

PART II - CODE OF ORDINANCES

Chapter 70 ZONING

Chapter 70 ZONING [11](#)

[ARTICLE I. - INTRODUCTION](#)

[ARTICLE II. - ESTABLISHMENT OF ZONING DISTRICTS](#)

[ARTICLE III. - GENERAL PROVISIONS](#)

[ARTICLE IV. - R-1L LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT](#)

[ARTICLE V. - R-1 SINGLE FAMILY-RESIDENTIAL DISTRICT](#)

[ARTICLE VI. - R-2 MULTI-FAMILY RESIDENTIAL DISTRICT](#)

[ARTICLE VII. - R-3 MIXED USE, SINGLE FAMILY RESIDENTIAL DISTRICT](#)

[ARTICLE VIII. - R-3L LOW DENSITY, SINGLE FAMILY MIXED USE RESIDENTIAL DISTRICT](#)

[ARTICLE IX. - MHP MANUFACTURED HOME PARK DISTRICT](#)

[ARTICLE X. - AG-1 ACTIVE AGRICULTURE DISTRICT](#)

[ARTICLE XI. - C-1, NEIGHBORHOOD BUSINESS DISTRICT](#)

[ARTICLE XII. - C-2 GENERAL BUSINESS DISTRICT](#)

[ARTICLE XIII. - C-3 COMMERCIAL RECREATION DISTRICT](#)

[ARTICLE XIV. - C-4 TRADITIONAL OFFICE DISTRICT](#)

[ARTICLE XV. - I-1 LIGHT INDUSTRIAL DISTRICT](#)

[ARTICLE XVI. - I-2 HEAVY INDUSTRIAL DISTRICT](#)

[ARTICLE XVII. - NON-CONFORMING BUILDINGS AND USES](#)

[ARTICLE XVIII. - OFF-STREET PARKING AND LOADING REQUIREMENTS](#)

[ARTICLE XIX. - SIGN REGULATIONS](#)

[ARTICLE XX. - POLICIES AND PROCEDURES](#)

FOOTNOTE(S):

--- (1) ---

PART II - CODE OF ORDINANCES

Chapter 70 ZONING

Editor's note— An ordinance of December 2, 2002, repealed and reenacted chapter 70 to read as herein set out. Formerly, chapter 70 pertained to similar subject matter and derived from an ordinance of May 24, 2000, §§ 70-1—70-6, 70-41—70-43, 70-74—70-94, 70-126—70-129, 70-161—70-164, 70-196—70-205, 70-241—70-244, 70-260—70-263, 70-276—70-279, 70-311—70-314, 70-346—70-351, 70-381—70-386, 70-416—70-420, 70-451—70-454, 70-486—70-489, 70-561—70-565, 70-596—70-608, 70-641—70-653, and 70-686—70-690; Ord. of February 5, 2001(1), §§ 2—5, and an ordinance of April 2, 2001. [\(Back\)](#)

Cross reference— Any rezoning ordinance saved from repeal, § 1-7(10); buildings and building regulations, ch. 18; environment, ch. 34; land development code, ch. 38; manufactured homes and recreational vehicles, ch. 42; roads and bridges, ch. 50; subdivisions, ch. 58. [\(Back\)](#)

State Law reference— The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; local government zoning powers, O.C.G.A. § 36-66-2; conflicts of interest in zoning actions, O.C.G.A. § 36-67A-1 et seq.; effect of zoning laws on covenants running with the land, O.C.G.A. § 44-5-60; authority to adopt plans and exercise the power of zoning, Ga. Const. art. IX, § II, ¶ IV. [\(Back\)](#)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE I. INTRODUCTION

ARTICLE I. INTRODUCTION

[Sec. 70-1. Authority for enactment.](#)

[Sec. 70-2. Jurisdiction.](#)

[Sec. 70-3. Purpose.](#)

[Sec. 70-3a. Severability of parts of Code.](#)

[Sec. 70-4. Interpretation, purpose and conflict.](#)

[Sec. 70-5. Violations and penalties.](#)

[Sec. 70-6. Definitions.](#)

[Secs. 70-7—70-40. Reserved.](#)

Sec. 70-1. Authority for enactment.

The Lee County Board of Commissioners enacts this chapter under the exercise of powers conferred upon it by the Georgia State Constitution, Article IX, Section II, Paragraph IV, Planning and Zoning.

(Ord. of 12-2-2002, § 70-1)

Sec. 70-2. Jurisdiction.

This chapter shall apply to the unincorporated areas of the county.

(Ord. of 12-2-2002, § 70-2)

Sec. 70-3. Purpose.

The purpose of these regulations shall be to promote the proper location, height, bulk, number of stories and size of buildings and other structures; to assure the appropriate sizes of yards, courts, and the use of other open spaces; the density and distribution of population; and the use of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, public activities, and other purposes, so as to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to prevent urban sprawl; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; to promote desirable living conditions and the sustained 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 and for other purposes.

(Ord. of 12-2-2002, § 70-3)

Sec. 70-3a. Severability of parts of Code.

It is declared to be the intention of the board of commissioners that the sections, paragraphs, sentences, clauses and phrases of this Code are severable; and if any phrase, clause, sentence,

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE I. INTRODUCTION

paragraph or section of this Code shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since they would have been enacted by the board of commissioners without incorporation in this Code of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

(Ord. of 12-2-2002, § 70-3a)

State law reference— Severability, O.C.G.A. § 1-1-3.

Sec. 70-4. Interpretation, purpose and conflict.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, prosperity and general welfare. It is not intended by this chapter to interfere with, or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued and not in conflict with any of the provisions of this chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this chapter; nor is it intended by this chapter to interfere with, or abrogate, or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction or requires larger open spaces, or larger lot areas than are imposed or required by such chapter or agreements, the provisions of this chapter shall control.

(Ord. of 12-2-2002, § 70-4)

Sec. 70-5. Violations and penalties.

Any person violating or neglecting or refusing to comply with any of the provisions of this chapter shall upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by imposition of the appropriate fine or by imprisonment in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. of 12-2-2002, § 70-5)

Sec. 70-6. Definitions.

For the purposes of these regulations certain words and tenses, used herein, shall be interpreted or defined as follows:

Words used in the present tense include the future tense.

The singular number includes the plural and the plural, the singular.

The word "person" includes a corporation, partnership, or association as well as an individual.

The term "shall" is always mandatory and not merely directory.

Terms not herein defined shall have the meanings customarily assigned to them.

The term "governing body" shall mean the Board of Commissioners of Lee County, Georgia.

Accessory building: A detached, subordinate structure, the use of which is clearly incidental to, customarily associated with and related to the principal structure or use of land, and which is located on

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE I. INTRODUCTION

the same lot as the principal structure or use. Accessory buildings shall include storage buildings, tool houses, party houses, bathhouses (used in conjunction with swimming pools) and similar uses.

Accessory use: The use customarily incidental and accessory to the principal use of a building located upon the same building site as the principal use.

Agriculture: Agriculture shall be considered to mean the raising of soil crops and/or livestock in a customary manner on tracts of land 25 acres or more in size and shall include all associated activities. Retail selling of products raised on the premises shall be considered a permissible activity provided that space necessary for the parking of customer's vehicles shall be provided off the public right-of-way.

Airfield: Any area of land or water utilized for the landing or taking off of aircraft.

Alley: Any dedicated public way providing a secondary means of ingress to or egress from land or structure thereon.

Alteration: Any change, addition or modification in construction or type of occupancy; any change in the structural members of the building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed."

Ambulatory: In respect to a person, the ability to move from place to place by walking, either unaided or aided by prosthesis, brace, cane, crutches or hand rails, or by propelling a wheelchair; and can perceive an emergency condition, whether caused by fire or otherwise and escape without human assistance, using the normal means of egress.

Apartment: A room or suite of rooms used as dwelling for one family which does its cooking therein.

Apartment houses: A residential structure containing three or more apartment units.

Artificial lot: The area of a one-acre or larger tract to be built on that is delineated for the purposes of calculating landscape requirements. This is only for calculating landscape requirements and only for tracts that are one acre or larger.

Automobile wrecking yard, automobile used parts or auto graveyard: Means anywhere three or more vehicles not in running condition, or the parts thereof, are stored in the open or any building or structure used principally for wrecking or storage of automobiles not in running condition for automobile parts.

Basement: A portion of a building partly below grade and having less than five feet above the finished grade level of the building.

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, drainage ways, or boundary lines of municipalities or counties.

Boarding house: A residence or part thereof where meals and/or lodging are provided for compensation to three or more persons by pre-arrangement for definite periods. A boarding house is to be distinguished from a hotel, motel or a nursing home.

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 and extends the developed portion of the common property line. A buffer consists of trees, shrubs, and other natural vegetation undisturbed by grading or site development and replanted where sparsely vegetated or where disturbed for approved access and utility crossings.

Buildable area: The buildable area of a lot is the space remaining after the minimum open space requirements of these regulations have been complied with.

Building: Any structure having a roof, supported by columns or by walls and intended for shelter, housing or enclosure of any person, animal or goods. Where roofed structures are separated from each

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE I. INTRODUCTION

other by party walls having no opening passage, each portion so separated shall be considered a separate building.

Building inspector: The highest ranking building official of the governing body, or his representative.

Building height: The vertical distance of a building measured from the average elevation of the finished grade to the highest point on the roof surface.

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

Building setbacks: The distance any part of any structure must be from any front, rear, or side property line. Building setbacks are established in this chapter.

Caretaker or employee residence: An accessory residence located inside or in addition to the principal structure or use of a parcel of land. Said residence must be occupied by a bona fide caretaker or the owner himself as necessary to the property's orderly operation or safety.

Clerk: The clerk of the governing body.

Clinic: A professional office where the services of more than one practitioner can be obtained and where patients are studied or treated on an outpatient basis and where no overnight accommodations are provided.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

Curb cut: An alteration to an existing curb and gutter for the construction of a driveway to provide for ingress/egress between property and an abutting public street.

Conditional use: A use which within certain districts specified by this chapter is not permitted as a matter of right but may be permitted within these districts by the county commission after the planning commission has:

- (1) Reviewed the proposed site plans for the use, its arrangement and design, its relationship to neighboring property and other conditions peculiar to the particular proposal which would determine its desirability or undesirability; and
- (2) Has found the proposal not to be contrary to the intent of this chapter. All conditional use applications will follow the same public notice, public hearing and review process as any application for rezoning.

Convalescent home: A convalescent home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two or more persons are cared for. Said home shall conform and qualify for license under state laws.

Day care facility: A day care facility is an individual or jointly owned facility designated to offer care and/or training to children unrelated to the owner or director for any part of a day on a regular basis. Such facility may or may not be operated for profit. Day care is not a baby-sitting service to be used for the convenience of the parents at irregular intervals (drop-ins).

- (1) A *group center (day nursery, day care center)* is defined as a facility for six or more children, regardless of age, whose primary purpose is the care of the child for part of a day, while his parent or parents are absent from home.
- (2) A *nursery school* is defined as a school for two-, three-, and four-year old children which operates for periods not to exceed four hours a day and whose primary purpose is education and guidance for healthy emotional and social development of children.
- (3) *Kindergarten* is defined as a school for four- or five-year old children which operates for periods not to exceed four hours a day and whose primary purpose is education and guidance for healthy emotional and social development.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE I. INTRODUCTION

- (4) *Family day care* is defined as a service in a private home, offering care in a family setting to a maximum of five children, including the foster family's own children during part of the day while the natural parents are absent from their home.
- (5) *Adult day care* is defined as personal care and supervision in a protective setting for adults outside their own home for less than 24 hours per day. The program may include the provisions of daily medical supervision, nursing and other health care support, psycho-social assistance, or appropriate socialization stimuli or a combination of these. Adult day care is available for those persons who do not require 24 hour per day institutional care, but who, because of physical and/or mental disability, are not capable of full time independent living.

Density: The number of dwelling units developed on an acre of land. As used in this chapter, all densities are stated in dwelling units per gross acre.

District: A portion of the jurisdiction of the governing body within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas and other requirements are established.

Drive-in establishment: A business establishment, other than a drive-in restaurant, so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, and may include drive-in banks, drive-in cleaners, and drive-in laundries.

Drive-in restaurant: A restaurant or other establishment serving food and/or drink so developed that its retail or services character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle.

Dwelling, single-family: A building used or designed for use as a residence for a single family.

Dwelling, two-family (duplex): A duplex is a building either designed, constructed, altered or used for two adjoining dwelling units that are connected by a common wall and/or if two stories by a common floor.

Dwelling, multiple: A building or portion thereof used or designed as a residence for three or more families living and cooking independent of each other in said building. This definition includes three family houses, four-family houses and apartment houses, but does not include hotels, motels, trailer camps or mobile home parks.

Efficiency unit: An efficiency unit is a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing not less than 400 square feet of floor area.

Erected: Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of the erection.

Essential services: The erection, construction, alteration, or maintenance by public utilities, governmental departments or commissions, of underground, surface, or overhead; gas, communication, electrical, steam, fuel or water transmission or distribution systems, sewers, pipes, conduits, cable, fire alarm and police call boxes, traffic signals, hydrant and similar accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or governmental departments for the general public health, safety, convenience or welfare.

Family: No more than six unrelated persons or one or more related persons occupying a housing unit and using common kitchen facilities and entrances, as distinguished from a group occupying a boarding house, or personal care home.

Fast food restaurant: A fast food restaurant is defined to be a restaurant that has all of the following characteristics.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE I. INTRODUCTION

- (1) Its principal business is the sale of food items and beverages of the kind, which can readily be taken out of the restaurant for consumption off the premises.
- (2) Utensils, if used at all, are made of plastic or other disposable materials. Food is packaged in paper or styrofoam or other disposable containers.
- (3) Service is not customarily provided to customers at their tables by employees of the restaurant.

Farm: A platted or unplatted parcel of land 25 acres or more in an area which is used for growing crops, raising livestock or other agricultural purposes.

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

Filling: Shall mean the depositing or dumping of any matter on or into the ground, except deposits resulting from common household gardening and general farm care.

Flea market: An outdoor and/or indoor facility established for the purpose of selling at retail such new or used items as household goods, tools, crafts or any other combination of new or used goods. These markets, sales and displays are those that occur continuously or frequently, and specifically more than two times per year, normally at a fixed location where a proprietor, partnership, or corporation leases to vendors a booth, commercial stall or designated area from which the vendor markets his/her goods.

Flood plain: A nearly level alluvial plain that borders a stream and is subject to flooding unless protected artificially.

Foster child: A child unrelated to a family by blood or adoption with whom he or she lives for the purposes of care and education.

Garage, private: An accessory building designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is an accessory.

Garage, public: Any premises used for the storage or care of motor vehicles or place where any such vehicles are equipped for operation, repaired or kept for pay, hire or sale.

Garden, private: A non-commercial private garden which is an accessory use to the primary use of the zoning district. The primary use must be present at the same location as the garden in any zoning district with the exception of agricultural zoning districts.

Group home: A group home is a residential use (home) of a property for the care of individuals in the home environment which have mental and/or developmental disabilities or individuals who will benefit socially from living in a group environment. All group homes must be licensed by the appropriate state agency and must have a conditional use permit granted by the board of commissioners prior to opening.

Guest house: A building or portion thereof used or designed for use as a residence, specifically as an accessory use to the principal building. Occupation of guesthouses shall be temporary [30 continuous days at a maximum].

Half-way house: A group home facility, which is licensed or supervised by any federal, state or county, to be used for health/welfare rehabilitation or similar purposes.

Home occupation: Any use conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Provided further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction, open storage or signs not customary in residential areas. One non-illuminated name plate, which is not more than two square feet in area, may be attached to the building which shall contain only the name and occupation of the resident of the premises. Clinics, hospitals, childcare centers, and day nurseries, among others, shall not be deemed to be home occupations.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE I. INTRODUCTION

Home occupation, residential:

- (1) The home occupation use shall only be allowed in residential zoning districts which allow home occupations.
- (2) The dwelling unit must maintain a residential appearance and there shall be no outward evidence of the occupation or impacts in appearance, noise, light, odor, traffic and utilities that would be detectable beyond the dwelling unit.
- (3) The use shall be conducted entirely within the dwelling unit and accessory structures with not more than 25 percent of a property's gross floor area devoted to the home occupation.
- (4) Only persons living in the dwelling unit on a full time basis shall be employed at the location of the home occupation.
- (5) No more than one home occupation shall be authorized for any residential dwelling unit.
- (6) No business materials or equipment shall be stored at the premises of the home occupation unless such material or equipment is stored in an area within the residence. No business vehicles used in the home occupation shall be stored on the premises where the home occupation is undertaken.
- (7) The following businesses, uses, and activities shall be prohibited as home occupation uses: adult entertainment establishments; kennels; stables; veterinarian clinics; medical and dental clinics; restaurants, clubs, and drinking establishments; motor vehicle repair or small engine repair; funeral parlors; adult businesses; limousine service; taxi service; and wrecker service.
- (8) No motor vehicle other than a passenger automobile, passenger van or passenger truck used by the resident as a personal vehicle shall be parked on the property.
- (9) Non-conforming home occupation uses: Non-conforming uses permitted as of October 1, 2005, shall be allowed to continue to operate under the following conditions:
 - a. No non-conforming use may be changed to another non-conforming use.
 - b. No non-conforming use shall be increased, extended or enlarged beyond the size or scope of the use as it existed on the date of issuance of the current occupation tax certificate.
 - c. The non-conforming use is specially designated to the current property and business owner. (The home occupational use is not transferable.)
 - d. Violation of these conditions will result in an immediate and permanent revocation of the right to continue the non-conforming use.

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

Junk: Any motor vehicle, machine, appliance, scrap material or other items that are in a condition which prevents its use for the purpose for which it was originally manufactured.

Junk yard: Includes automobile wrecking yards and includes any area of more than 200 square feet for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

Kennel: Any lot or premises on which three or more dogs, four months or older, are kept either permanently or temporarily for commercial or breeding purposes.

Laboratory: A place devoted to experimental study, such as testing and analyzing. Manufacturing of product or products is not permitted within this definition.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE I. INTRODUCTION

Landscape strip: That portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established as landscaped open space, the width of which is measured from the common property line and extending the developed portion of the property line. A landscape strip, as distinguished from a buffer, may be disturbed by grading or site development but shall be maintained as landscaped open space. A landscape strip may consist of grass lawns, decorative planting, berms, walls, fences or other approved features designed and arranged to produce an aesthetically pleasing effect within the development.

Loading strip: An off-street space on the same parcel of property with the building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lodging house: A lodging house or rooming house is a building other than a hotel where lodging is provided for five or more persons for compensation pursuant to previous arrangement.

Lot: A parcel of land occupied or intended to be occupied by a principal building or use and any accessory building and uses customarily incident to it, and including open spaces not less in extent than those required in connection therewith by these regulations.

Lot area: The size of a lot measured within the lot lines as expressed in terms of acres or square feet.

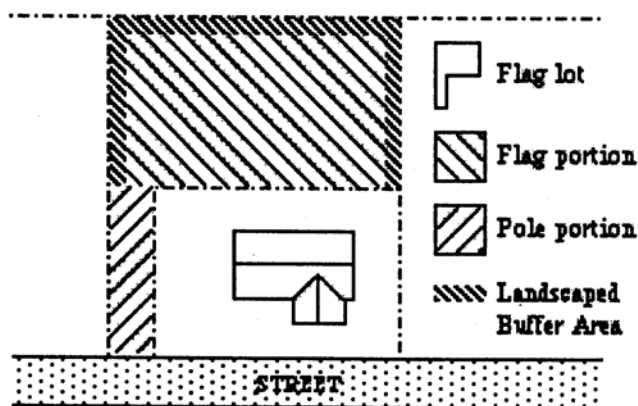
Lot, corner: A lot abutting on two streets at their intersection. The minimum front yard setback shall be observed on both street frontages.

Lot depth: The mean distance between the front and rear lot lines.

Lot, double frontage: An interior lot having frontages on two or more parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one street will be designated as the front street on the plat and the request for a building permit will indicate which street is the designated front street.

Lot, flag: Lots which have adequate land area for two lots but which do not have adequate street frontage for more than one lot. The standards require access for fire protection and also require screening in the higher density residential areas to protect the privacy of abutting residences. The intent of flag lots is to provide additional housing and commercial opportunities and to promote the efficient use of land.

**Figure 277-1
Flag Lot Description and Buffer**



Flag Lot Description and Buffer

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE I. INTRODUCTION

Lot, frontage: That portion of a lot extending along a street right-of-way line.

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

Lot lines: The property lines bounding the lot.

- (1) *Front lot line:* On a lot abutting upon a public street, the front lot line shall mean the line separating such lot from such street right-of-way.
- (2) *Rear lot line:* Ordinarily, the lot line that is opposite and most distant from the front lot line of the lot. In the case of an irregular shaped lot the county planner shall designate the rear lot line.
- (3) *Side lot line:* Any lot line that is not a front or rear lot line.

Lot of record: A parcel of land, the dimensions of which are shown on a map or plat on file with the clerk of superior court of the county and which actually exists as shown, or any part of such parcel held in a recorded ownership separate from the ownership of the remainder thereof.

Lot width: The distance between the side lot lines, measured along the front building line and parallel to the street right-of-way.

Manufactured home: A factory built structure that is manufactured or constructed under the authority of 42 United States Code Section 5401 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home, except as hereafter provided.

Manufactured home park: A licensed business operation which leases spaces for permanent or for temporary occupancy for periods exceeding 30 days for mobile homes and, under some conditions, travel trailers.

Manufactured home stand: The site designed for the placement of a manufactured home and its cabana, accessory structures, utility connections and off-street parking facilities.

Maximum lot coverage: The part or percentage of the lot that may be occupied by buildings or structures, including accessory buildings or structures.

Mobile home: A manufactured home built before June 15, 1976. They do not meet current building codes.

Modular homes: Factory built housing certified as meeting local or state building codes as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes.

Motor vehicle repair: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; overall painting; but not including undercoating of automobiles unless conducted in a completely enclosed spray booth.

Motor vehicle wash establishment: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

Non-conforming use: Any building or land use which lawfully exists at the time of adoption of this chapter and which does not now conform with the use regulations of the district in which it is located.

Nursery (tree and shrub): An area or establishment devoted to the raising and care of trees, shrubs, or similar plant materials.

Off-street parking lot: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exits for the parking of more than two automobiles.

Open air business uses: Open-air business use shall include the following:

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE I. INTRODUCTION

- (1) Retail sale of trees, shrubbery, plants, flowers, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
- (2) Retail sale of fruits and vegetables.
- (3) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.
- (4) Bicycle, trailer, motor vehicles, mobile homes, boats or home equipment sales, services or rental services.
- (5) Outdoor display and sale of prefabricated storage buildings, garages, swimming pools and similar use.

Open space, landscaped: That portion or portions of a given lot, not covered by buildings, pavement, parking access and service areas, set aside and maintained as a buffer, landscape strip or other approved open area.

Outdoor display: The open display of items, outside of any principal or accessory building that does not include walls for enclosure, that is for the primary purpose of attracting attention to the specific item from nearby or adjacent streets or roads.

Outdoor storage: The open storage of any items, whether business related or personal, outside of any principal or accessory building or structure that does not include walls for enclosure.

Parking space: An area of not less than nine feet wide and 20 feet long, for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

Personal care home: A dwelling in which aged or infirm persons are boarded and receive personal care on a 24-hour basis. All such homes shall be licensed by the appropriate state agency.

Planned unit development: A planned unit development is a single parcel of land within which a number of buildings (uses) are located or intended to be located in accordance with an overall plan of design and not in relation to a prearranged pattern of land subdivision. Examples of a planned unit development (P.U.D.) include a complex of apartment buildings, offices and a shopping center with a number of stores.

Prime farm land: Land in the county which is best suited for producing feed, forage, fiber, and oil seed crops and also available for these uses. It has the soil quality, growing season, and moisture supply needed to produce sustained good yield of crops economically if treated and managed, including water management, according to modern farming methods.

Produce stand/curb market: A permanent or semi-permanent building stand not exceeding 200 square feet of floor area intended to provide a place to sell at retail only perishable farm and garden vegetables and orchard or grove fruits, but not including buildings or structures erected by a bona fide farmer for the sale of seasonal produce grown on their land in an Agricultural Zoning District.

Recreation facility, commercial: A recreation facility operated as a business and open to the public for a fee.

Reference level: The reference level for any building is seven inches above the existing curb, or in the absence of an existing curb, above the crown of the adjacent public road.

