

# DOOLY COUNTY ZONING ORDINANCE

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# **DOOLY COUNTY ZONING ORDINANCE**

## **SECTION 1. TITLE AND OBJECTIVES**

This ordinance shall be known as the “Zoning Ordinance of Dooly County, Georgia”, for the purpose of setting forth standards and permissible uses of land designed to conserve and protect the natural, economic and scenic resources of Dooly County; to secure safety from fire, panic and other dangers; to promote health, aesthetics, morals, convenience, order, prosperity and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to promote desirable living conditions and stability in neighborhoods; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements by dividing Dooly County into districts of such size and shapes as may be best suited to carry out the purposes of the legislative act and of this resolution.

## **SECTION 2. LEGISLATIVE AUTHORITY**

Counties of the State of Georgia are authorized by the 1983 Georgia State Constitution, Article 9, Section 2, Paragraph 4, and Chapter 66 of Title 36 of the Official Code of Georgia Annotated, to exercise the powers of planning and zoning; and it is hereby determined by the Board of Commissioners of Dooly County, Georgia, that it is necessary and desirable to adopt these zoning regulations under the authority of the above cited Constitutional and statutory provisions.

## **SECTION 3. METHOD OF REGULATION**

Now therefore be it resolved that the Board of Commissioners of Dooly County, Georgia, as authorized by the Constitution of the State of Georgia, having previously created a Planning Commission known as the Dooly County Planning Commission does hereby adopt these zoning regulations for the following purposes: (1) to define certain words used herein; (2) to create zone boundaries; (3) to regulate the location of trades, professions, businesses, and industries; (4) to regulate the density in distribution of population; (5) to provide for the gradual elimination of nonconforming uses of land, buildings and structures; (6) to provide for the method of administration, amendment and enforcement; (7) to provide for imposition of penalties for violations; (8) to repeal conflicting ordinances and resolutions; (9) and for other purposes.

## **SECTION 4. JURISDICTION**

This zoning ordinance shall govern the use of all land and development within the unincorporated limits of Dooly County, Georgia, and within the limits of any inactive municipality in accordance with O.C.G.A. 36-70-5.

**SECTION 5. REVISIONS**

Therefore, BE IT RESOLVED that the following regulations be amended by The Dooly County Board of Commissioners, This 7th day of January 1998

**SECTION 6. DEFINITIONS**

For the purpose of this resolution, words in the singular shall include the plural, and words in the plural shall include the singular number unless the obvious construction of the wording indicates otherwise.

The word “shall” is mandatory. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line relation to which the distance is specified. The word “lot” includes the word “plot”; the word “used” shall be deemed also to include “designed”, “intended”, or “arranged to be used”; the term “erected” shall be deemed also to include “constructed”, “reconstructed”, “altered”, “placed”, or “moved”. The terms “land use” and “use of land” shall be deemed also to include “building use” and “use of building”. The word “adjacent” means “nearby” and not necessarily “contiguous”.

**Accessory Building or Accessory Use:** A subordinate building for or use such as a garage, workshop and the like customarily incidental to and located on the same lot with the main building or use.

**Agriculture or Agricultural:** The bona fide use of a parcel of land of ten (10) acres or more for the cultivation of land, raising of poultry and/or livestock, or for similar agrarian activity for gain or profit, and the related buildings, structures, and appurtenances associated with or necessary to carry out the aforementioned activities.

**Airfield:** Any area of land or water with airspace certified by the Federal Aviation Administration and utilized for the landing or taking off of aircraft.

**Airport:** Any area of land or water with airspace certified by the Federal Aviation Administration and designed and set aside for the landing and taking off of aircraft, and utilized, or to be utilized, in the public interest for such purposes. An airport shall include all runways, terminal buildings, hangars, and related facilities located on the airport premises.

**Apartment Building:** A single-structure located on a parcel of land under single or joint ownership, containing four or more independent, residential units cooking facilities for the sole use of each residential unit.

**Automobile Sales Lot:** An open premise arranged, designed, or used for storage and display for sale of any motorized vehicle and/or trailer which can be towed legally on Georgia roadways.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year. Base flood is synonymous with the term “regional” or “100-year” flood.

**Biomedical Waste Facility:** Any facility or location where the final disposition of any amount of biomedical waste (as that term is defined in O.C.G.A. \*\*\*12-8-22, as amended) occurs, whether or not mixed with or including other waste allowed under Subtitle D of the Resource Conservation and Recovery Act of 1976, as amended, and includes, but is not limited to, biomedical waste landfills and biomedical waste thermal treatment technology facilities.

**Boarding House:** A dwelling in which lodging and meals are furnished for consideration. Maximum occupancy shall be governed by life safety codes.

**Building:** Any structure, either temporary or permanent, above or below ground, having a roof or other covering and designed, built, or used as a shelter or enclosure for persons, animals, or property of any kind including tents or awnings used for purposes of a building.

**Building Line:** A line beyond which the foundation wall and any roofed porch, vestibule or other such portion of a building shall not project.

**Building, Principal:** The building in which is conducted the principal and primary use of the lot on which the structure is situated.

**Care Home:** A rest home, nursing home, convalescent home, home for the aged or similar use established and operated on a profit or non-profit basis to provide lodging and meals and domiciliary care for the aged, infirm, chronically ill or convalescent persons. The term “care home” shall include the term “extended care facility” as defined by Georgia Law. Such facility shall be licensed pursuant to O.C.G.A. \*\*31-7-12 as appropriate.

**Caretaker or Employee Residence:** An accessory residence (including mobile and manufactured homes) placed on an otherwise occupied tract for use by a bona fide caretaker, employee or the owner himself.

**Church, Club or Lodge:** Building in which organized religious, fraternal, recreational, social or educational meetings are conducted on a regular non-profit basis. Fraternal organizations must show that they have received recognition and sanction from a parent group or organization. A private club must show that its membership is limited by either: (a) the use and operation of an amateur athletic facility including but not limited to golf courses, tennis courts, shooting ranges or swimming pools; or (b) residency in a particular subdivision, condominium, apartment project or other residential development.

**Conditional Use:** A use which is not permitted inherently in a specific zoning district, but which may be permitted under specific conditions subject to approval by the Board of Commissioners.

**Cul-de-sac:** A street which has one end pen to traffic and the other end permanently terminated by a vehicular turn-around.

**Condominium:** A building or building on a single parcel comprised of multiple dwelling units in which each tenant holds full title to his dwelling unit and joint ownership in the common grounds.

**Day Care Center:** An establishment operating for profit which provides care and education for six or more children opened for the major portion of the day or night and in which meals are served.

**Designated Official:** The official or other designated authority charged by the Dooly County Board of Commissioners with the administration and enforcement of this resolution or his duly appointed representative.

**Drive-In:** Any retail or service enterprise wherein a good or service is provided to the consumer on the inside of the principal building and to the consumer while in his motor vehicle through an exterior wall of



the principle building. The term “drive-in” includes but is not limited to drive-in restaurants and dairy bars, theaters, banks, laundries, food stores and car washes.

**Dwelling Unit:** A building or portion thereof arranged or designed for occupancy by not more than one family for living purposes and having cooking facilities.

**Easement:** A grant to a person or to the public by a property owner of a strip of his land for road right-of-way or other specified purposes.

**Equestrian Center:** A tract of land of five acres or more on which more than four adult horses are kept for the purpose of training boarding, sale or breeding, or where instruction pertaining to the same is given for a fee. For the purposes of this zoning ordinance this term includes facilities for riding trails and rings, shows, competitive equestrian events and riding lessons.

**Family:** One or more persons permanently occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, including foster children, as that term is defined under Georgia Law, no single dwelling unit shall contain over five persons.

**Farm:** A parcel of land consisting of a minimum of ten (10) acres on which bona fide agricultural and related uses are conducted as specified in “agriculture”.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters, or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

**Floodplain:** The low-lying and relatively flat areas adjoining inland waters, and including, at a minimum, that area subject to a one percent or greater change of flooding in any given year.

**Flood Way:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Flood Zone:** Zones as they appear on the Flood Insurance Rate Map (FIRM) in which the risk premium insurance rates have been established by a Flood Insurance Study.

**Frontage:** That dimension of a lot measured along the front right-of-way line thereof or if said front right-of-way line is curved along the chord of the arc.

**Garage, Repair:** Building (s) and premises designed or used for the purpose of service or commercial repair of motor vehicles, provided (1) that all body work and painting shall be conducted within fully enclosed buildings, (2) that the storage of junk, wrecked vehicles, dismantled parts or supplies shall be solely for the purpose repairing motor vehicles and not as a salvage or junkyard business, and (3) that the storage of junk, wrecked vehicles, dismantled parts or supplies not be visible beyond the premises.

**Group Home:** A residence under the ownership and supervision of a public educational or governmental institution occupied or intended for occupancy by several unrelated persons or families, and in which cooking facilities are shared among all resident persons or families.

**Hazardous Waste:** Any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act which are in force and effect on February 1, 1991, codified as 40 C.F.R. Section 261.3 and any designated hazardous waste, and as that term is defined in O.C.G.A. \*\* 12-8-62, as amended.

**Hazardous Waste Facility:** Any property or facility that is intended or used for storage, treatment, or disposal of hazardous waste and which has been legally certified, licensed, approved and otherwise sanctioned by the appropriate state and federal agencies.

**Home Occupation:** An occupation or profession conducted entirely within a dwelling and which is carried on by a resident thereof and no more than two nonresidents, and which is clearly incidental and secondary to the use of the dwelling for residential purposes. A Home Occupation does not allow access by the public. A Home Occupation is designed to be less restrictive than a Home Office but more restrictive than a Residential Business in regard to access by the public, size, visibility, number of employees and types of business.

**Home Office:** An office use conducted entirely within a dwelling which is carried on by a occupant thereof and no other individual, and which is clearly incidental and secondary to the use of the dwelling for residential purposes. The office may be for the purpose of service or trade workers who customarily work at various locations, such as electricians, plumbers, appraisers, real estate salespersons, or individuals who work at home, such as writers or computer programmers. There will be no changes which would alter the character of the dwelling or reveal from the exterior that the dwelling is being used in part for other than residential purposes. The office shall be limited to one room of the dwelling and not exceed more than three hundred square feet in area. Home Office shall not include any business which involves the sale, manufacture or repair of merchandise on the premises. Home Offices shall also not include any business requiring access by the public, including, but not limited to, customers, clients or vendors. No outside storage or display, including signs, is permitted and no one other than family members who reside on the premises may be employed in the office.

**Hospital:** Any institution receiving patients and rendering medical care including those wherein mentally retarded, mentally disturbed, epileptic, alcoholic or drug addicted, chronically ill and physically disabled patients are treated or cared for. Such facility shall be legally and properly certified, licensed, approved and otherwise sanctioned by the appropriate state or federal agency.

**Industrial Park:** A tract of land subdivided and developed according to a comprehensive development plan in a manner which provides a park setting for industrial establishments.

**Kennel, Commercial:** Any place in or at which more than four adult dogs, cats, rabbits or other domesticated animals are kept for the purpose of sale, boarding, care, breeding or training, and for which any fee is charged for such services. This term does not apply to similar facilities operated for agrarian or agricultural purposes.

**Laboratory:** An establishment or premises where scientific services are provided including testing or analysis of medical, chemical, physical, mechanical, electric or electronic nature, or the calibration of instruments.

**Landfill:** An area of land on which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile, and as that term is defined in O.C.G.A. \*\* 12-8-22, as amended.

**Lodging Home:** See “boarding house”.

**Lot:** A parcel of land which satisfies the area requirements for the district within which it is located, or on which exists a legal nonconforming use, and has frontage along or legal access to a public right-of-way, and is intended as a unit for transfer of ownership or for building development. A lot shall have a separate tax parcel reference number designated in the office of the County Tax Commissioner and/or the County Tax Appraiser.

**Lot Line, Front:** The front property line coincident with the street right-of-way line. The front lot line of a corner lot shall be the lot line facing the principal building entrance.

**Lot, Interior:** A lot other than a corner lot.

**Lot Line, Rear:** The rear lot line is generally opposite the front lot line. If the rear lot line is less than ten feet in length or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, not less than ten feet long, and lying wholly within the lot and farthest from the front lot line.

**Lot of Record:** A lot or parcel of land, the existence, location and dimensions of which have been legally recorded or registered in a deed or plat.

**Lot, Substandard:** A lot which does not meet the minimum lot size requirements for the district in which it is located.

**Lot Width:** The distance between the side lot lines measured at the front building line.

**Manufactured Home:** A structure, transportable in one or more sections, which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems contained therein. Manufactured Homes shall be constructed in accordance with the Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. 5401, et seq.

**Materials Recovery Facility:** Means a solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials suitable for use as a fuel or soil amendment, or any combination of such materials, and as that term is defined in O.C.G.A. \*\* 12-8-22, as amended.

**Mobile Home:** A structure, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or 40 feet or more in length or , when erected on site, is 320 or more square feet and which is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976.

