RESOLUTION
TO ADOPT AMENDMENTS TO THE
UNIFIED DEVELOPMENT CODE OF OCONEE COUNTY, GEORGIA

WHEREAS, the Oconee County Board of Commissioners has adopted a Unified Development Code on October 4, 2006; and

WHEREAS, it is necessary to make certain Amendments to the Unified Development Code (UDC): to delete and replace UDC Article III in its entirety with Amendments attached hereto as "Exhibit A;" and

WHEREAS, on March 18, 2019, this Amendment was first presented and discussed at the public hearing conducted by the Oconee County Planning Commission in its regular meeting and postponed for consideration until April 15, 2019, and was discussed again on April 15, 2019, at a second public hearing held by the same. On June 4, 2019, a public hearing for said amendment was conducted by the Oconee County Board of Commissioners at its regular meeting.

NOW THEREFORE, be it resolved that the Oconee County Board of Commissioners adopts the amendments to the Unified Development Code of Oconee County which are attached hereto in said "Exhibit A" and incorporated herein by reference, to become effective on adoption; and

BE IT FURTHER RESOLVED, that the Oconee County Planning Director is directed to make the changes set forth in Amendments to the Unified Development Code as provided for in said "Exhibit A" and to renumber any such sections, paragraphs, or pages as are necessary to reflect said amendments; and

BE IT FURTHER RESOLVED, that the Unified Development Code of Oconee County, Georgia, as Amended, is hereby Ratified, Confirmed and Readopted as of this 4th day of June, 2019.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: _____
John Daniell, Chairman

_____
Mark Thomas, Member

_____
Chuck Horton, Member

_____
William E. Wilkes, Member

_____
Mark Saxon, Member

ATTEST:

_____
Kathy Hayes
Clerk, Board of Commissioners

OCONEE COUNTY 1875 SEAL GEORGIA

Oconee County Memorandum

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Planning and Code Enforcement Department

DATE: May 30, 2019

TO: Oconee County Board of Commissioners

CC: Kathy Hayes
Gabriel Quintas
Deanna Ruark

FROM: Guy Herring, Director of Planning & Code Enforcement

RE: Short Term Rental Text Amendments to Articles 2 and 3 of the Unified Development Code

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Attached is a copy of the proposed Short Term Rental amendments to Article 2 and Article 3 of the Unified Development Code for consideration and approval at the June 4, 2019, BOC meeting. In Article 2, the following edits have been made:

- Definition of Short Term Rental added in Section 202, Definitions related to the use of land and structures
- Short Term Rentals added to Table 2.2: Accessory Uses Allowed by Zoning District

In Article 3, the following edits have been made:

- New provisions/restrictions on added for Short Term Rentals

Comments from the County Attorney have been incorporated into the proposed amendments, and all proposed changes are highlighted in the attached text. On March 18, 2019, the Planning Commission tabled the proposed text amendments. On April 15, 2019, the Planning Commission recommended approval of the proposed text subject to one suggested revision. The Planning Commission's recommended revision and corresponding staff comments are attached to this memo. On May 7, 2019, the Board of Commissioners tabled the proposed text amendments. Please feel free to contact me should you have any questions or if you would like to discuss the proposed amendments.

Planning Commission Recommendations - Proposed Text Amendments to UDC Articles 2 and 3

Number	Planning Commission Recommendation	Staff Notes
1	352.b, Short Term Rentals – Strike "No Short Term Rental may be rented more than once during the same 30-day period."	Objection

Article 3. Restrictions on Particular Uses

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Article 3. Restrictions on Particular Uses.

Sec. 301. Purpose of Article 3.

The purpose of Article 3 is to provide land use and development regulations for specific uses that are applicable to sites throughout Oconee County. Unless otherwise noted, these standards are intended to be applied within all zoning districts where the particular uses are allowed, whether by right or through Special Use approval.

DIVISION I. RESTRICTIONS THAT APPLY IN GENERAL.

Sec. 302. Separation distances between certain uses.

Sec. 302.01. Separation required for certain new uses.

The following distances shall be maintained between the uses indicated and residential structures on neighboring properties within or between all zoning districts:

a. The following agricultural structures or operations, when constructed or established, must be at least 400 feet from any residential structure, other than that which belongs to the owner of the poultry house, turkey range or feedlot and lagoon:

   (1) Active poultry houses larger than 10,000 square feet;

   (2) Turkey ranges or feedlots; and

   (3) Animal waste pits, litter composting or waste lagoons.

   For the purpose of this paragraph, "active" shall mean having been in use for one of the above uses within the past 12-month period.

b. The following agricultural structures or operations, when constructed or established, must be at least 500 feet from any residential structure:

   (1) Slaughter houses; and

   (2) Commercial stockyards.

c. Junk yards: See Sec. 327.

d. Horse riding stables: See Sec. 331.06.

e. Structures for the on-site sale of agricultural products: See Sec. 357.

Sec. 302.02. Separation from certain existing uses.

a. When a new residential structure will adjoin an existing use, or a use for which a valid permit has been issued and construction is proceeding, that is listed under Sec. 302.01, the new residential structure shall not be located closer to the listed use than the separation distance required. This provision does not apply to a new residential structure to be owned and occupied by the owner of the listed use, or to construction on a lot of record existing as of January 1, 2003.

b. When a residential subdivision is proposed, separation distances as may be required under this Section shall be established upon approval of a Preliminary Subdivision Plat. Subsequent changes in adjoining uses shall not affect the ability to locate a residence on any such lot (following Final Subdivision Plat recordation).

Sec. 302.03. Waiver or reduction of unnecessary separations.

Following a review and recommendation by the Planning Commission, the Board of Commissioners may waive a separation otherwise required by this Section, or reduce its extent to an appropriate dimension, provided that the Board deems such waiver or reduction as adequate to protect the health, safety or general welfare of the public, and provided that reasonable objections from adjoining property owners shall be considered in making such waiver or reduction.

Sec. 303. Environmentally hazardous uses.

Sec. 303.01. Special Use approval required.

Any use that requires a federal or state permit due to the handling, storage, production or processing of bio-medical or hazardous materials, products or waste, if otherwise allowed in a zoning district, must obtain approval as a Special Use from the Board of Commissioners. The Special Use application shall include a copy of the application for the federal or state permit.

a. Section 313 businesses.

Any business that is required to file a Toxic Chemical Release Inventory report (Form R or Form A) under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA, or Title III of the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499) is subject to Special Use approval in order to operate in Oconee County. An initial Form R or Form A must be included in the application for Special Use approval.

b. Annual reporting required.

A Section 313 Toxic Chemical Release Inventory report (Form R or Form A) shall be filed with the Code Enforcement Department annually when filed with the U.S. Environmental Protection Agency and the state. Failure to submit such report to the Development Code Enforcement annually may be grounds to void County approval through re-initiation of the Special Use approval.

Sec. 303.02. EPCRA Section 313 businesses.

Businesses that may be subject to EPCRA Section 313 are those businesses with 10 or more full-time employees that manufacture, process or use any EPCRA Section 313 toxic chemical and that may be classified under any one of the following categories. Specific determinations are made under EPA rules on a business-by-business basis.

a. Mining or manufacturing facilities.

Businesses involved with toxic chemicals and engaged generally in any of the following industrial classifications:

(1) Metal mining;

(2) Coal mining;

(3) Food and kindred products;

(4) Tobacco products;

(5) Textile mill products;

(6) Apparel and other finished products made from fabrics and other similar materials;

(7) Lumber and wood products (except furniture);

(8) Furniture and fixtures;

(9) Paper and allied products;

(10) Printing, publishing and allied industries;

(11) Chemicals and allied products;

(12) Petroleum refining and related industries;

(13) Rubber and miscellaneous plastics products;

(14) Leather and leather products;

(15) Stone, clay, glass and concrete products;

(16) Primary metal industries;

(17) Fabricated metal products, except machinery and transportation equipment;

(18) Industrial and commercial machinery and computer equipment;

(19) Electronic and other electrical equipment and components, except computer equipment;

(20) Transportation equipment;

(21) Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks; and

(22) Miscellaneous manufacturing industries.

b. Any facility that combusts coal or oil for the purpose of generating electricity for distribution in commerce.

c. Any refuse system regulated under federal law.

d. Wholesale establishments engaged in storing chemical or allied products, or petroleum terminals or bulk storage.

e. Businesses primarily engaged in solvents recovery services on a contract or fee basis.

Sec. 304. Standards for single-family and two-family dwellings.

All single-family and two-family dwellings, including on-site built and industrialized housing and manufactured homes, shall meet or exceed the following requirements in order to be constructed, assembled, moved into, or relocated within Oconee County:

Sec. 304.01. Foundation.

a. The structure shall be attached to a permanent foundation constructed in accordance with the Building Code or State regulations, as applicable.

b. Upon placement, all means of transportation, such as towing devices, wheels, axles, and hitches, shall have been removed.

c. The area beneath the ground floor manufactured homes shall either be a slab foundation or shall be enclosed around the exterior of the structure with a foundation wall or a curtain wall constructed of finished masonry at least 4 inches thick, penetrated by openings only for installed vents, access doors, foundation drains, and other required features for the property function of appliances or equipment installed within the dwelling or directly adjacent to the dwelling. Penetrations through the foundation walls shall not compromise the structural integrity of the wall assembly. Skirting compliant with UDC Section 329.06 (b) (5) (c) may also be used.

d. Where raised slab foundations are allowed the slab shall be at least 2 feet above the finished grade. This requirement shall not apply to additions to an existing dwelling.

e. Each manufactured home shall have tie-downs or other devices securing the stability of the manufactured home and shall be installed in accordance with the requirements of the *Installation of Manufactured Homes and Mobile Homes* rules and regulations established and published by the Georgia Safety Fire Commission (O.C.G.A. 8-2-160 et. seq.)

f. All new single-family detached homes in Major Subdivisions (as defined in this UDC) or phases of a Major Subdivision that have a Final Plat approved after January 1, 2018 shall be constructed with either crawlspace or basement foundations. This requirement shall not apply to the following:

(1) Age-Restricted Active Adult (55 and Older) Communities

(2) Continuing Care Retirement Communities (CCRC)

(3) Single-Family Detached homes in Minor Subdivisions (as defined in this UDC), on undivided acreage tracts, or in Major Subdivisions Phases having received a Final Plat prior to January 1, 2018.

(4) Lots with existing predeveloped grades (as shown on the Land Disturbance Permit Application) with a maximum slope grade change of 5.0% in the building envelope.

Sec. 304.02. **Landings.**

At each exterior door there must be a landing that is a minimum of 36 inches by 36 inches.

Sec. 304.03. **Exterior siding.**

Exterior siding materials shall consist of any combination of wood, brick, stucco or stone finish, shake shingle siding, custom log construction, vinyl certified by the Vinyl Siding Institute as conforming to the standards of ASTM D3679, or painted wood lap or fiber cement siding. Except for manufactured homes in the M-H zoning district, metal siding, corrugated metal and vinyl-covered metal siding are not permitted.

Sec. 304.04. **Roofs.**

a. All roof surfaces shall have a minimum pitch of 4:12 (4 inches of rise for every 12 inches of run), except that mansard and gambrel roofs must meet this requirement only for those surfaces that rise from the eaves.

b. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam metal, clay tiles, slate, baked on enamel, galvanized tin, or similar materials.

c. Minimum roof overhang shall be 12 inches, excluding gutters, along all sides of the structure.

Sec. 304.05. **Minimum width.**

The minimum width of the entire structure shall be greater than 16 feet. Structure width shall be measured between all parallel exterior walls, with the exception of extensions from the main structure for dormers, bay windows, entrance foyers and similar appurtenances, and extensions of no more than 5 feet for other architectural elements of the structure's design.

Sec. 304.06. **Deviations from standards; where allowed.**

The Board of Commissioners may approve deviations from the standards contained in this Section for a single-family or two-family dwelling or a manufactured home on a case-by-case basis upon a finding that all of the following are met:

a. Such deviation shall provide an adequate balance between the protection of the health, safety and welfare of the general public and the right to unfettered use of private property; and,

b. Such deviation shall foster beneficial development of the County in the public interest.

Sec. 304.07. **Compliance with codes.**

The dwelling shall be constructed in accordance with all applicable requirements of the Building Code as adopted by the County, or in accordance with standards established by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.) for manufactured homes, or in accordance with State law and regulations for industrialized buildings, whichever apply.

Sec. 304.08. **Qualified manufactured homes.**

For special standards for a manufactured home to be classified as a "qualified manufactured home," see Sec. 329.06.

Sec. 305. Standards for multi-family dwellings (including townhouses).

Sec. 305.01. **Recreation amenity.**

Every townhouse or multi-family development proposed to contain 50 dwelling units or more must include a community recreation amenity to serve the development, based on the number of dwelling units, in accordance with this Subsection.

a. Unless otherwise established as a condition of zoning approval for the development or exempted by the Board of Commissioners, the recreation amenity shall be as required on the following Table 3.1.

Table 3.1: Recreation Amenities—Multi-Family Developments

	Number of Dwellings in the Development		
Amenity Required	**50 to 75**	**76 to 200**	**201 or more**
Active Play Area[1]	Min. 1 acre	Min. 2 acres	Min. 3 acres
Athletic Court[2]	Min. 1 court	Min. 2 courts	Min. 3 courts
Swimming Pool[3]		Min. 1,800 sf, 30 x 60	Min. 2,250 sf, 30 x 75
Clubhouse			Min. 2,600 sf

[1]Children's play area including active play equipment.
[2]Any combination of tennis, basketball or volleyball courts.
[3]Pools shall meet or exceed ANSI/NSPI-1 standards for Class B public pools.

b. The proposed amenity area(s) and recreation amenities to be provided shall be submitted as part of the development site plan application for project approval as required under the Procedures and Permits of this Development Code.

c. All required amenities shall be completed and available for use prior to issuance of a Certificate of Occupancy on more than 50% of the dwelling units in the development.

d. Such amenities may not be developed within a Primary Conservation Resource Area as defined in the Environmental Protection Article of this Development Code.

Sec. 305.02. **Screening of dumpsters.**

Trash containers must be covered and be placed on a pad that shall be completely enclosed on all sides and screened from public streets and residential districts.

Sec. 305.03. **Building arrangement.**

Buildings that are front face to front face or front face to back face shall not be less than 75 feet apart; buildings that are back face to back face shall not be less than 60 feet apart. No dwelling shall be situated as to face the rear of another dwelling structure within the development or on adjoining properties, unless differences in terrain and elevation would provide effective visual separation.

Sec. 305.04. **Dwelling units per building.**

a. Townhouses: No more than 10 or fewer than 3 dwelling units can comprise a building.

b. Other multi-family buildings: No more than 8 dwelling units per floor may be included within a building used exclusively as a multi-family dwelling.

c. Lofts and mixed-use buildings: Within a master planned development or a zoning district that is allowed to have lofts (dwelling units over retail or office space) or mixed-use arrangements of commercial and residential within the same building, the minimum floor area required for the dwelling units and the building heights will control the maximum number of units allowed.

Sec. 305.05. **Townhouse developments.**

a. Townhouse development is to be designed, proposed and intended such that each dwelling unit therein is to be sold in fee simple as a condominium or with the land upon which the unit is located as an individual lot subdivided from all other lots.

b. No more than three contiguous dwellings that form a part of a single building shall have the same setback or roof line. Said setback and roof line shall be varied by a minimum of two feet.

c. Sidewalks shall be provided for each townhouse residential development to promote safe pedestrian access throughout the entire development.

d. Driveways serving more than six units shall be paved to a minimum width of 20 feet, curbed and guttered. All driveways within the development shall be paved, curbed and guttered according to county specifications for public streets.

e. Private, usable open space, such as balconies, sundecks, patios, etc., shall be provided contiguous to each dwelling unit. The area of such open space provided for each unit shall not be less than ten percent of the floor area of the unit served. The location and number of square feet shall be clearly indicated on the site plan.

Sec. 306. Standards for nonresidential uses.

The following standards apply to all office, retail, industrial, institutional and other nonresidential uses except farm structures in the agricultural zoning districts:

Sec. 306.01. Screening of dumpsters.

Trash containers must be covered and be placed on a pad that shall be completely enclosed on all sides and screened from public streets and residential districts.

Sec. 306.02. Posting of street address.

All improved buildings or properties shall be posted with a street address number assigned by Oconee County. The street address number must be clearly visible from the street or road.

Sec. 306.03. Building exterior guidelines.

All non-residential principal buildings not exempt under this Section are required to adhere to the following building exterior finish guidelines unless greater restrictions in this Code apply.

a. Building facades facing towards and visible from a street (other than an alley) shall have an exterior material consisting of the following: brick or brick face, natural or manufactured stone or aggregate stone panels, architecturally treated decorative block, stucco, EFIS (e.g., dryvit™), non-corrugated metal panels with a baked artificial stone finish, wood siding, vinyl siding conforming to the standards of ASTM D3679, or fiber cement lap siding. Plain concrete block and corrugated metal panels are prohibited.

b. Building facades not facing towards and visible from a street (other than an alley) shall contain a minimum of 20% of the materials listed in Sec. 306.03.a. Except when abutting an existing residential structure, rear-facing walls are permitted to have plain painted, baked or acrylic finish metal panels or painted plain concrete block in addition to the above materials.

c. For the purpose of this Section, "facing towards a street" means that the façade is parallel or within 45 degrees of being parallel to a street right-of-way line.

d. Refer to Sec. 355 for location and screening requirements of heating and air conditioning units, incidental storage, and other customary accessory uses for commercial and industrial uses.

Sec. 306.04. Exterior lighting requirements.

All non-residential buildings, sites, and developments are required to direct all exterior lighting away from residential areas and street rights-of-way. Light structures greater than 30 feet in height shall be reviewed by the Planning Director. Illumination of any exterior area of a non-residential development, including parking lots, areas under a canopy or roof, walkways and building entrances, shall be achieved using only full cutoff fixtures as defined in this Development Code. Lighting templates shall show 1.0 foot-candle or less at the property line, except where the adjoining property is commercial or industrial.

Sec. 307. Sexually oriented adult uses.

Sec. 307.01. Purpose

a. Based on the experiences of other counties and municipalities, including, but not limited to, Austin, Texas and Garden Grove, California, which experiences are found to be relevant to the problems faced by Oconee County, Georgia; and based on the documentary

evidence and oral testimony presented by a law enforcement professional and an expert in economic development, both of whom are familiar with conditions resulting in other localities, at the Board of Commissioners' hearing on January 28, 2003, and based on the evidence and testimony of persons who have appeared before members of the Oconee County Board of Commissioners on other occasions and on documentary evidence submitted to the Board of Commissioners, the Oconee County Board of Commissioners takes note of the well-known and self-evident conditions and secondary effects attendant to the commercial exploitation of human sexuality, which do not vary greatly among the various communities within our country.

b. It is the finding of the Board of Commissioners of Oconee County that public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in establishments offering live nude entertainment or "adult entertainment," (whether such alcoholic beverages are sold on the premises or not) begets criminal behavior and tends to create undesirable community conditions. In the same manner, establishments offering cinematographic or videographic adult entertainment have the same deleterious effects on the community.

c. Among the acts of criminal behavior found to be associated with the commercial combination of live nudity and alcohol, live commercial nudity in general, and cinematographic or videographic adult entertainment are disorderly conduct, prostitution, public solicitation, public indecency, drug use and drug trafficking. Among the undesirable community conditions identified in other communities with the commercial combination of live nudity and alcohol, commercial nudity in general, and cinematographic or videographic adult entertainment are depression of property values and acceleration of community blight in the surrounding neighborhood, increased allocation of and expenditure for law enforcement personnel to preserve law and order, and increased burden on the judicial system as a consequence of the criminal behavior herein above described. The Board of Commissioners finds it is reasonable to believe that some or all of these undesirable community conditions will result in Oconee County, as well.

d. Furthermore, it is the finding of the Oconee County Board of Commissioners that other forms of adult entertainment including, but not limited to, adult book stores, adult novelty shops, adult video stores, peep shows, adult theaters, and massage parlors have an adverse effect upon the quality of life in surrounding communities.

e. The Board of Commissioners finds that the negative secondary effects of adult entertainment establishments upon Oconee County are similar whether the adult entertainment establishment features live nude dancing or sells video tapes depicting sexual activities. In addition, the Board of Commissioners has been made aware of Gwinnett County's experience with the adult bookstore located within the County on Jimmy Carter Boulevard which has shown that a substantial amount of activity at that bookstore involves booths which an individual may enter, view videos depicting sexual activity, and sexually interact with a bookstore patron in an adjoining booth through a hole strategically placed in the wall of adjoining booths.

f. The Board of Commissioners of Oconee County, Georgia, therefore finds that it is in the best interests of the health, welfare, safety and morals of the community and the preservation of its businesses, neighborhoods, and of churches, schools, residential areas, public parks and children's daycare facilities to prevent or reduce the adverse impacts of adult entertainment establishments. Therefore, the Board of Commissioners of Oconee County finds that licensing and regulations are necessary for any adult entertainment establishment. The Board finds that these regulations promote the public welfare by furthering legitimate public and governmental interests, including but not limited to, reducing criminal activity and protecting against or eliminating undesirable community conditions and further finds that such will not infringe upon the protected Constitutional rights of freedom of speech or expression. To that end, this Ordinance is hereby adopted.

Sec. 307.02. **Definitions related to adult uses.**

Except as specifically defined herein, all words used in this Ordinance shall be as defined in the most recent edition of the New Illustrated Book of Development Definitions (Rutgers).

Words not defined herein or in the above book shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the sentence and Section in which they occur.

Adult Bookstore: Any commercial establishment in which more than ten square feet of floor space is used for the display or offer for sale of any book or publication, film, or other medium which depicts sexually explicit nudity or sexual conduct by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult Entertainer: Any person employed by an adult entertainment establishment who exposes his or her "specified anatomical areas," as defined herein. For purposes of this section, adult entertainers include employees as well as independent contractors.

Adult Entertainment: Entertainment that is characterized by an emphasis on the depiction, display or the featuring of "specified anatomical areas."

Adult Entertainment Establishment shall be defined to include the following types of business:

1. Any commercial establishment that employs or uses any person live, in any capacity in the sale or service of beverages or food while such person is unclothed or in such attire, costume or clothing, so as to expose any portion of his or her "specified anatomical areas," as defined herein.

2. Any commercial establishment which provides live entertainment where any person appears unclothed or in such attire, costume or clothing as to expose any portion of his or her "specified anatomical areas" as defined herein or where such performances are distinguished or characterized by an emphasis on "specified sexual activities," as defined herein.

3. Any commercial establishment which holds, promotes, sponsors or allows any contest, promotion, special night, event or any other activity where live patrons of the establishment are encouraged or allowed to engage in any of the conduct described in paragraphs 1 and 2 of this definition.

4. Any commercial establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals, videotapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" as defined herein or "specified anatomical areas" as defined herein or having a segment or section comprising more than ten square feet of its total floor space, devoted to the sale or display of such material or which derives more than 5% of its net sales from the sale or rental of such material.

5. Any commercial establishment utilizing an enclosed building with a capacity of fifty (50) or more persons used for cinematographic or videographic presentation of material distinguished by or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, for observation by patrons therein.

6. Any adult motion picture theater, adult motion picture arcade, adult mini-motion picture theater, adult bookstore, adult video store, adult hotel, or adult motel, as defined herein.

7. The definition of "adult entertainment establishment" shall not include traditional or live theater (mainstream theater) which means a theater, concert hall, museum, educational institution or similar establishment which regularly features live performances which are not distinguished or characterized by an emphasis on the depiction, display, or description or the featuring of "specified anatomical areas" or "specified sexual activities" in that the depiction, display, description or featuring is incidental to the primary purpose Of any performance.

Adult Hotel or Motel: A hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult Mini-Motion Picture Theater: An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Motion Picture Arcade: Any place to which the public is permitted to be invited wherein paper currency, coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult Motion Picture Theater: An enclosed building with a capacity of 50 or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Video Store: Any establishment having a substantial or significant portion of its stock in trade, video tapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section, comprising five percent of its total floor space, devoted to the sale or display of such material or which derives more than five percent of its net sales from videos which are characterized or distinguished or relating to specified sexual activities or specified anatomical areas.

Operator: The manager or other person principally in charge of an adult entertainment establishment.

Owner *(of an Adult Entertainment Establishment):* Any individual or entity holding more than a 30 percent interest in an adult entertainment establishment.

Premises, Adult Entertainment: The defined, closed or partitioned establishment, whether room, shop or building wherein adult entertainment is performed.

Specified Sexual Activities shall be defined to mean and include any of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
2. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or
3. Fondling or other erotic touching of nude human genitals, pubic region, buttocks or female breast; or
4. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
5. Erotic or lewd touching, fondling or other sexual contact with an animal by a human being.

Specified Anatomical Areas shall include the following:

1. Less than completely and opaquely covered human genitals or pubic region, cleft of the buttocks, or female breast below a point immediately above the top of the areola; or

2. Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Sec. 307.03. **Use limitations.**

a. An adult entertainment establishment may be open only between the hours of 10:00 a.m. and 11:00 p.m.

b. An adult entertainment establishment licensee shall conspicuously display the license required by this ordinance.

c. All dancing by adult entertainers at adult entertainment establishments shall occur on a platform intended for that purpose which is raised at least 18 inches from the level of the floor.

d. All areas of an adult entertainment establishment licensed hereunder shall be fully lighted at all times patrons are present. Full lighting shall mean illumination equal to 3.5 foot candles per square foot.

e. All adult entertainment which is licensed and permitted by this ordinance shall be carried on inside a closed building with all windows and doors covered so that the activities carried on inside cannot be viewed from the immediate areas surrounding the outside of the building.

f. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the establishment, and shall be unobstructed by any curtain, door, lock, or other control-type or view-obstructing devices or materials.

g. Every booth, room or cubicle shall meet the following construction requirements:

(1) Each booth, room or cubicle shall be separated from adjacent booths, rooms and cubicles and any nonpublic areas by a wall.

(2) Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.

(3) All walls shall be solid and without openings, extended from the floor to a height of not less than six feet and be light colored, nonabsorbent, smooth-textured and easily cleanable.

(4) The floor must be light colored, nonabsorbent, smooth-textured and easily cleanable.

(5) The lighting level of each booth, room or cubicle when not in use shall be a minimum of 10 candles at all times, as measured from the floor.

h. Only one individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth, room or cubicle. No individual shall damage or deface any portion of the booth, room or cubicle.

i. All adult entertainment establishments shall be kept in a clean, sanitary condition, and shall be in full compliance with all applicable ordinances and regulations of the County and the State.

j. The Oconee County Fire Marshal shall have the authority to regularly inspect adult entertainment establishments, to determine compliance with and enforce all applicable fire, health and other codes of the County.

k. The Oconee County Sheriff's Office shall have the authority to periodically inspect adult entertainment establishments to determine compliance with and enforce all provisions of this ordinance and other applicable ordinances, regulations and laws.

Sec. 307.04. **Certain activities prohibited.**

a. No person, partnership, corporation or other entity shall advertise or cause to be advertised an adult entertainment establishment without a valid adult entertainment establishment license issued pursuant to this ordinance.

b. No adult entertainment establishment licensee shall employ or contract with a person under the age of 18 years or an adult entertainer who has not obtained a permit pursuant to this ordinance.

c. No adult entertainment establishment licensee shall serve, sell, distribute or suffer the consumption or possession of any alcoholic beverages, malt beverages or wine or controlled substance upon the premises of the licensee.

d. No dancing or other performance by an adult entertainer at an adult entertainment establishment shall occur closer than 4 feet to any patron. No patron, customer or guest shall be permitted to touch, caress or fondle any specified anatomical area of or any part of the body or clothing of any adult entertainer. No patron shall directly pay or give any gratuity to any adult entertainer. No adult entertainer shall solicit any pay or gratuity from any patron.

e. No adult entertainer, other employee, patron or other person at an adult entertainment establishment shall be allowed to engage in any specified sexual activity as defined herein on the premises of any adult entertainment establishment.

f. No adult entertainer, other employee, patron or other person at an adult entertainment establishment shall, while on the premises of an adult entertainment establishment, commit the offense of public indecency as defined in Official Code of Georgia Annotated § 16-6-8.