Rubbish: The miscellaneous waste material resulting from housekeeping, mercantile enterprises, trades, manufacturing offices and construction enterprises, including other waste material such as slag, stone, broken concrete, fly ash, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, and/or similar or related combinations thereof.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE I. INTRODUCTION

Screening: Also referred to in the text as "protective screening" is a visual and acoustical barrier which, through the use of buffers, natural topography, landscaping, fences, walls, beams or approved combination thereof, is of such nature and density that provides year-round maximum capacity from the ground to a height of at least six feet that screens structures and activities on the lot from view from the normal level of a first story window on an abutting lot.

Service station: A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in vehicles, and including space for facilities for the temporary storage of vehicles, minor repair or servicing.

Shopping center: Two or more commercial establishments planned and managed as a single unit with off-street parking and loading facilities provided on the property.

Sign, business: A sign which directs attention to a business, profession, product, service, activity or entertainment conducted, sold or offered on the premises at which the sign is located.

Sign, freestanding: A sign which is supported by one or more columns, uprights or braces in or upon the ground, or by another structure, the sole purpose of which is to support the sign. A freestanding sign is not attached to a building.

Sign, general advertising: A sign which directs attention to a business, profession, idea, product, service, activity, or entertainment not conducted, sold or offered on the premises upon which the sign is located. It may either be freestanding or be attached to the building. A general advertising sign is commonly known as a "billboard."

Sign, wall: A sign, which is attached to the wall of any building. A wall sign shall project not more than 12 inches from the building.

Sign, area: The smallest square, rectangle, triangle, circle or combination thereof that encompasses the entire area devoted to advertising, information or identification. The term "sign area" includes trim, but excludes structural supports. (In the case of a sign with two sides for display, one side only shall be counted in determining sign area.)

Single parcel ownership: Possession of a parcel of property wherein the owner does not own adjoining property.

Soil removal: Shall mean the removal of any kind of soil or earth matter which includes topsoil, sand, gravel, clay or similar materials or any combination thereof, except common household gardening and general farm care.

Stable, commercial: Any place established for gain or profit at which more than four adult horses are kept for the purpose of training, boarding, riding, sale or breeding or where instruction pertaining to the same is given for a fee.

Story: That portion of a building, other than the cellar or mezzanine, included between the surface of any floor and the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of these regulations, a basement or cellar shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servant employed in the same building including the family of the same.

- (1) *Ground story:* The lowest story of a building, the floor of which is not more than 12 inches below the elevation of the reference level.
- (2) *Half-story:* The part of a building between a pitched roof and the uppermost full story, said part having a finished floor area which does not exceed one-half of the floor area of said story.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE I. INTRODUCTION

- (3) *Mezzanine*: Shall be deemed a full story when it covers more than 50 percent of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor above it is 24 feet or more.

Street: A thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley. A public street is a street accepted by dedication or otherwise by the governing body. A private street is a street not so accepted.

Structure: Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground. Among other things, structures include buildings, manufactured homes, signs, swimming pools and fallout shelters but do not include walls or fences.

Structural alteration: Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders or any change in the width or number of exits, or any structural change in the roof.

Subdivision regulations: Regulations as adopted by the governing body governing the subdivision of land.

Swimming pool: Any structure or container intended for swimming or bathing located either above or below grade designed to hold water to a depth of greater than 24 inches.

Townhouse: One of a group of two or more attached single-family residences. Each townhouse unit is separated from the adjoining unit or units by an approved firewall or walls. Firewalls shall be located on the lot line. Each townhouse has a front and rear ground level entrance. The townhouse is located on its own approved, recorded, lot.

Truck gardening: Truck gardening is the use of land for growing edible vegetables, fruits, and other crops for resale and commercial purposes. Household gardening by a property owner for a hobby or purely local consumption by himself and his family residing on the same premises shall not be considered to be truck gardening.

Use: The purpose for which land, premises, or a building thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Utility room: A room or space, located other than in the basement, specifically designed and constructed to house utilities, such as major home appliances.

Variances: A variance is a relaxation to the terms of this zoning chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the particular property and not the result of any action of the applicant, a literal enforcement of the ordinance requirements would result in unnecessary and undue hardship.

Water system, community: A public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

Water system, individual: A potable water system other than a community or public water system, serving no more than two principal buildings, residence or other facility designed or used for human occupancy or congregation on one lot.

Water system, public: A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

- (1) Any collection, treatment, storage and distribution facilities under the control of the operator of such system and used primarily in connection with such system.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE I. INTRODUCTION

- (2) Any collection or pretreatment storage facilities not under such control which are primarily in connection with such system. A public water system is either a community water system or a noncommunity water system.

Yard, front: A space extending the full width of the lot and situated between the right-of-way line of the abutting street and the front line of the principal building.

Yard, rear: A space extending across the full width of the lot between the rear line of the principal building and the rear line of the lot.

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

Zero lot line: The location of a building on a lot in such a manner that one or more of the building sides rest directly on a lot line.

(Ord. of 12-2-2002, § 70-6; Res. No. Z05-020, 9-19-2005)

Cross reference— Definitions generally, § 1-2

Secs. 70-7—70-40. Reserved.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE II. ESTABLISHMENT OF ZONING DISTRICTS

ARTICLE II. ESTABLISHMENT OF ZONING DISTRICTS

[Sec. 70-41. Districts.](#)

[Sec. 70-42. District boundaries.](#)

[Sec. 70-43. District boundary lines dividing a lot.](#)

[Sec. 70-44—70-74. Reserved.](#)

Sec. 70-41. Districts.

The unincorporated portions of the county are hereby divided into 13 classes of districts known as follows:

AG-1 Active Agricultural

R-1L Low Density, single-family Residential

R-1 Single Family Residential

R-2 Multi- Family Residential

R-3L Low Density, Mixed Use Single Family Residential

R-3 Mixed Use, Single Family Residential

C-1 Neighborhood Commercial

C-2 General Commercial

C-3 Commercial Recreation

C-4 Transitional Office

I-1 Light Industry

I-2 Heavy Industry

MHP Manufactured Home Park

(Ord. of 12-2-2002, § 70-41)

Sec. 70-42. District boundaries.

The boundaries of the above districts are shown on a set of maps designated "Official Zoning Maps, Lee County, Georgia."

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official zoning maps, the following rules shall apply:

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE II. ESTABLISHMENT OF ZONING DISTRICTS

- (1) Where zoning district boundaries are indicated as approximately following the centerlines of roads or highways or railroad right-of-way lines extended, such centerlines or railroad right-of-way lines or such lines extended, shall be construed to be such boundaries.
- (2) Where district boundaries are indicated as approximately following the county line, or the corporate limits line of any incorporated place or the militia district line of any militia district, or the land lot line of any land lot; such county line, corporate limits line, militia district line or land lot shall be construed to be such boundaries.
- (3) Where district boundaries are indicated as approximately parallel to the centerlines of streets or highways, such district boundaries unless otherwise specifically indicated, shall be construed as being parallel thereto, and each above district boundary shall be shown at scale on the official zoning map of the county.
- (4) Where district boundaries are indicated as approximately following the centerline of streambeds or riverbeds, such centerlines or such lines extended shall be construed to be such boundaries.

(Ord. of 12-2-2002, § 70-42)

Sec. 70-43. District boundary lines dividing a lot.

In the event that a district boundary line on the zoning map divides a lot of record held in one ownership on the date of passage of the zoning ordinance, each part of the lot so divided shall be used in conformity with the regulations established by this chapter for the district in which each such parcel is located. Except, that if one zoning district comprises more than 75 percent of said lot area, a use allowed in the district of majority may be extended to the existing property lines beyond the district boundary line in accordance with setbacks and yard requirements of the district into which the use is encroaching, with the administrative approval of the planning director.

(Ord. of 12-2-2002, § 70-43)

Sec. 70-44—70-74. Reserved.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE III. GENERAL PROVISIONS

ARTICLE III. GENERAL PROVISIONS

[Sec. 70-75. Applicability.](#)

[Sec. 70-76. Conflicting regulations.](#)

[Sec. 70-77. Scope.](#)

[Sec. 70-78. Only one principal building per lot.](#)

[Sec. 70-79. Substandard lots.](#)

[Sec. 70-80. Substandard lots resulting from public dedication or condemnation.](#)

[Sec. 70-81. Lot frontage.](#)

[Sec. 70-82. Site distance at intersections.](#)

[Sec. 70-83. Reduction of lot area prohibited.](#)

[Sec. 70-84. Accessory buildings.](#)

[Sec. 70-85. Prohibited in all residential districts.](#)

[Sec. 70-86. Landscaping and screening.](#)

[Sec. 70-87. Animals in residential districts.](#)

[Sec. 70-88. Reserved.](#)

[Sec. 70-89. Conditional uses.](#)

[Sec. 70-90. Variances.](#)

[Sec. 70-91. Site plan review.](#)

[Sec. 70-92. Reserved.](#)

[Sec. 70-93. Flag lots.](#)

[Sec. 70-94. Land conservation.](#)

[Sec. 70-95. Buffers in residential districts.](#)

[Sec. 70-96. Reserved.](#)

[Sec. 70-97. Fences.](#)

[Sec. 70-98. Sidewalks.](#)

[Secs. 70-99—70-125. Reserved.](#)

Sec. 70-75. Applicability.

Except as hereinafter specifically provided, the regulations of this article shall apply.

(Ord. of 12-2-2002, § 70-75)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE III. GENERAL PROVISIONS

Sec. 70-76. Conflicting regulations.

Whenever any provision of this article imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by any other county ordinance this article shall govern.

(Ord. of 12-2-2002, § 70-76)

Sec. 70-77. Scope.

No building or structure, as defined herein, or part thereof, shall hereinafter be erected, constructed, reconstructed, or altered and maintained, and no new use or change in use shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this article.

(Ord. of 12-2-2002, § 70-77)

Sec. 70-78. Only one principal building per lot.

Except as herein provided, there shall be no more than one principal building per lot other than within a planned unit development.

- (1) In residential zoning districts an "in-law suite" may be allowed. When such a second accessory dwelling is constructed, the following rules shall apply:
 - a. The in-law suite shall not be larger than 75 percent of the footprint of the primary dwelling, with a maximum square footage of 1,500 square feet.
 - b. The in-law suite shall be used for housing family members only. No in-law suite shall be rented to non-family members. No commercial use of the in-law suite shall be permitted.
 - c. The in-law suite shall meet all building setback requirements for the zoning district in which it is located.
 - d. Each in-law suite shall be so defined by permanent physical markers as to be given a numerical address and location designation.
 - e. Each in-law suite shall receive approval from the county health authorities as to its suitability as a site for an effective sanitary sewage disposal system designed to accommodate wastes generated by the user of that land site.
 - f. An acceptable domestic water supply shall be available to such dwelling and such water supply shall meet local public requirements as administered by the county health authorities.
 - g. Each in-law suite shall be accessible either by private drive or public roadway to the public thoroughfare system.
 - h. Each in-law suite established under this section shall meet the requirements of local construction and use codes established by the local governing authority.
 - i. Building permits for construction will not be issued prior to the approval of each of the aforementioned conditions by the planning director, or his designee.

(Ord. of 12-2-2002, § 70-78; Res. No. Z05-036, 9-23-2005)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE III. GENERAL PROVISIONS

Sec. 70-79. Substandard lots.

Any lot which was of record at the time of the adoption of the ordinance from which this chapter derives that does not meet the requirements of this chapter for yards or other area or open space, may be utilized for a use for which it is zoned, provided that all applicable health and safety standards are observed. The purpose is to permit utilization of recorded lots, which lack adequate width or depth as long as reasonable living or working standards can be provided. Substandard lots under the same ownership shall be combined where possible, to make standard lots, or to make the lots as close to being standard as possible.

(Ord. of 12-2-2002, § 70-79)

Sec. 70-80. Substandard lots resulting from public dedication or condemnation.

In the event that a lot of record is reduced in size through an act of public dedication or condemnation for public purposes the development standards contained in the zoning ordinance of the county, for width, depth, or area may be waived by the county planning director and such property may be utilized for all permitted and, where authorized, conditional uses. Said waiver is permissible only if the county health department determines that the health and general welfare of the lot owner and the county will not be affected by the intended use. Undeveloped lots of record in single ownership, which are affected by the public dedication or condemnation for public purposes, shall be recombined where possible, to standard lots.

(Ord. of 12-2-2002, § 70-80)

Sec. 70-81. Lot frontage.

Every new residential lot shall abut a public street. No building shall be erected on a parcel that does not abut a public street, or road, except as otherwise provided for herein. If a property, residential or commercial, that was recorded prior to the date of adoption of this chapter does not abut a public road, the lots shall be recombined or redivided to provide the required road frontage access, if possible, or a legal easement shall be recorded and a recorded copy submitted with the permit application before a building permit may be issued.

(Ord. of 12-2-2002, § 70-81)

Sec. 70-82. Site distance at intersections.

In all districts, no fence, wall, hedge, shrub planting, or other plant or structure, which obstructs the site lines at elevations between two and 12 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained to comply with the above site lines.

(Ord. of 12-2-2002, § 70-82)

Sec. 70-83. Reduction of lot area prohibited.

No lot shall be reduced in size so that the yard, lot width, lot area or other requirements of this chapter are not maintained, except in cases where the size of a lot of record is reduced as a result of

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE III. GENERAL PROVISIONS

public dedication or condemnation for public uses and where such size reduction has been approved by the planning director. This includes lots of record at the time of the adoption of this chapter.

(Ord. of 12-2-2002, § 70-83)

Sec. 70-84. Accessory buildings.

Accessory buildings, except as otherwise permitted in this chapter shall be subject to the following regulations:

- (1) Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to principal buildings.
- (2) Accessory buildings, except garages, may be erected in any required yard except a front yard, providing further that in no instance shall such a building be nearer than ten feet to any adjoining side lot line or rear lot line.
- (3) In residential districts, an accessory building shall not exceed two stories and in no instance shall the square footage of the footprint of the accessory building, or combination of accessory buildings, exceed the square footage of the ground floor area of the principal building.
- (4) No detached accessory building shall be located closer than 15 feet to any principal building.
- (5) In the case of corner lots, accessory buildings shall observe front yard requirements on both street frontages.
- (6) Garages. In any residential zone, no garage shall be erected closer to the side lot line than the permitted distance for the dwelling.
- (7) Carport. In any residential zone, no carport shall be erected, constructed or altered closer to the side lot line than the permitted distance for the dwelling, nor beyond the front line of the house to which it is attached.
- (8) Manufactured homes, mobile homes or tractor-trailers shall not be used as accessory buildings.

(Ord. of 12-2-2002, § 70-84)

Sec. 70-85. Prohibited in all residential districts.

- (a) It shall be prohibited in all residentially zoned districts to park or store in the open power driven construction equipment, used lumber or metal, or any other miscellaneous scrap or salvageable material in quantity.
- (b) Vehicles larger than a regularly maintained pickup or panel truck of 7,500 pounds, or greater, gross vehicle weight capacity, tractor-trailer combinations, tractors, or trailers shall not be placed, parked, or stored in residentially zoned districts except on lots five acres or greater and shall be located in the rear yard. Vehicles so allowed shall not exceed one in number per lot. Trucks used, or intended for use, for commercial purposes, less than 7,500 pounds gross vehicle weight capacity shall be limited to no more than one per lot and shall be located in the rear yard, behind the principal building.
- (c) Kennels.

(Ord. of 12-2-2002, § 70-85)

Sec. 70-86. Landscaping and screening.

- (a) *Landscape maintenance.*

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE III. GENERAL PROVISIONS

- (1) All landscape installed in accordance with this section shall be maintained for a two-year period (hereinafter referred to as the "maintenance period" from the issuance date of the certificate of occupancy (CO).
 - (2) The procedures for administering the inspections for landscapes are as follows:
 - a. The zoning administrator shall make three inspections of the landscape improvements on a six-month interval basis. If any deficiencies exist, a written report outlining the deficiencies shall be prepared by the zoning administrator and given to the owner. The owner shall make any necessary repairs or modifications required by the report of the zoning administrator.
 - b. Forty-five days prior to the expiration date of the maintenance period, the zoning administrator shall make inspections for final landscape approval. If any deficiencies exist, a written report outlining the deficiencies shall be made and given to the owner. The owner shall make any necessary repairs or modifications required by the report of the zoning administrator.
 - (3) Failure to maintain landscape for the required two-year maintenance period or to make repairs reported by the zoning administrator shall be deemed to be a violation of the Zoning Code and shall subject the owner of the property to the penalties provided for such a violation.
- (b) *Purpose and intent.* The following regulations are designed to promote the health, safety, order, aesthetics and general welfare by protecting incompatible uses of land, providing for a more attractive urban environment, assuring adequate open space, and reducing noise, night lighting, odor, objectionable view, loss of privacy and other adverse impacts and nuisances through the use of buffers and landscaping.
- (c) *Submittal of landscape plans.* A landscape plan shall be submitted to the planning and development department together with the site development plan if one is required. If a site development plan is not required by the land development chapter, then landscape plans must still be submitted to the planning and development department before a building permit may be issued. The following information shall be shown on the required landscape plan:
- (1) Calculation of net site area showing all existing and proposed structures, parking and access, other paved areas, and all required buffer yard areas pursuant to this Section;
 - (2) Calculation of required landscape area;
 - (3) Location and dimensions of areas to be landscaped and total amount of landscaped area;
 - (4) Location of all trees larger than 24 inches in caliper.
- (d) *Landscape area required.*
- (1) *Calculation of landscape area:* The area to be landscaped shall be calculated using the amount of disturbed area delineated in any type of development.
 - (2) *Commercial or institutional uses:* A minimum of ten percent of net site area shall be landscaped. In addition:
 - a. For every 500 square feet, or fraction thereof, of required landscape area, one tree of three-inch caliper or larger is required. Up to 50 percent of the required number of trees may be replaced by five-gallon shrubs at the rate of one tree equals ten shrubs.
 - b. For every 50 square feet, or fraction thereof, of required landscape area, one shrub a minimum of five gallons in size is required. Up to 50 percent of the required number of shrubs may be replaced by three-inch caliper trees at the rate of ten shrubs equals one tree.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE III. GENERAL PROVISIONS

- (3) *Industrial uses:* A minimum of four percent of net site area, or, at the option of the developer, a landscape area of at least 30 feet in depth along the property frontage on all public rights-of-way adjacent to the property. In addition:
- For every 500 square feet, or fraction thereof, of required landscape area, one tree of three-inch caliper or larger is required. Up to 50 percent of the required number of trees may be replaced by five-gallon shrubs at the rate of one tree equals ten shrubs.
 - For every 50 square feet, or fraction thereof, of required landscape area, one shrub a minimum of five gallons in size is required. Up to 50 percent of the required number of shrubs may be replaced by three-inch caliper trees at the rate of ten shrubs equals one tree.
- (4) *Landscape strip required:* All properties except those containing single family detached or attached residences, or two-family residences, shall provide landscape strips, as herein defined, of ten feet in width along the developed portion of side and rear property lines. This landscape area may account for up to 25 percent of the landscape area required by subsection (d). It shall be the responsibility of the property owner of a lot to be used or built upon to install the required landscape strips. Installation of landscape strips may be phased in accordance with approved building plans.
- (e) *Street trees.* Trees shall be required along all parkways and roads built within a development. These trees shall be planted outside the right-of-way.
- The street tree requirement shall be one tree with a minimum three-inch caliper for every 30 linear feet of roadway. The trees may be placed in a linear pattern or be clustered to create a more natural effect.
- (f) *Parking lot landscape requirements.* Landscaping shall be required in all commercial, institutional, or industrial developments. A minimum of five percent of net parking area shall be landscaped. In addition:
- For every 100 square feet, or fraction thereof, of required landscape area, one tree of three-inch caliper or larger is required. Up to 50 percent of the required number of trees may be replaced by five-gallon shrubs at the rate of one tree equals ten shrubs.
 - For every 50 square feet, or fraction thereof, of required landscape area, one shrub a minimum of five gallons in size is required. Up to 50 percent of the required number of shrubs may be replaced by three-inch caliper trees at the rate of ten shrubs equals one tree.
- (g) *Acceptable material.* If a wall or fence is not used pursuant to this section then the following must apply:
- Multiple-family residential and non-residential property abutting single-family residential property.* Where non-residential property abuts property zoned for residential use, landscaping shall be provided along the side and rear property lines so that a solid screen five feet in height when planted is formed and will, within a year, grow to six feet. If deemed necessary by the planning director, or his designee, due to topographical changes between the multiple-family residential or non-residential and residential property, the minimum height may be increased to eight feet. At a minimum, materials shall consist of 25 percent evergreen trees a minimum of six feet tall, 25 percent ornamental and/or shade trees with a minimum three-inch caliper or in small groups of ornamental and/or shade trees six feet tall having the same effect of a three-inch caliper ornamental and/or shade tree, and 50 percent evergreen and deciduous shrubs, provided that no more than 25 of the shrubbery may be deciduous. When planted, this landscaping shall form a continuous screen that is at least six feet in height.

PART II - CODE OF ORDINANCES

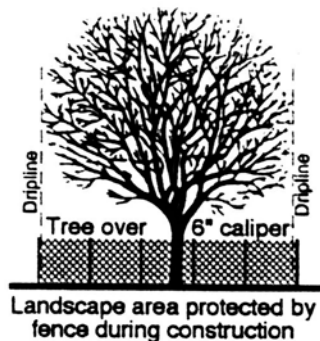
Chapter 70 - ZONING

ARTICLE III. GENERAL PROVISIONS

- (2) *Ground cover:* Except where occupied by planting beds, all perimeter-landscaping areas shall be sodden or seeded. If seeded, grass shall be established through proper watering and fertilization as needed.
- (h) *Preservation of trees.* In order to encourage the preservation of existing trees, the area within the drip line of trees of 12 to 24 caliper inches that is protected by fencing during grading and construction and is included in the required landscape area shall receive double credit toward the required landscape area. If the tree is in the buffer area, such credit can be given in the buffer area as long as the desired buffer zone effect is accomplished. Otherwise, the credit shall be given to other areas, not located in the buffer area.

Any tree 24 caliper inches or over shall be preserved, unless approved for removal by the planning director, or his designee where removal of such tree is mandated by development constraints that cannot reasonably be altered. If such tree is approved for removal, the tree must be replaced by a tree, or cluster of trees, that, when planted, has an overall caliper of at least six inches.

Preservation of Trees



- (i) *Exemptions from landscape requirements.* The following are not subject to these landscape requirements:
- (1) Structures that do not create or expand building square footage and temporary structures such as job shacks or trailers associated with construction activities;
 - (2) Change in existing structure, unless the structure is expanded in accordance with subsection (a) above;
 - (3) Temporary buildings in place for a maximum of five years and erected as accessory buildings for elementary and secondary schools and institutions of higher education.
- (j) *Installation and maintenance.* The owner and/or user of the property shall be responsible for installing all required landscaping and maintaining them in a neat and orderly appearance. This includes irrigating or watering, fertilizing, pruning and replanting where necessary. Where fences or walls are involved, this also includes any and all necessary maintenance and/or repair.

Necessary trimming and maintenance shall be the responsibility of the property owner or user of the property to maintain the health of all plant and landscaping materials, to provide an aesthetically pleasing appearance, and to assure that all screening actually serves the purpose for which it is intended. In cases of noncompliance, the planning director, or his designee, shall be empowered to take action as provided by law to ensure maintenance of all plant and landscaping materials.

