

WARREN COUNTY, GEORGIA

LAND USE ORDINANCE

Adopted by the Board of Commissioners
January 10, 2006

Amended September 12, 2006
Amended September 9, 2008

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USE ORDINANCE

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ARTICLE 1 PREAMBLE AND ENACTMENT

CHAPTER 1.1 PREAMBLE AND ENACTMENT

CHAPTER 1.1 PREAMBLE AND ENACTMENT

- Sec. 1.1.1. Title.
- Sec. 1.1.2. Authority
- Sec. 1.1.3. Purposes.
- Sec. 1.1.4. Adoption.

Sec. 1.1.1. Title.

This Ordinance shall be known as and may be cited as the Warren County Land Use Ordinance.

Sec. 1.1.2. Authority.

This Ordinance is adopted under authority of Article 9, Section 2, Paragraphs 3 and 4 of the Constitution of the State of Georgia, and pursuant to the Zoning Procedures Law (O.C.G.A. 3666-1 et seq.) and other applicable laws enacted by the General Assembly and rules of the State of Georgia, including but not limited to those stated in this Section. The Georgia General Assembly has enacted the Georgia Planning Act of 1989, (Georgia Laws, 1989, pp. 1317-1391, Act 634) which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use. The Georgia Department of Community Affairs has promulgated Minimum Standards and Procedures for Local Comprehensive Planning (Chapter 110-3-2 of Rules of the Georgia Department of Community Affairs) to implement the Georgia Planning Act of 1989. Said standards and procedures were ratified by the Georgia General Assembly, and have since been amended. Said rules require local governments that adopt a comprehensive plan pursuant to the Georgia Planning Act of 1989 to describe regulatory measures and land development regulations needed to implement local comprehensive plans. Warren County has adopted a Comprehensive Plan in accordance with the requirements of the Georgia Planning Act of 1989 and Rules of the Georgia Department of Community Affairs, and the comprehensive plan may be revised from time to time.

Sec. 1.1.3. Purposes.

The purposes of this Ordinance include but are not limited to the following:

- (a) Implement the comprehensive plan including goals and policies not currently implemented by land use regulations of the County.
- (b) Promote the health, safety, welfare, morals, convenience, order, and prosperity of the citizens and the County.

-
- (c) Promote responsible growth, lessen congestion in the public streets, secure safety from fire and health dangers, and promote desirable living conditions.

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- (d) Provide adequate access to natural light and air.
- (e) Regulate the height, bulk, and the size of buildings and structures.
- (f) Classify land uses, set out land use districts, establish procedures for the handling of certain land use matters, and regulate the distribution and density of uses on the land to avoid both the undue concentration of population and the inappropriate dispersion of population, prevent the encroachment of incompatible land uses within residential areas, and preserve property values.

Additional purposes and intentions are articulated in the various Articles, Chapters, and Sections, as appropriate.

Sec. 1.1.4. Adoption.

It is hereby ordained by the authority of the Warren County Board of Commissioners that the following articles, chapters, and sections, which collectively constitute the Warren County Land Use Ordinance, are hereby adopted.

ARTICLE 2 DEFINITIONS AND INTERPRETATIONS

CHAPTER 2.1	LAND USE DEFINITIONS
CHAPTER 2.2	MISCELLANEOUS DEFINITIONS
CHAPTER 2.3	INTERPRETATIONS

CHAPTER 2.1 LAND USE DEFINITIONS

A

Accessory dwelling unit, attached: A second dwelling unit that is added to the structure of an existing site-built, single-family dwelling, for use as a complete, independent living facility for a single household, with provision within the attached accessory dwelling for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use to the principal dwelling.

Accessory dwelling unit, detached: A second dwelling unit that is added to an existing accessory structure (e.g., residential space above a detached garage), or as a new freestanding accessory building, for use as a complete, independent living facility for a single household, with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use to the principal dwelling. Includes the term garage apartment.

Adult business: Any “adult bookstore,” “adult movie house,” “explicit media” outlet, or any place involving “sexual conduct” or “sexually explicit nudity” for commercial purposes, as those terms are defined in O.C.G.A. 36-60-3 and as reiterated below.

- (1) Adult bookstore: Any commercial establishment in which is offered for sale any book or publication, film, or other medium which depicts sexually explicit nudity or sexual conduct.
- (2) Adult movie house: Any movie theater which on a regular, continuing basis shows films rates “X” by the Motion Picture Coding Association of America or any movie theater which presents for public viewing on a regular, continuing basis so-called “adult films” depicting sexual conduct.
- (3) Explicit media outlet: Any commercial establishment which has an inventory of goods that is composed of 15 percent or more of books, pamphlets, magazines, or other printed publications, films, or other median which depict sexually explicit nudity or sexual conduct, or that devotes 15 percent or more of its floor area to such inventory of goods.
- (4) Sexual conduct: Acts of masturbation, homosexuality, sodomy, sexual intercourse, or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such a person is female, breast which, to the average person, applying contemporary community standards, taken as a whole, lacks serious

literary, artistic, political, or scientific value and predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity or sex.

- (5) Sexually explicit nudity: A state of undress so as to expose the human male or female genitals or pubic area with less than a full opaque covering or the depiction of covered or uncovered male genitals in a discernibly turgid state which, to the average person, applying contemporary community standards, taken as a whole, lacks serious literary, artistic, political, or scientific value and predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity or sex.

Agriculture: All activities associated with the production of agricultural products including, but not limited to, the following: raising of livestock, plowing, tilling, cropping, cultivating and harvesting of food and fiber products. This term specifically includes farming, the grazing or raising of livestock (including dairies), fur-bearing animals, fish, birds (aviaries) and bees (apiaries), plant nurseries and sod farms (including the raising of lawn grasses, flowers, shrubs, and plants), the operation of farm equipment, the disposal and use of manure, and the spraying and fertilizing of lands. It does not include commercial logging and timber harvesting. Agriculture includes barns, stables, non-commercial greenhouses, grain elevators, silos, water towers, windmills, buildings associated with the storage and transportation to market of agricultural products, and mobile structures used in the field for harvesting and other agricultural activities.

Agricultural processing: Activities distinguished from the raising, cultivating, harvesting of food and fiber products (i.e., agriculture) because they go beyond the basic production cycle and involve significant manufacturing or processing operations so that the naturally grown or raised product is changed for consumer use, or where some physical, chemical, or similar change of an agricultural product occurs. Such activities include but are not limited to: cotton ginning, grist mills, milling of flour, feed, or grain, packaging of fresh or dried foods and fibers for wholesale or retail sale, slaughterhouses, refineries, wineries, canneries, and milk processing plants. Agricultural processing is considered a manufacturing use.

Aircraft landing area: Any landing area, runway, or other facility designed, used, or intended to be used for the taking off or landing of aircraft (airplanes, helicopters, gliders, ultralights, and any contrivance now known or hereafter invented for use in or designed for navigation of or flight in air) and which may include, aircraft storage, tie-down areas, hangars, and other necessary buildings and appurtenances. This term includes private use heliports. This use may be a principal or accessory use.

Amusement park: A commercially operated park operating in the outdoors where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment. An amusement park is an outdoor commercial recreation facility.

Animal hospital: An establishment designed or used for the care, observation, or treatment of domestic or farm animals. This definition includes veterinary clinics.

Animal shelter: Any premises designed or operated for impounding and caring for stray, homeless, abandoned, or unwanted animals (usually primarily cats and dogs), or that are otherwise subject to impoundment. An animal shelter is usually intended to provide only temporary kenneling of such animals until a permanent home is found.

Antenna: Any exterior apparatus designed for telephone, radio, or television communications or data transmission through the sending and/or receiving of electromagnetic waves. See also wireless telecommunication facilities.

Antique shop: A retail establishment primarily engaged in the offering of products with value derived because of their age or historic significance, including but not limited to works of art, pieces of furniture, decorative objects, clocks, lamps, clothing, rugs, toys, and the like. Unless specifically provided otherwise in this ordinance, antique shops operating within buildings are enclosed retail trade establishments, and those operating in the open air are open-air businesses.

Apartment building: A building designed for or occupied exclusively by three (3) or more families with separate housekeeping facilities for each family for rent or lease. An apartment building is considered a multi-family residential use.

Arcade, amusement: A place or facility where pinball or electronic games are played for amusement. Amusement arcades are indoor commercial recreation facilities.

Art gallery: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This use does not include libraries and museums. An art gallery is an enclosed retail trade establishment unless operated by a public entity in which case it is considered a public use.

Assisted living facility: Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services incidental to the above. For purposes of this ordinance, assisted living facilities are considered institutionalized residential living and care facilities.

Auction house or auction yard: Any building, structure, enclosure, or place where goods or livestock are sold by auction (i.e., through bid in competition with others).

Automobile sales establishment: New and used car, truck, tractor, trailer, boat, recreational vehicle, camper, motorcycle, and other motorized vehicle service and repair, and agricultural implement and equipment. This definition includes automotive services incidental to the sale of automobiles, such as rental car facilities, top and body, paint, automotive glass, transmission, and tire repair shops, car washes, including automated and staffed facilities, and oil change and lubrication facilities.

Automobile service establishment: The servicing of cars, trucks, tractors, trailers, boats, recreational vehicles, campers, motorcycles, and other motorized vehicles.

B

Bank or financial establishment: A business that accepts money for deposit into accounts from the general public or other financial institutions, and which may include personal or business loans, wire transfers and safe deposit boxes. Such uses include but are not limited to banks, savings and loan institutions and credit unions, and security and commodity exchanges.

Barn: A building or structure accessory to agriculture or single-family residential use which is used for the storage of grain, hay, and other farm products, or the sheltering of livestock, or the storage of farm equipment produced, housed, or used on the premises.

Batching plant: A plant for the manufacture or mixing of asphalt, concrete, cement, or concrete or cement products, including any apparatus incidental to such manufacturing and mixing.

Bed and breakfast inn: A facility where overnight accommodations not exceeding six rooms are provided to transients for compensation, with or without a morning meal, and which may include afternoon and/or evening meal for guests, and where the operators of the facility live on the premises. A bed and breakfast inn does not include retail uses, public bar, conference center, or special event facilities.

Boarding house: See rooming house.

Borrow site: A site used for the extraction of earthen materials such as sand, gravel, rock, dirt, etc., where the material is removed from the site.

Brewery: An industrial use that brews ales, beers, and/or similar beverages on site.

Broadcasting studio: A building or structure operated as a radio or television broadcasting studio or station with local broadcast capability or intended for satellite distribution of programs, and usually including satellite dishes, microwave dishes, and/or other communications equipment.

Building materials sales: An establishment offering lumber or other construction materials used in buildings for sale to contractors or the general public. When operated in whole or part outside the confines of a building, a building materials sales establishment is an open air business.

Building sales establishment: A lot on which the principal use is the sale of manufactured homes and modular buildings. This use is an open-air business.

Bulk storage: The storage of chemicals, petroleum products, or similar materials in above ground or below-ground storage containers designed for wholesale distribution or mass consumption. This includes fuel oil distributors with storage of products.

Business service establishment: A business activity engaged in support functions to establishments operating for a profit and individuals and institutions on a fee or contract basis, including but not limited to: advertising agencies, photocopying, blueprinting and duplication services, mailing agencies, commercial art and graphic design; personnel supply services and employment agencies, computer and data processing services, detective, protective, and security system services, accounting, auditing, and bookkeeping services, publications and business consulting firms, food catering, interior decorating, and locksmiths.

C

Camp or campground: Any place established or maintained for two or more individual spaces or sites for temporary living quarters in cabins, structures, or tents for recreation or vacation purposes for a fee.

Carport: A roofed, accessory building or structure, not necessarily fully enclosed on the sides and usually open on two or more sides, made of canvas, aluminum, wood, or any combination thereof, including such materials on movable frames, for the shade and shelter of private passenger vehicles or other motorized or non-motorized equipment such as tractors and boats.

Car wash: The use of a site for washing and cleaning of passenger vehicles, other vehicles, or other light duty equipment. Car washes consist of self-service, staffed, or mechanically automated facilities.

Caretaker's residence: A dwelling unit within a principal building or any freestanding building or structure that is accessory to an institutional, commercial, or industrial use, and located on the same lot there with, which is used for occupancy as a dwelling by an owner, security agent, or caretaker.

Carnival: Any use which constitutes a traveling or transportable group or aggregation of rides, shows, gaming booths, and concessions, and where the public either pays admission or participation fees. A carnival is a temporary use.

Catering service: An establishment that serves and supplies food to be consumed off-premises. A catering service is a business service establishment.

Cemetery: The use of property as a burial place.

Church: A building or structure, or groups of buildings or structures that by design and construction are primarily intended for conducting organized religious services. Associated accessory uses include but are not limited to: residence for pastor, minister, priest, or rabbi, schools, meeting halls, indoor recreational facilities, day care, and kitchens. This term includes synagogues, temples, and other places of worship.

Christmas tree sales facility: A facility conducted on a temporary basis during holiday season, generally conducted wholly outdoors but which may involve a tent or other temporary structure, that offers for sale Christmas trees and incidental holiday items such as wreaths and Christmas tree stands. Such facility is a temporary open-air business establishment.

Clinic: An institution or professional office, other than a hospital or nursing home, where persons are counseled, examined, and/or treated by one or more health professionals providing any form of healing or medical health service. Persons providing these services may offer any combination of counseling, diagnostic, therapeutic or preventative treatment, instruction, or services, and which may include medical, physical, psychological, or mental services and facilities for primarily ambulatory persons.

Club or lodge, nonprofit: A building or premises, used for the assembly of members of associations or organizations of an educational, fraternal, or social character, not operated or maintained for profit. Representative organizations include Elks, Veterans of Foreign Wars, and

Lions. The term shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

Club, hunting: Areas reserved or set aside for public or private hunting of wildlife, including accessory structures in support of such activities, and which may require the payment of a fee for hunting or where such privileges are derived from membership.

Club, private: Buildings and facilities owned or operated by a corporation, association, person, or persons, and used for assembly of members for a social, educational, or recreational purpose, to which membership is required and where use of premises is restricted to members and their guests. The definition “private club” shall also include a “bona fide private club” as that term is defined in O.C.G.A. 3-7-1.

Co-generation facility: An installation that harnesses energy that normally would be wasted to generate electricity, usually through the burning of waste, and which may use, distribute through connection, or sell the energy converted from such process.

College or university: An educational use that provides training beyond and in addition to that training received in the 12th grade (i.e., undergraduate and graduate), and which has students regularly attending classes, and which confers associate, bachelor, master, or doctoral degrees.

Commercial recreational facility, indoor: A use that takes place within an enclosed building that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: assembly halls, amusement arcades, auditoriums, billiard halls and pool rooms, bowling alleys, dance halls, ice and roller skating rinks, and fully-enclosed theaters.

Commercial recreational facility, outdoor: A use of land and/or buildings that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: amusement parks, stadiums, amphitheaters, fairgrounds, drive-in theaters, golf driving ranges, miniature golf courses, batting cages, race tracks for animals or motor-driven vehicles, unenclosed firearms shooting ranges and turkey shoots, fishing ponds, equestrian centers and horse and pony riding rinks, botanical and zoological gardens, zoos for exotic animals or wildlife, recreational vehicle parks, and ultra-light flight parks. A golf course and private club that is built as part of a single-family residential subdivision and that operates in a quasi-public manner is not considered to be an outdoor commercial recreational facility.

Community recreation: A private recreational facility for use solely by the residents and guests of a particular residential development, including indoor facilities such as community meeting rooms and outdoor facilities such as swimming pools, tennis courts, and playgrounds. These facilities are usually proposed, planned, and provided in association with a development and are located within the boundaries of such development.

Compost: A humus-like, organic material produced from composting, which may be used to spur plant growth and condition soil or as top soil.

Composting facility: A facility where compost or organic matter that is derived primarily from offsite is processed by composting and/or processed for commercial purposes. Activities of a

composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

Condominium: A form of ownership as defined by state law in which common elements are jointly owned.

Condominium building: A building containing one (1) or more individually owned units or building spaces and related, jointly-owned, common areas as defined by laws of the State of Georgia. When a building on property under condominium ownership contains only one dwelling unit, that building is considered a detached, single-family residential condominium building. When a building on property under condominium ownership contains two or more dwelling units, that building is considered an attached, multi-family residential condominium building.

Conservation area: Any land set aside for conservation of the land in its natural state.

Conservation areas, primary: Any property qualifying as conservation use property under O.C.G.A. Section 48-5-7.4; and any steep slopes, floodplains, wetlands, water bodies, upland buffers around wetlands and water bodies, critical wildlife habitat, and sites of historic, cultural, or archaeological significance, located outside of building envelopes and areas established for building purposes.

Conservation areas, secondary: Prime farmland, natural meadows, mature woodlands, farm fields, localized aquifer recharge areas, and lands containing scenic views and sites, located outside of building envelopes and areas established for building purposes.

Conservation easement: A legally enforceable agreement between a property owner and the holder of the easement, in a form acceptable to the County Attorney and recorded in the office of the Clerk of Superior Court of Warren County. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive recreation, or other use approved by the Warren County Board of Commissioners and prohibits further subdivision or development. Such agreement also provides for the maintenance of open spaces and any improvements on the tract or lot. Such agreement cannot be altered except with the express written permission of the easement holder and any other co-signers. A conservation easement may also establish other provisions and contain standards that safeguard the tract or lot's special resources from negative changes.

Conservation subdivision: A subdivision where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary and all or some of the secondary conservation areas within the boundaries of the subdivision.

Construction field office: A manufactured home, travel trailer, truck trailer, and/or other structure used temporarily as an office in conjunction with a construction project. A construction field office is a temporary use.

Construction yard: An area on or immediately adjacent to a construction site used on a temporary basis for the parking and storage of equipment used in a construction project, and the

storage and preparation of materials and other items used in the construction project. Such yards may include one or more construction field offices.

Continuing care retirement community: An institutional residential living facility providing multiple, comprehensive services to older adults. Such facility normally contains a combination of independent living units, assisted living, and skilled nursing care units.

Contractor's establishment: An establishment engaged in the provision of construction activities, including but not limited to, plumbing, electrical work, building, grading, paving, roofing, carpentry, and other such activities, including the storage of material and the overnight parking of commercial vehicles. This use includes landscaping companies.

Convenience store: A retail store, usually with a floor area less than 6,000 square feet, that sells convenience goods, such as prepackaged food items and a limited line of groceries. Convenience stores may or may not sell gasoline, diesel, and kerosene but do not include automotive services. A convenience store is an enclosed retail trade establishment.

Cooperative building: A building containing one or more dwelling units under cooperative ownership. Cooperative residential buildings are considered multi-family dwellings.

Cottage industry: A use or activity which is accessory to a single-family residence or a commercial establishment that produces one or more goods on the premises through handmade workmanship craft for retail sale. Such goods-producing activities include but are not limited to candle-making, glass blowing, pottery making, weaving, woodworking and the production by hand and small tools of furniture, sculpting, and other similar or associated activities.

Crisis center: A facility or portion thereof and premises that are used for the purposes of emergency shelter, crisis intervention, including counseling, referral, hotline response, and similar human social service functions. Said facility may include meal preparation, distribution, or service for residents of the center as well as nonresidents, merchandise distribution, or shelter, including boarding, lodging, or residential care. This term includes domestic violence and centers, homeless shelters, and halfway houses.

Custom order shop: A business establishment that offers merchandise but which maintains no merchandise inventory on site other than display items (which are not visible from the exterior of the building).

D

Day care center: Any place operated by a person, society, agency, corporation, institution or group, and licensed or registered by the State of Georgia as a group day care home or day care center, wherein are received for pay for group supervision and care, for fewer than twenty-four (24) hours per day, seven (7) or more children under eighteen (18) years of age.

Distribution center: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

Dormitory: A building intended or used principally for sleeping accommodations where such building is related (an accessory use) to an educational, civic, or religious institution, not operated for commercial purposes.

Driving range: An area equipped with distance markers, clubs, balls, and tees for practicing golf drives, chipping, and putting, and which may include a snack bar and pro shop. A driving range is an outdoor commercial recreation facility.

Dwelling: A building, or portion thereof, designed, arranged or used for permanent living, and/or sleeping quarters.

Dwelling, farm: A single-family dwelling or manufactured home that is located on and used in connection with a farm.

Dwelling, single-family detached, condominium: A residential building designed for occupancy by one family only, where more than one dwelling is located on a single lot and the land is owned in common.

Dwelling, single-family detached, fee-simple: A building designed, arranged to be occupied or used by one (1) family only and where each dwelling is located on its own lot in fee-simple title.

Dwelling, two-family (duplex): A building designed or arranged to be occupied by two (2) families living independently of each other and where each dwelling is located on its own lot in fee-simple title, but where the two dwelling units are attached along a common property line, or where the two dwellings are located on the same lot.

Dwelling, multi-family: A building other than a duplex, designed for or occupied exclusively by three (3) or more families or households with separate housekeeping facilities for each family or household. Apartment houses and residential condominium buildings containing two or more units are considered multi-family dwellings.

Dwelling unit: A building, or portion thereof, designed, arranged or used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

E

Exterminator: An establishment engaged in pest control for businesses, institutions, residences, or industries.

Extraction: Removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged. This term includes gravel pits, mines, quarries, and similar operations, but not "borrow site" as defined herein.

F

Fallout shelter: An accessory building or underground facility designed for the protection of life from radioactive fallout. A fallout shelter may be an accessory use to a dwelling or other principal use.

Fairgrounds: An area of land including, but not limited to: agricultural-related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions. Fairgrounds are considered outdoor commercial recreation facilities unless publicly owned, in which case they are public uses.

Family: An individual; or two (2) or more persons related by blood, marriage, or guardianship, limited to the occupant, his or her spouse, and their parents and children; or a group of not more than seven (7) persons, who need not be related by blood, marriage, or guardianship, living together in a dwelling unit as a family or household.

Family day care home: A private residence in which is operated by any person who receives therein (for pay) for supervision and care for fewer than twenty-four (24) hours per day, three (3) to not more than six (6) children under eighteen (18) years of age who are not residents in the same private residence. For purposes of this ordinance, a family day care home may be operated as a home occupation, subject to the requirements of this ordinance.

Farm and feed store: An establishment engaged in the retail sale of supplies directly related to the day-to-day activities of farming and agricultural production.

Fee simple: A form of ownership where the owner is entitled to the entire property with unconditional power of disposition during his or her life and which descends to his or her heirs and legal representatives upon his or her death intestate.

Fence: An enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other approved materials or combination of materials used as a boundary, means of protection, privacy screening, or confinement, including brick or concrete walls but not including hedges, shrubs, trees, or other natural growth.

Fence, barbed wire: One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals, including vertical supports.

Fence, chain-link: An open mesh fence made entirely of wire woven in squares of approximately 1.5 inches with vertical supports, usually spaced at an interval of six (6) feet, usually at a height of three (3) or more feet.

Fence, solid: A fence, including entrance and exit gates where access openings appear, through which no visual images can be seen.

Flea market: The use of land, structures or buildings for the sale of produce or goods, usually second-hand or cut-rate. A flea market is considered an open air business.

Food processing plant: A manufacturing establishment producing or processing foods for human or animal consumption and certain related products or by-products, including but not limited to the following products: sugar, dairy, fruit and vegetable (including canning, preserving and processing), grain mill products and by-products, meat, poultry and seafood (including byproduct processing but not including the slaughtering of animals), and miscellaneous food preparation from raw products. This is a manufacturing use.

Forestry: An operation on a tract or parcel of land involving the growing, conserving, and managing of forests and forest lands (includes the term “silviculture”). Forestry operations or practices include the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes. Incidental uses to forestry include the erection of accessory structures and improvements normally associated with timber production, including but not limited to storage buildings, the construction of roads, insect and disease control, fire protection, and may include the temporary operation of a sawmill and/or chipper to process the timber cut from the parcel or parcels. It also may if conditional approval is gained involve setting up temporary labor camps. This term does not include the cutting of timber associated with approved land development. This definition does not include processing of timber into finished or semi-finished products or other than temporary storage of logs. However, it includes temporary portable milling and chipping equipment.

Funeral home: A building used for human funeral services. Such building contains a chapel and may include space and facilities for embalming and the performance of other services used in the preparation of the dead for burial or cremation, the performance of autopsies and other surgical procedures, the indoor storage of caskets, funeral urns, and other related funeral supplies, and the indoor or outdoor storage of funeral vehicles.

G

Garage: A building, or part thereof, used or designed to be used for the parking and storage of vehicles. A garage in the customary sense is distinguished from a carport in that it is fully enclosed. It may be attached to a single-family dwelling or may be an accessory building. In such context a garage is an accessory use to a single-family dwelling.

Gas tank sales: The retail sale of bulk storage tanks for flammable and combustible liquids, compressed gases or liquefied petroleum (LP) gas. Gas tank sales are considered open air business uses.

Group home: A single household of more than two unrelated persons, whether or not they are developmentally disabled, under the supervision of a resident manager.

Greenhouse: A building designed or used for growing or propagating plants, with walls or roof usually designed to transmit light. Greenhouses can be principal or accessory uses of a commercial nature or they can be private, such as one on a farm or as an accessory structure to residential use.

Guest house: A lodging unit for temporary guests in a building accessory to a detached, singlefamily dwelling unit, and which is not rented or otherwise used or occupied as a separate dwelling. A guest house is an accessory use to a detached, single-family dwelling.

H

Hazardous waste materials: Any materials defined or customarily defined as hazardous waste by the Environmental Protection Division of the Georgia Department of Natural Resources; generally, any refuse or discarded material or combination of refuse or discarded materials in solid, semisolid, liquid or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological or physical properties.

Health spa: An establishment which for profit or gain provides as one of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance through change in weight, weight control, treatment, dieting, or exercise. The term includes establishments designated as “reducing salons,” “exercise gyms,” “health studios,” “health clubs,” and other terms of similar import. Not included within this definition are facilities operated by nonprofit organizations, facilities wholly owned and operated by a licensed physician at which such physician is engaged in the practice of medicine, or any establishment operated by a health care facility, hospital, intermediate care facility, or skilled nursing care facility.

Home occupation: Any use, occupation or activity conducted entirely within or on the same lot as a dwelling by a resident or residents thereof, which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof.

Hospital: An institution licensed by the state and providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity or other abnormal physical or mental conditions, and including as an integral part of the institution, such related facilities as laboratories, outpatient facilities, or training facilities.

Hotel: A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via a central lobby. A hotel may include as accessory uses the following: full dining, public bar, retail uses up to 5,000 square feet or less of retail uses, and 20,000 square feet or less of special event or conference center facilities.

I

Incinerator: A facility with equipment that uses a thermal combustion process to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste, not including animal or human remains.

Industrial use: An activity or structure in which the primary purpose involves manufacturing, assembly, fabrication, and processing, bulk handling of products, warehousing, heavy trucking, power generation facilities, etc. Such use may also include such activities as research and technological processes.

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.

Institutional residential living and care facilities: An umbrella term that encompasses the following uses: assisted living facility, intermediate care home, nursing home, skilled nursing care facility, continuing care retirement facility, and personal care home.

Intermediate care home: A facility which 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 complies with rules and regulations of the Georgia Department of Human Resources. The term "intermediate care" means the provision of food, including special diets when required, shelter, laundry and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed patients except on an emergency or temporary basis.

Intra-family land transfer: A division of land within one or more specified land use districts that creates at least one additional lot but not more than four additional lots, each of which is not less than one acre nor more than five acres in size, where each and every lot within the subdivision is conveyed to the children, spouse and children, surviving heirs, in-laws, or immediate relatives of the property owner, or some combination thereof, and where no more than one (1) lot in the subdivision is deeded to any one individual. This definition shall not include or authorize any land subdivision that involves or will involve the creation of lots for sale or otherwise involves a property transfer for money, tangible or intangible personal property, real property exchanges, or other conveyances for consideration.

J

Junk: Scrap or waste material of any kind or nature collected for resale, disposal, or storage, or by accumulation. The term "junk" shall specifically include a mobile home, manufactured home or any recreational vehicle that is inoperable or that is moved onto a property for temporary storage.

K

Kennel: Any facility used for the purpose of commercial boarding or sale of domestic animals or pets such as but not limited to dogs and cats, and any other customarily incidental treatment of the animals such as grooming, cleaning, selling of pet supplies, or otherwise.

Kitchen: Any room or part of a room designed, built, used, or intended to be used for cooking, the preparation of food, or dishwashing. The presence of a range, oven, or dishwasher, or utility

connections suitable for serving a range or oven, shall normally be considered as establishing a kitchen.

L

Laboratory: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

Landfill, construction and demolition: A disposal facility accepting waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material and other inert wastes which have a low potential for groundwater contamination.

Landfill, inert waste: A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves, and specifically excluding industrial and demolition waste.

Landfill, sanitary: The burial of non-hazardous waste where such waste is covered on a daily basis, as distinguished from a construction and demolition landfill.

Landscaping company: A business engaged in the provision of landscaping services and/or the wholesale or retail sale of landscaping products including but not limited to sod, trees, landscaping timbers, and earth covering materials. The processing of wood into timbers, mulch, and/or chips is considered an incidental use of a landscaping company whose primary purpose is the wholesale or retail sale of landscaping products.

Laundromat: A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron. A laundromat is considered a personal service establishment.

Livestock: Cattle, horses, pigs, sheep, goats, llamas, emus, ostriches, donkeys, mules, goats, sheep, chickens, ducks, geese, and other fowl, rabbits, minks, foxes and other fur or hidebearing animals, customarily bred or raised in captivity, whether kept for pleasure, utility, or sale.

Lodging service: A facility that offers temporary (15 days or less in one room) shelter accommodations, or place for such shelter, open to the public for a fee, including "hotel" and "motel" as defined. "Bed and breakfast inn" is defined separately.

Logging yard: Areas where logs of wood are stored on a regular basis before transfer by truck or railroad.

Lumber yard: A facility where wood materials such as lumber, plywood, panels or other wood products are processed and sold for retail sale or wholesale. Such use may involve performing millwork, planing, cutting, and/or other customizing processes.

M

Manufactured home: A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, airconditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Manufactured home park: A parcel of land or any portion thereof under which has been designed, planned, or improved for the placement of two or more manufactured homes for residential use, including land, buildings, and facilities used by the occupants of manufactured homes on such property. Also referred to as "land lease communities."

Manufacturing, processing, assembling: The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins, or liquors.

Marina: A facility for the mooring, berthing, storing, or securing of watercraft, and which may include boat sales, boat fuel sales, boat construction, boat repair, marine equipment sales, boat and jet ski rental, and other uses clearly incidental to watercraft activities.

Materials recovery facility: A solid waste handling facility that provides for the extraction from solid waste of recoverable material, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

Mining: All or any part of the process involved in the mining of aggregates and/or minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger methods, dredging, and quarrying, underground mining, and surface work incidental to such activities. See also the term, "extraction."

Mixed-use development: A single building containing more than one type of land use; or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified, complementary whole.

Mobile Home: A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and which has not been inspected and approved as meeting the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Model home: A principal residential building, temporarily open to viewing by prospective homebuyers, on property containing or proposed to contain a residential subdivision, and which may also be used temporarily as real estate sales office for lots in the residential subdivision.

Modular home: Any structure or component thereof, designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on the building site, and which is designed and constructed to conform to the local or state building code rather than a national housing or construction code. For purpose of this ordinance, a modular home that meets the local or state building code shall be considered the same as a site-built, detached, single-family dwelling and permitted under the same land use districts as a detached, single-family dwelling. Also see the term, "industrialized building."

Motel: A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via the exterior of the building rather than through a central lobby. A motel may include as accessory uses the following: full dining, public bar, retail uses up to 2,500 square feet or less of retail uses, and 7,500 square feet or less of special event or conference center facilities.

Museum: A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public with or without an admission fee, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

N

Nursery or kindergarten school: Any building used routinely for the daytime care or education of preschool age children and including all normal accessory and play areas. For purpose of this ordinance, a nursery or kindergarten school is considered to be a day care center.

Nursing home: A facility which 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 complies with rules and regulations of the Georgia Department of Human Resources. A nursing home is an institutionalized residential living facility for purposes of this Ordinance.

O

Office: A building or portion thereof wherein services are performed involving predominantly administrative, professional or clerical operations and not involving retail sales or other sales of any kind on the premises.

Office/Warehouse: A building that combines office and warehouse or storage functions, where the majority of the area of the building is devoted to warehouse or storage functions, and which does not involve retail sales.

Open air business: Any commercial establishment with the principal use of displaying products in an area exposed to open air on three or more sides, including but not limited to rock yards, nurseries and garden supply stores, lumber and building materials yards, flea markets, statuaries and monument sales establishments, liquid petroleum dealers and tank sales. A produce stand is not considered to be an open air business.

Orchard: An establishment which cares for and harvests fruit- or nut-bearing trees, bushes, or vines.

P

Parking lot, off-site: A parcel of land or portion thereof principally used for the parking or storage of motor vehicles whether or not a fee is paid for parking, not located on the same site as the destination of the motor vehicle operator.

Pawn shop: A type of used merchandise store in which merchandise is offered as collateral for obtaining loans and wherein such merchandise is offered for sale in recompense for default of loan repayment. A pawn shop is an enclosed retail trade establishment when operated wholly within a building.

Permitted use: A use by right which is specifically authorized in a particular land use district, or permitted by right in a particular overlay district if established.

Personal care home: Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. Personal care tasks include assistance with bathing, toileting, grooming, shaving, dental care, dressing, and eating. This use is an institutionalized residential living facility for purposes of this Ordinance.

Personal service establishment: A facility engaged in the provision of services for a fee to persons and their apparel, including but not limited to barber and beauty shops, coin-operated and full service laundries and dry cleaners, photographic studios, shoe repair and shoeshine shops, tanning studios, and travel agencies.

Planned unit development: A form of development characterized by a unified site design for a number of housing units, clustered buildings, common open space, and a mix of building types and land uses.

Power plant, private: A facility, distinguished from a public use, that converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power, or solar power, into electrical energy or steam, the primary function of which is the provision of electricity to the use on the site the facility is located, or off-site.

Public use: Any building, structure, or use owned and/or operated by the federal government, state of Georgia, Warren County or other County, a municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose,

such as but not limited to the following: government administrative buildings, post offices, police and fire stations, libraries and museums, public health facilities, public works camps, parks and community centers, public roads and streets, airports, water and sanitary sewerage intake, collection, pumping, treatment, and storage facilities, emergency medical facilities, jails and correctional facilities.

R

Rail yard: An area of land, a portion of which is covered by a system of railroad tracks, that provides for switching, storing, moving, repairing, and weighing of railroad cars, trains, engines, locomotives, and similar stock designed to roll on a track.