**Modular Home:** A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and bears a seal of compliance with regulations of the Southern Building Code Congress International, the Georgia Industrialized Building Act, or the Manufactured Housing Construction and Safety Standards Act, as amended.

**Motel:** A building or group of buildings containing guest rooms and having separate outside entrances for each guest room. To be used primarily for automobile transients and including such terms as “auto court” and “motor lodge”, but not “boarding house” as defined in this section.

**Municipal Solid Waste Disposal Facility:** Any disposal facility where any amount of municipal solid waste (as that term is defined in O.C.G.A. \*\* 12-8-22, as amended) occurs, whether or not mixed with or including other waste allowed under Subtitle D of the federal Resource Conservation and Recovery Act of 1976, as amended, and includes, but is not limited to, municipal solid waste landfills and solid waste thermal treatment technology facilities (as that term is defined in O.C.G.A. \*\* 12-8-22, as amended.)

**Municipal Solid Waste Landfill:** Any disposal facility where any amount of municipal solid waste (as that term is defined in O.C.G.A. \*\* 12-8-22, as amended) occurs, whether or not mixed with or including other waste allowed under Subtitle D of the federal Resource Conservation and Recovery Act of 1976, as amended, is disposed of by means of placing an approved cover thereon.

**Nonconforming Use:** Any building or use which lawfully exists at the time of adoption of this resolution and which does not conform with the regulations of the district in which it is located.

**Occupy:** To use land or buildings for any length of time for a purpose for which the land or a building or part thereof is used or is intended to be used. Any variation of the term “occupy” shall be encompassed by this definition.

**Park, Community:** A parcel of land owned by a unit of government or a private organization and used or intended to be used for recreational or leisure time activities, and which is open to the public at no charge. Such parks may include food or recreational sales as accessory uses.

**Plat:** A sketch, map or survey of a lot, tract or parcel of land depicting the relative positions of lot lines, street rights-of-way and easements with the dimensions of these features inscribed thereon.

**Plat, Development:** A preliminary design which shows the proposed layout of a subdivision in sufficient detail to indicate its workability and conformation to the design requirements of the subdivision regulations in all aspects, but not in final form for recording and the details are not completely computed. The development plat shall be approved by the planning board prior to any development.

**Plat, Final:** A finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for commission. Streets shown on the plat shall be approved by the board of commissioners prior to recordation.

**Private Industry Solid Waste Disposal Facility:** Any disposal facility which is operated exclusively by and for a private solid waste generator (as that term is defined in O.C.G.A. \*\* 12-8-22, as amended) for the purpose of accepting solid waste generated exclusively by said private solid waste generator on site.

**Private Way:** A private street, drive or road provided solely for those property owners whose property is contiguous to and have a legal right to use.

**Public Right-of-Way:** A street or road which has been dedicated for public use by deed, plat and/or prescription.

**Recreational Use of a Commercial Nature:** A building or use which provides entertainment, education, recreation or amusement for profit such as, but not limited to, a health spa, dance hall, bowling alley, skating rink, shooting range, fortunetelling, amusement park, private zoo, sports stadium or arena, art gallery, concert hall, swimming pool or drive-in theater.

**Residence:** A building containing only residential units and which meets all the applicable requirements of the Standard Building Code for conventional construction. The term “residence” or any combination thereof shall not be deemed to include hotel, boarding house, rooming house, motel or other accommodations used for transient occupancy, and shall not, for the purpose of this regulation, include travel trailers, mobile homes or manufactured homes.

**Residence, Single-Family:** A building other than a mobile home, manufactured home, or travel trailer designed for occupation by one family.

**Residence, Multi-Family:** A building comprised of three or more dwelling units.

**Restaurant:** An establishment, however designated, at which food is sold for consumption on the premises. However, a snack bar, concession stand or refreshment stand at a public or non-profit community swimming pool, playground, park or marina operated solely for the convenience of patrons of the facility shall not be deemed a restaurant.

**Residential Business:** An occupation or profession conducted within a dwelling, and which is carried on by an occupant thereof and no more than three (3) nonresidents, and which is clearly incidental and secondary to the use of the dwelling for residential purposes. The business may allow access by the public. The Residential Business is designed to be less restrictive than a Home Office or Home Occupation but more restrictive than a Rural Business in regard to access by the public, size visibility, number of employees and types of business.

**Right-of-way Line:** The outside boundary of a right-of-way, whether such right-of-way be established by usage, recorded easement, deed, dedication or by the official right-of-way map of Dooly County.

**Rural Business:** An occupation or profession conducted within a dwelling, an accessory structure or outside the dwelling and which is carried on by a resident of that property and no more than fifteen (15) nonresidents, and which is clearly incidental and secondary to the use of the property for residential dwelling purposes. The business may allow access by the public. The Rural Business is designed to be less restrictive than a Home Office, Home Occupation or Residential Business in regard to access by the public, size, visibility, number of employees and types of business.

**Setback:** The minimum horizontal distance between the center of the road, or the lot line of an adjacent lot, and the front, rear or side lines of a building on the lot with setback restrictions. The term “required setback” means a line beyond which a building is not permitted to extend under the provision of this zoning ordinance establishing minimum depth and widths of yards.

**Salvage Yard:** The use of any space, whether inside or outside a building, for the storage, keeping, salvage or sale of junk, scrap metals or other scrap materials, including the dismantling, demolition or abandonment of one or more automobiles or other vehicles or machinery or parts thereof.

**Shopping Center:** A group of commercial establishments planned, developed and owned or managed as a unit with on-site parking and of similar architectural characteristics.

**Slow Rate Land Treatment System:** A system for wastewater treatment by spray irrigation (land application). The term refers to the advanced treatment of wastewater by irrigation on the land to support vegetative growth. For purposes for this zoning ordinance, the use may include ponds (lagoons) for the temporary storage of the treated wastewater before application to the spray fields.

**Solid Waste Handling Facility:** A facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste (as that term is defined in O.C.G.A. \*\* 12-8-22 as amended).

**Special Flood Hazard Area:** Flood-prone land subject to a one percent or greater chance of flooding in any given year. In absence of official designation by the Federal Emergency Management Agency, such areas shall be those designated by the Dooly County Board of Commissioners.

**Street:** A dedicated and accepted public right-of-way which affords the principal means of access to abutting properties.

**Structure:** Anything constructed or erected, the use of which requires permanent or semi-permanent location on the ground or attached to something having permanent location on the ground.

**Townhouse:** A residential structure containing three or more attached single-family units designed as a single structure having common or party walls. Each unit shall have its own front door which opens to the outdoors, and the units shall have two floors, but without access between adjoining units.

**Travel Trailer:** A portable, vehicular structure not over eight feet wide by thirty-five feet long designed as a temporary dwelling for travel, recreational and vacation uses, and which may or may not have kitchen equipment, toilet, lavatory and bathing facilities, but if such facilities are included, a sewage holding tank for sanitary waste is required. Any vehicle designed or converted to a design with plumbing connections for attachment to outside sewage systems shall not be included in this definition.

**Travel Trailer Park:** A parcel of land which has been planned and developed to accommodate two or more travel trailers, tents or other camping units for temporary occupancy. Maximum length of occupancy of any tenant shall not exceed sixty consecutive days.

**Use, Permitted:** Those uses specifically listed in this resolution as “uses permitted inherently” and conditional uses subject to approval by the board of commissioners.

**Use, Principal:** The principal purpose for which a lot or building is designed, arranged, intended, occupied or maintained.

**Variance:** A grant of relief or other modification of the requirements of this ordinance.

**Vehicle:** Any device or contrivance for carrying or conveying persons or objects, said device being designed to be self-propelled by its own motor or power.

**Water System, Community:** A potable water supply and treatment system other than an individual or public water system serving more than one building, residence, manufactured or mobile home or other facility designed or used for human occupancy or congregation. The system is one which is owned by a person or legal entity other than a unit of government.

**Water System, Individual:** A potable water system other than a community or public water system serving a single building, residence, manufactured or mobile home, or other facility designed or used for human occupancy or congregation.

**Water System, Public:** A potable water supply and treatment system, other than an individual or community water system, owned by a unit of government.

**ARTICLE I**

**ESTABLISHMENT OF DISTRICTS**

**Section 1 - Statement of Purpose**

For purposes of this ordinance, the area of Dooly County outside the incorporated communities of Byromville, Dooling, Lilly, Pinehurst, Unadilla and Vienna is divided into the land use districts or zones as set forth herein below, the boundaries of which are shown on the official zoning map maintained by the Zoning Administrator.

**Section 2 - Land Use Zones or Districts**

	NAME	SYMBOL
1	Agriculture	AG
2	Community Commercial	C-1
3	General Commercial	C-2
4	Flood Hazard	F H
5	Industrial	I
6	Residential, Single Family	R-1
7	Residential, Multi-Family	R-2
8	“Reserved”	R-3
9	Residential, Mobile Home Park	R-4
10	Residential, Mobile Home Subdivision	R-5
11	Wildlife Preservation	WLD

**Section 2 - Interpretation Of District Boundaries**

1. Where boundaries are indicated as approximately following street lines, land lot lines, militia district lines, private lot lines or corporate limit lines, such lines existing at the time of passage of the zoning resolution shall be construed to be such boundaries.
2. Where a district boundary divides a parcel, location of the district boundary shall be determined by use of the map scale appearing on the official zoning map, unless clearly indicated otherwise by dimensions on the zoning map.
3. Where a public right-of-way is officially vacated or abandoned, the vacated property shall be considered as being within the same zoning district as the adjoining property.
4. Where district boundaries are shown so as to indicate they are approximately parallel to the centerlines of roads or highways, such boundaries shall be construed as being measured from or being parallel to the center lines of such roads or highways. If no distance is provided, dimensions shall be determined by the use of the map scale appearing on the official zoning map.
5. Where a zoning district boundary divides a lot, tract or parcel of land at the time such district boundary is established, the use classification of the less-restrictive district may be extended to



the property line of said lot, tract or parcel, but shall not be extended a distance of more than one hundred (100) feet without the permission of the Planning Commission.

### **Section 3 - Restrictions Upon Land, Building, and Structures**

Except as hereinafter provided:

1. Use - No building or land shall be used or occupied, and no structure, or part thereof, shall be moved or altered, except in conformity with this resolution, as amended.
2. Percentage of lot occupancy - No structure shall be erected, moved or altered, nor shall any open space surrounding any structure be encroached upon or reduced in any manner, except in conformity with requirements established herein.
3. Density of dwelling units - No building or structure shall be erected or altered, nor shall any property be occupied or used so as to exceed the density of dwelling units allowed under the requirements of this resolution.
4. Yard use limitation - No yard or other space required herein for any building or structure shall be considered for use in satisfying the yard or other space requirement for any other building or structure.
5. Screening - A solid, visual buffer, e.g., a wall or evergreen, extending six feet above ground may be required by the Zoning Administrator or Planning Commission to lessen adverse and negative impacts of noise and/or bright lights on surrounding properties, or to secure privacy when a commercial or industrial establishment is located in proximity to existing residences. Such a buffer must extend eight (8) feet high along the perimeter of a salvage yard. The Planning Commission may impose this requirement, if it is determined conditions warrant, after the commercial or industrial establishment begin operations.

## ARTICLE II

### GENERAL PROVISIONS

In addition to requirements stipulated elsewhere in this resolution, the use of land shall be subject to the following general provisions.

#### Section 1 - Accessory Building

1. An accessory building shall not be located less than ten (10) feet from side or rear lot lines.
2. When an accessory building is attached to the principal building by a breezeway, passageway, or similar means, it shall be considered part of the principal building and shall comply with the yard/setback requirements of the principal building.
3. No accessory building shall be constructed prior to construction of the principal use building, with the exception of farm buildings in the Agriculture district.
4. An accessory building shall not be closer to the right-of-way line of a side road than the required front yard setback along said side road.

#### Section 2 - Automobile Service Station/Truck Terminals

1. All fuel pumps and storage tanks shall be setback at least twenty-five (25) feet from the nearest road right-of-way line.
2. Curb cuts (vehicular entrance or exit) for service stations shall not exceed thirty-five (35) feet in width, and there shall not be more than two (2) curb cuts to a service station per road frontage. Two (2) curb cuts on the same road frontage shall be separated by a distance of not less than twenty-five (25) feet. Curb cuts shall not be closer than fifty (50) feet to the nearest road intersection.
3. Where a service station abuts a residential district, the commercial land use must erect a solid evergreen buffer, solid fence or wall at least six (6) feet high along that portion of the boundary shared with the residential district.

#### Section 3 - Corner Visibility

No structure, plant(s) or other visual obstruction between the heights of two (2) feet and twelve (12) feet above grade elevation shall be allowed or permitted within twenty (25) feet of the intersection of two (2) road rights-of-way, or the intersection of a road right-of-way and railroad right-of-way.

