
ARTICLE 1. INTRODUCTION AND ENACTMENT

1.1. - Title.

These regulations shall be known and may be cited as the "Zoning Ordinance of Liberty County, Georgia."

1.2. - Enactment.

Whereas the board of commissioners of Liberty County has acted pursuant to the authority as amended by the regular 1973 session of the General Assembly of Georgia, the following ordinance to be known as the "Zoning Ordinance of Liberty County, Georgia["] is hereby adopted and ordained effective the twenty-third day of July, 1975. As part of this ordinance so enacted into law is the "Official Zoning Map of Liberty County", said map being identified by the inscription. "Zoning Map of Liberty County" adopted on the twenty-third day of July, 1975; and signed by the clerk of the board of commissioners.

1.3. - Purposes.

The zoning regulations and districts as herein set forth are made in accordance with the comprehensive land use plan of Liberty County, with consideration for the character of the county, its various parts and structures, and in order to promote, protect and facilitate the public health, safety and welfare of the inhabitants of the county, and of the public generally. The danger and congestion in travel and transportation, loss of health, life or property or other dangers. The ordinance is also intended to support the following community development objectives:

Appearance. To improve the appearance and utility of the land and structures in the county and to control the filling of flood plains, misuses of marshlands and stream banks, use of signs, and screening of junkyards and other areas of bad appearance.

Education. To help maintain public and private school systems, capable of maximizing a student's potential, including large administrative districts with diversified educational opportunities. To better educate people of all ages, races, incomes, mental capabilities and physical handicaps.

Transportation. To create an integrated transportation system, by using public transportation to its maximum effectiveness, and integrating it with private transportation, and to prepare and obtain acceptance of a continuing transportation system for the county, and particularly to assist low income groups and elderly citizens in obtaining better transportation to jobs and shopping areas.

Recreation and tourism. Provide sufficient recreation facilities, particularly at the community level, and promote tourism to the greatest extent possible.

Pollution. Eliminate or reduce major sources of pollution.

Flooding. To provide additional flood protection for critical areas, and to discharge development in flood prone areas that would be damaged by flooding.

Housing. To provide an adequate supply of safe and sanitary housing in a decent environment for all income groups, regardless of race, color or background, including the rehabilitation of existing structures.

Crime prevention. To reduce the incidence of crime to the extent possible.

Economics. To increase the tax base by providing land for commercial and industrial growth where feasible, and minimize the conflict between industrial and commercial growth and residential or public development.

Utilities. To promote the provision of public and private utilities.

Land Use and Comprehensive Plans. To use the zoning ordinance as a tool to help implement the land use and comprehensive plans.

Health. To improve the health of the residents of the county by controlling pollution, separating new residences for adequate light, sun and air, and providing adequate treatment facilities at the lowest possible cost.

Compliance. Except as hereinafter provided, no land, building, structure or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, converted, altered or moved except in conformity with the regulations herein specified for the district in which it is located, and in conformity with all duly ordained ordinances, resolutions and subdivision regulations of the county. No yard space or minimum area required for a building or use shall be considered as any part of the yard space or minimum area for another building or use.

ARTICLE 2. DEFINITIONS

2.0. - Schedule.

For the purpose of the administration and enforcement of this ordinance, and unless otherwise stated in this ordinance, the following words shall have a meaning as indicated herein.

Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number; words used in the plural number shall include the singular number; the word "shall" is mandatory, not directory.

2.1. *Accessory building.* A secondary residence, garage, or other building or structure subordinated to and not forming an integral part of the main or principal building on a lot or parcel but pertaining to the use of the main building.

2.2. *Advertising signs.* A surface whereon advertising material is set in public view, including reference to any use of premises whereon it is displayed or posted.

2.3. *Alley.* A narrow thoroughfare dedicated or used for public passageway up to twenty (20) feet in width, which usually abuts the rear of the premises, or upon which service entrances or buildings abut, and which is not generally used as a thoroughfare by both pedestrians and vehicles, which is not used for general traffic, and which is not otherwise officially designated as a street. A way which affords only a secondary means of access to abutting property.

2.4. *Alterations.* Any change in the arrangement of a building, including any work affecting the structural parts of a building; or an enlargement; or any change in wiring, plumbing, heating, or cooling system; and includes the words "to alter" and "alter".

2.5. *Apartment building.* A building which is used or intended to be used as a home or residence for more than two (2) families living in separate quarters.

2.6. *Automotive sales and services.* The sale or storage of new or used automobiles, including paint and body repair shops. 2.7. ~~Deleted. (Mo. of 9-6-83)~~

2.7 *Billboard.* A billboard is a free-standing sign, excluding off-premises directional signs as defined hereinafter, that exceeds the maximum sign face or sign structure area permitted by right on a property under the provisions of

Section 3.38.7. A billboard may be allowed individually as a principal use on a property under the conditions outlined in Sections 3.38.2 or 3.38.3.

2.8. *Boat house.* A house or shed for sheltering one or more boats.

2.9. *Boundary of district.* The centerline of a street or right-of-way or the centerline of an alleyway between the rear or side property lines, or, where no alley or passageway exists, the rear or side property lines of all lots bordering on any zoning district limits or any zoning district boundary shown on the maps adopted by section 4.2.

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

2.11. *Building.* A building is any structure having a roof entirely separated from any other structure by space or by walls, having no communicating doors or windows or any similar opening, and being erected for the purpose of providing support or shelter for persons, animals, things or property of any kind, and having a foundation to which it is anchored.

2.12. *Building height.* The height of a building with a gabled or hip roof shall be the vertical distance measured from the average elevation of the finished building site to the top of the roof of the uppermost story or to the deck line of a mansard roof. The height of a building with a flat or nearly flat roof, less than seven (7) degrees from the horizontal, shall be measured from the footing as stated above to the highest point of the roof.

2.13. *Building line.* A line delineating the minimum allowable distance between the street right-of-way and nearest extreme projection of a building (including all areas covered by any vertical projections to the ground or overhang, walls, roof, or any other part of the structure).

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

~~2.15. *Building and zoning inspector.* Any person hired by the local governing authority to inspect, determine compliance with, and render minor decisions concerning the compliance of structures and lots within a municipality, to the ordinances of that municipality.~~

2.16. *Camper*. A motor home, tent, trailer, or other self-contained vehicle designed for recreational purposes.

2.17. *Care homes*. Includes rest and nursing homes, convalescent homes and boarding homes for the aged; established to render nursing care for chronic or convalescent patients, but excludes facilities for care of active or violent patients such as feeble-minded or mental patients, epileptics, alcoholics, senile psychotics, or drug addicts.

2.18. *Centerline, highway*. The line running parallel with the highway right-of-way which is half-way the distance between the extreme edges of the official right-of-way width as shown on map approved by the county tax assessor.

2.19. *Certified survey*. A survey, sketch, plat, map, or other exhibit is said to be certified when a written statement regarding its accuracy or conformity to specified standards is signed by the specified professional engineer, registered surveyor, architect, or other legally recognized person.

2.20 *Child/adult care center*. A facility operated by a person, agency, corporation, institution or any other group that provides care and supervision for children or adults and which is licensed by the State of Georgia. This use shall not be allowed in a residence.

2.21 *Child/adult care home*. A residence in which care and supervision is given in a family home for one and not more than six children or adults and which is licensed by the State of Georgia. This number shall not include children or adults who reside in the home. Only those residing in the home may be involved in the day-to-day operation of the child/adult care home.

2.22. *Church*. A legally approved structure and its accessory buildings used and approved on a permanent basis, primarily for the public worship of God.

2.23. *Club, private*. An organization or association of persons for some common purpose, such as, but not necessarily limited to, a fraternal, social, educational or recreational purpose; but not including clubs organized primarily for profit or to render a service, which is customarily carried on as a business. Such organizations and associations must be incorporated under the laws of Georgia as a nonprofit corporation and such corporations' major purpose shall not be for the purpose of serving alcoholic beverages to its members or others. This may not be located on, or operated by, or in connection with any commercial use.

2.24. *Conditional use*. Those uses allowed within a district, only after specific requirements are met. The local governing authority at its discretion may require

additional restraints, restrictions, qualifications, or limiting factors upon a specific use so that it becomes acceptable.

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

2.26. *Depth of lot*. The depth of a lot is the depth between its mean front street line and its mean rear line, measured along the median between the two (2) side lot lines.

2.27. *Dwelling, condominium*. A building or series of buildings on the same lot or portions thereof containing more than one dwelling unit under separate ownership with joint ownership of common open spaces.

2.28. *Dwelling, duplex*. A residential building designed for, or used as, the separate homes or residences of two (2) separate and distinct families, but having the appearance of a single family dwelling house. Each individual unit in the duplex shall comply with the definition for a one family dwelling.

2.29. *Dwelling, group*. A building or portion of a building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families. The term "group dwelling" includes, but is not limited to, the terms "rooming house", "apartment hotel", "fraternity house," or "sorority house", "Y.M.C.A." or "Y.W.C.A.". A hotel, motel, or tourist home shall not be deemed to be a group dwelling as herein defined.

2.30. *Dwelling, one family*. A private residential building used or intended to be used as a home or residence in which all living rooms are accessible to each other from within the building, and in which the use and management of all sleeping quarters, all appliances for sanitation, cooking, ventilating, heating, cooling, or lighting are designed for the use of one family only on a minimum of a single lot.

2.31. *Engineer*. Any person having an acceptable degree from a recognized institution of higher learning who is capable of determining the correct manner in which to construct roads, streets, highways, water and sewerage systems, drainage system, structures or other technical related areas. The person to be a municipal engineer must be recognized by the State of Georgia as one.

2.32. *Estate*. Any residential site comprising five (5) acres or more shall come within the meaning of the word "estate".

2.33. *Family*. One person, or a group of two (2) or more persons living together, and interrelated by bond or consanguinity, marriage, or legal adoption occupying a dwelling unit designed as a single family unit, with a single set of kitchen facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants.

2.34. *Flood prone areas*. That land adjacent to a creek, stream, river, channel, canal or other body of water that is designated as a floodplain or flood prone area by a governmental agency.

2.35. *Floor area*. The sum of the gross floor area for each of the several stories under roof, measured from the interior limits or faces of a building or structure.

2.36. *Floor area ratio*. Floor area of building or buildings on any lot divided by the area of the lot.

2.37. *Frontage*. The distance or width of a parcel of land abutting a public right-of-way and as measured upon such right-of-way.

2.38. *Garage, community*. A structure or series of structures under one roof, and under one ownership, for the storage of vehicles by three (3) or more owners or occupants of property in the vicinity where said structure has no public shop or mechanical services in connection therewith.

2.39. *Garage, private*. A structure for the private use of the owner or occupant of a principal building, situated on the same lot as the principal building for the storage of motor vehicles with no facilities for mechanical service.

2.40. *Garage, public*. A structure for the storage, care, repair, or refinishing of motor vehicles, or a structure containing a public shop, or where automobile mechanical service is provided.

2.41. *Gas station*. A structure designated or used for the retail sale or supply of fuel, lubricants, air, water, and other operating commodities for motor vehicles and including the customary spacing and facilities for the installation of such commodities on, or in, such vehicles, but not including space or facilities for the storage, painting, repair, refinishing, body work, or other servicing of motor vehicles.

2.42. *Governing authority*. The mayor and council of a city or town or the board of commissioners of the county in which that city or town is located.

2.43. *Highway.* Any public thoroughfare of paving twenty-two (22) feet or wider including streets, which affords primary access to abutting property, and any thoroughfare of less width which is not classified as an alley (street).

2.44. *Hospital.* An institution providing health services, primarily for in patients, and medical and surgical care of the sick or injured, including as an integral part of the institution such related facilities, central service facilities, and staff offices.

2.45. *Hotel.* A building occupied as the more or less temporary residence of individuals who are lodged, with or without meals, and in which there are ten (10) or more sleeping rooms with entrances through a common lobby or office.

2.46. *House trailer.* House trailer or mobile home means any vehicle or similar portable structure which was constructed with wheels so as to permit its being used as a duly licensable conveyance upon the public street, whether or not its wheels have been removed, and constructed to permit occupancy as a dwelling.

2.47. *Junk.* Old and dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap building material, scrap piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding, or any other kind of scrap or waste material which is stored, kept, handled, or displayed within the county limits.

2.48. *Junkyard.* Any land or building used for commercial, storage and/or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not to be used as a dump.

2.49. *Lot.* Parcel of land shown on a recorded plat or on the official county zoning maps, or any piece of land described by a legally recorded deed.

2.50. *Lot, corner.* Any lot situated at the junction of and abutting on two (2) or more intersections or intersecting streets or public highways. If the angle or intersections of the direction lines of two (2) highways is more than one hundred thirty-five (135) degrees, the lot fronting on said intersection is not a corner lot.

2.51. *Lot, interior.* Any lot, which is not a corner lot, that has frontage only on one street other than an alley.

2.52. *Lot lines, front.* In the case of a lot abutting upon only one street, the front lot line is the line separating such lot from such street. In the case of a corner lot, that part of the lot having the narrowest frontage on any street shall be

considered the front lot line. In the case of any other lot, one such line shall be elected to be the front lot line for the purpose of this ordinance, provided it is so designated by the building plans which meet the approval of the ~~building and zoning inspector~~ zoning official.

2.53. *Lot lines, rear.* The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, or any odd-shaped lot, the rear lot line shall be determined by the ~~building and zoning inspector~~ zoning official.

2.54. *Lot lines, side.* A side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from another lot, or lots, is an interior side lot line.

2.55. *Lot, through.* Any lot having frontage on two (2) parallel or approximately parallel streets or other thoroughfares.

2.56. *Mapped streets.* A mapped street is any approved street shown on an official map or the projection of any existing street through an unsubdivided parcel of land, whether the street is dedicated or in existence or not.

2.57. *Marshland.* All land subject to tidal action which is comprised of generally unstable soil materials commonly known as "hard or soft" marsh, which in its natural state is vegetated with marsh grass, reeds and similar growth and is usually characterized by poor load bearing capacity. Marshland lies below an elevation of five and six-tenths (5.6) feet above mean sea level.

2.58. *Manufactured house.* A non-self propelled vehicle or conveyance that is towable and supported on its own chassis, permanently equipped to travel upon the public highways, that is used, either temporarily or permanently, as a residence or living quarters. Such unit shall be considered a "manufactured house" whether or not the wheels have been removed and whether or not set on jacks, skirts, masonry blocks or other foundation. (Mo. of 6-30-86)

2.58.1 *Manufactured house.* A structure or component thereof, designed primarily for residential occupancy which is wholly or substantially made, fabricated, formed, or assembled in manufacturing facilities and assembled on a building site, into a dwelling unit supported on a permanent foundation. "Manufactured houses" shall meet the rules of the state board of community affairs, Factory Built Dwelling Units (Official Code of Georgia Annotated, section 8-2-110 et seq.) (Mo. of 6-3-86)

2.59. *Motel, or motor hotel.* A building or group of two (2) or more buildings designed to provide sleeping accommodations for transient or overnight guests with no common entrance or lobby. Each building shall contain a minimum of ten (10) residential units or rooms which generally have direct, private openings to a street, drive, or patio, etc.

2.60. *Nonconforming lot.* Any lot which is smaller than the minimum dimensions, area, or other regulations of the district in which the lot is located.

2.61. *Nonconforming use.* Use of any property or premises in any manner which does not comply with the regulations provided for the district in which the property or premises is situated, if such use was originally legally established at the effective date of this ordinance or any amendment thereof.

2.62. *Parking space.* That area required for the parking or storage of one automobile, including necessary aisle or driveway space providing access thereto.

2.63. *Planning commission.* An appointed body of people by the local governing authority whose responsibilities include the guidance of growth and development within the municipality and interpreting of the various municipal regulatory ordinances.

2.64. *Principal building.* The building situated or to be placed nearest the front property line and the use of which conforms to the primary use permitted by the zone classification in which it is located.

2.65. *Professional services.* The conduct of business in any of the following or related categories: law; architecture; accounting; engineering; medicine; dentistry; optometric; osteopathy; chiropractics; optician; planning, or consulting of the nature of the aforestated categories and which do not include outside storage space for business vehicles or equipment.

2.66. *Public body.* Any government or governmental agency of the county, the State of Georgia, or the United States Government.

2.67. *Public use.* Use of any land, water, or buildings by a municipality, public body or board, commission or authority, county, state or the federal government, or any agency thereof for a public service or purpose.

2.68. *Repairs.* Restoration of portions of a building to its condition as before decay, wear or damage, but not including alteration of the shape or size of any portion.

2.69. *Residential.* The term "residential" or "residence" is applied herein to any lot, plot, parcel, tract, area, or piece of land and/or any building used exclusively for family dwelling purposes or intended to be used, including concomitant uses specified herein.

2.70. *Restaurant.* A building, room or rooms where food is prepared and served to a group of families, a club, or to the public and for consumption within the enclosed structure.

2.71. *Right-of-way line.* The outside boundaries of a highway right-of-way, whether such right-of-way be established by usage, dedication or by the official right-of-way.

2.72. *Rooming house.* (The terms rooming house, boarding house, tourist home, cooperative house and lodging house are used synonymously in this ordinance.) A building, other than a hotel or dormitory, where, for compensation and by prearrangement for definite periods, lodging or lodging and meals are provided for more than three (3) persons not related to the owners of the structure.

2.73. *Rooming unit.* Any room or group of rooms, forming a single habitable unit used for living and sleeping, but which does not contain cooking or eating facilities.

2.74. *Setback.* The minimum horizontal distance between the right-of-way line, rear or side lines of the lot and the front, rear or side lines of the building. When two (2) or more lots under one ownership are used, the exterior property line so grouped shall be used in determining offsets. When a lot abuts on a street or road which has a right-of-way of less than sixty (60) feet, the minimum setback for front, rear, or side yard shall be increased by the number of feet required to provide the same number of feet from the center of the road or street, as if said road or street had a right-of-way of sixty (60) feet. (Mo. of 10-4-77)

2.75. *Site.* An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed.

2.76. *Special exception.* A use, specifically designated in this ordinance that would not be appropriate for location generally or without restriction throughout a given zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would, in the opinion of the governing authority, promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. (Mo. of 6-9-83)

2.77. *Story*. That portion of a building included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between the floor and ceiling next above it.

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

2.79. *Structural alterations*. Any change in the shape or size of any portion of a building or of the supporting members of a building or structure such as walls, columns, beams, arches, girders, floor joists, or roof joists.

2.80. *Surveyor*. A person who determines or delineates the form, extent, position, distance or shape of a tract of land by taking linear and angular measurements, and by applying the principles of geometry and trigonometry.

2.81. *Structure*. Anything constructed or erected, the use of which requires rigid location on the ground or attachment to something having a permanent location on the ground; provided, however, that utility poles, fences and walls (other than building walls) shall not be considered to be structures.

2.82. *Subdivision*. "Subdivision" means all divisions of a tract or parcel of land for residential purposes into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development and includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate, to the process of subdividing or to the land or area subdivided; provided, however, that the following exceptions are included within this definition only for the purpose of requiring that the local planning commission be informed and have record of such subdivisions:

- a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority;
- b) The division of land into six (6) or less parcels where no new street is involved and the resultant lots are equal to the standard of the municipality or county in which the division of land is being made.

Plats of such exception shall be received as information by the planning commission which shall indicate such fact on the plats.

2.83. *Trailer*. A non-self-propelled vehicle or conveyance permanently equipped to travel upon the public highways that provides temporary use as a residence or

living quarters or office; serves as a carrier of people, new or used goods, products or equipment; or is used as a selling, advertising or display device, whether or not the wheels have been removed and whether or not set on jacks, skirts, masonry blocks or other foundation.

2.84. *Trash*. Cuttings from vegetation, refuse, paper, bottles, and rags.

2.85. *Use*. The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

2.86. *Variance*. A modification of the strict terms of this ordinance granted by the governing authority where such modification will not be contrary to the public interest; and where, owing to conditions peculiar to the property and not as the result of any action on the part of the property owner, a literal enforcement of the ordinance would result in unnecessary and undue hardship; and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located. (Mo. of 6-9-83)

2.87. *Vehicle*. A conveyance for persons or materials.

2.88. *Waterfront*. Any site shall be considered as waterfront property provided any or all of its lot lines abut on or are contiguous to any body of water including creek, canal, river, or any other body of water, natural or artificial, including marshland, not including a swimming pool, whether said lot line is front, rear, or side.

2.89. *Yard*. An open space on the same lot with a building; said space lies between the building and nearest lot or street line.

2.90. *Yard, front*. That area of open space to the front of the platted lot, the area immediately adjacent to the street side of the lot. If streets bound on two (2) sides of the lot, the narrower portion fronting on a street shall be declared the front. (See *Lot line, front*).

2.91. *Yard, rear*. That area of open space that is opposite the area delineated as the front. That area of greatest distance from the street. (See *Lot line, rear*).

2.92. *Yard, side*. That area of open space that is immediately adjacent to the side lot lines. (See *Lot line, side*).

2.93. *Zoning ordinance.* An officially adopted ordinance that regulates the manner, type, size and use to which a piece of property may be put.

2.94. *Zoning Official.* The executive director of the LCPC or his/her designee who shall inspect, determine compliance with, and render decisions concerning the compliance of structures and lots to the provisions of the Zoning Ordinance of Liberty County.

ARTICLE 3. GENERAL PROVISIONS

3.1. - Abandoned real property.

3.1.1. For any public street or alley which is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to the centerline property which is abandoned. In the event abandoned property is not divided at the centerline for abutting properties, the zoning districts applicable shall apply to such ownership line as determined by virtue of such abandonment.

3.1.2. For any public property other than streets or alleys the regulations applicable to the zoning classifications [of property] which abuts the abandoned property for the greatest number of lineal feet shall apply to the entire property.

3.2. - Abandoned vehicles.

Within all zoning districts except where specifically authorized, all vehicles which are inoperative and/or unlicensed shall not be abandoned in the public right-of-way or on private property in excess of thirty (30) days except within a completely enclosed garage, unless permission is granted upon application to the governing authority. (*Mo. of 3-2-82*). Cross reference— Seventy-two hour time limit on property off of street, § 15-22.

3.3. - Access control.

In order to promote the safety of motorists and the pedestrian and to minimize traffic congestion and conflict by reducing the magnitude of and the number of points of contact, the following regulations shall apply:

3.3.1. A point of access, that is, a driveway or other opening for vehicles onto a public street, shall not exceed twenty-five (25) feet in width, except as otherwise provided in this section.

3.3.2. The maximum number of points of access permitted onto any one street shall be as follows:

Lot Width Abutting Street	Number of Points of Access
Less than 65 feet	1
65 feet to 200 feet	2
Greater than 200 feet	2, plus 1 for each additional 200 feet or fraction thereof.

3.3.3. In lieu of any two (2) openings permitted on any one street, there may be permitted a single point of access up to thirty-five (35) feet in width. However, service stations shall be permitted two (2) openings, not to exceed thirty-five (35) feet in width along any abutting public street providing that such property abuts such street for a distance of not less than one hundred twenty (120) feet.

3.3.4. There shall be a minimum distance of twelve (12) feet between any two (2) openings onto the same street.

3.3.5. No point of access shall be allowed within twenty (20) feet of the intersection of the right-of-way lines of any public street.

3.3.6. No curbs shall be cut or altered and no point of access or opening for vehicles onto a public street shall be established without a permit issued by the local governing authority under the supervision of the appropriate engineer.

3.4. - Accessory buildings in Residential districts.

No accessory building in Residential districts shall be erected in any required court or any yard other than a rear yard, except as provided hereafter. An accessory building may be erected as part of a principal building or if at least six (6) feet therefrom, may be connected thereto by a breezeway or similar structure, provided all yard requirements of this ordinance for a principal building are complied with.

3.4.1. *Corner lots in Agricultural and Residential district.* Any Agricultural or Residential district, where a corner lot adjoins in the rear a lot fronting on the side street, no part of any accessory building on such corner lot within twenty-five (25) feet of the common lot line shall be nearer a side road lot line than the least

depth of the front yard required along such side street for a dwelling on such lot, and in no case shall any part of such accessory building be nearer to the side road lot line than the least width of the side yard required for the principal building to which it is accessory.

3.4.2. *Setbacks for accessory buildings.* Accessory buildings shall be a distance at least ten (10) feet from alley lines, and at least ten (10) feet from lot lines of adjoining lots in a Residential district.

3.5. - Buildings on through lots.

Where a lot extends through from one street to another, the setback requirement for each such street shall be complied with and any building shall have dual facing. No accessory building or other structure shall be placed on through lots if said structures would conflict with other building values or uses on the same street. On lots having frontage on more than two (2) streets, the minimum front yard shall be provided in accordance with the provisions of this ordinance on at least two (2) of the street frontages.

3.6. - Churches and schools.

Public schools shall be subject to the regulations in this ordinance set forth in section 5.3.

3.6.1. Private schools, churches and religious institutions shall be permitted in Agricultural, Single-Family Residential districts, Agricultural Residential districts, Multi-Family Residential districts, ~~General Commercial, and Neighborhood Commercial~~ districts provided that the following requirements are complied with:

3.6.1.1. Off-street parking shall be provided as set forth in Article III, section 29.

3.6.1.2. The principal building and accessory buildings shall comply with the yard and setback requirements of the district in which it is located; and in no case less than the minimum requirements set forth in the district.

3.6.2. Private schools, churches and religious institutions may be permitted in other districts only after recommendations of the planning commission, which shall hold a public hearing on such request, see Article VII, section 2.

3.7. - Cemeteries, mausoleums, crematories.

No premises shall be used or occupied for the purpose of a cemetery, mausoleum, or crematory in any district excepting in Multi-Family Residential, Single-

Family Residential, Agricultural Residential, and Agricultural districts, and then only upon approval after public hearing. No land for which a plat has not been recorded shall be used for any burials. The dead shall not be buried or placed closer than ten (10) feet to any highway right-of-way, nor closer than ten (10) feet to any other property line. The minimum size for a cemetery shall be one acre. *(Mo. of 3-2-82)*

3.8. - Conversion of dwellings.

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the article applying to such district.

3.9. - Deed restrictions.

These regulations shall not affect any deed restrictions or restrictive covenants recorded with any deed, plat, or other legal document relating to the use or lot and building requirements.

3.10. - Excavation of sand, gravel, or other material (for industrial or commercial use).

Excavation shall be considered a temporary use, and shall be permitted only in Agricultural districts and when required, excavations shall conform to criteria as outlined in the county soil erosion and sedimentation control ordinance. The extent of excavation shall not be nearer than one hundred (100) feet to any school, church, dwelling, or highway. *(Mo. of 10-4-77)*

3.11. - Existing uses.

Nothing contained in this ordinance shall be deemed or construed to prohibit a continuation of the particular lawful use or uses of any land, building, structure, improvement or premises legally existing in the respective districts at the time this ordinance became effective; provided, however, that if any such existing lawful uses change to a different use after the date of the adoption of this ordinance, such different use shall conform to the provisions of this ordinance regulating the particular district in which said premises is situated. If any legally existing use or occupancy of a building or premises conflicts with any requirement of this ordinance or any of its amendments,

such building shall not be moved, structurally altered or added to except after a public hearing.

All future buildings, structures, repairs, alterations or other improvements shall comply with all district requirements contained herein, and such structural provisions of the building code and other regulations as have been incorporated herein and made a part hereof, including any building on which construction had been suspended at the time this ordinance was adopted and any building for which foundations were not completed at said time.

No nonconforming building or structure shall be extended or enlarged except when authorized by the ~~Liberty County Joint Planning Commission~~ **planning commission** which may permit one enlargement or extension up to twenty-five (25) percent of the floor area of the structure as it existed at the time of passage of this ordinance. *(Mo. of 10-4-77)*

3.12. - Dilapidated buildings.

Dilapidated and/or burned out buildings or mobile homes shall be removed from the property on which they are located within ninety (90) days after notice by the ~~joint planning commission~~ **chief building official**.

3.13. - Garbage disposal.

Garbage or other refuse shall be deposited only in approved garbage cans or in approved garbage disposal areas.

3.14. - Group housing.

Group housing developments, two (2) single or multiple family dwellings to be constructed in a plot of ground under single ownership of one acre or more, not subdivided into the customary streets and lots and which shall not be so subdivided, may be developed in any multi-family district provided that:

3.14.1. Maximum percent of lot coverage shall not exceed that which is required for the districts in which the project is located.

