. No improved roads shall be constructed. All existing, interior roads must maintain dirt or gravel surface.
2. Limitations on Development - The following thresholds shall apply to development in the Wildlife Protection district.
 - 2.1 On parcels of public record ≤three acres as of the effective date of this ordinance, a maximum of one (1) acre may be developed.
 - 2.2 On parcels of public record as of the effective date of this ordinance which are greater than three (3) acres and less than fifty (50) acres the maximum developable area is one and one-half (1.5) acres.
 - 2.3 On parcels of public record as of the effective date of this ordinance which are fifty (50) acres and greater the maximum developable area is 3.0%, not to exceed ten (10) acres.
 - 2.4 Soil disturbance associate with development activity is not permitted within the fifty (50) feet on both sides of any creek, stream, lake or pond meeting the definition of a waterway of the United States.

ARTICLE IX: NONCONFORMING USES

Section 1 Continued Use

All legal land uses existing and active as of the effective date of this ordinance shall be allowed to continue in the same land use, even if such land use does not conform with the provisions of this ordinance. All such land uses shall be considered to be nonconforming.

Section 2 Extension and Alteration

No permit shall be issued to physically extend or structurally alter a nonconforming land use except to make said use conform to, or comply with, the provisions and requirements of this ordinance. A non-conforming use or structure may not be enlarged beyond its size at the time of the use or structure became non-conforming. This includes, but is not limited to, the size of the building, the use of additional land either on the same or adjoining property and additional and or more powerful equipment.

Section 3 Abandonment

A nonconforming use which has been discontinued for a continuous twelve-month period shall not be reestablished. Any other use at the site of a previously abandoned land use shall be in conformity with provisions of this ordinance.

Section 4 Reestablishment/Restoration after Damage

A nonconforming land use damaged by fire, storm or any other cause may be restored to the same nonconforming use as existed before such damage, provided restoration is begun within twelve months of such damage.

Section 5 Restoration to a Safe Condition

Nothing in this ordinance shall prevent the restoration of any building to a safe and sanitary condition when required to do so by the proper authorities of the county.

Section 6 Change in Tenancy or Ownership

Nonconforming land uses shall be allowed to continue under changes in tenancy, management and/or ownership.

Section 7 Change in Use

A nonconforming land use shall not be changed to another nonconforming land use.

Section 8 Nonconforming Signs

A nonconforming sign shall not be improved (other than for normal maintenance), altered or relocated except in conformance with provisions of this ordinance.

Section 9 Nonconforming Salvage Yards - Expansion and Screening

All nonconforming salvage yards shall be made to conform with the general provisions of this ordinance within a two-year period of ordinance adoption. Salvage yard expansion and screening requirements follow:

1. A wall buffer eight (8) feet high or a landscaped buffer eight (8) feet deep is required along the full perimeter of the salvage yard. The wall buffer must be of wood, concrete or other material approved by the Zoning Commission. The landscaped buffer must consist of a specie/species and variety/varieties of plants matched to the soils of the plant site and maintained per specie recommendations so as to attain a minimum height of eight feet within five years of planting.

Both types of buffer must be maintained so as to block the view of the salvage yard, and help deflect, muffle or absorb noise generated by activities in the salvage yard.

2. Screening is intended to shield the view and reduce audible noise levels of salvage yards from surrounding properties and roadways, and to protect surrounding properties from fire. Modification of these requirements may be granted at the discretion of the Zoning Commission when the requested modification does not contravene the intent of these regulations. Requests for modification must be filed with the Zoning Officer and require a public hearing.
3. No salvage yard existing at the time this ordinance is adopted shall be expanded unless it meets requirements for screening.

Section 10 Exception for Extension and Alteration of Non-conforming Farm Animal Operations

Nothing in this ordinance shall prohibit the replacement or alteration in a farm animal house which was lawfully existing and active at the time of enactment of this ordinance, even if such replacement or alteration does not conform to the provisions of this ordinance. The non-conforming use shall in no way be expanded, except by a variance as provided elsewhere herein. For purposes of this Section, farm animal operations include farm animal houses and poultry houses, as defined in Article III herein.

ARTICLE X: ADMINISTRATION AND ENFORCEMENT

Section 1 Statement of Purpose

There is hereby created, simultaneous with enactment of this ordinance, the Schley County Zoning Commission and the office of the Zoning Administrator of Schley County.

Section 2 Zoning Commission

Created: Pursuant to Article IX, section 2, paragraph 4 of the Constitution of Georgia, the Schley County Zoning Commission (hereinafter referred to as the "Zoning Commission") is hereby created and established.

2.1 Membership and Appointment

The Zoning Commission shall consist of five (5) members who meet the following requirements at the time of appointment: (1) must have been a resident of Schley County for at least the five (5) consecutive years immediately preceding the appointment, (2) have a high school diploma or GED equivalent, and (3) pass a criminal background check. None of the Zoning Commission members shall hold any other public office of Schley County. Zoning Commission members may be removed for cause, upon written charges, and after public hearing. Any member of the Zoning Commission shall be disqualified to act upon a matter before the Zoning Commission with respect to property or adjacent property in which the member has an interest.

