

# ARTICLE VII USE REQUIREMENTS BY DISTRICT

## **SECTION 700: [A-1] INTENSIVE AGRICULTURAL DISTRICT**

This zoning district is comprised entirely of farmland used for intensive commercial agriculture in the areas of animal feeding operations/animal containment facilities for poultry, swine, livestock, and dairy production. From an environmental standpoint, intensive agricultural facilities shall have adequate land areas for the operation, a plan as described in the *Water Quality Control Act* to dispose of waste, as well as required setbacks and buffers. The use of land designated A-1 Intensive Agricultural may result in odors, dust, noise, or other effects that may not be compatible with single-lot residential development. However, the operation must be conducted in accordance with all applicable county, state, and federal regulations, including land use, water quality, health, and environmental standards.

Specific setback and buffer requirements for this district shall apply to minimize the adverse effects commonly associated with intensive agricultural uses, provided that larger setbacks or other conditions as needed to mitigate adverse effects on surrounding property may be required in cases involving uncommonly large operations, unusual topographical conditions, or proximity to sensitive natural, scenic, or historic areas, or to municipal boundaries or residential areas.

If, after a tract is zoned or rezoned to A-1 Intensive Agricultural District, the land is not actively used for intensive commercial agricultural purposes, the County may, at its discretion, initiate procedures for a zoning review and possible rezoning of the property to the less intensive A-2 General Agriculture District twelve (12) months after the time set forth for the voluntary closure time for such an operation as specified in State regulations

### **700.1 Requirements for New or Expanded Animal Containment Facilities**

- 700.1.1 Permits** – All applicable local land use and development permits and approvals shall be required. In addition, if any permits for the operation are required by any state or federal agency, a copy of said permits shall be proved to the Board of Commissioners or their designated official(s).
- 700.1.2 Multiple Operations Under Common Ownership** – For the purposes of this Ordinance, two or more animal containment facilities for livestock or poultry production under common ownership shall be considered to be a single operation if they adjoin each other or if they use a common area system for the disposal of wastes.
- 700.1.3 Water Source and Usage** – The operator shall provide the Board of Commissioners or their designated Official(s) with information on the proposed source and projected usage of water for the operation.
- 700.1.4 Comprehensive Site Development Plan** - All structures shall show consistency with engineering standards and specifications and evidence of compliance with all applicable requirements of this Ordinance and with requirements of applicable state and federal regulatory agencies. Copies of any permits required by applicable State or Federal regulations must be filed with the Oglethorpe County Board of Commissioners or their designated official(s).
- 700.1.5 Air Quality Protection** – The operation shall not exceed allowable emissions of substances or compounds regulated by state or federal Clean Air Acts, or Clean Air Act Amendments of 1990, or either as amended in the future.
- 700.1.6 Dead Animal Disposal** – Dead animals should be disposed of in a way that does not adversely affect ground or surface water or create public health concerns. Any dead animal shall be disposed of within seventy-two (72) hours of discovery by removal for rendering,

cremation, burial or composting as approved by EPD and Georgia Department of Agriculture..

**700.1.7 Reduced Minimum Setback Waivers** – The required minimum setbacks specified herein for intensive agricultural operations may be reduced at the discretion of the Board of Commissioners, or their designated officials, provided all affected surrounding property owners shall have agreed to the reduction. Said affected property owners shall be required to sign a waiver on a form prepared by the Zoning Official(s) which shall become public record. Setback reductions shall apply only as to other land uses. Setbacks specified from wells, surface/subsurface waters, or other natural resources, shall not be reduced.

**700.1.8 Notice of Agricultural Adjacency and Reciprocal Setbacks** – The required minimum setbacks specified herein for the Intensive Agriculture (A-1) or General Agriculture (A-2) Districts shall be applied, respectively, to any non-agricultural use proposed for property abutting or adjacent to any such existing agricultural district or use, unless an agricultural adjacency waiver has been duly signed and recorded.

When a non-agricultural use is proposed for property abutting existing Intensive Agriculture (A-1) or General Agriculture (A-2) Districts or will be located within the required minimum setbacks for such districts, the developer or property owner shall be provided with a "Notice of Agricultural Adjacency" at the time an application for a building permit or for a change in zoning classification or use is filed. As a condition of and prior to any administrative action on either the change in zoning classification or use request, or the issuance of any land use, building, or occupancy permit, the applicant shall be required to sign a waiver on a form prepared by the Zoning Official(s) which will indicate that the applicant understands that there is an ongoing agricultural land use adjacent to the subject property which could produce odors, noise, dust, and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of agricultural operations and uses on adjacent land, the applicant agrees, by executing the form, to waive any objection to those effects and understands that his change in zoning classification or use and/or his permits are issued and processed in reliance on his agreement not to bring any action against adjacent land owners, whose property is agricultural and or an agricultural operation, or any local government, asserting that the adjacent agricultural operations or uses of agricultural land constitutes a nuisance; provided that said existing agricultural use is operated in conformance with this Ordinance and with all applicable local, state, and federal regulations. Any such notice or acknowledgement provided to or executed by a land owner adjoining an existing agricultural use or within the required minimum setbacks for said use shall be public record.

The Agricultural Use Notice and Waiver shall include the following information in substantially the same or similar format and content:

*You are hereby notified that all or part of the property you are proposing to use or build upon is located within the required minimum setback of adjacent agricultural land with one or more existing agricultural operations. You may be subject to inconvenience or discomfort from lawful agricultural operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents, and/or the operation of machinery (including aircraft) during any 24-hour period. One or more inconveniences may occur as a result of agricultural operations that are in compliance with existing laws and regulations and accepted customs and standards. If you live or operate a use near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural*

sector. Your signature constitutes an agreement not to bring any action against adjacent landowners whose property is agricultural land or in agricultural operation, or against local government, asserting that the adjacent agricultural operation or uses of agricultural lands constitutes a nuisance.

Signature of Applicant: \_\_\_\_\_

**700.1.9 Nuisance Shield** – An Intensive Agricultural operation that is in compliance with the requirements of this Ordinance and the requirements of appropriate state regulatory agencies and other applicable federal, state, and local laws shall be presumed not to be a nuisance.

## **700.2 Waste Storage/Treatment Structure/Facility Requirements**

**700.2.1 Dry Manure Handling/Storage** - Dry or solid manure is that which has had the addition of sufficient bedding to absorb all liquids, thereby making the manure shakable and preventing waste seepage/drainage. All handling and storage/treatment facilities for dry manure shall comply with all applicable regulations of appropriate state and federal agencies, in addition to all setback requirements and any other applicable requirements as specified in this Ordinance.

**700.2.2 Liquid Manure Handling/Storage** - The term liquid manure/waste shall include manure in a liquid, slurry, or semi-solid state as well as all wastewater, seepage, drainage or contaminated runoff emanating from animal containment or manure/waste storage/treatment facilities. All handling and storage/treatment facilities for liquid manure shall comply with all applicable regulations of appropriate state and federal agencies, in addition to all setback requirements and any other applicable requirements as specified in this Ordinance.

## **700.3 Closure Requirements for Facilities Utilizing Waste Storage/Handling Structures/Facilities**

The following performance requirements shall apply immediately to all operations, existing and new:

**700.3.1 Required Closure** –When no longer required by the operation, waste storage/handling structures/facilities shall be properly closed or converted to another use in compliance with all applicable regulations of appropriate state and federal agencies. No operation shall permanently abandon a lagoon or earthen basin.

**700.3.2 Certification of Closing** – Written certification from the NRCS or an independent registered professional engineer certifying that proper closure has been carried out shall be submitted to the Board of Commissioners, or their designated official(s).

## **700.4 Existing Non-Conforming Intensive Agricultural Facilities**

Existing facilities, in operation at the time this Ordinance is adopted, which do not meet the requirements specified herein for new or expanded operations shall be "grandfathered" in as non-conforming for the purposes of this Ordinance.

1. Existing Intensive Agricultural facilities/operations shall register with the county within one (1) year of the adoption of this Ordinance.
2. Such operations shall not have to comply with location and setback restrictions for existing structures/facilities, provided they are in compliance with applicable state and federal regulations for water and air quality.

3. Such facilities must comply with all applicable state and federal regulations. If permitting is required by state or federal regulations, then a copy of such permit(s) shall be filed with the Board of Commissioners or their designated official(s).

**700.5 Permitted Uses** – In the A-1 Intensive Agricultural District the following uses are permitted:

1. Single-family detached dwelling or individual manufactured housing ("Class A, B, or C") used as single-family dwellings in accordance with *Article IX, Subsection 901.3, Manufactured Housing as Single-Family Dwellings*, in this Ordinance, along with customary accessory buildings and uses, which serves as the **principal dwelling for the owner or operator** of the agricultural activity, with a minimum lot size of one and one-half (1.5) acres and a minimum lot width of two hundred (200') feet, and which fronts on a public right-of-way or fronts on a private access drive which connects with a public right-of-way, and which is located within the same tract of land as the operation or on another tract owned by the same owner of the agricultural activity and which is part of the same farming operation. Said parcel may not include any part of the required acreage for the agricultural operation, or for any caretaker or employee residence, or for any residence for an immediate family member of the owner.
2. Intensive agricultural uses including, but not limited to, dairy farms, hog farms, farrowing houses, poultry houses (both broilers and layers), livestock feedlots or holding lots, and accessory buildings and uses customarily incidental to the intensive agricultural operation such as waste lagoons, basins or pits, stackhouses, barns, sheds, and storage structures directly related to the agricultural use.
3. Livestock Sales Pavilion, provided any structures used for such sales shall be located no closer than one hundred (100') feet to any side or rear property line or four hundred (400') to any existing adjacent residence under separate ownership, and adequate off-street parking shall be provided at the site. Such use shall not adversely effect existing adjacent residential uses or impede traffic in the area.
4. Wholesale and retail sales of agricultural products raised on the property. Adequate off-street parking must be provided at the site. Any structures used for such sale shall not be located closer than one hundred (100') feet to any side or rear property line or two hundred (200') feet to any existing adjacent residence under separate ownership. The sale of said products and commodities shall not adversely effect existing adjacent residential uses or impede traffic in the area.
5. Home occupations in accordance with the provisions of *Article IX, Section 900, Home Occupations*, in this Ordinance.

**700.6 Conditional Uses** – Within the A-1 Intensive Agricultural District, the following uses may be permitted if approved by the Board of Commissioners as specified in *Article XII, Section 1202, Conditional Uses*, in this Ordinance.

1. Single-family detached dwelling or individual manufactured housing ("Class A, B, or C") used as a single-family dwelling in accordance with *Article IX, Subsection 901.3, Manufactured Housing as Single-Family Dwellings*, in this Ordinance, along with customary accessory buildings and uses, which serves as an **employee residence for a farm worker**, provided it is located on a separate platted parcel, with a minimum lot size of one and one-half (1.5) acres and a minimum lot width of two hundred (200') feet, which fronts on a public right-of-way or fronts on a private access drive which connects with a public right-of-way, and which is located within the same tract of land as the operation or on another tract owned by the same owner of the agricultural activity and which is part of the same farming operation. Said parcel may not include any part of the required acreage for the principal residence, or for any other caretaker or employee residence, or for the residence of an immediate family member of the owner, or for the agricultural operation. At least one of the

occupants must be employed on the premises or their presence must be necessary and essential for the orderly operation of the farm.

2. Single-family detached dwelling or individual manufactured housing ("Class A, B, or C") used as single-family dwelling in accordance with *Article IX, Subsection 901.3, Manufactured Housing as Single-Family Dwellings*, in this Ordinance, along with customary accessory buildings and uses, which serves as the principal dwelling for an **immediate family member of the owner** of the agricultural activity, when located on a separate platted parcel, with a minimum lot size of one and one-half (1.5) acres and a minimum lot width of two hundred (200') feet, and which is located within the same tract of land as the operation or on another tract owned by the same owner of the agricultural activity and which is part of the same farming operation. Said parcel may not include any part of the required acreage for the principal residence, caretaker or employee residence, or for the agricultural operation.
3. Commercial Slaughterhouses, for the slaughter and sale of poultry, pork, beef, etc., provided that the slaughterhouse is not located closer than three hundred (300') feet from any side or rear property line or five hundred (500') feet from any existing adjacent residence under separate ownership. A comprehensive site development plan shall be required.
4. Telecommunication/Transmission Towers and Antennas as specified in *Article IX, Section 903, Telecommunication/Transmission Towers/Antennas*, in this Ordinance.

**700.7 Spatial Requirements in the A-1 Intensive Agricultural District**

MINIMUM ACREAGE REQUIREMENTS		
USE	MINIMUM AREA	MINIMUM WIDTH*
Swine/Dairy/Livestock/Poultry Animal Feeding Operations/Animal Containment Facilities	30 Acres	400 Feet
Single-Family Dwelling (as permitted)	1.5 Acres*[see note]	200 feet

*\*Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot area be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department and County Sanitarian.*

<b>MINIMUM BUILDING SETBACK LINE REQUIREMENTS (unless otherwise specified herein)</b>			
<b>FRONT YARD</b>		<b>SIDE YARD</b>	<b>REAR YARD</b>
Arterial Streets/Highways	100 Feet from R/W line	20 Feet	20 Feet
Arterial Street/Highway without an established right-of-way (R/W)	150 Feet from centerline of street		
Collector Streets	50 Feet from R/W line		
Collector Street without an established right-of-way (R/W)	80 Feet from centerline of street		
Local Streets and Private Access Drives/Private Access Easements	20 Feet from R/W line		
Local Street or Private Access Drive/Private Access Easement without an established right-of-way (R/W)	50 Feet from centerline of street/drive		

<b>Minimum Setbacks For Animal Containment and Waste Storage/Handling Structures</b>		
<b>DISTANCE FROM:</b>	<b>SWINE/LIVESTOCK/DAIRY</b>	<b>POULTRY (DRY WASTE)</b>
Property Line	400 feet	200 feet
Existing Residential Structures (Without a written waiver from the owner)	1320 ft. ≤ 1000 animal units 2640 ft. > 1000 animal units	600 feet
Property Line of Existing Public Use Areas, including Parks and Recreational Facilities, Schools and Child Care Centers, Health Facilities, Places of Worship or Public Assembly, Identified Significant Historic District or Sites	1320 ft. ≤ 1000 animal units 2640 ft. > 1000 animal units	600 feet
Municipal Boundaries	1.5 Miles	1 Mile
<b>(Continued on the next page &gt;)</b>		

<b>Minimum Setbacks For Animal Containment and Waste Storage/Handling Structures (Continued):</b>		
<b>DISTANCE FROM:</b>	<b>LIVESTOCK/DAIRY</b>	<b>POULTRY (Dry Waste)</b>
<b><u>SURFACE WATER:</u></b> Broad River and Oconee River	As specified in applicable state and federal regulations, and in <i>Article XIII, Section 801, River/Stream Corridor Protection District</i> , in this Ordinance	As specified in applicable state and federal regulations, and in <i>Article XIII, Section 801, River/Stream Corridor Protection District</i> , in this Ordinance
Perennial Creeks/ Streams and Lakes*	As specified in applicable state and federal regulations, and in <i>Article XIII, Section 801, River/Stream Corridor Protection District</i> , in this Ordinance	As specified in applicable state and federal regulations, and in <i>Article XIII, Section 801, River/Stream Corridor Protection District</i> , in this Ordinance
100 Year Flood Plain	Prohibited, as specified in <i>Article XIII, Section 801, River/Stream Corridor Protection District</i> , in this Ordinance	Prohibited, as specified in <i>Article XIII, Section 801, River/Stream Corridor Protection District</i> , in this Ordinance
Wetlands	As specified in applicable state and federal regulations, and in <i>Article XIII, Section 803, Wetlands Protection District</i> , in this Ordinance	As specified in applicable state and federal regulations, and in <i>Article XIII, Section 803, Wetlands Protection District</i> in this Ordinance
Municipal Water Supply Watersheds	Prohibited, as specified in <i>Article XIII, Section 802, Water Supply Watershed Protection District</i> , in this Ordinance	Prohibited, as specified in <i>Article XIII, Section 802, Water Supply Watershed Protection District</i> , in this Ordinance
<b><u>Wells and Subsurface Waters:</u></b> Public and Private Drinking Water Supply Wells, Other Open Wells and Sinkholes:	As specified in applicable state and federal regulations	As specified in applicable state and federal regulations
Significant Groundwater Recharge Areas (as defined in the Georgia Department of Natural Resources Rules of Environmental Planning Criteria)	As specified in <i>Article XIII, Section 804, Groundwater Recharge Area Protection District</i> , in this Ordinance	As specified in <i>Article XIII, Section 804, Groundwater Recharge Area Protection District</i> , in this Ordinance

\*Excluding farm ponds/lakes located and contained entirely within the confines of the owner/operator's property and which have no outlet to waters of the State (not including ephemeral or intermittent streams). Municipal Water Supply Reservoirs are covered under Municipal Water Supply Watersheds.

BUILDING REQUIREMENTS		
STRUCTURE	FLOOR AREA	MAXIMUM HEIGHT
Single-Family Dwelling	Minimum: 900 Sq. Ft.* [see note]	35 Feet
Accessory Structures	n/a	n/a

\*Not including porches, patios, garages, or carports. Applies to one bedroom unit.

**700.8 Requirements for Land Application of Dry Manure/Litter and Liquid Manure/Slurry/Wastewater**

**700.8.1 Compliance with Local, State, and Federal Regulations** - Land application of dry manure/litter and liquid manure/slurry/wastewater shall comply with all applicable local, state, and federal regulations.

**700.8.2 Setbacks** – All land application of dry manure or liquid manure/slurry/wastewater shall comply with the following required setbacks.

LAND APPLICATION OF WASTE - SETBACK REQUIREMENTS		
DISTANCE FROM:	LIQUID MANURE/ SLURRY/WASTEWATER	DRY MANURE/LITTER
Existing Residential District/Use [AR, R-1, R-2, R-3] Without a written waiver from the owner	50 ft. from the property line (if injected into soil, or if applied using a method that prohibits drift and incorporated into soil within the same day, or subjected to approved physical, biological, or biochemical treatment to prohibit drift and odor)  150 feet from the property line (if untreated or if not injected into soil or without incorporation into soil within the same day)	100 feet from residential structures
Public Use Areas, Parks and Recreational Facilities, Schools and Child Care Centers, Health Facilities, Places of Worship or Public Assembly	50 ft. from the property line (if injected into soil, or applied using a method that prohibits drift and incorporated into soil within the same day or subjected to approved physical, biological, or biochemical treatment to minimize drift and odor)  150 feet from the property line (if untreated or not injected into soil or without incorporation into soil within the same day)	100 feet from the property line
(Continued on the next page >)		



<b>Land Application of Waste - Setback Requirements (Continued)</b>		
<b>DISTANCE FROM:</b>	<b>LIQUID MANURE/ SLURRY/WASTEWATER</b>	<b>DRY MANURE/LITTER</b>
<b><u>Surface Water:</u></b> Broad River and Oconee River	200 ft. from the banks, or width of the 100 year flood plain, whichever is greater, as specified in <i>Article XIII, Section 801, River/Stream Corridor Protection District</i> , in this Ordinance	200 ft. from the banks, or width of the 100 year flood plain, whichever is greater, as specified in <i>Article XIII, Section 801, River/Stream Corridor Protection District</i> , in this Ordinance
Perennial Creeks/Streams and Lakes*	100 ft. from the banks, or width of the 100 year flood plain, whichever is greater, as specified in <i>Article XIII, Section 801, River/Stream Corridor Protection District</i> , in this Ordinance	100 feet from the banks, or width of the 100 year flood plain, whichever is greater, as specified in <i>Article XIII, Section 801, River/Stream Corridor Protection District</i> , in this Ordinance
100 Year Flood Plain	Prohibited, as specified in <i>Article XIII, Section 801, River/Stream Corridor Protection District</i> , in this Ordinance	Prohibited, as specified in <i>Article XIII, Section 801, River/Stream Corridor Protection District</i> , in this Ordinance
Wetlands	As specified in applicable state and federal regulations, and in <i>Article XIII, Section 803, Wetlands Protection District</i> , in this Ordinance	As specified in applicable state and federal regulations, and in <i>Article XIII, Section 803, Wetlands Protection District</i> , in this Ordinance
Municipal Water Supply Watersheds	Prohibited from stream buffer areas as specified in <i>Article XIII, Section 802, Water Supply Watershed Protection District</i> , in this Ordinance	Prohibited from stream buffer areas as specified in <i>Article XIII, Section 802, Water Supply Watershed Protection District</i> , in this Ordinance
<b><u>Wells and Subsurface Water:</u></b> Public and Private Drinking Water Supply Wells, Other Open Wells and Sinkholes:	As specified in applicable state and federal regulations	As specified in applicable state and federal regulations
Significant Groundwater Recharge Areas (as defined in the Georgia Department of Natural Resources Rules of Environmental Planning Criteria)	As specified in <i>Article XIII, Section 804, Groundwater Recharge Area Protection District</i> , in this Ordinance	As specified in <i>Article XIII, Section 804, Groundwater Recharge Area Protection District</i> , in this Ordinance

\*Excluding farm ponds/lakes located and contained entirely within the confines of the owner/operator's property and which have no outlet to waters of the State (not including ephemeral or intermittent streams). Municipal Water Supply Reservoirs are covered under Municipal Water Supply Watersheds.