3.14.2. Height limits, front, side, or rear yard requirements shall be met in accordance with the district in which such group housing is permitted.

3.15. - Home occupations.

A. Intent and purpose. Certain occupational uses termed "home occupations" are allowed in dwelling units on the basis that such uses are incidental to the use of

the premises as a residence. In this regard, such home occupations shall be subject to special regulations to ensure that the same will not be a detriment to the character and livability of the surrounding neighborhood. The regulations ensure that the accessory home occupation remains subordinate to the residential use and the residential viability of the dwelling is maintained. The regulations recognize that many types of jobs can be done in a home with little or no effect on the surrounding neighborhood and, as such, may be permitted provided such uses:

1. Are incidental to the use of the premises as a residence;
2. Are conducted within the bona fide residence of the principal practitioner;
3. Are compatible with residential uses;
4. Are limited in extent and do not detract from the residential character of the neighborhood.

B. Definition of accessory home occupations. There are two (2) types of home occupations, Type A and Type B. Permit requirements and uses allowed in each type vary and are allowed only if they comply with all of the requirements of this ordinance. Deviation from any standard requires a variance approval from the board of commissioners.

1. In Type A home occupations residents use their home as a place of work, home office or business telephone or mailing address. Employees or customers are prohibited from coming to the site, and there is no visible indication of commercial activity. By way of illustration only, examples include artists, crafts people, writers and consultants. Type A home occupations may be approved administratively by the zoning administrator or his designee.
2. In Type B home occupations the resident uses their home for work which requires or results in either employees or customers coming to the site on an infrequent basis. Examples are counseling, tutoring, child/adult care homes, and single-chair hair cutting and styling. Type B home occupations must obtain a conditional use permit from the board of commissioners due to their greater possible impact on the surrounding neighborhood as a result of individuals and visitors from outside the neighborhood coming to the property.

C. General provisions and prohibited uses. All home occupations shall meet the following:

1. A home occupation shall be incidental and accessory to the use of a dwelling as a residence. No more than twenty (20) percent of the floor space of the dwelling unit (including attached garages) may be used for the home occupation.
2. There shall be no exterior evidence of the home occupation or alteration of the residence and/or accessory buildings to accommodate the home occupation. Internal or external changes which will make the dwelling appear less residential in nature or function are prohibited. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting.
3. There shall be no outside operations or exterior storage of inventory, equipment, or materials to be used in conjunction with a home occupation.
4. Off-site employees of the resident shall not congregate on the premises for any purpose concerning the home occupation nor park their personal vehicles at the location.
5. No more than one (1) vehicle associated with the home occupation (no larger than a standard van or pick-up truck and with minimal commercial markings as approved by the zoning administrator) may be parked at the site. Such vehicle is limited to one-ton carrying capacity and must be used exclusively by the resident and parked on a valid improved surface constructed of materials common in conventional residential development (e.g. concrete, pavers, etc.) and which is otherwise compatible with the surrounding neighborhood.
6. No use or activity may create an offensive noise, dust, glare, vibration, smoke, smell, electrical interference or any fire hazard, unsightly or unhealthful condition, or other nuisance or disturbance.
7. All home occupations shall be subject to periodic inspections by the department of planning and zoning.
8. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, marine engines, lawn mowers, chain saws and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited.

9. Accessory home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.

D. *Specific criteria for Type A home occupations.* In addition to the general criteria established in subsection C., Type A home occupations are subject to the following restrictions:

1. No clients, nonresident employees or customers are allowed on the premises.
2. Pickups from and deliveries to the site in regard to the business shall be restricted to vehicles which have no more than two (2) axles and shall be restricted to no more than two (2) pickups or deliveries per day between the hours of 9:00 a.m. and 6:00 p.m.
3. No signage regarding the home occupation is permitted on the property.
4. No advertisement shall be placed in any media (including flyers soliciting business) containing the address of the property.
5. Retail sales are prohibited.

E. *Specific criteria for Type B home occupations.* In addition to the general criteria established in subsection C., Type B home occupations are subject to the following restrictions:

1. A conditional use permit must be obtained from the board of commissioners following a public hearing. The board of commissioners shall consider the desires of the immediate neighborhood, the nature of the proposed business, the availability of parking, traffic generation and any other issue that may detract from the residential character of the area and property values. The public hearing shall follow the same procedures as set forth in section 7.3 and Article IX of the Zoning Ordinance of Liberty County, Georgia.
2. No Type B home occupation may be established in districts zoned for multifamily residential purposes or zoned R-4.
3. Two (2) nonresident employees are allowed with a Type B home occupation provided no customers come to the site and adequate parking is provided on-site. Home occupations which have customers coming to the site are not allowed to have nonresident employees (defined as an

employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.

4. Retail sales of goods must be entirely accessory to any permitted services provided on the site (such as hair care products sold as an accessory to hair cutting); except that the sale of garden produce grown on the premises within A-1 or AR-1 zoning districts shall be permitted in accordance with this ordinance, provided that this exception shall not extend to allow the operation of a commercial greenhouse or nursery or the existence of stands or booths for

5. No more than one (1) Type B home occupation per dwelling is permitted.

6. Customers may visit the site only between the hours of 10:00 a.m. and 5:00 p.m. Unless otherwise specifically approved by the board of commissioners, no more than two (2) customers or other business visitors shall be permitted at any one (1) time at the residence.

7. Unless otherwise specifically approved by the board of commissioners, no signage shall be permitted. If specifically approved by the board of commissioners, the home occupation is permitted one (1) sign only according to the following criteria:

a) Signs shall be mounted against the wall of the principal building, and unless otherwise indicated by the board of commissioners shall not exceed one (1) square foot in area;

b) Signs may not be illuminated in any fashion;

c) No detached sign may exceed four (4) feet in height; and

d) All signs, including shape, color and materials must be such as not to detract from the residential character of the neighborhood, and shall be approved by the zoning administrator or his designee prior to installation.

F. [Additional requirements.] The foregoing requirements for home occupation shall be in addition to those requirements for business licenses generally, and any violation of these requirements shall be grounds for denial, suspension or revocation of the subject business license, and vice versa. Upon any violation of

this ordinance, the home occupation may be suspended, denied or terminated as with business licenses generally.

G. [Renewal application.] All persons wishing to renew their home occupation from the previous year shall make application for such renewal at the same time as provided for renewals of business licenses generally on such forms as may be prepared by the zoning administrator. Notwithstanding any terminology used in this section or any other provision herein to the contrary, the granting of a home occupation for one (1) year shall in no way vest any rights or privileges whatsoever to any renewal or subsequent permit, and such person must satisfy in full the requirements for such business license established by ordinance at the time of such renewal; provided, however, that if there is no change in the home occupation and the operations connected thereto, the zoning administrator shall be empowered to grant any such application for renewal without further consideration, whether Type A or Type B. (*Ord. of 9-2-03*)

3.16. - Junkyards.

3.16.1. All junkyards shall be completely screened from roads or developed areas with a solid fence or wall a minimum of six (6) feet, maintained in good condition as determined by the local governing authority, and painted except for masonry construction, or with suitable plantings.

3.16.2. No operations shall be conducted which shall cause a general nuisance or endanger the public health.

3.16.3. All existing junkyards shall have complied with these requirements within one year of the date of this ordinance, or shall then have terminated their operation.

3.17. - Land and water fills, dredging, excavations and mining.

No person shall engage in the filling of land or water areas, dredging, the excavation of land or removal of earth and no mining operation shall be undertaken without application to the planning commission which shall refer and recommend approval or rejection to the governing authority. All applications for permits for any activities covered by this section shall be referred to the planning commission for its recommendation.

3.18. - Land subject to flooding.

No new construction or substantial improvement of residential structures or location of a mobile home shall be permitted in a flood hazard area, unless the lowest

floor (including basement) is elevated to or above the level of the one hundred-year flood.

3.19. - Living units in zones other than residential.

Dwellings shall not be permitted in any Business or Industrial zone as a principal use. However, living units may be established within the principal building in a business or industrial use, provided that such living units within any General Commercial or Neighborhood Commercial district shall have direct access to an abutting street. In the General Commercial or Neighborhood Commercial districts, living units shall be permitted as accessory to the permitted use, and single-family dwellings as accessory uses shall be permitted on existing lots of record including other uses permitted on the same lot.

3.20. - Minimum living area.

No single or multiple-family living unit shall be constructed with a total living area of less than ~~five hundred twenty-five (525)~~ **three hundred (300)** square feet. Provided, however, that a special exception to the minimum living area requirements may be granted, if it is established that the granting of such exception will not adversely affect the interest of the general public or the character of the surrounding neighborhood. Application for any such special exception shall be made to the planning commission.

The planning commission shall forward its recommendations to the governing authority for its action. The planning commission may require the submission of plans in connection with such applications, showing the location and type of construction proposed, and may impose such additional requirements as a condition of the granting of the request as it deems reasonable and appropriate. (This section shall not apply to mobile homes meeting all other requirements of this ordinance.) (*Mo. of 10-4-77*)

3.21. - Mobile homes, trailers, mobile home parks and trailer parks.

No trailer or mobile home shall be parked outside of a trailer or mobile home park, unless specifically permitted to provide living quarters or space for the conduct of business except that it may be used temporarily for office purposes during the construction of a principal building or a road, on the issuance of a temporary permit by the zoning officer, except as permitted below.

Except for trailers offered for sale on trailer sales lots, the parking of a trailer, trailer coach or mobile home outside of a permitted area in any district for forty-nine (49) hours or more, shall be prohibited. Some utility trailers are excluded from this provision.

No new mobile home park, addition or substantial improvement to an existing mobile home park, or location of a mobile home not in a mobile home park in a flood hazard area will be permitted until all criteria of Federal Flood Control Regulations 1910.3(c)9 are met. In location of new mobile homes in now existing mobile home parks in flood hazard areas, Regulation 1910.3(c)10 of Federal Flood Control Regulations^[42] must be complied with.

Camping and recreational equipment. Any owner of camping and recreational equipment, including but not limited to travel trailers, pick-up coaches, motorized homes and boat trailers may park or store such equipment on private residential property subject to the following conditions:

3.21.1. Such parked or stored camping and recreational equipment shall never be occupied or used for living, sleeping or housekeeping purposes.

3.21.2. If the camping or recreational equipment is parked or stored outside of a building, it shall be parked or stored, if possible to the rear of the front building line of the lot.

3.21.3. Notwithstanding the provisions of subsection 3.21.2 above, camping and recreation equipment may be parked anywhere on the premises while actually being loaded or unloaded. *(Mo. of 10-4-77)*

3.22. - Moving of buildings.

Whenever a building is moved from any location to a site within the county, the building shall immediately be made to conform to all provisions of the building, plumbing and electrical codes, if any, and zoning regulations. The owner causing the building to be moved shall secure a building permit from the ~~joint planning commission chief~~ **building official**. *(Mo. of 10-4-77)*

3.23. - Nonconforming buildings or structures.

Any lawful use of any dwelling, building, or structure existing at the effective date of this ordinance may be continued, even though such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. No nonconforming building or structure shall be extended, or enlarged except when authorized by the planning commission which may permit one enlargement or extension up to twenty-five (25) percent of the floor area of the structure as it existed at the time of passage of this ordinance. *(Mo. of 10-4-77)*

Whenever the use of a building shall become nonconforming through a change in the zoning ordinance or in the district boundaries, such use may be continued, and if no structural alterations are made, may be changed to another nonconforming use of the same or of a more restricted classification.

A nonconforming use of a building or portion thereof which is hereafter discontinued for a continuous period of six (6) months shall not again be used except in conformity with the regulations of the district in which such building is located.

A nonconforming building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than sixty (60) percent of its reproduction value at the time of damage, shall not be restored except in conformity with the regulations of the district in which it is located. When damage is less than sixty (60) percent of its reproduction value, a nonconforming building may be repaired or reconstructed, and used as before the time of damage, provided such repairs or reconstruction are completed within one year of such damage.

Nonconforming trailers or mobile homes located on a lot in any district when once removed shall not be relocated on such lot and shall not be replaced with another trailer or mobile home.

3.24. - Nonconforming lot.

3.24.1. *Remedies.* Where two (2) or more nonconforming lots with continuous frontage are under the same ownership or where a nonconforming lot has a continuous frontage with a larger tract under the same ownership, such lot or lots shall be combined to form one or more building sites meeting the lot requirements of the district in which they are located.

3.24.2. *Dwellings on nonconforming lots.* A building permit may be issued for a single-family dwelling on any nonconforming lot excluding sub-standard lots, provided that the remedies set forth in this section cannot be complied with and provided that the regulations of the district in which the lot is located are met.

3.24.3. *Nonconforming uses of land.* The nonconforming use of land not involving any principal building or structure existing on the effective date of this ordinance may be continued for a period of not more than three (3) years; provided, however, that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.

If such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this ordinance.

3.24.4. *Dwellings on sub-standard lots.* The governing authority may authorize the issuance of a building permit for a single-family dwelling for a sub-standard lot only after it has been determined that remedies as set forth in this section cannot be complied with. The governing authority may also grant such variances on lot and building requirements in cases of hardship, if conditions detrimental to the public health, safety, and welfare are not caused.

3.25. - Nonconforming use of buildings and structures.

3.26. - Nursing homes.

Nursing homes shall include convalescent homes, homes for the aged, and such other activities designed to take care of the aged or persons unable to care for themselves without supervision or assistance. Nursing homes shall be permitted only with governing authority approval in any Multi-Family Residential district. Such uses shall comply with all regulations applicable to the district. Such uses shall comply with the off-street parking requirements set forth in this article. In addition, such uses shall meet the minimum requirements as set forth by state or federal agencies regulating such activities and shall, upon application, for either building permit or occupancy certificate, provide certificates indicating approval by such state and federal agencies.

3.27. - Obstruction to vision at road intersections.

In order to minimize accidents caused by obstruction to vision at road intersections, the following regulations shall apply in all districts:

3.27.1. Within the area formed by the rights-of-way lines of intersecting roads and a straight line connecting points on such rights-of-way lines, at a distance of twenty (20) feet from their points of intersection there shall be a clear space with no obstruction to vision between the height of thirty (30) inches and a height of ten (10) feet above the average grade of each road as measured at the centerline thereof.

3.27.2. Requirements of this section shall not be deemed to prohibit any necessary retaining wall.

3.27.3. Trees shall be permitted in the clear space provided that foliage is cut away within the prescribed height.

3.28. - Offensive color, designs, smoke, noise, etc.

Nothing shall be allowed on the premises in any district which would in any way be offensive or obnoxious by reason of the emission of odors, liquids, gas, dust, smoke,

vibration or noise; nor shall anything be placed, constructed, or maintained that will in any way constitute an eye-sore or nuisance to adjacent property owners, residents, or to the community. All uses must satisfactorily comply with the requirements of the state department of natural resources as required by the United States Environmental Protection Agency.

3.29. - Off-street parking and loading.

In all districts off-street parking facilities shall be provided and properly maintained, as set forth in this section for any building which is hereafter erected, enlarged or increased in capacity. Such facilities shall be made available for public use:

3.29.1. *Size and access.* Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet exclusive of access drives or aisles and be in unusable shape and condition, except in the case of dwellings and shall have no parking area containing less than three (3) spaces. There shall be adequate ingress and egress to all parking spaces. Where a lot does not abut on public or private alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall be not less than ten (10) feet in width in the case of a dwelling, and not less than twenty (20) feet in width in all other cases.

Access to off-street parking areas shall be limited to several well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley.

3.29.2. *Number of parking spaces required.* The number of off-street parking spaces required is set forth in the following table. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply.

Use of any building or structure not in conformance with these regulations pertaining to uses permitted on the effective date of this ordinance; may not be:

3.25.1. Changed to another nonconforming use except where it is determined by the governing authority that the design, construction, and character of the building is unsuitable for uses permitted in the district in which such nonconforming use is situated. The governing authority shall hold a public hearing, as set forth in Article VII, section 2 of this ordinance in order to determine the question of suitability for uses permitted in the district in which such building is located.

3.25.2. Re-established after discontinuance for six (6) months except where it is determined by the governing authority that the design, construction, and character of the building is unsuitable for uses permitted in the district in which

such nonconforming use is situated. The governing authority shall hold a public hearing, as set forth in Article VII, section 2 of this ordinance, in order to determine the question of suitability for uses permitted in the district in which such building is located.

3.25.3. Extended, enlarged, or expanded except when authorized by the governing authority which may permit one enlargement or extension up to twenty-five (25) percent of the floor area of the structure as it existed at the time of passage of this ordinance.

OFF-STREET PARKING SPACE REQUIREMENTS

Uses	Required Parking Spaces
Automatic laundry	1 for each laundry machine
Automobile sales and service garage	1 for each 400 sq. ft. floor area
Banks/professional offices	1 for each 300 sq. ft. floor area
Bowling alleys	4 for each alley
Churches, temples, or places of worship, funeral homes, schools, public buildings, theaters, auditoriums, area and places of assembly, private clubs, community buildings, social halls, and lodges	1 for each 4 seats of maximum seating capacity in principal assembly area or 1 for each 17 classroom seats, whichever is greater.
Country clubs, golf clubs, gun clubs, tennis clubs and organizations designed to provide outdoor sporting or recreational activities	1 for each 5 members
Dental offices	2 for each dentist
Driving ranges and golf courses	2 for each tee
Dwellings, single-family	2 for each unit
Food store, supermarket	1 for each 200 sq. ft. floor area
Funeral homes, mortuaries	20 for each parlor
Furniture, appliance stores	1 for each 200 sq. ft. floor area
Hospitals, sanitariums, and nursing homes	1 for each 2 patient beds
Hotels and motels	1 for each guest room plus 1 for

	each 3 employees
Manufacturing, industrial plant, research laboratory, bottling plants	1 for each 2 employees on largest shift plus 1 for each company vehicle
Manufacturing and industrial concerns with retail business on premises	1 for each 2 employees on largest shift plus 1 for each 150 sq. ft. devoted to sales or service
Medical offices	10 for each doctor
Restaurants, beer parlors, nightclubs	1 for each 2.5 seats plus
Retail stores and shops	1 for each 300 sq. ft. floor area
Rooming houses, boarding houses, dormitories, fraternities and sororities	1 for each 2 beds
Service station	2 for each pump
Sports arenas, auditoriums, theaters, assembly halls	1 for each 3.5 seats
Trailer or monument sales or auctions	1 for each 2,500 sq. ft. of lot area
Wholesale and warehouse concerns	1 for each 2 employees, plus 1 for each company vehicle, plus 1 for each 50 sq. ft. of retail sales or service

3.29.3. *Location of off-street parking spaces:*

3.29.3.1. Such parking space as required in this section shall in no part exist upon and no portion of any vehicle shall overhang the right-of-way of any public road, street, alley, or walkway. There shall be no off-street parking in the front yards of Residential districts except as normally exists in driveways.

3.29.3.2. The parking spaces for all dwellings shall be located on the same plot as the main building.

3.29.3.3. Parking spaces for all other uses shall be provided on the same plot with the main building or not more than three hundred (300) feet distance, as measured along the nearest pedestrian walkway provided that such area is under the same ownership as the principal use. The applicant for a building permit who proposes to use an area for off-street

parking in order to meet the requirements of this ordinance and in accordance with the provisions of this subsection shall submit evidence of a restrictive covenant running with the land to be used for off-street parking purposes stating that such land shall not be encroached upon, used, sold, leased, or conveyed for any other purpose until such time as the principal building ceases to be required to provide such off-street parking facilities.

3.29.3.4. Parking requirements for two (2) or more uses of the same or of different types may be provided by the establishment of the required number of spaces for each use in a common parking area provided that all such uses being served by a common parking area are under the same ownership. Accessory uses shall not be required to have additional parking spaces other than those required by the principal use.

3.29.3.5. Off-street parking areas may be situated in any Residential district abutting any Commercial district or Industrial district to a depth not exceeding one hundred twenty (120) feet and provided that all off-street parking lot improvements as provided in subsection 3.29.4. of this article are complied with.

3.29.4. *Parking lot improvement requirements.* Any off-street parking lots serving any use other than dwellings of four (4) units per building or less shall meet the following off-street parking lot improvement requirements:

3.29.4.1. *Screening and landscaping.* Off-street parking and areas for more than five (5) vehicles, and off-street loading areas shall be effectively screened on each side which joins or faces residential or industrial premises situated in any Residential district.

3.29.4.2. Surfacing for all retail sales and services, business services and professional services serving the general public and having access to and abutting a paved street, the off-street parking area shall be provided with a hard surface, all-weather pavement of asphalt or cement and shall be so graded and drained to provide for the adequate run-off and disposal of surface water.

3.29.4.3. *Lighting.* Where lighting facilities are provided for the parking area, they shall be designed and installed so as to reflect the light away from any contiguous residentially zoned property.

3.29.5. *Off-street loading requirements:*

3.29.5.1. Every hospital, institution, commercial or industrial building or similar use having a floor area of twenty thousand (20,000) square feet or more and requiring receipt or distribution by vehicle of materials or merchandise shall have at least one permanent off-street loading space for each twenty thousand (20,000) square feet of gross floor area or fraction thereof immediately adjacent to the principal building.

3.29.5.2. Every building which requires the receipt or distribution by vehicles of material or merchandise, shall provide off-street loading berths in accordance with the following tables:

**OFF-STREET LOADING SPACE
REQUIREMENTS**

Uses	Sq. Ft. of Floor Area	Required Off-Street Loading Berths
Schools	15,000 or more	1
Hospitals (in addition to space for ambulance)	10,000–300,000	1
	For each additional 300,000 or major fraction thereof	1 additional
Undertakers and funeral parlors	Regardless of size	1
Hotels, offices and multi-dwellings	10,000 or more	1
Commercial, wholesale manufacturing and storage	10,000–25,000	1
	25,000–40,000	2
	40,000–60,000	3
	60,000–100,000	4
	For each additional 50,000 or major fraction thereof	1 additional

3.29.5.3. Every off-street loading and unloading space shall have direct access to the public street or alley and shall have the following minimum dimensions: length, thirty (30) feet; width, twelve (12) feet; height, fourteen (14) feet.

3.30. - Overhang or extruding projections.

In Single-Family Residential districts, Multi-Family Residential districts and Mobile Home Park districts, every part of a required yard or court shall be open from its lowest point to the sky unobstructed except for the customary projection of sills, belts, courses, cornices, ornamental features, and eaves; provided, however, that none of the above projections shall extend into a required yard more than thirty-six (36) inches. Open or enclosed fire escapes, outside stairways, balconies, chimneys, flues or other projections shall not extend into any required yard except that uncovered steps may project not more than three (3) feet into the required yard.

3.31. - Parking of trucks and trailers.

Within any Residential district, no trucks, trailers or wagons in excess of one ton capacity shall be parked for storage purposes, including overnight, on any public right-of-way or on private property except within a completely enclosed garage. Trailers of less than one ton capacity, including pleasure boat trailers, collapsible camping trailers, and cargo trailers, may be parked on private property in any district provided that such trailers are parked only within areas in which the principal building, accessory building, or the parking of vehicles is permitted.

3.32. - Performance standards.

These performance standards shall apply to all nonresidential uses:

3.32.1. *Smoke, dust and dirt.* All emissions of visible smoke, dust, dirt, fly-ash or any particulate matter from any pipes, vents or other openings from any other source shall conform to state and federal standards.

3.32.2. *Fumes, vapors, and gases.* All emissions of any fumes, vapors or gases of a noxious, toxic, or corrosive nature which can cause any damage or irritation to health, animals, vegetation, or to any form of property shall conform to state and federal regulations.

3.32.3. *Sewage.* There shall be no discharge at any point of liquid or solid waste into any public sewage disposal system which will overload such system or create detrimental effects in the flow and treatment of public sewage. There shall be no discharge of any industrial wastes into any private sewage disposal system, stream, or into the ground of any kind or nature which would contaminate any water supply or otherwise cause emission of dangerous or objectionable elements or conditions. There shall be no accumulation of solid waste conducive to the breeding of rodents or insects.

3.32.4. *Odors.* There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive, obnoxious or unpleasant beyond the property line on which the principal use is located. Any process including the preparation of food which may involve the creation and emission of any such odor shall be provided with a primary and secondary safeguard system so that odor control may be maintained in the event of failure of the primary safeguard system. Any odorous matter shall be kept a minimum of fifteen hundred (1,500) feet from any residence, school, hospital, or church, and any "B" district.

3.32.5. *Noise.* The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not at any time exceed the average noise level prevailing for the same hour as generated by the American Standards Association.

3.32.6. *Glare.* There shall be no direct glare visible from any residential district caused by unshielded floodlights or other sources of high intensity lighting.

3.33. - Pending applications for building permits.

Nothing herein contained shall require any change in the overall layouts, plans, construction, size, or designated use of any development, building, structure, or part thereof, for which official approval and required permits have been granted, or where no approvals or permits are necessary, where construction has been legally started, before the enactment of this ordinance and completed within a one year period.

3.34. - Permitted building area.

The principal building on any lot or parcel of land shall be erected within the area bound by the building lines established by setback or yard requirements. Accessory buildings may be erected within any building line established for the principal building and in required rear yards as may be otherwise provided in these regulations.

3.35. - Principal building on a lot.

Except in mobile home parks and the group housing projects as provided in these regulations, only one principal building and its customary accessory building may hereafter be erected on any lot of record. Any dwelling shall be deemed to be the principal building on the lot on which the same is located. An addition to any building shall not be construed as a principal building.

3.36. - Retaining walls.

Nothing in these regulations shall be construed to prohibit or to prevent the erection of a retaining wall on any property provided that such retaining wall does not adversely affect the natural flow of surface water or create any other adverse effect upon adjacent or adjoining properties. However, any application for a retaining wall shall be subject to approval of the board of commissioners before the issuance of a permit.

3.37. - Shopping centers.

Shopping centers are hereby defined as a group of retail stores or shops under single ownership or management with an area of five (5) acres or more and with a minimum depth of three hundred (300) feet established as a shopping entity with common parking facilities, ingress and egress, loading and unloading facilities. Shopping centers shall be permitted in any General or Neighborhood Commercial district and may be developed in accordance with approval by the planning commission. The shopping center shall not be divided into separate lots for each store or use. No permit shall be issued for the construction of shopping centers until the plans and specifications, including the design of ingress and egress roads, parking facilities and other such items as may be found of importance, have been approved by the planning commission. No buildings shall be erected closer than fifty (50) feet to any road right-of-way line. There shall be provided a minimum of one parking space for each two hundred (200) square feet of floor area designed to be used for business or shopping purposes. Such parking area, including maneuvering areas, ingress and egress roads, and driving lanes shall be paved and kept in good repair at all times with a hard, all-weather surface. All points of access shall be to the public road; however, there shall be no public roads or alleys within the shopping center property. All loading and unloading shall be done entirely within the shopping center property. Except as otherwise provided in this section, all uses within the shopping center shall conform with other regulations as set forth in this resolution.

3.38. - Purpose of sign regulations.

Liberty County finds that signs are proper and necessary uses of private property, are a means of personal free expression, are a necessary component of a commercial environment, and constitute a legitimate business enterprise. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of signs tends to proliferate leading to cluttered and aesthetically blighted roadways. The manner of the erection, location, and maintenance of signs affects the public health, safety, morals, and welfare of the citizens of Liberty County. The following regulations shall apply to all surfaces utilized to advertise a service, product, or business establishment. Separate use signs advertise a service, product, or business establishment not directly related to its location.

3.38.1. *General.*

3.38.1.1. *Signable area.* The area within a continuous perimeter enclosing the limits of writing, representations, emblems or any figures or similar characters, together with any frame or other material or color forming an integral part of the display or used to differentiate this sign from the background against which it is placed, excluding the necessary supports or uprights on which this sign is placed; provided, that any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip or fixture of any kind composing the display face shall be included in the computation of the area of the sign whether this open space be enclosed or not by a frame or border. For projecting or double-faced signs only one (1) display face shall be measured in computing the sign area when the sign faces are parallel, or where the interior angle formed by the faces is sixty (60) degrees or less provided that it is a common attached structure. If the two (2) faces of a double-faced sign are of unequal area, the area of the sign shall be taken as the area of the larger face.