2.2 Quorum

Three members shall constitute a quorum for the transaction of business.

2.3 Term of Office

In the appointment of the first Zoning Commission pursuant to this Article three members shall be appointed for four-year terms and two members shall be appointed for two-year terms. At the expiration of each of these first terms all five appointments, and all appointments thereafter, shall be made for four-year terms. Any vacancy in membership shall be filled for the unexpired term only by a resident who satisfies Zoning Commission membership requirements.

2.4 Compensation

The Zoning Commission members shall receive compensation as set by the Board of Commissioners for their service (see addendum) and they may be reimbursed for out-of-pocket expenditures made in connection with their duties.

Chairman: The Zoning Commission shall elect one of its members as chairman, who shall serve for one year or until his successor is elected.

Administrative assistance: The Board of Commissioners shall provide such technical, administrative, and clerical assistance as is needed by the board to carry out its function under the provisions of these regulations.

Zoning Administrator: The individual occupying this office shall administer said ordinance in cooperation with the Schley County Zoning Commission and the Schley County Board of Commissioners.

1. **Appointment:** The Zoning Administrator shall be appointed by the Schley County Board of Commissioners.
2. **Duties and authority:** In administering the provisions of this ordinance the Zoning Administrator shall:
 - 2.1 Serve as Administrative Secretary to the Zoning Commission.
 - 2.2 Establish a system with which to maintain public records concerning the Administration of this ordinance, including all maps, amendments, certificates of zoning compliance, conditional uses, variances, records of public hearings, other records relevant hereto, and see that such records and documents are maintained in current status.
 - 2.3 Issue certificates of zoning compliance for all permitted uses, for conditional uses and variances recommended by the Zoning Commission and approved by the Schley County Board of Commissioners.
 - 2.4 Collect data and keep informed on matters of zoning administration and practice in order to make sound recommendations to the Zoning Commission.
 - 2.5 Undertake other duties as may from time to time be delegated or assigned by the Schley County Board of Commissioners.

Section 3 Text or Map Amendments

After due notice and public hearing the Schley County Board of Commissioners may supplement, modify, vary or change the boundaries of the zoning districts or the requirements of this ordinance by adopting amendments to the zoning map or text. All text and map amendments require formal approval of the Schley County Board of Commissioners.

1. **Initiation of Amendment:** Amendments to the zoning map or text may be proposed by the Board of Commissioners, the Zoning Commission, or by any owner of property within the area proposed for change.
2. **Procedure:** An application for amendment shall be filed with the office of the Zoning Administrator at least thirty (30) days prior to the date on which the request is to be considered by the Zoning Commission.
3. **Review by the Zoning Commission:** No amendment shall become effective unless it shall have been reviewed and a public hearing held by the Zoning Commission. The Zoning Commission shall have thirty (30) days following the public hearing within which to submit a recommendation to the Board of Commissioners. If the Zoning Commission fails to submit a recommendation to the Board of Commissioners within thirty (30) days after the public hearing, the Zoning Commission shall be deemed to have approved the proposal.
4. **Public hearing:** The Zoning Commission shall hold a public hearing on an application for amendment. Notice of the time and place shall be published at least fifteen (15) days but not more than forty-five (45) days before the hearing in a newspaper of general circulation in Schley County.
5. **Fee:** Each application for rezoning by amendment shall be accompanied by an application fee in the amount established by the Schley County Board of Commissioners to partially defray administrative costs.
6. **Minimize time between applications:** A property owner shall not resubmit a proposal of zoning amendment affecting the same property more than once in a six-month period, unless the applicant can show that the conditions upon which the previous denial were based have changed substantially. The Zoning Commission shall not accept a second or follow-up application for zoning amendment of a property within six months of the date the first or previous application for the same property was not approved.

Section 4 Zoning Policies and Procedures

Policies and Procedures are herein established to provide guidelines for the following zoning activities.

1. Adoption of a new County Zoning Ordinance.
2. Adoption of an amendment which changes the text of the ordinance (Text Amendment).
3. Adoption of an amendment which rezones property from one zoning classification to another. (Map Amendment)
4. Procedural requirements for amendments sponsored by the Schley County Board of Commissioners.

