



**Lee County / Leesburg / Smithville Planning Commission**

CHRIS GUARNIERI, CHAIRMAN      CLAY GRIFFITH, VICE-CHAIRMAN  
CHAD ARNOLD, MIKE MCVEY, JIM QUINN, JASON SHEFFIELD, RICKY WATERS

Georgia law requires that all parties who have made campaign contributions to any member of the Lee County Board of Commissioners, Leesburg City Council or Smithville City Council, in excess of two hundred fifty dollars (\$250) within two years immediately preceding the filing of this request, and who desire to appear at the public hearing in opposition to the application shall at least five days prior to the public hearing file a campaign contribution report with the Lee County/Leesburg/Smithville Planning Commission.

**SPECIAL CALLED MEETING AGENDA**

**April 29, 2021**

**T. Page Tharp Governmental Building  
Opal Cannon Auditorium  
6:00 P.M.**

- I. CALL MEETING TO ORDER**  
**II. OLD BUSINESS**

**TEXT AMENDMENTS**

- **Text Amendments (TA21-002):** An ordinance to amend Chapter 70, Article III of the Ordinances of Lee County, Georgia relating to Prohibited in Residential Districts

**DISCUSSION**

- **Discussion** of Chapter 42, Sec. 42-141 Recreational Vehicles
- **Discussion** of Chapter 34, Article II. Nuisances, Division 3. Junked Motor Vehicles

**The Lee County Planning Commission** will meet at their next scheduled meeting on **Thursday, May 6, 2021 at 6:00 p.m.** in the T. Page Tharp Building, Opal Cannon Auditorium, located at 102 Starksville Avenue North, Leesburg, GA. 31763. The Planning Commission will forward its recommendation to the Lee County Board of Commissioners.

Text amendments are on file at the Lee County Planning, Zoning and Engineering Department, located at 102 Starksville Avenue North, Room 202 Leesburg, GA 31763, and can be reviewed along with any other information regarding this request, between 8:00 a.m. and 5:00 p.m.

**III. ADJOURNMENT**

**Agenda Subject to Change**

Persons with special needs relating to handicapped accessibility or foreign language interpretation should contact the ADA Coordinator at (229) 759-6000 or through the Georgia Relay Service (800) 255-0056 (TDD) or (800) 355-0135 (voice). This person can be contacted at the T. Page Tharp Building in Leesburg, Georgia between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays, and will assist citizens with special needs given proper notice of seven (7) working days. The meeting rooms and buildings are handicap accessible.

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)

**AN ORDINANCE TO AMEND CHAPTER 70, ARTICLE III OF THE CODE OF ORDINANCES OF LEE COUNTY, GEORGIA RELATING TO PROHIBITED IN RESIDENTIAL DISTRICTS; TO DELETE SEC. 70-85 (b) IN ITS ENTIRETY AND ADOPTING IN LIEU THEREOF, TO PROHIBIT PARKING AND STORAGE OF COMMERCIALLY REGISTERED VEHICLES OVER 10,001 LBS, AND USED FOR COMMERCIAL PURPOSES; TO PROVIDE AN EXCEPTION FOR COMMERCIAL VEHICLES ACTIVELY ENGAGED IN PROVISION OF COMMERCIAL ACTIVITIES; TO PASSENGER RECREATIONAL VEHICLE USE; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES**

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BE IT ORDAINED by the Board of Commissioners of Lee County, Georgia, and it is hereby ordained by authority of same, that Chapter 70, Article III, Section 70-85 of the Code of Ordinances of Lee County shall be amended by deleting Sec. 70-85 (b) in its entirety and adopting, in lieu thereof, the following:

(b) It shall be prohibited in all residentially zoned districts to park or store any commercially registered vehicles weighing 10,001 lbs. or more, and used for commercial purposes:

1. Motorized vehicles, containing special bodies, including stake bodies, flatbeds, dump bodies, cement mixers, or other bodies designed to support a commercial use;
2. Motorized vehicles including box trucks or box vans, cargo vans, buses, limousines, taxis or driver for hire vehicles, food trucks, semi-trailer trucks, or similar vehicles used for commercial purposes;

Exception for commercial motorized vehicles, while actively engaged in the provision of commercial activities, i.e. Lee County school buses, tow truck or wrecker responders to accident scenes, materials or goods delivery, landscaping, construction or repair activities, mobile food trucks, or other type of commercial business operation.

BE IT ORDAINED by the Board of Commissioners of Lee County, Georgia, and it is hereby ordained by authority of same, that Chapter 70, Article III, Section 70-85 of the Code of Ordinances of Lee County shall be amended by adding the following:

(e) Prohibit all commercial and institutional vehicles that have been converted from commercial vehicle use to passenger recreational vehicle use; commercial and institutional vehicles to include school/institution/passenger buses and other similar vehicles.

BE IT FURTHER ORDAINED that this Ordinance shall become effective as of the date of its adoption by the governing body of Lee County.

BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SO ORDAINED, effective the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**Board of Commissioners  
of Lee County, Georgia**

By: \_\_\_\_\_  
Billy Mathis, Chairman

Attest: \_\_\_\_\_  
Kaitlyn Sawyer, County Clerk

Sec. 42-141. - General requirements.