Sec. 307.05. **Distance requirements for location.**

For purposes of this section, distance shall be by airline measurement from property line, using the closest points on the property lines of the parcels of land involved. The term "parcel of land" means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.

No adult entertainment establishment shall be located:

a. Within 1,000 feet of any parcel of land which is used for residential uses or purposes ("residential area");

b. Within 1,000 feet of any parcel of land on which a church, school, college campus, public park or children's daycare facility is located;

c. Within 500 feet of any parcel of land upon which any establishment authorized to sell alcoholic beverages or malt beverages and wine for consumption on the premises is located;

d. In any zoning district other than a B-1 or B-2 commercial district; or

e. Within 1,000 feet of any parcel of land upon which another adult entertainment establishment regulated or defined hereunder is located.

Sec. 307.06. **Sexually oriented establishment employees.**

a. An adult entertainment establishment shall have a designated person(s) to serve as an on-premises operator. The operator(s) shall be principally in charge of the establishment and shall be located on the premises during all operating hours.

b. Employees of an adult entertainment establishment shall be not less than 18 years of age.

c. No employee employed as an adult entertainer shall have been convicted of an offense involving keeping a place of prostitution, pandering, pimping, public indecency, prostitution, sodomy, solicitation of sodomy, masturbation for hire, sexual battery, rape, child

molestation, enticing a child for indecent purposes, or any offense included in the definition of a "criminal offense against a victim who is a minor" as defined in Official Code of Georgia Annotated Section 42-1-12 within the five years immediately preceding the proposed employment at or by an adult entertainment establishment. Any adult entertainer who is convicted of any such crimes while employed as an adult entertainer shall not thereafter work on any licensed premises for a period of 5 years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. The term "licensed premises" shall mean the premises where an adult entertainment establishment for which a license is obtained pursuant to this ordinance operates, conducts or carries on its business. The term "convicted" shall include an adjudication of guilt or a plea of guilty or *nolo contendere* or the forfeiture of a bond when charged with a crime in a court of competent jurisdiction.

d. Before any person may work as an adult entertainer on a licensed premises, as defined in Sec. 307.02, he or she shall file a notice with the Oconee County Sheriff's Office of his or her intended employment on forms supplied by the Oconee County Sheriff's Office and shall receive a permit for such employment from the Oconee County Sheriff's Office.

e. The prospective employee shall supply a signed and notarized consent, on forms prescribed by the Georgia Crime Information Center, authorizing the release of his or her criminal records to the Oconee County Sheriff's Office. The prospective employee shall also provide a list of all of his or her convictions of offenses described in Sec. 307.06.c (including pleas of *nolo contendere*) within the past 5 years. The Oconee County Sheriff's Office shall approve or deny the permit within 15 days of the application. If the prospective employee is found to meet the requirements of this Section, then upon payment of the permit fee, the Oconee County Sheriff's Office shall issue a permit approving such employment within 48 hours.

f. If such permit is not issued within 48 hours of such finding, the employee seeking the permit may commence work at the adult entertainment establishment which is the subject of the permit application without such a permit. Upon receipt of a permit, the employee may begin working on the licensed premises.

g. If approval is denied, the Oconee County Sheriff's Office shall provide the prospective employee the reasons for the denial and the prospective employee may, within 10 days of said denial, appeal to the Board of Commissioners, which shall uphold or reverse the decision within 30 days of such appeal.

h. The annual permit fee shall be $25.00.

Sec. 307.07. **Procedure for suspension or revocation of permit:**

a. Violation by an adult entertainer of the provisions of this ordinance and/or conviction of an offense described in Sec. 307.06.c shall subject an adult entertainer to suspension or revocation of the permit for employment. Whenever the Code Enforcement Director finds that reasonable grounds exist to suspend or revoke a permit for employment issued hereunder, the Code Enforcement Director shall schedule a hearing before the Board of Commissioners to consider such action and shall notify the employee at least 20 days prior to the hearing of the time and place of the hearing and the proposed action and grounds therefor.

b. The employee shall be entitled to present evidence and cross-examine witnesses with or without legal counsel. The Board of Commissioners shall make its decision within 10 days of the hearing and shall notify the employee promptly in writing. In the event that a permit for employment is suspended or revoked by the Board of Commissioners, a $50.00 appeal cost shall be assessed against the permit holder.

c. For the purpose of this ordinance, independent contractors working as adult entertainers shall be considered as employees and shall be required to satisfy the provisions of this ordinance relating to employees of adult entertainment establishments, regardless of the business relationship with the owner or licensee of any adult entertainment establishment.

Sec. 307.08. **License required.**

It shall be unlawful for any person, association, partnership, or corporation to operate, engage in, conduct, or carry on, in or upon any premises within the unincorporated area of Oconee County an adult entertainment establishment as defined in this ordinance without first procuring an annual license in accordance with the provisions this Development Code. See the Procedures and Permits Article for details.

Sec. 307.09. **Unlawful operation declared nuisance.**

Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this ordinance shall be and the same is hereby declared to be unlawful and a public nuisance. The County may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or enjoinment thereof in the manner provided by law. It may take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such adult entertainment establishment and restrain and enjoin any person from operating, engaging in, conducting or carrying on an adult entertainment establishment contrary to the provisions of this ordinance.

DIVISION II. RESTRICTIONS ON CERTAIN PRINCIPAL USES.

Sec. 308. Airstrips and heliports, private

Private airstrips and heliports as defined in this Development Code must meet the following requirements:

Sec. 308.01. Application requirements.

a. Complete site plans must be submitted to the Planning Department with the application for approval of the airstrip or heliport;

b. Said plans shall identify the approach and takeoff zones, surrounding land uses and zoning districts, houses, poultry houses, livestock facilities, roads, utility lines and other sensitive uses within 1000 feet of the proposed facility (2000 feet with regard to approach and takeoff zones associated with the proposed airstrip or heliport).

c. Said plans shall also indicate any proposed fuel storage facilities, enclosed hangers and other accessory uses.

d. Also provided that the airstrip, taxiway and other ground areas upon which aircraft are to be operated shall not be closer than 1000 feet from any residential structure excepting that of the subject property owner or any new residence proposed in conjunction with the airstrip, as in a "fly-in" subdivision.

e. The runway for fixed-wing aircraft shall be at least 2,500 feet long with a cleared area extending 200 feet on each side for the full length of the runway and 400 feet on both ends for a total cleared area of 400 by 3,300 feet.

f. Notice of Landing Area Proposal.

Also provided that the applicant shall file with the Federal Aviation Administration (FAA) a form 7480-1, "Notice of Landing Area Proposal" and subsequently receive a "Non objectionable Determination Letter" from FAA, prior to use of the facility by any aircraft. A currently approved "Non-objectionable Determination Letter" from the FAA shall be maintained on file with the Code Enforcement Department.

Sec. 308.02. Operational restrictions:

Except as otherwise allowed with Special Use approval by the Board of Commissioners, the following shall apply:

a. No more than a maximum of 3 aircraft are stationed, located, parked or operated at, to or from the location at any given time.

b. No fixed-wing aircraft using the facility shall have more than two engines. Helicopters shall be limited to one main rotor system.

c. No airplane using the facility shall have more than six seats nor be designed to carry more than 6 persons. This shall include the pilot(s).

d. No helicopter using the facility shall have more than 4 seats nor be designed to carry more than 4 persons. This shall include the pilot(s).

e. No fixed-wing jet engine aircraft shall use the facility.

f. The facility shall be used only for private, non-commercial aircraft and shall not be used for organized aviation events such as skydiving, air shows or similar functions.

g. The facility shall be located on a parcel of land at least 50 acres in size.

h. The facility shall be used for daytime take off and landing only.

i. All heliports shall be maintained in accordance with the established criteria from the Georgia Fire Marshal's Office.

Sec. 309. Asphalt plants and concrete plants.

Asphalt plants, temporary batch plants and concrete plants must comply with the following requirements:

Sec. 309.01. Use restrictions.

In addition to all requirements and restrictions imposed by the State of Georgia on an asphalt or concrete plant, the following shall apply to any such operation in Oconee County:

a. No operation shall be allowed between the hours of 7:00 p.m. and 7:00 a.m. during the months of November, December, January, February, and March. No operation shall be allowed between the hours of 9:00 p.m. and 6:30 a.m. during the months of April, May, June, July, August, September and October. No operation shall be permitted on Sundays, New Year's Day, Independence Day, Thanksgiving or Christmas Day. These restrictions shall not apply to routine maintenance and may be varied for special projects, including Department of Transportation projects and large commercial projects, with the approval of the Board of Commissioners.

b. Asphalt mixing shall be a sealed process.

c. All necessary state and federal permits must be obtained prior to application.

d. Fire prevention, evacuation, and safety plan to be approved by the fire safety inspector.

e. Cleaning of vehicles and containers shall be performed so that runoff shall not enter the sanitary sewer system or stormwater system nor shall it runoff into adjoining properties.

Sec. 309.02. Site requirements.

a. Minimum site to be 5 acres.

b. No asphalt plant, temporary batch plant or concrete plant shall be located closer than 1,000 feet from any residential zoning district land or school property line, or closer than 1,000 feet from a residential dwelling in an agricultural district.

c. Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off an arterial or a major collector road, and truck traffic routes and entrances to the facility shall be approved by the county engineer.

Sec. 309.03. State permits.

A copy of any applicable State permit approval shall be maintained on file with the Code Enforcement Department.

Sec. 310. Automobile, boat and recreational vehicle sales and service.

An establishment for sales of new or used automobiles and small trucks less than one ton, boats, motorcycles and recreational vehicles shall meet the requirements of this Section.

a. Where such an establishment is an authorized dealer of new cars, small trucks less than one ton, boats, motorcycles and recreational vehicles, a service facility may also be permitted provided such service facility meets the requirements applicable to an automotive repair establishment under Sec. 312, and all surfaces where vehicles are stored or displayed for sale and all parking areas shall be paved.

b. Such establishments that deal in used vehicles only shall not have any service facility on the premises unless approved as a Special Use.

Sec. 311. Automobile storage yards and wrecker services.

Automobile storage yards and wrecker yards for damaged or confiscated vehicles must meet the following requirements:

a. Any such use must be located no closer than 500 feet to any free-flowing creek, stream, or river classified as a "protected river or stream" under the Environmental Protection Article of this Code.

b. Such automobiles shall not be held longer than provided by State law or 120 days, whichever is more stringent.

c. Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off an arterial or a major collector road, and truck traffic routes and entrances to the facility shall be approved by the county engineer.

d. Such use shall be surrounded by a solid masonry wall or imitation-wood vinyl fence at least eight feet tall.

e. No dismantling, repair, sale of parts, or any other such activity shall be conducted unless allowed as a salvage, junk or wrecking yard and complies with the requirements of Sec. 327.

Sec. 312. Automotive repair or maintenance.

The provisions of this Section apply to any establishment that performs general automotive and small truck (under 1 ton) repairs; or specializes in automotive repairs or maintenance of exhaust systems, transmissions, glass, brakes, etc.; or provides oil change or lubrication services; any of which may also include auto inspections or maintenance and repair of belts, hoses, fluids, and similar maintenance (including tune-ups).

a. Automotive repair or maintenance uses shall not be established on a lot that is either adjacent to, or directly across the street from, any residential zoning district.

b. The use shall comply with the requirements of Sec. 324 if gasoline or diesel fuel is dispensed on the property.

c. If located within a commercial zoning district, the following shall apply:

(1) Outside storage of parts or non-operable vehicles must be entirely screened from view from any street or adjacent property.

(2) The building shall not exceed 8,000 square feet in floor area.

(3) An emission or auto inspection station may be an accessory use to an automotive repair facility, provided that it is contained within a fully enclosed structure.

Sec. 313. Bed and breakfast inns.

A private residence operated as a bed and breakfast inn must meet the following requirements:

Sec. 313.01. Use restrictions.

a. In an agricultural or residential zoning district, a bed and breakfast inn may contain no more than 6 guest rooms.

b. A bed and breakfast inn in an agricultural or residential zoning district shall not contain restaurant facilities but may provide food service for transient guests only. A bed and breakfast inn in a commercial zoning district may contain full-service restaurant facilities that provide meal services to guests and the general public.

c. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent. Individual rooms that are rented shall not contain cooking facilities.

d. Catering, parties, weddings, or special events are not permitted in a bed and breakfast inn in an agricultural or residential zoning district.

e. The exterior appearance of the structure shall not be altered from its single-family character unless the changes are approved by the Board of Commissioners as a Special Use.

f. In an agricultural or residential zoning district, the owner of the bed and breakfast inn must reside on the property.

g. Maximum length of stay shall not exceed 14 days.

Sec. 313.02. **Site Restrictions.**

a. No bed and breakfast inn may be established in an approved residential major subdivision.

b. No parking area for guests is to be located closer than 25 feet to any residential property line.

Sec. 314. Boarding, raising and breeding of animals.

Where any form of "animal production" is an allowed agricultural use, boarding and/or breeding kennels, animal shelters and the raising of non-domestic animals (such as horses, cattle, poultry, goats and sheep) or wild and exotic animals must comply with the following requirements:

a. Stockyards, poultry houses and hog parlors shall be located on tracts of land not less than 20 acres in area.

b. Except for horse riding stables, and except for stockyards, poultry houses and hog parlors on tracts of 20 acres or more, the following shall apply:

(1) The total number of cattle, horses, sheep, poultry and other non-domestic, wild or exotic animals that can be located on a property is 5 animal units per acre for the portion of a property devoted exclusively to such use. The portion of a property devoted exclusively to such use shall be the area where the animals are housed, kept, pastured or confined.

(2) An "animal unit" is a common animal denominator based on feed consumption and on the assumption that one mature cow represents an animal unit. Then, the comparative (to a mature cow) feed consumption of other age groups or classes of animals determines the proportion of an animal unit that they represent. For the purposes of this Development Code, the animal unit equivalents shown on Table 3.2 apply.

Table 3.2: Animal Unit Equivalents

Type of Livestock*		Animal Units
Cattle:		
	Cow, with or without unweaned calf at side, or heifer 2 years old or older	1.0
	Bull, 2 years old or older	1.3
	Young cattle, 1 to 2 years	0.8
	Weaned calves to yearling	0.6
Horses:		
	Horse, mature	1.3
	Horse, yearling	1.0
	Weanling colt or filly	0.75
Sheep:		
	5 mature ewes, with or without unweaned lambs at side	1.0
	5 rams, 2 years old or over	1.3
	5 yearlings	0.8
	5 weaned lambs to yearlings	0.6
Swine:		
	Sow	0.4
	Boar	0.5
	Pigs to 200 pounds	0.2
Chickens:		
	75 layers or breeders	1.0

Table 3.2: Animal Unit Equivalents

Type of Livestock*		Animal Units
	325 replacement pullets to 6 months of age	1.0
	650 8-week-old broilers	1.0
Turkeys:		
	35 breeders	1.0
	40 turkeys raised to maturity	1.0
	75 turkeys to 6 months of age	1.0
Other:		
	Llama	0.7
	17 Emus	1.0
	8 Ostrich	1.0

*For other exotic or domestic animals not listed above, the Animal Unit values shall be assigned on a similar basis using factors such as feed consumption, waste production, and body weight.

c. For a kennel, the minimum lot size shall be 2 acres and the number of animals maintained as breeding stock shall not exceed 4.

d. Spacing requirements. See Sec. 302 regarding spacing between certain agricultural structures or operations and residences.

Sec. 315. Agritourism

The agritourism use is allowed in order to provide for the development and permit the operation of agritourism enterprises that promote the agricultural heritage of local farms, maintain the rural character of Oconee County, expand economic opportunities for existing farms, provide education and social benefits to residents and visitors, and preserve agricultural lands in Oconee County.

Agritourism uses shall be subject to the following restrictions:

a. Agritourism activities are permitted only when associated with an agritourism use as defined in this Development Code.

b. Off-street parking shall be required for all agritourism operations as stipulated in Article 6 of this Development Code.

c. In lieu of the incompatible-use buffering requirements of Article 8 of this Development Code, structures and/or areas designated for an agritourism use must maintain a minimum distance of one hundred feet from all property lines adjoining a residential use. If such distance cannot be maintained, then the buffering requirements for commercial uses adjoining incompatible uses as outlined in Article 8 of this Development Code must be met prior to commencement of the agritourism use.

d. Agritourism uses shall only be allowed on parcels of five or more acres. Contiguous parcels under common ownership that together constitute the same farm may be counted toward this requirement.

e. Agritourism uses shall not be permitted on parcels in a major subdivision.

f. Any competition utilizing motorized vehicles shall not be permitted as an agritourism activity.

g. At the time of the application, approval, and in perpetuity thereafter, in order to qualify for the issuance of a business license, a working farm must exist and be operational on

the parcel and all agritourism enterprises must be operated in conformance with and only as depicted on an approved site plan, as outlined in Sec. 315.j.

h. All structures associated with an agritourism use, including tents and temporary structures, must comply with all currently adopted building and life safety codes, including but not limited to the Oconee County Unified Development Code and the International Fire Code (IFC).

i. Tents and temporary structures associated with an agritourism use may be permitted on a property for a maximum of sixty days, no more than four times each calendar year, and shall be permitted through the Planning and Code Enforcement Department.

j. Prior to commencement of any agritourism use, written application must be made to the Director of the Planning and Code Enforcement Department in a manner approved by the same. Such application must contain a site plan showing the general delineation of the area to be designated for the agritourism use, depict all structures associated therewith, and must effectively demonstrate compliance with all applicable restrictions and development standards contained in this Development Code.

k. An agritourism enterprise shall have no significant impacts on the agricultural viability or rural character of neighboring properties.

l. Individual uses allowed by right or by special use approval in the underlying zoning district shall not be subject to these restrictions.

m. All outdoor lighting shall be in compliance with Sec. 306.04 of this Development Code.

n. All outdoor sound amplification shall cease between the hours of 10:00pm and 8:00am.

o. Restrictions on Specific Agritourism Activities:

(1) Farm Restaurants: A farm restaurant requires special use approval by the Board of Commissioners and must comply with the following standards:

(a) The restaurant must be a sit-down eating establishment meeting the definition of a custom-service restaurant contained in this Code;

(b) All meals served at the restaurant must be substantially prepared with agriculture products produced on the farm; and

(c) The restaurant shall not contain seating for more than thirty customers, excluding special events held at the restaurant, which shall be permitted through the Planning and Code Enforcement Department.

Sec. 316. Personal Backyard Hen Flocks

a. For the purpose of this section, a chicken (Gallus domesticus) refers only to a female chicken. Chickens, also referred to herein as "Backyard hens," are allowed in conjunction with a single family dwelling as defined in Article 2 of this Development Code, by permit and subject to the performance standards and development criteria set forth herein.

b. A permit is required to ensure compliance with performance standards and development criteria. The application for permit must be submitted to the Planning and Code Enforcement Department prior to placement of any chickens on the property. A one-time non-refundable permit fee shall be required at the time of application. Upon satisfactory completion and submission of an application as determined by the Planning and Code Enforcement Department and payment of a permit fee as determined by the Board of Commissioners, the Planning and Code Enforcement Department shall issue the permit. Up to three chickens may be permitted on each residential lot less than one acre in size. If the lot is larger than one acre, one additional chicken may be permitted per each additional 21,780 square feet over one acre. The aforementioned land requirements are the gross area of the premises harboring such chickens and include areas used by the resident for residential or other purposes, in addition to the keeping of the chickens, subject to the following performance standards and development criteria:

(1) Chickens shall be kept within an enclosed coop or other enclosure at all times. A coop is herein defined as a covered house, structure, or room that will provide chickens with shelter from weather and with a roosting area protected from predators. A fenced or wired-in area or run is required in conjunction with a coop to provide an outside exercise area for chickens.

(2) The coop shall be adequately screened from the neighbors' view, using an opaque fence and/or continuous landscape screen.

(3) Any chicken coop and fenced enclosure shall be located in the rear yard of the property. No coop, enclosure or chickens shall be allowed in any front or side yard (lots with no rear yard shall be excluded from side setback restriction).

(4) A building permit obtained through the Planning and Code Enforcement Department shall be required for a chicken coop or other enclosure exceeding one hundred square feet in area.

(5) The coop or enclosure shall be covered and ventilated. Any areas designated for containing chickens shall be completely secured from predators, including openings, ventilation holes, doors and gates.

(6) The coop shall provide a minimum of three square feet per chicken and be of sufficient size to afford free movement of the chickens. The coop may not be taller than five feet measured from the natural grade, and must be easily accessible for cleaning and maintenance.

(7) All stored feed shall be kept in a rodent and predator proof container.

(8) Chickens may not be kept on duplex, triplex or in multifamily properties.

(9) No ducks, geese, turkeys, peafowl, pheasants, quail, male chickens/roosters, or any other poultry or fowl are allowed under these provisions.

(10) The slaughtering of chickens on the premises is strictly prohibited.

(11) Chickens shall be kept for personal use only. The selling of chickens or chicken manure the breeding of chickens for commercial purposes is prohibited.

(12) Chickens shall not be permitted to trespass on neighboring properties, be released or set free and shall be kept within a coop and enclosure at all times.

(13) Chicken coops and enclosures shall be maintained in a clean and sanitary condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.

(14) All chicken coops or enclosures shall meet the setbacks for principal buildings pursuant to Article 4 of this Development Code.

c. No animal, including a dog or cat, that kills a chicken shall, for that reason alone, be considered a dangerous and/or aggressive animal.

d. Chickens that are no longer wanted by their owners shall not be taken to Animal Control, nor shall they be released.

e. As a condition of the issuance of a permit, a permit holder consents to inspection of his or her property upon complaint to the Planning and Code Enforcement Department as related to backyard hens.

f. This section shall not change the rights granted to properties in the AG (Agricultural) zoning district.

h. This section does not supersede any legally adopted, recorded restriction within any platted neighborhood.

Sec. 317. Cemeteries, mausoleums and crematories.

Sec. 317.01. New cemeteries.

A cemetery for human or animal interment allowed as a principal use on a property must meet the requirements of this Section. A cemetery that is allowed as an accessory use to a church or other place of worship must comply with the provisions of Sec. 354.e.

a. The cemetery must front on an arterial or major collector street, and the entrance and exit to such cemetery shall be only from said arterial or major collector street.

b. A landscape buffer meeting the requirements for landscape buffers for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

c. Minimum lot size of 10 acres, or such area as required by the State of Georgia, whichever is greater.

d. All graves or burial lots shall be set back not less than 200 feet from any property line or street right-of-way line.

e. Minimum public road frontage of 100 feet.

f. Permanent public ingress/egress shall be provided.

g. Compliance must be maintained with all requirements of the State of Georgia and the County Tax Commissioner.

h. Except for the ingress/egress requirement listed in Sec. 317.01.f, family plots for interment of family members are exempt from the foregoing restrictions unless required by other applicable statutes.

Sec. 317.02. Mausoleums.

Mausoleums are permitted in conjunction with a cemetery provided that all requirements for the cemetery have been satisfied.

Sec. 317.03. Crematories.

A crematory, whether included within a cemetery or developed as a stand-alone principal use, shall meet the following requirements:

a. If located within a cemetery, the cemetery must meet the minimum requirements of Sec. 317.01.

b. All buildings shall be set back not less than 200 feet from all property lines.

c. All buildings shall be not less than 500 feet from any residential zoning district.

Sec. 317.04. Existing cemeteries.

Any cemetery or place of burial recognized by the Oconee County Tax Commissioner as tax exempt (under O.C.G.A. 48-5-41), and any "family plot" or other burial ground discovered on the site, must be protected under the requirements of State law (O.C.G.A. 36-72-1 *et seq.*). State law currently defines "burial ground" and "cemetery" as follows:

a. "Burial ground" means an area dedicated to and used for interment of human remains. The term shall include privately owned burial plots, individually and collectively, once human remains have been buried therein. The fact that the area was used for burial purposes shall be evidence that it was set aside for burial purposes.

b. "Cemetery" or "cemeteries" means any land or structure in this state dedicated to and used, or intended to be used, for interment of human remains. It may be either a burial park for earth interments or a mausoleum for vault or crypt interments or a combination of one or more thereof.

Sec. 318. Churches and other places of worship.

Sec. 318.01. Community and neighborhood churches; defined.

a. A COMMUNITY-SCALE CHURCH is a place of worship, such as a church, chapel, synagogue, temple, mosque or other such facility that contains any of the following:

(1) A seating capacity in its primary area of assembly of greater than 350 persons (Calculation of maximum seating capacity shall include the rostrum, choir seats, fixed seating and overflow seating area(s). Seating capacity assumes one person per chair or other type of seat, one person per 18 lineal inches of pew space, or one person per 6 square feet of overflow seating area, not containing fixed seating);

(2) Use of the facility includes operations other than or in addition to regular worship services and ceremonies, Sunday school, incidental offices relating to operation of the church and other regular incidental uses normally associated with places of worship;

(3) The facility is rented or leased to members of the general public for events not directly associated with religious services or ceremonies;

(4) There are regular weekday school, childcare or daycare, or religious exempt non-public postsecondary programs that occur on the site (other than occasional programs such as "Mother's Morning Out", "Vacation Bible School" or other similar programs);

(5) The institution has designated athletic fields, such as areas for baseball, softball, football, soccer, etc. as opposed to an open lawn area;

(6) The total building square footage of all buildings on the property combined exceeds 30,000 square feet;

b. A NEIGHBORHOOD-SCALE CHURCH is a place of worship, such as a church, chapel, synagogue, temple, mosque or other such facility that meets all of the following::

(1) A seating capacity in its primary area of assembly of 350 persons or less (Calculation of maximum seating capacity shall include the rostrum, choir seats, fixed seating and overflow seating area(s). Seating capacity assumes one person per chair or other type of seat, one person per 18 lineal inches of pew space, or one person per 6 square feet of overflow seating area, not containing fixed seating);

(2) Use of the facility is limited to regular worship services and ceremonies, Sunday school, incidental offices relating to operation of the church and other regular incidental uses normally associated with places of worship;

(3) The facility is not rented or leased to members of the general public for events not directly associated with religious services or ceremonies;

(4) No regular weekday school, childcare or daycare programs occur (other than occasional programs such as "Mother's Morning Out", "Vacation Bible School" or other similar programs);

(5) The church has no designated athletic fields, such as areas for baseball, softball, football, soccer, etc. as opposed to an open lawn area;

(6) Total building square footage of all buildings combined does not exceed 30,000 square feet;

Sec. 318.02. Restrictions; agricultural or residential zoning districts.

Churches, chapels, temples, synagogues, mosques and other such places of worship must meet the following minimum requirements if located in any agricultural or residential zoning district:

a. The site must contain at least 5 acres.

b. The site must have frontage of at least 200 feet on an arterial or major collector street, from which all access to the property shall be derived.

c. A landscape buffer meeting the requirements for landscape buffers for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

Sec. 318.03. **Restrictions; all zoning districts.**

Churches, chapels, temples, synagogues, mosques and other such places of worship, where otherwise allowed in a zoning district, must obtain approval as a Special Use under any of the following conditions:

a. The church is located on property with access occurring from a local street or minor collector as defined by this Development Code;

b. The church is located on property that is part of a residential subdivision containing 6 or more lots.

Sec. 319. Clubs and fraternal organizations not operating for profit.

Nonprofit clubs and fraternal organizations must meet the following minimum requirements if located in any agricultural or residential zoning district:

a. The site must contain at least 5 acres.

b. The site must have frontage of at least 200 feet on an arterial or major collector street, from which all access to the property shall be derived.

c. A landscape buffer meeting the requirements for landscape buffers for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

Sec. 320. Community and neighborhood recreation centers.

