

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CANDLER COUNTY TO ADOPT A ZONING ORDINANCE**

**WHEREAS**, the Board of Commissioners of Candler County is the governing authority for Candler County, Georgia; and

**WHEREAS**, the Georgia Constitution and the general laws of the State of Georgia grant the local governing authority of each county jurisdiction to control all county property and to further adopt such ordinances and regulations as necessary to protect the public health, public safety and general welfare of its citizens; and

**WHEREAS**, the Board of Commissioners of Candler County, Georgia, has determined that it is in the best interests of Candler County, Georgia, for the enactment of zoning regulations; and

**WHEREAS**, the proposed Zoning Ordinance was drafted with reasonable consideration, among others, with a general view of promoting desirable living conditions, protecting property against blight and depreciation, and encouraging the most appropriate use of land throughout Candler County; and

**WHEREAS**, the proposed Zoning Ordinance was reviewed by the Candler County Board of Commissioners and a public hearing on the text was held on Tuesday, March 19<sup>th</sup>, 2024, Wednesday, April 24<sup>th</sup>, 2024, and Tuesday, August 20<sup>th</sup>, 2024; and

**WHEREAS**, the Board of Commissioners of Candler County, Georgia, deem the Zoning Ordinance to be of substantial benefit to the public and in the promotion of the best interests and general welfare of the people

**NOW, THEREFORE BE IT RESOLVED**, under th authority and for the purposes stated herein, Candler County hereby enacts as law the Zoning Ordinance which shall take full force and effect immediately.

**SO RESOLVED AND ADOPTED** this 23 day of September, 2024.



CANDLER COUNTY, GEORGIA

\_\_\_\_\_  
Glyn Thrift, Chairman

ATTEST:   
\_\_\_\_\_  
Kelli Lank, County Clerk

# Zoning Ordinance of Candler County, Georgia

Adopted

September 23, 2024

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## **ARTICLE 1. GENERAL**

### **Section 101. Enactment Clause**

The Board of Commissioners of Candler County, Georgia, under the authority of Article IX, Section II, Paragraphs I and IV of the Constitution of the State of Georgia and the amendments thereto, hereby ordains and enacts into law the following sections.

### **Section 102. Short Title**

This document is entitled “The Zoning Ordinance of Candler County, Georgia”. It may also be known by, referred to, and cited as the short title of “Candler County Zoning Ordinance”.

### **Section 103. Jurisdiction**

This ordinance shall govern the use of all land and the developments thereof within the unincorporated area of Candler County, Georgia.

### **Section 104. Purpose**

This Ordinance shall serve the following purposes:

1. Promote the proper location, height, bulk, number of stories and size of open spaces, the density and distribution of population, and the uses of building, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, public activities;
2. Reduce the occurrence of hazardous traffic patterns and general congestion;
3. Secure safety from fire, panic, and other dangers;
4. Promote the public health and the general welfare;
5. Provide adequate light and air;
6. Prevent the overcrowding of land, urban sprawl, and undue concentration of population;
7. Facilitate the adequate provision of public utilities, transportation, water, sewerage, schools, parks, and other public requirements and facilities;
8. Promote desirable living conditions and the sustained stability of neighborhoods;
9. Protect property against blight and depreciation;
10. Secure economy in governmental expenditures;
11. Reduce or eliminate the occurrence of certain conditions that can threaten the general health, safety, and welfare of the residents of the county;
12. Conserve the value of buildings and to encourage the most appropriate use of land, buildings, and structures within the county, and for other purposes.

## ARTICLE 2. DEFINITIONS

### Section 201. Interpretation of Certain Terms and Words

Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions. For the purpose of this Ordinance, certain words or terms used herein are defined as follows:

1. Words used in the present tense include the future tense.
2. When consistent with the context, words used in the singular include the plural, and words used in the plural include the singular.
3. The words "shall," "must," and "will" are always mandatory and not merely directory.
4. The word "may" is permissive and allows discretion regarding an action.
5. The word "lot" includes the words "plot" and "parcel."
6. The word "person" includes a "firm", "association", "institution", "organization", "partnership", "trust", "company", or "corporation" as well as an "individual".
7. The word "building" includes the word "structure".
8. The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied".
9. The word "map" or "zoning map" or "Candler County Zoning Map" shall mean the Official Zoning Map of Candler County, Georgia, and may include a series of maps in sections.
10. The term "Planning and Zoning Board" refers to the Planning and Zoning Board of Candler County, Georgia.
11. The term "Zoning Administrator" refers to the person subsequently and specially designated by the Candler County Board of Commissioners and so employed as the Zoning Administrator for Candler County, or authorized representative of that office.
12. The term "County Clerk" refers to the County Clerk of Candler County, Georgia, or authorized representative of that office.
13. The terms "County Commission," "Commission," "Board of Commissioners," or "Board" refer to the legally constituted and elected governing body of Candler County, Georgia.

### Section 202. General Definitions

**Accessory Use:** A structure or use that is incidental and subordinate to and serves the principal structure or use located on the same lot, parcel or tract.

**Adult Business:** A building or structure, or portion of a building or structure, which is used or proposed to be used for an adult bookstore, adult entertainment establishment or adult theater.

(1) Adult bookstore means a store which contains or is used for the display or sale of books, magazines, movie films, still pictures and all other written materials, photographic material, novelties, devices and related items which are distinguished or characterized by their emphasis on matters depicting, describing or related to specified sexual activities or specified anatomical areas, as defined in this section; or an establishment with a segment or section devoted to the sale or display of such material constituting a majority of its retail value of stock displayed for sale or a majority of the monthly gross receipts of the business.

(2) Adult entertainment establishment means an establishment which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by employees, devices, equipment or by personnel provided by the establishment, or where the patron views a series of dance routines, strip performances or other gyrational choreography provided by the establishment which appeals to the prurient interest of the patron.

(3) Adult theater means a regulated use for the viewing of performances or activities by others, whether such performances are in the form of live shows, motion pictures, slide shows or other forms of photographic or visual display, which are distinguished or characterized by the emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section, or an establishment with a segment or section devoted to the sale or display of such material.

(4) Specified anatomical areas mean human genitals and pubic regions, buttocks, the female breast below a point immediately above the top of the areola, if less than completely and opaquely covered, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(5) Specified sexual activities mean acts of human masturbation, sexual intercourse, sodomy or any acts of bestiality and fondling, or other erotic touching of human genitals, pubic region, buttock or breast of either a male or female.

**Agriculture:** The production, raising, breeding, or maintenance of plants and animals including, but not limited to: forage and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef, cattle, sheep, swine, horses, or goats, game animals, exotic fish, and any mutations or hybrids thereof, including the breeding and grazing of any or all such species; bees and apiary products; fur animals; trees and forest products; fruit of all kinds, including grapes, nuts, berries; vegetables, nursery; floral, ornamental and greenhouse products; or land devoted to a soil conservation or forestry management program on tracts of land at least three (3) acres in size, including all associated activities. Retail selling of products raised on the premises is permitted provided that space necessary for the parking of customers' vehicles is provided off the public right-of-way. This does not include the commercial slaughter of poultry, livestock, or other animals.

(1) In relation to the treatment of agricultural facilities and operations as nuisances, Georgia law provides in O.C.G.A. § 41-1-7(a) that "it is the declared policy of the state to conserve, protect, and encourage the development and improvement of its agricultural and forest land and facilities for the production or distribution of food and other agricultural products. When nonagricultural land uses extend into agricultural or agriculture-supporting industrial or



commercial areas or forest land or when there are changed conditions in or around the locality of an agricultural facility or agricultural support facility, such operations often become the subject of nuisance actions. As a result, such facilities are sometimes forced to cease operations. Many others are discouraged from making investments in agricultural support facilities or farm improvements or adopting new related technology or methods. It is the purpose of this Code section to reduce losses of the state's agricultural and forest land resources by limiting the circumstances under which agricultural facilities and operations or agricultural support facilities may be deemed to be a nuisance."

(2) The Code further states in O.C.G.A. § 41-1-7(d) that "no agricultural facility, agricultural operation, any agricultural operation at an agricultural facility, agricultural support facility, or any operation at an agricultural support facility shall be or shall become a nuisance, either public or private, if the facility or operation has been in operation for two years or more. The provisions of this subsection shall not apply when a nuisance results from the negligent, improper, or illegal operation of any such facility or operation."

(3) The code further states in O.C.G.A. § 41-1-7(e) that "for purposes of this Code section, the established date of operation is the date on which an agricultural operation or agricultural support facility commenced operation. If the physical facilities of the agricultural operation or the agricultural support facility are subsequently expanded or new technology adopted, the established date of operation for each change is not a separately and independently established date of operation and the commencement of the expanded operation does not divest the agricultural operation or agricultural support facility of a previously established date of operation."

***Airport (Public, Private, Commercial):*** A transportation terminal facility where aircraft take off and land. Standards include the following: Applicant must comply with all federal and state laws and regulations and submit evidence of FAA approval or satisfactorily demonstrates that FAA approval is not required. In HI zoning district the definition includes related facilities customarily found in airports, such as car rental agencies, facilities for the servicing, repair and maintenance of aircraft, restaurants, newsstands, gift shops, when located within the passenger terminal building, warehouses, and storage buildings for air-freight and bulk storage for flammable liquids.

***Airstrip (Private):*** An area designated for the takeoff and landing of private, non-commercial aircraft, with no terminal facilities and no scheduled take-offs and landings. See the definition of Airport for applicable standards.

***Antenna (Dish):*** An outside structure intended for receiving audio or video signals via a satellite orbiting the earth. It is constructed of a round or square surface that is parabolically curved focusing on a low-noise signal amplifier and the apparatus is mounted on a base.

***Antenna (Noncommercial):*** A vertical structure used for receiving and sending satellite, television or radio transmissions for personal use.

***Appliance Repair and Maintenance:*** This use comprises establishments primarily engaged in repairing and servicing household appliances without retailing new appliances, such as refrigerators, stoves, washing machines, clothes dryers, and room air-conditioners.

**Bed and Breakfast Inn:** This use comprises establishments primarily engaged in providing short-term lodging in facilities known as bed-and-breakfast inns. These establishments provide short-term lodging in private homes or small buildings converted for this purpose. Bed-and-breakfast inns are characterized by a highly personalized service and inclusion of a full breakfast in the room rate.

**Board of Commissioners:** The Board of Commissioners of Candler County.

**Boarding House:** An establishment, other than a hotel or motel, which furnishes lodging for compensation to more than four but fewer than twenty persons and which, for the period of occupancy, may serve as a principal residence. These establishments may also provide complementary services, such as housekeeping, meals, and laundry services; provided, however, that cooking must be done in a central kitchen and not in individual rooms or suites. These establishments include, but are not limited to, fraternity houses, sorority houses, rooming houses, and similar facilities.

**Body Art Studio:** Any permanent building or structure on a permanent foundation, holding a valid county occupational tax certificate and permit from the county board of health, wherein a tattoo/body piercing artist performs tattooing or body piercing.

**Buffer:** A landscaped open area and/or screened area designed to separate incompatible uses.

**Buildable Area:** That portion of any lot which may be used or built upon in accordance with the regulations governing the given zoning district within which the particular lot is located, once the various front, side and rear yard setbacks required for the district have been subtracted from the total area.

**Building:** Any structure having a roof and intended for shelter, housing, or enclosure of persons, animals, or property of any kind.

**Building (Accessory):** A structure used for a purpose that is customarily incidental and subordinate to the principal use or structure, and located on the same lot as such a principal use or structure.

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

**Building Line:** A line extended along the foundation of a building from which is measured the distance that a building must be set back to meet the minimum distance from the building line to the front, rear or side property line or in some cases, to the center line of an adjacent roadway.

**Building Material Dealer:** This use comprises establishments primarily engaged in retailing specialized lines of new building materials, such as lumber, fencing, glass, doors, plumbing fixtures and supplies, electrical supplies, prefabricated buildings and kits, and kitchen and bath cabinets and countertops to be installed.

**Building (Principal):** The building on a lot in which the principal use of the lot is conducted.

**Building Site:** The ground area of a building or buildings together with all open spaces surrounded by said building or buildings.

**Camper:** A motor home, tent, trailer, or other self-contained vehicle designed for recreational purposes. This type of vehicle shall not be considered as a permanent habitable space and shall not be connected to on-site sewer or water systems unless located in an authorized recreational vehicle park and

campground or being used as an authorized temporary occupancy unit. See also the definition for Recreational Vehicle.

**Campground:** Any parcel or tract of real property that is designed for camping or outdoor recreation and containing two or more camping spaces offered for the use of the public or members of an organization. Campgrounds may or may not necessarily be designed to accommodate recreational vehicles. Campgrounds may be "primitive," where no sanitary facilities are provided for the comfort and convenience of campers. Campgrounds may be "semi-primitive," where rudimentary facilities (privies and/or fireplaces) may be provided. Campgrounds may be "developed," where utilities (sewer, water, and electricity), restrooms and refuse disposal are available. Campgrounds may be "fully developed," with one or more service buildings.

**Cemetery:** Land either already reserved for burial plots or which may, in the future, be so reserved; it may be maintained either by a family, a church or other place of worship, or a private corporation.

**Center Line, Street:** That line surveyed and monumented by the governing authority as the center line of a street, or if such a center line has not been surveyed, it is the line running midway between the outside curbs or ditches of the street.

**Check Cashing and Small Loan Establishment:** This use comprises establishments that provide financial services and other credit intermediation offering a range of simple transactions and consumer finance products, such as check cashing, money orders, electronic bill payment and small secured or unsecured loans. These companies also offer payday loans or advances, or may be combined with pawn shops.

**Children's Playhouse:** A structure including but not limited to a jungle gym, monkey bars or climbing frame, made of many pieces of thin material, such as metal pipe or rope, on which children can climb, hang, or sit. Also includes tree houses built and used for recreation.

**City:** Any incorporated municipality in the County.

**Club, or Lodge (Private):** An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public. AG-3 zoning district also allows places for an assembly of non-members groups provided such use is located on property that fronts a county, state or federal road or highway.

**Combination Park:** Manufactured home park, when developed jointly with a tiny house park on contiguous properties, must comply with the governing requirements in the Manufactured Home and Tiny House Park Ordinance.

**Commercial and Industrial Machinery and Equipment (Except Vehicle and Electronic) Repair and Maintenance:** This use comprises establishments primarily engaged in the repair and maintenance of commercial and industrial machinery and equipment. Establishments in this industry either sharpen/install commercial and industrial machinery blades and saws or provide welding (e.g., automotive, general) repair services; or repair agricultural and other heavy and industrial machinery and equipment (e.g., forklifts and other materials handling equipment, machine tools, commercial refrigeration equipment, construction equipment, and mining machinery).

**Commercial Kennel (Indoor):** A facility designed or arranged for the care of animals without any outdoor activity. No outdoor activity associated with care of animals is allowed. The housing for four (4) or more dogs, cats, or other domestic animals for the purpose of providing an income or revenue for such activities as boarding, breeding, training or veterinary care.

**Commercial Kennel (Outdoor):** A facility designed or arranged for the care of animals that includes outdoor activity. The housing for four (4) or more dogs, cats, or other domestic animals for the purpose of providing an income or revenue for such activities as boarding, breeding, training or veterinary care. All outdoor exercise areas and runs must be fenced for the safe confinement of animals.

**Commercial and Industrial Machinery and Equipment Sales and Leasing:** This use comprises establishments primarily engaged in sales, rental or leasing heavy vehicles or equipment without operators that may be used for construction, mining, agriculture or forestry, such as bulldozers, earthmoving equipment, well drilling machinery and equipment, cranes, or similar activities.

**Commercial Vehicle Washing Facility:** This use comprises establishments primarily engaged in the cleaning and detailing of passenger motor vehicles, but may also include trailers, recreational vehicles and buses. Facilities may be full-served or self-served.

**Community Center:** This use comprises establishments primarily engaged in providing nonresidential social assistance services to improve the quality of life for the children, youth, elderly, persons diagnosed with mental retardation, or persons with disabilities. These establishments provide for the welfare of these individuals in such areas as nonmedical home care or homemaker services, social activities, group support, and companionship, adoption and foster care, drug prevention, life skills training, and positive social development.

**Community Management Office:** This use includes establishments renting real estate to others and/or managing the property.

**Conditional Use:** A use, specifically designated in this Zoning Ordinance, that may cause harmful or undesirable effects on surrounding or nearby properties within a given zoning district, but would in the opinion of the Board of Commissioners promote the public health, safety, morals, welfare, order, comfort, convenience, appearance, prosperity, or general welfare if such uses were controlled as to number, area, location, or relation to the neighborhood or upon any other standard provided by this Zoning Ordinance.

**Condominium:** A lot developed in accordance with the provisions of the Georgia Condominium Act codified at Section 44-3-70 et seq. of the Official Code of Georgia Annotated.

**Contractor:** A person or firm that contracts to perform work, provide supplies, or contracts to erect buildings. A contractor is permitted to have open storage of materials and equipment when located in rear yard.

**Conventional Construction:** A dwelling unit constructed on the building site from basic materials delivered to the site. Each unit shall be compatible with other conventional construction which may be permitted in the same general area, or existing development, or proposed development in the same zoning classification or area, or as set forth in the comprehensive plan of the county.

**County:** Candler County.

**Cultural Facility:** Library, museum, or other similar facilities in conjunction with an area or use of recognized historical, aesthetic, or educational significance, provided that no commercial activities other than the possible collection of an admission fee, are associated with said museum or exhibit area.

**Curb Cut:** The point at which vehicular access is provided to an adjoining street from a lot.

**Daycare Facility:** A facility designed and intended to provide care for children under the age of fifteen (15) years, or adults, for not more than twelve (12) hours per day. The maximum number of children permitted at such center shall be the maximum number permitted by the rules established by the Department of Human Resources for the State. Facility must comply with all applicable Georgia Department of Human Resources rules.

**DCA:** Georgia Department of Community Affairs.

**Deck/Patio:** A flat surface capable of supporting weight, similar to a floor, but typically constructed outdoors, often elevated from the ground, and usually connected to a building.

**Density:** The number of units or buildings per acre, or the number of people per unit, building, acre or mile, the quantity of people, structures, or units within a specified area.

**Display Advertising:** This use comprises establishments primarily engaged in creating and designing public display advertising campaign materials, such as printed, painted, or electronic displays; and/or placing such displays on indoor or outdoor billboards and panels, or on or within transit vehicles or facilities, shopping malls, retail (in-store) displays, and other display structures or sites.

**Domesticated Livestock:** An animal that is accustomed to living in or about the habitation of humans, including but not limited to horses, cows, goats, pigs, rabbits, fowl, or any other hoofed animal used for pleasure or profit.

**Drive-through Facility:** A business establishment providing a driveway approach or parking spaces to serve patrons in a short time span passing through in motor vehicles. Such a facility may be a principal or accessory use and includes but is not limited to restaurants, pharmacy/drug stores, commercial vehicle washing facilities, gasoline pump islands, bank ATM's, ice vending and other similar uses.

**Dry-cleaning and Laundry Service:** This use comprises establishments primarily engaged in one or more of the following: (1) providing dry-cleaning services; (2) providing laundering services; (3) providing drop-off and pickup sites for laundries and/or drycleaners; and (4) providing specialty cleaning services for specific types of garments and other textile items (except carpets and upholstery), such as fur, leather, or suede garments; wedding gowns; hats; draperies; and pillows. These establishments may provide all, a combination of, or none of the cleaning services on the premises.

**Dwelling:** A building or portion thereof designed, arranged, or used principally for residential occupancy, not including motels, hotels, boarding houses, or rooming houses.

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

**Dwelling (Apartment):** Three (3) or more dwelling units, under a single ownership, designed for lease or rent and located on one (1) lot of land designed and intended for lease or rental.

***Dwelling (Multi-family):*** A building designed, constructed, altered or used for three (3) or more adjoining dwelling units. A multiple-family dwelling may be apartments or condominiums. Each unit shall be compatible with other conventional construction which may be permitted in the same general area, or existing development, or proposed development in the same zoning classification or area, or as set forth in the comprehensive plan of the county.

***Dwelling (Single-family):*** A single site built residential detached building designed for or containing one (1) dwelling unit. Each unit shall be compatible with other conventional construction which may be permitted in the same general area, or existing development, or proposed development in the same zoning classification or area, or as set forth in the comprehensive plan of the county.

***Dwelling (Single-family used for Seasonal Housing of Farm Workers):*** A single-family dwelling owned by farm owner, related to the agricultural operation of the farm on which it is situated and intended for the temporary or seasonal housing of farm workers. This use shall be allowed at one manufactured home per 3 acres. The planning and zoning board shall be granted the power to allow a greater number / density of manufactured homes where it is deemed warranted by unique agricultural needs. Must comply to D.O.L. Standards for housing.

***Dwelling (Two-family):*** A detached dwelling designed, constructed, altered, or used for two (2) adjoining dwelling units, with each dwelling unit having a party wall connecting it with the other dwelling unit, located on one lot; also known as a "duplex." Site-built and industrial homes shall have a heated floor area of at least 1,200 square feet.

***Dwelling Unit:*** One (1) or more rooms within a dwelling forming a separate, independent housekeeping establishment for use of one (1) family involving owner or renter occupancy, with provisions for cooking, eating, and sleeping.

***Easement:*** The right or privilege of using another's property, for purposes such as constructing and maintaining sanitary sewers, water mains, electric lines, telephone lines, storm sewers, gas lines, bicycle paths, pedestrian ways, ingress and egress.

***Education/Training Facility (Short-term):*** This use comprises establishments primarily engaged in offering an array of short duration courses and seminars. Training for career development may be provided directly to individuals or through employers' training programs; and courses may be customized or modified to meet the special needs of customers. Instruction may be provided in diverse settings, such as the establishment's or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the Internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

***Electric Vehicle Charging Station (Private Use):*** A private parking space with no access to the general public that is served by battery charging station equipment for the purpose of transferring electric energy (by conductive or inductive means) to a battery or other energy storage device within an electric vehicle.