## **SECTION 701: [A-2] GENERAL AGRICULTURAL DISTRICT**

The A-2 General Agricultural District shall be composed chiefly of larger tracts of farmland devoted primarily to commercial agricultural production in the areas of food crops, fiber crops, timber production, horticulture, livestock pastures, limited animal containment, and other compatible uses. Areas within this zone are not intended to be used for intensive agricultural facilities and uses that are restricted to the A-1 Intensive Agriculture District. The regulations for this district are designed to protect prime farmlands, promote viable agricultural usage, and to encourage the maintenance of the general rural character.

The use of area land in the A-2 General Agricultural District may result in odors, dust, noise, or other effects that may not be compatible with single-lot residential development. However, the operation must be conducted in accordance with all applicable local, state, and federal regulations.

**701.1 Reduced Minimum Setback Waivers** – The required minimum setbacks specified herein for agricultural operations may be reduced at the discretion of the Board of Commissioners, or their designated officials, provided all affected surrounding property owners agree to the reduction. Said affected property owners shall be required to sign a waiver on a form prepared by the Zoning Official(s) which shall be public record. Setback reductions shall apply only as to other land uses. Setbacks specified from wells, surface/subsurface waters, or other natural resources, shall not be reduced.

**701.2 Notice of Agricultural Adjacency and Reciprocal Setbacks** – The required minimum setbacks specified herein for the Intensive Agriculture (A-1) or General Agriculture (A-2) Districts shall be applied, respectively, to any non-agricultural use proposed for property abutting or adjacent to any such existing agricultural district or use, unless an agricultural adjacency waiver has been duly signed and recorded.

When a non-agricultural use is proposed for property abutting existing Intensive Agriculture (A-1) or General Agriculture (A-2) Districts or will be located within the required minimum setbacks for such districts, the developer or property owner shall be provided with a "Notice of Agricultural Adjacency" at the time an application for a building permit or for a change in zoning classification or use is filed. As a condition of and prior to any administrative action on either the change in zoning classification or use request, or the issuance of any land use, building, or occupancy permit, the applicant shall be required to sign a waiver on a form prepared by the Zoning Official(s) which will indicate that the applicant understands that there is an ongoing agricultural land use adjacent to the subject property which could produce odors, noise, dust, and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of agricultural operations and uses on adjacent land, the applicant agrees, by executing the form, to waive any objection to those effects and understands that his change in zoning classification or use and/or his permits are issued and processed in reliance on his agreement not to bring any action against adjacent land owners, whose property is agricultural and or an agricultural operation, or any local government, asserting that the adjacent agricultural operations or uses of agricultural land constitutes a nuisance; provided that said existing agricultural use is operated in conformance with this Ordinance and with all applicable state regulations. Any such notice or acknowledgement provided to or executed by a land owner adjoining an existing agricultural use or within the required minimum setbacks for said use shall be public record.

The Agricultural Use Notice and Waiver shall include the following information in substantially the same or similar format and content:

*You are hereby notified that all or part of the property you are proposing to use or build upon is located within the required minimum setback of adjacent agricultural land with one or more existing agricultural operations. You may be subject to inconvenience or discomfort from lawful agricultural operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents, and/or the operation of machinery (including aircraft) during any 24-hour period. One or more inconveniences may occur as a result of agricultural operations that are in compliance with existing laws and regulations and accepted customs and standards. If you live or operate a use near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of*

living in an area with a strong rural character and an active agricultural sector. Your signature constitutes an agreement not to bring any action against adjacent landowners whose property is agricultural land or in agricultural operation, or against local government, asserting that the adjacent agricultural operation or uses of agricultural lands constitutes a nuisance.

Signature of Applicant: \_\_\_\_\_

### **701.3 Nuisance Shield**

A General Agricultural operation that is in compliance with the requirements of this Ordinance and the requirements of appropriate state regulatory agencies and other applicable federal, state, and local laws shall be presumed not to be a nuisance.

### **701.4 Land Application of Animal Manure/Waste**

The land application of animal manure/waste shall comply with the requirements and setbacks, as applicable, specified in Section 700.8, *Requirements for Land Application of Dry Manure/Litter and Liquid Manure/Slurry/Waste-water*, in this Ordinance.

### **701.5 Permitted Uses**

In the A-2 General Agricultural District the following uses are permitted:

1. Single-family detached dwelling or individual manufactured housing ("Class A, B, or C") used as single-family dwellings in accordance with *Article IX, Subsection 901.3, Manufactured Housing as Single-Family Dwellings* in this Ordinance, along with customary accessory buildings and uses, which serves as the **principal dwelling for the owner or operator** of the agricultural activity, which fronts on a public right-of-way or fronts on a private access drive which connects with a public right-of-way, and which is located within the same tract of land as the operation or on another tract with a minimum lot size of one and one-half (1.5) acres and a minimum lot width of two hundred (200') feet, and which is owned by the same owner of the agricultural activity and which is part of the same farming operation. Said parcel may not include any part of the required acreage for the agricultural operation or for any caretaker or employee residence, or for any residence for an immediate family member.
2. Agricultural uses including food or fiber crop production, horticulture, commercial timber production, commercial greenhouses and nurseries (wholesale and retail), livestock pastures and ranges, along with customary accessory buildings and uses, provided that no structure, excluding fences, for the keeping of animals or storage or handling of odor or dust producing substances shall be located within one hundred (100') feet of any side or rear property line or four hundred (400') feet of any existing adjacent residence under separate ownership.
3. Animal containment limited to the following:
  - a. Cattle or horses may be confined in a non-vegetative area at a maximum rate of 100 animal units for up to 120 days for not more than two times per year, provided that no structure for the keeping of animals or storage or handling of odor or dust producing substances shall be located within one hundred (100') feet of any side or rear property line or four hundred (400') feet of any existing adjacent residence under separate ownership, without a written waiver from adjacent property owner;
  - b. Other farm animals, including horses, may be confined in a non-vegetative area at a maximum rate of 5 animal units for up to 120 days for not more than two times per year, provided that no structure for the keeping of animals or storage or handling of odor or dust producing substances shall be located within one hundred (100') feet of any side or rear property line or two hundred (200') feet of any existing adjacent residence under separate ownership, without a written waiver from adjacent property owner.

4. Wholesale and retail sales of agricultural products raised on the property. Adequate off-street parking must be provided at the site. Any structures used for such sale shall not be located closer than one hundred (100') feet to any side or rear property line or two hundred (200') feet to any existing adjacent residence under separate ownership. The sale of said products and commodities shall not adversely effect existing adjacent residential uses or impede traffic in the area.
5. Livestock Sales Pavilion, provided any structures used for such sales shall be located no closer than one hundred (100') feet to any side or rear property line or four hundred (400') feet to any existing adjacent residence under separate ownership, and adequate off-street parking shall be provided at the site. Such use shall not adversely effect existing adjacent residential uses or impede traffic in the area.
6. Commercial or private riding stables and academies, provided that no structure for keeping horses is located closer than to any one hundred (100') feet to any side or rear property line or four hundred (400') feet to any existing adjacent residence under separate ownership. No other structure or facilities, including, but not limited to show/training rings or jumps shall be located closer than fifty (50') feet to any side or rear property line. Adequate off-street parking must be provided at the site. The operation of said stable or academy shall not adversely effect existing adjacent residential uses or impede traffic in the area.
7. Temporary and Portable Sawmills, in accordance with the provisions of *Article XII, Subsection 1203.2, Temporary Sawmills*, in this Ordinance, and provided that the mill and storage areas are not located closer than six hundred (600') feet to any existing adjacent residential district or use other than that of the owner of the timber being harvested. Operation of said sawmill must be in compliance with the Oglethorpe County Noise Ordinance.
8. Home occupations in accordance with the provisions of *Article IX, Section 900, Home Occupations*, in this Ordinance.
9. Publicly owned and operated parks and recreational areas.

#### **701.6 Conditional Uses**

The following uses may be permitted as Conditional Uses within the A-2 General Agricultural District, if approved by the Oglethorpe County Board of Commissioners, as specified in *Article XII, Section 1202, Conditional Uses*, in this Ordinance:

1. Individual single-family detached dwelling or individual manufactured housing ("Class A, B, or C") used as a single-family dwelling in accordance with *Article IX, Subsection 901.3, Manufactured Housing as Single-Family Dwellings* in this Ordinance, along with customary accessory buildings and uses, which serves as an **employee residence for a farm worker**, provided it is located on a separate platted parcel, with a minimum lot size of one and one-half (1.5) acres and a minimum lot width of two hundred (200') feet, which fronts on a public right-of-way or fronts on a private access drive which connects with a public right-of-way, and which is located within the same tract of land as the operation or on another tract owned by the same owner of the agricultural activity and which is part of the same farming operation. Said parcel may not include any part of the required acreage for the principal residence, or for any other caretaker or employee residence, or for any residence for an immediate family member of the owner, or for the agricultural operation. At least one of the occupants must be employed on the premises or their presence must be necessary and essential for the orderly operation of the farm.
2. Individual single-family detached dwelling or individual manufactured housing ("Class A, B, or C") used as single-family dwelling in accordance with *Article IX, Subsection 901.3, Manufactured Housing as Single-Family Dwellings* in this Ordinance, along with customary accessory buildings and uses, which serves as the principal dwelling for an **immediate family member of the owner** of the agricultural

activity, when located on a separate platted parcel, with a minimum lot size of one and one-half (1.5) acres and a minimum lot width of two hundred (200') feet, which fronts on a public right-of-way or fronts on a private access drive which connects with a public right-of-way, and which is located within the same tract of land as the operation or on another tract owned by the same owner of the agricultural activity and which is part of the same farming operation. Said parcel may not include any part of the required acreage for the principal residence, caretaker or employee residence, or for the agricultural operation.

3. Commercial Slaughterhouses, for the slaughter and sale of poultry, pork, beef, etc., provided that the slaughterhouse is not located closer than three hundred (300') feet from any side or rear property line or closer than five hundred (500') feet from any existing adjacent residence under separate ownership. A comprehensive site development plan shall be required, as specified in *Article VII, Subsection 711.1, Comprehensive Site Development Plan Required for Rezoning or Conditional Use, in this Ordinance.*
4. Veterinary hospitals, clinics, and kennels provided that no unenclosed structure for the keeping of animals shall be located within four hundred (400') feet of any existing adjacent residence under separate ownership. Adequate off-street parking must be provided at the site. The operation of said veterinary hospital, clinic, and kennel shall not adversely effect existing adjacent residential uses or impede traffic in the area. A comprehensive site development plan shall be required.
5. Churches, temples, synagogues, mosques, and other places of worship and their customary related facilities, provided such uses shall have direct access to a public thoroughfare and that building(s) shall be placed not less than fifty (50') feet from any side or rear property line or two hundred (200') feet from any existing adjacent residence. Adequate off-street parking must be provided at the site, as specified in *Article X, Off-Street Parking and Loading, in this Ordinance,* and the said facilities shall not adversely effect existing adjacent residential uses or impede traffic in the area. Any proposed cemetery associated with said church shall meet the requirements specified in *Article IX, Section 909, Cemeteries, in this Ordinance.*
6. Non-profit Clubs and fraternal organizations, provided such uses shall have direct access to a public thoroughfare and building(s) shall be placed not less than two hundred (200') feet from any existing adjacent residential district or use. Adequate off-street parking must be provided at the site and the said facilities shall not adversely effect existing adjacent residential uses or impede traffic in the area.
7. Recreational Facilities including but not limited to camp grounds, fishing lakes, swimming pools, tennis courts, ball fields, golf courses and driving ranges, playgrounds, skeet and other shooting ranges, and associated clubhouses, provided that such uses shall have adequate safe water supply and sewage management facilities as required by the Health Department, direct access to a public thoroughfare, adequate off-street parking must be provided at the site, as specified in *Article X, Off-Street Parking and Loading, in this Ordinance,* and the said facilities shall not impede traffic in the area and shall have sufficient setbacks and buffers to mitigate any adverse effect on existing adjacent residential uses or adverse effect from existing adjacent agricultural uses. A comprehensive site development plan shall be required.
8. Commercial Camp Grounds or Recreational Vehicle Parks provided that such uses shall have adequate safe water supply and sewage management facilities as required by the Health Department, direct access to a public thoroughfare, adequate off-street parking must be provided at the site, as specified in *Article X, Off-Street Parking and Loading, in this Ordinance,* and the said facilities shall not impede traffic in the area and shall have sufficient setbacks and buffers to mitigate any adverse effect on existing adjacent residential uses or adverse effect from existing adjacent agricultural uses. A comprehensive site development plan shall be required.

9. Telecommunication/Transmission Towers and Antennas as specified in Article IX, Section 903, Telecommunication/Transmission Towers/Antennas, in this Ordinance.

**701.7 Spatial Requirements in the A-2 General Agricultural District**

MINIMUM ACREAGE REQUIREMENTS		
USE	MINIMUM AREA	MINIMUM WIDTH*
Principal Agricultural Use	20 Acres	400 Feet
Single-Family Dwelling (as permitted within the district)	1.5 Acres*[see note]	200 Feet

\* Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot area be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department and County Sanitarian.

MINIMUM BUILDING SETBACK LINE REQUIREMENTS (unless otherwise specified herein)			
FRONT YARD		SIDE YARD	REAR YARD
Arterial Streets/Highways	100 Feet from R/W line	20 Feet	20 Feet
Arterial Street/Highway without an established right-of-way (R/W)	150 Feet from centerline of street		
Collector Streets	50 Feet from R/W line		
Collector Street without an established right-of-way (R/W)	80 Feet from centerline of street		
Local Streets and Private Access Drives/Private Access Easements	20 Feet from R/W line		
Local Street or Private Access Drive/Private Access Easement without an established right-of-way (R/W)	50 Feet from centerline of street/drive		

BUILDING REQUIREMENTS		
STRUCTURE	FLOOR AREA	MAXIMUM HEIGHT
Single-Family Dwelling	Minimum: 900 Sq. Ft.*[see note]	35 Feet
Accessory Structures	n/a	n/a

\*Not including porches, patios, garages, or carports. Applies to one bedroom unit.

## **SECTION 702: [AR] AGRICULTURAL/ RURAL RESIDENTIAL DISTRICT**

The AR Agricultural/Rural Residential District shall be composed chiefly of rural and agricultural, areas where very low-density, rural single-family residential development has occurred or is occurring. This district shall also include those areas of the County where residential development may occur around sensitive natural/scenic/historic areas, or along existing unpaved county roads, or along any roads (paved or unpaved) which are privately owned and maintained. The purpose of this district is to preserve the rural/scenic character of the area, prevent overdevelopment in areas without adequate existing infrastructure, and to encourage a compatible relationship between small scale, non-commercial agriculture and low density residential development, and to effect an orderly transition of land from agriculture to low-density residential development until such time as the availability of adequate infrastructure and community facilities or demand from adjacent built-up areas warrant a change which is compatible with the Oglethorpe County Comprehensive Plan and with the surrounding area.

### **702.1 Land Application of Animal Manure/Waste**

Any land application of animal manure/waste shall comply with the requirements and setbacks, as applicable, specified in *Section 700.8, Requirements for Land Application of Dry Manure/Litter and Liquid Manure/Slurry/Waste-water*, in this Ordinance.

### **702.2 Permitted Uses**

The following uses are permitted in the A-R Agricultural/Rural Residential District:

1. Single-family detached dwellings or individual "Class A" Manufactured Housing used as single-family dwellings in accordance with *Article IX, Subsection 901.3, Manufactured Housing as Single-Family Dwellings* in this Ordinance, along with customary accessory buildings and uses.
2. Open Space/Conservation Design Subdivisions as specified in *Section 714, Open Space/Conservation Design Development*, herein.
3. Home occupations in accordance with the provisions of *Article IX Section 900, Home Occupations*, in this Ordinance.
4. Small-scale agricultural uses including horticulture and the raising of farm animals including horses, provided that there is sufficient acreage and that no structures housing animals, feed, or other odor or dust producing substance shall be located within one hundred (100') feet of any side or rear property line or two hundred (200') feet of any existing adjacent residence without a written waiver from adjacent property owner. The sale on the premises of such animals, vegetables, fruits, plants, or other produce grown, raised, or produced on the premises as part of a permitted Home Occupation in the accordance with the provisions of *Article IX, Section 900, Home Occupations*, in this Ordinance.
5. Animal containment limited to the following:
  - a. Farm animals, including horses, may be confined in a non-vegetative area at a maximum rate of 5 animal units for up to 120 days for not more than two times per year, provided that there is sufficient acreage and that no structure for the keeping of animals or storage or handling of odor or dust producing substances shall be located within one hundred (100') feet of any side or rear property line or two hundred (200') feet of any existing adjacent residence under separate ownership, without a written waiver from adjacent property owner.
6. Publicly owned and operated parks and recreational areas.

**702.3 Conditional Uses**

The following uses may be permitted as Conditional Uses within the AR Agricultural/Rural Residential District, if approved by the Oglethorpe County Board of Commissioners, as specified in Article XII, Section 1202, *Conditional Uses*, in this Ordinance:

1. Private/Non-Commercial Recreational Facilities and Neighborhood Recreational Centers operated and maintained by private/non-commercial clubs, organizations, associations, or homeowners associations exclusively for the use of members or residents, and their guests, including but not limited to fishing lakes, swimming pools, tennis courts, ball fields, golf courses, playgrounds, clubhouses, provided that such uses shall have adequate safe water supply and sewage management facilities as required by the Health Department, direct access to a public thoroughfare, adequate off-street parking must be provided at the site, as specified in Article X, *Off-Street Parking and Loading*, in this Ordinance, and the said facilities shall not impede traffic in the area and shall have sufficient setbacks and buffers to mitigate any adverse effect on existing adjacent residential uses. Miniature golf courses, skating rinks, bowling alleys, game arcades, and other such activities operated for a commercial purpose shall be prohibited. A comprehensive site development plan shall be required.
2. Churches, temples, synagogues, mosques, and other places of worship and their customary related facilities, provided such uses shall have direct access to a public thoroughfare and that building(s) shall be placed not less than fifty (50') feet from any side or rear property line or two hundred (200') feet from any existing adjacent residence. Adequate off-street parking must be provided at the site, as specified in Article X, *Off-Street Parking and Loading*, in this Ordinance, and the said facilities shall not adversely effect existing adjacent residential uses or impede traffic in the area. Any proposed cemetery associated with said church shall meet the requirements specified in Article IX, Section 909, *Cemeteries*, in this Ordinance.

**702.4 Spatial Requirements for the AR Agricultural/Rural Residential District**

MINIMUM LOT SIZE REQUIREMENTS *		
USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH **
Single-Family Dwelling	5 Acres	400 Feet
Farm Animals and Horses	2 Acres	--

*\*Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department and County Sanitarian.*

*\*\*The minimum required street frontage shall be fifty (50') feet provided the lot meets the minimum width requirement at the uniform building setback line.*



MINIMUM BUILDING SETBACK LINE REQUIREMENTS (unless otherwise specified herein)			
FRONT YARD		SIDE YARD	REAR YARD
Arterial Streets/Highways	100 Feet from R/W line	20 Feet	20 Feet
Arterial Street/Highway without an established right-of-way (R/W)	150 Feet from centerline of street		
Collector Streets	50 Feet from R/W line		
Collector Street without an established right-of-way (R/W)	80 Feet from centerline of street		
Local Streets and Private Access Drives/Private Access Easements	20 Feet from R/W line		
Local Street or Private Access Drive/Private Access Easement without an established right-of-way (R/W)	50 Feet from centerline of street/drive		

BUILDING REQUIREMENTS		
STRUCTURE	FLOOR AREA	MAXIMUM HEIGHT
Single-Family Dwelling	Minimum: 900 Sq. Ft.*	35 Feet
Accessory Structures on lots containing less than five (5) acres:	Maximum: Not to exceed total square footage of the principal building	25 Feet
Accessory Structures on lots containing five (5) acres or more	No floor area restriction	35 Feet

*\*Not including porches, patios, garages, or carports. Applies to one bedroom unit.*

## **SECTION 703: [R-1] SINGLE-FAMILY RESIDENTIAL DISTRICT**

The R-1 Single-Family Residential District shall be composed of lower density single-family residential development and areas where similar development appears likely to occur. The regulations for the district are designed to encourage single family residential development in primary and secondary growth areas where adequate infrastructure and community facilities exist. This district must be located on paved, public roads.