Sec. 320.01. **Community recreation centers.**

Noncommercial or nonprofit community centers such as YMCA, YWCA, Girls or Boys Clubs and senior centers must meet the following requirements:

a. Minimum site area of 5 acres; and

b. A landscape buffer meeting the requirements for landscape buffers for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

Sec. 320.02. **Neighborhood recreation centers.**

Neighborhood recreation centers and amenities serving a residential development but to be located on an individual lot as a principal use are subject to the following:

a. The development amenities shall be for the exclusive use of the occupants of the residential subdivision, townhouse or multi-family development or manufactured home park.

b. Buildings and structures established in connection with such use shall be set back not less than 50 feet from any property line. The set back may be reduced to 20 feet from an interior property line within the development if a structural landscape buffer is provided along said property line that effectively provides a visual and noise screen for adjacent property to a height of 8 feet

c. Public swimming pools. Before any public, semi-public, community, or neighborhood swimming pool is opened for use it shall be required to meet the state regulations for public swimming pools.

d. Outdoor activity shall cease by 11:00 p.m. and not begin prior to 8:00 a.m.

e. Lighting shall be established in such a way that quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, it shall be shown on the landscaping plan for the project.

f. No residence or structure shall be issued a Certificate of Occupancy upon any adjacent lot within the development within which the facility is located until construction of the recreation area is completed, including landscaping and buffers, unless the purchaser of the home provides a signed and notarized letter stating that said buyer is fully aware of the proposed adjacent recreation area including all design details relating thereto.

g. Recreation amenities to be located on the same lot as the residential development shall comply with the requirements of Sec. 352 in lieu of the provisions of this Sec. 320.02.

Sec. 321. Community food banks and housing shelters.

Charitable, non-profit, short-term housing and/or room and board accommodations for poor, transient, or needy individuals shall meet the following minimum criteria:

a. Adequate showers and restroom facilities must be provided at the location to meet the needs of overnight guests.

b. Beds must be provided for all overnight guests excluding staff and volunteer workers.

c. Guests of the shelter accommodated on a daily or overnight basis (such as a homeless shelter) shall be required to leave the shelter premises no later than 7:00 A.M. Guests of the shelter normally accommodated on a longer-term basis (such as a shelter for battered women) may remain on-premises on a 24-hour basis.

d. All premises shall be maintained in a clean, safe, and sanitary fashion.

e. Within the commercial zoning districts, a community food bank or housing shelter may be located in a church or other place of worship as an accessory use, provided it meets the above minimum standards of this Section.

f. No shelter shall be located closer than 500 feet to a residential zoning district, measured from the closest corner or wall of the shelter.

g. Housing shelters must meet the requirements in the Life Safety Code (NFPA 101) and the international building codes as adopted and amended from time to time.

Sec. 322. Construction contractor office.

Construction contractors, including such activities as building contractors, plumbing contractors, site development contractors, and the like, are allowed in the AG zoning district, provided that:

a. Off-street automobile parking and loading space is provided as required in this Development Code;

b. All motor vehicle and construction equipment necessary to the operation of the service shall be located in designated parking areas and screened from view from any street;

c. All materials necessary for the service shall be located within enclosed buildings unless outdoor storage is allowed by Special Use approval;

d. The activity shall not be closer than 500 feet to an existing residence;

e. A landscape buffer meeting the requirements for landscape buffers for a commercial use in the Landscaping and Buffers Article of this Code shall be provided; and

f. Wholesale and/or retail sales of building supplies and storage of materials unnecessary in the performance of the service are prohibited.

Sec. 323. Day care facilities.

The provisions of this Section apply to group day care homes and day care centers when operated as a principal use on a property, or as an accessory use to a principal use such as a day care center at a church or a day care center operated for the use of employees within an office or industrial plant. Documentation must be provided to the Code Enforcement office that the state governing authority has approved the facility for childcare or care of the elderly. For family day care homes, see Sec 350 (home occupations).

Sec. 323.01. **Group day care facility.**

Day care for up to 18 adults or children is subject to the following conditions:

a. A maximum of 18 adults or children for whom compensation is received.

b. Outdoor play areas shall be provided in the rear or side yards for all group day care facilities and shall be enclosed by a solid hedge, wall or imitation-wood vinyl fence 6 feet high. All outdoor play areas shall be separated from driveways, streets and parking areas.

c. Group day care facilities shall provide adequate areas for the safe drop-off and pick-up of children. These areas shall be off-street in a driveway, turnaround or parking area.

d. When within or adjacent to a residential district, the facility may operate for a 14 hour period per day with outdoor activities limited to daylight hours between 8:00 a.m. to 8:00 p.m. in order to limit noise impacts to neighboring residents.

e. All group day care facilities shall obtain necessary state licenses and shall be operated in conformance with all applicable state and local regulations.

f. When operated as an accessory use, the group day care facility shall be located within a nonresidential building and otherwise comply with all requirements of this Subsection, above.

g. A group day care facility operated as a principal use shall comply with all of the property development and performance standards for the zoning district in which it is located, and shall not be located within 300 feet of another group day care facility or day care center.

Sec. 323.02. **Day care center.**

Day care for nineteen or more adults or children is subject to the following:

a. Outdoor play areas shall be provided in the rear or side yards shall be enclosed by a solid hedge, wall or imitation-wood vinyl fence 6 feet high. All outdoor play areas shall be separated from driveways, streets and parking areas.

b. Day care centers shall provide adequate areas for the safe drop-off and pick-up of children. These areas shall be off-street in a driveway, turnaround or parking area.

c. When within or adjacent to a residential zoning district, the day care center may operate for a 14 hour period per day with outdoor activities limited to daylight hours between 8:00 a.m. to 8:00 p.m. in order to limit noise impacts to neighboring residents.

d. All day care centers shall obtain necessary state licenses and shall be operated in conformance with all applicable state and local regulations.

e. When operated as an accessory use, the day care center shall be located within a nonresidential building and otherwise comply with all requirements of this Subsection, above.

f. A day care center operated as a principal use shall comply with all of the property development and performance standards for the zoning district in which it is located, and shall not be located within 300 feet of any other day care center or group day care facility.

Sec. 324. Gasoline stations, truck stops and convenience stores with fuel pumps.

Any use that dispenses gasoline or diesel fuel, whether as a principal or accessory use, shall comply with requirements of this section, the International Fire Code (IFC), and National Fire Prevention Association (NFPA). In the case of a conflict, the most restrictive shall apply."

Sec. 324.01. **General requirements.**

a. Facilities shall not be within 200 feet of any residential property or properties containing a school, public playground, church, hospital, public library or institution for children or dependents.

b. The site shall front on a major collector or arterial street and have a minimum lot area of 1 acre.

c. A vehicle access drive shall be not more than 40 feet wide as measured at its narrowest point parallel to the street, and shall not be located closer than 10 feet to an adjoining property or 50 feet from a street intersection, or meet GDOT requirements if greater.

d. There shall not be more than 2 driveways along a single street, which must be separated by at least 100 feet.

e. All operations except for the sale of gasoline or diesel fuel shall be conducted in an enclosed building.

f. No gasoline pump or edge of canopy shall be located closer than 20 feet to any right-of-way line, or the following distance from the centerline of the following streets, whichever is greater:

(1) U.S. or State numbered highway: as required by the Georgia Department of Transportation.

(2) Arterial street: 80 feet from the centerline.

(3) Major collector street: 70 feet from the centerline.

(4) Minor collector street: 60 feet from the centerline.

(5) Local commercial or industrial street: 50 feet from the centerline.

(6) Local residential street: a distance equal to the front setback required by the zoning district for a principal building.

g. There shall be no rental of trailers, hand tools, garden tools, power tools or other similar equipment as an incidental part of the operation except in the B-1, B-2 and I zoning districts.

h. Accessory car or truck washes on the property shall comply with the requirements of Sec. 355.f.

i. Vehicle repairs and maintenance activities shall conform to the provisions of Sec. 312.

j. Lighting fixtures on the underside of a canopy shall be installed in such a manner that the lighting fixture is recessed or flush with the canopy surface and the source of the light is not directly visible from any abutting street or residential use.

Sec. 324.02. **Truck stops.**

Establishments that cater to the fueling needs of the trucking industry are subject to the following in addition to the general requirements of this Section:

a. All uses other than the dispensing of fuel must be contained within a single principal building. Such building may contain convenience shopping space, a restaurant, TV viewing and recreation lounges, rest room facilities, showers and dormitory space, but cannot be larger than 10,000 square feet in gross floor area.

b. No major repairs such as engine overhaul, transmission and differential repairs, body and fender work and other repairs of a similar nature shall be performed on the site.

c. No outside storage of parts or non-operable vehicles is permitted.

d. Truck parking areas must be at least 300 feet from any residential property and separated from adjoining residential property by a 200-foot wide landscape buffer.

Sec. 324.03. **Convenience stores with fuel pumps.**

A convenience store with fuel pumps is subject to the following in addition to the general requirements of this Section:

a. The convenience store shall not exceed 3,000 square feet in gross floor area unless located on a State or U.S. numbered highway or other arterial road.

b. There shall be no automotive repairs done on site.

c. No video games shall be located on site.

Sec. 325. Golf courses.

Golf courses are subject to the following requirements:

Sec. 325.01. Minimum course standards.

New golf courses shall meet United States Golf Association requirements for regulation play and must provide at least 18 holes covering a minimum course distance of 5,500 yards, except as follows:

a. A golf course incorporated into a residential development or master planned development may be a regulation 9-hole course with a minimum course distance of 3,000 yards.

b. A course meeting the United States Golf Association requirements for an executive golf course (minimum course distance of 4,000 yards) may be incorporated into an office park development or master planned development.

Sec. 325.02. Lighting restrictions.

Lighting shall not adversely affect adjacent properties or roadways. No direct light shall be cast upon adjacent or nearby properties.

Sec. 325.03. Accessory uses to a golf course.

The following accessory uses are permitted in association with a golf course:

a. Country club or clubhouse, which may include:

(1) Tennis courts and other recreational courts.

(2) Swimming pools.

(3) Food service with an 18-hole regulation or executive golf course only.

b. Pro shop with an 18-hole regulation or executive golf course only.

c. Putting green.

d. Cart rental and staging area.

e. Buildings used to house equipment solely for the maintenance and operation of the golf course, not to exceed 3,000 square feet.

Sec. 325.04. Use limitations.

a. Two thousand square feet of gross floor area for pro shop.

b. Forty thousand square feet for a clubhouse or country club with an 18-hole regulation or executive golf course.

c. Ten thousand square feet for a clubhouse with a 9-hole regulation golf course.

d. Any building, structure or automobile parking area established in connection with this use shall be set back not less than 100 feet from any property line. All automobile drives and parking areas shall be paved.

e. Loud speakers are not allowed if adjacent to a residential zoning district or master planned development.

Sec. 326. Grocery stores

Individual grocery stores in the AG zoning district shall comply with the following:

a. Such uses are limited to convenience stores (without fuel pumps) and specialty food stores.

b. Off-street automobile parking and loading space must be provided as required in the Parking and Loading Article of this Development Code.

c. There shall be a minimum of 200 feet from retail structure to the nearest residential structure other than that which belongs to the owner of the retail structure.

d. A landscape buffer meeting the requirements for landscape buffers for a commercial use in the Landscaping and Buffers Article of this Code shall be provided.

Sec. 327. Junk yards and scrap yards.

Junk yards and scrap yards must comply with the following:

a. The yard is located not closer than 500 feet to an existing residence other than that of the owner.

b. The yard is completely enclosed with a solid fence not projecting into the required front yard, not less than 6 feet high and in no case less than such height as will effectively screen all storage and operations from view.

c. Adequate measures are provided to prevent contamination of ground water, surface water and soil from gas, oil, battery acid, hydraulic fluid, and other substances.

Sec. 328. Landscaping Services

Landscaping Services located in AG (Agricultural District) must comply with the following:

a. Any outdoor storage associated with a landscaping service, including equipment and vehicle storage, shall not be located closer than 100 feet to an existing residence other than that of the owner.

b. Any outdoor storage associated with a landscaping service, including equipment and vehicle storage, must be located in a side or rear yard and must be screened from public streets and residential districts by an opaque fence or freestanding wall no less than 8 feet in height or a landscape buffer meeting the standards of the Landscaping and Buffers Article of this Development Code.

c. Adequate parking must be provided for any employees of the landscaping service, compliant with vehicle use area screening requirements of Article 8 of this Development Code.

Sec. 329. Manufactured homes and recreational vehicles.

Sec. 329.01. Purpose.

a. The purpose of this Section is to ensure that manufactured homes are installed on a site according to applicable federal and manufacturer's requirements. The provisions of this Section are also intended to ensure architectural compatibility of manufactured homes with nearby single-family residences and other land uses through the application of architectural compatibility standards.

b. This Section regulates mobile home parks, manufactured home parks, and recreational vehicle and travel trailer parks, which provide for affordable permanent and temporary housing or seasonal recreational developments. Manufactured home parks are intended to provide for the leasing of spaces for the placement of manufactured homes, owned or rented by tenants, as well as spaces for recreational vehicles

Sec. 329.02. Authority.

a. State law.

These regulations, in addition to the authority conferred to counties by the Constitution of the State of Georgia, are adopted in furtherance of the Georgia Uniform Standards Code for Manufactured Homes Act (O.C.G.A. 8-2-130 *et seq.*) and in coordination with the Rules and Regulations for Manufactured Homes of the Office of Safety Fire Commissioner (Chapter 120-3-7).

b. Permit required.

It shall be unlawful for any person to install a manufactured home, park trailer, recreational vehicle awning, recreational vehicle patio enclosure, manufactured home room addition, or any electrical, plumbing or mechanical connection to a manufactured home or park trailer without first obtaining a permit or permits from the Oconee County Code Enforcement Director or his or her designee.

(1) The property owner of land where manufactured homes are located shall be responsible for compliance with the manufactured home requirements of this Development Code.

c. Tax decal.

The tax decal, as may be applicable under State law and required by the Oconee County Tax Commissioner, shall be properly affixed to the manufactured home and kept current at all times.

Sec. 329.03. **Definitions relating to manufactured homes and recreation vehicles.**

Accessory Structure to a Manufactured Home: **A** structure incidental to occupancy of the property by a manufactured home, such as one-story non-habitable room, storage building, garage or carport; or a patio, deck or similar structure that may include window screens, knee walls, and other partial enclosures.

Accessory Structure to a Recreational Vehicle: A storage building, deck, awning, carport, patio, patio enclosure and similar structures incidental to occupancy of the property by a recreational vehicle.

Active Recreational Facilities: Equipment and areas prepared for active use for recreational and leisure purposes, including but not limited to: playground equipment (swing sets and climbing structures); courts for basketball, volleyball, and tennis; leveled, striped fields for football, soccer, or all-purpose fields; community picnic pavilion (including covered facilities with grills and/or fire pits); and community buildings for recreational events. Trails and bikeways through open spaces shall not be considered active recreational facilities.

Architectural Features: Ornamental or decorative features attached to or protruding from an exterior wall, including cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Bay Window: A window assembly whose maximum horizontal projection is not more than two feet from the vertical plane of an exterior wall and is elevated above the floor level of the home.

Compatibility: With regard to buildings, compatibility means achieving harmony in appearance of architectural features in the same vicinity.

Dormer: A window projecting from a roof.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Manufactured Home: A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, *et seq*.

Manufactured Home Installation: The construction of a foundation system and the placement or erection of a manufactured home or a mobile home on the foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing, or anchoring such home and connecting multiple or expandable sections of such home.

Manufactured Home Installer: A person responsible for performing an installation and who has obtained a license pursuant to the provisions of Georgia Law.

Manufactured Home Park: A single, unsubdivided property on which two or more manufactured homes are located or intended to be located for purposes of residential rental occupancy as permanent places of residence.

Manufactured Home Space: A designated area within a manufactured home park, distinguished from a lot in a subdivision under fee-simple ownership, upon which a single manufactured home is or may be placed, along with its accessory structures and uses.

Manufactured Home Subdivision: A residential subdivision, designed and approved in accordance with the subdivision regulations, in which individual ownership of a lot is permitted, for the placement of a manufactured home for dwelling unit purposes.

Mobile Home: A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and manufactured prior to June 15, 1976 or otherwise does not comply with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, *et seq*.

Modular Home: A dwelling manufactured in accordance with the Georgia Industrialized Building Act (see "Industrialized Building").

Motor Vehicle Safety Commissioner: The Georgia Commissioner of Motor Vehicle Safety or the Oconee County Tax Commissioner when so authorized by the Georgia Commissioner of Motor Vehicle Safety to act on his or her behalf in carrying out the responsibilities of O.C.G.A. 8-2-180 *et seq*.

Recreational Vehicle: A vehicle type unit that is one of the following:

1. A portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping.
2. A motor home designed to provide temporary living quarters for recreational, camping, or travel use and built on or permanently attached to a self-propelled motor vehicle chassis, or on a chassis cab or van that is an integral part of the completed vehicle.
3. A park trailer built on a single chassis, mounted on wheels, and designed to be connected to utilities necessary for operation of installed fixtures and appliances, and has a gross trailer area of less than 320 square feet when it is set up, except that it does not include fifth wheel trailers. For units 320 square feet or larger, see the definition of "mobile home."
4. A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and has a trailer area of less than 320 square feet. This type includes fifth wheel trailers. Should a unit require a size or weight permit, it shall be manufactured to the standards for park trailers A119.5 of the American National Standards Institute Code.

Recreational Vehicle Lot: A parcel of land within an approved recreational vehicle subdivision, which was designed and intended for the accommodation of one recreational vehicle and its accessory structures and uses.

Recreational Vehicle Park: A residential development in which individual spaces are provided for the parking of recreational vehicles for temporary housing purposes for persons traveling away from their permanent places of residence. A campground designed to serve recreational vehicles is also included in this definition.

Recreational Vehicle Space: A site within a recreational vehicle park, which is designed and intended for the accommodation of one recreational vehicle.

Recreational Vehicle Subdivision: A residential subdivision, designed and approved in accordance with the subdivision regulations, in which individual ownership of a lot is permitted for the placement of a recreational vehicle for temporary housing purposes for persons traveling away from their permanent places of residence.

Safety Fire Commissioner: The Safety Fire Commissioner of Georgia.

Site-Built Single-Family Detached Dwelling: A single-family detached dwelling constructed on the building site from basic materials delivered to the site (in contrast to assembly of pre-constructed modules), and which is constructed in accordance with all requirements of the Building Code as adopted by the County.

Sec. 329.04. **Installation of manufactured homes.**

a. Installation instructions.

Any installation of a manufactured home shall be performed in strict compliance with the applicable manufacturer's installation instructions, specifically including, without limitation, correctly installed tie-downs and anchors. In the absence of such instructions, installations shall be performed in accordance with the applicable rules and regulations adopted by the Safety Fire Commissioner.

b. Approved Septic System.

Each manufactured home shall be connected to a public sanitary sewer system or on-site septic system with capacity available as approved by the Health Department.

Sec. 329.05. **Zoning requirements.**

a. Principal and accessory uses; where allowed.

Notwithstanding the provisions of any other code or regulation of Oconee County, manufactured homes, manufactured home subdivisions and parks, and recreational vehicle subdivisions and parks are allowed under the conditions noted in the following Table 3.3 for the zoning districts indicated, subject further to the provisions of these regulations. Mobile homes, as defined herein, are expressly prohibited in all districts.

Table 3.3: Manufactured Homes and Recreation Vehicles—Where Allowed

		Zoning District*			
	See:	**AG**	**AR-3**	**AR**	**M-H**
Principal Use					
Manufactured home on an unsubdivided lot	Sec. 329.07	A-Q			A
Manufactured home subdivision	Sec. 329.08				A
Manufactured home park	Sec. 329.09				A
Recreational vehicle subdivision	Sec. 329.10				SU
Recreational vehicle park	Sec. 329.10	SU			SU
Accessory Use					
Accessory manufactured home	Sec. 329.12	SU	SU	SU	

*Use is prohibited unless shown as:

A – Allowed by right meeting all of the provisions of this Development Code.

A-Q – Allowed by right for Qualified Manufactured Homes only (see Sec. 329.06).

SU – Allowed only if approved as a Special Use by the Board of Commissioners.

SU-Q – Allowed with Special Use approval for Qualified Manufactured Homes only (see Sec. 329.06).

See also: Restrictions on pre-owned manufactured homes under Sec. 329.11.

b. Zoning requirements apply.

(1) Floor area and height. Every manufactured home shall have a minimum floor area and a maximum building height allowed for one-family residential structures by the zoning district in which it is located.

(2) The minimum lot size, lot width and building setbacks required by the zoning district in which any manufactured home, subdivision or park, and any recreational vehicle park or subdivision is located shall apply to each such use.

(3) All other requirements and provisions of this Development Code shall apply to every manufactured home, subdivision or park, and any recreational vehicle park or subdivision except as expressly provided in this Section.

Sec. 329.06. **Qualified manufactured home.**

A manufactured home shall be considered a "qualified manufactured home" under the following conditions and provisions:

a. Ownership.

(1) The manufactured home must be permanently affixed on real property and one or more persons with an ownership interest in the manufactured home also must have an ownership interest in such real property.

(2) The owner of the manufactured home and the holders of all security interests therein must execute and file a Certificate of Permanent Location in accordance with State Law (O.C.G.A. 8-2-180 *et seq.*):

(a) With the Clerk of Superior Court for recordation in the real estate records of the County;

(b) A certified copy with the commissioner of motor vehicle safety; and

(c) A certified copy with the Oconee County Code Enforcement Director upon application for a permit to place the manufactured home on the property.

(3) The Certificate of Permanent Location shall be in a form prescribed by the commissioner of motor vehicle safety (or the Oconee County Tax Commissioner if so authorized) and shall include:

(a) The name and address of the owner of the home;

(b) The names and addresses of the holders of any security interest in and of any lien upon the home;

(c) The title number assigned to the home;

(d) A description of the real estate on which the home is or is to be located, including the name of the owner and a reference by deed book and page number to the chain of title of such real property; and

(e) Any other data the commissioner of motor vehicle safety prescribes.

(4) Upon filing a Certificate of Permanent Location, the certificate of title to the manufactured home issued under the Georgia Motor Vehicle Certificate of Title Act shall be surrendered by the owner to the commissioner of motor vehicle safety.

b. Compatibility standards.

(1) Orientation. If the manufactured home is located within 200 feet of a public street or road, it shall be oriented on the lot so that its main entrance door faces the street or road and the unit is approximately parallel to the street or road (within 10 degrees). "Parallel" shall be determined in relation to the street right-of-way line along a straight street section and in relation to a line tangent to the street right-of-way line along a curved street section.

(2) Moving apparatus. The running lights, moving hitch, wheels and axle shall be removed upon installation.

(3) Foundation. The manufactured home shall be properly installed on a poured concrete or permanent foundation.

(4) Exterior finish. The exterior siding of the manufactured home shall consist of horizontal wood or hardboard lap siding material, painted aluminum lap siding, or vinyl lap siding meeting the standards of the Vinyl Siding Institute.

(5) Skirting. The entire perimeter area between the bottom of the structure and the ground of each manufactured home shall be skirted or underpinned with acceptable materials, installed on a concrete footing, that completely encloses the perimeter of the undercarriage (except for proper ventilation and access openings). The skirting must be non-load bearing curtain walls and have no contact with the manufactured home for the purpose of structural support. Acceptable skirting materials must harmonize with the architectural style of the home, but are limited to the following:

(a) Brick or stone, or brick or stone veneer covering concrete block;

(b) Stucco finished concrete poured in place or concrete block; or

(c) Siding material that is the same as the exterior finish of the manufactured home.

(6) Roof pitch and materials. The manufactured home shall have a pitched roof with a slope of at least four feet in height for each 12 feet in width (4:12). Roof materials shall be wood shake, tile, or asphalt shingle material.

(7) Steps and landings. Permanent steps and landings shall be constructed at all exterior doors as necessary. A permanent, covered porch or landing measuring at least three feet in width and five feet in length shall be constructed at the front or main entrance to the manufactured home. A permanent porch or landing measuring at least three feet in width and three feet in length shall be constructed at all other entrances to the manufactured home.

(8) Additional architectural features. The manufactured home shall contain eaves with a minimum projection of six inches and at least two additional architectural features (as specified below) that will provide equal compatibility with surrounding residences and land uses, as approved by the Planning Director. Specified additional architectural features are:

(a) Recessed main entry or covered porch;

(b) Bay windows;

(c) Dormers;

(d) Window shutters;

(e) Attached garage;

(f) Gables; and

(g) Offsets on building face or roof (minimum 12 inches);

Sec. 329.07. **Manufactured homes on unsubdivided lots.**

Outside of manufactured home subdivisions and parks, a manufactured home may only be placed on a legal lot of record.

a. Allowed uses, unsubdivided lots.

(1) One manufactured home as a principal use on each approved lot.

(2) Manufactured home accessory structures as defined in Sec. 329.03, and other customary accessory buildings and uses normally incidental to the principal use and allowed under the zoning district provisions applicable to the property.

(3) Accessory manufactured homes are not allowed on a lot occupied by a manufactured home as a principal use.

b. Development requirements, unsubdivided lots.

Except as otherwise required under Sec. 329.06 for a qualified manufactured home when applicable, a manufactured home on an unsubdivided lot must meet the following development requirements:

(1) Foundation. The manufactured home shall be installed on and anchored to a properly prepared stand. The site shall have a grade that will allow water to drain away from the home stand, and all organic matter, debris, grass, grass sod and other foreign matter shall be removed where footings or pier foundations are to be installed.

(2) Anchoring. Each manufactured home used for dwelling purposes, and room additions attached thereto, shall be anchored in conformance with the Rules and Regulations for Manufactured Homes of the Office of Safety Fire Commissioner (Chapter 120-3-7).

(3) Room additions. All room additions shall be structurally independent of the manufactured home itself, but may be attached to the manufactured home by weather stripping.

c. Approval of individual manufactured homes.

(1) A location permit must be issued by the Oconee County Code Enforcement Director or his or her designee prior to placement of the manufactured home on a property, as well as building permits for the construction of the manufactured home stand or foundation and connection to utilities.

(2) See Sec. 329.11 for additional requirements relating to pre-owned manufactured homes.

Sec. 329.08. **Manufactured home subdivisions.**

a. Allowed uses, manufactured home subdivisions.

(1) One manufactured home on each approved lot. No recreational vehicles or dwelling units of conventional construction shall be permitted on a manufactured home subdivision lot for living purposes.

(2) Manufactured home accessory structures as defined in Sec. 329.03.

(3) Recreation and social centers, which may be used for dancing, crafts, hobbies, games, child care, meetings, banquets, theatrical performances, moving viewing, and similar entertainment uses which are intended and used primarily as a resident amenity. Such facility may be of conventional construction.

(4) Outdoor recreation facilities, such as parks, swimming pools, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the residents of the subdivision.

(5) Common use laundry facilities, maintenance buildings, and security guard houses which may be of conventional construction.

(6) Designated areas for boat and recreational vehicle storage, which are used solely by the residents of the subdivision.

(7) Recreation center parking lots and guest parking areas.

b. Development requirements, manufactured home subdivisions.

Except as otherwise required under Sec. 329.06 for a qualified manufactured home when applicable, a manufactured home on a subdivision lot must meet the following development requirements:

(1) Foundation. Each manufactured home shall be installed on a properly prepared stand. The site shall have a grade that will allow water to drain away from the home stand, and all organic matter, debris, grass, grass sod and other foreign matter shall be removed where footings or pier foundations are to be installed.

(2) Anchoring. Each manufactured home used for dwelling purposes, and room additions attached thereto, shall be anchored in conformance with the Rules and Regulations for Manufactured Homes of the Office of Safety Fire Commissioner (Chapter 120-3-7).

(3) Room additions. All room additions shall be structurally independent of the manufactured home itself, but may be attached to the manufactured home by weather stripping.

(4) Floor area and height. The manufactured home shall have a floor area at least equal to the minimum floor area required for one-family residential structures by the zoning district in which it is located, and a height no greater than the maximum building height allowed by the zoning district in which it is located.