5. Procedural requirements for amendments sponsored by a property owner or agent.

Section 5 Policies and Procedures for County Initiated Zoning Changes

1. In the case of amendments to the text or map of this ordinance, the Zoning Commission and the Board of Commissioners will, where appropriate, utilize any new or existing land use studies, land use plans or other relevant documents as a resource. The Schley County Board of Commissioners will hold at least one public hearing on any proposed amendment to this ordinance.
2. Public hearing notices will be published within a newspaper of general circulation within Schley County at least one time and at least (15) fifteen days prior to the official public hearing date. The public notice will state the time, place, and purpose of the hearing.
3. Public hearings will be convened at the advertised time and place and will be presided over by the appropriate official.
4. The presiding officer of each respective public hearing will open the hearing by reviewing the following operating procedures.
 - 4.1. Individuals wishing to address the Zoning Commission and Board of Commissioners at their respective hearings must first be recognized by the presiding officer for the purpose of speaking. Those addressing the Commission must first identify themselves by first and last names, and give their home road address, and where appropriate, business road address.
 - 4.2. The presiding officer shall recognize one representative to speak on behalf of those supporting the question before the Commission for a time not to exceed fifteen (15) minutes.
 - 4.3. The presiding officer shall recognize one representative to speak on behalf of those opposing the question before the Commission for a time not to exceed fifteen (15) minutes.
 - 4.4. The presiding officer shall then grant a three (3) minute rebuttal to one spokesman supporting the question.
 - 4.5. The presiding officer shall then grant a three (3) minute rebuttal to one spokesman opposing the question.
5. Appropriate notes or minutes will be recorded by the Zoning Commission and the Board of Commissioners at their respective public hearings.
6. The Zoning Commission shall prepare and submit the necessary minutes, evaluations and/or recommendations to the Board of Commissioners prior to the Board of Commissioners's Public Hearing.
7. The Board of Commissioners, at its public hearing, will review the evaluation and recommendations from the Zoning Commission and may choose to adopt, reject or modify the Zoning Commission recommendations, or the business may be tabled to the next regular Board of Commissioners meeting for additional study.

Section 6 Procedures for Rezoning Property Requests by a Citizen or Property Owner

1. An application for rezoning must be filed with the Zoning Administrator on the prescribed form, accompanied by an application fee in the amount established by the Schley County Board of Commissioners. The application shall be filed at least thirty (30) days prior to the meeting of the Zoning Commission at which the application is to be presented.
2. The Zoning Administrator will inform the applicant of the public hearing date. The Zoning Commission will convene a public hearing on each application at the date, time and location advertised. The public notice will appear at least one time in a newspaper of general circulation no less than 15 days nor more than 45 days prior to the public hearing.
3. The public hearing notice will name the applicant, the location of property to be affected, the present zoning class, the proposed zoning class and the date, time and place of both the Zoning Commission hearing and the public hearing held by the Schley County Board Commissioners.
4. The Zoning Administrator shall have erected upon the property for which rezoning is to be considered a sign of no less than 17" X 24" announcing the public hearings, stipulating the dates, times, and places for the two hearings, the present zoning class and the proposed zoning class. The sign shall be clearly visible from a public road and shall be erected not less than 15 days before the Zoning Commission hearing date.
5. Public hearings held by the Board of Commissioners will follow essentially the same procedures as those of the Zoning Commission. All rezoning must be formally approved by the Schley County Board of Commissioners.
6. Any application for rezoning of a particular parcel of property which is denied by the Board of Commissioners may not again be considered for rezoning until the expiration of at least six (6) months immediately following the defeat of the rezoning request.
7. Persons requesting any actions taken regarding rezoning of an area or parcel (including but not limited to, zoning changes, variances, condition uses, etc.) must be the owner of said property or an authorized legal representative of the property owner. This provision does not apply to county initiated zoning changes.

Section 7 Rezoning Criteria

Decisions of whether to approve or deny a petition to rezone property shall be based on the following criteria. These criteria are established to assist the Zoning Commission and Board of Commissioners in balancing the interests of the public with the interests of the private property owner:

- 7.1 Whether the proposed zoning classification promotes the health, safety, morals and general welfare of Schley County
- 7.2 The existing uses of the subject property and adjacent and near properties
- 7.3 The current zoning of the subject property and adjacent or near properties
- 7.4 The extent to which property values are diminished by the present zoning restriction

- 7.5 The extent to which the restrictions diminishing the property's value promote the health, safety, morals and general welfare of the public.
- 7.6 The relative gain to the public compared to the extent of hardship imposed upon the individual property owner (in retaining the current zoning designation)
- 7.7 The suitability of the subject property for the zoned purposes
- 7.8 The history of the use of the subject property considered in the context of land developments in the vicinity of the property
- 7.9. Conformity with the Schley County Future Land Use of Future Development Plan

Section 8 Conditional Uses

The Zoning Commission may recommend to the Board of Commissioners approval of a petition to rezone provided the applicant agrees to certain specified conditions related to the proposed rezoning. Authority to approve conditional uses rests with the Board of Commissioners. The procedures and application process are the same as in Section 6 - Procedures for Rezoning Request by a Citizen or Property Owner.

