

**BOARD MEMBERS**

Jim Oliver, Chairman  
John H. Culbreth, Sr, Vice-Chairman  
Arnold L. Martin  
Danny England  
John Kruzan

**STAFF**

Deborah L. Bell, Planning and Zoning Director  
Deborah Sims, Zoning Administrator  
Chelsie Boynton, Planning and Zoning Coordinator  
E. Allison Ivey Cox, County Attorney

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**AGENDA**  
**FAYETTE COUNTY PLANNING COMMISSION MEETING**  
**140 STONEWALL AVENUE WEST**  
**May 4, 2023**  
**7:00 pm**

**\*Please turn off or turn to mute all electronic devices during the  
Planning Commission Meetings**

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**NEW BUSINESS**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the meeting held on April 20, 2023.

**PUBLIC HEARING**

5. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-79. Residential Accessory Structures and their uses.
6. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-241. Public Hearing.
7. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-292. Public Hearing.
8. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3. Definitions.

# Meeting Minutes 4/20/23

THE FAYETTE COUNTY PLANNING COMMISSION met on April 20<sup>th</sup>, 2023 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Jim Oliver, Chairman  
Arnold Martin  
John Kruzan  
Danny England

**MEMBERS ABSENT:** John H. Culbreth Sr., Vice Chairman

**STAFF PRESENT:** Debbie Bell, Planning and Zoning Director  
Deborah Sims, Zoning Administrator  
E. Allison Ivey Cox, County Attorney

## NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.

*Danny England made a motion to approve the agenda. Arnold Martin seconded the motion. The motion carried 4-0. John H. Culbreth Sr. was absent.*

4. Consideration of the Minutes of the meeting held on March 2, 2023.

*Arnold Martin made a motion to approve Minutes of the meeting held on March 2, 2023. John Kruzan seconded the motion. The motion carried 4-0. John H. Culbreth Sr. was absent.*

5. Consideration of a Minor Final Plat of Metzger Manor.

Deborah Sims, Zoning Administrator briefly spoke about the plat and that it met the zoning requirements for R-40. There were no further questions or comments.

*Arnold Martin made a motion to approve Minor Final Plat of Metzger Manor. John Kruzan seconded the motion. The motion carried 4-0. John H. Culbreth Sr. was absent.*

6. Consideration of the Preliminary Plat for Liberty North.

Daniel Fields introduced himself and stated the plat had come before the Planning Commission before.

Deborah Sims stated it was the fourth review.

Arnold Martin asked if there were any major changes from the previous time.

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Mr. Fields stated no.

There were no further questions or comments.

***Arnold Martin made a motion to approve Preliminary Plat for Liberty North. John Kruzan seconded the motion. The motion carried 4-0. John H. Culbreth Sr. was absent.***

7. Work Session – Discuss Amendments to zoning ordinance.
  - a. Discuss parking ordinance.
  - b. Discuss commercial parking in A-R.
  - c. Discuss amendments to 110-3, 110-79, 110-241 & 110-292

Debbie Bell stated staff is preparing to amendments for the May agenda. She stated they will add a few definitions. The first will be Building Line Front for a corner lot. This definition will show how staff determines the front yard on a corner lot. She stated this is because in certain overlays there are special requirements for parking in the front yard.

Jim Oliver asked if they are trying to clarify because of how the building is oriented?

Debbie Bell stated yes.

Danny England stated they've clarified this in residential lots.

Debbie Bell stated there is not anything quite like the language. She stated there is language that speaks to building things in the front of the lot but this would be a little different.

The Planning Commission spoke about the front yard being where the mailbox is placed. Chairman Oliver stated sometimes the mailbox is placed on one street and the house faces the other street.

Danny England said it was determined by the plane of the structure, that way it didn't matter what the angle was on the corner lot, one could still see the front yard based on the plane of the structure. He continued, it would be nice for the language to match.

Debbie Bell stated the only definition for Building Line Front is a line running parallel to the street which touches the nearest point to the principal structure to the street. She continued, that definition does not work for corner lots. She then referred to the Secondary Front Yard on a Corner Lot, the area parallel to the street between the property line adjacent to a street and the principal structure outside of the primary front yard.

Danny England stated they already fixed this.

Allison Cox stated the problem is with the overlay zones. There isn't a parking requirement that's causing some issues. She continued the 85 Overlay Zone mentions Building Line Front and not the front yard.

Danny England stated Building Line makes more sense because you can see the building but you can't see the property line and setbacks.

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Chairman Oliver stated it could be the terminology too. It may be better as Building Setback Line.

Debbie Bell stated the building line could be different from the setback. In this case the building line is different from the setback because of the parking requirements.

Arnold Martin referred to the handout and asked which street would be the address?

Debbie Bell stated they can request the address for either street.

Danny England stated his concern for the language they created before not showing up.

Allison Cox stated it's possible when they added the definition it fixed the problem but it didn't fix it in the overlay zone.

Debbie Bell read the language in the overlay, "No more than 50 percent of the required parking can be located in the front yard along the state route as established by the front building line of any structure located on the site."

Allison Cox stated there are two definitions one for the front yard and one for front building line. She stated, going to the Definitions section in the ordinance, note that this would be a primary front yard.

Chairman Oliver stated the front parking is where the front of the building is regardless of which road it's facing.

Allison Cox agreed and stated the ordinance references the front building line which is defined as building parallel to the building.

Danny England asked if the amendment would only be for corner lots?

Allison Cox stated yes.

Debbie Bell stated the second definition for discussion is still in progress. She stated the office has had a few requests for a drug abuse treatment facility. She stated this is currently not a use in the ordinance. She continued they need to add a definition and a use.

Chairman Oliver asked if it would be in a residential district.

Debbie Bell stated many of the requests have been made for O-I districts which is approved for hospitals, but this is different from a hospital and the attorneys want them to address it differently. She continued there are some different requirements. There is a state law that it goes through a zoning procedure where it goes before the Planning Commission and then not before six months but not before nine months must go before the Board of Commissioners.

Chairman Oliver asked if there had been any requests for this to be in a residential district instead of the medical district.

Debbie Bell stated not at this point.

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Arnold Martin stated someone could see a big house and want to use it as a treatment facility so they should prepare all the language as it relates. He asked if they would also need to be aware of all the medical standards the state requires to create the language?

Allison Cox stated it would be like a hospital and they are not specific about the language for the hospitals in the ordinance. She continued; with the drug use facility they need to be specific about the zoning procedures. She stated she thinks the legislative intent is to make the public and nearby residents aware. She suggested they put a definition in and decide which zoning districts it would be in. She continued that O-I is appropriate and they want make sure they are covering the notices to residents. She stated it would be set up as a special use of property so that each time applies to put one in it would run through a special hearing process with the Planning Commission and then with the Board of Commissioners.

Chairman Oliver asked if there is a medical office zoning?

Debbie Bell stated medical offices are allowed in O-I.

Danny England stated this would be good for the personal care homes who become medical. There will already be something zoned for it and they can move into.

John Kruzan asked if there will be a part of the definition that triggers the medical aspect such as detoxing that will differentiate from a personal care home?

Danny England stated usually your administering drugs over the course of several days to help them.

Allison Cox stated the state law considers it a halfway house, a drug rehabilitation center or any other facility for the treatment of drug dependency.

Danny England asked if there are any distance requirements from schools or anything.

Allison Cox stated she didn't see anything but that they need to develop a permitting process that puts those requirements in place. She stated O-I is probably away from most residences anyway but they can still add those in.

Danny England stated some may be close to a school or day care.

Allison Cox stated the request that is in front of them right now is for an acute detox facility that specifically help after an overdose for the first few days.

Danny England stated those may also have the most intensive medical use.

Arnold Martin asked if there is any language for prisoners that have been recently released into an halfway house?

Allison Cox suggested they add a definition for special use of property and start dropping in those things that will define drug use facility and halfway house so that it's easier to look at these things and know that they're coming.