- (k) *Miscellaneous requirements.*

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE III. GENERAL PROVISIONS

- (1) All required landscape areas adjacent to vehicle use areas shall be protected by wheel stops, curbs, or other physical barriers.
 - (2) All required landscape areas shall be located outside the exterior perimeter of the footprint of a building or structure.
 - (3) With the exception of landscaping required in the side and rear yards, a minimum of 75 percent of all remaining required landscape areas shall be located in the front yard between the building line and the front property line. For lots with multiple street frontages, the minimum percentage to be placed on either frontage shall be determined by the planning director, or his designee.
 - (4) No artificial plants, trees, ground cover or other artificial vegetation may be installed.
 - (5) Unless otherwise specified by this section, any walls constructed pursuant to the requirements of this section shall be a minimum of six feet in height and constructed of brick, stone, or concrete block textured or coated with an architectural finish (paint, stucco, etc.). Walls shall be located in a manner that accomplishes the purposes of this section.
 - (6) When fencing is provided pursuant to this section, the finished surface of the fence shall face externally to the project. Fences shall be located in a manner that accomplishes the purposes of this section and shall be constructed of solid wood or other approved material that achieves the desired visual and acoustical screening.
 - (7) Areas reserved for storm water detention/retention are not permitted within buffers of landscape strips. However, exceptions may be granted by the planning director, or his designee, if, after consultation with the manager of development services, no reasonable alternatives are available or undue hardship is shown.
- (l) *Modification of landscape requirements.* The planning director, or his designee, may approve minor variations in the location of required landscape materials due to unusual topographic restraints, sight restrictions, siting requirements, preservation of existing stands of native trees or similar conditions, or in order to maintain consistency of established front yard setbacks. These minor changes may vary the location of landscape materials, but may not reduce the amount of required landscape area or the required amount of landscape materials. The landscape plan shall be submitted and specify the modifications requested and present a justification for such modifications.
- (1) *Acceptable tree types:* The following is a list of example tree types that are indigenous to the area and tend to grow well. This list is not all-inclusive.
- Shade trees:* Black Tupelo, Bald Cypress, Florida or Southern Sugar Maple, Gingko or Maiden Tree, Live Oak, Overcup Oak, Scarlet Oak, Swamp Chestnut Oak, White Oak, American Beech, American Holly, Chinafir, Dawn Redwood, Deodar Cedar, Green Ash, Japanese Cryptomeria, Japanese Pagodatree, Laurel or Darlington Oak, Loblolly Pine, Longleaf Pine, Red Cedar, Red Maple, River Birch, Sawtooth Oak, Shumar Oak, Slash Pine, Southern Magnolia, Sweetgum, Tulip Tree or Yellow Poplar, Water Oak, White Ash, Willow Oak.
- Ornamental Trees:* Bradford Pear, Cabbage Palmetto, Carolina Laurel Cherry, Cassine Holly, Caste Tree, Chinese Pistache or Pistachio, Chinese Tallowtree, Crepe Myrtle, Croonenburg Holly, Dogwood, Fringe-Tree or Grancy Graybeard, Goldenrain Tree, Hybrid Holly, Japanese Evergreen Oak, Japanese Flowering Apricot, Japanese Maple, Japanese or Saucer Magnolia, Leyland Cypress, Lost Gordonia, Nellie R. Stevens Holly, Purpleleaf Plum, Redbay Persea, Redbud or Judas Tree, Savannah Holly, Sassafras, Sweetbay Magnolia, Trident Maple, Virginia Pine, Yaupon Holly, Weeping Yaupon Holly, Weeping Willow.
- Shrubbery:* Clayeria, Euonymus, Japanese Privet, California Privet, European Privet, Southern Waxmyrtle, Northern Bayberry, Pittsporum, Japan Yew, and Red Tip Photinia.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE III. GENERAL PROVISIONS

(Ord. of 12-2-2002, § 70-86; Ord. of 1-3-2005(2); Res. No. Z05-037, 9-23-2005)

Sec. 70-87. Animals in residential districts.

It is the intent of this section to permit certain uses in residential zoning districts which involve the keeping of limited numbers of domestic animals or pets where it is recognized that such areas are changing from agricultural to suburban residential in character. This section is further intended to minimize problems that may arise from such animal uses and to provide suitable standards for protection of health, safety, welfare and preservation of residential districts from indiscriminate raising of animals.

- (1) Animals shall be allowed only where the primary dwelling exists already and is on the same lot.
- (2) These permitted use provisions for animals in residential districts are meant to apply only outside of the residence on an individual lot and are not intended to restrict the type or number of animals within a residence.
- (3) Uses permitted.
 - a. Domestic pets. Cats, dogs, rabbits or other generally recognized domestic pets may be kept by persons residing on the property for their use and enjoyment.
 - b. Unless otherwise specified, horses may be kept in R-1L and R-3L residential zoning districts, provided that the lot is not less than five acres total, that the area where the horses are kept is not less than 50,000 square feet per every three such animals and that the area shall be fenced and maintained at least 25 feet from any property line. Up to three horses may be kept per each 50,000 square feet of fenced area.
 - c. No keeping of livestock, fowl or domestic pets shall become a nuisance as defined in the county nuisance ordinance.
- (4) *Conditional uses.* Upon conditional use permit being granted by the county board of commissioners in certain zoning districts.
 - a. *Livestock.* Unless otherwise specifically stated, Horses, cows, ponies, donkeys and other domestic livestock may be kept, raised or bred for home use and enjoyment; provided that only three such animals shall be permitted for each 50,000 square feet of land area not to include the front and side yards of the principal dwelling and all livestock shall be adequately contained by fence within that property at least 25 feet from any property lines.
 - b. *Fowl.* Ducks, quail, chickens, turkeys, pigeons, pheasants, etc., may be raised for home use, provided such fowl are adequately contained within that property in the rear yard and at least 25 feet from any property lines.
- (5) *Uses prohibited.* The keeping, breeding or training of any animals or fowl for monetary gain or profit shall be deemed a commercial business and is expressly prohibited in all residential districts except where such operations may qualify as a non-conforming use as defined in this chapter.

(Ord. of 12-2-2002, § 70-77)

Sec. 70-88. Reserved.

Sec. 70-89. Conditional uses.

Before a building permit shall be issued for a conditional use, application shall be made to the planning commission which, after careful review of any applicable sections of this chapter, may

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE III. GENERAL PROVISIONS

recommend to the county commission the issuance of such permit or approval if in the judgment of the planning commission it will not be detrimental to the health, safety and general welfare of the county.

An application to establish a conditional use shall be approved following a review by the planning commission and a determination by the board of commissioners that:

- (1) The proposed use shall not be contrary to the purpose of this article.
- (2) The proposed use shall 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 shall not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation or type of physical activity.
- (4) The proposed use shall 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) The parking and all development standards set forth for each particular use for which a permit may be granted can be met.
- (6) Provided, that the county commission 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 provided that wherever the county commission 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.
- (7) Conditional uses shall not be transferable except upon written approval of the county commission and shall be executed within a period of 12 months from the time the use is granted or become null and void and subject to procedures for resubmission as established above and are subject to all other applicable laws and regulations.

(Ord. of 12-2-2002, § 70-89)

Sec. 70-90. Variances.

- (a) The board of commissioners shall authorize, after review of the planning commission, in specific cases such variances from the terms of this chapter as will not in its opinion, be contrary to the public interest, where owing to special conditions, a literal enforcement of this chapter will in an individual case, result in unnecessary hardship. Such variance may be granted in such individual cases of unnecessary hardship upon consideration of the following criteria:
 - (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography, and;
 - (2) The application of the chapter to this particular piece of property would create an unnecessary hardship, and;
 - (3) Such conditions are peculiar to the particular piece of property involved, and;
 - (4) Release if granted, would not cause substantial detriment to the public interest or impair the purposes and intent of this chapter, provided, however, that no variance may be granted for a use of land or building which is prohibited by this article. The county will control the actual use of properties through zoning and conditional uses and not through variance.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE III. GENERAL PROVISIONS

- (b) In exercising the above powers, the board of commissioners shall not consider any nonconforming use of neighboring lands, structures or buildings in the same district and no permitted use of lands, structures, or buildings in other districts as grounds for the issuance of a variance.
- (c) If the board of commissioners grants a variance the reason for such variance must be put forth clearly in the minutes of the meeting at which the variance was granted.

(Ord. of 12-2-2002, § 70-90)

Sec. 70-91. Site plan review.

- (a) In order to assure that the requirements of this chapter are complied with, all applications for a building permit shall be accompanied by a building site plan which shall conform to the following list of requirements and which shall be reviewed by the county planner, or his duly authorized representative, to determine compliance with this article before a building permit is issued. A building permit application shall not be issued for proposed site plans that do not meet all of the following requirements:
 - (1) The site plan shall be drawn to scale. The planning director, or his designee, may request that the plan be drawn by a registered engineer or surveyor certified to work in Georgia if questions of flood zone locations exist within the property for which a building permit is being sought.
 - (2) The plan shall show the complete outline of each proposed building at the location it is proposed to be built. The plan shall also show the actual size of the building to be erected. The plan shall also show all existing structures located on the property and their exact dimensions.
 - (3) The plan shall show all property lines. The plans shall also show the actual dimensions of the lot to be built upon.
 - (4) The plan shall show all required property set back lines. No part of any permanent structure shall encroach upon or violate any required setback.
 - (5) The plan shall show the exact location of all easements on the property. No part of any permanent structure shall encroach upon any easement.
 - (6) The plan shall show all parking, driveways, well location, septic tank location, drainfield location, trees larger than 24 inches in caliper and landscape buffers and all other requirements as set out in this chapter.
 - (7) The plan shall show all other structures on adjacent lots within ten feet of the appropriate property line.
 - (8) The plan shall show front, side, and rear elevations indicating the building height from finished grade.
- (b) After the county planner or his duly authorized representative has approved the site plan such approval shall be noted on the permit application.
- (c) Before construction begins, the builder shall locate and clearly mark all lot corners.
- (d) At the time the building inspector conducts the foundation inspection, he may undertake whatever measurements he may deem appropriate including, but not limited to, measurements from the property lines to the proposed outermost edge of the building, so as to assure compliance with the approved site plan.

(Ord. of 12-2-2002, § 70-91; Res. No. Z05-029, 9-23-2005)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE III. GENERAL PROVISIONS

Sec. 70-92. Reserved.

Editor's note—

Res. No. Z05-031, adopted Sept. 23, 2005, repealed [§ 70-92](#), which pertained to recreation areas. See also the Code Comparative Table.

Sec. 70-93. Flag lots.

Flag lots shall be subject to the following regulations:

- (1) Flag lots shall be measured from the mid-point between two opposite lot lines of the flag portion of the lot.
- (2) When calculating lot area the pole portion shall not be counted.
- (3) The minimum required lot area shall be the same as that required in the zoning district in which it is located.
- (4) The access pole must be part of the flag lot and must be under the same ownership as the flag portion. An easement shall not be allowed as a means of access to a flag lot.
- (5) Flag lots shall not be permitted whenever their effect would be to increase the number of driveways taking access to a collector or arterial road. Shared driveways shall be used to eliminate additional points of access. This criterion prohibits one of the most common abuses, the use of flag lots to avoid the developmental costs of roads. These sites are best developed without flag lots, even if the cost of the lots is thereby increased, since controlling access reduces congestion on major roads.
- (6) Any land division that creates one or more lots, flag or otherwise, with or without common access shall be a minor subdivision and shall meet all applicable regulations of the county subdivision ordinance.
- (7) All applicable regulations of [chapter 38](#) of the Code must be met.
- (8) Flag lots have required building setbacks that must meet the requirements in the zoning district in which it is located. The pole portion shall not be considered when determining required building setbacks.
- (9) The access pole shall have a minimum width of 30 feet and shall not be greater than or equal to the minimum required width for building in the applicable zoning district. The purpose of this maximum width criterion is to prevent an abuse of flag lots in order to circumvent the county's length versus width requirement in the subdivision of lots. The maximum length of the pole of the lot shall be no more than five times the lot width of the flag portion.

(Ord. of 12-2-2002, § 70-93)

Sec. 70-94. Land conservation.

- (a) In order to protect open green space and to reduce the cost of development of a residential subdivision, this chapter establishes density neutral development requirements by establishing the total number of units a specified amount of developable land will yield. This total yield must not include undevelopable areas such as storm water management ponds, and similar areas. In order to protect significant natural areas, wetlands and other similar areas may be used to meet the greenspace requirement. Wetland areas may also be used to meet stormwater management

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE III. GENERAL PROVISIONS

requirements in accordance with [Chapter 38](#) of this Code. In order to do this, where the property is to be developed as a major subdivision, the following process must be followed:

- (1) Delineate all unbuildable lands such as steep slopes, storm water retention areas, etc.
- (2) Then, out of the remaining buildable land, determine the number of dwelling units desired, provided that the maximum density allowed by this chapter is not exceeded.
- (3) Once subsection (2) is done, where the property is to be developed as a major subdivision with at least a county provided water system or a county provided sewer system, unless otherwise specified, a minimum of 25 percent of the remaining developable land shall be preserved. Where the property is to be developed with wells and septic tanks, a minimum of ten percent of the developable land shall be preserved. Preservation under this section shall be accomplished by delineating any potential conservation areas such as significant tree stands, fields, historic or cultural areas. These areas shall be preserved as a common area for the residents of the subdivision. Unless the conservation area is conveyed to and accepted by the county, a legal entity such as, a homeowner's association, or trust for maintenance and care must be established and evidence thereof provided to the county and filed with the subdivision files. Such legal entity must have perpetual existence and be responsible for the continued preservation of the preserved land. Whenever an adjacent development has already preserved greenspace, all greenspace areas must be connected among the different developments in order to provide a connected greenspace "belt."
- (4) Once potential conservation areas noted in subsection (3) are delineated, the next step is to locate potential house sites on the remaining land.
- (5) Once potential house sites are located, streets should be aligned with the houses. Trails, separate from public roads, may also be used to connect the house sites to allow neighborhood connectivity.
- (6) The final step is to draw in lot lines. These cannot include unbuildable lands noted in subsection (1) or land delineated as conservation areas per subsection (3).

Unless the entire property consists of buildable lands, both subsection (1) or subsection (3) requirements must be complied with by the developer; provided, however, that in no event shall less than 25 percent of the total tract be preserved in developments where wells and septic tanks are not to be used, and no less than ten percent of the total tract shall be preserved in developments where wells and septic tanks are to be used.

- (b) The requirements of subparagraph (a) of this section shall not be applicable in R-1L, R-3L or when the governing body has required a minimum building lot size greater than allowed for the zoning density.

(Ord. of 12-2-2002, § 70-94; Res. No. Z05-022, 9-19-2005)

Sec. 70-95. Buffers in residential districts.

- (a) *Applicability.* This section shall apply to all new residential subdivision developments and additions thereto, where preliminary plat plans have not been approved prior to November 15, 2004. New phases that are being developed under a previously approved general development plan will have to meet this requirement for all phases that have not received preliminary plat approval prior to November 15, 2004.
- (b) *Purpose and intent.* The following regulations are designed to promote the health, safety, order, aesthetics and general welfare by protecting incompatible uses of land, providing for a more attractive residential environment, to promote desirable living conditions and the sustained stability of neighborhoods, assuring adequate open space, and reducing noise, night lighting, odor,

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE III. GENERAL PROVISIONS

objectionable view, loss of privacy and other adverse impacts and nuisances through the use of residential buffers and landscaping.

- (c) *Submittal of buffer plans.* A buffer plan shall be submitted to the planning and development department together with the preliminary plat. The buffer plan may be included on the preliminary plat. The following information shall be shown on the required plan:
 - (1) Clearly state what level of service will be provided to the development and what level of service will be provided to adjacent residential developments.
 - (2) Location and dimensions of areas to be buffer area.
 - (3) Delineation of buffer area as restricted easement of private lots or dedicated to the county.
- (d) *Level of service.* Buffer areas shall be required between all developments served by a different level of public utilities. The levels of service of public utilities that may be provided are:
 - (1) Level 1—Individual well and septic system.
 - (2) Level 2—County water system and individual septic system.
 - (3) Level 3—County water system and county sewer system.
- (e) *Buffer area required.* A minimum 20-foot natural or landscape-enhanced buffer shall be provided along side and rear property lines of development with differing levels of service. This buffer area may account for the land conservation area required by [section 70-94](#) of this chapter. It is the responsibility of the developer to provide the required buffer area prior to final acceptance of the development by the county board of commissioners.
- (f) *Acceptable buffer.*
 - (1) *Natural buffer.* In cases where the natural vegetation is mature enough to provide a solid visual buffer there should be no disturbance within the buffer area. If the buffer area is included within a private lot, a restrictive easement shall be recorded with the lot indicating the area of easement, restricting use of the easement, and requiring the easement to remain undisturbed. The restrictive easement shall state that failure to leave the buffer undisturbed shall result in the property owner being required to bring the buffer area into compliance with the following subsection (2).
 - (2) *Landscape-enhanced buffer.* In cases where the natural vegetation is not adequate to provide a solid visual buffer between developments then landscaping shall be required to supplement the natural vegetation. This landscaped buffer area shall consist of trees and shrubs that are indigenous to the area and tend to grow well. All existing vegetation shall not be disturbed.
- (g) *Installation and maintenance.* The owner and/or user of the property shall be responsible for installing all required buffers and maintaining them in a neat and orderly appearance. Necessary trimming and maintenance shall be the responsibility of the property owner or user of the property to maintain the health of all plants, to provide an aesthetically pleasing appearance, and to assure that all buffers actually serve the purpose for which they were intended. In cases of noncompliance, the planning director, or his designee, shall be empowered to take action as provided by law to ensure maintenance of all plants and buffer areas.
- (h) *Miscellaneous requirements.*
 - (1) No artificial plants, trees, ground cover or other artificial vegetation may be installed.
 - (2) Areas reserved for storm water detention/retention are not permitted within buffer areas. However, exceptions may be granted by the planning director, or his designee, if, after consultation with the manager of development services, no reasonable alternatives are available or undue hardship is shown.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE III. GENERAL PROVISIONS

- (i) *Modification of buffer requirements.* The planning director, or his designee, may approve minor variations to the buffer requirement due to unusual topographic restraints, sight restrictions, siting requirements, preservation of existing stands of native trees or similar conditions. The buffer plan shall be submitted and specify the modifications requested and present a justification for such modifications.

(Ord. of 12-6-2004(6))

Sec. 70-96. Reserved.

Sec. 70-97. Fences.

Walls or fences shall be permitted in any zoning district and are not subject to setback requirements, except that in a residential zoning district:

- (1) No wall or fence shall exceed eight feet in height within a side yard or rear yard.
- (2) Any wall or fence that extends into the front yard shall not exceed four feet in height, except fences enclosing stormwater facilities that may not exceed six feet in height. Any wall or fence that extends into the front yard shall not encroach upon the right-of-way.
- (3) Fences enclosing tennis courts may not exceed 12 feet in height.
- (4) No wall or fence constructed of woven wire or metal fabric (hog wire, barbed wire, or similar types of fencing.) shall extend into a front yard, except fences enclosing stormwater facilities that may be vinyl coated chain link. No wall or fence shall be constructed of exposed concrete block, tires, junk, wooden pallets, or other discarded materials. Chain link fences are expressly allowed in front yards.
- (5) Any wall or fence that extends into the required front yard shall be ornamental or decorative and constructed of brick, stone, wood, stucco, wrought iron, split rail, or similar material.
- (6) Any subdivision entrance, wall or fence shall not exceed eight feet in height and shall be subject to approval of the director of planning.
- (7) Above-ground electric and barb wire fences shall be prohibited in residential districts except on lots that meet or exceed the minimum requirements for the raising and keeping of livestock (five acres) and then must only be located in the rear yard.
- (8) For the purpose of measuring the height of a fence under this section, such measurements shall be made from the ground directly below the fence and not from the bottom of the fence itself.

(Res. No. Z05-026, 9-23-2005)

Sec. 70-98. Sidewalks.

- (a) Sidewalks shall be located:

- (1) Along the street frontage of all non-residential developments. The planning director may waive the installation of sidewalks if the development is agricultural or located on a rural road section.
- (2) Along the street frontage of all developments within a one-half mile radius of any public school.
- (2) Along the interior streets of all residential developments with a minimum lot size of three-quarters acre or smaller.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE III. GENERAL PROVISIONS

- (b) Sidewalks shall be installed on one side of the street if there are fewer than 100 homes in the entire development. Sidewalks shall be installed on both sides of the street if there are more than 100 homes in the entire development. The total number of lots in a development shall be calculated using all phases of the development, including phases already completed, phases included on the approved general development plan, and phases completed by other developers with the same subdivision name.
- (c) Sidewalks in subdivisions shall be continued to the nearest arterial street.
- (d) Sidewalks shall be constructed in accordance with [Chapter 38](#), Land Development, [section 38-331](#)
- (e) The home builder shall install sidewalks along the entire frontage of each permitted dwelling prior to the certificate of occupancy (CO) being issued for the residence. Prior to commence of construction of the residential development, the developer of the residential subdivision shall post a bond in the estimated amount of 125 percent of the total cost of the sidewalk construction and installation for a period of two years from the date that such bond that such bond is posted. At the expiration of the two-year period, sidewalks shall be constructed by the developer in front of any lots where sidewalks have not already been installed by the home builder. Any damage to existing sidewalks caused by the developer or the home builder, or their respective agents or subcontractors, during construction on individual lots shall be repaired by the individual lot permit holder prior to a certificate of occupancy being issued for the residence being constructed. All repairs shall be in accordance with [section 38-331](#)

(Res. No. Z05-027, 9-23-2005)

Secs. 70-99—70-125. Reserved.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE IV. R-1L LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT

ARTICLE IV. R-1L LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT

[Sec. 70-126. Statement of purpose.](#)

[Sec. 70-127. Permitted uses.](#)

[Sec. 70-128. Conditional uses.](#)

[Sec. 70-129. Area, height, bulk, and placement requirements.](#)

[Secs. 70-130—70-160. Reserved.](#)

Sec. 70-126. Statement of purpose.

This district is composed of certain areas having both rural and single-family residential characteristics and areas where it is desirable and likely that similar development will occur in the future. The district is also characterized by very low density of housing and large lot sizes, as well as uses that are associated with rural areas. It is designed to accommodate residential development opportunities for those who desire exurban, low density, or estate living and are willing to live in more remote locations and to assume the costs of providing many of their own services and amenities. The public provision of these amenities is precluded because the county must concentrate its limited resources in areas where more intense future development is logical. The low intensity allowed in this district is similarly necessitated by the county's need to preserve and support the existing public infrastructure. Accordingly, capital improvements such as highways and major sewer interceptors should be directed away from this district. The low densities permitted in this district generally permit on-site septic systems and wells, thereby reducing public capital expenditures.

(Ord. of 12-2-2002, § 70-126)

Sec. 70-127. Permitted uses.

- (a) Single-family detached dwellings, except manufactured or mobile homes.
- (b) Accessory buildings or uses customarily incidental to any of the permitted uses, when located on the same lot as the primary use and not involving any business, profession, trade or occupation, provided that all accessory buildings shall conform and be located as required in [section 70-84](#) of this chapter.
- (c) Churches, provided that the proposed site for a church is not less than three acres, and a complete site development plan is submitted with the application for a building permit.
- (d) Home occupations.
- (e) Gardens.
- (f) The keeping of horses for home use and enjoyment; provided that the lot is not less than five acres total and only three such animals shall be permitted for each 50,000 square feet of land area not to include the front or side yard of the principal dwelling and all horses shall be adequately fenced within the property and maintained 25 feet from all property lines in the rear yard.
 - (1) The keeping, breeding or training of any animals for monetary gain or profit shall be deemed a commercial business and is expressly prohibited in all residential districts except where such operations may qualify as a non-conforming use as defined in this chapter.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE IV. R-1L LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT

- (2) No keeping of horses shall become a nuisance as defined in the county nuisance ordinance.
- (3) No horses shall be kept on a lot in this zoning district when there is no principal dwelling on the lot.

(Ord. of 12-2-2002, § 70-127)

Sec. 70-128. Conditional uses.

- (a) Public cemeteries, provided that a complete site development sketch is submitted with the application. The proposed site must be at least five acres and have an adequate buffer.
- (b) Nursery schools, kindergartens or day care facilities provided that all state licensing requirements are met.
- (c) Social or fraternal clubs, lodges, union halls, and other similar uses.
- (d) Bed and breakfast inn.
- (e) Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs and other similar uses.
- (f) Temporary emergency construction and repair residences.
- (g) Unless otherwise specified, keeping of domestic livestock and/or fowl subject to the requirements of [section 70-87](#) of this chapter.
- (h) Group homes.
- (i) Halfway houses.

(Ord. of 12-2-2002, § 70-128)

Sec. 70-129. Area, height, bulk, and placement requirements.

R-1L

<i>Dwelling Units Per Acre of Developable Land—R-1L</i>	
Well and septic	1 unit per every 5 acres
Water and septic	1 unit per every 4 acres
Water and sewer	1 unit per every 3 acres
<i>Lot Width at Setback</i>	
Well and septic	150'
Water and septic	100'

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE IV. R-1L LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT

Water and sewer	Staff review*
<i>Minimum Building Setback</i>	
Front	35'
Side and rear	10'
<i>Maximum lot coverage</i>	40%
<i>Maximum building height</i>	50'

*Each lot shall have, at a minimum, a 30-foot-wide access to a public road.

- (1) Lot length shall not be more than four times the lot width.
- (2) This height limitation shall not apply to grain elevators, silos, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, or church spires.
- (3) Side and rear setbacks may be less if indicated on approved subdivision plans.
- (4) All new roads in this district shall connect directly to existing, paved, public roads.
- (5) All final lot sizes shall be subject to the county health department standards.