(5) Access to lots shall be only from the interior streets of the subdivision.

c. Approval of manufactured home subdivisions.

(1) Manufactured home subdivisions shall be reviewed and approved following the procedures, standards and requirements of the Procedures and Permits Article of this Development Code.

(2) See Sec. 329.11 for additional requirements relating to pre-owned manufactured homes.

Sec. 329.09. **Manufactured home parks.**

a. Allowed uses, manufactured home parks.

(1) One manufactured home on each approved space. No dwelling units of conventional construction shall be permitted on any space for living purposes, except as specified below.

(2) Manufactured home accessory structures as defined in Sec. 329.03.

(3) Storage buildings, attached or detached, subject to:

(a) A maximum area of 144 square feet;

(b) A maximum height of ten feet above grade when detached or ten feet above finished floor when attached; and

(c) Located to the side or rear of the manufactured home, at least five feet from any property line and separated from the manufactured home by at least six feet.

(4) Manager's office and residence, which may be of conventional construction.

(5) Recreation and social centers, which may be used for dancing, crafts, hobbies, games, child care, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended and used primarily as a resident amenity. Such facility may be of conventional construction.

(6) Outdoor recreation facilities, such as parks, swimming pools, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the residents of the park.

(7) Common use laundry facilities, maintenance buildings, and security guard houses that may be of conventional construction.

(8) Convenience establishments. Commercial establishments, including convenience stores, pick-up laundry and dry cleaning services, beauty shops and barber shops may be permitted in manufactured home parks provided that such establishments

and the parking areas primarily related to their operations shall be adequate and subject to the following:

(a) Shall not occupy more than 10% of the land area of the park;

(b) Shall be subordinated to the residential use and character of the park;

(c) Shall be located, designed and intended to serve frequent trade or service needs of persons residing in the park; and

(d) Shall present no visible evidence of its commercial character to any portion of any residential district outside the park.

(9) Designated areas for boat and recreational vehicle storage, which are used solely by the residents of the park.

(10) Recreation center parking lots and guest parking areas.

b. Site development requirements, manufactured home parks.

Manufactured home parks shall meet the following requirements:

(1) Minimum site area. The minimum manufactured home park size shall be 10 acres.

(2) Site frontage, access and minimum width. Properties containing manufactured home parks shall have a minimum of 200 feet of property frontage on a public street. The manufactured home park shall have a minimum lot width of 200 feet throughout the entire depth of the developed portion of the property.

(3) Perimeter buffer or landscape screen.

(a) A landscape buffer meeting the requirements for landscape buffers for a multi-family use in the Landscaping and Buffers Article of this Code shall be provided.

(b) A minimum 10-foot wide landscape strip shall be provided and maintained along any side or rear property line comprising the perimeter of the development wherever no buffer is required, except for approved access and utility crossings.

(c) A minimum 10-foot wide landscape strip shall be provided and maintained along any street right-of-way line abutting the property, which shall contain a six-foot high decorative masonry wall, except for approved access and utility crossings.

(4) Open space and recreational areas. A minimum of 20 percent of the site area shall be open space and recreational area, excluding any required buffer or perimeter landscape strip. A minimum of eight percent of the total site area, counted as part of the required 20 percent site area that is open space and recreation area, shall be devoted to one or more active recreation facilities.

(5) Interior access roads, addresses and signing. The road system within the manufactured home park shall be designed as follows:

(a) All interior roads shall be private but constructed and paved to public road standards as to the thickness of the base and paving courses. Roads shall be located within 50-foot wide access and utility easements.

(b) Two-way interior roads shall be constructed with a minimum surface width of 20 feet, and shall be designated "no parking," or 24 feet if on-street parking is to be allowed.

(c) Interior roads shall be clearly marked at each intersection with signs to identify traffic directions and space numbers served by the road.

(d) Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other material, and elsewhere as needed.

(6) Guest parking. In addition to on-site parking, guest parking spaces shall be provided as part of the development, at a ratio of one parking space per each six manufactured home spaces. Guest parking spaces shall be grouped and distributed evenly throughout the manufactured home park.

(7) Drainage. Stormwater drainage facilities shall be designed and installed in accordance with all County regulations.

(8) Walkways. Sidewalks shall be required along one side of all interior streets and in areas where pedestrian traffic is expected, such as around recreation, management, mailbox groupings if provided, and community services areas.

c. Utility requirements, manufactured home parks.

The approval and installation of all utility improvements in a manufactured home park, including but not limited to water, sewer, electricity, and solid waste collection, shall be in accordance with this Section.

(1) Water supply. Each and every manufactured home located in a manufactured home park shall be supplied water from either an approved public system or an approved community water system. Before a final approval may be issued to a manufactured home park, the proposed water system must be certified by the health department as being installed to meet all state and local regulations. Individual water wells shall not be allowed in manufactured home parks.

(2) Fire hydrants. Fire hydrants shall be provided throughout the park such that no fire hydrant is more than 600 feet from any other fire hydrant, and not more than 300 feet from any manufactured home space.

(3) Sewer. Each and every manufactured home in a manufactured home park shall be supplied with either a hookup to a public sewer system or an approved septic tank system. Before final approval may be issued to a manufactured home park, the proposed method of sewage disposal must be certified as being installed to meet all state and local regulations by the health department. If septic tank systems are intended to be used, there shall be a separate tank for each manufactured home space.

(4) Electrical hookups. Each and every manufactured home space in a manufactured home park shall be provided with its own separate metered electrical service. Installation of this electrical service shall be in accordance with the state building code and all other state and local regulations that may apply. Before a final approval may be issued to a manufactured home park, the building inspector shall certify that the proposed electrical service has been installed to meet all applicable codes.

(5) Streetlights. Streetlights shall be provided in manufactured home parks in sufficient numbers and spaced accordingly so as to provide a continuous and uninterrupted lighting pattern on all streets in the manufactured home park. At a minimum, there shall be one streetlight at each intersection and additional lights no more than 600 feet apart.

(6) Solid waste collection. Solid waste and refuse collection shall be provided in manufactured home parks in accordance with county regulations. One refuse collection station shall be conveniently located to serve each 20 manufactured home spaces or fraction thereof.

d. Manufactured home spaces.

(1) Foundation. The manufactured home shall be installed on a properly prepared stand. The site shall have a grade that will allow water to drain away from the home stand, and all organic matter, debris, grass, grass sod and other foreign matter shall be removed where footings or pier foundations are to be installed. In accordance with the Rules and Regulations of the Office of Safety Fire Commissioner (Chapter 120-3-7, Appendix A), poured concrete or permanent foundations are not

required in manufactured home rental communities unless otherwise required by the manufacturer's installation instructions.

(2) Anchoring. Each manufactured home used for dwelling purposes, and room additions attached thereto, shall be anchored in conformance with the Rules and Regulations for Manufactured Homes of the Office of Safety Fire Commissioner (Chapter 120-3-7).

(3) Design. Each manufactured home space shall be designed and constructed at such elevation, distance, and angle with respect to its access to provide for safe and efficient placement and removal of the manufactured homes. Each manufactured home space shall be designed with no more than a five percent gradient and compacted with appropriate material to support maximum anticipated loads during all seasons.

(4) Width, depth and size of spaces and markings. Each manufactured home space shall be at least 100 feet wide. The minimum area for a manufactured home space shall be 17,000 square feet. The corners of each manufactured home space shall be clearly marked on the ground by permanent flush stakes, makers, or by other similar means.

(5) Patios. Each manufactured home space shall be provided with a patio of properly seated stone, brick or 4-inch thick concrete with minimum dimensions of 10 feet by 15 feet.

(6) Space identification numbers. Manufactured home space numbers at least four inches in height shall identify each space and shall remain readily identifiable while in use.

(7) Parking. Two paved parking spaces shall be provided on each manufactured home space.

(8) Walkways. A walkway at least two feet wide must be provided from each individual space to connect the manufactured home with the common walk or street.

(9) Setbacks. The manufactured home shall be located no closer than 10 feet from a side line of a manufactured home space, 40 feet from a rear line, and 30 feet from the access street easement.

(10) Additions and accessory structures. Decks, porches, outdoor storage, or other exterior additions may be constructed or erected on a manufactured home space, subject to the approval of the manufactured home park management. No such accessory structure shall be located closer than five feet to a manufactured home space boundary.

e. Manufactured home park operations.

(1) Park Rules. The property owner or manager shall submit operating rules and regulations governing the park to the Director of Planning prior to occupancy.

(2) No manufactured home space or the manufactured home placed thereon shall be rented for periods of less than 30 days.

f. Approval of manufactured home parks.

(1) Site plan review.

No manufactured home park shall be developed until and unless a site plan shall have been approved by the Planning Director, and construction plans and stormwater drainage plans approved by the Development Review Committee.

(2) Site conditions. Manufactured home parks shall be sited on land that is not subject to hazards such as flooding, erosion or land subsidence. The condition of the soil, ground water level, drainage, rock formations, and topography shall be appropriate for the use to ensure that no hazards to the property or to the health and safety of the occupants occurs.

(3) Site planning. Planning for the manufacturing home park should be adapted to individual site conditions and the type of use or uses served, reflect advances in site planning techniques, and be adapted to the trends in the design of the manufactured home itself. Site planning and improvements shall provide for facilities and amenities appropriate to the needs of the occupants; safe, comfortable, and sanitary use by the occupants under all weather conditions; and practical and efficient operation and maintenance of all facilities at reasonable costs. The street and block pattern for the park shall be designed to attain proper sizes and shapes of manufactured home spaces so as to provide desirable areas and to reduce excessive length of street construction without impairing convenient circulation and access.

(4) See Sec. 329.11 for additional requirements relating to pre-owned manufactured homes.

Sec. 329.10. **Recreational vehicle parks and subdivisions.**

A travel trailer or recreational vehicle shall not under any circumstances be considered as a dwelling unit and shall not be allowed as a principal or accessory residential structure in any zoning district. When set up for use, a travel trailer or recreational vehicle shall not be installed on any type of permanent foundation such as a masonry foundation nor have the running lights, moving hitch, wheels or axle removed. Continuous occupancy extending beyond three continuous months (90 days) shall be presumed to be permanent occupancy and is prohibited by this Section.

a. Permitted uses, recreational vehicle parks and subdivisions.

(1) One recreational vehicle on each approved lot or space. No manufactured homes or dwelling units of conventional construction shall be permitted on a lot or space for living purposes, except as specified below.

(2) Recreational vehicle accessory structures as defined in Sec. 329.03 with the following additional requirements applying to storage buildings:

(a) Storage buildings shall be detached structures;

(b) A maximum area of 144 square feet;

(c) A maximum height of ten feet above grade when detached or ten feet above finished floor when attached;

(d) Located to the side or rear of the manufactured home, at least five feet from any property line and separated from the manufactured home by at least six feet.

(3) Manager's office and residence, which may be of conventional construction.

(4) Recreation and social centers, which may be used for dancing, crafts, hobbies, games, child care, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended and used primarily as a resident amenity. Such facility may be of conventional construction.

(5) Outdoor recreation facilities, such as parks, swimming pools, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the residents of the park or subdivision.

(6) Common use laundry facilities, maintenance buildings, and security guard houses that may be of conventional construction.

(7) Designated areas for boat and recreational vehicle storage, which are used solely by the residents of the park or subdivision.

(8) Recreation center parking lots and guest parking areas.

b. Development requirements, recreational vehicle parks and subdivisions.

Recreational vehicle parks and subdivisions shall meet the following requirements:

(1) Minimum site area. The minimum site shall be 10 acres.

(2) Site frontage, access and minimum width. Properties containing recreation vehicle parks shall have a minimum of 200 feet of property frontage on a public street. The recreation vehicle park shall have a minimum lot width of 200 feet throughout the entire depth of the developed portion of the property.

(3) Perimeter buffer or landscape screen.

(a) A landscape buffer meeting the requirements for landscape buffers for a multi-family use in the Landscaping and Buffers Article of this Code shall be provided.

(b) A minimum 10-foot wide landscape strip shall be provided and maintained along any side or rear property line comprising the perimeter of the development wherever no buffer is required, except for approved access and utility crossings.

(c) A minimum 10-foot wide landscape strip shall be provided and maintained along any street right-of-way line abutting the property, which shall contain a six-foot high decorative masonry wall, except for approved access and utility crossings.

(4) Open space and recreational areas. A minimum of 20 percent of the site area shall be open space and recreational area, excluding any required buffer or perimeter landscape strip. A minimum of eight percent of the total site area, counted as part of the required 20 percent site area that is open space and recreation area, shall be devoted to one or more active recreation facilities.

(5) Interior access roads, addresses and signing. The road system within the recreational vehicle park or subdivision shall be designed as follows:

(a) All interior roads shall be private but constructed and paved to public road standards as to the thickness of the base and paving courses. Roads shall be located within 50-foot wide access and utility easements.

(b) Two-way interior roads shall be constructed with a minimum surface width of 20 feet, and shall be designated "no parking," or 24 feet if on-street parking is to be allowed.

(c) Interior roads shall be clearly marked at each intersection with signs to identify traffic directions and space numbers served by the road.

(d) Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other material, and elsewhere as needed.

(6) Drainage. Stormwater drainage facilities shall be designed and installed in accordance with all County regulations.

(7) Walkways. Sidewalks shall be required along one side of all interior streets and in areas where pedestrian traffic is expected, such as around recreation, management, mailbox groupings if provided, and community services areas.

c. Approval of recreational vehicle parks and subdivisions.

Recreational vehicle parks shall be reviewed and approved in the same manner as proscribed for manufactured home parks, under Sec. 329.09.f. Recreational vehicle subdivisions shall be reviewed and approved following the procedures, standards and requirements of the Oconee County Subdivision Regulations.

Sec. 329.11. **Standards for pre-owned manufactured homes.**

These standards are applicable to any pre-owned manufactured home that is proposed to be moved into or relocated within the county. Mobile homes, which are defined as manufactured homes that do not conform to the Federal Manufactured Housing Construction and Safety

Standards Act (the HUD Code), are not allowed to be moved into or relocated within the county.

a. Definitions.

The following words, terms, or phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section:

Applicant: means any person seeking to install a pre-owned manufactured home in the unincorporated area of Oconee County.

Code Enforcement Officer: means the person appointed, employed, or otherwise designated as the director of planning, permits and inspections; the county building official or any of his or her assistants.

Certificate of Occupancy: means a document issued by the Code Enforcement Officer certifying that a pre-owned manufactured home is in compliance with applicable requirements set forth by this Ordinance, and indicating it to be in a condition suitable for residential occupancy.

Guarantee of Condition Bond: means a surety bond to guarantee that the affidavit and photographs required by Sec. 326.11.c(1)i and Sec. 326.11.c(1)ii of this ordinance reasonably portray or represents the existing condition of the pre-owned manufactured home proposed for relocation. In lieu of the bond, a cash deposit may be deposited with the County.

Install: means to construct a foundation system and to place or erect a manufactured home on such foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing, or anchoring such manufactured home and connecting multiple or expandable sections of such manufactured home.

Jurisdiction: the unincorporated areas of Oconee County, Georgia.

Manufactured Home: means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

Pre-Owned Manufactured Home: means any manufactured home that has been previously used as a residential dwelling and has been titled.

b. Conditions.

All pre-owned manufactured homes located in the jurisdiction shall bear a label certifying it was constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. (the HUD Code) and shall be installed in accordance with O.C.G.A. § 8-2-160, et seq.

c. Permitting, Inspection, Certificate of Occupancy and Fees.

A permit shall be required to locate a pre-owned manufactured home in the jurisdiction.

(1) Permit.

To obtain a permit, Applicants shall provide to the Code Enforcement Officer:

(a) An affidavit, in an approved form, signed by the applicant that the pre-owned manufactured home meets health and safety standards required by this Act;

(b) A reasonably complete set of photographs of the interior and exterior of the pre-owned manufactured home providing evidence that home meets the minimum health and safety standards of Sec. 326.11.d of this ordinance;

(c) A $250.00 refundable guarantee of condition bond or $250.00 refundable cash deposit; and

(d) The permit and inspection fee required by subsection (4) of this Section.

(2) Inspection.

Upon receipt of a permit, Applicants may relocate the manufactured home on a residential site for the purposes of inspection. Applicants shall arrange for all required inspections.

(3) Certificate of Occupancy.

A certificate of occupancy shall be issued to the Applicant at such time that the Code Enforcement Officer certifies that the requirements of this ordinance have been met.

(4) Fee.

A permit and inspection fee of fourteen cents per square foot shall be charged to the applicant to cover the cost to the County to process the permit application and inspect the pre-owned manufactured home. The applicant may also be charged a like fee for each follow-up inspection that may be necessary.

(5) Alternative Inspection.

At the request of the Applicant, the Code Enforcement Officer may, at his or her discretion, inspect a pre-owned manufactured home prior to its being relocated if the home is then located at another site within the county.

(6) Permit Issuance and Appeals.

Upon submission of the matters required herein and compliance with the provisions of this ordinance, the Code Enforcement Officer shall issue the permit allowing the location of a pre-owned manufactured home within the unincorporated portion of the County. Failure of the Code Enforcement Officer to act to either grant or deny the permit within 30 days of the completed submission shall constitute a denial of the permit. Any denial of a permit may be appealed by the applicant under the provisions of Article 13 of the Unified Development Code of Oconee County.

d. Minimum Health and Safety Standards.

All pre-owned manufactured homes shall comply with the following before being issued a certificate of occupancy by the Code Enforcement Officer:

(1) HUD Code.

Every pre-owned manufactured home located in the jurisdiction shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401-5445 (the HUD Code) and shall not have been altered in such a way that the home no longer meets the HUD Code.

(2) Interior Condition.

Every floor, interior wall, and ceiling of a pre-owned manufactured home shall be in sound condition. Doors and windows shall be operable, watertight and in good working condition. The floor system shall be in sound condition and free of warping, holes, water damage, or deterioration.

(3) Exterior Condition.

The exterior of all pre-owned manufactured homes shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to occupied spaces. The exterior siding shall be

free of rot and rust. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.

(4) Sanitary Facilities.

Every plumbing fixture, water, and waste pipe of a pre-owned manufactured home shall be in a sanitary working condition when properly connected, and shall be free from leaks and obstructions. Each home shall contain a kitchen sink. Each bathroom shall contain a lavatory and water closet. At least one bathroom shall contain a tub and/or shower facilities. Each of these fixtures shall be checked upon being connected to ensure they are in good working condition.

(5) Heating Systems.

Heating shall be safe and in working condition. Un-vented gas heaters shall be prohibited.

(6) Electrical Systems (switches, receptacles, fixtures, etc.) shall be properly installed and wired and shall be in working condition. Distribution panels shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with solid covers approved and listed for that purpose. The home shall be subject to an electrical continuity test to assure that all metallic parts are properly bonded.

(7) Hot Water Supply.

Each home shall contain a water heater in safe and working condition.

(8) Egress Windows.

Each bedroom of a manufactured home shall have at least one operable window of sufficient size to allow egress if necessary.

(9) Ventilation.

The kitchen in the home shall have at least one operating window or other ventilation device.

(10) Smoke Detectors.

Each pre-owned manufactured home shall contain one operable battery-powered smoke detector in each bedroom and in the kitchen, which must be installed in accordance with the manufacturer's recommendations.

e. Enforcement and Violations.

(1) Owners of pre-owned manufactured homes that are not in compliance upon a third inspection shall have their permit revoked and shall be required to remove the home from the jurisdiction at their own expense.

(2) The guarantee of condition bond or cash deposit will be forfeited after 90 days from the date of inspection, unless all conditions and standards are met prior to the end of the 90 days or an extension has been issued in writing by the Code Enforcement Officer.

(3) Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished for each offense according to law. Each day such violation continues shall constitute a separate offense.

Sec. 329.12. **Accessory manufactured homes.**

a. Permitted as an accessory residence.

If allowed by the applicable zoning district on a property in accordance with Table 2.2 and Table 3.3, a non-qualified manufactured home may be placed on a property as an accessory residence under the following circumstances:

(1) The principal residence on the property is not a manufactured home.

(2) The principal residence or accessory manufactured home on the property is occupied by the owner of the property.

(3) The accessory manufactured home is or will be occupied by either:

(a) A relative by blood, marriage or adoption to the owner of the property, such relationship not extending beyond grandparent, parent, child, grandchild, brother or sister, niece or nephew; or

(b) The owner of the property, in which case the principal residence must be occupied by a relative meeting the standards of Sec. 329.12.a(3)(a), above.

(c) An employee whose duty is watchful oversight or personal care of the other occupant; or

(d) A farm worker and his or her family employed by the owner of the property, for the period of time that the property is in active agricultural use and the Oconee County Tax Commissioner has approved the property for a Preferential Agricultural Assessment.

(4) The manufactured home cannot be used for commercial or for-profit activities.

b. Development requirements, accessory manufactured homes.

(1) In addition to the land needed to meet the minimum lot area required for the principal residence on the property, the number of manufactured homes that may be placed on a property as accessory residences shall be no more than 1 for each 5 acres of additional land.

(2) Foundation. The manufactured home shall be installed on a properly prepared stand. The site shall have a grade that will allow water to drain away from the home stand, and all organic matter, debris, grass, grass sod and other foreign matter shall be removed where footings or pier foundations are to be installed.

(3) Anchoring. The manufactured home shall be anchored in conformance with the Rules and Regulations for Manufactured Homes of the Office of Safety Fire Commissioner (Chapter 120-3-7).

(4) Room additions. Room additions shall not be allowed.

c. Compatibility standards, accessory manufactured homes.

(1) Skirting. The entire perimeter area between the bottom of the structure and the ground of each manufactured home shall be skirted or underpinned with brick, masonry, finished concrete or siding (of like or similar character to the manufactured home) that completely encloses the perimeter of the undercarriage except for proper ventilation and access openings.

(2) Exterior Finish. The exterior siding of the manufactured home shall consist of wood, hardboard, vinyl, or plastic siding material.

(3) Roof Pitch and Materials. The manufactured home shall have a pitched roof with a slope of at least two feet in height for each 12 feet in width (2:12). Roof materials shall be wood shake, tile, asphalt shingle, coated metal, or similar material.

(4) Steps and landings. Permanent steps and landings shall be constructed at all exterior doors as necessary. A permanent porch or landing measuring at least three feet in width and three feet in length shall be constructed at each entrance to the manufactured home.

d. Use is treated as temporary.

(1) The use of a manufactured home as an accessory residence shall be considered temporary in nature and shall vest no right in perpetuity to the use of the property

for such accessory residence beyond the period during which the circumstances of Sec. 329.12.a are met.

(2) An accessory manufactured home that no longer complies with the circumstances of Sec. 329.12.a shall not be considered a nonconforming use under the Oconee County Zoning Regulations, and shall be removed from the property within 60 days of becoming noncompliant.

(3) A manufactured home used as an accessory residence may not be converted to any nonresidential use, including use as a storage building, utility structure or shop.

e. Approval of an accessory manufactured home.

(1) Special use approval.

In addition to meeting the requirements of Sec. 326.12.a, accessory manufactured homes located on properties in the AG and AR zoning districts must also obtain Special Use Approval from the Board of Commissioners.

(a) In addition to the standards governing consideration of a Special Use approval contained in the Procedures and Permits Article of this development Code, the need for such temporary housing and the lack of availability of alternate housing may be considered, including a medical necessity documented by an attending physician.

(b) Time limits may be placed on the temporary location of an accessory manufactured home as a condition of Special Use approval.

(c) Upon Special Use approval for renewal of a "hardship" manufactured home that was originally approved prior to adoption of this Development Code, the Board of Commissioners may waive the requirements of Sec. 329.12.a or Sec. 329.12.b as appropriate to protection of the public health, safety and welfare, but not Sec. 329.11.

(2) A location permit must be issued by the Oconee County Planning and Code Enforcement Director or his or her designee prior to placement of the manufactured home on a property, as well as building permits for the construction of the manufactured home stand or foundation and connection to utilities.

(3) See Sec. 329.11 for additional requirements relating to pre-owned manufactured homes.

f. No manufactured home shall be used as a storage building.

Sec. 330. Mini-warehouses and self service storage.

Mini-warehouses and other self-storage facilities must meet the following requirements:

Sec. 330.01. General regulations.

a. No wholesale or retail sales shall be permitted within a storage bay. A self-service storage facility included within a commercial or industrial development, where otherwise allowed in a commercial or industrial zoning district or within a commercial or industrial portion of a master planned development or planned unit development, shall have a minimum of 1 acre and a maximum of 5 acres devoted exclusively for such use.

b. As a principal use, a self-storage facility shall not occupy a site larger than 3 acres.

c. The only commercial activities permitted exclusively on the site of the self-service storage facility shall be rental of storage bays, pick-up and delivery of goods or property in dead storage, and the sale or rental of items related to moving and storage such as moving boxes, packing supplies and hand trucks.

d. Storage bays shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair

activities; conduct garage sales or retail sales of any kind; rehearsing or practicing utilizing musical instruments; conversion to an apartment or dwelling unit; or to conduct any other commercial or industrial activities on site.

e. Residential quarters for security purposes may be established on the site (see Sec. 360).

f. An eight-foot high privacy fence or chain link fence with visual blocking is required on all rear property lines, and side property lines behind the front edge of warehouse buildings. Property lines adjacent to an industrial zoning district are exempt from this requirement.

g. Individual storage bays within a self-service storage facility shall not be considered a premise for the purpose of assigning a legal address in order to obtain an occupational license or any other governmental permit or licenses to do business.

h. Except as provided under Sec. 330.03, all property stored on site shall be entirely within enclosed buildings. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.

Sec. 330.02. **Access.**

A self-service storage facility shall be located on a lot that gains access from a local commercial or industrial street, a minor or major collector, or an arterial street.

Sec. 330.03. **Outside storage.**

Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by private individuals for their personal use shall be permitted within a self-service storage facility provided the following conditions are met.

a. Such storage shall take place only within a designated area. The area so designated shall be clearly delineated upon the site plan submitted for approval by the County.

b. The storage area shall not exceed 20 percent of the total area of the site.

c. The outside storage area shall be entirely screened from view from adjacent residential properties and public streets by a building or by the installation of an 8-foot high opaque wall or imitation-wood vinyl fence. If existing vegetation or topography provides the required screening, then this wall or fence requirement may be eliminated.

d. Vehicles shall not be stored within the area set aside for minimum building setbacks.

e. No vehicle maintenance, washing, or repair shall be permitted on site. Pleasure boats stored on site shall be stored upon wheeled trailers. No dry stacking of boats shall be permitted on site.

Sec. 330.04. **Development regulations.**

a. Separation between storage buildings.

(1) If separate buildings are constructed, there shall be a minimum of 20 feet separating the individual buildings.

(2) Buildings shall be situated or screened so that overhead access doors do not face or are not visible from public roads or residentially zoned property.

b. Maximum bay size.

The maximum size of a storage bay shall be 450 square feet.

c. Maximum building height.

(1) With the exception of the structure used for security quarters, the maximum height of a self-service storage facility shall be 1 story unless the Board of Commissioners approves additional stories.

(2) All self-service storage facilities shall utilize gable roofs with not less than a 4:12 slope (4 inches of rise for every 12 inches of horizontal run).

d. Parking requirements.

(1) Designated customer parking is not required; however, a minimum of 5 parking spaces shall be provided adjacent to the facility's leasing office, if a leasing office is located on site.

(2) Interior parking. Interior parking shall be provided in the form of aisleways adjacent to the storage bays. These aisleways may be used for both circulation of traffic and user parking while using the storage bays. The minimum width of these aisleways shall be as follows.

(a) If aisleways permit two-way traffic, minimum width shall be 24 feet.

(b) If aisleways permit only one-way traffic, minimum width shall be 20 feet.

(3) Prior to issuance of a certificate of occupancy, the traffic flow patterns in the aisleways shall be clearly marked. Marking shall consist at a minimum of the use of standard directional signage and painted lane markings with arrows. In order to assure appropriate access and circulation by emergency vehicles and equipment, the Fire Department shall approve the turning radii of the aisleways.

e. All exterior lighting shall be directed toward the interior of the site and away from adjoining residential property.