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Arnold Martin agreed. He stated oftentimes there are ten people in a house that looks normal and there may be one person that sleeps there at night and couple of staff people during the day.

Allison Cox stated she's not aware of any language, but they can place those in O-I as well.

Arnold Martin stated the owners are paid by the state to house them there so it would be beneficial to prepare language. He continued it's dependent on what grade of offender they were as well as to which halfway house they may be released to.

John Kruzan stated it's like they're running a house with some roommates.

Arnold Martin agreed that is the intent. He stated there is a person there monitoring but everyone is trying to matriculate there way back into society.

Debbie Bell stated the next two amendments are similar. Section 110-241 and Section 110-192 are related to public hearings. She stated some of it is an updated. There is a change in state law taking affect on July 1 that changes advertising requirements from between 45 day and 15 days to between 45 days and 30 days. She continued internally, they 've modified their submittal schedule since they will have a different advertising window. She stated there is other language about appeals.

John Kruzan asked what publications do they have to advertise in?

Debbie Bell stated they have to advertise in the local newspaper and they have to run the ads for public hearing not less than 15 days but not more than 45 days before the meeting and that window is being narrowed to 30 to 45 days.

Arnold Martin asked if this applies to sign posting as well.

Debbie Bell stated yes.

Allison Cox stated there was a procedure for appeals that change that is for the step up from here and going to court.

Debbie Bell stated the next item is the architectural standards for accessory structures. She stated the Planning Commission recommended that those be removed and the Board of Commissioners concurred. She explained that those will be removed. She continued that the next item is the parking of business vehicles. She stated they've gotten a lot of requests for truck parking. She stated she envisions this for M-1 or M-2 for tractor trailer parking and defining other parking lots for retail or passenger vehicles and things like that.

Danny England gave the example of a business owner owning a dozen small trucks and parking them on his property which is zoned A-R. He said they often think of semis but somebody could also have 15 white vans and the uncertainty of where to draw the line.

Debbie Bell stated in A-R if it's greater than ten acres than there's no restriction. She stated they would like to make an amendment because most of the A-R properties in Fayette County lean more toward residential then agricultural. She continued this would still not include bonafide farm equipment. She moved on to the last item which was Rick Ross' car show. She stated they will be looking at the

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definitions of special events. She explained how they would look into creating categories and find the tipping point from a small special event. She stated she'll bring it back as a discussion once they have something more flushed out.

John Kruzan asked if advertising would be a consideration?

Debbie Bell stated it could be.

Arnold Martin stated he read Rick Ross' property is extremely multi use and part of it is designated as a zoo.

Debbie Bell stated the property is not zoned for a zoo but that it is A-R which allows livestock but not exotic animals.

Arnold Martin asked if any of the property is in Fulton County.

Debbie Bell stated no. She continued that staff has met with his event staff and event coordinator they are doing the things they were looking at saying such as parking , security, emergency services, and working with the sheriff's office. She continued they have spaced the parking areas three to five miles apart for the shuttle to help minimize traffic.

Arnold Martin asked if there will be any language to define the shooting of a movie as a special event?

Debbie Bell stated there are requirements in place for a film permit so that's addressed. She said one option is for him to apply as an A-R Special Event Facility but each event would still need a permit.

Danny England asked what are they most concerned about with the special events ordinance?

Debbie Bell stated the goal is to continue to make it feasible with people with small events like a wedding or big graduation party. The only thing they would need is a noise permit through the Marshall's office.

Danny England asked if there are any parameters in the ordinance?

Debbie Bell stated it is currently vague. They are allowed to have an event and it isn't defined how large that event can be. She continued the other event listed is a horse show, carnivals, and community fairs. She stated it's a broad coverage. She continued no one predicted something of this size and the even for the listed events they don't require a site plan. She continued it doesn't require safety issues. She stated if it's more than 500 people they are looking to request a traffic plan, safety plan and an emergency plan and they'll need the proper permits from Environmental Health and Building Safety. She stated these are not uncommon for a large event.

Arnold Martin stated it's their role to tighten it up where the language is broad. He stated there also isn't much language regarding amusement parks and now there is a roller coaster in the County. He stated any area that didn't seem to apply 50 years ago may need to be tightened up.

Chairman Oliver made a comment about applying it to the number of people instead of the zoning district.

Debbie Bell stated they can say if the event exceeds a certain number of people, the event needs to be held in C-H zoning. She stated they need to provide the number of exits in case of emergencies. She stated Rick Ross' property only has two driveways if there were to be an emergency.

Allison Cox stated the last number she heard was 6,500 tickets have been sold plus another 1,000 for VIP. She stated this year is limited and is proposed to be smaller than last year.

Debbie Bell stated tickets are presale only.

Arnold Martin stated it is important to put the language for the special events because these types of events will continue. He added this will also provide the authority to shut it down if permits are not received and/or violated.

Debbie Bell stated they are working with Environmental Health, Building Safety and the Marshall's office. She stated they could still make provisions for horse shows and carnivals in A-R. She stated the definitions, public hearing, and architectural standards will be a public hearing in May.

Chairman Oliver asked what else is coming up?

Debbie Bell stated Morning Falls subdivision was rezoned to Conservation Subdivision but only phase one was built. She stated there are property owners preparing a revised development plan to remove lots from the subdivision and rezone it back to A-R.

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*Arnold Martin made a motion to adjourn. Danny England seconded. The motion passed 4-0. John Culbreth Sr. was absent.*

The meeting adjourned at 7:54pm.

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**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

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**JIM OLIVER, CHAIRMAN**



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**ATTEST:**

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**CHELSIE BOYNTON**  
**P.C. SECRETARY**

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## Sec. 110-79. Residential accessory structures and their uses.

- (a) The following residential accessory structures are permitted in A-R, all residential zoning districts and properties regulated under section 110-169, pertaining to "Conditional use approval—Single-family residence and residential accessory structures and/or uses."
- (1) Well/pump house;
  - (2) Guesthouse;
  - (3) Greenhouse, permanent or temporary (see (n) temporary greenhouse);
  - (4) Swimming pool, hot tub, pool deck, pool equipment enclosure structure, and pool screen enclosure;
  - (5) Garage;
  - (6) Recreational court;
  - (7) Gazebo;
  - (8) Cabana/pool house, boat house, detached covered patio, and detached covered deck;
  - (9) Storage building;
  - (10) Carport;
  - (11) Solar panel (ground-mounted);
  - (12) Wind turbine/windmill (ground-mounted);
  - (13) Aircraft hangar, detached (see article V of this chapter);
  - (14) Dog house and dog pen/run;
  - (15) Playhouse/treehouse;
  - (16) Outdoor kitchen and/or fireplace;
  - (17) Patio; and
  - (18) Underground storm shelter.

These regulations shall not apply to farm outbuildings, including horse stables, auxiliary structures, and commercial greenhouses as regulated under section 110-125, pertaining to "A-R, Agricultural-Residential District," and section 110-169, pertaining to "Conditional use approval," of this chapter. A semi-trailer/box truck utilized as a farm outbuilding as regulated under section 110-125, pertaining to "A-R, Agricultural-Residential District," and horse quarters, as regulated under section 110-169, pertaining to "Conditional use approval." These regulations shall not apply to structures associated with nonresidential uses allowed in A-R and residential zoning districts.

