

ZONING / LAND USE ORDINANCE

FOR

PIERCE COUNTY, GEORGIA

AND THE CITIES OF

BLACKSHEAR,

OFFERMAN AND PATTERSON

**Draft
9/18/20**

**Prepared by Pierce County and the Cities of Blackshear, Offerman, and Patterson
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SECTION 1.
ENACTMENT, SHORT TITLE, JURISDICTION, PURPOSE

1-1 Enactment Clause. The Board of Commissioners of Pierce County, Georgia, and the City Councils of Blackshear, Offerman, and Patterson, under the authority of Article IX, Section II, Paragraphs I and IV of the Constitution of the State of Georgia and the amendments thereto, hereby ordain and enact into law the following sections.

1-2 Long Title. An ordinance regulating, within the unincorporated area of Pierce County, Georgia, and the municipalities of Blackshear, Offerman, and Patterson, the location, height, bulk, number of stories, and size of buildings and other structures; the sizes of yards, courts, and other open spaces; the density and distribution of population; and the uses of buildings, structures, and the land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, public activities, and other purposes, creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the methods of administration and amendment; providing penalties for violations; repealing conflicting ordinances; and for other purposes.

1-3 Short Title. These regulations shall be known and may be cited as the “Zoning / land use ordinance/ Land Use for Pierce County, Georgia, and the municipalities of Blackshear, Offerman, and Patterson.”

1-4 Jurisdiction. These regulations shall govern the use of all land and the development thereof within the unincorporated area of Pierce County, Georgia and the municipalities of Blackshear, Offerman, and Patterson.

1-5 Purpose. The purpose of these regulations shall be to promote the proper location, height, bulk, number of stories, and size of buildings and structures; the provision of open spaces; the density and distribution of population; and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, public activities, and other purposes so as to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the public health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and prevent urban sprawl; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to promote desirable living conditions and the sustained stability of neighborhoods; to protect property against blight and depreciation; to secure economy in governmental expenditures; to conserve the value of buildings; and to encourage the most appropriate use of land, buildings, and structures throughout the unincorporated and incorporated areas of Pierce County, Georgia; and for other purposes.

SECTION 2. DEFINITIONS

For the purposes of these regulations, certain terms or words used herein shall be defined as follows:

2-1 Interpretation of Certain Terms and Words. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "person" includes a firm, partnership, company, corporation, or association.

The word "lot" includes the word "plot" or "parcel."

The word "building" includes the word "structure."

The word "shall" is always mandatory, and not merely discretionary.

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

Accessory Dwelling Unit. A detached or attached subordinate dwelling unit, located on the same lot as the principal structure. Includes garage apartments, mother-in-law suites, guest houses, or any other type of residential unit that is subordinate to the primary use of the lot.

Accessory Structure. A detached, subordinate structure, the use of which is clearly incidental to, customarily associated with, and related to the principal structure or use of the land; and which is located on the same lot as the principal structure or use, including residential swimming pools.

Adult Entertainment Establishments. A commercial establishment, which has as its primary purposes or business the offer for sale, rent, or distribution of any book, publication, tape, CD, DVD, or any media that depicts nudity or sexual conduct, or engages in services such as bath houses, massage parlors, wrestling parlors, or like activity, including a night club, restaurant, cabaret, lounge, adult theater, or other establishment which features adult entertainment.

Agriculture. The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to people, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program. Retail selling of products raised on the premises shall be considered a normal accessory activity provided that space adequate for the parking of customers' vehicles shall be provided off the public right-of-way.

Assisted Living Facility. A system of housing and limited care that is designed for senior citizens who need some assistance with daily activities but do not require care in a nursing home.

Bed and Breakfast. A dwelling in which sleeping accommodations and food are provided or offered to transient visitors for compensation.

Boarding or Rooming House. A building dedicated to the lodging and/or feeding of five or more non-transient persons or separate families as defined herein for compensation.

Buffer. That portion of a given lot, not covered by buildings, pavement, parking, access areas, and service areas, established as landscaped open space for the purposes of screening and separating properties. A buffer consists of trees, shrubs, and other natural vegetation, to be replanted where sparsely vegetated or disturbed.

Building Height. The vertical distance of a building measured from the average elevation of the finished lot grade along the front of the building to the highest point of the building.

Building. Any structure, except a manufactured home or mobile home, which has a roof and which is for the shelter, support, or enclosure of persons, animals, or property of any kind.

Place of Worship. A building in which persons regularly assemble for religious or spiritual activities or worship, intended primarily for purposes connected with such activity.

Club, or Lodge, Private. An incorporated or unincorporated association for civic, social, cultural, fraternal, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public.

Comprehensive Plan. The most current Comprehensive Plan(s) for Pierce County and the Cities of Blackshear, Offerman, and Patterson, as duly adopted and subsequently amended by the respective member governments. This plan includes future land use designations, community work programs, and other elements for each respective local government.

Concentrated Animal Feed Lot Operations (CAFO). An agricultural enterprise with more than 1000 animal units (an animal unit is defined as an animal equivalent of 1000 pounds live weight and equates to 1000 head of beef cattle, 700 dairy cows, 2500 swine weighing more than 55 lbs, 125 thousand broiler chickens, or 82 thousand laying hens or pullets) confined on site for more than 45 days during the year.

Conditional Use Permit. A Conditional Use Permit is a use which, within certain districts specified by this ordinance, is not permitted as a matter of right but may be permitted within these districts by the applicable governing body (City Council or County Commission) after the Planning, Zoning, and Code Enforcement Board has reviewed the proposed use and provided a recommendation to the applicable governing body. Standards for Conditional Use Permit review are in Section 16-3.

Curb Cut. The providing of vehicular ingress and/or egress between a property and an abutting public street.

Day Care Center or Nursery School. A facility licensed by the State of Georgia that provides care, training, education, custody, treatment, or supervision for children, where such children are not related by blood, marriage, or adoption to an owner or operator of the facility.

Dwelling Unit. An enclosure of one or more rooms, including kitchen and bathroom facilities, designed or constructed as a unit for residential occupancy by one household.

Family. One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, or fraternity or sorority house.

Farm. A tract of land devoted to agricultural purposes and associated uses.

Flea Market. An outdoor and/or indoor facility established for the purpose of selling at retail such new or used items as household goods, tools, crafts, or any other combination of new or used goods. These markets, sales, and displays are those that occur continuously or frequently, and specifically more than two times per year, normally at a fixed location where a proprietor, partnership, or corporation leases to vendors a booth, commercial space, or other designated area from which the vendor markets these goods.

Floor Area, Gross. The total number of square feet of floor area in a building, determined by horizontal measurements between the exterior faces of walls, excluding basement areas, attic, porches, carports, and garages.

Governing Authority. As used in this ordinance, the Board of County Commissioners of Pierce County and/or the City Councils of the Cities of Blackshear, Offerman, and/or Patterson, as applicable.

Group Home. An orphanage, rest home, nursing home, convalescent home, or similar use established to render domiciliary care for two or more persons unrelated to the owner, but not including facilities for the care of mental patients, alcoholics, or drug addicts; and not including day care centers or nursery schools.

Home-Based Business/Rural Home Occupation. An occupation for gain or support, customarily conducted on the premises by a person or family residing therein. These uses are governed by the requirements of Sections 9-2 and 9-3.

Hospital. Any institution receiving in-patients or outpatients, and authorized under Georgia law to render medical, surgical, and/or obstetrical care. The term "hospital" shall include a sanitarium for the treatment and care of persons suffering from dementia, mental illness, or drug addiction, but shall not include office facilities for the private practice of medicine or dentistry.

Junk Yard. Use of property for outdoor storage, keeping, abandonment, sale, or resale of junk, including scrap metal, rags, paper, lumber, architectural salvage, equipment, or other scrap materials; or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof. For the purposes of enforcement of this ordinance, "junk yard" means anywhere three (3) or more vehicles or household appliances not in running condition, or the parts

thereof, are stored in the open or in open buildings. Buffers are required for all junk yards. (See Section 9-7).

kennel, Commercial. Any location where boarding, caring for, and keeping of more than a total of three dogs, cats, or other domestic animals (except litters of animals of not more than six months of age) is carried on for compensation; or any location where dogs, cats, or other domestic animals are raised or bred for commercial purposes.

kennel, Non-Commercial. Any location where the boarding, caring for, and keeping of more than three but not more than ten dogs, cats, or other domestic animals (except litters of animals of not more than six months of age) is carried on, not for commercial purposes but as a hobby.

Lot of Record. A lot which is part of a subdivision recorded in the office of the Clerk of the Superior Court of Pierce County, or a parcel described by metes and bounds, the description of which has been so recorded prior to the adoption of the Pierce County, Blackshear, Offerman, and Patterson Subdivision Regulations.

Lot Width or Frontage. The width in linear feet of a lot or parcel where it abuts the right-of-way of any public street. In the case of corner lots and through lots, the longest side of the lot that runs adjacent to the right-of-way shall be considered the lot width. In the case of irregularly shaped lots, the side of the lot that most closely approximates a straight line and abuts the right-of-way shall be considered the lot width.

Lot, Corner. A lot having frontage on two or more public streets at their intersection.

Lot, Through. A lot other than a corner lot, having frontage on more than one street; or a corner lot having frontage on three or more streets.

Lot. A tract or parcel of land, held in a single ownership by one person, or in common ownership by more than one, which has both usable lot area and lot dimensions equal to or greater than the lot width and lot area requirements established by this ordinance for the zoning district in which such tract of land is located and for the use proposed for the tract of land. (See Sections 3-18)

Manufactured Home Park. An area, under single ownership and not subdivided into customary lots planned for individual ownership, containing three or more manufactured homes used as living facilities, with each such home having its own defined space; or an area containing three or more spaces designed or intended for the parking of manufactured homes to be used as living facilities for rent or lease.

Manufactured Home. A factory-built structure, transportable in one or more sections, designed to be used as a dwelling with or without a permanent foundation, constructed on or after June 15, 1976 in compliance with the Manufactured Home Construction and Safety Standards (42 U.S.C. 5401-5426). The City of Blackshear voted several years ago to not allow manufactured homes within the city limits.

Mobile Home. A factory-built structure, transportable in one or more sections, designed to be used as a dwelling with or without a permanent foundation, constructed prior to the enforcement of the Manufactured Home Construction and Safety Standards (42 U.S.C. 5401-5426), effective June 15, 1976. Mobile homes, as defined herein, may not be placed within any zoning district in Pierce County or the Cities of Blackshear, Offerman, and Patterson.

Night Club (Lounge). A place of entertainment, open at night, usually serving food and alcoholic beverages and providing music and space for dancing.

Non-Conforming. A building, structure, lot, or use of land existing at the time of the enactment of this ordinance which does not conform to the regulations of the district in which it is located.

Nursing Home. An institution providing residential accommodations with healthcare, especially for elderly people.

Open Space. That required portion of a lot at ground level, unoccupied by enclosed buildings and available to all occupants of the property.

Owner(s). If a sole proprietorship, the proprietor; if a partnership, all partners (general and limited); if a corporation, all officers, directors, and persons holding at least ten percent (10%) of the outstanding shares.

Planning, Zoning, and Code Enforcement Board. An advisory board whose members are appointed by the governments of Pierce County and the Cities of Blackshear, Offerman, and Patterson, Georgia. The primary purpose of the Planning, Zoning, and Code Enforcement Board is to provide recommendations to the local governing bodies regarding land development decisions; the Board is not authorized to take any final action regarding the zoning or use of any property, this being the prerogative of the local governing bodies (i.e., County Commission and City Councils). For full details on the role of the Planning, Zoning, and Code Enforcement Board, the Board's Charter should be consulted.

Principal Building. The building containing or to contain the principal use of a lot.

Principal Use. The principal purpose for which a lot or the main building thereon is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

Residential. Pertaining to the use of land and structures, a residential property is a home, apartment, or other unit, appointed with rooms, plumbing and bathroom facilities, kitchen facilities, electricity, and heating, intended for non-transient occupancy and designed primarily for living, sleeping, cooking, and eating therein.

School. A facility where persons regularly assemble for the purpose of instruction or education, including any playgrounds, stadiums, or other structures and grounds used in conjunction therewith. This shall include but not be limited to public and private schools used for primary, secondary, or post-secondary education.