- (a) Recreational vehicle parks and sites shall conform to the minimum requirements set forth in this article and shall further conform to chapters 58 and 70, the comprehensive development plan as adopted by the board of commissioners and all other applicable county ordinances.
- (b) Each recreational vehicle park development shall be presented in plat form, as outlined in the major subdivision process, to the board of commissioners for approval and shall conform to the minimum design and improvement standards required in this article. Such plat shall bear the seal of a registered land surveyor. No construction or public improvements shall commence on any land to be used as a recreational vehicle park prior to the approval of its plat by the board of commissioners.
- (c) Prior to the initiation of development, a person desiring to develop a recreational vehicle park within the unincorporated area of the county shall submit 25 copies of the site plan to the planning commission and the board of commissioners for review showing those things required by the final subdivision procedure outlined in chapter 58. These requirements must be met before building or occupancy permits will be issued by the building officials or site construction permits will be issued by the planning and development department.
- (d) The requirements for expanding existing recreational vehicle parks are the same as in subsection (C) of this section.
- (e) Recreational vehicle parks in existence on the effective date of this chapter, shall meet the minimum standards and requirements stated in this article as stipulated in zoning ordinance for nonconforming uses.
- (f) All occupied recreational vehicles shall be placed only in approved recreational vehicle spaces in recreational vehicle parks or designated spaces in a manufactured home park. Unoccupied recreational vehicle can be stored on the vehicle owner's property within the limits established in this section and in chapter 70.
- (g) The residential occupancy of a recreational vehicle shall be limited to 90 continuous days of the following sites:
  - (1) Sites located in approved recreational vehicle parks;
  - (2) Sites specifically designated for recreational vehicles within manufactured home parks; and
  - (3) Sites specifically designated for recreational vehicles in any public or private recreation area.

When a recreational vehicle is located on a private lot that is not a part of a recreational vehicle park, a manufactured home park with recreational vehicle sites, or public or private recreation areas with recreational vehicle sites, it shall not be utilized as a residence or occupied permanently or temporarily by household members or their guests, or used as a rental unit.
- (h) Recreational vehicles, when stored on a residential lot, shall be placed in the rear yard of such lot and shall be located at least ten feet from adjoining property lines and at least ten feet from any residence unless it is stored within a portion of a dwelling or accessory structure. Plumbing facilities (both water and sewer) in such recreational vehicles shall not be connected while they are stored. Storage on public rights-of-way and easements is prohibited.
- (i) The following commercial establishments may be permitted as customary accessory uses in a recreational vehicle park provided such uses do not occupy a total of more than ten percent of the area of the park and 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) Coin operated laundry and dry cleaning establishments or pickup stations, beauty shops, barber shops and similar personal service establishments;
  - (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.
- (j) Any recreational vehicle permanently or temporarily occupied in a manner not consistent with this chapter on the effective date of this chapter shall be removed within a period of 180 days from the effective date of this chapter or shall be removed immediately upon the termination of temporary occupancy of the recreational vehicle, whichever time period is the least.

(Ord. of 11-5-2001, Exh. A)

### *DIVISION 3. JUNKED MOTOR VEHICLES*

#### **Sec. 34-65. Definitions.**

For the purposes of this division, the following terms, phrases, words and their derivation shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

*Code enforcement officer* is the code enforcement officer of Lee County, Georgia.

*Day or days* means each and every day except that the first day shall not be counted but the last shall be counted; and if the last day falls on a Saturday, Sunday or legal holiday, the party shall have the privilege or duty of acting to exercise its privilege or discharge its duty on the next business after such Saturday, Sunday or legal holiday.

*Inoperative* shall mean not capable of being moved under its own power without additional work or repairs being completed to the motor vehicle, or without any additional components being added to or placed upon said motor vehicle.

*Junked motor vehicle* is any motor vehicle, as defined in this division, which does not have lawfully affixed thereto both an unexpired license plate and a current license decal, or the condition of such motor vehicle is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

*Motor vehicle* is any vehicle which is or is intended to be self-propelled and designed to travel on the ground and shall include, but shall not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers and trailers, as well as any part or parts thereof.

*Person* shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

*Private property* shall mean any real property within the county which is privately owned and which is not public property as defined in this section.

*Public property* shall mean any street or highway which shall include the entire width between the boundary lines of every publicly maintained way and dedicated to the purposes of vehicular traffic, and shall also mean any other publicly owned property or facility.

(Ord. of 2-11-1999(4), § 1; Ord. of 11-11-1999)

#### **Sec. 34-66. Declared nuisance.**

No person shall park, store, leave or permit the parking, storing or leaving of any junked motor vehicle of any kind upon any private property within any residential or commercial zoning district or within 500 feet of those zoning districts of the unincorporated areas of the county for a period of time in excess of 30 calendar days. The presence of a junked motor vehicle, or parts thereof on private property is hereby declared a public nuisance which may be abated as such in accord with the provisions of this division.