(Ord. of 12-2-2002, § 70-129)

Secs. 70-130—70-160. Reserved.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE V. R-1 SINGLE FAMILY-RESIDENTIAL DISTRICT

ARTICLE V. R-1 SINGLE FAMILY-RESIDENTIAL DISTRICT

[Sec. 70-161. Statement of purpose.](#)

[Sec. 70-162. Permitted uses.](#)

[Sec. 70-163. Conditional uses.](#)

[Sec. 70-164. Area, height, bulk, and placement requirements.](#)

[Secs. 70-165—70-195. Reserved.](#)

Sec. 70-161. Statement of purpose.

This district is composed of certain areas having a single-family residential character and undeveloped land where it is desirable and likely that similar development will occur. This district will be characterized by medium density residential development. The specific purpose of this district is to:

- (1) Encourage the construction and continued use of the land for single-family dwellings;
- (2) Prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or maintenance of single-family dwellings in the district;
- (3) Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of these regulations;
- (4) Discourage any land use that would generate traffic on minor or local streets, other than normal traffic to serve residences on those streets;
- (5) Discourage any use which, because of its size or character would create requirements and costs for public services such as fire and police protection, water supply and sewerage substantially in excess of such requirements and costs if the district were developed solely for residential purposes.

(Ord. of 12-2-2002, § 70-161)

Sec. 70-162. Permitted uses.

- (a) Single family, detached dwellings, except for manufactured or mobile homes.
- (b) Zero lot-line housing if shown on an approved subdivision plat.
- (c) Accessory buildings or uses customarily incidental to any of the permitted uses, when located on the same lot as the primary dwelling and not involving any business, profession, trade or occupation, provided that all accessory buildings shall conform and be located as required in [section 70-84](#) of this chapter.
- (d) Churches, provided that the proposed site for a church is not less than three acres, and a complete site development plan is submitted with the application for a building permit.
- (e) Home occupations.
- (f) Gardens.

(Ord. of 12-2-2002, § 70-162)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE V. R-1 SINGLE FAMILY-RESIDENTIAL DISTRICT

Sec. 70-163. Conditional uses.

- (a) Public cemeteries, provided that a complete site development sketch is submitted with the application. The proposed site must be at least five acres and have an adequate buffer.
- (b) Nursery schools, kindergartens or day care facilities provided that all state licensing requirements are met.
- (c) Social or fraternal clubs, lodges, union halls and other similar uses.
- (d) Bed and breakfast inn.
- (e) Temporary emergency construction and repair residences.
- (f) Group homes.
- (g) Halfway houses.
- (h) The keeping of horses for home use and enjoyment; provided that the lot is not less than five acres total and only three such animals shall be permitted for each 50,000 square feet of land area not to include the front or side yard of the principal dwelling and all horses shall be adequately fenced within the property and maintained 25 feet from all property lines in the rear yard.
 - (1) The keeping, breeding or training of any animals for monetary gain or profit shall be deemed a commercial business and is expressly prohibited in all residential districts except where such operations may qualify as a non-conforming use as defined in this chapter.
 - (2) No keeping of horses shall become a nuisance as defined in the county nuisance ordinance.
 - (3) No horses shall be kept on a lot in this zoning district when there is no principal dwelling on the lot.

(Ord. of 12-2-2002, § 70-163)

Sec. 70-164. Area, height, bulk, and placement requirements.

R-1

<i>Dwelling Units Per Acre of Developable Land — R-1</i>	
Well and septic	1 per every 2 acres
Water and septic	1 per every 1 acre
Water and sewer	3 per every 1 acre
<i>Minimum Lot Width at Setback</i>	
Well and septic	150'

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE V. R-1 SINGLE FAMILY-RESIDENTIAL DISTRICT

Water and septic	100'
Water and sewer	Staff review*
<i>Minimum Front Building Setback</i>	
Front	35'
Side and rear	10'
<i>Maximum lot coverage</i>	40%
<i>Maximum building height</i>	50'

*Each lot shall have, at a minimum, a 30' wide access to a public road.

- (1) Lot length shall not be more than four (4) times the lot width.
- (2) This height limitation shall not apply to grain elevators, silos, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, or church spires.
- (3) With the exception of well and septic tank developments, all new roads in this district shall be curb and gutter roads as specified in [chapter 38](#) of this Code.
- (4) All new roads in this district shall directly connect to existing, paved, public roads.
- (5) All final lot sizes shall be approved by the county health department.

(Ord. of 12-2-2002, § 70-164)

Secs. 70-165—70-195. Reserved.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE VI. R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

ARTICLE VI. R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

[Sec. 70-196. Statement of purpose.](#)

[Sec. 70-197. Permitted uses.](#)

[Sec. 70-198. Conditional uses.](#)

[Sec. 70-199. Single family and duplex developments.](#)

[Sec. 70-200. Townhouse, condominium, and apartment developments.](#)

[Sec. 70-201. Planned unit development.](#)

[Sec. 70-202. Open space requirements.](#)

[Sec. 70-203. Access.](#)

[Sec. 70-204. Off-street parking.](#)

[Sec. 70-205. Procedures for rezoning only.](#)

[Sec. 70-206—70-240. Reserved.](#)

Sec. 70-196. Statement of purpose.

The R-2, multi-family residential district is designed to permit residential use of land with various types of multiple dwellings and related uses. For good accessibility, this district shall be located adjacent to arterial and/or collector roads as described in [chapter 38](#) of this Code. Public water and sewer shall be required. Any developments in this district shall be designed to complement adjacent, existing or planned, single-family developments. Various types and sizes of residential accommodations, for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the community without overtaxing existing community facilities, utilities or services.

It is also the intention of this section to provide areas of sufficient size and allowing reasonable flexibility in design and orientation for the establishment of a structure or group of structures which include multiple dwellings designed in a planned unit development of more than one building on a given site. The requirements of area, height, bulk, and placement regulations, as they are usually applicable to individual buildings and individual lots of record would in certain cases of large scale development have results affording less protection to the public health, safety and welfare than if a measure of flexibility were permitted. The permitting of these planned unit developments as special and particular land uses can, in certain cases, increase the desirability and convenience to the residents or occupants of the planned unit development without causing adverse effects on adjoining properties. This type of development will permit a creative approach to residential development. A planned unit development will provide for an efficient use of land potentially resulting in more economical networks of streets and utilities thereby lowering housing and other land development costs as well as enhancing the appearance of neighborhoods through the preservation of natural features and the provision of recreation areas and open space.

In creating this zoning district the county intends to encourage home ownership; increase the variety of dwelling types in the housing market; and allow for innovative uses of real property which may not be suitable for development for other kinds of residential uses.

(Ord. of 12-2-2002, § 70-196)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE VI. R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

Sec. 70-197. Permitted uses.

- (a) Single-family detached dwellings, except manufactured or mobile homes.
- (b) Duplexes.
- (c) Apartments (multi-family dwellings).
- (d) Townhouses.
- (e) Condominiums.
- (f) Patio houses.
- (g) Zero-lot-line houses.
- (h) Other high-density residential developments.
- (i) Residential planned unit development.
- (j) Temporary emergency construction and repair residences.
- (k) Accessory buildings or uses customarily incidental to any of the permitted uses, when located on the same lot and not involving any business, profession, trade or occupation, provided that all accessory buildings shall conform and be located as required in [section 70-84](#) of this Code.
- (l) Churches, provided that the proposed site for a church is not less than three acres, and a complete site development plan is submitted with the application for a building permit.
- (m) Home occupations.
- (n) Gardens.
- (o) Recreational facilities.
- (p) Community clubs.
- (q) Accessory commercial uses permitted. The following commercial establishments may be permitted as customary accessory uses in a planned residential development in this district provided such uses do not occupy a total of more than ten percent of the area of the development; are located a minimum distance of 100 feet from any adjoining property line, street, or highway right-of-way; and are intended for the convenience of, and for service to the occupants of the development.
 - (1) Laundry and dry cleaning establishments or pick up stations for dry cleaning and laundry concerns; beauty shops; barber shops; and similar personal service businesses.
 - (2) Retail store intended for the convenience of, and for service to the occupants of the development.
 - (3) Coin operated vending machines provided such are located within a building and are not visible from the street or adjoining property lines.
 - (4) The planning commission may recommend to the board of commissioners approval of other uses when in its judgment the proposed use will not conflict with the intent of this article or other county ordinances and is appropriate to a residential development.

(Ord. of 12-2-2002, § 70-197; Ord. of 7-26-2011(2))

Sec. 70-198. Conditional uses.

- (a) Public cemeteries provided that a complete site development sketch is submitted with the application. The proposed site must be at least five acres and have an adequate buffer.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE VI. R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

- (b) Nursery schools, kindergartens or day care facilities provided that all state licensing requirements are met.
- (c) Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs and similar uses.

(Ord. of 12-2-2002, § 70-197)

Sec. 70-199. Single family and duplex developments.

<i>Minimum Development Size</i>	5 acres
<i>Dwelling Units Per Acre of Developable Land</i>	4 units per acre
<i>Minimum Lot Width at Setback</i>	Staff review
<i>Minimum Building Setback</i>	
Front	35'
Side and rear	10'
<i>Maximum Building Height</i>	85' or 8 stories

*Each lot shall have, at a minimum, a 30-foot-wide access to a public road.

- (1) Lot length shall not be more than four times the lot width.
- (2) This height limitation shall not apply to grain elevators, silos, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, or church spires.
- (3) The minimum distance between buildings on separate lots shall be 20 feet.
- (4) All new roads in this district shall be curb and gutter roads as specified in [chapter 38](#) of the Code.
- (5) All new roads in this district shall directly connect to existing, paved, public roads.
- (6) Developments in this district shall only access arterial and/or major collector streets as defined in the land development chapter of the Code.

(Ord. of 12-2-2002, § 70-199)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE VI. R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

Sec. 70-200. Townhouse, condominium, and apartment developments.

- (a) An accessory building may abut an accessory building located on an adjacent lot along interior lot lines in developments in this district subject to all county building and fire codes.
- (b) Each individual dwelling unit in this district shall contain at least 900 square feet of floor area within outside walls exclusive of basements, unfinished attics, garages, porches or other such areas not normally used for human habitation.
- (c) No more than four individual dwelling units shall be built in a row having the same building line. In setting forth this requirement, the county intends to discourage that creation of long unbroken lines of dwelling units. In complexes having more than four dwelling units, the required minimum offset in the building line shall be three feet. A row or grouping of dwelling units shall not exceed 250 feet in length.
- (d) Any dwelling unit in this district on a subdivided lot shall have the required minimum frontage on a public street.
- (e) Parking:
 - (1) A minimum of two paved off-street parking spaces constructed in compliance with [chapter 38](#) of this Code, shall be provided for each individual dwelling unit.
 - (2) Each dwelling unit in this district on a subdivided lot shall have its own parking spaces with direct access to a county road. Parking spaces and driveways are permitted in the front yard of a lot if a setback of 35 feet from the right-of-way is maintained and the front yard is properly landscaped.
 - (3) All parking facilities shall be constructed according to the requirements of [chapter 38](#) of this Code.
- (f) All buildings shall be constructed in accordance with the building and fire codes adopted by the board.
- (g) All new roads in this district shall be curb and gutter roads as specified in [chapter 38](#) of this Code and shall directly connect to existing, paved, public roads.

(Ord. of 12-2-2002, § 70-200; Ord. of 7-26-2011(2))

Sec. 70-201. Planned unit development.

R-2

R-2; MULTI-FAMILY, RESIDENTIAL DISTRICT;

RESIDENTIAL PLANNED UNIT DEVELOPMENT REQUIREMENTS

Individual Dwelling Unit Per Acre In R-PUD:

1. Single-family	4 per acre
2. Duplex	6 per acre

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE VI. R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

3. Multi-family	12 per acre
Building setbacks from exterior lot lines:	35 feet
Building height:	85 feet or 8 stories

- (1) Ownership. There shall be unified control of the entire site. Prior to final approval of the development plan, evidence of unified control of the entire site shall be submitted to the planning commission. In addition, an agreement shall be submitted to the planning commission by all owners of the planned unit development, which includes their commitment to:
 - a. Proceed with the proposed development in accordance with the planned unit development plans as submitted, and such conditions and safeguards as may be set by the county commission granting the rezoning; and,
 - b. Provide agreements and deed restrictions acceptable to the county commission for completion of such development according to plans approved and for the maintenance of such areas, functions, and facilities as are not to be provided, operated or maintained by the county, pursuant to written agreement; and,
 - c. To notify and bind their successors in title to any commitments made in their petitions of PUD approval.
 - d. All plans approved shall be reviewed as a form of commitment to execute the development precisely, and only as submitted to and ultimately accepted and approved by the county commission. No variations, changes, departures or exceptions to the approved plans shall be permitted except through the formal amendment process.
 - e. After rezoning for a PUD in this district has been given formal approval no use shall be made of a PUD site except that which had been approved as a result of the application or the continuation of uses that existed at the time of the application.
 - f. All new roads in this district shall be curb and gutter as specified in [chapter 38](#) of this Code and shall directly connect to existing paved public roads.

(Ord. of 12-2-2002, § 70-201)

Sec. 70-202. Open space requirements.

Open space, as defined in [section 70-94](#) of this chapter, shall be required. In addition:

- (1) The common open space shall be situated such that it will best serve residents and be totally integrated within the various uses of the development.
- (2) The development schedule must coordinate the improvement of the common open spaces, the construction of the buildings, structures and improvements in the common open space, and the construction of residential dwellings in the development.
- (3) The pedestrian circulation system and its related walkways shall be separated as completely as possible from the street or vehicular circulation system. All walks shall be of permanent nature and material and shall be constructed in accordance with [chapter 38](#) of this Code.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE VI. R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

(Ord. of 12-2-2002, § 70-202)

Sec. 70-203. Access.

Private vehicular access drives not maintained by the county throughout the development shall meet all county road and street requirements.

(Ord. of 12-2-2002, § 70-203)

Sec. 70-204. Off-street parking.

All parking and loading in developments in this district shall meet all off-street parking and loading requirements of this chapter and be constructed in accordance with [chapter 38](#) of this Code.

(Ord. of 12-2-2002, § 70-204)

Sec. 70-205. Procedures for rezoning only.

- (a) No rezoning of property to R-2 will be effected until preliminary development plans have been reviewed and approved by the board of commissioners for the proposed site.
- (b) A petition for rezoning land in this district shall be submitted to the county planning office the same as with any zoning request.
- (c) A written statement to accompany the zoning application must contain the following:
 - (1) An explanation of the character of the development.
 - (2) A statement of present ownership of all land included within the development.
 - (3) A general indication of the expected schedule of development.
- (d) Required plans. A preliminary development plan or conceptual development plan shall be submitted by the applicant with the initial rezoning application. Zoning approval without a preliminary development plan shall be conditioned on such plan being submitted and approved. The preliminary development plan shall include all of the following information:
 - (1) A preliminary site plan at a scale not less than 1" = 200', depicting all existing masses of trees and other natural features including the topography of the land. A preliminary solution of all storm drainage needs shall be included.
 - (2) The location and grouping of all uses and the amount of area for each, plus preliminary utility service plans.
 - (3) The tentative location of each residential density district, the number of residential units proposed for each density district, their general location, proposed lot designs and district lines. Tentative floor plans and exterior elevations, which need not be the result of final architectural decisions but which shall adequately describe the development, shall also be included.
 - (4) A preliminary vehicular and pedestrian circulation system including driveways, walkways, loading areas, parking areas including the number of parking spaces, and streets to be dedicated.
 - (5) A system of open space and recreational uses in residential projects with estimates of acreage to be dedicated for public use and that to be retained in common ownership.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE VI. R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

- (6) A draft of the declaration by which the use, maintenance and continued protection of the development and any of its common open space areas shall be submitted.
- (7) A development schedule indicating the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin, the anticipated rate of development, the approximate dates when the stages in the development will be completed and the area and location of common space that will be provided at each stage.
- (e) The planning commission shall review and make recommendation to the board of commissioners for approval of the preliminary development plan. In reviewing a development site plan in this district, the planning commission shall consider the following criteria, to the extent relevant in each case, in evaluating the merits and purpose of a multi-family development. Individual lots, buildings, streets and parking areas should be designed and situated to:
 - (1) Minimize alteration of the natural features and topography.
 - (2) Minimize the adverse effects of noise and traffic on off-site residents.
 - (3) Allow for proper and adequate access for fire fighting purposes and access to service areas to provide garbage and waste collection and for other emergency and accessory services.
 - (4) Achieve a compatible relationship between development and the land as well as with adjacent developments and land.
 - (5) The proposed development should not adversely affect the orderly development of the county.
 - (6) The proposed development shall accomplish the objectives and shall meet the standards and performance criteria as outlined in this article.
- (f) Final development plan. Following the approval of the preliminary development plan, the applicant shall, within six months, submit to the planning commission a final development plan containing in final form the information required in the preliminary development plan. The planning commission shall review and approve the final development plan to see that it is in compliance with the preliminary development plan. the planning commission may approve changes in the final development plan which comply with the following criteria:
 - (1) The revised plan contains the same or a fewer number of dwelling units or structures and/or floor area, or
 - (2) The open space is in the same general location and in the same general amount, or a greater amount, or
 - (3) The buildings have the same or less number of stories and/or floor area, or
 - (4) The roads and drives follow approximately the same course.
- (g) Final approval. No building permits shall be issued until the approval process is complete and all necessary plans, drawings, specifications and other required data have been submitted and approved. No construction may commence until the entire approval process is completed and appropriate permits issued.

(Ord. of 12-2-2002, § 70-205; Ord. of 7-26-2011(2))

Sec. 70-206—70-240. Reserved.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE VII. R-3 MIXED USE, SINGLE FAMILY RESIDENTIAL DISTRICT

ARTICLE VII. R-3 MIXED USE, SINGLE FAMILY RESIDENTIAL DISTRICT

[Sec. 70-241. Statement of purpose.](#)

[Sec. 70-242. Permitted uses.](#)

[Sec. 70-243. Conditional uses.](#)

[Sec. 70-244. Area, height, bulk, and placement requirements.](#)

[Secs. 70-245—70-259. Reserved.](#)

Sec. 70-241. Statement of purpose.

This district is composed of certain areas where a mixture of site built and manufactured, single-family residential structures is desirable or necessary. This district will be characterized by medium density residential development.

(Ord. of 12-2-2002, § 70-241)

Sec. 70-242. Permitted uses.

- (a) Single family, detached dwelling, including manufactured or mobile homes.
- (b) Zero lot-line housing if shown on an approved subdivision plat.
- (c) Accessory buildings or uses customarily incidental to any of the permitted uses, when located on the same lot as the primary dwelling and not involving any business, profession, trade or occupation, provided that all accessory buildings shall conform and be located as required in [section 70-84](#) of this chapter.
- (d) Churches, provided that the proposed site for a church is not less than three acres, and a complete site development plan is submitted with the application for a building permit.
- (e) Home occupations.
- (f) Gardens.

(Ord. of 12-2-2002, § 70-242)

Sec. 70-243. Conditional uses.

- (a) Public cemeteries provided that a complete site development plan is submitted with the application. The proposed site must be at least five acres and have an adequate buffer.
- (b) Nursery schools, kindergartens or day care facilities provided that all state licensing requirements are met.
- (c) Social or fraternal clubs, lodges, union halls and other similar uses.
- (d) Bed and breakfast inn.
- (e) Temporary emergency construction and repair residences.
- (f) Group homes.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE VII. R-3 MIXED USE, SINGLE FAMILY RESIDENTIAL DISTRICT

- (g) Halfway houses.
- (h) The keeping of horses for home use and enjoyment; provided that the lot is not less than five acres total and only three such animals shall be permitted for each 50,000 square feet of land area not to include the front or side yard of the principal dwelling and all horses shall be adequately fenced within the property and maintained 25 feet from all property lines in the rear yard.
- (1) The keeping, breeding or training of any animals for monetary gain or profit shall be deemed a commercial business and is expressly prohibited in all residential districts except where such operations may qualify as a non-conforming use as defined in this chapter.
- (2) No keeping of horses shall become a nuisance as defined in the county nuisance ordinance.
- (3) No horses shall be kept on a lot in this zoning district when there is no principal dwelling on the lot.

(Ord. of 12-2-2002, § 70-243)

Sec. 70-244. Area, height, bulk, and placement requirements.

R-3

<i>Dwelling Units Per Acre of Developable Land—R-3</i>	
Well and septic	1 per every 2 acres
Water and septic	1 per every 1 acre
Water and sewer	3 per every 1 acre
<i>Minimum Lot Width at Setback</i>	
Well and septic	150'
Water and septic	100'
Water and sewer	Staff review*
<i>Minimum Building Setbacks</i>	
Front	35'
Side and rear	10'

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE VII. R-3 MIXED USE, SINGLE FAMILY RESIDENTIAL DISTRICT

<i>Maximum Building Height</i>	50'
--------------------------------	-----

*Each lot shall have, at a minimum, a 30-foot-wide access to a public road.

- (1) Lot length shall not be more than four times the lot width.
- (2) This height limitation shall not apply to grain elevators, silos, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, or church spires.
- (3) Side and rear setbacks may be less if indicated on approved subdivision plans.
- (4) With the exception of well and septic tank developments, all new roads in this district shall be curb and gutter roads as specified in [chapter 38](#) of this Code.
- (5) All new roads in this district shall directly connect to existing, paved, public roads.
- (6) All final lot sizes shall be approved by the county health department.

(Ord. of 12-2-2002, § 70-244)

Secs. 70-245—70-259. Reserved.

ARTICLE VIII. R-3L LOW DENSITY, SINGLE FAMILY MIXED USE RESIDENTIAL DISTRICT

ARTICLE VIII. R-3L LOW DENSITY, SINGLE FAMILY MIXED USE RESIDENTIAL DISTRICT

[Sec. 70-260. Statement of purpose.](#)

[Sec. 70-261. Permitted uses.](#)

[Sec. 70-262. Conditional uses.](#)

[Sec. 70-263. Area, height, bulk, and placement requirements.](#)

[Secs. 70-264—70-275. Reserved.](#)

Sec. 70-260. Statement of purpose.

This district is composed of certain areas having both rural and single-family residential characteristics and areas where it is desirable and likely that similar development will occur in the future. The district is also characterized by very low density of housing as well as permitting uses that are associated with rural areas. It is designed to accommodate residential development opportunities for those who desire exurban, low density, or estate living and are willing to live in more remote locations and to assume the costs of providing many of their own services and amenities. The public provision of these amenities is precluded because the county must concentrate its limited resources in areas where more intense future development is logical. The low intensity allowed in this district is similarly necessitated by the county's need to preserve and support the existing public infrastructure. Accordingly, capital improvements such as highways and major sewer interceptors will be directed away from this district. The low densities permitted in this district generally permit on-site septic systems and wells, thereby reducing public capital expenditures.

(Ord. of 12-2-2002, § 70-260)

Sec. 70-261. Permitted uses.

- (a) Single-family detached dwellings, including manufactured or mobile homes.
- (b) Accessory buildings or uses customarily incidental to any of the permitted uses, when located on the same lot as the primary dwelling and not involving any business, profession, trade or occupation, provided that all accessory buildings shall conform and be located as required in [section 70-84](#) of this chapter.
- (c) Churches, provided that the proposed site for a church is not less than three acres, and a complete site development plan is submitted with the application for a building permit.
- (d) Home occupations.
- (e) Gardens.
- (f) The keeping of horses for home use and enjoyment; provided that the lot is a minimum of five acres and only three such animals shall be permitted for each 50,000 square feet of land area not to include the front or side yard of the principal dwelling and all livestock shall be adequately fenced within the property and maintained 25 feet from all property lines in the rear yard.
 - (1) The keeping, breeding or training of any animals for monetary gain or profit shall be deemed a commercial business and is expressly prohibited in all residential districts except where such operations may qualify as a home occupation or as a non-conforming use as defined in this chapter.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE VIII. R-3L LOW DENSITY, SINGLE FAMILY MIXED USE RESIDENTIAL DISTRICT

- (2) No keeping of horses shall become a nuisance as defined in the county nuisance ordinance.
- (3) No horses shall be kept on a lot in this zoning district when there is no principal dwelling on the lot.

(Ord. of 12-2-2002, § 70-261)

Sec. 70-262. Conditional uses.

- (a) Public cemeteries provided that a complete site development sketch is submitted with the application. The proposed site must be at least five acres and have an adequate buffer.
- (b) Nursery schools, kindergartens or day care facilities provided that all state licensing requirements are met.
- (c) Social or fraternal clubs, lodges, union halls, and other similar uses.
- (d) Bed and breakfast inn.
- (e) Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs and other similar uses.
- (f) Temporary emergency construction and repair residences.
- (g) Keeping of domestic livestock and/or fowl subject to requirements of [section 70-87](#) of this chapter.
- (h) Group homes.
- (i) Halfway houses.