Senior Home or Retirement Home. A multi-residence housing facility intended for the elderly. Typically, each person or couple in the home has an apartment-style room or suite of rooms.

Setback. The minimum distance required between the parcel boundary and a building or structure located on the parcel.

Shopping Center. Two (2) or more commercial establishments planned and managed as a single unit, with off-street parking and loading facilities provided on the property.

Single-family Home. A detached building designed, constructed, adapted, and/or used for one dwelling unit.

Street, public. Right-of-way dedicated to the city, county, state, or federal government, or owned by the city, county, state, or federal government, which is developed, maintained, and used primarily for the purpose of transportation and/or movement, by vehicle, foot, or other means, and for access to abutting property.

Structure. Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, billboards, swimming pools, carports, and fallout shelters, but do not include walls or fences.

Two-family Home. A building designed, constructed, adapted, and/or used for two adjoining dwelling units that are connected by a fire rated common wall; or if two stories in height, by a fire rated common floor.

Variance. A relaxation of the dimensional and/or development standards of the Zoning / land use ordinance / Land Use that will not be contrary to the public interest and where, owing to conditions peculiar to the property, the literal application of this Zoning / land use ordinance / Land Use would cause an unnecessary hardship. . The final action on variances is taken by the Zoning Board of Appeals after said board receives a recommendation from the Planning, Zoning, and Code Enforcement Board. Standards for variance review are in Section 13-3.

Yard, Front. That area of a lot lying between the abutting street right-of-way line and the principal building of the lot and extending across the front of a lot from side lot line to side lot line.

Yard, Rear. That area of a lot extending across the rear of a lot from side lot line to side lot line and lying between the rear lot line and the principal building on the lot.

Yard, Side. That area of a lot between the side lot line and the principal building on the lot extending from the front yard to the rear yard.

Zoning / land use administrator. The person, officer, or official and this authorized representative, whom the County Commission and/or City Councils have designated as their agent for the administration of these regulations.

Zoning District. A delineated section or sections of Pierce County and/or the Cities of Blackshear, Offerman, and Patterson for which the zoning regulations/land use governing the use of buildings and premises, the height of buildings, the size of yards, the intensity of use, and various other requirements are uniform.

SECTION 3. GENERAL PROVISIONS

3-1 Interpretations and Application. In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations. Except as hereinafter provided, these regulations shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easements, covenants, or other agreements between parties. Whenever the provisions of these regulations impose greater restrictions upon the use of land or buildings, or upon the height of buildings, or require a larger percentage of a lot to be left unoccupied than the provisions of other ordinances, rules, regulations or permits, or any covenants or other agreements between parties, then the provisions of these regulations shall govern.

3-2 Zoning Affects All Land and Buildings. No buildings, structures, or land shall be used or occupied, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in conformity with the regulations of this ordinance.

3-3 Every Use Must be Upon a Lot. No building or structure may be erected or use established unless upon a lot as defined by this ordinance, except as provided in Section 3-18.

3-4 Only One Principal Building Per Lot. There shall be no more than one (1) principal building or structure upon any lot within the SF district.

3-5 Reduction of Yards or Lot Area. Except as provided in Section 3-18, no lot existing at the time of passage of this ordinance shall be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located, unless said reduction or division is necessary to provide land that is needed and accepted for public use.

3-6 Encroachment on Public Rights-of-Way. No building, structure, mandated buffer, service area, or required off-street parking and loading facility, except driveways, shall be permitted to encroach on public rights-of-way.

3-7 Location of Accessory Buildings or Uses. Accessory buildings on residential lots, when located within a front or side yard, shall be located no closer to property lines than would be allowed for a principal building. In the case of a through lot (see Section 3-9) accessory buildings shall conform to front yard setbacks on both streets. Accessory buildings or uses on non-residential lots shall comply with front, side, and rear yard requirements established for the zoning district in which such buildings or uses are located.

3-7.1 Accessory Building on Separate Lot: An accessory building may be permitted, as a Conditional Use Permit by the local governing body, on a separate lot from the lot of the principal building, provided that: (a) the lot upon which the accessory building is to be located shall be within 400 feet of the principal use; and (b) all requirements, including use restrictions, established for the Zoning district in which

such accessory building is to be located shall be complied with; and (c) any structure or building erected shall meet the requirements of the applicable Building Code and shall be approved by the building inspector. In addition to the above requirements, the local governing body may require design features such as buffer strips, screening, etc., as may be found necessary to protect the purposes of this ordinance.

3-7.2 Swimming Pools: The standards of the 2012 International Swimming Pool and Spa Code shall apply to swimming pools. Swimming pools must conform to the setbacks applicable for the zoning district in which they are installed. Swimming pools must be entirely surrounded by a permanent fence or wall that obstructs unauthorized access. .

3-7.3 Separation from Principal Use: Any accessory building shall be located at least ten (10) feet from the principal building.

3-8 Every Lot Shall Abut a Street. No building shall be erected on a lot that does not abut an open public street or an approved private street meeting current county/city development standards. Lots of record prior to the adoption of Pierce County's and the municipalities' Subdivision Regulations shall not be subject to this provision. Every lot shall abut such a street for a contiguous and uniform width as dictated by the respective zoning district. For the purpose of establishing lot abutment and minimum width to an approved street, easements are not acceptable in lieu of minimum lot frontage and abutment standards. These standards shall not apply to lots abutting the radius of a cul-de-sac, where lot width shall be measured at the building setback line.

3-9 Lots with Multiple Frontage. In the case of a corner lot, side yard setback requirements from the centerline of the street right-of-way shall equal seventy-five percent (75%) of that required for the front yard setback for the respective zoning district. On a corner lot where the main entrance into a residence is facing a side yard, it shall be permissible for purposes of this ordinance to interpret the residence to be fronting on the street other than that street which said entrance faces, and side and rear yard requirements may be provided accordingly. If a building is constructed on a through lot having frontage on two (2) or more roads not at an intersection, a setback from each road shall be provided equal to the front yard requirement for the district in which the lot is located.

3-10 Visibility at Intersections. On corner lots within all zoning districts, no fence, shrubbery, or other obstruction to the traffic sight vision, except utility poles or required signs, shall exceed a height of three (3) feet within a triangular area formed by the intersection of the right-of-way lines of two (2) streets or a street intersection with a railroad right-of-way line, and a diagonal line which intersects the right-of-way lines at two (2) points, each twenty (20) feet distance from the intersection of the right-of-way lines, or, in the case of a rounded corner, from the point of intersection of their tangents; provided, however, signs, lights, or similar objects which are totally located at least twelve (12) feet above the finished grade shall be permitted.

3-11 Uses Prohibited. If either a use or class of use is not specifically indicated as being permitted in a district, either as a matter of right or as a Conditional Use Permit, then such use, class of use, or structures for such uses shall be prohibited in such district.

3-12 Zoning Regulations to Apply When Lot is Divided by District Boundary Line. In the event that a district boundary line on the Zoning Districts Map divides a single lot of record on the date of passage of this ordinance, each part of the lot so divided shall be used in conformity with the regulations established by this ordinance for the district in which such parcel is located; except, however, that if the property owner of such a lot so desires, he may extend a use allowed on either portion of said lot fifty (50) feet beyond the district boundary line in accordance with setbacks and yard requirements of the district into which he is encroaching.

3-13 Height Limitations of Walls and Fences. Within any residential district, no wall or fence shall exceed eight (8) feet in height within or along a boundary of a rear or side yard. Within the front yard, all fences shall have a height limit of four (4) feet.

3-14 Required Buffers in C, LI, and I Districts. In these districts, where a lot abuts any residential district, a six (6) foot wide buffer the entire length of the lot abutting the residential property shall be provided with screening as specified in Section 3-16. Off-street parking associated with such uses shall be governed by this same provision.

3-15 Screening of Service Areas within One Hundred Fifty (150) Feet of Public Street. Any service area, loading area, refuse area, or storage area between a principal building and a public street being visible from said street and lying within one hundred fifty (150) feet of said street shall be screened from view from the public street as specified.

3-16 Screening Required. Wherever screening is required by this ordinance, a wall, fence, or hedge of sufficient opacity to provide a visual blind, designed to be compatible with the character of adjoining properties, shall be provided and maintained by the owner. Such fences and walls shall be at least six (6) feet in height, but no greater than eight (8) feet in height, measured from the ground along the common lot line of the adjoining properties. Hedges or comparable natural plantings shall be of such variety that an average height of at least six (6) feet could be expected by normal growth within no more than three (3) years from the time of planting.

3-17 Side and Rear Yards Not Required Next to Railroad. Within any non-residential district, side yards and rear yards shall not be required adjacent to railroad rights-of-way.

3-18 Substandard Lots of Record. Any lot of record existing at the time of the adoption of this ordinance which has an area or a width which is less than that required by this ordinance may be used as a building site for a structure or use permitted in that zone; provided, however, that the same yard, setback, open space, and other dimensional requirements are met that would be required for a standard lot, except for those properties deemed unacceptable for development by the Pierce County Health Department.

3-19 Structures Permitted Above the Height Limit. Subject to the approval of the Zoning / land use administrator, church spires, belfries, cupolas, domes, ornamental towers not intended for

human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smoke stacks, conveyors, flag poles, radio or television towers, masts or aerials, parapet walls not extending more than four (4) feet above the roofline of the building, and necessary mechanical appurtenances may be exempted from the height limit of the underlying zoning district.

3-20 Permitted Encroachments of Yards and Setbacks. Architectural features such as cornices, eaves, steps, gutters, and fire escapes may project not more than three (3) feet beyond any required setback line, except where such projections would obstruct driveways or access for service and/or emergency vehicles.

3-21 Prohibited Uses in All Residential Districts.

1. It shall be a prohibited use in all residential districts and residential lots to park or store in the open, wrecked or junked vehicles, power driven construction equipment, used lumber, metal or rubbish, or any other miscellaneous scrap or salvageable material.
2. Tractor-trailer combinations, tractors, or trailers shall not be placed or stored in residentially zoned districts.
3. Commercial kennels are prohibited in all residential districts.

3-22 Mobile Homes. No mobile homes, defined as units constructed prior to June 15, 1976, shall be allowed within Pierce County, Blackshear, Patterson, or Offerman. Only manufactured homes constructed to the Federal Manufactured Home Construction and Safety Standards governed by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. 5401, et. Seq., shall be permitted within the corporate and unincorporated areas of Pierce County. However, no manufactured homes shall be permitted within the city limits of Blackshear.

3-23 Recreational Vehicles. Recreational vehicles shall not be utilized as a permanent dwelling in any zoning district within the incorporated boundaries of the Cities of Blackshear, Offerman, and Patterson. Occupancy exceeding 30 days shall be considered permanent.

SECTION 4. ZONING DISTRICTS

4-1 Establishment of Districts. In order that the purposes of this ordinance as defined in Section 1 may be accomplished, there are hereby established within Pierce County and the Cities of Blackshear, Offerman, and Patterson, Georgia, zoning districts/land use identified as follows:

Agriculture/Forestry District (AF)

The purpose of this district is to dedicate land for farming (such as farmsteads, fields, lots, livestock production, pastures, poultry, specialty farms, etc.), aquaculture, or commercial timber or pulpwood production and harvesting. This district is also created to assist in the conservation of natural resources by encouraging practices which will conserve soil and water resources. Utilities other than electricity, telephone, and broadband should be provided by the land user in order to discourage the costly extension of public water supply and sewage disposal facilities. Residential Subdivisions are not allowed in this district.

Single Family Residential District (SF)

The purpose of this district is to provide for single-family dwellings and related recreational, religious, and educational facilities needed to provide the basic elements of a balanced and attractive residential area. These areas are intended to be protected from the encroachment of uses not performing a function appropriate to the single family residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

Multi-Family Residential District (MF)

The purpose of this district is to provide for medium and high population density. The principal use of land may range from single family to apartment uses. Persons residing in this district are entitled to protection from other types of uses which are detrimental to the residential characteristics of the district. The regulations which apply to this district are designed to encourage the formation and continuance of a stable, healthy living environment for its residents.