**Section 4 - Hardship Manufactured Homes/Travel Trailers**

The Planning Commission may recommend to the Board of Commissioners approval of a variance for residential use of one (1) hardship manufactured home or travel trailer on any residential site at any given time. The application for such a variance shall follow the general procedures for a re-zoning, including advertisement and public hearing requirements. The placement of one (1) hardship manufactured home or travel trailer on an occupied residential lot may be allowed if it is determined that a genuine hardship exists only by reason of medical disability and/or age-related infirmity, and the following variance criteria are met:

1. The subject occupant(s) of the manufactured home or travel trailer is a relative by blood or marriage of the owner-occupant of the residential lot, and;
2. The applicant can provide the Planning Commission with a practicing physician’s (MD) written certification of medical disability or age-related infirmity of the subject occupant. This certification will be valid for a period of one (1) year from date of issuance. If an extension is needed a new application for hardship variance shall be submitted, and;
3. Said manufactured home or travel trailer shall be removed from the premises within sixty (60) days of the time the specified disability ceases to exist, and;
4. The manufactured home or travel trailer shall at no time be rented or otherwise occupied by anyone other than the approved occupant(s), nor shall it be used for storage, or other similar uses, and;
5. The county health department inspects the subject site and approves the temporary placement of a second dwelling on the proposed property, and;
6. The applicant and/or occupant(s) comply with other requirements which may be established by the Board of Commissioners in the best interests of the public health, safety and general welfare.

**Section 5 - Home Occupations**

1. The number of employees not living on-site shall be limited to two.
2. No internal or external physical alteration which would be inconsistent with residential use of the building shall be permitted.
3. One (1) sign, not exceeding two (2) square feet in area, may be attached to the residence housing a home occupation. No other display shall be used and said sign shall not be illuminated.
4. No mechanical equipment shall be used for a home occupation except that which is normally used for domestic or agricultural purposes.
5. Nursing or convalescent homes, childcare centers, boarding houses, massage studios, restaurants or similar establishments shall not be considered home occupations.

**Section 6 - Limited Use Provision**

Upon receipt of a rezoning petition the Planning Commission may determine that development of a particular land use not permitted or conditioned in the zoning classification in which the proposed site is located may have less impact than some of the land uses permitted or conditioned in said zoning classification. In such an event, the Planning Commission may, in response to a rezoning petition, recommend to the Board of Commissioners that the site in question be approved for development as a specific limited use (e.g. beauty shop rather than for commercial development). Any such limited use must previously have been specifically permitted or conditioned in at least one of the county’s zoning classifications, however.

**Section 7- Lot of Record**

Any lot of record on October 1, 1998, which did not meet the lot width and /or lot area requirements herein provided, may be used as a building site provided, however, the required yards are maintained.

**Section 8 - Lot Frontage**

Each lot containing a principal building shall have frontage of at least one hundred (100) feet on a publicly owned or maintained right-of-way, except as may otherwise be stipulated herein. A variance may be permitted for lot frontage on a cul-de-sac, provided lot width at the building line is not less than the frontage granted by variance.

(A) Exception - A variance may be permitted to allow access to four residential lots with frontage of one hundred (100) feet on a recorded easement of at least sixty (60) feet wide. A copy of the recorded plat must be presented when applying for a building permit. Only one variance may be granted per subdivision or parcel of land. The criteria for issuing a variance shall be the same as Article XVII Section 11 Criteria for the consideration of variance request.

**Section 9 - One Principal Building Per Lot**

Only one principal structure or building and its customary accessory structures shall hereafter be placed or erected on any residential lot. However, in the Agriculture zone a conditional use may be allowed for one accessory residential use per five (5) acres on a parcel under single ownership where the following conditions can be met:

1. Each such non-principal residential use shall occupy a land area of not less than five acres.
2. Each such land area shall be identified by permanent physical markers and assigned an address in accordance with the county’s system of addressing rural properties.
3. Each such land area shall receive approval from the county health department as to its suitability as a site for an effective sanitary sewage disposal system designed to accommodate wastes generated by occupants of said site.
4. A domestic water supply which satisfies the rules and regulations administered by the county health department shall be available to each satellite user of this special provision.

5. No commercial use of this special provision shall be permitted.
6. Each such use shall have a minimum frontage of 100 feet on a public or private road.
7. Individual power supply sources shall be provided to each non-principal residential use under this special provision, and each utility installation shall meet such standards as have been adopted by local authorities.
8. Facilities established under this special provision for residential use shall meet the requirements of local construction and use codes established by the Dooly County Board of Commissioners.
9. Any change in use or occupancy must be approved by the Zoning Administrator.
10. Permits for construction will not be issued prior to approval of each of the aforementioned conditions.
11. Occupants of non-principal accessory residences shall be: 1. Full time farm employees or Family members thereof, of the property owner and responsible for Agricultural production of the property, or, 2. Related by blood or legal ties to the owner of the property.

**Section 10 - Open Air Business**

Open air businesses shall blend with the rural environment in which they are permitted and be compatible with surrounding rural development. Open air business uses shall include the following:

1. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
2. Retail sale of fruit and vegetables.
3. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children’s amusement park or similar recreation services.
4. Bicycle, trailer, motor vehicle, boat or home equipment sales, repair service or rental service.
5. Outdoor display and sale of garages, swimming pools and similar uses.

**Section 11 - Prohibited Uses In Residential Districts**

1. Parking or open storage of wrecked or junked vehicles, and/or power-driven construction equipment is prohibited in all residential zones. Storage of used lumber, metal or any other miscellaneous scrap or salvageable material in quantities that exceed those needed for homeowner use is prohibited in all residential zones.

2. Parking or storage of semi-tractor-trailer combinations, semi-tractors or semi-trailers, regardless of duration, shall be prohibited in all residential zones.

### **Section 12 - Property Divided by a Zoning District Boundary Line**

Where a zoning district boundary divides a lot, tract or parcel of land at the time such district boundary is established, the use classification of the less-restrictive district may be extended to the property line, but shall not be extended a distance of more than one hundred (100) feet without approval of the Planning Commission.

### **Section 13 - Protective Screening**

All plans for protective screening shall be submitted to the Planning Commission for prior approval of materials, their use and the arrangement thereof. If, in the opinion of the Planning Commission, screening would serve no good purpose, the Commission may waive protective screening requirements.

1. Residential Buffers - Where an industrial or commercial district abuts directly upon a residential district, a landscaped greenbelt, not less than twenty (20) feet wide, shall be established by and maintained by said industrial or commercial developer along the industrial or commercial property's entire border with the residential zone. Such greenbelt shall be planted with deciduous trees, evergreens, flowering trees and/or ornamental trees set no closer than six (6) feet to the fence or wall. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn. All landscaping shall be maintained in a healthy growing condition.
2. Salvage Yard Buffers - A solid-faced fence eight (8) feet high, and buffer strip eight feet wide, as defined herein, meeting acceptable standards designated by the Planning Commission, and providing an adequate visual shield, shall be erected along all road frontages and all sides visible from public roadways.

### **Section 14 - Agreement with Health Codes**

No requirement mandated herein shall be enforced where said requirement or provision conflicts with public health, safety and welfare codes enforced by the county health department.

### **Section 15 – Compliance**

Manufactured Homes which are to be moved into Dooly County or relocated within Dooly County must comply with these provisions:

1. No used manufactured home being moved into the un-incorporated areas of Dooly County or being re-located within the un-incorporated areas of Dooly County shall be allowed to locate for permanent or temporary occupancy if said manufactured home is more than twelve (12) years old.

## ARTICLE III

### NONCONFORMING USES

#### Section 1 - Continued Use

All legal land uses existing and active as of the effective date of this ordinance shall be allowed to continue in the same land use, even if such land use does not conform with the provisions of this ordinance. All such land uses shall be nonconforming.

#### Section 2- Lot of Record

Any lot of record on October 1, 1998 which did not meet the lot width and /or lot area requirements herein provided, may be used as a building site for a single-family residence, provided, however, the required yards are maintained.

#### Section 3 - Extension and Alteration

No permit shall be issued to physically extend or structurally alter a nonconforming land use except to make said use conform to, or comply with, the provisions and requirements of this ordinance.

#### Section 4 – Abandonment

A nonconforming use which has been discontinued for a continuous twelve-month period shall not be reestablished. However, a nonconforming, vacant, manufactured home slab foundation may be reestablished as a manufactured home site at any time provided said use is reestablished in compliance with all applicable standards of the county health department. Any other use at the site of a previously abandoned land use shall be in conformity with provisions of this ordinance.

#### Section 5 - Reestablishment/Restoration after Damage

A nonconforming land use damaged by fire or by any other cause in an amount equal to 51% or more of the property tax value on public record in the office of Dooly County Tax Assessor on the date such damage occurred shall not be allowed to reestablish as the previous or any other nonconforming land use.

#### Section 6 - Restoration to a Safe Condition

Nothing in this ordinance shall prevent the restoration of any building to a safe and sanitary condition when required to do so by the proper authorities of the county.

**Section 7 - Change in Tenancy or Ownership**

Nonconforming land uses shall be allowed to continue under changes in tenancy, management and/or ownership.

**Section 8 - Change in Use**

A nonconforming land use shall not be changed to another nonconforming land use.

**Section 9 - Nonconforming Signs**

A nonconforming sign shall not be improved (other than for normal maintenance), altered or relocated except in conformance with provisions of this ordinance.

**Section 10 - Nonconforming Salvage Yards: Expansion and Screening**

All nonconforming salvage yard shall be made to conform with the general provisions of this ordinance within a two-year period of ordinance adoption. Salvage yard expansion and screening requirements are as follows:

1. A screen eight feet high is required along the full perimeter of the salvage yard. If constructed, the screen must be of wood, concrete or other materials approved by the Planning Commission. If planted, the vegetation selected must be of a species and variety which, with the required proper maintenance will reach a minimum height of eight feet within five years of planting. Both types of screen must be maintained to block the view of the salvage yard, and help deflect, muffle or absorb noise generated by activities in the salvage yard.
2. Screening is intended to shield the view and reduce audible noise levels of salvage yards from surrounding properties and roadways, and to protect surrounding properties from fire. Modification of these requirements may be granted at the discretion of the Planning Commission when the requested modification does not contravene the intent of these regulations. Requests for modification must be filed with the Zoning Officer and require a public hearing.
2. No salvage yard existing at the time this ordinance is adopted shall be expanded unless it meets requirements for screening.



## ARTICLE IV

### AGRICULTURE ZONE (AG)

#### Section 1 - Statement of Purpose

The Agriculture zone is established in recognition of the high incidence of prime farmland throughout the county, high rate of farmer participation in the farmland preferential tax assessment program, the general population decline which has occurred in the unincorporated area during the preceding thirty year period (1960-1990), projections which suggest little, if any, population increase by the year 2010, and the relative absence of municipal utility services (water and sanitary sewer) in the unincorporated area. There is no indication of appreciable change in land use, and the need is not so much to prevent development that might conflict with future urban patterns as it is to protect the prevailing land use from conversion to land uses which would conflict with and are detrimental to agriculture. The intent is to protect the right to farm while allowing non-agricultural land uses which are compatible with agriculture, and which tend to support and serve the needs of residents and land use in the Agriculture zone. Any acreage proposed to be subdivided for residential or other use in this zone must be rezoned to the appropriate zoning classification. Unless specifically zoned otherwise, all area beyond the incorporated limits of the towns and cities in Dooly County is part of the Agriculture Zone.

#### Section 2 - Permitted Uses

1. Agriculture (row crop), dairy farming, production of cattle, pork and/or poultry, horticulture, silviculture, aquaculture, accessory uses and activities
2. Commercial fishing pond
3. Farm stand
4. Horse stable
5. Hunting club
6. Open air business
7. Residential and accessory uses, e.g., garage, detached home workshop, swimming pool, greenhouse
  - A. Single-family
  - B. Modular housing and mobile home for single-family

### Section 3 - Conditional Uses

Applicant should document that less than half of the acreage proposed for conversion is prime farmland, or that the proposed site is not suitable for agriculture due to adjoining land uses, etc.

1. Airfield
2. Bed and Breakfast Inn
3. Cemetery (church affiliated or commercial)
4. Church
5. Day care, for adults or children
6. Fraternal organization/private club
7. Government owned building
8. Group home
9. Hospital, located on a state route
10. Kennel
11. Recreational and/or cultural uses of a commercial nature
12. RV campground or camp site
13. School, accredited nursery school and higher grades
14. Tower, transmission or receiving, for radio, cellular telephone, etc.
15. Rural business
16. Photovoltaic Solar Energy Production Facility

Provided all the following conditions are met in addition to any other condition that may be imposed by the Planning and Zoning Commission:

- (a) Area of use may not exceed one hundred (100) acres on site with no aggregation of solar collection panels on adjacent properties which exceeds one hundred (100) acres.
- (b) Solar energy production facilities shall adhere to the setback and height requirements of the district in which they are located and shall be fenced in using a minimum of three (3) strand barbwire fencing with danger, high voltage warning type signs attached to said fencing no less than every one hundred (100) feet.