(Ord. of 12-2-2002, § 70-262)

Sec. 70-263. Area, height, bulk, and placement requirements.

R-3L

<i>Dwelling Units Per Acre of Developable Land — R-3L</i>	
Well and septic	1 unit per every 5 acres
Water and septic	1 unit per every 4 acres
Water and sewer	1 unit per every 3 acres
<i>Minimum Lot Width at Setback</i>	
Well and septic	150'
Water and septic	100'

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE VIII. R-3L LOW DENSITY, SINGLE FAMILY MIXED USE RESIDENTIAL DISTRICT

Water and sewer	Staff review*
<i>Maximum Lot Coverage</i>	40%
<i>Minimum Building Setback</i>	
Front	35'
Side and rear	10'
<i>Maximum Building Height</i>	50'

*Each lot shall have, at a minimum, a 30-foot-wide access to a public road.

- (1) Lot length shall not be more than four times the lot width.
- (2) This height limitation shall not apply to grain elevators, silos, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, or church spires.
- (3) All new roads in this district shall directly connect to existing, paved, public roads.

(Ord. of 12-2-2002, § 70-263)

Secs. 70-264—70-275. Reserved.

ARTICLE IX. MHP MANUFACTURED HOME PARK DISTRICT

ARTICLE IX. MHP MANUFACTURED HOME PARK DISTRICT

[Sec. 70-276. Statement of purpose.](#)

[Sec. 70-277. Permitted uses.](#)

[Sec. 70-278. Conditional uses.](#)

[Sec. 70-279. Manufactured home park and recreational vehicle development standards.](#)

[Secs. 70-280—70-310. Reserved.](#)

Sec. 70-276. Statement of purpose.

This district is for areas suitable for manufactured home or recreational vehicle parks. For good accessibility, this district shall be located adjacent to arterial and/or collector roads as described in [chapter 38](#) of the Code. All new developments and roads in the development shall directly connect to existing, paved, public roads. Public water and sewer shall be required. The minimum development size for this district shall be five acres. In promoting the general purpose of these regulations, the specific intent of this district is:

- (1) To require adequate space and facilities for healthful living conditions for occupants of such manufactured home parks.
- (2) To require all such districts to have access to a major arterial public road for easy accessibility.
- (3) To insure suitable water and sewer facilities are provided according to health regulations and state statutes and the county commission.
- (4) To encourage the development of manufactured home parks for long term residential use rather than transient travel trailer use.

(Ord. of 12-2-2002, § 70-276)

Sec. 70-277. Permitted uses.

- (a) Manufactured home parks.
- (b) Recreational vehicle parks.
- (c) Accessory buildings or uses customarily incidental to any of the permitted uses, when located on the same lot and not involving any business, profession, trade or occupation, provided that all accessory buildings shall conform and be located as required in [section 70-84](#) of this chapter.
- (d) Home occupations.
- (e) Gardens.
- (f) Accessory commercial uses. The following commercial establishments may be permitted as customary accessory uses provided such uses do not occupy a total of more than ten percent of the area of the park; are located a minimum distance of 100 feet from any adjoining property line, street, or highway right-of-way; and are intended for the convenience of, and for service to the occupants of the park.
 - (1) Laundry and dry cleaning establishments or pick up stations for dry cleaning and laundry concerns; beauty shops; barber shops; and similar personal service businesses.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE IX. MHP MANUFACTURED HOME PARK DISTRICT

- (2) Retail stores intended for the convenience of, and for service to the occupants of the park.
- (3) Coin operated vending machines provided such are located within a building and are not visible from the street or adjoining property lines.
- (4) The planning commission may allow other uses when, in its judgment, the proposed use will not conflict with the intent of this or other county ordinance and is appropriate to a residential development.

(Ord. of 12-2-2002, § 70-277)

Sec. 70-278. Conditional uses.

- (a) Nursery schools, kindergartens or day care facilities provided that all state licensing requirements are met.
- (b) Temporary emergency construction and repair residences.

(Ord. of 12-2-2002, § 70-278)

Sec. 70-279. Manufactured home park and recreational vehicle development standards.

See [chapter 42](#) of this Code.

(Ord. of 12-2-2002, § 70-279)

Secs. 70-280—70-310. Reserved.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE X. AG-1 ACTIVE AGRICULTURE DISTRICT

ARTICLE X. AG-1 ACTIVE AGRICULTURE DISTRICT

[Sec. 70-311. Statement of purpose.](#)

[Sec. 70-312. Permitted uses.](#)

[Sec. 70-313. Conditional uses.](#)

[Sec. 70-314. Area, height, and placement requirements.](#)

[Secs. 70-315—70-345. Reserved.](#)

Sec. 70-311. Statement of purpose.

The Ag-1, Active Agriculture district was established for the purpose of preserving, promoting, maintaining, and enhancing the use of land for commercial agricultural purposes, to prevent scattered and leap-frog non-farm growth, to protect and preserve natural resource areas and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools.

This district is designed to protect and preserve prime agricultural areas for continued agricultural and agriculturally oriented uses. Their loss cannot be readily compensated, since these prime agricultural areas are relatively scarce, particularly on the national level and other areas require more capital energy and nutrients to provide equal productivity. For these reasons, land should not be converted from the AG-1 district to another zoning classification unless and until there is no other land available in the county to accommodate the nonagricultural uses.

The standards and densities prescribed for this district are intended to preserve the open character of the area and thereby to protect the business of agriculture. This district is intended not to regulate agricultural uses, but to regulate those uses which threaten agriculture. The intent of these regulations for this district is to discourage subdivision of land for typical residential type lots requiring public services such as fire and police protection, paved roads, water, sewer, etc.

This district is generally intended to apply to lands in productive farm operations including:

- (1) Lands historically producing good crop yields or capable of such yields;
- (2) Lands productive for dairying, livestock raising and grazing;
- (3) Other lands which are integral parts of such farm operations;
- (4) Land used to produce specialty crops such as cranberries, mint, sod, fruits and vegetables; and
- (5) Lands capable of productive use through economically feasible improvements such as irrigation.

(Ord. of 12-2-2002, § 70-311)

Sec. 70-312. Permitted uses.

- (a) Beekeeping.
- (b) Dairying.
- (c) Floriculture (cultivation of ornamental flowering plants).

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE X. AG-1 ACTIVE AGRICULTURE DISTRICT

- (d) Grazing.
- (e) Livestock raising.
- (f) Feedlots.
- (g) Poultry raising.
- (h) Plant nurseries and orchards.
- (i) Raising of grain, grass, mint and seed crops.
- (j) Raising of tree fruit, nuts, and berries.
- (k) Sod farming.
- (l) Vegetable raising.
- (m) Viticulture (grape growing).
- (n) Forest and game management.
- (o) Nature trails and walks.
- (p) Greenhouses.
- (q) One roadside stand per farm, of not, more than 250 square feet, used solely for the sale of products produced on the premises or adjoining premises.
- (r) Single family residences or manufactured home subject to the requirements of [section 70-78](#) of this chapter.
- (s) Farm dwellings and related structures that remain after farm consolidation may be subdivided from the farm lot subject to the county health department requirements.
- (t) Essential services—telephone, power, etc.
- (u) Public recreation areas.
- (v) Historic sites and areas.
- (w) Agricultural products and livestock processing plants.
- (x) Commercial grain storage and drying.
- (y) Hatcheries.
- (z) Temporary housing for migratory or other farm workers, provided it meets all applicable county regulations.
- (aa) Equestrian trails.
- (bb) Fish farms.
- (cc) Dams and flowages.
- (dd) Governmental or institutional uses such as police and fire stations, highway storage garages, solid waste disposal and sewage treatment plants, gravel pits and quarries, schools, parks and campgrounds, airports and landing strips.
- (ee) Religious uses such as churches, schools, and cemeteries.
- (ff) Nursery schools, kindergartens, or day care facilities provided that all state licensing requirements are met.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE X. AG-1 ACTIVE AGRICULTURE DISTRICT

- (gg) Customary home occupations and professional offices conducted within and accessory to a permitted agricultural residence. Subject to all other applicable county regulations pertaining to home occupations.
- (hh) Fur farms.
- (ii) Stables and paddocks.
- (jj) The storage and sale of seed, feed, fertilizer and other products essential to agricultural production.
- (kk) Single-family dwellings or manufactured homes exceeding one per farm operation if such additional dwellings cannot be allowed under [section 70-78](#) of this chapter. If granted, said dwelling shall be located on a legally subdivided lot on at least ten acres with 250 feet of road frontage. Setback and height requirements shall be the same as are provided for a regular parcel in the applicable zoning district. The farm tract remaining after such a subdivision must meet the minimum requirements for the applicable zoning district.

(Ord. of 12-2-2002, § 70-312; Res. No. Z05-040, 9-23-2005)

Sec. 70-313. Conditional uses.

- (a) Single family dwellings or manufactured homes exceeding one per farm operation if such additional dwellings cannot be allowed through [section 70-78](#) of this chapter. If granted said dwelling shall be located on a legally subdivided lot on at least three acres with 225 feet of road frontage. Setback and height requirements are the same as for a regular parcel in this district. The farm tract left over after such a subdivision must meet the minimum requirements for this district.
- (b) Saw mills.
- (c) Bed and breakfast inns.
- (d) The sale and service of machinery used in agricultural production.
- (e) Facilities for the centralized bulk collection, storage, and distribution of agricultural products to wholesale and retail markets.
- (f) Facilities used to provide veterinarian services for livestock.
- (g) Facilities used in processing agricultural products.
- (h) Other agricultural-related, religious, utility, institutional or governmental uses to those listed in [70-313](#) and [70-314](#) which are compatible with the purposes of this district, which do not conflict with agricultural use and which are found necessary in light of alternative locations available for such uses.
- (i) Any structure over 100 feet tall.

(Ord. of 12-2-2002, § 70-133)

Sec. 70-314. Area, height, and placement requirements.

AG-1

<i>Minimum Lot Sizes—AG-1</i>	25 acres
<i>Lot Width at Setback</i>	500'

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE X. AG-1 ACTIVE AGRICULTURE DISTRICT

<i>Maximum Lot Coverage</i>	40%
<i>Minimum Building Setback</i>	100'
<i>Minimum Side Setback</i>	20'
<i>Minimum Rear Setback</i>	50'

(1) This height limitation shall not apply to grain elevators, silos, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, or church spires.

(2) The minimum distance between buildings on separate lots shall be 20 feet.

(Ord. of 12-2-2002, § 70-314)

Secs. 70-315—70-345. Reserved.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XI. C-1, NEIGHBORHOOD BUSINESS DISTRICT

ARTICLE XI. C-1, NEIGHBORHOOD BUSINESS DISTRICT ^[2]

[Sec. 70-346. Statement of purpose.](#)

[Sec. 70-347. Permitted uses.](#)

[Sec. 70-348. Conditional uses.](#)

[Sec. 70-349. Protective screening.](#)

[Sec. 70-350. Restrictions.](#)

[Sec. 70-351. Area, height, bulk and placement requirements.](#)

[Secs. 70-352—70-380. Reserved.](#)

Sec. 70-346. Statement of purpose.

The neighborhood business district established in this article is intended to permit retail business, office, and service uses that are needed to serve adjacent residential areas. In order to promote such business development so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic, or late hours of operation. The intent of this district is also to encourage the concentration of local business areas in locations proposed in the future land use plan to the mutual advantage of both consumers and merchants and thereby promote the best use of land at certain strategic locations and avoid the continuance of encouraging marginal, strip business development along county roads.

(Ord. of 12-2-2002, § 70-346)

Sec. 70-347. Permitted uses.

All permitted uses are subject to the restrictions set forth in [section 70-351](#) of this chapter.

- (1) Barber or beauty shops and similar uses.
- (2) Custom dress making and tailoring establishments and similar uses.
- (3) Personal service establishment.
- (4) Eating or drinking places.
- (5) Laundry, dry cleaning, coin laundry.
- (6) Business, professional, or governmental office designed to attract and serve customers or client on premises.
- (7) Household appliance repair shop without outdoor storage, display, or business operations of any type.
- (8) Retail store for food, drugs, clothing, etc. with no outdoor storage, display, or business operations of any type.
- (9) Contractor's office with no outdoor storage, display, or business operations of any type.
- (10) Veterinarian offices provided there are no outdoor kennels. Runs designed for animal exercise are allowed as long as the animals are kept inside at night.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XI. C-1, NEIGHBORHOOD BUSINESS DISTRICT

- (11) Post office.
- (12) Medical and/or dental clinics.
- (13) Other uses similar to the above, subject to the restrictions set forth in [section 70-351](#) of this chapter.
- (14) Temporary trailer for emergency construction and repair of buildings.
- (15) Nursery schools, kindergartens or day care facilities provided all state licensing requirements are met.

(Ord. of 12-2-2002, § 70-347)

Sec. 70-348. Conditional uses.

All conditional uses are subject to the restrictions set forth in [section 70-351](#) of this chapter.

- (1) Bed and breakfast inn.
- (2) Horticulture sales with outdoor display.

(Ord. of 12-2-2002, § 70-348)

Sec. 70-349. Protective screening.

Protective screening for C-1 districts adjacent to or across the street (with the exception of arterial or collector roads) from residential zoning districts shall be in compliance with [section 70-86](#) of this chapter.

(Ord. of 12-2-2002, § 70-349)

Sec. 70-350. Restrictions.

The following restrictions shall apply to all permitted and conditional business covered by this article.

- (1) All outdoor business operations shall be subject to the following restrictions:
 - a. There shall be no outdoor storage or display of any kind.
 - b. Eating and drinking establishments are allowed to have tables outside. There shall be no more than ten tables, or up to 25 percent of the number of indoor tables, whichever number is less.
 - c. Convenience stores may have up to two fuel pumps and as many as eight propane tanks stored in a cage outside.
 - d. No business or activity, indoor or outdoor, shall be conducted in a manner which violates [section 34-106](#) of this Code, nor shall any business activities, indoor or outdoor, cause decibel levels as taken in nearby residential neighborhoods to be such that they violate the restrictions set forth for that neighborhood in [section 34-107](#) of this Code.
- (2) Retail businesses shall have no more than 7,000 square feet of gross floor area.
- (3) No business operations shall be conducted between the hours of 11:00 p.m. and 7:00 a.m. with the exception of normal business opening and closing activities, i.e. cleaning, restocking, etc. Nor shall any establishment be open to the public during those hours.
- (4) Unless specifically covered by this article, all other sections of this chapter shall apply to all establishments.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XI. C-1, NEIGHBORHOOD BUSINESS DISTRICT

- (5) Manufactured or mobile homes are not to be used as retail, office, etc.
- (6) Buildings constructed under this article shall not have a metal facade fronting any public road.

(Ord. of 12-2-2002, § 70-350)

Sec. 70-351. Area, height, bulk and placement requirements.

C-1

<i>Minimum Lot Size</i>	
Well and septic	1.5 acres
Water and septic	.75 acres
Water and sewer	Staff review
<i>Lot Width at Minimum Setback</i>	
Well and septic	150'
Water and septic	100'
Water and sewer	Staff review*
<i>Minimum Building Setback</i>	
Front	35'
Rear	10'
Side	10'
Firewall	0'
No firewall	10'
<i>Maximum Building Height¹</i>	50'

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XI. C-1, NEIGHBORHOOD BUSINESS DISTRICT

*Each lot shall have, at a minimum, a 30-foot-wide access to a public road.

This height limitation shall not apply to grain elevators, silos, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, or church spires.

(Ord. of 12-2-2002, § 70-351)

Secs. 70-352—70-380. Reserved.

FOOTNOTE(S):

--- (2) ---

Cross reference— Businesses, ch. 22. [\(Back\)](#)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XII. C-2 GENERAL BUSINESS DISTRICT

ARTICLE XII. C-2 GENERAL BUSINESS DISTRICT [\[3\]](#)

[Sec. 70-381. Statement of purpose.](#)

[Sec. 70-382. Permitted uses.](#)

[Sec. 70-383. Conditional uses.](#)

[Sec. 70-384. Restrictions.](#)

[Sec. 70-385. Area, height, bulk and placement requirements.](#)

[Sec. 70-386. Protective screening.](#)

[Secs. 70-387—70-415. Reserved.](#)

Sec. 70-381. Statement of purpose.

The purpose of the general business district is to provide areas for development that permit a wider range of business and entertainment activities than that permitted in the neighborhood business district. The permitted uses would serve not only nearby residential areas, but also people further away. This district is intended for types of businesses and services usually found in major shopping centers and central business districts at the juncture of principal streets. These uses would generate larger volumes of vehicular traffic, would need more off-street parking and loading, and would require more planning to integrate such districts with adjacent residential areas.

(Ord. of 12-2-2002, § 70-381)

Sec. 70-382. Permitted uses.

- (a) Any retail or service establishment.
- (b) Wholesale stores, storage buildings, warehouses, distributing plants, freezers and lockers.
- (c) Commercial greenhouses and nurseries.
- (d) Adult entertainment establishments provided all requirements of the county adult entertainment ordinance are met.
- (e) Indoor shooting ranges provided all applicable federal, state and local government requirements are met.
- (f) Churches, provided that the proposed site is not less than three acres, and a complete site development plan is submitted with the application for a building permit.
- (g) Clubs and fraternal organizations operating not for profit.
- (h) Hospitals, clinics, sanitariums, nursing homes, rest homes, residences for aged persons and orphanages, group homes and halfway houses.
- (i) Nursery schools, kindergartens or day care facilities provided all state licensing requirements are met.
- (j) Mortuaries.

(Ord. of 12-2-2002, § 70-382)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XII. C-2 GENERAL BUSINESS DISTRICT

Sec. 70-383. Conditional uses.

Mini-warehouses.

(Ord. of 12-2-2002, § 70-383)

Sec. 70-384. Restrictions.

The following restrictions shall apply to all businesses covered by this article:

- (1) No manufactured or mobile homes shall be used for commercial purposes except for manufactured home sales offices.
- (2) No buildings constructed under this article shall have a metal facade fronting any public road.

(Ord. of 12-2-2002, § 70-384)

Sec. 70-385. Area, height, bulk and placement requirements.

C-2

<i>Minimum Lot Size</i>	
Well and septic	1.5 acres
Water and septic	.75 acres
Water and sewer	Staff review
<i>Lot Width at Setback</i>	
Well and septic	150'
Water and septic	100'
Water and sewer	Staff review
<i>Minimum Building Setback</i>	
Front	35'
Rear	10'

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XII. C-2 GENERAL BUSINESS DISTRICT

Side	10'
Firewall	0'
No firewall	10'
<i>Maximum Building Height</i>	50'

*Each lot shall have, at a minimum, a 30-foot-wide access to a public road.

This height limitation shall not apply to grain elevators, silos, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, or church spires.

(Ord. of 12-2-2002, § 70-385)

Sec. 70-386. Protective screening.

Protective screening for C-2 districts adjacent to or across the street (with the exception of arterial or collector roads) from residential zoning districts shall be in compliance with [section 70-86](#) of this chapter.

(Ord. of 12-2-2002, § 70-386)

Secs. 70-387—70-415. Reserved.

FOOTNOTE(S):

--- (3) ---

Cross reference— Businesses, ch. 22. [\(Back\)](#)

ARTICLE XIII. C-3 COMMERCIAL RECREATION DISTRICT

ARTICLE XIII. C-3 COMMERCIAL RECREATION DISTRICT ¹⁴¹

[Sec. 70-416. Statement of purpose.](#)

[Sec. 70-417. Permitted uses.](#)

[Sec. 70-418. Reserved.](#)

[Sec. 70-419. Area, height, bulk and placement requirements.](#)

[Sec. 70-420. Protective screening.](#)

Sec. 70-416. Statement of purpose.

The commercial recreation district as established in this article is intended to provide areas for the development of recreation facilities as a commercial venture.

(Ord. of 12-2-2002, § 70-416)

Sec. 70-417. Permitted uses.

- (a) Archery ranges.
- (b) Amusement parks.
- (c) Country clubs.
- (d) Campgrounds.
- (e) Commercial fish ponds.
- (f) Camps, day or overnight.
- (g) Educational facilities such as:
 - (1) Zoos.
 - (2) Botanical gardens.
- (h) Fairgrounds.
- (i) Golf courses of all types and all accessory uses such as driving ranges and practice putting greens.
- (j) Gun clubs, outdoor (shooting ranges must meet all applicable federal, state and local government requirements).
- (k) Marinas.
- (l) Reservoirs.
- (m) Commercial swimming pools and tennis courts.
- (n) Race tracks and drag strips.
- (o) Similar uses to the above subject to all other applicable codes.

(Ord. of 12-2-2002, § 70-417)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIII. C-3 COMMERCIAL RECREATION DISTRICT

Cross reference— Businesses, ch. 22

Sec. 70-418. Reserved.

Sec. 70-419. Area, height, bulk and placement requirements.

C-3

<i>Minimum Lot Size</i>	
Well and septic	1.5 acres
Water and septic	.75 acres
Water and sewer	Staff review
<i>Lot Width at Setback</i>	
Well and septic	150'
Water and septic	100'
Water and sewer	Staff review*
<i>Minimum Building Setback</i>	
Front	35'
Rear	10'
Side	10'
Firewall	0'
No firewall	10'

*Each lot shall have, at a minimum, a 30-foot-wide access to a public road.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIII. C-3 COMMERCIAL RECREATION DISTRICT

(Ord. of 12-2-2002, § 70-419)

Sec. 70-420. Protective screening.

Protective screening for C-3 districts adjacent to or across the street (with the exception of major arterial or major collector roads) from residential zoning districts shall be in compliance with [section 70-86](#) of this chapter.

(Ord. of 12-2-2002, § 70-420)

FOOTNOTE(S):

--- (4) ---

Cross reference— Businesses, ch. 22. [\(Back\)](#)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIV. C-4 TRADITIONAL OFFICE DISTRICT

ARTICLE XIV. C-4 TRADITIONAL OFFICE DISTRICT

[Sec. 70-421. Statement of purpose.](#)

[Sec. 70-422. Permitted uses.](#)

[Sec. 70-423. Conditional uses.](#)

[Sec. 70-424. Protective screening.](#)

[Sec. 70-425. Restrictions.](#)

[Sec. 70-426. Area, height, bulk and placement requirements.](#)

[Secs. 70-427—70-450. Reserved.](#)

Sec. 70-421. Statement of purpose.

The traditional office district established in this article is intended to permit those offices and restricted business uses which will provide opportunities for local employment close to residential areas, thus reducing travel to and from work and which will provide clean, modern office buildings in a landscaped setting or the appropriate re-use of existing residential dwellings; which will provide, adjacent to residential areas, appropriate districts for uses which do not generate large volumes of traffic, traffic congestion and parking problems; and which will promote the most desirable use of land in accordance with the future land use plan. The zones are intended for those corridors in transition where residential uses are adjacent and also are still located along the corridor.

(Ord. of 12-2-2002, § 70-421)

Sec. 70-422. Permitted uses.

- (a) All permitted uses are subject to the restrictions set forth in [section 70-425](#) of this article.
- (b) Single family dwellings, except manufactured homes.
- (c) Family day care, group day care, adult day care and related uses.
- (d) Nursery schools, kindergartens, or day care facilities provided all state licensing requirements are met.
- (e) Temporary emergency construction and repair residences.
- (f) Offices of any type; clinical, research and services not primarily related to goods of merchandise.
- (g) Operations designed to attract and serve customer or client on the premises such as office of attorney, physicians and other professions.
- (h) Other uses similar to the above, subject to the restrictions set forth in [section 70-425](#) of this article.

(Ord. of 12-2-2002, § 70-422)

Sec. 70-423. Conditional uses.

All conditional uses are subject to the restrictions set forth in [section 70-425](#) of this chapter.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIV. C-4 TRADITIONAL OFFICE DISTRICT

- (1) Bed and breakfast inn.
- (2) Banks with drive in windows.
- (3) Hospitals or nursing homes.
- (4) Personal care homes for groups or families.
- (5) Group homes or halfway houses.

(Ord. of 12-2-2002, § 70-423)

Sec. 70-424. Protective screening.

Protective screening for C-4 districts adjacent to or across the street (with the exception of arterial or collector roads) from residential zoning districts shall be in compliance with [section 70-86](#) of this chapter.

(Ord. of 12-2-2002, § 70-424)

Sec. 70-425. Restrictions.

The following restrictions shall apply to all permitted and conditional businesses covered by this article.