Manufactured Home Park District (MHP)

The purpose of this district is to provide a sound and healthy residential area sufficient to meet the unique needs of inhabitants living in manufactured homes, to protect manufactured home parks from encroachment by incompatible uses, to encourage the consolidation of manufactured homes in parks, and to enhance property values in the community by providing distinctive areas for manufactured home parks. It is intended that all manufactured home parks be desirable living areas providing adequate open space.

Commercial District (C)

The purpose of this district is to encourage an economically healthy environment for a wide variety of businesses and services which benefit from close proximity to each other. The regulations shall encourage intense land development, and discourage uses requiring large areas of land in proportion to the number of pedestrians. The regulations are concerned with excluding all uses

involving heavy trucking which are not related to the predominant retail activity, and particularly in excluding manufacturing and warehousing.

Neighborhood Commercial District (NC)

The purpose of this district is to provide nearby residential areas with convenient shopping and service facilities. Uses will include those businesses and services which are desired by neighborhood residents on a day-to-day basis. Regulations are designed to encourage a stable, healthy, and compatible environment, reduce traveling and parking inconveniences, avoid strip commercial development, and prevent industrial and other incompatible uses capable of destroying the neighborhood commercial character of the district.

Downtown Commercial District (DC)

The purpose of this district is to encourage redevelopment, historic restoration, and infill development, and generally to promote a sense of place within the downtown and surrounding area by providing standards and development incentives that are not otherwise available. This includes the promotion of traditional building types and the enabling of social interaction on downtown streets.

Industrial District (I)

The purpose of this district is to provide land for industrial, manufacturing, and warehousing operations which require buildings and open areas for fabricating, processing, extracting, or repairing equipment, raw materials, manufactured products, or wastes. The traffic networks of the county and region are to be considered in order to discourage disruption and congestion of traffic. The intensity of uses of right in this district makes it desirable that they be located downwind, as determined by the prevailing wind direction, and separated from residential and commercial uses.

Light Industrial District (LI)

The purpose of this district is to provide land for various types of industrial, manufacturing, or warehousing operations which are compatible with adjoining districts. Such uses generally require storage of materials or goods either before or after the manufacturing process, but are of low noise or nuisance level. Land for this district should be located in relation to the thoroughfare network of the community as well as rail and air if required, and designated so as to not disrupt normal traffic flow. The development of light industrial parks as Planned Unit Developments is encouraged.

Public/Institutional District (PI)

The purpose of this district is provide land specifically for local, state, or federal government uses, and institutional land uses.

Parks/Recreation/Conservation District (PRC)

The purpose of this district is to preserve and control development within certain land, swamp, and water areas of this county. These areas serve as wildlife refuges, possess great natural beauty, are of historical or ecological significance, are utilized for outdoor recreational purposes, or provide needed open space for the health and general welfare of the public. The regulations are designed to discourage encroachment of uses capable of destroying the undeveloped character of the district.

Planned Unit Development District (PUD)

The purpose of this district is to achieve development of superior quality through the encouragement of flexibility and creativity in design options that permit creative, responsible, and sustainable approaches to the development; allow for the efficient use of land, which can result in smaller networks of utilities and streets and thereby lower development costs; allow design options that encourage an environment of stable character compatible with surrounding land uses; and permit the enhancement of neighborhoods through the preservation of natural and/or cultural features, and the provision of recreation areas and open space.

Adult Commercial (AC)

The purpose of this district is to provide a reasonable location within the community for the development of adult-oriented businesses, including adult entertainment establishments.

4-2 Zoning Districts Map. The boundaries of each district are shown on maps entitled "Official Zoning Districts Map of Pierce County, Georgia". The Official Zoning Districts map shall be dated and certified by the Chairman of the County Commission and County Clerk, and said maps and all explanatory matter thereon accompanies and is hereby made a part of this ordinance.

Accurate copies of the "Official Zoning Districts Map of Pierce County and the Municipalities, Georgia," shall be displayed in the office of the Zoning / land use administrator at all times. Said maps shall accurately show all map amendments made in accordance with the provisions of this ordinance. It shall be the duty of the Zoning / land use administrator to ensure that the "Official Zoning Map" displayed in this office is kept up-to-date and accurately shows all amendments.

4-3 Interpretation of Zoning District Boundaries: When uncertainty exists with respect to the location of boundaries of any zoning district as shown on the "Official Zoning Districts Map of Pierce County", the following rules shall apply:

- 4-3.1** Unless otherwise specifically indicated, where district boundaries are indicated on the Zoning Map as approximately following the centerline of a street right-of-way, highway, railroad right-of-way line, stream bed, or river bed, such centerlines shall be interpreted to be such district boundaries.
- 4-3.2** Zoning district boundaries indicated as approximately following platted lot lines shall be interpreted as following such lot lines.
- 4-3.3** Where district boundaries are indicated on the Zoning Map as approximately following the corporate limit lines, then such corporate limit lines shall be interpreted to be such district boundaries.
- 4-3.4** Where district boundaries are indicated on the Zoning Map as being set back from the centerline of a street right-of-way, road, highway, railroad, stream, or river, and parallel thereto, then such district boundaries, unless otherwise specifically indicated, shall be interpreted as being at the scaled distance from the centerline of such street, road, highway, railroad, stream, or river as being parallel thereto.

4-4 Planned Development District (PD) - Planned Development Districts are intended to provide an alternative method of land development and redevelopment not available within the framework of standard zoning districts. The standards and procedures for approving these districts are intended to promote flexibility of design and allow for planned diversification and integration of uses and structures while at the same time retaining in the Councils/Commissioners the absolute authority to establish such conditions, limitations, and regulations as the local governing body deems necessary to maintain community aesthetics and to protect the public health, safety, and general welfare. In doing so, the Planned Development Districts are designed to achieve the following objectives:

- A) Accomplish a more desirable development than would be possible through strict adherence to standard zoning and subdivision regulations.
- B) Accommodate a mixture of uses and/or development patterns which are compatible both internally and externally through limitations on sign control, building orientations, buffering, or other techniques which may be appropriate to a particular development proposal.
- C) Encourage flexible and creative concepts of site development planning which meet the changing needs, technologies, and economic and consumer preferences.
- D) Preserve the natural amenities of the land by encouraging scenic and functional open areas.
- E) Encourage an efficient use of land, where appropriate and beneficial to the County or City, resulting in a smaller network of streets and utilities, thereby lowering development and housing costs.
- F) Maintain consistency with the Goals, Policies, and Future Land Use elements of the Comprehensive Plan.

4-4.1 Relation to other Regulations. The Planned Development District shall be a zoning district. Rezoning of a property to Planned Development is permissible when approved after review of a concept plan that ensures objectives A through F in Section 4-4 can be met. Once development has commenced under a PD approval, development must continue under the terms and conditions of the approval until it is completed or until the PD approval has been properly amended.

Planned Developments shall meet the intent of all applicable development regulations of the relevant City or County. These shall include but shall not be limited to the adopted Zoning / land use ordinance / Land Use Subdivision Regulations, and Building and Fire Codes. If any of these ordinances or regulations are in conflict with the approved PD plans, the terms and conditions of the approved PD plans shall take precedence. All proposed deviations from the Cities' or County's development standards shall be listed and described in the PD proposal.

4-4.2 Eligibility Requirements. Minimum acreages for Planned Development proposals shall be as follows:

- | | | |
|----|-------------------------------------------|----------------|
| A) | All residential developments: | Five (5) acres |
| B) | Non-residential or mixed use development: | Ten (10) acres |

4-4.3 Planned Development Review Process and Fees. Planned Developments shall be reviewed and advertised in the same manner as any proposed Zoning Map amendment as described in Section 14 of the Zoning / Land Use Ordinance. Pre-application meeting(s) with appropriate County or City staff shall be required in order for the applicant to discuss the proposal before the application is submitted.

4-4.4 Development Plan Submittal Requirements. Proposed development plans shall include but shall not be limited to the following. Additional submittal requirements may be determined by County or City staff at the pre-application meeting or during the review process.

- A) Completed application forms.
- B) Letter of intent.
- C) Master concept plan if developed in phases. If deemed necessary, each phase shall be reviewed and approved separately.
- D) Mechanically drawn site plans with the appropriate numbers of copies provided for necessary staff review and public hearings. These plans shall include but shall not be limited to the following:
 - 1) Location Map
 - 1) Title, scale, and north arrow.
 - 2) Existing and proposed site improvements.
 - 4) Detention/Retention areas.
 - 5) Landscape plan showing any vegetative buffers and open space. A minimum 15% of the gross property acreage shall be reserved as open space and /or outdoor recreation area.
 - 6) Boundary survey and/or legal description in metes and bounds.
 - 7) Proposed list of deviations from the City's or County's development standards.

- 8) Written approval from the County Engineer stating that the proposal is in compliance with the County's street, parking, and utilities regulations.

4.5 Planned Development Amendments. Substantial amendments to an approved Planned Development proposal shall be reviewed and processed in the same manner as if it were a completely new development proposal.

The term substantial shall include but shall not be limited to any of the following:

- A) Greater than 10% increase in number of dwelling units, total square footage of buildings and/or structures, or total impervious surface area.
- B) Reduction by greater than 10% of landscaped or open space areas or building setbacks.
- C) Any change in the boundaries of the proposed Planned Development project.

Non-substantial amendments to an approved Planned Development District shall be reviewed and approved jointly by the Zoning / land use administrator and the Code Inspector. At their discretion, such amendments may be presented to the Council / Commissioners for their consideration.

4.6 Enforcement and Penalties. The terms and conditions of approval for Planned Development Districts shall be enforceable in the same manner as any other provision of this Zoning / Land Use Ordinance. Violations shall be punishable as provided in this Ordinance for each separate offense.

**SECTION 5.
SCHEDULE OF PERMITTED USES**

5-1 Table of Permitted Uses. Within the various zoning districts as indicated on the "Official Zoning Districts Map of Pierce County," no building or structure shall be constructed, erected, or altered, and no land used, except in compliance with the Table of Permitted Uses.

- 5-1.1 Uses Permitted by Right:** Uses permitted as a matter of right are indicated on the table by the letter "X" in the appropriate column.
- 5-1.2 Conditional Use Permit:** Uses permitted only by Conditional Use Permit are indicated on the table by the letters "C" in the appropriate column. Requests to approve a use by Conditional Use Permit shall be advertised, reviewed, and processed in the manner described in Section 16.
- 5-1.3 Uses Not Allowed:** Uses not specifically designated by an "X" or "C" within the appropriate column are not allowed within the district. Uses that are not listed, or that do not fall within a category listed, in the Table of Permitted Uses shall not be permitted except by Conditional Use Permit. The interpretation of the Table of Permitted Uses with regard to the categorization of a given use shall be the prerogative of the Zoning / land use administrator.
- 5-1.4 Conflict of Use Interpretation:** In the event of a discrepancy between the various provisions of this ordinance as relates to a particular use of land being allowed in a particular zoning district, Section 5, Schedule of Permitted Uses, shall govern.

LAND USE	ZONING DISTRICT												
	AF	SF	MF	MHP	C	NC	DC	I	LI	PI	PRC	PUD	CA
Personal services (such as barbershops, nail salons)			C		X	X	X						
Professional offices			C		X	X							
Recreational vehicle parks, campgrounds (5-acre minimum)	C				X								
Restaurant			C		X	X							
Retail store					X	X							
Rural home occupation	X												
Shopping center					X		C						
Studios (such as art, music, yoga, martial arts)	X		C		X	X							
Wholesale trade					X			X					
Industrial uses													
Bulk storage yards, junk yards, salvage operations							X						
Landfills & recycling facilities							X						
Light manufacturing/processing (must not impose excessive noise, vibration, odor, dust or other offensive effects on the surrounding area)							X	X					
Manufacturing/processing							X						
Mining & extraction	C						X						
Warehouses, storage, and logistics							X	X					
Institutional uses													
Animal shelters	C									X			
Cemetery	X									X	X		
Day care center (must be licensed by the State of Georgia) more than 6			C		X	C	C			X			
Educational facility (university, college, K-12 school, preschool)										X			
Government buildings										X			

**SECTION 6.
DEVELOPMENT STANDARDS**

6-1 Development Standards. Within the various Zoning districts/Land Use as indicated on the "Official Zoning Districts Map of Pierce County, Georgia", no building or structure, excluding all signs, shall be constructed or erected except as indicated in the following schedule:

District	Minimum Lot Size for Development	Minimum Road Frontage (feet)	Setbacks (feet, measured from parcel boundary)			Minimum Gross Floor Area Per Dwelling Unit (square feet)	Maximum Height (feet)
			Front*	Side	Rear		
AF	1 acres	100	20	20	20	800	
SF	1ac/10	40	10	10	10	800	35
MF	1/10 acre	40	10	10	10	500	35
MHP	5 acres	100	20	20	20	800	35
C	1/10 acre	40	20	10	10		
NC	1/10 acre	40	20	10	10		35
DC	0	0	0	0	0	0	
I	1 acre	100	20	20	20		
LI	1 acre	100	20	20	20		
PI	0	40	10	10	10		
PRC	0	0	0	0	0		
PUD	5ac residential-10 ac. mixed use						
CA	2 acres	100	20	20	20		35

* On corner lots and through lots, the front setbacks shall be applicable to any side of the lot that abuts a public street.