- (b) *Structure limitations.* Construction of a residential accessory structure shall occur concurrently with or after the construction of the principal structure. Residential accessory structures shall not be used as dwelling units or for lodging purposes, except a guesthouse.
- (c) *Number and size.* The number and size of residential accessory structures shall conform to the requirements described herein.
- (1) Residential accessory structures shall be limited to one of the following options:
    - a. Two residential accessory structures, per individual lot, that shall not exceed a combined total footprint of 1,800 square feet or three residential accessory structures, per individual lot, that shall not exceed a combined total footprint of 3,600 square feet on a lot with a minimum of five acres. One of these residential accessory structures may include up to 700 square feet of heated

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and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure;

- b. One residential accessory structure, per individual lot, footprint not to exceed 1,800 square feet. This residential accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure; or
  - c. One residential accessory structure, per individual lot with a minimum of five acres, footprint not to exceed 3,600 square feet. This residential accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure.
- (2) At least 50 percent of the square footage of a residential accessory structure building shall be fully enclosed, except as otherwise provided herein. Said enclosed area shall be surrounded by connecting adjacent walls constructed of solid materials attached to the foundation and roof.
- (3) A well/pump house, pool equipment enclosure structure, dog house, or playhouse/treehouse consisting of 70 square feet or less; dog pen/run; swimming pool, hot tub, or recreational court; aircraft hangar, farm outbuilding, greenhouse, horse stable, or auxiliary structure or one semi-trailer/box truck (as regulated under section 110-125, pertaining to "A-R, Agricultural-Residential District," and section 110-169, pertaining to "Conditional use approval"); ground/pole-mounted solar panel consisting of less than 200 square feet or ground-mounted wind turbine/windmill; uncovered outdoor kitchen, fireplace; patio; underground storm shelter; horse quarters (as regulated under section 110-169, pertaining to "Conditional use approval"), temporary greenhouse (see (o) below), or beehive shall not be included in determining the number of residential accessory structures provided herein.
- (d) *Location on lot.* Residential accessory structures shall conform to the dimensional requirements within each zoning district. A well/pump house of 70 square feet or less may be located within the setbacks.
- (e) *Residential accessory structures located in a front yard.* On a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of residential accessory structures. On a corner lot, the area between the streets and the front building lines shall be treated as a primary front yard or secondary front yard(s) with regard to the location of residential accessory structures. On a through lot, only the area between the street from which the lot is accessed and the front building line shall be treated as a front yard with regard to the location of residential accessory structures.

No residential accessory structure shall be located in a front yard except: a well/pump house consisting of 70 square feet or less; a detached garage on a single frontage lot, a through lot or in the primary front yard of a corner lot (see subsection (1) of this section for requirements); a residential accessory structure in a secondary front yard of a corner lot (see subsection (2) of this section for requirements); or a residential accessory structure on a lot in the A-R zoning district which consists of five or more acres.

- (1) *Detached garage located in the front yard of a single frontage lot, a through lot, or a primary front yard on a corner lot.* Said detached garage shall meet the following requirements:
- a. The detached garage shall not be located more than 35 feet from the principal structure.
  - b. The design of the detached garage shall match with the general residential architectural style inherent in the existing principal structure, including, but not limited, to: roof pitch, roof facade, facade, residential windows, and residential doors. Elevation drawings denoting compliance with these requirements shall be submitted as part of the building permit application.
  - c. The detached garage shall have at least one opening for vehicular access.

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- d. The detached garage shall be connected to the principal structure by at least one of the following, and elevation drawings denoting compliance with the following requirements shall be submitted as part of the building permit application:
1. *An attached or detached breezeway.* Said breezeway shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached breezeway shall be constructed within six inches of the principal structure and the detached garage;
  2. *An attached raised deck.* Said attached raised deck shall be a minimum height of 15 inches. The deck shall have a minimum width of six feet. Said deck shall have guard rails measuring a minimum of three feet in height; or
  3. *An attached or detached pergola.* Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters, shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached pergola shall be constructed within six inches of the principal structure and the detached garage.
- (2) Residential accessory structure located in the secondary front yard of a corner lot. When a residential accessory structure is located in a secondary front yard adjacent to a street that is designated as an Internal Local the required setback shall be increased by 20 feet.
- (f) *Guesthouses.* Only one guesthouse is allowed per individual lot (see also subparagraph w. of section 110-169(2)). Any living area included in a residential accessory structure is a guesthouse. A guesthouse shall not be used as tenant space. A guesthouse shall not exceed 700 square feet of heated and finished floor area.
- ~~(g) *Architectural standards.* All residential accessory structures of 200 square feet or greater, except a detached garage located in the front yard, shall be constructed in a residential character consisting of a facade of fiber-cement siding, wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast stone, stucco, or synthetic stucco, or finished/baked enamel aluminum/metal siding which establishes a horizontal pattern. These standards shall not apply to an addition to an existing residential accessory structure that is nonconforming in terms of these standards. Any addition to an existing nonconforming residential accessory structure shall match the architectural design of the existing nonconforming residential accessory structure. Elevation drawing denoting compliance shall be submitted as part of the building permit application.~~
- (g) *Reserved.*
- (h) *Temporary accessory storage.* Portable on-demand storage units are only allowed on a temporary basis and only in conjunction with an ongoing a renovation project for the purpose of storage of household items for a period not to exceed one year. Portable on-demand storage units are defined as any container, storage unit, or other portable structure, other than a residential accessory structure, complying with this Section, used to store household items. Only two portable on-demand storage units are allowed per lot.
- (i) *Carport.* The carport shall be used to house motor vehicles and trailers only. Carports shall be constructed of the same material or types of material as the principal structure on the property, or of metal.
- (j) *Cabana/pool house, boat house, detached covered patio, and detached covered deck.* The cabana, detached covered patio, and detached covered deck may contain an outdoor kitchen, fireplace, spa/hot tub, bathroom/changing room, and/or pool pump/filter but shall not be utilized as a carport, garage, storage building, open storage, or living area. Said structures shall, at a minimum, consist of a roof with supporting posts/columns, not to exceed one story, and comply with the architectural standards for a residential accessory structure of 200 square feet or greater.
- (k) *Swimming pool, pool deck, pool equipment enclosure, and pool screened enclosure.* The pool deck, pool equipment enclosure, and pool screened enclosure shall comply with the required setbacks. A pool screen enclosure shall be constructed with insect screening commonly made of plastic, aluminum, or similar lightweight material and shall be exempt from the architectural requirements herein.
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- (l) *Solar panels (ground-mounted).* Ground-mounted solar panels shall be limited to three per lot, the total cumulative square footage of ground-mounted solar panels shall not exceed 900 square feet, shall not exceed ten feet in height, shall comply with the required setbacks, and shall comply with the location of an accessory structure/use. Ground-mounted solar panels consisting of 200 cumulative square feet or less shall not count toward the number of accessory structures/uses. Ground-mounted solar panels consisting of more than 200 cumulative square feet up to a maximum of 900 cumulative square feet shall be counted as one accessory structure/use.
  - (m) *Wind turbines/windmill (ground-mounted).* Wind turbines/windmills shall not exceed 70 feet in height. The setbacks shall be equal to the height of the wind turbine, including the blades, or the applicable zoning district setbacks, whichever are greater. Each lot is limited to one ground-mounted wind turbine/windmill. The ground-mounted wind turbine/windmill shall not count toward the number of accessory structures/uses. All anchors for guyed towers shall meet the setbacks for the applicable zoning districts.
  - (n) *Nonconformance.* All residential accessory structures or uses which had a building permit issued prior to January 24, 2008, are legally nonconforming and shall be allowed to be maintained and rebuilt to current size and in the existing location. All residential accessory structures or uses permitted after January 24, 2008, shall comply with the current requirements.
  - (o) *Temporary greenhouse.* Temporary greenhouses shall not exceed ten feet in height. Each lot is limited to one temporary greenhouse. The side yard setback shall be a minimum of 30 feet or the minimum side yard setback of the applicable zoning district, whichever is greater, and the rear yard setback shall be a minimum of 50 feet or the minimum rear yard setback of the applicable zoning district, whichever is greater. The maximum square footage for temporary greenhouses shall be as follows:

Acreage	Square Feet
< 2	600
2 to < 3	800
3 to < 4	1,000
4 to < 5	1,200
5 or greater	2,400

Temporary greenhouses shall be maintained in good condition and the covering shall not be torn and tattered. Temporary greenhouses shall only be used for the purpose of growing or storing plants. Temporary greenhouses shall be exempt from subsections (c)(2) and subsection (g) of this section. Greenhouses built in the A-R zoning district as regulated under article V of this chapter shall be exempt from these requirements.