Section 9 Criteria for the Review of Conditional Uses

An application to establish a conditional use shall be approved following a review by the Zoning Commission and a determination by the Schley County Board of Commissioners that:

1. The proposed use will not be contrary to the purpose(s) of this ordinance;
2. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood, nor affect adversely the health and safety of residents and workers;
3. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noises or fumes generated or type of physical activity; however, as noted in Article VII some odors, noise, etc. are inherent in agricultural activities, and this ordinance is intended to promote the continuance of a healthy agribusiness presence in the county. To assist in determining whether a proposed use is a significant nuisance the Zoning Commission should take into consideration whether the applicant has a history of compliance with published Best Management Practices for the activity considered, as applicable. Strict conformance to applicable BMPs should be recognized as adequate measures in most cases to offset nuisance concerns.
4. The proposed use will not be affected adversely by the existing uses, and the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use;
5. Parking and all development standards, as applicable, set forth for each particular use for which a permit may be granted have been met, and
6. Provided, the Board of Commissioners may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community and to protect the value and use of property in the general neighborhood, and

7. Provided further, that wherever the Board of Commissioners shall find in the case of any permit granted pursuant to the provisions of these regulations that any term conditions or restrictions upon which such permit was granted are not being complied with, said Commission shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

Section 10 Variances

1. This section describes the process for addressing unusual situations or unique problems that may arise from the strict interpretation or enforcement of this Ordinance, including appeals from an administrative decision, for a special exception, and for unique hardships restricting reasonable use of a property. The Zoning Commission may grant specified variances from the requirements of the ordinance. The Zoning Commission shall have the power to authorize a variance from the terms of this ordinance where a literal enforcement of the zoning requirements would result in undue hardship, but where exercise of such authority is not contrary to the public interest. A Variance Request Report shall be provided to the Board of Commissioners within fifteen (15) days of the request. If there is no objection made by the Board of Commissioners the variances will become effective within thirty (30) days.
2. Appeals, in general.
 - 2.1 Types of Appeals. Persons may appeal to the Zoning Commission for relief under the following circumstances:
 - a. Special exception variance.
When an exception is desired for a particular property from certain requirements of this Ordinance, as specified in this Article.
 - b. Hardship variance.
When compliance with the requirements of the Zoning Ordinance would create a particular and unique hardship.
 - c. Administrative decision.
When aggrieved by an action or an interpretation of the Building Inspector or any other administrative official of the County made under this Zoning Ordinance.
An administrative official is defined as the head of any department.
3. Special Exception Variances.
 - 3.1 Appellant for a special exception variance.
A request for a special exception variance on a property shall be brought by the property owner or with the owner's permission, the holder of or applicant for a permit for development or construction on the property.
 - 3.2 General limitations on relief.
Special exception variances shall be limited to relief from the following requirements of this Ordinance:
 - a. Accessory uses and buildings.
 - (a.1) The maximum allowable size of an accessory building may be increased with regard to its proportion of the floor area in the principal building.

- (a.2) The placement or construction of an accessory use or building on a lot prior to or in lieu of a principal use or building may be authorized.
- b. Minimum yard setbacks for principal buildings and accessory structures or uses.
- c. Maximum building height.
- d. Minimum floor area requirements for dwellings.
- e. Maximum height of a fence.
- f. Minimum lot width.
- g. Minimum separation between agricultural and non-agricultural uses.
- h. Public street frontage.
- i. Buffers and screening.
- j. Signage, in accordance with a uniform sign plan.
- k. Minimum parking requirements, such as the number of spaces or improvement standards.
- l. Inter-parcel access requirements, such as the number of spaces or improvement standards.
- m. Minimum separation between driveways serving a single property.
- n. The number of non-resident employees working in a home-based business.
- o. The recombination of adjoining nonconforming lots.

4. Administrative Approval.

4.1 Special exception variances shall be considered by the Zoning Committee unless the variance is approved administratively. Only those variances listed in this subsection, below, and within the parameters stated, may be considered for administrative approval.

4.2 The Building Official, upon a finding that a special exception variance listed below meets the standards for approval contained in Section 14 may (but is not required to) administratively approve such special exception variance within and not exceeding the following parameters:

4.3 Minimum Yard Setbacks.

- a. Not to exceed a reduction in the minimum setback required by 10%, except the front setback may be reduced or waived for a multi-family or nonresidential use if the parking is located in the side or rear yards.
- b. For a legal nonconforming lot of record, the Zoning Administrator may reduce the minimum required setbacks up to 20% in accordance with the provisions for such lots under Article IX.
 - (1) Maximum building height within Rural and Wildlife Preservation districts not to exceed an additional 4 feet above the maximum allowed.
 - (2) Maximum building height within the Industrial district not to exceed an additional 25 feet above the maximum allowed.

- (3) Automobile parking requirements, not to exceed a change by more than 20% in the number of spaces required.

4.4 Standards for approval of a special exception variance. A special exception variance may be granted by the Zoning Committee upon a finding that the relief, if granted:

- a. Would not cause substantial detriment to the public good; and
- b. Would comply with all fire safety, utility and environmental health code requirements; and
- c. Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity; and
- d. Would not diminish and impair property values within the surrounding neighborhood; and
- e. Would not impair the purpose and intent of this Ordinance.

4.5 If denied, an application for the same special exception variance affecting the same property shall not be reconsidered for a period of 12 months from the date of denial; provided, however, that the Zoning Committee may reduce the waiting period under extenuating circumstances or on its own motion.