Sec. 330.05. **Landscape requirements.**

A detailed landscape plan shall be submitted with the development plans at the time of plan review for approval. In addition to the requirements of the Landscaping and Buffer Plans required for a development permit, the following shall apply:

a. Security fencing along the road frontage and on side property lines in front of warehouse buildings shall be ornamental and constructed with masonry posts and decorative ironwork. Chain link fencing is not allowed in these areas.

b. There shall be a 20-foot landscape strip along the frontage of the site that shall comply with the requirements of the Landscaping and Buffers Article of this Code.

c. There are no aisleways or other vehicular access ways located in the area between the building and an adjacent agricultural or residential zoning district.

Sec. 330.06. **Dumpsters and trash receptacles.**

Dumpsters and trash receptacles shall be located where they are not visible from adjacent residentially-zoned properties and shall be adequately screened from view from all other adjacent properties and streets. Dumpster pads must drain into a drainage pit and not into a stormwater system, septic system or sanitary sewer.

Sec. 330.07. **Indoor Mini-Warehouses and Self Storage.**

The following provisions shall apply to all indoor and enclosed mini-warehouses and self storage facilities:

a. Indoor mini-warehouse and self storage facilities shall not exceed the maximum building and structure heights provided in Table 4.8 of this Development Code.

b. Indoor mini-warehouse and self storage buildings and structures taller than 3 stories in height shall be setback a minimum distance of 200 feet from any property zoned for residential purposes.

c. Facilities containing both indoor and outdoor storage compartments, shall adhere to the regulations governing mini-warehouses and self-storage facilities providing access to storage compartments on the outside of the building, as outlined throughout Sec. 330.

Sec. 331. Outdoor commercial recreation and entertainment.

Outdoor commercial recreation and entertainment includes uses such as drive-in theaters, amusement parks, miniature golf, tennis courts, etc. Restrictions that apply to such uses in general, and restrictions that have application to specific types of operations, are as follows:

Sec. 331.01. **Exemptions.**

The following outdoor recreation uses are exempt from the requirements of this Section:

a. Stadiums, coliseums, arenas and amphitheaters regulated under Sec. 339 of this Development Code.

b. Golf courses and golf course related uses regulated under Sec. 325 of this Development Code.

Sec. 331.02. **General restrictions.**

The following provisions apply to all outdoor commercial recreation and entertainment uses:

a. Central loudspeakers shall be prohibited.

b. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways.

c. No outdoor commercial recreation or entertainment operation shall be allowed between the hours of 11:00 p.m. and 8:00 a.m. unless specifically authorized as a condition of Special Use approval by the Board of Commissioners.

d. Sound levels at the boundaries of the property shall not exceed the following limits when adjacent to the following zoning districts existing at the time of establishment of the outdoor commercial recreation or entertainment operation:

(1) Long duration sound.

For any sound lasting continuously for 1 second or more, maximum limits are: 60 dba for projects adjacent to an agricultural or residential zoning district; 65 dba for projects adjacent to a commercial zoning district; and 75 dba for projects adjacent to an industrial zoning district.

(2) Short duration sound.

For any sound having a duration of less than one second, including impulsive sound (i.e., sound having an abrupt onset and rapid decay), the limit shall be 80 dba at a property line adjacent to any zoning district.

(3) Method of sound measurement.

These sound levels are to be measured in decibels in accordance with the standards promulgated by the American National Standards Institute (ANSI), and shall be made with a sound level meter using the (a-) weighting scale.

Sec. 331.03. **Drive-in theater.**

a. The theater screen, projection booth or other buildings shall be set back not less than 500 feet from any residential zoning district or existing residence. A minimum 100-foot landscape buffer shall be provided adjacent to any residential zoning district. If not adjacent to a residential zoning district, a landscape buffer meeting the requirements for a commercial use in the Landscaping and Buffers Article of this Code shall be provided.

b. Driving and parking areas shall be paved.

c. Ingress and egress from a public street shall be so designed and constructed as to provide for safe traffic movement and shall include 200-foot acceleration and deceleration lanes on the street from which the theater is accessed.

d. This use shall be accessed only from an arterial or major collector road.

e. The theater screen shall not be visible from any street located within 2,000 feet of the screen.

f. The theater shall be enclosed by a wall or fence of adequate height to screen the parking area from view of adjacent property.

Sec. 331.04. **Fairgrounds and amusement parks.**

a. All buildings and structures associated with this use shall be set back not less than 200 feet from any property line.

b. All buildings and structures associated with this use shall not be permitted within 500 feet of a residential zoning district.

c. A minimum 100-foot landscape buffer shall be provided adjacent to any residential zoning district. If not adjacent to a residential district, a landscape buffer meeting the requirements for a commercial use in the Landscaping and Buffers Article of this Code shall be provided.

d. Vehicular access shall be derived only from an arterial street.

e. The facility shall be enclosed by a security wall or fence not less than 6 feet in height.

Sec. 331.05. **Tennis centers, clubs and facilities.**

All buildings and structures associated with such use shall be set back not less than 50 feet from a residential zoning district.

Sec. 331.06. **Horse riding stables.**

Commercial riding stables and academies are subject to the following:

a. Commercial riding stables must provide a minimum site area of at least 2 acres for the first horse, and an additional 1 full acre for each additional horse kept on the property.

b. No structure or corral housing horses can be established closer than 200 feet to any property line.

Sec. 331.07. **Go-cart concessions.**

a. All buildings and structures associated with this use shall be set back not less than 200 feet from any property line.

b. This use shall not be permitted within 500 feet of the boundary of a residential zoning district, or within 500 feet of a residence in any zoning district.

c. This facility shall be enclosed by a wall or solid fence of not less than 6 feet in height.

d. The maximum area occupied by the facility shall not exceed 40,000 square feet.

Sec. 331.08. **Outdoor commercial racing.**

Outdoor commercial racing of motorcycles, automobiles, trucks, tractors or any other motorized vehicles is subject to the following additional minimum requirements:

a. Permits required.

(1) Special use approval as provided in the Procedures and Permits Article of this Development Code.

(2) All necessary federal and state permits, if any.

(3) Traffic impact study must be submitted with the application.

b. Operational limitations.

(1) All buildings and structures associated with this use shall be set back not less than 200 feet from any property line.

(2) All buildings and structures associated with this use shall not be permitted within 500 feet of a residential zoning district.

(3) A minimum 100-foot landscape buffer shall be provided adjacent to any residential zoning district. If not adjacent to a residential zoning district, a landscape buffer meeting the requirements for a commercial use in the Landscaping and Buffers Article of this Code shall be provided.

(4) A noise and air pollution abatement plan must be approved by the Board of Commissioners as part of the special use approval.

(5) No damaged vehicles shall be stored on the site for more than 7 days.

(6) Hours of operation are 8:00 a.m. to 11:00 p.m., unless otherwise approved by the Board of Commissioners.

Sec. 331.09. **Zoos and nature parks.**

A zoo or nature park, including but not limited to a zoological garden, aviary, wild animal park or wildlife sanctuary, shall provide a minimum setback for any barn, pen, corral or other structure housing animals of 200 feet from all property lines.

Sec. 332. Personal care homes.

Sec. 332.01. **General restrictions.**

a. A personal care home of any type (family, group or congregate) in a residential zoning district shall be at least 1,000 feet from any other personal care home (of any type) in the same or any other zoning district.

b. Personal care homes must be constructed in compliance with the Life Safety Code and other codes adopted by the state of Georgia and Oconee County

Sec. 332.02. **Categories of personal care homes.**

a. Family personal care home.

A family personal care home is limited to no more than 6 persons under care.

b. Group personal care home.

A group personal care home is limited no more than 15 persons under care.

c. Congregate personal care home.

A congregate personal care home may provide care to more than 15 persons.

Sec. 332.03. **Resident managers.**

a. The managing caregiver of a family personal care home must be the owner of the property and a full-time resident of the facility.

b. The managing caregiver of a group personal care home must be a full-time resident of the facility.

Sec. 333. Petroleum or bulk storage facilities.

Petroleum and other bulk storage facilities for flammable liquids or gas are subject to the following requirements:

a. Compliance with all applicable state and federal laws including but not limited to International Fire Code (IFC) O.C.G.A. Sections 12-8-20 through 12-8-42 inclusive and 12-8-60 through 12-8-82 inclusive and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to Chapter 391-3-11 inclusive.

b. All necessary state and federal permits must be obtained prior to application.

c. Spill containment plan to be approved by appropriate county staff and comply with O.C.G.A. Section 12-8-60 and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division regarding spill containment.

d. Minimum acreage to be 15 acres.

e. No use shall be located closer than 1,000 feet from any agricultural or residential zoning district or school property line.

f. Noise abatement and air pollution abatement plans to be approved by County staff.

g. Fire prevention, evacuation, and safety plan to be approved by the fire safety inspector.

h. Cleaning of vehicles and containers shall be performed so that runoff shall not enter the sanitary sewer system nor shall it runoff into adjoining properties.

i. Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility .The entrance or entrances shall be directly off an arterial or major collector road. Truck traffic routes and entrances to the facility shall be approved by the County Engineer.

Sec. 334. Quarries or mining operations.

Quarries or mining operations, including the removal or extraction of dirt, sand and soil, are subject to the requirements of this Section. Nothing in this Section shall be interpreted to prohibit or regulate the removal of earth and rock and filling and grading in any zoning district done for land development purposes under authorization of a valid land development permit issued by Oconee County.

Sec. 334.01. Application requirements.

An application for approval of a quarry or mining operation shall include the following in addition to any applicable requirements under the Procedures and Permits Article of this Code:

a. An operation plan containing the following must be a part of such application:

(1) Date of commencement of the operation and its expected duration.

(2) Proposed hours and days of operation.

(3) The description of the method of operation, including the disposition of topsoil, overburden and by-products.

(4) A description of the equipment to be used in the extraction process. The applicant shall provide an estimate of the potential noise and dust levels produced by the use and the placement of such equipment.

b. The applicant shall submit a copy of the operations plan and all documents submitted to the State of Georgia for the purpose of obtaining a State Mining Permit including the reclamation plan which shall include a description of how the excavated land will be restored, statement of intended future use of the land, and phasing and timing estimates of reclamation and rehabilitation activities. Operations and reclamation plans, if approved, shall be considered conditions of development approval.

c. A study prepared by the applicant that shall identify any state or county maintained road within or adjacent to the property, and shall state any repaving, alterations, turning lanes or other additions necessary to accommodate the potential increase of traffic volume or weight occasioned by the proposed operations.

d. The applicant shall provide a statement regarding the intended use of explosives or other hazardous materials and the methods and procedures proposed for handling, use, storage and disposal of the materials.

e. The applicant shall provide a copy of the well and soil study to be completed by applicant in connection with the application submitted to the State of Georgia for a surface mining permit, which shall include all properties within 1,000 feet of the property.

f. In the event the applicant is not required to obtain a bond in connection with the surface mining permit issued by the State of Georgia, the Board of Commissioners may at its discretion require a bond calculated on a specific amount per acre for the purposes of insuring proper reclamation. The Board of Commissioners shall not require a bond if the applicant is required to obtain a bond in connection with its surface mining permit.

g. The applicant shall provide documentation that it has obtained a surface mining permit from the State of Georgia and the bond required in conjunction with the surface mining permit.

Sec. 334.02. **Restrictions.**

In addition to all requirements and restrictions imposed by the State of Georgia on a quarrying or surface mining operation, the following shall apply to any such operation in Oconee County:

a. No operation shall be allowed between the hours of 7:00 p.m. and 7:00 a.m. during the months of November, December, January, February, and March. No operation shall be allowed between the hours of 9:00 p.m. and 6:30 a.m. during the months of April, May, June, July, August, September and October. No operation shall be permitted on Sundays, New Year's Day, Independence Day, Thanksgiving or Christmas Day. These restrictions shall not apply to routine maintenance and may be varied for special projects, including Department of Transportation projects and large commercial projects, with the approval of the Board of Commissioners.

b. The area being excavated for stone mining and quarrying shall be entirely enclosed within a barrier fence of at least 6 feet high located at least 10 feet back from the edge of any excavation and such construction and height as to be demonstrably able to exclude children and animals from the quarry area. For other mining operations covered by this section, the excavation area shall be surrounded by earthen berms of at least 4 feet in height covered with thorny shrubs.

c. Gates must be provided at all points of vehicular and pedestrian ingress and egress and shall be locked when not in regular use.

d. All work areas shall be sufficiently illuminated, naturally or artificially, in accordance with the form of the operation and the stated hours of operation. No direct artificial illumination resulting from the operation shall fall on any land not covered by the application.

e. All gravel and pit access roads shall be maintained in accordance with state issued air quality permits.

f. For quarries and open pit mines, the maximum depth of excavation shall not be below existing groundwater, except in cases where the reclamation plan indicates that a lake or lakes will be a part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavation. No excavation shall be allowed to lower the water table of the surrounding inhabited properties to the extent there are wells with potable water within 1000 feet of the excavation area.

g. Notices shall be posed at regular intervals along the outer limits of the property, which shall warn against trespassing and shall contain a statement pertaining to the use of explosives, if applicable.

Sec. 334.03. **Distance requirements.**

a. Soil or sand removal or extraction operations.

   Such uses shall not be established within 500 feet of a residential use or 200 feet of any other use.

b. Quarries and open pit mines.

   The operational and removal area of such uses shall not be established within 4,000 feet of a residential use and within 2,000 feet of any other use.

Sec. 334.04. **Modification of restrictions.**

The restrictions under Sec. 334.02 and the distance requirements under Sec. 334.03 may be modified by the Board of Commissioners as a condition of approval of a Special Use for the quarry or mining operation based on competent and acceptable studies or other evidence submitted by the applicant of noise, vibration or other impacts as appropriate to the operation proposed and modification requested. In no case shall such action by the Board of Commissioners have the effect of reducing standards or restrictions imposed by the State of Georgia.

Sec. 334.05. **State permits.**

A copy of the State permit approval shall be maintained on file with the Code Enforcement Department.

Sec. 335. Radio, television and telecommunications.

Sec. 335.01. **Purposes.**

a. Provide for the appropriate location and development of communications towers and antennae to serve the residents and businesses of Oconee County, Georgia.

b. Minimize adverse visual impacts of towers and antennae through careful design, siting, landscaping, screening, and innovative camouflaging techniques.

c. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

d. Lessen traffic impacts on surrounding residential areas.

e. Maximize use of any new and existing communications towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the County provided however that the use of shorter towers of a height which does not require lighting under FAA Regulations will normally be given preference over the use of taller structures even when the use of unlighted structures may require a larger number of towers to serve the county.

f. Maximize and encourage use of alternative tower structures as a primary option rather than construction of additional single-use towers.

g. Encourage and promote the location of new communications towers in areas which are not zoned for residential use.

Sec. 335.02. **Definitions related to telecommunications.**

Alternative Tower and Antenna Structure: man-made "trees", clock towers, bell steeples, church steeples, light poles, flag poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers so as not to be readily discernible as an antenna or tower. In order to establish quantitative and qualitative standards for determining that an alternative tower structure is "not readily discernible," nine examples (photographs) of such "non-readily discernible" structures are included in the appendix to this Development Code..

Antenna: any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

Height of Telecommunications Tower: When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

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

Tower Owner: The owner, permittee or lessee of the tower, antennae or associated equipment as well as any parent or subsidiary companies of the foregoing entities.

Sec. 335.03. **Exemptions.**

Towers and antennae that are exempted from local regulation by the Federal Communications Commission are exempt from the requirements of this Sec. 335. These include the following:

a. Antennae and towers owned and operated by the holder of an Amateur Radio License issued by the Federal Communications Commission that are less than 70 feet in height are exempt from the requirements of this Section.

b. Personal over-the-air devices for broadcast, cable or satellite television reception, radio broadcast reception, and wireless internet services, are not subject to the requirements of this Section.

c. Satellite ground relay station facilities are not subject to the requirements of this Section.

Sec. 335.04. **Where communications towers and antennae may be located.**

a. Upon receipt of an appropriate building permit, free-standing communications towers may be located as a special use within the AG, B-2 and I Zoning Districts provided that the property owner first obtains special use approval from the Board of Commissioners in accordance with the procedures set forth for special use approval in this Development Code.

b. Unlighted alternative tower structures, additional antennae mounted on existing communications towers, and antennae located on any nonresidential buildings and alternative tower structures are allowed within the AG, B-1, B-2, I, OBP and OIP Zoning Districts, provided that:

(1) The property owner first obtains a building permit in accordance with the procedures established for commercial building permit applications and plan review;

(2) Such alternative tower or antenna is set back from any existing or planned off-site residence and separated from any residentially zoned property at least a distance equal to the greater of the required setback for primary uses within the zoning district in which such alternative tower and antenna structure is located or 25 feet;

(3) The height of the existing free-standing nonresidential structure (other than a tower) on which such tower or antenna is placed will not be increased by more than the lesser of two fifths its existing height or 20 feet. Any structure erected after September 4, 2001 for the purpose of use as an alternative tower or antennae structure shall not exceed 100 feet in height above the existing ground elevation. New structures exceeding 100 feet shall be considered as "towers" as defined herein and shall therefore be subject to the zoning district limitations and Special Use Approval requirements of this Development Code;

(4) No advertising is permitted on an antenna or tower;

(5) No signs or lights are permitted on the alternative tower and antenna structures unless such signs or lights lawfully existed prior to erection of the alternative tower structure and will not be modified as a result of same; and

(6) The number and location of antennae, communications towers or other receiving or transmitting devices located on a single structure is not excessive and does not adversely affect adjacent properties and views.

c. Prohibitions. No new tower may be established if there is a technically suitable space available on an existing tower within the search area that the new tower is to serve. For the purpose of this Section, the search area is defined as the grid for the placement of the antenna.

Sec. 335.05. **General requirements.**

The requirements set forth in this Section shall govern the location and construction of all towers, and the installation of all antennae, governed by this Section including alternative tower structures.

a. Building Codes - Safety Standards.

To ensure the structural integrity of towers, the owner, permittee or subsequent lessee of a tower or alternative tower structure shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards

for towers that are published by the Electronic Industries Association, as amended from time to time. Such inspection shall be conducted periodically and at least once every 3 years. Inspection shall be conducted by a trained and certified tower inspector and reviewed by a professional engineer licensed to practice in the State of Georgia. The tower inspector shall be either a Georgia licensed engineer or a person or firm whose business includes the erections and/or inspections of communications towers. The results of such inspections shall be provided to the Board of Commissioners or its designee. If, upon inspection, the Board of Commissioners or its designee concludes that a tower fails to comply with all applicable codes and standards, then upon receipt of written notice by the owner, permittee or lessee of the tower, said party shall have 30 days to bring the tower into compliance with such standards. If the deficiency constitutes an immediate danger to persons or property, then the tower owner shall immediately correct said deficiencies with or without notice from Oconee County. If the owner, permittee or lessee fails to bring the tower into compliance within the 30 days, the governing authority may remove the tower at the owner, permittee or lessee=s expense. Prior to the removal of any tower, the Board of Commissioners or its designee may consider detailed plans submitted by the owner, permittee or subsequent lessee for repairs of substandard towers, and may grant a reasonable extension of the above referenced compliance period if no immediate danger exists.

b. Regulatory Compliance.

(1) All towers and antennae must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate communications towers and antennae. If such standards and regulations are changed, then the owners of the communications towers and antennae governed by this Section shall bring such communications towers and antennae into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.

(2) Tower owners shall provide documentation showing that each communications tower is in compliance with all federal requirements. Evidence of compliance must be submitted every 12 months.

c. Security.

Communications towers shall be enclosed by decay resistant security fencing not less than 6 feet in height and shall be equipped with an appropriate anti-climbing device; provided however, Oconee County may waive such requirements for alternative tower structures.

d. Lighting.

No illumination is permitted on an antenna or tower unless required by the FCC, FAA or other state or federal agency of competent jurisdiction in which case Oconee County may review lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.

e. Advertising.

No advertising is permitted on an antenna or tower.

f. Visual Impact.

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color, so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(4) To the extent possible, towers clustered at the same site shall be of similar height and design.

(5) Towers shall be the minimum height necessary to provide parity with existing similar tower supported antenna, and shall be freestanding unlighted monopole structures where the negative visual effect is less than would be created by use of a guyed tower, self-supported lattice tower or taller structure requiring lighting under FAA regulations.

g. Landscaping.

For towers 150 feet tall or less, a landscape buffer area no less than 10 feet wide shall be provided. The landscape buffer shall be installed around the perimeter of the leased land or around the property solely involving the tower:

(1) For towers 150 feet tall or less, a landscape buffer area no less than 10 feet wide shall commence at the property line.

(2) For towers more than 150 feet tall, a landscape buffer area of not less than 20 feet wide shall be provided. The landscape buffer shall be installed around the perimeter of the leased land or around the property solely involving the tower.

(3) The landscape buffer is to consist of evergreen plant materials of a variety which can be expected to grow to form a continuous buffer at least 15 feet in height within 5 years of planting and a mature height of at least 25 to 30 feet or more. All landscaping shall be xeriscaped (*drought tolerant*) or irrigated and properly maintained to ensure good health and viability. Recommended species include, but are not necessarily limited to, Foster Holly, N.R. Stevens' Holly, Carolina Cherry Laurel, Deodar Cedar, Leyland Cypress, Southern Magnolia. A mix of several species is encouraged over mono-culture plantings for visual quality and disease resistance. Buffer planting designs are subject to review and approval by Oconee County.

(4) Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff/maintenance.

(5) Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that vegetation loss.

(6) In lieu of these standards, Oconee County may, at its sole discretion, allow use of any alternative detailed plan and specifications for landscape and screening, including plantings, fences, walls and other features designed to screen and buffer towers and accessory uses. The plan shall accomplish the same degree of screening achieved by the provisions above, except as lesser requirements are desirable for adequate visibility for security purposes and/or for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries and tree farms. In certain locations where the visual impact of the tower would be minimal, such as remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be reduced or waived by Oconee County.

h. Maintenance impacts.

Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector and local street, access for maintenance vehicles shall be exclusively by means of the collector street unless approved otherwise for safety reasons.

i. Principal, accessory and joint uses.

(1) Accessory structures used in direct support of a tower shall be allowed but not for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the tower, unless repairs to the tower are being made.

(2) Towers may be located on sites containing another principal use in the same buildable area. As long as all of the other siting, setback, separation and general requirements of this Development Code are met, towers may occupy a parcel meeting the minimum lot size requirements for the zoning district in which it is located. Unless approved otherwise, the minimum distance between a tower and other principal use located on the same lot shall be for a monopole or lattice tower the greater of 20 percent of the tower height or 25 feet and for a guy tower, the greater of 100 percent of tower breakpoint or 25 feet. This separation is required to assure compatibility of land uses and to provide for the health, safety and welfare of individuals and structures occupying the same site.

(3) Joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas and dangerous chemicals. The Board of Commissioners or its designee may grant an exception to the foregoing prohibition if the following conditions are met or exist:

(a) Farm use where the storage of such fuels or chemicals is solely for the purpose of on-site farm activities and is directly related to an ongoing bona fide farming operation for which the owner files a "Schedule F" with the related Federal Income Tax Return; or

(b) Non-farm uses which meet all of the following conditions:

i. At least one-hour fire resistant interior surfaces are used in the construction of all buildings.

ii. Fire extinguishers are on the property.

iii. Telecommunication facilities are not designed and operated in such a manner so as to minimize the risk of igniting a wildfire or intensifying one that otherwise occurs.

iv. Graveled areas at least 10 feet wide shall be installed completely around all new structures including the telecommunication towers. Fuels are kept in substantial compliance of the Rules and Regulations of the Georgia Safety Fire Commissioner and the Georgia Environmental Protection Division (EPD).

v. All tree trimmings and trash generated by construction of the facility shall be removed from the property and properly disposed of prior to building permit finalization or commencement of operation, whichever occurs first.

vi. Demonstration of compliance with requirements of this Sec. 335.05.i(3)(b) shall be signed off by a certified fire/safety inspector or engineer in the State of Georgia on the building plans submitted.

j. Tower lot size, setbacks and separations.

(1) The site shall be of a size and shape sufficient to provide an adequate setback from the base of the tower to any property line abutting a residential district, public property, or public street. Such setback shall be sufficient to:

(a) Provide for an adequate vegetative, topographic or other buffer as specified herein;

(b) Preserve the privacy of surrounding residential property; and

(c) Protect adjoining property from the potential impact of tower failure by being large enough to accommodate such failure on the site, based on the engineer's analysis required in Sec. 335.08.

(2) A site is presumed to be of sufficient size when it:

(a) Meets the requirements of the above Sec. 335.05.j(1);

(b) Provides a setback equal to two times the height of the tower to any property line abutting a residential district, public property, or public street; and

(c) Provides a setback equal to or exceeding the rear yard setback required for the adjoining property where the adjoining property is not in a residential district nor a public property or a public street.

(3) Placement of more than one tower on a lot shall be permitted, provided all setback, design and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails.

(4) For a guyed structure, the site shall be of a size and shape sufficient to provide a setback equal to at least the height of the tower from a guy anchor to any property line abutting a residential district, public property or public street in addition to the size required to comply with Sec. 335.05.j(2) above. Such setback shall be adequate to provide a vegetative, topographic or other buffer sufficient to obscure view to the anchor from such adjoining properties.

(5) All structures and uses associated with the transmission use other than the transmission tower shall be located to meet the setbacks required in the zoning district where the tower is to be located. To encourage and accommodate shared use of a tower, Oconee County may (but shall not be required to) waive or reduce setback requirements by up to 50 percent to accommodate the placement of additional buildings or other supporting equipment at a tower site.

(6) All free-standing towers constructed after the effective date of this Development Code shall conform to the following minimum tower separation requirements:

Table 3.4: Tower Separation Requirements

Tower Height	Separation
Less than 50 feet	300 feet
50 to 100 feet	500 feet
101 to 150 feet	750 feet
More than 150 feet	1000 feet

Towers and antennae mounted on rooftops or alternative tower structures may be exempted from these minimum separation distances if so approved by Oconee County.

(7) No towers shall be located on any properties zoned for residential purposes, or any public properties, or any public or private roadways or rights-of-way.

Sec. 335.06. **Shared use.**

a. All new towers shall be designed to structurally accommodate the maximum number of additional users technically practicable.

b. Once a new tower is approved, additional antennae and accompanying accessory uses may be permitted administratively in the same manner established for commercial building permits and in accordance with the approved share plan, if Oconee County finds that the standards of this Section are met.

Sec. 335.07. **Special approval of the board of commissioners.**

An application for approval of the Board of Commissioners for a Special Use under this Development Code shall include a site plan and other information in accordance with the Procedures and Permits Article of this Development Code.

Sec. 335.08. **Application procedures.**

Application for a Special Use approval or a building permit for any communications tower or use of an alternative tower structure shall be made to the Planning Department in accordance with this Development Code and established procedures for commercial building permits. An application will not be considered until it is complete. A complete application must contain the following:

a. Inventory of existing sites. An inventory of the applicant's existing towers that are either within Oconee County, within one mile of the border thereof or provide direct service thereto, including specific information about the location, height, and design of each tower. Oconee County may share such information with other applicants applying for administrative approvals or special use permits under this Development Code or other organizations seeking to locate antennae within the jurisdiction of Oconee County; provided, however, that Oconee County is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

b. Site plan or plans to scale specifying the location of tower(s), guy anchors (if any), transmission building and/or other accessory uses, access, parking, fences, landscaped areas, and adjacent land uses.

c. Landscape plan to scale indicating location, size, spacing and species of plantings.

d. Utilities inventory showing the locations of all water, sewerage, power lines and drainage facilities impacting the proposed tower site.

e. An environmental impact statement fully describing the effects that the proposed tower and/or antenna will have on the environment and surrounding area including the radiological impact on human health, impacts on adjacent residential structures and districts, impacts on structures and sites of historic significance and impacts on streetscapes.

f. A certified statement prepared by an engineer licensed to practice in the State of Georgia that the construction of the tower, including reception and transmission functions, will not interfere with the usual and customary transmission or reception of radio, television, etc., service enjoyed by adjacent properties.

g. A description of anticipated maintenance needs, including frequency of services, personnel needs, equipment needs, and traffic, noise or safety impacts of such maintenance.

h. Report from a professional structural engineer licensed in the State of Georgia documenting the following:

(1) Tower height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design. A cross-section of the tower structure shall be included.