A temporary greenhouse permit will be required for all temporary greenhouses prior to construction. Scaled drawings shall be submitted to the planning and zoning department which shall include, but not be limited to: temporary greenhouse elevations including height and total square footage and location on the lot including the distance from the property lines.

(Code 1992, § 20-5-20; Ord. No. 2012-09, § 3, 5-24-2012; Ord. No. 2012-13, § 3, 12-13-2012; Ord. No. 2013-07, § 1, 7-25-2013; Ord. No. 2014-19, §§ 2—5, 12-11-2014; Ord. No. 2017-16, §§ 2—4, 10-26-2017; Ord. No. 2018-03, § 8, 9-22-2018; Ord. No. 2020-02, § 2, 5-28-2020)

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## Sec. 110-241. Public hearing.

(a) *Place, time, and date.* The public hearings shall be conducted as follows:

- (1) Place: the county administrative complex.
- (2) Time and Date: Fourth Monday, at the time designated for its regular meetings.

Any changes from the standard schedule for public hearings will be published in the newspaper which carries legal advertisements for the county in compliance with the requirements for public notification as provided herein.

- (b) *Conduct of hearing.* Public hearings shall be conducted with 20-10 minutes provided for the appellant/petitioner and proponents and 20-10 minutes provided for the opponents of an appeal/petition. An appellant/petitioner may reserve part of the allotted time for rebuttal.
- (c) *Notice of hearing shall be given.* Before making its decision on an appeal, a request for a variance, or any other matter within the zoning board of appeals' purview, the zoning board of appeals shall hold a public hearing thereon. A notice of the date, time and place of such hearing shall be sent to the appellant/petitioner by certified U.S. mail to the appellant/petitioner's last known address.
- (d) *Public notice in newspaper.* The zoning board of appeals shall cause public notice of the hearing to be published in the legal organ of the county, at least 15 calendar days but not more than 45 calendar days, 30 calendar days prior to the date of the public hearing. The notice shall state the time, place, and purpose of the hearing.
- (e) *Posting of signs.*
  - (1) A sign shall be posted on property. One sign is required for each street frontage of said property. The sign shall be posted consistent with the requirements for newspaper notification.
  - (2) Signs used for posting property shall be a minimum of 18 inches by 18 inches and shall indicate the appeal/petition number, the time, date, and place of the hearing.
  - (3) A refundable sign deposit shall be required for each sign at the time of filing the appeal/petition.
- (f) *Who may appear.* Any party may appear at the public hearing in person or by agent or attorney.
- (g) *Zoning board of appeals' decision.* The zoning board of appeals shall approve, deny, or table each appeal/petition by a public vote. An action to table shall include justification of such action and a specific meeting date at which the appeal/petition is to be reconsidered. If there is not a full zoning board of appeals board present at the public hearing, the appellant/petitioner may request to table the appeal/petition to the next zoning board of appeals public hearing, provided the appellant/petitioner requests to table the agenda item prior to the presentation. A new legal advertisement will be required with an announcement to a specific meeting date if an appeal/petition is tabled. The property shall be reposted with new signage indicating the new public hearing dates.
- (h) *Time limit on zoning board of appeals decision.* The zoning board of appeals shall reach a decision following a public hearing within 45 calendar days or the appeal/petition shall be deemed approved.
- (i) "Writ of certiorari" (appeal)-Appellate review. An appellant/petitioner has 30 calendar days from the date of the zoning board of appeals' decision to seek a "writ of certiorari" (appeal) with the superior court of the county. Decisions of the zoning board of appeals made pursuant to this article shall be subject to appellate review by the superior court pursuant to its appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition for such review as provided in Title 5 of the Official Code of Georgia Annotated. Such matters shall be reviewed on the record which shall be brought to the superior court as provided in said Title 5. Such appeals shall be brought within 30 days of the written decision of the appealed action. The zoning administrator shall have authority, without additional action of the zoning board of appeals, to

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approve or issue any form or certificate necessary to perfect any petition required by Title 5 of the Official Code of Georgia Annotated for review of lower judicatory bodies. Service of any such petition may be effected on or accepted by the zoning administrator on behalf of the zoning board of appeals, during normal business hours, at the offices of the planning and zoning department. Service of any such petition on the board of commissioners may be effected on or accepted by the chairman of the board of commissioners, or his or her designee, at the offices of the board of commissioners during normal business hours.

(Ord. No. 2015-06, § 1, 3-26-2015; Ord. No. 2017-11, § 1, 6-22-2017)

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## Sec. 110-292. Public hearings.

(a) *Place, time, and date.* The public hearings shall be conducted as follows:

- (1) Place: the county administrative complex.
- (2) Time and date:
  - a. Planning commission: First Thursday, at the time designated for its regular meetings.
  - b. Board of commissioners: Second and fourth Thursdays, at the time designated for its regular meetings.

Any changes from the standard schedule for public hearings will be published in the newspaper which carries legal advertisements for the county in compliance with the requirements for public notification as provided herein.

(b) *Conduct of hearing.* Public hearings on amendments shall be conducted with the opportunity for the applicant and proponents and the opponents of an amendment to speak. An applicant shall be given the opportunity for rebuttal. The board of commissioners and planning commission may establish time limits through their individual adopted rules of procedure and such time limit shall not be less than ten minutes per side.

- (1) *Decisions.* Recommendations of the planning commission and decisions of the board of commissioners on applications for rezonings shall be made subsequent to the public hearings.
- (2) *Minutes.* The minutes of any public hearing shall be maintained with the zoning decision entered thereon. The minutes shall be kept as public records.

(Ord. No. 2015-06, § 2, 3-26-2015; Ord. No. 2017-11, §§ 5, 6, 6-22-2017)

## Sec. 110-295. Appeal.

An applicant has 30 calendar days from the date of the board of commissioners rezoning decision to file an appeal with the superior court of the county. Text amendment or map amendment decisions made subject to this article shall be subject to direct constitutional challenge regarding the validity of said decisions in the superior court pursuant to its original jurisdiction over declaratory judgments and equity jurisdiction. Such challenges shall be by way of de novo review by the superior court wherein such review brings up the whole record from the board of commissioners and all competent evidence shall be admissible in the trial thereof, whether adduced in the process before the board of commissioners or not and employing the presumption that the decision of the board of commissioners is valid and can be overcome substantively by a petitioner showing clear and convincing evidence that the zoning classification is a significant detriment to the petitioner and is insubstantially related to the public health, safety, morality, or general welfare. Such challenge shall be brought within 30 days of the written decision of the challenged action.

(Ord. No. 2015-06, § 2, 3-26-2015)



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### Sec. 110-3. Definitions.

Words and terms not explicitly defined in this chapter shall have the meaning given by common and ordinary use as defined in Webster's New Collegiate Dictionary. The term "shall" is always mandatory while the term "may" is merely discretionary. The following specific definitions shall apply:

*Accessory* means a use or structure customarily incidental and subordinate to the principal use or structure and located on the same lot as such principal use or structure.

*Acquisition of property for a public purpose* means the acquisition of property by an entity with the power of eminent domain.

*Acre, gross*, means a measure of land equal to 43,560 square feet.

*Acre, net*, means a gross acre less: street rights-of-way, both public and private; all land located within the 100-year floodplain; all water/stormwater impoundments; and all lands proposed to be dedicated to a governing authority.

*Adult day care facility* means adult day care facilities shall include any building, or portion thereof, used to house four or more adults requiring care, maintenance, and supervision for part of a day.

*Agriculture* means the raising of soil crops, including forestry and landscape planting materials, and/or livestock in a customary manner on lots of land at least five acres in size, including all associated activities.

*Aircraft* means any machine, whether heavier or lighter than air, used or designated for navigation of, or flight in the air.