SECTION 7. OFF-STREET PARKING AND SERVICE REQUIREMENTS

7-1 Scope of Provisions. Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building, improvements, or use, a plot plan showing the required space reserved for off-street parking and service purposes. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on the approved plan.

7-2 Drainage, Construction, and Maintenance. All off-street parking, loading, and service areas shall be drained so as to prevent damage to abutting properties and/or public streets and shall be constructed of materials, which will assure a surface resistant to erosion. All such areas shall be at all times maintained at the expense of the owners thereof in a clean and orderly condition.

7-3 Separation from Walkways, Sidewalks, and Streets. All off-street parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective device.

7-4 Parking Area Design. Parking stalls shall have a minimum width of nine (9) feet and length of twenty (20) feet. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways shall be at least twenty-four (24) feet wide where used with ninety (90) degree angle parking, at least eighteen (18) feet wide where used with sixty (60) degree angle parking, at least twelve (12) feet wide where used with forty-five (45) degree parking, and at least twelve (12) feet wide where used with parallel parking. Where there is no parking, interior driveways shall be at least ten (10) feet wide for one-way traffic movement and at least twenty (20) feet wide for two-way traffic movement.

7-5 Joint Parking Facilities. Two (2) or more neighboring uses, of the same or different types, may provide joint facilities, provided that the number of off-street parking spaces is not less than the sum of the individual requirements.

7-6 Pavement Markings and Signs. Each off-street parking space shall be clearly marked, and pavement directional arrows or signs shall be provided wherever necessary. Markers, directional arrows, and signs shall be properly maintained so as to ensure their maximum efficiency.

7-7 Number of Parking Spaces. In order to assure a proper and uniform development of public parking areas throughout the jurisdiction of this ordinance, to relieve traffic congestion on the streets, and to minimize any detrimental effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the following schedule. For any use or class of use not specifically mentioned in this schedule, the requirements shall be the same as a similar use as mentioned herein. Parking requirements for additions to existing uses or structures shall be based upon the total development even if the existing use is deficient. These regulations shall apply to all zoning districts other than Downtown Commercial districts.

USE	PARKING SPACES
Auditorium, stadium, assembly hall, gymnasium, theater, community recreation center, place of worship	(a) One (1) space per four (4) fixed seats in the largest assembly room or area, or (b) one (1) space for each forty (40) square feet of floor area available for the accommodation of moveable seats in the largest assembly room or combination of fixed and moveable seats, or one (1) space per each one-hundred fifty (150) square feet of gross floor area, whichever is greatest.
Automobile fueling station	One (1) space (in addition to service area) for each pump and one (1) space for each one (1) employee during period of greatest employment.
Automobile sales and repair, service stations and washerterias	Same as 7-8.3 above plus one (1) space for each five hundred (500) square feet of gross floor area of the shop or washerteria.
Bowling alley	Four (4) spaces per alley plus requirements for any other use associated with the establishment such as a restaurant, etc.
Club or lodge	One (1) space for each two (2) employees plus one (1) space for each two hundred (200) square feet of gross floor area within the main assembly area plus additional spaces for other uses permitted within the premises.
Combined Uses	Parking spaces shall be the total of the spaces required for each separate use established by this schedule.
Dance school	One (1) space for each employee plus one (1) space per one hundred fifty (150) square feet of gross floor area plus safe and convenient loading and unloading of students.
Family personal care and group personal care	One (1) space for each employee on shift of greatest employment.
Fraternity or sorority or college dormitories	One (1) parking space for each two (2) residents and one (1) space for each two (2) employees.
Golf course	Two (2) spaces for each hole and one (1) space for each two (2) employees plus requirements for any other use associated with the golf course.
High schools, trade schools, colleges, and universities	One (1) space for each teacher, employee, and administrative personnel plus safe and convenient loading of students plus five (5) spaces for each classroom.
Hospital, nursing home, care home, or congregate personal care home	One (1) space for each bed, plus one (1) space for each employee on shift of greatest employment.
Hotel	One (1) space for each guest room, suites, or units plus any spaces required for accessory uses.

USE	PARKING SPACES
Indoor and outdoor recreational areas (commercial), YMCA and similar uses	(a) One (1) space for each one-hundred fifty (150) square feet of gross floor, building, ground area, or combination devoted to such use; or (b) one (1) space per each four (4) seats or facilities available for patron use; whichever is greatest.
Industrial or manufacturing establishment or warehouse	Two (2) spaces for each three (3) employees on shift of greatest employment, plus one (1) space for each vehicle used directly in the conduct of the business.
Kindergarten and nursery schools	One (1) space for each employee, plus safe and convenient loading of students.
Manufactured Housing Park	Two (2) spaces for each manufactured home space.
Motel	One (1) space for each unit plus one (1) space for each two (2) employees, plus any spaces required for accessory uses.
Office, professional building or similar use	One (1) space for each three hundred (300) square feet of the gross floor area.
One and two family dwellings	Two (2) spaces per each unit (residential driveways will satisfy this need).
Personal service establishment	One (1) space for each two hundred (200) square feet of gross floor area.
Restaurant or place dispensing food, drink, or refreshments	One (1) space for each two (2) seats plus one (1) space for each two (2) employees on shift of greatest employment.
Schools, elementary	One (1) space for each teacher, one (1) space for each two (2) employees and administrative personnel, and one (1) space for each classroom, plus safe and convenient loading and unloading of students.
Swimming pool (Commercial)	One (1) space for every two hundred (200) square feet of water surface area plus requirements for additional uses in association with the establishment such as a gym, etc.
Shopping center	One (1) space for every two hundred (200) square feet of gross floor area.
Retail stores of all types not otherwise mentioned	One (1) space per one hundred fifty (200) square feet of gross floor area.
Wholesale establishments	One (1) space for each employee plus sufficient spaces to accommodate vehicles used in the conduct of the business.
Adult Entertainment Establishments	One (1) parking space per one-hundred (100) square feet of gross building area or one (1) for each customer seat, whichever is greater.

7-8 Off-Street Loading Requirements. On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry

cleaning, or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services in order to avoid undue interference with the public use of streets and alleys.

7-9 Minimum Number of Loading Spaces Required. Industrial, wholesale, and retail operations shall provide space as follows:

- A) Off-street loading spaces shall be provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses.
- B) Off-street loading spaces shall be designed and constructed so that all maneuvering to park and unpark vehicles for loading and unloading can take place entirely within the property lines on the premises. Loading spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on public right-of-way.
- C) Ingress and egress to off-street loading spaces shall conform to driveway entrance regulations of Pierce County and the Cities.

7-10 Curb Cut Requirements. In any district where the lowering or cutting away of curbs, or the placement of asphalt and/or a driveway culvert on non-curbed sections for the purpose of ingress and egress, is required, such curb cuts or asphalt width shall be subject to the following provisions:

- 1) No single curb cut may exceed 30 feet in length.
- 2) No more than two curb cuts shall be allowed on any parcel of property, the total frontage of which is less than 200 feet. Additional curb cuts for parcels having a frontage in excess of 200 feet shall be permitted at the rate of one curb cut for each additional 100 feet.
- 3) At street intersections on local or collector streets (on corner lots), no curb cuts shall be located within 25 feet of the intersection. On arterial streets, no driveway shall be within 70 feet of the intersection.
- 4) No curb cut shall be located closer than 15 feet to a side lot line.
- 5) The distance between any two curb cuts on the same side of the street shall be not less than 30 feet.
- 6) When new development or redevelopment results in an existing driveway or curb cut no longer being used, the driveway or curb cut shall be removed, the sidewalk (if existing) shall be replaced, the curb and gutter shall be replaced, and/or if no curb is present, the area shall be backfilled to its natural state.

SECTION 8. NON-CONFORMANCES

8-1 Non-conforming Lots. Any lot for which a plat or legal description has been legally recorded in the Office of the Clerk of Superior Court of Pierce County at the time of passage of this ordinance which fails to comply with the dimensional requirements for the district in which it is located may, if vacant, be used for any of the uses permitted within the district by this ordinance, or if occupied by a structure containing a conforming use, may have the structure improved, enlarged, or extended; provided that in either case:

- A) Minimum requirements of the district for front, side, and rear setbacks, height, and floor area shall be complied with.
- B) Requirements for parking and curb cuts shall be complied with.

8-2 Non-conforming Uses of Land and Structures. Non-conforming uses of land and structures shall be governed by the following restrictions in addition to the other requirements in this ordinance:

- A) When a non-conforming use of land or structures has been changed to a conforming use, it shall not thereafter be used for any non-conforming use.
- B) Non-conforming uses of land or structures shall not be changed to any but conforming uses.
- C) A non-conforming use of land or structures shall not be enlarged to cover more land than was occupied by that use when it became non-conforming.
- D) When any non-conforming use of land or structures is discontinued for a period in excess of six (6) months, any future use of the land or structure shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or non-use of the land or structure, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

8-3 Reconstruction of Non-conforming Structures. When a non-conforming structure or a structure containing a non-conforming use is razed or damaged by fire or natural disaster, such structure may be reconstructed to continue the same non-conforming use only if the damage totals less than seventy-five percent (75%) of the value of the structure. Structures that do not conform to the setback requirements of this ordinance, shall also be governed by this provision.

8-4 Non-Conforming Junk Yards. All non-conforming junkyards shall be made to conform to the special provisions of this Zoning / Land Use Ordinance within a period of two (2) years of the adoption of the Zoning / Land Use Ordinance. Screening of junk yards is intended to shield the use from public view and from the view of surrounding properties, to reduce noise emitting from the premises, and to protect surrounding property values. An eight (8) foot wide buffer strip shall be planted, or existing vegetation may be used, in combination with a solid fence or wall of wood

or concrete, dense enough to interrupt vision and noise to a height of eight (8) feet. The required vegetative screen shall be planted such that it will reach its required height in a period of three years, and the fence and vegetative buffer shall be erected along all road frontages, side lot lines, and rear yards. All fences must be secured with locks approved by the Building Inspector.

8-5 Changes in Zoning / Land Use. Any non-conformances created by a change in district boundaries or ordinance regulations after the date of passage of this ordinance shall also be governed by the provisions of this section.

SECTION 9.
SPECIAL PROVISIONS FOR CERTAIN USES

9-1 Agricultural Worker Housing. Agricultural worker housing is allowed as an accessory use in the AG (Agricultural) Zoning district subject to the following provisions:

- A) Head of household shall be a full-time or seasonal employee of the property owner.
- B) Each land area proposed for the development of agricultural worker housing shall receive approval from established county health authorities as to its suitability as a site for an effective sanitary sewage disposal system designed to accommodate wastes generated by the users of that land site.
- C) Water supply and sewage disposal for said housing shall be approved by the Pierce County Health Department.
- D) Each housing unit shall have electric power, adequate heating and air conditioning, and full kitchen and bath facilities. All agricultural worker housing shall meet the requirements of adopted local construction codes and shall be inspected and approved by the Pierce County Health Department.
- E) Agricultural worker housing units shall be subject to the principal building front, rear, and side yard setback requirements and height limits of the AF zoning district.
- F) Agricultural worker housing units shall not be constructed at a density greater than ten (10) dwelling units per acre.
- G) Any structure or building developed for agricultural worker housing shall be limited to a maximum height of 35 feet and shall have a minimum of 30 feet of open, unoccupied space between it and any other building or structure in the development.