Railroad freight terminal: A facility for freight pick-up or distribution by railroad.

Recreational vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. This term includes motorized homes, motorized campers, pick-up campers, travel trailers, camping trailers, and tent trailers, among others.

Recreational vehicle park: Any lot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy on a temporary basis by recreational vehicles as temporary living quarters by campers, vacationers or travelers. This definition also includes developed campgrounds, governed by a set of public or private management rules, that accommodate 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 with water, sewage disposal, electric power, and/or other utilities and services.

Recycling center: Any facility utilized for the purpose of collecting, sorting and processing materials to be recycled, including but not limited to, plastics, glass, paper and aluminum materials.

Relocated residential structure: A detached, site-built single-family dwelling (i.e., excluding a manufactured home, mobile home, modular home, or industrialized building) that is moved (or disassembled into more than one structure and moved) to another site, whether temporarily or permanently.

Restaurant: Any establishment in which the principal business is the sale of foods and beverages to customers in a ready-to-consume state, and in which customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed, or customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building. This term includes bars, taverns, pubs, and sidewalk cafés.

Restaurant, drive-through: Any establishment in which the principal business is the sale of foods and beverages to customers in a ready-to-consume state and in which the principal or accessory method of operation of all or any portion of the business is to allow food or beverages

to be served directly to the customer in a motor vehicle either in a parked state or in vehicle aisles, without the need for the customer to exit the motor vehicle.

Retail trade establishment, enclosed: Any business offering goods and products for sale to the public, which may include the incidental repair of such goods and products, that operates entirely within a structure containing a roof and walls on all sides, except for outdoor display during business hours and accessory storage in enclosed, subordinate buildings. These include but are not limited to the following: convenience stores including the sale of gasoline, hardware, paint, glass and wallpaper stores, grocery and miscellaneous food stores including retail bakeries, apparel, shoe, and accessory clothing stores, furniture, upholstery, floor covering, household appliance and home furnishing stores, musical instrument stores, radio, television, and computer stores, record, tape, compact disc and DVD stores, eating and drinking places not involving drive-in or drive-through facilities, drug stores, apothecaries and proprietary stores, liquor stores and bottle shops, used merchandise stores and pawn shops, sporting goods stores and bicycle shops, art and stationery stores, hobby, toy, and game shops, jewelry, gift, novelty, souvenir shops, camera and photographic supply stores, luggage and leather goods stores, sewing, needlework, and piece goods stores, catalogue and mail order stores, news stands, florists, tobacco shops, automotive parts stores not involving repair, video rental and sales stores (except adult businesses as defined), and watch and clock sales and repair shops.

Retreat center: A facility used for professional, educational, or religious meetings, conferences, or seminars and which may provide meals in a single building, lodging, and recreation for participants during the period of the retreat or program only. Such center may not be utilized for the general public for meals or overnight accommodations. Housing is usually in lodges, dormitories, sleeping cabins or other such temporary quarters, which do not contain kitchens.

Riding academy or equestrian center: An establishment where horses are kept for riding or are kept for competition or educational purposes incidental to a club, association, ranch, educational institution or similar establishment but which does not involve commercial sales and is not open to the general public for a fee.

Riding stable: An establishment where horses or other animals that can be ridden by humans are kept for riding and which offers the general public rides for a fee. A riding stable is an outdoor commercial recreation facility.

Roadside stand: A use offering either farm-grown, prepared food products such as fruits, vegetables, canned foods, or similar agricultural products for sale on the premises within a temporary structure on the premises with no space for customers within the structure itself, or without using such temporary structure.

Rooming house: A residential building in which three or more rooms are rented but are not open to the public or overnight guests. Includes the term boarding house.

S

Salvage yard: A place of business primarily engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not usually intended for reuse in their original forms. Typical uses include paper and metal salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies. In addition, any property on which junk, as defined, is placed shall be considered a salvage yard, whether or not such activity is conducted as a place of business. Salvage yards are unlawful uses except where specifically permitted in a land use district as specified by this Ordinance.

Sawmill: A facility where logs or partially processed wood are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products. This term does not apply to the temporary processing of timber for use on the same lot by the owner or occupant of that lot.

School for the arts: An educational use not operated by the Warren County Board of Education that offers or provides instruction to more than two students at a time in dance, singing, music, painting, sculpting, fine arts, or martial arts.

School, private, elementary, middle, or high: An educational use for students in grades one through twelve or for only certain ranges of grades one through twelve, not operated by the Warren County Board of Education, which has a curriculum at least equal to a public school with regard to the branches of learning and study required to be taught in the public schools of the state of Georgia.

School, professional: An educational use not operated by the Warren County Board of Education and having a curriculum devoted primarily to business or professions, including but not limited to barbers and beauticians, dentists, and real estate agents and brokers.

School, special: An educational use not operated by the Warren County Board of Education that provides special education to more than two students at a time, including but not limited to the training of gifted, learning disabled, and mentally or physically handicapped persons.

School, trade: An educational use not operated by the Warren County Board of Education and having a curriculum devoted primarily to industry, trade, or other vocational-technical instruction.

Self-service storage facility: A structure, building or group of buildings divided into separate compartments, spaces, or stalls, which may be of different sizes and which may or may not be climate controlled, and which are leased or rented on an individual basis to businesses and residents for temporary storage needs, but where no commercial transactions or activities take place other than the rental of the storage units. Also referred to as mini-warehouses.

Semi-public use: Any building, structure, or use, owned and/or operated by private utilities or private companies for a public purpose, or that is reasonably necessary for the furnishing of adequate service by such utilities, such as but not limited to the following: underground and overhead gas, electric, steam, or water distribution or transmission lines or systems, including incidental wires, cables, and poles but not towers. Includes utility company substations as defined herein.

Service and fuel filling station: Any building, structure or land use for the retail sale of motor vehicle fuel, oil accessories and which may include the servicing of motor vehicles, except that

major repairs, body repairs and painting of motor vehicles shall not be considered servicing of motor vehicles. Such uses are automobile service establishments.

Shopping center: A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area which the unit serves. For purposes of use regulations, shopping centers are considered enclosed retail trade establishments.

Showroom: A principal or accessory use where wholesale or retail goods are displayed.

Silviculture: The scientific management of forest trees; the ongoing growing, cultivation and reforestation of trees. Silviculture is included in the term "forestry."

Skilled nursing care facility: A facility which admits residents on medical referral; it maintains the services and facilities for skilled nursing care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term "skilled nursing care" means the application of recognized nursing methods, procedures, and actions directed toward implementation of the physician's therapeutic and diagnostic plan, detection of changes in the human body's regulatory system, preservation of such body defenses, prevention of complications and emotional well-being, including but not limited to the following:

- (a) The administration of oral or injectable medications which cannot be self-administered. Other examples include the administration of oxygen, the use of suction, the insertion or changing of catheters, the application of medicated dressings, the use of aseptic technique and preparation of the patient for special procedures;
- (b) Observation in the care of the patient for symptoms and/or physical and mental signs that may develop and which will require attention of the physician and a revision in the patient's treatment regimen.

For purposes of this Ordinance, this use is an institutionalized residential living facility.

Slaughterhouse: A facility for the slaughtering and processing of animals and the refining of their byproducts.

Solid waste transfer facility: A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

Special event facility: A facility or assembly hall available for lease by private parties for special events including but not limited to weddings, birthdays, reunions, anniversaries, and the like.

T

Taxi-cab or limousine service: Any place used to dispatch motor vehicles with drivers for hire.

Taxidermy: A business engaged in preparing, stuffing, and mounting of the skins of animals.

Temporary use: A use or structure is in place for only a short period of time.

Therapeutic camp: A child-caring institution which provides a variety of outdoor activities taking place in a wilderness or camp environment that are designed to improve the emotional and behavioral adjustment of the residents participating in the activities; it is regulated by the Georgia Department of Human Resources.

Tow service: An establishment that dispatches towing vehicles and which provides for the temporary storage of vehicles but does not include disposal, disassembly, salvage, or accessory storage of inoperable vehicles. This term is distinguished from “wrecked motor vehicle compound” and “salvage yard” as defined herein.

Tower, amateur radio: A freestanding or building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.

Townhouse: One (1) of a group of three or more single-family, attached dwelling units under fee simple ownership.

Truck stop: An establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, and which may include the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck drivers.

Truck terminal: A facility or premise for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

U

Use, accessory: A use of land subordinate to the principal building or use on a lot for purposes incidental and related to the principal building or use and located on the same lot therewith.

Use, conditional: A use that would not be appropriate generally or without restriction throughout the particular land use district and is not automatically permitted by right within a land use district, but which, if controlled as to number, area, location or relation to the neighborhood, may be found to be compatible and approved by the Governing Body within a particular land use district as provided in certain instances by this Ordinance. An approved conditional use runs with the property.

Use, permitted: A use by right which is specifically authorized in a particular land use district, or permitted by right in a particular overlay district if established.

Utility company substation: A facility used for the transmission or distribution of services provided by a utility company, such as an electrical transformer station, telephone junction box, cable box, television box, or natural gas regulator station.

V

Vehicle emission testing facility: A building or structure used for testing vehicles for compliance with air quality standards.

W

Warehouse: A use involving the storage of products, supplies, and equipment, and which typically involve truck or rail transportation to and from the site.

Wastewater treatment plant: A facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gasses removed from such waste, whether or not such facility is discharging into state waters (includes spray fields).

Wholesale trade establishment: An establishment engaged in the selling or distribution of merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers.

Wireless telecommunication equipment: Any equipment used to provide wireless telecommunication service, but which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. Wireless telecommunication equipment also includes a ground mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

Wireless telecommunication facility: Any freestanding facility, building, pole, tower, or structure used to provide wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.

Wrecked motor vehicle compound: An area used to store disabled or impounded motor vehicles until such time as their disposition (either by junk, salvage, repair, etc.) has been determined by an insurance company, the owner of the vehicle, or his or her legal representative.

Y

Yard sale: The temporary sale of home furniture, appliances, clothing and/or domestic items owned by an occupant of a residential dwelling and taking place on the premises on which such occupant resides, whether in the yard or in a carport or garage. Yard sales which do not take place on the premises where such occupant resides are considered open-air businesses, except that this shall not be construed to prevent the sale of such items by another family or household in connection with an event where such items are sold by the occupant of a residence on the premises where the yard sale occurs. This term includes garage sales.

CHAPTER 2.2 MISCELLANEOUS DEFINITIONS

The following terms and their supplied definitions shall apply to this Ordinance. In addition, the definitions contained within the Subdivision and Land Development Ordinance of Warren County, Georgia, as amended, shall be applicable to this Ordinance and are included by reference as if fully contained herein. In the event of conflict between definitions of this Land Use Ordinance and the definitions of the Subdivision and Land Development Ordinance, the definitions provided in this Land Use Ordinance shall prevail. *(Amended September 12, 2006)*

Abandon: To stop the use of property or the occupancy of a building for twelve (12) months or more.

Abandonment: A condition where the use of property has stopped or the building has been vacant for twelve (12) months or more.

Access: A way or means of approach to provide physical entrance to a property.

Active recreational facilities: Equipment and areas prepared for active use for recreational and leisure purposes, including but not limited to: playground equipment (swing sets and climbing structures); courts for basketball, volleyball, and tennis; leveled, striped fields for football, soccer, or multiple purposes; community picnic pavilions (including covered facilities with grills and/or fire rings); community buildings for recreational events, and golf courses, excluding clubhouses, developed areas and accessory uses. Trails and bikeways through open spaces shall not be considered active recreational facilities.

Administrative Officer or Administrator: That person appointed by the Warren County Board of Commissioners to administer this Land Use Ordinance, or his or her designee.

Appeal: A request for a review of the Administrator's interpretation of any provision of this Ordinance, or a request for a review of an action taken by an administrative official in the application or enforcement of this Ordinance.

Buffer: A strip of land located between a side or rear property line and a building, structure, or use, intended to separate and obstruct the view of the site on which the buffer is located from an abutting property. A buffer is usually intended to provide screening, as defined and as may be required by this Ordinance.

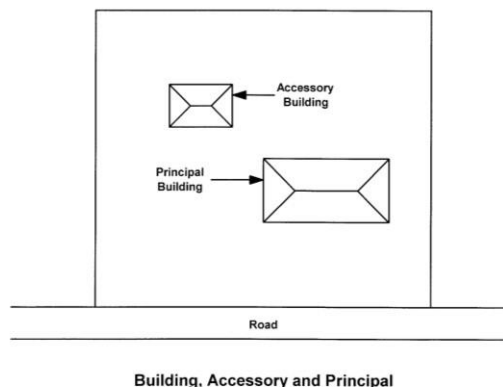
Buffer, natural undisturbed: A buffer that contains a natural area consisting of trees and/or other vegetation, undisturbed except for approved access and utility crossings, and replanted where sparsely vegetated.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Article 2, Definitions
Warren County, GA, Land Use Ordinance

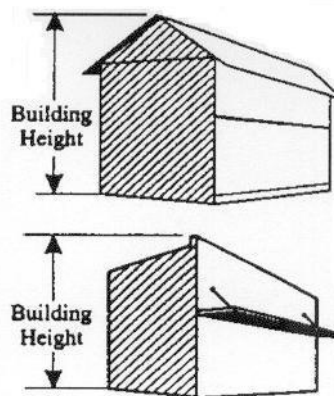
(1) **Building, accessory:** A building subordinate to the main (principal) building on a lot and used for purposes incidental to the main or principal building and located on the same lot therewith.

(2) **Building, principal:** A building in which is conducted the main or primary use of the lot on which said building is situated. In any residential land use district, any structure containing a dwelling unit shall be defined to be the principal building on the lot on which same is situated, except for detached accessory apartments.



Building height: The vertical distance measured to the highest point of a building from the average finished grade across those sides of a building that face a street.

Building setback line: A line establishing the minimum allowable distance between the front wall of a principal building (excluding roof overhangs of 36 inches or less) and the road right-of-way line or a side or rear building wall and a side or rear property line when measured perpendicularly thereto. For purposes of this Ordinance, a minimum required building setback line and minimum required yard shall be considered the same.



(1) **Front building setback:** The minimum allowable distance between the right-of-way line of any abutting road and any part of a principal building on a lot (excluding roof overhangs of 36 inches or less). The front setback distance is applied along the full length of the right-of-way line and is parallel to it.

(2) **Rear building setback:** The minimum allowable distance between a rear lot line and any part of a principal building on a lot (excluding roof overhangs of 36 inches or less). The rear building setback extends along the full length of the rear lot line.

(3) **Side building setback:** The minimum allowable distance between a side lot line and any part of a principal building on a lot (excluding roof overhangs of 36 inches or less). The side building setback extends along the side lot line between the front building setback and a rear building setback (if any).

Comprehensive plan: Any plan adopted by the Warren County Board of Commissioners, or any plan adopted by a regional development center covering the local jurisdiction, or portion of such plan or plans. This definition shall be construed liberally to include the major thoroughfare plan, master parks and recreation plan, or any other study, document, or written recommendation

pertaining to subjects normally within the subject matter of a Comprehensive Plan as provided by the Georgia Planning Act of 1989 and its implementing administrative rules, as amended, if formally adopted by the Warren County Board of Commissioners.

Condition of approval: A requirement adopted by the Board of Commissioners at the time of approval of a change in land use district or approval of a conditional use or variance; placing greater or additional requirements or restrictions on the property than provided in this Ordinance in order to reduce an adverse impact of the request and to further protect the public health, safety, or general welfare.

Curb cut: The providing of vehicular ingress and/or egress between property and an abutting road; the physical improvement designed to provide such ingress/egress.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials; any land-disturbing activity which alters the elevation of the land, removes significant vegetation, or causes structures of any kind to be erected or removed.

Discontinuance: A lapse in the activity or operation of a nonconforming use for a period of six (6) months but less than twelve (12) months. Discontinuance for twelve (12) months or more shall be considered "abandonment."

Evergreen: A plant or tree with foliage that persists and remains green year-round (e.g., pine; magnolia).

Frontage or road frontage: The width in linear feet of a lot where its front lot line abuts the right-of-way of any road from which access may be directly gained.

Landscaping: The modification of the landscape for an aesthetic or functional purpose. The area within the boundaries of an individual lot that includes the preservation of existing vegetation and the continued maintenance thereof, as well as, the installation of trees, shrubs, ground covers, grass, and flowers. Landscaping areas may also include decorative rock, bark, mulch and other similar approved materials in addition to vegetation and live plant material.

Land-disturbing activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in this Ordinance.

Manufactured home space: A parcel of land within a manufactured home park which is reserved or leased for the placement of an individual manufactured home and accessory structures for the exclusive use of its occupants.

Mortgage Lot: A lot which is created for the primary or sole purpose of meeting the requirement of a bank or lending institution for a loan or mortgage, in cases where property descriptions must be smaller than the total acreage of the tract on which the principal building that is the subject of the loan is located.

Nonconforming building or structure: A building or structure that does not meet one or more height, setback, building coverage, or other dimensional requirements for the land use district in which said building or structure is located; or a building or structure occupied by a use subject to the specific use provisions of this Ordinance, and which does not meet one or more height, setback, building coverage, or other such dimensional requirements for said specific use.

Nonconforming lot: A lot of record which legally existed prior to the adoption of this Land Use Ordinance but which, due to the adoption of this Ordinance, does not conform to the minimum access, frontage, lot size, lot width, or other lot requirements of the land use district in which the lot is located as established by this Ordinance; or a lot of record lawfully established after the effective date of this Land Use Ordinance which, due to an amendment to this Ordinance, does not conform to the minimum access, frontage, lot size, lot width, or other lot requirements of the land use district in which the lot is located.

Nonconforming use: A use or activity that: was lawfully established prior to the adoption of this Ordinance, but which, by reason of such adoption or amendment, is no longer a use or activity permitted by right in the land use district in which said use or activity is located as established in this Ordinance; or a use or activity that was lawfully established prior to the amendment of this Ordinance, but which, by reason of such amendment, is no longer a use or activity permitted by right in the land use district in which said use or activity is located as established in this Ordinance or an amendment thereto.

Occupied: The word "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

Opaque: Impenetrable to view, or so obscuring to view that features, buildings, structures, and uses become visually indistinguishable.

Parking space: A space identified and set aside for the temporary parking of an automobile or other motor vehicle.

Permitted use: A use by right which is specifically authorized in a particular land use district, or permitted by right in a particular overlay district if established.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body, or any other legal entity.

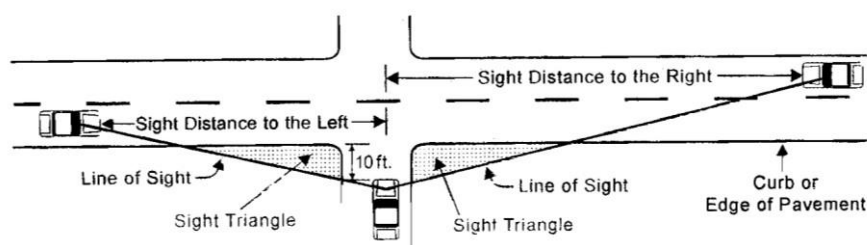
Planning Commission: The Warren County, Georgia, Planning Commission.

Recreation, passive: Recreational activities and places that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking, provided that such activities occur in a manner that is consistent with existing natural conditions.

Residential land use district: Any rural residential, suburban residential, or urban residential land use district as specified in Article 4 of this Land Use Ordinance.

Screening: A method of visually shielding or obscuring one abutting or nearby building, structure, or use from another by fencing, walls, berms, densely planted vegetation, or some combination thereof, according to specifications of this Ordinance.

Sight visibility triangle: The areas at the corners of an intersection of roads, or at the intersection of a road and driveway, which may vary based on type of road, that are to be kept free of shrubs, ground covers, berms, fences, structures, or other materials or items over two and onehalf (two and ½) and twelve (12) feet in height as measured from the ground.

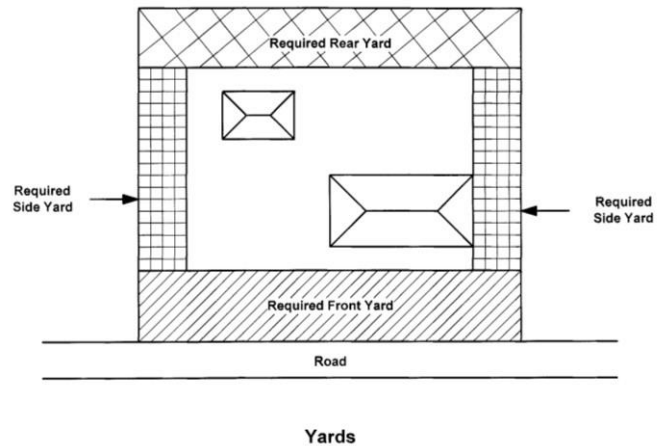


Structure: Anything built, constructed or erected, or established or composed of parts joined together in some definite manner, the use of which requires location on the ground or which is attached to something having permanent location on the ground. For purposes of this Land Use ordinance, swimming pools, tennis courts, signs, dog houses, and outdoor fenced animal runs are considered structures. Tents, vehicles, trailers, and play equipment attached to the ground in some permanent or temporary way shall be considered structures. A structure may or may not be easily moved from a given location on the ground. Walls and fences are considered structures but are subject to setback regulations for walls and fences rather than principal or accessory building setback regulations. Driveways and parking lots are not considered structures.

Used: The word "used" as applied to any land, building or structure shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Variance: A grant of relief from the requirements of this Ordinance which permits construction or use in a matter otherwise prohibited by this Ordinance, which may be approved in individual cases upon application and applied to specific property where compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit. A variance is a minimal relaxation or modification of the strict terms of the regulations of this Ordinance which are dimensional in nature as applied to specific property.

Yard: A space on the same lot with a principal building, open unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings or structures are expressly permitted. See also terms under “building setback.”



(1) Yard, front: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot. For corner and double frontage lots, front yard requirements apply to all road frontages.

(2) Yard, rear: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

(3) Yard, side: An open, unoccupied space on the same lot with the principal building, situated between the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

CHAPTER 2.3 INTERPRETATIONS

- Sec. 2.3.1. Responsibility for Interpretation.
- Sec. 2.3.2. Interpretations.
- Sec. 2.3.3. Use of Figures.
- Sec. 2.3.4. Use of Words and Phrases.

Sec. 2.3.1. Responsibility for Interpretation.

The Administrator shall be responsible for the interpretation of the requirements, standards, definitions, or any other provision of this Ordinance, unless that authority is provided to another administrative official within a specific Article. Interpretations of the Administrator or other administrative officer may be appealed under the provisions of this Ordinance.

Sec. 2.3.2. Interpretations.

In the interpretation and application of this Ordinance, all provisions shall be considered as minimum requirements. Where the literal interpretation is clear to the Administrator, it shall be construed literally. Where the Article, Chapter, Section, or Subsection has a statement of purpose and intent, the Administrator shall consider said purpose and intent in making the interpretation. The Administrator shall make interpretations in a way that are liberally construed in favor of Warren County; provided, however, that where ambiguity exists the Administrator shall interpret this Ordinance in favor of the least restrictive use of property.

Sec. 2.3.3. Use of Figures.

Figures associated with defined terms or regulatory paragraphs in this Ordinance are provided for illustration only and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.

Sec. 2.3.4. Use of Words and Phrases.

For the purpose of this Ordinance, the following shall apply to the use of words and phrases:

- (a) Words used in the present tense include the future tense. Words used in the singular tense include the plural tense, and words used in the plural tense include the singular tense.
- (b) The masculine gender includes the feminine and neuter, and vice versa.
- (c) The word "person" is intended to include any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, county, municipality or other political subdivision of this State, any interstate body or any other legal entity.

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- (d) The words “shall” and “must” are always mandatory and not discretionary, while the word “may” is permissive.
- (e) The word “and” indicates that all of the conditions, requirements or factors so connected must be met or fulfilled, while the word “or” indicates that at least one condition, requirement or factor so connected must be met.
- (f) The term “such as” or “for example” (or when “e.g.” is used) is intended to introduce one or more examples in illustration of a requirement or point, and is intended to mean “including but not limited to the following.”
- (g) The word “day” shall mean a calendar day unless otherwise specified.
- (h) Where a term is defined in this Article, it shall be construed to have meaning and application throughout this Ordinance, unless the context clearly indicates otherwise.

Where a term is defined in any Article other than this Article, it is generally the intent that such definition applies only within the Article it appears, since it is positioned in the Article to which it most readily refers; provided, however, that this provision shall not prevent the Administrator from interpreting that defined term as applying outside the strict context of the Article in which it appears, and to that end, all definitions, regardless of location within this Ordinance, apply equally to the use of such terms throughout the Ordinance.

ARTICLE 3 GENERAL PROVISIONS

CHAPTER 3.1	GENERAL USE PROVISIONS
CHAPTER 3.2	GENERAL DIMENSIONAL REQUIREMENTS
CHAPTER 3.3	NONCONFORMITIES

CHAPTER 3.1 GENERAL USE PROVISIONS

- Sec. 3.1.1. Use of Land or Water.
- Sec. 3.1.2. Use Prohibited When Not Specified.
- Sec. 3.1.3. Every Use Must Be Upon a Lot of Record.
- Sec. 3.1.4. One Single-family Dwelling Per Lot of Record.

Sec. 3.1.1. Use of Land or Water.

No land or water shall hereafter be used, occupied, or altered except in full compliance with the provisions of this Ordinance, unless specifically provided otherwise by this Ordinance.

No use or activity shall hereafter be established, reestablished, located, extended, or expanded except in full compliance with the provisions of this Ordinance, unless specifically provided otherwise by this Ordinance.

No building or structure or part thereof shall hereafter be located, relocated, occupied or used, extended, converted, or structurally altered except in full compliance with the provisions of this Ordinance, unless specifically provided otherwise by this Ordinance.

Sec. 3.1.2. Use Prohibited When Not Specified.

Any use not specifically permitted as a use by right or specifically indicated as a conditional use in a given land use district shall be prohibited in that land use district.

Sec. 3.1.3. Every Use Must Be Upon a Lot of Record.

Every building or structure shall be erected or its use established on a lot of record, as defined by this Ordinance, unless specifically provided otherwise in this Ordinance.

Sec. 3.1.4. One Single-family Dwelling Per Lot of Record.

Only one detached, single-family dwelling unit under fee-simple ownership shall be permitted on a single lot of record, except that up to three such dwellings may be erected on any single lot of record in a FOR-AG land use district. This Section shall not be construed to prevent the location of more than one detached single-family dwelling under condominium ownership on a single lot of record, where permitted, or the location of more than one non-residential building on a single lot of record.

CHAPTER 3.2 GENERAL DIMENSIONAL REQUIREMENTS

- Sec. 3.2.1. Height.
- Sec. 3.2.2. Exemptions to Height Limits.
- Sec. 3.2.3. Density and Lot Size.
- Sec. 3.2.4. Lot Width.
- Sec. 3.2.5. Road Frontage.
- Sec. 3.2.6. Yards and Building Setbacks.
- Sec. 3.2.7. Acquisition for Public Purpose.
- Sec. 3.2.8. Sight Visibility Triangle.
- Sec. 3.2.9. Off-Street Parking.
- Sec. 3.2.10. Off-Street Loading.

Sec. 3.2.1. Height.

No building or structure shall hereafter be erected or altered so as to exceed the height limits established for the land use district or any other provision of this Ordinance, except as otherwise specifically provided by this Ordinance.

Sec. 3.2.2. Exemptions to Height Limits.

The height limitations of this Ordinance shall not apply to chimneys, smokestacks, church spires and steeples, domes, flag poles, public monuments, observation towers, water towers, noncommercial radio and television towers, electricity transmission towers, utility poles, agricultural uses such as silos and windmills, and similar structures. This exemption does not apply to cell towers.

Sec. 3.2.3. Density and Lot Size.

No lot shall hereafter be developed with a number of housing units that exceeds the residential density for the land use district in which the lot is located as established by this Ordinance.

No lot shall hereafter be platted, established, or developed unless it meets or exceeds the minimum lot size for the land use district in which the lot is located as established by this Ordinance; provided, however, that where a land use district permits the reduction of lot size such as in the case of a conservation subdivision, the overall density requirements for the applicable land use district shall apply unless the context clearly indicates otherwise.

Sec. 3.2.4. Lot Width.

No lot shall hereafter be platted, established, or developed that fails to meet the minimum lot width for the land use district in which the lot is located as established by this Ordinance, except as otherwise specifically provided.

Sec. 3.2.5. Road Frontage.

No lot shall hereafter be platted, established, or developed that fails to maintain a minimum of fifty (50) feet of frontage on a public road, or on an approved private road; provided, however, that fee-simple lots for attached residential dwelling units (i.e. townhouses) may be platted to lot widths and with road frontages specified for such uses in this Ordinance. This provision shall not apply to “mortgage lots” as defined.

The road frontage requirements of this Ordinance shall not prevent a building, structure, or activity from being accessed through an access easement, so long as the lot on which it is located meets the minimum required road frontage and provided further that the access easement is located in a land use district that permits the use accessing the easement.

Sec. 3.2.6. Yards and Building Setbacks.

No lot shall hereafter be developed, and no building or structure shall hereafter be erected or altered in a manner to have narrower or smaller rear yards, front yards, or side yards or rear, front or side building setbacks than specified for the land use district in which the property is located, or for the specific use if yards and/or setback regulations specified in this Ordinance pertain to the specific use.

Sec. 3.2.7. Acquisition for Public Purpose.

When a portion of a lot is acquired for a public purpose and such acquisition renders the lot with less than the required lot area, lot width, or not in compliance with other dimensional requirements of this Ordinance or where such remaining lot has an existing building or structure that does not meet required building setbacks of this Ordinance, the provisions of this Chapter shall not be construed to prevent the development of the lot in accordance with requirements for nonconforming lots established in this Ordinance; nor shall it be construed to prevent the continuation of the existing building or structure that otherwise conforms to the requirements of this Ordinance.

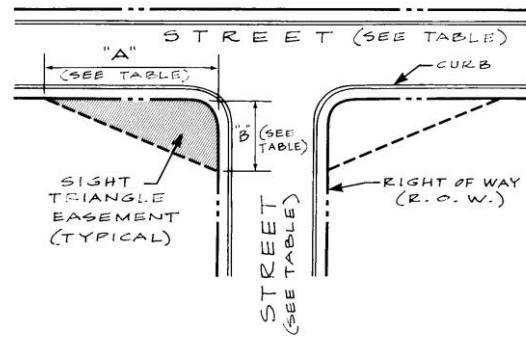
Sec. 3.2.8. Sight Visibility Triangle.

A sight visibility triangle, as defined in this Ordinance, is hereby established at every public or private road intersection with another road or a private driveway, which shall meet the dimensions specified in Table 3.2.1.

TABLE 3.2.1 SITE VISIBILITY TRIANGLE REQUIREMENTS (see diagram)

“B” Distance in Feet		“A” Distance in Feet		
		Local Street	Collector Street	Arterial Street
25	Private Drive	25	25	25
30	Local Street	30	100	150
100	Collector Street	30	100	150

150	Arterial Street	30	100	150
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At public road intersections, the sight visibility triangle is delineated by the two intersecting road right-of-way lines and a line connecting the right-of-way lines at the points indicated in Table 3.2.1. The connecting points shall be measured from the right-of-way lines extended to their point of intersection. At driveway intersections with public streets, the edge of the driveway's pavement or back of curb will be used for the sight visibility triangle easement measurements along the driveway.

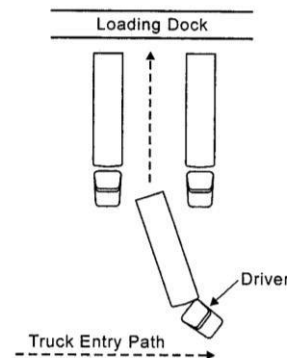
Within the sight visibility triangle, the planting of trees or other vegetation or the location of structures over two and one-half (2 and ½) feet in height that would obstruct the clear sight across the area of the easement shall be prohibited. Required sight visibility triangles shall be required to be delineated on all plans and plats.

Sec. 3.2.9. Off-Street Parking.

At the time of the establishment of any use, or erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, there shall be provided a sufficient number of permanent, off-street parking spaces on the same site serving said use, or if approved by the Administrative Officer, off-site, provided that the spaces are within a walking distance of four-hundred (400) feet of the main entrance to the building or use they are intended to serve, provided, however, that no required parking spaces may be located across any State or U.S. highway from the use they are intended to serve.

Sec. 3.2.10. Off-Street Loading.

On the same lot with every building, structure or part thereof, erected or occupied for manufacturing, storage, warehouse, truck freight terminal, department store, wholesale store, grocery supermarket, hotel, hospital, mortuary, dry cleaning plant, retail business, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for the standing, loading, and unloading of such materials to avoid undue interference with public use of roads, alleys, and private or public parking areas.



CHAPTER 3.3 NONCONFORMITIES

- Sec. 3.3.1. Nonconforming Lots.
- Sec. 3.3.2. Nonconforming Buildings or Structures.
- Sec. 3.3.3. Nonconforming Uses.

Sec. 3.3.1. Nonconforming Lots.

A nonconforming lot may be used as a building site, or a lawful use may be established thereupon, provided that the access, height, buffer, setback, and other dimensional requirements of the land use district in which the nonconforming lot is located are complied with or a variance is obtained, and, provided further, that the lot meets all the current standards and requirements of the Warren County Health Department for public water and sewage disposal.

For example, a lot that does not meet the minimum lot size or minimum lot width for the zoning district in which it is located can still be built upon, but the minimum required setbacks of the land use district shall still apply. The variance process is a possible remedy, if this creates hardship.

Sec. 3.3.2. Nonconforming Buildings or Structures.

A nonconforming building or structure may be expanded, enlarged, or extended if such expansion, enlargement, or extension is for a use that conforms to the use requirements for the land use district in which the building or structure is located. Any such expansion, enlargement, or extension of a nonconforming building or structure shall meet the minimum yard, setback, buffer, height, bulk, and other dimensional requirements for the land use district in which said non-conforming building or structure is located, and all other requirements of this Land Use Ordinance.

To illustrate with an example, a building that has a front building setback of twenty (20) feet, when a fifty (50) foot front building setback is required, is a nonconforming building. It may still be expanded, but the building addition must meet the required front building setback of fifty (50) feet.

Any portion of a building that meets the definition of a nonconforming building or structure, shall not be rebuilt, altered, or repaired after destruction or damage exceeding sixty (60) percent of its replacement cost at the time of damage as determined by the Administrative Officer, except in conformity with the dimensional requirements for the land use district in which it is located and all other applicable regulations of this Ordinance.