3.38.1.2. *Miscellaneous.* No signs shall be erected within ten (10) feet of an established road right-of-way line except as otherwise provided herein. All signs fifteen (15) feet in height or more require sign installation drawings to be certified by a structural engineer as being designed to meet/exceed one hundred-mph winds. If the sign is illuminated, it shall be of an enclosed lamp design and require electrical load calculations and a wiring plan in accordance with NFPA 70 and other documents. All signs must conform with O.C.G.A. section 32-6-75(9) (the Georgia Outdoor Advertising Law). A building permit shall be required for all signs larger than thirty-two (32) square feet located within the county. All signs which have external illumination shall have appropriate methods of de-activating illumination during daylight hours. On-premises signs which are capable of multiple messages, changeable messages or displays shall be illuminated by LEDs or similar technology and integrate an automatic dimmer and shall remain fixed for not less than fifteen (15) seconds, and the message transition shall occur in a period not to exceed two (2) seconds. Off-premises billboards and signs (as referred to in sections 3.38.2 and 3.38.3) which are capable of multiple messages, changeable messages or displays shall be illuminated by LEDs or similar technology and integrate an automatic dimmer and shall remain fixed for not less than ten (10) seconds, and the message transition shall occur in a period not to exceed

two (2) seconds. Additionally, any multiple or changeable message sign or display shall contain a default design that will freeze the sign or display in one (1) position if a malfunction occurs.

3.38.2. *Billboards (signs) adjacent to the interstate highway system.* Signs adjacent to the Interstate system of roads shall meet all federal and state requirements necessary to obtain a permit under the Georgia Outdoor Advertising Law.

3.38.2.1. *Uniform in size.* All signs erected adjacent to an interstate highway shall be uniform in size. The outside measurements shall equal twelve (12) feet in height and fifty (50) feet in length, with or without trim.

3.38.2.2. *Illumination.* All signs which are illuminated shall use base-mounted fluorescent, mercury vapor lights, or metal halide and shall have appropriate methods of deactivating illumination during daylight hours. No other lighting including, but not limited to, neon, running lights, or animation, shall be permitted. **Any lighting shall be directed toward the sign face and no light source shall be visible from roadways or surrounding properties.**

3.38.2.3. *Apron measurement.* All signs shall have an apron directly beneath the face of the signs which shall not be used for advertising purposes, and shall only be permitted to display the agency holding the permit and the permit number. The aprons shall be uniform in size, measuring three (3) feet in height and forty-five (45) feet in length.

3.38.2.4. *Height above Interstate.* All signs shall be a minimum of ten (10) feet in height above the highest point of pavement of the Interstate. According to regulations, signs shall not exceed seventy (70) feet in height above the center of the road. Two (2) signs in the same location, whether back-to-back or in a "V" formation, shall be the same height above the surface of the Interstate.

3.38.2.5. *Extrusions.* No extrusion outside the face of the sign, except for the apron, shall be allowed.

3.38.2.6. *Limitation per location.* No more than one (1) sign shall face in any one (1) direction per location. This means that there shall be a maximum of two (2) signs per location, which allows for back-to-back signs or signs in a "V" formation, but does not allow two (2) signs facing the same direction.

3.38.2.7. *Spacing.* Sign locations shall be no less than ~~five hundred (500)~~ **one thousand (1,000)** feet apart, measuring from the two (2) closest points. In addition, no billboard shall be located within ~~five hundred (500)~~ feet in any direction from a public park, public playground, public recreation area, public forest, scenic area, or cemetery; provided, however, sign may be placed closer to a public park, public playground, public recreation area, public forest, scenic area, or cemetery if visibility is blocked by other buildings or obstructions. No multiple message or changeable message signs may be located within five thousand (5,000) feet of another multiple message sign on the same side of the highway.

3.38.2.8. *Location limitation.* A maximum of three (3) sign locations shall be allowed per quadrant at any interchange where spacing requirements can be met. **For purposes of enforcement, a quadrant shall be defined as the land area adjacent to the interstate highway right-of-way on either side beginning at the center line of the intersecting route and extending 1,320 linear feet (.25 miles) along the length of the interstate away from said intersecting road. Each interchange will have four (4) quadrants.**

3.38.2.9. *Marshland limitations.* No sign shall be placed in or obstruct the view of a marshland area or an area of designated historic interest.

3.38.2.10. *Structural ~~condition~~ requirements.* **All billboards shall be constructed entirely out of steel, shall be supported by a single steel pole (a “monopole”) and shall have a steel face on all facings. All construction must meet applicable codes and all signs must be kept in good structural condition and well-painted at all times.**

3.38.2.11. *Out of business.* Any sign which advertises an activity, business, or product or service no longer produced or conducted shall be removed within six (6) months of the date of the discontinuance of said activity.

3.38.2.12. *Local permits.* No person shall construct or maintain any outdoor advertising on an interstate without first obtaining a permit from the Liberty County Building and Licensing Department. This does not eliminate the need for a state permit.

3.38.3. *Billboards adjacent to county designated roads and other routes on the state highway system.* Signs adjacent to the county designated road system of arterials and major collectors shall only be allowed on undeveloped parcels that are zoned as B-2 (General Commercial), or I-1 (Industrial) and shall meet the

requirements contained in sections 3.38.3.1 through 3.38.3.9. All signs adjacent to all state maintained routes not on the interstate highway system shall also meet all federal and state requirements necessary to obtain a permit under the Georgia Outdoor Advertising Law, in addition to meeting all requirements for signs on the designated county system of arterials and major collectors. The county shall adopt a map under this ordinance that designates the county and state routes where signs or billboards may be placed.

3.38.3.1. *Size.* All signs erected adjacent to a designated route shall not exceed three hundred seventy-eight (378) square feet per sign face, and shall not exceed twenty-five (25) feet in height above the center of the road.

3.38.3.2. *Illumination.* All signs which are illuminated shall use base-mounted fluorescent, mercury vapor lights, or metal halide and shall have appropriate methods of deactivating illumination during daylight hours. No other lighting including, but not limited to, neon, running lights, or animation, shall be permitted. **Any lighting shall be directed toward the sign face and no light source shall be visible from roadways or surrounding properties.**

3.38.3.3. *Apron measurement.* All signs shall have an apron directly beneath the face of the signs which shall not be used for advertising purposes, and shall only be permitted to display the agency holding the permit and the permit number.

3.38.3.4. *Limitation per location.* No more than one (1) sign shall face in any one (1) direction per location. This means that there shall be a maximum of two (2) signs per location, which allows for back-to-back signs or signs in a "V" formation, but does not allow two (2) signs facing the same direction.

3.38.3.5. *Spacing.* Sign locations shall be no less than one thousand (1,000) feet apart, measuring from the two (2) closest points. Furthermore, no billboard shall be located within five hundred (500) feet in any direction from a public park, public playground, public recreation area, public forest, scenic area, or cemetery; provided however sign may be placed closer to a public park, public playground, public recreation area, public forest, scenic area, or cemetery if visibility is blocked by other buildings or obstructions. No multiple message or changeable message signs may be located within five thousand (5,000) feet of another multiple message sign on the same side of the highway.

3.38.3.6. *Marshland limitations.* No sign shall be placed in or obstruct the view of a marshland area or an area of designated historic interest.

3.38.3.7. *Structural ~~condition~~ requirements.* All billboards shall be constructed entirely out of steel, shall be supported by a single steel pole (a “monopole”) and shall have a steel face on all facings. All construction must meet applicable codes and all signs must be kept in good structural condition and well-painted at all times.

3.38.3.8. *Out of business.* Any sign which advertises an activity, business, or product or service no longer produced or conducted shall be removed within six (6) months of the date of the discontinuance of said activity.

3.38.3.9. *Local permits.* No person shall construct or maintain any outdoor advertising on any designated route without first obtaining a permit from the Liberty County Building and Licensing Department. This does not eliminate the need for a state permit. All county permits shall be renewed annually.

3.38.4. *No obstruction.* No business signs shall be erected so as to obstruct driver visibility along any established road right-of-way.

3.38.5. *Signs in residential districts.* No signs shall be erected in or within one hundred fifty (150) feet of any Residential district except as otherwise provided in these regulations. Residential development identification structures located on one (1) or both sides of the major entrances designed to identify residential development. Such signs may be placed outside the right-of-way on common development property or privately owned lots and shall be in the form of a wall or fence with an attached signable area. Said structure shall be made of durable materials including but not limited to: brick, stone, wrought iron, or composite materials, but in no case will a wood sign be permitted. The wall portion of said sign shall not exceed six (6) feet in height. Columns may be incorporated into the signage with a maximum allowable height of eight (8) feet. The maximum signable area permitted shall be sixty-four (64) square feet. Such residential development entrance signs shall be incorporated in the preliminary plat. Subsequently, the final plat shall indicate a sign easement in favor of the development over the lot(s) where the signs are located. Said easement shall also appear within the deed records of the burdened properties and shall exist solely for sign purposes.

3.38.6. *Temporary signs.*

3.38.6.1. A temporary sign such as a real estate sign to be removed within thirty (30) days of the intended use, not exceeding sixteen (16) square feet in area and not exceeding five (5) feet in height is allowed on properties with road frontage of less than two hundred (200) feet. A sign or signs totaling not more than sixteen (16) square feet in area for each two hundred (200) feet of frontage may be posted to be removed within thirty (30) days of the intended use.

3.38.6.2. One (1) temporary sign not exceeding sixty-four (64) square feet in area for subdivisions or planned developments.

3.38.6.3. Construction advertisements. Building contractors' and professional persons' temporary advertisements on or adjacent to buildings under construction, limited to a total area for all such signs of one hundred fifty (150) square feet.

3.38.7. *Business or industrial signs.* Business or industrial signs are permitted in Business or Industrial zones under the following conditions:

3.38.7.1. *Number of signs.* Permitted signs may include parallel, projecting and freestanding signs. Not more than two (2) parallel or projecting signs may be allowed for each business or industrial establishment. A freestanding sign may be either a stanchion or a monument sign.

3.38.7.2. *Size.* The maximum size of signs, per sign face, shall be as follows, not including billboards as defined in sections 3.38.2 and 3.38.3:

B-1 Zoning District and O-I District - Parallel and Projecting Signs	Any parallel or projecting sign or any combination of these signs on a building surface cannot exceed five (5) percent of the building's front surface and five (5) percent of any other building surface that faces another street with a secondary street frontage of at least one hundred (100) feet.
B-1 Zoning District and O-I District - Freestanding Signs	One (1) freestanding sign is allowed per parcel, and a freestanding stanchion or pylon sign cannot exceed twenty (20) feet in height with a total signable area of thirty-two (32) square feet per business establishment, but in no case shall the total signable area exceed one hundred (100) square feet. A monument sign cannot exceed five (5) feet in height with a total signable area of forty (40) square feet.
B-2 Zoning District -	Any parallel or projecting sign or any combination of these

Parallel and Projecting Signs	signs on a building surface cannot exceed ten (10) percent of the building's front surface and ten (10) percent of any other building surface that faces another street with a secondary street frontage of at least one hundred (100) feet.
B-2 Zoning District - Freestanding Signs	One (1) freestanding sign is allowed for each street on which the properties front. The parcel or properties must have a frontage of at least one hundred (100) feet on any secondary street or streets to qualify for an additional freestanding sign. A freestanding stanchion or pylon sign cannot exceed twenty (20) feet in height. The maximum total signable area on any stanchion sign or combination of stanchion signs cannot exceed one hundred (100) square feet per business establishment, but in no case shall the total signable area of all stanchion signs exceed two hundred (200) square feet. A monument sign cannot exceed eight (8) feet in height with a total signable area of sixty-four (64) square feet.
Industrial Zoning District	Sixty-four (64) square feet for any freestanding signs, other than industrial parks under a master plan of development. In any master planned industrial development, the types and sizes of all signs shall be approved by the planning commission and the governing authority.

3.38.7.3. *Height.*

3.38.7.3.1. *Maximum height.* No sign shall extend more than twenty (20) feet above the center of the road. However, not including interstate-oriented signs.

3.38.7.3.2. *Clearance.* No hanging, suspended or projecting sign shall have a vertical clearance of less than fourteen (14) feet over any vehicular public way, nor less than nine (9) feet over any pedestrian public way. Public ways used in this subsection include privately owned sidewalks or drives, customarily used by the public.

3.38.7.3.3. *Projections.* No sign shall project from the wall of a building more than six (6) feet.

3.38.7.4. *Lighting.* If externally illuminated, the light shall be confined to the surface of the sign, which shall be so located and arranged as to avoid glare or reflection onto any portion of any adjacent highway or onto the

path of oncoming vehicles or into any adjacent premises. No flashing or moving signs, shall be permitted. If internally illuminated, the illumination in which the light source is concealed or contained with the structure itself and which becomes visible in darkness by shining through a translucent surface shall not exceed sixteen (16) footcandles of incident light measured at a distance of ten (10) feet from such structure.

3.38.8. *Off-premises directional signs.* The following requirements relate to all off-premises directional signs:

3.38.8.1. *Off-premises directional signs defined.* Any permanent sign, excluding billboards as defined above, the purpose of which is limited exclusively to the identification of a use or occupancy located elsewhere and which tells or shows the location, direction of or route to such use or occupancy.

3.38.8.2 *Location.* Off-premises directional signs shall only be permitted in areas zoned A-1, AR-1, O-I, B-1, B-2 and I-1. Off-premises directional signs shall be located at least five feet from any defined right of way or property line, or at least 15 feet from the edge of any paved or unpaved roadway where the right of way is undefined. No off-premises directional sign shall be closer than 50 feet to another off-premises directional sign.

3.38.8.3 *Maximum allowable display area.* Maximum allowable sign face area shall be nine (9) square feet.

3.38.8.4 *Maximum allowable height.* Maximum allowable height shall be five (5) feet above the elevation of the centerline of the closest road or driveway.

3.38.9. *Churches and conditional uses.* Churches located on a single parcel in any zoning district shall be allowed parallel or projecting signs or any combination of these signs on a building surface that cannot exceed five (5) percent of the building's front surface. They are also allowed a monument sign that cannot exceed five (15) feet in height with a total signable area of sixty-four (64) square feet. Signs for conditional uses shall be considered with the request for the conditional use.

3.38.10. *Existing signs.* A nonconforming sign is any sign existing on the effective date of this ordinance which does not conform to the standards of this ordinance, but which was legal at the time it was erected. Nonconforming signs

shall be permitted until one (1) of the following conditions occurs: (1) the sign is abandoned; or (2) the permittee or property owner fails to adequately maintain the sign. If the nonconforming sign is modified in size, height or location, the sign must conform to all of the requirements of this ordinance. Minor repairs and maintenance are exempted. Signs damaged by fire, act of God, or by other cause demonstrated by the owner of the sign by clear and convincing evidence to be outside the owner's control may be restored to their original nonconforming condition.

3.38.11. *Appeal procedure.* An individual whose permit application has been denied or whose permit has been revoked may file an appeal with the Liberty Consolidated Planning Commission within fourteen (14) calendar days. The Liberty Consolidated Planning Commission will make a recommendation to the governing authority. Appeal request shall state the reason(s) and/or circumstance(s) in writing on which it is based. (*Mo. of 11-2-93; Ord. No. 2008-004, § 1, 12-2-08*)

3.39. - Rear dwelling and easements required therewith.

In all districts except the Industrial districts, no building in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to the open space requirements of this ordinance. For the purpose of determining the front yard in such case, the rear line of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear. In addition, there must be provided for any such rear dwelling, an unoccupied and unobstructed access way not less than ten (10) feet wide to a road, and there shall not be more than one dwelling, housing not more than two (2) families for each such easement, except that a common easement of access at least forty (40) feet wide may be provided for two (2) or more dwellings, housing any number of families.

3.40. - Road frontage required.

No lot shall contain any dwelling unless it abuts at least twenty (20) feet on a public street, or unless it conforms to the easement of access required in this article.

3.41. - Traffic visibility across corner lots.

On any corner lot in any district, no fence, structure or planting, more than thirty (30) inches high measured from the center of the road, shall be erected or maintained within twenty (20) feet of the "corner" so as not to interfere with traffic visibility across the corner.

3.42. - Certain building and land use excepted.

3.42.1. *Agricultural uses.* Except for compliance with minimum yard requirements, visibility across corner lots, and for the commercial raising of fur-bearing animals, or hog farms, nothing in this ordinance shall prohibit the use of any land for agricultural purposes as defined herein, or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, in any Agricultural district.

3.42.2. *Public or semi-public uses.* Nothing in this ordinance shall prohibit the erection, construction, alteration or maintenance of essential services, by public utilities or county, city, or other governmental agencies and no zoning certificate shall be required for any such structure; provided, however, that the provisions of this paragraph shall not apply to buildings, towers, or storage yards of such public utilities or governmental agencies except when conforming to the procedures specified by state law.

State law reference— Zoning proposal review procedures law, O.C.G.A. § 36-67-1 et seq.

3.43. - Swimming pools, private, community or club.

3.43.1. *Private swimming pools.* A private swimming pool in the ground or permanent installations above the ground, but not including farm ponds, as regulated herein, shall be any pool, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1½) feet. No such swimming pool shall be allowed in a "B-1", "A-1", "AR-1" or any "R" district except as an accessory use and unless it complies with the following conditions and requirements.

3.43.2. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located, and their guests, and no fee shall be charged.

3.43.3. It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten (10) feet to any property line of the property on which it is located.

3.43.4. The swimming pool, or the entire property on which it is located, shall be so walled or substantially fenced as to prevent uncontrolled access by children from the street or from adjacent properties, and said fence or wall to be not less than four (4) feet above ground level and maintained in good condition and

grounded for electricity. Pools shall conform to the department of health standards.

Existing pools shall conform in ninety (90) days to these requirements. Inspection by the zoning officer to ascertain conformance with the law shall be made before use of the pool by the owner or any friend or relative of the owner or paid member will be allowed. The inspection shall be made within one week of completion of all construction.

3.43.5. *Community or club swimming pools.* A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club solely for use and enjoyment by members of the association or club and their families and guests of members. Community and club swimming pools shall comply with the following conditions and requirements:

3.43.5.1. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than ten (10) feet to any property line of the property on which it is located. (Mo. of 11-2-82)

3.43.5.2. The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than four (4) feet in height and maintained in good condition and grounded for electricity. The area surrounding the enclosure except of the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees and maintained in good condition.

3.44. - Time limitation.

No zoning permit for construction, erection, or alteration of any building or structure or part thereof, or for signs or outdoor advertisements, or part thereof, shall be valid for more than one year unless work at the site has commenced within such period.

3.45. - Notice of starting work.

The ~~building and zoning inspector~~ zoning official shall be given at least twenty-four (24) hours notice by owner or applicant prior to commencement of work at the site under zoning permits.

3.46. - Adult entertainment establishments; tattoo parlors; etc.

(a) *Location; adult entertainment.* Adult entertainment establishments, including all derivatives thereof, shall be located only within Districts zoned B-2 or A-1 with the following provisions:

(1) With respect to B-2 zoning districts, only upon the approval of the board after a public hearing and compliance with the provisions set forth in article V of chapter 12 of the Code of Ordinances of Liberty County, Georgia. In no event shall any such activity within B-2 districts be located within:

(i) One thousand (1,000) feet of any church, school, children's day care, public park or other property zoned AR-1, R-1, R-2, R-2A, R-3, R-4, I-1, or PUD;

(ii) One thousand (1,000) feet of any other activity which provides the same type entertainment;

(iii) One thousand (1,000) feet of any residential dwelling located on property zoned A-1 or B-2 (and occupied for residential purposes); or

(iv) One thousand (1,000) feet of any historic property identified in the historic properties inventory prepared by the Liberty County Cultural and Historic Resources Committee (or any successor entity) and approved by the board; or

v) Within five hundred (500) feet of any parcel of land upon which any establishment authorized to sell alcoholic beverages or malt beverages and wine for consumption on the premises is located.

(2) With respect to A-1 Zoning districts, only upon the approval of the board after a public hearing and compliance with the provisions set forth in article V of chapter 12 of the Code of Ordinances of Liberty County, Georgia. In no event shall any such activity within A-1 districts be located within:

(i) One thousand five hundred (1,500) feet of any church, school, children's day care, public park or other property zoned AR-1, R-1, R-2, R-2A, R-3, R-4, I-1, or PUD;

(ii) One thousand five hundred (1,500) feet of any other activity which provides the same type entertainment;

(iii) One thousand five hundred (1,500) feet of any residential dwelling located on property zoned A-1 or B-2 (and occupied for residential purposes);

(iv) One thousand five hundred (1,500) feet of any historic property identified in the historic properties inventory prepared by the Liberty County Cultural and Historic Resources Committee (or any successor entity) and approved by the board; or

(v) Within five hundred (500) feet of any parcel of land upon which any establishment authorized to sell alcoholic beverages or malt beverages and wine for consumption on the premises is located.

All distances shall be measured pursuant to O.C.G.A. § 3-2-2 and Regulation 560-2-2.32 of the State Revenue Commission (2007).

(b) *Nonconforming uses.*

(1) Any owner of an adult entertainment establishment in any zoning district which was operated within the law prior to the adoption of this ordinance, claiming a nonconforming use, which was rendered a legal nonconforming use at the time of adoption of this ordinance shall register such legal nonconforming use with Liberty County Consolidated Planning Commission (LCPC) within six (6) months from said effective date of this ordinance. Such registration shall constitute a rebuttable presumption that said owner enjoys the protection afforded to nonconforming uses provided for herein. A zoning permit shall be issued by the LCPC for all registered legal nonconforming uses.

(2) Failure to register as required hereunder shall constitute a rebuttable presumption that said owner does not enjoy the protection afforded to nonconforming uses in this definition.

(3) In the event of the sale or other conveyance of the property within five (5) years of the date of adoption of this ordinance from which this article is derived, the new property owner shall make application to transfer the zoning permit for the registered legal nonconforming use to the purchaser in order that the purchaser may enjoy the same protection afforded to nonconforming uses provided for herein.

(4) In the event of the abandonment of use for twelve (12) consecutive months, the zoning permit for the registered legal nonconforming use shall be null and void and the above regulations shall apply.

(5) In the event of the sale or other conveyance of the property at any time after five (5) years from the date of adoption of this ordinance, the zoning permit for the registered legal nonconforming use shall be null and void and the above regulations shall apply.

(6) Corporate ownership provision and other business entities. All registering owners who are corporations having ten (10) or less stockholders shall list the names and addresses of all stockholders and the percentage of stock owned by each. If a named stockholder therein is another corporation, the same information shall be given for the stockholding corporation. If the identity of the stockholders or their percentage of ownership should change, that information shall be sent to the director of planning or his designated representative for processing. Any change in thirty (30) percent or more of the voting stock of the corporation shall constitute a conveyance for the purposes of this section. All other registering owners who are business entities shall list the names and addresses of the partners and/or managers with an ownership interest in the business entity. For partnerships, limited partnerships, limited liability partnerships, and limited liability companies, any transaction in which thirty (30) percent or more of an ownership interest is transferred from one (1) person or group of persons to one (1) person or group of persons so that control in interest of the grantee is transferred or assigned to another person or group of persons shall constitute a conveyance for the purposes of this section.

(7) Any change in a beneficial interest in a trust agreement shall constitute a conveyance for the purposes of this section.

Definitions. Unless the context clearly requires otherwise, the terms used in this section, including, but not limited to, "adult entertainment establishment," shall have those meanings ascribed in section 12-56 of the Code of Ordinances of Liberty County, Georgia.

(d) Tattoo parlors, etc. No premises shall be occupied for the purpose of operating a tattoo parlor, health club, health spa, massage parlor, palm reading business, or other similar establishment, in any district, except B-2, General Commercial, and then only upon approval of the governing authority after a public hearing. No such activity shall be located within one thousand five hundred (1,500) feet of any area zoned residential and no such activity shall be located within one thousand (1,000) feet of any other activity which provides the same type of services. Additionally, no such activity shall be located within one

thousand five hundred (1,500) feet of any adult entertainment establishment. To the extent any business or activity governed by this subsection (d) is also deemed an adult entertainment establishment, such activity must also comply with all requirements applicable to adult entertainment establishments generally. (Mo. of 6-30-86; Ord. No. 2009-002, § 1, 3-3-09)

3.47. - Bed and breakfast inn.

Bed and breakfast inns are authorized as a conditional use and shall include but are not limited to the following:

- (1) Host or hostess shall live in the inn.
- (2) Each bedroom for rent shall have a private bath.
- (3) A minimum of one (1) parking space for each bedroom for rent plus two (2) shall be provided in parking area, and entrance thereto shall be paved. (Mo. of 4-7-95)

3.48. - Placement of manufactured homes.

3.48.1. *Definitions.* As used in this section, the following words shall have the meanings as set forth below unless otherwise required by context.

(a) *Manufactured home, Class A,* shall mean a dwelling unit fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the Federal Manufactured Home and Standards Act 42 U.S.C. 5401-5445 (the HUD Code, which became effective on June 15, 1976), and meeting the following development standards:

- (i) The manufactured home shall have a minimum width in excess of twenty (20) feet.
- (ii) The manufactured home shall have a pitched roof and be finished with a type of shingle that is commonly used in conventional residential construction, including, but not limited to, wood shakes, asphalt composition shingles, fiberglass, slate or such other similar material comparable in composition, appearance, and durability to shingles commonly used in conventional residential construction, as determined by the **Zoning Administrator zoning official**.

(iii) The exterior siding shall consist of wood, hardboard, vinyl, brick, masonry, stucco, aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) or such other similar material comparable in composition, appearance, and durability to the exterior siding commonly used in conventional residential construction, as determined by the **Zoning Administrator zoning official**.

(iv) The manufactured home shall be placed on a durable foundation and be anchored in a manner that complies with the latest published edition of the CABO One- and Two-Family Dwelling Code (or its successor). Furthermore, a curtain wall, unpierced except for required ventilation and access and constructed of masonry, shall be installed so that it encloses the area located under the home to the ground level. Such a wall shall be finished with brick, stucco, or such other similar material as may be approved by the **Zoning Administrator zoning official**.

(v) The tongue, axles, transporting lights, and all other towing apparatus shall be removed from the manufactured home after placement on the lot and before occupancy.

(vi) Landings at each outside doorway of the requisite composition and size as per Section 312.1 of the CABO One- and Two-Family Dwelling Code (or its successor), with said provisions being expressly incorporated by reference herein as part of this requirement.

(vii) All manufactured homes must be otherwise installed in accordance with O.C.G.A. § 8-2-160 et seq.

(b) *Manufactured home, Class B*, shall mean a dwelling unit fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with Federal Manufactured Home Construction and Safety Standards Act 42 U.S.C. 5401-5445 (the HUD Code, which became effective on June 15, 1976), and meeting the following development standards:

(i) The manufactured home shall be finished with a type of roofing that is commonly used in conventional residential construction, including, but not limited to, wood shakes, asphalt composition shingles, fiberglass, slate or such other similar material comparable

in composition, appearance, and durability to roofing commonly used in conventional residential construction (to include any original roofing made a part of the manufactured home, but in no case exceeding the reflectivity of gloss white paint), as determined by the ~~Zoning Administrator~~ zoning official.

(ii) The exterior siding shall consist of wood, hardboard, vinyl, brick, masonry, stucco, aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) or such other similar material comparable in composition, appearance, and durability to the exterior siding commonly used in conventional residential construction, as determined by the ~~Zoning Administrator~~ zoning official.

(iii) The manufactured home shall be placed on a durable foundation and be anchored in a manner that complies with the latest published edition of the CABO One- and Two-Family Dwelling Code (or its successor). Furthermore, skirting shall be installed, and maintained in good repair, with appropriate ventilation, so as to enclose the area located under the home to the ground level. Such skirting shall be of a material commonly used in conventional residential construction as approved by the ~~Zoning Administrator~~ zoning official

(iv) The tongue, transporting lights, and all other towing apparatus shall be removed from the manufactured home after placement on the lot and before occupancy to the extent practicable. In the event it is not practicable to remove such transportation and towing apparatus, the same shall be skirted in their entirety as provided in subparagraph 1(b)(iii) hereinabove; provided, however, that the tongue only may remain exposed.

(v) Landings at each outside doorway of the requisite composition and size as per Section 312.1 of the CABO One- and Two-Family Dwelling Code (or its successor), with said provisions being expressly incorporated by reference herein as part of this requirement.

(vi) All manufactured homes must be otherwise installed in accordance with O.C.G.A. § 8-2-160 et seq.