***Electric Vehicle Charging Station (Public Use):*** A public parking space on a commercial or nonresidential site that is served by battery charging station equipment for the purpose of transferring electric energy (by conductive or inductive means) to a battery or other energy storage device within an electric vehicle.

**Facilities to Host Private/Public Functions:** This use includes buildings for hosting private and public functions, including, but not limited to, weddings, receptions, dinners, festivals and socials.

**Factory-built Housing:** An obsolete term used to describe an industrialized building. See definition of industrialized building.

**Family:** Two or more persons occupying a single dwelling unit where all members are related by blood, marriage, adoption, or in foster care.

(1) No single dwelling unit located in a single-family residential zoning district shall have more than four (4) unrelated individuals residing therein, nor shall any "family" have, additionally, more than four (4) unrelated individuals residing with said family.

(2) When the dwelling is located in any zoning district other than a single-family residential district, one of the following is permitted:

a. Family related by blood, marriage, adoption or foster care may have two (2) additional unrelated individuals; or

b. Unrelated individuals not exceeding four (4).

(3) In all cases, household employees employed on the premises may be housed on the premises without being counted as a separate family or unrelated individual. The term "family" does not include any organization or institutional group.

(4) Any non-conforming use created by the adoption of this definition of "family" shall be permitted to continue for a period of one (1) year from **September 23, 2024**. After which period, the use of such dwellings(s) shall be in compliance herewith.

**Farm:** Any tract or parcel of land containing three (3) or more acres that is devoted to the raising of agricultural products, including, but not limited to, soil crops, livestock, dairying horticulture, poultry, fish, fowl, sod farming, farm forestry, and commercial timber and other similar bona fide agricultural enterprises (see "Agriculture") or use of land or structure regardless of the quantity or value of production.

**Farm Supply Store:** This use includes farm supply stores and agricultural related businesses, such as agricultural implements sales and service, auction facilities, feed and grain stores and other businesses not involving sales or services to the general public, that fronts on a county, state, or federal road or highway.

**Farm Winery:** As defined in Title 3, Chapter 6, Article 2 of the Official Code of Georgia Annotated.

**Fence:** A barrier, railing or other upright structure, typically, wood, wire, metal or composite material enclosing an area of ground to mark a boundary, control access or prevent escape.

**Flag Lot:** A lot with road frontage no greater in width than one-half the required lot width for the applicable zoning district and with access to the bulk of the lot provided by means of a narrow corridor. For purposes of this definition, the access to the lot shall be considered a "narrow corridor" if the lines of the corridor diverge ten degrees or less. Flag lots shall be subject to the following restrictions and conditions:

- (1) Flag lots are only allowed in the AG-3 zoning district.
- (2) No flag lot may be subdivided from a single lot or parcel of property with less than 500 feet of road frontage.
- (3) With the exception of adjacent flag lots, no more than one flag lot shall be permitted to front on the same side of the road every 500 feet when subdividing a single lot or parcel of property. For purposes of this provision, the distance shall be measured along the road between the nearest property lines.
- (4) No flag lot shall be permitted to be adjacent to one another.
- (5) The limitations regarding road frontage, distance, and adjacent flag lots in subsections (2), (3), and (4) shall not be applicable to flag lots created pursuant to the provision in Section 308, provided that no more than five flag lots are created from a single lot or parcel pursuant to said provision.

**Flea Market:** This use comprises establishments primarily engaged in retailing merchandise via direct sale to the customer by truck or wagon sales, and portable stalls.

**Floodplain:** That area delineated on the flood insurance rate map, published by the Federal Emergency Management Agency (FEMA) and as amended from time to time, which shows the boundary of the 100-year floodplain.

**Floor Area:** The area of a dwelling exclusive of attic, basement, garage, carport, patios, and open porches measured from the exterior face of the exterior walls of a dwelling. Also, the gross leasable floor area for any business or industry based on interior dimensions.

**Food Processing Facility:** Industrial operations in which raw food is made suitable for consumption, cooking or storage. Such facilities include commercial slaughterhouses for poultry, livestock, or other animals, and egg farms.

**Freight Trucking:** This use comprises establishments primarily engaged in providing local and long-distance general freight trucking that includes freight terminals and truck parking facilities primarily designed for either the unloading, loading, or temporary storage of trucks, semi-trailers, and shipping containers, or to provide rest for drivers who must observe federal hours-of duty regulations. This does not include truck stops, fueling centers or manufacturing and distribution activities.

**Fruit and Vegetable Market:** This use comprises establishments primarily engaged in retailing fresh fruits and vegetables.

**Funeral Home:** This use comprises establishments primarily engaged in preparing the dead for burial or interment and conducting funerals (i.e., providing facilities for wakes, arranging transportation for the dead, selling caskets and related merchandise). Funeral homes combined with crematories are included in this industry.

**Garage or Carport (Private):** A covered space for the storage of one (1) or more motor vehicles belonging to the occupants of the principal use on the lot.

**Garden (Noncommercial):** Includes greenhouse and other customary garden structures.



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**Gasoline Station with Convenience Store:** This use comprises establishments engaged in retailing automotive fuels (e.g., diesel fuel and gasoline) in combination with convenience store or food mart items. These establishments may also sell alcohol for off-premise consumption.

**General Personal Service:** Commercial services supplying a wide range of personal needs of customers, including but not limited to beauty, hair, nail salon, locksmith, therapeutic massage.

**General Retail:** Commercial uses providing a wide range of retail goods and services, including but not limited to the retail sales of antiques, baked goods, bicycles, books, cameras, clothing, computers, dry goods, electronics, fabric, flowers, gifts or novelties, jewelry, medical supplies, music, musical instruments, office supplies, pharmaceuticals, phones, pottery, printed materials, shoes, souvenirs, videos, video games, to meet the needs of a large segment of the community. Any retail business that falls within this general definition but is otherwise more specifically defined in this ordinance shall be subject to the requirements and restrictions imposed on the more specific definition.

**Golf Course, Tennis Court, Country Club:** This use comprises (1) establishments primarily engaged in operating golf courses (except miniature), (2) tennis courts and (3) establishments primarily engaged in operating golf courses, along with dining facilities and other recreational facilities that are known as country clubs. These establishments often provide food and beverage services, equipment rental services, and golf instruction services.

**Grocery Store:** A retail store that sells food, beverages, and other household implements and supplies.

**Guard Living Quarter:** Living quarters for security guard or caretaker associated with a manufacturing facility.

**Heavy Manufacturing:** Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions that include, but are not limited to, smoke, steam, noise, soot, dirt, vibration, odor, or any other by-product of the manufacturing process that is known to be detrimental to the human or natural environment. These activities may involve outdoor operations as part of their manufacturing process. Heavy manufacturing uses include, but are not limited to, storage of petroleum products; concrete or cement fabrication where raw materials and finished products are stored outside; pulpwood processing; asphalt manufacturing; recycling center; outdoor storage of solid waste; rock, sand, or gravel distribution or storage and other uses similar in nature. Any heavy manufacturing activity that falls within this general definition but is otherwise more specifically defined in this ordinance shall be subject to the requirements and restrictions imposed on the more specific definition.

**Home and Garden Equipment Sale, Repair and Maintenance:** This use comprises establishments primarily engaged in selling, repairing and servicing home and garden equipment [e.g. retailing new home and garden equipment, such as lawnmowers, handheld power tools, edgers, snow- and leaf-blowers, and trimmers].

**Home Occupation (Cottage Industry):** A small business enterprise or activity where the family unit who owns or operates the business resides, and, which is typically greater in scale or intensity than that of a home occupation, but, less than what would be required to be located in a Commercial or Industrial zoning district.

**Home Occupation (Residential, in Accessory Building):** An occupation for gain or support conducted by members of a family residing on the premises, and other employees, entirely within the accessory building(s).

**Home Occupation (Residential, in Principal Building):** An occupation for gain or support conducted by members of a family residing on the premises, and other employees, entirely within the principal building(s).

**Hospice Care Facility:** This use comprises establishments primarily engaged in providing inpatient nursing and rehabilitative services for terminally ill patients. The care is generally provided for an extended period of time to individuals requiring nursing care. These establishments have a permanent core staff of registered or licensed practical nurses who, along with other staff, provide nursing and continuous personal care services.

**Hospital:** This use comprises establishments known and licensed as general medical and surgical hospitals primarily engaged in providing diagnostic and medical treatment (both surgical and nonsurgical) to inpatients with any of a wide variety of medical conditions. These establishments maintain inpatient beds and provide patients with food services that meet their nutritional requirements. These hospitals have an organized staff of physicians and other medical staff to provide patient care services. These establishments usually provide other services, such as outpatient services, anatomical pathology services, diagnostic X-ray services, clinical laboratory services, operating room services for a variety of parking, and other services.

**Hotel/Motel:** This use comprises establishments primarily engaged in providing short-term lodging in facilities known as hotels, motor hotels, resort hotels, and motels. The establishments in this industry may offer food and beverage services, recreational services, conference rooms and convention services, laundry services, parking, and other services.

**HUD:** U.S. Department of Housing and Urban Development.

**Hunting Camp (Private):** A campground used seasonally by a property owner, and/or used with permission of the property owner by guests without a fee, containing improved spaces or unimproved land area for six (6) or less tents, recreational vehicles, travel trailers, or campers. The hunting camp shall not be permanently occupied, and no occupant shall occupy the hunting camp for more than 180 consecutive days. Such tents, recreational vehicles, travel trailers, or campers must be removed from such hunting camp for no less than 90 days after occupancy,

**Hunting Camp (Commercial):** A campground used seasonally. Commercial hunting camps shall (a) provide for no more than twelve (12) sites which may be RV pads or cabins, or any combination of the two; (b) be approved by the State of Georgia for septic systems and potable water; (c) have separately metered power for the site; and (d) shall conform to such other reasonable conditions and requirements as may be established by the zoning administrator for the site in question. Commercial hunting camps shall be limited to one per landowner or immediate family members of a landowner. The hunting camp

shall not be permanently occupied, and no occupant shall occupy the hunting camp for more than 180 consecutive days.

**Industrialized Building:** Any structure or component thereof, which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof; and which bears the insignia of approval issued the commissioner of the department of community affairs.

**Inert Landfill:** Site must be Geotechnically suitable as defined by the State of Georgia Comprehensive Solid Waste Management Act 1990. An inert landfill shall comply with the applicable requirements of the Georgia Solid Waste Management Act of 1990, as amended. All inert landfills must obtain all State, Federal or Local permits that are applicable.

**Intermediate Care Home:** A facility that admits residents on medical referral. It maintains the services and facilities for institutional care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies. It otherwise complies with the rules and regulations contained in Chapter 290-5-9: Intermediate Care Homes (Rules of the Georgia Department of Human Resources).

**ISO Intermodal Steel Container:** Structure for the storage and maintenance of equipment and supplies used in maintaining the principal building and its grounds.

**Junk Yard, Salvage Yard, or Wrecking Yard:** A place where waste, discarded or salvaged metals, structure materials, paper, textiles, used plumbing fixtures, used vehicles or equipment in inoperative condition, or similar items are bought, sold, exchanged or stored, baled or cleaned. Also includes the parking, storage or disassembly of three (3) or more junked vehicles, or wrecked or non-operable automobiles, trucks, or other vehicles that do not bear a current license plate.

**Junked Vehicle:** Any wrecked or non-operable automobile, truck, or other vehicle that does not bear a current license plate.

**Laundromat:** This use comprises establishments primarily engaged in (1) operating facilities with coin-operated or similar self-service laundry and dry-cleaning equipment for customer use on the premises and/or (2) supplying and servicing coin-operated or similar self-service laundry and dry-cleaning equipment for customer use in places of business operated by others, such as apartments and dormitories.

**Light Manufacturing:** Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products, from processed or previously manufactured materials, or materials fully encapsulated in a sealed container, including but not limited to, jars, cans, drums, or other container of a similar nature, to be stored inside. Light manufacturing is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, steam, noise, soot, dirt, vibration, odor, or any other by-product of the manufacturing process that is known to be detrimental to the human or natural environment. Light manufacturing uses include, but are not limited to machine shop, manufacturing of apparel, electrical appliances, electronic equipment and computer components, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, food, brewery, distillery, microbrewery, paper products

(excluding the manufacture of paper from pulpwood), medical appliances, tools or hardware, plastic products (excluding the processing of raw materials), pharmaceuticals or optical goods, and any other product of a similar nature. Any light manufacturing activity that falls within this general definition but is otherwise more specifically defined in this ordinance shall be subject to the requirements and restrictions imposed on the more specific definition.

**Liquor Store:** This use comprises commercial retail establishments that have the required state and local licenses for package sales of distilled spirits.

**Loading Space:** 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:** Parcel of land shown on a recorded plat or on the official county zoning maps or any piece of land described by a legally recorded deed.

**Lot Width:** The distance between side lot lines measured at the front building line. If the lot is a corner lot, the lot width shall be the distance between the lot lines measured along the front building line.

**Machine Shop:** This use comprises establishments known as machine shops primarily engaged in machining metal and plastic parts and parts of other composite materials on a job or order basis. Generally, machine shop jobs are low volume using machine tools, such as lathes (including computer numerically controlled); automatic screw machines; and machines for boring, grinding, and milling.

**Maintenance Building/Shed:** This use includes a structure for the storage of equipment and supplies used in maintaining the principal building and its grounds.

**Manufactured Home:** A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, and amended, 42 USC 5401 et seq. (the HUD Code, which became effective on June 15, 1976). All manufactured homes must be installed in accordance with O.C.G.A. § 8-2-160 et seq., and “Candler County Manufactured Home Ordinance”. If located within a manufactured home park, a manufactured home must be installed in accordance with O.C.G.A. § 8-2-160 et seq., “Candler County Manufactured Home Ordinance” and “Candler County Mobile Home Park and Tiny Home Park Ordinance”.

- (1) One parcel or contiguous parcels of land under single ownership which has been planned and improved for the placement of more than one manufactured home for residential occupancy shall be considered a Manufactured Home Park and placed in a Manufactured Home Park (MHP) zoning district.

**Manufactured Home, Industrialized Home, Prefabricated Structure/Building Dealer:** This use comprises establishments primarily engaged in retailing new and/or used manufactured homes, industrialized homes, prefabricated structure, prefabricated building, parts, and equipment.

**Manufactured Home, Pre-HUD:** Any manufactured home that was not constructed to the HUD code, which was adopted June 1976. No permit shall be issued for a pre-HUD manufactured home.

**Manufactured Home Space:** An area of land within a planned manufactured home park designed to accommodate one (1) manufactured home.

**Manufacturing in Commercial Districts:** Includes manufacturing in connection with the principal retail business or service on the lot in commercial zoning districts.

**Manufactured Home Park:** A lot used as a residential area occupied by manufactured homes and conforming to an approved development plan, with appropriate and adequate community services, recreation facilities, utilities, streets, and sidewalks provided by the developer, where the resident owns or rents the manufactured home and rents the manufactured home space. All manufactured homes located within a manufactured home park must be installed in accordance with O.C.G.A. § 8-2-160 et seq., and all manufactured home parks shall be designed in accordance with the "Candler County Mobile Home Park Ordinance".

**Mini-warehouse, Self-service Storage:** This use comprises establishments primarily engaged in renting or leasing space for self-storage. These establishments provide secure space (i.e., rooms, compartments, lockers, containers, or outdoor space) where clients can store and retrieve their goods.

**Mixed-use Residential:** The mixing of nonresidential uses and multifamily residential use in the same building (e.g., retail on ground floor, multifamily above) with a maximum density of 12 dwelling units per acre.

**Mobile Office:** The use of a mobile office for construction administration is permitted in commercial and industrial districts during the construction of the principal use. The mobile office must be removed within 30 days of Certificate of Occupancy of the principal use.

**Mobile Vendor:** Shall mean a vendor that sells or attempts to sell any commodity, merchandise or thing of value from a vehicle, pushcart, wheeled cart, or other mobile equipment or implement on a transient basis at one or more locations within the county. A temporary use permit is required.

**Modular Home:** A factory-fabricated single-family dwelling that is constructed in one (1) or more sections and complies with the definition of Industrialized building.

**National Manufactured Housing Construction and Safety Standards:** The national building code for all manufactured homes built since June 15, 1976, written and administered by the U. S. Department of Housing and Urban Development; also known as the "HUD Code."

**Quarry/Mining Operation:** Removal of minerals and natural materials (includes appurtenant buildings and machinery). The owners or operators of the mine or quarry must present to the Zoning Administrator documentation which confirms that a permit has been issued in accordance with the Georgia Surface Mining Act of 1968, as amended.

**Nonprofit Service Organization:** An organization that serves as an advocate for the public in the areas of emergency assistance and basic needs relating to housing, healthcare, and social services. The emergency assistance involves needs relating to nourishment, clothing, rent, utilities, transportation, and holiday assistance. In addition, the organization may provide volunteer programs and workshops to assist in financial planning for those needing emergency assistance.

**Nursery, Garden Center:** This use comprises establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod.

**Nursing Home:** A facility that admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision. It maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home. It otherwise complies with the rules and regulations contained in Chapter 290-5-8: Nursing Homes (Rules of the Georgia Department of Human Resources).

**Office Park:** An area of land in which many office buildings are grouped together.

**Open Space:** An area that is intended to provide light and air and within which a structure is prohibited under the provisions of this Ordinance.

**Outdoor Advertising Sign:** A sign which conveys a commercial message directing attention to or promoting a business commodity, service or entertainment conducted, sold or offered at a location other than upon the premises on which the sign is located. Also referred to as a billboard. Must comply with D.O.T. standards, if applicable, the county sign ordinance, and other applicable local ordinances.

**Outdoor Display Area:** A portion of a property outside of a building where merchandise, goods or other items are placed in public view for the purpose of advertising or for sale or lease. An area under a permanent canopy, roofline, or enclosure is not considered an outdoor display area.

**Outdoor Seasonal Sales:** Outdoor seasonal sales refer to temporary stands and structures used for the retail sales of seasonal items. Examples of seasonal items may include plants, Christmas trees fireworks, pumpkin stands. A temporary use permit is required.

**Outdoor Storage:** The storage of large quantities of materials or products associated with an industry or business. Such storage will often require a structure designed for and/or devoted to the containment of the item.

**Parking Lot and Garage:** This use comprises establishments primarily engaged in providing parking space for motor vehicles, usually on an hourly, daily, or monthly basis and/or valet parking services.

**Parking Space:** The storage space for one (1) motor vehicle.

**Pawn Shop:** An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or other valuable things.

**Personal Care Home:** A building or group of buildings, a facility, or place in which is provided two (2) or more beds and other facilities and services—including rooms, meals, and personal care for non-family ambulatory adults. It otherwise complies with the rules and regulations contained in Chapter 290-5-35: Personal Care Homes (Rules of the Georgia Department of Human Resources). For the purpose of this Ordinance, Personal Care Homes are classified as follows:

(1) Family Personal Care Home: A home for adults in a family type residence, non-institutional in character, which offers care to two (2) through six (6) persons.

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

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

**Place of Worship:** A building in which persons regularly assemble for religious worship, which is used for such purpose, along with any accessory activities, such as school, and as are customarily associated therewith. Place of worship shall include synagogues, chapel, or other places of worship including educational buildings, parsonages, church-related nurseries or kindergartens, and other related uses.

**Planning and Zoning Board:** Candler County Planning and Zoning Board.

**Plat:** A map, plan, or layout of a county, city, town, section, or subdivision or lot indicating the location and boundaries of properties prepared and stamped by a registered surveyor.

**Prefabricated Home:** A general term used to describe any home constructed in a factory setting including manufactured homes, modular homes, and industrialized homes.

**Prefabricated Structures/Buildings:** A general term to describe permanent or portable accessory structures such as barns, sheds, decks, garages, gazebos, and playground sets that are usually manufactured off-site and are sometimes delivered and assembled on-site by the manufacturer or retailer.

**Printing/Publishing:** An establishment where printed material is produced, reproduced and/or copied by either a printing press, photographic reproduction techniques, or other similar techniques.

**Professional Office:** A building providing office space for professional services (e.g., health care, business management, financial service, counseling, insurance, legal, real estate, computer or data processing, architect, graphic design, recording studio, etc.).

**Public Sewer:** Sanitary sewer service provided by the County or the City.

**Public Use:** Public use includes buildings, facilities or property owned, operated or used by Candler County, the State of Georgia or the United States of America.

**Public Water:** Water service provided by the County, the City, or a private water system approved by the Department of Natural Resources.

**Radio Station:** This use comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources.

**Rail Transportation:** This use comprises establishments primarily engaged in providing specialized services for railroad transportation including servicing, routine repairing (except factory conversion, overhaul or rebuilding of rolling stock), and maintaining rail cars; loading and unloading rail cars; and operating independent terminals.

**Recreation Facility (Indoor, Commercial):** This use includes commercial enclosed recreation facilities including but not limited to indoor firearms shooting range, Amusement center, game/video arcade, billiard hall, pool hall, bowling alley, gym, health spa, or yoga studio, ice- or roller-skating rink, indoor sports facility, inflatable playground, miniature golf facility, movie theater or other indoor theater, night

club or Lounge, school for the arts, including dance, singing, music, painting, sculpting, fine arts, or martial arts.

**Recreation Facility (Outdoor, Commercial):** This use includes commercial unenclosed recreation facilities including but not limited to archery ranges, fairgrounds, paintball fields/facilities, outdoor firearm shooting range, golf driving ranges, parks and trails for motorized or nonmotorized vehicles (including bicycles, and skateboards), race tracks for animals or motorized vehicles, extreme sports facility such as BMX, skateboarding, or roller blading, amusement park, miniature golf facility, swimming pool or water park, parks and trails for motorized or nonmotorized vehicles (including bicycles, and skateboards), outdoor theater, drive-in theater, archery ranges, paintball fields, outdoor sports facility, riding stable.

**Recreation Facility (Outdoor, Private):** A common area serving a planned single-family residential or multi-family residential development that is set aside for leisure activities that are usually formal in nature and intended for group participation. Such activities typically require equipment and take place at prescribed places, sites, or fields, including, but not limited to, swimming pools, tennis, volleyball, and basketball courts, and baseball, soccer, or other playing fields. This definition shall not be interpreted to include the following uses: archery ranges, fairgrounds, paintball fields/facilities, firearms shooting range, golf driving ranges, parks and trails for motorized or nonmotorized vehicles (including bicycles, and skateboards) and racetracks for animals or motorized vehicles.