(2) Total anticipated capacity of the structure, including number and types of antennae which can be accommodated.

(3) Evidence of structural integrity of the tower structure.

(4) Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris.

i. Satisfactory evidence that FAA, FCC and any appropriate state review authority requirements for the proposed tower are met or that the tower is exempt from those regulations.

j. Letter of intent to lease excess space on the tower structure and to lease additional excess land on the tower site when the shared use potential of the tower is absorbed, if structurally and technically possible.

k. A reasonable pro rata charge may be made for shared use, consistent with an appropriate sharing of construction, financing and maintenance costs. Fees may also be charged for any structural or RF changes necessitated by such shared use. Such sharing shall be a condition of approval, if approval is granted.

(1) The applicant shall describe what range of charges are reasonably expected to be assessed against shared users.

(2) The applicant shall base charges on generally accepted accounting principles and shall explain the elements included in the charge.

l. The applicant shall quantify the additional tower capacity anticipated, including the approximate number of types of antennae. The applicant shall also describe any limitations on the ability of the tower to accommodate other uses, e.g., radio frequency interference, mass height, frequency or other characteristics. The applicant shall describe the technical options available to overcome those limitations and reasons why the technical options considered were not chosen to be incorporated. Oconee County shall approve those limitations if they cannot be overcome by reasonable technical means.

m. Evidence of the lack of space on all suitable existing towers to locate the proposed antenna and the lack of space on existing tower sites to construct a tower for the proposed antenna.

n. Each applicant must make a good faith effort to substantially demonstrate that no existing or planned towers can accommodate the applicant's proposed antenna/transmitter as described below:

(1) The applicant shall contact the owners of all existing or planned towers of a height roughly equal to or greater than the height of the tower proposed by the applicant. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.

(2) Such contact shall be made in a timely manner; that is, sufficiently before the filing of an application for a building or special use permit to include a response into the application when filed.

(a) Failure of a listed owner to respond shall not be relevant to the current application if a timely, good faith effort was made to obtain one. However, owners of other such existing or proposed towers to which this Section applies shall be required to respond and failure to do so shall constitute a violation of this Development Code and shall void all current and future applications from the tower owner so failing to respond until satisfactory remedy has been made.

(b) Oconee County shall maintain and provide, on request, records of responses from each owner.

(c) Once an owner demonstrates an antenna of the sort proposed by the applicant cannot be accommodated on that owner's tower as described below, that owner need not be contacted by future applicants for antennae of the sort proposed.

(3) The applicant shall request the following information from each owner contacted:

(a) Identification of the site by location, tax lot number, existing uses, and tower height.

(b) Whether each such tower could structurally accommodate the antenna proposed by the applicant without requiring that structural changes be made to

the tower. To enable the owner to respond, the applicant shall provide each such owner with the height, length, weight, and other relevant data about the proposed antenna.

(c) Whether each such tower could structurally accommodate the proposed antenna if structural changes were made, not including totally rebuilding the tower. If so, the responding owner shall specify in general terms what structural changes would be required.

(d) If structurally able, would shared use by such existing tower be precluded for reasons related to RF interference. If so, the owner shall describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed tower, if at all technically possible.

(e) If shared use is possible, the fee an owner of an existing tower would charge for such shared use.

(4) Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. Oconee County may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development are presumed unreasonable. Oconee County may engage the services of an independent Radio Frequency Engineer or other qualified individual or firm for the purpose of reviewing, evaluating and verifying the radio frequency propagation maps and other information submitted by the applicant. The cost of such services shall be added to the application fees otherwise provided for by this Development Code and other applicable code sections and shall be paid by applicant.

o. Any other information which may be requested by Oconee County to fully evaluate and review the application and potential impact of a proposed tower and/or antenna.

Sec. 335.09. **Removal of antennae and towers.**

All towers and antennae shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such towers. If, upon inspection by Oconee County, such tower is determined not to comply with the code standards or to constitute a danger to persons or property, then upon notice being provided to the owner of the tower and the owner of the property, if such owner is different, such owners shall have 30 days to bring such tower into compliance. In the event such tower or antenna is not brought into compliance within 30 days, the County may provide notice to the owners requiring the tower or antenna to be removed. In the event such tower or antenna is not removed within 30 days of receipt of such notice, the County may remove such tower or antenna and place a lien upon the property for the costs of removal. Delay by the County in taking action shall not in any way waive the County's right to take action. The County may pursue all legal remedies available to it to ensure that communications towers and antennae not in compliance with the Development Code or which constitute a danger to persons or property are brought into compliance or removed. The County may seek to have the tower or antenna removed regardless of the owner's or operators' intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

Sec. 335.10. **Abandoned towers.**

a. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, whether or not the owner or operator intends to make use of the tower. The owner of an abandoned tower and the owner of the property where the tower is located shall be under a duty to remove such a tower or antenna. If such antenna and/or tower is not removed within 60 days of receipt of notice from the County notifying the owner(s) of such abandonment, the County may remove such tower and/or antenna and place a lien upon the property for the costs of removal. The County may pursue all legal remedies available to it to ensure that abandoned communications towers and antennae are removed. Delay by the County in taking action shall not in any way waive the County's right to take action. The County may seek to have the communications tower or

antenna removed regardless of the owner's or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

b. If the owner of an abandoned tower wishes to use such abandoned tower or antenna, the owner must first apply for, receive all applicable permits, and meet all of the conditions of this Section as if such tower or antenna were a new tower or antenna.

Sec. 335.11. **Pre-existing towers/non-conforming uses.**

a. All communications towers lawfully operative on the effective date of this Development Code shall be allowed to continue their present usage as a non-conforming use and shall be treated as a non-conforming use in accordance with Article 1 of this Development Code. Routine maintenance shall be permitted on such existing towers. New construction, other than routine maintenance on an existing communications tower, shall comply with the requirements of this Section.

b. A communications tower that has received County approval in the form of conditional use and a building permit prior to adoption of this Development Code, but has not yet been constructed or placed in operation, shall be considered an existing tower so long as such approval is current and not expired.

Sec. 335.12. **Public property.**

Antennae or towers located on property owned, leased or otherwise controlled by Oconee County shall be exempt from the requirements of this Section, provided a license or lease authorizing such antenna or tower has been approved by Oconee County, Georgia.

Sec. 336. Religious Retreat.

A religious retreat is a lodging facility operated by a religious or non-secular organization for their members and is not open to the general public. Religious retreats are classified under one of the following provisions of this section:

a. New or existing location requiring construction or alteration for additional habitable units.

New locations for religious retreats or religious retreats located in an existing residential structure to be expanded, altered, or modified to increase the existing floor area of the structure to allow for additional habitable units must comply with the provisions of this section:

(1) Shall receive special use approval from the Board of Commissioners when located on a property in the AG zoning district.

(2) Shall not be located on property containing an area greater than 10 acres.

(3) Shall not have a density greater than 1 dwelling unit or habitable room per acre.

(4) One of the dwelling units or habitable rooms may be occupied by a full-time staff member or caretaker of the religious retreat.

(5) Occupants lodging at the religious retreat shall not stay for a period greater than 30 consecutive days.

(6) The retreat must be owned and operated by a non-profit agency registered in the State of Georgia.

(7) All applicable Environmental Health Department requirements are met, such as, but not limited to, septic tanks, well or water service and food service.

(8) All necessary permits for renovations and remodeling must be obtained prior to commencing construction.

(9) A passing inspection by the Fire Marshal, building inspector and Planning Director for compliance to current adopted building codes, life safety codes, Americans With Disabilities Act, and other related codes for such habitable structure.

b. Existing location in a residential structure that does not require an addition or alteration.

Religious retreats located inside an existing residential structure and do not require construction of additional habitable units or an addition to the existing residential structure shall be allowed by right in the AG zoning district provided the following requirements are met:

(1) The retreat must be owned and operated by a non-profit agency registered in the State of Georgia.

(2) All applicable Environmental Health Department requirements are met, such as, but not limited to, septic tanks, well or water service and food service.

(3) No new permits for additional residential dwellings will be required.

(4) No new permits for additions to residential dwellings will be required.

(5) Accessory structures shall not be converted into a dwelling.

(6) All necessary permits for renovations and remodeling must be obtained prior to commencing construction.

(7) A passing inspection by the Fire Marshal, building inspector and Planning Director for compliance to current adopted building codes, life safety codes, Americans With Disabilities Act, and other related codes for such habitable structure.

(8) Remodeling and renovations of the dwelling must be complete and a certificate of occupancy must be issued prior to occupancy of the dwelling.

(9) Site and dwelling must maintain the character of a single-family residence.

Sec. 337. Schools, private.

Private elementary and secondary schools, colleges and technical schools are subject to the minimum requirements of this Section.

Sec. 337.01. Private elementary and secondary schools.

Private, parochial, or other elementary, middle, junior high, or high schools not part of the public school system must meet the following standards:

a. The private school must provide a curriculum recognized by the State Board of Education as being equivalent to that offered in the public school system under state standards.

b. Minimum lot size of 5 acres.

c. Minimum public road frontage of 100 feet on a minor or major collector or arterial road.

d. When abutting any agricultural or residential zoning district, a landscape buffer meeting the requirements for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

e. Temporary mobile classrooms require Special Use approval.

Sec. 337.02. Private colleges, universities and technical schools.

Private colleges, junior colleges, universities, and technical schools not part of the public school system must meet the following standards:

a. The private school must be eligible for accreditation by a national educational organization recognized by the State of Georgia.

b. The private school must offer a curriculum and degrees equivalent to those offered in similar but public schools operated by the State Board of Regents.

c. Minimum lot size of 20 acres.

d. Minimum public road frontage of 400 feet on a minor or major collector or arterial road.

e. When abutting any agricultural or residential zoning district, a landscape buffer meeting the requirements for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

f. Temporary mobile classrooms require Special Use approval.

Sec. 337.03. **Religious Exempt Nonpublic Postsecondary Institutions.**

These educational institutions are not fully authorized institutions in the State of Georgia and therefore may not use the word College or University as part of the name. A site containing this type of educational institution as a principal use must meet the following standards:

a. Must meet all applicable State requirements and have approval to operate from the Non-public Postsecondary Education Commission for the State of Georgia.

b. Minimum lot size of 20 acres.

c. Minimum public road frontage of 400 feet on a minor or major collector or arterial road.

d. When abutting any agricultural or residential zoning district, a landscape buffer meeting the requirements for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

e. Temporary mobile classrooms require Special Use approval.

Sec. 338. Self-storage of recreational vehicles, campers and boats.

This land use is defined as the renting or leasing of secured space or storage bays in an enclosed or covered building, or outdoor storage space for the purposes of self-storage of recreational vehicles, campers and boats.

a. Self-storage of recreational vehicles, campers, and boats may be allowed in the AG (Agricultural) zoning district by Special Use approval only.

b. As a principal and stand-alone use the facility must meet the requirements in the following section.

Sec. 338.01. **General regulations.**

a. As a principal use, a storage facility shall not occupy a site larger than 6 acres.

b. No wholesale or retail sales shall be permitted within the facility.

c. The only commercial activities permitted exclusively on the site of the self-service storage facility shall be rental of storage bays.

d. Storage bays or spaces shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; rehearsing or practicing utilizing musical instruments; conversion to an apartment or dwelling unit; or to conduct any other commercial or industrial activities on site.

e. Residential quarters for security purposes may be established on the site (see Accessory Uses and Structures uses for a Night Watchman Residence in Article 3).

f. An eight-foot high privacy fence or chain link fence with visual blocking is required on all rear property lines, and side property lines behind the front edge of buildings. Property lines adjacent to an industrial zoning district are exempt from this requirement.

g. No vehicle maintenance, washing, or repair shall be permitted on site. Pleasure boats stored on site shall be stored upon wheeled trailers. No dry stacking of boats shall be permitted on site.

h. Individual storage bays within a self-service storage facility shall not be considered a premise for the purpose of assigning a legal address in order to obtain an occupational license or any other governmental permit or licenses to do business.

i. All property stored on site shall be stored in a location that cannot be viewed from public right of ways or neighboring properties. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.

Sec. 338.02. **Access.**

A self-service storage facility shall be located on a lot that gains access from a local commercial or industrial street, a minor or major collector, or an arterial street.

Sec. 338.03. **Development regulations.**

a. Separation between storage buildings.

(1) If separate buildings are constructed, there shall be a minimum of 20 feet separating the individual buildings.

(2) Buildings shall be situated or screened so that overhead access doors do not face or are not visible from public roads or residentially zoned property.

(3) The maximum height of a self-service storage facility shall be approved by the Board of Commissioners.

(4) All self-service storage facilities shall utilize gable roofs with not less than a 4:12 slope (4 inches of rise for every 12 inches of horizontal run).

b. Parking requirements.

(1) Designated customer parking is not required; however, a minimum of 5 parking spaces shall be provided adjacent to the facility's leasing office, if a leasing office is located on site.

(2) Interior parking. Interior parking shall be provided in the form of aisles adjacent to the storage bays. These aisles may be used for both circulation of traffic and user parking while using the storage bays. The minimum width of these aisles shall be as follows.

(3) If aisles permit two-way traffic, minimum width shall be 24 feet.

(4) If aisles permit only one-way traffic, minimum width shall be 20 feet.

(5) Prior to issuance of a certificate of occupancy, the traffic flow patterns in the aisles shall be clearly marked. Marking shall consist at a minimum of the use of standard directional signage and painted lane markings with arrows. In order to assure appropriate access and circulation by emergency vehicles and equipment, the Fire Department shall approve the turning radii of the aisles.

(6) All exterior lighting shall be directed toward the interior of the site and away from adjoining residential property.

Sec. 338.04. **Landscape, buffering and screening requirements.**

A detailed landscape plan shall be submitted with the development plans at the time of plan review for approval. In addition to the requirements of the Landscaping and Buffer Plans required for a development permit, the following shall apply:

a. There shall be a 20-foot landscape strip along the frontage of the site that shall comply with the requirements of the Landscaping and Buffers Article of this Code.

b. There shall be no aisles or other vehicular access ways located in the area between the building and an adjacent agricultural or residential use or zoning districts.

c. The storage facility area shall be entirely screened from view from adjacent properties and public streets by a building or by the installation of an 8-foot high opaque wall or imitation-wood vinyl fence. If existing vegetation or topography provides the required screening, then this wall or fence requirement may be eliminated.

Sec. 338.05. **Dumpsters and trash receptacles.**

Dumpsters and trash receptacles shall be located where they are not visible from adjacent properties and shall be adequately screened from view from all streets. Dumpster pads must not drain into a septic system or sanitary sewer.

Sec. 339. Stadiums, coliseums, arenas and amphitheaters.

Stadiums, coliseums, arenas and amphitheaters are subject to the following minimum requirements:

Sec. 339.01. Site requirements for a stadium, coliseum or arena.

a. Minimum site area of 10 acres.

b. A minimum 1,000-foot setback from any residential zoning district.

Sec. 339.02. Site requirements for an amphitheater.

Minimum site area of 5 acres.

Sec. 340. Temporary events.

Sec. 340.01. Permit or special use approval required.

Temporary, incidental uses, such as fairs or carnivals and civic or charitable events, which are not normal accessory uses under the applicable zoning district, may be allowed by the Board of Commissioners, provided that the owner of the property upon which said temporary use takes place first obtains a Permit from the Planning and Code Enforcement Department or approval as a Special Use by the Board of Commissioners as may be required under this Development Code. In addition to the requirements of the Procedures and Permits Article of this Development Code, an application for such temporary event use shall include as a minimum the following:

a. A location map showing the relationship of the property to surrounding uses, including residential property.

b. A sketch plan of the area to be used for off street parking, including total parking capacity and safe access to public street(s).

c. A statement of estimated number of attendees/participants and estimated number of required automobile parking associated therewith.

d. A statement of the dates and hours of operation of the event or use, including the first and last days of the event.

e. A statement of the number and qualifications of security personnel to be retained by the applicant for traffic safety and security purposes, or a statement that none are planned.

f. A statement of the dollar amount of surety bond, proposed to be provided by the applicant, to secure the cost of security personnel and clean up associated with the use, or a statement that none is intended.

g. When Special Use approval is required, the Board of Commissioners may impose certain conditions related to said Special Use approval, in accordance with the Procedures and Permits Article of this Development Code and the above requirements, including the requirement that security personnel and surety bond be provided by the applicant.

h. The requirement for a Permit under this Section shall not apply to temporary events that meet all of the following conditions:

(1) An event that takes place at an established church, school, or other public or semi-public facility where such occasional and temporary land uses are normal accessory uses to the established facility;

(2) Where existing off-street parking and facilities are adequate to accommodate the accessory use;

(3) The event is conducted wholly on the property of said existing facility;

(4) New or substantially altered driveways are not required;

(5) The use complies with applicable laws and ordinances.

This exemption shall apply to temporary, incidental uses only and not to permanent or extended uses, buildings, structures or site improvements which would otherwise require rezoning, permits or other government action.

Sec. 340.02. **Circus or carnival.**

Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure may be permitted on a property for a maximum of 60 days, no more often than twice each calendar year. This classification excludes events conducted in a permanent entertainment facility. Tents and other temporary structures shall be permitted through the Code Enforcement Office and comply with all currently adopted building and life safety codes, including, but not limited to, the Unified Development Code and the International Fire Code (IFC).

Sec. 340.03. **Religious assemblies.**

Religious services conducted on a site that is not permanently occupied by a religious assembly use may be permitted on a property for a maximum of 60 days, no more often than twice each calendar year.

Sec. 340.04. **Retail sales of seasonal items.**

a. Retail sales of Christmas trees permitted between Thanksgiving and the 26th day of December.

b. Retail sales of pumpkins, gourds and other Halloween or fall items permitted from October 1st to October 31st.

Sec. 340.05. **Special business promotion.**

A special business promotion involving additional signage or the outdoor display of merchandise or goods may be permitted on a property for a maximum of 60 days, no more often than twice each calendar year. See also Sec. 358 for restrictions on outdoor displays during temporary sales events.

Sec. 340.06. **Swap meets, flea markets, craft shows and farmers' markets.**

a. Outdoor swap meets, flea markets and craft shows may be permitted on a property for the retail sale or exchange of new, handcrafted, or second-hand merchandise for a maximum period of 48 hours, conducted by a single sponsor no more often than twice in any year.

b. Outdoor farmers' markets may be permitted for the retail sale of produce, breads, meat and poultry, specialty foods and small cooking items and crafts for a maximum period of 48 hours, conducted no more often than once a week.

c. Indoor swap meets and farmers' markets are allowed within a fully enclosed building where otherwise allowed as a commercial use, without restriction as to hours or frequency.

Sec. 340.07. **Yard and garage sales.**

Yard and garage sales shall be allowed within any agricultural or residential zoning district as an accessory use. It shall not be the intention of this Development Code to prohibit the occasional sale of personal belongings on one's property, subject to the following:

a. Each yard sale shall be limited to a 3-day period.

b. Yard sales shall not occur on a property more often than 4 times each calendar year.

c. It shall be a violation to sell merchandise in a yard sale or offer merchandise for sale or to display merchandise in any yard, carport, garage or house that is not the personal property of the occupants of the property.

d. This Section shall not regulate the private sale of major possessions such as homes and personal autos.

Sec. 341. Temporary offices for a development.

A temporary construction office or sales office serving a subdivision or other development project, where otherwise allowed, shall meet the following criteria:

Sec. 341.01. Temporary construction buildings.

a. Temporary buildings used in construction work may be permitted in any zoning district and shall be removed immediately upon completion of final construction, and before a certificate of occupancy is issued for the lot.

b. The temporary construction office may be a manufactured home or industrialized building.

Sec. 341.02. Temporary sales office

a. Temporary sales office; location.

(1) In all major subdivisions, a permit may be granted for the temporary use of one of the homes to be used as a real estate sales office for sale of the lots or new homes to be built and developed within the boundaries of the development.

(2) The temporary sales office shall be located on a lot within an area that has received Final Plat approval and has been recorded with the Clerk to the Superior Court.

b. Temporary sales office; restrictions.

(1) Sales shall be limited to the lots and buildings within the subdivision where the temporary sales office is located, as defined by the recorded Final Plat.

(2) The temporary sales office shall not be a manufactured home except in an approved manufactured home subdivision.

c. Temporary sales office; removal.

The temporary sales office shall be removed within 30 days after Certificates of Occupancy or connections to permanent power have been approved on 90 percent of the lots in the subdivision.

Sec. 342. Timbering and forestry.

Timbering and forestry operations are allowed if the tree removal represents tree harvesting undertaken as a bona fide agricultural activity.

Sec. 342.01. Bona fide agricultural activity.

The following shall be required in order to qualify tree harvesting as a bona fide agricultural activity:

a. Oconee County Tax Commissioner has approved the property for a Preferential Agricultural Assessment or a Conservation Use Assessment;

b. A tree-harvesting notification has been submitted to the Tax Commissioner, as required by State law;

c. There is a contract for delivery of the trees between the tree harvesting company and an end user, such as to a mill or wood pulp company;

d. Best Management Practices required by the Georgia Forestry Commission shall be followed. This can be evidenced by a contract between the tree harvesting company and the property owner (the seller) that is consistent with the form and content recommended by the Georgia Forestry Commission; and

e. The tree harvester is currently qualified as a Master Timber Harvester by the Georgia Forestry Commission at the time of the tree harvesting.

Sec. 342.02. **Restriction on clearance along streams.**

River and stream buffers required under the Environmental Protection Article of this Development Code shall be protected from all on-site activity and remain in their undisturbed natural state.

Sec. 342.03. **Restriction on development approval of recently cleared land.**

A preliminary plat for any type of subdivision or a site plan for any type of multi-family or nonresidential development shall not be approved if any portion of the property has been cleared of trees within 3 years prior to such approval request. This restriction may be waived by the Board of Commissioners upon a finding that:

a. The tree removal occurred as a bona fide agricultural activity; and,

b. A minimum basal area of at least 50 square feet per acre, distributed evenly throughout the property, was retained on the property at the time of tree removal, as certified by a qualified arborist or forester.

Sec. 343. Utility substations and solar energy systems.

Sec. 343.01. Static electric transformers and gas regulator stations.

Static electric transformers and gas regulator stations are subject to the following restrictions:

a. In the R-1 zoning district, the structures are placed not less than 50 feet from any property line (25 feet in the R-2 zoning district).

b. The structures are enclosed by a chain link security fence at least 8 feet high.

c. No vehicles or equipment are stored on the premises.

d. The lot is landscaped between the security fence and all property lines as follows:

(1) The front yard shall be heavily landscaped as defined in the Landscaping and Buffers Article of this Code; and either

(2) For any electrical power substation connected directly to a 115 kv transmission line (or greater), a landscape buffer meeting the requirements for an industrial use in the Landscaping and Buffers Article of this Code, must be planted and maintained along all side and rear property lines; or

(3) For all other utility substations, a buffer at least 10 feet wide meeting the requirements for a landscape buffer in the Landscaping and Buffers Article of this Code, must be planted and maintained along all side and rear property lines.

Sec. 343.02. **Definitions related to solar energy systems.**

Photovoltaic (PV) System: A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity whenever sunlight strikes them. Included in a PV system are the solar energy generation mechanisms (e.g., panels or other assemblies of solar electric cells), inverters (devices that convert Direct Current electricity produced by the system to usable Alternating Current), batteries and battery systems that store electrical energy from the PV system for future use, meters, and electric transmission wires and conduits that facilitate connections with users and/or the local power grid.

Solar Array: A number of photovoltaic modules or panels that generate solar electricity, assembled or connected together to provide a single electrical output.

Solar Array, Tracking: A solar array that follows the path of the sun to optimize the amount of solar radiation received by the device. A tracking solar array may be ground mounted or building mounted.

Solar Access Easement: A recorded easement, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar energy system.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector or solar energy system.

Solar Energy Facility: The area of land devoted to solar energy system installation. A solar energy facility may include an interconnection with the local utility power grid for distribution to more than one property or consumer in the electricity market as a commercial venture. Includes the term "solar farm."

Solar Energy System: The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but is not limited to, photovoltaic (solar electric) systems and thermal solar energy systems.

Solar Energy System, Building Mounted: A solar energy system, which may include solar thermal panels, solar hot water system panels, and photovoltaic panels, which are mounted to a building or structure, to provide energy primarily for on-site use. Building-mounted solar panels may be flush-mounted (i.e., flush to the surface of a building roof or building façade in a manner that the panel cannot be angled or raised), or as one or more modules fixed to frames which can be tilted or automatically adjusted at an optimal angle for sun exposure. A mounted solar energy system is accessory to the building or structure.

Solar Energy System, Ground Mounted: A solar energy system that is directly installed on (mounted to) the ground and is not attached or affixed to any structure.

Solar Energy System, Thermal: A solar energy system that directly heats water or other liquid using sunlight, including the use of heated liquid for such purposes as space heating and cooling, domestic hot water, and heating pool water.

Solar Farm: A solar energy facility, typically with multiple solar arrays, designed and used for the purpose of generating electric energy via a photovoltaic system.

Sec. 343.03. **Solar energy systems.**

It is the purpose of this regulation to promote the safe, effective and efficient use of solar energy development and operation. The installation and construction of solar systems shall be subject to the following development and design standards:

a. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers' or installers' identification and appropriate warning signage shall be posted at the site in a clearly visible manner.

b. No solar energy system shall be mounted to a wall or fence.

c. No solar energy system or its components shall be located over a septic system leach field area or identified reserve area unless written approval is granted by the Environmental Health Department.

d. The solar energy system components shall be designed with an antireflective coating or at least shall not produce glare that would constitute a nuisance to occupants of neighboring properties, aircraft, or persons traveling adjacent or nearby roads.

e. No solar energy system shall be installed until evidence has been presented to the Planning Department that the electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

f. Any solar energy system installed to be used by someone other than the owner of the property shall provide an affidavit or evidence of agreement between the lot owner and facility's owner or operator confirming the facility owner or operator has permission of the property owner to install and utilize solar panels.

Sec. 343.04. **Solar energy farms.**

The installation and construction of solar energy farms shall be subject to the following:

a. A solar farm installation shall be permitted as a Special Use in the Agricultural (AG) zoning district, and allowed by right in the Industrial (I) zoning district.

b. A solar farm installation shall be located on 10 or more acres.

Sec. 343.05. **Solar energy farm installation and construction.**

a. Mounting.

(1) Solar panels or solar arrays shall be mounted onto a pole, rack or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials which are able to fully support the system components and are approved by the manufacturer, in accordance with applicable building permit requirements. Electrical components of the facility shall meet applicable electrical code requirements, and all electrical wires and lines less than 100kV that are used in conjunction with the solar energy facility shall be installed underground.

(2) Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.

b. Setbacks.

A solar energy farm and its accessories and structures shall be set back a minimum of 50 feet from all property lines and 100 feet from any residence.

c. Placement.

No structure may be installed within a state or local state waters buffer or within conservation corridors. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located 3 feet above the base flood elevation. All wiring or transmission points within the floodplain shall be NEMA 3R or watertight.

d. Screening.

The facility shall be fully screened from adjoining properties and adjacent roads using the natural topography or by installation of an evergreen buffer capable of reaching a height of 6 feet within three years of planting, with at least 75% opacity at the time of planting.

e. Height.

(1) Freestanding solar panels or solar arrays shall not exceed 25 feet in height as measured from the grade at the base of the structure to the highest point.

(2) Mounted solar panels or solar arrays shall not exceed eight feet above the apex of the structure on which it is mounted.

f. Security.