### **703.1 Permitted Uses**

The following uses are permitted in the R-1 Single-Family Residential District:

1. Single-family detached dwellings or individual "Class A" Manufactured Housing used as single-family dwellings in accordance with *Article IX, Subsection 901.3, Manufactured Housing as Single-Family Dwellings*, in this Ordinance, along with customary accessory buildings and uses.
2. Open Space/Conservation Design Subdivisions as specified in *Section 714, Open Space/Conservation Design Development*, herein.
3. Home occupations in accordance with the provisions of *Article IX Section 900, Home Occupations*, in this Ordinance.
4. Horticulture, and the sale on the premises of such vegetables, fruits, plants, or other produce grown, raised, or produced on the premises as part of an approved home occupation in accordance with the provisions of *Article IX Section 900, Home Occupations*, in this Ordinance.
5. The raising of horses and other farm animals on lots containing a minimum of two (2) acres and at the rates specified herein, provided that no structures housing animals, feed, or other odor or dust producing substance shall be located within one hundred (100') feet of any side or rear property line or two hundred (200') feet of any existing adjacent residence without a written waiver from adjacent property owner. The sale on the premises of such animals and/or animal products grown, raised, or produced on the premises as part of a permitted Home Occupation in the accordance with the provisions of *Article IX, Section 900, Home Occupations*, in this Ordinance.
  - a. Livestock and horses (excluding rabbits, chickens, turkeys, quail and other small fowl) shall be limited to one (1) animal per twenty thousand (20,000) square feet.
  - b. Rabbits, chickens, turkeys, quail and other small fowl shall be limited to five (5) animals per twenty thousand (20,000) square feet.
6. Publicly owned and operated parks and recreational areas.

### **703.2 Conditional Uses**

The following uses may be permitted as Conditional Uses within the R-1 Single-Family Residential District, if approved by the Oglethorpe County Board of Commissioners, as specified in *Article XII, Section 1202, Conditional Uses*, in this Ordinance:

1. Planned Residential Developments as specified in *Section 713, Planned Development*, herein.
2. Private/Non-Commercial Recreational Facilities and Neighborhood Recreational Centers owned, operated, and maintained by private/non-commercial clubs, organizations, associations, or homeowners associations exclusively for the use of members or residents and their guests, including but not limited to fishing lakes, swimming pools, tennis courts, ball fields, golf courses, playgrounds, clubhouses, provided that such uses shall have adequate safe water supply and sewage management facilities as required by the Health Department, direct access to a public thoroughfare, adequate off-street parking must be provided at the site, as specified in *Article X, Off-Street Parking and Loading*, in this Ordinance, and the said facilities shall not impede traffic in the area and shall

have sufficient setbacks and buffers to mitigate any adverse effect on existing adjacent residential uses. Miniature golf courses, skating rinks, bowling alleys, game arcades, and other such activities operated for a commercial purpose shall be prohibited. A comprehensive site development plan shall be required.

3. Churches, temples, synagogues, mosques, and other places of worship and their customary related facilities, excluding cemeteries, provided such uses shall have direct access to a public thoroughfare and that building(s) shall be placed not less than fifty (50') feet from any side or rear property line or two hundred (200') feet from any existing adjacent residence. Adequate off-street parking must be provided at the site, as specified in Article X, *Off-Street Parking and Loading*, in this Ordinance, and the said facilities shall not adversely effect existing adjacent residential uses or impede traffic in the area.
4. Day Care Centers, Group Day Care Homes, Play Schools, Nursery Schools and Kindergartens

**703.3 Spatial Requirements for the R-1 Single-Family Residential District**

MINIMUM LOT SIZE REQUIREMENTS *		
USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH **
<b>Single-Family Dwelling:</b>		
Individual Well/Septic Tank System	1.5 Acres	200 Feet
Public/Community Water and Individual Septic Tank System	1.5 Acres	125 Feet
Public/Community Water and Public Sewage System	.5 Acre	100 Feet
<b>Farm Animals and Horses</b>	2 Acres	--

*\*Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department and County Sanitarian.*

*\*\*The minimum required street frontage shall be fifty (50') feet provided the lot meets the minimum width requirement at the uniform building setback line.*

MINIMUM BUILDING SETBACK LINE REQUIREMENTS (unless otherwise specified herein)			
FRONT YARD		SIDE YARD	REAR YARD
Arterial Streets/Highways	100 Feet from R/W line	20 Feet	20 Feet
Arterial Street/Highway without an established right-of-way (R/W)	150 Feet from centerline of street		
Collector Streets	50 Feet from R/W line		
Collector Street without an established right-of-way (R/W)	80 Feet from centerline of street		
Local Streets and Private Access Drives/Private Access Easements	20 Feet from R/W line		
Local Street or Private Access Drive/Private Access Easement without an established right-of-way (R/W)	50 Feet from centerline of street/drive		

BUILDING REQUIREMENTS		
STRUCTURE	FLOOR AREA	MAXIMUM HEIGHT
Single-Family Dwelling	Minimum: 900 Sq. Ft.* [see note]	35 Feet
Accessory Structures on lots containing less than five (5) acres: Detached Garages/Carports	Maximum: Not to exceed 50% of the first floor area of the principal building	25 Feet
Other Accessory Structures	Maximum: 450 Sq. Ft.	25 Feet
Accessory Structures on lots containing five (5) acres or more	No floor area restrictions	35 Feet

\*Not including porches, patios, garages, or carports.

#### SECTION 704: [R-2] TWO-FAMILY RESIDENTIAL DISTRICT

The R-2 Two-Family Residential District shall be comprised primarily of medium density single- or two-family residential development and areas where similar development appears likely to occur in the near future. The regulations for the district are designed to allow for higher density residential development and complementary uses in primary and secondary growth areas where adequate infrastructure and community facilities exist. This district must be located on paved, public roads.

##### 704.1 Permitted Uses

In the R-2 Two-Family Residential District, the following uses are permitted:

1. Individual Single-Family detached dwelling per lot or individual "Class A" Manufactured Housing

used as single-family dwellings in accordance with *Article IX, Subsection 901.3, Manufactured Housing as Single-Family Dwellings*, in this Ordinance, along with customary accessory buildings and uses, provided only one principal building shall be permitted per lot.

2. Two-Family dwelling
3. Two-Family Duplex dwelling
4. Open Space/Conservation Design Subdivisions as specified in *Section 714, Open Space/Conservation Design Development*, herein.
5. Planned Residential Developments as specified in *Section 713, Planned Development*, herein.
6. Home occupations in accordance with the provisions of *Article IX, Section 900, Home Occupations*, in this Ordinance.
7. Non-commercial horticulture
8. Publicly owned and operated parks and recreational areas.

#### **704.2 Conditional Uses**

The following uses may be permitted as Conditional Uses within the R-2 Medium Density Residential District, if approved by the Oglethorpe County Board of Commissioners, as specified in *Article XII, Section 1202, Conditional Uses*, in this Ordinance:

1. Private/Non-Commercial Recreational Facilities and Neighborhood Recreational Centers owned, operated, and maintained by private/non-commercial clubs, organizations, associations, or homeowners associations exclusively for the use of members or residents and their guests, including but not limited to fishing lakes, swimming pools, tennis courts, ball fields, golf courses, playgrounds, clubhouses, provided that such uses shall have adequate safe water supply and sewage management facilities as required by the Health Department, direct access to a public thoroughfare, adequate off-street parking must be provided at the site, as specified in *Article X, Off-Street Parking and Loading*, in this Ordinance, and the said facilities shall not impede traffic in the area and shall have sufficient setbacks and buffers to mitigate any adverse effect on existing adjacent residential uses. Miniature golf courses, skating rinks, bowling alleys, game arcades, and other such activities operated for a commercial purpose shall be prohibited. A comprehensive site development plan shall be required.
2. Churches, temples, synagogues, mosques, and other places of worship and their customary related facilities, excluding cemeteries, provided such uses shall have direct access to a public thoroughfare and that building(s) shall be placed not less than fifty (50') feet from any side or rear property line or two hundred (200') feet from any existing adjacent residence. Adequate off-street parking must be provided at the site, as specified in *Article X, Off-Street Parking and Loading*, in this Ordinance, and the said facilities shall not adversely effect existing adjacent residential uses or impede traffic in the area.
3. Day Care Centers, Group Day Care Homes, Play Schools, Nursery Schools and Kindergartens

**704.3 Spatial Requirements For The R-2 Two-Family Residential District**

<b>MINIMUM LOT SIZE REQUIREMENTS *</b>		
<b>USE</b>	<b>MINIMUM LOT AREA</b>	<b>MINIMUM LOT WIDTH **</b>
<b>Single-Family Detached Dwelling:</b>		
Individual Well/Septic Tank System	1.5 Acres	200 Feet
Public/Community Water and Individual Septic Tank System	1.5 Acres	125 Feet
Public/Community Water and Public Sewage System	0.5 Acre	100 Feet
<b>Two-Family Dwelling or Two-Family Duplex Dwelling:</b>		
Individual Well/Septic Tank System	1.5 Acres/Dwelling Unit	200 Feet
Public/Community Water and Individual Septic Tank System	1.5 Acres/Dwelling Unit	125 Feet
Public/Community Water and Public Sewage System	0.5 Acre/Dwelling Unit	100 Feet

*\*Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department and County Sanitarian.*

*\*\*The minimum required street frontage shall be fifty (50') feet provided the lot meets the minimum width requirement at the uniform building setback line.*

<b>MINIMUM BUILDING SETBACK LINE REQUIREMENTS (unless otherwise specified herein)</b>			
<b>FRONT YARD</b>		<b>SIDE YARD</b>	<b>REAR YARD</b>
Arterial Streets/Highways	100 Feet from R/W line	20 Feet	20 Feet
Arterial Street/Highway without an established right-of-way (R/W)	150 Feet from centerline of street		
Collector Streets	50 Feet from R/W line		
Collector Street without an established right-of-way (R/W)	80 Feet from centerline of street		
Local Streets and Private Access Drives/Private Access Easements	20 Feet from R/W line		
Local Street or Private Access Drive/Private Access Easement without an established right-of-way (R/W)	50 Feet from centerline of street/drive		

BUILDING REQUIREMENTS		
STRUCTURE	FLOOR AREA	MAXIMUM HEIGHT
Single-Family Dwelling	Minimum: 900 Sq. Ft.*	35 Feet
Two-Family Dwelling	Minimum: 900 Sq. Ft./Principal Dwelling Unit* and 450 Sq. Ft./Secondary Dwelling Unit*	35 Feet
Two-Family Duplex Dwelling	Minimum: 600 Sq. Ft./Dwelling Unit*	35 Feet
Accessory Structures on lots containing less than five (5) acres:		
Detached Garages/Carports	Maximum: Not to exceed 50% of the first floor area of the principal building	25 Feet
Other Accessory Structures	Maximum: 450 Sq. Ft.	25 Feet
Accessory Structures on lots containing five (5) acres or more	No floor area restrictions	35 Feet

*\*Not including porches, patios, garages, or carports. Minimum square footage for Two-Family and Multi-Family Uses applies to one bedroom unit.*

**SECTION 705: [R-3] MULTI-FAMILY RESIDENTIAL DISTRICT**

The R-3 Multi-Family Residential District shall be composed of areas with high-density residential developments. This district must be located in areas that have access to adequate infrastructure and community facilities suited for multi-family development or where providing the demand on services is within the county's capacity to provide the needed services and facilities, and where the proposed densities are compatible with the surrounding areas. These areas must be located on paved public streets capable of handling traffic flow from such development, and where increased traffic and access for such, will present no hazard.

**705.1 Plans Required**

A Comprehensive Site Development Plan, as specified in *Article XIV, Amendments*, in this Ordinance, shall be required for all multi-family development containing more than four (4) dwelling units. If a proposed development includes any subdivision of property, then the requirements and procedures of the Oglethorpe County Subdivision Regulations shall also apply.

**705.2 Water and Sewer Requirements**

This district must access public water and sewage systems, where available. If access to such systems does not exist, then this district shall only be permitted if adequate provision shall be made for the installation and permanent continuation/maintenance of a safe and sufficient alternate water supply and sewage management system(s) capable of handling the proposed density as shall be required and approved by the Oglethorpe County Health Department.

### **705.3 Lot Size Requirements**

Lot size requirements shall be determined based upon proposed density, proposed water and sewage management systems, location, soil type and topography, but in no case shall the lot size be smaller than one and one-half (1.5) acres. The Board of Commissioner and the Health Department shall approve maximum density per net acre of development and building placement on the lot.

### **705.4 Maximum Percentage of Lot Coverage and Open Space**

Not more than sixty (60%) of the total lot area shall be covered by buildings and accessory uses, including parking and amenities such as pools, tennis courts, club houses, etc. All residual open land area shall be retained as dedicated open space meeting the requirements of *Section 714, Open Space/Conservation Design Development*, in this Ordinance. Adequate guarantee shall be provided for the permanent retention of such open space. The guarantee shall be in the form of private reservation for the use of project occupants through covenants, deed restrictions, condominium declaration or similar documents, or through dedication to and acceptance by Oglethorpe County. The care and maintenance and tax obligations of such private open space areas shall be similarly provided for.

### **705.5 Buffers Required**

When Multi-Family property is adjacent to Single Family (R-1) or Two-Family (R-2) Residential Districts, a dense Natural or Landscaped Buffer Strip at least twenty (20') feet in depth, installed and maintained as specified in *Article IX, Section 911, Buffer and Screening Requirements*, in this Ordinance, shall be required along all lot lines which abut such Single-Family or Two-Family lots.

### **705.6 Building Arrangement**

1. No more than ten (10) nor fewer than three (3) continuous townhouses or units shall be built in a row with approximately the same front line.
2. No residential building shall be situated so as to face the rear of another residential building within the development or on adjoining properties, unless differences in terrain and elevation would provide effective visual separation or unless the units are more than sixty (60') feet apart. In no case shall any building be located closer than twenty (20') feet from any other building.

### **705.7 Setback Requirements**

1. **Apartments** - When more than one apartment building is constructed on a single property, the buildings shall collectively and individually adhere to the setback requirements of the district in which they are located, plus five (5') feet per story over two stories (exclusive of any required buffers).
2. **Townhouses, Condominiums, Single-Family Attached (Fee Simple)** - No side yard is required for individual units, however, side yards as specified for the district in which the project is located shall be required between blocks of units. Front and back yards shall be required as specified herein for the district in which the project is located. All required yard setbacks shall be provided adjacent to public streets as specified for the district in which the project is located.

### **705.8 Interior Drives**

Any interior drives in the development shall have a minimum paved width of twenty (20') feet and shall have a bituminous, concrete, pervious/porous concrete, or asphalt surface.

### **705.9 Off-Street Parking**

Paved off-street parking shall be provided as required in *Article X, Off-Street Parking and Loading*, in this Ordinance. Insofar as practicable, off-street parking facilities shall be grouped in bays to the sides or rear of buildings or adjacent to interior streets, or shall be located in the interior of blocks. All required parking areas for multiple-family developments shall be arranged so that direct and convenient access to and



from the parking areas is provided. Where dwelling units have direct access to the exterior of the building, and in structures providing a common entrance to multiple units, at least one entrance shall be adjacent to the required on-site parking area. No off-street parking space shall be more than 100 feet by the most direct pedestrian route, from an exterior door of the dwelling unit or building it intends to serve.

#### **705.10 Exterior Lighting**

For all multi-family development containing more than four (4) dwelling units, exterior walkways and parking areas shall be lighted in accordance with *Article X, Off-Street Parking and Loading*, and *Article VI, Section 607, Outdoor Lighting*, in this Ordinance.

#### **705.11 Permitted Uses**

In the R-3 Multi-Family Residential District the following uses are permitted:

1. Single-family detached dwellings or individual "Class A" Manufactured Homes used as single-family dwellings in accordance with *Article IX, Subsection 901.3, Manufactured Housing as Single-Family Dwellings*, in this Ordinance, along with customary accessory buildings and uses.
2. "Class B" Manufactured Housing used as single-family dwellings located within Manufactured Housing Parks.
3. Two-family dwellings and two-family duplex dwellings.
4. Multi-family dwellings, apartment buildings, condominiums, townhouses and single-family attached
5. Planned Residential Developments as specified in *Section 713, Planned Development*, herein
6. Garage Apartments
7. Boarding and Rooming Houses
8. Manufactured Housing Parks, in accordance with the provisions of *Article IX, Subsection 901.10, Manufactured Housing/Mobile Home Parks*, in this Ordinance, provided a comprehensive development plan is submitted and approved.
9. Open Space/Conservation Design Subdivisions as specified in *Section 714, Open Space/Conservation Design Development*, herein.
10. Planned Residential Developments as specified in *Section 713, Planned Development District*, herein.
11. Certain Telecommunication/Transmission Antennas as specified in *Article IX, Section 903, Telecommunication/Transmission Towers/Antennas*, in this Ordinance.
12. Home occupations in accordance with the provisions of *Article IX Section 900, Home Occupations*, in this Ordinance.
13. Non-commercial horticulture
14. Publicly owned and operated parks and recreational areas.

## 705.12 Conditional Uses

The following uses may be permitted as Conditional Uses within the R-3 Multi-Family Residential District, if approved by the Oglethorpe County Board of Commissioners, as specified in *Article XII, Section 1202, Conditional Uses*, in this Ordinance:

1. Day Care Centers, Group Day Care Homes, Play Schools, Nursery Schools and Kindergartens
2. Group Homes/Rehabilitation Homes, Personal Care Homes, Intermediate Care Facilities, and Nursing Homes
3. Churches, temples, synagogues, mosques, and other places of worship and their customary related facilities, excluding cemeteries, provided such uses shall have direct access to a public thoroughfare and that building(s) shall be placed not less than fifty (50') feet from any side or rear property line or two hundred (200') feet from any existing adjacent residence. Adequate off-street parking must be provided at the site, as specified in *Article X, Off-Street Parking and Loading*, in this Ordinance, and the said facilities shall not adversely effect existing adjacent residential uses or impede traffic in the area.
4. Non-profit Clubs and fraternal organizations, provided that the building(s) are placed not less than fifty (50') feet from any property line, that there is a landscaped buffer strip at least ten (10') feet wide along rear and side lot lines, and that parking spaces in a ratio of one (1) space per two (2) members are provided adjacent to the building(s).
5. Private/Non-Commercial Recreational Facilities and Neighborhood Recreational Centers owned, operated, and maintained by private/non-commercial clubs, organizations, associations, or homeowners associations exclusively for the use of members or residents and their guests, including but not limited to fishing lakes, swimming pools, tennis courts, ball fields, golf courses, playgrounds, clubhouses, provided that such uses shall have adequate safe water supply and sewage management facilities as required by the Health Department, direct access to a public thoroughfare, adequate off-street parking must be provided at the site, as specified in *Article X, Off-Street Parking and Loading*, in this Ordinance, and the said facilities shall not impede traffic in the area and shall have sufficient setbacks and buffers to mitigate any adverse effect on existing adjacent residential uses. A comprehensive site development plan shall be required.

705.13 Spatial Requirements for the R-3 Multi-Family Residential District

MINIMUM LOT SIZE REQUIREMENTS *		
USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH**
<b>Single-Family Detached or Single-Family Attached Dwellings:</b>	Individual Well/Septic Tank System	200 Feet
	Public/Community Water and Individual Septic Tank System	125 Feet
	Public/Community Water and Public Sewage System	100 Feet
<b>Two-Family Dwellings or Two-Family Duplex Dwellings:</b>	Individual Well/Septic Tank System	200 Feet
	Public/Community Water and Individual Septic Tank System	200 Feet
	Public/Community Water and Public Sewage System	100 Feet
<b>Multi-Family Dwellings, Apartment Buildings, Condominiums, Townhouses (fee simple)</b>	10,000 Sq. Ft./Per Dwelling Unit (but in no case less than 1.5 acres) *** [see note]	200 Feet

*\*Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department and County Sanitarian.*

*\*\*At the building setback line.*

*\*\*\*Assumes public/community water and public sewage system.*

MINIMUM BUILDING SETBACK LINE REQUIREMENTS (unless otherwise specified herein)			
FRONT YARD		SIDE YARD	REAR YARD
Arterial Streets/Highways	100 Feet from R/W line	20 Feet + Buffer (if required)	20 Feet + Buffer (if required)
Arterial Street/Highway without an established right-of-way (R/W)	150 Feet from centerline of street		
Collector Streets	50 Feet from R/W line		
Collector Street without an established right-of-way (R/W)	80 Feet from centerline of street		
Local Streets and Private Access Drives/Private Access Easements	20 Feet from R/W line		
Local Street or Private Access Drive/Private Access Easement without an established right-of-way (R/W)	50 Feet from centerline of street/drive		

\*Plus an additional five (5') feet per every story above two (2) stories.