**Recreational Vehicle:** A motor home, tent, trailer, or other self-contained vehicle designed or modified for recreational purposes. This type of vehicle shall not be considered as a permanent habitable space and shall not be connected to on-site sewer or water systems unless located in an authorized recreational vehicle park and campground or being used as an authorized temporary occupancy unit. See also the definition for Camper.

**Recreational Vehicle Park:** A developed campground, governed by a set of public or private management rules, that accommodates recreational vehicles on camping spaces for paying guests and which may include park-owned recreational vehicle(s) for rent. A recreational vehicle park is distinguished from a campground in that all or some of the camping sites provide recreational vehicle utility connection assemblies to enable the camping unit to connect to water, sewage disposal, electric power, telephone and sometimes cable television. All recreation vehicle parks shall be designed in accordance with the "Candler County Recreational Vehicle Park and Campground Ordinance".

**Recycling Center:** A facility which may be held in public and/or private ownership and which is designated to sort and process materials (aluminum cans, glass, newspaper, tin, HPDE and PET plastics), which have been separated from waste normally discharged into sanitary landfills and sold for re-use in other markets (see Heavy Manufacturing).

**Residence:** The place or structure in which a person resides and/or the structure installed or constructed for that purpose. A primary residence shall be defined as the structure in which a property owner, or in the case of a rental property, the renter, resides for most of the year.

**Residential Industrialized Building:** A home manufactured in accordance with the Georgia Industrialized Building Act and the Rules of the Commissioner of the Georgia Department of Community Affairs issued pursuant thereto. State approved buildings meet the State Building and Construction Codes and bear an insignia of Approval issued by the Board. The term shall not include manufactured homes as defined by



the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. A residential industrialized building must be compatible with conventional construction which may be permitted in the same general area, or existing development, or proposed development in the same zoning classification or area, or as set forth in the comprehensive plan of the county.

**Restaurant:** A structure that prepares and serves food to customers, including sit down, fast food, brewpub, coffee or tea shop, take-out or pizza delivery facility, yogurt or ice cream shop, drive-through, and drive-in facilities. Some establishments in this industry may provide these food services in combination with selling alcoholic beverages.

**Right of Way Line:** The boundary of a strip of land designed, reserved, dedicated, or acquired for the purpose of pedestrian or vehicular access.

**Roadside Stand:** This use comprises establishments primarily engaged in sale of agricultural products grown on the premises.

**Sawmill:** This use comprises establishments primarily engaged in sawing dimension lumber, boards, beams, timbers, poles, ties, shingles, shakes, siding, and wood chips from logs or bolts. Sawmills may plane the rough lumber that they make with a planning machine to achieve smoothness and uniformity of size.

**School:** Educational institution which offers instruction in primary, secondary, or post-secondary education where instruction is given in the vocational, professional, or recreational fields. Schools must be located on either an arterial or collector road and the lot must have a minimum road frontage of 200 feet.

**Service Establishment Catering to Industry:** This use includes services establishment catering to industry such as advertising agencies, janitorial services, personnel agencies; data processing service; research, development and testing laboratories; private security agencies; rental and leasing services for all types of equipment.

**Shopping Center:** This use comprises establishments primarily engaged in acting as lessors of buildings (except mini-warehouses and self-storage units) that are not used as residences or dwellings. Included in this industry are: (1) owner-lessors of nonresidential buildings; (2) establishments renting real estate and then acting as lessors in subleasing it to others; and (3) establishments providing full-service office space, whether on a lease or service contract basis. The establishments in this industry may manage the property themselves or have another establishment manage it for them.

**Sign:** Any fixture, placard, structure, or device illuminated or nonilluminated that uses any color, form, graphic, symbol, or writing which is visible to the general public, announcing a product, service, place, activity, person, institution, business, solicitation, or to convey information of any kind.

**Site-built Home:** See definition of conventional construction.

**Solar Electric Power Generation:** Comprises non-residential establishments primarily engaged in operating solar electric power generation facilities. These facilities use energy from the sun to produce electric energy. The electric energy produced in these establishments is provided to electric power transmission systems or to electric power distribution systems.

**Stick-built Home:** See definition of conventional construction.

**Street or Road (Arterial):** Shall mean a street of exceptional continuity that is intended to carry the greater portion of through traffic from one area of the county to another. This class of roadway describes a high-capacity urban road that sits between interstate highways and collector roads on the road hierarchy in terms of traffic flow and speed.

**Street or Road (Collector):** Shall mean those streets which are neither local streets nor arterial streets. Their location and design are such that they are of exceptional continuity, serve as routes passing through residential areas, serve as means of moving traffic from local streets and feeding it into arterial streets.

**Street or Road (Local):** Shall mean streets which provide only access to adjacent properties and by nature of their layout serve only vehicles with either origin or destination within the area.

**Structure:** Anything constructed or erected that requires a fixed location on the ground or which is attached to something having a fixed location on the ground.

**Structure (Non-conforming):** A structure which does not comply with the zoning district development standards of that district in which the structure is located.

**Subdivision:** The division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of immediate or future sale, legacy, gift or building development; all divisions of land involving a new street or a change in existing streets. Subdivisions must adhere to the minimum lot size requirement specified in each district and are subject to the “Candler County Subdivision Ordinance”

**Swimming Pool, Bath House or Cabana (Private):** An artificially enclosed body of water intended for swimming or water-based recreation. A pool can be built either above or in the ground, and from materials such as metal, plastic or concrete. A bath house or cabana is a permanent free-standing shade structure with traversing curtains, decorative drapes and/or solid walls.

**Tattoo Parlor:** A permanent building or structure on a permanent foundation in which all or any of the body art services are performed. See the definition of Body Art Studio.

**Technical and Trade School:** This use comprises establishments primarily engaged in offering job or career vocational or technical courses (except cosmetology and barber training, aviation and flight training, and apprenticeship training). The curriculums offered by these schools are highly structured and specialized and lead to job-specific certification.

**Temporary Building for Storage:** Permitted only in conjunction with construction of a building. Allowed either on the same lot where construction is taking place or on adjacent lots. Such a use must be terminated upon completion of construction.

**Temporary Occupancy Unit:** Manufactured homes, recreational vehicles, or campers shall be allowed as temporary occupancy units during the construction of a principal residential use subject to the following standards:

**Temporary Use:** Shall mean a use of a short-term nature or fixed duration, which do not require permanent construction. A temporary use permit shall be required for seasonal sales not to exceed 45 days, transient merchants and mobile vendors not to exceed 90 days.

**Tennis Court and/or Basketball Facility (Private):** If lighted, lights must be designed so that they do not intrude upon adjacent lots.

**Tiny House:** A dwelling that is 400 square feet or less in floor area, excluding lofts, as defined in the 2018 International Residential Code, ancillary dwellings, and manufactured/mobile homes. Tiny houses shall include tiny houses built on trailers or permanent chassis or are otherwise mobile.

**Tiny House Park:** A planned neighborhood of a minimum of 4 tiny houses and a maximum of 12 tiny houses. Any tiny house park shall be served by a public water and sewer system or a community water and sewer system.

**Tobacco Shop, Vape Shop, Hookah Lounge:** A tobacco shop is a retailer whose business is exclusively or primarily involves the sale of tobacco products and related goods. A vape shop comprises establishments primarily engaged in retailing electronic cigarettes and supplies, but may also retail cigars, tobacco, pipes, and other smokers' supplies. A tobacco shop or a vape shop does not include a tobacco department, or section of a larger commercial establishment, or of any establishment with a liquor permit, or of any restaurant. A hookah lounge is a smoking establishment whose business operation, whether as its primary use or as an ancillary use, is devoted to the on-premises use of hookahs.

**Tower:** Shall mean a vertical structure on which is or can be located one or more antennas, including but not necessarily limited to guy towers, lattice towers, and monopole towers. Towers can be used for cellular phone service, television transmission or radio transmission purposes.

**Transfer Station:** A facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

**Transient Merchant:** Shall mean any person, firm, or corporation, whether resident or nonresident, who has no permanent, regular place of business within the county and who engages in the business of selling or offering to sell goods or services from a temporary fixed place of business located within the county. A temporary use permit is required.

**Truck Stop:** This use comprises establishments engaged in retailing automotive fuels (e.g., diesel fuel and gasoline) in combination with convenience store or food mart items. These establishments can either be in a convenience store (i.e., food mart) setting or a gasoline station setting. These establishments may also include overnight parking and provide automotive repair services.

**Use:** Any purpose for which a building or tract of land may be designed, arranged, maintained, or occupied; or any activity, occupation, business, or operation carried on in a building or structure or on a tract of land.

**Use (Accessory):** A use incidental or subordinate to the principal use and located on the same lot as the principal use.

**Use (Nonconforming):** A use of land or building, or both, that does not conform to the regulations and standards of the district in which either or both is located.

**Use (Principal):** The main purpose for which a lot is used.

**Utility Substation:** This use comprises a building or structure located above ground such as pump stations and equipment buildings used to transmit, distribute, or switch power, water, sewerage, natural gas, or communications signals.

**Variance:** An authorization granted by the Board of Commissioners for construction or maintenance of a building or structure which is otherwise prohibited by this Ordinance, when such authorization will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of any action on the part of the property owner, a literal enforcement of this Ordinance would result in unnecessary or undue hardship; provided, however, that with the exception of a medical hardship variance, no variance will be granted which shall authorize a land use not otherwise permitted in a particular district.

**Variety Store:** A retail sales use with a floor area less than twelve thousand (12,000) square feet that offers for sale a combination and variety of convenience and consumer shopping goods at a price typically less than ten dollars (\$10.00). Examples include but are not limited to Family Dollar, Dollar General, Dollar Tree, Five Below, dime stores or 5 and dime stores.

**Vehicle Oil Change and Lubrication Shop:** This use comprises establishments primarily engaged in changing motor oil and lubricating the chassis of automotive vehicles, such as passenger cars, trucks, and vans.

**Vehicle Parts and Accessories:** This use comprises of establishments known as vehicle supply stores primarily engaged in retailing new, used, and/or rebuilt automotive parts and accessories. This use does not include the sales, dismantling, or storage of wrecked or junked vehicles, and establishments selling new or used vehicles.

**Vehicle Repair and Maintenance:** This use comprises establishments primarily engaged in providing: (1) a wide range of mechanical and electrical repair, including but not limited to body work and painting, maintenance and installation services for automotive vehicles, such as passenger cars, trucks, and vans, motorcycles, trailers, and accessories or (2) engine repair and replacement.

**Vehicle Sales/Rental Facility:** This use comprises establishments primarily engaged in retailing, renting or leasing of new and used motor vehicles in combination with activities, such as repair services, retailing used cars, and selling replacement parts and accessories. Motor vehicles include those that include but are not limited to all-terrain vehicles, passenger cars, trucks, truck tractors, buses, semitrailers, utility trailers, boats or recreational vehicles.

**Vehicle Towing:** This use comprises establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as storage and emergency road repair services. Any vehicle storage shall be fenced and screened.

**Veterinary Service:** This use comprises establishments of licensed veterinary practitioners primarily engaged in the practice of veterinary medicine, dentistry, or surgery for animals; and establishments primarily engaged in providing testing services for licensed veterinary practitioners.

**Warehousing and Storage:** This use comprises establishments primarily engaged in operating merchandise warehousing and storage facilities. These establishments generally handle goods in containers, such as boxes, barrels, and/or drums, using equipment, such as forklifts, pallets, and racks.

They are not specialized in handling bulk products of any particular type, size, or quantity of goods or products.

**Wastewater Pre-treatment Facility:** A facility which collects sludge from septic tanks and restaurant grease traps and uses a process to separate the solids from the liquids.

**Wholesale Operation:** A business engaged in the sale of goods in large quantities for resale purposes.

**Wholesale Trade Agent and Broker:** This use comprises wholesale trade agents and brokers acting on behalf of buyers or sellers in the wholesale distribution of goods. Agents and brokers do not take title to the goods being sold but rather receive a commission or fee for their service. Agents and brokers for all durable and nondurable goods are included in this industry.

**Wood Kitchen Cabinet and Countertop Manufacturing:** This use comprises establishments primarily engaged in manufacturing wood or plastics laminated on wood kitchen cabinets, bathroom vanities, and countertops (except freestanding). The cabinets and counters may be made on a stock or custom basis.

**Yard:** A required open space on a lot that is left unoccupied with structures and facilities, except as permitted in this Ordinance. A yard may also be known as a setback.

**Yard (Front):** The open space on a lot located between the right-of-way boundary of the abutting street and the front building line as extended to the lot lines to either side. Any yard lying between an abutting street and the building line is considered a Front Yard. For example, in the case of a corner lot which is abutted on two sides by streets, both yards abutting the streets would be Front Yards; setbacks and other development standards for Front Yards would apply to both of these yards.

**Yard (Rear):** The open space located between the rear property line and the rear building line as extended to the side lot lines.

**Yard (Side):** The open space located between the side property line and the side building line as extended to the front and rear lot lines.

**Zoning Administrator:** One or more persons, officers or officials or his authorized representative, whom the Board of Commissioners has appointed to administer and enforce individually or collectively, the building code, subdivision, and zoning ordinances.

## **ARTICLE 3. GENERAL PROVISIONS**

The regulations and standards set by this ordinance within each district shall be minimum regulations and standards and shall apply uniformly to each class, kind, or type of structure, use, or land except as hereinafter provided.

### **Section 301. Zoning Affects All Land, Buildings, and Structures**

No building or structure or land within the unincorporated limits shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, located, moved, subdivided, or altered except in conformity with the regulations herein specified for the district in which it is located.

### **Section 302. Every Use Must be Upon a Lot**

No building or structure may be erected, or use established, unless upon a lot as defined by this ordinance except as provided in Section 319.

### **Section 303. Only One Principal Building Per Lot**

1. There shall be no more than one (1) principal building or structure upon any lot other than within the AG-3, MR, MHP, GC, LI and HI districts.
2. It shall be unlawful to erect or establish more than one principal structure or building per lot, in the following zoning districts unless a Conditional Use Permit has been obtained from the County Commission:
  - 2.1. AG-3 Agricultural
  - 2.2. MR Multifamily Residential
  - 2.3. MHP Manufactured Home Park
  - 2.4. GC General Commercial
  - 2.5. LI Light Industrial
  - 2.6. HI Heavy Industrial

### **Section 304. Open Space Not to be Encroached Upon**

No open space shall be encroached upon or reduced in any manner except in conformity to the yard, setback, off-street parking space requirements, and such other regulations required by this ordinance for the district in which such building is located. Shrubbery, driveways, retaining walls, fences, curbs, and planted buffer strips shall be interpreted not to be encroachments of yards. (See Section 322)

### **Section 305. Required Open Space May Not be Used by Another Building**

No part of any yard, other open space, or off-street parking or loading space required in connection with any building, structure, or use by this ordinance shall be considered to be part of a required yard, or other open space, or off-street parking or loading space for any other building, structure, or use except as provided in Section 610.

**Section 306. Reduction of Yards or Lot Area**

Except as provided in Section 319 and Section 308, no lot existing at the time of passage of this ordinance shall be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless said reduction or division is necessary to provide land that is needed and accepted for public use.

**Section 307. Encroachment on Public Rights-of-Way**

No building, structure, nor any mandated buffer requirements, service area, or required off-street parking and loading facility, except driveways, shall be permitted to encroach on public rights-of-way.

**Section 308. Lot Deeded to Family Member**

In AG-3 district, a landowner may deed to a family member a minimum of one (1) acre from the previously recorded parcel for the construction or placement of a single-family dwelling, provided a minimum of three (3) acres remain in the original parcel of land. This provision shall be allowed one (1) time per eligible family member. For purposes of this provision, the term “family member” means a child, grandchild, parent, grandparent, sibling, or stepchild. No more than five flag lots shall be created from a single lot or parcel pursuant to this provision.

In residential districts (R-1, R-22), a landowner may deed to a family member property not less than the minimum lot size established for that district for the placement of a single-family dwelling, provided the minimum lot size remain for the original parcel of land. This provision shall be allowed for one (1) time per eligible family member (as defined above).

**Section 309. Public Street Frontage**

No principal building may be erected on any lot which has less than the minimum street footage of immediate frontage on at least 1 public street. For purposes of this provision, the term “frontage” includes the width of an easement to a public street from otherwise land locked property.

**Section 310. Lots With Multiple Frontage**

In the case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street.

**Section 311. Visibility at Intersections**

On corner lots within all zoning districts, no fence, shrubbery or other obstruction to the traffic sight vision, except utility poles or light or sign standards, shall be permitted. Violations of this section shall be determined by the Zoning Administrator. Upon notification, the property owner shall have 30 days from the date of notification to move or remove the obstruction.

**Section 312. Uses Prohibited**

If either a use or class of use is not specifically indicated as being permitted in a district, either as a matter of right or as a Conditional Use Permit, then such use, class of use, or structures for such uses

shall be prohibited in such district.

### **Section 313. Zoning to Apply When Lot is Divided by District Boundary Line**

In the event that a district boundary line on the zoning map divides a lot of record held in one (1) ownership on the date of passage of this ordinance, each part of the lot so divided shall be used in conformity with the regulations established by this ordinance for the district in which such parcel is located; except, however, that if the property owner of such a lot so desires, he may extend a use allowed on either portion of said lot fifty (50) feet beyond the district boundary line in accordance with setbacks and yard requirements of the district into which he is encroaching.

### **Section 314. Blank**

### **Section 315. Screening/Buffer Required**

Where commercial or industrial districts abut residential districts, a six (6) foot wide buffer screening shall be provided along the abutting property lines, and the six (6) feet shall be added to the side or rear yard requirements as well as the lot width unless specified otherwise in this Ordinance. The screening as specified in Section 317. Off-street parking associated with such uses shall be governed by this same provision.

### **Section 316. Screening of Service Areas**

Within or directly adjacent to any residential district, any service area, loading area, refuse, or storage area between a principal building and a public street being visible from said street and lying within one hundred fifty (150) feet of said street shall be screened from view from the public street as specified in Section 317.

### **Section 317. Screening Standards**

Wherever screening is required by this ordinance, a durable masonry wall, or fence and hedge of sufficient opacity to provide a visual blind, designed to be compatible with the character of adjoining properties, shall be provided and maintained by the owner and his successors and assigns. The owner/developer shall install the required screening prior to the issuance of the certificate of occupancy.

### **Section 318. Side and Rear Yards Not Required Next to Railroad**

Within any non-residential district, side yards and rear yards shall not be required adjacent to railroad rights-of-way.

### **Section 319. Substandard Lots of Record**

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



**Section 320. Blank**

**Section 321. Blank**

**Section 322. Blank**

**Section 323. Blank**

**Section 324. Blank**

**Section 325. Prohibited Uses in All Residential Districts**

1. It shall be prohibited use in all residentially zoned districts and residential lots to park or store in the open, wrecked or junked vehicles, power driven construction equipment, used lumber, metal or rubbish, or any other miscellaneous scrap or salvageable material in quantity.
2. Tractor-trailer combinations, tractors or trailers shall not be placed or stored in residentially zoned districts. Tractor-Trailer combinations may be parked overnight at the primary residence of the owner or operator of the vehicle. This exception for residential districts is limited to one Tractor or Tractor-Trailer combination per parcel, and shall not apply to tractor trailers that are inoperable.

**Section 326. Recreational Vehicles**

Recreational vehicles shall not be utilized as a permanent dwelling in any zoning district. Occupancy exceeding continuous 90 days shall be considered permanent.

**Section 327. Mobile Homes**

No mobile homes, defined as units constructed prior to June 15, 1976 shall be allowed to be sited within the unincorporated area of Candler County. Only manufactured homes constructed to the Federal Manufactured Home Construction and Safety Standards governed by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C.5401, et. Seq. shall be permitted within unincorporated Candler County.

**Section 328. Code Requirements and State and Federal Regulations**

All developments, structures, and uses shall meet the requirements of all federal and state regulations in effect, including, but not limited to, Department of Transportation and State Fire Marshal regulations, Georgia's Uniform Construction Codes, Georgia Department of Human Resource public health regulations, and Georgia Environmental Protection Division environmental rules and regulations. Approval of a building or occupancy permit by the local government does not constitute certification of compliance with such codes or regulations and does not abrogate responsibility of the owner to so comply. Where such codes exceed the minimum requirements of this Ordinance, the stricter provisions shall apply.

## ARTICLE 4. ZONING DISTRICTS AND MAP

### Section 401. Districts Established

For the purposes of this Ordinance, there are hereby established within Candler County, Georgia, zoning districts identified as follows:

1. **AG-3 Agricultural:** The purpose of this district is to dedicate land for farming, dairying, forestry operations, and other agricultural activities. Residences, which may or may not be incidental to these activities, are also permitted. The requirements of this district are designed to protect land needed and used for agricultural pursuits from encroachment by untimely and unplanned residential, commercial, or industrial development, and to encourage the maintenance of a rural character until more intensive development is feasible.
2. **R-1 Single-family Residential:** The purpose of this district is to provide single family residential areas with minimum lot sizes of one acre (43,560 square feet), said areas being protected from the depreciating effects of small lot development and excessive density and from the encroachment of uses which are incompatible to a desirable residential environment. With Health Department approval, such districts may use individual water supply and sewerage disposal systems.
3. **R-22 Single-Family Residential:** The purpose of this district is to provide single family residential areas with minimum lot sizes of twenty-two thousand (22,000) square feet, said areas being protected from the depreciating effects of small lot development and excessive density and from the encroachment of those uses which are incompatible to a desirable residential environment. Consideration for designation for the district requires a minimum of either a public water system or a community water system.
4. **MR Multifamily Residential:** The purpose of this district is to provide orderly development of higher density residential areas with a maximum density of twelve (12) units per acre. Any developments in this district shall be served by either a public water and sewer system or a community water and sewer system. To be considered for this district, property must directly abut a major thoroughfare roadway, and must have a gross minimum lot size of three (3) acres and two (2) entrances.
5. **MHP Manufactured Housing Park:** The purpose of this district is to provide for the development of property that is suitably located and planned for manufactured housing park use. Property developed in this district is to remain in single ownership for rental or leasing purposes only. To be considered for this district, a site plan meeting the requirements of this ordinance must be submitted with any Land Use petition. Manufactured housing parks shall be developed only in strict accordance with the Manufactured Housing Park provisions of this Ordinance.
6. **NC Neighborhood Commercial:** The purpose of this district is to provide for and protect areas that can accommodate a variety of sales and services that are commonly needed by the Candler County citizens.
7. **GC General Commercial:** The purpose of this district is to provide for and encourage appropriate commercial development at nodes along the county's major roads and highways that will both accommodate the motoring public and the general needs of the county, including the

retailing of major goods and services of larger scale than allowed in NC districts and other types of more intensive commercial activities.