4.6 In no case shall a special exception variance be granted if a conditional use of the property has been approved through a zoning change granted by the Board of Commissioners.

5. Hardship Variances.

5.1 Appellant for a hardship variance. A request for a hardship variance on a property shall be brought by the property owner or, with the owner's permission, the holder of or applicant for a permit for development or construction on the property.

5.2 Hardship Variances, in general.

- a. Relief from the application of the provisions of this Ordinance may be granted by the Zoning Committee in specific cases upon a finding that:

- (1) Compliance with such provision will result in a hardship to the property or owner that is substantially unwarranted by the protection of the public health, safety or general welfare, and the need for consistency among all properties similarly zoned; and

(2) The spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done.

- b. Such relief may be granted only to the extent necessary to alleviate such unnecessary hardship and neither as a convenience to the applicant nor to gain any advantage or interest over similarly zoned properties.
- c. The existence of a nonconforming use or special use of neighboring land, buildings or structures in the same zoning district or of permitted uses, special uses or nonconforming uses in other zoning districts shall not constitute a reason for approval of the requested variance.

5.3 Standards for Approval of a Hardship Variance.

A hardship variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding by the Zoning Committee that:

- a. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, or topography; or
- b. The application of the Ordinance to the particular property would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; or
- c. There are physical conditions that are peculiar to the property involved which adversely affect its reasonable use or usability as currently zoned; and
- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance. In no case shall a hardship variance be granted for any of the following:

5.4 If denied, an appeal for the same hardship variance affecting the same property shall not be reconsidered for a period of 12 months from the date of denial; provided, however, that Zoning Committee may reduce the waiting period under extenuating circumstances or on its own motion.

5.5 In no case shall a hardship variance be granted for any of the following:

- a. To address a condition or circumstance created by the applicant, including the result of an unwise investment decision or real estate transaction.
- b. To change the conditions of approval imposed through a rezoning granted by the Board of Commissioners.

- c. To reduce the minimum lot size required by the zoning district that is applicable to the property. For relief for nonconforming lots see Article IX.
- d. To allow a use of land, buildings or structures that is not allowed by the zoning district that is applicable to the property.
- e. To increase the number of dwelling units or nonresidential building floor area otherwise permitted by the zoning district that is applicable to the property.

6. Process for Granting a Variance

Variance Application and Initial Actions.

- 6.1 An application for a special exception or hardship variance shall include such descriptions, maps or drawings as needed to clearly illustrate or explain the relief requested. The Zoning Administrator may request such additional information from the appellant as necessary to provide a full understanding of the appellant's request.
- 6.2 Following receipt of a complete application for a variance, the Zoning Administrator shall assemble such memos, papers, plans, or other documents as may constitute the record for the appeal or as may provide an understanding of the issues involved.
- 6.3 Once the record has been assembled, the Zoning Administrator will:
 - a. Review special exception variance applications that are eligible for administrative approval and shall exercise discretion as the Zoning Administrator deems appropriate in approving those that comply with the review standards;
 - b. Schedule unresolved variance requests for consideration at the next meeting of the Zoning Commission for which adequate public notice can be given; and
 - c. Send a letter by first class mail to the applicant or his attorney notifying the appellate of either 1) administrative resolution of the matter or 2) the date, time and place of the public hearing.

7. Public Notice.

- 7.1 Procedure - Applications for variance shall be filed with the Office of the Zoning Administrator thirty (30) days before the date of the following Zoning Commission meeting in order that the required public notice may be given before the next scheduled meeting. The notice shall state the time, place and purpose of the hearing, and shall include the location of the property and the nature of the requested action. A simple sketch of the site, showing the following shall accompany each application:
 - a. General location of existing structures and property lines,
 - b. Location of proposed buildings and land use,
 - c. Setbacks, if applicable, to the request,

- 7.2 Public hearing - A public hearing shall be held by the Zoning Commission for the review of an application for a variance. Notice of the time and place of such hearing shall be published at least fifteen (15) days before the hearing in a newspaper of general circulation in Schley County.
- 7.3 Fee - Each application for a variance shall be accompanied by an application fee in the amount established by the Schley County Board of Commissioners to partially defray administrative costs.
- 7.4. Conditions and limitations - The Zoning Commission shall include any condition, requirement or limitation which may be necessary to protect adjacent properties and to carry out the provisions of this resolution.
8. Sufficiency of Public Notice.
- 8.1 Where published notice is given in accordance with this subsection and a sign has been posted in accordance with this subsection, no further notice to interested parties or adjacent or nearby property owners is required.
- 8.2 Appearance of a person at a public hearing shall constitute a waiver of any claims by such person based upon improper publication of notice or posting on the property by such person.
9. Withdrawal.
- 9.1 Any appellant wishing to withdraw an appeal prior to the meeting of the Zoning Commission shall file a written request for such withdrawal with the Planning Director. The appeal shall thereupon be removed from the Board's agenda and the request shall have no further effect.
10. Attendance Requirements.
- 10.1 The appellant or representative of the appellant shall be required to attend all public hearings on the appeal. The failure to attend may result in dismissal of the appeal, denial of the appeal, or continuance of the hearing at the Zoning Commissions sole discretion. Failure of the appellant or appellant's representative to appear at a deferred or rescheduled hearing shall result in automatic dismissal of the appeal.
11. Zoning Commission Variance Public Hearing.
- 11.1 Procedures, in general.
- a. The Chair of the Zoning Commission or his/her designee, who shall act as the presiding official, shall convene the public hearing at the scheduled time and place.
 - b. The presiding official may administer oaths and compel the attendance of witnesses by subpoena.
 - c. At the public hearing, the appellant may appear in person or may be represented by counsel or other designated person.