3.48.2. *Permitted location of manufactured homes, Class A.* Manufactured homes qualifying as Class A Manufactured Homes as defined herein shall be allowed only in the Permitted Residential Districts within the unincorporated areas of the County and shall be regulated uniformly with other housing constructed on site, subject to the restrictions and limitations imposed herein. Approval to place the Class A Manufactured Home within such Permitted Residential Districts shall be granted by the ~~Zoning Administrator~~ zoning official upon application and determination that the manufactured home meets the requirements of this section and all other applicable state and local laws. Manufactured Homes qualifying as Class B, Class C or Class D Manufactured Homes shall be located only in those areas as expressly authorized by this section and are not permitted in R-2 zoning districts.

3.48.3. *Permitted location of manufactured homes, Class B.* Manufactured homes qualifying as Class B Manufactured Homes as defined herein shall be allowed only within R-2A, A-1, and AR-1 zoning districts, as well duly licensed and approved parks for manufactured and mobile homes located within R-4 Mobile Home Park Residential Districts. Approval to place the Class B Manufactured Home within such R-2A, A-1 and AR-1 zoning districts shall be granted by the Zoning Administrator upon application and determination that the manufactured home meets the requirements of this section and all other applicable state and local laws.

3.48.4. *Permitted location of manufactured homes, Class C.* Manufactured homes qualifying as Class C Manufactured Homes shall not be permitted within the unincorporated areas of the County, except in duly licensed and approved parks for manufactured and mobile homes located within R-4 Mobile Home Park Residential Districts.

3.48.5. *Permitted location of manufactured homes, Class D.* Manufactured homes qualifying as Class D Manufactured Homes shall not be introduced or otherwise permitted within the unincorporated areas of the County, provided, however, that Class D Manufactured Homes qualifying as a legal nonconforming use pursuant to this section may be relocated in duly licensed and approved parks for manufactured and mobile homes located within R-4 Mobile Home Park Residential Districts. Furthermore, Class D Manufactured Homes qualifying as a legal nonconforming use pursuant to this section and which otherwise satisfy the requirements of a Class B Manufactured Home set forth in subparagraphs 1(b)(i) through (vi) may also be relocated in R-2A, A-1, and AR-1 zoning districts, provided approval to place said Class D Manufactured Home within such R-2A, A-1, and AR-1 zoning districts shall be granted by the ~~Zoning Administrator~~

zoning official upon application and determination that the manufactured home meets the requirements of this section and all other applicable state and local laws.

3.48.6. *Emergency placement.* Any person desiring to place a manufactured home not complying with the standards herein provided within the unincorporated areas of the County may make application for same to the ~~Zoning Administrator~~ **zoning official**, who shall refer said application to the governing authority of the County for determination on the following basis: If in the opinion of the governing authority, it should become necessary as a temporary emergency or hardship or for security or protection, such permit may be granted on a limited basis for a period not exceeding twelve (12) months from the date of permit. If before the expiration date of the permit, the emergency or other reasons for the home shall no longer exist, then said permit shall be automatically cancelled and said structure removed by the owner. If said home is not removed on or before the expiration date of the permit, it may be removed by the County at the owner's expense. Such permit, if granted, shall be a privilege and not a right and shall be issued strictly at the determination of the governing body of the County who shall prescribe the terms, location, conditions and duration of the permit, and their decision shall be final.

3.48.7. *Application and approval for placement of manufactured home.* Person(s) proposing to locate a manufactured home within the unincorporated areas of the County for the first time or which are proposing to relocate a manufactured home within said County must make application to the ~~Zoning Administrator~~ **zoning official** of Liberty County as follows:

(a) Application. Applications for placement of manufactured homes shall be made on a form or forms developed for that purpose and shall be submitted to the ~~Zoning Administrator~~ **zoning official** for review and approval in accordance with this section. Such application shall include all information necessary to make a determination as to conformity with the provisions of this section as applicable to each such manufactured home, including photographs or renderings of the front and side of the manufactured home, exterior finish, and other information necessary to make a determination required by this section.

(b) Review of application. Approval or denial of the application shall be within fifteen (15) calendar days of receipt of the completed application and all required supporting materials. The applicant shall be notified in writing of the approval, conditional approval or denial of the application

within five (5) business days after such decision is made. Conditional approval shall require that the conditions and reasons therefore be stated in writing and be agreed to by the applicant; such conditions shall be binding upon the applicant. In the case of disapproval, the reasons therefore shall be stated in writing.

(c) Appeal. Any person aggrieved by a decision of the ~~Zoning Administrator~~ **zoning official** regarding the approval, conditional approval or denial of the placement of a manufactured home may appeal from such decision to the governing authority of the County by filing with the County Administrator a petition in writing setting forth plainly, fully and distinctly wherein the decision appealed from is contrary to the provisions of this section or the laws of this state. Such appeal shall be filed with-in thirty (30) calendar days after the date on which notification of the decision is received. The governing authority of the County shall fix the date and time certain for the hearing of the appeal and shall give notice thereof to the appealing party. The governing authority of the County shall decide the appeal within ten (10) working days after the date and time of the hearing. In exercising its powers, the governing authority may reverse or affirm the decision appealed, wholly or partly, or may modify the decision or determination appealed from and to that end shall have all the powers of the official from whom the appeal was taken. Any decision from the governing authority of the County may be appealed by filing a writ of certiorari with the superior court of this county within thirty (30) calendar days after the date of the decision on appeal has been rendered in writing. The decision made by the governing body shall be placed in writing and the factual basis for the decision shall be set forth in the written decision.

3.48.8. *Penalty.* Any person who locates a manufactured home within the unincorporated areas of the County without first having obtained approval to do so as set forth herein or who otherwise violates the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of no more than five hundred dollars (\$500.00) for each and every such offense, or imprisonment of not more than sixty (60) days, or both.

3.48.9. *Enforcement.* The magistrate's court of Liberty County shall have jurisdiction over violations of this section and all procedures for enforcement hereof shall be as provided in Article 4, Chapter 10, Title 15, Official Code of Georgia Annotated. Complaints of violations of any provision contained herein shall be brought before the magistrate's court on a citation issued by the ~~Zoning Administrator~~ **zoning official** of Liberty County or the Chief Magistrate of Liberty

County and shall be prosecuted through that court. Violations of this section will be tried upon citations either with or without a prosecuting attorney as determined by the ~~Zoning Administrator~~ zoning official of Liberty County. Service of citation shall be performed by the constable of the magistrate's court of Liberty County, Georgia. Citations shall meet all the official requirements as specified in O.C.G.A. § 15-10-63, as amended. It is provided, however, that the county retains any and all civil remedies, including the right of civil injunction for the prevention of said violations and for the recovery of money damages therefor.

3.48.10. *Nonconforming individual manufactured homes.* Manufactured homes in place on December 2, 1997, and otherwise authorized by the governing authority of Liberty County, are declared to be legal nonconforming uses at their current location; provided, however, that such homes may not be altered, relocated, or expanded in any way unless the alteration, relocation or expansion results in conformance with this section. When a nonconforming use is discontinued or abandoned, for whatever reason, for six (6) consecutive months or eighteen (18) months during any two-year period, the use shall be considered abandoned, shall not be reestablished, and the structure and/or land used in accordance with this section.

3.48.11. *Nonconforming R-2 lots preserved.* Notwithstanding anything in this section to the contrary, any lot within an R-2 zoning district whereupon a legal nonconforming manufactured home is located as of September 1, 1998 is declared to be a legal nonconforming lot, and any placement of a manufactured home thereon after such date shall be permitted, provided, however, that such qualifying manufactured home satisfies the requirements of a Class B Manufactured Home as defined herein and otherwise meets all other applicable state and local laws. Should ownership of any such legal nonconforming lot change at any time, the nonconforming lot shall thereafter be subject to the provisions of this section; provided that the legal nonconforming manufactured home located thereon at such time shall continue to qualify as a legal nonconforming manufactured home pursuant to subsection 3.47.10. Notwithstanding the foregoing, once a conforming manufactured home is located or otherwise established on any legal nonconforming lot, such lot shall thereafter be subject to the provisions of this section.

3.48.12. *Restrictive covenants.* No provisions of this section shall preempt or preclude any protective or restrictive covenants which may be attached to any property within the unincorporated areas of the County. (Ord. No. 1998-005, § 1, 9-1-98)

(c) Editor's note— Section II of Ord. No. 1998-005, adopted Sept. 1, 1998, repealed the ordinance adopted Dec. 2, 1997 from which this section derived, and section I enacted similar provisions to read as herein set out. This section had been redesignated from § 3.47 to § 3.48, with the permission of the county, to avoid duplicate section numbers.

ARTICLE 4. ESTABLISHMENT OF DISTRICTS

4.1. - Type of districts.

For the purpose of this ordinance the area of Liberty County, Georgia, is hereby divided into the following zoning districts:

"A-1"	Agricultural districts
"AR-1"	Agricultural Residential districts
"R-1"	Single-Family Residential districts
"R-2"	Two-Family Residential districts
"R-2A"	One- and Two-Family Residential districts
"R-3"	Multi-Family Residential districts
"R-4"	Mobile Home Park Residential districts
"B-1"	Neighborhood Commercial districts
"B-2"	General Commercial districts
"I-1"	Industrial districts
"PUD"	Planned Unit Development districts
"DM-1"	Dunes and Marshland districts

4.2. - Zoning maps.

The boundaries of these zoning districts are hereby established on a map to be designated "Zoning Map" for Liberty County, Georgia, which is hereby made a part of this ordinance, together with all existing and future notations, references and amendments. The originals of said zoning map properly attested, shall be and remain on file in the office of the Planning Commission, and a copy in the office of the Clerk of Superior Court of Liberty County. (Ord. No. 1998-006, 9-1-98)

Editor's note— Ord. No. 1998-006, adopted Sept. 1, 1998, enacted the republished Zoning Map of Liberty County; dated Sept. 1, 1998, being entirely clerical in nature.

4.3. - District boundary lines.

The district boundary lines on the zoning maps are intended to follow property lines on the centers of streets, alleys, railroads or watercourses. In the case of unsubdivided property, the district boundary lines shall be determined using the appropriate scale.

ARTICLE 5. USES PERMITTED IN DISTRICTS

5.1. - "A-1" Agricultural districts.

5.1.1. *Permitted uses:*

5.1.1.2. All commercial agricultural pursuits, and structures incidental thereto, including dairy products, livestock, poultry and poultry products, field crops, truck crops, horticultural specialties and forestry.

5.1.1.3. Churches, charitable, semi-private or philanthropic institutions or camps and state parks.

5.1.1.4. Airfield, together with subordinate uses.

5.1.1.5 Single family dwellings, including mobile homes, and their customary uses.

5.1.1.6 Conservation Subdivisions with a gross density of not more than one unit per acre.

5.1.2. *Conditional uses.* The following uses shall be permitted in any Agricultural district on a conditional basis upon approval by the governing authority after review by the planning commission:

5.1.2.1. ~~Commercial riding stables provided that no building or enclosure for animals is located closer than one hundred (100) feet from any property line.~~

5.1.2.2. Cemetery. The minimum size for a cemetery shall be one acre. (Mo. of -2-82)

5.1.2.3. Planned Unit Development (P.U.D.) upon approval of the planning commission.

5.1.2.4. Home occupation upon approval of local governing authority. (Mo. of 1-3-78)

5.1.2.5. Child/adult care centers on collector or arterial streets only, upon approval of the local governing authority

5.1.2.6. Child/adult care homes, upon approval of the local governing authority.

5.1.2.7 Public and private school engaged in teaching general curriculum for educational advancement, provided the structures are placed not less than fifty (50) feet from any residential property line.

5.1.3. *Prohibited uses.* Any business, commercial, or industrial use, except in connection with the agricultural pursuits otherwise permitted in this section.

5.1.4. *Lot and building requirements.* The principal building, accessory buildings, and other land uses shall be located so as to comply with the following requirements:

Principal buildings

Minimum lot	4-acre 5 acres
Minimum lot width at building line	125 feet
Minimum front yard	50 feet
Minimum side yard, interior	25 feet
Minimum side yard, street	25 feet
Minimum rear yard	25 feet
Maximum percent of lot coverage	20 percent

Accessory buildings.

Minimum setback from lot line:

Front	50 feet
Rear	25 feet
Side	Same as principal building

Lot sizes indicated in this section are the minimum sizes allowed. Due to local soil conditions, larger lot sizes may be required by the Liberty County Health Department when individual septic tanks are used. (Mo. of 10-4-77; Mo. of 12-3-85)

5.2. - "AR-1" Agricultural Residential Districts.

5.2.1. *Permitted uses:*

5.2.1.1. Single family dwellings, including mobile homes, and their customary uses, on the basis of one dwelling for each thirty thousand (30,000) square feet of land or more under the same ownership.

5.2.1.2. All uses permitted in the Agricultural district as shown in section.

5.2.1.3. Conservation Subdivisions.

5.2.2. *Conditional uses:*

5.2.2.1. Small retail commercial establishments upon the approval of the governing authority.

5.2.2.2. Cemeteries under same conditions as for 5.1.2.2. (Mo. of 3-2-82)

5.2.2.3. Bed and breakfast inns. (Mo. of 4-7-95)

5.2.2.4. Home occupation upon approval of local governing authority. (Ord. No. 2010-006, § I, 7-6-10)

5.2.2.5. Child/adult care centers on collector or arterial streets only, upon approval of the local governing authority.

5.2.2.6. Child/adult care homes, upon approval of the local governing authority.

5.2.2.7 Public and private school engaged in teaching general curriculum for educational advancement, provided the structures are placed not less than fifty (50) feet from any residential property line.

5.2.3. Lot and building requirements:

Minimum lot area	30,000 sq. ft.
Minimum lot width at building line	125 feet
Minimum front yard	35 feet
Minimum rear yard	25 feet
Minimum side yard, interior	25 feet
Minimum side yard, street	25 feet

Lot sizes indicated in this section are the minimum sizes allowed. Due to local soil conditions, larger lot sizes may be required by the Liberty County Health Department when individual septic tanks are used. (Mo. of 10-4-77; Mo. of 12-3-85)

5.3. - "R-1" Single-Family Residential districts.

5.3.1. Permitted uses:

- 5.3.1.1. One-family detached dwelling (other than a mobile home).
- 5.3.1.2. Unlighted, regulation-size or par three (3) golf courses, including normal club house and pro shop activities, and other business activity associated with country clubs.
- 5.3.1.3. Noncommercial horticulture or agriculture, but not including the keeping of poultry or animals.

5.3.1.4. Conservation Subdivisions.

5.3.2. Conditional uses:

5.3.2.1. Home occupations upon approval by the local governing authority.

5.3.2.2. Planned Unit Development (P.U.D.) upon approval by the local governing authority.

5.3.2.3. Churches, synagogues, temples or other place of worship provided that: (1) such use is housed in a permanent structure, and (2) no structure on the lot is closer than twenty-five (25) feet to any abutting residential property line.

5.3.2.4. Public and private school engaged in teaching general curriculum for educational advancement, provided the structures are placed not less than fifty (50) feet from any residential property line.

5.3.2.5. Public utilities substation or sub-installation including water towers, provided that: (1) such use is enclosed by a painted or chain-link fence or wall at least six (6) feet in height above finished grade; (2) there is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and (3) a landscaped strip not less than five (5) feet in width is planted and suitably maintained around facility.

5.3.2.6. Cemetery, provided that such use: (1) consists of a site of at least one acre; (2) includes no crematorium or dwelling unit other than for a caretaker; (3) has a front yard setback of at least seventy (70) feet from the centerline of the street or ten (10) feet from the street right-of-way line; whichever is further. (*Mo. of 3-2-82*)

5.3.2.7. Bed and breakfast inns. (*Mo. of 4-7-95*)

5.3.2.8. Child/adult care centers on collector or arterial streets only, upon approval of the local governing authority.

5.3.2.9. Child/adult care homes, upon approval of the local governing authority.

5.3.3. *Lot and building requirements.* The principal building and accessory buildings shall be located and constructed in accordance with the following requirements:

Minimum lot area	12,000 sq. ft.
Minimum lot width at building line	100 feet
Minimum front yard	35 feet
Minimum rear yard	25 feet
Minimum side yard, interior	15 feet
Minimum side yard, street	20 feet
Maximum percent of lot coverage	30 percent
Maximum building height	35 feet

Accessory buildings

Minimum setback from lot line:

Rear	7½ feet
Side	Same as principal building

Required utilities. The minimum lot area is only permitted for property served by a central water system and a central sanitary sewer service system. If no central sanitary sewer service is available, an applicant for a building permit must have a minimum of twenty thousand (20,000) square feet. If neither central sanitary sewer nor central water system is available in the area at the time of building the applicant must have a minimum of thirty thousand (30,000) square feet and the permit will be issued with the requirement that upon such time that either service is extended to the property, hook-up will be required within ninety (90) days. Health department approval must be obtained prior to the issuance of a building permit. (Mo. of 9-6-83)

Lot sizes indicated in this section are the minimum sizes allowed. Due to local soil conditions, larger lot sizes may be required by the Liberty County Health Department when individual septic tanks are used. (Mo. of 12-3-85)

5.4. - "R-2" Two-Family Residential districts.

5.4.1. *Permitted uses:*

5.4.1.1. All permitted uses in Single-Family Residential districts.

5.4.1.2. Duplexes and two-family structures. (Ord. of 1-6-98, § 1)

5.4.1.3. Customary accessory buildings incidental to the above permitted users.

5.4.2. *Conditional uses:*

5.4.2.1. Mobile homes upon approval by the local governing authority.

5.4.2.2. Home occupations upon approval by the local governing authority.

5.4.2.3. Planned Unit Development (P.U.D.) upon approval by the local governing authority.

5.4.2.4. Public utilities substation or sub-installation including water towers, provided that: (1) such use is enclosed by a painted or chain-link fence or wall at least six (6) feet in height above finished grade; (2) there is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and (3) a landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility.

5.4.2.5. Cemetery, provided that such use: (1) consists of a site of at least one acre; (2) includes no crematorium or dwelling unit other than for a caretaker; (3) has a front yard setback of at least seventy (70) feet from the centerline of the street or ten (10) feet from the street right-of-way line, whichever is further. (Mo. of 3-2-82)

5.4.2.6. Churches, synagogues, temples, or other places of worship provided that: (1) such use is housed in a permanent structure, and (2) no structure on the lot is closer than twenty-five (25) feet to any abutting residential property line.

5.4.2.7. Public and private school engaged in teaching general curriculum for educational advancement, provided the structures are placed not less than fifty (50) feet from any residential property line.

5.4.2.8. Bed and breakfast inns. (Mo. of 4-7-95)

5.4.2.9. Child/adult care centers on collector or arterial streets only, upon approval of the local governing authority.

5.4.2.10. Child/adult care homes, upon approval of the local governing authority.

5.4.3. *Lot and building requirements:*

Principal buildings

Living units	Maximum 6 per acre
Minimum lot area per unit	7,200 sq. ft.
Minimum lot width at building line	80 feet
Minimum front yard	25 feet
Minimum rear yard	20 feet
Minimum side yard, interior	15 feet
Minimum side yard, street	20 feet
Maximum building height	35 feet
Maximum percent of lot coverage	30 percent

Required utilities. The minimum lot area is only permitted for property served by a central water system and a central sanitary sewer service system. If no central sanitary sewer service is available, an applicant for a building permit must have a minimum of fifteen thousand (15,000) square feet. If neither central sanitary sewer nor central water system is available in the area at the time of building the applicant must have a minimum of thirty thousand (30,000) square feet and the permit will be issued with the requirement that upon such time that either service is extended to the property, hook-up will be required within ninety (90) days.

Accessory buildings.

Minimum setback from lot line:

Rear	10 feet
Side	Same as principal building

Lot sizes indicated in this section are the minimum sizes allowed. Due to local soil conditions, larger lot sizes may be required by the Liberty County Health Department when individual septic tanks are used. (Mo. of 12-3-85)

5.4.A. - "R-2A" Single-Family, Two-Family, and Mobile Home Residential district.

5.4.A.. *Permitted uses:*

5.4.A.1.1. All permitted uses in a Single-Family Residential district.

5.4.A.1.2. Duplexes and two-family structures.

5.4.A.1.3. Mobile homes as defined in this ordinance.

5.4.A.1.4. Customary accessory buildings incidental to the above permitted uses.

5.4.A.2. *Conditional uses:*

5.4.A.2.1. Home occupations upon approval by the local governing authority.

5.4.A.2.2. Planned Unit Development (P.U.D.) upon approval by the local governing authority.

5.4.A.2.3. Public utilities substation or subinstallation including water towers provided that: (1) such use is enclosed by a painted or chain-link fence or wall at least six (6) feet in height above finished grade; (2) there is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and (3) a landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility.

5.4.A.2.4. Cemetery, provided that such use: (1) consists of a site of at least one acre; (2) includes no crematorium or dwelling unit other than for a caretaker; (3) has a front yard setback of at least seventy (70) feet from the centerline of the street or ten (10) feet from the street right-of-way line, whichever is further. (Mo. of 3-2-82)

5.4.A.2.5. Churches, synagogues, temples, or other places of worship provided that: (1) such use is housed in a permanent structure, and (2) no structure on the lot is closer than twenty-five (25) feet to any abutting residential property line.

5.4.A.2.6. Public and private school engaged in teaching general curriculum for educational advancement, provided the structures are placed not less than fifty (50) feet from any residential property line.

5.4.A.2.7. Bed and breakfast inns. (Mo. of 4-7-95)

5.4.A.2.8. Child/adult care centers on collector or arterial streets only, upon approval of the local governing authority.

5.4.A.2.9. Child/adult care homes, upon approval of the local governing authority.

5.4.A.3. Lot and building requirements.

Principal buildings:

Living units	Maximum 6 per acre
Minimum lot area per unit	7,200 sq. ft.
Minimum lot area width at building line	80 feet
Minimum front yard	25 feet
Minimum rear yard	20 feet
Minimum side yard, interior	15 feet
Minimum side yard, street	20 feet
Maximum building height	35 feet
Maximum percent of lot coverage	30 percent

Required utilities. The minimum lot area is only permitted for property served by a central water system and a central sanitary sewer service system. If no central sanitary sewer service is available, an applicant for a building permit must have a minimum of ten thousand (10,000) square feet per unit. If neither central sanitary sewer nor central water system is available in the area at the time of building the applicant must have a minimum of fifteen thousand (15,000) square feet per unit and the permit will be issued with the requirement that upon such time that either service extended to the property, hook-up will be required within ninety (90) days.

Accessory buildings.

Minimum setback from lot line:

Rear	10 feet
Side	Same as principal building

Lot sizes indicated in this section are the minimum sizes allowed. Due to local soil conditions, larger lot sizes may be required by the Liberty County Health Department when individual septic tanks are used. (Mo. of 12-3-85)

5.5. - "R-3" Multi-Family Residential districts.

5.5.1. *Permitted uses:*

5.5.1.1. All permitted uses in Single-Family Residential districts and Two-Family Residential districts.

5.5.1.2. Multiple family dwellings, rooming houses, fraternities, sororities, and dormitories.

5.5.1.3. Customary accessory buildings incidental to the above permitted uses.

5.5.2. *Lot and building requirements:*

Principal buildings. Garden apartments:

Living units	Maximum 12 per acre
Minimum lot width at building line	16 feet
Minimum front yard	10 feet
Minimum rear yard	15 feet
Minimum side yard, interior	0 feet
Minimum side yard, street	20 feet
Maximum building height	60 feet
Maximum percent of lot coverage	40 percent

(Mo. of 3-2-82)

Accessory building.

Minimum setback from lot line:

Rear	10 feet
Side	Same as principal building

Principal building. Townhouse

Living units	Maximum 10 per acre
Minimum lot area	4,300 sq. ft.

Minimum lot width at building line	16 feet
Minimum front yard	10 feet
Minimum rear yard	4 feet
Minimum side yard	None if buildings are attached—40 feet between groups of buildings.
Maximum number of units having same building line	8 units
Maximum building height	35 feet

Principal building. Condominium:

Living units	Maximum 24 per acre
Minimum width lot at building line	200 feet
Minimum size lot for project	1 acre
Minimum front yard	20 feet
Minimum rear yard	15 feet
Minimum side yard, street	8 feet
Maximum building height	40 feet

(Mo. of 11-2-82)

Lot sizes indicated in this section are the minimum sizes allowed. Due to local soil conditions, larger lot sizes may be required by the Liberty County Health Department when individual septic tanks are used. (Mo. of 12-3-85)

5.5.3. Conditional uses:

5.5.3.1. Bed and breakfast inns. (Mo. of 4-7-95)

5.6. - "R-4" Mobile Home Park Residential districts.

5.6.1. Permitted uses:

5.6.1.1. Mobile home parks, and accessory structures incidental thereto.

5.6.1.2. Recreational facilities.

5.6.1.3. Laundry facilities solely for the mobile home park occupants.

5.6.1.4. Office and mail facilities for the mobile home park.

5.6.1.5. The sale of new and used mobile homes shall be permitted within the boundaries of an approved mobile home park subject to the following conditions:

5.6.1.5.1. *Allowable number.* The number of mobile homes for sale shall not exceed five (5) percent of the total number of approved mobile home spaces in the mobile home parks.

5.6.1.5.2. *Location.* Mobile homes for sale shall be located only on approved mobile home spaces in the mobile home parks, and subject to the same setbacks and yard requirements as occupied mobile homes.

5.6.1.5.3. *Maintenance.* There shall be no renovating, overhaul, or repair to mobile homes offered for sale within mobile home parks. However, customary maintenance shall be permitted, such as would be allowed for an occupant while living in a mobile home.

5.6.1.5.4. *Advertising.* There shall be no advertising signs, banners, pennants, or any type of display advertising mobile homes for sale except that one sign, not over eighteen (18) inches by twenty-four (24) inches shall be permitted to be posted on each mobile home offered for sale.

5.6.2. *Approval of mobile home parks.* No mobile home park may hereafter be developed or expanded until all requirements and regulations set forth in the mobile home park ordinance for the county and this zoning ordinance, have been met and the site plan thereof has the approval of the local governing authority.

5.7. - "B-1" Neighborhood Commercial districts.

5.7.1. *Permitted uses:*

Retail stores

Personal services

Professional services and offices

Banks

Commercial offices

Soda fountains, cafes or restaurants, (without entertainment)

Parking areas

Mortuaries

Public and semi-public uses

Utilities (except storage yards)

Accessory uses to the above

Outdoor signs (Mo. of 5-7-85)

5.7.2. *Conditional uses.* The following uses shall be permitted in a Neighborhood Commercial district upon approval of the governing authority:

Multiple dwellings

Theaters (indoor)

Entertainment facilities

Drive-in commercial uses (not including drive-in theaters)

Automotive sales with service and repair related to the sales. (Six (6) foot fence required on sides and rear of facility.) (Mo. of 5-7-85)

Accessory uses to the above.

Minimum side setback, street	15 feet
Maximum building height	35 feet
Maximum percent of lot coverage	25 percent

Lot sizes indicated in this section are the minimum sizes allowed. Due to local soil conditions, larger lot sizes may be required by the Liberty County Health Department when individual septic tanks are used. (Mo. of 12-3-85)

5.7.3. *Lot and building requirements.*

Principal and accessory buildings:

Minimum lot area	6,000 sq. ft.
Minimum lot width at building line	50 feet

Minimum front setback	30 feet
Minimum rear setback	30 feet
Minimum side setback, interior	10 feet

Minimum side setbacks for interior lots may be zero feet when two (2) adjacent lot owners wish to abut their property and so request in writing. (Request should be made on application for building permit). Governing authority may approve smaller lot sizes when buildings are to abut. (*Mo. of 5-7-85*)

5.8. - "B-2" General Commercial districts.