(c) Abutting residential properties shall be visually screened from the project through any one or combination of the following: plantings, existing vegetation or fencing (not to exceed eight (8) feet in height). The screening, capable of providing year-round screening, shall be provided along the non-reflective sides of the solar energy production facility or collection of facilities.

(d) The manufacturer's or installers' identification, the facility owners' name and contact information, and the appropriate warning signage shall be posted on or near the panels in a clearly visible manner and on the required fencing.

(e) All electrical interconnection and distribution lines within the project boundary, except for power lines that leave the project or are within the substation, shall be underground, unless determined otherwise by the Planning and Zoning Commission or Code Enforcement because of severe environmental constraints.

(f) Lighting of the solar energy production facility and accessory structures shall be limited to the minimum necessary.

(g) Professional Engineer drawings that clearly illustrate the design of the solar energy production facility shall be submitted as part of the Conditional Use application package. The Planning and Zoning Board may apply aesthetic consideration when approving the design of the solar energy production facility.

(h) Any solar energy production facility that has not been in use for its original purpose for a period of one hundred and eighty (180) days shall be deemed to be abandoned. The solar energy production facility owner and/or the property owner shall have an additional ninety (90) days to remove the abandoned solar energy system and any appurtenant structures or to reactivate the solar energy system.

(I) The Planning and Zoning Board may, in its discretion, waive any of the above listed conditions or may add additional conditions if such is deemed to be in the best interest of the citizens and public safety.

In granting any conditional use, the Planning and Zoning Commission and Board of Commissioners may prescribe additional and appropriate conditions and safeguards in conformity with this ordinance in order to mitigate the impact of the use to surrounding uses and to otherwise protect the public health, safety and general welfare. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance.

#### **Section 4 – Conflicts**

By their very nature, some agricultural activities generate noises, odors and insect pests which are detrimental to nearby occupants. To the extent they are a function of the size of the specific agricultural activity, the adverse or negative effects of some of these noises, odors and insects can be mitigated somewhat by distance. For the purpose of mitigating said adverse and negative impacts, minimum distances between agricultural activities and surrounding land uses are hereby (Sections 5 and 6) established on the basis of low and high agricultural density levels.

**Section 5 - Low Density Farm Animal Operations**

1. Farm animal operations of sizes smaller or equal to the following thresholds are classified as low density:

dairy cows	100	sheep	100
ducks	100	steers/heifers	100
horses	50	swine	150
poultry	150	turkeys	150

- 2. All low density farm animal operations constructed or expanded adjacent to an existing, noncompatible land use (e.g. residential) activity shall construct all buildings and fencing used for animal confinement (e.g., poultry house, farrowing house) at least 150 feet from the center line of an adjoining public road, and 200 feet from the property line of the adjoining, noncompatible land use. Confinement fencing is not to be confused with boundary fencing, the latter of which may be constructed along the right-of-way and property line. The area between confinement fencing and boundary fencing may be used for row crop, vegetable or orchard production, or pasture. In the event said area is used for pasture it shall not be stocked at a rate higher than recommended by generally accepted animal husbandry practices for open grazing of the specific animal species. Where said area is grazed, fencing, as necessary, shall be erected around any surface feature, e.g., bog, to prevent livestock from congregating along boundary fencing adjacent to the property line of a noncompatible land use. Livestock catch pens shall be allowed in this grazing area, provided the specific site does not retain water.
- 3. The site(s) used to dispose or treat any waste or by-product of a low-density farm animal operation shall be located at least 150 feet from the center line of an adjoining public road, and at least 200 feet from the property line of the adjoining, noncompatible land use.
- 4. Machinery and equipment used to ventilate animal confinement buildings must be installed in such a way that air removed from said buildings is directed away from nearby development(s).
- 5. Any development proposed for a site adjacent to and not compatible with an existing low density farm animal operation shall be constructed at least 150 feet from the centerline of the adjoining public road when said development fronts the low density operation, and 200 feet from the adjoining property line, when said development is adjacent to the low density operation.

**Section 6 - High Density Farm Animal Operations**

- 1. Farm animal operations of sizes greater than the thresholds identified in Section 5 (Low Density Farm Animal Operations) are classified as high density farm animal operations.
- 2. High density farm animal operations initiated, constructed or expanded adjacent to an existing, noncompatible land use (e.g., residential) shall construct farm buildings and fencing used for animal confinement (e.g., poultry house, farrowing house, feedlot) at least 1,500 feet from the center line of an adjoining public road, and 1,500 feet from the property line of the adjoining, noncompatible land use. Confinement fencing is not to be confused with boundary fencing, the latter of which may be constructed along the right-of-way and property line. The area between confinement fencing and boundary fencing may be used for row crop, vegetable or orchard production, or pasture. In the event said area is used for pasture it shall not be stocked at a rate

higher than recommended by generally accepted animal husbandry practices for open grazing of the specific animal species. Where said area is grazed, fencing, as necessary, shall be erected around any surface feature, e.g., bog, to prevent livestock from congregating along boundary fencing adjacent to the property line of a noncompatible land use. Livestock catch pens shall be allowed in this grazing area provided the specific site does not retain water.

3. Any site(s) used for temporary storage, disposal or active or passive treatment of any waste or by-product of a high density farm animal operation shall be located at least 1,500 feet from the center line of an adjoining public road, and at least 1,500 feet from the property line of the adjoining, noncompatible land use.
4. Machinery and equipment used to ventilate animal confinement buildings must be installed in such a way that air removed from said buildings is directed away from nearby development(s).
5. Any development proposed for a site adjacent to and noncompatible with an existing high density farm animal operation shall be constructed at least 1,500 feet from the centerline of the adjoining road, when said development fronts the high density operation, and 1,500 feet from the adjoining property line when said development is adjacent to the high density operation.

**Section 7 - Rural Business Uses Permitted, Prohibited and Development Standards.**

A rural business shall be secondary or incidental to the primary use of property for agricultural or residential purposes. Such business shall be primarily directed toward providing local or neighborhood services to rural-residential areas. Rural businesses are intended to be of smaller size, intensity and scale than commercial uses that would be more commonly found in commercial zoning districts. Rural businesses shall be like home occupations except that the activity can occur in an accessory structure detached from the residence. In addition, an applicant for a rural business permit must be residing on the subject property prior to any application being filed for consideration by the Planning Commission and must maintain residency thereon.

**Section 7-A Permitted Uses:**

1. Offices
2. Beauty and barber shops.
3. Retail sales or services of a specialty nature; antique shops, specialty foods, custom furniture, upholstery shops, tailoring, taxidermist, custom made sporting goods, meat cutting as a retail service to the public; however, no slaughtering or wholesale meat cutting or processing is permitted.
4. Small repair shops for appliances, machinery, farm equipment or automobiles with the following limitations:
  - A. Repair shops shall not create noise, noxious odors, bothersome illumination, traffic levels or any hazard which would adversely affect the health, safety or welfare of the adjoining property owners or the neighborhood in general.

- B. Outdoor storage of inoperable machinery, equipment or vehicles shall be prohibited.
  - C. No more than two vehicles shall be serviced, actively worked on, or repaired at any one time.
  - D. All spare parts (new or used) shall be stored within an enclosed structure, and the storage space shall be included in the total space allocated for the rural business.
5. Small businesses similar to the above, as approved by the Planning Commission.

**Section 7-B Prohibited Uses**

- 1. Service stations, retail sale of gasoline, automated or do it yourself car washes.
- 2. Truck terminals, heavy equipment rental.
- 3. Industrial or manufacturing uses which require specialized equipment not ordinarily associated with agricultural and residential uses, e.g., forges, large milling machines, poultry or meat processing or packing equipment (except as provided for above).
- 4. Drive-in theaters, restaurants, entertainment facilities, skating rinks or any use which as a result of its normal operation would generate levels of vehicular traffic uncommon in the vicinity of the proposed development.
- 5. Any use which is clearly out of scale or character with an agricultural and sparsely developed residential area.

**Section 7-C Development Standards**

**The following standards shall apply to all rural businesses.**

- 1. A permitted, rural business shall be valid only as long as the original petitioner owns and operates the business and maintains a valid business license: the rural business use permit is not transferable. The rural business use permit shall become void upon expiration of the business license. Any subsequent owner of property previously permitted for a rural business use must apply to the Planning Commission for a rural business use permit.
  - A. The property containing the site of the rural business must also be the bona fide residence of the petitioner/business owner.
  - B. A rural business shall be located on property containing at least one (1) acre of land, and the site upon which the business is conducted shall not exceed one-half acre of land.

- C. Only one (1) non-illuminated sign, limited to a maximum of sixteen (16) square feet, shall be permitted. This sign may have two (2) faces of up to sixteen (16) square feet each, back to back, on one set of supports.
2. The following standards shall apply to all rural businesses unless the petitioner can demonstrate to the satisfaction of the Planning commission that exemption from one or more of the standards will not result in adverse impacts on surrounding property(ies). A modification of the following standards shall be permitted only if: (a) there are special and unusual topographic conditions unique to the property or structure, or (b) the proposed use is clearly of such a small scale, and will remain at such small scale that conducting or operating the business would not be obvious or noticeable from the adjoining property or by the public in general, and (c) a modification of these development standards may be approved only if the intent of the rural business is maintained.
- A. The rural business must be located to the side or rear of the principal residence on the property.
  - B. Neither the structure in which the rural business is housed, nor the grounds on which rural business activity is performed shall contain equipment which would not ordinarily be found in accessory structures in an agricultural/residential district. The structure shall be readily and easily usable for customary agricultural and residential uses. The architectural style shall be in keeping with surrounding agricultural and residential development.
  - C. A rural business shall not exceed 1,000 square feet of gross floor area.
  - D. Off-road parking shall be provided as set out in Article XVI.
  - E. A rural business shall have no more than 15 employees who do not reside in the principal residence on-site.

## **ARTICLE V**

### **SINGLE-FAMILY RESIDENTIAL (R-1)**

#### **Section 1 - Statement of Purpose**

The Single-Family Residential Zone is established to encourage development of single-family detached housing and to discourage developments which would generate traffic levels and patterns on neighborhood roads in conflict with single-family residential development.

All structures used as dwellings constructed in an R-1 District shall have a minimum frontage, of not less than 30 ft. And a minimum depth of not less than 30ft.

#### **Section 2 - Permitted Uses**

1. Single-family residence constructed on-site
2. Accessory buildings or uses (swimming pool, greenhouse, etc.) incidental to permitted use(s) when located on the same lot and not involving any business, profession, trade or occupation.

#### **Section 3 - Conditional Uses**

1. Bed and Breakfast
2. Churches, exclusive of cemeteries
3. Clubs and fraternal organizations (non-profit) provided:
  - A. Buildings are constructed at least fifty feet from all property lines, and
  - B. A buffer strip at least ten feet wide is planted along side and rear lot lines
4. Home occupations
5. Hospitals, clinics, sanitariums, nursing homes, rest homes, residences for aged persons, orphanages, group homes, half-way homes and personal care homes
6. Public (governmental-owned) buildings and structures
7. Recreational developments including, but not limited to lakes, swimming pools, golf courses, and golf driving ranges, subject to Planning Commission approval of the developer's comprehensive site development plan which must include:
  - A. Site map of not less than 1" = 400' scale,
  - B. The location and function of all buildings,



- C. Proposed modifications of the natural landscape,
  - D. Location and surface treatment of all roadways,
  - E. Appropriate details of drinking water and sanitary facilities
  - F. A timetable for build-out
- 8. Schools (state certified/licensed) from nursery and day care through high school
  - 9. Towers for radio transmission and reception, not to exceed 180 feet high, and limited to the sole use of the resident.

## ARTICLE VI

### MULTI-FAMILY RESIDENTIAL ZONE (R-2)

#### Section 1 - Statement of Purpose

The Multi-Family Residential zone is established to provide for medium and higher density residential development than is permitted in the Single-Family Residential zone, housing choice and variety.

#### Section 2 - Permitted Uses

1. Manufactured housing/mobile home
2. Modular housing
3. Home occupation
4. All uses permitted in the R-1 zone
5. Duplex

#### Section 3 - Conditional Uses

1. Art, music, photographic, or dance studio
2. Boarding home
3. Cemetery (church affiliated)
4. Mobile home park
5. Mobile home subdivision
6. Mortuary
7. Multi-family residential development - built on-site or modular (triplex, townhouse, apartment, etc.)
8. Professional office
9. All uses conditioned in the R-1 zone

## ARTICLE VII

### MOBILE HOME PARK

R-4

#### Section 1 - Statement of Purpose.

The Mobile Home Park zone is for planned development designed to accommodate mobile home parks for year-round rental housing. When such a development is proposed, the developer(s) must petition the Planning Commission to rezone the subject parcel to R-4. If, after an appropriately advertised public hearing the subject parcel is rezoned to the R-4 designation, the developer must submit to the Planning Commission a complete site plan for approval prior to any development taking place on the site.