8. **LI Light Industrial:** The purpose of this district is to provide a land use category to protect and promote a suitable environment for light industrial purposes, including accessibility to major transportation facilities, availability of adequate utilities and other public services and availability or large quantities of suitable land. Uses compatible with light industrial development are to be encouraged insofar as they are in accordance with comprehensive development plans of the county. This District should function as a buffer or transition between heavy industrial development and commercial development.
9. **HI Heavy Industrial:** The purpose of this district is to provide a land use category to protect and promote a suitable environment for heavy industrial purposes, including accessibility to major transportation facilities, availability of adequate utilities and other public services and availability or large quantities of suitable land. Uses compatible with heavy or light industrial development are to be encouraged insofar as they are in accordance with comprehensive development plans of the county.

## **Section 402. Schedule of Uses by District**

### **1. Permitted, Conditional and Prohibited Uses**

- 1.1. Within the various zoning districts as indicated on the "Official Zoning Map of Candler County," no building or structure shall be constructed, erected, or altered, and no land used, except in compliance with the Table of Permitted Uses.
  - 1.1.1. Uses Permitted by Right (P): Uses permitted as a matter of right are indicated in the Table of Permitted Uses by the letter "P" in the appropriate cell.
  - 1.1.2. Conditional Use Permit (C): Uses permitted only by Conditional Use Permit are indicated in the Table of Permitted Uses by the letter "C" in the appropriate cell. Requests to approve a use by Conditional Use Permit shall be allowed in the respective district only where approved by the Board of Commissioners in accordance with Section 806.
  - 1.1.3. Uses Not Allowed: A blank cell in the Table of Permitted Uses indicates that a use is not allowed in the respective district.
  - 1.1.4. Section 402, 3, Table 1 and Section 402, 4, Table 2 establish permitted principal uses and permitted accessory uses by district. Supplemental use standards are specified in Article 5, and other related County ordinances. Supplemental use standards are indicated in the table of Permitted Uses by the letter "S".

### **2. Principal Uses Classified**

To regulate a variety of uses, use categories have been established for principal uses. Use categories provide a systematic basis for assigning uses to appropriate categories. Use categories classify principal uses based on common functional, product, or physical characteristics.

### **3. Permitted Principal Uses by District**

**Table 1. Permitted Principal Uses by District**

| Principal Uses                        |   | ZONING DISTRICT |      |      |      |      |      |      |    | SUPPLEMENTAL STANDARDS |  |
|---------------------------------------|---|-----------------|------|------|------|------|------|------|----|------------------------|--|
|                                       |   | AG-3            | R-1  | R-22 | MR   | MHP  | NC   | GC   | LI |                        |  |
| <b>3.1. Agricultural Uses</b>         |   |                 |      |      |      |      |      |      |    |                        |  |
| 1                                     | Farm  | P               |      |      |      |      |      |      | P  | P                      |  |
| <b>3.2. Residential Uses</b>          |   |                 |      |      |      |      |      |      |    |                        |  |
| a) Household Living, as listed below: |   |                 |      |      |      |      |      |      |    |                        |  |
| 1                                     | Dwelling (Single-family)                    | P               | P    | P    |      |      | P    |      |    |                        |  |
| 2                                     | Dwelling (Two-family)                       |                 |      |      | P    |      | P    | P    |    |                        |  |
| 3                                     | Dwelling (Multi-family)                     |                 |      |      | P    |      | P    | P    |    |                        |  |
| 4                                     | Manufactured Home*                          | P, S            | P, S | P, S |      | P, S | P, S | P, S |    |                        | County Ordinance (1)                   |
| 6                                     | Mixed-use Residential                       |                 |      |      |      |      | P    | P    |    |                        |  |
| 7                                     | Residential Industrialized Building*        | P, S            | P, S | P, S | P, S | P, S |      |      |    |                        | County Ordinance (1)                   |
| 8                                     | Manufactured Home Park*                     |                 |      |      |      | P, S |      |      |    |                        | County Ordinance (2)                   |
| 9                                     | Tiny House                                  | P, S            | P, S | P, S |      | P, S |      |      |    |                        | County Ordinance (5),<br>Section 502.1 |
| 10                                    | Tiny House Park                             |                 |      |      |      | P, S |      |      |    |                        | County Ordinance (2)                   |
| 11                                    | Combination Park                            |                 |      |      |      | P, S |      |      |    |                        | County Ordinance (2)                   |
| b) Group Living, as listed below:     |   |                 |      |      |      |      |      |      |    |                        |  |
| 1                                     | Personal Care Home (Up to 15 Residents)     |                 |      |      | P    |      | P    | P    |    |                        |  |
| 2                                     | Personal Care Home (More than 15 Residents) |                 |      |      |      |      | P    | P    |    |                        |  |
| 3                                     | Hospice Care Facility                       |                 |      |      |      |      |      | P    |    |                        |  |
| 4                                     | Nursing Home                                |                 |      |      |      |      |      | P    |    |                        |  |
| 5                                     | Intermediate Care Home                      |                 |      |      |      |      |      | P    |    |                        |  |

|   |   | AG-3 | R-1  | R-22 | MR   | MHP  | NC   | GC   | LI   | HI   |                      |
|---|---|------|------|------|------|------|------|------|------|------|----------------------|
| <b>3.3. Public/Institutional Uses</b>     |   |      |      |      |      |      |      |      |      |      |                      |
| a) Civic, as listed below:                |   |      |      |      |      |      |      |      |      |      |                      |
| 1   | Club, or Lodge (Private)                    |      |      |      |      |      | P    | P    |      |      |                      |
| 2   | Community Center                            |      |      |      |      |      | P    | P    |      |      |                      |
| 3   | Cultural Facility                           |      |      |      |      |      | P    | P    |      |      |                      |
| 4   | Education/Training Facility (Short-term)    |      |      |      |      |      | P    | P    | P    | P    |                      |
| 5   | Facilities to Host Private/Public Functions | C, S |      |      |      |      | P, S | P, S |      |      | Section 503, 5       |
| 6   | Hospital                                    |      |      |      |      |      |      | P    |      |      |                      |
| 7   | Nonprofit Service Organization              | P    | P    |      | P    |      | P    | P    |      |      |                      |
| 8   | Place of Worship                            | P    |      |      | P    |      | P    | P    |      |      |                      |
| 9   | Public Use                                  | P    | P    | P    | P    | P    | P    | P    | P    | P    |                      |
| 10  | Radio Station                               |      |      |      |      |      |      | P    |      |      |                      |
| 11  | School                                      | C    | C    | C    | C    | C    |      | P    |      |      |                      |
| 12  | Technical and Trade School                  |      |      |      |      |      |      | P    | C    |      |                      |
| b) Parks and Open Space, as listed below: |   |      |      |      |      |      |      |      |      |      |                      |
| 1   | Cemetery                                    | P, S | P, S |      |      |      |      |      |      |      | Section 503, 1       |
| 2   | Golf Course, Tennis Court, Country Club     | C    | C    | C    |      | C    |      |      |      |      | Section 503, 2       |
| 3   | Hunting Camp (Private)                      | P    |      |      |      |      |      |      |      |      |                      |
| 4   | Recreation Facility (Outdoor, Private)      | C, S | P, S | P, S | P, S | P, S |      |      |      |      | Section 503, 2       |
| c) Utilities, as listed below:            |   |      |      |      |      |      |      |      |      |      |                      |
| 1   | Solar Electric Power Generation*            |      |      |      |      |      |      |      | C, S | C, S | County Ordinance (3) |
| 2   | Tower                                       | C    |      |      |      |      | C    | C    | C    | C    | County Ordinance     |
| 3   | Transfer Station                            |      |      |      |      |      |      |      |      | C, S | Section 503, 3       |
| 4   | Utility Substation                          | P, S | P, S | P, S | P, S | P, S | P, S | P, S | P, S | P, S | Section 503, 4       |
| 5   | Wastewater Pre-treatment Facility           |      |      |      |      |      |      |      | C    | C    |                      |

|  |   | AG-3 | R-1  | R-22 | MR | MHP  | NC   | GC   | LI   | HI   |                                   |
|--|---|------|------|------|----|------|------|------|------|------|-----------------------------------|
| <b>3.4. Commercial Uses</b>            |   |      |      |      |    |      |      |      |      |      |                                   |
| 1                                      | Commercial and Industrial Machinery and Equipment Sales and Leasing |      |      |      |    |      |      | P, S | P, S | P, S | Section 504, 1                    |
| 2                                      | Daycare Facility  | P    | C, S | C, S |    | C, S | P    | P    |      |      | Section 504, 2                    |
| 3                                      | Drive-through Facility  |      |      |      |    |      | P, S | P, S | P, S | P, S | Section 506, 2                    |
| 4                                      | Parking Lot and Garage  |      |      |      |    |      |      | P    | P    | P    |                                   |
| 5                                      | Restaurant  |      |      |      |    |      | P    | P    |      |      |                                   |
| 6                                      | Shopping Center   |      |      |      |    |      | P    | P    |      |      |                                   |
| 7                                      | Vehicle Sales/Rental Facility                                       |      |      |      |    |      |      | P, S | P, S | P, S | Section 504, 1                    |
| 8                                      | Wholesale Operation   |      |      |      |    |      |      | P    | P    | P    |                                   |
| 9                                      | Wholesale Trade Agent and Broker                                    |      |      |      |    |      |      | P    |      | P    |                                   |
| a) Office, as listed below:            |   |      |      |      |    |      |      |      |      |      |                                   |
| 1                                      | Community Management Office   |      |      |      | P  | P    |      |      |      |      |                                   |
| 2                                      | Mobile Office   |      |      |      |    |      |      | P    | P    | P    |                                   |
| 3                                      | Office Park   |      |      |      |    |      | P    | P    | P    |      |                                   |
| 4                                      | Professional Office   |      |      |      |    |      | P    | P    | P    |      |                                   |
| b) Overnight Lodging, as listed below: |   |      |      |      |    |      |      |      |      |      |                                   |
| 1                                      | Bed and Breakfast Inn   | C, S | C, S |      |    |      | C, S | P, S |      |      | Section 504, 3                    |
| 2                                      | Boarding House  | C, S |      |      |    |      | C, S | P    |      |      | Section 504, 4                    |
| 3                                      | Hotel/Motel   |      |      |      |    |      |      | P    |      |      |                                   |
| c) Personal Service, as listed below:  |   |      |      |      |    |      |      |      |      |      |                                   |
| 1                                      | Commercial Kennel (Indoor)  | C, S |      |      |    |      | C, S | P, S | P, S |      | Section 504, 5 & County Ordinance |
| 2                                      | Commercial Kennel (Outdoor)   | C, S |      |      |    |      | C, S | C, S | P, S |      | Section 504, 5                    |
| 3                                      | Dry-cleaning and Laundry Service                                    |      |      |      |    |      | P    | P    | P    | P    |                                   |

|  |   | AG-3 | R-1 | R-22 | MR | MHP | NC   | GC   | LI   | HI   |  |
|--|---|------|-----|------|----|-----|------|------|------|------|--|
| 4  | Funeral Home  | C    |     |      |    |     |      | P    |      |      |  |
| 5  | General Personal Service  | C    |     |      |    |     | P    | P    |      |      |  |
| 6  | Laundromat  |      |     |      |    | P   | P    | P    |      |      |  |
| 7  | Tattoo Parlor, Body Art Studio  |      |     |      |    |     |      | C, S |      |      | Section 504, 6, Department of Health Rules & Regulations |
| 8  | Veterinary Service  |      |     |      |    |     |      | C, S |      |      | Section 504, 5   |
| d) Recreation Facility, as listed below: |   |      |     |      |    |     |      |      |      |      |  |
| 1  | Adult Business  |      |     |      |    |     |      | C    |      |      |  |
| 2  | Firearm Training (Indoor/Outdoor)   |      |     |      |    |     |      | C    | C    |      |  |
| 3  | Hunting Camp (Commercial)   | C    |     |      |    |     |      |      |      |      |  |
| 4  | Recreation Facility (Indoor, Commercial)  |      |     |      |    |     | C    | C    |      |      |  |
| 5  | Recreation Facility (Outdoor, Commercial)                                       | C    |     |      |    |     |      | C    |      |      | Section 504, 11  |
| 6  | Recreational Vehicle Park, Campground*  |      |     |      |    |     |      | C, S |      |      | County Ordinance (4) & County Ordinance                  |
| e) Retail Sales, as listed below:        |   |      |     |      |    |     |      |      |      |      |  |
| 1  | Building Material Dealer  |      |     |      |    |     | C    | C    |      |      |  |
| 2  | Farm Supply Store   | P    |     |      |    |     | C    | P    | P, S | P, S | Section 504, 12  |
| 3  | Flea Market   |      |     |      |    |     |      | C    |      |      |  |
| 4  | Fruit and Vegetable Market  | P    |     |      |    |     |      |      |      |      |  |
| 5  | Gasoline Station with Convenience Store   | C, S |     |      |    |     | C, S | P, S |      |      | Section 504, 7   |
| 6  | General Retail  |      |     |      |    |     | C    | P    |      |      |  |
| 7  | Grocery Store   | C    |     |      |    |     | C    | P    |      |      |  |
| 8  | Manufactured Home, Industrialized Home, Prefabricated Structure/Building Dealer |      |     |      |    |     |      | C, S |      |      | Section 504, 8   |
| 9  | Nursery, Garden Center  | P    |     |      |    |     | C    | P    |      |      |  |
| 10                                       | Pawn Shop, or Check Cashing and Small Loan Establishment                        |      |     |      |    |     |      | C, S |      |      | Section 504, 9   |
| 11                                       | Tobacco Shop, Vape Shop, Hookah Lounge  |      |     |      |    |     |      | C, S |      |      | Section 504, 10  |
| 13                                       | Vehicle Parts and Accessories   |      |     |      |    |     |      | P    | P    |      |  |

|                                       |   | AG-3 | R-1 | R-22 | MR | MHP | NC | GC   | LI   | HI   |                |
|---------------------------------------|---|------|-----|------|----|-----|----|------|------|------|----------------|
| <b>3.5. Industrial Uses</b>           |   |      |     |      |    |     |    |      |      |      |                |
| 1                                     | Airport (Public, Private, Commercial), Airstrip (Private) | C    |     |      |    |     |    |      | C    | C    |                |
| 2                                     | Contractor  |      |     |      |    |     |    | C, S | P, S | P, S | Section 505, 1 |
| 3                                     | Display Advertising                                       |      |     |      |    |     |    | P    | P    | P    |                |
| 4                                     | Outdoor Advertising Sign                                  |      |     |      |    |     |    | P    | P    | P    |                |
| 5                                     | Service Establishments Catering to Industry               |      |     |      |    |     |    |      | P    |      |                |
| a) Light Industrial, as listed below: |   |      |     |      |    |     |    |      |      |      |                |
| 1                                     | Light Manufacturing                                       |      |     |      |    |     |    |      | C    | C    |                |
| 2                                     | Appliance Repair and Maintenance                          |      |     |      |    |     |    | P    | P    | P    |                |
| 3                                     | Drycleaning and Laundry Service                           |      |     |      |    |     | C  | P    | P    | P    |                |
| 4                                     | Freight Trucking  |      |     |      |    |     |    | C, S | C, S | C, S | Section 505, 2 |
| 5                                     | Home and Garden Equipment Sale, Repair and Maintenance    |      |     |      |    |     |    | C    | P    | P    |                |
| 6                                     | Machine Shop  | C    |     |      |    |     |    | P    | P    |      |                |
| 7                                     | Printing/Publishing                                       |      |     |      |    |     |    | P    | P    | P    |                |
| 8                                     | Truck Stop  |      |     |      |    |     |    | C    | P    |      | Section 505, 2 |
| 9                                     | Wood Kitchen Cabinet and Countertop Manufacturing         |      |     |      |    |     |    | C    | P    | P    |                |
| b) Heavy Industrial, as listed below: |   |      |     |      |    |     |    |      |      |      |                |
| 1                                     | Heavy Manufacturing                                       |      |     |      |    |     |    |      |      | C    |                |
| 2                                     | Quarry/Mining Operation                                   | C, S |     |      |    |     |    |      | C, S | C, S | Section 505, 3 |



|  |  | AG-3 | R-1 | R-22 | MR | MHP | NC | GC   | LI   | HI   |                |
|--|--|------|-----|------|----|-----|----|------|------|------|----------------|
| 3  | Food Processing Facility   |      |     |      |    |     |    | C    | C    | P    |                |
| 4  | Inert Landfill   |      |     |      |    |     |    |      | C    | C    |                |
| 5  | Vehicle Towing   |      |     |      |    |     |    | C, S | C, S | P, S | Section 505, 4 |
| 6  | Junk Yard, Salvage Yard, and Wrecking Yard   |      |     |      |    |     |    |      |      | C, S | Section 505, 4 |
| 7  | Commercial and Industrial Machinery and Equipment (Except Vehicle and Electronic) Repair and Maintenance |      |     |      |    |     |    |      |      | P, S |                |
| 8  | Sawmill  |      |     |      |    |     |    |      | P    | P    |                |
| c) Storage, as listed below:   |  |      |     |      |    |     |    |      |      |      |                |
| 1  | Mini-warehouse, Self-service Storage   |      |     |      |    |     |    | C, S | P, S |      | Section 505, 5 |
| 2  | Outdoor Storage  |      |     |      |    |     |    | P, S |      |      |                |
| 3  | Warehousing and Storage  |      |     |      |    |     |    | P    | P    | P    |                |
| d) Vehicle Service, as listed below:   |  |      |     |      |    |     |    |      |      |      |                |
| 1  | Vehicle Repair and Maintenance   |      |     |      |    |     |    | C, S | P, S | P, S | Section 505, 6 |
| 2  | Vehicle Oil Change and Lubrication Shop  |      |     |      |    |     |    | P, S | P, S |      |                |
| 3  | Commercial Vehicle Washing Facility  |      |     |      |    |     |    | C, S | P, S |      | Section 505, 7 |
| <p><b>* Candler County Ordinances shall apply:</b></p> <p>(1) Candler County Manufactured Home Ordinance</p> <p>(2) Candler County Mobile Home Park and Tiny Home Park Ordinance</p> <p>(3) Candler County Solar Collection Facility Ordinance</p> <p>(4) Candler County Recreational Vehicle and Campground Ordinance</p> <p>(5) Candler County Tiny Home Ordinance</p> |  |      |     |      |    |     |    |      |      |      |                |

4. Accessory Uses by District

Table 2. Permitted Accessory Uses by District

| LAND USE CATEGORY  | ZONING DISTRICT |      |      |      |      |      |      |      |      | SUPPLEMENTAL STANDARDS |
|--|-----------------|------|------|------|------|------|------|------|------|------------------------|
|  | AG-3            | R-1  | R-22 | MR   | MHP  | NC   | GC   | LI   | HI   |                        |
| Accessory Uses   |                 |      |      |      |      |      |      |      |      |                        |
| Antenna (Noncommercial)  | P               | P    | P    | P    |      |      |      |      |      |                        |
| Children’s Playhouse   | P               | P    | P    | P    |      |      |      |      |      |                        |
| Customarily Appurtenant to Those Uses Permitted in the District (Determined by the Zoning Administrator) |                 |      |      |      |      | P    | P    | P    | P    |                        |
| Deck, Patio, Barbecue grill, or Other Such Facility  | P               | P    | P    | P    | P    |      |      |      |      |                        |
| Domesticated Livestock   | P               | P, S |      |      | P, S |      |      |      |      | Section 506, 1         |
| Drive-through Facility   |                 |      |      |      |      | C, S | C, S | C, S | C, S | Section 506, 2         |
| Dwelling (Accessory)   | P, S            | P, S | P, S |      |      |      |      |      |      | Section 506, 3         |
| Dwelling (Single Family used for Seasonal Housing of Farm Workers)                                       | P               |      |      |      |      |      |      |      |      |                        |
| Electric Vehicle Charging Stations (Private Use)   | P               | P    | p    | C    |      |      |      |      |      |                        |
| Electric Vehicle Charging stations (Public Use)  | C, S            |      |      | C, S |      | C, S | C, S | C, S | C, S | Section 506, 4         |
| Fence  |                 |      |      |      |      | P    | P    | P    | P    |                        |
| Fence, Wall, Exterior Lighting Fixture, Other General Landscaping, and Site Development Facility         | P               | P    | p    | P    |      |      |      |      |      |                        |
| Garage or Carport (Private)  | P               | P    | P    | P    |      |      |      |      |      |                        |
| Garden (Noncommercial)   | P               | P    | P    | P    |      |      |      |      |      |                        |
| Guard Living Quarter   |                 |      |      |      |      |      |      | P    | P    |                        |

| Accessory Uses  | AG-3 | R-1  | R-22 | MR   | MHP  | NC   | GC   | LI | HI |                |
|---|------|------|------|------|------|------|------|----|----|----------------|
| Home Occupation (Residential, in Principal Building)                  |      | P, S | P, S | C, S | P, S |      |      |    |    | Section 506, 6 |
| Home Occupation (Residential, in Accessory Building)                  |      | C, S | C, S |      | C, S |      |      |    |    | Section 506, 6 |
| Home Occupation (Non-Residential Zone)                                | P    |      |      |      |      |      |      |    |    |                |
| ISO Intermodal Steel Container  | P    |      |      |      |      |      | P    | P  | P  |                |
| Laundromat  |      |      |      | P    | P    |      |      |    |    |                |
| Maintenance Building/Shed   | P    | P    | P    | P    | P    |      |      |    |    |                |
| Manufacturing in Commercial Districts                                 |      |      |      |      |      |      | P    |    |    |                |
| More than One Principal Use and/or Principal Building on a Single Lot |      |      |      |      |      | C    | C    | C  | C  |                |
| Outdoor Dining  |      |      |      |      |      | C    | C    |    |    |                |
| Outdoor Seasonal Sales  |      |      |      |      |      | C, S | C, S |    |    | Section 506, 7 |
| Roadside Stand  | P    |      |      |      |      |      |      |    |    |                |
| Swimming Pool, Bath House or Cabana (Private)                         | P    | P    | P    | P    |      |      |      |    |    |                |
| Temporary Building for Storage  | P    | P    | P    | P    |      |      |      |    |    |                |
| Temporary Occupancy Unit  | P, S |      |      |      |      |      |      |    |    | Section 506, 8 |
| Tennis Court and/or Basketball Facility (Private)                     | P    | P    | P    | P    |      |      |      |    |    |                |