BUILDING REQUIREMENTS		
STRUCTURE	FLOOR AREA	MAXIMUM HEIGHT
Single-Family Dwelling	Minimum: 900 Sq. Ft.* [see note]	35 Feet
Two-Family Dwelling	Minimum: 900 Sq. Ft./Principal Dwelling Unit* and 450 Sq. Ft./Secondary Dwelling Unit*	35 Feet
Two-Family Dwelling (Duplex)	Minimum: 600 Sq. Ft./Per Dwelling Unit*[see note]	35 Feet
Multi-Family Dwelling, Apartment Buildings Condominiums/Townhouses	Minimum: 600 Sq. Ft./Per Dwelling Unit*[see note]	45 Feet
(Class B) Mobile Homes/ Manufactured Housing	Minimum: 600 Sq. Ft./Per Dwelling Unit*[see note]	35 Feet
Accessory Structures on lots containing less than five (5) acres:		
Detached Garages/Carports	Maximum: Not to exceed 50% of the first floor area of the principal building	25 Feet
Other Accessory Structures	Maximum: 450 Sq. Ft.	25 Feet
Accessory Structures on lots containing five (5) acres or more	No floor area restrictions	35 Feet

<b>BUILDING REQUIREMENTS (Continued)</b>	
Minimum Building Separation	20 Feet
Percentage of Lot Area Occupied by Structures (Including Accessory Structures and Uses)	Maximum: 60%

*\*Not including porches, patios, garages, or carports Minimum square footage for Two-Family and Multi-Family Uses applies to one bedroom unit.*

**SECTION 706: [B-1] LOCAL BUSINESS DISTRICT**

The B-1 Local Business District is intended for the continuation or development of small clusters of commercial and service establishments in existing rural communities or in close proximity to residential neighborhood developments. This district is not intended to provide for a full range of commercial activities, but rather, for those which generate low volumes of traffic and provide a neighborhood convenience center for the surrounding community or neighborhoods, while protecting residential areas from possible adverse effects.

**706.1 Comprehensive Site Development Plan Required**

A Comprehensive Site Development Plan, as specified in *Article XIV, Amendments, in this Ordinance*, shall be required for any application for a building permit or change in zoning classification or use involving the B-1 Local Business District.

**706.2 Required Conditions**

1. The district shall abut and have access to a paved collector street.
2. The ground floor area per establishment shall not exceed 3,500 square feet area.
3. There shall be adequate off-street parking and loading provided as specified in *Article X, Off-Street Parking and Loading, in this Ordinance*.
4. There shall be no offensive noise, smoke, odors, fumes, runoff, or other objectionable conditions.
5. Unless otherwise provided for in this Section, all merchandise shall be stored, exhibited, and sold only within the establishment's enclosure.
6. Refuse containers shall be placed in the rear of the establishment and screened from view.
7. No external speakers shall be allowed.
8. Outdoor lighting shall be limited to the minimum wattage and hours of illumination necessary for the use, and shall be of such type or installation or shall be directed so as to reflect away from or prevent direct view of the light source from all residential dwellings on adjacent property, and shall be so situated as not to glare or reflect directly onto any adjacent properties, public right-of-way, or street.
9. Buffers/Screening from adjacent neighboring residential districts shall be installed and maintained as specified in *Article IX, Section 911, Buffer and Screening Requirements, of this Ordinance*.

### **706.3 Permitted Uses**

In the B-1 Local Business District, the following uses are permitted:

1. Neighborhood Grocery Stores
2. Convenience Store
3. Drug Store, Pharmacy
4. Restaurants and Specialty Food Shops, excluding fast-food establishments
5. Arts and Crafts, Dry Goods, Notions, Variety, and Gift Shops
6. Florist
7. Book, Stationary and Card Shops
8. Barber Shop, Beauty shop
9. Apparel Shops
10. Laundry/Dry Cleaning Pick-Up Station
11. Self-service Laundromat
12. Hardware Stores
13. Bank or other Financial Institution
14. Office, Business, Professional, Service
15. Automobile Service Station, excluding major repairs and automobile sales, and in accordance with the provisions of *Article IX, Section 904, Automobile Service Stations*, in this Ordinance.
16. Day Care Centers, Play Schools, Nursery Schools and Kindergartens
17. Bed and Breakfast Facilities, in accordance with *Article IX, Section 900, Home Occupations*, in this Ordinance.
18. Accessory buildings and uses customarily incidental to any use allowed within the B-1 Local Business District including but not limited to storage buildings, parking lots and structures, etc., in accordance with the provisions of *Article VI, Section 606, Accessory Uses/Structures*, in this Ordinance.
19. Other uses as may be determined by the Board of Commissioners or their designated Zoning Official(s) to be similar and compatible with the above-listed permitted uses.
20. Publicly owned and operated parks and recreational areas.

**706.4 Conditional Uses**

The following uses may be permitted as Conditional Uses within the B-1 Neighborhood Convenience Commercial District, if approved by the Oglethorpe County Board of Commissioners, as specified in Article XII, Section 1202, Conditional Uses, in this Ordinance:

1. Churches, temples, synagogues, mosques, and other places of worship and their customary related facilities, excluding cemeteries, provided such uses shall have direct access to a public thoroughfare and that building(s) shall be placed not less than fifty (50') feet from any side or rear property line or two hundred (200') feet from any existing adjacent residence. Adequate off-street parking must be provided at the site, as specified in Article X, Off-Street Parking and Loading, in this Ordinance, and the said facilities shall not adversely effect existing adjacent residential uses or impede traffic in the area.
2. Non-profit Clubs and fraternal organizations, provided that the building(s) are placed not less than fifty (50') feet from any property line, that there is a landscaped buffer strip at least ten (10') feet wide along rear and side lot lines, and that parking spaces in a ratio of one (1) space per two (2) members are provided adjacent to the building(s).
3. Temporary stands erected for the purpose of sale of Christmas trees, vegetables, fruits, or other harvested products of any kind shall be permitted for a period not to exceed ninety (90) days.

**706.5 Spatial Requirements For The B-1 Local Business District**

MINIMUM LOT SIZE REQUIREMENTS *		
USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH**
Individual Well/Septic Tank System	1.5 Acres	200 Feet
Public /Community Water and Individual Septic Tank System	1.5 Acres	125 Feet
Public/Community Water and Public Sewage System	0.5 Acres	100 Feet

*\*Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department and County Sanitarian.*

*\*\*At the building setback line.*

MINIMUM BUILDING SETBACK LINE REQUIREMENTS (unless otherwise specified herein)			
FRONT YARD		SIDE YARD	REAR YARD
Arterial Streets/Highways	100 Feet from R/W line	20 Feet + Buffer (if required)	20 Feet + Buffer (if required)
Arterial Street/Highway without an established right-of-way (R/W)	150 Feet from centerline of street		
Collector Streets	50 Feet from R/W line		
Collector Street without an established right-of-way (R/W)	80 Feet from centerline of street		
Local Streets and Private Access Drives/Private Access Easements	20 Feet from R/W line		
Local Street or Private Access Drive/Private Access Easement without an established right-of-way (R/W)	50 Feet from centerline of street/drive		

BUILDING REQUIREMENTS		
STRUCTURE	FLOOR AREA	MAXIMUM HEIGHT
Principal Building	Maximum: 3500 Sq. Ft.* [see note]	35 Feet
Accessory Structures	Maximum: Not to exceed the square footage of principal structure	25 Feet
Minimum Building Separation	20 Feet	
Percentage of Lot Area Occupied by Structures (including Accessory Structures and Uses)	Maximum: 70%	

\*Not including porches, patios, garages, carports, etc.



## **SECTION 707 [B-2] HIGHWAY BUSINESS DISTRICT**

The B-2 Highway Business District is intended for the development of limited commercial districts located along arterial streets and highways linking major commercial nodes, with larger lot sizes and limited curb cuts that shall not impede traffic flow in the area and shall afford safe access to such major thoroughfares. It is not the intent of this district to promote commercial strip development along major roadways. Uses in this district shall provide adequate parking/loading facilities as specified in *Article X, Off-Street Parking and Loading*, in this Ordinance.

This district is not intended to provide a complete range of commercial uses, but rather a range of uses that normally depend on the traveling or commuting public for business or that are better suited to larger lot sizes and lower densities. Furthermore, uses within this district shall be limited to those which are not objectionable by reason of odor, dust, smoke, bright lights, noise, or vibration. The district is designed, therefore, to allow a desirable range of uses for the property owner while offering protection to adjacent properties as well as to the roadway itself.

### **707.1 Comprehensive Site Development Plan Required**

A Comprehensive Site Development Plan, as specified in *Article XIV, Amendments, in this Ordinance*, shall be required for any application for a building permit or change in zoning classification or use involving the B-2 Highway Business District.

### **707.2 Interior Interconnecting Access**

In order to minimize the need for vehicles to enter and exit the arterial street or highway, where possible and practical, new developments and substantial improvements to existing developments shall provide in a logical and orderly manner for automobile and pedestrian interior access connections between parking areas and interior drives on adjacent properties under different ownership when the uses of the properties are of such compatibility that individuals are likely to patronize more than one use in the same vehicle trip.

### **707.3 Permitted Uses**

In the B-2 Highway Business District the following uses are permitted:

1. Restaurants, including Fast Food Establishments
2. Supermarkets/Grocery Stores
3. Drug Stores and Pharmacies
4. Convenience Stores
5. Automobile, Truck, Motorcycle, Farm Equipment, and Boat Sales and Service
6. Manufactured/Mobile home and Recreational Vehicle Sales And Service
7. Vehicle and/or Equipment Rental
8. Automobile Service Stations, in accordance with the provisions of *Article IX, Section 904, Automobile Service Stations*, in this Ordinance
9. Tire and Automotive Supply Stores
10. Automobile Repair Garages, Automobile Restoration Shops, Automobile Paint and Body Shops, Automobile Towing Businesses, provided all operations are conducted within an entirely enclosed building and that any outside storage of inventory items or materials, inoperative, wrecked, or dismantled vehicles, appliances, machinery, equipment, or parts thereof, shall be located to the sides or rear of the facility and shall be screened by an opaque landscaped wall or fence sufficient to obscure views of said storage from adjacent public rights-of-way and/or existing adjacent residential districts or uses, but not less than eight (8') feet in height, installed and maintained as specified in *Article IX, Section 911, Buffer and Screening Requirements*, in this Ordinance. Adequate

measures shall be provided to prevent contamination of soil and waters of the State from gas, oil, battery acid, hydraulic fluid, and other potentially harmful substances.

11. Car Washes
12. Building Supply Stores, provided that any outside storage of inventory items or materials shall be located to the sides or rear of the facility and shall be screened by an opaque wall or fence sufficient to obscure views of said storage from adjacent public rights-of-way and/or existing residential districts or uses, but not less than eight (8') feet in height, installed and maintained as specified in *Article IX, Section 911, Buffer and Screening Requirements*, in this Ordinance.
13. Farm and Garden Supply Stores, provided that any outside storage of inventory items shall be located to the sides or rear of the facility and shall be screened by an opaque wall or fence sufficient to obscure views of said storage from adjacent public rights-of-way and/or existing residential districts or uses, but not less than eight (8') feet in height, installed and maintained as specified in *Article IX, Section 911, Buffer and Screening Requirements*, in this Ordinance.
14. Commercial Greenhouses
15. Mini-warehouses for private individual storage
16. Veterinary Hospitals and Clinics provided that:
  - a. Such facilities shall not be located within two hundred (200') feet of any existing residential district or use;
  - b. All kennels, pens, cages, runs or other facilities for containment of animals shall be located within a fully enclosed building, with adequate provisions to insure that objectionable noise, odor, or insects are completely contained within said building;
17. Day-care centers
18. Health/Physical Fitness/Exercise Facilities
19. Health clinics
20. Funeral Homes
21. Banks and other Financial Institutions.
22. Government buildings or facilities, Federal, State, and Local
23. Cultural Facilities
24. Movie Theaters
25. Commercial Recreational Uses, including but not limited to miniature golf, skating rinks, batting cages, bowling alleys, game arcades, and other such activities operated for a commercial purpose.
26. Non-profit Clubs and Fraternal Organizations
27. Churches, Temples, Synagogues, Mosques, and other places of worship and their customary related facilities
28. Cemeteries, in compliance with the requirements specified in *Article IX, Section 909, Cemeteries*, in this Ordinance.

29. Public Utility Buildings And Substations, in accordance with the provisions of *Article IX, Section 902, Utility Substations*, in this Ordinance
30. Certain Telecommunication/Transmission Towers and Antennas as specified in *Article IX, Section 903, Telecommunication/Transmission Towers and Antennas*, in this Ordinance.
31. Certain Signs, in accordance with the provisions in *Article XI, Sign Regulations*, of this Ordinance.
32. Accessory Buildings and Uses customarily incidental to any use allowed within the B-2 Highway Business District including but not limited to storage buildings, parking lots and structures, etc., in accordance with the provisions of *Article VI, Section 606, Accessory Uses/Structures*, in this Ordinance.
33. Publicly owned and operated parks and recreational areas.
34. Other uses as may be determined by the Board of Commissioners or their designated Zoning Official(s) to be similar and compatible with the above-listed permitted uses.

**707.4 Conditional Uses**

The following uses may be permitted as Conditional Uses within the B-2 Highway Business District, if approved by the Oglethorpe County Board of Commissioners, as specified in *Article XII, Section 1202, Conditional Uses*, in this Ordinance:

1. Any commercial building exceeding a floor area of 40,000 square feet.
2. Planned Commercial Developments as specified in *Article VII, Section 713, Planned Development District*, in this Ordinance.
3. Conventional Shopping Centers, provided that a comprehensive site development plan is submitted.
4. Hotels and Motels, provided that a comprehensive site development plan is submitted.
5. Certain Telecommunication/Transmission Towers and Antennas as specified in *Article IX, Section 903, Telecommunication/Transmission Towers and Antennas*, in this Ordinance.
6. Outdoor Advertising Signs

**707.5 Spatial Requirements For The B-2 Highway Business District**

MINIMUM LOT SIZE REQUIREMENTS *		
USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH**
Individual Well/Septic Tank System	1.5 Acres	200 Feet
Public/Community Water and Individual Septic Tank System	1.5 Acres	200 Feet
Public/Community Water and Public Sewage System	1 Acre	200 Feet

*\*Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department and County Sanitarian.*

*\*\*At the building setback line.*

MINIMUM BUILDING SETBACK LINE REQUIREMENTS (unless otherwise specified herein)			
FRONT YARD		SIDE YARD	REAR YARD
Arterial Streets/Highways	100 Feet from R/W line	20 Feet + Buffer (if required)	20 Feet + Buffer (if required)
Arterial Street/Highway without an established right-of-way (R/W)	150 Feet from centerline of street		
Collector Streets*	50 Feet from R/W line		
Collector Street without an established right-of-way (R/W)*	80 Feet from centerline of street		
Local Streets* and Private Access Drives/Private Access Easements*	20 Feet from R/W line		
Local Street or Private Access* Drive/Private Access Easement without an established right-of-way (R/W)	50 Feet from centerline of street/drive		

*\*The B-2 district is not intended to front on collector or local streets or on private access drives/easements, but under certain circumstances might have a side or rear lot line abutting such.*

BUILDING REQUIREMENTS		
STRUCTURE	FLOOR AREA	MAXIMUM HEIGHT (Above Sublevels)
Principal Building	Maximum: Greater than 40,000 sq. ft. shall be conditional use	45 Feet
Accessory Structures	N/A	35 Feet
Minimum Building Separation	20 Feet	
Percentage of Lot Area Occupied by Structures (Including Accessory Structures and Uses)	Maximum: 75%	

## **SECTION 708: [B-3] GENERAL BUSINESS DISTRICT**

The B-3 General Business District is intended to provide for clusters of higher density commercial development, with a full range of commercial uses (retail, office, and service). This district shall be located primarily around major intersections of arterial with major collector streets. This designation should be applied collectively to many adjacent lots or to larger acreage tracts approved for planned commercial development and not just to one or two lots individually. Its primary purpose is to collect and consolidate commercial uses at centralized locations to form commercial nodes and to discourage commercial strip development along major roadways. This district must access public water and sewage systems, where available. If access to such systems does not exist, then adequate provision shall be made for safe and sufficient water supply and sewage management system(s), as may be required and approved by the Oglethorpe County Health Department.

### **708.1 Comprehensive Site Development Plan Required**

A Comprehensive Site Development Plan, as specified in *Article XIV, Amendments, in this Ordinance*, shall be required for any application for a building permit or change in zoning classification or use involving the B-3 General Business District.

### **708.2 Interior Interconnecting Access**

In order to minimize the need for vehicles to enter and exit the arterial street or highway, where possible and practical, new developments and substantial improvements to existing developments shall provide in a logical and orderly manner for automobile and pedestrian interior access connections between parking areas and interior drives on adjacent properties under different ownership when the uses of the properties are of such compatibility that individuals are likely to patronize more than one use in the same vehicle trip.

### **708.3 Permitted Uses**

In the B-3 General Business District the following uses are permitted:

1. Retail Sales and Service Establishments excluding the outside storage of inventory, merchandise, or materials including, but not limited to:
  - Appliance Sales And Services
  - Art, Antique, Book, Gift, Stationary, Card, Florist Shops
  - Automobile Service Stations, in accordance with the provisions of *Article IX, Section 904, Automobile Service Stations*, in this Ordinance
  - Automotive Parts And Tire Stores, excluding Tire Recapping Facilities
  - Banks and other Financial Institutions
  - Barber, Beauty Shops
  - Drug Stores and Pharmacies
  - Clothing and Accessory Stores
  - Department Stores
  - Electronic Sales And Services
  - Furniture Stores
  - Grocery Stores, Supermarkets
  - Hardware, Paint, Garden Supply Stores
  - Laundry/Dry Cleaning Pick-up Station
  - Miscellaneous Service and Repair Shops, excluding Automobile Paint and Body Shops, Automobile Repair Garages, Automobile Restoration Shops, Automobile Towing Businesses
  - Movie Theaters (in-door)

- Music, Video Stores
  - Office Supply Sales and Services
  - Commercial Recreational Uses, including but not limited to miniature golf courses, skating rinks, bowling alleys, game arcades, and other such activities operated for a commercial purpose.
  - Restaurants and Fast-food Establishments, Specialty Food Stores, Catering Establishments
  - Sporting Goods Stores
2. Planned Commercial Developments as specified in *Article VII, Section 713, Planned Development District*, in this Ordinance
  3. Conventional Shopping Centers, provided that a comprehensive site development plan is submitted.
  4. Offices (professional and business)
  5. Health Clinics
  6. Physical Fitness Centers
  7. Government Buildings/Facilities, Federal, State, and Local
  8. Cultural Facilities
  9. Private clubs, Fraternal Orders, Or Lodges
  10. Churches, Temples, Synagogues, Mosques, and other places of worship and their customary related facilities with the exception of cemeteries
  11. Public Utility Buildings And Substations, in accordance with the provisions of *Article IX, Section 902, Utility Substations*, in this Ordinance.
  12. Certain Telecommunication/Transmission Towers and Antennas as specified in *Article IX, Section 903, Telecommunication/Transmission Towers and Antennas*, in this Ordinance.
  13. Certain Signs, in accordance with the provisions in *Article XI, Sign Regulations*, of this Ordinance.
  14. Accessory Buildings And Uses customarily incidental to any use allowed within the B-3 General Business District including but not limited to storage buildings, parking lots and structures, etc., in accordance with the provisions of *Article VI, Section 606, Accessory Uses/Structures*, in this Ordinance.
  15. Other uses as may be determined by the Board of Commissioners or their designated Zoning Official(s) to be similar and compatible with the above-listed permitted uses.

#### **708.4 Conditional Uses**

The following uses may be permitted as Conditional Uses within the B-3 General Business District, if approved by the Oglethorpe County Board of Commissioners, as specified in *Article XII, Section 1202, Conditional Uses*, in this Ordinance:

1. Any commercial building exceeding a floor area of 40,000 square feet.
2. Motels and Hotels, provided that a comprehensive site development plan is submitted
3. Certain Telecommunication/Transmission Towers and Antennas as specified in *Article IX, Section 903, Telecommunication/Transmission Towers and Antennas*, in this Ordinance.