Sec. 3.3.3. Nonconforming Uses.

Nonconforming uses shall be subject to the following regulations:

- (a) Discontinuance and abandonment. A nonconforming use shall not be re-established after discontinuance, as defined in this Ordinance, unless the property owner proves to the Administrative Officer that a diligent effort has been made to sell, rent, or use

the property for the nonconforming use. If the Administrative Officer determines that such diligent effort has been made, the owner may re-establish said nonconforming use or seek to re-establish said nonconforming use. If the nonconforming use is reestablished under the provisions of this Section after discontinuance but prior to expiration of twelve (12) months following initial discontinuance, said re-established nonconforming use may be lawfully continued. A nonconforming use shall not be reestablished after abandonment, as defined in this Ordinance.

- (b) Change of use. A nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not be considered a change to another nonconforming use, provided that the use itself remains unchanged.
- (c) Expansion. A nonconforming use shall not be expanded, enlarged or extended, in land area or in floor space or volume of space in a building or structure.

ARTICLE 4 LAND USE DISTRICTS

CHAPTER 4.1	LAND USE DISTRICTS AND MAP
CHAPTER 4.2	CONSERVATION (CONS) DISTRICT
CHAPTER 4.3	FORESTRY-AGRICULTURE (FOR-AG) DISTRICT
CHAPTER 4.4	RURAL RESIDENTIAL (RR) DISTRICT
CHAPTER 4.5	SUBURBAN RESIDENTIAL (SR) DISTRICT
CHAPTER 4.6	URBAN RESIDENTIAL (UR) DISTRICT
CHAPTER 4.7	SCENIC CORRIDOR (SC-1) DISTRICT
CHAPTER 4.8	OFFICE-INSTITUTIONAL (O-I) DISTRICT
CHAPTER 4.9	RURAL COMMERCIAL (RC) DISTRICT
CHAPTER 4.10	HIGHWAY BUSINESS (HB) DISTRICT
CHAPTER 4.11	INTERCHANGE AREA COMMERCIAL (IAC) DISTRICT
CHAPTER 4.12	INDUSTRIAL (IND) DISTRICT
CHAPTER 4.13	MINING (MINE) DISTRICT

CHAPTER 4.1 LAND USE DISTRICTS AND MAP

- Sec. 4.1.1. Purpose and Intent.
- Sec. 4.1.2. Land Use Districts Established.
- Sec. 4.1.3. Official Land Use Districts Maps.
- Sec. 4.1.4. Map Amendments.
- Sec. 4.1.5. Rules Governing District Boundaries.

Sec. 4.1.1. Purpose and Intent.

The land use districts established in this Ordinance are intended to: promote the orderly future development of unincorporated Warren County in accordance with its comprehensive plan; discourage sizes and types of development which would create excessive requirements and costs for public services; discourage uses which because of their size or type would generate an abnormal amount of traffic on county roads and within residential areas; establish relationships between and among land uses that will ensure compatibility with surrounding character and maintain quality of life; and protect and promote suitable environments for agriculture and forestry, family and household residences, institutions, commercial, industrial and other employment areas, and other uses.

Sec. 4.1.2. Land Use Districts Established.

The following land use districts are hereby established:

- Conservation (CONS) District
- Forestry-Agriculture (FOR-AG) District
- Rural Residential (RR) District
- Suburban Residential (SR) District
- Urban Residential (UR) District

Scenic Corridor (SC-1) District
Office-Institutional (O-I) District
Rural Commercial (RC) District
Highway Business (HB) District
Interchange Area Commercial (IAC) District
Industrial (IND) District
Mining (MINE) District

Sec. 4.1.3. Official Land Use Districts Maps.

The boundaries of the land use districts created by this ordinance are hereby established as shown on a map or maps entitled "Official Land Use Districts Map" which is hereby adopted and made an integral part of this Ordinance. The Official Land Use Districts Map shall indicate the date of adoption and most recent amendment. The original of the Official Land Use Districts Map shall be kept in the office of the County Clerk. The Official Land Use Districts Map may be kept electronically in a geographic information system and such electronic data shall constitute an integral part of the Official Land Use Districts Map. The Administrator may make copies of the Official Land Use Districts Map available to the public for a reasonable fee.

Sec. 4.1.4. Map Amendments.

The Warren County Board of Commissioners is authorized to consider upon application or on its own initiative and application an amendment to the Official Land Use Districts Map. Such amendments shall be processed and considered in accordance with Article 8 of this Ordinance. If, in accordance with the provisions of this Ordinance, the Warren County Board of Commissioners approves changes in the district boundaries or other subject matter portrayed on the Official Land Use Districts Map, such changes shall be made within a reasonable period of time after the amendment has been approved by the Warren County Board of Commissioners.

Sec. 4.1.5 Rules Governing District Boundaries.

In interpreting the location of boundaries of the various land use districts shown on the Official Land Use Districts Map, the Administrator shall make determinations based on the following rules:

- (a) Roads, highways, and railroads. Where boundaries are indicated as approximately following the centerline of streets, highways, or railroads, or street, highway, or railroad right-of-way lines extended, the centerline of such street, highway, or railroad or such lines extended shall be construed to be such boundaries. Where boundaries parallel a state highway at a distance from a highway, a uniform distance of 500 feet shall be assumed unless otherwise specifically provided in the description or regulations of the land use district involved.
- (b) City limits. Where boundaries are indicated as approximately following the corporate limit line of a city, such corporate limit line shall be construed to be such boundaries.

- (c) Property lines. Where boundaries are indicated as approximately following property lines or such lines extended, such property lines or such lines extended, as indicated by boundary survey, deed or legal description maintained in the official file of said land use district adoption or amendment, if available, shall be construed to be such boundaries; provided, however, that subsequent movement of a property line by legal means shall not be construed as changing a land use district boundary line.
- (d) Streams, creeks, and rivers. Where boundaries are indicated as approximately following the centerline or top of bank of streambeds or riverbeds, such centerline or top of bank shall be construed to be such boundaries. Where boundaries parallel a stream, creek, or river at a distance from said water feature, a uniform distance of 150 feet shall be assumed unless otherwise specifically provided in the description or regulations of the land use district involved.
- (e) Right-of-way vacated or abandoned. Where a public road or other right-of-way is officially vacated or abandoned, and said road or right-of-way is also a land use district boundary, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned public road or right-of-way.
- (f) Determinations and appeals. In the case where the exact location of a boundary cannot be determined by the foregoing methods, the Administrator shall determine the location of the boundary. Any such administrative determination is subject to appeal as an administrative decision in accordance with Article 9 of this Ordinance.

CHAPTER 4.2 CONSERVATION (CONS) DISTRICT

- Sec. 4.2.1. Description and Purpose.
- Sec. 4.2.2. Permitted and Conditional Uses.
- Sec. 4.2.3. Dimensional Requirements.

Sec. 4.2.1. Description and Purpose.

The Conservation (CONS) District is established to correspond with designated wildlife management areas and may be applied to other environmentally sensitive areas of the county. Permitted uses are restricted to ensure environmental protection and include forestry, agriculture, hunting, conservation, public uses, and very low density single-family dwellings and manufactured homes. Other use opportunities exist through the conditional use process.

Sec. 4.2.2. Permitted and Conditional Uses.

Use regulations shall be as established in Table 4.1, "Permitted and Conditional Uses, Conservation, Forest, and Residential Land Use Districts," of this Article.

Sec. 4.2.3. Dimensional Requirements.

Lot size, gross density, height, setback, and other dimensional requirements shall be as established in Table 4.2, "Dimensional Requirements for Conservation, Forest, and Residential Land Use Districts," of this article.

CHAPTER 4.3 FORESTRY-AGRICULTURE (FOR-AG) DISTRICT

- Sec. 4.3.1. Description and Purpose.
- Sec. 4.3.2. Permitted and Conditional Uses.
- Sec. 4.3.3. Dimensional Requirements. *(Amended September 9, 2008)*

Sec. 4.3.1. Description and Purpose.

The Forestry-Agriculture (FOR-AG) district covers the vast majority of the county and establishes a large minimum lot size (25 acres) for the subdivision of property in order to prevent the subdivision of land for residential use, and to maintain viable tract sizes for agriculture and timber harvesting. The intensive agricultural operations permitted in this land use district may result in odors, dust, noise, or other effects that can be incompatible with singlelot residential development. Except for intra-family land transfers and mortgage lots (smaller lot permitted) and large (25 acres or more) tracts, subdivisions are not permitted. In addition to forestry, agriculture, hunting, public uses, and very low density single-family dwellings and manufactured homes, this district permits institutional uses and selected commercial uses of a rural nature (e.g., farm and feed store, animal hospital). Individual dwellings in this district may be used in an accessory fashion to operate a cottage industry or home occupation. Other use opportunities exist through the conditional use process.

Sec. 4.3.2. Permitted and Conditional Uses.

Use regulations shall be as established in Table 4.1, "Permitted and Conditional Uses, Conservation, Forest, and Residential Land Use Districts," of this Article.

Sec. 4.3.3. Dimensional Requirements. *(Amended September 9, 2008)*

Lots shall have a depth not greater than five (5) times the width of the lot, unless the Administrative Officer determines unusual circumstances make this limitation impracticable. Otherwise, lot size, gross density, height, setback, and other dimensional requirements shall be as established in Table 4.2, "Dimensional Requirements for Conservation, Forest, and Residential Land Use Districts," of this Article.

CHAPTER 4.4 RURAL RESIDENTIAL (RR) DISTRICT

- Sec. 4.4.1. Description and Purpose.
- Sec. 4.4.2. Permitted and Conditional Uses.
- Sec. 4.4.3. Dimensional Requirements.

Sec. 4.4.1. Description and Purpose.

The Rural Residential (RR) District is neither exclusively agricultural nor exclusively residential. It is established primarily for small, isolated concentrations of single-family dwellings in unincorporated areas of Warren County amidst agriculture and forestry. Dwellings in this District are generally located on lots of five (5) acres or larger. Through the conservation subdivision process, newly created lots may be as small as three (3) acres minimum in exchange for dedicated open space, but the overall density of one dwelling unit per five (5) acres cannot be exceeded. The lot size minimum of five acres (maximum density of one dwelling unit per five acres) is established to maintain rural character and avoid the creation of significant demands for public services, including water, schools, and road improvements. Manufactured homes are permitted. Individual dwellings in this District may be used in an accessory fashion to operate a cottage industry or home occupation.

Sec. 4.4.2. Permitted and Conditional Uses.

Use regulations shall be as established in Table 4.1, "Permitted and Conditional Uses, Conservation, Forest, and Residential Land Use Districts," of this Article.

Sec. 4.4.3. Dimensional Requirements.

Lot size, gross density, height, setback, and other dimensional requirements shall be as established in Table 4.2, "Dimensional Requirements for Conservation, Forest, and Residential Land Use Districts," of this Article.

Description and Purpose.

CHAPTER 4.5 SUBURBAN RESIDENTIAL (SR) DISTRICT

Sec. 4.5.1.

Sec. 4.5.2. Permitted and Conditional Uses.

Sec. 4.5.3. Dimensional Requirements.

Sec. 4.5.1. Description and Purpose.

The Suburban Residential (SR) District is designated for areas in Warren County where public water supply exists or is planned to be extended, and/or in areas where the lot pattern prior to adoption of this Ordinance was found to be consistent with the dimensional requirements of this Land Use District. Land in this district consists primarily of detached, single-family dwellings on lots with a minimum size of 1 acre. Where public water supply exists and is used, lot sizes of 0.75 acre (1.33 units per acre maximum gross density) are permitted. Manufactured homes are permitted subject to restrictions. Home occupations are permitted in conjunction with individual dwellings.

Sec. 4.5.2. Permitted and Conditional Uses.

Use regulations shall be as established in Table 4.1, "Permitted and Conditional Uses, Conservation, Forest, and Residential Land Use Districts," of this Article.

Sec. 4.5.3. Dimensional Requirements.

Lot size, gross density, height, setback, and other dimensional requirements shall be as established in Table 4.2, "Dimensional Requirements for Conservation, Forest, and Residential Land Use Districts," of this Article.

CHAPTER 4.6 URBAN RESIDENTIAL (UR) DISTRICT

Sec. 4.6.1. Description and Purpose.

Sec. 4.6.2. Permitted and Conditional Uses.

Sec. 4.6.3. Dimensional Requirements.

Sec. 4.6.1. Description and Purpose.

The Urban Residential (UR) District is established to provide for predominantly residential neighborhoods of a more urban character. The UR district is generally only appropriate adjacent to Warren County's municipalities where public water supply and possibly sanitary sewer are available to serve such development. Single-family dwellings are the predominant housing type, although duplexes are permitted by right. Townhouses, apartments, and multifamily residential condominiums are conditional uses in this district. The overall density of residential development in the UR district may vary from approximately 1.33 units per acre (0.75 acres per dwelling unit) where public water but no sanitary sewer is available, to as many

Description and Purpose.

as 12 units per acre through the conditional use process for multi-family dwellings in areas where public water and sanitary sewer are available.

Sec. 4.6.2. Permitted and Conditional Uses.

Use regulations shall be as established in Table 4.1, "Permitted and Conditional Uses, Conservation, Forest, and Residential Land Use Districts," of this Article.

Sec. 4.6.3. Dimensional Requirements.

Lot size, gross density, height, setback, and other dimensional requirements shall be as established in Table 4.2, "Dimensional Requirements for Conservation, Forest, and Residential Land Use Districts," of this Article.

CHAPTER 4.7 SCENIC CORRIDOR (SC-1) DISTRICT

- Sec. 4.7.1.
- Sec. 4.7.2. Permitted and Conditional Uses.
- Sec. 4.7.3. Dimensional Requirements.
- Sec. 4.7.4. District Regulations.

Sec. 4.7.1. Description and Purpose.

This district is established to implement the county's objective for a scenic corridor/byway along State Route 16 in unincorporated Warren County. SR 16 is a roadway that offers motorists the unobstructed opportunity to view scenic views and sites in one or more directions, and it has a high percentage of open landscape within and alongside it. The SC-1 land use district poses specific limitations within the immediate "viewshed" of the scenic corridor that are intended to maintain rural aesthetics and an open space "feel." The corridor includes all lands within 500 feet of both sides of the state highway right-of-way, although the viewshed can extend beyond the regulated corridor.

Dwellings in this district are generally located on lots of five (5) acres or larger. Through the conservation subdivision process, newly created lots may be as small as three (3) acres minimum in exchange for dedicated open space, but the overall density of one dwelling unit per five (5) acres cannot be exceeded. The lot size minimum of five acres (maximum density of one dwelling unit per five acres) is established to maintain rural character and avoid the creation of significant demands for public services, including water, schools, and road improvements.

In order to provide for additional traveler interest along the scenic corridor, the SC-1 district permits small-scale commercial uses including, for instance, museums, roadside stands, and bed and breakfast inns. Other tourist-oriented commercial uses, such as recreational vehicle

parks, restaurants, and retail trade establishments may be sited in the scenic corridor if conditional use approval is applied for and granted. The conditional use process for such commercial uses is necessary to ensure small-scale, rural appearances and scenes are maintained and that commercial strip development along the highway frontage is avoided.

Sec. 4.7.2. Permitted and Conditional Uses.

Use regulations shall be as established in Table 4.1, “Permitted and Conditional Uses, Conservation, Forest, and Residential Land Use Districts,” of this Article.

Sec. 4.7.3. Dimensional Requirements.

Lot size, gross density, height, setback, and other dimensional requirements shall be as established in Table 4.2, “Dimensional Requirements for Conservation, Forest, and Residential Land Use Districts,” of this Article.

Sec. 4.7.4. District Regulations.

- (a) Existing conditions analysis and site plan required. Any new development that is required to comply with this Ordinance shall not be approved until the applicant for the proposed development has submitted an existing conditions map and a site plan of the proposed development to the Administrator for review and approval. When a preliminary plat is required to be filed for a subdivision in accordance with the Warren County Subdivision and Land Development Ordinance, the requirements of this Section shall be administered and enforced at the time a preliminary plat is filed as part of the subdivision review process. In other cases such as a land use permit, this Ordinance shall be administered and enforced at the time of land use permitting.
- (b) Utilities. All new utility lines within the scenic corridor serving development, including electric, telephone, data, and CATV, shall be installed underground within the roadway buffer and development setback area. Underground utility trenches must be revegetated. Utility boxes and cabinets that must by necessity be located above ground must be shielded from view from the scenic corridor with existing vegetation and/or revegetation. Any above-ground boxes that cannot be buried, in

Description and Purpose.

addition to being screened by vegetation, shall be painted a neutral or earth tone color or otherwise made to blend in with their surroundings.

- (c) Signage. The total sign area of all signage on any one (1) lot shall not exceed sixtyfour (64) square feet. A double-faced sign shall be considered a single sign. No more than two signs shall be permitted within the roadway buffer area per lot, except that this limitation shall not apply to signs exempted from the requirements of Article 6 of this Ordinance. Any sign or signs located within the roadway buffer shall consist of wood materials mounted on 4" x 4" wooden posts or stone masonry (e.g., stackedstone but not brick) monument, and the sign face shall be constructed of wood or stone. The posts and the back of the signs should be painted a single neutral color, such as dark brown, sage green or other approved earth tone or neutral color. The supporting structure of all signs shall be set back at least five (5) feet from the edge of the right-of-way of the scenic corridor. No internally illuminated signs shall be permitted.
- (d) Walls and fences. Walls within or abutting the required roadway buffer shall not be allowed, except for low-lying (three and one-half feet or less in height) decorative stone walls for enhancement of the scenic corridor and walls that are needed for slope stabilization or other safety or security reasons approved by the Administrator. Privacy fences shall not be permitted within the roadway buffer. Where otherwise permitted, walls shall be located so that scenic views are maintained. Walls must consist of natural materials (wood and/or stone) and shall designed and located to blend with the vegetation or abutting landscape features.

CHAPTER 4.8 OFFICE-INSTITUTIONAL (O-I) DISTRICT

Sec. 4.8.1.

Sec. 4.8.2. Permitted and Conditional Uses.

Sec. 4.8.3. Dimensional Requirements.

Sec. 4.8.1. Description and Purpose.

The Office-Institutional (O-I) District provides for public, semi-public, and institutional uses such as schools, churches, institutionalized residential living facilities, and offices. Single-family dwellings and duplexes are permitted uses, and certain land uses of a limited commercial nature (e.g., banks and financial establishments and personal service establishments) are also permitted. Other commercial-type uses may be permitted through the conditional use process.

This district is generally not pre-designated on the land use district map to any significant degree, except for large tracts of publicly owned and developed land or significant existing institutional development. This district is primarily appropriate in the urban and/or suburban

parts of unincorporated Warren County where at least public water is available and in most instances development is served by sanitary sewer.

Sec. 4.8.2. Permitted and Conditional Uses.

Use regulations shall be as established in Table 4.2, "Permitted and Conditional Uses, Commercial and Industrial Land Use Districts," of this Article.

Sec. 4.8.3. Dimensional Requirements.

Lot size, gross density, height, setback, and other dimensional requirements shall be as established in Table 4.4, "Dimensional Requirements for Commercial and Industrial Land Use Districts," of this Article.

Description and Purpose.

CHAPTER 4.9 RURAL COMMERCIAL (RC) DISTRICT

- Sec. 4.9.1.
- Sec. 4.9.2. Permitted and Conditional Uses.
- Sec. 4.9.3. Dimensional Requirements.
- Sec. 4.9.4. District Regulations.

Sec. 4.9.1. Description and Purpose.

The Rural Commercial (RC) District is intended to provide suitable areas in rural parts of Warren County for the retailing of goods and the provision of services to adjacent and nearby residents. Individual establishments are small (7,500 square feet or less) so as not to impact the rural character of the area the rural commercial district serves. This land use district excludes most highway-oriented and automobile-related sales and service establishments and uses that rely on passer-by traffic from highways.

RC districts are most appropriately established at crossroads of state highways and county roads and kept small (generally the intent is that they be no larger than 10 acres in each quadrant of such an intersection, or 40 acres total). This district is not appropriate at all such crossroads intersections, however, since there is relatively little market demand for commercial uses of a rural convenience nature.

Sec. 4.9.2. Permitted and Conditional Uses.

Use regulations shall be as established in Table 4.3, "Permitted and Conditional Uses, Commercial and Industrial Land Use Districts," of this Article.

Sec. 4.9.3. Dimensional Requirements.

Lot size, gross density, height, setback, and other dimensional requirements shall be as established in Table 4.4, "Dimensional Requirements for Commercial and Industrial Land Use Districts," of this Article.

Section 4.9.4. District Regulations.

No individual office, business, or commercial establishment shall exceed 7,500 square feet of gross floor area. A building containing more than one establishment can exceed that size limitation for individual establishments.

No lot or portion thereof shall be designated for this District if it exceeds ten acres in land area.

CHAPTER 4.10 HIGHWAY BUSINESS (HB) DISTRICT

- Sec. 4.10.1.
- Sec. 4.10.2. Permitted and Conditional Uses.
- Sec. 4.10.3. Dimensional Requirements.

Sec. 4.10.1. Description and Purpose.

The Highway Business (HB) District provides suitable areas for those business and commercial uses which primarily serve the public traveling by automobile and which benefit from direct access to highways. This district provides a variety of commercial establishments, including highway-oriented uses (auto repair facilities, convenience stores, restaurants, open air establishments like stone yards/monument sales, retail stores, services, and similar establishments). It also permits institutional uses and offices.

HB districts are applied in limited places along State Highways, mostly along those major roads entering municipalities where commercial development exists and is developing outward from the city. The HB district is not appropriate along Interstate 20 or at interchanges of Interstate 20, since another land use district is established to correspond with desired development at interstate interchanges (i.e., see the IAC district). Standards for development are less than other districts (O-I, SC-1, and IAC), given that there is a wide range of highway-serving business establishments permitted (which often form a “strip commercial” pattern) and such areas given their intended locations are in most instances unlikely to adversely impact adjacent residential uses.

Sec. 4.10.2. Permitted and Conditional Uses.

Use regulations shall be as established in Table 4.3, “Permitted and Conditional Uses, Commercial and Industrial Land Use Districts,” of this Article.

Sec. 4.10.3. Dimensional Requirements.

Lot size, gross density, height, setback, and other dimensional requirements shall be as established in Table 4.4, “Dimensional Requirements for Commercial and Industrial Land Use Districts,” of this Article.

CHAPTER 4.11 INTERCHANGE AREA COMMERCIAL (IAC) DISTRICT

- Sec. 4.11.1. Description and Purpose.
- Sec. 4.11.2. Permitted and Conditional Uses.
- Sec. 4.11.3. Dimensional Requirements.
- Sec. 4.11.4. District Regulations.

Sec. 4.11.1. Description and Purpose.

Description and Purpose.

The Interchange Area Commercial (IAC) District is designed specifically to apply, at the appropriate time when the market supports development and appropriate facilities such as water and sewer are available, to lands surrounding interchanges of Interstate 20. This district allow for a wide range of highway business and commercial uses, plus it also provides for industrial establishments (e.g., it allows for wholesale, warehouse, and distribution establishments).

This district is intended to encourage managed, sensible interchange development by providing protective measures that promote safety, minimize the impact to the natural environment, and promote highway beautification. This district differs from the county's highway business and industrial districts, in that a more restrictive set of development regulations regarding signage, lighting, screening, and access points applies to ensure that development will consist of high quality and provide aesthetic improvements, avoid visual clutter, and ensure proper and safe access. Regulations applicable in this district include landscaping, limitations on the exterior siding of buildings, and parking and access management requirements.

Sec. 4.11.2. Permitted and Conditional Uses.

Use regulations shall be as established in Table 4.3, "Permitted and Conditional Uses, Commercial and Industrial Land Use Districts," of this Article.

Sec. 4.11.3. Dimensional Requirements.

Lot size, gross density, height, setback, and other dimensional requirements shall be as established in Table 4.4, "Dimensional Requirements for Commercial and Industrial Land Use Districts," of this Article.

Sec. 4.11.4. District Regulations.

- (a) Access to/from interchange access roads. Over time, if not carefully thought through, numerous entryways can contribute to difficult turning situations and often times lead to unsafe conditions. It is therefore the intent of this section to limit the number of access points which are permitted onto the interchange access road (i.e., the primary road serving an interchange and providing access to the Interstate Highway). These controlled access points will enable more careful design of turning movements, resulting in safer conditions. Prior to submission to the county for review, all plans for vehicular access to new development from the interchange access road shall be submitted to and approved by Georgia DOT if a state route, or Warren County's Administrator if a county road. Any new driveway or right-of-way providing vehicular access from the interchange access road shall be located a

minimum distance of 500 feet from the point at which the exit/entrance ramp intersects the interchange access road, and no new driveway or right-of-way shall be no closer to any other such right-of-way than 500 feet, measured from centerline to centerline. All development entrances (driveways) and access roads to developments fronting on or connecting to the interchange access road within the land use district shall be built according to standards of the Georgia Department of Transportation (Regulations for Driveway and Encroachment Control, dated March 2, 2004, updated 12/01/04, or any official revisions thereto) and any other applicable regulations and shall be designed with curb radii that will accommodate tractor trailer trucks. The Georgia Department of Transportation and the Administrator may require improvements to the interchange access road, including curb and gutter and deceleration lane, in accordance with the state Regulations for Driveway and Encroachment Control and/or the Warren County Subdivision and Land Development Regulations.

- (b) Setback along interchange access road. All developments shall maintain a fifty (50) foot building and pavement area setback, including parking areas, from the right-of-way of the interchange access road, within which the only paving shall be any approved access drives. The intent of this setback is to maintain an adequate area if the road is widened, to provide for adequate ingress and egress to business and industrial establishments turning from/to the interchange access road, and to maintain a landscaped frontage at least until such time as road widening is needed.
- (c) Frontage landscape strip and landscape plan. Prior to approval of a land use permit for land abutting or accessing the interchange access road, the developer shall submit a landscape plan showing plantings for at least the first fifty (50) feet of property measured from the interchange access road. The landscape plan shall provide for the planting of one tree with a minimum caliper of two and one-half (2.5) inches at planting and an expected height at maturity of at least thirty (30) feet, for each forty (40) linear feet or remaining fraction thereof of lot frontage along the interchange access road. All trees required shall be located within the interior thirty (30) feet of the setback, to avoid their destruction if the interchange access road is widened in the future. In addition to the required trees, within the fifty foot wide frontage area, the landscape plan shall provide shrubs (hedgerows), walls, fences, and other landscaping to screen parking lots and service and loading zones from the view as seen from the interchange access road. If shrubs are used, the height of such screening shall be a minimum of two (2) feet at installation with a height potential of at least four (4) feet. If walls or fences are used, they shall be at least 3.5 feet high but should not exceed six (6) feet in height. No occupancy of any development shall take place until the landscaping has been installed in accordance with the approved landscaping plan. Landscaping including frontage trees shall be maintained permanently by the lot owner, and any plant material which does not live shall be replaced within one year.
- (d) Natural buffer along interstate highway. All developments on lots abutting an interstate highway shall maintain a fifty (50) foot wide natural, undisturbed buffer, replanted where sparsely vegetated, between the interstate highway right-of-way and any land development on said lot. The fifty (50) foot-wide natural buffer may be

encroached upon up to twenty-five (25) feet, if the developer submits a plan approved by the Administrator that provides proper and acceptable buffering of sound and vision addresses through grading (berming), reforestation, innovative site planning, and/or the installation of noise attenuation structure(s) (e.g., sound wall).

- (e) Stream and wetland setback and buffer. All improvements or land disturbances within the interchange area district shall be set back at least fifty (50) feet from the top of any perennial stream bank or edge of any wetland. All existing vegetation within the setback or buffer required by this subsection shall be preserved. The Administrator may require the revegetation of areas that are sparsely vegetated or that are allowed to be disturbed due to required utility crossings.
- (f) Building materials. The following types of external building materials (siding and window and door frames) are prohibited: highly reflective, shiny, or mirror-like materials; mill-finish (non-colored) aluminum metal windows or door frames; exposed, unfinished walls; exposed plywood or particle board; and unplastered or unpainted concrete masonry blocks. This provision applies also to accessory buildings and structures, including signs and sign structures. Steel or other metals shall not be used on building exteriors, except as may be necessary for roofing, window trim, gutters, and downspouts.
- (g) Screening of service areas and appurtenances. Service areas, including loading areas, loading entrances, dumpster pads, sites for trash or recycling containers, junction boxes, transformers, and other structures essential to utility service, and heating, ventilating, and air conditioning equipment (whether on the ground or on the roof of a buildings) shall be screened from view from adjoining properties, public roads and private driveways, parking areas, and other areas open to the public. Such screening, which may be accomplished with vegetation or structural buffer (fence or wall supplemented with vegetation), is subject to the approval of the Administrator.
- (h) Utilities. All new utility lines serving uses proposed or developed within the interchange area boundary, including electric, telephone, data, and CATV, shall be installed underground, except for single-family dwellings constructed on lots subdivided prior to the effective date of this Ordinance.
- (i) Outdoor lighting. All outdoor lighting fixtures, with the exception of motion-activated security lights or safety lighting approved by the Administrator, shall be of a design and type containing shields, reflectors, fracture panels or recessed light sources such that the cutoff angle is ninety (90) degrees or less. For purposes herein, the cutoff angle is that angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is permitted. Lighting fixtures shall have a maximum height of twenty-five (25) feet, except for lighting serving outdoor commercial recreational facilities which are subject to submission of a lighting plan to be approved by the Administrator.

- (j) Signage. Signs shall meet the requirement of Article 6 of this Ordinance and in addition shall meet the following requirements. The total sign area of all signage on any one (1) lot shall not exceed 200 square feet, and no sign shall exceed 100 square feet in area. A double-faced sign shall be considered a single sign. The maximum height of a sign in the interchange area shall be fifteen (15) feet or the height of the building if attached to a building. If a principal use ground sign is provided, it shall be monument style such that the base of the sign copy area is fully enclosed with masonry or stone. The main supporting structure of all signs shall be set back at least fifteen (15) feet from the right-of-way of the interchange access road.

CHAPTER 4.12 INDUSTRIAL (IND) DISTRICT

- Sec. 4.12.1. Description and Purpose.
- Sec. 4.12.2. Permitted and Conditional Uses.
- Sec. 4.12.3. Dimensional Requirements.

Sec. 4.12.1. Description and Purpose.

The Industrial (IND) District provides suitable land areas for industrial parks, warehousing, business parks, wholesale establishments, and manufacturing establishments. It is established with the purpose of reserving certain areas with relatively level topography, adequate water and sewage facilities, and access to arterial streets for industrial operations. This district is not appropriate close to residential land use districts. If established near residences or neighborhoods, the uses within such districts are regulated so that they are not objectionable due to generation of noise, vibration, smoke, dust, gas, fumes, odors, or radiation and that do not create fire or explosion hazards or other objectionable conditions.

The IND District applies to those areas designated for industrial park development in Warren County (outside interchange areas) and also applies to some existing industrial developments in the county, whether active or obsolete. Aesthetic appearance is largely unregulated in this district. Single-family dwellings and manufactured homes are permitted, with the intention of allowing existing homes in designated industrial districts to continue. While new single-family dwellings are permitted, they are generally not recommended for location in this district due to incompatibilities including off-site noise and odors, truck traffic, and aesthetic incompatibilities with residences.

Sec. 4.12.2. Permitted and Conditional Uses.

Use regulations shall be as established in Table 4.3, "Permitted and Conditional Uses, Commercial and Industrial Land Use Districts," of this Article.

Sec. 4.12.3. Dimensional Requirements.

Lot size, gross density, height, setback, and other dimensional requirements shall be as established in Table 4.4, "Dimensional Requirements for Commercial and Industrial Land Use Districts," of this Article.

CHAPTER 4.13 MINING (MINE) DISTRICT

- Sec. 4.13.1. Description and Purpose.
- Sec. 4.13.2. Permitted and Conditional Uses.
- Sec. 4.13.3. Dimensional Requirements.
- Sec. 4.13.4. District Regulations.

Sec. 4.13.1. Description and Purpose.

The Mining (MINE) District is created primarily for existing kaolin strip mining but also permits a variety of industrial and manufacturing operations. Commercial uses that may be needed in

close proximity to support workers or industries are also permitted in this district. While new single-family dwellings are permitted, they are generally not recommended for location in this MINE districts due to incompatibilities including off-site noise and dust, truck traffic, and aesthetic incompatibilities with residences. The Mining District applies primarily to areas shown on the future land use plan map of the Warren County comprehensive plan as suitable for kaolin mining operations.

Georgia is by far the leading clay-producing state in America and is recognized as a world leader in the mining, production, processing, and application of kaolin products. Kaolin deposits in middle Georgia resulted from the erosion of deeply weathered crystalline rocks in the Piedmont Plateau, which were deposited along Georgia's Fall Line. In Warren County, Kaolin is mined from open clay pits where it shows whitely as the red soil is removed from above it. The mining methods in the recovery of this mineral are practically the same as any strip operation. The overburden is removed in advance of the mining operations. Overburden varies in depth up to 100 feet. The clay seam has an average thickness of from 12 to 15 feet, although in some localities it is as much as 30 feet thick.

The white clay once mined (dug out of the earth) is typically sent through a pipeline as a slurry for processing. Clay is brought from the pit to a mill at the mine by truck, train, conveyor, or other earth moving equipment, where it is blunged and then sent to the plant by pipeline. Blunging is a ceramic term meaning "mixed with water." Under state law, the pits dug to get the clay must be reclaimed, and the companies mining the clay must return the mined land back to agricultural, forestry, recreational, or other approved uses.

Kaolin is used in the production of medicines, ceramics, catalysts for petroleum refining, and extenders for fertilizers, pesticides, and herbicides. Rubber products consume about 16 percent of the kaolin, with a major portion of the remainder going into such products as linoleum, paints, inks, leather, refractories, and pottery. Depending upon the application, kaolins are typically processed to remove such naturally coexisting materials as quartz, iron oxides, titanium oxides, other clay minerals, and organic matter. Kaolin is often further modified from its natural state by chemical treatments, physical delaminating, and high temperature heating to more than 1000 degrees centigrade. These latter modifications are designed to enhance chemical bonding properties of the kaolin when mixed with other components and/or to improve the brightness of kaolin-based products. The finished product is typically shipped in a dried form in bulk, bags, or in sealed hopper bottom railroad cars or as a slurry in railroad tank cars.

Sec. 4.13.2. Permitted and Conditional Uses.

Use regulations shall be as established in Table 4.3, "Permitted and Conditional Uses, Commercial and Industrial Land Use Districts," of this Article.

Sec. 4.13.3. Dimensional Requirements.