**All accessory uses must meet the following standards:**

1. They must be located in the rear yard (except “roadside stand”)
2. They must comply with the setback requirements of each district (except “roadside stand” which must be set back 10 feet from the front property line)
3. Accessory buildings and structures not attached to the principal building must be located at least 12 feet from the principal building on the lot

**Section 403. Dimensional Requirements by District**

*Table 3. Table of Dimensional Requirements*

| <b>DEVELOPMENT STANDARDS</b>  |   |                  |                          |   |           |       |           |           |                                |  |
|---|---|------------------|--------------------------|---|-----------|-------|-----------|-----------|--------------------------------|--|
| Within the various zoning districts as indicated on the "Official Zoning Map of Candler County, Georgia", no building or structure, excluding all signs, shall be constructed or erected except as indicated in the following schedule: |   |                  |                          |   |           |       |           |           |                                |  |
| District  | Minimum heated Floor Area Per Dwelling Unit (Sq. Ft.) | Minimum Lot Size | Minimum Lot Width (Feet) | Minimum Setback (Feet, measured from property line) |           |       |           |           | Minimum Street Frontage (Feet) |  |
|   |   |                  |                          | Front Yard  |           |       | Side Yard | Rear Yard |                                |  |
|   |   |                  |                          | Arterial  | Collector | Local |           |           |                                |  |
| <b>AG-3</b>   | 250   | Three (3) acres  | 200                      | 50  | 50        | 40    | 10        | 10        | 60                             |  |
| <b>R-1</b>  | 250   | One (1) acre     | 150                      | 40  | 40        | 40    | 10        | 10        | 30                             |  |
| <b>R-22</b>   | 250   | 22,000 Sq. Ft.   | 100                      | 40  | 40        | 40    | 10        | 10        | 30                             |  |
| <b>MR</b>   | 600   | Three (3) acres  | 125                      | 50  | 50        | 40    | 10        | 10        | 60                             |  |
| <b>MHP</b>  | 250   | Five (5) acres   | 100                      | 40  | 40        | 40    | 10        | 10        | 30                             |  |
| <b>NC</b>   | N/A   | Half (0.5) acre  | 100                      | 75  | 75        | 75    | 50        | 50        | 60                             |  |
| <b>GC</b>   | N/A   | One (1) acre     | 100                      | 75  | 75        | 75    | 50        | 50        | 60                             |  |
| <b>LI</b>   | N/A   | One (1) acre     | 210                      | 75  | 75        | 75    | 50        | 50        | 60                             |  |
| <b>HI</b>   | N/A   | One (1) acre     | 210                      | 75  | 75        | 75    | 50        | 50        | 60                             |  |

## Section 404. Planned Unit Development District (PUD)

### 1. Purpose and Intent

Planned Unit Development district provides an alternative method of land development and redevelopment not available within the framework of standard zoning districts. The purpose of this district is to promote favorable development outcomes by encouraging a flexible approach that allows for a variety of housing types, building arrangements, and land uses within a given development site or single parcel of land of sufficient size. Developments must still be consistent with the general purposes of this Ordinance, and not impact harmfully on the neighborhood in which they occur, the county's general character. The county commission has the absolute authority to establish conditions, limitations, and regulations as it deems necessary to maintain community aesthetics and to protect the public health, safety, and general welfare.

### 2. Relation to Other Regulations:

The Planned Unit Development District shall be a zoning district and is permissible when approved according to a concept plan that ensures the above purpose can be met. Once development has commenced under a PUD approval, development must continue under the terms and conditions of the approval until it is completed or until the PUD approval has been properly amended.

Planned Unit Developments shall meet the intent of all applicable development regulations of the County. These shall include but not limited to the Zoning Ordinance, Subdivision Regulations and Other Related Ordinances. Where these are in conflict, the approved PUD plans; terms and conditions shall take precedence. All proposed deviations from the County's development standards shall be itemized and depicted in the PUD proposal. County construction standards regarding streets, parking and utilities shall be met in all PUD proposals without deviation.

Planned Unit Developments shall not be used merely as a means to avoid full compliance with standard development regulations for the purpose of private gain.

### 3. Minimum Area:

To qualify as a Planned Unit Development, the minimum lot size shall be as follows:

- 3.1. All residential developments: Five (5) acres
- 3.2. Non-residential or mixed-use development: Five (5) acres

The parcel of land proposed for planned unit development must be continuous land under the same or joint ownership. Existing buildings may be included within a planned unit development, but the floor area thereof shall not comprise more than 10 percent of the total floor area of all the buildings in the project.

### 4. Review Criteria

The review of the Planned Unit Development by the County Commission shall be guided by the following general criteria:

- 4.1. Compatibility of the uses within the Planned Unit Development with surrounding land uses;
- 4.2. Adequacy and arrangement of vehicular and pedestrian traffic access, convenience, safety and design;
- 4.3. Location, arrangement, appearance and sufficiency of off-street parking and loading;
- 4.4. Location, arrangement, size and placement of buildings, lighting and signs;

- 4.5. Arrangement of landscape features, recreational areas and buffer areas;
- 4.6. Adequacy of water, wastewater and stormwater management facilities;
- 4.7. Adequacy of structures and roadways in areas with moderate to high susceptibility to flooding, ponding or erosion;
- 4.8. Preservation of architectural, scenic, historic or natural resources;
- 4.9. Relationship of the proposed PUD to the Candler County Comprehensive Plan and Future Land Use Map.

## 5. Review Process:

5.1. **Preliminary Meeting:** Prior to the preparation of a formal application, the applicant shall meet with the Zoning Administrator and county staff to discuss the proposed development. The Zoning Administrator and county staff shall inform the applicant of the county's policies which may affect the development, the specific requirements and procedures involved in applying for a planned unit development. The applicant shall then meet with the Board prior to submitting an application to discuss county plans and policies.

5.2. **Preliminary Application Submission:** After preliminary discussion with the county staff, Zoning Administrator, and the Board, the applicant shall submit a planned unit development application form and three copies of a preliminary development plan to the Zoning Administrator's office.

The preliminary development plan shall contain all the following materials:

- 5.2.1. The name and address of all owners of the site proposed for development as well as the name and address of all professional site planners, architects, engineers, surveyors or other consultants;
- 5.2.2. A legal description of the site proposed for development;
- 5.2.3. A general area plan drawing reflecting the intended use and future street locations for adjacent areas when the proposed planned unit development is intended to represent a single phase of a longer-range development;
- 5.2.4. The location of all property lines, existing streets, easements, utilities and any other significant physical features;
- 5.2.5. Date, north arrow and graphic scale (not less than 1" = 100') on all drawings submitted;
- 5.2.6. Present and proposed zoning (if applicable);
- 5.2.7. An indication of the existing conditions on the tract including contour lines, water courses and existing drainage facilities, wooded areas and isolated trees of six inches or more in diameter, existing streets, sidewalks or other improvements, and existing buildings and structures with an indication of those which will be removed and those which will be retained as part of the development;
- 5.2.8. An indication of the area surrounding the site showing land uses, peculiar physical features, public facilities and existing zoning;
- 5.2.9. A site plan of the proposed development indicating the general location of the following:
  - 1) All buildings, structures and other improvements
  - 2) Common open spaces
  - 3) Off-street parking facilities and number of parking spaces to be provided
  - 4) Sidewalks

- 5) Illuminated areas
  - 6) Use of open space being provided
  - 7) Screening or buffering of the tract perimeters
  - 8) Indication as to which streets will be public and which streets will be private
  - 9) All utilities including storm drainage, sanitary sewers and water service
  - 10) Such other documents explaining unusual circumstances as the Board may require.
- 5.2.10. Quantitative data indicating the following:
- 1) Total number of dwelling units (if applicable)
  - 2) Proposed lot coverage of buildings and structures (percent of total)
  - 3) Approximate gross and net residential densities, excluding all streets and roadways (if applicable)
  - 4) Total amount of open space area provided in the tract
  - 5) Such other calculations as the Board may require.
- 5.2.11. Elevation or perspective drawings of all buildings and improvements. The drawings need not be final architectural plans or engineering plans.
- 5.2.12. A development schedule indicating the approximate date when construction of the project can be expected to begin, the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin, the approximate dates when the development will be completed, and the area and location of common open space that will be provided at each stage.
- 5.2.13. A statement as to the applicant's intention of selling or leasing all or a portion of the planned unit development after the project is developed. If applicable, the conditions of sale and maintenance of such developed properties shall be stipulated. Any covenants, deed restrictions or other similar agreements between the applicant and future owners shall be presented.
- 5.3. **Preliminary Application Hearing:** Upon receipt of the planned unit development application, and the required documents, the Board of Commissioners shall fix a time for a public hearing on the planned unit development and give notice of hearing in the manner as any proposed zoning amendments (rezoning application) as described in Section 808 of the Zoning Ordinance.
- 5.4. **Approval of the Preliminary Application:** Approval of the preliminary plan by the Board constitutes approval of the general arrangement of the plan, the provisions submitted by the applicant, and a waiver of only those items of policy or ordinance which have been brought specifically to the attention of the Board. Such approval shall be valid for six months.
- 5.5. **Final Application Submission:** Within six months following the approval of the preliminary development plan by the Board, the applicant shall file the plan in accordance with the procedures for filing zoning amendments. Three copies of the final development plan shall be filed containing all information, plans and data as required herein. The final development plan shall include the following:
- 1) All of the material listed in Section 5.2 for Preliminary Plan Submission;
  - 2) An accurate legal description of property survey of the entire area included within the planned unit development;

- 3) Designation of the location of all buildings to be constructed and the specific internal uses to which each building shall be put;
- 4) Architectural elevations, pavement types, culverts, common open space, recreation facilities, sidewalks, illumination, landscaping and any other pertinent features of the development;
- 5) Certificates, seals and signatures required for the dedication of land, recording the documents, and such other legal documents as may be required;
- 6) Accurate tabulations of the use of the area including land area, number of buildings, number of dwelling units per acre, total common open space, percent of building coverage of the total area, percent of landscaping provided and total number of parking spaces provided;
- 7) All curb cuts, driving lanes, parking and loading areas, public transportation points, street signs and illumination facilities for same;
- 8) Any other plans or specification as may be necessary for final engineering evaluation of drainage, street design and other facilities by the engineer or Board. Upon receipt of the final Planned Unit Development Plan, the Board shall review the submitted documents and ascertain whether or not the final plans substantially conform to the approved preliminary development plan.

5.6. **Final Application Submission:** Upon approval by the Board, the applicant shall deliver, for recording: all dedications, covenants and other such documents, as may be required by the Board, to the County Recorder of Deeds.

5.7. **Performance Schedule:** The applicant must conform to the development schedule as required herein above. If no construction is started, or approved use established in the Planned Unit Development within 365 days from approval of the final development plan, the approval of the final development plan shall lapse and be voided and no longer in effect. In its discretion and for good cause, the Board may extend for 1 additional year the period for the beginning of construction, the establishment of an approved use, or completion of a phase of development as indicated in the development schedule. If a final development plan lapses under the provisions of this section, the Zoning Administrator shall notify the applicant at the address given on the plan submittal of the revocation of approval of the Planned Unit Development.

## 6. Amendment to Approved Planned Unit Developments:

No changes may be made in the final development plan during the construction of a Planned Unit Development except upon application to the appropriate agency under the procedures provided below.

- 6.1. Minor changes in the location, siting and the height of buildings and structures may be authorized by the Zoning Administrator if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this subsection may cause any of the following:
- 1) A change in the use or character of the development;
  - 2) An increase in overall coverage of buildings and structures;
  - 3) An increase in the intensity of use;



- 4) An increase in the problems of traffic circulation and public utilities;
- 5) A reduction in approved open space;
- 6) A reduction of off-street parking and loading space;
- 7) A reduction in required pavement widths.

6.2. Any proposed major and substantial change in the approved master development plan which affects the intent and character of the development, rearrangement of lots, changes in the provision of common open space, the density or land use pattern, the location, or dimensions of arterial or collector streets, or similar substantial changes, shall be reviewed by the Board in the same manner of the initial zoning application. A request for an amendment of the Planned Unit Development plan shall be supported by a written statement and by revised site plans or maps. Any changes which are approved in the final plan must be recorded as amendments in accordance with the procedure established for the recording of the initial final plan documents.

### **Section 405. Official Zoning Map**

The boundaries of each district are shown on maps entitled "Official Zoning Map of Candler County, Georgia". The Official Zoning Map shall be dated and certified by the Chairman of the County Commission and County Clerk and said maps and all explanatory matter thereon accompanies and is hereby made a part of this ordinance.

Accurate copies of the "Official Zoning Map of Candler County, Georgia," shall be always displayed in the office of the zoning administrator. Said maps shall accurately show all map amendments made in accordance with the provisions of this Ordinance. It shall be the duty of the zoning administrator to ensure that the "Official Zoning Map" displayed in this office is kept up-to-date and accurately shows all amendments.

### **Section 406. Interpretation of Zoning District Boundaries**

When uncertainty exists with respect to the location of boundaries of any zoning district as shown on the "Official Zoning Map of Candler County", the following rules shall apply:

1. Unless otherwise specifically indicated, where district boundaries are indicated on the Zoning Map as approximately following the centerline of a street right-of-way, highway, railroad right-of-way line, stream bed, or riverbed, such centerlines shall be interpreted to be such district boundaries.
2. Zoning district boundaries indicated as approximately following platted lot lines shall be interpreted as following such lot lines.
3. Where district boundaries are indicated on the Zoning Map as being set back from the centerline of a street right-of-way, road, highway, railroad, stream, or river, and parallel thereto, then such district boundaries, unless otherwise specifically indicated, shall be interpreted as being at the scaled distance from the centerline of such street, road, highway, railroad, stream, or river as being parallel thereto.
4. Where a district boundary divides a lot, or un-platted or un-subdivided property into distinct parts, the district boundary lines shown on the Zoning Map shall be determined by the scale appearing on the map.

5. Where district boundaries are indicated as approximately following the legal limits of Candler County or the corporate limits of an active municipality, such legal limits shall be constructed to be such boundaries.
6. In case any further uncertainty exists after applying the above rules, the Board of Commissioners shall interpret the intent of the zoning map and determine the location of such.

## **ARTICLE 5. SUPPLEMENTAL USE PROVISIONS**

The purpose of this article is to establish special provisions for certain uses and activities that are permitted or conditionally permitted in several or all districts. These standards intend to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the public.

### **Section 501. Agricultural Uses (RESERVED)**

### **Section 502. Residential Uses**

#### **1. *Tiny House***

- 1.1. No tiny house may be erected or installed without required permits and shall meet all requirements of the State's building codes and the Candler County Tiny House Ordinance
- 1.2. A site-built and prefabricated tiny house shall meet the design standards for single-family residential except for the minimum dimensional requirements if having no more than one (1) dedicated sleeping area. A manufactured tiny home shall meet HUD and other industry requirements.

### **Section 503. Public/Institutional Uses**

#### **1. *Cemetery***

- 1.1. A cemetery must be located on a lot with a minimum size of 1/8 acre; provided, however, that a cemetery may be located on the same lot as a church, synagogue, chapel or other place of religious worship.
- 1.2. Provided, however, that these development standards shall not apply to cemeteries governed by the Georgia Cemetery and Funeral Services Act of 2000 codified at Chapter Section 14 of Title 10 of the Official Code of Georgia Annotated.

#### **2. *Recreation Facility (Outdoor Private)***

- 2.1. Swimming pools and tennis courts must be set back a minimum of 50 feet from the property line of the tract of land devoted to community recreation.
- 2.2. Hours of operation are limited to 8:00 a.m. to 10:00 p.m.
- 2.3. An adequate fire access route shall be reviewed and approved by the Fire Chief.
- 2.4. A parking and circulation plan are required.
- 2.5. Where adjacent to a residential zone, a minimum 20-foot-wide structural buffer, meeting the requirements of section 317, must be provided along the property line.

### **3. Transfer Station**

- 3.1. Such facility must receive a permit from and comply with the rules of the Environmental Protection Division of the Georgia Department of Natural Resources for transfer stations; and all applicable Federal Laws and Regulations
- 3.2. Solid waste shall be confined to the interior of transfer stations, and not allowed to scatter to the outside. Waste shall not be allowed to accumulate, and floors, shall be kept clean and well drained.
- 3.3. Sewage solids shall be excluded from transfer stations.
- 3.4. Rodents, insects and other pests shall be controlled.
- 3.5. Hazardous waste: no person owning or operating a transfer station shall cause, suffer, allow, or permit the handling of regulated quantities of hazardous waste.

### **4. Utility Substation**

- 4.1. Minimum setbacks. Utility substations, including any required fencing, must be set back a minimum of 60 feet from all public rights-of-way and from adjacent property lines of any lot on which a residence is located, and 30 feet from all other adjacent property lines.
- 4.2. Minimum lot size. The lot on which a utility substation is located must be of sufficient size to meet the minimum setback requirements; however, in no case shall the lot on which a utility substation is located be less than 1/4 acre.
- 4.3. A buffer a minimum of 25 feet wide must be maintained along the side and rear property lines. If any decorative fencing requirements are waived, the Zoning Administrator may require additional landscaping to preserve the aesthetic quality of the site.
- 4.4. The applicant must submit a site plan to the Zoning Administrator, showing the proposed location and design of any buildings, the proposed location and type of any exterior equipment, the proposed location and design of all fencing, any proposed landscaping, the means of ingress and egress including any and all access points or easements, the uses of adjacent property, and the distance of all improvements from adjacent property lines and rights-of-way. The site plan must be approved by the Zoning Administrator prior to the issuance of a permit, and the Zoning Administrator may require any modifications to the site plan necessary to achieve compliance with the standards and spirit of this Ordinance.  
The dimensional requirements in each district shall not apply to utility substations.

### **5. Facilities to Host Private/Public Functions**

- 5.1. Standards for all zoning districts:
  - a) Hours of operation are limited to 9:00 a.m. to 12:00 a.m.
  - b) No outdoor amplified sound or entertainment is allowed between 12 a.m. and 9:00 a.m.; the site shall, at all times, comply with any existing noise control ordinances.
  - c) The following information must be submitted to the administrative officer with any conditional use application: A site plan, survey or sketch drawing depicting the location of event structures, signage in compliance with the county sign ordinance, parking and traffic circulation for guests and staff, emergency vehicle access route, location of sanitation and refuse facilities, including portable toilets or restrooms connected to the sanitary sewer system.

## **Section 504. Commercial Uses**

### **1. Commercial and Industrial Machinery and Equipment Sales and Leasing Facilities, Vehicle Sales/Rental Facility**

- 1.1. Buildings or structures shall be 250 feet from any residence.
- 1.2. Minimum lot size of 1.0 acre for automotive sales and rental facilities.
- 1.3. Minimum lot size of 3.0 acres for commercial and industrial machinery and equipment sales and leasing facilities.
- 1.4. Vehicles and equipment areas shall not encroach a buffer area
- 1.5. Adequate access and circulation space must be allocated
- 1.6. All accessory merchandise shall be displayed and sold indoors.

### **2. Daycare Facility (in all residential districts)**

- 2.1. Minimum lot size of 2.0 acres.
- 2.2. Hours of operation are limited to 6:00 a.m. to 8:00 p.m., including all deliveries.
- 2.3. There is no external signage or other evidence of the use of the dwelling as other than a residential dwelling unit.
- 2.4. The facility shall provide adequate areas for the safe drop-off and pick-up of children in a driveway, turnaround or parking area.

### **3. Bed and Breakfast Inn**

- 3.1. Minimum lot size of 1.0 acre.
- 3.2. The establishment must be a permanent residence for the owner.
- 3.3. Food preparation and service shall comply with all requirements of the County Health Department.

### **4. Boarding House**

- 4.1. Minimum lot size of 2.0 acres.
- 4.2. No basement, attic, or accessory building shall be used for boarding house purposes.
- 4.3. Parking shall be in the side or rear yard from any property line.
- 4.4. No room shall be occupied as a sleeping room by any person unless there are at least 120 square feet of bedroom space, exclusive of wardrobe and closet space, for each and every person occupying any such room.
- 4.5. All sleeping quarters shall be served by working heating and cooling facilities.
- 4.6. Cooking shall be done in a central kitchen for. Food preparation and service shall comply with all requirements of the County Health Department and Georgia State Law and Regulations
- 4.7. At least one flush water closet, lavatory basin, and bathtub or shower, connected to a water and sewerage system and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a home. All such facilities shall be located within the dwelling so as to be accessible from a common hall or passageway to all persons sharing such facilities.
- 4.8. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.

### **5. Commercial Kennel (Indoor/Outdoor) and Veterinary Service**

- 5.1. All buildings, structures, and outdoor runs shall be 200 feet from all property lines.