- d. The presiding official shall conduct the public hearing informally, as strict adherence to the rules of evidence is not required. The goal is a fair hearing.
- e. All parties participating in the public hearing shall introduce only relevant evidence.
- f. All parties participating shall have the right to present witnesses and to cross-examine witnesses.
- g. Transcription.
 - (1) The public hearing shall be tape recorded by the staff to the Zoning Commission, either by videotape or by audiotape, in order to provide a verbatim record of the hearing.
 - (2) The appellant, at the appellant's expense, may have the public hearing transcribed by a court reporter.
- h. Time Limitations.
 - (1) The presiding officer, in his or her discretion, may impose time limitations on comments of each person, provided that no less than ten minutes shall be allowed collectively for all those speaking in support of the proposed variance and no less than ten minutes shall be allowed collectively for all those speaking against the proposed variance.
- i. Delay, rescheduling or continuation of hearing.
 - (1) Public hearings may be delayed, rescheduled or continued to another time and date, provided announcement is given at the time and place of the scheduled hearing, of the new time, place and date of the rescheduled public hearing, which announcement shall constitute public notice for the hearing.

11.2 Opening the Hearing.

- a. The presiding official shall open the public hearing by stating the matter being considered at the hearing. At this time, the presiding official may summarize the public hearing procedures.
- b. The Zoning Administrator shall submit the assembled record of the variance request to the Zoning Committee. The Zoning Administrator shall provide such information or explanation as appropriate to the circumstances of the appeal.

11.3 Proponents of Proposal.

- a. Persons who support the proposal will be asked to comment first. The appellant or the appellant's representative may, upon recognition and upon statement of name, address and relationship to the matter, present and explain the proposal.

- b. The appellant shall have the burden of proof, which shall include the presentation of evidence and the burden of persuasion of each factor necessary to receive approval of the Zoning Committee.
- c. After completion of the presentation of the appellant, other persons who support the proposal will be asked to comment, and will be allowed to speak in support of the proposal upon recognition and upon identification of the person's name, address, and relationship to the matter.

11.4 Persons Opposing Variance.

Persons who oppose the variance request will next be asked to comment. Each interested person, after being recognized, and providing their name, address and relationship to the matter shall be afforded an opportunity to address the proposal.

11.5 Rebuttal

The appellant shall have an opportunity for rebuttal concerning the proposed application. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing.

11.6 Discussion.

a. Staff Recommendation.

All public comments having been heard, the Zoning Administrator shall submit preliminary findings of fact for consideration by the Zoning Committee. Such findings of fact shall address the standards for approval required by this Division for the type of variance requested and pertinent to the particular case.

- b. The members of the Zoning Committee may discuss the matter among themselves. During this discussion period, the board members may call on the proponent or other persons to clarify points made previously, to answer questions or to provide additional information. Such persons may respond upon recognition.

11.7 Closing the Public Hearing

Upon conclusion of the hearing, the presiding officer shall adjourn the hearing. No further comments or presentations by the proponents or opponents of the variance request shall be allowed.

12. Variance Decisions by the Zoning Committee

12.1 Decision.

- a. After the public hearing is closed, the Zoning Committee shall make a decision and adopt reasons supporting the decision. Such reasons shall be in writing and in the form of findings of fact.
- b. In taking action on a variance request, the Board of Appeals may:

- (1) Approve, approve with conditions, or deny the request; or
- (2) Dismiss the variance request due to the nonattendance of the appellant or the appellant's representative; or
- (3) Continue the variance request for consideration at its next scheduled meeting or special called meeting; or
- (4) Allow withdrawal of the variance at the request of the appellant.

12.2 Conditional Approval

In approving a variance, the Zoning Committee may impose conditions of approval that it deems necessary in order to make the requested action acceptable and consistent with the purposes of this Ordinance and of the zoning district(s) involved, to ameliorate negative issues identified through evaluation of the variance, or to further the goals and objectives of any County adopted plans.

12.3 Notification

Once a decision is made, the staff to the Zoning Committee shall inform the appellant in writing of its findings of fact and its decision within 10 working days of the date of the decision.