#### Section 2 - Permitted Uses

1. Manufactured housing/mobile home park
2. Manufactured housing/mobile home
3. Modular housing

#### Section 3 - Conditional Uses

1. Public facilities or structures
2. Home occupations

#### Section 4 - General requirements

All mobile home parks shall meet the following general requirements:

1. Establishment of Mobile Home Parks.
  - A. Mobile home parks shall consist of a minimum of ten (10) contiguous acres.
  - B. Developers proposing to develop a mobile home park shall file with the Planning Commission two copies of a sketch plan drawn approximately to scale showing the following features in compliance with the minimum requirements stated herein:
    - a. site location on a county map
    - b. parcel identification (owner(s), boundaries, and owners of adjoining properties).
    - c. identification of adjoining land uses
    - d. setback from roadway centerlines

- e. type of fencing/buffer
- f. at least two entrances/exits
- g. interior street layout and street widths
- h. placement of accessory uses
- i. placement of mobile homes
- j. any additional information requested by the zoning administrator

- C. No construction or improvements shall commence on any land proposed for development as a mobile home park prior to conditional approval of the required site plan.
- D. Conditional approval of the site development plan is good for six months. If after six months significant physical development has not been initiated on site, conditional approval shall be null and void. If the mobile home park has not received a certificate of occupancy within twelve (12) months of conditional approval, conditional approval shall be null and void.

2. Previously Existing Mobile Home Parks.

- A. Conformity - All manufactured home parks existing on the effective date of this ordinance are hereby declared to be nonconforming and shall be allowed to continue to exist and operate. However, such manufactured home parks shall at all times conform to applicable minimum health and safety codes.
- B. Expansion of Existing Manufactured Housing Park - A developer proposing to expand an existing manufactured home park to include more home sites than are accommodated within such park at the time this ordinance becomes effective, shall submit plans and specifications for such improvements to the Planning Commission for conditional approval prior to initiating construction and improvements. Expansion, improvements, reconstruction and/or redesign of existing parks shall conform to these regulations.

3. Design Requirements - Mobile home parks shall conform to the following requirements:

- A. Exterior Setbacks - Mobile home parks shall have privacy fencing erected around the perimeter. Said fencing shall be at least six feet high and shall be erected 100 feet from, and parallel to, the centerline of all public roads adjoining the mobile home park.
- B. Interior Setbacks:
  - 1. Mobile homes, mobile home accessory structures and mobile home park accessory structures shall be a minimum distance of fifteen (15) feet from the park's perimeter fencing.
  - 2. Mobile homes shall be located at least twenty (20) feet from interior streets.

3. Mobile home stands shall be designed so as to provide a distance of at least forty (40) feet between mobile homes.
- C. Access - Mobile home parks shall have frontage of at least 100 feet on a public road, and at least two access/exit points from adjoining public roads. If the mobile home park abuts two public roads, the access/exit points shall be from/to the public road with the lower traffic volume. The distance between these access/exit points as measured along the public roadway shall be in conformance with applicable state or county requirements, as appropriate. Every mobile home site and assigned parking area shall have direct access to the internal street system but shall not have direct access to any public road. The width and design of the access/exit drives shall be adequate to accommodate fire protection vehicles and equipment.
  - D. Streets - Interior streets shall be smooth, graveled all weather surface having a minimum width of twenty-two (22) feet which shall be durable and well drained under normal weather conditions.
  - E. Parking - A minimum of two off-street parking spaces shall be assigned each mobile home stand. One additional parking space must be provided for every five dwelling units to accommodate guests. Parking on interior streets is prohibited. The required front yard area may be used to satisfy the minimum parking requirement. Side and rear yards may not be utilized to satisfy minimum parking requirements.
  - F. Minimum Number of Spaces - A manufactured home park shall have a minimum of ten (10) spaces prepared with all required improvements in place before the park may be approved for occupancy.
  - G. Density - Each mobile home space shall contain 11,000 square feet of area and will also be of sufficient size to comply with the County, State, and Health laws. There shall not be more than four (4) spaces per gross acre.
  - H. Length of Residential Occupancy - No mobile home nor mobile home stand located in a mobile home park shall be rented for a period of less than thirty (30) days.
  - I. Decals - No manufactured home in a manufactured home park shall be occupied until the proper decal has been secured from and displayed in the manner prescribed by the Dooly County Tax Commissioner, and the appropriate HUD (Department of Housing and Urban Development) sticker is attached to the manufactured home.
  - J. Mobile Home Inspection - It shall be the responsibility of the mobile home park owner to schedule an inspection of the mobile home and mobile home stand for compliance with all terms and provisions herein prior to placement/set-up of any mobile home in said mobile home park.
  - K. Issuance of Permit - It shall be the responsibility of the Zoning Administrator to inspect each mobile home park and each mobile home therein once each year to determine that same are in compliance with applicable codes. During the course of said inspection the Administrator shall issue a permit for each mobile home unit found to be in compliance with the requirements of this ordinance. Said permit shall be valid for a period of one

year from the date of issue. Mobile homes found to be in violation shall have thirty (30) days to be brought into compliance with all applicable codes before occupants thereof will be forced to vacate the premises and the substandard unit is removed from the park.

## Section 5 - Improvements

Mobile home parks constructed, and expansions/enlargements made to existing mobile home parks after the effective date of this ordinance shall be provided the following minimum improvements:

1. Utilities - The mobile home park owner shall provide a method of sanitary sewerage collection and treatment, and a potable water supply system approved by the county health department.
2. Utility Placement - All sanitary sewer, water, and where used, gas lines, shall be placed a minimum of eighteen (18) inches below the site's finished grade level. Electrical service lines, likewise, shall be placed underground. The water system shall be equipped with adequate valve systems to allow the cutoff of utility service to a mobile home stand at the mobile home stand and at the entrance of the utility service from the stand to the trunk line of the utility system.
3. Easements - Publicly dedicated easements of proper size for their respective, intended purposes shall be provided within the park if individual mobile home stands and accessory park uses are to be serviced by a public utility system.
4. Lighting - All recreation areas (required for developments of ten residential units or more), park entrances/exits, interior streets, and walkways shall be illuminated to provide at least three tenths (0.3) foot candles of lighting.
5. Garbage and Refuse - Fenced and paved garbage and refuse service areas shall be reserved within the park and shall otherwise conform to all applicable county solid waste ordinances.
6. Manufactured Home Stands - Each mobile home stand shall be required to be provided with the following minimum accommodations:
  - A. Interior Street Access: Each stand shall be provided with interior street frontage of at least fifty (50) feet.
  - B. Electric Power Supply: Each stand shall be provided with a properly grounded, water-proofed, electrical receptacle. A properly sized over-current device shall be installed as part of each power outlet. Said fixtures shall meet the standards established by applicable county codes.
  - C. Stand Identification: A property and street number of designation or other appropriate numbering device properly identifying each mobile home stand shall be placed at the interior side lot line at a point ten (10) to fifteen (15) feet from the interior road system to the park. Such device shall be clearly visible from the street and shall be embossed with reflectorized glaze for the numbers. Such numbers shall be a minimum of six (6) inches in height.
7. Recreation - Mobile home parks of ten units or more must reserve an area for outdoor recreation use of park residents of not less than 90 square feet per manufactured home stand.

**Section 6 - Accessory Uses Permitted**

The following establishments of a commercial nature may be permitted as customary accessory uses in a manufactured home park, provided such uses do not occupy more than ten percent (10%) of total park area, are located a minimum distance of one hundred (100) feet from any adjoining property line or street right-of-way, and are primarily intended for the convenience of and service to occupants of the manufactured home park:

1. Coin-operated laundry.
2. Coin-operated vending machines of types allowed under applicable county codes.
3. One or more signs which identify the name of the park and/or service(s) provided park residents, regulate traffic or provide for the convenience and welfare of park residents.

**Section 7 - Area, Height, Placement and Development Requirements**

(In accordance with Schedule of Regulations - Article XIV.)

**Section 8 - Other requirements**

1. Additions - Any addition to a mobile home or accessory building shall comply with applicable requirements of the Building, Electrical, Plumbing and Gas Codes.
2. Foundations - All residential and accessory buildings shall be placed on properly engineered foundations which meet applicable installation requirements and applicable state and local codes.
3. Siding material - All mobile homes shall have exterior siding materials consisting of either wood, masonry, concrete, stucco, hard-board siding, or metal lap. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation (under-pinning) is used, the siding material need not extend below the top of the foundation.
4. Tie-down - All mobile homes shall be secured to their respective sites in accordance with applicable state codes.
5. Certificate of Occupancy - Satisfactory compliance with all permitting and inspection requirements shall be achieved before the Certificate of Occupancy is issued.

## **ARTICLE VIII**

### **MANUFACTURED HOME SUBDIVISION (R-5)**

#### **Section 1 - Statement of Purpose**

The Manufactured Home Subdivision zone district is for planned development designed to accommodate mobile home residency by homeowners.

When such a development is proposed, the developer(s) must petition the Planning Commission to rezone the subject parcel to R-5. If, after an appropriately advertised public hearing the subject parcel is rezoned to the R-5 designation, the developer must submit to the Planning Commission a complete site plan for approval prior to any development taking place on the site.

#### **Section 2 - Permitted Uses**

1. Manufactured homes
2. Any use permitted in the single-family residential (R-1) district.

#### **Section 3 - Conditional Uses**

Any use conditioned in the single-family residential (R-1) district.

#### **Section 4 - Minimum Lot Sizes**

Lot size shall be the same as in the single-family residential (R-1) district.

#### **Section 5 - Minimum Yard Requirements**

Yard requirements shall be the same as in the single-family residential (R-1) district.

#### **Section 6 - Minimum Improvements**

1. A manufactured home shall be placed on a concrete block foundation with poured concrete footing sixteen (16) inches by sixteen (16) inches by four inches thick. Skirting or under-pinning of fiberglass, metal or masonry materials shall be placed so as to completely enclose the understructure.
2. Wind-load anchors (tie-downs) capable of sustaining wind velocities of seventy (70) miles per hour shall be installed.



3. All manufactured homes must have a HUD approved plate or sticker and comply with applicable codes of the county and state. No manufactured home built or constructed before 1976 may be located in Dooly County.
4. The roadway system in manufactured home subdivisions shall have grading, drainage, road base and road paving improvements all in conformance with county road development standards. All roadway improvements will be checked and inspected during construction by the county public works department.

## ARTICLE IX

### COMMUNITY BUSINESS (C-1)

#### Section 1 - Statement of Purpose

The Community Business zone is established to encourage development of retail and service businesses which cater primarily to the needs of the nearby resident population, but which do not create undue hazards, offensive and loud noise, vibration, smoke, glare, heavy truck traffic, or late hours of operation. It is also intended that community or neighborhood businesses be concentrated at sites which are mutually beneficial to both the business and customer, and which promote wise use of land resources.

#### Section 2 - Permitted Uses

1. Barber and beauty shop
2. Custom dressmaking and tailoring
3. Eating and/or drinking place in which there is no dancing, floor show or other live entertainment
4. Laundry and/or dry cleaning, and coin-operated laundry
5. Office for business, profession or government
6. Repair shop for electrical or other household appliances; locks, radio, television, etc.
7. Retail business selling convenience goods and serving the apparel, prescription drug, food needs, etc., of the immediately surrounding community

#### Section 3 - Conditional Uses

1. Churches
3. Hospital, animal hospital, sanitarium for care of patients with mental disabilities, or alcohol or other drug addictions
3. Public (government-owned) buildings
4. Schools
5. Tower for transmission and/or reception of radio and telephone signals, radio studio
6. Travel trailer park

## ARTICLE X

### GENERAL COMMERCIAL (C-2)

#### Section 1 - Statement of Purpose

The General Commercial zone is established to provide for and encourage development of a wide variety of sales and services in response to the broader commercial needs of the county.