5.8.1. *Permitted uses:*

Service stations

Restaurants

Motel and tourist courts

Tourist homes

Entertainment facilities

Retail businesses

Personal services

Offices and banks

Professional activities

Garages for service (excluding storing junked vehicles outdoors)

Drive-in commercial uses (including theaters)

Mortuaries

Animal hospitals, clinics or kennels

Commercial greenhouses and plant nurseries

Golf-driving ranges and miniature golf

Public and semi-public uses

Utilities

Lumber yards

Tire retreading and recapping

Business services

Food processing

Research and testing facilities

Billiard or pool rooms

Commercial recreation

Hotels

Printing, lithographing or publishing plants

Taverns

Accessory uses to the above

Outdoor advertising signs

Clubs and lodges

Mobile home sales

Automotive sales, with service and repair related to sales, (six (6) foot fence required on sides and rear). (Mo. of 5-7-85)

5.8.2. *Conditional uses.* The following uses shall be permitted in a General Commercial district upon approval of the governing authority:

Amusement parks

Feed and grain, sales and storage

Wholesale business

Equipment sales and repair

Truck terminals

Stone or monument works

Bulk fuel storage

dry and drying plants

Drive-in theaters

Cemeteries

Apartments

Machine shops

Accessory uses to the above

5.8.3. Lot and building requirements:

Minimum lot area	6,000 sq. ft.
Minimum lot width at building line	50 feet
Minimum front setback	30 feet
Minimum rear setback	30 feet
Minimum side setback, street	15 feet
Minimum side setback, interior	10 feet
Maximum building height	3 stories
Maximum percent of lot coverage	30 percent

Minimum setbacks for interior lots may be zero feet when two (2) adjacent lot owners wish to abut their property and so request in writing. (Request should be made on application for building permit.) Governing authority may approve smaller lot sizes when buildings are to abut. (Mo. of 10-4-77; Mo. of 5-7-85)

Lot sizes indicated in this section are the minimum sizes allowed. Due to local soil conditions, larger lot sizes may be required by the Liberty County Health Department when individual septic tanks are used. (Mo. of 12-3-85)

5.9. - "I-1" Industrial districts.

All uses in an industrial district shall be subject to the approval of the planning commission. (Mo. of 10-4-77)

5.9.1. *Submission of plans.* The owner of a tract of land zoned for industrial uses shall submit to the planning commission for its review a plan for the use and development of each tract of land. It shall then be the duty of the planning commission to investigate and ascertain whether the proposed activity complies with all of the provisions of this ordinance which pertain to "I-1" districts. The commission may employ experts in specific fields as needed, and as funds are available, to determine whether a proposed use meets the required performance standards.

5.9.2. *Referral and authorization.* A report of its findings shall be furnished by the commission to the governing authority. The commission may suggest disapproval, recommend the plan as submitted, or may modify, alter, adjust or amend the plan before recommendation, and in recommending it, may propose the prescribing of other conditions. The report of the planning commission to the governing authority shall be in writing, and shall include a finding as to whether the proposed use is consistent with the applicable provisions and requirements of the zoning ordinance. If the governing authority finds that the proposed use is consistent with the purpose of the zoning ordinance to promote the public health, safety, and general welfare, it may direct the proper official to authorize a permit.

5.9.3. *Performance standards.* All industrial uses must conform to the following performance standards:

5.9.3.1. *Smoke.* The emission of grey smoke at a density greater than No. 1 on the Ringlemann Chart published by the U.S. Bureau of Mines (Power's Micro-Ringlemann Chart, McGraw-Hill Publishing Co., 1954, may be used) shall not be permitted except grey smoke of a shade not darker than No. 2 may be emitted for not more than four (4) minutes in any thirty (30) minutes. These provisions, applicable to grey smoke, shall also apply to visible smoke of a different color but with equivalent apparent capacity.

5.9.3.2. *Odor.* No emission of unpleasant gases or other odorous matter shall be permitted in such quantities as to be offensive outside the lot lines of the tract. Any process which may involve the creation of emission of

any odors shall be provided with secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table 3 (odor Thresholds) in Chapter 5 "Air Pollution Abatement Manual," copyright 1951, by Manufacturing Chemists Association, Inc., Washington, D.C. Where said publication gives a range of figures a simple average of these shall be used.

5.9.3.3. *Toxic gases.* The emission of gases or fumes injurious to persons or property beyond the lot lines occupied by the use is prohibited.

5.9.3.4. *Glare and heat.* Glare and heat from arc welding, acetylene torch cutting or similar processes shall be performed so as not to produce glare which is visible, or objectionable heat, beyond the property line of the lot on which the operation is located. Direct glare from incandescent exposed lights shall not be visible from adjoining streets or properties.

5.9.3.5. *Sewage.* No discharge is permitted at any point in any private sewage disposal system or stream or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply, or otherwise cause the emission of dangerous objectionable elements.

5.9.3.6. *Vibration.* Any use creating intense earthshaking vibration shall be set back as far as possible from the lot lines on all sides, and, in no case shall any such vibration be perceptible along any lot line.

5.9.4. *Uses prohibited:*

5.9.4.1. Residential subdivisions and developments and the construction of dwellings on existing lots zoned as industrial except for dwellings for watchmen, caretakers or farms. All buildings shall be a minimum of fifteen hundred (1500) feet from the closest industrial building.

5.9.4.2. Schools, hospitals, clinics, or other institutions for human care, except where incidental to a permitted principal use. All buildings shall be a minimum of two thousand (2000) feet from the closest industrial building.

5.9.5. *Conditional uses.* The following uses shall be permitted in an Industrial district upon approval of the board of commissioners:

Solid waste disposal area
Junkyards
Bulk fuel storage
Accessory uses to the above

5.10. - "P.U.D." Planned Unit Development districts.

~~In order that the public health, safety and welfare be furthered in an era of increasing urbanization and growing demand for housing of all types and design; to ensure that the exacted zoning ordinance provisions encourage innovations in residential and nonresidential development and redevelopment so that the growing demand for housing and commercial areas may be met by a greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings; so that greater opportunities for better housing and recreation may extend to all citizens and residents; and in order to encourage a more efficient use of land and of public services and to reflect changes in the technology of land development so that economies secured may add to the benefit of those who need homes; and, in the aid of these purposes to provide a procedure which can relate the type, design and layout of residential and nonresidential development to the particular site and the particular demand for housing and commercial activity existing at the time of development in a manner consistent with the preservation of the property values within existing areas, and to ensure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay; this section is enacted.~~

~~5.10.1. Applicability of the Planned Unit Development district:~~

~~5.10.1.1. The provisions of section 5.10 of this ordinance shall apply only to a tract of land:~~

~~(1) Which either has a minimum of five (5) acres, or~~

~~(2) A minimum of twenty (20) units.~~

~~5.10.1.2. The planning commission in its review of the proposed development plan shall consider:~~

~~5.10.1.2.1. The adequacy of existing and proposed streets, utilities, and other public services to serve the development.~~

~~5.10.1.2.2. The character, design, and appropriateness of the proposed land uses and their adequacy to encourage desirable living conditions, to provide separation and screening between uses where desirable to preserve the natural amenities of streams, wooded areas and similar natural features.~~

~~5.10.1.2.3. The adequacy of open and play area and that recreation facilities are provided for the needs of the development.~~

~~5.10.1.3. Approval and recommendation of the planning commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed planned unit development will not adversely affect the property adjacent to the area included in the plan.~~

~~5.10.1.4. Final approval of a planned unit development shall not be granted until the owner or owners of the property give written notice of their consent to the proposed development.~~

~~5.10.2. *Review and administrative procedures:*~~

~~5.10.2.1. *Pre-application conference.* Before submitting an application for a planned unit development an applicant, at applicant's option, may confer with the planning commission to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data.~~

~~5.10.2.2. *Development plan.* The following information shall appear on the preliminary development plan:~~

~~5.10.2.2.1. Detailed plan and general location map, showing the projected area prepared at a scale not less than one inch equals one hundred feet (1" = 100') and shall show such designations as proposed streets (public and private), all buildings and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings and shall include:~~

~~(a) *Boundary lines.* Bearings and distance.~~

~~(b) *Easement.* Location, width, and purpose.~~

~~(c) *Streets on, and adjacent to the tract.* Street name, right-of-way width, existing or proposed centerline elevations, pavement, walks, curbs, gutters, and culverts (and their respective types).~~

~~(d) *Utilities on, and adjacent to the tract.* Location, size, and invert elevation of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants, manholes, electrical and telephone lines and street lights; direction and distance to, and size of, nearest water mains and sewers adjacent to the tract showing invert elevation of sewers.~~

~~(e) *Ground elevations on the tract.* For land that slopes less than two (2) percent, show one foot contours; show spot elevations at all breaks in grades, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than two (2) percent, show contours at five (5) foot intervals.~~

~~(f) *Subsurface conditions on the tract, if required by the appropriate engineer.* Location and results of tests made to ascertain subsurface soil, rock, and groundwater conditions; depth to groundwater, unless test pits are dry at a depth of five (5) feet.~~

~~(g) *Zoning on and adjacent to the tract.*~~

~~(h) *Internal uses of each building or structure, as well as the specific overall land use of the premises.*~~

~~(i) *Title and certificates.* Present tract designation according to official records of the office of deeds; title under which the proposed development is to be recorded, with names and addresses of owners, and notation stating acreage.~~

~~(j) *Names.* The names and addresses of the persons to whom notice of hearings are to be sent including the subdivider or~~

~~developer, the designer of the subdivision or development, and the owners of the land immediately adjoining the land to be platted.~~

~~(k) *Open space.* All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated and their sizes.~~

~~(l) *General location, purpose, and height of each building, other than single-family residences on individually platted lots.*~~

~~(m) *Map data.* Name of development, north point, scale and date of preparation.~~

~~5.10.2.3. *Character.* Explanation of the character of the planned unit development and the reasons it has been planned to take advantage of the flexibility of these regulations.~~

~~5.10.2.4. *Ownership.* Statement of present and proposed ownership of all land within the project.~~

~~5.10.2.5. *Schedule.* Development schedule indicating:~~

~~5.10.2.5.1. Stages in which project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plan and through supporting graphic material.~~

~~5.10.2.5.2. Approximate dates for beginning and completion of each stage.~~

~~5.10.2.6. *Covenants.* Proposed agreements, provisions which will govern the use, maintenance, and continued protection of the planned unit development and any of its usable open space.~~

~~5.10.2.7. *Density.* Provide information on the density of uses, including structures per acre, and the number of buildings by type.~~

~~5.10.2.8. *Nonresidential use.* Provide information on the type and amount of ancillary and nonresidential uses in a residential planned unit development, including the amount and location of usable open space.~~

~~5.10.2.9. *Service facilities.* Provide information on all service facilities and off-street parking facilities.~~

~~5.10.2.10. *Architectural plans.* Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the building, and the number, size, and type of dwelling units.~~

~~5.10.2.11. *Facilities plans.* Preliminary plans for:~~

~~5.10.2.11.1. Roads, including classification, width of right-of-way, width of pavement, and construction details.~~

~~5.10.2.11.2. Sidewalks.~~

~~5.10.2.11.3. Sanitary sewers.~~

~~5.10.2.11.4. Storm drainage.~~

~~5.10.2.11.5. Water supply system.~~

~~5.10.2.11.6. Underground supply system.~~

~~5.10.2.11.7. A general landscape planting plan.~~

~~5.10.2.12. *Review of preliminary residential plan:*~~

~~5.10.2.12.1. *Public hearings:*~~

~~(a) Within sixty (60) days after the filing of an application for tentative approval of a planned unit development, a public hearing pursuant to public notice on said application shall be held by the planning commission. The chairman, or, in the chairman's absence, the acting chairman, of the planning commission or its designated agency may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.~~

~~(b) A verbatim record of the hearing shall be made by the planning commission whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be borne by the party requesting it and the expense of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.~~

~~(c) The planning commission may continue the hearing from time to time, and may refer the matter back to the planning agency for a report, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.~~

~~(d) The planning commission, within thirty (30) days following the conclusion of the public hearing provided for in this article, shall, by official written communication, to the landowners, either:~~

~~(1) Grant tentative approval of the development plan as submitted;~~

~~(2) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or~~

~~(3) Deny tentative approval to the development plan.~~

~~Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the planning commission, notify such governing body of such landowner's refusal to accept all said conditions, in which case, the planning commission shall be deemed to have denied tentative approval of the development plan.~~

~~In the event the landowner does not, within said period, notify the planning commission of such landowner's refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.~~

~~The grant or denial of tentative approval by official written communication shall include not only conclusions, but also findings of fact related to the specific proposal and set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest.~~

~~5.10.2.13. *Status of plan after tentative approval:*~~

~~5.10.2.13.1. The official written communication provided for in this article shall be certified by the secretary or clerk of the planning commission and shall be filed in such office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the zoning map.~~

~~5.10.2.13.2. Tentative approval of a development plan shall not qualify a plat of the planned unit development for recording nor authorize development or the issuance of any building permits.~~

~~5.10.2.13.3. Within a maximum of six (6) months following the approval of the preliminary plan, the applicant shall file with the planning commission a final development plan. At its discretion and for good cause, the planning commission upon written request from the applicant may extend for six (6) months the period for filing of the final development plan.~~

~~5.10.2.13.4. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the governing authority in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may amended from time to time, and the same shall be noted on the zoning map and in the records of the secretary or clerk of the governing authority.~~

~~5.10.2.13.5. *Final detailed plan content.* A final plan, suitable for recording with the register of deeds shall be prepared. The purpose~~

~~of the planned residential development plan is to designate with particularity the land subdivided into conventional lots as well as the division of other lands, not so treated, into common open areas and building areas, and to designate and limit the specific internal uses of each building or structure as well as of the land in general. The final plan of the planned unit development shall include, but not be limited to:~~

~~(a) An accurate legal description of the entire area under immediate development within the planned residential development.~~

~~(b) If subdivided lands are included in the planned residential development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat.~~

~~(c) An accurate legal description of each separate unsubdivided use area, including usable open space.~~

~~(d) Designation of the exact location of all buildings to be constructed, and a designation of the specific internal uses to which each building shall be put.~~

~~(e) Tabulations on each separate unsubdivided use area, number of dwelling units per square acre.~~

~~(f) *Public facilities.* All public facilities and improvements made necessary as a result of the planned residential development shall be either constructed in advance of the approval of the final plan, or, at the election of the city. Escrow deposits, irrevocable letters of credit in a form approved by the county, or performance bonds shall be delivered to guarantee construction of the required improvements.~~

~~(g) *Covenants.* Final agreements, provisions, or covenants shall govern the use, maintenance and continued protection of the planned residential development.~~

~~(h) A landscape plan showing the location, type and size at installation of all proposed landscape materials, existing landscaping and trees to be retained on the site, as well as an identification of the existing trees to be removed that are two (2) inches in diameter or greater, all proposed fences, walls, berms and any pertinent architectural elements associated with the landscaped plan.~~

~~5.10.2.14. Within a maximum of three (3) weeks following the date of final approval by the planning commission of the final development plan, the applicant shall submit an eighteen inch by twenty-four inch (18" X 24") reproducible mylar of the approved final development plan to the joint planning commission which, at the expense of the developer, shall record final plan in the office of the register of deeds. The mylar shall contain the following information:~~

~~5.10.2.14.1. Graphic representation of the exact location of all buildings and accessory structures.~~

~~5.10.2.14.2. Land use characteristics in table form containing the following information:~~

~~(a) Gross project area in terms of acres.~~

~~(b) Net project area in terms of acres.~~

~~(c) Approved density for the project in terms of area per structure.~~

~~(d) Approved usable open space for the project in terms of square feet of open space per structure.~~

~~(e) Total number of parking spaces.~~

~~(f) Total number of dwelling units in the project.~~

~~(g) Number and type of nonresidential units in the project.~~

~~5.10.2.14.3. Types and square footage of floor spaces of all nonresidential uses provided:~~

~~(a) Graphic representation of all public easements and legal descriptions thereof, to whom the easement is conveyed, the purpose of such easement, and any conditions relating to the use of the easement.~~

~~5.10.2.14.4. Legal description of the gross project area.~~

~~5.10.2.14.5. All public and private streets, roads, and alleys included in the project shall be shown by their bearings, widths and names. All streets, roads or alleys, not dedicated to public use, shall be marked "private" and named. All curves, portions of streets, roads or alleys shall be defined by curve data including points of curvature, points of tangency, points of compound curvature, radii of curves, central angles and length and bearing of its long chord.~~

~~5.10.2.14.6. In the event streets in the planned residential development are to be dedicated, a statement shall appear on the mylar that the streets shown on it are dedicated to the use of the public.~~

~~5.10.2.14.7. The planning commission shall issue a certificate certifying the final approval of the planned unit development, and the chairman of the planning commission shall place such chairman's signature on such certificate which shall appear on the mylar. In the event said mylar is not submitted three (3) weeks following the date of final approval, the building official shall not issue any building permits for the development or phase of a particular development until said mylar is received.~~

~~5.10.2.14.8. In the event the planned unit development is to be submitted for final approval in stages, the applicant shall submit reproducible mylars for each stage of the development containing the information required above.~~

~~5.10.2.15. *Control of the planned residential development after final approval.*~~

~~5.10.2.15.1. After the certificate of approval has been stamped on the reproductive mylar and other prints of plans and signed by appropriate officials, the use of land and the construction, modification or alteration of any buildings or structures within the planned residential development will be governed by the approved and recorded final development plan rather than by other provisions of this zoning ordinance except the minor land use and engineering changes permitted by this section.~~

~~5.10.2.15.2. After the certificate of final approval has been issued and the final plan recorded, no changes may be made in the approved final development plan except upon application to the appropriate agency under the procedures provided below:~~

~~**(a) Major land use changes.** Changes which alter the concept or intent of the planned residential development, including changes in the approved public street or private drive construction standards, increases in density, decreases in proposed open space, changes in sizes of public and/or private sewer or water lines, other than service connections, resulting in less capacity, changes in the location of and types of nonresidential uses approved by the planning commission, change in the alignment of any street, drive, parking area or water or sewer line in excess of twenty-five (25) feet, change in the location of any public easement, change in the proportion of housing types by not more than fifteen (15) percent of the approved dwelling unit count, a violation of any specific condition set forth by the planning commission and any changes in the final governing agreements, provisions, or covenants. All such changes may be approved only by submission of a new preliminary plan and supporting data, following the "preliminary approval" steps and subsequent amendment of the final planned unit development plan.~~

~~**(b) Minor land use changes.** The following minor changes to the approved final plan may be authorized by the chairman of the planning commission upon written request by the developer and upon submission of detailed plans demonstrating the requested change:~~

~~(1) Decrease in density.~~

~~(2) Increases in open space.~~

~~(3) Changes in the proportion of housing unit types by less than fifteen (15) percent of the approved dwelling unit count.~~

~~(4) Increases in acreage of the planned residential development providing that the acreage under consideration is ten (10) percent or less of the gross site area, in which the increase can only be used for open space, accessory buildings or parking.~~

~~(5) A density increase of not more than (10) percent of the approved dwelling unit total, providing that the overall lot area requirement per dwelling unit of the district is not exceeded.~~

~~(c) *Minor engineering changes.* The following minor engineering changes to the approved engineering plans may be authorized by the director of public works in consultation with the appropriate engineer and others as required only upon written request by the developer and submission of detailed engineering plans demonstrating the requested change:~~

~~(1) Changes in road alignment and parking lot location by twenty-five (25) feet or less.~~

~~(2) Changes in the alignment of storm and sanitary sewers and water lines by twenty-five (25) feet or less.~~

~~(3) Increases in the approved capacity of storm and sanitary sewers and water lines.~~

~~In the event a situation occurs where it is not clear whether a modification constitutes a major or minor change, the responsibility to make such determination shall be jointly vested with the chairman of the planning commission, and the appropriate engineer.~~

~~(d) A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the planning commission and shall be filed on record forthwith in the office of the recorder of deeds before the development shall take place in accordance therewith. Upon filing record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.~~

~~(e) In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the governing body in writing; or in the event the landowner shall fail to commence and carry out the planned residential development within such reasonable period of time as may be fixed by ordinance after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is resubdivided and is reclassified by enactment of an amendment to the zoning ordinance.~~

5.10. – PUD - Planned Unit Development districts.

5.10.1. *PUD, intent.* The PUD District is established to encourage innovative and creative design of residential and/or commercial developments and to permit a greater amount of flexibility to a developer by removing some of the restrictions of conventional zoning. Ideally, the development should be large scale and incorporate a variety of land uses or land use types. The district is also intended

to encourage developments which provide a full range of residential types to serve the residents of the district.

The regulations should provide a mechanism to evaluate each application on its own merit. It is recognized that some concepts will be more appropriate than others and the approval of an application in one location does not necessarily indicate the development will be applicable in other locations. It should also be emphasized that these provisions are not to be used to circumvent the intent or use of conventional zoning classifications as set forth in this chapter.

5.10.2. *Minimum site size.* The minimum site size for any PUD is five acres.

5.10.3. *Minimum lot area.* No minimum lot area is required for any specific structure within a PUD.

5.10.4. *Minimum lot width, minimum yard requirements, maximum lot coverage, maximum height of structures.* No structure shall be erected within 25 feet from any external lot line of any PUD. Minimum lot width, minimum yard sizes, maximum lot coverage, and maximum height are not otherwise regulated within PUD Districts provided, however, that the Planning Commission and Board of Commissioners shall ascertain that the characteristics of building siting shall be appropriate as related to structures within the PUD and otherwise fulfill the intent of this appendix.

5.10.5. *PUD application and preliminary development plan approval.*

5.10.5.1 Prior to submitting a PUD application, the applicant is encouraged to meet with the LCPC staff for a pre-application conference to avoid undue delay in the review process after the application is submitted.

5.10.5.2 Applications for a PUD District shall include the following:

5.10.5.2.1 *Preliminary PUD plan.* The applicant shall submit a reproducible copy (and electronic files of same) of the proposed PUD which shall include the following:

- a.** A boundary survey with vicinity map, title block, scale, and north arrow.
- b.** Total number of acres of overall site.

- c. Location and number of acres of various areas by type of use (e.g., single-family detached, recreation, office, commercial, etc.).
- d. Number of units (including number of bedrooms in each unit) and density of various residential types, such number to represent the maximum number of units.
- e. Approximate square footage of nonresidential use.
- f. Primary traffic circulation pattern, including major points of ingress and egress.
- g. Approximate number of parking spaces per use.
- h. An indication that an acceptable drainage system can be designed for the proposed project.
- i. Any such information or descriptions as may be deemed reasonably appropriate for review.

5.10.5.2.2 *Statement of intent.* The applicant shall submit three copies of a report (and electronic files of same) setting forth the characteristics of the proposed PUD including the following:

- a. A description of the procedures of any proposed homeowners association or other group maintenance agreement.
- b. A statement setting forth the proposed development schedule.

- c.** A statement of the public improvements both on- and off-site that are proposed for dedication and/or construction and an estimate of the timing for providing such improvements.
- d.** A statement of impact on public facilities including water, sewer collection and treatment, fire protection, etc., and letters from the appropriate agencies or districts verifying that such facilities or services are available and adequate to serve the proposed PUD.
- e.** A statement concerning the appearance, landscaping, screening, and maintenance of any proposed pond, lake, open space or retention pond contained in the development.
- f.** Any such information or descriptions as may be deemed reasonably appropriate for review.

5.10.5.2.3 A public hearing shall be held in accordance with procedures set forth in article 9.

5.10.5.2.4 The Planning Commission, at its next meeting following the public hearing, and the planning commission staff shall make a recommendation upon the proposed PUD which shall be advisory to the governing authority.

5.10.5.2.5 The governing authority may, after fulfilling all applicable requirements of this section and all applicable requirements of article 9, act to either approve, approve with modification, or disapprove the application for a PUD.

5.10.5.2.6 Following approval of a PUD District, the official zoning map shall be amended to reflect

such approval. Approval of a PUD District shall constitute authority for the applicant to submit a proposed development plan to the Secretary of the Planning Commission for approval in accordance with the provisions of section 5.10.7.

5.10.6. Subdivision plats. Approval of a PUD plan and statement of intent shall constitute authority for the applicant to prepare preliminary plats and proposed development plans, if applicable, in accordance with procedures set forth in the Liberty County subdivision regulations. No building permit or certificate of occupancy shall be issued until the governing authority has approved a final plat.

5.10.7. Proposed development plan. All approved PUD Districts will require a proposed development plan review and approval by the Secretary of the Planning Commission. Proposed development plan requirements and procedures for the PUD District are outlined in Appendix B and Chapter 5 of the Liberty County Code of Ordinances.

5.10.8. Changes to Planned Development Districts. Changes to a proposed PUD District or to an approved PUD District may be permitted in accordance with one of the following procedures as determined by the zoning official:

5.10.8.1 Major changes. Changes to a PUD District which would alter the basic concept and general characteristics of the PUD District may be approved by the governing authority in accordance with the procedures established by section 5.10.5. After approval of a major change by the governing authority, approval of a final development plan showing such changes must be submitted to the planning commission in accordance with section 5.10.7. Examples of major changes may include, but are not limited to the following:

5.10.8.1.1 Boundary changes.

5.10.8.1.2 Decrease in open space

5.10.5.1.3 Increase or decrease in number of access points.

5.10.5.1.4 Changes to more intensive land uses, e.g. residential to commercial.

5.10.5.1.5 Any change which the zoning official determines would significantly alter the character of the PUD or be expected to have an adverse impact upon neighboring property owners.

5.10.8.2 *Minor changes.* Changes to a PUD District which are of a design nature and which do not alter the original concept or use characteristics of the PUD District may be approved by the Secretary of the Planning Commission provided that no minor change may be approved by the Secretary of the Planning Commission which is in conflict with specific conceptual considerations previously approved by the governing authority. Examples of minor changes may include, but are not limited to the following:

5.10.8.2.1.1 *Reductions in:*

- a. Density
- b. Signage
- c. Square footage

5.10.8.2.2 *Increases in:*

- a. Landscaping
- b. Open space
- c. Setbacks.

5.10.8.2.3 *Minor changes to:*

- a. Landscaping
- b. Lighting
- ~~c. Location of land uses~~
- d. Parking

e. Signage

~~f. Site plan~~

~~5.10.8.2.4 Minor changes to allow:~~

~~a. Reorientation of structures~~

~~b. Realignment of approved access~~

~~c. More restrictive land uses, e.g. commercial to residential~~

~~d. Shift in approved density from one area of PUD to another~~

5.11. - "DM-1" Dunes and Marshlands district.

It is the intent of this district to protect those areas of the county that are considered to be environmentally sensitive to development, due to soil types, drainage, vegetation, wildlife habitats or other factors that are subject to being seriously endangered, damaged, or destroyed if allowed to develop in a manner inconsistent with their conservation and preservation. Since the welfare and well-being of the citizens of the county are directly linked and related to the natural environment of the area, it is recognized that in order to maintain sensitive areas in their natural condition for the benefit of mankind, it is necessary to protect such areas from degradation. All regulations of the Coastal Marshlands Protection Act shall be applicable in this district. ***State Law reference—** Coastal Marshlands Protection Act, O.C.G.A. § 12-5-280 et seq.

5.11.1. *Establishment of dunes and marshland areas.* Areas which meet any one of the following criteria shall be considered an environmentally sensitive area, subject to the conditions of this section which may be applied to such areas:

5.11.1.1. *Marshland*. All land subject to tidal action which is comprised of generally unstable soil materials commonly known as "hard or soft" marsh grass, reeds and similar growth and is usually characterized by poor land bearing capacity. Marshland lies below an elevation of five and six-tenths (5.6) feet above mean sea level.

5.11.1.2. *Dunes*. All land where, through natural action of the wind, sand has accumulated in hills and ridges forming a mound of sand. This area is usually confined to the soil classification Kershaw-Osier complex and is found immediately adjacent to the Atlantic Ocean on the barrier islands. The slopes range from zero to eight (8) percent.

5.11.2. *Permitted uses in marshland and dune areas.*

5.11.2.1. Boating.

5.11.2.2. Swimming.

5.11.2.3. Sunbathing.

5.11.2.4. Picnicking.

5.11.2.5. Fishing.

5.11.2.6. Hunting.

5.11.2.7. Educational uses.

5.11.2.8. Other active and passive recreational uses not inherently destructive to the existence or integrity of the marshlands and dunelands.