*Aircraft hangar* means a fully enclosed structure with operational doors designed to store aircraft and the associated equipment or supplies needed for the operation and maintenance of the aircraft.

*Aircraft landing area* means areas designed for safe landing and departures, including runways and heliports.

*Airplane* means a fixed-winged aircraft that is supported in flight by dynamic reaction of the air against its wings.

*Alteration* means any construction or renovation to an existing structure, other than repair.

*Amphitheater* means an open-air facility primarily used for entertainment purposes, commonly with tiers of seats facing a performance stage.

*Animal* means either a domestic dog (*Canis familiaris*) or domestic cat (*Felis catus*) This term shall not include livestock or household pets (see *Household pet*, see *Livestock*).

*Animal, wild*, includes any species or family or breed (including hybrids) of wild animals listed by the Georgia Department of Natural Resources (DNR) as being wild per O.C.G.A. title 27, ch. 5 (O.C.G.A. § 27-5-1 et seq.).

*Antenna* means a device used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas.

*Apiary* means a place where honeybees and beehives are kept. (Adopted 7-28-2011)

*Aquaculture* means the hatching, raising, and breeding of fish and/or aquatic plants for food or fiber.

*Art and/or crafts studio* means an establishment where an artist's works are created and sold, where pieces by various artists are displayed for sale in a gallery, where customers purchase then create their own works (canvas, pottery, glass pieces, sculpture, etc.), a studio with classes and/or an art supply store.

*Artist studio* means a structure accommodating the practice of the full spectrum of the arts including, but not limited to: fine arts, visual arts, and performing arts.

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*Athletic facility* means an area designated for athletic activity.

*Automobile service station* means a land use where gasoline, oils, greases, batteries, tires, and general automobile accessories may be provided, but where no part of the premises is used for the storage or dismantling of wrecked or junked vehicles.

*Auxiliary structure* means a structure which is allowed incidental and secondary to a residence.

*Bakery* means an establishment engaged in the preparation and production of baked goods for sale and consumption both on and off the premises.

*Banquet hall/event facility*, means a facility which is rented by individuals or groups to accommodate private functions including, but not limited to: banquets, parties, meetings, weddings and/or wedding receptions, anniversaries, and other similar assemblies.

*Basement* means that portion of a building that is partially or completely below grade as defined and regulated in the International Residential Code.

*Bed and breakfast inn, A-R*, means a bed and breakfast inn allowed as a conditional use in the A-R zoning district.

*Beehive* means a structure intended for the housing of bees.

*Boat house* means a structure built in or over a waterway to house a boat.

*Breezeway* means a roofed, open-sided or screened passageway connecting two structures, such as a house and a garage.

*Buffer* means a portion of a lot which is set aside to provide a separation of uses from abutting lots.

*Building* means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure for any person, animal, livestock, process, equipment, goods or property of any kind.

*Building height* means the vertical distance of a building measured from the median height of the basement level or crawl space to the midpoint of the highest roof. The midpoint shall be measured from the ceiling joist of the highest floor level or from where the truss rests on the highest wall for open roof structures. For structures constructed without a basement or crawl space, the measurement will be taken beginning at the ground floor level. (See also section 110-75, Structures Permitted above the Height Limit.)

*Building line, front*, means a line running parallel to the street which touches the nearest point of the principal structure to the street.

*Building line, front (corner lot)*, means, on a corner lot, a line running parallel to the principal structure front, extending the full width of the lot.

*Building, principal*, means a building in which the principal use of the lot is conducted.

*Cabana/pool house* means an open, partially, or totally enclosed structure used in conjunction with a pool or lake/pond, commonly containing a changing area, and/or seating area, and/or a restroom.

*Campground facilities* means any lot where two or more recreational vehicles and/or tents (which are normally associated with outdoor camping) are parked and/or erected for short-term occupancy.

*Card, gift, and/or stationery shop* means an establishment which sells products such as greeting cards, wrapping paper, photo albums, picture frames, items that are suitable as gifts or souvenirs, desktop office products, paper, calendars, pencils, pens, briefcases, and art/graphic supplies.

*Care home* means a convalescent center, nursing home, rest home, home for the aged, assisted living facility, or similar use established and operated on a profit or nonprofit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill, or convalescent persons.

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*Carport, attached*, means a roofed, open-sided motor vehicle shelter, formed by extension of a roof from a building in a residential zoning district.

*Carport, detached*, means a roofed, open-sided motor vehicle shelter.

*Cemetery* means a burial ground.

*Cemetery or burial ground, legal nonconforming*, means an existing cemetery or burial ground established before the effective date of November 13, 1980, or subsequent amendments which fail to comply with the provisions herein. These cemeteries or burial grounds could be active, inactive, or abandoned.

*Check cashing* means an establishment that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose.

*Child care facility* means an agency, organization, or individual providing care for four or more children not related by blood or marriage or not the legal wards of the attendant adult and would include those providers that offer pre-primary, pre-K, and/or kindergarten instruction.

*Child care, in-home*, means a custodial care business, conducted as a home occupation in a residential dwelling, where not more than three children, not related to the operator, are received for temporary care during the day only, whether for compensation, reward, or otherwise, and in full compliance with all applicable state requirements and/or certifications. The children of the owner are not included in the count.

*Church or other place of worship* means a building used for public worship, including, but not limited to: temple, synagogue, pagoda, shrine, cathedral, tabernacle, and mosque/masjid.

*Clapboard siding* means a siding with horizontal boards or the appearance of horizontal boards.

*Clinic* means an establishment where medical or dental patients are admitted for examination and treatment, but where there is no overnight lodging.

*Club or lodge, private*, means all incorporated or unincorporated associations for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of the members and not open to the general public.

*Common area* means any part of a development that is not part of a building lot and is designated for the common usage of the development. (See *Open space*.)

*Convenience commercial establishment* means an establishment that primarily stocks a range of groceries, snack foods, freshly-prepared foods for on and off-site consumption, and beverages, and may also provide household items, toiletries, tobacco products, newspapers, and the sale of fuel.

*Convenience store* means a small retail establishment that offers convenience goods for sale, such as prepackaged food items, beverages, tobacco, personal care items, and other household goods.

*County engineer* means the official to whom the responsibilities normally associated with this title has been delegated.

*Copy and/or print shop* means an establishment engaged in duplicating and printing services to individuals and businesses.

*Cornice* means a projecting feature surrounding the upper portion of a structure, dividing it horizontally for compositional purposes.

*Covered patio or covered deck, detached*, means an open or partially enclosed structure consisting of a roof with supporting posts/columns commonly containing a seating/dining area, and/or outdoor kitchen, and/or spa/hot tub.

*Cultural facility* means a facility for social, intellectual, artistic and/or scientific exposition such as museums, performing arts theaters, botanical gardens, and zoological parks.

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*Curb cut* means the point at which vehicular access is provided to a lot from an adjoining street.

*Day spa* means an establishment offering massage therapy performed by a licensed massage therapist pursuant to Georgia Massage Therapy Practice Act (O.C.G.A. § 43-24A-1 et seq.) that in addition may also offer beauty care, body treatments, and the retail sales of related products.

*Daylight hours* means that period of time beginning 30 minutes before sunrise and ending 30 minutes after sunset.

*Deer processing facility* means a facility where deer is processed into various cuts of venison.

*Density* means the number of dwelling units per net acre.

*Density, high*, means high density is defined as more than four dwelling units per net acre.

*Density, low*, means low density is one dwelling unit or fewer per two net acres.

*Density, medium*, means medium density is one to three dwelling units per net acre.

*Dog pen/run* means, for the purposes of Section 110-79, pertaining to "Residential accessory structures and their uses," an outside open air enclosure, consisting of 400 square feet or less of space per animal, used for the purpose of containing animals.

*Drive-in* means a retail or service enterprise wherein service is provided to customers who remain in their vehicles.