- 5.2. Minimum lot size of 2.0 acres where commercial kennels or outdoor runs are present.
- 5.3. The buffer width shall be 2.0 times the minimum required with an approved fence, wall or berm.
- 5.4. Animal boarding shall take place entirely within an enclosed building. Buildings shall be designed and constructed to mitigate noise to limit negative impacts on adjacent properties.
- 5.5. Additional noise mitigation shall be required for existing buildings not originally built for the boarding of animals, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray on noise insulation.
- 5.6. Odors shall be controlled by means of an air filtration system or an equivalent measure.
- 5.7. Buildings housing animals shall have a drain connected to an approved sanitary facility, and shall not be located in a front yard, or buffer areas.
- 5.8. All Boarding shall take place in a building with adequate heat, cooling and ventilation;
- 5.9. All outdoor exercise areas and runs must be fenced for the safe confinement of animals;
- 5.10. A minimum structural buffer meeting the requirements of Section 317 must be established along any outside areas used to exercise, walk, or keep animals that abuts a ground floor residential use; and
- 5.11. No animal may be outdoors between 11:00 p.m. and 6:00 a.m.

**6. *Tattoo Parlor, Body Art Studio***

- 6.1. All tattoo parlors or body art studios shall comply with the Georgia Department of Health rules and regulations
- 6.2. All storefronts shall contain transparent glass windows that allow for views into the establishment from the nearest public right-of-way.
- 6.3. Temporary or portable structures for offices or storage is prohibited.

**7. *Gasoline Station with Convenience Store***

- 7.1. Buildings or structures shall be 250 feet from any residence.
- 7.2. Fuel pumps must be located at least 50 feet from any public right-of-way or lot line.
- 7.3. Merchandise for sale shall be inside of the building except for secured items such as ice coolers, propane gas or similar goods customary to convenience store sales. All such goods shall be attached to or contiguous to the principal building.
- 7.4. Temporary or portable structures for offices or storage is prohibited.
- 7.5. Supplemental standards for drive-through facilities and small-scale retail and commercial service centers shall be observed.

**8. *Manufactured home, Industrialized Home, Prefabricated Structure/Building Dealer***

- 8.1. Buildings or structures shall be 250 feet from any residence.
- 8.2. All display units shall be setback 100 feet from the public right-of-way and a landscaped frontage strip or screening device is required.
- 8.3. Minimum road frontage of 200 feet.
- 8.4. No outside storage of parts or parking of non-operable vehicles or vehicles with body damage is prohibited.
- 8.5. Units on display shall not encroach a buffer area or a public right-of-way and shall be segregated from employee or service area parking.
- 8.6. Adequate space must be allocated, specifically identified, and reserved on the site for the unloading of units and equipment brought to the site by carriers.

8.7. All accessory merchandise shall be sold indoors.

**9. Pawn shop, check cashing and small loan establishments. (RESERVED)**

**10. Tobacco Shops, Vape shops, Hookah Lounge**

- 10.1. These establishments shall not be located within 300 feet, measured property line to property line, from a school (public or private), family day care home, child-care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.
- 10.2. These establishments shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to the smoke shop and tobacco store. It shall be unlawful for a smoke shop and tobacco store to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.
- 10.3. Except for hookah lounges, no smoking shall be permitted indoors at any time.
- 10.4. No sales may be solicited or conducted on the premises to persons under the age of 21.

**11. Recreation Facility (Outdoor, Commercial)**

- 11.1. Minimum lot size of 5.0 acres.
- 11.2. Hours of operation are limited to 8:00 a.m. to 10:00 p.m., including all deliveries.
- 11.3. Prior to a development permit being issued, proof of the following must be submitted to the Zoning Administrator:
  - a) A site plan, survey or sketch drawing depicting the location of event structures, signage in compliance with the county sign ordinance, parking and traffic circulation for guests and staff, emergency vehicle access route, location of sanitation and refuse facilities, including portable toilets or restrooms connected to the sanitary sewer system.
  - a) Catered food service is subject to proper permitting issued by the County Health Department.

**12. Building Material Dealers**

- 12.1. Buildings or structures, including parking, circulation and storage areas shall be 250 feet from any residence.
- 12.2. Storage areas shall be fully enclosed with a fence or a wall and not used as a retail sales area.
- 12.3. Adequate access and circulation space must be allocated, specifically identified on a site plan, and reserved on the site for the unloading of vehicles and equipment brought to the site by carriers.
- 12.4. Merchandise displayed shall be stored in a fully screened location on the rear or side lot with an opaque wall or fence, or within a building.

## **Section 505. Industrial Uses**

### **1. Contractor**

- 1.1. Buildings or structures shall be 250 feet from any residence.
- 1.2. Minimum lot size of 1.0 acre.
- 1.3. Vehicles, parts and implements, and any equipment associated with the establishment shall be stored within a building, or in a side or rear yard of the lot.

### **2. Freight Trucking Facility, Truck Stop**

- 2.1. All new establishments must be located within 1.5 miles of Interstate 16.
- 2.2. Buildings or structures, including vehicle and container storage, parking and circulation areas shall be 300 feet from any residence.
- 2.3. A road frontage buffer and landscape strip are required.
- 2.4. A solid fence or wall is required to screen truck headlights contiguous to any residential property.
- 2.5. A stormwater management plan is required for review and approval.
- 2.6. Vehicle gates or access control features shall not be installed within 150 feet of the public right-of-way.
- 2.7. Maximum vertical stacking for intermodal shipping containers is limited to two containers in height.
- 2.8. The following uses or activities are prohibited:
  - a) Temporary or portable structures for offices or storage.
  - b) Maintenance or sales of any kind.
  - c) Long-term storage of parts.
  - d) Non-operable, salvaged or abandoned vehicles.
- 2.9. Containers will be stacked in a "pyramid" appearance along the front of the site. Corner lots shall be treated as having two front property lines. The initial row shall not exceed one container in height, with such successive interior row gaining one container in height to a maximum of two containers in height. For the sides beyond the front area, the "pyramid" appearance shall not be required.

### **3. Quarry/Mining Operation**

- 3.1. No activities conducted shall be within 500 feet of any residence, or within 250 feet of the lot line of a property with any other use.
- 3.2. Hours of operation are limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.
- 3.3. Activities having greater than one acre of disturbed area must obtain state and local permits.

### **4. Junk Yard, Salvage and Wrecking Yard**

- 4.1. Buildings or structures, including parking and circulation areas shall be 1,000 feet from any water body or flood zone.

- 4.2. Materials or vehicles stored shall not exceed the height of the fence or wall.
- 4.3. There shall be no temporary or permanent storage outside of any fence or wall.
- 4.4. Objectionable smoke, noise, odors or other adverse impacts on adjoining properties is prohibited.
- 4.5. Any draining of fluids or removal of batteries from wrecked or towed vehicles must be completed within the perimeter fencing on a concrete pad or floor or other impervious surface. Any drained fluids shall be disposed of in a manner consistent with state or federal regulations.
- 4.6. Towing and wrecker service businesses are a separate type of business from salvage yards and junk yards. Towing and wrecker service businesses that store and resell used vehicle parts or dismantle, demolish, and abandon inoperable vehicles shall comply with all county ordinances that are applicable to salvage and junk yards.

### **5. *Mini-warehouses and Self-storage Units***

- 5.1. Buildings or structures shall be 100 feet from any residence.
- 5.2. The minimum lot size shall be 2.0 acres.
- 5.3. There shall be a minimum separation of 20 feet between buildings. The minimum aisle width shall be 18 feet for one-way traffic and 36 feet for two-way traffic.
- 5.4. Traffic flow patterns in the aisle ways shall be clearly marked with directional signage and painted lane markings with arrows.
- 5.5. To assure appropriate access and circulation by emergency vehicles and equipment, a minimum turning radius for all aisle ways and access roads within the development will be determined by the Fire Chief.
- 5.6. The maximum size of a storage bay shall be one thousand 1,000 square feet.
- 5.7. The facility shall be fenced along the entire perimeter boundary.
- 5.8. Fencing adjacent to a road frontage or abutting a residential use shall be a decorative with a minimum height of six feet, and shall be placed interior to any required landscape strip.
- 5.9. Storage units shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; rehearsing or practicing utilizing band instruments; conversion to an apartment or dwelling unit; or to conduct any other commercial or industrial activities, or for the storage of hazardous materials, toxic substances, flammable liquids, or highly combustible or explosive materials.
- 5.10. Open storage of recreational vehicles, boats, trailers, recreational equipment and similar vehicles of the type customarily maintained by private individuals for their personal use shall be permitted subject to the total area devoted to open storage shall not exceed 25 percent of the site.
- 5.11. No vehicle maintenance, washing, or repair shall be permitted within the open storage area.
- 5.12. Abandoned, wrecked or junked vehicles are prohibited.
- 5.13. A leasing, management, and/or security office shall be permitted in conjunction with a self-service storage facility. Within such office, the sale or rental of items related to moving and storage such as moving boxes, packing supplies and hand trucks shall be permitted.

### **6. *Vehicle Repair and Maintenance, and Vehicle Oil Change and Lubrication Shop***



- 6.1. Buildings or structures shall be 250 feet from any residence.
- 6.2. Minimum lot size of 1.0 acre.
- 6.3. Hours of operation are limited to 7:00 a.m. to 9:00 p.m.
- 6.4. Minimum road frontage of 200 feet. Access shall only be from an arterial road.
- 6.5. Outside storage of parts, supplies and junk, or parking of non-operable vehicles or vehicles with body damage is prohibited.
- 6.6. Adequate space must be allocated, specifically identified, and reserved on the site for the unloading of vehicles and equipment brought to the site by carriers.
- 6.7. Vehicles for sale, limited to three, shall be parked in designated parking spaces that do not encroach buffers or in public right of ways.

#### **7. Commercial Vehicle Washing Facility**

- 7.1. Supplemental standards for drive-through facilities shall be observed in addition to the standards below.
- 7.2. Principal and accessory uses must be 100 feet from a public right-of-way.
- 7.3. If the facility is an accessory use, the facility must comply with building setbacks for a principal use.
- 7.4. The number of washing and drying/detailing bays shall be limited to 10.
- 7.5. Vehicle washing activities other than drying must occur inside a building or bay.
- 7.6. Where public sanitary sewer is available, wastewater must be filtered, recycled, or otherwise cleansed to minimize the discharge of soap, wax and solid matter into public sewers.
- 7.7. At all times solid waste generated must be contained and disposed of in an approved on-site solid waste container.
- 7.8. Automated drive-through wash facilities shall have a by-pass lane for passing vehicles.

### **Section 506. Supplemental Use Standards for Accessory Uses**

**Accessory Use:** A structure or use that is incidental and subordinate to and serves the principal structure or use located on the same lot, parcel or tract.

**Primary Use:** A structure or use that is the primary use of and/or serves the primary use of the lot, parcel or tract. Supplemental Use Standards do not apply to the primary use of a parcel, lot or tract (i.e., if the parcel lot or tract is zoned AG-3 and its primary use is agriculture, Section 506.1 Domesticated Livestock standards does not apply)

#### **1. Domesticated Livestock**

- 1.1. Horses, cows, pigs, ponies, donkeys and other domestic livestock may be kept, raised or bred for home use and enjoyment shall be allowed on tracts of two acres or more.
- 1.2. Buildings or other structures which are located in residential districts and are used to accommodate or restrain animals noted in this section shall be located no less than 50 feet from all property lines and no less than 250 feet from any residence.
- 1.3. 4' landscape buffer width and fence from the rear of the primary building along the side and rear parcel boundaries or; a wall, or 100% opaque fence

- 1.4. The keeping, breeding, or training of any animals or fowl for monetary gain or profit shall be deemed a commercial business and is expressly prohibited in all residential districts except where such operations may qualify as a home occupation.
- 1.5. The killing, slaughtering and/or butchering of livestock, fowl or other domestic or farm animals, for resale or gift, is expressly prohibited in all residential districts.
- 1.6. Residential Fowl Restrictions:
  - a) No more than 8 hens shall be kept on a residential lot as a non-commercial accessory use.
  - b) Residential lots greater than 3 acres may keep one additional hen per every whole acre over 3 acres.
  - c) No rooster shall be kept upon the property.

**2. Drive Through Facility (Principal and Accessory)**

- 2.1. Drive-through facilities should be included in a parking and circulation plan submitted to the Administrative Officer.
- 2.2. Drive-through lanes shall not be any closer than fifty feet 50' to a residential zoning district.
- 2.3. Stacking spaces shall not impede on-site or off-site traffic.
- 2.4. No drive through lane shall cross an access easement on the lot.
- 2.5. No drive through window shall be permitted on the front façade of a building.
- 2.6. Each drive-through aisle shall be separated from the circulation routes necessary for ingress or egress from the property, or access to a parking space.
- 2.7. Pedestrian walkways should not intersect the drive-through drive aisles, but where they do the walkways shall have clear visibility and shall be delineated by textured and colored paving.
- 2.8. Speakers associated with drive-through facilities must be located and designed to minimize noise levels on nearby uses. Sound attenuation walls, landscaping or other mitigation measures may be required to ensure that the facility will not have adverse noise-related impacts on nearby residential uses.
- 2.9. Vehicle stacking lanes shall be a minimum of 8 feet wide, and 160 feet in length for food service establishments, and 80 feet in length for all other uses.

**3. Dwellings (Accessory)**

- 3.1. Accessory dwellings include, but are not limited to, site-built constructed structures including basement apartments, garage apartments, caretaker or other employee quarters, guesthouses, and other accessory dwellings.
- 3.2. Accessory dwellings are permissible within the principal dwelling or as a freestanding dwelling in the following zoning districts: AG-3, R-1, and R -22.
- 3.3. There shall be no more than one (1) accessory dwelling unit per lot. Accessory dwellings contained within a principal dwelling shall comply with the following standards:
  - a) There shall be no more than one (1) accessory dwelling in a principal dwelling unit.
  - b) The accessory dwelling shall not exceed seventy-five (75) percent of the habitable floor area of the principal dwelling.
  - c) The accessory dwelling shall comply with all building and health code standards.
- 3.4. Freestanding accessory dwellings shall comply with the following standards:
  - a) The accessory dwelling unit may be located in a second floor over a detached garage or may be a separate structure.

- b) The lot shall comply with the minimum lot area standards set forth in Section 403.
- c) Adequate off-street parking space shall be provided to serve the accessory dwelling unit.
- d) An accessory dwelling located in the AG-3 district shall be 250 (conditioned space) square feet or greater but shall not exceed sixty (60) percent of the primary structure square footage up to 1,500 square feet, whichever is less.

**4. Electric Vehicle Charging Station (public use).**

- 4.1. Any EV charging station installed shall be either a Level 2 or Level 3 charger and meet National Electrical Code standards.
- 4.2. If a charging station has more than one (1) port, each port shall count as a charging station.
- 4.3. The proposed EV charging station and parking spaces shall be located within the side or rear yard of a principal building and shall not front on a public right-of-way, unless setback at least 200 feet.
- 4.4. The designated parking space(s) for EV chargers shall be above the minimum number of parking spaces required for the entire site
- 4.5. The parking space dimensions for an EV charging station are a minimum of 10 feet wide by 20 feet long when new spaces are installed for such use.
- 4.6. Each parking space designated for an EV charging station shall be clearly marked as reserved for EV charging only.
- 4.7. The charging station/equipment shall be setback 24 inches from the face of the parking space, and be protected by wheel stops, curbs or bollards.
- 4.8. Charging station equipment shall not exceed eight (8) feet in height.
- 4.9. Charging stations shall not include overhead canopies.
- 4.10. There shall be no appurtenances attached to the charger other than what is necessary for operation.
- 4.11. Cords or connectors shall be configured so that they do not cross a driveway, sidewalk or passenger unloading area.
- 4.12. The location, legend, and mounting height details for any proposed electric vehicle parking sign shall be included on the plans and submitted with the building permit application.
- 4.13. Adequate security and lighting for use of the charging station shall be provided. All outdoor lighting fixtures must be recessed and downcast and shall not produce glare or a nuisance to drivers or the surrounding properties.
- 4.14. Any electric vehicle charging station or combination of stations that is not operated for a continuous period of 90 days and for which there are no applications pending for permitted use of the structure at the end of such 90-day period, shall be considered abandoned, whether or not the owner or operator intends to make use of the station. The owner of an electric vehicle charging station and the owner of the property where the abandoned station is located shall be under a duty to remove such station. If such station is not removed within a reasonable time, not to exceed three months, after receipt of notice from the governing authority notifying the owner(s) of such abandonment, the governing authority may remove such device(s) and place a lien upon the property for the costs of removal. The governing authority may pursue all legal remedies available to it to ensure that abandoned device(s) are removed. Delay by the governing authority to act shall not in any way waive the governing authority's right to do so.

**5. Home occupation (Non-Residential Zone) - RESERVED****6. Home Occupation (Residential Districts (R1, R22, MHP), in Principal or Accessory Building)**

- 6.1. The following and similar uses shall be considered home occupations, but are not limited to this list: accountant, addressing service, architect, art instructor, beauty shop (with no more than one operator), drafting, dressmaking, insurance agent, manufacturing agent, music instruction, (students: limited to two (2) students at a time), teacher, notary public, photographer, real estate agent, and tax consultant.
- 6.2. The following and similar uses are considered appropriate uses of accessory buildings for home occupations: artist or craftsman's work area, photographic darkroom, clock repair shop, gunsmith shop, laboratory, pottery shop, and basket weaver's shop.
- 6.3. The following uses are prohibited as home occupations: auto sales or auto repair, restaurants, animal hospitals, veterinary clinics, funeral homes, retail or wholesale shops, machine shops or manufacturing.
- 6.4. The home occupation shall be operated by a resident of the home.
- 6.5. No home occupation shall employ more than two (2) persons who do not reside in the dwelling located on the premises.
- 6.6. The home occupation must be incidental and subordinate to the residential use of the dwelling and must not change the residential character of the property.
- 6.7. No internal or external alterations shall be permitted which would change the fire rating for the structure.
- 6.8. The home occupation shall be limited to 25 percent of one floor of the square footage of the principal structure.
- 6.9. If an accessory structure is used for the business, the size of the accessory structure is limited to 50 per cent of the square footage of the residential building. It shall be located behind the residential building with setback requirements of no less than 20 feet from the property line and 30 feet from the side yard.
- 6.10. No display of products shall be visible from the street.
- 6.11. One (1) non-illuminated name plate, not more than two (2) sq. ft. in area may be attached to the building which shall contain only the name of the occupation conducted on the premises.
- 6.12. A home occupation shall be operated in such a manner as not to be a nuisance to adjacent residential structures. This shall apply to noise, lighting, traffic, and unsightly outside storage, where applicable.
- 6.13. No outside storage of materials or supplies used in connection with the home occupation shall be permitted.
- 6.14. All parking for the home occupation shall be located on the property and only on the side or rear yards.
- 6.15. Only vehicles designed and used primarily as passenger vehicles (including pickup trucks) shall be used in connection with home occupations in residential zoning districts.
- 6.16. Vehicle repair is not allowed as a home occupation in residential districts.

**7. Outdoor Seasonal Sales**

- 7.1. A temporary use permit shall be required from the Zoning Administrator.

- 7.2. Permit requirements are exempted for such activities if conducted by the following organizations for fund raising or special events:
  - a) Bona fide religious institution
  - b) K-12 school
  - c) 501-c3 non-profit or civic organization.
  - d) Roadside stands selling agricultural products grown on site
  - e) Authorized special events held on public property are exempted.
- 7.3. Evidence of permission of the property owner, and/or all tenants of a group development is required.
- 7.4. The location of any merchandise, vehicles and equipment shall not interfere with pedestrian or vehicular traffic movements, and shall not be in the public right-of-way or buffer areas.
- 7.5. Hours of operation are limited to 6:30 a.m. to 9:30 p.m.
- 7.6. All vehicles, equipment, parking, and customer seating areas associated with a mobile business must be located on an improved surface, such as asphalt, concrete, or gravel.
- 7.7. Evidence of a current occupational tax certificate with Candler County or another jurisdiction is required.
- 7.8. Free standing signage, flashing or moving lights or a sound amplification device is prohibited.
- 7.9. If electricity is used for operation, the electrical connection must be of a type which can be quickly disconnected and must comply with all applicable laws, including National Electrical Code Chapter 550.
- 7.10. Recreational vehicles shall be allowed as temporary occupancy units for the duration of a temporary seasonal sales use permit.
- 7.11. At all times solid waste generated must be contained and disposed of in an approved on-site solid waste container.
- 7.12. If food is prepared or served, a permit is required by the County Health Department.

**8. *Temporary Occupancy Unit (during single family building construction)***

- 8.1. There shall be an additional permit required for placement of a temporary occupancy unit with a fee as prescribed in the County's Schedule of Fees. Subject to any other conditions of expiration herein, a temporary occupancy permit shall be valid for one year. The zoning administrator may grant a one-year extension of the permit if, in the zoning administrator's opinion, the permittee has made a good-faith effort to construct the principal residential use.
- 8.2. If a valid building permit for a dwelling serving as a principal use on the subject lot, parcel or tract is not maintained, the temporary permit shall become void on the day the building permit lapses.
- 8.3. No more than one (1) temporary occupancy unit may be occupied per parcel.
- 8.4. The temporary occupancy unit must be removed no later than thirty (30) days after receiving an approved certificate of occupancy for the principal residential structure, unless such unit is for the recreational use of the owner-occupant of the principal structure.
- 8.5. The temporary occupancy unit shall comply with all other applicable requirements of the zoning ordinance, including but not limited to setback and height requirements.
- 8.6. All recreational vehicles and campers shall be built to American National Standards Institute Code (ANSI).