**708.5 Spatial Requirements for The B-3 General Business District**

<b>MINIMUM LOT SIZE REQUIREMENTS *</b>		
<b>USE</b>	<b>MINIMUM LOT AREA</b>	<b>MINIMUM LOT WIDTH**</b>
Individual Well/Septic Tank System	1.5 Acres	200 Feet
Public/Community Water and Individual Septic Tank System	1.5 Acres	125 Feet
Public/Community Water and Public Sewage System	0.5 Acres	100 Feet

*\*Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department and County Sanitarian.*

*\*\*At the building setback line.*

<b>MINIMUM BUILDING SETBACK LINE REQUIREMENTS (unless otherwise specified herein)</b>			
<b>FRONT YARD</b>		<b>SIDE YARD</b>	<b>REAR YARD</b>
Arterial Streets/Highways	100 Feet from R/W line	20 Feet + Buffer (if required)	20 Feet + Buffer (if required)
Arterial Street/Highway without an established right-of-way (R/W)	150 Feet from centerline of street		
Collector Streets	50 Feet from R/W line		
Collector Street without an established right-of-way (R/W)	80 Feet from centerline of street		
Local Streets* and Private Access Drives/Private Access Easements*	20 Feet from R/W line		
Local Street or Private Access* Drive/Private Access Easement without an established right-of-way (R/W)	50 Feet from centerline of street/drive		

*\*The B-3 district is not intended to front on local streets or on private access drives/easements, but under certain circumstances might have a side or rear lot line abutting such.*

BUILDING REQUIREMENTS		
STRUCTURE	FLOOR AREA	MAXIMUM HEIGHT (Above Sublevels)
Principal Building	Maximum: Greater than 40,000 sq. ft. shall be a conditional use	45 Feet
Accessory Structure	N/A	35 Feet
Minimum Building Separation		20 Feet
Percentage of Lot Area Occupied by Structures (Including Accessory Structures and Uses)		Maximum: 80%

**SECTION 709: [OIP] OFFICE/INSTITUTIONAL/PROFESSIONAL DISTRICT**

It is the intent of this district to provide an environment for professional and business offices, clinics, and institutional uses and to limited light commercial uses that are normally appurtenant to office/institutional uses. The uses permitted in this district shall be compatible with nearby existing residential districts, shall not involve offensive noise, smoke, odors, fumes, or other objectionable conditions and shall provide adequate space for off-street parking and loading of vehicles, shall not contribute to excessive or hazardous traffic conditions, and shall be surrounded by landscaped yards, ample open space, and buffers and screening ensuring compatibility with nearby residential districts and uses. This district must be located on paved collector or arterial streets, capable of handling traffic flow from such development, and where increased traffic and access for such, will present no hazard. This district must access public water and sewage systems, where available. If access to such systems does not exist, then adequate provision shall be made for safe and sufficient water supply and sewage management system(s), as shall be required and approved by the Oglethorpe County Health Department

**709.1 Comprehensive Site Development Plan Required**

A Comprehensive Site Development Plan, as specified in *Article XIV, Amendments, in this Ordinance*, shall be required for an application for a building permit or change in zoning classification or use involving the OIP Office/Institutional/Professional District.

**709.2 Permitted Uses**

In the OIP Office/Institutional/Professional District the following uses are permitted:

1. Planned Professional Developments as specified in *Article VII, Section 713, Planned Development District*, in this Ordinance.
2. Planned Institutional Developments as specified in *Article VII, Section 713, Planned Development District*, in this Ordinance.
3. Government Buildings, Facilities, Institutions, and Support Facilities
4. Cultural Facilities, including libraries, museums, art galleries
5. Educational Institutions and Facilities, public and private, provided that a comprehensive site development plan is submitted.
6. Day Care Centers, Preschools, and Kindergartens
7. Medical and Dental Clinics and Offices, excluding veterinary clinics and animal hospitals



8. Personal Care Homes, and Nursing Homes, provided that a comprehensive site development plan is submitted.
9. Intermediate Care Facilities, provided that a comprehensive site development plan is submitted.
10. Funeral Homes
11. Offices (professional or business), providing that wholesale or retail merchandise is not offered for sale
12. Banks, Savings and Loans, Credit Office, and other Financial Institutions
13. Retail/service uses normally appurtenant to office/institutional centers, such as florist shops, cafeterias and snack shops located within office or medical buildings, pharmacies, beauty salons/barber shops and gift shops.
14. Non-profit Clubs and fraternal organizations
15. Churches, temples, synagogues, mosques, and other places of worship and their customary related facilities, excluding cemeteries, provided such uses shall have direct access to a public thoroughfare and that building(s) shall be placed not less than two hundred (200') feet from any existing adjacent residence.
16. Accessory Buildings And Uses customarily incidental to any use allowed within the OIP Office/Institutional/Professional District including but not limited to storage buildings, parking lots and structures, etc., in accordance with the provisions of *Article VI, Section 606, Accessory Uses/Structures*, in this Ordinance.
17. Other uses as may be determined by the Board of Commissioners or their designated Zoning Official(s) to be similar and compatible with the above-listed permitted uses.
18. Publicly owned and operated parks and recreational areas.

### **709.3 Conditional Uses**

The following uses may be permitted as Conditional Uses within the OIP Office/Institutional/Professional District, if approved by the Oglethorpe County Board of Commissioners, as specified in *Article XII, Section 1202, Conditional Uses*, in this Ordinance:

1. Group Homes/Rehabilitation Homes, provided that a comprehensive site development plan is submitted.
2. Hospitals, provided that a comprehensive site development plan is submitted.

**709.4 Spatial Requirements for the OIP Office/Institutional/Professional District**

MINIMUM LOT SIZE REQUIREMENTS *		
USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH**
Individual Well/Septic Tank System	1.5 Acres	200 Feet
Public/Community Water and Individual Septic Tank System	1.5 Acres	125 Feet
Public/Community Water and Public Sewage System	0.5 Acres	100 Feet

*\*Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department and County Sanitarian.*

*\*\*At the building setback line.*

MINIMUM BUILDING SETBACK LINE REQUIREMENTS (unless otherwise specified herein)			
FRONT YARD		SIDE YARD	REAR YARD
Arterial Streets/Highways	100 Feet from R/W line	20 Feet + Buffer (if required)	20 Feet + Buffer (if required)
Arterial Street/Highway without an established right-of-way (R/W)	150 Feet from centerline of street		
Collector Streets	50 Feet from R/W line		
Collector Street without an established right-of-way (R/W)	80 Feet from centerline of street		
Local Streets* and Private Access Drives/Private Access Easements*	20 Feet from R/W line		
Local Street or Private Access* Drive/Private Access Easement without an established right-of-way (R/W)	50 Feet from centerline of street/drive		

*\*The OIP district is not intended to front on local streets or on private access drives/easements, but under certain circumstances might have a side or rear lot line abutting such.*

BUILDING REQUIREMENTS		
STRUCTURE	FLOOR AREA	MAXIMUM HEIGHT (Above Sublevels)
Principal Building	N/A	45 Feet
Accessory Structure	N/A	35 Feet
Minimum Building Separation	20 Feet	
Percentage of Lot Area Occupied by Structures (Including Accessory Structures and Uses)	Maximum: 75% on Arterial Street/Highway 60% on Collector Street	

**SECTION 710: [LI] LIGHT INDUSTRIAL DISTRICT**

It is the intent of this district to provide an environment for light industrial uses, warehousing, research/technical facilities, and associated offices, education and training facilities, all of a low-impact, non-nuisance type. This district shall have direct and safe access to an arterial or major collector street capable of handling proposed traffic or in Industrial Parks having access to such thoroughfares, and shall provide adequate parking/loading facilities as specified in *Article X, Off-Street Parking and Loading*, in this Ordinance. This district must access public water and sewage systems, where available. If access to such systems does not exist, then adequate provision shall be made for safe and sufficient water supply and sewage management system(s), as shall be required and approved by the Oglethorpe County Health Department.

**710.1 Comprehensive Site Development Plan Required**

A Comprehensive Site Development Plan, as specified in *Article XIV, Amendments, in this Ordinance*, shall be required for any application for a building permit or change in zoning classification or use involving the LI Light Industrial District.

**710.2 Operation and Storage Restrictions**

All operations shall be conducted within a completely enclosed building. Outside storage of materials or products directly related to the operation shall be permitted only in the side or rear yards. Such outside storage shall be enclosed by a solid or opaque landscaped wall or fence sufficient to obscure views of said storage from adjacent public rights-of-way and/or existing adjacent residential districts or uses, but not less than eight (8') feet in height, installed and maintained as specified in *Article IX, Section 911, Buffer and Screening Requirements*, in this Ordinance. Such outside storage shall not include salvage or junkyards.

**710.3 Permitted Uses**

The following uses are permitted within the LI Light Industrial District:

1. Manufacturing Operations relying on the assembly of products using parts previously developed from raw material and not classified as a point source of objectionable pollutants, and including the fabrication, processing, conversion, alteration, and assembly of products, provided that such activity shall not:
  - Disseminate dust, smoke, gas or fumes, odor, noise, vibration, or excessive light beyond the boundaries of the lot on which the use is conducted;
  - Create a menace by reason of fire, explosive or other physical hazard;
  - Discharge harmful (chemical, biological, or radioactive) waste material;

2. Trade Shops, including, but not limited to, the following:
  - Machine, Sheet Metal, and Welding Shops
  - Cabinetmakers and Custom Woodworking
  - Monument and stone finishing
  - Electrical, Plumbing, Masonry Contractors/Wholesalers
3. Automobile Repair Garages, Automobile Paint and Body Shops, Automobile Restoration Shops, Automobile Towing Businesses. Adequate measures shall be provided to prevent contamination of soil and waters of the State from gas, oil, battery acid, hydraulic fluid, and other potentially harmful substances.
4. Tire Recapping and Retreading Shops
5. Newspaper and Printing Presses
6. Food processing plants such as wholesale bakeries, beverage bottling, dairy processors, but not including the on site distilling of beverage or the slaughter or processing of animals.
7. Wholesaling Facilities, including display rooms for products or parts to be manufactured or assembled on the site;
8. Warehousing and Storage Facilities
9. Truck and Freight Terminals
10. Office and Administrative Facilities
11. Research, Laboratory, and Testing Facilities including laboratories for testing or analysis of a medical, chemical, physical, mechanical, electric, or electronic nature or the calibration of instruments for same; research facilities for theoretical and applied research in all the sciences; product development and testing, engineering development, and marketing development; provided that such activity shall not:
  - Disseminate dust, smoke, gas or fumes, odor, noise, vibration, or excessive light beyond the boundaries of the lot on which the use is conducted;
  - Create a menace by reason of fire, explosive or other physical hazard;
  - Discharge harmful (chemical, biological, or radioactive) waste material;
12. Education and Training Facilities
13. Planned Industrial Developments as specified in *Subsection 713.10, PLID Planned Light Industrial Developments*, herein
14. Public Utility Buildings And Substations, in accordance with the provisions of *Article IX, Section 902, Utility Substations*, in this Ordinance.
15. Certain Telecommunication/Transmission Towers and Antennas as specified in *Article IX, Section 903, Telecommunication/Transmission Towers and Antennas*, in this Ordinance.
16. Certain Signs, in accordance with the provisions in *Article XI, Sign Regulations*, of this Ordinance.

17. Accessory Buildings And Uses customarily incidental to any use allowed within the LI Light Industrial District including but not limited to storage buildings, parking lots and structures, etc., in accordance with the provisions of *Article VI, Section 606, Accessory Uses/Structures*, in this Ordinance.
18. Publicly owned and operated parks and recreational areas.
19. Other uses as may be determined by the Board of Commissioners or their designated Zoning Official(s) to be similar and compatible with the above-listed permitted uses.

**710.4 Conditional Uses**

The following uses may be permitted as Conditional Uses within the LI Light Industrial District, if approved by the Oglethorpe County Board of Commissioners, as specified in *Article XII, Section 1202, Conditional Uses*, in this Ordinance:

1. Junk/Salvage Yards, in accordance with *Article IX, Section 905, Junk And Salvage Yards*, in this Ordinance, excluding auto crushing and scrap metal processing.
2. Certain Telecommunication/Transmission Towers and Antennas as specified in *Article IX, Section 903, Telecommunication/Transmission Towers and Antennas*, in this Ordinance.

**710.5 Spatial Requirements for The LI Light Industrial District**

MINIMUM LOT SIZE REQUIREMENTS *		
USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH**
Individual Well/Septic Tank System	1.5 Acres	200 Feet
Public/Community Water and Individual Septic Tank System	1.5 Acres	125 Feet
Public/Community Water and Public Sewage System	0.5 Acres	100 Feet

*\*Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department and County Sanitarian.*

*\*\*At the building setback line.*

MINIMUM BUILDING SETBACK LINE REQUIREMENTS (unless otherwise specified herein)			
FRONT YARD		SIDE YARD	REAR YARD
Arterial Streets/Highways	100 Feet from R/W line	20 Feet + Buffer (if required)	20 Feet + Buffer (if required)
Arterial Street/Highway without an established right-of-way (R/W)	150 Feet from centerline of street		
Collector Streets	50 Feet from R/W line		
Collector Street without an established right-of-way (R/W)	80 Feet from centerline of street		
Local Streets* and Private Access Drives/Private Access Easements*	20 Feet from R/W line		
Local Street or Private Access* Drive/Private Access Easement without an established right-of-way (R/W)	50 Feet from centerline of street/drive		

*\*The LI district is not intended to front on local streets or on private access drives/easements, but under certain circumstances might have a side or rear lot line abutting such.*

BUILDING REQUIREMENTS		
STRUCTURE	FLOOR AREA	MAXIMUM HEIGHT
Principal Building	N/A	45 Feet
Accessory Structure	N/A	35 Feet
Minimum Building Separation	20 Feet	
Percentage of Lot Area Occupied by Structures (Including Accessory Structures and Uses)	Maximum: 75%	

## **SECTION 711: [HI] HEAVY INDUSTRIAL DISTRICT**

The HI Heavy Industrial District is intended for intensive, high impact manufacturing or processing operations and those operations which have the potential to adversely affect air or water quality, public health, safety, or welfare, or the community's living and working environment due to the use of hazardous materials, tendency to emit excessive levels of noise, vibrations, odor, smoke/dust/gases/particulate matter, fumes/odors, radiations, or other potential fire and safety hazards.

It is intended that Heavy Industrial Districts shall not be located in or adjacent to existing Residential Districts or Uses, or primary or secondary growth areas (as designated in the Oglethorpe County Comprehensive Plan); Scenic/Historic Preservation Districts or identified historic districts, landmark sites, or significant archaeological sites (as designated in the Oglethorpe County Comprehensive Plan); Public Parks; or sensitive environmental areas, including municipal water supply watersheds and significant groundwater recharge areas (as designated in the Oglethorpe County Comprehensive Plan).

Heavy Industrial Districts shall be located on arterial streets or on major collector streets having ready access to such thoroughfares, except where the nature of the operation makes it impossible, (i.e. processing of raw materials in situ, as in granite quarries), provided, however, that in no case shall a Heavy Industrial District be located on a street that is not suitable for or capable of handling anticipated traffic associated with the proposed use. Adequate parking/loading facilities as specified in *Article X, Off-Street Parking and Loading*, in this Ordinance shall be provided at the site. This district must access public water and sewage systems, where available. If access to such systems does not exist, then adequate provision shall be made for safe and sufficient water supply and sewage management system(s), as shall be required and approved by the Oglethorpe County Health Department. The operation shall not exceed allowable emissions of substances, compounds, or odors regulated by state or federal Clean Air Acts, or Clean Air Act Amendments of 1990, or either as amended in the future. There shall be no discharges of pollutants from any part of the operation into any waters of the State.

### **711.1 Comprehensive Site Development Plan Required for Rezoning or Conditional Use**

A Comprehensive Site Development Plan, as specified in *Article XIV, Amendments*, and *Article XII, Section 1202, Conditional Use*, in this Ordinance, shall be required for any application for a building permit or change in zoning classification or conditional use involving the HI Heavy Industrial District. In addition to the requirements specified in *Article XIV, Amendments* and *Article XII, Section 1202, Conditional Uses*, in this Ordinance, petitions for rezoning to Heavy Industrial Use or for a Conditional Use within the Heavy Industrial District shall also include the following:

1. Ten (10) copies of a written description of the proposal designed to inform the County in detail, about all aspects of the proposed use and its anticipated impact on the community.
  - a. The description of the operation must also include information regarding materials, processes (including steps to minimize adverse community impacts), products, by-products, wastes, shipping mode, number of employees, shifts, hours of operation, vehicle trip ends and any additional information necessary for the County to fully understand the proposal.
  - b. Further, this report must address the immediate and anticipated future impact, if any, of the proposed use related to each of the following specific concerns:
    1. Community Infrastructure, Facilities, and Services
    2. Traffic
    3. Water Quality (surface and ground)
    4. Water Usage and Supply
    5. Waste Generation and Disposal
    6. Waste Water Quality
    7. Air Quality

8. Smoke, Dust and Particulate Matter
  9. Odor
  10. Physical Hazards
  11. Fire and Safety Hazards
  12. Hazardous Materials (ignitable, corrosive, explosive, toxic)
  13. Radiation
  14. Diseases of Public Health Importance
  15. Lighting and Glare
  16. Noise
  17. Vibration
  18. County Economic Development Policy
  19. Any other concerns identified by the County or applicant as pertinent to the proposed use.
- c. Any engineering information, whether civil, mechanical, or electrical, that an applicant submits shall be certified by a licensed professional engineer.
  - d. The description must include copies of any reports and/or assessments required by the U.S. Environmental Protection Agency or State Environmental Protection Division.
  - e. The description shall also include a listing of all Federal, State, and Local approvals and permits, if any, that will be required by the proposed use and the status of all requests for such approvals or permits (including conditions of approval, reasons for denial, or requests for additional information); as well as a listing of any fines or sanctions that may have been imposed on or actions taken against the applicant or proposed use as a result of past violations of federal, state, or local laws or regulations covering the seven (7) year period prior to submittal of the rezoning or conditional use permit application.
2. The Board of Commissioners reserves the right to require an independent evaluation of the impacts of the proposed use and technical details of the proposal. The evaluations of the impacts may include but are not limited to, environmental impacts, traffic density impacts, economic impacts, infrastructure impacts or growth impacts. Where expert opinion and studies are deemed necessary for the County to fully evaluate the impacts and/or technical details of the proposed use, additional fees may be charged to cover the actual cost to the County of obtaining such expert opinion and studies. The initial deposit for such additional fees shall cover a minimum of ten hours of an expert consultant's established hourly rate to provide consultation to Oglethorpe County. The Board of Commissioners shall not contract for more than ten hours of expert consultation without the prior notification and consent of the applicant in writing. The initial deposit, in cash or check, shall be submitted to the Board of Commissioners or their designated Official(s). If the actual cost to the government is greater than the initial deposit, the applicant shall be billed for the difference and shall pay the bill in full prior to the hearing before the Board of Commissioners. If the actual cost to the government is less than the initial deposit, the actual cost will be deducted from the initial deposit and the remainder of the deposit shall be refunded to the applicant within ten working days following the hearing before the Board of Commissioners.
  3. Approval by the Board of Commissioners of a proposed Heavy Industrial Use or Conditional Use within the Heavy Industrial District does not constitute an approval for future expansion of or additions to the initially approved operation, nor an approval of changes in the processes that adversely affect the community. Any future phases or process changes that are considered significant



and not included in the original approval shall be subject to the provisions of this article and the review of new detailed plans and reports for such alterations by the governing authority.

### **711.2 Permitted Uses**

Within the HI Heavy Industrial District, the following uses shall be permitted:

1. Any commercial or industrial use which involves manufacturing, processing or assembly operations or the storage and sale of heavy materials, products, or equipment, but not including those uses listed in *Subsection 711.3, Conditional Uses*, herein or any other uses which may cause injurious or obnoxious noise, vibrations, odor, smoke/dust/gases/particulate matter, fumes/odors, radiations, potential fire or safety hazards.
2. Outdoor storage of materials and inventory, not including those uses listed in *Subsection 711.3, Conditional Uses*, herein
3. Junk/Salvage Yards, in accordance with *Article IX, Section 905, Junk And Salvage Yards*, in this Ordinance, excluding auto crushing and scrap metal processing.
4. Public utility structures/Utility Substations
5. Certain Telecommunication/Transmission Towers and Antennas as specified in *Article IX, Section 903, Telecommunication/Transmission Towers and Antennas*, in this Ordinance.
6. Government buildings, Federal, State, and Local
7. Certain Signs, in accordance with the provisions in *Article XI, Sign Regulations*, of this Ordinance.
8. Accessory buildings and uses customarily incidental to any use allowed within the HI Heavy Industrial District including but not limited to storage buildings, parking lots and structures, etc., in accordance with the provisions of *Article VI, Section 606, Accessory Uses/Structures*, in this Ordinance.
9. Other uses as may be determined by the Board of Commissioners or their designated Zoning Official(s) to be similar and compatible with the above-listed permitted uses, provided they cause no injurious or obnoxious noise, vibrations, bright lights, smoke, gas, fumes, odor, dust, fire hazard, traffic congestion, or other objectionable conditions to nearby areas.

### **711.3 Conditional Uses**

The following uses, due to the characteristics of their operations or the materials they use, are found to possess substantial potential for adverse impact upon the surrounding community's living and working environment or to pose a significant threat to air or water quality, or to public health, safety, or welfare and are therefore designated conditional uses which may be allowed in the HI Heavy Industrial District, only after special review and approval by the Oglethorpe County Board of Commissioners, as specified herein and in *Article XII, Section 1202, Conditional Uses*, in this Ordinance based upon findings that the use is consistent with adopted plans for the area and that the location, construction, and operation of the proposed use will not result in significant adverse impact upon surrounding development or the community in general.