9-2 Home Occupations. A home occupation, as defined by this Ordinance, shall be governed by the following requirements:

- A) At least one resident may be engaged in the home-. The resident must be the owner of the home-occupation.
- B) The home-occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
- C) No display of products shall be visible from the street and only products produced on the premises may be sold on the premises.
- D) Only one (1) point of business sign shall be permitted, not exceeding two square feet in size, motionless, non-lighted, and attached to the principal building.

- E) Use of the dwelling for this purpose shall not exceed twenty-five (25) percent of the conditioned air space of the dwelling.
- F) No internal or external alterations inconsistent with the residential use of the dwelling shall be permitted.
- G) The home-occupation shall not constitute a nuisance in the neighborhood.
- H) No outside storage shall be used in connection with the home-occupation.
- I) Instruction in music and other tutorial services shall be limited to two (2) students at a time.
- J) Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation.
- L) The following and similar uses may be considered for approval as home occupation provided that all additional requirements of this section are met: accountant, addressing service, answering service, architect, art instructor, barber or beauty shop (with no more than one (1) chair), drafting, insurance agent, manufacturing agent, music teacher, notary public, photography, real estate agent, tax consultant, and other home-based businesses as approved following review by the Planning, Zoning, and Code Enforcement Board and approval by the County Commission or City Council, as applicable.

9-3 Rural Home Business. This provision is designed to provide for the reasonable development of rural home occupations as an accessory use to rural residential uses. Uses of property for the Rural Home Occupation (RHO) shall be governed by the following requirements:

- A) Property for which an RHO is proposed shall be owner occupied and shall contain a minimum of five acres of land in the AG Zoning district and shall directly abut an arterial or collector roadway as defined on the Major Thoroughfare Plan.
- B) Any accessory structures used in conjunction with the RHO shall be located further back from the right-of-way than the residential structure and shall comply with the side and rear building setback requirements of the AG Zoning district. All building code separation requirements shall apply. Accessory structure shall contain a total of no more than seventy-five (75) percent of the gross square footage of the principal residential dwelling.
- C) Any Rural Home Occupation shall be operated in such a manner as to not be a nuisance to adjacent residential structures. This section limits uses of excessive noise, lighting, traffic, and unsightly outside storage.
- D) No outside display of products shall be allowed.

- E) Only one sign advertising the accessory use, not exceeding sixteen (16) square feet in size, motionless and non-lighted, shall be permitted for the RHO use.
- F) All Rural Home Occupations operating under this ordinance section shall provide designated off-street parking to the rear of the primary residential structures for customers of said RHO.
- G) Any occupation that meets the intent of this ordinance may be considered for a Conditional Use Permit within the AG zoning district as described herein. Such occupations may include but are not limited to the following: catering service, motorized vehicle repair, printing or engraving shop, flower shop, furniture upholstery shop, locksmith or gunsmith, personal service shops, photography studio, and specialty shops as they relate to the sale of items manufactured therein,. Other uses, as reviewed by the Planning, Zoning, and Code Enforcement Board and approved by the County Commission / City Council, may be considered.
- H) Any use approved as a Rural Home Occupation, which proposes outside storage or service areas, shall provide for screening of the entire service or storage area as required in Section 3-16 of this ordinance.
- D) Any business related to or associated with an agricultural activity shall not be construed as a RHO as defined by this ordinance.

9-4 Rural Farm Housing. In the AG zoning district within the unincorporated area of Pierce County, there shall be permitted, as a matter of right, one primary dwelling and as many as five (5) residential uses on any parcel of land where the following conditions can and must be met. Occupants of non-principal resident uses shall be related by blood ties to the owner of the property and shall not extend beyond the second descending and ascending generation.

- A) Each such non-principal residential use shall occupy a land area not less than 43,560 square feet in size, with a minimum area width of one hundred fifty (150) feet.
- B) Each such land area shall be so defined by permanent physical markers as to be given a numerical address and location designation.
- C) Each such land area shall receive approval from established county health authorities as to its suitability as a site for an effective sanitary sewage disposal system designed to accommodate wastes generated by the user of that land site.
- D) An acceptable domestic water supply shall be available to each residence, and such water supply shall meet local public requirements as administered by county health authorities.

- E) No commercial use of this special provision will be allowed and no rental charge can be placed on the non-principal uses.
- F) Each such use shall be accessible, either by private drive or public roadway, to the public thoroughfare system.
- G) Individual power supply sources shall be provided to each user under this special provision and each utility installation shall meet such standards as have been adopted by Pierce County.
- H) Facilities established under this special provision for residential use shall meet the requirements of adopted local construction codes.
- I) Permits for construction will not be issued prior to the approval of each of the aforementioned conditions by the Code Inspector. In addition, any change in use or occupancy must be approved by the Zoning / land use administrator.

9-5 **Manufactured Homes**

The following standards shall apply to all manufactured homes placed within Pierce County and the Cities of Offerman, and Patterson.

- A) Every manufactured home must bear a valid label certifying that it was constructed in compliance with the Manufactured Home Construction and Safety Standards (42 U.S.C. 5401-5426) and must be installed in accordance with O.C.G.A. § 8-2-160, et seq.
- B) No manufactured home may be placed or held for storage or repair purposes at any location.
- C) Front doors of manufactured homes must face, and directly front on, a public street. If the dimensions of the lot make this impossible, the manufactured home must be placed parallel to a parcel boundary line. On parcels lacking any straight boundary line of sufficient length, manufactured homes shall be placed as close to a parallel position as reasonably possible with respect to the shape of the parcel. Manufactured homes may not be placed diagonally.
- D) The manufactured home must be attached to a permanent foundation.
- E) All towing devices, wheels, axles, tongues, and hitches must be removed.
- F) Skirting must be installed and maintained in good condition.
- G) At each exterior door there must be a landing that is a minimum of thirty-six inches by forty-eight inches.

9-6 Manufactured Home Parks. Manufactured home parks (MHPs) are allowed provided the following requirements are met:

- A) The minimum lot size shall be five (5) acres.
- B) The MHP shall have minimum front, side, and rear setbacks of 20 feet.
- C) Access to the park shall be limited to paved streets with at least fifty (50) feet of right-of-way width. The site must directly abut an arterial or collector roadway as designated by the Georgia Department of Transportation.
- D) Each manufactured home shall be connected to an approved water and sewer system as required by the Pierce County Health Department. The park site plan shall be accompanied by a certificate of approval from the Pierce County Health Department.
- E) Each manufactured home must be attached to a permanent foundation. All towing devices, wheels, axles, tongues, and hitches must be removed. Skirting must be installed and maintained in good condition. At each exterior door there must be a landing that is a minimum of thirty-six inches by forty-eight inches
- F) The minimum space for each manufactured home shall not be less than 8,000 square feet, with a minimum individual space width of (60) feet.
- G) All manufactured home spaces or other park sites devoted to accessory uses (such as management offices, laundry facilities, recreation buildings, etc.) shall have an interior setback of ten (10) feet from their boundaries.
- H) A twenty (20) foot wide interior drive, paved and properly drained, shall provide access to all manufactured home spaces.
- I) Each manufactured home space shall be clearly defined by means of concrete, steel, or iron pipe markers placed at all corners.
- J) All property lines of a manufactured housing park abutting any zoning district other than another MHP district shall be screened as required in Section 3-16 of this Ordinance.
- K) Each manufactured home must bear a valid label certifying that it was constructed in compliance with the Manufactured Home Construction and Safety Standards (42 U.S.C. 5401-5426) and must be installed in accordance with O.C.G.A. § 8-2-160, et seq.
- L) All proposed manufactured home park developments must be reviewed by the Planning, Zoning, and Code Enforcement Board and must receive the Board's approval prior to the issuance of any building permits. Proper utility plans, drainage plans, and road development plans, drawn to County specifications, shall accompany the proposed site plan for staff review prior to submission to the Planning, Zoning, and Code Enforcement Board. For the purpose of the development of the required plans, site plans for manufactured housing parks shall

contain data equivalent to the preliminary plat requirements of the Pierce County Land Subdivision Ordinance. All utility and street construction must be completed prior to issuance of any building permits.

- M) At least 500 square feet per manufactured home lot, not to be part of the required manufactured lot, shall be provided in one or more locations for community playground and recreation purposes.
- N) No manufactured housing park shall be occupied by a greater number of manufactured homes than that authorized in the approved site plan. No manufactured housing park shall be enlarged or expanded unless a separate manufactured housing park site plan has been reviewed and approved by the Planning, Zoning, and Code Enforcement Board.
- O) An identification sign, including the name of the manufactured home community, and the name of the owner/manager or another individual who can act for the owner/manager, measuring not less than 10 square feet and no more than 16 square feet, shall be placed on private property, close to the entrance of the park and readily visible from both directions of the public right-of-way.

9-7 Junk Yard Buffers. An eight (8) foot fence and six (6) foot wide buffer strip, developed in accordance with Section 3-16, shall be erected and properly maintained along all road frontages, all side lot lines, and all rear yard lines of any junk yard.

SECTION 10. WATER RESOURCE DISTRICTS

10-1 Purpose. The intent of this section is to establish minimum development standards and criteria that will afford reasonable protection of environmentally sensitive natural resources found throughout Pierce County and the Cities of Blackshear, Offerman, and Patterson.

10-2 Establishment of Water Resource Districts. Pierce County's and the municipalities' Water Resource Districts shall include the following:

Groundwater Recharge Area Districts
Flood Hazard Districts
Wetlands Districts

The boundaries of these Water Resource Districts are shown on a set of maps designated as *Water Resource Districts* and are included as part of this Ordinance, which is on file at the office of the Building Inspector and/or his/her designee. located in the County Administration Building.

10-3 Definitions. The following definitions shall apply to this Ordinance:

Generalized Wetlands Map. The current U.S. Fish and Wildlife Service National Wetlands Inventory maps for Pierce County, Georgia.

Hazardous Waste is a waste with properties that make it dangerous or capable of having a harmful effect on human health or the environment. Hazardous waste is generated from many sources, ranging from industrial manufacturing process wastes to batteries and may come in many forms, including liquids, solids gases, and sludges.. .

Jurisdictional Wetland Determination. A delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. Subscript 1344, as amended.

Jurisdictional Wetland. An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

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

Pollution Susceptibility Map means maps of relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. (Georgia Department of Natural Resources Hydrologic Atlas 20: Groundwater Pollution Susceptibility Map of Georgia, 1992 edition).

Pollution Susceptibility means the relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, and applications of chemicals, injections, and other human activities in the recharge area.

Recharge Area means any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.

Regulated Activity. Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the U.S., excepting those activities exempted in Section 404 of the Federal Clean Water Act.

River/Stream Bank. The rising ground bordering a river or a stream, which serves to confine the water to the natural channel during the normal course of flow.

Significant Recharge Areas means those areas indicated as such by the Georgia Department of Natural Resources in Hydrologic Atlas 18: Most Significant Ground-water Recharge Areas of Georgia (1989 edition).

Single-family Dwelling means a dwelling structure that is designed for the use of one family.

Utility. Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems, and railroads; or other utilities identified by a local government.

Water Resource Districts. A Water Resource District is a mapped area, which imposes a set of requirements and/or specific development standards or use restrictions.

Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrophyte vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.

10-4 Groundwater Recharge Area District

10-4.1 Findings of Fact. Recharge areas are vulnerable to urban development activities as well as agricultural activities. Pesticides, herbicides sprayed on crops, animal waste, and septic tank effluents contribute to deterioration in the groundwater quality and can threaten the health of residents relying on well water. Development usually means an increase in the amount of land covered with impervious surfaces. Paving land in recharge areas can alter or impair their recharge characteristics, thereby decreasing groundwater supplies.

10-4.2 Purpose. The purpose of this district is to establish criteria to protect significant groundwater recharge areas from pollution by spills, discharges, leaks,

impoundments, application of chemicals, injections, and other development pressures.

10-4.3 District Delineation. The groundwater recharge area protection map is delineated according to the Georgia Department of Natural Resources *Most Significant Groundwater Recharge Areas of Georgia, Hydrologic Atlas 18* (1989 Edition) and the Georgia Department of Natural Resources *Groundwater Pollution Susceptibility Map of Georgia, Hydrologic Atlas 20*, 1992 Edition. Standards for this district shall comply with the DNR Rule 391-3-16-.02, Criteria for Protection of Groundwater Recharge Areas.