5.11.3. *Conditional uses in marshland areas*. The applicant for a conditional use permit shall prove conclusively that the proposed use will have no significant short or long-term adverse environmental effects, including increasing potentials for disturbance of existing eco-systems, penetration of channels of navigable waterways, interference with existing established dune sequences; and exposure of inland properties to wind, water, or wave damage. Subject to the conditions set forth, the following uses shall be permitted in the marshland areas:

5.11.3.1. Seawalls.

5.11.3.2. Jetties.

5.11.3.3. Bulkheads.

5.11.3.4. Piers.

5.11.3.5. Revetments.

5.11.3.6. Groins.

5.11.3.7. Breakwaters.

5.11.3.8. Roads, streets, utility lines, sewer lines.

5.11.4. *Conditional uses in dune areas.*

5.11.4.1. No conditional uses are allowed in dune areas of the "DM-1" districts.

5.11.5. *Permit required for marshland alterations.* A permit from the State Coastal Marshlands Protection Committee, Georgia Department of Natural Resources, is required for many types of marshland alterations. (Coastal Marshlands Protection Act of 1970, Georgia Laws 1970, p. 939; Coastal Marshlands Protection Committee, Georgia Laws 1972, pp. 1015, 1027, and amendment Georgia Laws 1973, p. 564.)

State law reference— See O.C.G.A. § 12-5-280 et seq.

5.12. - "O-I" Office-Institutional Districts.

5.12.1. *Permitted uses:*

5.12.1.1. Professional and business offices, including medical clinics, but not including the practice of veterinary medicine.

5.12.1.2. Agencies, studios, schools and libraries.

5.12.1.3. Financial institutions.

5.12.1.4. Municipal, county, state or federal use, but not including warehouses or outside storage areas.

5.12.1.5. Community centers and similar places of public assembly.

5.12.1.6. Hospitals.

5.12.1.7. Child/adult care centers.

5.12.2. *Conditional uses.* When approved by the governing authority.

5.12.2.1. Pharmacy, when O-I district includes medical clinics, doctor's offices and/or a hospital.

5.12.2.2. Private or public care homes, provided such facility conforms with the requirements of the Georgia State Board of Health and provided plans for such facilities receive the written approval of the Liberty County Board of Health prior to the issuance of any permits for construction and operation; copies of such approval to be attached to the building permit and to be retained in the files of the county building official.

5.12.3. *Lot and building requirements:*

Minimum lot area: Six thousand (6,000) square feet.

Minimum front setback: Thirty (30) feet.

Minimum side setback: Fifteen (15) feet.

Minimum rear setback: Twenty (20) feet.

Maximum building height: Three (3) stories.

Minimum side setbacks may be zero (0) feet when two (2) adjacent lot owners wish to abut their buildings. Lot sizes may be decreased when buildings are to abut.

Parking shall be in accordance with section 3.29.2
(Ord. of 4-4-89)

5.13. - Liberty Gateway Overlay District.

(a) General. There shall be established within (regulating jurisdiction), Georgia, a zoning district which is placed over the base zoning system to modify the development guidelines and to achieve a specific purpose for those areas which fall within the boundaries of the district. The Liberty Gateway Overlay District is hereby established, with accompanying design guidelines. All land, buildings and structures within the overlay district shall be regulated by the following separate and distinct regulations:

(1) The regulations of the underlying, or base, zoning system, meaning the use regulations, special permit uses, height regulations, area regulations, road and transportation requirements, subdivision regulations, and other zoning-related requirements that apply to a parcel by virtue of the zoning classification assigned to that parcel by the city (county); and

(2) The additional regulations and design standards set forth in the Liberty Gateway Overlay District, which shall apply to all roads, parcels, buildings, structures, and signs by virtue of their lying within the boundaries of the overlay district.

In the event of a conflict between these two (2) regulations, this document shall apply.

(b) Legislative purpose and intent. U.S. Highway 84 and the surrounding areas serve as a significant gateway into Liberty County and each of her communities. The overall appearance of this area and the efficiency of the transportation network are of the utmost importance to the county as a whole. Therefore, these design guidelines have been developed to provide a resource to address development within this area. The purpose and intent of these guidelines are as follows:

(1) Preserve and enhance natural, cultural, and historic resources of Liberty County and encourage designs compatible with these goals;

(2) Develop a gateway to the county to encourage tourism and economic development consistent with Liberty County's vision;

(3) Promote an attractive view from I-95 which will reflect a positive image of Liberty County to the travelling public;

(4) Develop an efficient transportation network of interconnected streets and multimodal facilities;

(5) Preserve and enhance the capacity and safety of regional highways, especially U.S. Highway 84; and

(6) To distinguish Liberty County from other exits along Interstate 95.

(c) *Establishment of the Liberty Gateway Overlay District.* The district is generally described in the Liberty Gateway District Design Guidelines [attached to Ord. No. 2008-003] with an exhibit map being part of the ordinance showing the overlay district boundaries and are specifically delineated on the official zoning map of (regulating jurisdiction), [Liberty County,] Georgia. Properties including Tier I and II areas shall include:

(1) Parcels or any portion of a parcel within seven hundred fifty (750) feet from the right-of-way of the subject corridor.

(2) For existing lots of record, if more than thirty (30) percent of the entire parcel is within seven hundred fifty (750) feet from the right-of-way of the subject corridor, then the entire parcel is included within Tier I or Tier II as appropriate.

The boundaries of the Tier I and Tier II areas may be adjusted based upon a natural or manmade feature upon a recommendation by the LCPC and the approval of the governing jurisdiction.

(d) *Effect upon existing land uses.*

(1) All existing parcels shall be considered to be in compliance with this section until the parcel is developed, redeveloped, modified, or rehabilitated, at which time all such development, redevelopment or land disturbance shall adhere to the new regulations set forth in the Gateway Sector Overlay District.

(2) Properties located within the overlay district will retain all of the rights conferred by their existing zoning classifications.

(3) Nothing in this section shall preclude a property owner from petitioning the (regulating jurisdiction) for an amendment, modification or variance to any zoning classification as otherwise allowed by the jurisdiction's zoning ordinance.

(4) Existing properties which are redeveloped or renovated within this district shall comply if the value of said improvements made to the property within a five-year period is fifty (50) percent or more of the assessed tax value of the property.

(e) *Effect upon existing applications for development.* All applications for development within the Liberty Gateway District prior to Month Date [December 2], 2008, shall be exempt from the regulations herein. Any application submitted to the LCPC for development or redevelopment on or after Month Date [December 2], 2008 is subject to the requirements of the Liberty Gateway District.

Single-family residential uses on existing lots of record as of the effective date of this ordinance may be exempted from the requirements of this ordinance upon approval by the governing body.

(f) *Liberty Gateway District Design Review Board.*

(1) *Creation and composition.* There is hereby created a design board of review (hereinafter referred to as the "board") which shall consist of seven (7) voting members interested in the quality of growth and development in the Liberty Gateway District. Such board shall include the following members who shall be appointed as such:

a. LCPC executive director (chair): Ex officio member.

b. Three (3) qualified design professionals from the fields of planning, architecture, landscape architecture: One (1) each appointed by the City of Midway City Council, the City of Riceboro City Council and the Liberty County Board of Commissioners.

c. Representative of the City of Midway: Appointed by the City of Midway City Council.

d. Representative of the City of Riceboro: Appointed by the City of Riceboro City Council.

e. Representative of the Liberty County: Appointed by Liberty County Board of Commissioners.

f. Building official—City of Midway: Ex officio, nonvoting member.

g. Building official—Liberty County: Ex officio, nonvoting member.

(2) Jurisdiction. The jurisdiction of the board shall include the area contained within the Liberty Gateway District and those elements of development, redevelopment and other construction or land alteration within the overlay district, as indicated on the official zoning map.

(3) Decision-making authority. The board shall provide recommendations on all submittals as required by this ordinance to the Liberty Consolidated Planning Commission (LCPC). The LCPC will communicate all recommendations, along with accompanying plans, to the appropriate governing authority (e.g., board of commissioners or Midway City Council). Final actions of approval or disapproval shall be made by the governing authority with jurisdiction over the subject property.

(4) Independent counsel. The board shall have the right to seek independent counsel and review.

(5) Terms of office. In initial establishment of the board, the City of Midway, the City of Riceboro and Liberty County shall each appoint one (1) member for a one-year term and one (1) member for a two-year term. All subsequent terms shall be for two (2) years. Members shall be eligible for reappointment for an additional term of two (2) years. A member who has served for two (2) successive terms shall not be eligible for reappointment for a period of two (2) years after the termination of his or her second term. The term of a board member may be terminated and a new member appointed in the event the board member fails to attend any three (3) consecutive board meetings. Term limits shall not be in effect for those serving in their official capacity as an employee of the City of Midway, the City of Riceboro, Liberty County, or the LCPC.

(6) Serve without pay. Members of the board shall serve without pay.

(7) Organization. The board shall elect from its membership a vice-chairman. The office of chair shall be provided by the executive director of the LCPC. No member shall serve for more than two (2) successive terms in the same office.

a. Chair. The chair shall preside over the board and shall sign all certificates of appropriateness approved by the board.

b. Vice-chair. In the absence or disability of the chair, the vice-chair shall perform the duties of the chair and in so serving shall have the same duties and authorities as the chair.

c. Secretary. An LCPC staff member shall serve as secretary to the board and shall maintain the records and minutes of the board.

(8) Quorum. Four (4) members of the board shall constitute a quorum.

(9) Majority required for approval. All approvals require a majority vote, defined as the majority of the full board, regardless of the number of board members present.

(10) Rules of procedure. The board shall adopt rules, not inconsistent with the provisions set forth in this section, for the transaction of its business and consideration of applications. Such rules shall provide for the time and place of regular meetings and for the calling of special meetings. All meetings of the board shall be open to the public and a public record shall be kept of the board's resolutions, proceedings and actions.

(11) Design review board staff. The LCPC staff shall function as staff for the design review board. Applications for development within the Gateway Overlay District will be reviewed for completion before submitting to the board for review.

(12) Meetings. The board shall meet as called to review submittals.

(13) Calendar. Applications shall be docketed and placed upon the calendar of the board in the order in which they are received. Materials to be reviewed by the Board shall be submitted to the offices of the Liberty

Consolidated Planning Commission not less than ten (10) working days before the scheduled appearance date.

(14) *Action required by the design review board.* The design review board shall take action within forty-five (45) days upon the receipt of a complete application. If no action is taken within this time frame, the application shall be forwarded to the LCPC for action.

(g) *Procedural requirements.* Presentations to the design review board must include sufficient technical and illustrative information about the proposed design for the board to reach an informed conclusion about the project's ability to be completed within the guidelines. Presentations for specific developments should include plan, elevation and section information relating to adjacent and/or opposing properties and block faces in sufficient detail to clearly demonstrate the appropriateness of the proposed designs. Three (3) dimensional representations may be requested illustrating a project from ground level and/or as part of a larger contextual framework.

(1) *Zoning approval.* Master plans as required for submittal at the time of a rezoning application are not required to undergo review and approval under this overlay district to move through the zoning process. However, this provision does not remove the applicability of this ordinance to any property in the Gateway Overlay District prior to the issuance of any development permits.

(2) *Master plan approval.* For developments which also include a subdivision of property, the master plan and plat may proceed through the review process, independent of architectural review. The LCPC may allow final plat approval subject to future action of the board regarding architecture and design plan submittals.

(3) *Site plan approval.* For developments which require review and approval of a building(s), the site plan and building(s) shall be reviewed concurrently.

(4) *Building permits.* No building permits shall be issued until the final plat is approved and all other requirements of this ordinance are met.

5.13. - Military Installation Zoning Overlay District (MIZOD)

5.13.1 Purpose and Intent

The purpose of the Military Installation Zoning Overlay District (MIZOD) is to regulate, in a manner consistent with the rights of individual property owners and the requirements of military operations at Fort Stewart/Wright Army Airfield (WAAF), development of uses and structures that are incompatible with military operations; to sustain the economic health of Liberty County and the region; to protect the safety and welfare from the adverse impacts associated with high levels of noise from flight operations and large-caliber weapons and the potential for aircraft accidents associated with proximity to WAAF operations; and to maintain the overall quality of life of those who live, work, and recreate in Liberty County.

5.13.2 Definitions

For the purpose of this Section, certain terms and words are hereby defined:

A-Weighted decibel: A measure of sound that depicts higher frequency noise caused by small arms firing, aircraft use and vehicle operations.

Attenuation: Special design and construction practices intended to lower the amount of noise and vibration that penetrates the windows, door and walls of a building.

Avigation: Aerial navigation.

Day-Night Sound Level (DNL): The 24-hour average frequency-weighted sound level, in decibels, from midnight to midnight, obtained after additional of 10 decibels to sound levels before 7:00 a.m. and after 10:00 p.m.

Decibel: A logarithmic unit of measure of sound pressure.

C-Weighted decibel: A measure of sound that depicts low frequency noise and vibration associated with the firing of large-caliber weapons systems.

Exterior door: All exit doors of a building that are located between conditioned and unconditioned space. A basement, crawl space or garage is considered unconditioned space unless it is provided with a positive heat supply to maintain a minimum temperature of 50 degrees Fahrenheit.

Habitable space: A space or room in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, solariums, sunrooms and similar areas are not considered habitable space.

5.13.3 Relationship to Zoning Districts

5.13.3.1 The MIZOD shall be designated on the Official Zoning Map and its boundaries shall be based on the Fort Stewart/Hunter Army Airfield Joint Land Use Study, as amended.

5.13.3.2 In all zoning districts within the boundaries of the MIZOD, the regulations for both the underlying zoning district and the MIZOD regulations shall apply. Whenever, there is a conflict between the regulations of the underlying zoning district and MIZOD, the more restrictive regulation shall apply.

5.13.4 Applicability

The standards for this section shall apply to those properties that lie within the MIZOD boundaries. When a parcel is split by the boundary of the MIZOD, only that portion of the parcel within the MIZOD shall be required to meet the provisions of this article.

5.13.5 Establishment of MIZOD Zones and Boundary

- 5.13.5.1** For purpose of administering these regulations, there shall be three (3) noise subzones and three (3) air safety subzones that reflect where use restrictions or standards apply within the MIZOD. The boundaries for these noise and air safety subzones shall be defined on the Official Zoning Map.
- 5.13.5.2** MIZOD Noise Zones. The boundaries for these noise subzones are inclusive of areas surrounding the Fort Stewart installation and WAAF and shall be based on the Fort Stewart/Hunter Army Airfield Joint Land Use Study, as amended.
- 5.13.5.2.1** Noise Zone I (NZ I). This zone consists of an area between the 55 and 65 A-weighted Decibel Noise Level (ADNL) and 57 and 62 C-weighted Decibel Noise Level (CDNL) contour lines.
- 5.13.5.2.2** Noise II (NZ II). This zone consists of an area between the 65 and 75 ADNL and 62 and 70 CDNL contour lines.
- 5.13.5.2.3** Noise III (NZ III). This zone consists of an area in which the contour lines are greater than 75 ADNL and 70 CDNL.
- 5.13.5.3** MIZOD Air Safety Zones. The boundaries for these air safety subzones adjacent to WAAF shall be based on the Fort Stewart/Hunter Army Airfield Joint Land Use Study, as amended.
- 5.13.5.3.1** Clear Zone (CZ). This zone is an area at the immediate ends of the runway 1,000 feet wide by 3,000 feet long in which there is a high potential for accidents.
- 5.13.5.3.2** Accident Potential Zone I (APZ I). This zone is an area leading to the runway beyond the CZ, 1,000 feet wide extending 2,500 feet in which there is a significant potential of accidents.

5.13.5.3.3 Accident Potential Zone II (APZ II). This zone is an area leading to the runway beyond the APZ 1, 1,000 feet wide and extending 2,500 feet in which there is a moderate potential for accidents.

5.13.5.4 Parcels Located Within More Than One Subzone. In the event a lot or parcel of record is located within more than one zone identified in this article, the entire lot shall be subject to the restrictions of the zone which most restricts development of the lot.

5.13.6 Use Regulations

Any use permitted in the underlying zoning district in which the proposed use is located shall be allowed in the MIZOD, except as expressly prohibited within the provisions of this article and provided that additional standards set forth in this article are met. References to permitted uses as provided within this article are conditioned upon the said use being in compliance with permitted uses within the underlying zoning district.

5.13.7 Permitted Uses in Relation to MIZOD Noise Zones

5.13.7.1 The use of a building or premises for any use permitted under Section 5.13.6 shall be allowed in the MIZOD if it lies within the specified noise zone as set out in Figure 1 at the end of Section 5.13 and conditioned upon compliance with Section 5.13.12.

5.13.7.2 Where property is undeveloped, only such portion of it as is actually within the noise zone shall be considered within that noise zone. However, at such time as said property shall be subdivided or platted, any platted buildable lots intersected by a noise zone shall be deemed to be wholly within the highest noise zone.

5.13.8 Conditional Permitted Uses in Relation to MIZOD Noise Zones

5.13.8.1 The use of a building or premises for a use designated Y[1] as set out in Figure 1 shown at the end of Section 5.13 is permitted in the MIZOD if it lies within the specified noise

zone and is in conformance with the requirements of Section 5.13.12 of this article and the conditions prescribed herein:

5.13.8.1.1 A building permit may be issued by the chief building official provided that the building plan shows a design and construction that incorporates sound attenuation features to achieve an outdoor to indoor noise level reduction (NLR) of at least 25 decibels, which shall include but not limited to the requirements described below in addition to all other applicable requirements of the building code, as amended:

- i. All exterior doors shall be either:
 - a. Solid-core or metal-clad construction, or
 - b. Separately equipped with wood or metal storm door, or
 - c. Multiple-glazed.
- ii. Multiple-glazed windows shall be provided for all habitable space.
- iii. Through-the-wall/door mailboxes, venting skylights, jalousie windows or other direct openings from the interior to the exterior of the building shall be prohibited.
- iv. Mechanical ventilation shall be provided of a type and design to provide adequate environmental comfort with all doors and windows closed during all seasons. Window and through-the-wall ventilation units shall not be used. Commercial cooking areas are exempt from these conditions.

- 5.13.8.2** The development of residential uses within Noise Zone II, designated Y[2] as set out in Figure 1 should only be approved in the absence of viable development options and as a result of a determination and evaluation indicating that a demonstrated community need for residential use would not be met if development were prohibited. This requirement is due prior to approvals.

5.13.9 Permitted Uses in Relation to MIZOD Air Safety Zones

- 5.13.9.1** The use of a building or premises for any use permitted under Section 5.13.6 shall be allowed in the MIZOD pursuant to the specified air safety zone regulations as set out in Figure 2 shown at the end of Section 5.13.
- 5.13.9.2** Where property is undeveloped, only such portion of it as is actually within the air safety zones shall be considered within that air safety zone. However, at such time as said property shall be subdivided or platted, any platted buildable lots intersected by an air safety zone shall be deemed to be wholly within the highest air safety zone.
- 5.13.9.3** Only single-family detached dwellings with a minimum lot size of 2.5 acres are permitted within the APZ II air safety zone.

5.13.10 Additional Regulations in Relation to MIZOD Air Safety Zones

- 5.13.10.1** Interference. No use is permitted within the MIZOD Air Safety Zones that creates electrical interference with radio communication between an Air Traffic Control (ATC) facility and an aircraft; or to make it difficult for pilots to distinguish between airport lights and other lights; or to cause glare in

the eyes of pilots using the airport; or to impair visibility in the vicinity of the airport; or to otherwise endanger the landing, taking off or maneuvering of aircraft at an airport or in the vicinity of an airport.

5.13.10.2 Height. Maximum height limits for structures exist for areas in close proximity to the runways of the WAAF. These height limits shall apply to all structures including, but not limited to, buildings, wireless telecommunication facilities, broadcast transmission towers and construction cranes. The maximum limits are generally based upon the path of aircraft that are taking off from, landing on or circling in a holding pattern around the runway and vary based on distance from the runway. The Height Limit Map (To-Be-Developed) is based upon the Approach and Clear Zone Plans. When the maximum height permitted by the underlying zoning district and this overlay district conflict, the more restrictive height shall apply. All new wireless telecommunication facilities and broadcast transmission towers meeting the requirements of this article shall be constructed with lights on the tower.

5.13.10.3 Aircraft Wildlife Strike Hazards. Human-made uses such as retention ponds, roosting habitats on buildings, landscaping, putrescible-waste disposal operations, wastewater treatment plants, agricultural or aquaculture activities, surface mining, or wetlands, which may be used by wildlife for escape, feeding, loafing, or reproduction are prohibited. Wildlife use of areas within an airport's approach or departure airspace, aircraft movement areas, loading ramps, or aircraft parking areas may cause conditions hazardous to aircraft safety. Human-made uses shall be sited in accordance with the following criteria to achieve adequate separation between the attractant and aircraft movement:

5.13.11 Real Estate Disclosure

5.13.11.1 All real estate transactions within the MIZOD shall include a notice disclosing the proximity of the property to the Fort Stewart/WAAF installation, except such uses or properties exempted by this article. The notice shall be affixed to all

listing agreements, sales and lease contracts, subdivision plats, marketing materials and seller's property disclosure statement or similar documents provided to prospective buyers and lessees. The real estate disclosure notice shall conform to the provisions contained in the model notice, a copy of which is identified in Figure 3 shown at the end of Section 5.13. Disclosure is required as soon as practicable, but must be before execution of a contract, i.e., before making or acceptance of an offer.

5.13.12 Avigation and Noise Easements

- 5.13.12.1** All uses permitted within the MIZOD, except the area within the Noise Zone (NZ I) boundary and uses or properties exempted by this article, shall be conditioned upon the grant by the property owner of an avigation and noise easement to Liberty County. Such easement shall be a condition of subdivision, planned unit development, special permit, use permit, building permit or similar permit. The avigation and noise easement is to be submitted pursuant to the terms of this article and shall conform to the provisions contained in the model avigation and noise easement, a copy of which is shown in Figure 4 at the end of Section 5.13.
- 5.13.12.2** An executed copy of the avigation and noise easement for said property shall be provided to the Liberty Consolidated Planning Commission and kept on file as proof of easement. All avigation and noise easements shall be recorded with the Liberty County Clerk of Court at the property owner's expense.

5.13.13 Pre-Existing Uses

- 5.13.13.1** Any existing use, which was lawfully established at the time of the effective date of this article, may be continued;

although, such use does not conform to the provisions hereof. However, the requirements set forth in this section shall be applicable to the portion of the use subject to enlargement, extension, conversion, reconstruction or structural alteration, and not be retroactive to the entire pre-existing structure. Nothing shall prohibit the reconstruction of a building legally in use at the time of the adoption of this article. A request for enlargement, extension, conversion, reconstruction or structural alteration of a pre-existing use which does not conform to the provisions of this article shall be processed through the permit procedures for nonconforming uses and structures as set forth in Article III, Sections 3.23-3.25 of the Zoning Ordinance of Liberty County.

- 5.13.13.2** The permit to enlarge, extend, convert, reconstruct, or alter a structure lawfully in existence at the time of the enactment of this section, shall not be conditioned upon the execution of an avigation and noise easement pursuant to Section 5.13.12.

5.13.14 Enforcement and Exemption

- 5.13.14.1** Prior to the issuance of a building permit or other certificate, the Chief Building Official shall ensure the proposed building, premises or development is in compliance with the requirements of this article.
- 5.13.14.2** The Garrison Commander or his/her designee shall be informed of all requests for development within the MIZOD, except the area within the Noise Zone (NZ I) boundary. This provision does not supersede or modify existing State or Federal laws. The Chief Building Official shall forward a copy of all applications to the Garrison Commander or his/her prior to issuance of any permits. The Garrison Commander or his/her designee shall verify receipt of such information and, within a reasonable time period, forward any comments concerning the request to the Chief Building Official.
- 5.13.14.3** Any use located within the MIZOD and utilized in connection with the operations of Fort Stewart/WAAF; properties owned

or leased by Liberty County; any public Authority; military units; or other governmental agencies, except for private or public educational facilities are hereby declared compatible and shall be exempted from the requirements of this article.

5.13.15 Protection

5.13.15.1 The degree of protection provided by this article is reasonable for regulatory purposes and is based on planning, engineering and scientific methods of study and in coordination with aviation and defense agencies. This article does not imply that areas outside of the MIZOD area will be totally free from noise impacts and aircraft hazards, and, therefore, shall not create a liability on the part of Liberty County, or any of its officers or employees, for any damages resulting from reliance on this article.

5.13.16 Variances

5.13.16.1 Variances shall not be permitted from the height limits or use regulations for properties within any Noise Zone or Air Safety Zone of this overlay district. Additionally, no application for a variance to the other requirements of this article may be considered by the governing authority unless a copy of the application has been furnished to the Garrison Commander or his/her designee for a written recommendation as to the aeronautical effects of the variance. If the Garrison Commander or his/her designee does not respond to the application within 30 days after receipt, the governing authority may act on its own to grant or deny the application.

**Figure 1
Generalized Use Matrix for MIZOD Noise Zones**

Permitted Within Each Noise Zone	NZ I	NZ II	NZ III
Residential	Y	Y [1][2]	N
Manufactured Housing	Y	N	N
Industrial	Y	Y	Y
Retail & Service Businesses	Y	Y [1]	Y [1]
Office	Y	Y [1]	Y [1]
Restaurants	Y	Y [1]	Y [1]
Service stations & repair services	Y	Y	Y
Health & childcare	Y	Y [1]	N
Hotels/motels	Y	Y [1]	N
Education & religious facilities	Y	Y [1]	N
Public Assembly	Y	Y [1]	N
Indoor sport, recreation & entertainment facilities	Y	Y [1]	N
Outdoor sport, recreation & entertainment facilities	Y	Y	N
Parks, Open Space & Golf Courses	Y	Y	N
Agriculture	Y	Y	Y
<p>Notes: Y – Permitted N – Not Permitted</p> <p>1. Development is required to incorporate sound attenuation features as a condition of building permit issuance, as described in Section 5.13.8.1 of this article. 2. The development of residential uses should only be approved in the absence of viable development options and as a result of a determination and evaluation indicating that a demonstrated community need for residential use would not be met if development were prohibited, as described in Section 5.13.8.2 of this article.</p>			

**Figure 2
Generalized Use Matrix for MIZOD Air Safety Zones**

Permitted Within Each Air Safety Zone	APZ II	APZ I	CZ
Residential	Y [1]	N	N
Manufactured Housing	N	N	N
Industrial	Y	Y	N
Retail & Service Businesses	Y	N	N
Office	Y	N	N
Restaurants	N	N	N
Service stations & repair services	Y	Y	N
Health & childcare	N	N	N
Hotels/motels	N	N	N
Education & religious facilities	N	N	N
Public Assembly	N	N	N
Indoor sport, recreation & entertainment facilities	Y	Y	N
Outdoor sport, recreation & entertainment facilities	Y	Y	N
Parks, Open Space & Golf Courses	Y	Y	N
Agriculture	Y	Y	N
<p>Notes: Y – Permitted N – Not Permitted</p> <p>1. Only single-family detached dwellings with a minimum lot size of 2.5 acres are permitted pursuant to Section 5.13.9.3 of this article.</p>			

Figure 3

Model Real Estate Disclosure Notice

Properties located within the Military Installation Zoning Overlay District (MIZOD) for Fort Stewart/WAAF should be aware that such property may be subject to overflights by commercial, general aviation, and military aircraft, and subject to noise, vibration, exhaust, air and vehicular traffic and other conditions associated with the operation of this military installation. Land within the MIZOD, particularly during periods of more intense military activity, can be subject to noise high enough to trigger annoyance. The military installation is operational 24 hours per day.

Figure 4

Model Avigation and Noise Easement

INDENTURE made this _____ day of _____, 20__ , between _____, hereinafter called "Grantor", and Liberty County Board of Commissioners a public body corporate and politic, hereinafter called Liberty County:

WHEREAS, Grantor is the owner in fee simple of a certain tract of land situated in Liberty County, State of Georgia, more particularly described as:

See attached Exhibit "A",

said tract of land being hereinafter referred to as "Grantor's Land"; and

WHEREAS, Grantor has agreed in consideration of _____ (\$_____) and other valuable consideration, receipt of which is hereby acknowledged, to grant Liberty County the following Avigation and Noise Easement for the right of flight and consequent aircraft noise over Grantor's Land.

NOW THIS INDENTURE, WITNESSETH:

Grantor, for itself, its heirs, successors and assigns, for the said consideration, hereby grants and conveys to Liberty County, the following Avigation and Noise Easement for the right of flight and consequent aircraft noise over Grantor's Land.