*Drive-through* means an opening in the wall of a building or structure designed and intended to be used to provide service to customers who remain in their vehicles.

*Drive-up facility* means a structure or device designed and intended to provide service to customers who remain in their vehicles.

*Drug abuse treatment facility, means a residential treatment facility staffed by professional and/or paraprofessional persons offering treatment and/or therapeutic programs for drug-dependent person who reside on the premises. This is a special use of property requiring the grant of a permit after two (2) public hearings. A drug abuse treatment facility must also be approved and licensed by the Georgia Department of Community Health.*

*Dwelling* means a building or portion of a building, designed for, or occupied for residential purposes constituting a residence.

*Dwelling, multifamily*, means a dwelling designed for three or more families living independently of each other.

*Dwelling, single-family*, means a detached dwelling designed for a single family.

*Dwelling, townhouse*, means one of a series of three or more attached dwelling units on separate lots which are separated from each other by party wall partitions extending at least from the lowest floor level to the roof.

*Dwelling, two-family*, means a building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

*Dwelling unit* means any building which contains living facilities, including provisions for sleeping, eating, and sanitation for not more than one family.

*Educational/instructional facility* means a specialized training establishment.

*FAA* means the federal aviation administration.

*Facility* means the area established to serve a particular use or purpose.

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*Family* means one or more persons occupying a single dwelling unit, provided that all persons are related by blood or marriage, or are lawful wards, and shall also include a group of persons, not exceeding four, living and cooking together as a single, nonprofit housekeeping unit. The members of said group need not be related by blood or marriage or be lawful wards, where said group is occupying a single dwelling unit.

*Farm* means a lot devoted to the raising of agricultural products and/or livestock.

*FCC* means the Federal Communications Commission.

*Fence* means structures made of posts, columns, boards, wire, pickets, wrought iron, or rails.

*Financial institution* means any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company or other business association, which is chartered under federal or state law, solicits, receives or accepts money or its equivalent on deposit and loans money as a regular business.

*Floor area, accessory structure*, means the sum of the horizontal areas of several floors of the structure under roof, excluding any space where the floor-to-ceiling height is less than six feet.

*Floor area, principal structure*, means the area of a dwelling exclusive of unheated space shall be measured from the face of the exterior walls. Unheated space shall include, but not be limited to: attic, basement, garage, carport, patios, and open porches.

*Footprint* means the area of the foundation upon which a structure or building sits and would include the area beneath a supported or cantilevered lean-to attached to the structure or building.

*Foundation* means an in-ground masonry or poured concrete support for a structure.

*Front door* means the main entrance to a residence or building which is normally oriented to a street.

*Funeral services* means the observances, services, or ceremonies held for dead human bodies and includes any service relating to the transportation, embalming, cremation, observances, and interment of a dead human body.

*Gazebo* means a freestanding, circular roofed structure open on all sides, but enclosed by a railing, and used for outdoor seating in residential zoning districts.

*Governing authority* means the county board of commissioners.

*Greenhouse, temporary* means a structure constructed with a metal, plastic or wood framing (bent in a half round or hoop shape in the case of a hoop house), with a plastic sheet or cloth covering that is not mounted on a foundation and used for the purpose of growing or storing plants.

*Greenhouse, permanent* means a structure typically constructed with wood or metal framing and covered by glass or Plexiglas that is mounted on a foundation used for the purpose of growing or storing plants.

*Grocery store* means a retail establishment which primarily sells food and household goods, but is substantially larger and carries a broader range of merchandise than a convenience store.

*Guestroom* means a room occupied or intended, arranged or designed for occupancy by one or more occupants and used for that purpose and where overnight occupancy is allowed.

*Helicopter* means a rotary winged aircraft that depends principally upon the lift generated by one or more engine-driven rotors rotating on a substantially vertical axis for its primary means of propulsion.

*Heliport* means an area of land, water, or structure used for the sole purpose of landing and takeoff of helicopters.

*Hobby breeder* means a breeder of animals who sells less than 30 animals per year.

*Home occupation* means an occupation operated within a dwelling by residents of the dwelling.

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*Horse quarters* means a structure used to house horses in the residential zoning districts.

*Horse stable* means a structure used to house and/or board horses in an A-R zoning district.

*Hospital* means any institution receiving in-patients, providing a staffed 24-hour emergency care facility, and authorized under the state law to render medical, surgical, and/or obstetrical care. The term "hospital" includes a sanitarium, with an approved certificate of need (CON) from the state health planning agency, for the treatment and care of various forms of mental illness, but shall not include office facilities for the private practice of medicine, dentistry or psychiatry.

*Hotel* means a building in which overnight accommodations are provided to the public and the innkeeper. The term "hotel" includes the terms "bed and breakfast inn" and "motel".

*Household pet* means a household pet shall include rodent pets, such as gerbils, hamsters, mice, rats, and guinea pigs; small mammal pets such as rabbits, hares, and ferrets; avian pets, such as canaries, parakeets, and parrots; reptile pets, such as turtles, lizards and snakes; and aquatic pets, such as tropical fish and frogs that is customarily kept for personal use or enjoyment primarily within a principal residence.

*Industrialized building* means any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a nonresidential building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.

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

*Junked automobile.* (See *Vehicle, abandoned.*)

*Kennel* means an establishment for the boarding, breeding and/or sale of animals for commercial gain that may in addition provide grooming and/or training services, and a pet rescue operation where the animals are primarily housed or kept outside of the principal residence in accessory structures, pens, or enclosures. A hobby breeder, as defined herein, shall not be considered a kennel.

*Kindergarten.* (See *School, private.*)

*Landscape areas* means a maintained area of grass and/or ornamental planting materials.

*Livestock* means animals including, but not limited to: horses, cattle, goats, sheep, pigs, potbellied pigs, chickens, ducks, geese, mules, rabbits, emu/ostrich, buffalo, chinchilla, fox, mink or other fur-bearing animal, and llamas. This term shall be deemed to specifically exclude animals (See *Animal* and *Household pet.*)

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

*Lot* means a tract of land of varying size which is designated as a single unit of property.

*Lot, corner,* means a lot located at the intersection of two or more streets.

*Lot depth,* means the distance between the front and rear lot lines.

*Lot, flag,* means a lot shaped like a flag on a pole with the pole portion of the lot fronting on a street and the flag portion being where the lot width is met.

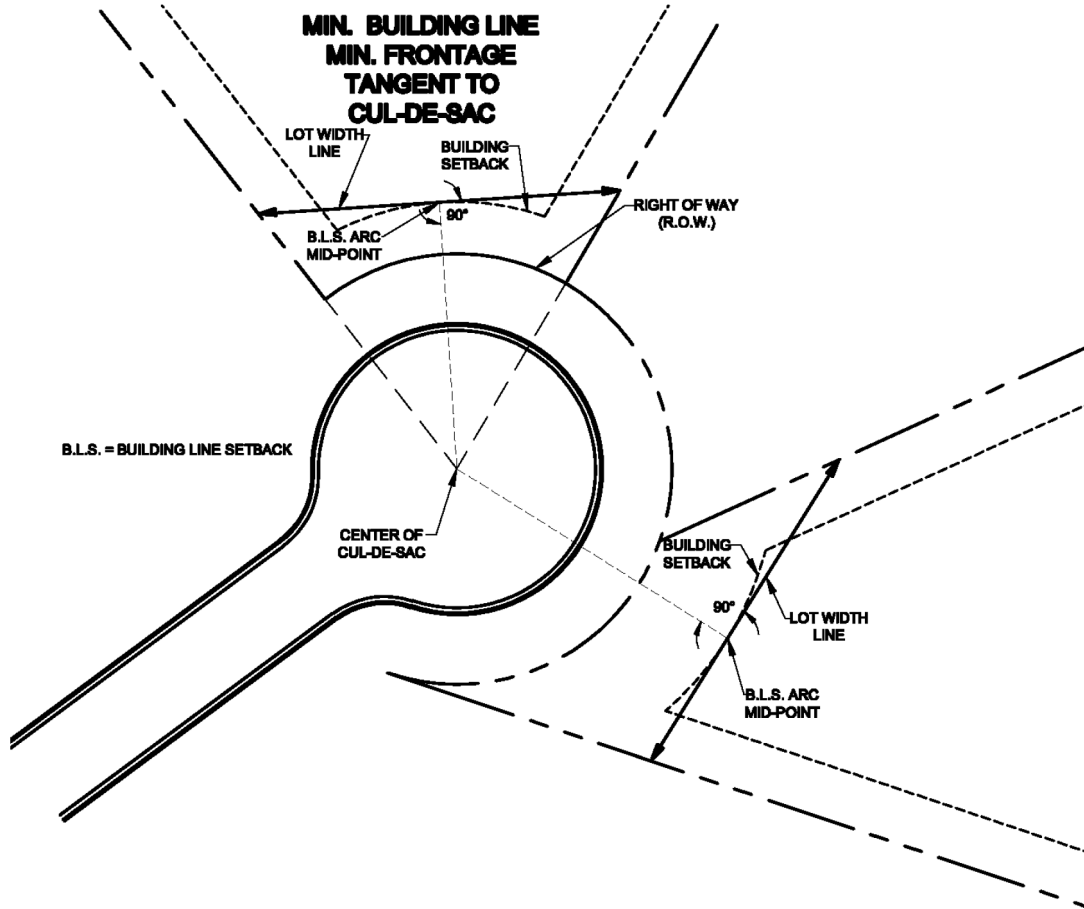
*Lot, interior,* means a lot which has frontage on only one street.