#### Section 2 - Permitted Uses

1. Amusement enterprises (indoor), theaters, bowling alleys, skating rinks, pool rooms
2. Animal hospitals and veterinary clinics
3. Automobile and manufactured home sales
4. Bottling and canning plant
5. Car wash
6. Catalog and mail order houses
7. Communication related businesses (no tower)
8. Construction company with heavy equipment storage
9. Construction and special trade contractor sales and services provided all outdoor storage is screened from public right-of-way
10. Credit institutions, depository or non-depository
11. Electronic, HVAC, radio, television and appliance repair
12. Fabrication and manufacturing businesses employing nor more than twenty-five workers in the office and manufacturing operations, such as a small tool and die shop, dental surgical and optical goods manufacturing
13. Flea market (indoor)
14. Gasoline service stations
15. Manufactured home dealers, automobile sales lots
16. Medical and dental laboratories
17. Mini warehouses

18. Mortuary, funeral home, ambulance service
19. Motel, hotel
20. Museum
21. Nursery, greenhouse (retail)
22. Physical fitness facility
23. Professional offices and clinics: medical, dental, photographic, real estate, insurance, personnel, advertising, surveying, accounting, engineering, architectural, securities and investment office, travel agency, social service agency, data processing
24. Public meeting hall, lodge hall
25. Public utility structure
26. Restaurant and other retail food establishment
27. Retail store or service including the manufacture/fabrication on site of articles sold at retail, provided such manufacture/fabrication is incidental to the retail activity
28. Travel trailer park
29. Wholesaling
30. All uses Permitted in the C-1 zone

### **Section 3 - Conditional Uses**

1. Boarding home
2. Cemetery
3. Church
4. Communication related business with or without tower
5. Correctional institution, jail, detention center
6. Flea market (outdoor)
7. Hospital
8. Manufactured home park

9. Night club, lounge, club or fraternal organization not operating for profit provided:
  - A. buildings are at least fifty feet from property lines
  - B. a buffer strip at least ten feet wide is planted along side and rear lot lines
10. Petroleum (liquefied gas) dealers
11. Recreational development including, but not limited to private or public lake, swimming pool, golf course, golf driving range, or other recreational developments subject to Planning Commission approval of the developer's comprehensive site development plan which must include:
  - A. site map of not less than 1" = 400'
  - B. the location and function of all buildings
  - C. proposed modifications to the natural landscape
  - D. location and surface treatment of all roadways
  - E. appropriate details of drinking water and sanitary facilities
  - F. timetable for build-out
12. Schools
13. Signs for general advertising which are located at least thirty feet from public right-of-way, and maintaining a minimum clearance of eight feet between grade level and bottom of sign
14. Warehousing and wholesalers
15. Photovoltaic Solar Energy Production Facility - Provided all of the following conditions are met in addition to any other condition that may be imposed by the Planning and Zoning Commission:
  - A. Area of use may not exceed on hundred (100) acres on site with no aggregation of solar collection panels on adjacent properties which exceeds one hundred (100) acres.
  - B. Solar energy production facilities shall adhere to the setback and height requirements of the district in which they are located and shall be fenced in using a minimum of three (3) strand barbwire fencing with danger, high voltage warning type signs attached to said fencing no less than every one hundred (100) feet.
  - C. Abutting residential properties shall be visually screened from the project through any one or combination of the following: plantings, existing vegetation or fencing (not to exceed eight (8) feet in height). The screening, capable of

providing year-round screening, shall be provided along the non-reflective sides of the solar energy production facility or collection of facilities.

- D. The manufacturer's or installers' identification, the facility owners' name and contact information, and the appropriate warning signage shall be posted on or near the panels in a clearly visible manner and on the required fencing.
- E. All electrical interconnection and distribution lines within the project boundary, except for power lines that leave the project or are within the substation, shall be underground, unless determined otherwise by the Planning and Zoning Commission or Code Enforcement because of severe environmental constraints.
- F. Lighting of the solar energy production facility and accessory structures shall be limited to the minimum necessary.
- G. Professional Engineer drawings that clearly illustrate the design of the solar energy production facility shall be submitted as part of the Conditional Use application package. The Planning and Zoning Board may apply aesthetic consideration when approving the design of the solar energy production facility.
- H. Any solar energy production facility that has not been in use for its original purpose for a period of one hundred and eighty (180) days shall be deemed to be abandoned. The solar energy production facility owner and/or the property owner shall have an additional ninety (90) days to remove the abandoned solar energy system and any appurtenant structures or to reactivate the solar energy system.
- I. The Planning and Zoning Board may, in its discretion, waive any of the above listed conditions or may add additional conditions if such is deemed to be in the best interest of the citizens and public safety.

In granting any conditional use, the Planning and Zoning Commission and Board of Commissioners may prescribe additional and appropriate conditions and safeguards in conformity with this ordinance in order to mitigate the impact of the use to surrounding uses and to otherwise protect the public health, safety and general welfare. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance.

#### Solar Panel

- 16. All uses Conditioned in the C-1 zone

## ARTICLE XI

### INDUSTRIAL (I)

#### Section 1 - Statement of Purpose

The Industrial zone is established to provide suitable area for industrial development and manufacturing.

#### Section 2 - Permitted Uses

1. Agricultural services
2. Heavy construction contractors
3. Manufacturing, processing, fabrication, repair and servicing of products with the exception of the following:

beef	fertilizer	lime
cement	fish	paper and pulp
chemicals	glue	plaster of paris
corrosive acid	gelatin	pork
explosives	gypsum	poultry
4. Motor freight transportation
5. Public utility structure
6. Retailing
7. Services
8. Warehousing and storage
9. Wholesaling
10. Any use Permitted in the C-1 or C-2 zones

#### Section 3 - Conditional Uses

1. Airports and landing fields
2. Asphalt plant
3. Cement, lime, gypsum or plaster of paris manufacturing
4. Chemical plant

5. Commercial incinerator
6. Corrosive acid or alkali storage and manufacturing
7. Explosives manufacturing or storage
8. Fertilizer manufacturing other than blending
9. Fish, poultry, beef and pork processing
10. Hazardous waste facilities
11. Salvage yards, automobile salvage yards or scrap metal processors
12. Lumber yards and sawmills
13. Manufacture of glue or gelatin
14. Manufacture and storage of gas including, but not limited to butane, propane, chlorine, or other toxic, noxious or pyrophoric gases
15. Paper and pulp manufacturing
16. Petroleum bulk plants
17. Processing of silica, clays and other soils
18. Recycling centers
19. Rendering plants
20. Slaughterhouses and stock yards
21. Photovoltaic Solar Energy Production Facility - Provided all of the following conditions are met in addition to any other condition that may be imposed by the Planning and Zoning Commission:
  - A. Area of use may not exceed on hundred (100) acres on site with no aggregation of solar collection panels on adjacent properties which exceeds one hundred (100) acres.
  - B. Solar energy production facilities shall adhere to the setback and height requirements of the district in which they are located and shall be fenced in using a minimum of three (3) strand barbwire fencing with danger, high voltage warning type signs attached to said fencing no less than every one hundred (100) feet.
  - C. Abutting residential properties shall be visually screened from the project through any one or combination of the following: plantings, existing vegetation



or fencing (not to exceed eight (8) feet in height). The screening, capable of providing year-round screening, shall be provided along the non-reflective sides of the solar energy production facility or collection of facilities.

- D. The manufacturer's or installers' identification, the facility owners' name and contact information, and the appropriate warning signage shall be posted on or near the panels in a clearly visible manner and on the required fencing.
- E. All electrical interconnection and distribution lines within the project boundary, except for power lines that leave the project or are within the substation, shall be underground, unless determined otherwise by the Planning and Zoning Commission or Code Enforcement because of severe environmental constraints.
- F. Lighting of the solar energy production facility and accessory structures shall be limited to the minimum necessary.
- G. Professional Engineer drawings that clearly illustrate the design of the solar energy production facility shall be submitted as part of the Conditional Use application package. The Planning and Zoning Board may apply aesthetic consideration when approving the design of the solar energy production facility.
- H. Any solar energy production facility that has not been in use for its original purpose for a period of one hundred and eighty (180) days shall be deemed to be abandoned. The solar energy production facility owner and/or the property owner shall have an additional ninety (90) days to remove the abandoned solar energy system and any appurtenant structures or to reactivate the solar energy system.
- I. The Planning and Zoning Board may, in its discretion, waive any of the above listed conditions or may add additional conditions if such is deemed to be in the best interest of the citizens and public safety.

In granting any conditional use, the Planning and Zoning Commission and Board of Commissioners may prescribe additional and appropriate conditions and safeguards in conformity with this ordinance in order to mitigate the impact of the use to surrounding uses and to otherwise protect the public health, safety and general welfare. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance.

Solar Panel

22. Any use Conditioned in the C-1 or C-2 zones

## ARTICLE XII

### FLOOD HAZARD ZONE (FH)

#### Section 1 - Statement of Purpose

The Flood Hazard zone is established to promote public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. require that land uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
2. restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
3. control filling, grading, dredging and other development which may increase flood damage or erosion;
4. prevent or regulate the construction of flood barriers which well unnaturally divert flood waters or which may increase flood hazards to other lands; and
5. control the alteration of natural floodplains, stream channel, and natural protective barriers which are involved in the accommodation of flood waters.

More specifically, this zone is established to:

1. protect human life and health;
2. minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
3. to help maintain a stable tax base by providing for sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
4. to minimize expenditure of public money for costly flood control projects;
5. to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
6. to minimize prolonged business interruptions;
7. to insure that potential home buyers are notified that property is in a flood area.

## **Section 2 - District Boundaries**

The Flood Hazard zone boundary of this ordinance shall be synonymous and coterminous with the areas of Special Flood Hazard as identified by the Federal Emergency Management Agency in the Flood Insurance Rate Map with an effective date of June 4, 1996, and any subsequent revisions thereto. The Planning Commission may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties, but which have not been incorporated in the Flood Insurance Rate Map.

## **Section 3 - Permitted Uses**

The Flood Hazard zone is an overlay zone which applies to all other zones identified herein to the extent to which Special Flood Hazard areas identified by FEMA in the FIRM map overlap with the other zones. The Flood Hazard zone does not consist of permitted and conditional uses, but imposes conditions for development on all permitted uses, and additional conditions on conditional uses enumerated in all other zones. In reviewing plans for development in the Flood Hazard zone the

Planning Commission shall be guided by the following standards:

1. Any structure or filling of land permitted shall be of a type not appreciably damaged by flood waters,
2. Any structure or filling of land permitted shall be designed, constructed and placed on the lot so as to offer minimum obstruction to, and effect upon, the flow of water,
3. Any structure, equipment or material permitted shall be firmly anchored to prevent it from floating away, and thus damaging other structures and threatening to obstruct bridge openings and other restricted sections of the stream,
4. Where, in the opinion of the Planning Commission, topographic data, engineering and other studies are needed to determine the effects of flooding on a proposed structure or fill and/or the effect of the structure or fill on the flow of water, the Planning Commission may require the applicant to submit such data or other studies prepared by competent engineers or other technical people,
5. The granting of approval of any structure or land use in the Floor Hazard zone shall not constitute a representation, guarantee or warranty of any kind or nature by Dooly County or by any officer or employee thereof, of the practicality or safety of any structure or use proposed, and shall create no liability upon or cause action against such public body, officer or employee for any damage that may result pursuant thereto.

## **ARTICLE XIII**

### **WILDLIFE PRESERVATION (WLD)**

#### **Section 1 - Statement of Purpose**

The Wildlife Preservation zone is created in recognition of the natural wildlife resources, both plant and animal, which make positive contributions to the local quality of life. These resources must be protected from the development they so often attract.

#### **Section 2 - Permitted Uses**

1. Agricultural row-crop, timber production and harvesting, and other activities consistent therewith. None of the acreage in forestland/woodland at the time this ordinance becomes effective shall be converted to any use other than forestland/woodland, except as provided herein below.
2. Single-family residential
3. Hunting and fishing lodges/camps

#### **Section 3 - Limitations on Development**

1. The following thresholds shall apply to development in the Wildlife Preservation zone.
  - A. On parcels of public record of three acres or less as of the effective date of this ordinance, a maximum of one (1) acre may be developed.
  - B. The maximum developable area on parcels of public record as of the effective date of this ordinance which are greater than three acres and up to fifty (50) acres is 2.5 %.
  - C. The maximum developable area on parcels of public record as of the effective date of this ordinance which are greater than fifty (50) acres is 2.5%, not to exceed ten (10) acres.
2. No improved roads shall be constructed. All existing, interior roads must maintain a dirt surface.
3. Harvest of hardwood trees shall be limited to trees with a diameter of sixteen (16) inches and larger at breast height.

**ARTICLE XIV**

**Schedule of Regulations**

Zone	Minimum Lot Area per dwelling unit *	Minimum Lot Width Ft.	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Height Ft.
AG	1 AC	150	90'	20'	25'	40'
Low Density	5 AC	-	200'	200'	200'	
High Density	-	-	1,500	1,500	1,500'	
C-1	1 AC	150'	75'	15'	25'	40'
C-2	1 AC	150'	75'	15'	25'	40'
FH	-	-	-	-	-	-
I	-	150'	90'	20'	25'	-
R-1	1 AC	150'	90'	20'	25'	40'
R-2*	½ AC	150'	90'	20'	25'	40'
R-3						
R-4	10 AC					
R-5	1 AC	150'	90'	20'	25'	-
WLD	1 AC					40'

\*Does not apply to R-4 district

\*In a R-2 zone you can have 1 dwelling unit per ½ acre with a minimum lot size of 1 acre.

\*Revision to Ag made on 10-6-05

## ARTICLE XV

### SIGN REGULATIONS

#### Section 1 - Signs Shall Meet Requirements Of This Section

All signs within Dooly County shall be erected, constructed and maintained in accordance with the standards of this Article and applicable sections of the Dooly County Building Code, and only those signs that are permitted by these regulations shall be erected within the County.