NOW THIS INDENTURE, WITNESSETH:

Grantor, for itself, its heirs, successors and assigns, for the said consideration, hereby grants and conveys to Liberty County, its successors and assigns, a perpetual

easement and right-of-way for the unobstructed and unrestricted flight of aircraft in, through and across the airspace over and above Grantor's Land, at any legally permissible altitude, and the right, to the extent permitted by law, to make noise and cause fumes and disturbance arising from the ground and flight operations of all civil and military aircraft to, from and upon the Fort Stewart/ WAAF military installation, regardless of the means of propulsion.

The Grantor, for itself, its heirs, successors, and assigns, does hereby waive all right to and interest in any claim or cause of action against Liberty County, arising out of or from any legally permissible noise, vibration, avigations, firing of large-caliber weaponry or detonations, pollution, light or noise generated from, above or on military property, or sonic disturbance of any description, caused by flight operations of civil and military aircraft regardless of the means of propulsion, to, from and upon Fort Stewart/WAAF, which may result in damage to land or to any person, structure or other property located upon Grantor's Land, excepting, however, any claim or cause of action for any damage or injury to person or property resulting from any aircraft, or object there from, falling on, propelled into, or striking any person or property on Grantor's land.

The Grantor, for the said consideration, further agrees, that if Grantor or its heirs, successors or assigns, should sell or alienate any portion of Grantor's Land, Grantor, its heirs, successors or assigns shall include in every deed or conveyance evidencing such sale or alienation, a recitation that the grant is subject to all conditions contained within this Avigation and Noise Easement, and further as a condition of such transaction, Grantor shall require each Grantee to include such recitation in any subsequent deed or conveyance of any of the property herein above described as Grantor's Land.

In the event any condition or provision herein contained is held to be invalid by any court of competent jurisdiction, the invalidity of any such easement, condition or provision shall in no way affect any other condition or provision herein contained.

It is understood and agreed that this easement shall be binding upon the heirs, administrators, executors, and assigns of the Grantor, and that this easement shall run with Grantor's Land.

TO HAVE AND TO HOLD said Avigation and Noise Easement hereby granted unto Liberty County for the use of the Fort Stewart/WAAF military installation, its successors, and assigns.

IN WITNESS WHEREOF, the undersigned has caused its signature to be affixed this day of

_____, 20__.

By:

STATE OF _____)

) ss.

COUNTY OF _____)

On this _____ day of _____, 20__, before me, a duly appointed and qualified notary public, personally appeared _____, to me personally known to be the same and identical person who signed the above and foregoing instrument and he did acknowledge the execution thereof to be his voluntary act and deed and that of _____.

WITNESS my hand and seal on the date last aforementioned.

Notary Public

ARTICLE 6. EXCEPTIONS AND MODIFICATIONS

6.1. - Existing lots of record.

Any lot of record existing at the effective date of this ordinance in any "A-1", "AR-1", or "R" district, may be used for the erection of a single-family dwelling, even though its area and width is less than the minimum requirements set forth herein, except as set forth hereinafter. Front, side and rear yards shall conform with the requirements of this ordinance as closely as possible. Where two (2) adjacent lots of record with less than the required area and width are held by one owner, the request for a permit shall be referred to the board of commissioners, which may require that the two (2) lots be combined and used for one main building.

6.2. - Yards.

6.2.1. *Front yards of through lots.* In any "R" district, where a lot runs through a block from street to street, a front yard as required by this ordinance shall be provided along each street lot line.

6.2.2. *Projections into yards and courts.* A wall or fence six (6) feet in height or under, or higher if a retaining wall, may be erected within the limits of any yard not extending beyond the front setback line. Any wall or fence in the front yard, not including a retaining wall, shall be limited to forty-eight (48) inches in height. (Mo. of 10-4-77)

Patios may not be located closer than ten (10) feet to any adjacent property line.

Architectural projects. Chimneys, leaders, cornices, eaves, gutters and bay windows, and the like, may extend not more than twenty-four (24) inches into any required yard.

6.2.3. *Accessory structures.* Accessory structures which are attached to the principal building shall comply with all the yard requirements for a principal structure.

Unattached accessory structures in "A-1", "AR-1", and "R" districts may be erected within a rear yard, provided they conform with the following:

Maximum height. One and one-half (1½) stories or fifteen (15) feet, except in "A-1" and "AR-1" districts.

An accessory structure shall not be less than ten (10) feet from any lot line.

An accessory structure shall be located not less than ten (10) feet from a principal structure.

Not more than two (2) accessory structures, including a private garage, shall be located in any "R" district, on one lot.

Unattached nonresidential accessory structures shall comply with the front and side yard requirements for the principal structure. They shall have a rear yard of ten (10) feet, except as otherwise specified in this ordinance.

ARTICLE VII. APPEALS

7.1. Organization and procedure.

7.1.1.*Authority.* All appeals shall be decided by the governing authority, the same being the board of commissioners of the county.

7.1.2.*Procedure.* Appeals may be made by any person or official aggrieved or affected by any provision of the zoning ordinance or by the decision of the planning commission or by the decision of the ~~building and zoning inspector~~ **zoning official** or other officer charged with enforcement of the provisions of the zoning ordinance. Such appeal must be made within twenty (20) days after said decision, by filing with the ~~building and zoning inspector~~ **zoning official**, a notice of appeal specifying the grounds therefore. The ~~building and zoning inspector~~ **zoning official**, shall arrange for the proper notices and shall bring the appeal before the governing authority at its next meeting.

7.1.3.*Stay of proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed from, unless the ~~building and zoning inspector~~ **zoning official**, shall certify to the governing authority after the notice of appeal has been filed with it, that by reason of facts stated in the certificate, a stay would, in ~~such inspector's~~ **the zoning official's** opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the governing authority or by a court of equity, after notice to the officer from whom the appeal is taken, and on due cause shown.

7.1.4.*Filing.* The governing authority may require the applicant to furnish such information as it deems necessary, when filing an application or appeal, and may require specific forms to be used.

[7.1.5. Reserved.]

7.1.6. *Refiling of disapproved or withdrawn cases.* If a case is disapproved by the governing authority, thereafter the governing authority shall take no further action for substantially the same proposal or the same property, until one year after the date of such disapproval. If a case before the governing authority is advertised, and thereafter withdrawn by the applicant before or at the meeting of the governing authority, applicant shall be precluded from filing another application for substantially the same proposal on the same premises for six (6) months. (Mo. of 9-6-83)

7.2. Hearings.

Upon filing of an appeal or application, the governing authority shall fix a time and place for a hearing, and give notice as follows:

7.2.1. *Public notice.* Notice given not more than thirty (30) days and not less than fifteen (15) days in advance of any public hearing required by this ordinance. Such notice shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the county. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

7.2.2. *Decisions of the governing authority.* The governing authority shall decide all applications and appeals within sixty (60) days after the final hearing thereon. Notice of decision shall be given to all parties so requesting. The governing authority's decision shall be binding on the building and zoning inspector-zoning official,, and such inspector he/she shall incorporate the terms and conditions of the same in any permit issued. (Mo. of 9-6-83)

~~7.3. Conditional uses.~~

~~Initial application for a conditional use shall be made to the building and zoning inspector zoning official who shall determine whether the use is allowed as a conditional use in the particular zone. If such use is allowed, the building and zoning inspector shall submit the application to the planning commission for its comments. Upon review by the planning commission, recommendations shall be presented to the governing authority as to additional restraints, restrictions, qualifications, or limiting factors that are felt to be desirable. The governing authority shall review all recommendations and approve or disapprove the conditional use.~~

~~7.3.1. Considerations for determining additional requirements for conditional use.—~~

~~7.3.1.1. Approval of a conditional use shall not adversely affect the economic values or the physical appearance of the neighborhood or areas surrounding the site or lot in question.~~

~~7.3.1.2. The physical and environmental effects of allowing the conditional use shall be considered.~~

~~7.3.1.3. Buffer zones, where necessary to shield any adverse factors, shall be considered.~~

~~7.3.1.4. Additional space for parking, landscaping, building, loading zones and setback shall be considered if necessary to protect adjacent structures or lots from any adverse impact.~~

~~7.3.2. Action of governing authority. The governing authority may add, delete, modify or change any recommendation made by the planning commission.—
(Mo. of 9-6-83)~~

[SECTION 7.3 CONDITIONAL USES MOVED TO SECTION 9.4]

7.4 7.3 Powers and limitations of the board.

~~7.4.1 7.3.1~~ *Administrative review.* The governing authority shall have the following powers:

~~7.4.1.1 7.3.1.1.~~ To hear and decide appeals where an error is alleged in any order, requirement, decision, or determination made by the ~~building and zoning inspector~~ **zoning official** in the enforcement of any section or article adopted pursuant to this ordinance.

~~7.4.1.2 7.3.1.2.~~ To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass.

~~7.4.1.3 7.3.1.3.~~ To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of the ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the governing authority that:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;

(b) The application of the ordinance to this particular piece of property would create an unnecessary hardship;

(c) Such conditions are peculiar to the particular piece of property involved; and

(d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by the ordinance. In exercising the above powers, the governing authority may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

~~7.4.2.~~ **7.3.2.** *Variances.* On an appeal from an order, requirement, decision or determination of the ~~building and zoning inspector~~ **zoning official**, or any other administrative officer or agency, the governing authority may grant a variance in the application of the provisions of the zoning ordinance, only if all of the following findings are made:

~~7.4.2.1.~~ **7.3.2.1.** That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not to circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.

~~7.4.2.2.~~ **7.3.2.2.** That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property. (Mo. of 9-6-83)

ARTICLE 8. ADMINISTRATION AND ENFORCEMENT

8.1.1. ~~Building and zoning inspector~~ zoning official The provisions of this ordinance shall be administered by a ~~Building and zoning inspector~~ zoning official, the office of which is hereby established.

8.1.1.1. Duties. The duties of the ~~Building and zoning inspector~~ zoning official shall be:

8.1.1.1.1. To receive and check all applications for zoning permits and certificates of occupancy.

8.1.1.1.2. To issue zoning permits and certificates of occupancy only for construction and uses which are in accordance with the regulations of this ordinance and subsequent amendments; or through board or court approval.

8.1.1.1.3. To record and file all application for zoning permits and certificates of occupancy together with accompanying plans and documents and keep them for public record.

~~8.1.1.1.4. To immediately prepare and publish a complete list of all nonconforming uses and occupations existing at the time of adoption of this ordinance or any amendment thereto. Such list shall contain the names and addresses of the owner or owners of such nonconforming uses and of any occupant other than the owner, the legal description or descriptions of the land, to the degree reasonably attainable, and the nature and extent of land use. Notification of this list shall be given by at least one publication in a newspaper of general circulation within the jurisdiction of this ordinance indicating where and when such list may be examined. Property owners and occupants shall be given one month to inspect the list and suggest necessary changes. They shall be given opportunity to appeal to the board for such changes in the list, as they request, but which are not made by the building and zoning inspector. After any necessary changes have been made by the building and zoning inspector, copies of the list shall be delivered to the board of commissioners for approval and recording. The building and zoning inspector zoning official shall issue certificates of occupancy for maintain a record of legal nonconforming uses. He/she shall examine them periodically to determine that they do not expand beyond the limitation prescribed in the ordinance.~~

8.1.1.1.5. Upon specific request of the commission or board, to furnish such facts, records and similar information, which will assist such body in reaching its decision.

8.1.1.1.6. To be responsible for keeping this ordinance, including the zoning map, up to date, and to include any amendments thereto. To approve plats which qualify as exceptions to the definitions of a "subdivision" contained in the subdivision regulations. (Mo. of 3-2-82)

8.1.1.1.7. If the ~~building and zoning inspector~~ zoning official shall find that any provisions of this ordinance are being violated, ~~such inspector~~ he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. ~~Such inspector~~ He/she shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations of structural changes thereto; order discontinuance of illegal work being done; or shall by this ordinance prevent violation of its provisions.

8.2. Zoning permits and certificates of occupancy.

8.2.1. *Zoning permits.* A zoning permit shall be required prior to the erection, construction, moving or alteration of any building, structure or portion thereof.

Applications for zoning permits shall be made in writing to the zoning official, and shall contain all information necessary to ascertain whether the proposed erection, construction, alteration or use complies with the provisions of this ordinance including the following:

8.2.1.1. Plan in duplicate drawn to scale indicating:

8.2.1.1.1. Actual dimensions and shape of the lot to be built upon.

8.2.1.1.2. Exact size and location on the lot of all buildings and other structures, if any, and the location and dimensions of proposed buildings and other structures or alterations.

8.2.1.1.3. Existing and proposed uses, showing the number of families the building is designed to accommodate.

8.2.2. *Certificate of occupancy.* A certificate of occupancy shall be required prior to the occupation for use or change of use of land, building or structure.

Application for certificate of occupancy shall be made in writing to the ~~building and zoning inspector~~ chief building official.

When use of premises involves a new building or structure, or alterations to an existing building or structure, such application shall be made at the same time application for a zoning permit is made.

When no construction or alteration is involved, application to occupy and use land may be made at any time. Such application shall contain all information necessary for the ~~building and zoning inspector~~ zoning official to determine whether the proposed occupation and use of land conforms to the provisions of this ordinance.

An application for a certificate of occupancy shall be granted or refused within fifteen (15) days after the ~~building and zoning inspector~~ chief building official has been officially notified of: (a) completion of construction, or (b) application to occupy and use land where no construction is involved.

8.3. Enforcement.

This ordinance shall be enforced by the ~~building and zoning inspector~~ zoning official and the chief building official. No permit or certificate of occupancy provided for in this ordinance shall be granted by ~~such inspector~~ the chief building official for any purpose except in compliance with the provisions of this ordinance, or with a decision of the governing authority or the courts.

8.4. Complaints regarding violations.

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint, stating fully the causes and basis thereof, which shall be filed with the ~~building and zoning inspector~~ zoning official. ~~Such inspector~~ He/she shall acknowledge such complaint, immediately investigate, and take action thereon as provided in this ordinance.

8.5. Schedule of fees.

~~Fees shall be paid in connection with applications under this ordinance as follows: Application for appeal to the governing authority.....\$100.00
Application for zone changes.....\$100.00
Building permits as established by the board of commissioners
(Mo. Of 9-2-75; Mo. Of 4-5-83; Mo. 9-6-83)~~

The schedule of fees to be paid in connection with applications under this ordinance is adopted by reference and is on file in the offices of the Liberty Consolidated Planning Commission.

8.6. Remedies.

In case any building or structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, or of any ordinance or other regulation made under authority conferred hereby, the board of commissioners, or with the approval of the board of commissioners, ~~the building and zoning inspector~~ zoning official or other proper official, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, business, or use in or about such premises.

ARTICLE 9. AMENDMENTS TO MAP OR TEXT*

***State law references:** The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; zoning proposal review procedures, O.C.G.A. § 36-67-1 et seq.

9.1. General.

Whenever the public necessity, convenience, general welfare or good zoning practice require, the governing authority by ordinance, may, after receipt of recommendation thereon from the planning commission, and subject to the procedures provided by law, amend, supplement, or change the regulations, district boundaries or classifications of property, now or hereafter established by this ordinance or amendments thereof.(Mo. of 12-3-85)

9.2. Applications for change.

Applications for any change in the text or classifications of property shown on the zoning map, shall be submitted to the ~~building and zoning inspector~~ zoning official upon such forms and accompanied by such data and information as may be prescribed for that purpose by ~~such inspector~~ the zoning official, so as to assure the fullest practicable presentation of facts for the record. Each application for a change of district boundaries or classification of property shall be verified by at least one of the owners or lessees of property or such person's representative, attesting to the truth and correctness of all facts and information presented with the application. It shall contain a map of the area proposed to be rezoned, and the area within two hundred (200) feet, giving the names and addresses of property owners, and all district boundary lines, and streets and alleys located therein. The inspector shall check the application to determine whether it conforms with the requirements listed above. Amendments to the zoning ordinance may also be initiated by the Liberty ~~County Joint~~ Consolidated Planning Commission and after a public hearing, may be recommended to the local governing authority.
(Mo. of 12-3-85)

9.3. Public hearing.

All amendments to this zoning ordinance shall require a public hearing. Additional public hearings may be held if deemed appropriate by the governing authority.

9.3.1. *Responsibility for hearing.* The ~~Liberty County Joint~~ **planning** commission is delegated authority to hold all hearings required by this ordinance in lieu of a hearing by the governing authority.

9.3.2. *Public notice of hearing.* Notice of hearing shall be given at least fifteen (15), but not more than forty-five (45) days in advance by publication in a newspaper of general circulation in the county by the ~~commission~~ **zoning official** and shall state the time, place and purpose of the hearing. If the purpose of the hearing is to consider rezoning property (amend zoning map), the notice shall include the location of the property, Liberty County tax map number and parcel number, its present zoning classification and proposed zoning classification and owner or representative who is making the request.

9.3.3. *Posting sign on property.* A sign shall be placed on the property (in a conspicuous location) by the ~~commission~~ **zoning official**, not less than fifteen (15) days prior to the hearing, containing information that rezoning is being considered, the date, time and place of the hearing, present zoning classification and proposed zoning classification.

9.3.4. *Notice to applicant.* The ~~commission~~ **zoning official** shall notify the applicant in writing at least fifteen (15) days in advance of the date, time and place of the hearing.

9.3.5. *Notice to other property owners.* The commission shall give notice of the time, place and purpose of public hearings to be held by it on proposed amendments or supplements, by mailing a postal card or letter notice to the owners of all properties lying within two hundred (200) feet of any part of the property proposed to be changed. The failure to notify any specific property owner as provided in this section, shall not invalidate any recommendations adopted hereunder, provided that other adjacent property owners are notified; it being the intention of the section to provide, so far as may be possible, due notice to the persons substantially interested in the proposed change, that an application is pending before the **planning** commission, proposing to make a change in the zoning map or the regulations set forth in this ordinance.

9.3.6. *Conduct of hearing.* The following procedures shall be followed:

9.3.6.1. The hearing shall be conducted by the chairman of the ~~Liberty County Joint planning~~ commission or in the chairman's absence by the vice-chairman.

9.3.6.2. A secretary shall record the proceedings of the public hearing. The record with all evidence submitted at the hearing shall be recorded as such and become a permanent part of the particular zoning amendment's file. Any party desiring a verbatim transcript of the hearing may bring a stenographer or tape recorder.

9.3.6.3. The chairman shall open the hearing by stating the specific zoning amendment being considered and indicated on county tax map the specific area involved.

9.3.6.4. The chairman shall determine if the applicant is present.

9.3.6.5. The chairman shall determine the number and names of persons attending who desire to testify or present evidence at the hearing.

9.3.6.6. The chairman shall permit the applicant to present the proposal, then.

9.3.6.7. The chairman shall permit each person attending who has indicated a desire, to present such person's evidence, and/or speak. When there are a large number of individuals, time limits may be invoked which shall apply equally to all individuals.

9.3.6.8. All speakers shall address the chair and may not ask questions of each other. Members of the commission may ask questions of any speaker.

9.3.6.9. When all have been heard the chairman shall declare that the receiving of testimony is closed.

9.3.6.10. After the receipt of all testimony and the consideration of all facts developed, the commission shall take into account the following factors:

~~a. Will the zoning proposal adversely affect the existing use value or usability of adjacent or nearby property? This especially applies to adjacent or nearby residential property.~~

~~b. Will the proposed zoning amendment permit a use that is suitable in view of the use and development of adjacent and nearby property?~~

~~c. Does the property proposed to be rezoned have a reasonable economic use as currently zoned?~~

~~d. Will the proposed zoning change result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?~~

~~e. Will the proposed zoning change be in conformity with the policy and intent of the Liberty County land use plan?~~

~~f. Are there other existing or changing conditions affecting the use and development of the property proposed to be rezoned which give supporting grounds for either approval or disapproval?~~

~~g. Is this request a logical extension of a zoning boundary which would improve the pattern of uses in the general area and conform to the comprehensive plan?~~

~~h. Is this spot zoning and generally unrelated to either existing zoning or the pattern of development of the area, and contrary to the intent of the comprehensive plan?~~

~~i. Would granting this request extend to the applicant development rights denied to others similarly situated in the same area?~~

~~j. Does this request have the potential of achieving short-term, to the disadvantage of long-term, development goals?~~

~~k. Could this request have a "domino effect," in that it becomes the opening wedge for further rapid growth, urbanization, or other land use change beyond what is indicated in the existing land use plan?~~

~~l. Could a change in classification adversely affect market values and/or tax rates of nearby properties?~~

a. Does the property have reasonable economic value as currently zoned?

b. Does the proposed use conform to the Ft. Stewart Joint Land Use study?

c. Does the proposed use conform to the comprehensive plan?

d. Will there be an adverse effect on the value and usability of nearby properties?

- e. Is the proposed use suitable in view of the nearby uses?
- f. Will the proposed use create a burden on streets, schools, utilities, or the provision of public safety?
- g. Would this allow a short-term gain at the expense of our local long-term goals?
- h. Would this change cause a “domino effect” and encourage “sprawl”?
- i. Are there unique historical sites which may be adversely impacted by this zoning?
- j. Is this parcel in a flood hazard area?
- k. Are there unique conditions which support approval or denial?
- l. Is it spot zoning and unrelated to the existing pattern of development?

If allowed, does this allow rights that are denied to others in this area

9.3.7. *Action by planning commission.* When all considerations of the matter have been completed the chairman shall entertain a motion from any member of the planning commission as to what recommendation shall be made to the governing authority. If no motion is made, the chairman shall ask for a vote of those who recommend approval and then those who recommend disapproval. The planning commission may recommend approval, disapproval or approval to a more restrictive zoning than that requested. (Mo. of 12-3-85)

7.3. 9.4 Conditional uses.

Initial application for a conditional use shall be made to the ~~building and zoning inspector~~ zoning official who shall determine whether the use is allowed as a conditional use in the particular zone. If such use is allowed, the building and zoning inspector shall submit the application to the planning commission for its comments. Upon review by the planning commission, recommendations shall be presented to the governing authority as to additional restraints, restrictions, qualifications, or limiting factors that are felt to be desirable. The governing authority shall review all recommendations and approve or disapprove the conditional use.

~~7.3.1.9.4.1~~ *Considerations for determining additional requirements for conditional use.*

~~7.3.1.1. 9.4.1.1~~ Approval of a conditional use shall not adversely affect the economic values or the physical appearance of the neighborhood or areas surrounding the site or lot in question.

~~7.3.1.2. 9.4.1.2~~ The physical and environmental effects of allowing the conditional use shall be considered.

~~7.3.1.3. 9.4.1.3~~ Buffer zones, where necessary to shield any adverse factors, shall be considered.

~~7.3.1.4. 9.4.1.4~~ Additional space for parking, landscaping, building, loading zones and setback shall be considered if necessary to protect adjacent structures or lots from any adverse impact.

~~7.3.2. 9.4.2~~ *Action of governing authority.* The governing authority may add, delete, modify or change any recommendation made by the planning commission. (Mo. of 9-6-83)

9.4. 9.5. Reconsideration of zoning decision.

All adverse determination of rezoning requests made by the governing authority may not be again submitted for rezoning for a period of six (6) months from the date of the adverse determination by the governing authority.(Mo. of 12-3-85)

ARTICLE 10 INTERPRETATION AND VALIDITY

10.1. - Interpretation.

In interpreting and applying the provisions of this ordinance, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued and not in conflict with any of the provisions of this ordinance, or which shall be adopted or issued, pursuant to law relating to the use of buildings or premises and likewise not in conflict with this ordinance; nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties not in conflict with this ordinance.

10.2. - Validity.

If any article, section, subsection, paragraph, sentence or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

10.3. - Repeal.

All ordinances or parts thereof which are in conflict with the provisions of this ordinance are hereby repealed.

10.4. - Effective date.

This ordinance shall become effective from and after the date of its approval and adoption provided by law.

ARTICLE 11 CRIMINAL PENALTIES

11.1. - Penalties.

Violation of the provisions of the zoning ordinance (Appendix A [Zoning] in said Code of Ordinances of Liberty County, Georgia) as amended hereby or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates said zoning ordinance (as amended) or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the zoning administrator of Liberty County from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. of 11-1-88)

11.2. - Jurisdiction.

The magistrate's court of Liberty County shall have jurisdiction over violations of said zoning ordinance (as amended) and all procedures for enforcement of said zoning ordinance (as amended) shall be as provided in Article 4, Chapter 10, Title 15, Official Code of Georgia Annotated. Complaints of violations of any provision of said zoning

ordinance (as amended) shall be brought before the magistrate's court on a citation issued by said zoning administrator or the chief magistrate of Liberty County and shall be prosecuted through that court. Violations of said zoning ordinance (as amended) will be tried upon citations either with or without a prosecuting attorney as determined by said zoning administrator. Service of citation shall be performed by the constable of the magistrate's court of Liberty County, Georgia. Citations shall meet all of the requirements as specified in the Official Code of Georgia Annotated Section 15-10-63, as amended.(Ord. of 11-1-88)

11.3. - Other penalties.

In addition to criminal penalties listed above, violation of the provisions of the zoning ordinance, as amended, shall be cause for denial of a business license, and where a business license has already been granted shall be cause for suspension, revocation or denial of renewal of such business license.
(Ord. of 11-1-88)

11.4. - Effective date.

The effective date of this amending ordinance [article] shall be November 1, 1988.
(Ord. of 11-1-88)

11.5. - Repeal.

All ordinances and parts of ordinances in conflict with this amending ordinance [article] are repealed.

ARTICLE 12 TELECOMMUNICATIONS TOWERS AND ANTENNAS

12.1. - Purpose.

The purpose of this article is to impose certain permitting requirements for the siting of all wireless, cellular, television and radio telecommunications towers and antennas; to encourage the location of towers in nonresidential areas; to minimize the total number of towers within the community necessary to provide adequate personal wireless services to residents of Liberty County and surrounding areas; to encourage the joint use of new and existing tower sites among service providers; to locate telecommunications towers and antennas in areas where adverse impacts on the

community are minimized; to encourage the design and construction of towers and antennas to minimize adverse visual impacts; and to enhance the ability of the providers of telecommunications services to deliver such services to the community effectively and efficiently. (Ord. No. 2000-002, § 1, 10-3-00)

12.2. - Definitions.

Words not defined herein shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the sentence and section in which they occur. Words used in the singular include the plural and words used in the plural include the singular. Words used in the present tense include the future tense. The word "erected" includes the words "constructed," "located" or "relocated." The word "map" or "zoning map" means the Zoning Maps of Liberty County, Georgia. The word "parcel" includes the word "plot" or "lot." The word "person" includes the words "individuals," "firms," "partnerships," "corporations," "associations," "governmental bodies" and all other legal entities. The word "shall" is always mandatory and never discretionary. The words "used" or "occupied" include the words "intended, arranged or designed to be used or occupied."

For the purpose of this article, certain terms used herein shall be defined as follows:

Administrator means the Zoning Administrator of Liberty County or the Administrator's designee.

Alternative tower structure means clock towers, bell towers, church steeples, light/power poles, electric transmission towers, on-premises signs, outdoor advertising signs, water storage tanks, and similar natural or manmade alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

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

Co-location means the placement of the antennas of two or more service providers upon a single tower or alternative tower structure.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Geographic antenna placement area means the general vicinity within which the placement of an antenna is necessary to meet the engineering requirements of an applicant's cellular network or other broadcasting need (as informed by industry standards).

Governing authority means the Board of Commissioners of Liberty County, Georgia.

Height, when referring to a tower or other structure, means the distance measured from ground level to the highest point on the tower structure or appurtenance.

Pre-existing towers and antennas means structures as set forth in section 12.3.4 of this article.

Scenic views means those geographic areas containing visually significant or unique natural features, as identified by the Governing Authority from time to time.

Telecommunications facility means any tower, alternative tower structure, antenna, or other similar structure, facility or appurtenance governed by this article.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telecommunication towers, man-made trees (with accessory buildings/structures) and other similar structures.

Visual quality means the appropriate design, arrangement and location of tower structures in relation to the built or natural environment to avoid abrupt or severe differences. (*Ord. No. 2000-002, § 1, 10-3-00*)

12.3. - Applicability.