These uses shall not be located in or near existing Residential Districts or Uses, or primary or secondary growth areas (as designated in the Oglethorpe County Comprehensive Plan); Scenic Preservation Districts or identified significant historic districts or landmark sites, (as designated in the Oglethorpe County Comprehensive Plan); River Corridor Protection District, Watershed Protection District, Public Parks; or sensitive environmental areas, including extensive or significant wetlands (as mapped by the Fish and Wildlife Service of the Department of the Interior) and significant groundwater recharge areas (as mapped by the Department of Natural Resources), as designated in the Oglethorpe County Comprehensive Plan.

1. Mineral/Material Extraction, Surface Mining, Mining, Quarrying, Dimension Stone Quarrying, and Stone Crushing Operations, including the removal of rock, sand, minerals, clay, elements, and other such natural materials from the earth together with necessary buildings, machinery and appurtenances related thereto, as specified in *Article IX, Section 908, Mineral-Material Extraction/Surface Mining/Mining/ Quarries/Dimension Stone Quarries/ Stone Crushing Operations*, in this Ordinance.
  - a. The location of rock, sand, minerals, clay, and other such natural materials subject to Mineral/Material Extraction, Surface Mining, Mining, Quarrying, Dimension Stone Quarrying, and Stone Crushing Operations, that are necessarily performed in situ, may not be deemed suitable under this Ordinance for all Heavy Industrial Uses. Therefore, the conditional use rezoning of a parcel of land for purpose of Mineral/Material Extraction, Surface Mining, Mining, Quarrying, Dimension Stone Quarrying, and Stone Crushing Operations use shall be specially designated as **HI(me)**, indicating that conditional use approval has been granted specifically for such use ONLY. No other Heavy Industrial Use of any type shall be permitted on said parcel of land unless the Board of Commissioners approves the rezoning of the property to a general HI Heavy Industrial District or grants an HI Heavy Industrial District Conditional Use permit as specified herein.
  - b. Asphalt and Cement Plants shall not be considered accessory uses of any mineral/material extraction, surface mining, mining, quarrying, dimension stone quarrying, or stone crushing operation, but instead shall be considered as separate and distinct uses within the Heavy Industrial (HI) District.
  - c. **A Notice of HI(me) Adjacency and Reciprocal Setbacks** - The required minimum setbacks specified in *Section 908.2, Performance Criteria for Operation, paragraph #7*, shall be applied, respectively, to any new non-HI(me) district/use proposed for property abutting or adjacent to any existing HI(me) district/use, unless an HI(me) adjacency waiver has been duly signed and recorded.

When a non-HI(me) use is proposed for property abutting an existing HI(me) district or will be located within the required minimum setbacks stated for the HI(me) district, the developer or property owner shall be provided with a "Notice of HI(me) Adjacency" at the time an application for a building permit or for a change in zoning classification or use is filed. As a condition of and prior to any administrative action on either the change in zoning classification or use request, or to the issuance of any land use, building, or occupancy permit, the applicant shall be required to sign a waiver on a form prepared by the Zoning Official(s) which will indicate that the applicant understands that there is an ongoing HI(me) use adjacent to the subject property which could produce noise, dust, and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects the HI(me) use on adjacent land, the applicant agrees, by executing the form, to waive any objection to those effects and understands that his change in zoning classification or use and/or his permits are issued and processed in reliance on his agreement not to bring any action against adjacent land owners whose property is being utilized for HI(me) uses, or any local government, asserting that the adjacent HI(me) use constitutes a nuisance; provided that said existing HI(me) use is operated in conformance with this Ordinance and with all applicable local, state, and federal regulations. Any such notice or acknowledgment provided to or executed by a land owner adjoining an existing HI(me) use or within the required minimum setbacks for said use shall be public record.

The HI(me) Use Notice and Waiver shall include the following information in substantially the same or similar format and content:

*You are hereby notified that all or part of the property you are proposing to use or build upon is located within the required minimum setback of an adjacent HI(me) district/use*

with one or more existing HI(me) operations. You may be subject to inconvenience or discomfort from lawful HI(me) uses, which may include mineral/material extraction, surface mining, mining, quarrying, dimension stone quarrying, or stone crushing operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, and/or the operation of machinery during any 24-hour period. One or more inconveniences may occur as a result of HI(me) uses that are in compliance with existing local, state, and federal regulations and accepted industry standards. If you live or operate a use near a Heavy Industry(mining excavation) use, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in such an area. Your signature constitutes an agreement not to bring any action against adjacent landowners whose property is in an HI(me) district, or against local government, asserting that the adjacent HI(me) use constitutes a nuisance, provided that said HI(me) use is in compliance with all applicable local, state, and federal regulations.

Signature of Applicant: \_\_\_\_\_

- d. **Nuisance Shield** – A permitted HI(me) use that is in compliance with the requirements of this Ordinance and the requirements of appropriate state regulatory agencies and other applicable federal, state, and local laws and regulations shall be presumed not to be a nuisance.
2. Asphalt or Cement Manufacture
  3. Solid Waste Disposal Facilities, as specified in Article IX, Section 907, Solid Waste Disposal Facilities, in this Ordinance
  4. Septage and/or Bulk Sewage Sludge Handling/Treatment/Land Application Facilities, in compliance with the Oglethorpe County Septage and Bulk Sewage Sludge Safety Ordinance and any other applicable local, state, or federal rules, regulations, or ordinances.
  5. Commercial slaughter of animals
  6. Meat/Poultry Processing Plants
  7. Fat Rendering, Production of Fats and Oils from animals or vegetable products by boiling or distillation; Distillation of Bones, Coal, Petroleum, Tar, and Animal Refuse; Glue, Size, and Gelatin Manufacture, Fertilizer Manufacture
  8. Permanent Sawmills or Planing Mills
  9. Auto Crushing, Scrap Metal Processing Facilities,
  10. Manufacture or Storage in bulk quantities of Explosives, Flammable Gases, or Toxic/Noxious Gases and Chemicals, or Other Similar Materials
  11. Paper Mills, Chemical Pulp, Processed Wood Products Manufacture
  12. Certain Telecommunication/Transmission Towers and Antennas as specified in Article IX, Section 903, Telecommunication/Transmission Towers and Antennas, in this Ordinance.

**711.4 Spatial Requirements For The HI Heavy Industrial District**

MINIMUM LOT SIZE REQUIREMENTS *		
USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH**
Individual Well/Septic Tank System	1.5 Acres	200 Feet
Public/Community Water and Individual Septic Tank System	1.5 Acres	125 Feet
Public/Community Water and Public Sewage System	1 Acre	125 Feet

*\*Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, or institutional uses may require larger lot sizes as determined by the Health Department or Board of Commissioners based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe operation of the use; or for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department and County Sanitarian.*

*\*\*At the building setback line.*

MINIMUM BUILDING SETBACK LINE REQUIREMENTS (unless otherwise specified herein)			
FRONT YARD		SIDE YARD	REAR YARD
Arterial Streets/Highways	100 Feet from R/W line	20 Feet + Buffer (if required)	20 Feet + Buffer (if required)
Arterial Street/Highway without an established right-of-way (R/W)	150 Feet from centerline of street		
Collector Streets	50 Feet from R/W line		
Collector Street without an established right-of-way (R/W)	80 Feet from centerline of street		
Local Streets* and Private Access Drives/Private Access Easements*	20 Feet from R/W line		
Local Street or Private Access* Drive/Private Access Easement without an established right-of-way (R/W)	50 Feet from centerline of street/drive		

*\*The HI district is not intended to front on local streets or on private access drives/easements, but under certain circumstances might have a side or rear lot line abutting such.*

BUILDING REQUIREMENTS		
STRUCTURE	FLOOR AREA	MAXIMUM HEIGHT
Principal Building	N/A	45 Feet
Accessory Structure	N/A	
Minimum Building Separation	20 Feet	
Percentage of Lot Area Occupied by Structures (Including Accessory Structures and Uses)	Maximum: 80%	

**SECTION 712: [PG] PUBLIC/GOVERNMENT DISTRICT**

This district is composed of certain lands and structures in Oglethorpe County which are owned, operated, and maintained exclusively by Federal, State, County, or City governments and/or their instrumentalities, and as such shall be used in accordance with such regulations as may be prescribed by the government or instrumentality thereof using the same.

If Public/Government-zoned property is sold to a private individual or individuals, such property shall be rezoned to a classification that is compatible with the surrounding area and the intent of this Ordinance.

**SECTION 713 [PD] PLANNED DEVELOPMENT DISTRICT**

It is the intent of this district to permit and encourage the development of property with compatible land uses on a scale larger than that of individual small parcels, which would allow greater flexibility with respect to development standards and site planning considerations, permit the establishment or mixture of uses which, without proper design and planning, might not be compatible with surrounding uses or zoning districts, and which will be in the best interest of Oglethorpe County in terms of its long range development plans. The Planned Development District is not intended to encourage greater density of development, but rather to encourage ingenuity and resourcefulness in land use planning to counteract the effects of sprawl, preserve the rural character of the county, protect irreplaceable resources, and to assure the provision of park and recreation facilities for the use of the occupants of the development. For that reason Open Space/Conservation Design shall be incorporated into all Planned Development Districts.

Individual uses and structures in a planned development need not comply with the specific building location, height, type, building size, lot size, and other space limits of the underlying basic district provided that the spirit and intent of such requirements are complied with in the total development plan approved for such project. The developer benefits from better land utilization economy in the provision of roads and utilities and flexibility in design. The County gains advantages of variety in building types, compatibility of uses and optimum community development.

This district is designed to be an overlay appended to a residential, commercial, or industrial district to provide greater latitude with regard to the internal site planning considerations of a planned development. As such, areas will not be pre-designated as planned development districts, but rather each such designation shall result from a specific and separate application for amendment. Planned development districts are separate zoning districts, however, and shall follow the same amendment procedures as for other districts. Review of the development by the Oglethorpe County Planning Commission, and approval of the Oglethorpe County Health Department and the Board of Commissioners provides an opportunity to assure that the development will be appropriate and compatible with the area in which the development is located.

### 713.1 Planned Development District Classifications

The following shall be classified as Planned Development Districts subject to the general provisions of this Section and to the special provisions for each classification as specified herein.

1. **PRD** – Planned Residential Development, as an overlay in the R-1, R-2, and R-3 Residential Districts
2. **PCD** – Planned Commercial Development, as an overlay in the B-2 and B-3 Business Districts
3. **PPD** – Planned Professional Development, as an overlay in the OIP District
4. **PID** – Planned Industrial Development, as an overlay in the LI Industrial District

### 713.2 Conditions for Rezoning to Planned Development District

1. **Criteria** - An area may be considered for rezoning to a planned development district if any one of the following conditions are met:
  - a. More than one principal use is proposed for development on a single parcel;
  - b. Separate land uses which would not otherwise be permitted to locate within the same zoning district are proposed for development on one or more adjacent parcels under single or separate ownership;
  - c. Exceptions or variation from the size, setbacks, frontage, or other required standards or other requirements of this Ordinance are being sought to provide design flexibility as part of a comprehensive development plan.
2. **Ownership** - The area proposed shall be in one ownership or if in several ownerships, the petition for PD Planned Development zoning shall be filed jointly by persons holding fifty-one (51%) percent ownership of the properties included in the plan. Any Planned Development amendment must be filed by persons holding fifty-one (51%) percent ownership of all the undeveloped properties in the overall planned development.

### 713.3 Requirements for Rezoning To Planned Development District

1. **Planned Developments as Amendments** - Any request pertaining to the establishment of a Planned Development District shall be considered an amendment to the Official Zoning Map of Oglethorpe County and shall be administered and processed in accordance with the regulations set forth in *Article XIV, Amendments*, in this Ordinance, along with the additional requirements as specified herein.
2. **Comprehensive Site Development Plan Required** - A comprehensive site development plan shall be required, as specified in *Article XIV, Amendments*, in this Ordinance.
3. **Compliance With Oglethorpe County Subdivision Regulations** - Planned Developments shall also comply with the requirements of the Oglethorpe County Subdivision Regulations, except as otherwise specified herein.
4. **Permanent Continuation of Open Space and Approved Development Design** – The developer shall provide details of any proposed development controls deed covenants, or deed restrictions, or condominium declarations or similar documents as specified in *Section 714, Open Space/Conservation Design Development*, herein, that guarantee continuance of the development as approved and the permanent ownership, private reservation for the use of project occupants, and the responsibility for maintenance and taxes of any dedicated common open spaces, common facilities, and streets not proposed for dedication to the County.

5. **Phased Development** - The development of the entire Planned Development may be divided into individual sections or phases of development, based on logical geographical sections, for construction purposes. A development schedule shall be submitted as part of the comprehensive site development plan, as specified in *Article XIV, Amendments*, in this Ordinance, designating a reasonable time period in which the construction of each section of the development along with any amenity packages shall be completed.
6. **Amenities** - The developer shall be required to complete or fund all amenity packages no later than the sale of fifty (50%) percent of the lots in the phase of the project to which the package relates. In any event, all amenity packages for the development must be completed for all phases of the project no later than the sale of fifty (50%) percent of the total number of lots within all phases of the development. The developer shall file a report with the designated zoning official(s) upon sale of twenty-five (25%) percent and fifty (50%) percent of lots within a phase.
7. **Surety Bond** - To ensure adequate and proper construction of proposed recreation facilities, streets, sidewalks, trails, drainage facilities, grading improvements, water and sewage management systems, and other utilities, etc., the Board of Commissioners shall require that a surety or performance bond, or other financial guarantee be submitted by the owner/developer. Such guarantee shall be in an amount sufficient to provide for construction of the stipulated facilities. In addition, the owner/developer shall be required to grant right-of-way entry to the County to construct such improvements if required. If a Planned Development is to be developed in phases, a surety or performance bond or other financial guarantee may be provided by the owner/developer for each development phase.
8. **Transfer of Ownership** - The transfer of ownership or sale of individual lots or units within a Planned Development shall be allowed only after the Board of Commissioners has approved the final plat along with such required private covenants, deed restrictions, condominium declaration or similar documents that assure the permanent retention and maintenance of dedicated open space and common facilities, and the continuance of the Planned Development as originally approved and planned, and such plat and documents have been duly recorded.

#### 713.4 Rezoning Procedure for Planned Development Districts

Any request pertaining to the establishment of a Planned Development District shall be administered and processed in accordance with the regulations set forth in *Article XIV, Amendments*, in this Ordinance, along with the additional requirements as specified herein.

1. **Pre-application Review** - Prior to officially submitting a Preliminary Subdivision Plat and Comprehensive Site Development Plan, the owner/developer shall meet with the Planning Commission for a pre-application review to determine the feasibility of the proposed project. It is intended that this step in the process will provide an opportunity for the owner/developer to obtain information and guidance prior to incurring substantial expense in the preparation of more detailed plans, surveys, or other data. The applicant shall provide the following information for a pre-application review:
  - a. A sketch plan showing the location and acreage of the project; current zoning district classification/use and proposed classification/use of the property, zoning district classification and use of adjacent property; existing streets and buildings/uses; any significant natural or historic features, including 100-year floodplain; and any proposed public or common open spaces and facilities, proposed buildings/uses, and the proposed layout of any streets/drives including access points to the project, in relation to existing natural and man-made conditions. This plan may be a free-hand sketch made by the applicant on a copy of a plat or topographic map.

- b. General description of the proposal, including use(s), proposed density (including any statistical calculations used to determine the maximum number of building lots or units allowable, if applicable), proposed water supply and sewage disposal, etc.

## 2. Preliminary Subdivision Plat and Comprehensive Site Development Plan Requirements

- a. Following the pre-application conference, the applicant may file an application for a change of zoning classification or use, as specified herein, including a Preliminary Subdivision Plat and Comprehensive Site Development Plan along with supporting materials, and pay any required fees. It is intended that this step in the process will provide an opportunity, through review and recommendations, for the applicant and the Planning Commission to arrive at a conceptual agreement on the project prior to the preparation of final binding site plans.
- b. Following Planning Commission review of the Preliminary Subdivision Plat and Comprehensive Site Development Plan, the applicant may incorporate only such adjustments or amendments as may have been requested by the Planning Commission, as specified herein. Any changes or amendments to the Preliminary Subdivision Plat and Comprehensive Site Development Plan, made in response to recommendations by the Planning Commission, must be completed by the applicant and approved by the Planning Commission prior to submission to the Board of Commissioners for action.

## 3. Recording of Final Subdivision Plat Required

Following final approval of an amendment application for a Planned Development by the Board of Commissioners, as specified in *Article XIV, Amendments*, in this Ordinance, a Final Subdivision Plat meeting the requirements of the Oglethorpe County Subdivision Regulations and complying with the Comprehensive Site Development Plan and accompanying documents and materials, as approved by the Board of Commissioners, shall be submitted for final subdivision plat approval and thence recorded in the Office of the Clerk of the Superior Court of Oglethorpe County, as specified in the Oglethorpe County Subdivision Regulations.

### 713.5 General Design Standards and Requirements for Planned Development Districts

All Planned Development Districts shall meet the following standards and such other requirements as set forth herein with respect to each Planned Developments District Classification.

1. **Design** - The development shall utilize design and development features that would not be possible by the application of conventional lot-by-lot zoning district regulations and shall comply with the design standards and requirements specified in *Article VII, Section 714, Open Space/Conservation Design Development*, in this Ordinance.
1. **Open Space** – Dedicated open space shall be required as specified for each Planned Development Classification, herein.
2. **Compatibility With Surrounding Property** - The development, as planned, shall not adversely affect developed or undeveloped neighboring properties.
3. **Uses Permitted** – Unless otherwise specified herein, uses permitted in a Planned Development District shall include all uses permitted in the underlying district in which it is located. A mixture of uses not permitted in the underlying district may be allowed in certain Planned Development Classifications as specified below, subject to review by the Planning Commission and approval by the Health Department and Board of Commissioners.
4. **Density** - The maximum allowable density shall be determined by the number of units that could reasonably be created using the conventional minimum area and width requirements for the



underlying zoning district classification of the property. In lieu of drawing a conventional subdivision plan to determine the maximum number of units allowable, the maximum density may be calculated as specified in *Section 714, Subsection 714.4.2, Maximum Density*, in this Ordinance.

5. **Exceptions or Variations to Requirements of the Underlying District** - Exceptions or variation from the lot size, dimensions, uses, setbacks, height, or other requirements of the underlying district may be allowed, subject to review by the Planning Commission and approval by the Health Department and Board of Commissioners, provided that:
  - a. There shall be adequate area for the proposed water supply and sewage management systems, as required by the Health Department.
  - b. The yard and setback requirements of the underlying zoning district shall not be reduced along exterior boundaries of the development.
  - c. The off-street parking/loading requirements of this Ordinance shall be met.
  - d. The maximum percentage of lot coverage permitted in the underlying district shall not be exceeded by the development as a whole.
  - e. Such exceptions or variations shall not have an adverse impact on surrounding properties.
6. **Impact and Compatibility** - Planned Developments must be located in areas that have access to adequate infrastructure and community facilities suited for the proposed use or where meeting the demand on services is within the county's capacity to provide the needed services and facilities, and where the proposed total project densities are compatible with the underlying district.
7. **Water and Sewer** - Planned Developments must access public water and sewage systems, where available. If access to such systems does not exist, this district may be allowed if adequate provision shall be made for the installation, and permanent continuation/maintenance of safe and sufficient water supply and sewage management system(s), as may be required and approved by the Oglethorpe County Health Department, which may include an approved community water and on-site sewage management system, individual wells and septic tank systems, alternative systems, or any combination thereof, based upon the proposed use(s) and density of the development and the conditions/topography of the proposed site.
8. **Access** - Planned Developments shall be located on paved arterial or major collector streets capable of handling traffic flow from such development, and where increased traffic and access for such, will present no hazard. If deemed necessary, adequate acceleration and deceleration lanes shall be required.
9. **Street Frontage** - Planned Developments shall have a minimum street frontage equal to the minimum required lot width for the **underlying** district plus fifty (50') feet.

#### 713.6 [PRD] Planned Residential Developments

A Planned Residential Development may allow for a more flexible placement, arrangement, and orientation of residential structures, the accompanying flexibility in the subdivision of land and the grouping of open space and accessory facilities such as garages and parking. It may also provide for a mixture of housing types and limited commercial uses according to carefully drawn and approved plans. The proposed residential development shall comply with the standards and requirements of *Article VII, Section 714, Open Space/Conservation Design Subdivisions*, in this Ordinance. Every effort should be made to preserve the character of the surrounding area and to protect any surrounding residential uses and significant natural, scenic, or historic areas from any adverse impacts.