#### Section 2 - Signs Not Requiring A Permit

The following signs shall not require a permit:

1. Signs to regulate traffic.
2. Signs required to be posted by law.
3. Warning signs and no trespassing signs.
4. Signs posted by governmental agencies.
5. Signs indicating bus stops, taxi stands and similar transportation facilities.
6. Signs not exceeding ten (10) square feet in area giving information concerning the location of off-road parking facilities or loading and unloading facilities.
7. Temporary real estate signs limited to a maximum of 10 square feet on a residentially zoned piece of property, and temporary real estate signs in any zone other than residential limited to a maximum of 32 square feet.
8. Temporary signs on private land related to campaigns of religious, charitable, civic, fraternal, political and similar organizations.
9. Construction signs and temporary subdivision signs limited to a maximum of 50 square feet.

**Section 3 - No Signs Shall Hamper Traffic Safety**

No sign shall be erected or continued that:

1. Obstructs sight distance along a public right-of-way.
2. Would tend by its location, color or nature to be confused with or obstruct the view of traffic signs or signals, or to be confused with a flashing light of an emergency vehicle,
3. Would by its nature or moving parts tend to confuse traffic or create any potential hazard to traffic,
4. Uses admonitions such as “stop”, “go”, “slow”, “danger” etc., which might be confused with traffic directional signals.

**Section 4 - Illumination Not To Be A Nuisance**

Illumination devices such as, but not limited to, flood or spot lights shall be so placed and so shielded as to prevent the rays or illumination therefrom from being cast into neighboring structures and/or onto approaching or passing vehicles.

**Section 5 - Standards For Permanent Signs On-Site**

Standards for point-of-business signs, incidental use signs, bulletin boards and identification signs:

1. Maximum area of sign shall be 150 square feet.
2. Maximum height, 40 feet.
3. Signs located at ground level shall be setback a minimum of 15 feet from the road right-of-way line or shall be located on the right-of-way line with a minimum clearance under the sign of 10 feet.

**Section 6 - Standards For Off-Site Advertising Signs (Billboards)**

1. Off-site advertising signs shall be allowed only in the following zones:
  - A. C-2 (General Commercial)
  - B. I (Industrial)
  - C. C-1 (Community Commercial)

These signs shall be governed by the rules and regulations of Georgia Department of Transportation.

## **Section 7 - Standards For Portable Signs**

Permits for portable signs shall be valid for one year and may be renewed. A permit may be granted for the erection of one (1) portable sign on the premises of a business or institution provided the portable sign shall:

1. Not exceed forty (40) square feet in sign surface area;
2. Not utilize flashing illumination;
3. Not utilize colored lights (red, green, blue, yellow, etc.) which might be confused with traffic signals;
4. Be set back a minimum of fifteen (15) feet from road right-of-way;
5. Not be allowed in a parking space that is required to meet the minimum parking requirements established by this ordinance.
6. Not be allowed in any residential district;
7. Be placed only in a commercial or industrial zone.
8. Not be placed or mounted on a roof; and
9. Nonconforming portable signs shall be removed or made to conform to this ordinance within six (6) months from the effective date of this ordinance.

## **Section 8 - Issuance Of Permits, Administration And Filing Procedure**

1. Filing Procedure: Application for permits to erect, hang or place a sign shall be submitted on forms obtainable from the Zoning Administrator. Each application shall be accompanied by:
  - A. Site plan showing proposed location of the sign,
  - B. Size, character and method of illumination, if any,
  - C. The exact location proposed for such sign, and in the case of a projecting sign:
    - a. proposed method of fastening sign to the building,
    - b. vertical distance between sign and finished grade, and
    - c. horizontal distance between sign and road right-of-way.
2. Additional Information - Each applicant shall submit any additional information deemed necessary by the Zoning Administrator.



**ARTICLE XVI**

**PARKING**

**Section 1 - Parking Requirements**

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

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

**Section 2 - Location Of Parking Space For Other Land Uses**

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

For any proposed land use not included in the following section in this ordinance, the parking requirements shall be the same as those which apply to the land use most similar to the proposed land use. The Zoning Administrator shall determine which of the listed land uses is most similar to the proposed land use.

**Section 3 - Off-Road Parking Standards**

USE	NUMBER OF PARKING SPACES REQUIRED
1 Apartment and Multi-family dwelling	Two spaces for each dwelling unit plus 1 space for each 10 units for travel trailers, boats, and other vehicles.
2 Apartments for the Elderly	One (1) space for each dwelling unit.
3 Appliance Store	One (1) space for each four hundred (400) square feet of gross floor area.
4 Auditorium, stadium assembly hall, gymnasium, theater, community center	(a) one (1) space per three fixed seats in largest assembly hall, gymnasium, assembly or area, or (b) or one (1) space for each theater, forty (40) square feet of floor area available for the recreation center accommodation of movable seats in the largest assembly room, or combination of fixed and movable seats; or (c) one (1) space per each one hundred fifty (150) square feet of gross floor area; whichever is greatest.
5 Automobile Fueling Stations	One (1) space (in addition to service area) for each pump and grease rack and one (1) space for each two

	(2) employees during period of greatest employment but not less than four (4) spaces.
6 Automobile Parts and Accessories	One (1) space for each four hundred (400) square feet of gross floor area.
7 Automobile sales and repair, service stations and auto washeterias	Same as Use 5 above plus one (1) space for each five hundred (500) square feet of gross floor area of the shop or washeteria
8 Automobile Service and Appliance Centers	One (1) space for each four hundred (400) square feet of retail area plus two (2) spaces for each service bay.
9 Bowling Alley	Four (4) spaces per alley plus requirements for any other use associated with the establishment such as a restaurant, etc.
10 Club or Lodge	One (1) space for each two (2) employees plus one (1) space for each two hundred (200) square feet of gross floor area within the main assembly area plus additional spaces for other uses permitted within the premises.
11 Church	One (1) space per four (4) seats in main place of assembly.
12 Combined Uses	Parking spaces shall be the total of the spaces required for each separate use established by this schedule.
13 Dance School	One (1) space for each employee plus one (1) space per one hundred fifty (150) square feet of gross floor area plus safe and convenient loading and unloading of students.
14 Duplex Dwelling Unit	One (1) unpaved space per each unit. Residential driveways will satisfy this need.
15 Financial Institution	One (1) space of each two hundred fifty (250) square feet of gross floor area and two (2) waiting spaces for each drive-thru window.
16 Funeral Home	Six (6) spaces per viewing room or one (1) space for each fifty (50) square feet of chapel used for services.
17 Furniture Store	One (1) space for each four hundred (400) square feet of gross floor area.
18 Golf Course	Two (2) spaces for each hole and one (1) space for each two (2) employees plus requirements for any other use associated with the golf course.
19 Grocery Store (including small convenience type food store)	One (1) space for every two hundred fifty (250) square feet of gross floor area.
20 High Schools, Trade Schools, Colleges and Universities	One (1) space for each teacher, employee and administrative personnel plus safe and convenient loading of students plus (5) spaces for each classroom.
21 Hospital	One (1) space for each bed plus one (1) space for each employee (nurse, attendant, etc.) Per shift plus one (1) space for each staff or visiting doctor.
22 Hotel/Motel	One (1) space for each guest room suite, or unit plus one (1) space for each two (2) employees.
23 Indoor and outdoor recreational areas (commercial)	(a) one (1) space for each one hundred fifty (150) square feet of gross floor, building, ground area Or combination devoted to such use; or (b) one (1) space per each four (4) seats or facilities available for patron use, whichever is greater.
24 Industrial or manufacturing establishment or warehouse	Two (2) spaces for each three (3) employees on shift of greatest employment, plus one (1) space for each vehicle used directly in the conduct of the business.

25	Kindergarten, nursery schools and day care	One (1) space for each employee plus safe and convenient loading of children.
26	Nightclubs	One (1) space for each one hundred (100) square feet of gross floor area plus one (1) space for each employee.
27	Nursing Home	One (1) space for each two (2) beds plus one (1) space for each employee on shift of greatest employment.
28	Office, professional building or similar use	One (1) space for each three hundred fifty (350) square feet of the gross floor area or one (1) space for each two (2) employees, whichever is greater.
29	Personal service establishment	One (1) space for every three hundred fifty (350) square feet of the gross floor area, or one (1) space for each two (2) employees, whichever is greater.
30	Repair Shop	One (1) space for every three hundred (300) square feet of gross floor area plus one (1) space for each employee.
31	Restaurant or place dispensing food, drink, or refreshments to be consumed on the premises	One (1) space for each one hundred (100) square feet of gross floor area with a minimum of ten (10) parking spaces.
32	Restaurant or place dispensing food, drink or refreshments for carry out only (and having outdoor Seating area)	One (1) space for each one hundred (100) square feet of gross floor area (with a minimum of ten (10) spaces for this); plus one (1) additional space for each three (3) outdoor seats provided.
33	Restaurant or place dispensing food, drink or refreshments for carry out (no seating provided)	One (1) space for each one hundred fifty (150) square feet of gross floor area; with a minimum of ten (10) parking spaces.
34	Restaurant or place dispensing food, drink or refreshments to be consumed on the premises and also having a drive-thru service	One (1) space for each one hundred (100) square feet of gross floor area; with a minimum of ten (10) parking spaces and providing an adequate lane for thru traffic which will not obstruct the required parking and driveway for the restaurant.
35	School, elementary	One (1) space for each teacher one (1) space for each two (2) employees, and administrative personnel, and one (1) for each classroom, plus safe and convenient loading and unloading of students.
36	Shopping Center (if over 35,000 square feet of gross floor area)	One (1) space for every three hundred (300) square feet of gross floor area.
37	Shopping Center (if 35,000 square feet or less of gross floor area)	One (1) space for every three hundred fifty (350) square feet of gross floor area.
38	Swimming Pool	One (1) space for each two hundred (200) square feet of water surface area plus requirements for additional uses in association with the establishment such as a restaurant, etc.
39	Trailer Park	One (1) space for each trailer stall plus one (1) space for each two (2) employees.
40	Retail stores of all types not mentioned otherwise	One (1) space for every three hundred (300) square feet of gross floor area.
41	Wholesale Establishment	One (1) space for each employee plus sufficient spaces to accommodate vehicles used in the conduct of the business.

**Section 4 - Handicapped Parking Requirements.**

In all zones where parking standards require the provision of six (6) or more spaces, handicapped parking shall be provided in accordance with the following scale. Handicapped parking spaces shall be a minimum of twelve feet in width, located convenient to the building entrances, and credited to the total parking requirements.

TOTAL PARKING REQUIREMENTS

HANDICAPPED SPACES REQUIRED

1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
500+	2% of total

## ARTICLE XVII

### ADMINISTRATION AND ENFORCEMENT

#### Section 1 - Statement of Purpose

There is hereby created, simultaneous with enactment of this ordinance, the Office of Zoning Administrator of Dooly County. The individual occupying this office shall administer said ordinance in cooperation with the Dooly County Planning Commission and the Dooly County Board of Commissioners.

#### Section 2 - Zoning Administrator

1. Appointment: The Zoning Administrator shall be appointed by the Dooly County Board of Commissioners.
2. Duties and authority: In administering the provisions of this ordinance the Zoning Administrator shall:
  - A. Serve as Administrative Secretary to the Planning Commission
  - B. Establish a system with which to maintain public records concerning the administration of this ordinance, including all maps, amendments, certificates of zoning compliance, conditional uses, variances, records of public hearings, other records relevant hereto, and see that such records and documents are maintained in current status.
  - C. Issue certificates of zoning compliance for all permitted uses, for conditional uses and variances recommended by the Planning Commission and approved by the Dooly County Board of Commissioners.
  - D. Collect data and keep informed on matters of zoning administration and practice in order to make sound recommendations to the Planning Commission.
  - E. Undertake other duties as may from time to time be delegated or assigned by the Dooly County Board of Commissioners.

### **Section 3 - Text or Map Amendments**

After due notice and public hearing the Dooly County Board of Commissioners may supplement, modify, vary or change the boundaries of zoning districts or the requirements of the resolution by adopting amendments to the zoning map or text.

1. Initiation of Amendment: Amendments to the zoning map or text may be proposed by the Board of Commissioners, the Planning Commission, or by any owner of property within the area proposed for change.
2. Procedure: An application for amendment shall be filed with the office of the Zoning Administrator at least thirty (30) days prior to the date on which the request is to be considered by the Planning Commission.
3. Review by the Planning Commission: No amendment shall become effective unless it shall have been reviewed, and a public hearing held, by the Planning Commission. The Planning Commission shall have thirty (30) days following the public hearing within which to submit a recommendation to the Board of Commissioners. If the Planning Commission fails to submit a recommendation to the Board of Commissioners within thirty (30) days after the public hearing, the Planning Commission shall be deemed to have approved the proposal.
4. Public hearing: The Planning Commission shall hold a public hearing on an application for amendment. Notice of the time and place shall be publicized at least fifteen (15) days or not more than 45 days before the hearing in a newspaper of general circulation in Dooly County.
5. Fee: Each application for rezoning by amendment shall be accompanied by an application fee in the amount established by the Dooly County Board of Commissioners to partially defray administrative costs. Refer to Article XVII.
6. Minimize time between applications: A property owner shall not resubmit a proposal of zoning amendment affecting the same property more than once in a six-month period, unless the applicant can show that the conditions upon which the previous denial were based have substantially changed.