10-4.4 Permitted Uses. The following are requirements for specific uses in the Groundwater Recharge Area Protection District:

- A) All aboveground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110% of the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all Federal requirements.
- B) New agricultural waste impoundment sites shall be lined if they are within:
 - 1) a high pollution susceptibility area; and
 - 2) a medium/average pollution susceptibility area and exceed 14 acre-feet in size.

As a minimum, the liner shall be constructed of compacted clay having a thickness of one foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the Natural Resources Conservation Service.

- C) New homes served by a septic tank/drain field system shall be on lots having a required minimum size as described below, and new mobile (manufactured) home parks served by septic tank/drain field systems shall have lots or spaces having a required minimum size as described below, based on application of Tables MT-1 and MT-2 of the Georgia Department of Public Health *Manual for On-site Sewage Management Systems*.
 - 1) If they are within a high pollution susceptibility area, 1.5 acres if served by a non-public (individual) water supply and 0.75 acres if served by a public water supply system;

- 2) If they are within a medium or average pollution susceptibility area, 1.25 acres if served by a non-public (individual) water supply and 0.625 acres if served by a public water supply system.
- E) Lots of Record approved prior to the adoption of this ordinance are hereby exempted from the requirements of (C) above.
- F) No construction may proceed on a building or mobile home to be served by a septic tank unless the County Health Department first approves the proposed septic tank installation(s) as meeting the requirements of the Georgia Department of Public Health *Manual for On-site Sewage Management Systems* and Section 10-4(c) above.
- G) New facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. §6901 et seq.), excluding underground storage tanks and in amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and any local fire prevention code requirements.
- H) Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.
- I) Any new wastewater treatment basin shall have an impermeable liner.

10-5 Flood Hazard District

10-5.1 Description of District. The limits of the Flood Hazard District shall be those areas within Pierce County and the Cities of Blackshear, Offerman, and Patterson that are indicated as Flood Zones “A” and “AE” on the current Flood Hazard Maps as provided by the Federal Emergency Management Agency (FEMA). These flood zones are defined as areas subject to inundation by the 1-percent-annual-chance flood event.

10-5.2 Intent. This district is created to ensure continuance of natural flood plains; to minimize costly flood control, rescue, and relief projects undertaken at the expense of the general public; and to minimize damage to public facilities, businesses, and residences which may be located in flood plains. This district will help to maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas. Furthermore, potential property buyers shall be notified that property within this district is subject to flood hazard.

The mapped flood hazard areas within Pierce County and the Cities of Blackshear, Offerman, and Patterson are hereby designated to be used as an overlay land development district to the various zoning districts as delineated by

the Official Zoning Map. Thus, the land may be utilized only under the conditions and regulations of both the Flood Hazard overlay district and the underlying zoning district. Within the Flood Hazard District, all uses not allowed as Conditional Uses shall be prohibited.

10-5.3 Uses of Right. Due to the nature of the Flood Hazard District, and to protect the health, safety, and welfare of property owners and the general public, uses in the Flood Hazard District shall be restricted to those uses termed Conditional Uses.

10-5.4 Conditional Uses. The following uses shall be permitted, after proper administrative review, within the Flood Hazard District to the extent that they are not prohibited by any other regulations and provided they do not demand structures, fill, or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or unduly restrict the capacity of the channels or floodways or any tributary, drainage ditch, or other drainage facility or system.

- 1) Agricultural uses: Growing and harvesting of crops, pasture, grazing, horticulture, and forestry.
- 2) Private and public recreational uses: Parks, picnic grounds, boat landings, boat ramps, swimming areas, wildlife preserves, shooting ranges, hunting and fishing areas, biking and horseback riding trails.
- 3) The following Conditional Uses may be allowed provided that no structure, fill (including fill for roads and levees, deposit, or storage of materials or equipment), or other activities associated with the use impairs the efficiency or the capacity of the floodway, or unduly increases flood heights.
 - a. Marinas, boat rentals, docks, piers, and wharves;
 - b. Railroads, utility lines, streets, and bridges;
 - c. Kennels and stables.
- 4) Residences may be permitted provided:
 - a. Residences shall be constructed on fill or other acceptable elevating practice with the lowest floor above the Base Flood Elevation (as determined by FEMA in Zone "AE" and to be determined by FEMA-approved methodology in Zone "A");
 - b. All district regulations of the underlying zoning district are met;
 - c. The amount of fill or materials proposed to be deposited must not be greater than is necessary to achieve the required elevation; and
 - d. Such fill or other materials shall be protected against erosion by riprap, vegetation cover, or bulk-heading.
- 5) Accessory structures to residential uses may be permitted, provided that:
 - a. The structure shall not be designed or used for human habitation;
 - b. Structures shall have a low flood damage potential;

- c. Structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters;
- d. Structures shall be constructed with the longitudinal axis parallel to the direction of flood flow;
- e. Structures shall be firmly anchored;
- f. The gross floor area of all accessory structures shall not exceed 75% of the gross floor area of the principal residence; and
- g. All district regulations of the underlying zoning district shall be met.

10-5.5 Prohibited Uses.

- A) Handling areas for the receiving and storage of hazardous waste shall be prohibited within the Flood Hazard District.
- B) Septic tanks and septic tank drain fields are prohibited within the Flood Hazard District, unless they have been designed and installed to be watertight.
- C) Hazardous waste and solid waste landfills shall be prohibited in the Flood Hazard District.
- D) On-site sewage management systems are prohibited in the Flood Hazard District.

10-5.6 Exemptions.

Pierce County exempts the following from the Flood Hazard District requirements:

- A) Land uses existing prior to the adoption of this Zoning / Land Use Ordinance are exempt from these requirements, with the exception of industrial and commercial uses, which must comply with the following two requirements:
 - 1) Industrial and commercial activity within the Flood Hazard District shall meet all state and federal environmental rules and regulations.
 - 2) Industrial and commercial activity within the Flood Hazard District shall not impair the drinking quality of the river.
- B) Utilities, provided that:
 - 1) The utilities shall be located as far from rivers or other bodies of water as reasonably possible, per DNR regulations.

- 2) Installation and maintenance of the utilities shall be such as to protect the integrity of the rivers and other bodies of water as well as is reasonably possible.
- 3) Utilities shall not impair the drinking quality of the river water.

10-5.7 Construction Prohibited.

Except as noted above, all construction within the Flood Hazard District shall be prohibited.

10-6 Wetlands District

10-6.1 Findings of Fact. The wetlands in Pierce County, Georgia are indispensable and fragile natural resources with significant development constraints due to flooding, erosion, and soils limitations. In their natural state, wetlands provide habitat areas for fish, wildlife, and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. . . Damaging or destroying wetlands threatens public safety and the general welfare.

10-6.2 Purpose. The purpose of this ordinance is to promote wetlands protection, while taking into account varying ecological, economic development, recreational, and aesthetic values. Activities that may damage wetlands should be located on upland sites to the greatest degree practicable as determined through a permitting process.

10-6.3 Establishment of the Wetlands Protection District. The Wetlands Protection District is hereby established, which shall correspond to all lands within the jurisdiction of Pierce County, Georgia and the Cities of Blackshear, Offerman, and Patterson that are mapped as wetland areas by the most current U.S. Fish and Wildlife Service National Wetlands Inventory. This inventory shall be referred to as the Wetlands Map and is hereby adopted by reference and declared to be a part of this ordinance, together with all explanatory matter thereon and attached thereto.

The Wetlands Map does not represent the boundaries of jurisdictional wetlands within Pierce County, Georgia and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this ordinance does not relieve the landowner from federal and/or state permitting requirements.

10-6.4 Requirement for Local Permit or Permission. No development or other regulated activity will be permitted within the Wetlands Protection District without a permit from the applicable local government. If the area proposed for development is located within 50 feet of a Wetlands Protection District boundary,

as determined by the Building Inspector or his/her designee using the Wetlands Map, a U.S. Army Corps of Engineers determination shall be required. If the Corps determines that wetlands are present on the proposed development site, the local permit will not be granted until the required permission has been obtained from the Army Corps of Engineers and all other applicable state and federal agencies. .

10-6.5 Permitted Uses. The following uses shall be allowed as a matter of right within the Wetlands Protection District to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, and provided they do not require structures, grading, fill, draining, or dredging except as provided herein. (The activities listed in this section are exempted from Section 404 regulations provided they do not have impacts on a navigable waterway that would necessitate acquisition of an individual 404 permit. However, under Section 10 of the Rivers and Harbors Act, a permit may be required in some circumstances.)

- A) Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.
- B) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
- C) Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.
- D) The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
- E) The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed, and that approved agricultural best management practices are followed.
- F) Education, scientific research, and nature trails.

10-6.6 Prohibited Uses. The following uses are not permitted within the Wetlands Protection District:

- A) Receiving areas for toxic or hazardous waste or other contaminants;
- B) Hazardous or sanitary waste landfills.

10-7 Special Administration and Enforcement Procedures for Water Resource Protection Districts. Any applications for building permits shall be accompanied by two (2) copies of a site plan drawn to scale showing the actual dimensions of the lot to be built upon, the size and location

of the proposed building(s), and any proposed land disturbing activities as may be essential for determining whether the provisions of this ordinance are being observed. The above referenced information is required on the site plan before the site plan is considered by the Building Inspector or his/her designee and any local permits are approved.

10-8 Activities to Comply with Site Plan. All development activities and/or site work conducted after approval of the site plan shall conform to the specifications of said site plan. The site plan may be amended only with the approval of the Building Inspector or his/her designee.

10-9 Enforcement Authority. The Building Inspector and/or this designee are hereby established as the administrator of this ordinance.

10-10 Appeals. Appeals on decisions on permit applications made by the Building Inspector or his/her designee may be made to the applicable local governing body (County Commission or City Council), but only after review and recommendation of the Planning, Zoning, and Code Enforcement Board. The appeal must be made within 10 days of the decision rendered by the Building Inspector or his/her designee. A public hearing shall be held for such administrative appeals. Public announcement of the hearing shall be printed in the Pierce County official legal organ at least 15 but not more than 45 days prior to the hearing. Any person may offer testimony at the hearing. The decision of the governing body may be appealed to a court of competent jurisdiction, as provided by Georgia Law.

10-11 Duration of Permit Validity.

10-11.1 If construction described in the development permit has not commenced within 6 months from the date of issuance, the permit shall expire.

10-11.2 If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 6 months after the date that work ceased.

10-12 Monitoring and Enforcement. The Building Inspector or his/her designee shall have authority to enter upon privately owned land for the purpose of performing their duties under this ordinance.

10-12.1 The Building Inspector or his/her designee shall have authority to enforce this ordinance; issue permits thereunder; and address violations or threatened violations thereof by issuance of violation notices, administrative orders, and civil and criminal actions. All costs, fees, and expenses in connection with such actions may be recovered as damages against the violator.

10-12.2 Law enforcement officials or other officials having police powers shall have authority to assist the Building Inspector and/or this designee in enforcement.

10-12.3 The Building Inspector and/or this designee shall have authority to issue cease and desist orders in the event of any violation of this ordinance. Cease and desist

orders may be appealed to a court of competent jurisdiction, as provided in Georgia Law.

10-13 Penalties.

- 10-13.1** Any person who commits or takes part in, or assists in any violation of, any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law. Each violation of this Ordinance shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.
- 10-13.2** When a building or other structure has been constructed in violation of this ordinance, the violator may be required to remove the structure, at the discretion of the Building Inspector and/or the authorized designee.
- 10-13.3** When removal of vegetative cover, excavation, or fill has taken place in violation of this ordinance, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the Building Inspector or his/her designee. Such actions shall be closely coordinated with the U.S. Army Corps of Engineers.
- 10-13.4** If the Building Inspector or his/her designee discovers a violation of this ordinance that also constitutes a violation of provisions of the Clean Water Act as amended, the Building Inspector or his/her designee may issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the landowner.
- 10-13.5** **Suspension, Revocation.** The Building Inspector or his/her designee may suspend or revoke a permit if it is found that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of work set forth in the permit.

10-14 Judicial Review. All decisions of the local governing body concerning denial, approval, or conditional approval of a permit shall be reviewable in the proper courts as provided by Georgia Law.