Lot size, gross density, height, setback, and other dimensional requirements shall be as established in Table 4.4, "Dimensional Requirements for Commercial and Industrial Land Use Districts," of this Article.

Sec. 4.13.4. District Regulations.

- (a) State permit requirements for operation and reclamation plans. Prior to operation of any new mine, an operations plan and all documents submitted or prepared for submission to the Georgia Department of Natural Resources for the purpose of obtaining a State Mining Permit shall be submitted to the Administrator. It shall be the responsibility of the applicant to update all information during the State application process and to inform the Administrator of the final disposition of the State permit process. Operations plans, if approved, shall be considered conditions of development approval, unless otherwise specified by the Administrator. A reclamation plan shall also be submitted to the Administrator which shall include a description of how the excavated land will be restored, a statement of intended future use of the land, and phasing and timing estimates of reclamation and rehabilitation activities. Reclamation plans, if approved, shall be considered conditions of development approval, unless otherwise specified by the Administrator.

- (b) Additional regulations. Any facility engaged in the extraction of earth products, such as sand, soil, gravel, rock, stone, clay, or other mining operations, etc. shall comply with the following: Permanent roads, defined as those to be used in excess of one year, within 200 feet of a state highway or county road on the excavation site shall be surfaced with a dust-free material. Roads other than permanent roads shall be treated with dust inhibitors which will reduce the generation of dust from the road surfaces as a result of wind or vehicular action. Extraction of minerals or aggregate shall not take place within 300 feet of a property containing a dwelling, school, church, hospital, or public building. Product piles, spoil piles, and other accumulations of by-products shall not be created to a height more than thirty five (35) feet above the original contour. All blasting operations, if permitted, shall occur between sunrise and sunset.

**TABLE 4.1
 PERMITTED AND CONDITIONAL USES, CONSERVATION, FOREST, AND RESIDENTIAL LAND USE DISTRICTS**

P = Permitted C = Conditional Use X = Not Permitted (Uses not listed are not permitted)

USE	CONS	FORAG	RR	SR	UR	SC-1	See Also Sec:
Accessory uses and structures not otherwise listed in this table, determined by the Administrator to be normally incidental to one or more permitted principal uses	P	P	P	P	P	P	5.1.1
Accessory dwelling unit, attached	X	P	P	P	P	X	5.3.4
Accessory dwelling unit, detached	X	P	P	C	C	X	5.3.4
Agriculture	P	P	P	P	X	P	
Agricultural processing	X	C	X	X	X	X	
Aircraft landing area	X	C	X	X	X	X	5.9.1
Animal hospital	X	P	C	X	X	C	
Animal shelter	X	P	C	X	X	X	
Antique shop	X	C	C	X	X	P	
Auction house or auction yard	X	P	X	X	X	X	
Borrow site	C	P	C	X	X	X	
Bed and breakfast inn	X	C	C	X	X	P	5.5.2
Camp or campground	C	C	X	X	X	X	
Cemetery	C	P	P	P	P	P	
Church	X	P	P	P	P	P	
Christmas tree sales facility	C	P	P	X	X	P	
Club or lodge, non-profit	X	P	P	C	P	P	
Club, hunting	P	P	P	X	X	X	
Club, private	X	C	C	X	X	X	
Community recreation	X	X	X	P	P	X	5.2.1
Composting facility	C	P	C	X	X	X	

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Conservation subdivision	X	X	P	X	X	P	
Conservation area	P	P	P	P	P	P	
Continuing care retirement community	X	X	X	X	C	X	
Cottage industry	X	P	P	X	X	P	

USE	CONS	FORAG	RR	SR	UR	SC-1	See Also Sec:
Day care center	X	X	X	X	C	X	5.5.4
Dwelling, farm	P	P	P	X	X	P	
Dwelling, single-family attached (townhouse)	X	X	X	X	C	X	5.2.7
Dwelling, single-family detached, condominium	X	X	X	X	P	P	5.2.4
Dwelling, single-family detached, fee-simple	P	P	P	P	P	P	
Dwelling, two-family (duplex)	X	X	X	X	P	X	
Dwelling, multi-family (including apartment)	X	X	X	X	C	X	5.2.5
Extraction or mining	X	C	X	X	X	X	
Farm and feed store	X	P	C	X	X	P	
Food processing plant	X	C	X	X	X	X	
Forestry	P	P	P	P	X	P	
Home occupation (including family day care home)	X	P	P	P	P	P	Chapter 5.4
Institutional residential living and care facilities	X	X	X	C	C	X	
Intra-family land transfer	X	P	P	X	X	P	
Kennel	X	P	X	X	X	X	5.9.2
Landfill, construction and demolition	X	X	X	X	X	X	5.9.2
Landfill, inert waste	X	X	X	X	X	X	
Landfill, sanitary	X	X	X	X	X	X	
Landscaping company	X	P	C	X	X	X	
Logging yard	X	P	C	X	X	X	
Lumber yard	X	P	X	X	X	X	
Manufactured home	P	P	P	P	P	P	5.2.2
Manufactured home park	X	X	X	C	C	X	5.2.3
Materials recovery facility	X	X	X	X	X	X	

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Warren County, GA, Land Use Ordinance**

Mixed-use development	X	X	X	X	C	C	
Model home	X	X	X	P	P	X	5.2.4
Museum	X	C	X	X	X	P	
Office	X	X	X	X	X	P	
Open air business	X	X	X	X	X	C	
Personal service establishment	X	X	X	X	X	P	
Planned unit development	X	X	X	C	C	C	Chapter 5.12
Power plant, private	X	C	X	X	X	X	
Public use	P	P	P	P	P	P	
USE	CONS	FORAG	RR	SR	UR	SC-1	See Also Sec:
Rail yard	X	C	X	X	X	X	
Railroad freight terminal	X	C	X	X	X	X	
Recreational vehicle park	C	C	X	X	X	C	5.5.3
Restaurant	X	X	X	X	X	C	
Retail trade establishment, enclosed	X	X	X	X	X	C	
Retreat center	X	C	C	X	X	X	
Riding academy or equestrian center	C	P	P	X	X	P	
Riding stable	X	C	C	X	X	P	
Roadside stand	X	P	P	X	X	P	
Sawmill	X	P	C	X	X	X	
School, private, elementary, middle, or high	X	C	C	P	P	P	
School, special	X	X	X	X	C	X	
Semi-public use	P	P	P	P	P	P	
Solid waste transfer facility	X	X	X	X	X	X	
Special event facility	X	X	X	X	X	P	
Taxidermy	X	P	X	X	X	X	
Therapeutic camp	C	P	C	X	X	X	
Utility company substation	P	P	P	P	P	P	
Wireless telecommunication facility and/or equipment	X	C	C	X	X	X	Chapter 5.8

TABLE 4.2
DIMENSIONAL REQUIREMENTS FOR CONSERVATION, FOREST, AND RESIDENTIAL LAND USE DISTRICTS

REQUIREMENT (MEASURE)	CONS	FOR-AG	RR	SR	UR	SC-1
Maximum residential density without public water or sanitary sewer (acres per dwelling unit)	25	25	5	1	1	5
Maximum residential density with public water but not sanitary sewer (acres per dwelling unit)	25	25	5	0.75	0.75	5
Maximum residential density with public water and sanitary sewer (dwelling units per acre)	n/a	n/a	n/a	4	12	n/a
Area requirement, lot within an intra-family land transfer (acres)	n/a	1-5	1-5	n/a	n/a	1-5
Minimum lot width, all uses (feet)	500	500	300	100	75	300
Conservation subdivision minimum lot size (acres)	n/a	n/a	3	n/a	n/a	3
Conservation subdivision minimum area set aside for permanent open space (percent of total subdivision area)	n/a	n/a	35%	n/a	n/a	35%
Conservation subdivision minimum lot width (feet)	n/a	n/a	200	n/a	n/a	200
Maximum height (feet)	40	100	40	40	60	40
Maximum height (number of stories)	3	n/a	3	3	4	3
Minimum principal building setback, front (all uses except as otherwise specifically indicated) (feet)	75	75	50	30	25	50
Minimum principal setback, front, for single-family dwellings or manufactured homes abutting a state highway (feet)	75	75	50	30	25	50
Minimum principal building setback, side (feet)	50	50	40	20	10	40
Minimum principal building setback, rear (feet)	50	50	40	25	20	40
Minimum principal building setback, rear or side abutting a railroad right-of-way (feet)	50	50	50	50	50	50
Minimum floor area per dwelling unit (square feet)	None	None	None	1,000	750	None

**TABLE 4.3
 PERMITTED AND CONDITIONAL USES, COMMERCIAL AND INDUSTRIAL LAND USE DISTRICTS**

P = Permitted C = Conditional Use X = Not Permitted (Uses not listed are not permitted)

USE	O-I	RC	HB	IAC	IND	MINE	See Also Sec:
Accessory uses and structures not otherwise listed in this table, determined by the Administrator to be normally incidental to one or more permitted principal uses	P	P	P	P	P	P	
Adult business	X	X	X	X	C	X	Chapter 5.10
Agricultural processing	X	X	X	C	P	X	
Aircraft landing area	C	X	X	X	C	C	5.9.1
Animal hospital	P	P	P	P	X	X	
Animal shelter	C	X	P	P	P	X	
Antique shop	X	P	P	P	X	X	
Auction house or auction yard	X	X	P	P	P	X	
Automobile sales establishment	X	X	P	P	P	X	5.5.1
Automobile service establishment	X	C	P	P	P	X	
Bank or financial establishment	P	P	P	P	X	X	
Batching plant	X	X	X	X	C	C	
Bed and breakfast inn	P	P	P	P	X	X	5.5.2
Borrow site	X	X	C	C	P	P	
Brewery	X	X	X	X	P	X	
Broadcasting studio	P	P	P	P	P	X	
Building materials sales	X	X	P	P	P	C	
Building sales establishment	X	X	P	P	P	C	
Bulk storage	X	X	C	C	P	X	
Business service establishment	P	P	P	P	P	X	
Camp or campground	X	X	P	P	X	X	

**Article 4, Land Use Districts
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Car wash	X	X	P	P	P	X	
Caretaker's residence	C	C	P	P	P	P	
Cemetery	P	P	P	P	P	P	
Church	P	P	P	P	P	P	

USE	O-I	RC	HB	IAC	IND	MINE	See Also Sec:
Christmas tree sales facility	X	P	P	P	P	X	
Clinic	P	P	P	P	P	X	
Club or lodge, non-profit	P	P	P	P	P	X	
Club, hunting	X	X	X	X	X	P	
Club, private	P	P	P	P	X	X	
Co-generation facility	X	X	X	X	P	P	
College or university	P	P	P	P	P	X	
Commercial recreational facility, indoor	C	P	P	P	P	X	
Commercial recreational facility, outdoor	X	X	C	C	C	X	5.5.3
Composting facility	X	X	C	X	P	P	
Conservation area	P	P	P	P	P	P	
Continuing care retirement community	P	P	P	P	X	X	
Contractor's establishment	X	C	P	P	P	P	
Convenience store	X	P	P	P	P	X	
Cottage industry	P	P	P	P	P	P	
Crisis center	P	P	P	P	P	X	
Custom order shop	X	P	P	P	P	X	
Day care center	C	P	P	P	P	P	5.5.4
Distribution center	X	X	P	P	P	P	
Dwelling, farm	X	X	X	X	X	P	
Dwelling, single-family attached (townhouse)	C	C	P	P	X	X	5.2.7
Dwelling, single-family detached, condominium	C	C	P	P	X	X	5.2.5
Dwelling, single-family detached, fee-simple	P	P	P	P	P	P	
Dwelling, two-family (duplex)	P	P	P	P	X	X	

**Article 4, Land Use Districts
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Dwelling, multi-family (including apartment)	C	X	C	C	X	X	5.2.5
Exterminator	C	C	P	P	P	X	
Extraction or mining	X	X	X	X	C	P	
Fairgrounds	C	X	P	P	P	P	
Farm and feed store	C	P	P	P	P	X	
Food processing plant	X	X	C	P	P	X	
Forestry	P	P	P	P	P	P	
Funeral home	C	C	P	P	P	X	
Greenhouse, commercial	X	P	P	P	P	P	

USE	O-I	RC	HB	IAC	IND	MINE	See Also Sec:
Group home	P	X	P	P	C	X	
Hazardous waste materials	X	X	C	C	C	C	
Health spa	C	X	P	P	P	X	
Home occupation (including family day care home)	P	P	P	P	P	P	
Hospital	P	X	P	P	P	P	
Incinerator	X	X	X	X	C	C	
Institutional residential living and care facilities	P	X	P	P	X	X	
Kenel	X	X	P	P	P	X	
Landfill, construction and demolition	X	X	X	C	P	P	5.9.2
Landfill, inert waste	X	X	X	X	C	C	
Landfill, sanitary	X	X	X	X	C	C	5.9.2
Landscaping company	X	P	P	P	P	P	
Lodging service, including hotels and motels	X	X	P	P	X	X	
Logging yard	X	X	P	P	P	P	
Lumber yard	X	X	P	P	P	P	
Manufactured home	P	P	P	P	P	P	5.2.2
Manufactured home park	X	X	X	X	X	X	5.2.3
Manufacturing, processing, assembling	X	X	C	P	P	P	
Materials recovery facility	X	X	X	X	C	C	

**Article 4, Land Use Districts
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Mixed-use development	P	C	P	P	X	X	
Museum	P	P	P	P	P	P	
Office	P	P	P	P	P	P	
Office/warehouse	C	X	P	P	P	P	
Open air business	X	C	P	P	P	X	
Parking lot, off-site	P	P	P	P	P	P	
Personal service establishment	P	P	P	P	P	P	
Planned unit development	C	C	C	C	X	X	Chapter 5.12
Power plant, private	X	X	X	X	C	C	
Public use	P	P	P	P	P	P	
Rail yard	X	X	P	P	P	P	
Railroad freight terminal	X	X	P	P	P	P	
Recreational vehicle park	X	X	P	P	X	C	5.5.3
Restaurant	C	P	P	P	P	P	
USE	O-I	RC	HB	IAC	IND	MINE	See Also Sec:
Retail trade establishment, enclosed	X	P	P	P	P	X	
Retreat center	C	X	P	P	P	P	
Riding academy or equestrian center	X	X	P	P	P	P	
Rooming house	P	X	P	P	X	C	
Salvage yard	X	X	C	C	P	P	
Sawmill	X	X	C	P	P	P	
School for the arts	P	X	P	P	P	X	
School, private, elementary, middle, or high	P	P	P	P	P	P	
School, professional	P	P	P	P	P	P	
School, special	P	P	P	P	P	P	
School, trade	P	P	P	P	P	P	
Self-service mini-storage facilities (mini-warehouses)	X	X	P	P	P	P	5.5.9
Semi-public use	P	P	P	P	P	P	
Service and fuel filling station	X	P	P	P	P	P	5.5.10
Slaughterhouse	X	X	X	X	P	X	

**Article 4, Land Use Districts
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Solid waste transfer facility	X	X	X	X	C	C	
Special event facility	P	P	P	P	X	X	
Taxi-cab or limousine service	X	X	P	P	P	X	
Taxidermy	X	X	P	P	P	X	
Tow service	X	X	P	P	P	X	
Truck stop	X	X	P	P	P	X	
Truck terminal	X	X	P	P	P	P	
Utility company substation	P	P	P	P	P	P	
Vehicle emission testing facility	X	X	P	P	P	X	
Warehouse	X	X	P	P	P	P	
Wholesale trade establishment	X	X	P	P	P	P	
Wireless telecommunication facility and/or equipment	X	X	C	C	C	C	Chapter 5.8
Wrecked motor vehicle compound	X	X	P	P	P	P	

TABLE 4.4 DIMENSIONAL REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL LAND USE DISTRICTS

REQUIREMENT (MEASURE)	O-I	RC	HB	IAC	IND	MINE
Maximum residential density without public water or sanitary sewer (acres per dwelling unit)	1	1	1	1	1	1
Maximum residential density with public water but not sanitary sewer (acres per dwelling unit)	0.75	0.75	0.75	0.75	1	1
Maximum residential density with public water and sanitary sewer (dwelling units per acre)	4	n/a	8	12	1	n/a
Minimum floor area per dwelling unit (square feet)	None	None	None	None	None	None
Minimum lot width, all uses (feet)	75	100	75	75	150	200
Maximum height (feet)	50	50	60	75	150	150
Maximum height (number of stories)	3	3	4	5	None	None
Minimum principal building setback, front (all uses) (feet)	10	25	20	40	50	100
Minimum principal building setback, side (feet)	10	10	10	20	50	100
Minimum principal building setback, rear (feet)	10	25	20	40	50	100

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Minimum principal building setback, rear or side abutting a railroad right-of-way (feet)	25	25	None	None	None	None
Minimum principal building setback abutting a SR or UR land use district boundary, all uses except (except single-family dwelling or manufactured home) (feet)	25	25	35	40	75	150
Minimum buffer abutting a SR or UR land use district boundary, all uses except single-family dwelling or manufactured home (feet measured from property line within required setback)	None	None	25	30	50	100
Minimum landscape strip abutting county road or state highway, all uses except single-family dwelling or manufactured home (width in feet)	10	None	None	15	None	75
Maximum building coverage (percent of lot)	40	40	50	35	60	40
Minimum landscaped open space (percent of lot)	10	None	None	15	None	None

ARTICLE 5 REGULATIONS FOR SPECIFIC LAND USES

CHAPTER 5.1	GENERAL ACCESSORY USE REGULATIONS
CHAPTER 5.2	PRINCIPAL RESIDENTIAL USES
CHAPTER 5.3	ACCESSORY RESIDENTIAL USES
CHAPTER 5.4	HOME OCCUPATIONS
CHAPTER 5.5	PRINCIPAL NONRESIDENTIAL USES
CHAPTER 5.6	ACCESSORY NONRESIDENTIAL USES
CHAPTER 5.7	TEMPORARY USES
CHAPTER 5.8	TOWERS AND WIRELESS TELECOMMUNICATION FACILITIES
CHAPTER 5.9	OTHER USES
CHAPTER 5.10	ADULT BUSINESSES
CHAPTER 5.11	CONSERVATION SUBDIVISIONS
CHAPTER 5.12	PLANNED UNIT DEVELOPMENTS

CHAPTER 5.1 GENERAL ACCESSORY USE REGULATIONS

- Sec. 5.1.1. Accessory Use or Structure.
- Sec. 5.1.2. Fences and Walls.
- Sec. 5.1.3. Junked Vehicle or Material.

Sec. 5.1.1. Accessory Use or Structure.

- (a) Location. Buildings accessory to residential uses except for well houses in residential land use districts shall be located in a rear yard or side yard. In other land use districts, accessory buildings, structures, and uses shall be located in a rear yard or side yard, except for well houses, decorative landscape structures, guard buildings, or similar building or structure required to be located in a front yard.
- (b) Relationship to Principal Use. No accessory building, structure, or use shall be erected on a lot until construction of the principal building or establishment of principal use has commenced. Accessory buildings and structures must be constructed in conjunction with, or after, the principal building is lawfully approved and use is established.
- (c) Interpretation. When an accessory building is attached to a principal building by a breezeway, passageway, or similar means, the accessory building shall be considered part of the principal building and shall comply with the yard requirements for a principal building.

Sec. 5.1.2. Fences and Walls.

- (a) Setback and Location. Fences and walls are not required to be setback from a rear or side property line; provided, however, that in cases where a fence is proposed to be established along a side or rear property line, the Administrator may require a

letter, plat or deed as evidence of a written and signed agreement between the property owners to permit the fence at or along a common property line. In no instance shall a fence or freestanding wall be erected in a manner that obstructs visibility at road intersections (i.e., within a site visibility triangle established by this Ordinance). Retaining walls and subdivision entrance monuments shall not be placed within the right-of-way of a local road or state highway.

- (b) Composition. Walls or fences composed or constructed of exposed concrete block, tires, junk, or other discarded materials shall not be permitted.
- (c) Gates. When gates for vehicular access are provided, said gates shall not be located closer than twenty-five (25) feet to a public road right-of-way, to ensure safe ingress and egress.

These requirements shall not apply to temporary fencing erected around a lot during construction of a building for security and safety or code compliance reasons. All such temporary fencing shall be approved by the Administrator and shall be removed upon completion of construction.

Sec. 5.1.3. Junked Vehicle or Material.

Except for salvage yards and wrecked motor vehicle compounds, it shall be unlawful on any lot abutting or visible from a state highway to park or continuously store abandoned, wrecked, junked or inoperable vehicles, power-driven construction equipment, used lumber or metal, used appliances, or any other miscellaneous scrap material that is visible from a public road or adjacent or abutting property. Such use in such designated (lawfully permitted) locations abutting or visible from a state highway shall be enclosed with a minimum six (6) foot high opaque fence or otherwise screened from public view.

CHAPTER 5.2 PRINCIPAL RESIDENTIAL USES

- Sec. 5.2.1. Community Recreation Facility.
- Sec. 5.2.2. Manufactured Home.
- Sec. 5.2.3. Manufactured Home Park.
- Sec. 5.2.4. Model Home.
- Sec. 5.2.5. Multi-Family Development.
- Sec. 5.2.6. Relocated Residential Structure.
- Sec. 5.2.7. Single-Family Attached Dwelling (Fee-Simple Townhouse).
- Sec. 5.2.8. Mortgage Lots.

Sec. 5.2.1. Community Recreation Facility.

Within a residential subdivision or multiple-family residential development, community recreation facilities must be platted when a part of a subdivision or part of the development plan approval for a multiple-family residential development. Community recreation facilities shall be subject to the following:

- (a) Swimming pools and tennis courts. Swimming pools and tennis courts shall be setback a minimum of twenty-five (25) feet from all property lines of the tract of land devoted to community recreation.
- (b) Buildings. Buildings (excluding accessory structures) shall be setback a minimum of twenty-five (25) feet from the property line of the tract. If outdoor patio or decks are provided, they shall be located no closer than twenty-five (25) feet from the property line of the tract.

Sec. 5.2.2. Manufactured Home.

In land use districts where permitted, manufactured homes shall meet the following requirements:

- (a) Foundation and towing mechanisms. They shall be placed on a permanent foundation, installed in accordance with the installation instructions from the manufacturer, as appropriate, and the transportation mechanisms, including wheels, axles, and hitch, must be removed prior to occupancy.
- (b) Skirting. The entire perimeter area between the bottom of the structure and the ground of each manufactured home shall be skirted or underpinned with brick, masonry, or finished concrete that completely encloses the perimeter of the undercarriage except for proper ventilation and access openings.
- (c) Exterior finish. The exterior siding of the manufactured home shall consist of vinyl, wood or hardboard siding material.

- (d) Roof pitch and materials. The manufactured home shall have a pitched roof with a slope of at least two (2) feet in height for each twelve (12) feet in width. Roof materials shall be wood shake, tile, asphalt shingle, coated metal, or similar material.
- (e) Steps and landings. Steps and a landing, deck, or entry area at least ten (10) feet by ten (10) feet shall be added for each entrance to the manufactured home prior to occupancy.
- (f) Age requirements: The manufactured home shall not be over 10 years of age.

Sec. 5.2.3. Manufactured Home Park.

The standards in this section shall apply to all manufactured home parks.

- (a) Site conditions. Planned manufactured home parks shall be sited on land that is not subject to hazards such as flooding, erosion, land subsidence, and areas with possible insect or rodent infestation. The condition of the soil, ground water level, drainage, rock formations, and topography must be appropriate for the use, to ensure that no hazards to the property or to the health and safety of the occupants occur.
- (b) Site planning. Planning for manufactured home parks should be adapted to individual site conditions and the type of use or uses served, reflect advances in site planning techniques, and be adapted to the trends in the design of the manufactured home itself. Site planning and improvements shall provide for facilities and amenities appropriate to the needs of the occupants, safe, comfortable and sanitary use by the occupants under all weather conditions, and practical and efficient operation and maintenance of all facilities at reasonable costs. The street and block pattern for the park shall be designed to attain proper sizes and shapes of manufactured home spaces so as to provide desirable areas and to reduce excessive length of street construction without impairing convenient circulation and access.
- (c) Minimum site area, site frontage, access, and minimum width. Manufactured home parks shall contain a minimum area of five (5) acres. Properties containing manufactured home parks shall have a minimum of two hundred (200) feet of property frontage on a public road, and directly access the public road with a minimum of two hundred (200) feet of property frontage. Manufactured home parks shall have a minimum lot width of two hundred (200) feet throughout the entire depth of the developed portion of the property.
- (d) Perimeter buffer or landscape screen. A minimum twenty (20) foot wide buffer, where natural vegetation exists and provides a more or less opaque screen, or where no natural vegetation forming an opaque screen exists, a minimum twenty (20) foot wide landscape strip with evergreen trees that will grow to a height of at least six (6) feet within three years, shall be installed and maintained around the entire perimeter of the manufactured home park, except for approved access and utility crossings.

- (e) Open space and recreational areas. A manufactured home park serving 20 or more dwellings shall have a minimum of twenty (20) percent of the site area dedicated to open space and passive or active recreation, excluding the required perimeter buffer or landscape screen.
- (f) Community services. As part of the development plan review process, the developer may propose and the county may approve one or more other structures for manufactured home park occupants, such as laundries, storage, garages, and a park leasing or management office. Any structure that draws its trade from outside the park boundaries is prohibited.
- (g) Interior access roads, addresses, and signs. All interior roads shall be private but constructed to provide fire apparatus access. Roads within manufactured home parks shall be paved. Signs shall be installed as required by the county and approved in the development plan review process.
- (h) Road specifications. One-way interior roads shall be constructed with a minimum surface width of twelve (12) feet, with three (3) feet of shoulder on each side, and shall be designated “no parking.” The minimum designated private right-of-way for said one-way interior roads shall be 24 feet. Two-way interior roads shall be constructed with a minimum surface width of twenty (20) feet, with three (3) feet of shoulder on each side, and shall be designated “no parking.” The minimum designated private right-of-way for said two-way interior roads shall be 40 feet. Interior roads shall be clearly marked at each intersection with signs to identify traffic directions and space numbers served by the road. Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse disposal, and elsewhere as needed.
- (i) Guest parking. In addition to on-site parking, guest parking spaces shall be provided as part of the development, at a ratio of one parking space per each two manufactured home spaces in a manufactured home park. Guest parking spaces may be grouped together but shall also be distributed evenly throughout the park.
- (j) Utilities. All manufactured home parks, and each manufactured home space within the park, shall be served by approved water system, sanitary sewer system, and electricity. Fire hydrants shall be installed at 1,000 foot intervals so that no manufactured home space is more than 500 feet from a hydrant. All utilities shall be installed underground with above-ground connections.
- (k) Drainage. Drainage facilities shall be designed by an engineer and are subject to the approval of the county as part of the development plan review process.
- (l) Refuse collection. Each manufactured home park shall provide refuse collection pads at locations convenient to each manufactured home space.
- (m) Walkways. Sidewalks shall be required along one side of all interior streets and in areas where pedestrian traffic is expected, such as around recreation, management, mailbox groupings if provided, and community services areas.

- (n) Occupancy restriction. Recreational vehicles shall not be permanently occupied as a residence within manufactured home parks.
- (o) Site plan approval. Site plan approval by the Warren County Board of Commissioners shall be obtained after recommendation by the Planning Commission. The site plan approval shall take place during the process of considering an application for change to a land use district permitting multi-family development, or upon an application for development permit, whichever occurs first.
- (p) Manufactured home space requirements. The following development standards of this section shall apply to all manufactured home spaces.
 - 1. Design. Each manufactured home shall be designed and constructed at such elevation, distance, and angle with respect to its access to provide for safe and efficient placement and removal of manufactured homes. Spaces for manufactured homes shall be designed with no more than a five percent (5%) gradient and compacted with appropriate material to support maximum anticipated loads during all seasons.
 - 2. Width, depth, and size of spaces and markings. Each manufactured home space shall be at least forty (40) feet wide and seventy five (75) feet in depth. The minimum area for a manufactured home space shall be 3,000 square feet for single-section home and 6,000 square feet for a multi-section home. Multi-section homes shall require space widths of at least 75 feet. The corners of each manufactured home space shall be clearly marked on the ground by permanent flush stakes, markers, or by other similar means. Spaces served by community or public water and individual septic tanks shall contain a minimum space area or area outside manufactured home spaces, if approved, as established and as approved by the Warren County Health Department.
 - 3. Use of spaces. No more than one (1) manufactured home shall occupy any individual space. Accessory uses and structures on individual spaces may be permitted, subject to compliance with the development standards provided in this Section.
 - 4. Space identification numbers. Manufactured home space numbers at least four (4) inches in height shall identify each space and shall remain readily identifiable while in use.
 - 5. Parking. Two on-site parking spaces shall be provided on each manufactured home space or immediately off-site.

6. Walkways. A walkway at least two (2) feet wide must be provided from each individual space to connect the manufactured home with the common walk or interior private road.
7. Setbacks. No manufactured home shall be located closer than five (5) feet to a manufactured home space boundary, and spaces shall be designed to provide for a minimum of fifteen (15) feet of separation between manufactured homes on abutting spaces.
8. Additions and accessory structures. Decks, porches, outdoor storage, or other exterior additions may be constructed or erected on a manufactured home space, subject to the approval of the community or park management according to rules submitted to and approved by the Administrator. No such accessory structure shall be located closer than five (5) feet to a manufactured home space boundary.

Sec. 5.2.4. Model Home.

A dwelling unit may be constructed and used as a model home or temporary office for the sale of lots under the following conditions:

- (a) The model home is typically constructed before approval of a final plat, and hence the model home is the principal use of the entire unsubdivided parcel until the final plat is approved. The model home shall be placed on a lot designated on the approved preliminary plat and shall be placed in a manner that meets the applicable land use district dimensional requirements so that it complies at the time it is erected and when it is sold and/or converted for single-family residential use.
- (b) Sales shall be limited to the lots and buildings within the subdivision where the model home is located.
- (c) The use of the model home for a sales office shall be discontinued within 30 days of the time all of the lots in the subdivision have been sold.

Sec. 5.2.5. Multi-Family Development.

- (a) Condominiums. If a condominium form of ownership is proposed, the development shall meet all current applicable state laws including the Georgia Condominium Act (O.C.G.A. 44-3-70 et. seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted with the application for development approval.
- (b) Laundry facilities. On-site accessory laundry facilities are permitted accessory uses for developments with 25 or more units.
- (c) Setbacks. Buildings within multi-family developments shall be subject to the setbacks for the entire lot as established in applicable land use district dimensional

requirements. There shall be no requirements for setbacks from private driveways within the multifamily development.

- (d) Site plan approval. Site plan approval by the Warren County Board of Commissioners shall be obtained after recommendation by the Planning Commission. The site plan approval shall take place during the process of considering an application for change to a land use district permitting multi-family development, or upon an application for development permit, whichever occurs first.

Sec. 5.2.6. Relocated Residential Structure.

A relocation permit shall be required to relocate a residential structure, including manufactured home, on a lot in Warren County. The applicant shall include the following with the application for the relocation permit:

- (a) A photograph of the structure at its present location.
- (b) The current location (address and tax parcel number) where the structure is now located.
- (c) The proposed location (address and tax parcel number) of the structure. To ensure compliance with the applicable land use district dimensional requirements, when the relocated residential structure is proposed to be located within the county, the Administrative Officer shall require submission of the proposed location (address and tax parcel number) and a copy of the recorded plat of the lot on which the structure will be placed (if none exists the applicant shall be required to comply with subdivision requirements of Warren County Subdivision and Land Development Regulations).
- (d) Evidence that such dwelling will meet or exceed the requirements of this Ordinance, specifically including Section 5.2.2 in the case of a manufactured home, and an agreement that all exterior improvements to the structure once relocated shall be completed within six months of relocation.
- (e) Evidence of the date that such dwelling was manufactured, or in the case of a sitebuilt home, an estimate of the date such dwelling was constructed.

No permit for the relocation of a manufactured home from outside Warren County and into Warren County shall be issued if the date of manufacture of said manufactured home is more than ten (10) years earlier than the date of application, and it shall be unlawful to relocate such manufactured home from outside Warren County and into Warren County.

No permit for the relocation of a manufactured home already located within Warren County to another location within Warren County shall be permitted if the date of manufacture of said

manufactured home is more than ten (10) years earlier than the date of application; provided, however, that such a manufactured home shall be permitted and a permit shall be lawfully issued for relocation of such a manufactured home to a space within an approved manufactured home park.

Sec. 5.2.7. Single-Family Attached Dwelling (Fee-Simple Townhouse).

In land use districts where permitted, fee-simple townhouses shall meet the following requirements:

- (a) Lot Frontage and Lot Width. Each platted lot shall have a minimum of twenty (20) feet of frontage on a public road or private road that meets public street standards, and each lot shall have a minimum lot width of twenty (20) feet.
- (b) Lot Size. The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area.
- (c) Building Setbacks. There shall be a minimum twenty (20) foot front setback from any perimeter boundary of the fee-simple townhouse subdivision and a thirty (30) foot front setback from any public road exterior to or within the subdivision. There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures. In the case of any public road the front building setback shall be measured from the right-of-way line of the public street. In the case of a private road the front building setback shall be twenty (20) feet and shall be measured from the private road right-of-way line or, if none is established, the curb of the private road nearest the building. Zero lot line between units within the same building shall be permitted, subject to applicable fire and building codes.
- (d) Building Separation. There shall be a minimum building separation of twenty (20) feet between townhouse buildings.
- (e) Building Unit Offsets. To avoid a monotonous appearance, for any given building, no more than six (6) units may have common walls. Any building containing more than three (3) units with common walls must have the front façade and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design.
- (f) Subdivision Plat Approval. Each townhouse development or phase thereof shall require preliminary and final subdivision plat approval in accordance with the Warren County Subdivision and Land Development Regulations.

Sec. 5.2.8. Mortgage Lots.

This provision addresses situations where a bank requires the creation of small (e.g., 1-acre to 5-acre) tract of property from a larger existing parcel (usually farmland or timber land) in order to provide a mortgage or loan on a home or other principal building, rather than referring to the entire existing lot of record.

- (a) In cases where a person can show the Administrator in writing that an application for loan or mortgage involving real property has been filed with a bank or lending institution, and said bank or lending institution requires, for purposes of the loan or mortgage, a description of property that encompasses less land area than the lot of record, one or two mortgage lots (see definition) may be lawfully created from the parcel of record without constituting a subdivision. Minimum lot sizes established by any land use district of Warren County shall not be construed to prevent the creation of mortgage lots pursuant to this Section, even if the resulting mortgage lot created is less than the minimum lot size required by said land use district. The applicant shall be required in the case of a mortgage lot to file with the Administrator a copy of the survey plat creating the mortgage lot, and may be recorded in the records of the Warren County Superior Court Clerk as a mortgage lot plat of record.
- (b) If created, a mortgage lot shall be no less than one acre and no larger than five acres in size. This Section shall not allow for the creation of a mortgage lot from any lot of record which is five acres or less in area.
- (c) No mortgage lot shall be created unless it has a minimum of thirty-foot wide access easement from a road abutting the property frontage of the larger lot of record to the boundary of the mortgage lot.