- 8.7. If the temporary occupancy unit has restroom facilities that are used, the temporary occupancy unit must be temporarily attached to an on-site sewage disposal system (septic tank) approved by the County Health Department.
- 8.8. LP-gas storage and delivery systems shall be maintained in accordance with the manufacturer's requirements. In lieu of complying with the manufacturer's requirements, additional storage of LP-gas is permitted provided the storage and delivery systems comply with the current editions of the Uniform Fire, Building and Mechanical Codes.
- 8.9. The recreational vehicle and campers shall be set up in compliance with the manufacturer's minimum specifications and shall remain mobile. No ancillary structures may be permitted with regard thereto for the temporary occupancies provided for herein.
- 8.10. The application for the placement and use of a manufactured home or mobile office for the purpose(s) herein may require the applicant to post a bond in the form of a surety bond, cash or irrevocable letter of credit in the amount not to exceed three thousand dollars (\$3,000.00) per unit to ensure the removal of the temporary occupancy unit within the specified time frame.
- 8.11. Upon request of a County code enforcement officer investigating any complaint, satisfactory evidence shall be presented of continuing compliance with the applicable standards for temporary occupancy or the occupancy shall cease.

## **ARTICLE 6. RESERVED**

## **ARTICLE 7. RESERVED**

## **ARTICLE 8. GENERAL PROCEDURES**

### **Section 801. Non-conformances**

**1. Non-conforming Lots.** Any lot for which a plat or legal description has been legally recorded in the Office of the Clerk of Superior Court of Candler County at the time of passage of this ordinance which fails to comply with the dimensional requirements for the district in which it is located may, if vacant, be used for any of the uses permitted within the district by this ordinance, or if occupied by a structure containing a conforming use, may have the structure improved, enlarged, or extended; provided that in either case:

1.1. Minimum requirements of the district for front, side, and rear yard, height, and floor area shall be complied with.

1.2. A lot to be used for duplexes, multi-family dwellings or manufactured homes, when allowed within the district, only if the lot meets the minimum lot area requirements for those uses in the district and all development standards are met.

**2. Non-conforming Uses of Land.** Non-conforming uses of land consists of the open use of property (including such uses but not limited to storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, miniature golf, manufactured housing parks and similar open uses) where the only buildings on

the lot are incidental and accessory to the use of the lot and where such use of the land is not permitted to be established hereafter under this ordinance in the district in which it is located, shall be governed by the following restrictions in addition to the other requirements in this ordinance:

- 2.1. When a non-conforming use of land has been changed to a conforming use, it shall not thereafter be used for any non-conforming use.
- 2.2. Non-conforming uses of land shall not be changed to any conforming uses.
- 2.3. A non-conforming use of land shall not be enlarged to cover more land than was occupied by that use when it became non-conforming.
- 2.4. When any non-conforming use of land is discontinued for a period of more than six (6) months, any future use of the land shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

**3. Non-conforming Uses of Structures.** Non-conforming uses of structures consist of structures used, at the time of passage of this ordinance, for purposes not permitted in the district in which they are located. In addition to the other requirements of this ordinance, non-conforming uses of structures shall be governed by the following restrictions:

- 3.1. When any non-conforming use of a structure is discontinued for a period in excess of 6 months, any future use of the structure shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

**4. Reconstruction of Non-conforming Structures.** When a non-conforming structure or a structure containing a non-conforming use or non-conforming sign is razed or damaged by fire, flood, wind, or act of God, such structure or sign may be reconstructed as a non-conforming use. Structures which do not conform to the yard requirements of this Ordinance shall also be governed by this provision.

**6. Non-Conforming Recreational Vehicles.** Non-conforming recreational vehicles consist of recreational vehicles used as long-term residence. In addition to the other requirements of this ordinance, non-conforming recreational vehicles shall be governed by the following restrictions:

- 1.1. An existing owner of a non-conforming recreational vehicle must register with Candler County within 180 days of the time of passage of this ordinance to continue using a recreational vehicle as long-term residence. While properly registered, the owner may continue such non-conforming use unless the following provision 6.3. applies. The registered owner must renew such registration with Candler County every year to remain registered.
- 1.2. A registered owner of a non-conforming recreational vehicle may replace such recreational vehicle with another recreational vehicle to continue the same operation.
- 1.3. When a registered owner of a non-conforming recreational vehicle discontinues using any recreational vehicle as long-term residence in Candler County for more than one (1) year, the owner must cease such operation and shall comply with all provisions of this ordinance.

- Vacancy and/or non-use of the recreational vehicle, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.
- 1.4. A registered owner of a non-conforming recreational vehicle shall not transfer his/her ownership to another person who is not registered with Candler County for such non-conforming use.
  - 1.5. Recreational vehicles that are proposed to be established (year-round) for contract workers shall require registration with Candler County every year.

**7. Changes in Zoning.** Any non-conformances created by a change in district boundaries or ordinance regulations after the date of passage of this ordinance shall also be governed by the provisions of this section.

## **Section 802. Administration, Enforcement, and Penalties**

1. **Zoning Administrator.** An administrative official designated as the Zoning Administrator by the Board of Commissioners, Candler County, Georgia, shall administer and enforce the provisions of this ordinance.
2. **Duties and Powers of the Zoning Administrator.** It shall be the duty of the Zoning Administrator (or their designee) and he shall have the power to:
  - 2.1. Provide initial information about this Ordinance upon request.
  - 2.2. Offer suggestions on how to comply with the requirements of this Ordinance.
  - 2.3. Serve as administrative secretary to the planning and zoning board.
  - 2.4. Serve as a liaison to the Planning and Zoning Board and the Board of Commissioners.
  - 2.5. Maintain public records concerning the administration of the Zoning Ordinance, including all maps, amendments, certificates of land use compliance, building permits, conditional use permits, variances, and records of public hearings. All records should be open for public inspection and shall be the property of the County.
  - 2.6. Require that the application for a building, sign, or other zoning permit and any accompanying site plan shall contain all the information necessary to enable the Zoning Administrator to ascertain whether the proposed building, use, or structure complies with provisions of this Ordinance.
  - 2.7. Require that an application for approval of placement of any manufactured or industrialized home anywhere in the unincorporated limits of the county be made on a form or forms developed for that purpose and shall be submitted for review and approval in accordance with this Ordinance. This application shall include all information necessary to make determinations as to conformity with the provisions and standards of this Ordinance as applicable to each such structure, including photographs or rendering of the front and side of the manufactured or industrialized home, exterior finish, roof, skirting, or any other information deemed necessary to make determinations required by this Ordinance.
  - 2.8. Require that no building permit, sign permit, or approval for placement of a manufactured or industrialized home, shall be issued until the Zoning Administrator has certified that the proposed building, sign, alteration, placement, or use complies with all provisions of this Ordinance.



- 2.9. Conduct inspections and surveys to determine compliance or non-compliance with the terms of this Ordinance. In carrying out such surveys, the Zoning Administrator or his representative may enter upon any land or buildings.
- 2.10. Make written orders requiring compliance with the provisions of this Ordinance to be served personally or by registered mail.
- 2.11. The Zoning Administrator (or their designee) shall have authority to issue permits only for construction, placement of manufactured homes, industrialized homes, signs and uses which are in accordance with this Ordinance. It shall be unlawful for any person to commence work for the erection of any building, sign, or other structure, or place a manufactured home in the county, until an appropriate building, placement, or sign permit has been duly issued therefor. Permits for construction, placement of manufactured and industrialized homes, signs, and conditional uses shall be issued by the Zoning Administrator (or their designee) only upon completion of the required process. The Zoning Administrator shall issue no permits for construction, signs, or use of any land or buildings, or placement of manufactured homes, unless it also conforms to all requirements of this Ordinance and any other appropriate regulation of the County.
- 2.12. The Zoning Administrator shall have the power and authority to issue cease and desist or stop work order(s), subject to confirmation by the Board of Commissioners, to prevent any violation of the terms of this Ordinance.
- 2.13. The Board of Commissioners shall determine, upon the issuance of a stop work order, whether further legal action shall be taken.
- 2.14. Collect data and keep informed as to the best zoning practices, in order that he may be qualified to make recommendations to the planning and zoning board and the board of commissioners concerning amendments to this Ordinance.
- 2.15. To perform any other zoning duties or responsibilities as may be directed by the Board of Commissioners.

**3. Duties and Powers of the Board of Commissioners.**

The board of commissioners have the power and duty to provide the following services related to this ordinance:

- 3.1. Renders official decisions on applications for variance requests, conditional uses or amendments to this ordinance after the Planning and Zoning Board has reviewed and made recommendations on the variances, conditional uses or amendments as specified in Sections 805 and Section 806.
- 3.2. Reviews and approves Stop Work orders issued under Section 802.2.212; and, determines whether further legal action may be taken.
- 3.2. Propose amendments to this ordinance.
- 3.3. Hear appeals to the decisions of the Planning and Zoning Board and render official decisions on them according to procedures specified in Section 804.
- 3.4. Any other powers and duties as may be conferred by this Ordinance or any other ordinances or laws.

**4. Building/Development Permit Required.** No building shall be constructed, or the use of any building and/or land changed, a sign erected, or a manufactured or mobile home placed in the

county, until a valid permit, as required by this ordinance or other county ordinance has been secured from the Zoning Administrator. The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Ordinance or of any other ordinance of Candler County. No permit presuming to give the authority to violate or cancel the provisions of this Ordinance shall be valid, except insofar as the work or use which it authorizes is lawful. Issuance of a permit upon plans and specifications shall not prevent the Zoning Administrator or County from thereafter requiring the correction of errors in such plans and specifications, or from thereafter preventing building operations being carried on thereunder when in violation of this Ordinance or of any other ordinance of Candler County. Permits for construction and uses which require a conditional use or variance to the general requirements of this Ordinance shall be issued by the Zoning Administrator only upon order of the Board of Commissioners.

- 5. Application for Building/Development Permit.** No permit shall be issued for the construction, or placement of any building, sign, structure, or manufactured home, until a written application is filed with the County by the owner of the property affected or by the authorized agent of such owner. The application shall at a minimum:

**5.1. Building/Manufactured Home Permit**

- 5.1.1. Include all forms as may be provided by the Zoning Administrator or other County representative for such purpose, and must include all required information on said forms by the applicant.
- 5.1.2. Include a detailed statement as to the proposed use of the building and/or land for which a permit is sought.
- 5.1.3. The exact size, shape, and location of the building or structure to be erected thereon with exact distances from said building or structure to property lines and street rights-of-way.
- 5.1.4. Other information as may be required to ensure compliance with the provisions of this Ordinance.
- 5.1.5. In addition, the Zoning Administrator may require certified "as-built" site plans or other information necessary to determine Ordinance and initial permit compliance before issuing a Certificate of Occupancy.

**5.2. Development Permit**

- 5.2.1. Include plans and design as may be required by the Zoning Administrator
- 5.2.2. If the development for which the permit is other than a single-family or small agricultural use, a more formal site plan may be required by the Zoning Administrator.
- 5.2.3. Title, if any, under which the proposed development is to be recorded and the name of the present owner.
- 5.2.4. Other proposed improvements, landscaping, or buffers proportionally and exactly dimensioned.
- 5.2.5. Proposed method of water supply, sewage disposal, and storm drainage.

- 5.2.6. All proposed uses of the property to be developed appropriately indicated on the plan.
  - 5.2.7. Other information as may be required to ensure compliance with the provisions of this Ordinance.
  - 5.2.8. The name and address of a registered surveyor or engineer chosen by the applicant who is authorized to stake the road lines and location of such proposed development.
  - 5.2.9. Other such information as may be required by the Zoning Administrator to determine compliance with and provide for enforcement of this Ordinance.
  - 5.2.10. In addition, the Zoning Administrator may require certified “as-built” site plans or other information necessary to determine Ordinance and initial permit compliance before issuing a Certificate of Occupancy.
- 6. Fees.** Fees for applications, inspections, and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the County Clerk at the time of application in advance of the issuance of such permits or certificates. The amount of such fees shall be established by the Board of Commissioners, from time to time, and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. The fees shall be deposited with the County Clerk.
- 7. Certificate of Occupancy. RESERVED**
- 8. Permit Expiration.** If no substantial progress on construction or placement has been made on an issued permit within six (6) months, beginning with the date the permit is issued, the permit shall become invalid and expire. The Zoning Administrator may renew the permit. A renewal fee is required to be paid by the applicant before the permit can be renewed.
- 9. Penalties for Violation.** In case any building or structure is erected, constructed, , or land is used in violation of this ordinance, the offender shall, upon conviction in Magistrate's Court, be fined no more than five-hundred (\$500) dollars or imprisoned for not more than sixty (60) days, or both, for each offense. Each day of continued violation shall be considered a separate offense.
- 10. Enforcement.** The Magistrate's Court of Candler County shall have jurisdiction over violators of this ordinance and all procedures for enforcement of such ordinance shall be as provided in Article 4, Chapter 10 of Title 15, Official Code of Georgia. Complaints of violations of any provision of this ordinance shall be brought before the Magistrate's Court by the Zoning Administrator or his designated representative and shall be prosecuted through that court.
- 11. Remedies.** In case any building or structure is or is proposed to be erected, constructed, , or any building, structure, or land is or is proposed to be used in violation of this ordinance, the Zoning Administrator, County Attorney, or other appropriate county Authority or any adjacent or neighboring property owner or occupant who would be damaged by such violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or

proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate such violation, or to prevent the occupancy of said building, structure, or land.

- 12. Complaints Regarding Violations.** When a violation of this resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Administrator. He shall record properly such complaint, investigate within thirty (30) days and take action thereon as provided in this ordinance.
- 13. Cancellation of Permits.** A building permit shall be canceled by the Zoning Administrator when the method of construction, or use violates any provision contained in this ordinance, or any state or local ordinance or resolution. Upon such cancellation, any further work upon the construction, on said building or structure, and any further use of said building or structure or land, shall be deemed a violation. Each and every day such unlawful demolition, construction, alteration, or repair on said building or structure, or further use of said building or structure or land continues shall be deemed a separate offense.
- 14. Reason for Denial of Permit.** When a permit is denied, the Zoning Administrator shall provide in writing, upon request of the applicant for a permit, his reasons for denying the permit within ten (10) days after said request.
- 15. Permits and Licenses Void When Issued in Conflict.** Any permit or license issued in conflict with the provisions of this resolution shall be null and void.
- 16. Appeal from the Decision of the Zoning Administrator.** Appeals from the decisions of the Zoning Administrator with regard to interpretation, administration, and enforcement shall be made to the Commission in accordance with the provisions of Section 804.

## **Section 803. Planning and Zoning Board**

- 1. Establishment and Appointment.** There is hereby established a Planning and Zoning Board for Candler County. The Planning and Zoning Board shall consist of five (5) members to be appointed by the Board of Commissioners to serve for two (2) year terms. Any vacancy shall be filled in the same manner as the initial appointment. Members may be removed for cause by the Board of Commissioners before the normal expiration of any term.  
The Planning and Zoning Board shall elect one of its members as chairperson, who shall serve for one (1) year or until the chairperson is reelected or a successor is elected. The Planning and Zoning Board shall also elect a vice chairperson. The Zoning Administrator shall serve as the secretary and clerk of the Planning & Zoning Board. The Planning and Zoning Board shall adopt rules in accordance with this Zoning Ordinance and state law. Meetings of the Planning and Zoning Board shall be held at the call of the chairperson and at such other times as the Planning and Zoning Board may determine. The Planning and Zoning Board shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which

shall be immediately filed in the office of the County Clerk and shall be a public record. All meetings and all records of the Planning and Zoning Board shall comply with Chapters 14 and 18 of Title 50 of the Official Code of Georgia Annotated.

2. **Powers and Duties of the Planning and Zoning Board.** The Planning and Zoning Board shall have the following powers, duties, and responsibilities:
  - 2.1. To consider all proposed amendments and applications for amendments to this Zoning Ordinance and to advise and make written recommendations back to the Board of Commissioners on such amendments and modifications in accordance with Section 805 of this Ordinance and an objective examination of the issues surrounding the amendment and its impact on the future growth and development of the county.
  - 2.2. To consider, advise, and make written recommendations to the Board of Commissioners on any variances and conditional use applications to this Ordinance as referred by the Zoning Administrator and required by this Ordinance.
  - 2.3. To consider, advise, and make recommendations for such variance from the terms of this Ordinance, as will not be contrary to public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance will in any individual case, result in unnecessary hardship, so that the spirit of this Ordinance shall be observed, the public safety and welfare secured, and substantial justice done in accordance with Section 806 of this Ordinance.
  - 2.4. To hear appeals and make appropriate written recommendation to the Candler County Board of Commissioners where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
  - 2.5. To propose amendments to the Zoning Ordinance when deemed appropriate and in the best interests of the County.
  - 2.6. To assist in the establishment and maintenance of a long-term comprehensive plan in accordance with Georgia law for the orderly development, growth, and use of Candler County to provide for the best interests of the people of said County and the use of lands therein.
  - 2.7. To advise the Candler County Board of Commissioners on other matters related to planning, zoning, or annexation as appropriate and may be referred by the County.
3. **Advisory Opinion.** The Zoning Administrator is considered an administrative secretary of the Planning and Zoning Board and shall assist and advise the Planning and Zoning Board on matters before it. In the exercise of the powers vested in it by this Ordinance, the Planning and Zoning Board may, in its discretion, refer to any other agency of the county, city, or state for an advisory opinion on any matter properly before it with respect to which it believes that such advisory opinion would be helpful to it in reaching its own determination.
4. **Specific Limitations of Powers of the Planning and Zoning Board.** The Planning and Zoning Board is an advisory body and does not have the power to amend any zoning ordinance, to rezone any land, to declare this Zoning Ordinance or any amendment thereto invalid, or to allow any use not permitted by this Zoning Ordinance.

5. **Conflict of Interest.** Planning and Zoning Board members are bound by conflict-of-interest statutes and disclosures outlined under Chapter 36 Title 67A of the Official Code of Georgia and in Section 805 of this Ordinance.

## **Section 804. Appeals**

### **1. Appeals from Actions of the Zoning Administrator**

- 1.1. If the Zoning Administrator executes an action which the aggrieved party believes to be contrary to this ordinance, that action may be appealed. Such an appeal must be filed within thirty (30) days of the date on which the action by the Zoning Administrator was taken. The Planning and Zoning Board has jurisdiction for hearing appeals concerning actions of the Zoning Administrator related to this ordinance. Applications for appeal may be obtained from and submitted to the Zoning Administrator, who will transmit them to the Planning and Zoning Board for its consideration.
- 1.2. When an action of the Zoning Administrator is appealed, all construction or other activity authorized by the appealed action must be stopped immediately. In certain cases, however, the Zoning Administrator may feel that the stopping of such construction or other activity authorized by the appealed action will cause imminent peril to life or property. Then, the Zoning Administrator may certify to the Planning and Zoning Board that, by reason of facts stated in the certificate, the halting of construction or other activity authorized by the appealed action would in his opinion cause imminent peril to life or property. In such cases, the construction or other activity authorized by the appealed action is allowed to continue unless the construction is halted by the Planning and Zoning Board or a restraining order is granted by a court of competent jurisdiction.
- 1.3. When an application for appeal of an action of the Zoning Administrator is received, the Planning and Zoning Board will set a time and place for a public hearing on the appeal. Notice of the hearing must be published in a newspaper of general circulation in the county at least thirty (30) days before the hearing and, if the appeal concerns a variance, the Zoning Administrator shall post a sign on the subject property at least thirty (30) days prior to the hearing setting forth the purpose, date, time, and place of the scheduled public hearing. In addition, the parties to the appeal (including the owner of any property that is the subject of the proposed action) will be mailed notice of the date of the hearing by the Planning and Zoning Board at least thirty (30) days before the hearing. Any person may appear at the hearing or have a representative attend instead. The Planning and Zoning Board will make a recommendation to the Board of Commissioners concerning the appeal and record the decision in the minutes for that meeting.

### **2. Appeals from Actions of the Planning and Zoning Board**

- 2.1. Any person aggrieved by any decision of the Planning and Zoning Board (including but not limited to decisions on appeals or variances) may appeal such decision to the county board of commissioners. Such an appeal must be filed in writing with the Zoning Administrator within thirty (30) days of the date of the decision being appealed. When an application for appeal of a decision of the Planning and Zoning Board is received, the board of commissioners will set a time and place for a public hearing on the appeal. Notice of the hearing must be published in a

newspaper of general circulation in the county at least thirty (30) days before the hearing and, if the appeal concerns a variance, the Zoning Administrator shall post a sign on the subject property at least thirty (30) days prior to the hearing setting forth the purpose, date, time, and place of the scheduled public hearing. In addition, the parties to the appeal (including the owner of any property that is the subject of the proposed action) will be mailed notice of the date of the hearing by the board of commissioners at least thirty (30) days before the hearing. Any person may appear at the hearing, or have a representative attend instead.

3. **Appeal Withdraw.** An application for appeal of an action of the Zoning Administrator may be withdrawn by the applicant as a matter of right until 5:00 p.m. the day prior to the meeting of the Planning and Zoning Board or the board of commissioners at which such application is scheduled to be heard. Such withdrawal must be in writing and must be received by the Zoning Administrator by 5:00 p.m. the day before the scheduled meeting.

## Section 805. Amendments

1. **General Provisions.** Amendments as used in this Section means a zoning decision resulting in a change in the text of the Zoning Ordinance or a change in the Official Zoning Map of the County authorized by a zoning decision made only after compliance with the procedures set forth in this Article. A proposed amendment to the text may be initiated by the Planning and Zoning Board or may be submitted to the Planning and Zoning Board by the Board of Commissioners or by any person who owns property within the zoning jurisdiction of the county. Unless initiated by the Board of Commissioners or by the Planning and Zoning Board, all proposed map amendments must be submitted by the owner of such property or the authorized agent of the owner. An authorized agent must have written authorization from the property owner, and such authorization shall be notarized and attached to the application for amendment.
2. **Authority.** The Board of Commissioners of Candler County may from time to time amend, supplement, or change the boundaries of the districts established on the Zoning Map or the regulations set forth in this Ordinance. Any proposed amendment shall first be submitted to the Planning and Zoning Board for its recommendation. In amending the Zoning Map or regulations, the Board of Commissioners and the Planning and Zoning Board shall use the “Standards for Zoning Amendments Decisions” included in this section.
3. **Application for Amendment**

An applicant shall provide the Zoning Administrator the following materials:

- a) Details of the specific proposed use(s) of the property, including but not limited to a sketch plan prepared by a licensed surveyor or engineer. Applications for speculative zoning without specific uses will not be accepted.
- b) A copy of the recorded plat and legal description will be the minimum requirement for the Planning and Zoning Board.
- c) Where the Zoning Administrator has recommended the preparation of special studies pursuant to a pre-application conference or where the applicant elects to submit additional

- technical reports in support of the proposed development, such reports shall be submitted with the initial application form.
- d) During review of any application, the Planning and Zoning Board may determine that additional specific technical information is needed regarding any potential environmental, fiscal, or public service impacts. If such a determination is made, the Planning and Zoning Board shall have the discretion to defer its recommendations concerning such an application upon preparation of a special study intended to analyze the potential impacts or any specific areas of concern.
  - e) Where preparation of a special study has been required, no application shall be recommended to be submitted to the Board of Commissioners for a public hearing until such study has been received and reviewed by the Planning and Zoning Board. The cost of any special study shall be borne by the applicant, unless the Board of Commissioners approves the participation of public funds, as necessary, or being in the public interest.
  - f) Any other materials or information may be deemed appropriate by the Zoning Administrator.