10-15 Amendments. This Ordinance and the Water Resources Districts Map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information concerning the protected environmentally sensitive areas becomes available.

10-16 Separability and Abrogation. All sections and subsections of this ordinance are considered separate and distinct. Should any section, subsection, paragraph, or part of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, it shall not invalidate any other section, subsection, paragraph, or part of this ordinance.

All ordinances and regulations in conflict with this ordinance are hereby repealed.

SECTION 11. SIGN REGULATIONS

11-1 General Sign Provisions

- A) A building permit and a zoning compliance inspection shall be required prior to the erection, alteration, or reconstruction of any sign unless otherwise specified. Once a sign has received a Zoning / Land Use Ordinance Compliance Approval, a Pierce County sign permit decal shall be issued and displayed in the lower left hand corner of the sign face.
- B) No sign shall be erected or maintained unless it is in compliance with the regulations of this Article.
- C) Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.
- D) No signs, except as otherwise specified, shall exceed the height limit of the district in which they are located.
- E) Any sign which advertises an activity, business, product, or service which has ceased operation or production shall be removed within six months of the discontinuance of said activity.

11-2 Prohibited Signs

- A) Signs imitating warning signals are prohibited. No sign shall display lights resembling the flashing lights customarily used in traffic signals or on police, fire, ambulance, or rescue vehicles; nor shall any signs use the words, slogans, dimensional shape and size, or colors of governmental traffic signs.
- B) No signs, except traffic signs and signals and informational signs erected by a public agency, are permitted within any street or highway right-of-way.
- C) Signs painted or attached to natural features (such as trees or rocks), telephone poles, utility poles, or fence posts are prohibited.

11-3 Regulations for Specific Types of Signs

- A) Home-based Business and Rural Home Occupation Signs: One non-illuminated professional or business sign not exceeding two square feet in area is permitted.
- B) Temporary Subdivision Signs: Temporary signs, not exceeding 40 square feet in area, are permitted on the premises of a land subdivision under current or future development. Such signs shall be spaced not less than 300 feet apart. They shall be removed when 75% of the lots are conveyed.

- C) Roof Signs: Not more than one roof sign may be erected on the roof of any one building. No roof sign structure shall extend more than 25 feet above the elevation of the roof.
- D) Wall Signs: Signs on the walls of a building (including signs attached flat against the wall, painted wall signs, and projecting signs) shall meet the following requirements:
- i. Signs on the Front Surface of a Building: The total area of signs on the exterior front surface of a building shall not exceed 25% of the front surface of the building, so long as the figure does not exceed the total amount of sign area permitted within the land development district where the sign or signs are to be located.
 - ii. Signs on the Side and Rear Surface of a Building: The total area of signs on a side or rear surface of building shall not exceed 50% of the exterior side or rear surface of the building respectively, so long as this figure does not exceed the total amount of sign area permitted within the development district where the sign or signs are to be located.
 - iii. The combined sign area on the front, side, and rear surface of a building must not exceed the total sign area permitted within the development district where the sign or signs are to be located.
 - iv. Projecting Signs: Wall signs attached to a wall may extend not more than 24 inches from the wall.
- E) 6. Illuminated Signs: Illumination devices shall be so placed and so shielded that light, either from the illumination source or reflected, will not be directly cast into any residence or into the eyes of an automobile or vehicular driver.
- F) 7. Highway Signs: Signs visible from all state highway rights-of-way shall meet the following requirements:
- i. Uniform Size: The outside measurements of all such signs shall be no greater than 12 feet in height and 50 feet in length, with or without trim.
 - ii. Illumination: All illuminated signs shall use base-mounted fluorescent, LED, or mercury vapor lights and shall be activated by photo-electric cells. Additional lighting, including but not limited to neon, animation, and running lights, is prohibited.
 - iii. Height above State Highway Grade: All signs shall be a minimum of ten feet above adjacent state highway pavement measuring from the lower portion of the sign face. Signs shall not exceed 30 feet in height. Two signs in the same location (back-to-back or "V" formation) shall be the same height above the highway surface.
 - iv. Extrusions Prohibited: Extrusions beyond the face of the sign, excluding aprons, are prohibited.

- v. Number of Signs per Location: Only one sign shall be allowed to face the same direction per land parcel.
- vi. Spacing:
- vii. Sign locations shall be no less than 750 feet apart measuring from the two closest points.
- viii. Sign structures shall be no less than ten feet from any property or right-of-way line.

G) Historic Area Locations Prohibited: No sign shall be placed in or obstruct the view of an area of designated historic interest.

11-4 Temporary Signs

The Zoning / land use administrator, in compliance with provisions and subject to the standards herein, is authorized to issue permits for the erection and maintenance of temporary signs for a period not to exceed 30 days (except as provided for political signs) at the expiration of which period the permittee shall remove such temporary signs.

1. Permitted Temporary Sign Types:

- a. Non-projecting wall signs;
- b. Ground Signs; and
- c. Streamers, banners, flags, pennants and similar temporary signs as herein defined.

3. Number, Height, Area and Location

- a. Permitted Number: as determined by the Zoning / land use administrator to be reasonably necessary and appropriate for the intended purpose, provided that no more than four permits for temporary business signs shall be issued for the same land development lot in one calendar year.
- b. Maximum Height: as determined by the Zoning / land use administrator to be reasonably necessary and appropriate for the intended purpose and in accordance with public safety and considerations related to the material and manner of constructions and the size and location thereof.
- c. Maximum Area: as determined by the Zoning / land use administrator to be reasonably necessary and appropriate for the intended purpose and in accordance with public and considerations related to the material and manner of construction and the size and location thereof.

4. Permitted Location:

- a. Temporary Business Signs: Subject to the same regulations as Business Signs.
- b. Political Signs: on private property (with consent of the owner) and along and upon public street right of ways (but not across, over or extending into or onto the paved portion of any public street) as determined by the Planning, Zoning, and Code Enforcement Board in accordance with public safety requirements and considerations related to the material and manner location thereof. All political signs must be removed within ten days after the election.
- c. Other Permitted Temporary Signs as determined by the Zoning / land use administrator to be reasonably necessary and appropriate for the intended purpose and in accordance with public

safety.

5. Illumination: Temporary signs shall not be illuminated in any manner.

Exempt Signs The following types of signs are generally exempt from the provisions of this article and do not require a permit, excepting those found to be in violation of the provisions of this article.

1. Plaques or tables, such as historical markers, mounted upon buildings or engraved into any masonry surface.
2. Traffic and other signs erected and maintained by the County, Cities, Georgia Department of Transportation, or other governmental agency; legal notices and other similar signs required by law to be posted.
3. Decorations displayed in connection with civic, patriotic or religious holidays.
4. Flags, emblems, and insignia temporarily displayed for non-commercial purposes.
7. A bulletin board not over 15 square feet in area for public, charitable, educational, or religious institutions when the sign is located on the premises of said institution.
9. Signs directing traffic movement onto a property or within a property, not exceeding three square feet in sign area for each sign. A maximum of four directional signs shall be allowed per lot.
10. Temporary signs giving notice of events and activities sponsored by civic, patriotic, or religious organizations, or individuals for non-occupational purposes.

SECTION 12.
ADMINISTRATION, ENFORCEMENT, AND PENALTIES

12-1 Zoning / Land Use Administrator. An administrative official designated jointly as the Zoning / Land Use Administrator by the Board of Commissioners, Pierce County, Georgia, and the City Councils of Blackshear, Offerman, and Patterson, shall administer and enforce the provisions of this ordinance.

12-2 Building/Development Permit Required. A building/development permit issued by the Code Inspector is required in advance of the initiation of construction, erection, moving, demolition, or alteration of any building or structure. No building or development permit shall be issued except in conformity with the provisions of this ordinance; however, a building permit issued before the adoption of this ordinance shall remain valid with the same qualifications as issued under this ordinance.

12-3 Application for Building/Development Permit. All applications for building/development permits shall be accompanied by two copies of a plat or plan drawn to scale, and furnished by the applicant, showing the actual dimensions of the lot to be built upon, the size and location of the lot, the number of dwelling units or other uses the building is designed to accommodate, the setback lines of the building on the lot, and such other information as may be essential for determining whether the provisions of this ordinance are being observed. The following is required on the site plan before the site plan is considered by the Code Inspector.

Any building/development permit shall become void if the work involved has not begun within six (6) months after the date of issuance of the permit or if the work or development authorized by such permit is suspended or abandoned for a period of six (6) months after the work or development is commenced; provided that extensions of time in periods not exceeding six (6) months each may be allowed in writing by the Code Inspector. Any unapproved deviation from the site plan shall cause the Code Inspector to not issue a Certificate of Occupancy.

The applicant for a building/development permit shall submit a certificate with this application which certifies that the lot which he proposes to develop is a lot of record. When the lot in question does not meet the lot width and lot area requirements of this ordinance, then the applicant shall certify that such lot was a lot of record prior to the adoption of this ordinance or the adoption of the Pierce County Subdivision Regulations or is a lot which has been created through governmental taking of property.

12-3.1 Coordination with Development of Regional Impact Requirements. The Georgia Department of Community Affairs, pursuant to the Georgia Planning Act, has established criteria for the identification of certain large scale developments which have the potential to cause land use impacts beyond the boundaries of the respective local government where a project might be proposed. These developments, known as Developments of Regional Impact (DRIs), shall be submitted, based on established DCA standards, procedures, and format, to the South Georgia Regional Commission (SGRC) for review and recommendation

prior to issuance of any local building or development permit or utility tap (does not apply to any activity reviewed under any earlier Zoning district amendment.) As such, these requirements establish an official delay in the local permitting and/or review process to allow for compliance with these requirements.

12-3.2 Coordination with Water Resource District Requirements. As identified in Section 10, the following Water Resource Districts are established for Pierce County and the Cities of Blackshear, Offerman, and Patterson: Groundwater Recharge Areas, Flood Hazard Districts, and Wetlands Districts. Data showing the boundaries of the Groundwater Recharge Areas, Flood Hazard Districts, and wetlands are available as digital overlays. Prior to issuance of any local building/development permits, these databases shall be checked, and if any are found applicable to the subject project, all requirements of Section 10, Water Resource Districts, shall be enforced as part of the permitting process.

12-4 Activities to Comply with Site Plan. All development activities or site work conducted after approval of the site plan shall conform to the specifications of said site plan. The site plan may be amended only with the approval of the Zoning / land use administrator or his/her designee.

12-5 Penalties for Violation. In case any building or structure is erected, constructed, reconstructed, demolished, altered, repaired, moved, converted, or maintained, or land is used in violation of this ordinance, the offender shall, upon conviction in Magistrate's Court, be fined no more than five-hundred (\$500) dollars or imprisoned for not more than sixty (60) days, or both, for each offense. Each day of continued violation shall be considered a separate offense.

When excavation, fill, or removal of vegetative cover has taken place in violation of this ordinance, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the Zoning / land use administrator or his/her designee. Such actions shall be closely coordinated with U.S. Army Corps of Engineers supervision. If the Zoning / land use administrator or his/her designee discovers a violation of this ordinance that also constitutes a violation of provisions of the Clean Water Act as amended, the Zoning / land use administrator or this designee shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the landowner.

12-6 Enforcement. The Magistrate's Court of Pierce County shall have jurisdiction over violators of this ordinance and all procedures for enforcement of such ordinance shall be as provided in Article 4, Chapter 10 of Title 14, Official Code of Georgia. Complaints of violations of any provision of this ordinance shall be brought before the Magistrate's Court by the Zoning / land use administrator or their designated representative and shall be prosecuted through that court.

12-7 Remedies. In case any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is, or is proposed to be, used in violation of these regulations, the Zoning / land use administrator or other appropriate authority or any adjacent or neighboring property owner or occupant who would be damaged by such violation may, in addition to other remedies, institute injunction, mandamus, or

other appropriate action or proceedings to prevent the violation in the case of such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate such violation, or to prevent the occupancy of said building, structure, or land.

12-8 Complaints Regarding Violations. When a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Zoning / land use administrator, who shall record properly such complaint, investigate within thirty (30) days, and take action thereon as provided in these regulations.