CHAPTER 5.3 ACCESSORY RESIDENTIAL USES

- Sec. 5.3.1. Customary Residential Accessory Uses and Structures.
- Sec. 5.3.2. Generally.
- Sec. 5.3.3. Guest House.
- Sec. 5.3.4. Accessory Dwelling Unit.
- Sec. 5.3.5. Yard Sales.
- Sec. 5.3.6. Livestock. (*Amended September 9, 2008*)

Sec. 5.3.1. Customary Residential Accessory Uses and Structures.

Each of the following uses is considered to be a customary accessory use to a dwelling and shall be situated on the same lot with the principal use to which it serves as an accessory. This list is not necessarily exhaustive of possible permitted accessory uses and structures on a residential lot.

- (a) Garage or carport for storing vehicles.
- (b) Shed or tool room for the storage of equipment used in grounds or building maintenance.
- (c) Children's playhouse and play equipment.
- (d) Quarters for the keeping of pets owned by occupants for non-commercial purposes provided that such use does not generate a nuisance to adjoining properties.

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- (e) Private recreational facility, such as a swimming pool and bathhouse or cabana, tennis court, subject to applicable requirements of this Article.
- (f) Deck or patio, whether on water or over land.
- (g) Fences and walls, subject to compliance with this Article.
- (h) Guest houses, subject to the requirements of this Chapter.
- (i) Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
- (j) Vehicle parking, except as may be limited by this Ordinance.

Sec. 5.3.2. Generally.

In residential land use districts, customary residential accessory buildings are permitted, subject to permitted use provisions for the land use district in which the property is located, and provided they meet the following requirements:

- (a) Location. Accessory uses, buildings, and structures shall be located in a rear yard or side yard, except for well houses which may be located in front yards.
- (b) Height. Accessory buildings shall not exceed a height of twenty-four (24) feet, or the height of the principal residential building, whichever is less.
- (c) Setback. Accessory buildings shall meet a setback of no less than ten (10) feet from any property line.

Sec. 5.3.3. Guest House.

Guest houses shall comply with the following

- (a) Accessory Use. The guest house must be an accessory use to a single-family detached dwelling already existing on the lot.
- (b) Lot Area Requirement. A guest house shall be permitted only on a lot having at least 20,000 square feet in area.
- (c) Location. The guest house must be placed to the rear of the main house (principal building) separated by a distance of at least 20 feet. No more than one guest house shall be located on any lot.
- (d) Maximum Floor Area. The gross building floor area of the guest house may not exceed 50 percent of the floor area of the main house (principal building).

- (e) Use. Guest houses shall not be rented or otherwise occupied separately from the main residence, except for non-paying guests or domestic employees residing on the premises and sharing meals in the principal dwelling.

Sec. 5.3.4. Accessory Dwelling Unit.

In land use districts where permitted, accessory dwelling units (detached or attached) shall meet the following requirements:

- (a) Number limited. Only one accessory dwelling unit shall be permitted on a lot. An accessory apartment shall not be permitted on the same lot as a home occupation.
- (b) Minimum floor area. At least three hundred (300) square feet of heated floor area shall be provided per adult occupant. The heated floor area for an accessory dwelling unit shall be at least 300 square feet and shall not exceed 900 square feet or the size of the principal dwelling, whichever is less.
- (c) Entrance to Unit. The entrance to an accessory dwelling unit shall be from a rear or side yard and shall not face the road to which the principal dwelling is oriented.
- (d) Exterior Finish. Accessory dwelling units, whether attached or detached, shall have exterior finishes or architectural treatments (e.g., brick, wood, stucco, etc.) of an appearance substantially similar to those on the principal dwelling.
- (e) Water and Sewer. The Warren County Health Department must certify that the water and sanitary sewer or septic tank facilities meet applicable countywide health rules and are adequate to serve both the principal dwelling and the accessory dwelling unit.
- (f) Occupancy. Either the accessory apartment or the principal dwelling unit shall be owner-occupied.

Sec. 5.3.5. Yard Sales.

Yard sales, where permitted, shall not exceed seventy-two (72) hours for each yard sale. A yard sale on a particular property shall not occur more frequently than four (4) times annually. All merchandise must be the property of those holding the sale and not be purchased for the purpose of resale.

Sec. 5.3.6. Livestock. *(Amended September 9, 2008)*

The keeping of livestock as an accessory use to residential dwelling shall be permitted only on lots with two acres or more in lot area. No building or structure for shelter of livestock shall be located within 100 feet of any property line. No pen or other enclosure for livestock smaller than two (2) acres in size shall be located within 100 feet of any property line.

CHAPTER 5.4 HOME OCCUPATIONS

- Sec. 5.4.1. General Provisions.
- Sec. 5.4.2. Physical Limitations.
- Sec. 5.4.3. Alterations to the Dwelling.
- Sec. 5.4.4. Parking of Vehicles.
- Sec. 5.4.5. Visits by Patrons Limited.
- Sec. 5.4.6. Transportation of Goods and Deliveries.
- Sec. 5.4.7. Equipment, Off-site Impacts, and Nuisances.
- Sec. 5.4.8. Signs.
- Sec. 5.4.9. Employees and Licenses.
- Sec. 5.4.10. Display, Stock-in-Trade, Sales, and Storage.
- Sec. 5.4.11. Uses Specifically Prohibited.
- Sec. 5.4.12. Approval.
- Sec. 5.4.13. Modifications by Conditional Use.

Sec. 5.4.1. General Provisions.

Home occupations may be established in a portion of a dwelling as provided in permitted uses requirements for the land use districts established by this Land Use Ordinance. No more than one home occupation may be established in a single dwelling or on any individual residential lot. In districts where permitted, the following regulations shall apply to home occupations.

Sec. 5.4.2. Physical Limitations.

The gross floor area of a dwelling unit devoted to a home occupation shall not exceed 1,000 square feet, or 30 percent of the gross floor area of the dwelling, whichever is less. An accessory building may be used for the home occupation, but in no case shall the total area within the accessory building devoted to such use be greater than 500 square feet. If part of the dwelling unit and an accessory building are devoted to a home occupation, no more than 1,000 square feet of combined gross floor area shall be used for such activity.

Sec. 5.4.3. Alterations to the Dwelling.

The exterior appearance of the dwelling and any accessory building used for such activity must remain that of a dwelling, or accessory use to a dwelling. No external alterations inconsistent with the residential use of the dwelling or accessory building are permitted.

Sec. 5.4.4. Parking of Vehicles.

Vehicles kept on site in association with the home occupation shall be used by residents only. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation. Incoming vehicles related to the home occupation, if any, shall at all times be parked off-road within the confines of the residential driveway or other on-site permitted parking.

Sec. 5.4.5. Visits by Patrons Limited.

Except for family day care homes or instructional activities, there shall not be more than two (2) nonresident persons on the premises at the same time in conjunction with the residential business whether they are students, clients, patients, or customers.

Sec. 5.4.6. Transportation of Goods and Deliveries.

The transporting of goods by truck in connection with a home occupation is prohibited. There shall be no goods, products or commodities received on the premises; provided, however, that this provision shall not prevent the non-routine delivery of packages by Federal Express, United Parcel Service, or other commercial carrier.

Sec. 5.4.7. Equipment, Off-site Impacts, and Nuisances.

No home occupation shall generate traffic, sound, smell, vibration, light, or dust that is offensive or that creates a nuisance. There shall be no exterior lighting of the building or property that is not in character with a residential neighborhood. No equipment that interferes with radio and/or television reception shall be allowed. Home occupations must exclude the use of machinery or equipment that emits sound (e.g., saws, drills, instruments, etc.) that is detectable beyond the property. Chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment and which is used primarily for commercial purposes shall not be permitted.

Sec. 5.4.8. Signs.

There shall be no more than one sign, not to exceed four (4) square feet in area and four (4) feet in height, permitted in conjunction with a home occupation.

Sec. 5.4.9. Employees and Licenses.

Only occupants of the dwelling shall be authorized to work on the premises in connection with a home occupation. Any occupational licenses, including business registrations, required by state and/or city regulations must be obtained. Proof of state registration, if required for the home occupation, shall be submitted prior to the issuance of a business registration.

Sec. 5.4.10. Display, Stock-in-Trade, Sales, and Storage.

There shall be no display, and no stock-in-trade nor commodity sold on the premises, in connection with a home occupation, nor shall there be any activity associated with the home occupation visible outside the dwelling or accessory structure if so utilized. There shall be no exchange of merchandise of any kind on the premises. Incidental storage of products which must be mailed/shipped to the customer/ recipient is permitted, within the physical limits of the home occupation as established in this Chapter.

Sec. 5.4.11. Uses Specifically Prohibited.

The following uses are specifically prohibited as home occupations: auto sales; restaurants; animal hospitals, veterinary clinics, kennels, or the keeping of animals; funeral homes; retail or wholesale shops; open air businesses, restaurants, machine shops; special event facilities; and lodging services.

Section 5.4.12. Approval.

All home occupations shall be subject to the Administrator's approval. The applicant for a home occupation shall file for approval from the Administrator on forms provided by said Officer. Information required by the Administrator to approve a home occupation shall be as established in a home occupation application and may include but shall not be limited to the following:

- (a) Address and reference to recorded plat.
- (b) A site plan of the lot on which a home occupation is proposed, showing the location of the principal building, accessory building if proposed to be used in conjunction with the home occupation, and parking areas. The Administrative Officer may require the site plan to be based on a boundary survey or on an engineering scaled plat.
- (c) Written narrative which shall at minimum describe the home occupation (use), hours of operation, and generally how the home occupation complies with this Chapter.

Sec. 5.4.13. Modifications by Conditional Use.

The provisions of this Chapter may be modified or varied pursuant to application by the property owner for a conditional use, according to procedures specified in Article 8 of this Ordinance. The Administrator may provide a recommendation whether or not to approve said modifications.

CHAPTER 5.5 PRINCIPAL NONRESIDENTIAL USES

- Sec. 5.5.1. Automobile Sales Establishment.
- Sec. 5.5.2. Bed and Breakfast Inn.
- Sec. 5.5.3. Commercial Recreational Facility, Outdoor.
- Sec. 5.5.4. Day Care Center.
- Sec. 5.5.5. Golf Driving Range.
- Sec. 5.5.6. Junk Yard.
- Sec. 5.5.7. Outdoor Shooting Range.
- Sec. 5.5.8. Race Track.

Sec. 5.5.9. Self-Service Storage Facility (Mini-Warehouses).

Sec. 5.5.10. Service and Fuel Filling Station.

Sec. 5.5.1. Automobile Sales Establishment.

Establishments that sell, rent, or lease automobiles must provide parking specifically identified and devoted to customers. Adequate space must be allocated, specifically identified, and reserved on the site for the unloading of vehicles brought to the site by car carriers. It shall be a violation to park vehicles for sale, rent, or lease in customer parking areas, unloading zones, within landscape strips, or in any other grass or unpaved area.

Sec. 5.5.2. Bed and Breakfast Inn.

In districts where permitted, bed and breakfast inns shall have a minimum of two guest rooms and a maximum of six guest rooms.

Sec. 5.5.3. Commercial Recreation Facility, Outdoor.

- (a) Lot Area. Such uses require a minimum lot area of two acres.
- (b) Access. Vehicular access shall be derived only from an arterial road.
- (c) Setback and Buffer. A minimum building setback of one hundred (100) feet, and a natural undisturbed buffer replanted where sparsely vegetated of at least fifty (50) feet adjacent to side and rear property lines, shall be required.
- (d) Exterior Lighting. Uses that propose night lighting other than incidental security lighting shall be required to submit a photometric plan to enable the evaluation of impacts from illumination.
- (e) Evaluation. A written evaluation of noise impacts is required at the time the following special uses are proposed to be established as principal uses: stadiums, amphitheaters, outdoor firearms shooting ranges, and race tracks for animals and motor driven vehicles; such projects may be required to construct noise attenuation walls or otherwise address off-site noise impacts. A traffic impact analysis shall be required for amphitheaters, stadiums, racetracks for animals or motor-driven vehicles, and recreational vehicle parks.

Sec. 5.5.4. Day Care Center.

In districts where permitted, day care centers shall have at least one hundred and fifty (150) square feet of outdoor play area and at least thirty-five (35) square feet of indoor space provided for each child or other person served. The outdoor play area shall be enclosed by a solid wooden fence or masonry wall, with a minimum height of five (5) feet, or by a building or combination wall or fence and building. Adequate and safe areas for the drop-off and pick-up of patrons shall be provided.

Sec. 5.5.5. Golf Driving Range.

- (a) Lot Area. The minimum lot area shall be ten acres or one acre per tee, whichever is greater.
- (b) Lot Depth and Width. The width of a driving range shall be not less than 200 yards at a distance of 350 yards from the tees. The depth along the driving area shall be at least 350 yards measured from the location of the tees.
- (c) Access. Vehicular access shall be derived only from an arterial road.
- (d) Hours of operation. The hours of operation shall be limited to 7:00 a.m. to 11:00 p.m.
- (e) Lighting. If the driving range is proposed to be lit, a lighting plan shall be required to be submitted to the Administrator for approval.

Sec. 5.5.6. Junk Yard.

Junk yards and salvage yards shall be completely enclosed by a solid wooden fence or masonry wall having a height of six (6) feet, which shall be installed along all property lines to effectively screen all stored contents and operations from view.

Sec. 5.5.7. Outdoor Shooting Range.

The minimum site size for a skeet or trap shooting range shall be 15 acres. The minimum site size for a rifle range shall be 20 acres. The range-portion of an outdoor shooting range shall be located no closer than 500 feet to a residential land use district boundary or existing residential use. Rifle ranges shall have an earth embankment not less than twenty-five (25) feet in height and not less than ten (10) feet in depth along the entire width at the end of the range to serve as a back stop. Hours of operation shall be restricted to 9:00 a.m. to 11:00 p.m.

Sec. 5.5.8 Race Track.

- (a) Distance from Residential Land Use. Race tracks for vehicles or animals shall be located a minimum of 500 feet from a residential land use district or existing residential use.
- (b) Access. Vehicular access shall be derived only from an arterial road.
- (c) Buffer. A minimum 75-foot buffer shall be provided adjacent to any property containing a residential use or a residential land use district. A minimum 50-foot wide buffer shall be provided adjacent to all other property lines.
- (d) Security Fencing. Security fencing shall be provided when the facility abuts a residential use or a residential land use district.

- (e) Sound Levels. A maximum constant sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at adjacent residential property lines. Sound levels shall be measured with a sound level meter. Noises capable of being measured shall be those that cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noise measurements of a few minutes only will suffice to define any given noise level.
- (f) Hours of Operation. Hours of operation shall be limited to 9:00 a.m. to 11:00 p.m.

Sec. 5.5.9. Self-Service Storage Facilities (Mini-Warehouse).

- (a) Access. Vehicular access shall be derived only from an arterial road.
- (b) Minimum and maximum development size. The minimum lot size for a miniwarehouse development shall be two (2) acres, and the maximum developed area for a mini-warehouse shall be four (4) acres.
- (c) Size and use of storage units. Individual storage units shall not exceed eight hundred (800) square feet in area and shall not be used for the storage of hazardous materials or toxic substances. The use of individual storage units for living, sales, or hobbies is prohibited.
- (d) Maximum building length. No individual mini-warehouse building shall be more than two hundred (200) feet long.
- (e) Fencing. Fencing adjacent to a public right-of-way shall be required in the form of an architecturally finished wall or solid, opaque wooden fence. Fences placed on the remainder of the site may be chain-link with black, vinyl-coating.
- (f) Hours of operation. Mini-warehouse developments shall not be accessible to the general public (excluding on-site managers) between the hours of midnight and 5:00 a.m.

Sec. 5.5.10. Service and Fuel Filling Station.

- (a) All buildings and accessory structures including pumps that dispense fuel must be located at least one hundred (100) feet from any residential land use district boundary. All fuel must be stored underground outside of any public right-of-way.
- (b) Pumps that dispense gasoline, kerosene, propane, natural gas or diesel fuels shall be set back at least twenty-five (25) feet from any road right-of-way line.
- (c) Uses permissible at a service and fuel filling station shall not include major mechanical and body work, straightening of body parts, painting, welding, or storage of automobiles not in mechanically operable condition. No emissions of noxious odors, dust, fumes, gas, noise, or vibration shall be allowed outside of any building.

CHAPTER 5.6 ACCESSORY NONRESIDENTIAL USES

- Sec. 5.6.1. Caretaker Residence.
- Sec. 5.6.2. Gasoline or Fuel Pumps.
- Sec. 5.6.3. Manufacturing and Fabrication.
- Sec. 5.6.4. Outdoor Storage.

Sec. 5.6.1. Caretaker Residence.

A residence for a night watchman, accessory to an institutional, business or industrial operation, may be established in a single-family detached dwelling or as a unit located within an institutional, commercial or industrial building. The Administrator may approve one residence or dwelling with a minimum gross floor area of up to 1,000 square feet, within a principal building or in an accessory housing unit, on the site of an institutional, business, or industrial establishment as an accessory use, provided that the applicant supplies evidence to the Administrator of need for full-time security or 24-hour on-site management.

Sec. 5.6.2. Gasoline or Fuel Pumps.

Pumps that dispense gasoline, kerosene, propane, natural gas or diesel fuels shall be set back at least twenty-five (25) feet from any road right-of-way line.

Sec. 5.6.3. Manufacturing and Fabrication.

If approved as an accessory use to a retail use permitted by right, a manufacturing or fabrication activity shall occupy no more than 1,000 square feet of floor area, and all products made on the premises must be sold on the premises as a retail activity.

Sec. 5.6.4. Outdoor Storage.

Except for open air business establishments, outdoor storage, where permitted, shall be screened from public view by an opaque fence or freestanding wall no less than six (6) feet in height. The outside storage of products in conjunction with an enclosed retail trade establishment shall be limited to a maximum of twenty (20) percent of the lot. This provision shall not apply to the display (in public view) of products as otherwise consistent with this Ordinance, for periods not exceeding twenty-four (24) hours.

CHAPTER 5.7 TEMPORARY USES

- Sec. 5.7.1. Construction Field Office.
- Sec. 5.7.2. Special Temporary Outdoor Event.

Sec. 5.7.1. Construction Field Office.

Manufactured homes or other temporary buildings may be used for a temporary office on a site where a development is under construction, subject to the following:

- (a) Approval and Permit. Approval by the Administrator and issuance of a land use permit by the Administrator. Said permit shall be temporary but renewable once after a period of six (6) months. Said permit shall only be issued if plans and permit(s) have been approved for one or more permanent buildings on the subject property.
- (b) Water and Sewer. Adequate water and sewage disposal for the structure(s) is approved by the Warren County Health Department.
- (c) Additional Installation Provisions. The Administrator shall require the manufactured home to meet all of the requirements of Section 5.2.2 of this Ordinance.
- (d) Removal Upon Occupancy. Said manufactured home(s) or temporary building or structure(s) shall be removed from the site no later than upon the occupancy of the appropriate permanent building(s) or structure(s) intended for such use.

Sec. 5.7.2. Special Temporary Outdoor Event.

A special temporary outdoor event is an activity accessory to a business or organization that is not part of its normal daily activities, such as a grand opening or closeout sale, or any temporary event conducted by a civic, philanthropic, educational or religious institution, such as a fundraising or membership drive. A special temporary outdoor event may be authorized subject to permit approved by the Administrator and in compliance with the following:

- (a) Duration. The duration of the event shall not last longer than 15 consecutive days without renewal of permit.
- (b) Frequency. Special temporary outdoor events shall not take place more frequently than two (2) times in any calendar year on the same premise. Any two such events on the same premise must be separated by at least 30 consecutive days.
- (c) Parking. Adequate parking and traffic maneuvering space must be located on the same property as the event.
- (d) Application. A special temporary outdoor event shall be considered and approved only on the basis of a site plan and letter of intent reflecting conformance to the above requirements. The application shall address hours of operation, placement of bathroom and other public facilities, parking, and security. The application shall also address whether amplifying equipment will be used and if so Sheriff Department review and approval shall be required.

CHAPTER 5.8 TOWERS AND WIRELESS TELECOMMUNICATION FACILITIES

Sec. 5.8.1. Purpose and Intent.

- Sec. 5.8.2. Applicability.
- Sec. 5.8.3. Performance and Construction Standards.
- Sec. 5.8.4. Application Requirements.
- Sec. 5.8.5. Application Processing.
- Sec. 5.8.6. Criteria to Consider in Acting Upon Applications.

Sec. 5.8.1. Purpose and Intent.

The purpose of this chapter is to establish guidelines for the siting of all wireless telecommunication equipment and facilities, microwave towers, common carrier towers, cellular, television and radio telecommunications towers, other towers, and antennae. The regulations and requirements of this Chapter are adopted for the following purposes:

- (a) To provide for the location of towers, communication towers and communication antennas; and to protect residential areas and land uses from potential adverse impacts of towers, communication towers, poles, and antennas by restricting them in accordance with the restrictions of this Chapter.
- (b) To minimize adverse visual impacts of towers, communication towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
- (c) To accommodate the growing need for communication towers and antennas while minimizing the total number of towers within the community necessary to provide adequate personal wireless services to residents.
- (d) To promote and encourage shared use/co-location of existing and new communication towers (i.e., the use of multiple antennae operated by different providers on a single tower) as a primary option rather than construction of additional single-use towers or poles.
- (e) To promote and encourage placement of antennae on existing towers, where such siting options exist, and on buildings, where such siting options exist.
- (f) To consider public health, safety, and welfare in the siting of new towers, and to avoid potential damage to adjacent properties from tower or pole failure through engineering and careful siting of tower structures.

It is also the intent of this ordinance to limit the siting of telecommunications facilities and towers where they will have the least adverse impact on the community and still comply with the requirements of the Telecommunications Act of 1996 (Public Law No. 104-104, 47 U.S. C. Section 332(c)(7)). These intentions are accomplished with restriction of locations and by enacting controls on height, setbacks, location, color, and materials in order to minimize visibility and promote public safety and welfare. The regulations in this Chapter are reasonably related to the valid public purposes described in this Section.

It is not the intent of the Warren County Board of Commissioners to discriminate among providers of functionally equivalent services or to prohibit or have the effect of prohibiting the

provision of wireless services in the County. It is also the intent of the county that applications to place, construct, or modify personal wireless service facilities will be acted upon within a reasonable period of time.

Sec. 5.8.2. Applicability.

All new communication towers, poles, and communication antennas shall be subject to this Chapter, except that this Chapter shall not govern the following:

- (a) Any tower, or the installation of any antenna, that is seventy (70) feet or less in height and is owned and operated by a federally-licensed amateur radio station operator or ham radio operator from the operator's residence.
- (b) Antennae or towers located on property owned, leased, or otherwise controlled by Warren County, or a municipality within it, provided that a license or lease authorizing such antenna or tower has been approved by the government.
- (c) Monopole towers 100 feet or less in height located within electrical substations and antennae attached to existing transmission towers.

Section 5.8.3. Performance and Construction Standards.

- (a) Structural Design. New communication towers or poles and antennae, and modifications to existing structures including, without limitation, the addition of height, antennae or providers, shall be constructed in accordance with applicable federal, state and local regulations.
- (b) Placement Restrictions. Towers occupying a lot as a principal use shall at minimum meet the minimum lot size and setback requirements for the land use district in which the lot is located. When the tower is on leased property, the setbacks established by land use district shall apply to the lot of record, not the lease boundaries. Towers shall, in addition to setbacks established for the land use district in which it is located, be a minimum of three-hundred (300) feet from any residential land use district and a minimum of five-hundred (500) feet from any single-family residence not on the site in which the tower is located, whether located on a leased site or its own lot of record. All towers shall also be set back from property lines and road rights-of-ways a distance equal to or greater than the tower height.
- (c) Screening. The visual impacts of a tower at the ground level shall be mitigated by landscaping. All towers and accessory structures shall be surrounded on the ground by a minimum ten (10) foot wide landscape strip or buffer that forms a hardy screen dense enough to interrupt vision and shield the base and accessory structures from public view and view from the surrounding properties. The buffer or landscape strip shall consist of evergreens that will reach a minimum height of at least six (6) feet within three (3) years.

- (d) Fencing. A black vinyl-coated chain link fence, or wall, not less than six (6) feet in height from finished grade, shall be provided around each tower or pole housing wireless telecommunications antennae. Access to the tower or pole shall be through a locked gate. The tower or pole shall be equipped with an appropriate anti-climbing device, unless the Administrator waives this requirement for alternative tower structures.
- (e) Height. Through approval of a conditional use application, the height of the tower may exceed the maximum height limit of the land use district in which it is located, up to a height of two hundred (200) feet, subject to the limitations of this paragraph. Towers shall be the minimum height necessary to provide parity with existing similar tower-supported antenna. No tower, pole, or antenna, whether freestanding or attached to a building or structure, shall exceed two-hundred (200) feet in height from ground level unless a variance is obtained. To prevail in any variance application to exceed established maximum height limitations of this paragraph, the applicant must successfully demonstrate why the prescribed maximum height is insufficient to provide adequate service, or that a taller tower will be in the community's interest by avoiding the construction of one or more additional towers at a new location.
- (f) Illumination. Towers, poles, or antennae shall not be lighted except to assure human safety or as required by the Federal Aviation Administration, Federal Communications Commission, or other federal agency with jurisdiction. Lighting shall be restricted to dual lighting, medium intensity white strobe lights (daylight mode), and red obstruction lights (nighttime mode), unless the FAA or state aeronautics division requires another type of lighting.
- (g) Color and Material. Towers clustered at the same site shall be of substantially similar height and design. Communication towers not required to be painted or marked by the Federal Aviation Administration shall have either galvanized steel finish or be painted a non-contrasting color approved by the Warren County Board of Commissioners to minimize the equipment's visibility. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (h) Signs and advertising. No advertising is permitted on a tower or antenna. However, towers shall have mounted in a conspicuous place a sign of not more than one (1) square foot in area, identifying the facility's owner and providing a means of contact in the event of an emergency.
- (i) Co-location. Proposed communication antennas may and are encouraged to collocate onto existing communication towers. New or additional conditional use approval is not required for the addition of an antenna to an existing approved tower or pole. All towers over one-hundred (100) feet in height shall have structural capacity and ground or interior space to accommodate multiple users. Towers up to

one-hundred sixty (160) feet shall accommodate at least three users, and towers over one-hundred sixty (160) feet shall accommodate at least five users.

- (j) **Noninterference.** No communication tower or antenna shall interfere with public safety communication. Frequency coordination is required to ensure noninterference with public safety system and/or public safety entities.

Sec. 5.8.4. Application Requirements.

Each application for conditional use approval pursuant to this Chapter shall include the following, which are in addition to the information required for special use applications generally, if required:

- (a) A recorded plat or boundary survey.
- (b) A site plan, with topographical information.
- (c) An elevation view, perspective drawing, or simulated photograph of how the proposed tower or pole will look from public rights-of-way and surrounding residential areas from which it will be visible once constructed.
- (d) Supporting engineering calculations and information which provide evidence of need and document radio frequency range, coverage area, and tower height requirements. The application must specifically address whether there is a technically suitable space available on an existing tower or other location within the search area (i.e., the grid for the placement of the antenna), and such information shall specifically include the location of all existing towers within a one-mile radius of the site proposed.

Sec. 5.8.5. Application Processing.

Decisions on applications for wireless service facilities shall be made within a reasonable period of time, which shall mean generally that such decisions shall be processed in roughly the same amount of time required for other conditional use applications; provided, however, that the Planning Commission and Warren County Board of Commissioners shall each table an application for conditional use for a wireless service facility no more than once before making a recommendation and decision, respectively, unless the applicant does not object to additional continuances.

Sec. 5.8.6. Criteria to Consider in Acting Upon Applications.

In addition to the criteria for determining whether to approve or deny conditional uses, as specified in this Ordinance, when an application for wireless telecommunication facilities or equipment is considered, the Planning Commission and the Warren County Board of Commissioners shall consider the following without limitation:

- (a) Impacts on surrounding properties with regard to aesthetics and fit with the context of its surroundings, considering the location, height, type of facility, color and materials proposed.
- (b) Whether impacts on surrounding properties on aesthetics can be mitigated by a monopole tower, or by a camouflaged tower (e.g., disguised as a pine tree), or by using stealth technology (i.e., making the tower resemble common features such as church steeples, bell towers, clock towers, grain silos, gateway elements, and monuments), or by requiring greater setback from impacted properties.
- (c) Whether the tower or wireless facility would pose an unreasonable risk to adjoining properties, including consideration of a fall area where ice or other debris may fall off the tower without harm.
- (d) The appropriateness of the location of existing towers, poles, and buildings, including electric transmission towers, that might serve as alternative locations to construction of a new tower or pole or placement on a building in a new location. It is the intent that new antennae where possible shall be co-located on existing towers and poles, placed on existing buildings, or be within a concealed support structure (e.g., camouflaged as an artificial pine tree, church steeple, clock tower, grain silo, flagpole, etc.), prior to authorizing the installation of a new non-camouflaged pole or tower. The failure to consider or unwillingness to accept viable options as described in this paragraph may be grounds for denial of a conditional use application for a new tower or pole.
- (e) Whether the application demonstrates compliance with the regulations established in this Chapter.
- (f) Whether the tower would be engineered and constructed to accommodate additional communication service providers (i.e., whether the application provides for colocation as required by this Chapter).
- (g) Whether a denial of the application would have the effect of prohibiting wireless services in the jurisdiction or area or would unduly restrict competition among wireless providers.

In addition, the Warren County Board of Commissioners shall make a decision on the application based on substantial evidence to allow a reviewing court to understand the reasoning behind the decision and whether that reason comports with the evidence presented. To this end, for each application for wireless service facilities, the Warren County Board of Commissioners shall rely on findings of fact in making a decision on said application. Such findings may be part of the recommendation and report of the Administrator, the recommendation of the Planning Commission, the application and supporting materials submitted by the applicant, testimony from interested individuals, professionals, and the applicant, and any additional findings of fact the Board of Commissioners may itself determine. Generalized community concerns, unaccompanied by supporting documentation, do not constitute substantial evidence under Section 704 of the Telecommunication Act of 1996 or this Chapter.

CHAPTER 5.9 OTHER USES

- Sec. 5.9.1. Aircraft Landing Area.
- Sec. 5.9.2. Landfills and Other Solid Waste Facilities.
- Sec. 5.9.3. Hunting Club.
- Sec. 5.9.4. Recreational Vehicles.

Sec. 5.9.1. Aircraft Landing Area.

No person shall construct or use or authorize the construction or use of an aircraft landing area (including private use heliport) on any property owned, leased, or controlled by such person, unless and until the following requirements are met:

- (a) No person shall use or authorize the use of an aircraft landing area on any property owned, leased, or controlled by such person until such person has obtained liability insurance coverage on the operation and use of such area. Such coverage shall be obtained from an insurer authorized or licensed to transact insurance business in Georgia and shall provide a minimum liability coverage of at least \$500,000 per claim.
- (b) The proposed aircraft landing area shall be of sufficient size to meet the Federal Aviation Administration requirements for the class of airport or aircraft landing proposed, and it must be approved by the Federal Aviation Administration or other agency of the federal government with jurisdiction. There shall be sufficient distance between the end of each landing strip and the property boundary to satisfy the requirements of the Federal Aviation Administration.
- (c) There shall be no existing or proposed flight obstructions such as towers, chimneys or natural obstructions outside the proposed aircraft landing area which would be in the approach zone to any of the proposed runways, landing strips, or landing areas. In cases where air rights or easements have been acquired from the owners of abutting properties to protect approach zones, satisfactory evidence thereof shall be submitted with the application.
- (d) The owner of the aircraft landing area shall erect a safety barrier around the peripheral area surrounding the takeoff and landing area. The safety barrier shall be a fence or wall no less than six (6) feet in height and fully enclosed with a self-locking gate.
- (e) An environmental impact report shall be submitted, addressing whether the facility is consistent with the comprehensive plan; whether the use will have an adverse impact on the surrounding area; and whether the noise level will impact the surrounding area. Additionally, the applicant shall submit a plan with any mitigation techniques that may be required. The Administrator shall review the environmental impact report, evaluate proposed mitigating techniques, and determine the sufficiency thereof, require any additional information relevant to the application, and

make a recommendation to the Warren County Board of Commissioners regarding approval or denial of the conditional use application.

- (f) In approving an aircraft landing area, the Warren County Board of Commissioners may provide that the approval is conditioned on measures or restrictions designed to mitigate any negative impacts of the use. The proposed location of an aircraft landing area within six-hundred (600) feet of a residential land use district or existing residential use may form the basis for denial of the application.

Sec. 5.9.2. Landfills and Other Solid Waste Facilities.

All landfills, including construction and demolition, sanitary, and inert waste landfills, materials recovery facilities, and solid waste transfer facilities shall comply with the following:

- (a) Access. Access from a paved arterial road shall be required. Access shall not be allowed through any residential subdivision or residential development.
- (b) Buffers and Screening. The entire landfill or facility shall be screened from view from all property lines. To accomplish this, a minimum two hundred (200) foot wide undisturbed buffer is required adjacent to all property lines. Areas within the two hundred (200) foot undisturbed buffer that do not provide an opaque screen throughout the year shall be planted with additional vegetation.
- (c) Fencing. A minimum six (6) foot high solid fence/wall shall be erected and maintained along the internal edge of the required buffer. Where an access opening is permitted, there shall be a gate that when closed provides opaque screening.
- (d) State Permit. The owner shall provide the Administrator with a current copy of a Georgia solid waste-handling permit, or pending application thereof, if required, prior to applying for a development permit.
- (e) Covering of Loads. Vehicles shall be allowed into a landfill or facility site only if waste is covered, to prevent blowing of material from the vehicle.
- (f) Location and buffered areas. No landfill or other facility regulated by this Section shall be sited in a manner inconsistent with the location provisions or recommendations of the Comprehensive Solid Waste Management Plan adopted by the Board of Commissioners of Warren County.

Sec. 5.9.3. Hunting Club.

Any site-built dwelling, cabin, or manufactured home, or recreational vehicle established on a hunting club site as a permanent location for temporary, transient lodging for hunting club members shall be connected to a source of water supply and septic tank or other on-site wastewater treatment approved by the Warren County Health Department.