2. **Uses Permitted – Planned Residential Developments may include:**
  - a. Mixed residential uses (single-family (excluding manufactured housing), two-family, multi-family, townhouses, condominiums, etc.); and
  - b. A limited number of light retail/service uses (such as those permitted in the B-1 Local Business District), primarily for the benefit and convenience of the residents of the development, provided that such retail/services uses shall be limited to no more than ten (10%) percent of the total project acreage.
3. **Minimum Acreage Required**
  - a. The minimum acreage requirement for a Planned Residential Development without retail/service uses shall be fifty (50) acres.
  - b. The minimum acreage requirement for a Planned Residential Development that includes retail/service uses shall be one hundred (100) acres.
4. **Open Space** - A minimum of forty (40%) percent of the total land area in a Planned Residential Development District shall be reserved as dedicated open space meeting the standards and requirements as specified in *Section 714, Open Space/Conservation Design Development*, herein.
5. **Individual Lots Required** - Each single-family detached dwelling shall be located on a separate lot. Where single-family attached, two-family attached, and multi-family attached dwellings are permitted, each dwelling unit shall be located on a separate lot, attached by a common wall located on the property line, provided, however, that individual lot lines for delineating individual units in condominiums, townhouses, or multi-family developments shall not be required when it is obviously impossible to delineate lot lines in a reasonable manner.
6. **Requirements for Retail/Service Uses Within Planned Residential Developments**
  - a. Retail and service uses permitted within a Planned Residential Development shall include any use normally permitted within the B-1 Local Business District.
  - b. Structures for retail sales/service uses shall be no larger than three thousand five hundred (3,500) square feet.
  - c. Structures for retail sales/service uses shall not be comprised of one or two long interconnected buildings, but rather shall be compact, grouped in non-linear design, housing three to five establishments, depending on the square footage requirements of the establishments, and of an architectural design compatible with the residential structures within the Planned Residential Development.
  - d. No part of a lot developed for retail sales/services shall abut or lie directly across the street from any R-1 Single-Family Residential District or Use that is not part of the proposed Planned Residential Development.
  - e. The lot area devoted to a retail/service use shall be landscaped to blend with the residential uses and meet the general design standards herein.
  - f. Required parking for the retail/service uses shall be sensitively sited and landscaped so that it is not visually apparent from the residential development or from the collector or arterial street from which access is gained. Large, uninterrupted paved parking areas are discouraged.

- g. Off-street parking and loading shall be provided as specified in *Article X, Off-Street Parking/Loading*, in this Ordinance.

### 713.7 [PCD] Planned Commercial Development

A Planned Commercial Development shall provide for the maximum attainable commercial usage of property while employing the best aspects of prior site planning and development controls to insure protection of surrounding residential uses, safe access by motorists, minimum traffic congestion, and a development which is consistent with the long-range plans of the county.

1. **Uses Permitted** – A Planned Commercial Development may contain general retail/service and office uses as permitted within the underlying district. Off-street parking and loading shall be provided as specified in *Article X, Off-Street Parking and Loading*, in this Ordinance.
2. **Minimum Acreage Required** - The minimum acreage required for a Planned Commercial Development shall be five (5) acres.
3. **Open Space Requirements** - All residual open land area resulting from the planned development approval shall be retained as dedicated open space. Adequate guarantee shall be provided for the permanent retention of such open space. The guarantee shall be in the form of private reservation for the use of project occupants through covenants, deed restrictions, condominium declaration or similar documents, or through dedication to and acceptance by Oglethorpe County. The care and maintenance and tax obligations of such private open space areas shall be similarly provided for.
4. **Design Standards for Planned Commercial Developments** – Strip mall design development, consisting of long, flat, unbroken expanses of walls and roofs on interconnected stores, is discouraged. Walls should be broken up by varying the setback/projection of individual uses, and/or utilizing columns, arches, awnings, or other similar design elements, and roof and/or building height should vary within the development. Where feasible, clusters of detached and attached buildings should be compactly grouped in non-linear designs housing three to five establishments (depending on the square footage requirements of the establishments) interspersed with and connected by pedestrian walkways.
5. **Buffers/Screen Requirements**- Where a Planned Commercial Development is adjacent to an existing Residential District or Use, buffers/screening shall be installed and maintained as specified in *Article IX, Section 911, Buffer/Screening Requirements*, in this Ordinance.

### 713.8 [PPD] Planned Professional Development

A Planned Professional Development shall contain orderly, well-designed business and/or professional offices on a site that results in minimum impact upon the surrounding area. The site plans and building designs should produce a development that can be constructed to achieve maximum utilization of space while maintaining a low-intensity office/institutional character protected from more intensive commercial and industrial development and protecting any nearby residential uses.

1. **Uses Permitted** - A Planned Professional Development may contain:
  - a. Business and Professional Offices as permitted within the underlying OIP Office/Institutional/Professional Zoning District, but excluding institutional uses; and
  - b. Retail/service uses normally appurtenant to office or professional centers, such as cafeterias, snack shops, copy, computer, and business services, and pharmacies located within office or medical buildings, provided that such retail/services uses shall be limited to no more than ten (10%) percent of the total project acreage.
  - c. Off-street parking and loading shall be provided as specified in *Article X, Off-Street Parking and Loading*, in this Ordinance.

2. **Minimum Acreage Required** - The minimum acreage required for a Planned Professional Development shall be five (5) acres.
3. **Open Space Requirements** - All residual open land area resulting from the planned development approval shall be retained as dedicated open space. Adequate guarantee shall be provided for the permanent retention of such open space. The guarantee shall be in the form of private reservation for the use of project occupants through covenants, deed restrictions, condominium declaration or similar documents, or through dedication to and acceptance by Oglethorpe County. The care and maintenance and tax obligations of such private open space areas shall be similarly provided for. If residential uses are included in the proposal, then the standards and requirements specified in *Section 714, Open Space/Conservation Design Development*, herein, shall be met.
4. **Design Standards for Planned Professional Developments** – Strip mall design development, consisting of long, flat, unbroken expanses of walls and roofs on interconnected offices, is discouraged. Walls should be broken up by varying the setback/projection of individual uses, and/or utilizing columns, arches, awnings, or other similar design elements and roof and/or building height should vary within the development. Where feasible, clusters of detached or attached buildings should be compactly grouped in non-linear designs housing three to five establishments (depending on the square footage requirements of the establishments) interspersed with and connected by pedestrian walkways. Multi-story buildings shall comply with the height restrictions of the underlying district.
5. **Buffers/Screen Requirements**- Where a Planned Professional Development is adjacent to an existing Residential District or Use, buffers/screening shall be installed and maintained as specified in *Article IX, Section 911, Buffer/Screening Requirements*, in this Ordinance.

#### **713.9 [PID] Planned Institutional Development**

A Planned Institutional Development shall contain orderly, well-designed related institutional, professional, office and limited residential uses, certain types of carefully designed related residential uses, along with limited retail/service uses, all under the ownership and operation/management of a governmental, professional health care, certified non-profit, educational, or religious institution, organization, or establishment. The site plans and building designs should produce a development that can be constructed to achieve maximum utilization of space while protecting any nearby residential uses.

1. **Uses Permitted** - A Planned Institutional Development may contain the following uses, provided they are developed under a unified development plan as opposed to independent units under fee simple ownership:
  - a. Institutional Uses permitted within the underlying OIP Office/Institutional/Professional Zoning District, including, but not limited to, hospitals, clinics, intermediate care facilities, nursing homes, pharmacies, educational facilities, and places of worship, provided that they are owned and operated by a certified non-profit organization or establishment.
  - b. Related Professional and Administrative offices.
  - c. Retail/service uses normally appurtenant to institutional centers, such as cafeterias, snack shops, and other food service facilities, pharmacies, beauty salons/barber shops, florists, and gift shops, located within professional or medical buildings, provided that such retail/service uses shall be limited to no more than ten (10%) percent of the total project acreage..
  - d. A limited number of mixed residential uses (excluding manufactured housing), consisting of Planned Assisted Living Communities and personal care homes for the infirm or elderly living independently or with resident staff, residences for students, faculty, staff or other such

personnel directly associated with the use, provided that such residential uses shall be permitted only in combination with institutional uses permitted herein and that such residential uses shall be limited to no more than twenty (20%) percent of the total project acreage. Developments which are primarily "retirement residential/recreational" in nature, rather than institutional, shall be considered planned residential developments and shall comply with the requirements thereof.

- e. Related Accessory Uses including Recreational Facilities
- f. Off-street parking and loading shall be provided as specified in *Article X Off-Street Parking/Loading*, in this Ordinance.

**2. Minimum Acreage Required**

- a. The minimum acreage required for a Planned Institutional Development without residential uses shall be Ten (10) acres.
- b. The minimum acreage required for a Planned Institutional Development that includes residential uses shall be fifty (50) acres.

**3. Open Space Requirements** - All residual open land area resulting from the planned development approval shall be retained as dedicated open space. Adequate guarantee shall be provided for the permanent retention of such open space. The guarantee shall be in the form of private reservation for the use of project occupants through covenants, deed restrictions, condominium declaration or similar documents, or through dedication to and acceptance by Oglethorpe County. The care and maintenance and tax obligations of such private open space areas shall be similarly provided for.

If residential uses are included in the proposal, then a minimum of forty (40%) percent of the total acreage shall be reserved as dedicated open space meeting the standards and requirements as specified in *Section 714, Open Space/Conservation Design Development*, herein.

**4. Buffers/Screen Requirements**- Where a Planned Professional Development is adjacent to an existing Residential District or Use, buffers/screening shall be installed and maintained as specified in *Article IX, Section 911, Buffer/Screening Requirements*, in this Ordinance.

**713.10 [PLID] Planned Light Industrial Development**

A Planned Light Industrial Development shall consist of land which has been designated for a multiple but compatible light industrial uses in a planned industrial park. The standards employed shall be designed to encourage the formation and continuance of the compatible environment for the planned industrial uses and the surrounding land uses. Carefully planned appurtenant office and commercial uses may be incorporated as part of a Planned Industrial Development.

- 1. **Uses Permitted** - A Planned Light Industrial Development shall contain those uses permitted within the underlying LI Light Industrial Zoning District. The manufacturing processes and storage of materials of industries located in a Planned Light Industrial District shall be confined to the interior of buildings. Off-street parking and loading shall be provided as specified in *Article X, Off-Street Parking and Loading*, in this Ordinance.
- 2. **Minimum Acreage Required** - The minimum acreage required for a Planned Light Industrial Development shall be ten (10) acres.
- 3. **Open Space Requirements** - All residual open land area resulting from the planned development approval shall be retained as dedicated open space. Adequate guarantee shall be provided for the permanent retention of such open space. The guarantee shall be in the form of private reservation for the use of project occupants through covenants, deed restrictions, condominium declaration or

similar documents, or through dedication to and acceptance by Oglethorpe County. The care and maintenance and tax obligations of such private open space areas shall be similarly provided for.

4. **Buffers/Screen Requirements-** Where a Planned Light Industrial Development is adjacent to an existing Residential District or Use, buffers/screening shall be installed and maintained as specified in *Article IX, Section 911, Buffer/Screening Requirements*, in this Ordinance.

#### **SECTION 714: [OS] OPEN SPACE/CONSERVATION DESIGN DEVELOPMENT DISTRICT**

The purpose of Open Space/Conservation Design Development is to allow for greater flexibility and creativity in the design of residential development, encourage the permanent preservation of open space, agricultural and forestry land, and other natural resources; maintain Oglethorpe County's rural character and land use patterns that preserve open space and farmland; protect scenic vistas from development which would destroy or obstruct such vistas; preserve unique and significant natural, historical, and archeological resources; protect sensitive environmental areas; facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner; protect existing and potential drinking water supplies; and encourage a less sprawling form of development.

It is the intent of these regulations that open space be comprised of buildable and non-buildable lands. Land so designated as open space shall be in a location and configuration that relates to the ultimate purpose of the open space (i.e., outdoor recreation, landscape protection, habitat protection, etc.). Development should be designed around these natural features.

##### **714.1 Open Space/Conservation Design Development As A Permitted Use**

Open Space/Conservation Design Development shall be a permitted use within the following districts:

1. The R-1 Single-Family Residential, R-2 Two-Family Residential, R-3 Multi-Family Residential, AR Agricultural/Residential, and SP Scenic Preservation Districts. The designation "OS" shall be added to the zoning district designation of tracts of land developed in this manner (e.g., R1-OS, R2-OS, R3-OS, AR-OS, SP-OS).
2. The PD Planned Development District, subject to the requirements as specified in *Section 713, Planned Development District*, herein.

##### **714.2 General Design Standards**

The following general design standards shall apply to all Open Space/Conservation Design Development:

1. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Conflicts between development and the rural environment should be minimized (i.e., tucking building lots and driveways into wooded lots is recommended).
2. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainageways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
3. Open space shall include irreplaceable historical or archaeological features, or natural features of the site such as streams, significant stands of trees, individual trees of significant size, rock outcroppings, and peaks and ridges that are, themselves, scenic features or from which scenic views are available.
4. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, cover, significant landmarks, and trees; to minimize the amount of site disruption caused

by cut and fill and the associated grading required for roadway construction; and to preserve and enhance views and vistas on or off the subject parcel.

5. Residential streets shall be designed and located in such a manner as to minimize the use of residential collector streets and cul-de-sacs, in order to reduce the amount of paved areas and to promote traditional neighborhood design and intra-neighborhood accessibility. Streets should interconnect where feasible. If a cul-de-sac is unavoidable, use of an off-center, non-circular turning loop with a vegetated island of approximately one-quarter (0.25) acre, where feasible, shall be preferable to a solid paved circle.
6. Maintain unblocked or uninterrupted scenic views and vistas, particularly as seen from existing public roads or as designated in the Oglethorpe County Comprehensive Plan. Alteration of views by removing trees or placing buildings or other structures on highly visible hilltops and ridges, or blocking unique views by placing structures in inappropriate locations is discouraged.
7. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable.
8. Protect the habitat areas of species listed as rare or endangered by the Department of Natural Resources, Freshwater Wetlands and Natural Heritage Inventory.
9. Underground utilities shall be utilized wherever feasible.
10. The open space shall be reasonably contiguous, coherent, and, if the tract of land abuts adjacent open space or other permanently protected open space, it shall connect with that adjacent or permanently protected open space.

### **714.3 Review Required**

Open Space/Conservation Design Development shall comply with the Oglethorpe County Subdivision Regulations, except as otherwise specified in this Ordinance, and shall be subject to the normal review requirements thereof. A Comprehensive Site Development Plan shall be submitted to the Oglethorpe County Planning Commission for review and shall be subject to approval by the Oglethorpe County Health Department and the Oglethorpe County Board of Commissioners.

**714.3.1 Pre-application Review** - Prior to officially submitting a Preliminary Comprehensive Site Development Plan, the owner/developer shall meet with the Planning Commission for a pre-application review to determine the feasibility of the proposed project. It is intended that this step in the process will provide an opportunity for the owner/developer to obtain information and guidance prior to incurring substantial expense in the preparation of more detailed plans, surveys, or other data. The applicant shall provide the following information for a pre-application review:

1. A sketch plan showing the location and acreage of the project; current zoning district classification/use and proposed classification/use of the property, zoning district classification and use of adjacent property; existing streets and buildings/uses; any significant natural or historic features, including 100-year floodplain; and any proposed public or common open spaces and facilities, proposed buildings/uses, and the proposed layout of any streets/drives including access points to the project, in relation to existing natural and man-made conditions; This plan may be a free-hand sketch made on a copy of a topographic map.
2. General description of the proposal, including use(s), proposed density (including any statistical calculations used to determine the maximum number of building lots or units allowable, if applicable), proposed water supply and sewage management, etc.

If an agreement is reached on the concept plan, then the developer shall thereafter submit a Preliminary Plat as specified in the Oglethorpe County Subdivision Regulations, containing all of the information required by these Regulations, the Subdivision Regulations, and any other applicable regulations of Oglethorpe County and shall pay any required fees.

#### **714.4 General Requirements**

##### **714.4.1 Minimum Lot Size**

The minimum lot area and dimension requirements for Open Space/Conservation Design Development shall be the same as for the underlying district, provided that:

1. For the purposes of Open Space/Conservation Design Development, the minimum lot size requirements for the R-1 Single-Family Residential District, as specified in this Ordinance, shall apply to the AR Agricultural/Residential District and SP Scenic Preservation District, subject to review by the Oglethorpe Planning Commission and approval by the Oglethorpe County Health Department and the Oglethorpe County Board of Commissioners. The reduced minimum lot area shall not be used for calculating the maximum allowed density as specified in *Subsection 714.4.2, Maximum Density*, herein.
2. Where individual septic tank systems or related drainfields are located within the dedicated open space, rather than confined to individual lots, as provided for in Paragraph #5 in *Subsection, 714.5.8, Permitted Uses Within the Open Space*, herein, then:
  - a. The minimum lot area requirements for single-family detached, two-family detached (duplexes), and multi-family detached (triplex and quadplex) dwellings, served by individual septic tank system(s), in any residential district, may be reduced to one (1.0) acre per dwelling unit; and
  - b. Such reductions in minimum lot area and dimensions shall not be used for calculating the maximum allowed density as specified in *Subsection 714.4.2, Maximum Density*, herein, and shall be subject to review by the Oglethorpe Planning Commission and approval by the Oglethorpe County Health Department and the Oglethorpe County Board of Commissioners.
3. Planned Development Districts shall be excluded. Exceptions or variations from lot size, dimensions, and setback requirements may be allowed in the PD Planned Development District as specified in *Section 713, Planned Development District*, in this Ordinance.

##### **714.4.2 Maximum Density**

1. The number of lots/units created shall not be increased over the number of lots/units that could reasonably be created using the conventional minimum area and width requirements for the underlying district. In lieu of drawing a conventional subdivision plan to determine the maximum number of lots/units allowable, the maximum density may be calculated as the result (rounded down) of:
  - Dividing the total area of the tract to be so developed (in square feet)
  - By the applicable minimum gross lot area requirement (in square feet) specified for the underlying district [where gross lot area includes half of an abutting fifty (50) foot street right-of-way running the required width of the lot.]
2. Land within the 100-year flood plain, or land not available for development by the owner because of easements (including public utility easements), or topographical or environmental restrictions as specified in this Ordinance, or for any other reason, shall not



be included in the calculation, although such land may count toward a percentage of the required open space as specified in *Subsection 714.5, Open Space Requirements*, herein.

REQUIRED ACREAGE/WIDTH	MINIMUM NET LOT AREA	MINIMUM GROSS LOT AREA
5 Acres/400 Ft. Width	217,800 Sq. Ft./Unit	227,800 Sq. Ft./Unit
1.5 Acres/200 Ft. Width	65,340 Sq. Ft./Unit	70,340 Sq. Ft./Unit
1.5 Acres/125 Ft. Width	65,340 Sq. Ft./Unit	68,465 Sq. Ft./Unit
0.5 Acres/100 Ft. Width	21,780 Sq. Ft./Unit	24,280 Sq. Ft./Unit

**714.4.3 Individual Lot Lines**

Each single-family detached dwelling shall be located on a separate lot. In zoning districts where single-family attached, two-family, or multi-family dwellings are permitted, each dwelling unit shall be located on a separate lot, attached by a common wall located on the property line, provided, however, that individual lot lines for delineating individual units in condominiums, or multi-family developments shall not be required when it is obviously impossible to delineate lot lines in a reasonable manner.

**714.4.4 Tree Protection** – The Comprehensive Site Development Plan shall identify all trees which are to be removed that exceed six (6) inches in diameter, as measured at a point on such tree four and one-half (4.5') feet above the surface of the ground, and shall contain a plan for replacement of any such tree that is to be removed with an equivalent tree, native to the area, that will attain approximately the same height and spread at maturity as that of the removed tree. One tree shall be planted and maintained for every one such tree removed. Replacement trees shall be no smaller than fifteen (15') feet at planting. Placement of new trees shall be optimized so as to preserve as much as possible the character of the property and the district prior to the development. Provisions for the maintenance of said trees shall be included in the plan.

**714.4.5 Phased Development**

The development may be divided into individual sections or phases of development, based on logical geographical sections, for construction purposes. A development schedule shall be submitted as part of the comprehensive site development plan, as specified in *Article XIV, Amendments*, in this Ordinance, designating a reasonable time period in which the construction of each section of the development along with any amenity packages shall be completed.

If a development is to be built in phases, fifty (50%) percent of the open space of the entire development must be shown on the Phase 1 final plat and must be deeded to a Property Owners Association or other entity responsible for its maintenance and payment of taxes. This requirement must be met prior to approval of the final plat.