(1) Unless 24-hour security guards or video surveillance is provided at the installation, the solar energy facility shall be enclosed by a security fence no less than 6 feet and not greater than 8 feet in height.

(2) Access gates and equipment cabinets must be locked when not in use.

(3) Signs shall be installed on all gates, and every 50 feet of the security fencing stating, "**DO NOT ENTER – SOLAR POWER GENERATING FARM**."

g. Noise.

Inverter noise shall not exceed 40dBA, measured at the property line. Mitigation noise barriers may be approved on an individual basis by the Development Review Committee.

h. Lighting.

If lighting is required, it shall be activated by motion sensors. Lighting shall be fully shielded and downcast so that light does not spill onto any adjacent property or into the night sky.

i. Maintenance and upkeep.

Systems shall be maintained in accordance with manufacturer's specifications. The operator of the facility shall maintain the facility, including all buffer screening, in compliance with the approved plans and shall keep the facility free from weeds, dust, trash and debris.

j. Site Plan Review and Development Permit.

A site plan reviewed and approved by the Development Review Committee shall be required prior to issuance of a development permit. In addition to requirements for site plans generally, the site plan submission shall include the following information: The proposed location and dimensions of all solar panels, inverters, existing and proposed structures, screening, fencing, property lines, parking, access driveways and turnout locations, ancillary equipment, transmission lines, vegetation, the location of any residences on site and within 100 feet of the perimeter of the facility, the location of any proposed solar access easements, and standard drawings of solar energy system components, including engineered drawings and documentations for footings and array structural supports.

k. Additional submission requirements.

In addition to requirements for information to be provided during the site plan review and development permitting process, the facility shall not be approved for operation until the following are submitted:

(1) Copy of all lease agreements and solar access easements.

(2) Where interconnection to an electric utility grid is proposed, the applicant shall submit evidence that the electrical utility provider has been informed of the customer's intent to connect with the local electric utility grid. A copy of the approval from the utility company providing connection to the grid must also be provided before operation of an interconnected facility will be authorized.

(3) A decommissioning plan for the anticipated service life of the facility or in the event that the facility is abandoned or has reached its life expectancy.

(4) The County may require other studies, reports, certifications, and/or approvals be submitted by the applicant to ensure compliance with this section.

l. Removal of obsolete or unused systems.

(1) All obsolete or unused systems shall be removed. Any structure or equipment associated with the solar farm that is not operated for a continuous period of one year shall be considered an obsolete or unused system and decommissioned per the approved decommission plan.

(2) The site shall be restored to as natural a condition as possible within six (6) months of the removal.

Sec. 343.06. **Solar energy system, building mounted.**

A building-mounted solar energy system shall be subject to the following regulations:

a. Placement.

(1) Panels and building mounts shall be installed per manufacturer's specifications.

(2) Roof-mounted solar panels installed on a building or structure with a sloped roof shall not project vertically more than the height requirements for the district in which they are located. The panels shall not be located within three feet of any peak, eave, or valley of the roof to maintain pathways of accessibility.

(3) In residential zoning districts, a solar energy system for aesthetic reasons shall not be located on the front slope of a pitched roof of a principal residential structure unless no other location for the solar energy equipment is feasible. The county may require sun and shadow diagrams specific to the installation to ensure compliance with this provision.

b. Height.

Building-mounted solar panels or systems shall not exceed the apex of the roof line or parapet on the building on which the system is mounted.

c. Permits and code compliance.

A building permit shall be required for installation of all building-mounted solar energy systems.

d. Signage.

All entry ways onto a roof on which a building mounted system is to be placed shall provide a notice that the roof contains solar panels.

Sec. 343.07. **Solar energy system, ground mounted.**

a. Placement.

(1) A ground-mounted solar energy system shall not be located within the required front yard of a lot but shall be located in the side or rear yards only. Side and rear setbacks shall meet the setbacks for principal buildings for the district in which they are located.

(2) If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.

(3) Panels and ground mounts shall be installed per manufacturer's specifications.

b. Maximum area coverage.

For residential properties, a ground-mounted solar energy system shall not exceed 25% of the footprint of the principal building served. For non-residential properties, a solar energy system shall not exceed 50% of the footprint of the principal building served.

c. Height.

The maximum height of a ground-mounted solar energy system shall not exceed 20 feet in height above the ground.

d. Permitting.

A building permit is required for any ground-mounted solar energy system and for the installation of any thermal solar energy system.

Sec. 344. Veterinary offices, clinics and animal hospitals.

a. All kennels, pens, cages, runs and other facilities for containment of animals shall be located within fully enclosed buildings with adequate provisions to insure that noise, insects and odors are completely contained within said buildings.

b. No commercial boarding of animals which are not under active medical care will be conducted on the premises. All animals shall remain on the premises no longer than medically necessary.

c. Prior to issuance of occupational tax certificate, certificate of occupancy, or occupancy for veterinary clinic use, owners shall provide separate parking facilities dedicated to the vet clinic clients for pick up and drop off of animals. Such parking areas shall be segregated from parking for other uses and shall include adequate grassed areas and sanitary drainage facilities so that waste products from animals entering and leaving the facility shall

not constitute a health hazard or nuisance. Satisfactory evidence of compliance with these provisions shall be verified by Oconee County prior to said permits or occupancy.

Sec. 345. Waste handling or disposal.

Sec. 345.01. Definitions related to waste handling or disposal.

Biomedical Waste: Any solid waste which contains pathological waste, biological waste, cultures, and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials, which have not been decontaminated in accordance with the rules of the Georgia Environmental Protection Division.

Biomedical Waste Disposal or Transfer Facility: A facility engineered and designed for the collection and/or transfer of biomedical waste products such as used gauze, syringes, needles, bandages, test tubes and surgical wastes from a collector vehicle to a transport vehicle for conveyance to another destination for incineration or disposal.

Composting: The controlled biological decomposition of organic matter into a stable, odor free humus.

Composting Center: A site or facility in which composting activities take place under controlled conditions.

Construction/Demolition Waste: Waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other non-putrescible wastes which have a low potential for groundwater contamination.

Construction/Demolition Waste Landfill: A discrete area of land that receives construction/demolition waste as defined above.

Earthen Fill Landfill: An inert waste landfill, as defined in this Code, limited to earth, yard trimmings, stumps, limbs and leaves.

Garbage: Food waste including waste accumulations of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hazardous Waste: Solid or liquid waste material resulting from the manufacture or use of pesticides and drugs (other than normal household use); pathological wastes; highly flammable or explosive wastes; toxic wastes; sewage sludges; and other waste material that may be a hazard to the public health, safety or environment, except radioactive waste materials as defined by the State of Georgia.

Hazardous or Toxic Waste Transfer Station: A facility in which toxic or hazardous wastes are brought in to the site exclusively for transferal to another vehicle that will transport the wastes to another facility for disposal.

Household Waste: Any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

Inert Waste Landfill: A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to

earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above.

Lateral Expansion: A horizontal expansion of the waste boundaries of an existing MSWLF unit or landfill unit.

Materials Recovery Facility: 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.

Municipal Solid Waste Landfill (MSWLF) Unit: A discrete area of land or an excavation that receives household waste, and that is not a land application unit, surface impounding, injection well, or waste pile, as those terms are defined under 40 CFR Part 257.2. A MSWLF unit also may receive other types of solid waste, such as commercial solid waste, nonhazardous sludge, small quantity generator waste and industrial solid waste. Such a landfill may be publicly or private owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit or a lateral expansion.

New MSWLF Unit: Any municipal solid waste landfill unit that has not received waste prior to October 9, 1993.

Putrescible Wastes: Wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and wastes which are contaminated by such wastes.

Recovered Materials: Those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

Recovered Materials Processing Facility\Materials Recovery Facility (MRF): A facility engaged in the storage, processing, and resale or reuse of recovered materials regardless of whether such facility is principal or accessory use. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

Recycling: Any process by which materials that would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Recycling Center: Any facility that involves any process by which materials which would otherwise become solid waste are collected, separated, and reused or shipped off site to be used in the form of raw materials or products.

Recycling Collection Locations: Metal or heavy-duty plastic containers designed for short term holding of pre-bagged recyclable items such as tin, aluminum, glass, and paper (no perishable or food items allowed) for scheduled, minimum monthly pickup with no on-premise sorting.

Sludge: Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

Solid Waste: Any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

Solid Waste Disposal Facility: Any facility or location where the final disposition of solid waste occurs and includes, but is not limited to, landfilling and solid waste thermal treatment technology facilities.

Solid Waste Handling: The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities.

Solid Waste Handling Facility: Any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.

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

Subtitle D Landfill: Any municipal solid waste landfill unit that meets the minimum requirements of (part II), 40 CFR parts 257 & 258, as amended, for Solid Waste Disposal Facility Criteria, Final Rule, and that has not received waste prior to October 9, 1993.

Transfer Station: A combination of structures, machinery, or devices at a place or facility where solid waste is taken from collection vehicles and placed in other transportation units, with or without reduction of volume, for movement to another solid waste management facility or processing operation.

Trash: All worthless or discarded material, objects, or refuse derived from residential, commercial, industrial, or other generators. This includes waste building materials and rubble resulting from construction, remodeling, repair, and demolition activities on pavement, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, asbestos containing wastes, hazardous wastes, paper and paper products, plastic bags and plastic products, waste tires, wood, bricks, metal, concrete, asphalt, wallpaper, wallboard, inert waste material, white goods, furnishings, yard clippings and trimmings, and other putrescible and nonputrescible wastes.

Toxic Waste: Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in such organisms or their offspring and that adversely affect the environment.

Yard Trimmings: Leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvacultural operations.

Sec. 345.02. **Recycling collection location.**

The following requirements apply to any recycling collection location:

a. There shall be no perishable or food items allowed.

b. The location must be maintained in a safe, clean, neat and sanitary fashion.

c. Such location shall be within the buildable area of the lot.

d. Such location shall be visually screened and maintained as follows:

(1) The front yard shall be heavily landscaped as defined in the Landscaping and Buffers Article of this Code; and

(2) A landscape buffer meeting the requirements for an industrial use in the Landscaping and Buffers Article of this Code, must be planted and maintained along all side and rear property lines.

(3) The landscaping and buffer requirements of this Subsection do not apply to recycling bins or storage areas in church, school or shopping center parking lots or the like where such bins or storage areas are accessory uses.

Sec. 345.03. **Recycling center.**

Recycling centers must meet the following requirements:

a. The operating portion of these facilities shall not be permitted within 200 feet of a residence in existence when the permit is approved.

b. Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off an arterial or major collector road, and truck traffic routes and entrances to the facility shall be approved by the County Engineer. The drive from the public street to the scale house shall be paved with asphaltic or Portland cement concrete.

c. All facilities shall have an operator in attendance at all times when the recycling facility is in use, whose qualifications meet any applicable state law requirements, and the entrance to the facility must be barricaded when closed to the public.

d. All facilities hereafter established or operated shall be constructed to prevent road vehicles access except when the facility is in use.

e. All facilities hereafter established or operated shall be enclosed with a security fence at least 8 feet high with blinders installed or some other similar fencing materials or device. Litter control fencing shall be adequate to prevent paper and similar or related refuse from blowing from the facility onto neighboring property.

f. Any change in the normal drainage of the property upon which the facility is located shall be accommodated by storm sewers or equivalent measures approved by the County Engineer, as necessary to properly care for drainage; these storm sewers or equivalent measures shall be installed or constructed at the expense of the owner or applicant.

g. A recycling center shall be visually screened as follows:

(1) The front yard shall be heavily landscaped as defined in the Landscaping and Buffers Article of this Code; and

(2) A landscape buffer meeting the requirements for an industrial use in the Landscaping and Buffers Article of this Code, must be planted and maintained along all side and rear property lines.

h. Recycling centers shall comply with, as applicable, the rules of the Georgia Department of Natural Resources Environmental Protection Division; all applicable provisions of O.C.G.A. Section 12-8-230; and all regulations of the federal government.

Sec. 345.04. **Wood chipping/shredding and yard trimming composting facilities.**

a. Composting materials shall be limited to tree stumps, branches, leaves and grass clippings or similar vegetative materials, and not include animal products, inorganic materials such as bottles, cans, plastics or metals, or similar materials.

b. A 3 foot high landscape earthen berm with a maximum slope of three to one and/or a minimum 6 foot high, 100 percent opaque, solid wood or vinyl fence or masonry wall shall be constructed around the entire perimeter of the facility.

c. The fence/wall or berm must be located outside of a public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.

Sec. 345.05. **Landfills, subtitle D and construction-demolition materials.**

Subtitle D landfills and landfills approved for construction and demolition materials are subject to the following requirements:

a. No person may locate or operate a subtitle D or construction-demolition landfill that will likely create a nuisance; be conducive to insect and rodent infestation or the harboring and feeding of wild dogs or other animals; impair the air quality; impair the quality of the ground or surface waters; or likely create other hazards to the public health of safety as may be determined by the County Health Department.

b. Special use approval required. A special use permit application shall be submitted with design plans, specifications, maintenance and operation information, including the following:

(1) Proposed location;

(2) Fire protection;

(3) Drainage courses passing through or adjacent to site;

(4) Location of access roads;

(5) Special drainage devices.

(6) Number and type of equipment;

(7) Maintenance and operation procedures;

(8) Certificate of acceptance from Oconee County Health Department;

(9) A copy of the completed application to be submitted for State permit approval; and

(10) Other pertinent information necessary to indicate the development, operation, and appearance of the completed sanitary landfill disposal area.

c. Site and design requirements.

(1) All landfills shall have a minimum lot area of 25 acres.

(2) A minimum 200-foot landscape buffer is required adjacent to and across the street from any AR zoning district or residential zoning district. Otherwise, such landfills shall be visually screened as follows:

(a) The minimum required front yard setback shall be heavily landscaped as defined in the Landscaping and Buffers Article of this Code; and

(b) A landscape buffer meeting the requirements for an industrial use in the Landscaping and Buffers Article of this Code, must be planted and maintained along all side and rear property lines.

(3) All facilities shall be enclosed with a security fence at least six feet high with openings not more than those in 2 inch mesh wire or similar fencing material or device. Such fencing shall be adequate to prevent paper or related refuse from blowing from the landfill onto neighboring property.

(4) Any changes in the normal drainage of the property upon which the facility is located shall be accommodated by storm sewers as necessary to properly care for drainage: such storm sewers shall be installed at the expense of the user.

d. Access.

Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off an arterial or major collector road, and truck traffic routes and entrances to the facility shall be approved by the County Engineer. The drive from the public street to the scale house shall be paved with asphaltic or Portland cement concrete.

e. Restrictions on operations.

(1) Compliance with all applicable federal and state laws and permit requirements is required on a continuing basis. Violations of state or federal requirements shall be grounds for revocation of special use approval as deemed necessary to protect the public health, safety and general welfare. A copy of all State permits shall be filed and kept current with the Code Enforcement Department.

(2) Business hours shall be as set by the Georgia Environmental Protection Division but may be enforced by the Code Enforcement Director.

(3) All subtitle D or construction-demolition landfills shall have and keep on their premises, in good working order, adequate equipment to comply with the requirements established for the use.

(4) No bio-medical or hazardous wastes as defined by federal and state laws shall be disposed or discharged into the landfill site.

(5) No waste shall be disposed of within 500 feet of a public street or highway or a property line adjoining a residential zoning district.

(6) All subtitle D or construction-demolition landfills shall have an operator in attendance at all times when the landfill is in use, and such landfill must be barricaded when closed to the public.

Sec. 345.06. **Landfills, inert waste.**

Inert waste landfills intended for the disposal of non-putrescible materials are subject to the following:

a. Such facility shall not qualify as a subtitle D or construction-demolition materials landfill.

b. Such fill shall not include garbage or trash, or industrial or demolition waste not otherwise allowed by definition.

Sec. 345.07. **Landfills, earthen fill.**

A development permit issued for filling of a specific natural land depression with earth, or for other applications, shall be subject to the following:

a. An earthen fill landfill shall be limited to earth, yard trimmings, stumps, limbs, and leaves.

b. By definition, such fill shall not include garbage or trash, industrial or demolition waste, or any materials that contain internal voids such as concrete block.

c. Such facilities shall be allowed only in areas incapable of development without landfill operations, or for soil revitalization related to agricultural operations.

Sec. 345.08. **Bury pits.**

The disposal by burial of dry waste building materials on a lot or within a development that is generated while a structure is under construction is prohibited. Such waste shall be removed from the property prior to issuance of a Certificate of Occupancy for the structure.

Sec. 346. Wholesaling and warehousing.

In the OBP zoning district, wholesaling and warehousing establishments must contain at least 10 percent of their floor area in office use related to the business, and outdoor storage is not allowed. In the OIP zoning district, wholesaling activities must be limited to office and administrative activities only; no warehousing or storage of trade goods associated with a wholesale establishment is allowed in the OIP district.

DIVISION III. ACCESSORY USES AND STRUCTURES.

The following provisions apply to accessory uses or structures in all zoning districts where the principal use is otherwise allowed, whether by right or through Special Use approval.

Sec. 347. Provisions relating to all accessory uses.

Sec. 347.01. Relationship to a principal use.

Accessory uses or structures shall be permitted only in rear yards and side yards, and between the minimum front setback for a principal building and the principal building itself, except as otherwise provided in this Development Code. Exceptions will be granted to well houses which are constructed over wells located in the minimum front yard, satellite TV antenna less than 1 meter in diameter, and other uses and structures as specified in this Section.

a. Where an accessory building is attached to a principal building by a common wall, the accessory building shall be considered an integral part of the principal building and must comply with setbacks and other requirements as applicable to the principal building.

b. When an accessory building is attached to a principal building by breezeway, passageway, or similar means, it shall comply independently with the setback, separation and other requirements applicable to the principal building to which it is accessory.

c. No accessory use or structure shall be allowed on any lot except in relation to an existing principal use on the lot. If the lot is vacant, no accessory building, structure, or use shall be built upon a lot until construction of the principal building has commenced.

Sec. 347.02. Size limitations.

a. Any accessory building to a residence in a residential zoning district that exceeds 1,000 square feet of gross floor area must have Special Exception Variance approval by the Board of Commissioners as to the location, architectural design, and size prior to commencing construction. Residential properties larger than three acres shall be exempt from this requirement.

b. An accessory use shall not occupy more than 30% of a side or rear yard.

Sec. 347.03. Setback and height restrictions for accessory uses and structures.

Except as specifically regulated under this Section, see the setback and height restrictions for accessory buildings and structures in the Lot and Building Standards Article of this Code.

Sec. 348. Customary accessory uses to a dwelling.

Each of the following is considered to be a customary accessory use to a dwelling and may be situated on the same lot with the principal use that it serves, subject to more restrictive standards that may apply under this Section.

a. Private garage or carport.

A private freestanding (detached) garage or carport is allowed, and must be at least 200 feet from the nearest street right-of-way or it must be in the rear or side yard.

b. Outdoor parking area, except that no automobiles not in operating condition shall be parked between the residence and the street or streets it adjoins. All cars not in operating condition shall be parked in the rear yard or in a garage or carport. All automobile parts shall be stored within a garage or storage building.

c. Utility or storage buildings.

(1) In the R-3 and M-H zoning districts, a shed or tool room for the storage of supplies and equipment used in grounds or building maintenance shall not exceed 1,000 square feet. Metal buildings over 500 square feet require a Special Use approval.

d. Radio, television and telecommunications devices, as follows:

(1) Any device designed for over-the-air reception of radio or television broadcast signals, or direct broadcast satellite service.

(2) Any tower and antenna under 70 feet in total height that is owned and operated by an amateur radio operator licensed by the Federal Communications Commission.

(3) Radio, television and telecommunications devices shall meet the same setbacks as for principal buildings for the zoning district.

e. Children's playhouse, playground and play equipment.

f. Quarters for the keeping of domestic pets (such as a doghouse) owned by the occupants of the dwelling for non-commercial purposes. Pens housing dogs shall be a minimum of 25 feet from all property lines. For kennels, see Sec. 314.

g. When allowed, a barn, shed, pen, corral, other structure to house, shelter, or confine farm animals such as horses, mules, ponies, sheep, goats, rabbits, or poultry provided said structure to be placed in the rear yard and be at least 100 feet from every property line. Additional distance may be required by Sec. 302.

h. When allowed, a barn used only to store farm equipment, supplies or crops must be behind the dwelling and at least 50 feet from any property line. Additional distance may be required by Sec. 302.

i. Home swimming pools.

Home swimming pools may be installed in the AG, AR-3, AR R-1, R-2, R-3, and M-H Residential Districts. No swimming pool shall be installed or maintained unless:

(1) Private residential pools as accessory uses on individual residential lots are defined as follows: Private residential swimming pools include all constructed pools which are used or intended to be used as a swimming pool in connection with one single-family residence and available only to the residents of the single-family home and private guests.

(2) There shall be erected and maintained a good quality fence not less than 4 feet in height, enclosing the entire portion of the premises upon which such pool shall be installed and entirely surrounding the area in which such pool is located.

(3) Every gate or other opening in the fence enclosing such pool, except an opening through the dwelling or other main building of the premises, shall be kept securely closed and locked at all times when the owner or occupant of the premises is not present at such pool. Gates or other openings except through the dwelling shall be self closing and self latching.

(4) Such pool shall not be erected closer than 10 feet from the rear and side property lines of the premises, or within the minimum front setback for a principal building along an abutting street.

(5) If the water for such pool is supplied from a private well, there shall be no cross-connection with a public water supply system.

(6) If the water for such pool is supplied from a public water supply system, the inlet shall be above the overflow level of the pool.

(7) No permit shall be issued for the installation of any swimming pool, unless the drainage of such pool is adequate and will not interfere with any public water supply system, with existing sanitary facilities or with the public highways.

(8) A pool bathhouse or cabana not more than 12 feet high and not more than 400 square feet in area may be built next to the swimming pool provided that it be connected to the required fence or enclosed by said fence and provided that it be at least 100 feet from any street right-of-way. A pool house may contain bathroom facilities including a shower, a kitchenette, but no sleeping arrangements.

j. Personal recreational facility accompanying a residence on a lot, such as a Jacuzzi™, tennis court, deck or patio.

k. Noncommercial greenhouse not more than one story tall and 180 square feet in size, located in the side or rear yard.

l. Fences (but no fence shall contain any barbed wire unless used to confine one or more horses or similar animals) and freestanding walls, subject to the setback and height restrictions in the Lot and Building Standards Article of this Code.

m. Garbage pad, heating and air conditioning units.

n. Incidental storage is permitted provided that the material stored is incidental to the permitted use and is stored completely within a portion of the enclosed, principal structure permitted within the district or within permitted accessory structures. Adherence to the National Fire Protection Association Code 30 for flammable and combustible materials must be met including Chapter 4 of that code dealing with container storage and NFPA Code 101 (*Life Safety Code*).

o. Personal art studio or workshop.

p. Personal horse stable, subject to Sec. 349.

q. Home occupations, subject to Sec. 350.

r. Guest house, in compliance with Sec. 351.

Sec. 349. Personal horse stable.

A building for the housing, shelter, maintenance or feeding of horses as an accessory use to a residence is subject to the following:

a. A personal horse stable on a residential lot shall not contain more than 4 stalls.

b. Such stable shall be established on a lot having an area of not less than 2 acres for 1 horse, and an additional 1 full acre for each additional horse kept on the property.

c. The horse stable and any corral or designated riding area shall be located at least 100 feet from any property line.

d. All animals shall be maintained within a fully fenced area.

e. Horse stables with 5 or more stalls are allowed within an equestrian oriented subdivision for the common use of all residents in the subdivision as a development amenity. See Sec. 320.02 for provisions relating to development amenities.

Sec. 350. Home occupations.

A home occupation is permitted as an accessory use of any dwelling provided it meets the restrictions of this Section.

Sec. 350.01. Home occupations; defined.

A home occupation is any activity carried out for profit by the resident and conducted as an accessory use in the resident's dwelling unit. A home occupation is further defined as one of the following:

a. *Home Office:* A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers or customers, and does not involve the receipt, maintenance, repair, storage or transfer of merchandise at the home.

b. *Home Business:* A home occupation that is limited to the use of a practicing professional or artist, or to the office use of the operator of a business, and may involve very limited visits or access by clients or customers and the maintenance, repair, storage or transfer of merchandise received at the home. Operation of a for-profit agricultural activity or a farm is not considered a home business.

c. *Family day care home:* A home occupation in which the occupant of the dwelling provides supervision and non-medical care for up to 6 children or elderly adults with no overnight stays.

Sec. 350.02. **Home office.**

a. Permitted activities.

(1) A home office shall be limited to the personal conduct of a business within one's place of residence, subject to the provisions of this Subsection.

(2) A home office is allowed by right as an accessory use to a residential dwelling.

b. Limitations on size and location.

(1) The floor area devoted to the home office must not exceed 25 percent of the gross floor area of the dwelling unit or 500 square feet (whichever is less). This limitation applies to the aggregate floor area of all areas devoted to the home office, whether located within the dwelling or in an accessory structure.

(2) There shall be no activity or display associated with the home office outside of any building or structure, other than one wall sign having a sign face of no more than 1 square foot.

(3) The home office shall be located and conducted in such a manner that the average neighbor under normal circumstances would not be aware of its existence.

(4) The building in which the home office is to be located must be an existing structure and not a proposed structure. No new structures may be constructed specifically for the home office. No exterior alteration of the residence or accessory buildings shall be made for the home office.

c. Activity controls.

(1) Sales.

There shall be no exchange of merchandise between seller and buyer on the premises.

(2) Transfer of goods.

There shall be no goods, products or commodities received on the premises intended for resale or delivery to customers except by U.S. Mail or parcel service.

(3) Personal services.

There shall be no activities on the premises that provide personal services such as a barber shop, beauty shop, hairdresser or similar activities.

(4) Manufacturing.

There shall be no manufacturing, assembly or fabrication of products on the premises conducted as an occupation or commercial venture.

(5) Employees.

(a) There shall be no associates or employees on the premises other than other members of the family who reside on the premises.

(b) Any off-site employees of the business shall not congregate on the premises for any purpose concerning the occupation.

(6) Outsiders and nonresidents on the premises.

There shall be no nonresident persons on the premises in conjunction with the home office.

(7) Parking and storage.

(a) No materials, equipment or business vehicles shall be stored or parked on the premises unless they are confined entirely within the residence or an enclosed garage, except that one business vehicle (the carrying capacity of which shall not exceed one and one-half tons) used exclusively by the resident may be parked in a carport, garage or rear or side yard. This shall not include earth-moving equipment or a wrecker, dump truck, flatbed truck, tow truck, or any truck with more than 6 wheels or more than 2 axles, or any van capable of carrying more than 15 passengers, including the driver.

(b) There shall be no parking spaces provided or designated specifically for the home office.

(8) Lights and nuisances.

There shall be no exterior lighting of the building or property or noise audible from the exterior of the building through use of the home office that is not in character with a residential neighborhood.

Sec. 350.03. **Home business.**

The provisions of this Sec. 350.03 shall apply to home businesses in all zoning districts where otherwise allowed (with the exception of any for-profit agricultural activity or a farm), and by Special Use approval within the R-1, R-2, R-3 and M-H zoning districts:

a. Permitted activities.

(1) A home business shall be limited to the personal conduct of a business within one's place of residence, subject to the provisions of this Subsection.

(2) A home business is allowed as an accessory use to a residential dwelling located within the R-1, R-2, R-3, and M-H zoning districts upon approval as a Special Use.

(3) The home business must be operated by the owner of the property on which the home business is to be located, or must have written approval of the owner of the property if the operator is a tenant.

b. Limitations on size and location.

(1) The floor area devoted to the home business must not exceed 25 percent of the gross floor area of the dwelling unit or 700 square feet (whichever is less). This limitation applies to the aggregate floor area of all areas devoted to the home office, whether located within the dwelling or in an accessory structure.

(2) There shall be no activity or display associated with the home business outside of any building or structure, other than one wall sign having a sign face of no more than 1 square foot.