Recreational vehicles, as defined, that are manufactured so as to include their own water and waste disposal facilities within the vehicle itself are permitted on a temporary basis in locations

shown on an approved site plan for a hunting club, but such recreational vehicles shall not be permitted to be located at or on the same location for more than thirty (30) consecutive days. It shall be unlawful to use recreational vehicles on hunting club sites at a permanent location (i.e., for more than 30 consecutive days) unless said recreational vehicle is connected to a source of water supply and septic tank or other on-site wastewater treatment approved by the Warren County Health Department.

Sec. 5.9.4. Recreational Vehicles.

It shall be unlawful to occupy a recreational vehicle for more than thirty (30) days in Warren County except as may be lawfully permitted within a hunting camp or campground and as approved by the Warren County Health Department and the Administrative Officer; provided, however, that by Resolution the Board of Commissioners of Warren County may authorize the occupancy of recreational vehicles for occupancy periods longer than 30 days, in cases of emergency and for good cause shown.

CHAPTER 5.10 ADULT BUSINESSES

Sec. 5.10.1. Location Restrictions.

Sec. 5.10.2. Obscene Material.

Section 5.10.1. Location Restrictions.

No adult business shall be located:

- (a) Within one thousand (1,000) feet of a lot zoned to allow single-family, two-family or multi-family residential uses.
- (b) Within one-thousand (1,000) feet of the lot line of any library, school, park, playground, governmental building, civic center, church or place of worship.
- (c) Within one-thousand (1,000) feet of the lot line of any other adult business.

The distance restrictions set out above shall apply in any and all directions from the lot line of the proposed adult use at the point closest to the lot line of the other property, as measured in a straight line to the point on the lot line of the other property that is located closest to the lot line of the proposed adult use property. This distance shall be verified by plat showing distances furnished by the applicant, prepared by a land surveyor registered in the State of Georgia. This plat shall accompany and be made part of the application for a conditional use approval.

Sec. 5.10.2. Obscene Material.

Nothing contained herein shall be construed to authorize or legalize the selling, lending, renting, leasing, giving, advertising, publishing or other dissemination to any person, any book, magazine, movie film, still picture or any other written material, pornographic matter, novelty, device or related sundry item which is obscene material under the law of the State of Georgia.

CHAPTER 5.11 CONSERVATION SUBDIVISIONS

Sec. 5.11.1. Purpose and Intent.

Sec. 5.11.2. General Provisions.

Sec. 5.11.3. Procedures and Criteria.

Sec. 5.11.1. Purpose and Intent.

This Chapter is intended to provide for residential subdivisions that are designed based first and foremost on the preservation of open space, but that accommodate the full extent of development that would otherwise be legally possible under conventional subdivision designs, and that:

- (a) Minimize the environmental and visual impacts of new development on critical resources, agricultural or forest resource lands, and/or historically and culturally significant sites and structures.

- (b) Contribute to an interconnected network of permanent open space in the community and provide for undivided or relatively undivided open spaces within new developments.
- (c) Create a greater diversity of living environments than is possible with conventional residential subdivision developments.
- (d) Reduce the demand on public expenditures for open space, parkland, play fields, and other areas for active and passive recreation.
- (e) Reduce capital costs by requiring less linear footage distances of roads and utilities than conventional subdivision development.

Sec. 5.11.2. General Provisions.

- (a) Land Use District Densities. Conservation subdivisions, where permitted, shall not exceed the residential density in units per acre or be less than the minimum lot size as established for conservation subdivisions by the residential land use district in which the conservation subdivision is located, as specified in Table 4.2 of this Land Use Ordinance.
- (b) Subdivision Regulations. Conservation subdivisions shall be considered and processed in accordance with preliminary and final plats requirements for major subdivisions as specified in the Warren County Subdivision and Land Development Regulations, except that in addition the criteria for approval and grounds for disapproval as provided in this Chapter shall also apply to decisions on preliminary plats.
- (c) Sewage Treatment and Disposal Systems. Subject to approval of the Health Department, conservation subdivisions may, upon demonstration of feasibility, employ an alternative method of sewage treatment and disposal to the conventional method of providing individual septic tanks and drainfields on individual lots per the requirements of the Georgia Department of Human Resources Manual for On-Site Sewage Management Systems. Alternatives to this conventional method which may be considered include in-ground community sewage plants, community septic systems, individual on-site septic tanks connected to shared drainfields within community open spaces, land treatment, spray irrigation, and wastewater reclamation and reuse facilities.
- (d) Conservation areas. A conservation subdivision shall include all primary conservation areas as undivided or relatively undivided, permanent, open spaces. A significant amount of secondary conservation areas shall also be protected as undivided or relatively undivided, permanent, open spaces. In the case of farmland or forest land, part of the open space within a conservation subdivision may be permitted to be retained in the hands of the original farmer/landowner or leased to a farmer or forest company for agricultural, pasture, or horticulture uses, or forestry, so long as the activity is undertaken using best management practices to reduce

environmental impacts to the extent possible. Uses not expressly authorized via the preliminary plat process are prohibited.

- (e) Conservation Easement Required. All primary conservation areas, and all secondary conservation areas shown on the preliminary plat and required to be retained as open space, shall be permanently protected from further subdivision, development, and unauthorized use by a conservation easement. A conservation easement, as defined, shall be approved by Board of Commissioners of Warren County and 1) co-signed by the county and donated to a conservation organization or land trust; or 2) co-signed by the county, donated to a homeowners association and co-signed by a conservation organization or land trust; or 3) donated to the county if accepted by the county and co-signed by a conservation organization or land trust.

Sec. 5.11.3. Procedures and Criteria.

- (a) Pre-application Conference. A pre-application conference with the Administrator is required prior to the submission of a preliminary plat application for a conservation subdivision. At the time of a pre-application conference, the Administrator shall make available all relevant information about primary and secondary conservation areas, including soil survey, natural resource maps, and geographic information. The Administrator may charge reasonable reproduction costs for the provision of such information. Ideally, the pre-application conference will be preceded by the submittal of a boundary survey of the property to be subdivided with sufficient time for the Administrator to collect applicable information.
- (b) Existing Features and Site Analysis. As a part of the preliminary plat application, the applicant for a conservation subdivision shall submit an analysis of existing features on the site, which shall minimum include the following:
1. Significant wildlife habitats, if any. If information on habitats is not available, the wildlife potential of various soil types on the site shall be identified and examined.
 2. Soils, including analysis of suitability for septic tanks, erosion potential, prime farmland, and identification of hydric soils.
 3. Wetlands.
 4. Floodplains. Areas of 100-year flood plains as identified on flood hazard boundary maps or flood insurance rate maps developed by the Federal Emergency Management Agency.
 5. Historic, archaeological, and cultural features.
 6. Tree cover/woodlands.
 7. Views into and out from the site, and any scenic qualities.

8. Aquifer recharge areas.
 9. Property boundaries.
 10. Existing roads and structures.
 11. Greenspaces and trails traversing or adjacent to the site.
 12. Planned boundaries of open space.
- (c) Evaluation Criteria for Approval. Approval or denial of a preliminary plat for a conservation subdivision shall be based on the extent to which the plat meets the following criteria:
1. All primary conservation areas are protected as permanent open space.
 2. A sufficient amount of secondary conservation areas are protected as permanent open space, as opposed to being devoted to lots and other uses.
 3. The configuration of the open space tract is contiguous and undivided, or open space is provided in relatively undivided tracts that cannot reasonably be reconfigured into one contiguous, undivided tract.
 4. The conservation subdivision meets the regulations specified in this Chapter.
- (d) Justifiable Grounds for Denial. Reasons for the denial of a preliminary plat of a conservation subdivision include but are not limited to the following:
1. The application fails to fully identify primary and secondary conservation areas.
 2. The proposed method of sewage treatment is inappropriate for the site or found to be potentially dangerous to public health.
 3. One or more of the lots within the conservation subdivision are too small to meet the minimum lot size established by this Ordinance or even if compliant are out of character with residences on adjoining or nearby properties.
 4. One or more of the lots are significantly large or wide, such that their design contributes to an unnecessary decrease in the amount of open space retained on site.
 5. The street configuration does not provide for connectivity, or preserve natural features, or it is found to be inconsistent with the open space character of the subject property and its surroundings.
 6. The proposed open space network is divided, not functional, inconsistent with open space plans of the county, or does not provide for the protection of the most

valuable secondary conservation areas on the site given the natural and scenic properties inherent on the site.

7. The proposed open space network fails to maximize the length of the common boundary between conservation areas on site and conservation areas or parkland abutting the conservation subdivision site.
8. The preliminary plat appears to be submitted for the major purpose of circumventing minimum lot size or density, and/or minimum lot width requirements or improvement requirements that would otherwise be required for conventional subdivisions pursuant this Ordinance or the county's subdivision and land development ordinance.

CHAPTER 5.12 PLANNED UNIT DEVELOPMENT

- Sec. 5.12.1. Purpose and Intent.
- Sec. 5.12.2. Permitted Uses.
- Sec. 5.12.3. Dimensional Requirements.
- Sec. 5.12.4. Improvement Requirements.
- Sec. 5.12.5. Minimum Area.
- Sec. 5.12.6. Minimum Open Space Required.
- Sec. 5.12.7. Application Requirements.
- Sec. 5.12.8. Approval Procedures.

Sec. 5.12.1. Purpose and Intent.

The Planned Unit Development is intended to meet the following objectives:

- (a) Allow and encourage more unique, flexible, creative, and imaginative arrangements and mixes of land uses in site planning and development than are permitted through conventional land use requirements.
- (b) Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions.
- (c) Allow and encourage the development of tracts of land as single developments that are planned neighborhoods or communities, including civic and semi-public uses (e.g., schools, playgrounds, meeting halls, etc.) that help to make up a community.
- (d) Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments.
- (e) Provide for the more efficient use of land through clustering and other flexible, innovative development arrangements that will result in smaller networks of utilities and streets and thereby lower development and housing costs.
- (f) Provide a more desirable living environment than would be possible through the strict application of conventional land use and subdivision requirements.
- (g) Establish application requirements that are more rigorous or onerous than necessary to enable thorough analyses.
- (h) Ensure that the design of building forms is interrelated and architecturally harmonious.

Sec. 5.12.2. Permitted Uses.

Permitted uses shall be proposed by an applicant for a PUD and shall be limited to those uses approved by the Warren County Board of Commissioners during the conditional use process; provided, however, that the following may be considered controlling by the Board:

- (a) Retail, service, office, and civic and institutional residential uses shall not exceed thirty (30) percent of the total site area of the district.
- (b) Industrial uses shall not normally be considered appropriate for inclusion in planned unit developments but if proposed and approved shall not exceed ten (10) percent of the total site area of the district and such area shall be counted within the thirty (30) percent limit for uses specified in paragraph (a) of this section.
- (c) At least seventy (70) percent of the units proposed and approved as part of the planned unit development shall be detached, single-family dwellings.

Sec. 5.12.3. Dimensional Requirements.

Lot sizes, setbacks and yards, building coverage, building heights, and other dimensional requirements shall be proposed by an applicant for PUD development and as may be approved by the Board of Commissioners through the conditional use process. Standards proposed by the developer are legally binding on the development if approved, unless otherwise specified by the Board of Commissioners.

Sec. 5.12.4. Improvement Requirements.

Development improvements shall be as provided in the Warren County subdivision and land development regulations; provided, however, that the applicant may propose waivers to design and improvement requirements if considered necessary or desirable to achieve an innovative site design, and if approved in accordance with the subdivision ordinance may be constructed according to such alternative improvement requirements. Departure from said improvement requirements is a privilege not a right, and shall only be proposed and approved when there are tangible benefits in the form of provisions for open space, amenities, superior design, etc. that will result from the deviation from adopted improvement requirements.

Sec. 5.12.5. Minimum Area.

There shall be a minimum development area size of twenty-five (25) acres for a PUD. No land use permit application for a PUD shall be accepted unless it meets the minimum area for development.

Sec. 5.12.6. Minimum Open Space Required.

A minimum of twenty (20) percent of the total site area of the development shall be open space, greenspace, passive recreation, community recreation, or pervious landscaped areas or combination thereof.

Sec. 5.12.7. Application Requirements.

In addition to the requirements for conditional use applications specified in Article 8 of this Ordinance, an application for PUD development approval shall include the following:

- (a) Development Plan. Applications shall include a development plan, which unless specifically stated otherwise shall be a condition of PUD approval and must be followed.
- (b) Architectural Elevations. Applications shall include perspective front, side, and rear elevation drawings of representative building types, except for detached single-family dwellings and their accessory buildings. These drawings shall indicate general architectural characteristics. If the PUD is approved, architectural elevations submitted as part of the application shall be considered binding unless specifically noted otherwise in the approval. If the PUD involves only detached single-family dwellings, architectural elevations shall not be required.
- (c) Land Uses and Development Summary. The application shall include a list of all land uses proposed to be included in the PUD, the total land area devoted to each of the land uses proposed, the percentage of the total land area within the PUD devoted to each proposed land use, the number of residential units by type and density, and the total square footage of buildings devoted to non-residential uses. In addition, the application shall contain a development schedule indicating the approximate dates for beginning and completing the project, or each phase if the development is to be phased, and the extent of development and types of land uses in each phase.
- (d) Dimensional Requirements. The application shall contain all minimum dimensional requirements that are proposed to apply within the PUD, including minimum lot sizes, minimum lot widths, maximum building coverage, front, side and rear yards and building setbacks, and maximum heights. Such proposed dimensional requirements shall be presented in a table on the development plan or in the written text accompanying the application.
- (e) Improvement Requirements Comparison. The application shall contain descriptions of improvements to be constructed within the PUD, such as but not limited to road types, right-of-way widths, pavement widths, sidewalk locations and dimensions, and other improvements. Such proposed improvements shall be presented in a table on the development plan or in the written text accompanying the application that shows the proposed improvements in comparison with improvements that would be required otherwise without approval of a PUD.
- (f) Private Restrictions. PUDs that have commonly owned facilities and space shall have private restrictions and covenants established which shall be subject to the approval of the county attorney and the Administrator. The developer of a PUD involving commonly owned facilities and space shall submit, along with the development plan application, a declaration of covenants, conditions, and restrictions and articles of incorporation and by-laws for the property owners or home owners association. The declaration shall confer membership to the owner of property subject to assessment by the association, provide for voting rights in the association with suggestions for the division of power between the developer and the property owners, and provide for maintenance assessments, among other things.

- (g) Community Benefit Statement. The applicant shall submit a written statement identifying the relative benefits that will accrue to the community as a result of the property being developed under PUD provisions. Specific mention should be made of mix of uses included, open spaces provided, natural features retained, and architectural designs to be provided. This statement is a developer's opportunity to define why the PUD proposal merits approval and how it will serve the community better than a conventional development.

Sec. 5.12.8. Approval Procedures.

In addition to the requirements for conditional applications specified in Article 8 of this Ordinance, approval proceedings for PUD development approval shall include the following:

- (a) Preapplication Conference. Prior to filing a formal application for a PUD, the applicant is required to confer with the Administrator in order to review the general character of the plan and to obtain information on the nature and extent of the proposed development.
- (b) Criteria for Approval. In considering and acting upon applications for PUDs, the Planning Commission and the Board of Commissioners shall consider and base their recommendation and decision, respectively, on the following criteria (not all inclusive), and any other factors it may consider appropriate in reaching such a decision: (1) consistency with the comprehensive plan of the county; (2) The character, location, and appropriateness of the proposed mix of land uses; (3) The extent to which the proposed architectural features of buildings within the planned unit development are harmonious; and (4) The adequacy of open spaces and play areas and recreation facilities that are provided for the needs of the development occupants.
- (c) Revisions. Amendments to approved PUDs shall be permitted but governed by the procedures and provisions for conditional uses as specified in Article 8 of this Ordinance.
- (d) Construction Plans. Upon approval of a PUD application by the Board of Commissioners, the developer may apply for construction plan approval.
- (e) Permits and Certificates. No permit shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, for any PUD that has not been approved in accordance with the provisions of this Chapter. The Administrator shall authorize the issuance of permits for buildings and structures in the area covered by the approved PUD if they are in substantial conformity with the approved PUD, after improvements are installed in accordance with applicable improvement requirements, and if found to be in conformance with all other applicable regulations. The Administrator shall authorize occupancy of any completed building, structure, or use located in the area covered by the PUD if it conforms to the requirements of the approved PUD and all other applicable regulations. After completion of a PUD, the use of land and construction, modification, or alteration of any buildings, structures, or uses within the area

covered by the PUD shall continue to be regulated by the approved development plan for the PUD.

ARTICLE 6 SIGN REGULATIONS

CHAPTER 6.1	GENERAL PROVISIONS
CHAPTER 6.2	DEFINITIONS
CHAPTER 6.3	MAINTENANCE AND NONCONFORMITIES
CHAPTER 6.4	SIGN TYPE PERMISSIONS AND DIMENSIONAL REQUIREMENTS

CHAPTER 6.1 GENERAL PROVISIONS

- Sec. 6.1.1. Objectives.
- Sec. 6.1.2. Authority and Scope.
- Sec. 6.1.3. Applicability.
- Sec. 6.1.4. Exemptions.
- Sec. 6.1.5. Noncommercial Messages.
- Sec. 6.1.6. Prohibited Signs.
- Sec. 6.1.7. Variances.

Sec. 6.1.1. Objectives.

The objectives of this Article include but are not limited to the following:

1. Provide a reasonable balance between the right of an individual to identify his or her business or express their thoughts and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and advertising devices.
2. Guard against an excess of large, aesthetically unappealing, and/or intense signs which cause visual blight on the appearance of the community. Visual blight adversely affects the aesthetic quality of life and traffic safety in the community for residents, businesses, pedestrians, and persons in vehicles.
3. Protect the public health, safety and general welfare while protecting the rights of sign owners to expression and identification.
4. Provide regulations that vary the sign area based on the type of land use.
5. Provide regulations that are content neutral. It is not the intent to regulate the content of messages in any way. To accomplish this, these regulations do not distinguish between on-site or off-site sign content, nor do they distinguish between commercial and noncommercial content. Any sign permitted pursuant to this Article may contain commercial or non-commercial content. Sign allowances in this Article take into account the needs for off-premise signs and signs carrying messages of a non-commercial character.
6. Protect property values by minimizing the possible adverse effects and visual blight caused by signs.

7. Insure that signs are compatible with adjacent land uses and with the total visual environment of the community.
8. Eliminate excessive and confusing sign displays.
9. Preserve and improve the appearance of the community as a place in which to live and to work and as an attraction to nonresidents who come to visit or trade.

Sec. 6.1.2. Authority and Scope.

This Article is adopted to serve substantial governmental interests of correcting and avoiding multiple problems that would occur without the regulation of signs. The regulations contained herein are no more extensive than necessary to serve the substantial governmental interests identified in this Article. It is not the intent of this Article to regulate the content of signs, but only their composition, type, location, distance from right-of-way, height, size, illumination, and in some cases the duration they may be displayed, or other non-content based restrictions implied in this Article. It is not the intent of this Article to foreclose important and distinct mediums of expression for political, religious, or personal messages on any sign permitted to be erected by this Article. These regulations shall not be construed as limiting the message content of any sign.

Sec. 6.1.3. Applicability.

No sign may be erected, placed, established, painted, created, or maintained except in conformance with this Article.

Sec. 6.1.4. Exemptions.

The following types of signs are specifically exempted from compliance with this Article.

1. Flags, as many as four per lot, when designed and displayed in a way that allows for routine, daily raising and lowering of the flags, not exceeding forty (40) square feet each in area. Poles for such flags shall not exceed twenty-five (25) feet in height, and shall not be more than twenty-five (25) feet from the main building entrance.
2. Street address identifiers and building identification numbers on multi-tenant buildings that are essential to the location of such buildings.
3. Signs not oriented or intended to be legible from a public right-of-way, private road or driveway, or other private property. Signs or stickers which are designed to be read only from close range (i.e., five feet), attached to a device or structure more than twenty-five (25) feet from the right-of-way of a road, not to exceed one (1) square foot each sign or sticker; provided, however, that drive-through lanes may have display boards not exceeding six (6) feet in height or thirty-six (36) square feet in area.
4. Signs erected more than two (2) feet inside a building.
5. Building markers and integral decorative or architectural features.

6. Traffic safety and traffic directional signs, installed within the right-of-way of a public road under the authority of the government with jurisdiction.
7. Traffic safety and traffic directional signs (including direction of travel, speed limits, etc.) along private streets and driveways, and in off-street parking lots that are installed per the requirements of the Warren County Director of Public Works and which do not exceed four (4) square feet each.
8. Directory signs, as defined by this Article, which do not exceed four (4) square feet each or six (6) feet in height.
8. Public notice signs and signs of a public interest, erected by or on the order of a public officer in the performance of his or her duty.
9. Holiday lights and decorations.
10. Handicapped parking signs, when required per local, state or federal law.

In any case where a sign of a certain size is exempted by this Section, and an applicant desires to erect a larger size sign than the area of sign exempted but said sign is not allowed, said sign shall only be permitted only upon approval of a variance in accordance with the provisions of Article 8 of this Ordinance.

Sec. 6.1.5. Noncommercial Messages.

Any sign allowed by this Article may contain a lawful message (i.e., noncommercial or commercial). Messages shall be regulated by this Article only as to the size, height, location, design, or other non-content based consideration.

Sec. 6.1.6. Prohibited Signs.

The following types of signs or advertising devices are prohibited in Warren County, except as otherwise specifically provided by this Article:

1. Abandoned signs.
2. Animated signs.
3. Hand-held signs.
4. Inflatable signs, except as specifically permitted under special event sign permit.
5. Portable signs.
6. Roof signs.
7. Sidewalk signs.

8. Any sign illuminated at such an intensity or brightness which reasonably interferes with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties, or which reasonably creates a hazard to operators of motor vehicles.
9. Pennants, except as specifically permitted under special event sign permit.
10. Streamers and wind-blown devices.
11. Signs that imitate an official traffic sign or signal. This includes signs with colored lights and with shapes similar to those for traffic safety signs, used at any location or in any manner so as to be confused with or construed as traffic control devices or traffic safety signs.
12. Signs within the right-of-way except as specifically provided elsewhere in this Article or in accordance with State of Georgia law or regulation.
13. Signs attached to, drawn, or painted upon trees, rocks, or other natural features.
14. Advertising displayed on benches, trash cans, telephone booths, and similar devices.
15. Strobe, laser, and search lights.
16. Any sign placed in such a manner that it obstructs the vision of pedestrians or traffic in a public right-of-way or the entrance of a private street or driveway to a public right-of-way.
17. Any sign located so as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device.
18. Any sign not specifically permitted for the specific land use as provided in this Article shall be prohibited on property occupied by that land use, unless specifically otherwise provided under this Article.
19. Any sign erected without the permission of the property owner or authorized agent or tenant.

Sec. 6.1.7. Variances.

A request for a variance may be initiated by a property owner or his authorized agent by filing an application with the Administrator. The application shall be accompanied by a plot plan, drawn to scale, showing the location of the sign on the lot and information regarding the dimensions and size of the proposed sign. The Administrator may require other information about the variance requested and its relationship to the surrounding properties. Variance application requirements, including fees, are specified in Article 8 of this Land Use Ordinance.

CHAPTER 6.2 DEFINITIONS

For the purposes of this Article, certain terms and words are hereby defined. As used in this Article, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:

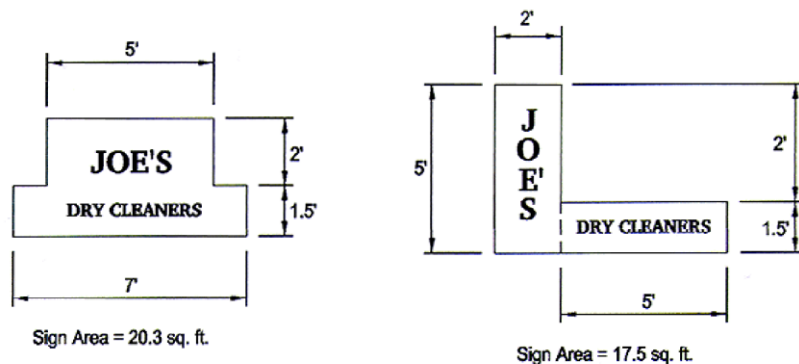
Abandoned sign: A permanent principal use sign on property containing a building or activity that has ceased operations. Permanent principal use signs on property shall be considered abandoned when there is clear evidence that a business or activity has vacated the building or grounds; provided, however, that this definition shall not apply to any case where a business or activity is temporarily suspended and there is evidence that the business or activity will resume operations within a six-month period.

Advertising device: Any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property. For purposes of this Article, an advertising device is a “sign.”

Agriculture: Farming, including plowing, tilling, cropping, utilization of best management practices, seeding, cultivating or harvesting for the production of food and fiber products; aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise. This term specifically includes “horticulture,” or the growing of fruits, vegetables, herbs, flowers or ornamental plants. This term also includes forestry, the keeping of livestock and/or poultry houses, plant nurseries and greenhouses, where lands or structures are used primarily to cultivate trees, shrubs, flowers or other plants for sale.

Animated sign: A sign with action, motion, sound, or changing colors which accomplishes such action, motion, sound, or changing colors with or without electrical energy. This includes signs with lights or other illuminating devices that blink, flash, fluctuate, or have a changing light intensity, brightness, or color. This definition does not include a “swinging sign” or “multiple message sign” as defined by this Article.

Area of sign: The area within a continuous perimeter enclosing the limits of writing, representation, emblem, figure, or character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such writing, representation, emblem, figure, or character from the background against which it is placed.



SIGN AREA MEASUREMENT

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For double-faced signs, only the largest display face shall be measured in computing the sign area, or only one face shall be measured in computing sign area if the display faces are the same size.

The display of street address on a ground sign, wall, or window shall not be computed in determining the maximum allowable area of a ground, wall, or window sign.

Awning: An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Awning sign: An awning that contains letters, numbers, symbols, pictures, logos, or visual display, or other communication, attached, painted on, or made an integral part of an awning. For purposes of this Article, “awning signs” shall be considered “wall signs.”

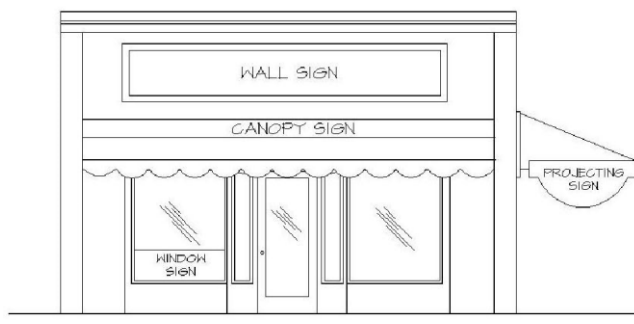
Banner: A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a backing. For purposes of this Article, a “banner” is a “sign.”

Building marker: Any sign cut into a masonry surface or made of bronze or other permanent material permanently affixed to a building of historic significance.

Canopy, attached: A multi-sided structure or architectural projection supported by attachment to a building on one or more sides and also supported by columns at additional points. Signs placed on attached canopies are considered “wall signs” for the purposes of this Article.

Canopy, freestanding: A multi-sided structure or architectural projection supported by columns. Signs placed on freestanding canopies are considered “wall signs” for the purposes of this Article.

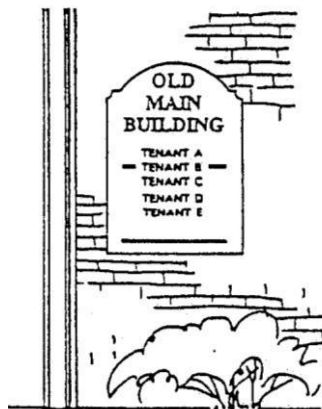
Canopy sign: A sign on a canopy.
For purposes of this Article, a sign on a canopy is a “wall sign” (see figure, “Types of Attached Signs”).



TYPES OF ATTACHED SIGNS

Commercial: Any business service, retail trade, or personal service establishment; any open-air business; day care center; any automobile sales, service, or repair establishment; any commercial recreational facility including recreational vehicle park; convenience store; lodging facility; restaurant; and similar uses.

Directory sign: A sign that is allowed on a premise with more than one tenant or occupants of a building. It may be freestanding or attached (wall).



Wall Directory Sign

Double-faced sign: A sign which has two (2) display areas against each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where one face is designed to be seen from one direction and the other face from another direction. Only one face shall be used in computing allowable sign area.

Erect: To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or the normal maintenance or repair of a sign structure.

Flag: For purposes of this Article, except as otherwise provided herein, a “flag” is a “sign.”

Frontage, building: The width in linear feet of the front exterior wall of a particular building in which an establishment is located.

Frontage, road: The distance in linear feet of a lot where it abuts the right-of-way of any public street.

Ground sign: A permanently affixed sign that is wholly independent of a building for support (i.e., freestanding). A ground sign may consist of more than one sign panel, provided all such sign panels are attached to or integrated into one sign structure.

Height of sign: The distance in vertical feet from the ground to the highest point of the sign, whether that highest point is the frame of the sign face or panel or the support of the sign.

Holiday decorations: Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent.

Industrial: Including but not limited to warehouse and storage facilities, wholesale trade activities; manufacturing establishments including bottling, canning, brewing, distilling, fabricating, processing, and recycling; and mineral extraction activities.

Inflatable sign: Any sign that is or can be filled with three (3) cubic feet or more of air or gas.

Institutional: Including but not limited to any church, temple, synagogue, or place of worship, any non-profit club or lodge; any rooming house, nursing home, continuing care retirement communities, or similar institutionalized residential living and care facilities; any public or private schools, colleges and universities; any hospitals and dormitories; and any utility installations including wireless telecommunications facilities.

Internally illuminated sign: A sign illuminated by an internal light source that is viewed through a translucent panel.

Marquee: A roof-like structure attached to and supported by a building wall (with no vertical supports) that projects in a cantilever fashion from the wall of a building.

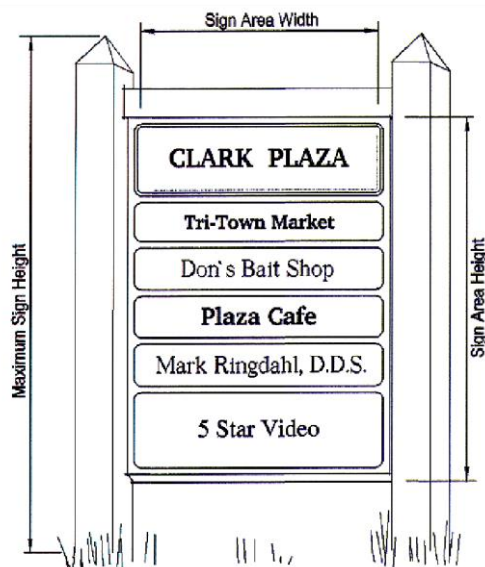
Marquee sign: A sign painted on, attached to, or hung from a marquee. For purposes of this Article, marquee signs shall be considered "wall signs."

Master signage plan: A plan establishing parameters for the size, location, design, and color of signs on a property which contains multiple uses, buildings, or tenants but which is constructed or managed as a single development.

Multiple message sign: A sign, display, or device that changes the message or copy on the sign electronically by movement or rotation of panels or slats.

Nonconforming sign: Any sign which lawfully existed on the effective date of this Article but which does not conform to the provisions of this Article, or which does not comply with this Article due to amendments to this Article since the date of erection of the sign.

Office: A building or portion thereof wherein services are performed involving predominantly administrative, professional or clerical operations and not involving retail sales or other sales of any kind, or business service establishments on the premises. Includes clinics.



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Pennant: A small, triangular or rectangular flag or multiples thereof, made of lightweight plastic, fabric, or other material, individually supported or attached to each other by means of a string, rope, or other material, and meant to be stretched across or fastened to buildings, or between poles and/or structures, and which is designed to move in the wind. For purposes of this Article, pennants are “signs.”

Portable sign: Any sign whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols (i.e., a changeable copy sign). Even if the wheels or supports of such sign are removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, said sign shall remain a portable sign.

Portico: A porch or walkway, open to the outside air, that is covered by a roof supported by columns or pillars, typically leading to the entrance of a building. Signs attached to porticos are considered “wall signs” for purposes of this Article.

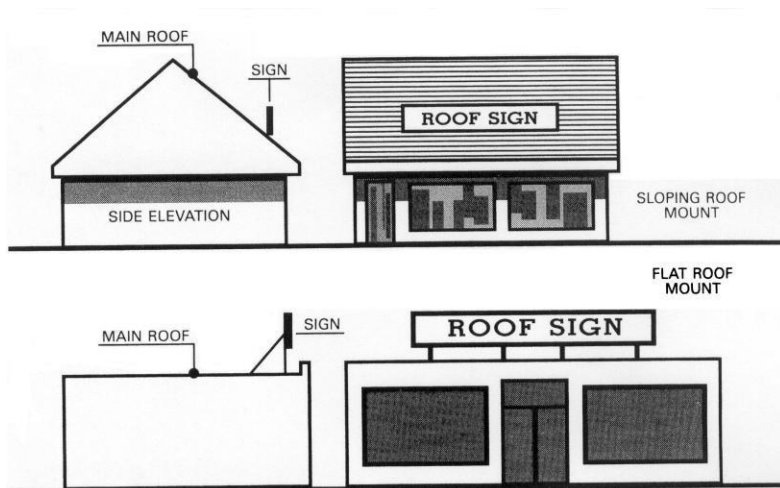
Principal use sign: Any notice or advertisement, which is permitted in conjunction with a principal use or principal building or use located on the property, and which may display a noncommercial, commercial, or other message, the content of which is not regulated by this Article.

Projecting sign: A sign projecting more than fourteen (14) inches from the outside wall or walls of any building, or canopy, portico, or awning, upon which it is located (see also figure, “Types of Attached Signs”).

Residential: Any detached single-family dwelling; any manufactured homes, and manufactured home parks; and any multi-family residential development, including duplexes, townhouses, apartments, and residential condominiums or cooperatives.

Roof sign: A sign projecting higher than the front building wall or any sign supported by or attached to said roof.

Sidewalk sign: A movable sign not secured or attached to the ground or surface upon which it is located.



Source: United States Sign Council. 2001. *Guideline Code for Regulation of On-Premise Signs*.

Sign: A lettered, numbered, symbolic, pictorial, or illuminated visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bring to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-of-way, or from an adjacent property, except as specifically noted otherwise in this Article. For purposes of this Article, the term “sign” includes but is not limited to “banners,” “balloons,” “flags,” “pennants,” “streamers,” “windblown devices,” and “advertising devices.” Furthermore, the term “sign” includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers.