**4. Standards for Zoning Amendments Decisions**

***4.1 Standards for the Official Zoning Map Amendments Decisions:***

- a) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
- b) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?
- c) Are there substantial reasons why the property cannot or should not be used as currently zoned?
- d) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, EMS, sheriff or fire protection?
- e) Is the proposed use compatible with the purpose and intent of the Candler County Joint Comprehensive Plan?
- f) Will the proposed use be consistent with the purpose and intent of the proposed zoning district?
- g) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan?
- h) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

***4.2 Standards for the Text of the Zoning Ordinance Amendments Decisions:***

- a) Is the proposed text amendment compatible with the purpose and intent of the Comprehensive Plan?
- b) Is the proposed text amendment consistent with the purpose and intent of the Zoning Ordinance?
- c) Will adoption of the amendment further the protection of the public health and safety or general welfare?



## Section 806. Conditional Uses

1. **Initiation of Conditional Use.** Conditional uses as listed in any particular zoning district are declared to possess characteristics which require certain controls in order to ensure compatibility with other uses in the district within which they are proposed for location. A conditional use subject to approval of the Board of Commissioners in a particular zone may be initiated by the owner of the property proposed for the conditional use by filing an application with the Zoning Administrator and paying the appropriate fee. Reapplication for conditional use may not be heard for six (6) months from the date of the prior decision of the Board of Commissioners.
2. **Application for Conditional Uses.** Applications for conditional uses shall be obtained from the Zoning Administrator. Said applications shall include:
  - 1) Forms designated by the County.
  - 2) Any other supporting documentation may be deemed appropriate to assist in the consideration of the condition use permit request by the Zoning Administrator.
3. **Standards for Granting/Denying Conditional Uses.** The Planning and Zoning Board and Board of Commissioners shall use the following Standards for Zoning Decisions in determining whether to recommend, grant, or deny a requested conditional use:
  - (1) Is the type of street providing access to the use adequate to serve the proposed conditional use?
  - (2) Is access into and out of the property adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?
  - (3) Are public facilities such as schools, EMS, sheriff and fire protection adequate to serve the conditional use?
  - (4) Are refuse, service, parking and loading areas on the property located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor?
  - (5) Will the hours and manner of operation of the conditional use have no adverse effects on other properties in the area?
  - (6) Will the height, size, or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?
  - (7) Is the proposed conditional use consistent with the purpose and intent of the Zoning Ordinance?
4. **Permit Suspension.** If the Zoning Administrator finds that any restrictions upon which a conditional use was granted are not being complied with, he/she may, recommend a suspension of the permit to the Board of Commissioners suspend until such time as the applicant brings the conditional use into compliance with the restrictions imposed by the board of commissioners. Only work upon the conditional use may be allowed during suspension of the permit which is necessary to bring the conditional use into compliance with the restrictions imposed by the board of commissioners.

5. **Permit Expiration.** Where a conditional use is granted for a construction activity requiring a building permit, the building permit must be obtained within twelve (12) months of the issuance of the conditional use. Otherwise, the conditional use expires after twelve (12) months.

## Section 807. Variances

1. **Request for a Variance.** A variance is a permit, Board of Commissioners, which allows construction or maintenance of a building or structure in a way that varies from requirements for the district in which the property is located. A variance may be granted only in an individual case where unnecessary or undue hardship would result if all of the requirements of this Ordinance were applied stringently to a particular piece of property. Unnecessary or undue hardship means that owing to conditions peculiar to the property and not as a result of any action on the part of the property owner, a permitted use of a lot is not reasonable if all of the requirements of this Ordinance are to be met. Provided, however, that a variance shall not be granted for a use of land or building or structure that is prohibited by this ordinance in the district in question.
2. **Standards for Granting/Denying a Variance.** Variance may be granted in an individual case upon finding by the Planning and Zoning Board that all of the following conditions exists:
  - a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and,
  - b) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,
  - c) Such conditions are peculiar to the particular piece of property involved; and,
  - d) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of these regulations, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,
  - e) A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same district are allowed; and,
  - f) Provided that the Planning and Zoning Board may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood; and provided, that wherever the Planning and Zoning Board shall find, in the case of any permit granted pursuant to the provisions of these regulations that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, said Planning and Zoning Board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.
3. **Permit Expiration.** Where a variance is granted for a construction activity requiring a building permit, the building permit must be obtained within twelve (12) months of the issuance of the variance. Otherwise, the variance expires after twelve (12) months.

## Section 808. Procedures for Zoning Requests (Amendments, Conditional Uses, Variances)

### 1. Pre-application Conference

- 1.1. **Pre-Application Conference: Recommended.** Any applicant seeking approval for a proposed zoning action is advised to engage in a pre-application conference. Prior to filing an application, an applicant may meet with the Zoning Administrator and discuss their intentions with regard to a given application and questions regarding the procedures or substantive requirements of this Ordinance. The applicant should bring sufficient information including sketch maps of the site, a description of the existing environmental, topographical and structural features on the site, the proposed project or use, graphics that illustrate the scale, location and design of any buildings or structures to the extent known, and a list of the issues to be discussed at the conference. No matters discussed at said meeting shall be binding on either the applicant or the County.
- 1.2. **Pre-Application Conference: Mandatory.** Any applicant seeking approval for a proposed zoning action involving 1) a residential use of more than 50 dwelling units; 2) a non-residential use that would generate an additional 500 or more vehicle trips per day as defined by the Institute of Traffic Engineers Trip Generation Manual; 3) a Planned Unit Development; or, 4) a Development of Regional Impact, is required to engage in a pre-application conference with the Zoning Administrator and the county staff at a meeting as the Zoning Administrator may determine. The Zoning Administrator may waive the pre-application conference requirement in cases where it is clear such a waiver is not detrimental to the applicant or the County.

### 2. Application

- 2.1. The developer or property owner submitting a request for a variance, conditional use, or an amendment to the official map or text of the zoning ordinance (hereinafter in this section collectively referred to as a "zoning request") must have at least fifty-one (51) percent ownership of the subject property or be the duly authorized agent of such a person, possessing notarized authorization in writing, under the owner's signature. The Zoning Administrator, the Planning and Zoning Board, or the Board of Commissioners (hereinafter collectively referred to as the "local government") may also propose a zoning request.
- 2.2. Application for a zoning request may be made with the Zoning Administrator. The Zoning Administrator will take the required information and transmit it to the Planning and Zoning Board for its consideration. The Planning and Zoning Board shall hold a public hearing on all variances and shall make a recommendation to the Board of Commissioners on all variances, unless such decision is appealed to the board of commissioners in accordance with the provisions of Section 804. The board of commissioners shall hold a public hearing on all conditional uses and amendments and shall make the final decision on all conditional uses and amendments, after receiving a recommendation on the conditional use or amendment from Planning and Zoning Board. The Planning and Zoning Board may at its option hold a public hearing on a conditional use or amendment prior to making its recommendation to the board of commissioners.
- 2.3. No application is to be accepted from any person in violation of the Candler County Code of Ordinances. If an applicant for a zoning request or any other action by the Planning and Zoning Board is, at the time of such application, determined by the Zoning Administrator to be in violation of the Candler County Code of Ordinances, then the Zoning Administrator will be

prohibited from accepting or processing any application from that applicant until the applicant voluntarily removes or changes the cause of the violation and ceases to be in violation. The applicant must notify the Zoning Administrator that he has ceased the violation and obtain a release from the Zoning Administrator as to the violation. When the applicant has ceased to be in violation of the Candler County Code of Ordinances, the Zoning Administrator will then accept the application for a zoning request. A receipt showing that all county ad valorem taxes on the subject property have been paid and that no delinquencies exist must be submitted with all applications for zoning requests. The Zoning Administrator may waive the requirements of this paragraph when the Zoning Administrator, in his discretion, determines that the enforcement of these requirements would cause an extraordinary and undue hardship on the applicant, and that the waiver of these requirements will not have a significant negative impact on the safety, benefit or welfare of the public.

- 2.4. A Traffic Impact Study (TIS) shall be required for any development which involves a use (or reuse) of a property which is determined to produce one-hundred (100) vehicle trips or more in the peak hour or five-hundred (500) vehicle trips or more per day. A preliminary determination of the anticipated vehicle trips shall be based on the guidelines of the Institute of Transportation Engineer's (ITE's) Trip Generation Manual. In certain cases, supplemental traffic data based on actual data from similar developments can be included and considered. The TIS shall include:
- a) Level of Service (LOS) and Capacity Analysis: Evaluate existing and proposed LOS or capacity conditions as applicable on roadways and intersections. The difference in operations shall be considered the site impacts. If the access point is on an arterial or collector road LOS should be recalculated as necessary. Roadway improvements shall be developed to address the proposed site impacts.
  - b) Sensitivity Analysis: In special circumstances, typically involving large developments or developments on critical roadways, the county may require either sensitivity testing or 10 to 20 year traffic projections. Sensitivity testing would entail capacity analyses on incremental (5% to 20%) traffic increases. Traffic projections would require evaluation of future traffic operations based on an agreed annual growth rate. Operational impacts as a result of background traffic increases (sensitivity testing or traffic projections) may not be required to be mitigated unless such is a result of a phased development.
  - c) Peak-hour Analysis: Existing and proposed AM (7:30-8:30) and PM (5:00 and 6:00) peak hour trips.
  - d) Trip Generation Analysis: Evaluate existing and proposed trip generation. It should be noted that often trip generation data is based on limited sample size and, therefore, application of such could have varying results. Additionally, some land uses may not lend well to direct application of the Manual and upward or downward adjustments may be justifiable. An example of such might include trip rate factors for apartments in which the ITE Trip Generation Manual bases such on national apartment profile characteristics. However, in the case of the county, many of the apartment complexes house 2 to 4 students in a single unit. This would result in a higher number of vehicles than expected (4 vehicles versus 2) and higher trip numbers per unit.
  - e) Trip Distribution Analysis: Existing and proposed 24-hour directional traffic count on a typical weekday for each roadway or access point.

- f) Internal Circulation Analysis: Evaluation of driveway lengths for vehicular queuing and lane needs, which would affect the operation of the public roadway system, should be addressed as part of the site impacts.
- g) Traffic Impact Mitigation: Evaluation and recommendations of on-site and off-site roadway improvements to accommodate the additional predicted traffic to be generated by the site, including access management and safety improvements regarding warrants for additional turn lanes and channelization, medians and islands and signalization as provided in the GDOT Driveway and Encroachment Control Manual.
- h) The results of the traffic impact study submitted to the county are not automatically binding: The county, at its discretion, may review the traffic study and may overrule submitted recommendations.

### 3. Notification

- 3.1. **Variance Notification.** Notice of the hearing for a zoning request that is a variance must be published in a newspaper of general circulation in the county at least thirty (30) days but not more than forty-five (45) days before the hearing. Such notice will state the time, place and purpose of the hearing. If the zoning request for a variance is initiated by a party other than the local government, the Zoning Administrator shall also post a sign in a conspicuous place on the subject property at least thirty (30) days prior to the date of the scheduled public hearing. The sign should set forth the purpose, date, time, and place of the scheduled public hearing. In addition, the Zoning Administrator shall mail notice of the hearing to the applicant and property owner (if different from the applicant) at least thirty (30) days prior to the hearing.
- 3.2. **Conditional Use or Amendment Notification.** Notice of the hearing for a zoning request that is a conditional use or amendment must be published in a newspaper of general circulation in the county at least fifteen (15) days but not more than forty-five (45) days before the hearing. Such notice will state the time, place and purpose of the hearing. If the zoning request is for an amendment to rezone property from one district to another and is initiated by a party other than the local government, then the notice shall also include the location of the property, the present zoning district of the property, and the proposed zoning district of the property. If the zoning request for a conditional use or amendment is for a particular parcel or parcels of property and is initiated by a party other than the local government, the Zoning Administrator shall post a sign in a conspicuous place on the property at least fifteen (15) days prior to the date of the scheduled public hearing. The sign should set forth the purpose, date, time, and place of the scheduled public hearing, and the present and proposed zoning districts in case of a rezone.

The Planning and Zoning Board shall make its recommendation respecting a requested conditional use or amendment to the board of commissioners within sixty (60) days of its first meeting at which the application is heard. If the Planning and Zoning Board fails to send its recommendation to the board of commissioners within the aforesaid sixty (60) days, it shall mean that the Planning and Zoning Board recommends approval of the conditional use or amendment, including any conditions recommended by staff. Provided, however, that the Planning and Zoning Board may defer making its recommendation on a conditional use or amendment for more than sixty (60) days with the consent of applicant. After receipt of the

recommendation of the Planning and Zoning Board, the board of commissioners shall conduct a public hearing on the proposed conditional use or amendment.

**4. General Guidelines**

- 4.1. Any person desiring a transcript of the hearing must arrange for a court reporter at their own expense.
- 4.2. Zoning requests shall, as a general rule, be called in the order in which they are received by the County, provided that nothing shall prevent the commission or board from changing the order of decisions reviewed at the time of the hearing for the convenience of the Planning and Zoning Board or the Board of Commissioners and the public.
- 4.3. The chairperson will read or cause to be read a summary of the proposed zoning request under consideration prior to receiving public input.
- 4.4. As a general rule, the chairperson shall call each person who has signed up to speak on the zoning request in the order in which the persons have signed up to speak, except for the applicant, who will always speak first, or if the local government has brought a zoning request to the hearing, then a representative of the local government shall speak first.
- 4.5. Nothing contained herein shall be construed as prohibiting the Planning and Zoning Board or the Board of Commissioners from taking reasonable steps necessary to ensure that hearings are conducted in a decorous manner, and to assure that the public hearing on each zoning request is conducted in a fair and orderly manner.
- 4.6. The Planning and Zoning Board and Board of Commissioners will make a decision concerning the zoning request and record the decision in the minutes for that meeting.

**5. Public Comments**

- 5.1. Written comments on the subject of the hearing may be submitted by any citizen or property owner at any time prior to the adjournment of the hearing.
- 5.2. All persons who wish to address the Planning and Zoning Board or Board of Commissioners at a hearing concerning a zoning request shall first sign up on a form to be provided by the county prior to the commencement of the hearing. Only those persons signed up to speak prior to the commencement of the hearing shall be entitled to speak, unless the chairperson of the Planning and Zoning Board or board of commissioners, in his discretion, decides to make an exception at the time of the hearing, notwithstanding the failure of the person to sign up prior to the hearing.
- 5.3. Each side will be allowed a minimum time period of ten (10) minutes to make its presentation.
- 5.4. The length of time of oral presentations permitted to each speaker will be determined by the chairperson of the Planning and Zoning Board or Board of Commissioners, and will depend upon the number of persons present and desiring to speak and the complexity of the zoning request under consideration.
- 5.5. All questions will be addressed to the chairperson of the Planning and Zoning Board or Board of Commissioners.
- 5.6. Each speaker shall speak only to the merits of the proposed zoning request under consideration and shall address his or her remarks only to the members of the Planning and Zoning Board or Board of Commissioners.

- 5.7. Each speaker shall refrain from personal attacks on any other speaker or from discussing facts or opinions irrelevant to the proposed zoning request under consideration.
- 5.8. The chairperson of the Planning and Zoning Board or board of commissioners may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.
- 5.9. Prior to speaking, the speaker will identify himself or herself and state his or her current address, and if an attorney or other designated agent, identify his or her principal.
- 5.10. The merits of the zoning request shall include, but not necessarily be limited to, evidence or opinions regarding devaluation, fair market value, nuisance, environmental concerns, traffic, noise, aesthetics and in general, the health, welfare and benefit of the community or county as it is affected by the zoning request. The speaker shall refrain from commenting on unrelated zoning issues and unrelated tracts of land.

## **6. Decisions**

- 6.1. The Board of Commissioners is not bound by the recommendation of the Planning and Zoning Board. The Board of Commissioners may grant or deny the application for a zoning request and, if granted, establish such additional conditions and development standards as it deems appropriate for the protection and benefit of surrounding landowners and neighborhoods, to ameliorate the effects of the zoning request, and otherwise for the general public safety and welfare.
- 6.2. The Planning and Zoning Board may impose such additional conditions and development standards on variances and recommend such additional conditions and development standards on conditional uses and amendments as it deems appropriate for the protection and benefit of surrounding landowners and neighborhoods, to ameliorate the effects of the zoning request, and otherwise for the general public safety and welfare.
- 6.3. After reviewing the record of the public hearing and considering recommendations from the Planning and Zoning Board, the Board of Commissioners may approve or deny the requested amendment, reduce the land area for which the amendment is requested, change the district or land use category requested, or impose conditions which may restrict the use or development of the property in a manner not otherwise required by this Ordinance. Any such conditions imposed by the Board of Commissioners shall be incorporated into this Ordinance and shall become a part of the official zoning map, whether or not actually entered upon the official zoning map.
- 6.4. The power to approve a variance rest with the Board of Commissioners.
- 6.5. The power to approve a conditional use and enact an amendment rest with the board of commissioners.

## **7. Deferrals**

Prior to the close of the hearing, the Planning and Zoning Board or board of commissioners shall announce whether it will vote on the zoning request at that same hearing or whether it will defer its vote for a period not to exceed sixty (60) days. Provided, however, that the Planning and Zoning Board or board of commissioners may defer its vote on a zoning request for more than sixty (60) days with the consent of the applicant.

**8. Withdrawals**

An application for a zoning request or the appeal of the denial of a zoning request may be withdrawn by the applicant as a matter of right until 5:00 PM the day prior to the meeting of the Planning and Zoning Board or the board of commissioners at which such application is scheduled to be heard.

Such withdrawal must be in writing and must be received by the Zoning Administrator by 5:00 PM the day before the scheduled meeting.

**9. Reapplication**

If an application for a zoning request is for an amendment to rezone property and the zoning request is denied, then an application to rezone the same property may not be filed with the Zoning Administrator until the expiration of at least six (6) months following the denial of the rezoning. If an application for a zoning request that is a variance or a conditional use is denied, then an application for a conditional use or a variance on the same property that is substantially the same may not be filed with the Zoning Administrator until at least six (6) months following the denial.

**Section 809. Temporary Use.**

The Zoning Administrator is authorized to issue a Temporary Certificate of Zoning Compliance for temporary uses, as follows:

1. Carnival, circus, or fair, for a period not to exceed twenty-one (21) days, subject to the approval of the Board of Commissioners in the NC, GC, and I district.
2. Religious meeting in a tent or other temporary structure in the NC, GC, and I district, for a period not to exceed sixty (60) days.
3. Open lot sale of Christmas trees, fruit and vegetables, and other harvested products in the NC, GC, and I district for a period not to exceed forty-five (45) days.
4. Contractor's office and equipment sheds, in any district, for a period of one (1) year, provided that such office be placed on the property to which it is appurtenant.
5. All Temporary Certificates of Zoning Compliance may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no increased traffic congestion, and will not create a nuisance to surrounding uses.

**Section 810. Coordination with Development of Regional Impact (DRI) Requirements**

The Georgia Department of Community Affairs, pursuant to the Georgia Planning Act, has established criteria for the identification of certain large-scale developments which have the potential to cause land use impacts beyond the boundaries of the respective local government where a project might be proposed. These developments, known as Developments of Regional Impact (DRIs), shall be submitted, based on established DCA standards, procedures, and format, to the Heart of Georgia Altamaha Regional Commission (HOGARC) for review and recommendation prior to issuance of any local building or development permit or utility tap (does not apply to any activity reviewed under any earlier rezoning proposal). As such, these requirements establish an official delay in the local permitting process to allow for compliance with these requirements.



## **ARTICLE 9. LEGAL STATUS PROVISIONS**

### **Section 901. Interpretation, Purpose and Conflict**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare.

It is not intended by this Ordinance to interfere with, or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with, or abrogate, or annul any easements, covenants or other agreements between parties provided, however, that where this Ordinance imposes a greater restriction or required larger open spaces or larger lot areas than are imposed or required by such Ordinance or agreements, the provisions of this Ordinance shall control.

### **Section 902. Violations and Penalties**

Any person who violates any provision of this ordinance, or who fails to perform any act required hereunder or commits any prohibited act, upon conviction thereof shall be subject to punishment for an ordinance violation. The Magistrate Court of Candler County shall have jurisdiction over any such violations and may impose a sentence not to exceed a fine in the amount of \$1,000.00- or 6-months confinement in the Candler County Jail or both. Each and every day for which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

If any building or land is used or maintained in violation of this ordinance, anyone, including the county, who would be harmed by such a violation, may initiate legal proceedings to obtain an injunction or other appropriate remedy to enjoin the violation or to prevent any act which would constitute such violation. Other legal remedies available as provided by Georgia law may be sought by Candler County or any person or entity harmed by said violation.

### **Section 903. Validity**

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

### **Section 904. Conflicting Ordinances and Provisions Repealed**

All other ordinances and parts of ordinances in conflict with this Ordinance, to the extent of such conflict and not further, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

### **Section 905. Effective Date**

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety and welfare of the people of Candler County and are hereby ordered to be given immediate effect from and after the date of its passage.