- (1) All outdoor business operations shall be subject to the following restrictions:
 - a. There shall be no outdoor storage or display of any kind.
 - b. No business or activity, indoor or outdoor, shall be conducted in a manner which violates [section 34-106](#) of this Code, nor shall any business activities, indoor or outdoor, cause decibel levels as taken in nearby residential neighborhoods to be such that they violate the restrictions set forth for that neighborhood in [section 34-107](#) of this Code.
- (2) Retail businesses shall have no more than 7,000 square feet of gross floor area.
- (3) No business operations shall be conducted between the hours of 11:00 p.m. and 7:00 a.m. with the exception of normal business opening and closing activities, i.e. cleaning, restocking, etc. Nor shall any establishment be open to the public during those hours.
- (4) Unless specifically covered by this article, all other sections of this article shall apply to all establishments.
- (5) Manufactured or mobile homes are not to be used as retail, office, etc.
- (6) Buildings constructed under this article shall not have a metal facade fronting any public road.

(Ord. of 12-2-2002, § 70-425)

Sec. 70-426. Area, height, bulk and placement requirements.

<i>Minimum Lot Size</i>	
Well and septic	1.5 acres

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIV. C-4 TRADITIONAL OFFICE DISTRICT

Water and septic	.75 acres
Water and sewer	Staff review
<i>Lot Width at Setback</i>	
Well and septic	150'
Water and septic	100'
Water and sewer	Staff review*
<i>Minimum Building Setback</i>	
Front	35'
Rear	10'
Side	10'
Maximum Height	50'

*Each lot shall have, at a minimum, a 30-foot-wide access to a public road.

This height limitation shall not apply to grain elevators, silos, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, or church spires.

(Ord. of 12-2-2002, § 70-426)

Secs. 70-427—70-450. Reserved.

ARTICLE XV. I-1 LIGHT INDUSTRIAL DISTRICT

ARTICLE XV. I-1 LIGHT INDUSTRIAL DISTRICT

[Sec. 70-451. Statement of purpose.](#)

[Sec. 70-452. Permitted uses.](#)

[Sec. 70-453. Area, height, and placement requirements.](#)

[Sec. 70-454. Protective screening.](#)

[Secs. 70-455—70-485. Reserved.](#)

Sec. 70-451. Statement of purpose.

The light industrial district is intended to permit certain firms, which are of a light manufacturing character to locate in planned areas of the county. Firms that utilize substantial quantities of water in manufacturing are not permitted in this district. Industrial firms in this district do not necessarily require rail frontage.

(Ord. of 12-2-2002, § 70-451)

Sec. 70-452. Permitted uses.

- (a) Wholesale bakeries, baking plants, etc.
- (b) Bottling or packaging of cleaning compounds, polishes, etc.
- (c) Building equipment, building materials, lumber, sand, gravel storage yards and yards for contracting equipment, maintenance or operating equipment of public agencies or public utilities, or materials or equipment of similar nature.
- (d) Carpet manufacturing.
- (e) Carpenter and cabinet making shops.
- (f) Cold storage plants.
- (g) Dental, surgical and optical goods manufacturing.
- (h) Electronic manufacturing and assembly plants.
- (i) Electric motors and generators manufacturing.
- (j) Research and testing laboratories.
- (k) Pharmaceutical products manufacturing.
- (l) Printing, engraving and bookbinding shops.
- (m) Soft drink bottling establishments.
- (n) Tool, die, gauge and machine shops.
- (o) Processed agricultural products other than meat, poultry or animal products.
- (p) Textile and clothing manufacturing.
- (q) Natural gas and petroleum products storage and sales.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XV. I-1 LIGHT INDUSTRIAL DISTRICT

- (r) Plastic product manufacturing, but not including the processing of the raw materials (no actual plastic making).
- (s) Warehouse, storage and transfer, electric and gas service buildings and yards, public utility buildings, telephone exchange buildings and substations, gas regulator stations.
- (t) Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilation contractor's establishments including outside storage yards.
- (u) Moving or storage offices and warehouse.
- (v) Publicly owned buildings, public utility buildings and service yards including storage yards.

(Ord. of 12-2-2002, § 70-452)

Cross reference— Businesses, ch. 22.

Sec. 70-453. Area, height, and placement requirements.

I-1

<i>Minimum Lot Size</i>	3 acres
<i>Lot Width at Setback</i>	225'
<i>Minimum Building Setback</i>	
Front	75'
Side	20'
Rear	50'

*Each lot shall have, at a minimum, a 30-foot-wide access to a public road.

(Ord. of 12-2-2002, § 70-453)

Sec. 70-454. Protective screening.

Protective screening for I-1 districts adjacent to or across the street (with the exception of arterial or collector roads) from residential zoning districts shall be in compliance with [section 70-86](#) of this chapter.

(Ord. of 12-2-2002, § 70-454)

Secs. 70-455—70-485. Reserved.

ARTICLE XVI. I-2 HEAVY INDUSTRIAL DISTRICT

ARTICLE XVI. I-2 HEAVY INDUSTRIAL DISTRICT ⁽⁵⁾

[Sec. 70-486. Statement of purpose.](#)

[Sec. 70-487. Permitted uses.](#)

[Sec. 70-488. Area, height and placement requirements.](#)

[Sec. 70-489. Protective screening.](#)

[Secs. 70-490—70-560. Reserved.](#)

Sec. 70-486. Statement of purpose.

The intent of this district is to provide for the development, in desirable areas of the county, of those heavy commercial and industrial establishments, which may create some nuisance. The uses are primarily of a manufacturing, assembling and fabricating nature. Reasonable regulations apply to uses in this district so as to permit the location of industries, which will not cause adverse effects on residential and commercial areas of the county. The heavy industrial district is especially designed for the following types of industries:

- (1) Firms that process raw materials (minerals, forest products, chemicals, unfinished metal) into manufactured products ready for retail sale.
- (2) Firms that process raw materials into products that will be used in the production of other manufactured products.
- (3) Firms that produce or store toxic substances for direct sale or for distribution to retailers or other manufactures.
- (4) Firms that use substantial quantities of water in the manufacturing process.
- (5) Firms engaged in the slaughtering of animals.

(Ord. of 12-2-2002, § 70-486)

Sec. 70-487. Permitted uses.

- (a) Machinery plants.
- (b) Canning factories.
- (c) Chemical plants.
- (d) Cement, lime, gypsum or plaster of paris manufacturing, corrosive acid or alkali manufacture.
- (e) Automobile junk yard or wrecking:
 - (1) Automobile junkyards shall be enclosed by a solid fence or wall eight feet high to screen the storage yard from the street.
 - (2) This activity may not be conducted within 100 feet of any property line.
- (f) Metal stamping and pressing plants.
- (g) Smelting of any kind.
- (h) Stock yards, slaughterhouses and meat packing plants.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XVI. I-2 HEAVY INDUSTRIAL DISTRICT

(Ord. of 12-2-2002, § 70-487)

Sec. 70-488. Area, height and placement requirements.

I-2

<i>Minimum Lot Size</i>	3 acres
<i>Lot Width at Setback</i>	225'
<i>Minimum Building Setback</i>	
Front	75'
Side	20'
Rear	50'

*Each lot shall have, at a minimum, a 30-foot-wide access to a public road.

(Ord. of 12-2-2002, § 70-488)

Sec. 70-489. Protective screening.

Protective screening for I-2 districts adjacent to or across the street (with the exception of arterial or collector roads) from commercial or residential zoning districts shall be in compliance with [section 70-86](#) of this chapter.

(Ord. of 12-2-2002, § 70-489)

Secs. 70-490—70-560. Reserved.

FOOTNOTE(S):

--- (5) ---

Cross reference— Businesses, ch. 22 [\(Back\)](#)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XVII. NON-CONFORMING BUILDINGS AND USES

ARTICLE XVII. NON-CONFORMING BUILDINGS AND USES

[Sec. 70-561. Compliance with article required.](#)

[Sec. 70-562. Non-conforming buildings and uses.](#)

[Sec. 70-563. Discontinuance or abandonment.](#)

[Sec. 70-564. Alterations.](#)

[Sec. 70-565. Change of tenancy or ownership.](#)

[Secs. 70-566—70-595. Reserved.](#)

Sec. 70-561. Compliance with article required.

Any lawful use of land existing at the date of adoption of this chapter and located in a district in which it would not be permitted as a use under the regulations of this chapter is hereby declared to be a "non-conforming use" and not in violation of this chapter provided, however, that a non-conforming use shall be subject to, and the owner shall comply with, the following regulations.

(Ord. of 12-2-2002, § 70-561)

Sec. 70-562. Non-conforming buildings and uses.

A non-conforming use of land and a non-conforming building which existed as of the date of adoption of this Code, may be continued provided that:

- (1) No such use of non-conforming land or buildings shall in any way be expanded or extended with the following exceptions.
 - a. A non-conforming manufactured home use may be extended or expanded by exchanging an old manufactured home for a new one provided all other provisions of this chapter and all provisions of the manufactured home ordinance are complied with.
- (2) If such use of non-conforming land or buildings or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with provisions of this chapter.

(Ord. of 12-2-2002, § 70-562)

Sec. 70-563. Discontinuance or abandonment.

Any non-conforming use of land or building which has become unused, vacant or remains unoccupied owing to abandonment or discontinuance of use for a period of 180 days shall thereafter conform to the provisions of this article.

(Ord. of 12-2-2002, § 70-563)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XVII. NON-CONFORMING BUILDINGS AND USES

Sec. 70-564. Alterations.

Any non-conforming building or non-conforming use which has been damaged by fire, explosion, act of God, or by public enemy may be restored to the same non-conformity or non-conforming use as existed before such damage. The structure or use shall not be expanded.

(Ord. of 12-2-2002, § 70-564)

Sec. 70-565. Change of tenancy or ownership.

There may be a change in tenancy, ownership, or management of an existing non-conforming use of land provided the non-conformity is not abandoned or discontinued for more than 180 days.

(Ord. of 12-2-2002, § 70-565)

Secs. 70-566—70-595. Reserved.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XVIII. OFF-STREET PARKING AND LOADING REQUIREMENTS

ARTICLE XVIII. OFF-STREET PARKING AND LOADING REQUIREMENTS

[Sec. 70-596. Scope of provisions.](#)

[Sec. 70-597. Parking spaces may not be reduced.](#)

[Sec. 70-598. Drainage, construction and maintenance.](#)

[Sec. 70-599. Parking area design.](#)

[Sec. 70-600. Joint parking facilities.](#)

[Sec. 70-601. Pavement markings.](#)

[Sec. 70-602. Location of parking space for other land uses.](#)

[Sec. 70-603. Off-street parking requirements.](#)

[Sec. 70-604. Number of parking spaces.](#)

[Sec. 70-605. Off-street parking standards.](#)

[Sec. 70-606. Number of handicapped parking spaces.](#)

[Sec. 70-607. Off-street loading requirements.](#)

[Sec. 70-608. Minimum number of loading spaces required.](#)

[Secs. 70-609—70-640. Reserved.](#)

Sec. 70-596. Scope of provisions.

Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building, improvements, or use, a plot showing the required space reserved for off-street parking and service purposes. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on the approved plan.

(Ord. of 12-2-2002, § 70-596)

Sec. 70-597. Parking spaces may not be reduced.

Off-street parking spaces shall not be reduced below the minimum required number for the use or facility to which they are assigned unless approved by the planning director.

(Ord. of 12-2-2002, § 70-597)

Sec. 70-598. Drainage, construction and maintenance.

All off-street parking, loading and service areas shall be constructed according to [chapter 38](#) of this Code.

(Ord. of 12-2-2002, § 70-598)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XVIII. OFF-STREET PARKING AND LOADING REQUIREMENTS

Sec. 70-599. Parking area design.

Parking areas shall be constructed according to [chapter 38](#) of this Code.

(Ord. of 12-2-2002, § 70-599)

Sec. 70-600. Joint parking facilities.

Two or more neighboring uses, of the same or different types may provide joint facilities provided the number of off-street parking spaces are not less than the sum of the individual requirements.

(Ord. of 12-2-2002, § 70-600)

Sec. 70-601. Pavement markings.

Each off-street parking space shall be clearly marked according to [chapter 38](#) of this Code.

(Ord. of 12-2-2002, § 70-601)

Sec. 70-602. Location of parking space for other land uses.

The off-street parking facilities required for all other uses shall be located on the lot or within 1,000 feet of the permitted use requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.

(Ord. of 12-2-2002, § 70-602)

Sec. 70-603. Off-street parking requirements.

In all zoning districts off-street parking spaces for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, or enlarged after the effective date of the zoning ordinance shall be provided as herein prescribed.

Required parking spaces shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this article. The owner or owners of a building structure or other land use requiring off-street parking spaces must show, to the satisfaction of the planning director, or his designee, that he is the record title holder of the property devoted to said principal land use and of the property proposed for off-street parking use, or that he is the lessee of such property.

(Ord. of 12-2-2002, § 70-603)

Sec. 70-604. Number of parking spaces.

In order to assure a proper and uniform development of public parking areas throughout the area of jurisdiction of this chapter, to relieve traffic congestion on the streets, and to minimize any detrimental effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the following schedule. For any use or class of use not mentioned in this schedule, the requirements shall be the same as a similar use as mentioned herein. Parking requirements for additions to existing uses shall be based only upon the new addition even if the existing use is deficient.

(Ord. of 12-2-2002, § 70-604)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XVIII. OFF-STREET PARKING AND LOADING REQUIREMENTS

Sec. 70-605. Off-street parking standards.

NON-HANDICAPPED PARKING STANDARDS		
#	USE	NUMBER OF PARKING SPACES
1	Apartment and multifamily	2/Dwelling unit=1/every 10 spaces for boats, etc.
2	Apartments for elderly	1/Dwelling unit
3	Appliance store	1/each 400 sq. ft. GFA (gross floor area)
4	Auditorium, gym stadium, etc.	1/every 3 fixed seats in largest room; 1 each 40 sq. ft. of area available for seats; 1/each 150 sq. ft. GFA; whichever is greatest.
5	Auto fueling stations	1/each pump and 1/each 2 employees during largest shift, but not less than 4. In addition to service area.
6	Auto parts and accessories	1/each 400 sq. ft. GFA
7	Auto sales and repair; service stations and washeterias	Same as (5) above + 1/each 500 sq. ft. GFA of the shop or wash area
8	Auto service and appliance centers	1/each 400 sq. ft. of retail FA + 1/each service bay
9	Bowling alley	4/alley + requirements for any other use associated with the establishment
10	Club or lodge	1/each 2 employees + 1 for each 200 sq. ft. of GFA within the main assembly area + requirements for each additional use.
11	Church	1/each 4 seats in main place of assembly
12	Dance school	1/each employee + 1/150 sq. ft. of GFA + safe and convenient loading and unloading of students

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XVIII. OFF-STREET PARKING AND LOADING REQUIREMENTS

13	Duplex dwelling unit	3/each individual unit. Residential driveways will satisfy this need.
14	Financial institution	1/each 250 sq. ft. of GFA and 2 waiting spaces for each drive through window.
15	Furniture store	1/each 400 sq. ft. of GFA
16	Golf course	2/each hole + 1/each 2 employees + requirements for any other use associated with the golf course.
17	Grocery store and convenience stores	C-2 = 1/each 250 sq. ft. of GFA C-1 = 1/each 333 sq. ft. of GFA
18	High schools, colleges, trade schools, etc.	1/each employee + 5/classroom + sufficient area for safe and convenient loading and unloading of students.
19	Hospital	1/per bed + 1/employee on shift of greatest employment + 1/each visiting staff or doctor.
20	Hotel/motel	1/guest room + 1/each 2 employees
21	Indoor and outdoor recreational facilities	1/each 150 sq. ft. of gross area devoted to the use; or 1/each 4 seats or facilities available for patron use, whichever is greater.
22	Industrial or manufacturing estab. or warehouse	2/each 3 employees on shift of greatest employment + 1/each vehicle used directly in the conduct of business
23	Kindergarten, nursery schools and day care	1/employee + 1/each 350 sq. ft. of gross floor area + safe and convenient loading and unloading of students.
25	Nursing home	1/each 2 beds + 1/employee on shift of greatest employment
26	Office or professional building	1/each 350 sq. ft. of GFA or 1/each 2 employees, whichever is greater
27	Personal services establishment	1/each 350 sq. ft. of GFA + 1/each 2 employees, whichever is greater

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XVIII. OFF-STREET PARKING AND LOADING REQUIREMENTS

28	Repair shop	1/every 300 sq. ft. of GFA + 1/employee on shift of greatest employment
29	Restaurant: On-premises consumption	1/every 100 sq. ft. GFA w/minimum of 10 + 1/each employee on shift of greatest employment
30	Restaurant: Carry out w/ outdoor seats only	1/each 150 sq. ft. GFA w/minimum of 10 + 1/each 3 outdoor seats
31	Restaurant: Carry out only	1/each 150 sq. ft. GFA w/minimum of 10
32	Restaurant: On premises w/drive thru	1/each 100 sq. ft. GFA w/minimum of 10+ an adequate lane for through traffic which will not obstruct the required parking and driveway for the restaurant + 1/each employee
33	Schools, elementary	1/teacher + 1/each 2 service and administrative employees + 1/classroom + safe and convenient loading and unloading students
34	Senior citizen homes	1/each 2 beds + 1/employee on shift of greatest employment
35	Shopping center: Greater than 35,000 GFA	1/each 300 sq. ft. GFA
36	Shopping center: Less than 35,000 sq. ft. GFA	1/each 350 sq. ft. GFA
37	Swimming pool: Public	1/each 200 sq. ft. of water surface area + all requirements for any additional uses such as a restaurant
38	Travel trailer park	1/each trailer stall + 1/each two employees
39	Retail stores: If not otherwise mentioned	1/each 300 sq. ft. GFA
40	Wholesale establishment	1/each employee + 1/each vehicle use directly in the conduct of business

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XVIII. OFF-STREET PARKING AND LOADING REQUIREMENTS

(Ord. of 12-2-2002, § 70-605)

Sec. 70-606. Number of handicapped parking spaces.

In order to assure a proper and uniform development of public handicapped parking areas throughout the area of jurisdiction of this chapter, handicapped parking space shall be provided and maintained as called for in the following schedule. Handicapped parking requirements for additions for existing uses shall be based only upon the new addition, even if the existing use is deficient.

HANDICAPPED PARKING STANDARDS	
TOTAL REQUIRED PARKING SPACES	ADDITIONAL HANDICAPPED SPACES
Up to 25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of total
Over 1000	20 + 1 for each additional 100 over 1000

(Ord. of 12-2-2002, § 70-608)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XVIII. OFF-STREET PARKING AND LOADING REQUIREMENTS

Sec. 70-607. Off-street loading requirements.

On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot of adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets and alleys. Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten feet by 50 feet, with 15-foot height clearance, and shall be provided according to the following schedule:

OFF STREET LOADING REQUIREMENTS		
#	GFA In Sq. Ft.	Loading Spaces
1	0—10,000	None
2	10,001—100,000	1/for first 10,001 sq. ft. + 1/each additional 40,000 sq. ft. in excess of 10,001 sq. ft.
3	100,001— 500,000	1/first 100,001 sq. ft. + 1/each additional 60,000 sq. ft. in excess of 100,001 sq. ft.
4	500,000 and up	5/first 500,001 sq. ft. + 1/each additional 100,000 sq. ft. in excess of 500,001 sq. ft.

(Ord. of 12-2-2002, § 70-607)

Sec. 70-608. Minimum number of loading spaces required.

Industrial, wholesale and retail operations shall provide space as follows:

- (1) Off street loading spaces shall be provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses.
- (2) Off street loading spaces shall be designed and constructed so that all maneuvering to park and unpark vehicles for loading and unloading can take place entirely within the property lines of the premises. Loading spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on public right-of-ways.
- (3) Ingress and egress to off-street loading spaces shall conform to driveway entrance regulations of the county.

(Ord. of 12-2-2002, § 70-608)

Secs. 70-609—70-640. Reserved.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIX. SIGN REGULATIONS

ARTICLE XIX. SIGN REGULATIONS ^[6]

[Sec. 70-641. Statement of purpose.](#)

[Sec. 70-642. General provisions and definitions.](#)

[Sec. 70-643. Permits, inspections, etc.](#)

[Sec. 70-644. Permitted signs by zoning district.](#)

[Sec. 70-645. Regulations for signs.](#)

[Sec. 70-646. Safety and construction standards.](#)

[Sec. 70-647. Prohibited permanent signs.](#)

[Sec. 70-648. Amortization of excess ground signs.](#)

[Sec. 70-649. Sign and sign structure maintenance.](#)

[Sec. 70-650. Appeals.](#)

[Sec. 70-651. Legal provision.](#)

[Secs. 70-652—70-685. Reserved.](#)

Sec. 70-641. Statement of purpose.

In adopting these sign regulations, it is the intent and purpose of the Board of Commissioners of Lee County not to impose an outright ban on signs, but instead to:

- (1) Balance the right of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
- (2) Further the objectives of the county's comprehensive land use planning;
- (3) Protect the public health, safety and welfare;
- (4) Reduce traffic and pedestrian hazards;
- (5) Maintain the historical and cultural heritage and image of the county; and
- (6) Protect property values by minimizing the possible adverse effects and visual blight caused by signs;
- (7) Avoid the harmful aspects of the unrestricted proliferation of signs;
- (8) Promote economic development and tourism;
- (9) Protect private property values; and
- (10) Ensure the fair consistent enforcement of sign regulations.

In accessing how to go about the above described task, the Lee County Board of Commissioners has given considerable weight and find the following to be relevant and useful to the Lee County Board of Commissioners concerning the size, location and quantity of sign structures within the county and must be regulated in order to achieve the above-stated intents and purposes: University of Georgia Land Use Clinic (2003, June 26); Sign Control on Rural Corridors: Model Provisions and Guidance, Wisconsin Department of Transportation (1994, December); Milwaukee County Stadium Variable Message Sign Study: Impacts of an Advertising Variable Message Sign on Freeway Traffic; Scenic America (2007);

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIX. SIGN REGULATIONS

Billboards in the Digital Age: Unsafe (and Unsightly) at Any Speed; Scenic America Issue Alert, Nasar, Jack L. and Hong, Xiadong (1999, September); Visual Preferences in Urban Signscapes, Journal of Environment and Behavior, 31(5), 671-691; Office of Safety Research and Development, Federal Highway Administration (2001, September 11); Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction, U.S. Department of Transportation; New York State Department of State, Division of Local Government Services (2006, January); Municipal Control of Signs, James A. Coon Local Advertising in 268 U.S. Jurisdictions; Outdoor Advertising Association of America, Inc.; City Club of Portland (1996, September 6); Billboard Regulation in Portland, City Club of Portland Bulletin, 78(13), 1-40; Smiley, Alison and Persaud, Bhagwant, et al. (2205); Traffic Safety Evaluations of Video Advertising Signs, Transportation Research Record: Journal of the Transportation Research Board, No. 1937, 105-112.

In adopting these sign regulations, the Lee County Board of Commissioners has carefully considered and especially recognize the case law coming from Georgia courts, the federal courts, and courts throughout the United States, which recognize that the regulation of the size, location and quantity of sign structures is a valid and lawful means of achieving the above-stated intents and purposes, and that such intents and purposes are valid and lawful governmental interests, which include the following: Granite State Outdoor Advertising, Inc. v. Cobb County, Ga., 193 Fed. Appx. 900 (C.A. 11th 2006) (finding that the stated goals within a sign ordinance of protecting against traffic hazards and the adverse impact on the count's aesthetic qualities are substantial government interests); Gregory v. Clive, 2007 WL 2914515 (Ga. S. Ct. 2007) (recognizing as within a local government's police power to enact legislation governing billboards and signs, as such legislation clearly addresses the public health, safety, or general welfare of the community); H & H Operations, Inc. v. City of Peachtree City, Ga., 248 Ga. 500 (1981) (holding that, under its police power, a municipality can enact and enforce reasonable regulations governing the erection and maintenance of signs within its jurisdiction); Harnish v. Manatee County, Florida, 783 F.2d 1535 (C.A. 11th 1986) (finding that aesthetics is a substantial governmental goal which is entitled to and should be according weighty respect, and that the governmental entity charged with the responsibility of protecting the environment must be given discretion in determining how much protection is necessary and the best method of achieving that protection); Lamar Advertising Company v. City of Douglasville, Ga., 254 F. Supp. 2d 1321 (N.D. Ga. 2003) (finding that where a sign ordinance asserts the goals of public safety, traffic safety, health, welfare and aesthetics, a municipality has shown an important or substantial governmental interest unrelated to the suppression of free speech); Metromedia, Inc. v. City of San Diego, 453 U.S. 490 (1981) (holding that the goals of traffic safety and aesthetics advanced by a municipality as justification for regulating signs is a substantial governmental interest); St. Louis Poster Advertising Co. v. City of St. Louis, 249 U.S. 269 (1919) (finding that billboards may be prohibited in the residential districts of a city in the interest of the safety, morality, health and decency of the community); Members of the City Council of the City of Los Angeles v. Taxpayers for Vincent, 466 U.S. 789 (1984) (finding that a government entity can regulate signs and billboards when necessary to advance a significant and legitimate state interest, such as the protection of the aesthetics and quality of life within its jurisdiction); City of Doraville v. Turner Communications, Corp., 236 Ga. 385 (1976) (finding that under its police power authority, a municipality can regulate the location and maintenance of outdoor advertising signs within their territorial jurisdiction); Spratlin Outdoor Media, Inc. v. City of Douglasville, 2006 WL 826077 (N.D. Ga. 2006) (upholding sign ordinance where the ordinance's height and setback restrictions were rationally related to its stated goals of promoting the health, safety, morality and general welfare of the community, promoting the orderly and beneficial development of the city, promoting adequate access to natural light and air, improving the aesthetic appearance of the city, and encouraging the most appropriate use of land and buildings in accordance with the city's comprehensive plan).