*Lot, landlocked,* means a lot having no frontage on a street.

*Lot, through,* means a lot, other than a corner lot, having frontage on more than one street.

*Lot width* means the required width of a lot as specified by a zoning district.

*Lot width, minimum*, means the minimum distance between side lot lines either measured in a straight line parallel to the street right-of-way or tangent and perpendicular to the mid-point of the right-of-way in the case of the turn around portion of a cul-de-sac along the front minimum building line (see graphic).



*Lot of record* means an area designated as a separate and distinct lot of land on a recorded subdivision plat approved in accordance with chapter 104, article XV subdivision regulations, or in a legally recorded deed.

*Mail services store* means an establishment that provides packaging and mail services (both U.S. Postal and private service), provides mailboxes for lease and retail sale of office and stationery products.

*Manufactured home park* means any lot where two or more manufactured homes are installed for living purposes, including any land or structure used by occupants of manufactured homes on such premises.

*Manufactured home space* means a plot of ground within a manufactured home park designed to accommodate a single manufactured home.

*Manufactured housing* means a structure, transportable in one or more sections, which, in the traveling mode, is 320 or more square feet and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For the purposes of this chapter, the term "mobile home" means "manufactured housing" or "manufactured home."

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*Massage therapy* means massage therapy performed by a licensed massage therapist pursuant to the Georgia Massage Therapy Practice Act (O.C.G.A. § 43-24A-1 et seq.).

*Mini-storage facility* means storage facilities which are leased to the public.

*Motel.* (See *Hotel.*)

*Mullion* means a heavy vertical or horizontal divider between windows and/or doors.

*Muntin* means a narrow strip that divides or gives the appearance of individual panes of glass in a traditional sash.

*Museum* means a permanent institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates, and exhibits the tangible and intangible heritage of humanity and its environment, for the purpose of education, study, and enjoyment.

*Nonconformance, illegal,* means a lot, use, building, or structure established after the effective date of November 13, 1980, or subsequent amendments which fail to comply with the provisions herein.

*Nonconformance, legal,* means a legally existing lot, use, building or structure which fails to comply with the provisions herein, as of the effective date of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance.

*Nonemergency medical transport service* means a service licensed by the state under O.C.G.A. title 31, ch. 11, arts. 1—4 (O.C.G.A. § 31-11-1 et seq.) as applicable and as administered by the department of human resources providing prearranged non-emergency medical transport.

*Open space* means land within and related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate. (See *Common area.*)

*Overlay zone* means a zone that imposes a set of requirements in addition to those set out by the underlying zoning district.

*Parapet wall* means a wall at the edge of a roof.

*Parking garage/lot* means a structure, lot or any portion thereof which is open to the public in which one or more vehicles are housed or kept, not intending exhibition or showroom or storage or cars for sale.

*Parking space* means an area for off-street motor vehicle parking.

*Pavilion* means a freestanding roofed structure generally supported by poles and open on the sides with a permanent foundation that is used for picnic/social gatherings.

*Pay-day loan agency* means an establishment providing loans to individuals in exchange for personal checks as collateral.

*Pawn establishment* means any business that loans money on deposit of personal property and/or a title of ownership.

*Pet rescue* means a nonprofit organization or individual providing temporary welfare, protection, and humane treatment of animals while searching for permanent adoptive homes.

*Pet store* means a retail establishment engaged in the sale of household pets and/or associated accessories and supplies, and may in addition provide grooming and/or training services.

*Planning commission* means the commission to which the responsibilities associated with the planning commission has been delegated.

*Playhouse* means a small house-like structure designed for children to play in.



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*Pole barn* means a large structure consisting of a roof supported by poles for the storage of farm products, feed, or the housing of farm animals or farm equipment, in agricultural zoning districts.

*Pool house.* (See *Cabana/pool house.*)

*Porte cochere* means an extension of the roof projecting over a driveway at an entrance of a building and sheltering those getting in or out of vehicles; also called a carriage porch.

*Principal structure front* means the wall/plane of the principal structure in which the front door is located.

*Public utility facility* means a location of or for public utilities, such as an electric substation or a location where a business organization (as an electric company) performing a public service and subject to special governmental regulation and the public service commission.

*Public water facilities* means mains and service lines owned and operated by the county water system, or, when approved by the county commissioners, a private water system operating under the direct supervision of the department of natural resources.

*Recycling facility* means a facility engaged in the collection, separation, storage and processing (baling, compacting, grinding, or shredding) of household and office type recyclable materials only (aluminum and tin cans, cardboard, glass containers, magazines, newspaper, paper, plastic containers and telephone books) to facilitate the shipment of such materials to an industrial end-user.

*Runway safety area* means a cleared, drained, graded, and stable area symmetrically located about the runway, the dimensions of which include the runway width, and which is suitable for an airplane to overrun should it accidentally veer off the pavement.

*Sales, garage/yard,* includes all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "moving sale," or "estate sale."

*School, private,* means an elementary (kindergarten thru sixth grade that may, in conjunction, provide pre-primary and pre-K instruction), middle or high school, supported with private funds, providing a curriculum that meets state board of education requirements, including schools serving school age children with special needs.

*School, trade/vocational.* (See *Educational/institutional facility.*)

*Service area* means a designated space, generally out-of-doors, utilized for utility areas, storage and pickup, and for the delivery of goods and services to any building or land use.

*Setback* means a required open space on a lot that is left unoccupied by structures and facilities, except as otherwise permitted herein.

*Sewer system, central sanitary,* means collection of sanitary sewage via a pipe network, transportation to a common collection point and treatment to required department of natural resources criteria prior to release.

*Shooting range, indoor,* means an indoor facility for the safe shooting of firearms, including both facilities which are open to the general public or open only to private membership.

*Shooting range, outdoor,* means an outdoor facility for the safe shooting of firearms, including both facilities which are open to the general public or open only to private membership.

*Smoking lounge* means an establishment dedicated, in whole or in part, to the sale and/or smoking of legal substances, including but not limited to, establishments known commonly as cigar stores/lounges, hookah lounges, tobacco clubs, etc.

*Solar farm* means any lot where more than three ground-mounted solar panels exceeding 200 cumulative square feet, or where more than 900 cumulative square feet of ground-mounted solar panels are located.

*Solar panel* means a device consisting of an array of connected solar cells or photovoltaic cells that convert solar energy (light from the sun) into heat or electricity.