(Ord. of 2-11-1999(4), § 2; Ord. of 11-11-1999; Res. No. Z05-032, 9-23-2005)

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### **Sec. 34-67. Exemptions.**

Those vehicles which are exempted from the provisions of this division are as follows:

- (1) Any motor vehicles or parts thereof which are located on the premises of licensed automobile dealers;
- (2) Any motor vehicles or parts thereof which are located on the premises of any licensed junkyard operated in compliance with state and local laws relating to licensing, regulating and zoning of such junkyards;
- (3) Any motor vehicle enclosed within a building on private property which is not a hazard to public health and which is not an attractive nuisance to children;
- (4) Any motor vehicle in operable condition specifically adapted or designed for operation on drag strips or raceways;
- (5) Any motor vehicles in the process of being restored to an operable condition, provided they are:
  - a. Limited to no more than one in number;
  - b. Located in the rear yard and behind the house of the owner of such vehicles;
  - c. Not visible from any road;
  - d. Must maintain a current Lee County tag decal; and
  - e. Are enclosed or covered in such a way so as not to be an attractive nuisance to children.

(Ord. of 2-11-1999(4), § 3; Ord. of 11-11-1999; Res. No. Z05-032, 9-23-2005)

### **Sec. 34-68. Notice of violation.**

Whenever it comes to the attention of the code enforcement officer that any nuisance as defined in this division exists in the county, a notice in writing shall be served upon the occupant of the real property where the nuisance exists, upon the owner of the property, and upon the owner of the junked motor vehicle or other property which constitutes such nuisance, notifying them of the existence of the nuisance and directing its removal within 30 days. In the event that such owners cannot be located, or in the event that the address of such owners is unknown, then notice shall be made to the last known address of such owners, or in the event that the identity of such owners cannot be ascertained after due investigation, such notice shall be posted in a prominent location on the premises where the nuisance exists, and upon the junked motor vehicle itself.

(Ord. of 2-11-1999(4), § 4; Ord. of 11-11-1999)

### **Sec. 34-69. Responsibility for removal.**

Upon such notice, the owner of the junked motor vehicle, and the owner or occupant of the private property upon which the same is located, either, or all of them, shall be responsible for its removal. In the event that such owners fail to remove such vehicle and thereby abate such nuisance within the 30-day time period provided in the notice, the code enforcement office shall be authorized to institute proceedings against such owner or owners in the magistrate court of the county pursuant to the ordinances and rules of said court, and such persons shall be notified of the date and time of the hearing scheduled no later than five days prior to the date set for the hearing. Such notice shall be served upon such owner or owners in the same manner as provided for service of notice of ordinance violations in this Code.

(Ord. of 2-11-1999(4), § 5; Ord. of 11-11-1999)



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**Sec. 34-70. Hearing.**

- (a) At the hearing, the court shall determine the owner of the vehicle and whether or not a nuisance exists and, if so, the court shall order abatement of such nuisance and shall impose such penalty or penalties as may be authorized by this Code section for failure to abate such nuisance.
- (b) In the event that the court determines that a nuisance exists and abatement thereof is ordered, the court shall be authorized to grant the owner a period of time, not to exceed 15 days, to abate such nuisance. The court shall further include in its order provisions authorizing the county to abate such nuisance if such nuisance is not abated by the owner within the time period for such abatement as ordered by the court. Such order shall also include authority for the county to enter upon the premises upon which the nuisance exists and abate the same, and shall further provide that the cost of abatement of the nuisance incurred by the county shall be assessed against the owner of the premises upon which the nuisance existed.

(Ord. of 2-11-1999(4), § 6; Ord. of 11-11-1999)

**Sec. 34-71. Abatement by the county.**

In the event that the nuisance is abated by the county pursuant to the authority of the order of the court authorized by this division, the county shall abate the nuisance in the following manner:

- (1) The county shall hire a wrecker service, or such other service as may be required, to remove the nuisance, and direct that the nuisance be removed to a local licensed junkyard or other similar facility.
- (2) The wrecker service hired to remove the nuisance shall notify the owner of the property and the owner of the motor vehicle within ten days of removal of the property of the location of the junked motor vehicle and of the cost incurred by the owner in connection with the abatement service. Such cost may include the actual cost of removal of the motor vehicle and storage charges, if applicable, up to and including the date of payment by the owner.
- (3) In the event that the owner does not pay the charges or otherwise recover the motor vehicle within such time as may be established by the wrecker service or by state law, the wrecker service may be authorized to recover its costs and expenses and dispose of the property in accord with general provisions of state law.

(Ord. of 2-11-1999(4), § 7; Ord. of 11-11-1999)

**Sec. 34-72. Penalty for failure to abate.**

Each day which the court finds the nuisance has existed shall constitute a separate offense, and each such offense shall subject the violator, upon conviction therefor, to a fine not to exceed \$500.00 and/or imprisonment in the common jail of the county for a period not exceeding 60 days, or both such fine and imprisonment, for each such offense.

(Ord. of 2-11-1999(4), § 8; Ord. of 11-11-1999)

**Secs. 34-73—34-75. Reserved.**