12.3.1 *General applicability.* Except as set forth in section 12.3.3 herein, the provisions, requirements and limitations of this article shall govern the location of all wireless telecommunication, cellular telecommunication, television,

microwave, radio, or similar transmission towers or antennas installed within the jurisdiction of the Governing Authority. The provisions, requirements and limitations of this article shall only apply to wireless telecommunication, cellular telecommunication, television, microwave, radio, or similar transmission towers or antennas installed within the jurisdiction of the Governing Authority. In addition, any provisions, requirements or limitations contained elsewhere within the Zoning Ordinance of Liberty County, Georgia, which directly conflict with the administration of this article or the provisions, requirements or limitations hereof shall be inapplicable to this article.

12.3.2 *Governmental exemption.* Except as otherwise specifically provided for in this article, the provisions of this article shall not apply to the Governing Authority's properties, facilities or structures. Private facilities and structures placed upon the Governing Authority's property shall be governed by a lease agreement or similar instrument between the Governing Authority and the provider.

12.3.3 *Amateur radio; receive-only antennas.* This article shall not govern any tower, or the installation of any antenna, that is seventy-five (75) feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator's residence, or is used exclusively as a receiveonly antenna; provided, however, only one such tower or antenna per residence shall be excluded from this article.

12.3.4 *Pre-existing towers and antennas.* Any tower or antenna for which a permit has been properly issued prior to the effective date of this article shall not be required to meet the provisions of this article [10-3-00], other than sections 12.4.9, 12.4.10, 12.4.11 and section 12.9, and the requirements of sections 12.4.4 (except subsection 12.4.4(f)), 12.4.6 and 12.4.7 within six (6) months from the date of adoption of this article [10-3-00]. Any such towers or antennas shall be referred to in this article as "pre-existing towers" or "pre-existing antennas"; provided, however, that the placement of antennas on any nonconforming structure shall not create a vested right for the continued use of the structures should the nonconforming use cease.

If an additional antenna is co-located upon a pre-existing tower after adoption of this article, then the requirements of sections 12.4.4 (except subsection 12.4.4(f)), 12.4.6 and 12.4.7 shall be met as part of the permitting process. (*Ord. No. 2000-002, § 1, 10-3-00*)

12.4. - General provisions.

12.4.1 *Principal or accessory use.* A tower and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or tower. For purposes of determining whether the installation of a tower or antenna complies with zoning district requirements, including but not limited to set-back, buffer and other requirements, the dimensions of the entire lot or parcel shall control, even though the antenna or tower may be located on a leased area within such lot or parcel. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use of structure.

12.4.2 *Co-location; design requirements.* In addition to all applicable building and safety codes, all towers, except amateur radio towers, shall be designed to accommodate the co-location of cellular telecommunication antennas according to the following:

(a) For towers up to one hundred fifty (150) feet in height, the structure and fenced compound shall be designed to accommodate at least three (3) providers or the maximum number of users as determined by the most current technology, whichever is greater;

(b) For towers greater than one hundred fifty (150) feet in height, the structure and fenced compound shall be designed to accommodate at least four (4) providers or the maximum number of users as determined by the most current technology, whichever is greater.

12.4.3 *Co-location; availability of suitable existing structures.* No new tower except amateur radio towers, shall be permitted unless the applicant demonstrates to the satisfaction of the Administrator and/or Governing Authority (as the case may be) that no existing tower or existing alternative tower structure can accommodate the applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of the following:

(a) That no existing towers or suitable alternative tower structures are located within the geographic antenna placement area which will allow for the effective operation of the proposed antenna (as informed by industry standards);

(b) That existing towers or structures are not of sufficient height to allow for the effective operation of the proposed antenna (as informed by industry standards);

(c) That existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment (as informed by industry standards);

(d) That the applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna, and such interference cannot be effectively remedied;

(e) That the cost or contractual provisions required by the tower owner to share an existing tower or structure or to adapt an existing tower or structure for sharing substantially exceed the cost and requirements of new tower development and are otherwise entirely unreasonable;

(f) That the applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable, other than economic reasons.

12.4.4 *Aesthetics*. The guidelines set forth in this section shall govern the design and construction of all towers, and the installation of all antennas, governed by this article.

(a) Towers and/or antennas shall either maintain a galvanized steel or concrete finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(b) At all tower sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and building environment. Any equipment or cabinet that supports telecommunication facilities must be

concealed from public view and made compatible with the architecture of the surrounding structures or placed underground. Equipment shelters or cabinets shall be concealed from public view by using landscaping and materials and colors consistent with the surrounding backdrop. The shelter or cabinet must be regularly maintained.

(c) For antennas installed on a structure other than a tower, the antenna and supporting electrical and mechanical ground equipment shall be of a neutral color so as to make the antenna and related equipment visually unobtrusive.

(d) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Governing Authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. The lighting shall be dimmed or changed to red lights from the sunset to sunrise.

(e) No signage or other identifying markings of a commercial nature shall be permitted upon any tower or alternative tower structure within Liberty County.

(f) To the extent practical, telecommunication facilities shall not be placed in a direct line of sight with historic or scenic view corridors as designated by the Governing Authority or by any state or federal law or agency.

(g) Access to the tower site shall be restricted so as to minimize visibility of the access. Where possible, existing roads shall be used. Where no roads exist, access shall follow the existing contours of the land so as to minimize the visual impact of the site on the surrounding area.

(h) Such other additional requirements as the Administrator and/or Governing Authority (as the case may be) shall reasonably require to minimize the visual impact of the site on the surrounding area.

12.4.5 *Setbacks and separation.* The following setbacks and separation requirements shall apply to all towers:

(a) Towers shall be setback a minimum distance equal to the height of the tower from its base to any public right-of-way or occupied structure, or property line of the lot or parcel containing the tower. ~~unless the owner of~~

~~the adjoining property whose property is within said fall zone otherwise consents in writing.~~

(b) Guy-wires and accessory buildings and facilities shall meet the minimum accessory use location and setback requirements.

(c) Towers shall not be located closer than five thousand two hundred eighty (5,280) feet from any existing tower; provided, however, that the Administrator or Governing Authority may waive this requirement when it is determined that the placement of another tower within said five thousand two hundred eighty (5,280) feet is technologically required or visually preferable. This requirement shall not apply to amateur radio towers.

12.4.6 *Security fencing/anti-climbing devices.* All towers and supporting equipment shall be enclosed by fencing not less than six (6) feet in height and shall also be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood or other approved alternative.

12.4.7 *Landscaping.* The following requirements shall govern landscaping surrounding all towers.

(a) Where adequate vegetation is not present, tower facilities shall be landscaped with a landscaped strip of plant materials which effectively screens the view of the tower compound. Landscaped strips shall be a minimum of ten (10) feet in width and eight (8) feet in height at planting and located outside the fenced perimeter of the compound.

(b) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that lost.

(c) Landscaping shall be maintained by the provider and shall be subject to periodic review by the Administrator to assure proper maintenance. Failure to maintain landscaping shall be deemed a violation of this article.

Amateur radio towers and antennas, or receive-only antennas shall not be subject to this section unless specifically required by the Governing Authority by virtue of other provisions of the Zoning Ordinance of Liberty County, Georgia.

12.4.8 *Maintenance impact.* Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street, utilizing existing access to the property on which such facility is to be located, where possible.

12.4.9 *Federal requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the permittee, owner or the lessee of the tower and/or antenna governed by this article shall bring such tower and/or antenna into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more or less stringent compliance schedule is mandated by the controlling federal agency. Failure to bring such tower and/or antenna into compliance with such revised standards and regulations shall be deemed to be a declaration of abandonment of the tower and/or antenna and constitute grounds for the removal of the tower or antenna at the owner's, permittee's, or lessee's expense. Any such removal by the Governing Authority shall be in the manner provided by section 5-84 et seq. of the Code of Ordinances of Liberty County, Georgia, governing unsafe or abandoned structures.

12.4.10 *Building codes; safety standards.* To ensure the structural integrity of towers, the owner, permittee or subsequent lessee of a tower or alternative tower structure shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Administrator concludes that a tower fails to comply with all applicable codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice by the owner, permittee or lessee of the tower, said party shall have fifteen (15) days to bring the tower into compliance with such standards. Failure to bring such tower into compliance within fifteen (15) days shall be deemed a declaration of abandonment of the tower and constitute grounds for removal of the tower as provided in section 5-84 et seq. of the Code of Ordinances of Liberty County, Georgia, governing unsafe

or abandoned structures. Prior to the removal of any tower, the Administrator may consider detailed plans submitted by the owner, permittee or subsequent lessee for repair of substandard towers, and may grant a reasonable extension of the above referenced compliance period.

12.4.11 *Change of ownership notification.* Upon the transfer of an ownership interest in any tower, alternative tower structure, or lot upon which such a structure has been erected, the tower permittee shall notify the Administrator of the transaction in writing within thirty (30) days. (*Ord. No. 2000-002, § 1, 10-3-00*)

12.5. - Application procedures.

12.5.1 *General application requirements.* Application for a permit for any telecommunications facility shall be made to the Administrator by the person, company, organization, or duly authorized agent thereof, that will own and operate the telecommunications facility. An application will not be considered until it is complete. The Administrator is authorized to develop application forms to assist in providing the required information and facilitate the application process. Except for a co-location information submittal under section 12.5.2 of this article, the following information shall be submitted when applying for any permit required by this article and must be submitted for an application to be considered complete:

(a) Site plan or plans to scale specifying the location of telecommunications facility, transmission building and/or other accessory use, access, parking, fence, landscaped area, and adjacent land uses. Applicants shall submit both a paper location map and, if requested by the Administrator, a digitized location map in a format compatible with the GIS software utilized by Liberty County, Georgia.

(b) Landscaped plan to scale indicating size, spacing and type of plantings required in section 12.4.7.

(c) A full description of the environment surrounding the proposed telecommunications facility, including any adjacent residential structures and districts, structures and sites of historic significance, streetscapes or scenic view corridors.

(d) A description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel

needs, equipment needs, and traffic, noise or safety impacts of such maintenance.

(e) Report from a professional qualified engineer licensed in the State of Georgia, or other appropriate qualified industry expert, documenting the following:

(i) Tower or antenna type, height, and design;

(ii) Engineering, economic, and other pertinent factors governing selection of the proposed design;

(iii) Total anticipated capacity of the telecommunications facility, including numbers and types of antennas which can be accommodated;

(iv) Evidence of structural integrity of the tower or alternative tower structure;

(v) Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris; and

(vi) Certification that the antenna(s) and related equipment or appurtenances comply with all current regulations of the FCC.

(f) Identification of the geographic service area for the subject installation, including a map showing the site and the nearest or associated telecommunications facility sites within the network. Describe the distance between the telecommunications facility sites. Describe how this service area fits into and is necessary for the service network (i.e., whether such antenna or tower is needed for coverage or capacity).

(g) If the proposed site is zoned R-1 through R-4, B-1, B-2, or PUD, applicants must describe why an alternate site zoned A-1, AR-1 or I-1 was not proposed by identifying:

(i) What good faith efforts and measures were taken to secure such an alternate site;

(ii) Why such an alternate site was not technologically, legally or economically feasible and why such efforts were unsuccessful; and

(iii) How and why the proposed site is essential to meet service demands for the geographic service area.

The Administrator will review with special care justifications that appeal only to undue expense and/or to undue difficulties in entering into a lease or similar agreement. The Administrator shall carefully weigh such claims, and the evidence presented in favor of them, against a project's negative impacts at the proposed site.

(h) The applicant must provide a utilities inventory showing the locations of all water, sewage, drainage and power line easements impacting the proposed tower site.

(i) The applicant must provide any other information which may be requested by the Administrator to fully evaluate and review the application and the potential impact of a proposed telecommunications facility.

12.5.2 Tower co-location information submittals. Any person or entity co-locating an antenna or antennas which will add no more than ten (10) feet to the height of the tower and related equipment or appurtenances on or around a tower for which a permit has already been issued shall submit the following information only:

(a) The name of the person or entity co-locating the antenna.

(b) The name of the owner of the tower.

(c) The tower's permit number.

(d) The location of the tower.

(e) The remaining structural capacity of the tower.

(f) Certification that the antenna(s) and related equipment or appurtenances comply with all current regulations of the FCC.

(g) Such other information identified in section 12.5.1 as may reasonably be required by the Administrator.

12.5.3 *Inventory of existing sites.* To facilitate the co-location of antennas, each applicant seeking to locate a new tower, alternative tower structure or antenna, or modify any such existing structure, shall provide to the Administrator an inventory of its existing towers or alternative tower structures. The inventory shall include all such structures that are within the jurisdiction of the Governing Authority; within a municipality located, in whole or in part, within Liberty County; or, within one mile of the border of Liberty County, and shall include specific information about the location (latitude and longitude coordinates), height, design, tower type and general suitability for antenna co-location of each tower, and other pertinent information as may be required by the Administrator. The Administrator may make such information available to members of the public, to include, without limitation, other organizations seeking to locate towers or antennas within Liberty County, and in such form and manner as the Administrator deems appropriate; provided, however that the Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or otherwise suitable. (*Ord. No. 2000-002, § 1, 10-3-00*)

12.6. - Administrative approvals.

12.6.1 *General.*

(a) The Administrator may administratively approve the uses set forth in section 12.5 of this article as provided by this section 12.6. All such uses shall comply with requirements set forth in this article and all other applicable codes and ordinances.

(b) The Administrator shall respond to each application within forty-five (45) days of its receipt by either approving, approving with conditions, or denying the application. One 45-day extension of this review period may be exercised by the Administrator if such additional time is deemed necessary to adequately assess the request. If the Administrator fails to respond to the applicant within a maximum of ninety (90) days, the application shall be deemed to be approved.

(c) As part of any administrative approval, the Administrator may administratively reduce setback requirements by up to ten (10) percent to compensate for irregularly shaped lots or parcels.

(d) Any decision by the Administrator that results in the denial of a request to place, construct, or modify a telecommunications facility shall be in writing and supported by substantial evidence. In addition to the requirements set forth in section 12.6.4 for uses allowed by administrative approval, the Administrator shall consider the applicable factors set forth in this article, to include section 12.7.5, in acting upon an application for administrative approval.

12.6.2 Application; contents; fee. All applications for administrative approval of a permit shall be submitted to the Administrator. Each application shall contain as a part thereof detailed plans and specifications as set forth in section 12.5. An application for administrative approval of a permit shall not be accepted for processing without the information required in section 12.5 of this article. An application fee shall be charged by the Administrator in an amount stated in section 12.10 of this article.

12.6.3 Co-location of antennas required. Applicants for the erection of a tower or placement of an antenna shall be required to co-locate upon an existing tower or alternative tower structure. An exception to co-location shall only be made if the applicant adequately demonstrates that an existing tower suitable for co-location does not exist in the geographic antenna placement area, and that no suitable alternative tower structure is available as set forth in section 12.4.3.

12.6.4 Uses allowed by administrative approval. The following uses may be approved by the Administrator after conducting an administrative review:

(a) If it is adequately demonstrated that antenna co-location, as required in section 12.6.3 above, is not possible for a given geographic antenna placement area, construction of a new tower up to a height of three hundred (300) feet, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, may be permitted in the following zoning districts:

(i) Agricultural (A-1);

(ii) Agricultural-Residential (AR-1); and

(iii) Industrial (I-1);

Provided, however, that all structures shall meet the setback, screening and buffer requirements contained herein, together with such additional conditions which may be reasonably imposed by the Administrator to minimize the adverse effects of such placement on surrounding properties.

(b) So long as the addition of said antenna adds no more than ten (10) feet to the height of the existing alternative tower structure:

(i) Installation of an antenna on an existing alternative tower structure in any zoning district, and further including the placement of additional structures or other supporting equipment used in connection with said antenna, provided that if such installation is proposed on an existing alternative tower structure located in zoning districts R-1 through R-4, the applicant shall be required to (1) place all additional structures or other supporting equipment within the existing tower compound, and (2) meet such additional conditions which may be reasonably imposed by the Administrator to minimize the adverse effects of such placement on surrounding properties; or

(ii) Installation of an antenna on an existing county owned alternative tower structure in any zoning district, provided a lease or similar agreement authorizing the antenna has been approved by the Governing Authority.

(c) So long as the addition of said antenna adds no more than ten (10) feet to the height of the existing tower:

(i) Installation of an antenna on an existing tower of any height in any zoning district, and further including the placement of additional structures or other supporting equipment used in connection with said antenna, provided that if such installation is proposed on an existing tower located in zoning districts R-1 through R-4, the applicant shall be required to (1) place all additional structures or other supporting equipment within the existing tower compound, and (2) meet such additional conditions which may be reasonably imposed by the Administrator to minimize the adverse effects of such placement on surrounding properties, or

(ii) Installation of an antenna on an existing tower located on property owned, leased or otherwise controlled by the county in any zoning district, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, provided a lease or similar agreement authorizing the tower has been approved by the Governing Authority.

(d) Construction of a new tower up to a height of three hundred (300) feet, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, if placed upon property owned, leased or otherwise controlled by the county in any zoning district except R-1 through R-4, providing a lease or similar agreement authorizing the tower has been approved by the Governing Authority.

12.6.5 *Public notice/appeal.* At least fifteen (15) days prior to the issuance of a permit for the construction of a tower or antenna as an administratively approved use, except for co-location permits, the Administrator shall cause a sign to be conspicuously posted on the property and the publication of a public notice in the newspaper in which Sheriff's advertisements appear. Said public notice shall state the nature of the application, height of the proposed structure, street address of the proposed location, or other identifying information necessary to inform the public of the proposed location. The expense of the public notice shall be borne by the applicant.

If during the public notice period, a written objection to the permit application is filed, the validity of the application and all pertinent documentation shall be determined by the Governing Authority. Said objection must make reference to the specific section of the article which the objector contends is not met and provide supporting documentation therefor. The objection shall be placed on the first available agenda of a regularly scheduled meeting of the Governing Authority following the expiration of the 15-day appeal period. The Governing Authority shall dispense with the objection by either:

(a) A determination that the application is valid and meets all applicable criteria of this article, which shall result in the issuance of a permit as set forth herein.

(b) A determination that the application does not satisfy all applicable criteria of this article. Applications so found must, as a result, be processed through the Conditional Use Permit process set forth in section 12.7 contained herein.

(c) Review of the decision of the Governing Authority shall be made within thirty (30) days by writ of certiorari to the Superior Court of Liberty County, Georgia.

12.6.6 *Appeal of administrative determination.* If a permit application for a tower as an administratively permitted use is determined by the Administrator to not meet all applicable criteria of this article, the applicant may appeal the determination of the Administrator to the Governing Authority in accordance with sections 7.1 and 7.2 of the Zoning Ordinance of Liberty County, Georgia. The Governing Authority shall dispense with the appeal by either:

(a) A determination that the application is valid and meets all applicable criteria of this article, which shall result in the issuance of a permit as set forth herein.

(b) A determination that the application does not satisfy all applicable criteria of this article. Applications which do not satisfy all applicable criteria must, as a result, be processed through the Conditional Use Permit process set forth in section 12.7 contained herein.

(c) Review of the decision of the Governing Authority shall be made within thirty (30) days by writ of certiorari to the Superior Court of Liberty County.

(Ord. No. 2000-002, § 1, 10-3-00)

12.7. - Conditional use permit required.

12.7.1 *General.*

(a) If the proposed location, height, setback or other aspect of a proposed telecommunications facility cannot comply with the minimum requirements established in this article or are otherwise ineligible for administrative approval pursuant to section 12.6, then a Conditional Use Permit shall be required for the construction of a tower or the placement of an antenna in any zoning district. All such uses shall comply with requirements set forth in this article and all other applicable codes and ordinances, unless the applicant can show that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity.

(b) In granting a Conditional Use Permit, the Governing Authority may impose additional conditions to the extent that it concludes such conditions are necessary to minimize adverse effects from the proposed tower on adjoining or nearby properties as set out in section 12.7.5.

12.7.2 Application; contents; fee. All applications for Conditional Use Permits shall be submitted to the Administrator who shall forward the same to the Governing Authority for its consideration. Each application shall contain as a part thereof detailed plans and specifications as set forth in section 12.5. An application for a Conditional Use Permit shall not be accepted for processing without the information required in section 12.5. An application fee shall be charged by the Administrator in the amount stated in section 12.10.

12.7.3 Co-location of antennas required. Applicants for the erection of a tower or antenna, except amateur radio operators, shall be required to co-locate upon an existing tower structure. An exception to co-location shall only be made if the applicant adequately demonstrates that an existing tower suitable for co-location does not exist in the geographic antenna placement area, and that no suitable alternative tower structure is available as set forth in section 12.4.3 contained herein.

12.7.4 Public hearing. Before taking action upon the proposed Conditional Use Permit, the Governing Authority shall hold a public hearing on the matter. At least fifteen (15) days prior to the date of the public hearing, the Governing Authority shall cause the following notice requirements to be instituted by the Administrator:

(a) A sign shall be erected, in a conspicuous location, on or adjacent to the property under consideration. The sign shall state the time, place, location, and purpose of the public hearing.

(b) A letter shall be sent by certified mail, return receipt requested, to all property owners of record of abutting parcels, and to all property owners of residentially-used parcels lying in whole or in part within a distance of two (2) times the height of the proposed tower as measured from its base (as such property owners may be reasonably ascertained by the Administrator), giving notice of the public hearing. The letter shall state the same information as required for the sign.

(c) A public notice shall be published in the newspaper in which the sheriff's advertisements appear once a week for two (2) consecutive weeks prior to the date of the hearing.

(d) Subsections (b) and (c) above shall be the responsibility of, and at the expense of, the applicant.

12.7.5 Considerations in approval or denial of Conditional Use Permits. Any denial of a request to place, construct or modify a telecommunications facility shall be in writing and supported by substantial evidence contained in a written record. The following factors may be taken into consideration in acting upon a Conditional Use Permit application under the provisions of this article:

(a) The height and setbacks of the proposed tower, antenna, and equipment and structures in support thereof;

(b) The proximity of the tower, antenna, and equipment and structures in support thereof to residential structures and residential district boundaries;

(c) The nature of uses on adjacent and nearby properties;

(d) The surrounding topography;

(e) The surrounding tree coverage and foliage;

(f) The design of the tower, antenna, and equipment and structures in support thereof, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(g) The proposed ingress and egress;

(h) The availability of suitable existing towers or other structures for antenna co-location;

(i) The impact of the proposed tower, antenna, and equipment and structures in support thereof upon scenic views and visual quality of the surrounding area;

(j) The needs of the applicant as balanced against the detrimental effects on surrounding properties;

(k) The impact of the proposed tower or antenna(s) on adjacent and nearby properties; and

(l) Such other considerations as may be implicated by the provisions of this article.

12.7.6 Requirements for issuance of conditional use permit. The Conditional Use Permit may be issued by the Governing Authority only upon satisfaction of the following requirements:

(a) A proper application filed in accordance with the requirements of section 12.5;

(b) The application is otherwise in compliance with the conditions for the proposed conditional use required by this section;

(c) The applicant complies with the conditions imposed by the Governing Authority for the purpose of reducing the harmful effects of the use on surrounding uses and ensuring compatibility with surrounding uses;

(d) The Governing Authority determines that the benefits and need for the proposed conditional use are greater than any possible depreciating effects or damages to neighboring or nearby properties; and

(e) All fees and other expenses required have been paid in full.

12.7.7 Independent expert review. The Administrator or Governing Authority may engage a licensed professional engineer or other qualified industry professional as an independent expert to review any of the materials submitted by an applicant for a Conditional Use Permit and render an opinion regarding any concerns about the proposal, including but not limited to, structural integrity and the feasibility of alternative sites or co-location; provided, however, that prior to seeking the review of an independent expert, the zoning Administrator or Governing Authority shall convey its concerns to the applicant in writing and shall allow the applicant a reasonable opportunity to address those concerns. If the applicant is unable to address those concerns to the satisfaction of the Administrator or Governing Authority, the applicant shall be allowed a reasonable amount of time, not to exceed thirty (30) days, following the receipt of the letter to such effect, in which to modify the application to alleviate the Administrator's or

Governing Authority's concerns or withdraw the application altogether. If the applicant fails to so modify or withdraw the application within the required time, the Administrator or Governing Authority may proceed to engage a licensed professional engineer to conduct the independent expert review and the expert's reasonable fees, costs and expenses shall be paid by the applicant; provided that the Administrator or Governing Authority shall give the applicant written notice of its intent to do so. The expert's opinion shall not necessarily be determinative, but shall be a significant factor to be considered in granting or denying the application. No permit shall issue until the applicant has paid all such fees, costs and expenses incurred under this section.

12.7.8 *Resubmittal of conditional use application.* An application for a Conditional Use Permit which has been denied shall not be resubmitted for a period of six (6) months and then only if the applicant can document a substantial change in need for a tower or antenna at the same location. (*Ord. No. 2000-002, § 1, 10-3-00*)

12.8. - Towers and antennas in residential and environmentally fragile areas.

12.8.1 *Placement of towers and antenna in residential areas.* Notwithstanding any other provision of this article, no tower (to also include the use of an alternative tower structure) shall be permitted in zoning districts R-1 through R-4 or within two thousand (2,000) feet of (1) the boundary line of any property zoned R-1 through R-4, or (2) any single-family residential dwelling located upon property not zoned R-1 through R-4, unless the applicant can show that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including, without limitation, planned or potential locations which would provide the same or similar coverage or capacity; provided, however, that a tower (or use of an alternative tower structure) may, absent such showing, be permitted within two thousand (2,000) feet of any residential dwelling located on property not zoned R-1 through R-4 upon the written consent of the owner(s) of such residentially used property. Applications for placement of a tower (or use of an alternative tower structure) within two thousand (2,000) feet of the external boundary line of any property zoned R-1 through R-4 shall be available only through the Conditional Use Permit process.

12.8.2 Notwithstanding any other provision of this article, no tower or antenna shall be permitted in a zoning district classified Dunes and Marshland (DM-1).

(*Ord. No. 2000-002, § 1, 10-3-00*)

12.9. - Removal of abandoned towers and antennas.

12.9.1 *Notice of abandoned antenna and structures.* The owner or lessee of a tower or antenna shall promptly notify the Administrator of its intent to abandon, or the abandonment of, any tower or antenna.

12.9.2 *Removal of abandoned antennas and towers.* Any tower, antenna, or other equipment and structure in support thereof that is not operated for a continuous period exceeding twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the structure within ninety (90) days of such abandonment. If said tower or antenna is not removed within said ninety (90) days, the Governing Authority may, in the manner provided in section 5-84 et seq. of the Code of Ordinances of Liberty County, Georgia, governing unsafe and abandoned structures, take such action as may be deemed necessary to remove, or cause to be removed, such tower, antenna, or other equipment and structure in support thereof at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease utilizing the tower. (Ord. No. 2000-002, § 1, 10-3-00)

12.10. - Application and permit fees.

The following fees will be required of any applicant submitting an application under this article:

12.10.1 *Administrative approval of new tower construction.* An application for construction of a new tower up to a height of three hundred (300) feet in A-1, AR-1 or I-1 zoning districts, otherwise eligible for administrative approval, shall be one thousand dollars (\$1,000.00).

12.10.2 *Administrative approval of antenna location on tower or alternative tower structure.* An application for location of an antenna on an existing tower or alternative tower structure (so long as the addition of said antenna adds no more than ten (10) feet to the height of the existing tower or structure), otherwise eligible for administrative approval, shall be two hundred fifty dollars (\$250.00).

12.10.3 *Conditional use permit for construction of new tower.* An application for construction of a new tower (including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna) not eligible for administrative approval shall be two thousand dollars (\$2,000.00).

12.10.4 *Conditional use permit for location of antenna on tower or alternative tower structure.* An application for location of an antenna on an existing tower or alternative tower structure, not eligible for administrative approval, shall be five hundred dollars (\$500.00).

12.10.5 *Building permit fees.* In addition to the application fees set forth herein, the applicable construction and utility inspection permit fees in effect at the time of the application for the permit shall apply. The foregoing permit fees shall also be in addition to any and all other costs and expenses required by this article to be borne by the applicant. *(Ord. No. 2000-002, § I, 10-3-00)*

12.11. - Severability.

If any provision of this article is declared to be invalid, such declaration shall not affect, impair, or invalidate the remaining provisions of this article.
(Ord. No. 2000-002, § II, 10-3-00)

12.12. - Repeal.

All ordinances and parts of ordinances in conflict with this ordinance [article] are hereby repealed.
(Ord. No. 2000-002, § III, 10-3-00)

12.13. - Effective date.

This ordinance shall become effective on the 3rd day of October, 2000.