(3) The home business shall be located and conducted in such a manner that the average neighbor under normal circumstances would not be aware of its existence.

(4) The building in which the home business is to be located must be an existing structure and not a proposed structure. No new structures may be constructed specifically for the home business. No exterior alteration of the residence or accessory buildings shall be made.

c. Activity controls.

(1) Sales.

There shall be no exchange of merchandise between seller and buyer on the premises except for items produced in the home.

(2) Transfer of goods.

There shall be no goods, products or commodities received on the premises intended for resale or delivery to customers except by U.S. Mail or parcel service.

(3) Personal services.

Personal service occupations shall be limited to the practice of a profession, artistic production or instruction, educational or personal tutoring, personal grooming such as a barber shop, beauty shop or hairdresser, and pet grooming. Specific services to be provided may be limited or otherwise allowed as a condition of Special Use approval.

(4) Manufacturing.

(a) There shall be no manufacturing, assembly or fabrication of products on the premises other than items of artistic value or items normally produced in a home, such as baked goods or woodworking products.

(b) No mechanical equipment shall be used for the home business except such equipment as is customary for household, artistic and hobby purposes.

(5) Employees.

(a) Only persons living in the dwelling unit plus one nonresident employee shall be located on the premises.

(b) Any off-site employees of the business shall not congregate on the premises for any purpose concerning the occupation.

(6) Outsiders and nonresidents on the premises.

Outsiders and nonresidents on the premises in conjunction with the home business shall be limited to those receiving personal services in the home (as specified above), purchasers of items produced in the home, and one employee.

(7) Parking and storage.

(a) No materials, equipment or business vehicles shall be stored or parked on the premises unless they are confined entirely within the residence or an enclosed garage, except that one business vehicle (the carrying capacity of which shall not exceed one and one-half tons) used exclusively by the resident may be parked in a carport, garage or rear or side yard. This shall not include earth-moving equipment or a wrecker, dump truck, flatbed truck, tow truck, or any truck with more than 6 wheels or more than 2 axles, or any van capable of carrying more than 15 passengers, including the driver.

(b) No more than one vehicle of any business customer or client may park at the location of the home occupation at any time.

(8) Lights and nuisances.

(a) There shall be no exterior lighting of the building or property that is not in character with a residential neighborhood.

(b) No home business shall create noise, dust, vibration, smell, smoke, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced in an average residential occupancy.

d. Expiration of Special Use approval.

Special Use approval for a home business shall expire under the following conditions:

(1) Whenever the applicant ceases to occupy the premises for which the home occupation was approved, no subsequent occupant of such premises shall engage in any home business until he shall have been issued a new Special Use approval.

(2) Whenever the holder of such permit fails to exercise the same for a period of 6 consecutive months.

Sec. 350.04. **Family day care home.**

Day care for up to 6 children as an accessory use to a residence is subject to the following requirements:

a. Care shall be limited to fewer than 24 hours per day.

b. A maximum of 5 children or elderly adults for whom compensation is received, or no more than 6 children or elderly adults if the structure meets the Building Code requirements for institutional uses.

c. For purposes of this section only, children who are related by blood, marriage or adoption to the childcare provider shall not be included in the calculation of the 6 children limitation, with the total maximum of no greater than 8 children at any one time.

d. The family day care home must be registered with the day care licensing division of the Georgia Department of Human Resources and proof of such registration must be submitted to, and maintained current with, the Code Enforcement Department.

e. The registered family day care home operator must be a full-time resident of the premises where the family day care home is located.

f. The family day care home shall comply with all provisions relating to a home business under Sec. 350.03, except that there shall be no employees.

g. No off-street parking other than that required for the residential use under the Parking and Loading Article of this Code may be provided.

h. All outward appearance of the day care use shall be prohibited other than normal play equipment associated with a residence.

Sec. 351. Guest houses and garage apartments.

A detached dwelling unit that is used primarily for sleeping purposes by relatives, domestic employees or temporary guests of the family occupying the principal home on the lot must meet the following minimum requirements:

Sec. 351.01. Standards for guest houses.

a. The guest house must be an accessory use to a dwelling already existing on the lot.

b. Minimum standards:

(1) The placement of a guest house on a lot shall not result in the violation of the lot coverage maximums applicable to the zoning district in which it is located.

(2) The water supply and sanitary sewage disposal system for the lot must be certified as adequate to support the guest house in combination with the main house.

(3) Adequate parking as outlined within this code must be provided specifically for the guest house. Access shall be provided through the principal dwelling unit's existing driveway.

Sec. 351.02. Guest house restrictions.

a. Guest houses shall be architecturally compatible with the main unit.

b. No more than one guest house may be located on any lot.

c. For lots less than ten acres in size, the guest house must be placed to the rear of the main house. For lots greater than ten acres in size, guest houses may be placed in any yard.

d. The floor area of the guest house shall not exceed 50 percent of the existing heated floor area of the principal residence.

Sec. 351.03. Standards for garage apartments

a. The garage apartment must be located inside a detached garage for a dwelling already existing on the lot.

b. Minimum standards:

(1) The placement of a garage apartment on a lot shall not result in the violation of the lot coverage maximums applicable to the zoning district in which it is located.

(2) The water supply and sanitary sewage disposal system for the lot must be certified as adequate to support the garage apartment in combination with the main house.

(3) Adequate parking as outlined within this code must be provided specifically for the garage apartment. Access shall be provided through the principal dwelling unit's existing driveway.

Sec. 351.04. **Garage apartment restrictions.**

a. Garage apartments must be located within a structure architecturally compatible with the main unit.

b. Detached garages containing garage apartments shall only be located in the side or rear yard of the lot.

c. The floor area of the garage apartment shall not exceed 50 percent of the heated floor area of the principal residence.

Sec. 352. Short Term Rentals

a. Location Allowed/Prohibited

Short Term Rentals are prohibited in all zoning districts, except where specifically allowed in Article 2 of this Development Code.

Nothing contained in this section shall be construed to prohibit motels, hotels, inns and other commercial lodging uses from being located in commercial zoning districts or where otherwise specifically allowed.

b. Tenancy

The maximum time period a Short Term Rental may be rented is 30 days. With the exception of AG-zoned properties, no Short Term Rental may be rented more than once during the same 30-day period.

c. Regulations Applicable to Short Term Rentals

In addition to the licensing requirements and other requirements set forth herein, the following regulations apply to Short Term Rentals:

(1) Annual Inspection: The property must be inspected each year by the Oconee County Fire Marshal prior to the issuance of a license for a Short Term Rental;

(2) Parking: Off street parking is required for every Short Term Rental. One (1) paved off-street parking space is required per room qualifying as a bedroom for Short Term Rentals. To qualify as a parking space, the minimum dimensional requirements must include a useable rectangular area of 9 feet wide by 19 feet long, exclusive of any other area counted as a parking space. The number of vehicles allowed during a Short Term Rental tenancy shall not exceed the number of parking spaces available on the property. For the purposes of this ordinance, any type of trailer, boat and/or recreational vehicle shall also be counted as one vehicle, separate from the vehicle used to transport the trailer, boat and/or recreational vehicle;

(3) Trash: All trash must be disposed of properly. No trash may be disposed of on the property. If curbside trash pickup is available, a limit of 3 rolling trash cans not to exceed 65 gallons each may be utilized for property with a Short Term Rental. Use of commercial or roll-off dumpsters on a property with a Short Term Rental is prohibited;

(4) Fire Extinguishers: At least one (1) 10 lb. ABC fire extinguisher must be located on each level of the structure and must be clearly visible or marked with appropriate signage. Fire extinguishers must be certified annually by a licensed fire extinguisher company;

(5) Smoke Detectors: A smoke detector must be installed in each bedroom and on each level of the structure. All smoke detectors must be interconnected;

(6) Short Term Rentals shall be operated by the owner of record of the subject property who shall also be a Resident of the subject property and who shall be residing overnight on the property while Short Term Rental guests are present. The name, address and telephone number(s) of the owner shall be submitted to the Oconee County Planning and Code Enforcement Department, the Oconee County Sheriff's Office, the Oconee County Fire Department, as well as the closest volunteer Fire Station, and to the property owners located within a 300 foot radius of the property. The name, address and telephone numbers shall be permanently posted in the rental unit in a prominent location(s). Any change in the owner's address or telephone number shall be promptly furnished to each of these agencies and neighboring property owners as specified in this Section. If the owner is unavailable or fails to respond, the complaining or questioning party may contact the Oconee County Sheriff's Office. In cases where the Oconee County Planning and Code Enforcement Department is unable to reach the owner, the penalties as set forth in this Section shall apply.

(7) The property shall not contain signs advertising the Short Term Rental;

(8) If meals are served by the resident owner, no meals other than breakfast may be served to the paying guest;

(9) The resident owner of the subject property must keep a current guest register including names, addresses, telephone numbers and dates of occupancy of all guests;

(10) The resident owner shall provide a rental packet containing applicable County rules and restrictions specified in the Short Term Rental License, as well as pertinent unit safety information and contact information to guests when they book the Short Term Rental Unit and shall prominently display the license, rules, safety and contact information inside the unit;

d. License Required

All Short Term Rentals require an annual Short Term Rental License which shall be issued at the same time as the Occupational Tax Certificate and shall be noted on such Certificate. Short Term Rental Licenses are good for one calendar year. An applicant must apply each year and pay the license fee set by the Board of Commissioners. The license fee may not be pro-rated. Short Term Rental Licenses shall not renew, and an applicant must reapply each year to continue operating as a Short Term Rental. Short Term Rental Licenses are non-transferable, and such licenses automatically terminate upon a change of ownership of the property on which a Short Term Rental is located.

e. Standards for Granting a License

The following standards shall be used to determine whether an application for Short Term Rental will be granted or denied:

(1) Applicant must prove ownership of the property;

(2) Short Term Rentals must be allowed in the zoning district in which the property is located;

(3) Applicant must show compliance with requirements contained in this Section through inspection of books and records;

(4) Applicant must not have been convicted of a crime of moral turpitude within the 10 years prior to the application;

(5) Applicant must not have been convicted of violating any provisions of this Section or this Development Code within 18 months of the application.

f. The Short Term Rental shall not be expanded beyond the specific rooms which are designated as part of the Short Term Rental plans relied upon by the Planning and Code Enforcement Department in approving the Short term Rental license.

g. Application procedure

New applications shall include all items required on the Short Term Rental License Application including the following:

(1) The location and name of the owner of record;

(2) An application fee;

(3) Floor plans drawn to scale of the habitable structures on the property that clearly designate all rooms to be used by Short Term Rental guests, and the specific room or rooms to be used by guests for sleeping;

(4) A site plan of the lot showing the location of the proposed residential Short Term Rental unit and the required off-street parking spaces and driveways;

(5) A photograph or photographs of the current principal view or views of the structure where the residential Short Term Rental unit is to be located; and

(6) A statement which the resident owner must sign acknowledging that he or she has reviewed and understands the requirements of this Section and the associated violations.

The use of property in violation of the provisions of this Section shall constitute a violation of this Development Code, and the penalties shall be in accordance with Article 14 of this Development Code. Additionally, any violation of this Section may result in the revocation of any Short Term Rental License issued hereunder.

If the property manager or local contact person is not able to be reached by the Planning and Code Enforcement Department more than three times in any consecutive six month period, this shall be grounds for revocation of the Short Term Rental License.

h. Taxes

Short term rental unit owners are subject to state sales tax, county taxes, including but not limited to the hotel/motel tax, and are liable for payment thereof as established by state law and this Development Code. Oconee County may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

Sec. 353. Accessory, recreation and other amenities to a residential development.

Sec. 353.01. Development amenities.

Development amenities such as a clubhouse, exercise equipment, recreational facilities such as a swimming pool or tennis courts, common laundry facility, rental or management office, central mail box pavilion, dumpster or designated recycling collection location incidental to and located on the same property as a townhouse or multi-family development or manufactured home park, are allowed subject to the following provisions. (See also Sec. 320.02 for amenity areas in a development, such as a residential subdivision, located on a separate lot.)

a. The development amenities shall be for the exclusive use of the occupants of the residential subdivision, townhouse or multi-family development or a manufactured home park.

b. Before any public, semi-public, community, or neighborhood swimming pool is opened for use it shall be required to meet the state regulations for public swimming pools.

c. Development amenities must be located within the principal building setbacks, except for mail box pavilions.

d. Outdoor recreation activities shall cease by 11:00 P.M.

e. Signage and advertisement for any commercial purposes shall not be visible outside the development or intended to attract off-site customers.

f. Recreation amenities to be located on a separate lot in the development shall comply with the requirements of Sec. 320.02 in lieu of the provisions of this Sec. 352.

Sec. 353.02. **Standards for cluster mail box units (CBUs).**

a. Location.

CBU's must be located on a lot within an easement or on a lot dedicated to the homeowner's association or area dedicated for open space or public access easement obtained by the developer. CBU's may not be placed in the Right of Way (ROW) of any road. The location of the CBU within the subdivision shall be determined by the Planning Director, the Public Works Director, local Post Master, and developer or builder.

b. Parking/Access.

In addition to any requirements for parking specified in Article 6 Parking and Loading, or any accessibility guidelines pertaining to the Americans with Disabilities Act (ADA), the following ratio table must be met:

Number of Mailboxes	Number of Spaces Provided
50 or less	2
51-80	3*
81-110	4*
111 or more	4*

*At least one parking space must be handicap accessible

c. Maintenance.

CBU's are to be maintained by the Homeowners Association (HOA) or managing entity. The developer shall be responsible for confirming the logistics of regular mail delivery to CBU's with the USPS. As such, CBU design shall be subject to final approval by the USPS.

d. Landscaping/Screening.

CBU's must meet the requirements set forth in Article 8, Landscaping and Buffers.

e. Signs.

Signs shall be permitted on CBU's for the sole purpose of official mail delivery to a subdivision. Signs must meet standards set forth in Article 7 Sign Regulations.

f. Lighting.

Adequate lighting shall be provided by the HOA or managing entity. Lighting shall be such that it is not directed onto any adjacent properties or ROW.

Sec. 354. Customary accessory uses to a church or other place of worship.

a. Meeting facilities.

b. Administrative offices for on-site staff.

c. A rectory or parsonage for the housing of the pastor, priest, minister, rabbi, etc.

(1) Minimum building separation of 15 feet from primary structure required.

(2) Customary accessory uses associated with a dwelling are allowed.

d. Religious classrooms, church schools and related facilities.

A church or other place of worship may have an accessory school or religious exempt nonpublic postsecondary institution with the following minimum requirements:

(1) Minimum lot size of 3 acres for the school in addition to the minimum lot size requirement for the church or other place of worship.

(2) When abutting any agricultural or residential zoning district, a landscape buffer meeting the requirements for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

(3) Religious exempt nonpublic postsecondary institution shall only be allowed as an accessory use to community scale church.

e. Cemeteries and mausoleums.

A church or other place of worship may have an accessory cemetery with the following minimum requirements:

(1) Minimum lot size of 5 acres for the cemetery in addition to the minimum lot size requirement for the church.

(2) When abutting any agricultural or residential zoning district, a landscape buffer meeting the requirements for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

f. Accessory day care.

An accessory group day care facility or day care center shall comply with the applicable requirements of Sec. 321, as well as the following minimum requirements:

(1) Minimum lot size of 3 acres for the day care use in addition to the minimum lot size requirement for the church or other place of worship.

(2) When abutting any agricultural or residential zoning district, a landscape buffer meeting the requirements for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

g. Within the B-1 and B-2 zoning districts, a community food or housing shelter may be located in a church or other place of worship as an accessory use, provided it meets the applicable minimum standards of the Community Food and Housing Section of this Article.

Sec. 355. Customary accessory uses to commercial and industrial uses.

The following accessory uses are permitted in the commercial and industrial zoning districts:

a. Heating and air conditioning units subject to the following conditions:

(1) When abutting any residential property line, heating and air conditioning units shall not be located in any required setback for principal buildings.

(2) When abutting any other non-residential district, heating and air conditioning units shall not be closer than 10 feet to a side or rear lot line.

(3) Heating and air conditioning units may be installed on a roof of any structure in the commercial and industrial zoning districts so long as the heating and air conditioning units do not exceed the height restrictions of the zoning district in which the building is located, and they are screened from a side or front view.

(4) Ground based air conditioning and heating units shall not exceed 35 feet in height.

b. Incidental storage.

Incidental storage, provided that the material stored is incidental to the permitted use, and is stored completely within a portion of the enclosed, principal structure permitted in the district or within the permitted accessory structure. Adherence to the National fire Protection Association Code 30 for flammable and combustible materials must be met including Chapter 4 of that code dealing with container storage, and NFPA Code 101 *(Life Safety Code)*

c. Free standing parking garages, subject to the following conditions:

(1) When abutting any residential property line, free standing parking garages shall not be located within any required building setback for a principal building.

(2) When abutting other nonresidential districts, freestanding parking garages shall not be closer than 10 feet to any rear or side property line.

d. Manufacturing and fabrication as an accessory use

If undertaken as an accessory use to a retail use allowed by right in a commercial zoning district, such as a jewelry store or pottery, the manufacturing or fabrication activity may occupy no more than 25% of the gross floor area or 1,000 square feet (whichever is less). All such products manufactured or fabricated on the premises must be sold on the premises as a retail activity.

e. Ancillary Retail Sales.

The retail sale of goods and services as an accessory use to a primary industrial use on a property is allowed, insofar as the goods for sale have been produced on site or are in storage at the site for planned distribution to other areas. The ancillary retail sale of goods shall only be conducted as part of the permitted industrial use and shall not be a free-standing business

f. Accessory car washes.

Car washes accessory to gasoline stations and convenience food stores with fuel pumps, provided the car wash is located within an enclosed building that complies with the building setbacks for a principal building.

Sec. 356. Accessory retail uses within an office, hospital, hotel or multi-family building.

Within the R-3 zoning district and the commercial zoning districts, except where mixed-use buildings are otherwise allowed, retail sales and services accessory to the operation of an office building or institutional use, hospital, motel, hotel, or multi-family building, must be conducted wholly within the building housing the use to which such activities are accessory, and are further subject to the following conditions:

a. The floor space used or to be used for such accessory uses shall be limited to a total of 25 square feet per dwelling unit in a multi-family building.

b. The floor space used or to be used for such accessory uses shall be limited to a total of 25 square feet per room in a hotel or motel.

c. The floor space used or to be used for such accessory uses shall be limited to a total of 10% of the gross floor area in an office building or institutional use.

d. Every public entrance to such a use shall be from a lobby, hallway, or other interior portion of the primary use structure, except for restaurants located within an office building, hotel or motel.

e. No show window, advertising, or display shall be visible from the exterior of the primary use structure except for a restaurant located within an office building, hotel or motel.

f. No merchandise shall be stored or displayed outside of the primary use structure.

g. The following accessory uses are permitted: barber shops, beauty shops, laundry and dry cleaning pick up and distribution stations, and other similar personal service establishments; drugstores, book stores, florists, convenience food stores, gift shops, cafeterias and restaurants, private clubs, laundry facilities for the convenience of residents, and news stands.

Sec. 357. Agricultural produce stand.

Agricultural produce stands are allowed for the sale of agricultural products and commodities produced on the premises as an accessory use to a farm in the AG District with the following requirements:

a. The sale of products and commodities raised on the premises is permitted, provided that no structure for such sales shall be closer than 35 feet to any property line.

b. No such structure for the sale of such commodities may exceed five hundred square feet in floor area.

c. There shall be a minimum of 100 feet from the retail structure to the nearest residential structure other than that which belongs to the owner of the retail structure.

d. Off-street automobile parking and loading space must be provided as required in the Parking and Loading Article of this Development Code.

Sec. 358. Farm tenant dwelling.

Accessory dwellings for the occupancy of tenants on a farm must comply with the following:

a. The principal residence on the property, to which the farm tenant dwelling is accessory, must be occupied by the owner or the operator of the farm.

b. The accessory farm tenant dwelling must be located on the property of an active agricultural activity, as defined by the State of Georgia, which shall have been granted a Preferential Agricultural Assessment or Conservation Use Assessment of Agricultural Land by the Oconee County Board of Assessors, which assessment shall be continued and active.

c. At least one adult occupant of each dwelling unit must be employed to work on the farm where the dwelling is located. Such employment must be for compensation or profit, or such employee must be a relative of the owner or a co-owner of the farm; in any case, one occupant must devote at least 20 hours a week on average in the farming operation.

d. A farm tenant dwelling may be either a single-family detached or two-family site-built or modular building, or a manufactured home where accessory manufactured homes are otherwise allowed by right or special use approval under Sec. 329.

e. No more than one dwelling unit for each five acres of land devoted to active agricultural use is allowed.

f. The heated floor area of the farm tenant dwelling shall not exceed 1,500 square feet.

Sec. 359. Helipads, private use.

A private use helipad, as defined in this Development Code, when allowed as an accessory use shall meet the following minimum standards:

Sec. 359.01. Compliance with FAA guidelines.

a. The development of a private use helipad shall be in accordance with the guidelines specified by the Federal Aviation Administration.

b. The applicant shall file with the Federal Aviation Administration (FAA) a form 7480-1, "Notice of Landing Area Proposal" and subsequently receive a "Non objectionable Determination Letter" from FAA, prior to use of the facility by any aircraft. A currently approved "Non objectionable Determination Letter" from the FAA shall be maintained on file with the Code Enforcement Department.

Sec. 359.02. Takeoff and landing area.

a. Private use helipads shall, as a minimum, have a takeoff and landing area 1½ times the overall length of the largest helicopter allowed to use the facility.

b. The surface of the area shall be grassed, paved or treated as may be required to minimize dust or blowing debris.

c. The owner of a private use helipad shall erect a safety barrier around the peripheral area surrounding the takeoff and landing area. The safety barrier shall be a fence, wall or hedge no less than three feet in height and fully enclosed with a self-locking gate.

Sec. 359.03. Operational restrictions.

a. The facility shall be used for daytime take off and landing only unless:

(1) The helipad is located in a commercial or industrial zoning district; and

(2) The helipad is approved for night use by the FAA.

b. Accessory use to a residence.

A private non-commercial helipad for the personal use of the occupant of a single-family residence may be approved as a Special Use by the Board of Commissioners in accordance with the provisions of the Permits and Procedures Article of this Code, subject to the following restrictions at a minimum:

(1) Compliance with all requirements of this Sec. 359.

(2) No more than 1 helicopter shall be stationed, located, parked or operated at, to or from the location at any given time.

(3) No helicopter using the facility shall have more than 4 seats nor be designed to carry more than 4 persons. This shall include the pilot(s).

(4) No helicopter using the facility shall have more than one main rotor system.

(5) The facility shall be used only for private, non-commercial aircraft and shall not be used for organized aviation events such as skydiving, air shows or similar functions.

(6) No fueling or maintenance facilities shall be located on the property.

(7) The facility shall be located on a parcel of land at least 5 acres in size.

Sec. 360. Night watchman residence.

A permanent night watchman residence may be developed as an accessory use to a nonresidential use for the exclusive occupancy of personnel employed for the security of the principal use subject to the following standards:

Sec. 360.01. Need.

The principal use must be deemed by the Planning Director as one requiring full-time security or 24-hour on-site management. Such uses include but are not limited to mini-warehouses, high-value warehousing or on-site storage, or outdoor storage of valuable materials or equipment.

Sec. 360.02. Development restrictions.

a. The night watchman residence may consist of only one dwelling unit.

b. The occupant of the residence must be an employee of the enterprise on the premises, hired for the purpose of security.

c. The residence shall be a minimum of 1,000 square feet in floor area, and may be a manufactured home but must comply with all other standards of Sec. 304 relating to single-family and two-family residences.

d. The residence may be a portion of a building primarily devoted to non-residential uses or may be a separate residential building. If it is a separate building, the location, design, and materials of the residence shall be consistent and integral with the site plan and building design for the principal use.

e. Two off-street parking spaces shall be provided in addition to the parking required for the principal uses(s).

Sec. 361. Outdoor display areas.

Merchandise or goods may be on display outdoors for the purpose of customer selection or direct sale or lease to customers only as follows:

Sec. 361.01. Outdoor display areas; permanent.

The following merchandise or goods may be located in outdoor display areas on a permanent basis (where the use is otherwise permitted):

a. Motorized vehicles that are in good running condition free from exterior damage or substantial wear.

b. Manufactured homes, industrialized buildings.

c. Utility sheds, gazebos and play equipment.

d. Plant nursery items.

e. Light building materials such as lumber, patio pavers and decorative stone; yard furniture such as benches, swings and bird baths; and yard maintenance materials such as fertilizer, mulch, straw and seed.

Sec. 361.02. **Temporary sales promotions.**

All other outdoor display of merchandise or goods shall be conducted on a temporary basis associated with special business promotions. See Sec. 340 for restrictions on temporary events. Signage for such temporary events is restricted in accordance with the Sign Regulations Article of this Code.

Sec. 361.03. **Outdoor display areas; restrictions.**

a. Merchandise or goods on display outdoors must be located at least 20 feet from any property line.

b. Any area outside of a building where merchandise or goods are displayed for customer selection or direct sale but which is permanently screened by an opaque imitation-wood vinyl fence or free-standing wall at least 6 feet in height or a landscape buffer meeting the standards of the Landscaping and Buffers Article of this Code shall not be considered an outdoor display area.

Sec. 362. Outdoor storage.

The outdoor storage of goods, material or merchandise not otherwise on display for customer selection or direct sale or lease to customers, where the use is otherwise permitted, is limited as follows:

Sec. 362.01. **Outdoor storage in commercial zoning districts.**

a. Outdoor storage is not permitted in the OIP Districts.

b. Outdoor storage is permitted in the OBP district by right and in the B-1 and B-2 Districts with Special Use approval only. All outdoor storage must be located in a side or rear yard and must be screened from public streets and residential districts by an opaque imitation-wood vinyl fence or free-standing wall no less than 8 feet in height or a landscape buffer meeting the standards of the Landscaping and Buffers Article of this Code.

c. No required parking spaces, required landscaped area, or any other required site element shall be used for outdoor storage.

Sec. 362.02. **Outdoor storage in the industrial zoning districts.**

Building material or other outdoor storage yards, except junkyards, are allowed in the I Industrial zoning district if they meet the following requirements:

a. They shall not be located within a required front yard.

b. They shall be setback at least 25 feet from any side or rear property lines and shall be screened by a solid fence at least 6 feet high which is setback a similar distance from any side or rear property lines, appropriately landscaped and maintained per an approved site plan.

c. If an outdoor storage yard is established in connection with a permitted building, it shall meet the above requirements.

d. Additional restrictions apply to salvage, junk and wrecking yards (see Sec. 327).

DIVISION IV. PROHIBITED USES.

Sec. 363. Designated uses not allowed.

The following specific uses are not allowed in any zoning district in Oconee County:

a. Bars, taverns and other drinking places (alcoholic beverages).

b. Chemical manufacturing, except pharmaceutical and medicine manufacturing.

c. Leather and hide tanning and finishing.

d. Liquor store.

e. Paper manufacturing other than finished stationery products.

f. Petroleum and coal products manufacturing other than asphalt plants.

g. Solid waste combustors and incinerators.

h. Wood preservation establishments.

Sec. 364. Noxious manufacturing or industrial activities not allowed.

Sec. 364.01. Prohibited noxious or hazardous products.

A manufacturing or industrial activity that produces any of the following as products or by-products of the manufacturing process is prohibited:

a. Caustic or corrosive acids.

b. Chlorine or other noxious gasses.

c. Explosives.

d. Fertilizer or glue.

e. Products involving hair or fur.

Sec. 364.02. Prohibited noxious or hazardous processes.

A manufacturing or industrial use that involves any of the following is prohibited:

a. Hazardous waste treatment of disposal.

b. Land or water based disposal of hazardous or toxic wastes.

c. Petroleum refining.

d. Processing of sauerkraut, vinegar or yeast.

e. Rendering or refining of fats and oils.

f. Tanning or finishing of leather or other hides, except taxidermy.

g. Wood preservation.