(Ord. of 9-28-2010)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIX. SIGN REGULATIONS

Sec. 70-642. General provisions and definitions.

- (a) No sign structure shall be placed and/or maintained within the county except in conformity with this sign ordinance. Violations of this article may be punished in the same manner as other violations of the zoning ordinance. The county reserves the right to take legal action to remove signs erected in violation of this article, or to otherwise enforce the provisions of this article. All signs existing prior to the adoption of this article (with the exception of those falling under the requirements of [section 70-648](#)) that were legal at the time of adoption of this article shall be considered "grandfathered in" as existing non-conforming signs and may stay in place until one of the following conditions occurs:
- (1) The business advertised ceases at the location;
 - (2) The deterioration of the sign or damage to the sign makes it a hazard; or
 - (3) The sign has been damaged to such extent that more than minor repairs are required to restore the sign. No structural repairs, change in shape, or size shall be permitted except to make the sign comply with all requirements of this article.
- (b) Notwithstanding any other restrictions in this sign ordinance, any sign display or device allowed under this article may contain any commercial or non-commercial message, or any political or non-political message; except that such messages cannot depict obscenity, as defined by O.C.G.A. § 16-12-80, nor can they depict sexual conduct or sexually explicit nudity, as defined in O.C.G.A. § 36-60-3, nor advertise any activity illegal under the laws of Georgia or the United States. Nothing in this sign ordinance shall be construed to restrict or limit the length of time that a political campaign sign may be displayed or the number of political campaign signs that may be displayed on private property for which permission has been granted by the owner or occupier of the property where such sign or signs are located.
- (c) *Definitions.* As used in this article, the following words have the following meanings. The general definitions and interpretative rules of the zoning ordinance shall also be used. To the extent those general rules or definitions conflict with these specific definitions, these definitions control.

Billboard means a type of ground sign which is permitted in certain zoning districts as provided by this article, and which shall be a maximum of 30 feet in height for arterial roadways and 20 feet for all other roadways where permitted. Billboards shall be a maximum 250 square feet per sign face area, and that which is greater than 100 square feet in sign face area with the exception of signs on multi-tenant lots.

Directional sign means a sign dedicated to providing traffic direction such as enter, exit, drive through, etc., limited to three feet in height and no larger than four square feet in area.

Ground sign means a sign that is anchored to the ground and is wholly independent of a building for support. Freestanding signs are included in the definition, as are signs on poles, frames, or other mounting structures other than buildings. (Does not include vending machines, newspaper stands, propane gas, etc.)

Hanging sign means any non-fabric sign hanging or suspended from the exterior walls of a building structure, or an awning attached to the building structure, which is directed so as to be plainly visible from a public right-of-way. For the purposes of this article, such hanging signs shall be regulated as wall signs, shall only be permissible in zoning districts where wall signs are permissible, and shall be included in and count towards the amount of wall signage allowed under this article.

Sign means any display of words, shapes or images designed to convey a message to the viewer, located on the exterior of any dwelling, building or structure, or located anywhere on a lot upon a dedicated supporting structure or device, including poles, banners, windows and similar devices.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIX. SIGN REGULATIONS

Sign face means the actual message-carrying portion of the sign that can be used to display content, including any area that can display or does display words, pictures or other communicative elements of the sign, including the background color.

Sign structure includes all the elements of the sign, including its supporting structure, sign face, base, lights and every portion of the sign.

Small signs means signs which have less than one square foot in sign face area, and which are either wall or window signs, or which are ground signs less than three feet in height, are classified as small signs, and are not regulated by this article, provided that when two or more such small signs are used together to form a single message, then such group of small signs shall be treated as one sign for purposes of this article, and will be regulated accordingly.

Streamer. See [section 70-645\(e\)](#).

Temporary signs means a sign of a non-permanent nature, including, but not limited to, banners as herein defined, to be used for a limited period of time solely for the purpose of advertising an upcoming event or occurrence. Any temporary signs shall be displayed for no more than 14 days, and shall be removed within three days after the event or occurrence advertised on the sign has occurred. Temporary signs shall require a permit and may be located in any commercial district. The fee is not to exceed \$10.00. A political sign shall not be deemed to be a temporary sign for the purposes of this article.

Wall sign means a sign that is fastened directly to or is placed or painted directly upon the exterior of a building, with the sign face parallel to the wall, and extending from the surface of the exterior no more than 24 inches.

Window sign means a sign mounted inside of a structure, and designed to be seen from the outside of the structure through a window.

- (d) Except as provided herein, the provisions of this article shall be administered by the director of planning and engineering. Whenever this article places a duty, obligation, power or authority in the director of planning and engineering, it shall be construed to include that official's authorized designee.

(Ord. of 9-28-2010; Ord. of 8-14-2012)

Sec. 70-643. Permits, inspections, etc.

- (a) *Permit required.* Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the county or cause the same to be done without first obtaining a sign permit from the director of planning and engineering, chief building inspector, or their designees. These directives shall not be construed to require any permit for change of copy on any sign, replacement of the sign face, nor for the repainting, cleaning, or other normal maintenance or repair of a sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified or enlarged in any way.
- (b) *Application.* Sign permits may be applied for by the owner of the property upon which the sign will be located, or by that person or entity's authorized agent. In order to obtain a permit to erect, alter or relocate any sign under the provisions of this article, an applicant therefore shall submit to the director of planning and engineering a sign permit application which shall set forth in writing a complete description of the proposed sign including:
- (1) The name, address, and telephone number of the owner of persons entitled to possession of the sign and of the sign contractor or erector.
 - (2) The name, address and telephone number of the owner or lessee of the lot on which the sign is located if different from those designated above.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIX. SIGN REGULATIONS

- (3) The location by street address of the proposed sign structure.
- (4) A drawing of the proposed sign showing dimensions and construction specifications. There may be circumstances such that in order to protect public health, safety and welfare the drawing must be prepared and signed by an architect or engineer licensed by the State of Georgia. This will be determined by the director of engineering and planning.
- (5) Where the sign construction requires an electrical connection, the electrical contractor shall obtain an electrical permit.
- (6) Each applicant shall present to the director of planning and engineering on request a certificate of liability insurance or current occupation tax certificate prior to the issuance of a sign permit.
- (7) Where the application is for a multiple-message sign using electronic lighting as part of the display on the sign face, a copy of the sign manufacturer's specifications for luminosity shall be attached to the application.
- (c) *Issuance of permit if application in order.* It shall be the duty of the director of planning and engineering, upon receipt of a completed application for a sign permit, to examine such plans and specifications and other data and, if the proposed structure is in compliance with the requirements of this section and all other applicable provisions of this article to issue, within five working days from date of filing, to the applicant a written permit evidencing the applicant's compliance therewith. Sign permits shall be issued in the name of the property owner upon which the sign is to be located. Issuance of the permit shall in no way prevent the director of planning and engineering from later declaring said sign to be nonconforming if the permit is obtained based on false information submitted by the applicant.
- (d) *Permit duration.* A sign shall become null and void if the construction of the sign for which the permit was issued has not begun within a period of six months after the date of issuance and completed within 12 months after date of issuance.
- (e) *Work on illegal signs.* No person shall erect or assist in the erection, construction, maintenance, alteration, relocation, repair or painting of, or do any work upon any sign for which a permit has not been obtained. Any such sign shall be illegal and the director of planning and engineering shall order the owner to remove the sign immediately. If the owner fails to remove the sign within 30 days, the director of planning and engineering shall proceed in accordance with this article.
- (f) *Inspection.* All signs for which a permit is required by this article are subject to inspection by the director of planning and engineering, chief building inspector, or their designees.
- (g) *Revocation.* The director of planning and engineering is hereby authorized and empowered to revoke any permit issued by him upon failure of the holder thereof to comply with the provisions of this section within ten days after notification in writing.
- (h) *Permit fees.* Before any permit is issued under the provisions of this section, the applicant shall pay a fee as follows:
 - (1) For each permit for any sign in Lee County 37.5 cents/square foot of signage face or a minimum fee of \$50.00, whichever is greater.
 - (2) A 150 percent permit fee shall be paid in addition to any other penalties levied for violation of this section.
- (i) No permit should be required for signs having no electrical connection and a sign face less than 32 square feet in area; however, even signs not requiring a permit under this section shall be required to comply with the other provisions of this article.

(Ord. of 9-28-2010)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

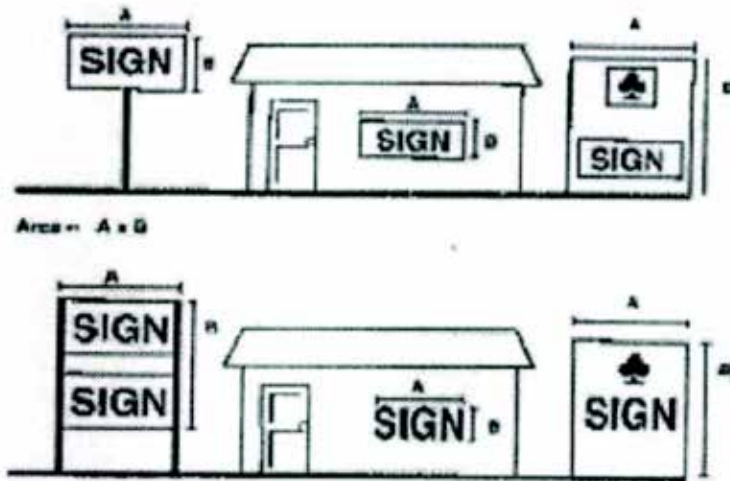
ARTICLE XIX. SIGN REGULATIONS

Sec. 70-644. Permitted signs by zoning district.

- (a) If not otherwise stated, any sign not specifically permitted in a zoning district as provided under this section shall be prohibited. These regulations apply to signs located on any lot or development, except that any sign not visible from the outside of a structure or to passing members of the public is not restricted or regulated by this article.

Sign height: Sign height is measured from centerline of street grade upon which the sign fronts to the highest portion of the sign structure.

Sign face area: The area of a sign is calculated by determining the area of the smallest square or rectangle which encloses the sign face and the structure surrounding the sign face. For example, the pole or base would not be included, but any frame holding the sign face in place would be counted. See examples below. However, this example is not substantive regulation as to permissible types of signs:



Examples of Sign Face Area Measurements

- (b) Signs permitted in residential zoning and C-4 districts.
- (1) Ground signs:
- Total sign face area may not exceed 32 square feet. Height is limited to six feet.
 - For C-4 zoning districts, one double-faced sign is permitted that has a maximum of 32 square feet per side.
 - Subdivision signs.* One permanent subdivision sign may be located at each entrance to a subdivision provided the following requirements are met: Such sign shall contain only the name of the subdivision and motto, if any, and shall not contain promotional or sales material.
 - The sign shall not create a physical or visual hazard for motorists entering or leaving the subdivision.
 - No part of the sign shall exceed seven feet in height. This height requirement shall include capstones and any other item placed for the embellishment of the sign.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIX. SIGN REGULATIONS

3. The sign surface area shall not exceed 25 square feet in area and the sign face area is calculated separate from the sign structure.
 4. The sign shall not be located in or overhang any public right-of-way or easement including, but not limited to, islands, utility or drainage easements and shall be located on private property, unless approved by the Lee County Commission. In no case shall the sign obstruct the free and clear vision of any vehicle entering or exiting the subdivision or travelling by the entrance.
 5. *Multiple family residential development and manufactured home park signs:* One wall or ground sign may be located on the site of a multiple family residential development or manufactured home park provided that it shall not have a sign area larger than 25 square feet. Such sign shall not exceed seven feet in height and shall be located on private property. Where a multiple family residential development or manufactured home park is located on more than one street, one sign may be displayed on each street.
 6. One additional sign is allowed during the construction phase of a subdivision not to exceed 32 square feet. This additional sign must be maintained according to the requirements of [section 70-649](#) and must be removed once the subdivision is built out.
- (2) Window signs:
- a. Not permitted.
- (3) Wall signs:
- a. Not permitted.
- (c) Signs permitted in the C-1, C-2, C-3, AG and I zoning districts:
- (1) Ground signs:
- a. One double-faced sign per street frontage. Maximum square footage for each sign face shall be two square feet for each linear foot of building frontage facing the public right-of-way, or one square foot for each linear foot of street frontage on the public right-of-way, whichever is larger, provided that no sign face may exceed 100 square feet. Maximum height for each sign structure shall be 30 feet for arterial roadways and 20 feet for all other street classifications.
- (2) Window signs:
- a. Permitted, but total signage shall not exceed 25 percent of the area of windows facing road frontage.
- (3) Wall signs:
- a. Maximum square footage for wall signs shall be two square feet for each linear foot of building frontage on the public right-of-way, or one square foot for each linear foot of street frontage on the public right-of-way, whichever is larger, provided that no sign face may exceed 100 square feet, except as provided in subsection b., below.
 - b. Where the structure upon which a wall sign is located is greater than 50 feet from the right-of-way of the nearest public street, the maximum square footage shall be as follows:

Distance from wall sign to maximum surface area, as the right-of-way of the determined in subsection a. abutting street frontage above, may be multiplied by a factor of:

50-100 feet 1.5 (but no larger than 150 square feet)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIX. SIGN REGULATIONS

100-175 feet 2 (but no larger than 200 square feet)

175-250 feet 2.5 (but no larger than 250 square feet)

250 + feet 3 (but no larger than 300 square feet)

- c. Wall signs may be located on multiple walls provided each sign faces a street or parking lot and the total square footage of the signs does not exceed what is set forth above.

(4) Signs on multi-tenant lots:

- a. On all multi-tenant lots having less than 25,000 square feet of gross leasable area, each individual establishment shall be permitted wall signage as though each individual establishment was an individual building with individual street frontage. Where such multi-tenant premises has a frontage of 200 lineal feet or more on either an arterial or collector street, an additional double-faced ground sign shall be permitted, not to exceed 32 square feet per sign face, and no greater than 25 feet in height. Such additional ground sign shall be no closer than 120 feet from the primary ground sign on the lot.
- b. On multi-tenant lots having 25,000 or more square feet of gross leasable area, one ground sign for the first 500 lineal feet of frontage adjacent to a street and one additional ground sign for each additional 500 lineal feet of street frontage shall be permitted, provided that such ground signs on the lot shall be no closer than 250 feet. Maximum surface area for each such ground sign shall be as follows: For multi-tenant lots having between 25,000 and 100,000 square feet of gross leasable area, the maximum area of sign faces shall be 175 square feet; for multi-tenant lots having between 100,000 and 300,000 square feet of gross leasable area, the maximum area of ground sign faces shall be 200 square feet; for multi-tenant lots having greater than 300,000 square feet of gross leasable area, the maximum square footage for ground sign faces shall be 300 square feet.

(d) *Billboards.* Billboards are permitted only in C-2 and industrial zoning districts. In those districts, billboards may be constructed subject to the following conditions:

- (1) No billboard shall be constructed or permitted, except as a replacement for an existing billboard. The county shall maintain a list of all billboards in the county, including the location and total sign face of each sign. Any application for a billboard building permit shall identify the billboard or billboards that are being replaced by the new billboard. Replacement shall be performed within six months after it has been determined that an existing sign or signs will be replaced by a new sign.
- (2) No billboard which is also a multiple-message sign shall be constructed or permitted, except as a replacement for 2.5 times as much existing billboard sign face area as the multiple-message sign face area of the proposed billboard. The county shall maintain a list of all billboards in the county, including the location and total sign face of each sign. Any application for a billboard building permit shall identify the billboard or billboards that are being replaced by the new billboard. Replacement shall be performed within six months after it has been determined that an existing sign or signs will be replaced by a new sign.
- (3) Billboards shall be located at least 1,000 feet from any residential district, measured from the location of the base of the sign.
- (4) New billboards shall be located at least 2,000 feet from any existing billboard, measured from the location of the base of the sign along the same side of the street.
- (5) The restriction of 50 percent of sign area generally applicable to multiple-message signs under this article shall not apply to billboards which are also multiple-message signs.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIX. SIGN REGULATIONS

- (6) The owner of each billboard shall file on or before January 31, 2011 and each succeeding year a statement from a registered engineer licensed by the State of Georgia, or some other person possessing qualifications acceptable to the director of planning and engineering, certifying that the billboard has been inspected, and that it remains structurally sound and capable of safely carrying the loads placed upon it. If, upon inspection, it is determined that the billboard is not structurally sound, the engineer shall list the structural deficiencies and the actions which must be taken to correct the structural deficiencies. Prior to March 1st of the same year, the sign owner shall be required to take such actions and file a statement with the county certifying that each required repair has been completed.

(Ord. of 9-28-2010)

Sec. 70-645. Regulations for signs.

(a) *Location and setback.*

- (1) The property owner must give permission for all sign structures erected on the owner's property. Sign structures are not permitted in the public right-of-way.
- (2) No portion of a sign or sign structure erected on private property shall encroach on or overhang the public right-of-way or any other person's property.
- (3) Distances are measured from the closest portion of the sign (whether that be the base, sign face, or the sign structure) to the right-of-way, curb or pavement.

(b) *Illumination.*

- (1) Signs cannot be illuminated in the residential zoning districts with the exception of subdivision entry signs, subject to [section 70-645\(b\)](#). Signs may be illuminated in all other districts, subject to the following provisions.
- (2) Flashing or blinking illumination is not permitted. Except as expressly provided in this article, no sign may use images changing more frequently than once every 20 seconds; except as otherwise provided, no sign may display picture changing more frequently than once per minute. No external or internal illumination that causes confusion with or distraction from any traffic signal or safety device shall be permitted.
- (3) All externally illuminated signs shall utilize low wattage luminaries, mounted in fixtures designed to direct the light and eliminate light trespass, such as light shining into residences or other neighboring structures.
- (4) All internally illuminated signs shall utilize low wattage luminaries designed to reduce light glow.
- (5) No sign shall give off light, which glares, blinds, or has any other adverse effect on traffic or adjacent properties. The light from an illuminated sign shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways. This shall be determined by measuring the footcandles (lumens per square foot) that fall on adjacent properties. No sign shall exceed one half (0.5) footcandles at any adjacent property line in a residential district and two footcandles at any public right-of-way.

(c) *Multiple-message signs.*

- (1) Multiple-message signs are those which change the message or copy on the sign face mechanically or electronically by movement or rotation of panels or slats, or by changing electronic display on the sign face. Except as expressly provided in this article for multiple-message billboards, such signs are only permitted in the C-2, C-3 and I zoning districts, and are not permitted in all other zoning districts.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIX. SIGN REGULATIONS

- (2) No multiple-message sign may change its message or copy, or any pictures or images that are part of the message, more frequently than once every 20 seconds, provided that multiple-message billboards shall be allowed to change the copy or images that are part of the message not more frequently than once every ten seconds.
 - (3) When the message of a multiple-message sign is changed mechanically, it shall be accomplished in three seconds or less. When the message of a multiple-message sign is changed in an electronic manner, through the use of light emitting diodes, back lighting or other light source, the transition shall occur within two seconds.
 - (4) Except as expressly provided in this article in regards to billboards, the portion of the sign face of a multiple-message sign which accommodates multiple-messages shall not exceed 50 percent of the total sign face area and may not change its message or copy, or any pictures or images that are part of the message, more frequently than once every 20 seconds; the remaining portion shall be static.
 - (5) When any multiple-message sign is located within 150 feet of any residential district, the display of multiple-messages shall discontinue between the hours of 11:00 p.m. and 6:00 a.m., and the sign shall be static and not display more than one message during that period.
 - (6) Multiple-message signs which are illuminated or which use electronic lighting to display message shall be subject to the restrictions and limitation applicable to illumination in this article.
 - (7) There shall be located no more than one multiple-message sign per lot, and such sign shall be permitted only on a ground sign or freestanding structure, and not on any wall sign or window sign.
 - (8) The total number of multiple-message billboards within Lee County shall be limited to ten sign faces. After the adoption of this article, new multiple message billboards shall only be permitted when both of the following location requirements are met:
 - a. The proposed multiple-message billboard is to be erected on an existing billboard sign structure as of the date of the adoption of this article or at the location of and as a replacement for such an existing billboard sign structures. A list of such existing billboard sign structures known to the county is included as Exhibit A at the end of this article, and is identified as "Billboards Existing in Lee County, Georgia, as of May, 2010"; and
 - b. The proposed multiple-message billboard will be located in commercial and industrial zoned areas.
 - (9) Multiple-message billboards constructed after the adoption of this article shall be located at least 5,000 feet from existing billboards using a multiple-message sign face, measured from the base of the billboard along the street frontage to the base of the nearest existing billboard using a multiple-message sign face on the same side of the street, and 3,000 feet from any existing billboard using a multiple-message sign face, measured along the shortest straight-line from sign structure to sign structure.
 - (10) The total number of multiple-message signs (as defined in [section 70-645\(c\)\(1\)](#)) within Lee County shall be limited to 30.
- (d) *Flags.* For the purposes of this article, flags are fabric signs displayed by being attached to a flagpole. Flags are permitted in all zoning districts, flags in C1, C2, C3, and I zoning districts are subject to the following regulations:
- (1) Only one flag permitted per lot;
 - (2) Such flagpole shall not exceed the height of the tallest structure on the lot by ten feet; and shall in no case be greater than 60 feet in height;

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIX. SIGN REGULATIONS

- (3) The longest side of the flag shall not be greater than one-fourth the height of the flagpole to which the flag is mounted;
- (4) No flag shall exceed 150 square feet in area;
- (5) There shall be no regulation of flags representing countries, states, or political subdivisions thereof, including, but not limited to, the flag of the United States of America.
- (e) *Banners.* For the purposes of this article, banners are paper, plastic or fabric signs, which are not attached to any rigid frame. Banners are limited to 48 square feet; only one banner per property or road frontage; and only permitted in C-1, C-2, C-3, and I zoning classifications, and it must be mounted or attached to a building or attached to a pole, mast, arm or other structure. Banners may only be exhibited six times each calendar year for a period of not more than 14 consecutive days during each period. Banners shall be maintained in good repair, and shall be maintained free of defects such as holes, tears, fading, cracks, breaks or missing portions. Upon written notice of any such defects, the banner must be repaired or removed. Fabric windsocks driven by air pressure are included as banners.

Streamers (narrow strips of material used for decoration), pennants and balloons may also be exhibited and are not subject to the six times per calendar year/14 consecutive days set forth above. Streamers, pennants and balloons shall be maintained free of defects such as holes, tears, fading, cracks, breaks or missing portions. Upon written notice of any such defects, the streamers, pennants or balloons must be repaired or removed.

Permits are required for banners. A written application shall be made to the director of planning and engineering ("director"). The director shall establish an application form and the permit fees.

- (f) *Portable signs (defined as sign structures which are attached to vehicles, trailers, movable structures, or any sign which may be transported or is designed to be transported).* Such signs include, but are not limited to, printed banners or billboards attached to vehicles and trailers. Except as provided below, the definition of portable structures does not include messages painted directly upon or attached by sticker or magnetic backing to a motor vehicle or placed within a motor vehicle such that it may be viewed from outside the vehicle through windows. For purposes of this article, motor vehicles which are used in connection with a business at the site and which have more than six square feet of painted or permanently affixed sign face may be parked onsite provided the vehicle is parked within the lateral lines of a parking space. Portable signs are only permitted in the C-1, C-2, C-3, and I zoning classifications, and only on lots where there is no other signage regulated by this article. Portable signs where permitted may only be displayed for a period of not more than 14 consecutive days in any 180-day period. Further, the display of portable signs as defined herein shall be prohibited in any zoning classification one year after the effective date of this article.

(Ord. of 9-28-2010)

Sec. 70-646. Safety and construction standards.