12.4 Failure to Act

If the Zoning Committee fails to make a decision by its second regularly scheduled meeting after the date of the public hearing, the variance request shall be deemed to have been denied unless the applicant has consented in writing to an extension of the deadline, in which event the deadline shall be deemed to be extended to the date provided in the written consent of the applicant.

12.5 Decision Final

The decision of the Zoning Committee shall be final and may be appealed only to a court of competent jurisdiction. Such appeal must be taken within 30 calendar days of the decision of the Zoning Committee.

Section 11 Appeals of an Administrative Decision

1. Appellant

Any person aggrieved by an alleged error in any order, requirement, decision or determination made in the interpretation or enforcement of this Ordinance by the Planning Director or any other department head of the County may initiate an appeal directly to the Board of Commissioners.

2. Initiation of Administrative Appeal.

2.1 An administrative appeal shall be taken within 30 days of the action or interpretation appealed from, by filing the appeal in writing with the Zoning Administrator specifying the grounds of the appeal. The Planning Director shall transmit a notice of said appeal to the Board of commissioners specifying the grounds thereof.

- 2.2 The Zoning Administrator may initiate an administrative appeal independently when an interpretation or clarification of the meaning of words or phrases, of the particular boundaries of a zoning district, or of any other provision of this Ordinance is needed.
3. Temporary Suspension of Legal Proceedings
An appeal of an administrative decision stays all legal proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is made certifies to the Board of Commissioners, after the notice of appeal shall have been filed., that by reason of facts stated in the certificate a stay would, in such administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order granted by a court of competent jurisdiction, due cause having been shown.
4. Action by the Board of Commissioners
- 4.1 Upon receiving a notice of an administrative appeal, the Zoning Administrator shall assemble such memos, papers, plans or other documents as may constitute the record for the appeal or as may provide an understanding of the issues involved.
- 4.2 The Zoning Administrator shall:
- a. Transmit the administrative appeal request and all related documentation to the Board of Commissioners such that the administrative appeal request can be considered by the Board at their next regularly scheduled meeting following no less than two weeks after the filing of the appeal with the Zoning Administrator.
 - b. Send a letter by first class mail to the appellant or his attorney notifying the appellant of the date, time and place of the Board of Commissioners' meeting.
- 4.3 At the designated meeting, the Board of Commissioners shall provide an opportunity for all persons interested in the appeal to be heard. Time limits on proponents and opponents may be imposed as the Chairman of the Board may deem necessary.
- 4.4 The Board of Commissioners, depending on the subject of the appeal, may:
- a. Decide appeals from any order, determination, decision or other interpretation by any person acting under authority of this Ordinance, where a misinterpretation or misapplication of the requirements or other provisions of this Ordinance is alleged.
 - b. Interpret the use of words or phrases within the context of the intent of this Ordinance.
 - c. Determine the boundaries of the various zoning districts where uncertainty exists.
 - d. Interpret such other provisions of this Ordinance as may require clarification or extension in specific or general cases.
- 4.5 Decisions of the Board of Commissioners
In exercising its powers on administrative appeals, the Board of commissioners may, in conformity with the provisions of this Ordinance reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination and to that end shall have

all the powers of the official from whom the appeal is taken and may issue or direct the issuance of a permit.

4.6 Notification

Once a decision is made, the Clerk of the Board of Commissioners shall inform the appellant in writing of its decision within 10 working days of the date of adoption of the minutes of the meeting when the decision is made.

4.7 Failure to act

If the Board of Commissioners fails to make a decision by its second regularly scheduled meeting after the date of the meeting at which the appeal is considered, the appeal shall be deemed to have been denied unless the applicant has consented in writing to an extension of the deadline, in which event the deadline shall be deemed to be extended to the date provided in the written consent of the applicant.

4.8 Decision final

A decision of the Board of Commissioners on an administrative appeal shall be final and may be appealed only to a court of competent jurisdiction. Such appeal must be taken with 30 calendar days of the decision of the Board of Commissioners

Section 12 Criteria for the Consideration of Variance Requests

The following criteria shall be utilized when considering request for variance from the terms of the ordinance, when approval of such will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in unnecessary hardship, yet maintain the spirit of this ordinance and preserve and secure the public safety and welfare. Such variance may be granted in such individual case of unnecessary hardship upon a finding of the Zoning Commission that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question and because of its size, shape or topography;
2. Strict application of this ordinance to this particular piece of property would create an undue hardship, (e.g. locating a newly required livestock or poultry waste treatment facility in reasonable proximity to a dairy or poultry operation; and
3. Such conditions are particular to the particular piece of property involved and not the making of the applicant; and
4. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance; and
5. The proposed use will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood, and
6. The proposed use will be of a nature that vehicular and pedestrian traffic will be no more hazardous than is normal for the district involved; and

7. The location, size, intensity, site layout and periods of operation of any such proposed use will be designed to eliminate any possible nuisance (dust, noises, fumes, vibration, smoke or lights, etc.) emanating from the use which might be noxious to the occupants of other nearby uses, and,
8. The location and height of buildings or structures and the location, nature and height of walls and fences will be such that the proposed use will not interfere with or discourage appropriate development and the use of adjacent land and buildings, or unreasonably affect their value.