Signable area: In the case of a wall sign, signable area shall be the building face on which the sign is proposed, excluding windows and doors. In the case of marquees or canopies, signable area shall be the area of the marquee or canopy wall on which the sign is proposed. For window signs, signable area shall be measured and calculated on the basis of the proportion of area within each individual window frame, not the total window area of all building windows visible from a street.

Sign face: That part of a sign that is or can be used for advertising purposes.

Streamers: See “Pennants.”

Swinging sign: A sign other than an animated sign as defined by this Article, where the sign copy area is attached to a sign structure in a way that can be set in motion with pressure, and where the sign structure is attached to a building at a height above normal eye level. This term does not include any freestanding signs. A swinging sign may be considered in lieu of permitted wall signage.

Temporary sign: A sign of a nonpermanent nature and erected for a limited duration.

Visible: Capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

Wall sign: A single-sided sign with one visible face applied to or mounted to the wall or surface of a building or structure, the display surface of which if attached to a wall or portico and does not project more than fourteen (14) inches from the outside wall of such building or structure, or if on an awning or canopy, is flush with the material of said awning or canopy (see also figure, “Types of Attached Signs”).

Windblown device: Any device not otherwise specifically defined in this Article, that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by wind. For purposes of this Article, windblown devices are “signs.”

Window sign: A sign installed on or within two (2) feet of an exterior window or door and intended to be visible from the exterior of the building. Displays which are more than two (2) feet from an exterior window or door shall not be classified as window signs (see also figure, “Types of Attached Signs”).

CHAPTER 6.3 MAINTENANCE AND NONCONFORMITIES

- Sec. 6.3.1. Maintenance.
- Sec. 6.3.2. Discontinued Signs.
- Sec. 6.3.3. Replacement of Nonconforming Sign.
- Sec. 6.3.4. Repairs and Maintenance of Nonconforming Sign.
- Sec. 6.3.5. Duration and Continuance of Nonconforming Sign.

Sec. 6.3.1. Maintenance.

All signs shall be maintained by the sign owner in good condition so as to present a neat and orderly appearance. Upon discovery of a sign in need of maintenance, the Administrator shall give written notice to the owner of the sign or the owner of the property on which the sign is located if the owner of the sign itself cannot be determined. Said notice shall state the item or items requiring repair or maintenance. The owner shall have thirty (30) days in which to repair or maintain the sign before a citation is issued. If the owner has failed to make repairs or the necessary maintenance within that time, the Administrator shall cause a citation to be issued. After notice pursuant to this Section, the Administrator may cause to be removed any sign that shows gross neglect, is dilapidated, or poses an imminent threat to public safety. It shall be unlawful, after being notified pursuant to this Section and after the thirty (30) days notice has expired, for any person to display a sign in any of the following conditions:

- (a) Lettering or other elements of the sign have become detached or have fallen off the sign or become misaligned.
- (b) Painted surfaces on the sign or sign structure have begun to peel, flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign no longer displays the message as originally intended.
- (c) A significant number of the bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off, or have become misaligned.
- (d) Other similar conditions of disrepair or lack of maintenance as determined by the Administrator.
- (e) For lighted signs, one or more illumination devices are not working and have not been replaced.

Sec. 6.3.2. Discontinued Signs.

If a discontinued ground sign contains a sign face that is in the form of a removable panel, the panel containing advertising shall be removed and replaced with a panel without advertising until another principal use is established. If a discontinued principal use sign contains a sign copy area that is not removable without disassembling the monument or sign structure, then the sign copy area shall be painted over if possible, or, where it cannot be painted over, covered with durable cloth or canvas so that the sign copy and/or underlying structure which was permitted in connection with the business or activity discontinued is no longer visible, until such

time as a new sign is lawfully erected or established and sign copy is affixed on the sign copy area of said monument or sign structure.

Sec. 6.3.3. Replacement of Nonconforming Sign.

A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards or dismountable material on nonconforming signs, shall be permitted.

Sec. 6.3.4. Repairs and Maintenance of Nonconforming Sign.

No structural repairs, change in shape, or size of a nonconforming sign shall be permitted except to make the sign comply with the requirements of this Article. Minor repairs and maintenance of nonconforming signs shall be permitted.

Sec. 6.3.5. Duration and Continuance of Nonconforming Sign.

Signs which did not meet all requirements of this Article when enacted, or which do not meet provisions of this Article at the time of its amendment, may stay in place until one of the following conditions occurs:

- (a) In the case of principal and accessory use signs, the business, entity, or activity in conjunction with the sign is permitted ceases at that location;
- (b) The deterioration of the sign or damage to the sign makes it a hazard;
- (c) The sign has been damaged to such extent that repairs equal to or exceeding fifty percent (50%) of the sign's current replacement value, as determined by independent appraisal and accepted by the Administrator, are required to restore the sign;
- (d) No conforming principal use or accessory use ground or wall sign shall be permitted to be erected on the same property with an existing nonconforming sign until the nonconforming sign has been removed or made to conform to the provisions of this Article.

This Section shall not apply to any sign that according to the application of state or federal law or rule is allowed to remain or which would otherwise be inconsistent with this Section.

CHAPTER 6.4 SIGN TYPE PERMISSIONS AND DIMENSIONAL REQUIREMENTS

- Sec. 6.4.1. Height of Ground Signs.
- Sec. 6.4.2. Increase in Height of Ground Signs.
- Sec. 6.4.3. Height of Wall Signs.
- Sec. 6.4.4. Sign Setback.
- Sec. 6.4.5. Types of Signs Permitted.
- Sec. 6.4.6. Number of Signs Limited.
- Sec. 6.4.7. Maximum Area of Sign.

- Sec. 6.4.8. Illumination.
- Sec. 6.4.9. Special Event Signage.

Sec. 6.4.1. Height of Ground Signs.

The maximum height of any ground sign regulated by this Article, except as otherwise specifically provided in this Ordinance, shall be twenty (20) feet for signs on commercial and industrial properties, twelve (12) feet maximum height for signs on office and institutional properties and six (6) feet maximum height for signs on properties in agriculture/forestry and residential land use districts. This provision shall not apply to subdivision identification monuments, which shall not exceed eight (8) feet in height.

Sec. 6.4.2. Increase in Height of Ground Signs.

The maximum height established by this Article shall apply to any sign, except that for properties situated below road grade, if the maximum height permitted would prevent adequate visibility, the height of a ground sign may be increase by up to six (6) feet higher than the maximum height established in this Chapter.

Sec. 6.4.3. Height of Wall Signs.

No wall sign shall exceed the height of the building or structure on which it is placed.

Sec. 6.4.4. Sign Setback.

There is no established minimum required setback for signs, except that temporary signs shall be erected no closer than fifteen (15) feet from a county, state, or federal road right-of-way.

Sec. 6.4.5. Types of Signs Permitted.

In addition to the general provisions regulating signs established in this Article, sign permissions shall be based on the types of sign permitted, and the land use according to Tables 6.1, 6.2, and 6.3 of this Article. When the land use is mixed or not clearly evident to the administrative officer, the property in question shall be granted privileges for commercial properties.

Sec. 6.4.6. Number of Signs Limited.

Unless specifically provided otherwise in Tables 6.1, 6.2, and 6.3 of this Article, a property shall be limited to only one (1) sign of the type permitted. No sign shall be erected to exceed the maximum number of signs as specified in Tables 6.1, 6.2, and 6.3 of this Article, as applicable. With regard to wall sign allowances, if a building, structure, or freestanding canopy faces more than one road frontage, each wall facing a road frontage shall be permitted to have the sign area specified for such building, structure, or freestanding canopy in this Article.

Sec. 6.4.7. Maximum Area of Sign.

The maximum area of signs permitted shall be as provided in Tables 6.1, 6.2, and 6.3 of this Article, as applicable. No sign shall be erected to exceed the maximum area of a sign as

specified in Tables 6.1, 6.2, and 6.3 of this Article, as applicable. When this Article permits one sign for each road frontage, the sign area allotted to one road frontage shall not be transferred to another road frontage.

Sec. 6.4.8. Illumination.

- (a) Signs on agricultural/forestry or single-family residential properties shall not be internally illuminated.
- (b) Externally illuminated signs shall be lighted by a white, steady stationary light of reasonable intensity shielded and directed solely at the sign, so as not to cause glare or spill light into the road right-of-way or up into the sky.
- (c) Neon tubing shall not be physically connected to any sign, and neon light outlining of windows, doors, buildings or other use of neon shall not be permitted.

Sec. 6.4.9. Special Event Signage.

Temporary signs and advertising devices may be permitted on commercial properties subject to the issuance of a special event sign permit by the Administrator. Such temporary signs and advertising devices shall conform to the following:

- (a) Only one special event sign permit shall be issued on the same property in any calendar year.
- (b) No special event sign permit shall be valid for more than twenty-one (21) days.
- (c) One banner shall be permitted per lot, which shall not exceed thirty-two (32) square feet in or fifteen (15) feet in height. Such banner may be temporarily placed or attached to a building wall, window, or ground sign, or it may be freestanding between two poles or stakes.
- (d) One gas or air-filled advertising device may be permitted per lot, not to exceed a height of fifteen (15) feet.
- (e) Pennants, streamers, and other wind-blown devices shall not be permitted as part of a special event sign permit.

TABLE 6.1
SIGN AREA PERMITTED ON VACANT AND AGRICULTURAL PROPERTIES

X = Not Permitted. Numbers provided are maximum square feet per sign.

Type of Sign/Use (Number if More than One Permitted)	Agriculture
Ground sign (2 per road frontage)	4
Wall sign, dwelling	X
Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction, (1 per road frontage), interstate highway	32
Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction, (1 per road frontage), all other routes	8
Temporary wall or window sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction	8

TABLE 6.2
SIGN AREA PERMITTED ON RESIDENTIAL PROPERTIES

X = Not Permitted. Numbers provided are maximum square feet per sign.

Type of Sign/Use (Number if More than One Permitted)	Residential Properties
Ground sign, dwelling (1 per road frontage)	4
Wall sign, dwelling	X
Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction (1 per road frontage)	8
Temporary wall or window sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction	8
Subdivision ground sign (2 per entrance to subdivision), federal or state highway	32
Subdivision ground sign (2 per entrance to subdivision), all other routes	16

TABLE 6.3
SIGN AREA PERMITTED ON OFFICE, INSTITUTIONAL, COMMERCIAL AND INDUSTRIAL PROPERTIES
 (Numbers provided are maximum square feet per sign)

Type of Sign/Use (Number if More than One Permitted)	Office and Institutional	Commercial and Industrial
Ground sign, lot containing a single non-residential use (1 per road frontage, interstate highway)	48	96
Ground sign, lot containing a single non-residential use (1 per road frontage, all other routes)	24	48
Secondary ground sign, lot containing a single non-residential use only (2 per road frontage, interstate highway)	12	32

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Secondary ground sign, lot containing a single non-residential use only (2 per road frontage, all other routes)	4	8
Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction (1 per road frontage, interstate highway)	32	32
Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction (1 per road frontage, all other routes)	16	16
Multi-tenant ground sign, lot containing multiple non-residential or permitted principal uses only (1 per frontage, interstate highway)	96	96
Multi-tenant ground sign, lot containing multiple non-residential or permitted principal uses only (1 per frontage, all other routes)	48	48
Wall sign, on building containing a single nonresidential permitted principal use	20% of signable area	25% of signable area
Window sign, building containing a single nonresidential use only	25% of window area	25% of window area
Wall sign on freestanding canopy (1 per canopy wall)	15% of signable area	20% of signable area
Wall sign, on building containing a multiple tenants (non-residential permitted principal use only)	40% of signable area of leased building frontage	50% of signable area of leased building frontage

ARTICLE 7 SPECIAL REGULATIONS

CHAPTER 7.1 OGEECHEE RIVER CORRIDOR PROTECTION

CHAPTER 7.1 OGEECHEE RIVER CORRIDOR PROTECTION

- Sec. 7.1.1. Purpose.
- Sec. 7.1.2. Definitions.
- Sec. 7.1.3. Applicability.
- Sec. 7.1.4. Protected River Corridor Buffer Required.
- Sec. 7.1.5. Measurement of Required Buffer.
- Sec. 7.1.6. Land Disturbing Activity within Required Buffer.
- Sec. 7.1.7. Restoration of Disturbed Buffers.
- Sec. 7.1.8. Subdivision Plats.

Sec. 7.1.1. Purpose.

River corridors are the strips of land that flank major rivers in Georgia. These corridors are of vital importance to Georgia in that they help preserve those qualities that make a river suitable as habitat for wildlife, a site for recreation, and a source for clean drinking water. River corridors also allow the free movement of wildlife from area to area within the state, help control erosion and river sedimentation, and help absorb floodwaters. The purpose of this Chapter is to establish measures to guide future growth and development in the areas adjacent to the protected river as defined herein. The river corridor regulations established in this Chapter require the maintenance of buffers where natural vegetation is left intact along the banks of protected rivers. Preservation of the soil and plants within the corridor reduces non-point source pollution entering the river and minimizes riverbank erosion. The vegetation acts to slow down water flow and trap sediment and other contaminants carried in runoff before they reach downstream water supplies. This Chapter also minimizes disturbance of the natural terrain and vegetation and protects water quality through various use limitations.

Sec. 7.1.2. Definitions.

The following terms and their supplied definitions apply to this Chapter:

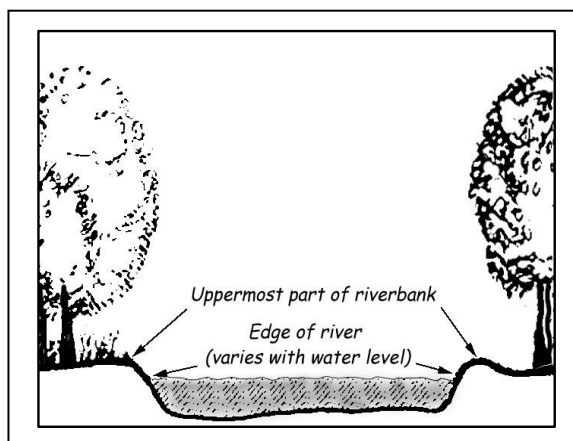
Buffer area or Natural vegetative buffer: A river corridor containing the flora native to that area. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114, "The Natural Environments of Georgia." Habitats for endangered and threatened species may require human management of the river corridor in order to maintain those species.

Protected river: The Ogeechee River along its entire extent within the boundaries of Warren County. The Ogeechee River is shown on the Office Land Use Districts Map. In cases of uncertainty as to whether a state water is defined as being the Ogeechee River, Warren

County may rely on an official determination of the State of Georgia Department of Natural Resources or any document by that Department which defines the extent of that state water.

Public utility or utilities: A service or services provided by a public utility company or a private entity which provides service or services such as but not limited to electricity, natural gas, and water. This definition includes all equipment and structures necessary to provide such services.

Riverbank: The rising ground bordering a river that serves to confine the water to its natural channel during the normal course of flow. Riverbanks are usually marked by a break in slope. See Figure.



River corridor: All the land within 50 feet horizontally of the Ogeechee River in Warren County, as measured from the riverbank. Because stream channels move due to natural processes such as meandering, riverbank erosion, and jumping of channels. The river corridor may shift with time.

Sec. 7.1.3. Applicability.

This chapter shall apply to a 50-foot area (also defined as a “river corridor” in this chapter) of the Ogeechee River in Warren County (also defined as a “protected river” in this chapter).

Sec. 7.1.4. Protected River Corridor Buffer Required.

Along any protected river, the river corridor shall remain undisturbed and be maintained as a buffer area or natural vegetative buffer, except as specifically otherwise exempted or provided for in this Chapter.

Sec. 7.1.5. Measurement of Required Buffer.

The 50-foot buffer shall be measured horizontally from the uppermost part of the riverbank. Although not within the measured 50-foot wide buffer, the area between the top of the bank and the edge of the river shall be considered as within the 50-foot buffer required by this Chapter.

Sec. 7.1.6. Land Disturbing Activity within Required Buffer.

All land disturbing activity, as defined by Chapter, shall be prohibited within the required 50-foot buffer area, except as specifically provided in this Section and enumerated below.

- (a) Any use permitted by the Georgia Department of Natural Resources or under Section 404 of the Clean Water Act;

- (b) Any use not prohibited by this Ordinance and not otherwise specified and regulated under the terms of this Ordinance, that lawfully existed on the effective date of this Ordinance;
- (c) Passive recreational uses consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation, specifically including paths, walkways, and boat ramps, provided that such activities shall be consistent with all local, state and federal laws. This specifically excludes hard-surface tennis courts and parking lots;
- (d) Utilities and utility crossings, provided such construction meets all requirements of the Warren County Soil Erosion and Sedimentation Control Ordinance and provided further that utilities shall only be allowed if they cannot feasibly be located outside the buffer. In addition, utilities shall be located as far from the river bank as reasonably possible; utilities shall be installed and maintained so as to protect the integrity of the buffer area as well as is reasonably possible; and utilities shall not impair the drinking quality of the river water; and
- (e) Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. 12-2-8.

Sec. 7.1.7. Restoraton of Disturbed Buffers.

Any area within a required buffer that is disturbed shall be restored as quickly as possible following any land disturbing activity.

Sec. 7.1.8. Subdivision Plats.

Within any area governed by this Chapter, no subdivision plat shall be approved or recorded until and unless said plat shows the buffer area as defined in this Chapter.

ARTICLE 8 AMENDMENTS, APPLICATIONS, AND PROCEDURES

CHAPTER 8.1	TEXT AMENDMENTS
CHAPTER 8.2	REDISTRICTING, CONDITIONAL USE, AND VARIANCE APPLICATIONS
CHAPTER 8.3	PROCEDURES FOR CALLING AND CONDUCTING PUBLIC HEARINGS
CHAPTER 8.4	DEVELOPMENT OF REGIONAL IMPACT

CHAPTER 8.1 TEXT AMENDMENTS

- Sec. 8.1.1. Intent.
- Sec. 8.1.2. Authority to Amend.
- Sec. 8.1.3. Authority to Initiate Text Amendments. *(Amended September 12, 2006)* Sec.
- 8.1.4. Application.
- Sec. 8.1.5. Distribution of Application.
- Sec. 8.1.6. Notice of Public Hearing. *(Amended September 9, 2008)* Sec.
- 8.1.7. Planning Commission Public Hearing and Recommendation.
- Sec. 8.1.8. Action by Governing Body.
- Sec. 8.1.9. Withdrawal of Application.

Sec. 8.1.1. Intent.

This Chapter describes the process of amending this Ordinance.

Sec. 8.1.2. Authority to Amend.

The Warren County Board of Commissioners shall be authorized to amend any Article, Chapter, or Section of this ordinance, subject to compliance with the requirements of this Chapter. No amendment to this Ordinance shall be considered valid until or unless it shall have been approved by the Warren County Board of Commissioners.

Sec. 8.1.3. Authority to Initiate Text Amendments. *(Amended September 12, 2006)*

An application to amend the text of this Ordinance may be initiated by the Warren County Board of Commissioners, the Planning Commission, or the Administrator.

In addition, any person, firm, corporation, or agency may initiate by application to the Administrator a proposal to amend the text of this land use ordinance, provided said individual, firm, corporation, or agency is the owner or owner's agent of property under the jurisdiction of this Ordinance and the amendment sought pertains in some way to said property within the jurisdiction, and provided further that the applicant has attended a pre-application meeting with the Administrator to discuss the amendment proposal prior to filing.

Sec. 8.1.4. Application.

Applications to amend the text of this Ordinance shall require submittal of an application fee, application form, and proposed text amendment in a form approved in advance by the Administrator. The administrative officer shall waive the application fee required by this Article when an application is initiated by the Warren County Board of Commissioners or the Planning Commission.

In cases where an applicant is proposing a text amendment to modify or create a new land use district, and where the applicant also desires to redistrict property to the new or modified land use district, the two applications shall not be considered concurrently.

Sec. 8.1.5. Distribution of Application.

After acceptance of a complete application for a text amendment, the Administrator shall transmit a copy of the application or summary thereof to the Planning Commission and to the Warren County Board of Commissioners.

Sec. 8.1.6. Notice of Public Hearing. *(Amended September 9, 2008)*

Upon receipt of a completed application for a text amendment or within a reasonable time thereafter, the Administrator shall schedule a public hearing on the application before the Planning Commission and prepare a written notice of public hearing stating the date, time, place, and purpose of the hearing. The Administrator shall send a copy of the notice of hearing to the applicant by mail, personal service, or facsimile at least fifteen (15) days prior to the public hearing before the Planning Commission. The Administrator shall also publish the notice of hearing in the County's legal organ at least fifteen (15) days prior to the public hearing.

After the Planning Commission conducts its public hearing and fulfills its obligations under Section 8.1.7 of this Ordinance, the Administrator shall schedule a public hearing on the application before the Board of Commissioners and prepare a written notice of public hearing stating the date, time, place, and purpose of the hearing. The Administrator shall send a copy of the notice of hearing to the applicant by mail, personal service, or facsimile at least fifteen (15) but not more than forty-five (45) days prior to the public hearing before the Board of Commissioners. The Administrator shall also publish the notice of hearing in the County's legal organ at least fifteen (15) but not more than forty-five (45) days prior to the public hearing.

Sec. 8.1.7. Planning Commission Public Hearing and Recommendation.

The Planning Commission will convene a public hearing on the text amendment as provided in the notice of hearing. The public hearing shall follow policies and procedures which govern calling and conducting public hearings adopted by the county as required by O.C.G.A. 36-66-4 (Chapter 8.3 of this Ordinance). The Planning Commission shall provide a recommendation on the application.

The Planning Commission's recommendation shall be submitted to the Warren County Board of Commissioners, and its recommendations and report, if any, shall be available to the public

upon request. The Planning Commission shall have thirty-two (32) calendar days from the date of its public hearing within which to submit its recommendations. The Planning Commission may submit any additional report it deems appropriate. The recommendations of the Planning Commission shall have an advisory effect only and shall not be binding on the Warren County Board of Commissioners.

Sec. 8.1.8. Action by Governing Body.

The Warren County Board of Commissioners shall hold a public hearing on the text amendment. In rendering a decision on any such text amendment, the Board shall consider all information supplied by the Administrator and the Planning Commission, any information presented at the public hearing of the Planning Commission, and information at its own public hearing. The Board may approve or disapprove the proposed text amendment as written, or it may approve modifications of the text amendment as originally proposed.

Sec. 8.1.9. Withdrawal of Application.

Any application for an amendment to the text of this Ordinance may be withdrawn at any time at the discretion of the person or entity initiating such a request upon notice to the Administrator, up until the public hearing by the Planning Commission is closed.

When any application for a text amendment is initiated by a party other than the Warren County Board of Commissioners or the Planning Commission, and said text amendment is withdrawn not later than ten (10) calendar days from the date of approval for initiation by the Administrator, one half (1/2) of the entire application fee paid by the applicant shall be refunded to the applicant. The Administrator shall refund that portion of the application fee within thirty (30) calendar days of the date of withdrawal of the application. No portion of a required application fee shall be refunded on any application withdrawn by an applicant later than ten (10) calendar days from the date of approval for initiation by the Administrator.

**CHAPTER 8.2 REDISTRICTING, CONDITIONAL USE, AND
VARIANCE APPLICATIONS**

- Sec. 8.2.1. Types of Applications.
- Sec. 8.2.2. Authority to Amend.
- Sec. 8.2.3. Initiation of Proposals for Map Amendments.
- Sec. 8.2.4. Application Compliance and Completeness.
- Sec. 8.2.5. Limitation on Applications Processed During One Cycle.
- Sec. 8.2.6. Application Requirements.
- Sec. 8.2.7. Plan Requirements.
- Sec. 8.2.8. Development Statistics Required.
- Sec. 8.2.9. Analysis Requirements for Map Amendments and Conditional Uses.
- Sec. 8.2.10. Analysis Requirements for Variance Applications.
- Sec. 8.2.11. Administrative Processing of Applications.
- Sec. 8.2.12. Investigations and Recommendation.
- Sec. 8.2.13. Notice of Public Hearing.
- Sec. 8.2.14. Special Notice Requirements.

- Sec. 8.2.15. Planning Commission Hearing and Recommendation.
- Sec. 8.2.16. Board of Commissioners Public Hearing.
- Sec. 8.2.17. Action by the Warren County Board of Commissioners.
- Sec. 8.2.18. Conditional Approval Permitted.
- Sec. 8.2.19. Withdrawal of Application.
- Sec. 8.2.20. Limitations on the Frequency of Filing Applications.
- Sec. 8.2.21. Site Plan Revisions.
- Sec. 8.2.22. Incorporation Clause.

Sec. 8.2.1. Types of Applications.

The following types of applications are regulated by this chapter:

- (a) Amendments to change the official land use districts map (i.e., “redistricting” or “land use district map amendments”).
- (b) Applications for conditional use approval.
- (c) Applications for variances.

Sec. 8.2.2. Authority to Amend.

The Warren County Board of Commissioners may from time to time amend the number, shape, boundary, or area of any land use district as established in this Ordinance.

Sec. 8.2.3. Initiation of Proposals for Map Amendments.

An application to amend the official land use districts map established by this Ordinance may be initiated by the Warren County Board of Commissioners or the Planning Commission. The Administrator shall waive the application fee required by this Chapter when an application is initiated by the Board or the Planning Commission.

In addition, any person, firm, corporation or agency, may initiate by application to the administrative officer a proposal to amend a land use district, provided said individual, firm, corporation, or agency is the owner or owner's agent of property that is the subject of the proposed amendment.

Sec. 8.2.4. Application Compliance and Completeness.

No application described in this Chapter shall be processed by the Administrator unless it complies with the procedural requirements of this Chapter and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this Chapter. If an application described and regulated by this Chapter does not comply with all provisions of this chapter, the Administrator may reject the application and refuse to process it.

Sec. 8.2.5. Limitation on Applications Processed During One Cycle.

There are practical limits as to how many applications a review body can thoroughly review, consider, and act upon during any single public meeting. It is the intent of this Section to

provide for a thorough examination of and adequate hearing time for each application filed pursuant to this Chapter. Accordingly, this Section provides for limitations on the number of applications that will be processed before a review body during any single public hearing.

The number of applications described in this Chapter that are scheduled for consideration by the Planning Commission may be limited to five (5) such applications at any single public hearing. For purposes of this limitation, one application may include one or more companion applications (i.e., an application for a land use map amendment, conditional use, and/or variance pertaining to the same parcel of property shall be counted as one application). Where in the opinion of the Administrator sufficient time will exist to adequately hear additional applications, the Administrator may decide to process a number of applications exceeding the maximum of five. Prior to exercising authority to exceed the number of applications to be heard at any given public hearing, the Administrator shall where possible consult with the chairperson of the Planning Commission as to the appropriateness of considering additional applications.

For purposes of this Section, the Administrator shall consider applications on a first submitted and first complete, first processed basis. That is, applications shall be processed in the order in which they are received and determined complete, and any application determined complete but which would exceed the maximum of five at any single public hearing may be deferred (scheduled) for the next available public hearing. In cases where a complete application cannot be processed and considered at the next available public hearing, due to the limit on applications specified by this Section, the Administrator shall promptly inform the applicant of the schedule for considering said application.

Sec. 8.2.6. Application Requirements.

No application specified in this Chapter shall be processed by the Administrator unless it meets the requirements of this Section, including the specific requirements of Table 8.2.1. In cases where more than one application (redistricting, conditional use, variance) pertaining to a particular piece of property is filed simultaneously, the applicant must prepare separate applications and meet all application requirements for each application filed; provided, however, that the Administrator may waive separate site plan or letter of intent filing requirements when they would be unnecessarily duplicative.

Sec. 8.2.7. Plan Requirements.

Applications required by this Chapter to include a site plan (see Table 8.2.1) shall at minimum include on the site plan information specified in Table 8.2.2. The Administrator may waive one or more of the requirements of this Section in individual cases when he/she determines that one or more elements of the required information specified in Table 8.2.2 are not essential to the review process. The Administrator may request information in addition to that specified in Table 8.2.2 when considered necessary for review of the application by the Planning Commission, Board of Commissioners, or Administrator.

Sec. 8.2.8. Development Statistics Required.

Applications required by this Chapter to submit development statistics and specifications shall at minimum include on the site plan or in written form the information specified in Table 8.2.3.

The Administrator may waive one or more of the requirements of this Section in individual cases when he/she determines that one or more elements of the required information specified in Table 8.2.3 are not essential to the review process. The Administrator may request information in addition to that specified in Table 8.2.2 when considered necessary for review of the application by the Planning Commission, Board of Commissioners, or Administrator.

Sec. 8.2.9. Analysis Requirements for Map Amendments and Conditional Uses.

On the application form supplied by the Administrator, or in a separate written document, applications to amend the official land use districts map, and applications for conditional uses and variances shall provide a written analysis comparing the proposed action with the criteria in Table 8.2.4. A land use district map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare. The analysis requirements may in individual cases be considered criteria relevant to staff and the Planning Commission in making recommendations, and by the Warren County Board of Commissioners in the decision-making process.

Each applicant for an amendment to the official land use districts map, or an application for conditional use, and each person speaking at a public hearing on such a matter, except the governing body or planning commission, is responsible for complying with O.C.G.A. 36-67-1, "Conflict of Interest in Zoning Actions." The Administrator, Planning Commission, and Warren County Board of Commissioners assume no further responsibility for enforcing state law or informing applicants or speakers of the need to comply with said state law; provided, however, that the Administrator may integrate notice of this state law requirement in various application forms and hearing procedural notices.

**TABLE 8.2.1
APPLICATION REQUIREMENTS**

Application Requirement	Amendment to Official Land use Map	Conditional Use	Variance
Application fee (see Table 8.2.5)	Required	Required	Required
Application form furnished by the Administrator, including signed and notarized signature of property owner	Required	Required	Required
Legal description of the property	Required	Required	Required
Survey plat of the property	Required	Required	Required
Site analysis and topographic map at an appropriate scale, including information on significant man-made and natural features and streams, wetlands, flood plains, and features to be retained, moved or altered	Required	Required	Required
Letter of intent describing the proposed use of the property or other action requested	Required	Required	Required

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Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application (see Table 8.2.4)	Required	Required	Required
Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements (see Sec. 8.2.7, "Plan Requirements")	Required	Required	Required
Statistics regarding the proposed development (see Sec. 8.2.8, "Development Statistics Required")	Required	Required	Required
Description of any special conditions voluntarily made a part of the request	Required	Required	No
Other information required by the Administrator	Maybe	Maybe	Maybe

TABLE 8.2.2 PLAN REQUIREMENTS

Site Plan Requirement	Amendment to Official Land use Map	Conditional Use	Variance
Existing and proposed buildings and structures	Required	Required	Required
Parking and internal circulation	Required	Required	Required
Wetlands, flood plains, streams and state waters	Required	Required	Required
Buffers (if required or provided)	Required	Required	Required
Other information as required by the Administrator	Maybe	Maybe	Maybe

**TABLE 8.2.3
DEVELOPMENT STATISTICS REQUIRED**

Development Statistics Required: (Note: Percent = Percentage of Total Site Area)	Amendment to Official Land Use District Map	Conditional Use	Variance
Provision of Ordinance requested to be varied, and amount of variance(s) if requested	No	No	Required
Maximum and proposed height of any structure	Required	Required	As determined to be appropriate by the Administrator
Proposed gross square footage of the building area (nonresidential only)	Required	Required	

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Proposed number of dwelling units (residential only)	Required	Required	
Maximum and proposed coverage of lot with building area (square feet and percent)	Required	Required	
Existing and proposed number of parking spaces	Required	Required	
Other information as required by the Administrator	Maybe	Maybe	Maybe

**TABLE 8.2.4
ANALYSIS REQUIREMENTS**

Criteria Required to be Analyzed by Applicant and Review Bodies	Application to Amend the Official Land Use Districts Map	Application for Conditional Use
1. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use)	Required	Required
2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property	Required	Required
3. Whether the property to be affected by the proposal has a reasonable economic use as currently designated (land use district)	Required	Required
4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools	Required	Required
5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including land use element	Required	Required
6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal	Required	Required
7. Existing use(s) and land use district of subject property	Required	Required
8. Existing land use of nearby property	Required	Required
9. Existing value of the property under the existing land use district classification	Optional	No
10. Whether the property can be used in accordance with the existing regulations	Required	No
11. Value of the property under the proposed land use district	Optional	No

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12. Extent to which the property value of the subject property is diminished by the existing land use district	Optional	No
13. Suitability of the subject property under the existing land use district for the proposed use	Required	Required
14. Suitability of the subject property under the proposed land use district	Required	No
15. Length of time the property has been vacant or unused as currently designated (land use district)	Required	No
16. Description of all efforts taken by the property owner(s) to use the property or sell the property under the existing land use district	Required	No
Criteria Required to be Analyzed by Applicant and Review Bodies	Application to Amend the Official Land use Map	Application for Conditional Use
17. The possible creation of an isolated land use district unrelated to adjacent and nearby districts	Required	No
18. Possible effects of the change in land use, or change in use, on the character of a land use district	Required	Required
19. Whether a proposed land use districts map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations	Required	Required
20. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality	Required	Required
21. The relation that the proposed map amendment or conditional use bears to the purpose of the overall land use scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these land use regulations	Required	Required
22. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight. In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.	Required	Required

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23. The amount of undeveloped land in the general area affected which has the same land use district classification as the map change requested	Required	No
24. The extent to which the proposed land use district or conditional use will contribute to or detract from the community with regard to greenspace, architectural design, and landscaping.	Required	Required

TABLE 8.2.5 SCHEDULE OF FEES
(Amended September 12, 2006)

Type of Application	Fee (\$)
Application to change the official land use districts map to a conservation or forestry/agricultural land use district, scenic corridor district, or a residential land use district less than 10 acres	\$200.00
Application to change the official land use districts map to a residential land use district of 10 acres or more	\$300.00 (fractions rounded upward)
Application to change the official land use districts map to an office-institutional, rural, highway, or interchange area commercial, or industrial district, 25 acres or less	\$300.00 (fractions rounded upward)
Application to change the official land use districts map to an office-institutional, rural, highway, or interchange area commercial, or industrial district, more than 25 acres	\$750.00
Application to change the official land use districts map to a mining land use district	\$750.00 plus \$15.00 per acre over 20 acres, maximum fee \$1,500.00
Application for conditional use (each use requested)	\$300.00
Application for variance (each provision requested to be varied)	\$300.00
Administrative appeal (see Article 9)	\$250.00
Application submitted after land-disturbing activity, sitedevelopment, or building has commenced without requisite approval or in violation of county regulations	Double the fee for specific type of application
Note: When an application has been filed within 90 days preceding adoption of any ordinance amending this Schedule of Fees, upon written request from the applicant, the Administrator shall authorize Warren County to refund, to the applicant who paid a higher fee than the amended fee schedule, the difference between the fee paid and the fee established by ordinance amendment.	