The developer shall be required to complete or fund all amenity packages no later than the sale of fifty (50%) percent of the lots in the phase of the project to which the package relates. In any event, all amenity packages for the development must be completed for all phases of the project no later than the sale of fifty (50%) percent of the total number of lots within all phases of the development. The developer shall file a report with the designated zoning official(s) upon sale of twenty-five (25%) percent and fifty (50%) percent of lots within a phase.

#### **714.4.6 Transfer of Ownership**

The transfer of ownership or sale of individual lots or units within a Planned Development shall be allowed only after the Board of Commissioners has approved the final plat along with such required private covenants, deed restrictions, condominium declaration or similar documents that assure the permanent retention and maintenance of dedicated open space and common facilities, and the continuance of the Planned Development as originally approved and planned, and such plat and documents have been duly recorded.

#### **714.4.7 Surety Bond**

To ensure adequate and proper construction of proposed recreation facilities, streets, sidewalks, trails, drainage facilities, grading improvements, water and sewage management systems, and other utilities, etc., the Board of Commissioners shall require that a surety or performance bond, or other financial guarantee be submitted by the owner/developer. Such guarantee shall be in an amount sufficient to provide for construction of the stipulated facilities. In addition, the owner/developer shall be required to grant right-of-way entry to the County to construct such improvements if required. If a Planned Development is to be developed in phases, a surety or performance bond or other financial guarantee may be provided by the owner/developer for each development phase.

#### **714.4.8 Denial of Unsuitable Development**

An Open Space/Conservation Design Subdivision shall not be approved if it is determined that the proposed open space:

1. Fails to preserve the desirable aesthetic, environmental, and cultural qualities of rural or natural landscapes because a tract has insignificant levels of such qualities (for example, because the tract is too small or has recently undergone harvesting of timber) or such qualities would be significantly diminished by development of the subdivision; or
2. Fails to compensate for the crowding inherent in small lots by providing open space aggregated into areas of significant size rather than scattered in strips of minimal width;

### **714.5 Open Space Requirements**

#### **714.5.1 Minimum Percentage Required**

1. For Open Space/Conservation Design Development, not less than forty (40%) percent of the total gross acreage of the tract of land to be developed shall be dedicated as common open space.
2. In the Planned Development District, the minimum required open space shall be as specified in *Section 713, Planned Developments*, in this Ordinance.

#### **714.5.2 Percentage of Inaccessible Areas Allowed**

No more than thirty (30%) percent of the required open space may be composed of areas such as flood plains, wetlands, or excessively steep slopes (defined as a slope in excess of twenty-five (25%) percent which are unsafe or not easily accessible to pedestrians.

#### **714.5.3 Minimum Size of Open Space Tract**

1. Each separate tract of open space shall contain at least two (2) contiguous acres, except that no minimum tract size is required for open space in medians in streets or islands in cul-de-sac turnarounds, or connecting walkways.

2. Walkways or "fingers" of open space created to provide access from individual lots to a larger expanse of open space or to provide for connection of non-contiguous tracts of open space shall have a minimum width sufficient to accommodate a path, given the existing terrain, the center of which path is at least twenty-five (25') feet from any property line.

#### **714.5.4 Access to Open Space**

All lots with reduced dimensions shall directly abut open space along at least twenty (20') feet of property line, except that lots need not abut open space if they face open space directly across an abutting local or minor residential collector street, as in the case of a "village green" arrangement (a block of open space encircled and separated from surrounding building lots by streets). There shall be no restrictions on direct access from each lot to the open space.

#### **714.5.5 Connection of Tracts**

All tracts of open space (except medians in streets or islands in cul-de-sac turnarounds) shall be connected by clearly identified street crossings, whether or not there is a path system. Street crossings shall accommodate handicapped persons.

1. For a local street, a crossing shall consist of open space access points directly across the street from each other, located to ensure adequate vehicle sight distance along the street.
2. A crossing of a major collector or arterial street shall be grade-separated, i.e. by a tunnel or bridge certified by an engineer as to safety, maintainability, and durability, and approved by the Board of Commissioners.

#### **714.5.6 Required Buffers**

1. Lots at the periphery of the development shall be separated from adjoining property and public rights-of-way by open space.
2. A one hundred (100') feet deep vegetated no-build buffer shall be required to screen residential lots from arterial and collector streets and vice-versa. Said buffer shall be counted as part of the open space.
3. A natural vegetative buffer, meeting the requirements specified in *Article VIII, Section 801, River/Stream Corridor Protection District*, in this Ordinance, shall be maintained adjacent to surface waters and wetlands. The buffer shall be counted as part of the open space. The buffer shall be left undisturbed, except for pervious paths, provided that:
  - Conditions hazardous to persons, such as dead trees or unstable slopes, may be corrected;
  - Additional trees or other vegetation may be planted;
  - Destructive or harmful plants such as kudzu or poison ivy may be removed.
  - Such activities shall be conducted so as to minimize soil disturbance.

#### **714.5.7 Names of Areas**

To identify parts of the open space for purposes of design, designation of neighborhoods, enforcement of covenants and other restrictions, and other needs, each separately identifiable portion of the open space shall be named in the manner that streets are named, with identifiers indicative of open space such as "Common," "Park," "Green," "Meadow," "Woods," "Farm," or others.

#### **714.5.8 Permitted Uses Within the Open Space**

1. A system of paths may be constructed within the open space to facilitate access. Such paths shall be not more than eight (8') feet wide, suitable for pedestrian use in all weather, and constructed so as to minimize soil erosion or damage to trees or other natural features.
2. Bridle paths may be constructed within the open space provided that adequate provision is made to minimize conflict with and ensure the safety of pedestrians.
3. Lakes and ponds may be created or retained within the open space provided they are properly constructed and maintained and further provided they do not constitute an unsafe condition.
4. A private golf course which is available solely to residents of the development, club members, and their guests may be counted as open space and included in the area used for calculation of the number of lots permitted, provided adequate areas of open space not so limited in use are accessible to all residents of the development, and if approved by the Board of Commissioners.
5. The placement of individual septic tank systems or community on-site sewage management systems within the dedicated open space shall be permitted, except as prohibited in a protected river/stream corridor in accordance with *Article VIII, Section 801, River/Stream Corridor Protection District*, provided there is no adverse impact on trees or other aesthetic features within the open space and provided it shall be subject to review by the Oglethorpe Planning Commission and approval by the Oglethorpe County Health Department and the Oglethorpe County Board of Commissioners.
6. Open space may be entered or crossed by underground easements for electric power transmission lines, gas or other pipelines, water lines, or sewer lines where such easements will involve access by persons or vehicles for periodic maintenance or repair only. No other easements for the purposes of access by persons or vehicles shall be permitted to enter or cross the open space, except as specifically provided for herein.

#### **714.5.9 Excluded Uses With the Open Space**

1. House or building lots, rights-of-way for streets, parking/loading areas, access easements, above ground utility easements, drainage easements, and detention ponds shall be excluded from land considered for open space.
2. Community buildings, storage, utility, or other accessory buildings, active recreation uses such as swimming pools and tennis courts, shall not occupy open space but may occupy area allocated for one or more conventional lots, or area added to or set aside within the development for those purposes and not included in the calculation of the number of lots or units permitted (density).
3. No vehicles powered by internal-combustion engines shall be operated within the open space except for maintenance purposes.

#### **714.6 Ownership Of Dedicated Open Space, Common Areas, Uses And Facilities**

Adequate guarantee shall be provided for the permanent retention of all dedicated open space. The guarantee shall be in the form of private reservation for the use of project occupants through covenants, deed restrictions, condominium declaration or similar documents, or through dedication to and acceptance by Oglethorpe County.

For open space not proposed for dedication to Oglethorpe County, the developer of an Open Space/Conservation Development shall submit to the Oglethorpe County Planning Commission and the Oglethorpe County Board of Commissioners proposed articles of association or incorporation which establish a property owners association and proposed restrictive covenants. Said articles of association or incorporation and restrictive covenants shall be reviewed by the county attorney prior to any action by the county. Said articles of association or incorporation and restrictive covenants must be approved in writing by the Oglethorpe County Board of Commissioners prior to approval of the final plat for the development. Such documents, if approved, shall be recorded by the Clerk of Court along with the final plat. Any proposed changes in said articles or covenants shall require the prior written approval of the Oglethorpe County Board of Commissioners.

Membership in the property owners association shall be mandatory for property owners and made a required covenant in all deeds issued or passed. The association shall provide voting and use rights in the open space area(s) when applicable and charge dues or levy assessments to cover expenses which may include the maintenance of the common areas, open space areas, improvements, rights-of-way, utilities, etc. Such association shall be responsible for the perpetuation, maintenance, and function of all common lands, uses, and facilities. The property owners association shall be deemed to have assented to allow Oglethorpe County, if it deems necessary, to perform maintenance of the open space and related facilities if the property owners association fails to perform adequate maintenance. If the property owners association fails to provide adequate maintenance, Oglethorpe County shall first provide fifteen (15) days' written notice to the property owners association as to the maintenance that is lacking, and if the association fails to complete said work, the County may perform the work. The owner of each lot or dwelling unit in the development shall be deemed to have assented to the County filing a lien against each lot or dwelling unit in the development for the full cost of such maintenance, which liens shall be released upon payment to the County of same. Each individual deed, as well as the articles of incorporation, shall include a provision to carry these provisions into effect.

All lands and improvements, including any improvements to the open space, shall be described and identified as to location, size, use, and control in a restrictive covenant. These restrictive covenants shall be written so as to run with the land and become a part of the deed of each lot or dwelling unit within the development. All open space shall be deemed a common area and may be used by all property owners or residents/occupants in the development. A pro rata portion of the open space shall be included with each residential or commercial lot in the development for tax purposes only. Taxes on the open space shall be paid by the individual property owner, rather than the property owners association.

Such restrictive covenants and the association shall continue in effect so as to control the availability of facilities for their intended function, and to protect the development from additional unplanned densities and use. Such association shall not be dissolved, nor shall such association dispose of any common, open space or natural land by sale or otherwise, except to an organization or association conceived and organized to own and maintain such areas, without prior written consent of the Oglethorpe County Board of Commissioners.

Any and all dedicated open space lands shall be held in common ownership by the home/property owners. All open space, however, has been set aside to lessen the environmental and visual impact of the subdivision on the rural landscape. Therefore, any change in the open space, other than to maintain it in reasonable order and condition in accordance with the approved final plan, requires prior written approval from the Oglethorpe County Board of Commissioners.

## **SECTION 715: [SP] SCENIC PRESERVATION DISTRICT**

The purpose of the Scenic Preservation District is to protect and maintain the unique character of certain significant natural, historic, and scenic areas in Oglethorpe County that have been identified as such, with developmental protection recommended, in the Oglethorpe County Comprehensive Plan. These areas include:

- Individual sites or districts listed on the National Register of Historic Places;
- Certain specific and particularly significant individual sites recommended for listing on the National Register, as identified in the Oglethorpe County Comprehensive Plan;
- County, State, or Federal Parks and State or Federal Forest/Wildlife Management Areas;
- The Broad and Oconee River Corridors
- Specific significant scenic viewsheds as identified in the Oglethorpe County Comprehensive Plan.

It is in the best interest of the citizens of Oglethorpe County that these areas remain in a natural or rural state as nearly as possible and that conventional development be discouraged. However, it is recognized that in certain areas of this district, such as the National Register Historic Districts, limited residential and/or commercial uses form part of a traditional and historic development pattern. This District is designed to provide the preservation and protection intent of this district without unreasonably denying the right of use by the property owner. Certain limited development may be allowed in the district, provided it is determined that such development will not constitute an intrusion within the district or have an adverse impact on surrounding properties and/or the district in general, and subject to the compatibility and appropriateness of the use.

**715.1 District Established** - The Scenic Preservation District shall include the individual site, district, or specific area to be protected. The Scenic Preservation District shall comprise an overlay zone that supplements and is indicated on the Oglethorpe County Zoning Map where the designation "SP" shall be added to the zoning district designation of tracts of land protected in this manner (i.e. AR-SP, B1-SP, A2-SP). The Broad and Oconee River Corridors shall be identified on the River/Stream Corridor overlay.

### **715.2 Design Standards**

1. The landscape shall be preserved in its natural state, minimizing tree and soil removal, insofar as practicable, provided that additional plantings or berms may be used to minimize the impact of the development on the surrounding area.
2. Conflicts between new development and the rural, natural, or historic environment shall be minimized. The location, size, design, and materials, of buildings, accessory structures and uses, including signage and parking, shall be compatible with the surrounding area and the district in general. Exterior lighting, if required, shall be unobtrusive and compatible in design and intensity with the district. Existing natural vegetation and topography, or additional landscaping and/or berms shall be utilized where necessary to screen new development to mitigate any adverse impact on the surrounding property and the district.
3. The orientation of individual building sites and uses shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainageways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
4. Streets, drives, and parking areas shall be designed and located in such a manner as to maintain and preserve natural topography, cover, significant landmarks, and trees; to minimize the amount of site disruption caused by cut and fill and the associated grading required for roadway construction; and to preserve and enhance views and vistas on or off the subject parcel.

5. The use of impervious surfaces for off-street parking areas and interior drives is discouraged as potentially harmful or incompatible with sensitive natural and historic areas. Pervious surfaces, constructed and maintained so as to be dust-free and to prevent erosion, siltation and movement of mud, soil or debris and excessive or detrimental stormwater runoff onto public or private lands are recommended.
6. Maintain unblocked or uninterrupted scenic views and vistas, particularly as seen from existing public roads or as designated in the Oglethorpe County Comprehensive Plan. Alteration of views by removing trees or placing buildings or other structures on highly visible hilltops and ridges, or blocking unique views by placing structures in inappropriate locations shall be avoided.
7. The removal or disruption of historic, traditional or significant uses, structures, architectural elements or identified significant archaeological sites shall be avoided.
8. Significant habitat areas of species listed as rare or endangered by the Department of Natural Resources, Freshwater Wetlands and Natural Heritage Inventory shall be protected.
9. Underground utilities shall be utilized wherever feasible, provided it shall cause minimal site disruption or damage to sensitive natural, environmental, historic, or scenic areas.

### 715.3 General Requirements

1. **Comprehensive Site Development Plans Required** - A comprehensive site development and landscaping plan shall be required for any proposed development in the SP Scenic Preservation District.
2. **Maximum Percentage Lot Coverage** - The maximum percentage of lot coverage shall be fifty (50%) percent, including buildings and accessory uses.
3. **Maximum Building Height** - The maximum building height within the Scenic Preservation District shall be thirty-five (35') feet.
4. **Buffers** - For any new development within the Scenic Preservation District, buffers designed to increase visual compatibility with surrounding property and reduce adverse impact shall be required, if deemed necessary by the Zoning Officials or the Planning Commission. Such buffers may include a natural buffer strip along any lot line directly abutting the perimeter property lines or perimeter boundary of a protected site, district, or area, and/or a front yard buffer along any property line abutting a public street. Said buffers shall be installed and maintained as specified in *Article IX, Section 911, Buffer and Screening Requirements*, in this Ordinance.
5. **Tree Protection** - Detailed landscaping plans shall be required for any development within the SP Scenic Preservation District. Such landscaping plans shall identify all trees which are to be removed that exceed six (6) inches in diameter, as measured at a point on such tree four and one-half (4.5') feet above the surface of the ground, and shall contain a plan for replacement of any such tree that is to be removed with an equivalent tree, native to the area, that will attain approximately the same height and spread at maturity as that of the removed tree. One tree shall be planted and maintained for every one such tree removed. Replacement trees shall be no smaller than fifteen (15') feet at planting. Placement of new trees shall be optimized so as to preserve as much as possible the character of the property and the district prior to the development. Provisions for the maintenance of said trees shall be included in the plan.
6. **River Corridor Protection** - Where applicable, the requirements specified in *Article VIII, Section 801, River/Stream Corridor Protection District*, in this Ordinance, shall also apply, except where stricter standards are required herein.

#### **715.4 Permitted Uses**

The following shall be permitted uses within the Scenic Preservation District:

1. Natural, historic, archaeological, scenic areas and their associated existing buildings and structures; official buildings or structures, authorized and maintained by the County, State, or Federal Government, and authorized digs conducted under the supervision of a professional archaeologist, which are necessary to the restoration, maintenance, interpretation, and scholarly study of such areas, provided such buildings and associated structures and digs do not conflict with the intent of these regulations to preserve the special character of these areas.
2. General Agricultural Uses, limited to livestock pastures and ranges, forests, food and fiber crop production, as permitted in the A-2 District, provided they are located on a minimum lot size of twenty (20) acres, with a minimum width of four hundred (400') feet; along with customary accessory buildings and uses, provided that accessory buildings/structures and uses must meet the standards and requirements specified herein and no structure, excluding fences, for the keeping of livestock or storage or handling of odor or dust producing substances shall be located within one hundred (100') feet of any side or rear property line or four hundred (400') feet of any existing adjacent residence. Any land application of animal manure/waste shall comply with the requirements specified in *Section 700.8, Requirements for Land Application of Dry Manure/Litter and Liquid Manure/Slurry/Wastewater*, in this Ordinance.
3. Small-scale agricultural uses including horticulture and the raising of farm animals, including horses, as permitted in the AR District, provided that there is a minimum of five (5) acres and that no structures housing animals, feed, or other odor or dust producing substance shall be located within one hundred (100') feet of any side or rear property line or two hundred (200') feet of any existing adjacent residence. Accessory structures and uses must meet the standards and requirements specified herein. Any land application of animal manure/waste shall comply with the requirements specified in *Section 700.8, Requirements for Land Application of Dry Manure/Litter and Liquid Manure/Slurry/Wastewater*, in this Ordinance.
4. Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. § 12-2-8.
5. Passive recreational areas, river dependent or other recreational usage consistent with the protection and maintenance of natural vegetative areas and buffers including but not limited to, swimming, fishing, boating, canoeing and kayaking, hiking and nature trails, horseback riding, bird watching, hunting, trapping, skeet and trap shooting and meeting the design standards and requirements herein. A comprehensive site development plan shall be required for any proposed structures related to such uses.
6. Public parks owned and/or maintained by the County, State, or Federal Government.
7. Official signs directly related to and compatible with the historic, natural, archaeological or scenic area.

#### **715.5 Conditional Uses**

The following uses may be permitted as Conditional Uses within the SP Scenic Preservation District, if approved by the Oglethorpe County Board of Commissioners, as specified in *Article XII, Section 1202, Conditional Uses*, in this Ordinance, provided it is determined that such development meets the design standards set out in *Subsection 714.2, General Design Standards*, herein, and will not constitute an intrusion or have an adverse impact on surrounding properties and/or the district in general and subject to the compatibility and appropriateness of the following: density/intensity of use; design and scale of architecture, signage, lighting; lot size and site development plans, including setback, parking, landscaping, buffer/screening; and any other requirements that serve to insure the purpose of the district. A



Comprehensive Site Development Plan shall be required.

1. Individual Single-family Residential Uses, along with their customary accessory buildings and uses, provided they are located on a minimum lot size of five (5) acres, with a minimum width of four hundred (400') feet at the building setback line, and meet the design standards and requirements herein. Along the Broad and Oconee Rivers, the minimum lot size shall apply to any such residential lot occupying the River/Stream Corridor Protective Buffer as described in *Article XIII, Subsection 801.6, Protection Criteria, paragraph #2*, in this Ordinance, and the minimum width shall apply to any portion of such lot lying within said buffer.
2. Open Space/Conservation Design Development, meeting the standards and requirements specified in *Article VII, Section 714, Open Space/Conservation Design Development*, in this Ordinance.
3. Limited Retail/Service or Office Uses as permitted in the B-1 Local Business District, provided they are located on a minimum lot size of one and one-half (1.5) acres, with a minimum width of two hundred (200') feet, are appropriate and compatible with the district and meet the design standards and requirements herein.
4. Churches, synagogues, or other places of worship, along with their customary related facilities, provided they meet the design standards and requirements specified herein and that no building or structure shall be located closer than fifty (50') feet from any side or rear property line or two hundred (200') feet from any existing adjacent residence. Adequate off-street parking must be provided at the site, as specified in *Article IX, Off-Street Parking and Loading*, in this Ordinance, and the said facilities shall not adversely effect existing adjacent residential uses or impede traffic in the area. Cemetery associated with said church shall meet the requirements specified in *Article IX, Section 909, Cemeteries*, in this Ordinance and the design standards and requirements herein. Only existing fields shall be utilized and no new land shall be cleared for the purpose.
5. Any signs other than official signs erected and maintained by the County, State, or Federal government, and not otherwise prohibited in this Ordinance.

#### **715.6 Prohibited Uses**

Uses not included as permitted or conditional uses above shall be prohibited, however the following specific prohibited uses are listed for emphasis.

1. All Light or Heavy Industrial Uses
2. All Intensive Agricultural Uses and any General Agricultural Uses not included in *Subsection 715.4, Permitted Uses*, herein.
3. All Business/Commercial Uses not included in *Subsection 715.5, Conditional Uses*, herein.