Section 13 Certificate of Zoning Compliance

1. A certificate of zoning compliance issued by the Zoning Administrator, and certifying that the proposed structure, land use, or alteration complies with the provisions of the zoning resolution, is required.
 - 1.1. Site plan - Each application for a certificate of zoning compliance shall be accompanied by a simple sketch of the site and indicating such information as may be needed to present a record of existing conditions and proposed use including proposed off-road parking and/or loading areas.
 - 1.2. Time limit - A certificate of zoning compliance shall become invalid after the use authorized is suspended or abandoned for the period of one (1) year.

Section 14 Appeals

1. An appeal by a person, firm, or corporation, or by any officer department, board or bureau may be taken to the Schley County Board of Commissioners where it is alleged that there is an error in any order, requirement, decision or determination made by the Zoning Administrator, Zoning Commission or other administrative official in the enforcement and interpretation of this ordinance. Such appeals shall be made within thirty (30) days of the administrative action by filing with the Schley County Clerk a Notice of Appeal specifying the grounds thereof. If the Notice of Appeal is not filed within the thirty (30) days, the only recourse shall be a court of record.
2. The County Clerk shall then transmit to the Board of Commissioners all papers constituting the record upon which the appeal was taken. The appeal shall stay all proceedings in furtherance of the action, unless the Zoning Administrator certifies to the Board of Commissioners after the Notice of Appeals has been filed, that by reason of the facts stated in the Notice, a stay would, in the Zoning Administrator's opinion, cause immediate peril to life or property, in which case the proceedings shall not be stayed, other than by a restraining order, which may be granted by a court of record.
3. The Board of Commissioners shall fix a reasonable amount of time for the hearing of an appeal and shall give due notice to the parties concerned, including all landowners within three hundred (300) feet of the site in question. Such notice shall be delivered personally or by mail, addressed to the respective owners at the address given on the last assessment roll. The Board of Commissioners shall decide the appeal within a reasonable period of time with regard to the purposes of the ordinance. Upon the hearing, any party may appear in person or through their agent.

4. In the event the petitioner for an appeal remains discontented with the Board of Commissioner's decision on an appeal application; the petitioner shall have thirty (30) days to appeal the action to Schley County Superior Court.

Section 15 Fees

1. Fees for administration, inspection, application for rezoning, variance or conditional use applications and the issuance of permits or copies thereof required or issued under the provisions of this ordinance shall be collected by the Zoning Administrator in advance of the issuance of such permits.
2. The fee for rezoning, variance or conditional use application shall be established by the Board of Commissioners to cover the cost of administration, inspection and supervision resulting from the enforcement of this ordinance.

Section 16 Violations and Penalties

1. Any person, firm or corporation who violates the provision of this ordinance shall be guilty of a misdemeanor, and upon conviction, shall be punished for each violation, according to the laws of the State of Georgia. Each day a violation continues shall be deemed a separate offense.
2. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, placed, displaced, replaced or maintained, or any building or land is used in violation of this chapter, the Zoning Administrator, or any other appropriate county authority, deputy sheriff or any person who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent the violation.
3. The punishment imposed for any ordinance violation shall not exceed a fine of five hundred dollars (\$500.00) or sixty (60) days imprisonment or both, except as otherwise provided by general law, and shall not exceed the maximum punishment specified by this ordinance. (Pursuant to Official Code of Georgia Annotated Sec. 15-10-60).
4. Prosecutions for violation of this ordinance, as with other county ordinances, shall be pursuant to Article 4 of the Official Code of Georgia Annotated and shall be heard and brought in the Magistrate Court of Schley County pursuant to O.C.G.A. Sec. 15-20-2(4).

Section 17 Validity

This ordinance and the various articles, sections, paragraphs and clauses thereof, are hereby declared to be severable. If any article, section, paragraph or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby.

Section 18 Conflicting Provisions Repealed

All other ordinances of Schley County and parts of ordinances in conflict with this ordinance, to the extent of such conflict and not further, are hereby repealed.

Section 19 Effective Date

The provisions of this ordinance are hereby declared to be necessary for the preservation of the public peace, health, safety, and welfare of the people of Schley County, and are hereby ordered to be effective on December 8, 2015.

Approved by the Schley County Board of Commissioners in regular session this 8th day of December, 2015.

Attest:

Chairman

County Clerk

ADDENDUM TO THE ZONING ORDINANCE

APPLICABLE FEES AS APPROVED BY THE SCHLEY COUNTY BOARD OF COMMISSIONERS

Reference ARTICLE XVII, Section 4 Visibility Clearance
Permit Fees: Signs Only-----\$75.00

Reference ARTICLE XIX, Section 6 Compensation
Compensation for Zoning Commission Members -----\$50.00 per meeting (monthly cap of \$200)

Reference ARTICLE XIX, Section 19 Fees
Permit Application Fee-----\$150.00