Sec. 8.2.10. Analysis Requirements for Variance Applications.

Variance applications, which may be submitted on their own as a separate petition, or concurrently with one or more applications for change of the official land use districts map or one or more applications for conditional use, shall be considered by the applicant,

Administrator, Planning Commission, and Warren County Board of Commissioners in the context of the criteria specified in this Section.

Any applicant requesting consideration of a variance to any provision of this Ordinance shall provide a written justification that one or more of the following condition(s) exist. The Board of Commissioners shall not approve the variance application unless it shall have adopted findings that one or more of the following conditions exist.

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the land use district proposed.
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the land use district involved.

Sec. 8.2.11. Administrative Processing of Applications.

The Administrator is hereby authorized to establish administrative deadlines for the receipt of applications that require review in accordance with this chapter. Upon a finding by the Administrator that an application is complete and complies with the requirements of this Chapter, including deadlines, the application shall be marked received and approved for initiation, and the date of such consideration shall be indicated in the file of the application.

Sec. 8.2.12. Investigations and Recommendation.

Within a reasonable period of time after acceptance of a complete application, the Administrator may send the application or notice thereof out for review by internal county or municipal departments and external agencies as may be appropriate. Any written comments received in a timely manner shall be submitted to the Planning Commission and Warren County Board of Commissioners for consideration and any such comments shall become public record.

With respect to each redistricting or conditional use application, and any variance application filed, the Administrator may investigate and make a recommendation regarding any or all of the relevant matters enumerated in Table 8.2.4, or in the case of a variance application, those matters enumerated in Sec. 8.2.10 of this chapter. Any such investigation and recommendation shall if in writing be made available to the applicant and Planning Commission prior to the public hearing held by the Planning Commission and shall become public record.

Copies of the Administrator's findings and recommendations shall be available upon request to the public by the time of the Planning Commission's public hearing on the matter.

Sec. 8.2.13. Notice of Public Hearing.

Within a reasonable time after receiving a completed application for a map amendment, redistricting of land use, conditional use, or variance, the Administrator shall schedule a public hearing on the application before the Planning Commission and prepare a written notice of public hearing stating the date, time, place, and purpose of the hearing. The Administrator shall send a copy of the notice of hearing to the applicant by mail, personal service, or facsimile at least fifteen (15) days prior to the public hearing before the Planning Commission. The Administrator shall also publish the notice of hearing in the County's legal organ at least fifteen (15) days prior to the public hearing.

After the Planning Commission conducts its public hearing and fulfills its obligations under Section 8.2.15 of this Ordinance, the Administrator shall schedule a public hearing on the application before the Board of Commissioners and prepare a written notice of public hearing stating the date, time, place, and purpose of the hearing. The Administrator shall send a copy of the notice of hearing to the applicant by mail, personal service, or facsimile at least fifteen (15) but not more than forty-five (45) days prior to the public hearing before the Planning Commission. The Administrator shall also publish the notice of hearing in the County's legal organ at least fifteen (15) but not more than forty-five (45) days prior to the public hearing.

In addition to any notice of hearing already specified in this Section, at least fifteen (15) days prior to any public hearing referenced in this Section, the County shall post at least one (1) sign in a conspicuous location on the property where a map amendment, redistricting of land use, conditional use, or variance is sought, stating the date, time, and place of the hearing and specifying the name and address of the current owner of the property, the location of the property, the present land use district of the property, any proposed land use district of the property, any proposed conditional use, and the nature of any proposed variance. The sign shall remain on the property until the public hearing is held and must be at least four (4) square feet in size. The County is authorized to charge the applicant a fee for any such sign to cover any costs incurred for its preparation, installation, and removal.

Sec. 8.2.14. Special Notice Requirements.

Pursuant to the specific requirements of the Zoning Procedures Law (O.C.G.A. 36-66-6), when a land use district map amendment or conditional use application involves land or a land use that requires special public notice procedures, the Administrator shall ensure that the additional public notice requirements of O.C.G.A. 36-66-6 are met.

Sec. 8.2.15. Planning Commission Hearing and Recommendation.

The Planning Commission shall convene and hold a public hearing and provide a recommendation on all applications specified in this chapter. The public hearing shall follow policies and procedures which govern calling and conducting public hearings adopted by the Warren County Board of Commissioners as required by O.C.G.A. 36-66-4 (Chapter 8.3 of this Ordinance).

The Planning Commission shall make a recommendation after careful study of the application criteria specified in Table 8.2.4 (or for variance applications, Sec. 8.2.10, whichever is applicable) and after review of any investigations and recommendations supplied by the Administrator. The Planning Commission's recommendations shall be submitted to the Warren County Board of Commissioners, and its recommendations and report, if any, shall be available upon request to the interested members of the public at any meeting on the matter held by the Board of Commissioners. The Planning Commission shall have thirty-two (32) calendar days from the date of its public hearing within which to submit its recommendations. The Planning Commission may submit any additional report it deems appropriate. The recommendations of the Planning Commission shall have an advisory effect only and shall not be binding on the Warren County Board of Commissioners.

Sec. 8.2.16. Board of Commissioners Public Hearing.

The Warren County Board of Commissioners shall hold a public hearing on the proposed application, public notice of which is required to be given as specified in Section 8.2.13 of this Chapter.

Sec. 8.2.17. Action by the Warren County Board of Commissioners.

The Warren County Board of Commissioners shall hold a public hearing on all applications specified in this Chapter. Within a period of sixty-five (65) calendar days from the date of the public hearing held by the Warren County Board of Commissioners on any such application(s), the Board shall render a decision on the application(s). In rendering a decision on any such application, the Board shall consider all information supplied by the Administrator, the Planning Commission, and any information presented at its own public hearing or that of the Planning Commission. In addition, for land use district map changes and conditional use applications, the Board may but is not required to consider relevant application criteria specified in Table 8.2.4. If the Board fails to render a decision within sixty-five (65) calendar days from the date of its public hearing held, the application shall be approved as conditioned by the Planning Commission, or in lieu of no conditions specified by the Planning Commission, as conditioned by the Administrator if any such conditions are specified in a written report or recommendation.

Sec. 8.2.18. Conditional Approval Permitted.

The Warren County Board of Commissioners may attach conditions to its approval of any application regulated by this Chapter. Unless otherwise specified in the approval, any site plan submitted as a part of the application shall be considered "binding" on the applicant and must be followed.

Sec. 8.2.19. Withdrawal of Application.

Any application regulated by this Chapter may be withdrawn at the discretion of the person or agency initiating such a request, upon written notice to the Administrator, at any time prior to the closing of the public hearing before the Planning Commission on the application. When any application is withdrawn not later than ten (10) calendar days from the date of approval for initiation by the Administrator, one half (1/2) of the entire application fee paid by the applicant shall be refunded to the applicant. The Administrator shall refund that portion of the application fee within thirty (30) calendar days of the date of withdrawal of the application. No portion of a required application fee shall be refunded on any application withdrawn by an applicant later than ten (10) calendar days from the date of approval for initiation by the Administrator. Any application that is withdrawn by the applicant after a public hearing has been closed by the Planning Commission on the matter shall be withdrawn "with prejudice" and shall be subject to the limitations on the frequency of filing and consideration established in this Article.

Sec. 8.2.20. Limitations on the Frequency of Filing Applications.

No application regulated by this Chapter and affecting the same or any portion of property which was denied by the Warren County Board of Commissioners shall be accepted for filing by a property owner until twelve (12) months shall have elapsed from the date said application was denied by Warren County Board of Commissioners.

The same or any portion of property previously considered in a land use districts map amendment or conditional use application which was denied by the Warren County Board of Commissioners may not again be initiated by the Board until the expiration of at least six (6) months immediately following the final decision rendered on the application by the Board.

Sec. 8.2.21. Site Plan Revisions.

For any application specified in this Chapter which requires a site plan, the site plan that is the subject of such application may be revised and resubmitted by the applicant, but in no event shall a revised site plan resubmitted by an applicant be accepted or considered less than ten (10) calendar days prior to the public hearing by the Warren County Board of Commissioners; provided, however; said Board may direct an applicant to submit a revised site plan to the Administrator for consideration, in which case, the revised site plan shall be submitted to the Administrator at least ten (10) calendar days prior to any final action being taken on the proposed land use districts map amendment, conditional use, or variance application by the Board. At its discretion, the Warren County Board of Commissioners may refer the site plan back to the Planning Commission for additional study and recommendation, subject to the time initiations established in this Chapter.

Sec. 8.2.22. Incorporation Clause.

This chapter is intended to comply with the provisions of the Georgia Zoning Procedures Law, O.C.G.A. § 36-66 et. seq., which act is incorporated by reference in its entirety into this ordinance. Where any provision of this Chapter is in conflict with any provision of that law, the Georgia Zoning Procedures Law shall control. If this Chapter is found to be incomplete in

having failed to incorporate a provision necessarily required for the implementation of the law, such provision of the law, so as to meet the mandate of the law, shall be fully complied with.

CHAPTER 8.3 PROCEDURES FOR CALLING AND CONDUCTING PUBLIC HEARINGS

- Sec. 8.3.1. Applicability.
- Sec. 8.3.2. Presiding Officer.
- Sec. 8.3.3. Opening of Public Hearing.
- Sec. 8.3.4. Report of Administrator.
- Sec. 8.3.5. Applicant.
- Sec. 8.3.6. Public.
- Sec. 8.3.7. Applicant's Rebuttal.
- Sec. 8.3.8. Close of Hearing.
- Sec. 8.3.9. Decision.

Sec. 8.3.1. Applicability.

Any public hearing required by this Article, except those pursuant to Chapter 8.4 of this Article, shall be called and conducted in accordance with the procedures of this Chapter. For purposes of this Chapter, the term "hearing body" shall refer to both the Warren County Board of Commissioners and the Planning Commission. Nothing contained in this Chapter shall be construed as prohibiting a presiding officer or hearing body from conducting a public hearing in a fair, orderly, and decorous manner.

Sec. 8.3.2. Presiding Officer.

The presiding officer shall preside over the public hearing. In the case of the Warren County Board of Commissioners, the Board Chairman shall preside, or in the absence of the Board Chairman, the Vice-Chairman shall preside. In the case of the Planning Commission, the chairperson of said commission shall preside, or in the absence of the chairperson, the vice chairperson if designated, or if neither is present to preside, another member of the commission shall be designated to preside.

Sec. 8.3.3. Opening of Public Hearing.

The presiding officer shall indicate that a public hearing has been called on one or more applications made pursuant to this Article, shall summarize the processes required by this Chapter, and shall open the public hearing. Thereupon, the presiding officer shall call the first case and the hearing body shall consider each application on an individual basis in succession as printed on the published agenda or as otherwise approved by the hearing body; provided, however, that the presiding officer may at his or her discretion call and consider more than one application simultaneously when more than one application involves the same piece of property, and when proceedings would be efficiently completed by combining separately required public hearings and discussing more than one scheduled matter as a single group of applications.

Sec. 8.3.4. Report of Administrator.

Upon opening the public hearing, the presiding officer shall recognize the Administrator or designee, who shall provide a summary of the application and present any recommendations or results of investigations. In the case of public hearings before the Warren County Board of Commissioners, unless a member of the Planning Commission is present and is authorized and willing to speak for the Planning Commission on the subject application, the Administrator shall also summarize the recommendations made by the Planning Commission. Upon recognition by the presiding officer, any member of the hearing body may ask questions of the Administrator or designee or other county or Planning Commission representative providing the report or recommendations.

Sec. 8.3.5. Applicant.

When an individual application comes up for hearing, the presiding officer may ask for a show of hands of those persons who wish to appear in support of the application. If it appears that the number of persons wishing to appear in support of the application is in excess of that which may reasonably be heard, the presiding officer may request that a spokesperson for the group be chosen to make presentations. Following the report of the Administrator or designee, the presiding officer shall recognize the applicant or his or her agent, spokesperson, or each of them, who shall present and explain the application.

There shall be a minimum time period of ten (10) minutes per application at the public hearing for the proponents to present data, evidence, and opinions; however, the hearing body shall not be obligated to provide the full ten-minute period to the proponents if they elect not to use that much time. Any member of the hearing body upon recognition by the presiding officer may ask questions of the applicant or agent of the applicant, or both.

Sec. 8.3.6. Public.

At the conclusion of the applicant's presentation, the presiding officer shall initiate the public comment portion of the public hearing. When an individual application comes up for review, the presiding officer may inquire if any member of the public wishes to ask any question(s), make any comment(s), and/or otherwise appear in opposition to the application. If it appears that the number of persons wishing to ask questions, make comments, or otherwise appear exceeds that which may reasonably be heard, the presiding officer may request that a spokesperson be selected for the group. There shall be a minimum time period of ten (10) minutes per application at the public hearing for the opponents to present data, evidence, and opinions and ask questions; however, the hearing body shall not be obligated to provide the full ten-minutes per application to the opponents if they elect not to use that much time.

Prior to speaking, each speaker will identify him or herself and state his or her current address. Each speaker may speak only to the proposed application under consideration and shall address his or her remarks only to the hearing body. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed application under consideration. The presiding officer may limit or refuse a speaker the right to continue if, after first being cautioned, the speaker continues to violate this procedure.

Upon recognition by the presiding officer, any member of the hearing body may ask questions of a member of the public giving testimony.

The hearing body may ask and answer questions asked during the public portion of the hearing. The hearing body may defer questions to the applicant to be answered during rebuttal.

Sec. 8.3.7. Applicant's Rebuttal.

At the conclusion of public testimony, or upon the expiration of time allotted for public testimony, the applicant or his or her agent, or both, shall be allowed a short opportunity to answer questions, rebut the testimony of the public, and provide final comments and remarks. The time devoted to any such rebuttal shall be counted toward the total ten (10) minutes allotted to the applicant under Section 8.3.5, if such a time limit is set by the presiding officer. Any member of the hearing body upon recognition by the presiding officer may ask questions of the applicant, his or her agent, or both.

Sec. 8.3.8. Close of Hearing.

After the foregoing procedures have been completed, the presiding officer will indicate that the public hearing is closed. Upon the closing of the public hearing, the applicant or his agent and any member of the public shall no longer address the hearing body in any way, including hand waving or motions for attention; provided, however, the presiding officer may, in his discretion, reopen the public hearing for a limited time and purpose.

Sec. 8.3.9. Decision.

After the public hearing is closed, the hearing body may either vote upon the application or may delay its vote to a subsequent meeting, subject to the limitations of this Article, provided that notice of the time, date and location when such application will be further considered shall be announced at the meeting during which the public hearing is held.

After hearing evidence, in making a decision, the hearing body shall apply the evidence to the criteria specified in this Article for the application in question and other considerations and recommendations as may be considered appropriate. It will not be required that the hearing body consider every criterion specified in this Article as provided in Table 8.2.4 or as otherwise applicable. It shall be the duty of the applicant to carry the burden of proof that approval of the proposed application will promote the public health, safety, morality or general welfare.

If the hearing body determines from the evidence presented by the applicant has shown that the proposed application promotes the health, safety, morals, and general welfare under applicable criteria, then the application shall be granted, subject to those reasonable conditions as may be imposed by the Warren County Board of Commissioners on its own initiative or as recommended by the Administrator or Planning Commission. Otherwise, such application shall

be denied. In cases where one or more companion applications are submitted and the Warren County Board of Commissioners attaches conditions to the application, such conditions shall, unless specifically stated otherwise, become conditions of approval for each companion application.

CHAPTER 8.4 DEVELOPMENT OF REGIONAL IMPACT

- Sec. 8.4.1. Definitions.
- Sec. 8.4.2. Applicability.
- Sec. 8.4.3. Jurisdiction.
- Sec. 8.4.4. Procedures.

Sec. 8.4.1. Definitions.

Initial DRI information form: A form intended to identify basic information about a proposed development of regional impact on which a local government is being requested to take action, and which provides information to the Regional Development Center (RDC). This form notifies the RDC of a potential development of regional impact in order for the RDC to meet its responsibilities within the DRI review process.

DRI Review initiation request form: A form intended to provide additional information about the proposed project to the Regional Development Center (RDC), the submission of which serves as an official request that the DRI review process be started by the RDC.

Regional Development Center: The Central Savannah River Area Regional Development Center, or any successor or subsequent agency with jurisdiction for development of regional impact applications.

Sec. 8.4.2. Applicability.

This Chapter shall apply when an applicant (industry, business, or developer) requests some type of local government action related to a project, such as, but not limited to, a request for redistricting, variance, permit, hookup to a water or sewer system, master or site plan approval, or entering into a contract, and it appears that the proposed development (or, for multi-phased projects, the complete development) meets the threshold(s) of a development of regional impact, according to "Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, Effective July 1, 2001, as may be amended from time to time.

Sec. 8.4.3. Jurisdiction.

If a proposed development project is to be located in more than one jurisdiction and, in total, the proposed development meets or exceeds a DRI threshold, the local government in which the largest portion of the project is to be located is responsible for initiating the DRI review process.

Sec. 8.4.4. Procedures.

The application procedures established in Chapter 8.3 will be modified by this Chapter in cases where a redistricting request, conditional use application or variance application fits the definition of a “development of regional impact.” Developments of regional impact will be processed according to procedures of the Georgia Department of Community Affairs as described in “Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, Effective July 1, 2001, as may be amended from time to time.

When an application is received for development that meets or exceeds the thresholds established for that development type and thus constitutes a “development of regional impact” according to the aforementioned Rules of the Georgia Department of Community Affairs, the County will follow the procedures identified in said administrative rules which are summarized here.

When an application for a development of regional impact is received, the Administrator will complete an “Initial DRI Information” form and a “DRI Review Initiation Request” form. Each of these two forms may be submitted to the Regional Development Center simultaneously, provided the county has all necessary project-related information.

The county shall not take any official legislative or administrative action to advance or further a DRI project until the review process identified under the DRI review procedure specified in “Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, Effective July 1, 2001,” as may be amended from time to time, is completed. The local government with jurisdiction may undertake preliminary staff administrative functions associated with a proposed DRI including, but not limited to, project evaluation/assessment, site visits, and placing consideration of the application on a future agenda for formal action, if required. The county shall not take any official action related to such a project until the DRI review process is completed and the county has had adequate time to consider the DRI review comments.

After the DRI review process is completed, the county may proceed with whatever action it deems appropriate regarding the proposed project, although it is encouraged to take the public finding and additional comments into consideration as it makes its decision.

If the project receives a negative public finding from the Regional Development Center and the county approves said project or takes action to advance said project, the county shall notify the Regional Development Center and the Georgia Department of Community Affairs of its action and identify all local requirements it has placed on the development that could mitigate any negative findings identified in the DRI review process.

ARTICLE 9 ADMINISTRATION AND ENFORCEMENT

CHAPTER 9.1	LAND USE/CONSTRUCTION PERMIT
CHAPTER 9.2	ADMINISTRATION AND APPEALS
CHAPTER 9.3	ENFORCEMENT, VIOLATIONS, PENALTIES AND REMEDIES

CHAPTER 9.1 LAND USE/CONSTRUCTION PERMIT

- Sec. 9.1.1. Land Use/Construction Permit Required.
- Sec. 9.1.2. Exemptions from Land Use Permit.

Sec. 9.1.1. Land Use/Construction Permit Required.

Unless specifically exempted by this Ordinance, no building shall be erected, moved, added to, or structurally altered without a Land Use/Construction Permit issued by the Administrator. It shall be unlawful to use or occupy, relocate, or permit the use or occupancy of any building, structure, land, water, or premises that is regulated by this ordinance, without a Land Use/Construction Permit for such use or occupancy, relocation or use thereof.

Unless specifically exempted by this Ordinance, no land use activity including land disturbance shall be initiated without a Land Use/Construction Permit issued by the Administrator, and except in conformity with said Land Use/Construction Permit. It shall be unlawful to erect, move, add to, structurally alter any building or structure, relocate, use or occupy or permit the use of any occupancy of any building, structure, land, water, or premises, or initiate any land use activity that is in violation of an approved Land Use/Construction Permit.

Without limiting the generality of this Section, the following are representative but not exhaustive examples of buildings, uses, and activities that require a Land Use/Construction permit:

- (a) The erection of a single-family dwelling unit or manufactured home, and the relocation of a manufactured home (see also Sections 5.2.2 and 2.2.5 of this Ordinance).
- (b) Any addition to an existing single-family dwelling unit or manufactured home.
- (c) Development activities associated with the subdivision of land.
- (d) The erection of any agricultural, institutional, commercial, industrial, or mining structure of 150 square feet or more.
- (e) The removal of trees, grading, or other land disturbance of an area of 200 square feet or more, or grading involving 50 cubic yards or more, unless otherwise specifically exempted by this Ordinance as in the case of agricultural and forestry activities.

- (f) The establishment of any commercial activity, including open-air business sales not involving a use or structure, except as specifically exempted by this Ordinance.
- (g) The erection of towers.
- (h) Preparation of land for and the installation of driveways and parking lots serving any residential use or non-residential use, unless specifically exempted in this Article.

Sec. 9.1.2. Exemptions from Land Use/Construction Permit.

The Land Use/Construction permit requirement of this Ordinance shall not apply to the following activities, structures, and uses.

- (a) Public buildings, uses, and structures and semi-public uses and structures, along with the land disturbance associated with such buildings and/or uses.
- (b) The plowing of fields, the cultivation of crops, or timber/forestry management operations, regardless of area disturbed, provided such activities do not involve the preparation of land for a building or structure with an area of 150 square feet or more.
- (c) Any structure less than 150 square feet in area, when not attached to an existing building or made part of a new building (i.e., “accessory” structures).
- (d) The addition of appurtenances, including antennas, satellite receiving dishes, and chimneys, and the installation of ancillary equipment, to existing buildings.
- (e) The removal of trees, grading, or other land disturbance of an area less than 200 square feet, or grading less than 50 cubic yards, provided such activities do not involve the preparation of land for a building or structure with an area of 150 square feet or more.
- (f) The resurfacing or graveling of a driveway serving a single-family residential use or manufactured home.
- (g) Signs, whether freestanding (ground) or attached to a building, except that signs are subject to the requirements of this Ordinance, including land use district provisions where applicable, even though exempt from the requirement to obtain a Land Use/Construction permit.
- (h) Temporary sale or other temporary activity, including but not limited to yard sales, garage sales, and rummage sales, provided that the duration of such sale or other temporary activity does not exceed seventy-two (72) consecutive hours and does not occur more frequently than once in any consecutive ninety (90) day period.

Article 9 Administration and Enforcement
Warren County, GA, Land Use Ordinance

- (i) Erection of fences, provided that they are not comprised of materials prohibited by this Ordinance.
- (j) Fallout shelters.
- (k) Replacement of existing septic tanks and septic tank drainfields; provided, however, that such uses must meet applicable requirements of the Warren County Health Department.
- (l) The installation, relocation, or replacement of utility lines serving individual buildings or uses.
- (m) Land disturbance related to the installation of a well; provided, however, that such uses must meet applicable requirements of the Warren County Health Department.

CHAPTER 9.2 ADMINISTRATION AND APPEALS

- Sec. 9.2.1. Administrator.
- Sec. 9.2.2. Intent Regarding Disputes over Administration.
- Sec. 9.2.3. Who May Appeal.
- Sec. 9.2.4. Time for Filing Appeal.
- Sec. 9.2.5. Applications for Appeal of Administrative Decision.
- Sec. 9.2.6. Stay of Proceedings.
- Sec. 9.2.7. Procedures for Appeals.

Sec. 9.2.1. Administrator.

This Ordinance shall be administered, interpreted, and enforced by the Administrator, who shall have the duties and authority with respect to this Ordinance as provided in the various Articles, Chapters, and Sections of this Ordinance and those necessarily implied by said provisions. To this end, the Administrator is authorized to prepare administrative procedures, guidelines, application forms, issue, deny, and revoke land use permits, tend to other administrative details not inconsistent with the provisions of this Ordinance, and to implement the provisions of this Ordinance. The Administrator may delegate administrative functions, powers and duties assigned by this Ordinance to other staff as may be appropriate, without the need to reflect such delegation by formal action.

Sec. 9.2.2. Intent Regarding Disputes over Administration.

It is the intention of the Warren County Board of Commissioners that all questions arising in connection with the administration, interpretation, and enforcement of this Land Use Ordinance shall be presented first to the Administrator, and that such questions, if they cannot be resolved at the administrative level, shall be presented to the Planning Commission and Warren County Board of Commissioners as an appeal of a decision of the Administrator.

Sec. 9.2.3. Who May Appeal.

Any person who alleges he/she was aggrieved by a decision of the Administrator under this Ordinance, or who alleges the Administrator made an error in the administration, interpretation, or enforcement of this Ordinance may file an appeal application, stating the grounds for such appeal. Appeals of administrative decisions may also be filed for consideration by any officer, department, or board or commission of Warren County or other local government affected by any such administrative decision.

Sec. 9.2.4. Time for Filing Appeal.

All appeal applications shall be rejected as untimely unless filed within thirty (30) days of the action that is being appealed; provided, however, the Planning Commission and the Warren County Board of Commissioners may consider an otherwise untimely appeal application for good cause shown.

Sec. 9.2.5. Applications for Appeal of Administrative Decision.

Applications for administrative appeals shall be made on forms furnished by the Administrator. A fee shall be paid to Warren County at the time the notice of appeal is filed, which fee shall be used to offset the costs of public notice and administering the appeal process (see Table 8.2.5 in Article 8 for fees).

Sec. 9.2.6. Stay of Proceedings.

The filing of an appeal stays all legal proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Planning Commission and Board of Commissioners after the notice of appeal shall have been filed with him, that by any reason of acts stated in the certificate a stay would, in his or her opinion, cause eminent peril to life and property. In such case, proceedings shall not be stayed.

Sec. 9.2.7. Procedures for Appeals.

Any appeal received, and all papers constituting the record upon which the action appealed from was taken, shall forthwith be transmitted by the Administrator to the Planning Commission and Warren County Board of Commissioners within thirty-two (32) days of receipt by the Administrator. Both the Planning Commission and Board of Commissioners shall hold public hearings on all timely appeal applications.

A reasonable time for the hearing of appeals shall be fixed, and there shall be at least fifteen (15) days public notice thereof and due notice to the parties in interest of the public hearing held by the Board of Commissioners. Notice may also be provided for the Planning Commission's public hearing on the matter, though 15 days advance notice shall not be required for its public hearing. Specifically, the appeal hearing shall follow public hearing procedures specified in Chapter 8.3 of this Ordinance. At a hearing, any party may testify in person, or by agent or by attorney.

The Planning Commission shall make findings and render a recommendation in writing following its public hearing on the administrative appeal. The Administrator shall notify the applicant, in writing, of the Planning Committee's recommendation within five (5) working days after it has been made.

The Warren County Board of Commissioners shall make findings and render a decision following its public hearing on the administrative appeal and after consideration of the findings and recommendations of the Planning Commission. The county clerk or Administrator shall notify the applicant, in writing, of the decision of the Warren County Board of Commissioners on the appeal application within five (5) working days after the Board has made a decision.

CHAPTER 9.3 ENFORCEMENT, VIOLATIONS, PENALTIES, AND REMEDIES

- Sec. 9.3.1. Enforcement Authority.
- Sec. 9.3.2. Generally.
- Sec. 9.3.3. Stop Work Order.
- Sec. 9.3.4. Notice of Violation.
- Sec. 9.3.5. Content of Notice of Violation.
- Sec. 9.3.6. Failure of Remedial Measures.
- Sec. 9.3.7. Withholding or Revocation of Certificate of Occupancy.
- Sec. 9.3.8. Suspension, Revocation or Modification of Permit.
- Sec. 9.3.9. Denial of Additional Permits.
- Sec. 9.3.10. Suspension or Revocation of Business Registration.
- Sec. 9.3.11. Withholding of Utility Service.
- Sec. 9.3.12. Penalty Assessed Administratively.
- Sec. 9.3.13. Citation.
- Sec. 9.3.14. Civil Penalties.

Sec. 9.3.1. Enforcement Authority.

These regulations shall be enforced by the Administrator. Said official may cause inspections of development to be made periodically during the course thereof and is authorized to make inspections during and following completion of work. Developers and property owners shall assist the Administrator in making such inspections. The County shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Ordinance, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any use, building, or land development activities.

No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

Sec. 9.3.2. Generally.

Any person who violates the provisions of this Ordinance or the requirements of an approved site plan or permit is subject to any or all of the enforcement actions and remedies described in this Chapter.

Sec. 9.3.3. Stop Work Order.

Upon learning or discovering a violation of this Ordinance or any approved site plan or permit issued pursuant to this Ordinance, the Administrative Officer or his designee may immediately issue a Stop Work Order which forbids all further work at the job site until the Stop Work Order is withdrawn or otherwise removed. The Stop Work Order shall be posted on the job site and mailed to the applicant at the address shown on the permit or approved site plan. The Stop Work Order shall remain in effect until the remedial measures set forth in the Notice of Violation

have been taken or any violation has otherwise been corrected to the satisfaction of the Administrative Officer; provided, however, the Administrative Officer may withdraw or modify any Stop Work Order to enable the applicant to take necessary remedial measures to cure any such violation.

Sec. 9.3.4. Notice of Violation.

If the Administrative Officer or his designee determines that an applicant or other responsible person has failed to comply with any provision of this Ordinance or any term or conditions of a permit or approved site plan, he shall issue a written Notice of Violation to such applicant or other responsible person. Said Notice of Violation may be issued prior to or concurrent with the issuance of a stop work order. Where a person is engaged in activity covered by this Ordinance without having first secured the appropriate permit therefor, the notice of violation shall be served on the owner or agent of the owner of the property where the activity is taking place.

Sec. 9.3.5. Content of Notice of Violation.

Each Notice of Violation shall contain the following:

- (a) The name and address of the owner, applicant, or other person responsible for the site where the violation occurred or is occurring;
- (b) The address or other description of the site where the violation occurred or is occurring;
- (c) A statement specifying the nature of the violation;
- (d) A description of the remedial measures necessary to correct the violation;
- (e) The date for the completion of such remedial measures, after which further enforcement action will be taken; and
- (f) A statement of the penalty or penalties that may be assessed against the person to whom the Notice of Violation is directed.

Sec. 9.3.6. Failure of Remedial Measures.

In the event the remedial measures described in the Notice of Violation have not been completed by the date set forth for such completion in the Notice of Violation, any one or more actions or penalties described in this Section as appropriate may be taken or assessed against the person to whom the Notice of Violation was directed and/or the property where the violation occurred or is occurring.

Sec. 9.3.7. Withholding or Revocation of Certificate of Occupancy.

The Building Official or any other enforcement officer of the county, if such office is established and if such requirements apply in Warren County, may at any time refuse to issue, or revoke, a

certificate of occupancy for the building or other improvements constructed or being constructed on the site in violation of this Ordinance until the applicant or other responsible person has taken the remedial measures set forth in the Notice of Violation or has otherwise cured the violations described therein.

Sec. 9.3.8. Suspension, Revocation or Modification of Permit.

Where a person has violated any provision of this Ordinance, the Administrative Officer or his designee may time suspend, revoke, or modify any permit issued or required to be issued under this Ordinance until the applicant or other responsible person has taken the remedial measures set forth in the Notice of Violation or has otherwise cured the violation(s) described therein. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the Notice of Violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the enforcement officer may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

Sec. 9.3.9. Denial of Additional Permits.

The County is authorized and directed to deny and withhold permits or permissions on any new project or application pursuant to this Ordinance where the applicant, applicant's business or agent has failed or refused to comply with this Ordinance.

Sec. 9.3.10. Suspension or Revocation of Business Registration.

The County may suspend or revoke any person's business registration, work permit or other authorization for any violation of this Ordinance or any other applicable law in the unincorporated areas of Warren County.

Sec. 9.3.11. Withholding of Utility Service.

The Administrative Officer, his designee, or other enforcement personnel may request or direct any utility service provider to withhold utility service to any property on which a violation is alleged to have occurred.

Sec. 9.3.12. Penalty Assessed Administratively.

Warren County, through authorized enforcement personnel, may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremediated after receipt of the notice of violation.

Sec. 9.3.13. Citation.

The Administrative Officer, his designee, or any other enforcement personnel shall have authority to issue citations for violations of this Ordinance and to prosecute such violations before a court of competent jurisdiction.

Sec. 9.3.14. Penalty for Violating Ordinance.

Any person who violates or fails to comply with any provision of this Ordinance, or any site plan approval or permit issued pursuant to this Ordinance, shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding sixty (60) days, or both, for each such violation or failure to comply hereunder. Each day any violation of this Ordinance shall continue shall constitute a separate offense. Any violation or failure to comply that continues for more than one day shall constitute a public nuisance.

ARTICLE 10 LEGAL STATUS PROVISIONS

CHAPTER 10.1 LEGAL STATUS PROVISIONS

CHAPTER 10.1 LEGAL STATUS PROVISIONS

- Sec. 10.2.1. Effective Date.
- Sec. 10.2.2. Repeal of Conflicting Ordinances.
- Sec. 10.2.3. Relationship to Private Restrictions.
- Sec. 10.2.4. Validity and Severability.
- Sec. 10.2.5. Codification.

Sec. 10.1.1. Effective Date.

This Ordinance shall take effect immediately upon its adoption, the public welfare demanding it.

Sec. 10.1.2. Repeal of Conflicting Ordinances.

All conflicting ordinances or parts of ordinances and resolutions are hereby repealed to the extent of their conflict. Where this Ordinance and another overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 10.1.3. Relationship to Private Restrictions.

This Ordinance is not intended to repeal, abrogate, or impair any valid easement, covenant, or deed restriction duly recorded with the Clerk of the Superior Court of Warren County, Georgia.

Sec. 10.1.4. Severability.

If any article, chapter, section, subsection, sentence, clause, phrase, or portion of this Ordinance or any amendment thereto is for any reason held or adjudged to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect.

Sec. 10.1.5. Codification.

It is the intention of the Warren County Board of Commissioners, and it is hereby ordered that this Ordinance shall become and be made a part of the Code of Ordinances of Warren County, Georgia, and the articles, chapters, and sections of this Ordinance may be renumbered if necessary to fit most appropriately into the Code of Ordinances of the County.

**Article 10, Legal Status Provisions
Warren County, GA, Land Use Ordinance**

Attested

Chairman, Board of Commissioners

Commissioner

Commissioner

Date of Adoption: January 10, 2006

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