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*Soundstage* means a room or building used for the shooting of film and video content.

*Special event* means a temporary, short-term event commonly held by a religious, educational, or community organization or a promotional event to attract attention to a place of business.

*Split zoning* means a lot divided by more than one zoning district.

*Stadium, athletic*, means an open-air facility, primarily for the viewing of athletic events, usually with tiers of seats rising around a field or court.

*Story* means the portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it.

*Street* means a public or private thoroughfare or road, often paved, used for vehicular access to other streets and/or properties. Streets may be:

- (1) Owned and operated/maintained by the county (i.e., those within a public right-of-way);
- (2) Privately owned but open for public use and maintained by the county (i.e., those within a prescriptive easement); or
- (3) Privately owned and maintained (i.e., a private road) public streets are designated by type on the county thoroughfare plan.

*Street, access*, means a street that provides for access to lots.

*Street, private*, means a street used for access that is not owned or maintained by a governmental agency such as the county, a municipality, the state or federal government.

*Street, public*, means a street that is used for travel by the general public, that is owned or maintained by a governmental agency such as the county, a municipality, the state or federal government.

*Structure* means a combination of materials assembled for use or occupancy, whether installed on, above, or below the surface of land or water. For the purposes of this chapter, structures include, but not limited to: buildings, manufactured homes, towers, recreational courts, and swimming pools, but do not include driveways, signs, septic systems, walls, or fences.

*Subdivision* means all divisions of a lot or land into a minimum of two or more lots.

*Swimming pool screened enclosure* means a structure or part thereof, in whole or in part, self-supporting and having walls of insect screening and a roof of insect screening, commonly made of plastic, aluminum, or similar lightweight material.

*Taxi service* means a service that offers transportation in passenger vehicles to persons in return for remuneration. This does not include charter motor coach service.

*Thoroughfare, major*, means a street designated on the thoroughfare plan as a major arterial, minor arterial, proposed minor arterial, collector, and proposed collector.

*Thoroughfare, minor*, means a street designated on the thoroughfare plan as a county local or internal local.

*Tot lot* means an improved and equipped play area which may consist of swings, slides, sandboxes, climbing apparatus, and/or benches for small children, usually up to elementary school age.

*Tower* means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

*Tower facility* means the area containing a tower, antennas, all accessory equipment cabinets or buildings, and required security fencing, excluding tower anchors. (Amended 5-26-2011)

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*Tower height* means when referring to a tower or tower facilities, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna (see *building height*.)

*Tower, planned*, means any tower that is in the public hearing procedure, site application review process, site plan revision process, or has been approved, but not yet constructed (see article V of this chapter).

*Tower structure, alternative*, means tower structures designed to diminish, camouflage, or conceal the appearance of antennas or towers including: monopine (man-made pine trees), free standing clock towers, and bell towers, light poles, flag poles, internal antenna towers (a/k/a "slick stick") including cylindrical unicells and/or similar alternative design tower structures.

*Towers and antennas, pre-existing*, means any tower or antenna permitted prior to December 10, 1998.

*Townhouse*. (See *Dwelling, townhouse*.)

*Trailer, temporary* means a vehicle designed for towing, not intended for use as a dwelling, and restricted to such uses as a construction office/storage facility, real estate sales office, and operations office or classrooms pending construction of a permanent facility.

*Training center* means a facility used for business or professional conferences, seminars, and training programs.

*Training facility, indoor*, means a structure used for indoor training.

*Transom* means a horizontal opening over a door or window.

*Tutoring* means the provision of instruction.

*Uses, conditional*, means those uses that are allowed in a particular zoning district, but only under certain specified conditions.

*Uses, permitted*, means those uses that are allowed in a particular zoning district as a matter of right.

*Uses, principal*, means the main purpose for which a lot is intended and for which it may be used.

*Variance* means a modification of the terms of this chapter granted by the zoning board of appeals in accordance with criteria as set forth herein.

*Vehicle, abandoned*, means a vehicle which does not bear a license plate with a current decal affixed thereto, if required, unless said vehicle is stored within a completely enclosed building, stored on a permitted auto sales lot and is in satisfactory operating condition, or stored at a junk yard and/or auto grave yard (see article V of this chapter).

*Vehicle/boat sales* means a business establishment primarily involved in the sale and incidental repair of automobiles, trucks, farm equipment, heavy construction equipment, motorcycles, ATVs, boats/watercraft, recreational vehicles or utility trailers, or other vehicles, excluding manufactured homes.

*Vehicle, business*, means any vehicle used for business purposes, whether or not the owner is a private or governmental entity, except that school buses shall be excluded.

*Vehicle, passenger*, means a wheeled motor vehicle for transporting passengers which is designed to run primarily on roads, principally for the transport of people rather than goods, and shall exclude a charter motor coach.

*Vehicle, recreational*, means a self-propelled or towed vehicle used as a temporary dwelling for travel and recreational purposes.

*Walkway* means a passage to provide walking access, such as walks, paths, and steps.

*Wall* means structures made of masonry or concrete, commonly used as an enclosure for a lot.

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*Warehouse* means a building devoted to retention of goods, merchandise, supplies or other materials produced on site or received in shipment for ultimate sale or shipment elsewhere.

*Water distribution system, central*, means mains and service lines owned and operated by the county water system, or when approved by the county commissioners, a private water system operating under the direct supervision of the Department of Natural Resources.

*Water impoundment* means a body of water confined by a dam, dike, floodgate, or other barrier.

*Wedding/event facility* means a facility where weddings and other events are held.

*Weight, curb*, means the total weight of a vehicle with standard equipment, all necessary operating consumables (e.g., motor oil and coolant), a full tank of fuel, while not loaded with either passengers or cargo.

*Wind farm* means any lot where more than one wind turbine for the purpose of generating electricity is located.

*Wind turbine* means a freestanding alternate energy device which converts wind energy into electrical energy. A windmill shall also be deemed a wind turbine when used in association with an agricultural operation.

*Yard* means a required open space on a lot that is left unoccupied with structures and facilities, except as otherwise permitted herein.

*Yard, front*, means the area between the property line adjacent to a street and the front building line, extending the full width of the lot.

*Yard, primary front*, means, on a corner lot, the area between a property line adjacent to a street and a line running parallel to the principal structure front, extending the full width of the lot.

*Yard, rear*, means the area between the rear property line and the rear of the principal structure, extending the full width of the lot.

*Yard, secondary front*, means, on a corner lot, the area parallel to the street between a property line adjacent to a street and the principal structure outside of the primary front yard.

*Yard, side*, means the area between the side property line and the side of the principal structure, extending from the front yard to the rear yard or extending from the front yard to the side yard in the case of a corner lot.

*Zoning administrator* means the person who has been designated by the board of commissioners to administer the enforcement of this chapter.

*Zoning board of appeals* means the board to which the responsibilities associated with the zoning board of appeals has been delegated.

(Code 1992, § 20-3-1; Ord. of 5-26-2011; Ord. of 7-28-2011; Ord. No. 2012-09, § 1, 5-24-2012; Ord. No. 2012-13, §§ 1, 2, 12-13-2012; Ord. No. 2013-02, § 1, 4-25-2013; Ord. No. 2013-05, §§ 1, 2, 7-25-2013; Ord. No. 2013-20, § 1, 11-14-2013; Ord. No. 2014-19, § 1, 12-11-2014; Ord. No. 2015-05, § 1, 3-26-2015; Ord. No. 2016-12, § 1, 7-28-2016; Ord. No. 2016-15, § 1, 7-28-2016; Ord. No. 2017-04, § 1, 3-23-2017; Ord. No. 2017-16, § 1, 10-26-17; Ord. No. 2018-03, § 1, 9-22-2018; Ord. No. 2018-11, § 1, 10-25-2018; Ord. No. 2021-06, § 1, 3-25-2021; Ord. No. 2021-09, § 1, 5-27-2021)