- (a) *Official confusion.* Signs which contain or are an imitation of an official traffic sign or signal, or can be confused with an official traffic sign, are prohibited.
- (b) *Fire safety.* No sign or sign structure may be erected or maintained which obstructs any fire escape, ventilation, or door; nor shall any sign or sign structure be attached to a fire escape.
- (c) *Corner visibility.* No sign or sign structure above a height of three feet shall be maintained within 25 feet of the intersection of the right-of-way lines of two streets, or of a street intersection with a railroad right-of-way.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIX. SIGN REGULATIONS

- (d) *Traffic visibility and safety.* No sign or sign structure shall obstruct the traffic sight line, or the view of vehicles entering the roadway (i.e., the view of oncoming traffic by vehicles attempting to enter the road, or vice versa). No sign shall be erected on any traffic island.

(Ord. of 9-28-2010)

Sec. 70-647. Prohibited permanent signs.

The following types of signs are prohibited in every zoning district:

- (1) Roof signs (which means signs mounted above a roof or projecting above the roof-line of a structure);
- (2) Rotating signs (excluding barber poles); and
- (3) Moving signs, or signs with moving parts. This includes, but is not limited to, animated signs involving motion or sound; signs with moving words; signs with waving elements, whether motorized or wind-powered; or similar moving signs.

(Ord. of 9-28-2010)

Sec. 70-648. Amortization of excess ground signs.

- (a) It is the intent of this article to bring into conformity the permitted/allowed number of ground signs per property in the commercial and industrial zoned areas of Lee County. It is the intent of the county commission to protect the investment-backed expectations of property and sign structure owners, and to accomplish conformity while allowing property and sign structure owners a reasonable return on their investment.
- (b) The provisions of this section shall have no application to any sign which is subject to a valid and current permit issued by the Georgia Department of Transportation under O.C.G.A. § 32-6-70 et seq. Nor shall this provision have any effect on any billboard which is existing legally at the time of the adoption of this article. A list of such billboards known to the county is identified as "Billboards Existing in Lee County, Georgia as of May, 2010" and is included as Exhibit A at the end of this article, and in the future shall be maintained by the director of planning and engineering. In the event that any billboard sign is legally existing at the time of the adoption of this article, but not included on such list, the owner of such sign shall have a period of 90 days running from the adoption of this article to register such sign with the director of planning and engineering, who, upon confirming that such sign is a billboard lawfully existing as of the date of the adoption of this article, shall place such sign on the list. The director of planning and engineering shall place a notice in the legal organ of Lee County once each month during such 90-day period advising owners of billboard signs that they should register the sign with the director of planning and engineering within such 90-day period. For the purposes of this amortization section, any billboard which has not been registered shall be presumed to not be a lawfully-existing billboard existing as of the time of the adoption of this article unless the owner thereof can show that the billboard structure was existing in its current location, design, height and sign face size on the date of the adoption of this article. During such 90-day period, there shall be a moratorium on the issuance of any permits for the erection of billboard sign structures to allow for the registration of existing signs. After the running of the 90-day period and the automatic expiration of such moratorium, whenever a permit is issued for any billboard, such billboard will be added to the list, along with the date upon which the permit was issued.
- (c) Except as otherwise provided, the permitted/allowed number of ground signs which are legal at the time of the adoption of this article or any amendment thereto, but which do not conform with the provisions of this article or any amendment thereto, shall be removed within a period of one year

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIX. SIGN REGULATIONS

from the date of the adoption of this article or the amendment thereto to which the sign structure does not conform.

- (d) Owners of property on which signs subject to the provisions of paragraph (c) above are located, or their designated agent, may apply for an extension of time at any time prior to or within 30 days after the expiration of the one-year period provided in subsection (c). Such application shall contain the following information:
 - (1) Name of the property owner making application;
 - (2) Address and tax parcel number of property upon which the sign is located;
 - (3) Physical description of sign, including height of structure and square footage of sign face;
 - (4) Date of such signs erection;
 - (5) Cost of such sign erection;
 - (6) A statement as to whether there has been any revenue derived from the sign, and a schedule of such revenues;
 - (7) Physical description of all other sign structures on the same lot as the subject sign, including square footage of the sign face and height of the sign structure;
 - (8) A survey or plat showing the location of all sign structures on the lot upon which the subject sign is located;
 - (9) A statement from the signs owner of how long of an extension is anticipated to be needed in order to realize a reasonable return on the sign structure.
- (e) Upon receipt of such application, the county commission shall conduct a hearing. The sign shall not be required to be removed or brought into conformity during the time the application is pending. Notice of such hearing shall be given to the applicant and to owners of properties adjoining the subject property, as shown by the records of the county tax assessor. At such hearing, the applicant and the zoning department staff may present testimony and evidence, and the county commission shall allow other interested persons to present testimony and evidence, provided that the applicant shall be allowed equally opportunity to address any evidence raised by such other persons.
- (f) The application shall be granted if the extension is necessary for the property or sign owner to realize a reasonable return on the capital cost of the sign, or if the sign structure serves a commercial or non-commercial purpose which cannot be adequately achieved with conforming signage. In making this determination, the county commission shall consider the following factors:
 - (1) Can the sign structure be brought into conformity with the ordinance without having to be moved or removed?
 - (2) If the sign structure can be brought into conformity, what is the cost of doing so?
 - (3) If the sign structure can be brought into conformity, would the cost of doing so prevent a reasonable return of capital to the sign owner?
 - (4) If the sign cannot be brought into conformity and must be removed, has the owner realized a reasonable return on the capital cost in comparison to the reasonable investment expectations in the area?
 - (5) If the sign owner has not realize a reasonable return on the capital cost in comparison to the reasonable investment expectations in the area, what period of time would be necessary for the owner to receive a reasonable return of capital?
 - (6) Would the removal of the sign impair a commercial or non-commercial purpose which cannot be adequately achieved with conforming signage?

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIX. SIGN REGULATIONS

Upon the conclusion of the evidence, the county commission may table the matter to a future meeting, or it may vote to deny the extension of time, grant the extension of time, or grant the extension of time subject to reasonable mitigating conditions. Any grant shall expressly state the duration of the additional time granted by the county commission. Such decision shall be reduced to writing and delivered to the applicant.

- (g) Any person substantially aggrieved by the decision of the county commission may appeal to the Superior Court of Lee County by filing such appeal with the clerk of that court within 30 days of the county commission's decision. Upon the filing of such an appeal, the county attorney's office shall compile the record of the application and the hearing on that application, certify it, and shall file same with the superior court.

(Ord. of 9-28-2010)

Sec. 70-649. Sign and sign structure maintenance.

- (a) The sign and sign structure shall be maintained in good repair, structurally sound, with proper anchorage capable of supporting the imposed loads, so as not to pose a threat to the public health, safety or welfare. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (b) All exterior surfaces shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surface repainted. When required, all exposed surface of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. Sign faces shall be maintained in good repair, and shall have neatly painted, posted or otherwise maintained display surfaces, free of defects such as holes, tears, crack, breaks or missing portions, which are plainly visible from the public right-of-way.
- (c) When a sign or sign structure is found to be in need of maintenance, the code enforcement officer shall issue a notice of violation to the property owner, which shall describe the maintenance issue, and provide a reasonable amount of time to repair the violation.
- (d) If, after receiving the notice of violation, the property owner fails to remedy the maintenance issue within the time provided, it shall be a violation of this article, subject to citation. The code enforcement officer may also institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal of the sign or sign structure. The reasonable cost of any action taken by the county or its agents to remedy the maintenance issue shall be charged against the real estate upon which the structure is located and shall constitute a lien upon such real estate.

(Ord. of 9-28-2010)

Sec. 70-650. Appeals.

Except for those appeals pertaining to the amortization of signs, appeals of the decisions of the director of planning and engineering under this article shall be to the county commission. The aggrieved party shall file such appeal in writing within 30 days of the date of the appealed decision. The county commission shall consider the appeal at a public meeting conducted within 35 days of the filing of the appeal. The aggrieved party or its agent and the director of planning and engineering shall be allowed to present testimony and evidence as to whether the decision should be affirmed, reversed or modified. Such testimony and evidence shall constitute the record. The county commission shall consider this record in light of the requirements and intent of this article, and shall vote to affirm, reverse or modify the

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIX. SIGN REGULATIONS

decision at such public meeting. In the event that the county commission fails to render a decision on the appeal within 60 days of the filing of the notice of appeal, the decision of the director of planning and engineering shall stand affirmed. Any person aggrieved by the decision of the county commission may appeal to the Superior Court of Lee County, Georgia, within 30 days of the county commission's decision.

(Ord. of 9-28-2010)

Sec. 70-651. Legal provision.

- (a) Any person or entity violating or refusing to comply with any provision of this article shall be subject to citation to the magistrate court, and upon conviction, may be sentenced to imprisonment for up to 60 days, to pay a fine of up to \$1,000.00, or both. Each day a violation exists shall be considered a separate violation for purposes of citation and sentencing. The county may also seek civil remedies including injunctive, declaratory or equitable relief for violations of this article.
- (b) Should any section or provision of this article be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the article as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
- (c) This article replaces the county's prior sign ordinance existing and in effect immediately prior to the adoption of this article. In the event all of this article is struck down as void, unconstitutional or invalid, including therefore this provision, that prior ordinance shall be considered to not have been repealed, and shall therefore still be in effect.
- (d) This article shall take effect and be in force as of the date of its adoption, the public welfare of Lee County demanding.

(Ord. of 9-28-2010)

Secs. 70-652—70-685. Reserved.

Exhibit A Billboards Existing in Lee County, Georgia, as of May 2010

OW NER	TY PE	MEDIA	# FAC ES	SI ZE	HEIG HT	POL E	LIGH T	LOCATION		DOT SP	PIC FACE 1	PIC FACE 2	ADDR ESS	NOTES
								LAT	LON					
US HIGHWAY 19/STATE ROUTE 3														
1	Lam ar	V	Paper	2	25 0	30	Sin gle	Exter nal	31.67 797	84.17 24		101_4 484	101_4 485	881 US 19 S.
2	Lam ar	V	Paper	2	25 0	30	Sin gle	Exter nal	31.67 581	84.17 31		101_4 486	101_4 487	934 US 19

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIX. SIGN REGULATIONS

														S.	
3		T	Paper	2	30 0	40	Qu ad	Exter nal	31.66 724	84.17 32		101_4 488	101_4 489	1044 US 19 S.	
4	BPS	T	Paper	1	30 0	40	Qu ad	Exter nal	31.66 52	84.17 32		101_4 491	x	1060 US 19 S.	
5	Lam ar	V	Paper	2	25 0	30	Sin gle	Exter nal	31.65 495	84.17 34	D35 22	101_4 493		1212 US 19 S.	Permitt ed for multi- messag e sign on Northb ound face on 9 FEB 2010
6	Lam ar	V	Paper	2	25 0	30	Sin gle	Exter nal	31.64 535	84.17 5	C04 23	101_4 494	101_4 495	101A Tabat ha St.	
7	Lam ar	V	Paper	2	25 0	30	Sin gle	Exter nal	31.63 759	84.17 55	D30 50	101_4 496	101_4 497	1477 US 19 S.	
8		T	Paper	2	30 0	40	Qu ad	Exter nal	31.63 236	84.17 71	A08 51	101_4 498	101_4 499	1554 US 19 S.	
9	Lam ar	V	Mech.	2	25 0	30	Sin gle	Exter nal	31.62 983	84.17 66	D30 42	101_4 500		1591 US 19 S.	Mechan ical 3- messag es per

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIX. SIGN REGULATIONS

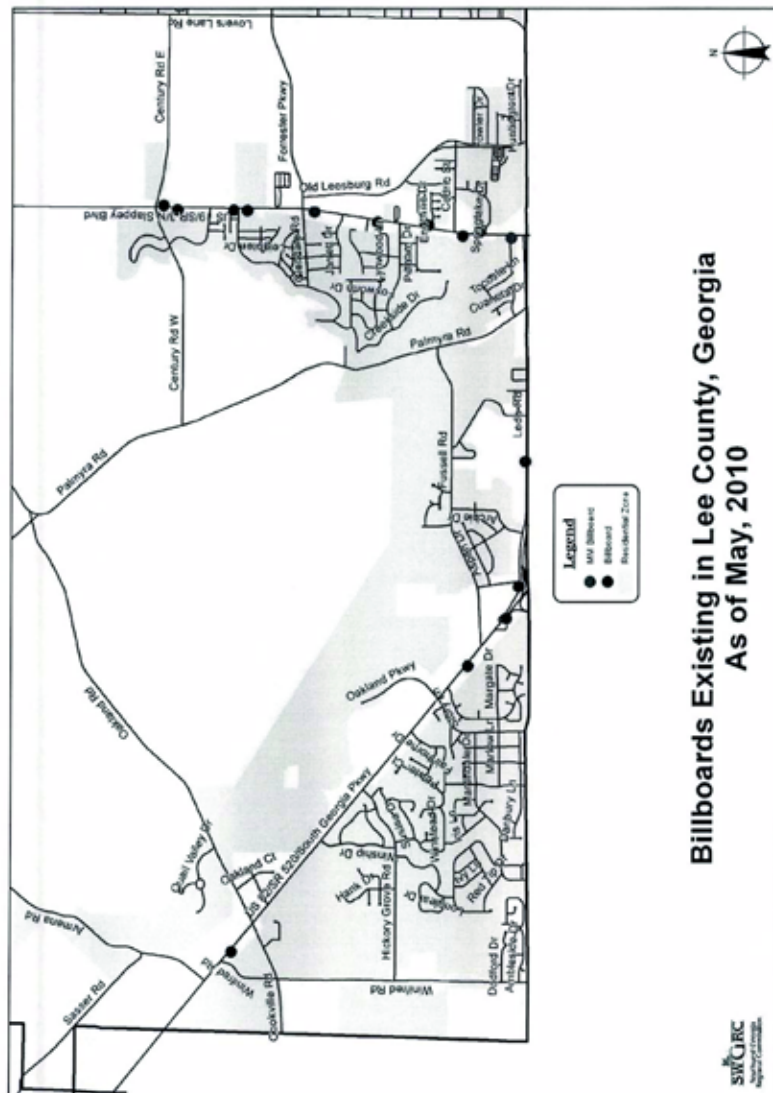
															side. 10 sec. delay
10 a	Lam ar	V	Paper	1	25 0	30	Sin gle	Exter nal	31.62 501	84.17 74	D30 40	101_4 502	101_4 504	3009 N. Slapp y	
10 b	Lam ar	V	Mech.	1	25 0	30	Sin gle	Exter nal	31.62 501	84.17 74	D30 40	101_4 502	101_4 504	3009 N. Slapp y	
				19											
LEDO ROAD															
11 a	Lam ar	V	Multi	1	25 0	30	Sin gle	Digit al	31.62 271	84.21 1				2769 Ledo Rd.	
11 b	Lam ar	V	Paper	1	25 0	30	Sin gle	Exter nal	31.62 271	84.21 1				2769 Ledo Rd.	
12		T	Paper	1	20 0	40	Qu ad	Exter nal	31.62 367	84.22 97				3007- 4 Ledo Rd.	
				3											
US HIGHWAY 82/STATE ROUTE 520															
13	Lam ar	T	Paper	2	25 0	30	Sin gle	Exter nal	31.62 552	84.23 444		P4220 752	P4220 753	1454 US82 W.	

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIX. SIGN REGULATIONS

14	Lamar	T	Paper	2	250	30	Dual	External	31.63136	84.2415	B0409	P4220755	P4220756	1360 US82 W.	
15		T	Dilapidated	1	250	30	Quad	none	31.66721	84.2845		P4220757	x	400 Block US82 W.	



PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XIX. SIGN REGULATIONS

FOOTNOTE(S):

--- (6) ---

Editor's note— Ord. of 9-28-2010 amended Art. XIX in its entirety to read as herein set out. Former Art. XIX, §§ 70-641—70-653, pertained to similar subject matter and derived from Ord. of 12-2-02, §§ 70-641, 70-642, 70-644—70-653; Mo. of 6-20-2005; Res. No. Z05-030, 9-23-2005. [\(Back\)](#)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XX. POLICIES AND PROCEDURES

ARTICLE XX. POLICIES AND PROCEDURES

[Sec. 70-686. General conditions.](#)

[Sec. 70-687. Referral of the planning commission.](#)

[Sec. 70-688. Notice of public hearing.](#)

[Sec. 70-689. Public hearing process.](#)

[Sec. 70-690. Standards for exercise of zoning powers.](#)

Sec. 70-686. General conditions.

These regulations, including the zoning map, may be amended by the board of commissioners:

- (1) On its own motion,
- (2) On petition, or
- (3) On recommendation of the planning commission, but no amendment shall become effective unless it shall have been submitted to the planning commission for review and recommendation.

The following policies and procedures are herein established to provide guidelines for the following activities.

- (1) The adoption of a new zoning ordinance.
- (2) The adoption of an amendment to the zoning ordinance which changes the text of the ordinance.
- (3) The adoption of an amendment to the zoning ordinance which rezones property from one zoning classification to another. (Map Amendment).

Applications for amendment of this chapter may be made in the form of proposals for amendments of the text of this chapter or proposals for amendment of the zoning map. Applications for amendment shall be on forms provided by the planning director or his designee, shall be submitted to the planning director, or his designee, and shall include a fee as established by the board of commissioners to defray expenses.

Applications shall be submitted by the last Friday of each month, as an established submittal deadline in order for the application to be reviewed by the planning commission the following month. Only completed applications will be accepted by the established submittal deadline.

No application for a zoning change affecting the same parcel of property or part thereof previously defeated shall be accepted by the planning director, or his designee until the expiration of at least six months immediately following the defeat of the rezoning request by the board of commissioners.

Application forms shall be obtained from the planning director, or his designee and shall include but not be limited to the following:

- (1) The street address and location of the subject property.
- (2) A legal survey plat of the property in question including a locator map. Plat must include signature of registered surveyor and registration number.

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XX. POLICIES AND PROCEDURES

- (3) The present zoning classification and the proposed zoning classification for the subject property.
- (4) All applications shall be signed by the owners or authorized agent (authorization must be on file) and include the name and address, and daytime phone number of the owner or authorized agent.
- (5) The area of land proposed to be rezoned shall be stated in acres to the nearest hundredth of an acre.
- (6) The application file number, date of application, and action taken on all prior rezoning for all or a part of the subject property.
- (7) In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.

(Ord. of 12-2-2002, § 70-686)

Sec. 70-687. Referral of the planning commission.

The planning commission shall review each application in light of the comprehensive plan, the future land use plan, the zoning criteria, and other facts presented at their meeting and issue a finding which recommends "approval" or "denial" of the application. The planning director, or his designee, will prepare a report on each application to assist the planning commission in their decision making process. The planning commission finding shall be forwarded as a recommendation to the board of commissioners. If a quorum of the planning commission is present and fails to take action at the advertised public hearing, it will be forwarded to the board of commissioners with no recommendation. The minutes of the planning commission meeting will be given to the board of commissioners so that they may take into account all issues that were raised.

(Ord. of 12-2-2002, § 70-687)

Sec. 70-688. Notice of public hearing.

- (a) *Posting of property.* Not less than 15 days or more than 45 days prior to the date set for the public hearing before the board of commissioners on any application for a map amendment sponsored by anyone other than the local government, and pursuant to [Chapter 66](#) O.C.G.A, the planning director shall have erected at least one sign for every public road frontage the subject property has. If no public road abuts thereon, then such sign shall be erected along the nearest opened, public right-of-way. Signs shall be erected in such a manner as may be most readily seen by the public. Each sign shall show the application file number, the present zoning classification, the proposed zoning classification, the scheduled date, time, and place of public hearing, and the telephone number and contact to call for further information. Each notification sign shall be maintained at all times by the planning director or his designee until a decision has been made by the board of commissioners, then removed.
- (b) *Newspaper advertisement.* Not less than 15 nor more than 45 days prior to the scheduled date of the public hearing before the board of commissioners, notice shall be published in the legal organ for both map and text amendments. The notice shall include the time, place, and purpose of the hearing. If the zoning action for a map amendment is initiated by a party other than the local government, the notice shall also include the location of the property, the present zoning classification, and the proposed zoning classification of the property pursuant to Chapter 66 O.C.G.A.

(Ord. of 12-2-2002, § 70-688)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XX. POLICIES AND PROCEDURES

Sec. 70-689. Public hearing process.

- (a) Notice to interested parties. A notice shall be delivered to the applicant, of the date, time, and place of hearing. All application files shall be placed in the custody of the planning department and shall be open to public inspection during regular office hours.
- (b) Hearing procedure. Upon the completion of a rezoning application or the draft of a text amendment public hearings will be scheduled by the planning commission and the board of commissioners respectively. The official public hearing required by state law will be held by the board of commissioners, and public notice will be given no less than 15 days nor more than 45 days prior to the official public hearing date.

All public hearings on zoning matters shall be placed on the presiding commission's agenda under a section entitled "Public Hearings". After an initial presentation of a specific zoning request to the presiding commission by the designated county staff, citizen comments will be heard in an orderly fashion. The presiding commission's chairman or designated representative will ask for those citizens speaking in favor of the request first, followed by those opposed to the issue.

Citizens shall be allowed a minimum time period to be no less than ten minutes per side for presentation of data, evidence, and opinions by proponents of each zoning decision and for the presentation by opponents of each proposed zoning decision. When there is a large number of citizens wishing to testify at a given hearing, the presiding officer may invoke time limitations on individual speakers; however, the time limitation is not to be less than ten minutes per side. In such cases, these time limits shall apply to all speakers.

Citizens shall address their comments to the presiding commission as a whole. Individual attacks or cross-examination of commission members, county employees, or other citizens will be ruled out of order.

After all citizen comments have been received, further discussion of the specific application is reserved for the presiding commission. The commission has the privilege to ask any questions of staff or any citizen present for clarification.

If the planning commission is presiding over the hearing they may then vote on the application for a map or text amendment and forward their recommendation to the county commission. Failure of the planning commission to take action will result in no recommendation being forwarded to the board of commissioners at the official advertised public hearing.

- (c) Pursuant to § 36-67A-3 O.C.G.A. as amended, all speakers shall be required to provide names and addresses for the public record and sign a "campaign disclosure form". This form requires all those speaking in favor of, or in opposition to a rezoning disclose whether they have made campaign contributions aggregating \$250.00 or more to any member of the county commission within the past two years. Such disclosure shall include the name of the commissioner(s), the dollar amount, description, and date of each such campaign contribution.
- (d) Public hearings records standards. The planning commission secretary and county clerk shall mechanically record the proceedings of their respective public hearings. If requested by any party, verbatim transcripts of the public hearing can be prepared, but only if requested and purchased in advance by the requesting party. Recorded tapes of public hearings shall be kept secure and not erased for one year from the date of the public hearing. A summary of the proceedings of each meeting will be made available to the public within two working days after the meeting. The record of the public hearing and all evidence (e.g., maps, drawings, traffic studies, etc.) submitted at the public hearing shall be noted as such and shall become a permanent part of the particular zoning amendment's file.

(Ord. of 12-2-2002, § 70-689)

PART II - CODE OF ORDINANCES

Chapter 70 - ZONING

ARTICLE XX. POLICIES AND PROCEDURES

Sec. 70-690. Standards for exercise of zoning powers.

In order to provide for the public health, safety, morality, and general welfare of the citizens of the county, the following zoning criteria are established. The following criteria, the recommendation, of the planning commission and any other factors relevant to balancing the above stated public interest, shall be considered by the county commission in making any zoning decision.

(1) *Zoning criteria.*

- a. Will the zoning proposal permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property?
- b. What is the effect on the property value of the subject property should the existing zoning be retained?
- c. If denied, will the effect on the applicant's property value under the existing zoning be offset by the gain to the health, safety, morals or general welfare of the public?
- d. Has the property been undeveloped an unusual length of time as currently zoned, considered in the context of land development in the area in the vicinity of the property?
- e. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities, or emergency medical services?
- f. Is the zoning proposal in conformity with the policy and intent of the future land use plan for the physical development of the area?
- g. Is the subject property well suited for the proposed zoning purpose?
- h. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?
- i. Does the subject property have a reasonable economic use as currently zoned?
- j. Are there other existing or changing conditions affecting the use or development of the subject property which give supporting grounds for either approval or disapproval of the zoning proposal?
- k. Would the change create an isolated district unrelated to the surrounding districts, such as "spot zoning"?
- l. Are the present zoning district boundaries illogically drawn in relation to existing conditions in the area?
- m. Is the change requested out of scale with the needs of the county as a whole or the immediate neighborhood?
- n. Is it impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned?
- o. Would there be an ecological or pollution impact resulting from the proposed zoning if it is granted?

(Ord. of 12-2-2002, § 70-690)