### **Section 4 - Zoning Policies and Procedures**

Policies and Procedures are herein established to provide guidelines for the following zoning activities.

1. The adoption of a new County Zoning Ordinance.
2. The adoption of an amendment which changes the text of the ordinance (Text Amendment).
3. The adoption of an amendment which rezones property from one zoning classification to another. (Map Amendment)
4. The procedural requirements for amendments sponsored by the Dooly County Board of Commissioners.

5. The procedural requirements for amendments sponsored by a property owner or agent.

**Section 5 - Policies and Procedures for County Initiated Zoning Changes**

1. In the case of amendments to the text or map of this ordinance, the Planning Commission and the Board of Commissioners will, where appropriate, utilize any new or existing land use studies, land use plans or other relevant documents as a resource. The Dooly County Board of Commissioners will hold at least one public hearing on any proposed amendment to this ordinance.
2. Public hearing notices will be published within a newspaper of general circulation within Dooly at least one time and at least (15) fifteen days prior to and not more than 45 days before the public hearing. The Public Notice will state the time, place, and purpose of the hearing.
3. Public hearings will be convened at the advertised time and place and will be presided over by the appropriate official.
4. The presiding officer of each respective public hearing will open the hearing by reviewing the following operating procedures.
  - A. Those individuals wishing to address the Planning Commission and County Commission at their respective hearings must first be recognized by the presiding officer for the purpose of speaking. Those addressing the Commission must first identify themselves by first and last names, and give their home road address, and where appropriate, business road address.
  - B. The presiding officer shall recognize one representative to speak on behalf of those supporting the question before the Commission for a time not to exceed ten (10) minutes.
  - C. The presiding officer shall recognize one representative to speak on behalf of those opposing the question before the Commission for a time not to exceed ten (10) minutes.
  - D. The presiding officer shall then grant a three (3) minute rebuttal to one spokesman supporting the question.
  - E. The presiding officer shall then grant a three (3) minute rebuttal to one spokesman opposing the question.
  - F. Appropriate notes or minutes will be recorded by the Planning Commission and the County Commission at their respective public hearings.
5. The Planning Commission shall prepare and submit the necessary minutes, evaluations and/or recommendations to the County Commission prior to the County Commission's Public Hearing.

6. The County Commission, at its public hearing, will review the evaluation and recommendations from the Planning Commission and may choose to adopt, reject or modify the Planning Commission recommendations, or the business may be tabled to the next regular County Commission meeting for additional study.

**Section 6 - Procedures for Rezoning Property Requests by a Citizen or Property Owner**

1. An application for rezoning must be filed with the Zoning Administrator on a prescribed form, accompanied by an application fee in the amount established by the Dooly County Board of Commissioners. The application shall be filed at least thirty (30) days prior to the meeting of the Planning Commission at which the application is to be presented.
2. The Zoning Administrator will inform the applicant of the public hearing date. The Planning Commission will convene a public hearing on each application at the date, time and location advertised. The public notice will appear at least one time in a newspaper of general circulation no less than 15 days nor more than 45 days prior to the public hearing.
3. The public hearing notice will name the applicant, the location of property to be affected, the present zoning class, the proposed zoning class and the date, time and place of both the Planning Commission hearing and the public hearing held by the Dooly County Board Commissioners.
4. The Zoning Administrator shall have erected upon the property for which rezoning is to be considered a sign of no less than 17" X 24" announcing the public hearings, stipulating the dates, times, and places for the two hearings, the present zoning class and the proposed zoning class. The sign shall be clearly visible from a public road and shall be erected not less than 15 days before the Planning Commission hearing date.
5. Public hearings held by the County Commission will follow essentially the same procedures as those of the Planning Commission.
6. Any application for rezoning of a particular parcel of property which is denied by the Board of Commissioners may not again be considered for rezoning until the expiration of at least six (6) months immediately following the defeat of the rezoning request, unless the applicant can show that the conditions upon which the previous denial were based have substantially changed.



## **Section 7 - Rezoning Criteria**

Decisions of whether to approve or deny a petition to rezone property shall be based on the following criteria. These criteria are established to assist the Planning Commission and Board of Commissioners in balancing the interests of the public with the interests of the private property owner:

- A. Does the proposed zoning classification promote the health, safety, morals and general welfare of Dooly County?
- B. The existing uses of the subject property and adjacent and near properties.
- C. The current zoning of the subject property and adjacent or near properties.
- D. The extent to which property values are diminished by the present zoning restriction.
- E. The extent to which the restrictions diminishing the property's value promote the health, safety, morals and general welfare of the public.
- F. The relative gain to the public compared to the extent of hardship imposed upon the individual property owner (in retaining the current zoning designation).
- G. The suitability of the subject property for the zoned purposes.
- H. The history of the use of the subject property considered in the context of land developments in the vicinity of the property.
- I. Conformity with the Dooly County Future Land Use Plan.

## **Section 8 - Conditional Uses**

The Planning Commission may recommend to the Board of Commissioners approval of a petition to rezone provided the applicant agrees to certain specified conditions related to the proposed rezoning. The Board of Commissioners will make the final decision. The procedures and application process are the same as in Section 6 - Procedures for Rezoning Request by a Citizen or Property Owner. The sign posted on site of the subject property shall include any conditions, requirements or limitations deemed by the Planning Commission to be necessary for protection of adjacent properties and the community as a whole and to carry out provisions of this ordinance.

**Section 9 - Criteria for the Review of Conditional Uses**

An application to establish a conditional use shall be approved following a review by the Planning Commission and a determination by the Dooly County Board of Commissioners that:

1. The proposed use will not be contrary to the purpose(s) of this ordinance;
2. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood, nor affect adversely the health and safety of residents and workers;
3. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noises or fumes generation or type of physical activity;
4. The proposed use will not be affected adversely by the existing uses, and the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use;
5. Parking and all development standards set forth for each particular use for which a permit may be granted have been met, and
6. Provided, the Board of Commissioners may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community and to protect the value and use of property in the general neighborhood, provided that, wherever the County Commission shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any term, conditions or restrictions upon which such permit was granted are not being complied with, said Commission shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

**Section 10 – Variances**

The Dooly County Planning Commission is authorized upon request in specific cases to approve such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provision of the Ordinance will in an individual case, result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of a non-conforming use of neighboring land, buildings, or structures in the same districts shall not constitute a reason for the requested variance.

1. Procedure - Applications for variance shall be filed with the Office of the Zoning Administrator; such application must be filed thirty (30) days before the date of the following Planning Commission meeting in order that the required public notice may be given before the next scheduled meeting. Each application shall be accompanied by a simple sketch of the site, showing the following:
  - A. General location of existing structures and property lines.
  - B. Location of proposed buildings and land use.

- C. Setbacks if applicable to the request.
- 2. Public hearing - A public hearing shall be held by the Planning Commission for the review of an application for a variance. Notice of the time and place of such hearing shall be published at least fifteen (15) days before the hearing in a newspaper of general circulation in Dooly County.
- 3. Fee - Each application for a variance shall be accompanied by an application fee in the amount established by the Dooly County Board of Commissioners to partially defray administrative costs.
- 4. Conditions and limitations - The Planning Commission shall include any condition, requirement, or limitation which may be necessary to protect adjacent properties and to carry out the provisions of this resolution.

**Section 11 - Criteria for the Consideration of Variance Requests**

The following criteria shall be utilized when considering request for variance from the terms of the ordinance, when approval of such will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in unnecessary hardship, yet maintain the spirit of this ordinance and preserve and secure the public safety and welfare. Such variance may be granted in such individual case of unnecessary hardship upon a finding of the Planning Commission that:

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question and because of its size, shape or topography, and
- 2. Strict application of this ordinance to this particular piece of property would create an undue hardship, and
- 3. Such conditions are particular to the particular piece of property involved and not the making of the applicant, and
- 4. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance,
- 5. The proposed use will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood,
- 6. The proposed use will be of a nature that vehicular and pedestrian traffic will be no more hazardous than is normal for the district involved.
- 7. The location, size, intensity, site layout and periods of operation of any such proposed use will be designed to eliminate any possible nuisance (dust, noises, fumes, vibration, smoke or lights, etc.) emanating from the use which might be noxious to the occupants of other nearby uses, and,
- 8. The location and height of buildings or structures and the location, nature and height of walls and fences will be such that the proposed use will not interfere with or discourage appropriate development and the use of adjacent land and buildings, or unreasonably affect their value.

## **Section 12 - Certificate of Zoning Compliance**

A certificate of zoning compliance, issued by the Zoning Administrator, and certifying that the proposed structure, land use, or alteration complies with the provisions of the zoning resolution, is required.

1. Site plan - Each application for a certificate of zoning compliance shall be accompanied by a simple sketch of the site and indicating such information as may be needed to present a record of existing conditions and proposed use including proposed off-road parking and/or loading areas.
2. Time limit - A certificate of zoning compliance shall become invalid after the use authorized is suspended or abandoned for the period of one (1) year.

## **Section 13 – Appeals**

An appeal by a person, firm, or corporation, or by any officer department, board or bureau may be taken to the Dooly County Board of Commissioners where it is alleged that there is an error in any order, requirement, decision or determination made by the Zoning Administrator or other administrative official in the enforcement and interpretation of this ordinance. Such appeals shall be made within thirty (30) days of the administrative action by filing with the Dooly County Clerk of Commissioners a Notice of Appeal specifying the grounds thereof. If the Notice of Appeal is not filed within the thirty (30) days, the only recourse shall be a court of record.

The County Clerk shall then transmit to the Board of Commissioners all papers constituting the record upon which the appeal was taken. The appeal shall stay all proceedings in furtherance of the action, unless the Zoning Administrator certifies to the Board of Commissioners after the Notice of Appeals has been filed, that by reason of the facts stated in the Notice, a stay would, in the Zoning Administrator's opinion, cause immediate peril to life or property, in which case the proceedings shall not be stayed, other than by a restraining order, which may be granted by a court of record.

The Board of Commissioners shall fix a reasonable amount of time for the hearing of an appeal and shall give due notice to the parties concerned, including all landowners within three hundred (300) feet of the site in question. Such notice shall be delivered personally or by mail, addressed to the respective owners at the address given on the last assessment roll. The Board of Commissioners shall decide the appeal within a reasonable period of time with regard to the purposes of the ordinance. Upon the hearing, any party may appear in person or through their agent.

In the event the petitioner for an appeal remains discontented with the Board of Commissioner's decision on an appeal application, the petitioner shall have thirty (30) days to appeal the action to Dooly County Superior Court.

**Section 14 – Fees**

Fees for administration, inspection, application for rezoning, variance or conditional use applications and the issuance of permits or copies thereof required or issued under the provisions of this ordinance shall be collected by the Zoning Administrator in advance of the issuance of such permits.

The fee for rezoning, variance or conditional use application shall be \$50.00, and is hereby established by the Board of Commissioners to cover the cost of administration, inspection and supervision resulting from the enforcement of this ordinance.

**Section 15 - Violations and Penalties**

1. Any person, firm or corporation who violates the provision of this ordinance shall be guilty of a misdemeanor, and upon conviction, shall be punished for each violation, according to the laws of the State of Georgia. Each day a violation continues shall be deemed a separate offense.
2. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, placed, displaced, replaced or maintained, or any building or land is used in violation of this chapter, the Zoning Administrator, or any other appropriate county authority, deputy sheriff or any person who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent the violation.
3. The punishment imposed for any ordinance violation shall not exceed a fine of five hundred dollars (\$500.00) or sixty (60) days imprisonment or both, except as otherwise provided by general law, and shall not exceed the maximum punishment specified by this ordinance. (Pursuant to Official Code of Georgia Annotated Sec. 15-10-60).
4. Prosecutions for violation of this ordinance, as with other county ordinances, shall be pursuant to article 4 of the Official Code of Georgia Annotated and shall be heard and brought in the Magistrate Court of Dooly County pursuant to O.C.G.A. Sec.15-20-2(4).

**Section 16 - Validity**

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

**Section 17 - Conflicting Provisions Repealed**

All other ordinances of Dooly County and parts of ordinances in conflict with this ordinance, to the extent of such conflict and not further, are hereby repealed.

**Section 18 - Effective Date**

The provisions of this ordinance are hereby declared to be necessary for the preservation of the public peace, health, safety, and welfare of the people of Dooly County, and are hereby ordered to be effective August 15, 2013.

Approved by the Dooly County Board of Commissioners in regular session this 15<sup>th</sup> day of August 2013.

Attest:

\_\_\_\_\_  
Charles Anderson, Vice-Chairman

\_\_\_\_\_  
Linda C. Woodson, Clerk

\_\_\_\_\_  
David Barron, Commissioner

\_\_\_\_\_  
Eugene Cason, Commissioner

\_\_\_\_\_  
Terrell Hudson, Chairman

\_\_\_\_\_  
Harry Ward, Commissioner