12-9 Cancellation of Permits. A demolition, building, or development permit shall be canceled by the Zoning / land use administrator when the method of demolition, construction, or use violates any provision contained in these regulations, or any state or local ordinance or resolution. Upon such cancellation, any further work upon the demolition, construction, alteration, or repair on said building or structure, and any further use of said building or structure or land, shall be deemed a violation. Each and every day such unlawful demolition, construction, alteration, or repair on said building or structure, or further use of said building or structure or land continues shall be deemed a separate offense.

12-10 Certificate of Occupancy. A Certificate of Occupancy shall be issued by the Code Inspector in accordance with the following provisions:

12-10.1 Certificate of Occupancy Required: A Certificate of Occupancy issued by the Code Inspector is required in advance of occupancy or use of:

- A) A building erected after the date of adoption of this Zoning / Land Use Ordinance.
- B) A building altered so as to affect the height or building footprint after the date of adoption of this Zoning / Land Use Ordinance.

12-10.2 Issuance of Certificate of Occupancy: Upon payment of all required fees, the Code Inspector shall sign and issue a Certificate of Occupancy if the proposed use of land or building is found to conform to the applicable provisions of this ordinance, and if the building, as finally constructed, substantially complies with the sketch or plan submitted and approved for the building permit. One (1) copy of all Certificates of Occupancy issued which contain a statement of the intended use of the applicable property and other pertinent information, signed by the owner or agent, shall be kept on file in the office of the Code Inspector.

12-11 Reason for Denial of Permit. When a permit is denied, the Code Inspector shall provide in writing, upon request of the applicant for a permit, the reasons for denying the permit within ten (10) days after said request.

12-12 Permits and Licenses Void When Issued in Conflict. Any permit or license issued in conflict with the provisions of this Zoning / Land Use Ordinance shall be null and void.

12-13 Appeals. Appeals from the decisions of the Zoning / land use administrator or Code Inspector with regard to interpretation, administration, and enforcement of this Zoning / land use ordinance shall be made to the Zoning Board of Appeals.

SECTION 13. VARIANCES

13-1 Purpose.

The purpose of a variance is to provide property owners with relief in cases where the literal application of the Zoning / Land Use Ordinance would cause an unnecessary hardship due to unusual circumstances relating to their property. Variance applications are submitted to the Zoning / land use administrator, who shall provide to the Planning, Zoning, and Code Enforcement Board a written staff report considering the application in view of the criteria in Section 13-3. The Planning, Zoning, and Code Enforcement Board shall then vote to make a recommendation to the Zoning Board of Appeals regarding whether or not the variance should be granted. The vote of the Zoning Board of Appeals shall constitute the final action with regard to a variance application. The City Council or County Commission may function as the Zoning Board of Appeals for the applicable jurisdiction.

13-2 Application for a Variance.

Applications for variances shall be submitted to the Zoning / Land Use Administrator. The application shall include the following information:

1. Legal names, contact addresses, and telephone numbers of each of the owners of the subject property;
2. If any owner is a business entity such as a partnership, corporation, or joint venture, the names, addresses, and telephone numbers of all partners and officers, as appropriate;
3. The land parcel number(s) of the subject property as recorded by the Pierce County Clerk of Courts, and/or the legal description of the boundaries of the subject property, as appropriate;
4. A description of the nature and extent of the variance requested and the circumstances that have caused the applicant to seek a variance;
5. A copy of the deed or deeds conveying the subject property to the current owner;
6. A current survey of the property or portion of the property prepared by a Georgia registered professional surveyor, as appropriate;
7. If the applicant is a representative of the owner, evidence of agency in the form of a letter, affidavit, or other document satisfactory to the Zoning / Land Use Administrator must be provided;
8. Signature of the applicant or applicant's representative; and
9. Any other information required by the Zoning / Land Use Administrator.

13-3 Criteria for Granting Variances.

A variance may be granted in an individual case upon finding by the Zoning Board of Appeals that all of the following conditions exist:

- A) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography, and such conditions are peculiar to the particular piece of property involved and are not ordinarily found in the same zoning district;
- B) Said conditions are created by the regulations of this Zoning / land use ordinance, and not by the actions of the property owner or the applicant; and not a self-imposed hardship
- C) The strict application of the requirements of this Zoning / land use ordinance to this particular piece of property would create a substantial hardship to the applicant;
- D) The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor substantially diminish or impair property values within the neighborhood, nor be harmful to the public health, safety, or welfare;
- E) The granted variance is the minimum variance necessary to remedy the demonstrated hardship; and
- F) The variance is not inconsistent with the goals and policies of the Comprehensive Plan, and is not opposed to the general spirit and intent of this Zoning / land use ordinance.

13-4 Procedure.

- 1) Within 30 days of receipt of a variance application, the Zoning / land use administrator or his/her designee shall provide to the Planning, Zoning, and Code Enforcement Board a written staff report considering the application in view of the criteria in Section 13-3.
- 2) At the next Planning, Zoning, and Code Enforcement Board meeting, the Board shall vote to make a recommendation to the Zoning Board of Appeals regarding whether or not the variance should be granted.
- 3) The Zoning Board of Appeals shall provide for a public hearing on the proposed variance. At least 15 but not more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing. The notice shall state the time, place, and purpose of the hearing; the location of the subject property; and the nature of the variance requested.
- 4) A sign containing the time, place, and purpose of the hearing shall be placed in a conspicuous location on the subject property not less than 15 days prior to the date of the hearing.
- 5) After the public hearing, the Zoning Board of Appeals shall vote on whether to approve, approve with conditions, or deny the variance.
- 6) The vote of the Zoning Board of Appeals shall constitute the final action with regard to the variance application.

- 7) If a Zoning Board of Appeals is not established, the City Council or County Commission may function as the Zoning Board of Appeals for the applicable jurisdiction.
- 8) The Zoning Board of Appeals may impose or require additional restrictions and standards (e.g., increased setbacks, buffer strips, screening) as may be necessary to protect the public health, safety, and welfare, and to protect the value and use of property in the general neighborhood.

SECTION 14. REZONINGS

14-1 General Provisions.

A change in the zoning classification of a property shall be referred to as a “rezoning.” Applications for rezoning shall be submitted to the Zoning / Land Use Administrator, who shall provide to the Planning, Zoning, and Code Enforcement Board a written staff report considering the application in view of the Standards for Exercise of Zoning Powers in Section 14-3. The Planning, Zoning, and Code Enforcement Board shall then vote to make a recommendation to the local governing body within whose jurisdiction the property is located (County Commission or City Council) regarding whether or not the rezoning should be approved. The vote of said local governing body shall constitute the final action regarding the zoning of the property.

Neither the Zoning Board of Appeals nor the Planning, Zoning, and Code Enforcement Board shall have the authority to designate or change the zoning classification of any property or to modify the boundary of any zoning district. No change to the zoning classification of a property shall become effective unless the Planning, Zoning, and Code Enforcement Board has first reviewed the application and provided a recommendation to the applicable local governing body. No change to the zoning classification of a property shall become effective unless a public hearing has been advertised and held, pursuant to the Official Code of Georgia Annotated, § 36-66-4.

14-2 Application for Rezoning.

An application to change the zoning classification of a parcel of land may be initiated by the local governing body within whose jurisdiction the property is located (County Commission or City Council); by the Zoning Board of Appeals; by the Planning, Zoning, and Code Enforcement Board; or by the owner of the property in question or the owner’s agent. Applications for rezoning shall be submitted to the Zoning / land use administrator. The application shall include the following information:

1. Legal names, contact addresses, and telephone numbers of each of the owners of the subject property;
2. If any owner is a business entity such as a partnership, corporation, or joint venture, the names, addresses, and telephone numbers of all partners and officers, as appropriate;
3. The land parcel number(s) of the subject property as recorded by the Pierce County Clerk of Courts, and/or the legal description of the boundaries of the subject property, as appropriate;
4. The current zoning district of the subject property, and the new zoning district that is desired;
5. A copy of the deed or deeds conveying the subject property to the current owner;
6. A current survey of the property or portion of the property prepared by a Georgia registered professional surveyor, as appropriate;

7. If the applicant for a rezoning is a representative of the owner, evidence of agency in the form of a letter, affidavit, or other document satisfactory to the Zoning / land use administrator must be provided;
8. Signature of the applicant or applicant's representative; and
9. Any other information required by the Zoning / land use administrator.

14-3 Standards for Exercise of Zoning / Land Use Powers.

In order to promote the public health, safety, and general welfare of Pierce County and the Cities of Blackshear, Offerman, and Patterson, the following standards shall be considered in regard to any application for a zoning / land use decision:

- 1) Are there substantial reasons why the property cannot or should not be used as currently districted?
- 2) Is the proposed zoning suitable in view of the zoning and development of adjacent and nearby property?
- 3) Does the request represent the possible creation of an isolated district unrelated to adjacent and nearby districts?
- 4) Will the proposed zoning adversely affect the existing use, usability, or value of adjacent or nearby property?
- 5) Will the proposed zoning cause an excessive or burdensome increase in the cost or use of public facilities or services, including but not limited to streets, schools, water, sewer, or other public services, including police and fire protection?
- 6) Will the proposed zoning cause potential adverse impacts on the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, air quality, and water quality and quantity?
- 7) Is the proposed use compatible and consistent with the purpose and intent of the Comprehensive Plan? If not, is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan?
- 8) Will the proposed change constitute a granting of special privilege to the applicant as contrasted with the nearby property owners and the general public?

14-4 Procedure.

- 1) Within 30 days of receipt of a rezoning application, the Zoning / Land Use Administrator or his/her designee shall provide to the Planning, Zoning, and Code Enforcement Board a written staff report considering the application in view of the standards in Section 14-3.
- 2) At the next Planning, Zoning, and Code Enforcement Board meeting, the Board shall vote to make a recommendation to the local governing body within whose jurisdiction the

subject property is located (County Commission or City Council) regarding whether or not the rezoning request should be granted.

- 3) The local governing body shall provide for a public hearing on the proposed rezoning. At least 15 but not more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing. The notice shall state the time, place, and purpose of the hearing; the location of the subject property; and the nature of the rezoning requested.
- 4) A sign containing the time, place, and purpose of the hearing shall be placed in a conspicuous location on the subject property not less than 15 days prior to the date of the hearing.
- 5) After the public hearing, the local governing body shall vote on whether to approve or deny the rezoning.
- 6) The vote of the local governing body shall constitute the final action with regard to the rezoning.

SECTION 15. TEXT AMENDMENTS

15-1 General Provisions.

Applications to amend the text of this Zoning / land use ordinance shall be submitted to the Zoning / land use administrator, who shall provide to the Planning, Zoning, and Code Enforcement Board a written staff report containing a description of the nature of the request, staff analysis, and staff recommendation. The Planning, Zoning, and Code Enforcement Board shall then vote to make a recommendation to the County Commission and City Councils regarding whether or not the amendment should be approved. Before enacting any amendment to these regulations, the governing authority shall give public notice and hold a public hearing thereon as set forth in this section. The vote of the County Commission and City Councils shall constitute the final action with regard to the amendment. No amendment shall become effective unless approved by all the local governments to which this Zoning / land use ordinance/ Land Use is applicable (Pierce County and the Cities of Blackshear, Offerman, and Patterson).

15-2 Application for Text Amendment

In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.

15-3 Procedure

- 1) Within 30 days of receipt of a text amendment application, the Zoning / land use administrator or his/her designee shall provide to the Planning, Zoning, and Code Enforcement Board a written staff report consider containing a description of the nature of the request, staff analysis, and staff recommendation.
- 2) At the next Planning, Zoning, and Code Enforcement Board meeting, the Board shall vote to make a recommendation to the local governing bodies (Pierce County Commission and City Councils of Blackshear, Offerman, and Patterson) regarding whether or not the text amendment should be approved.
- 3) The County Commission shall provide for a public hearing on the proposed amendment. At least 15 but not more than 45 days prior to the date of the hearing, the County Commission shall cause a notice of the hearing to be published within a newspaper of general circulation within the County and Cities. The notice shall state the time, place, and purpose of the hearing and the nature of the proposed amendment.
- 4) At their meetings subsequent to the public hearing, the Pierce County Commission and City Councils of Blackshear, Offerman, and Patterson shall vote on whether to approve or deny the amendment. No amendment shall become effective unless approved by all the local governments to which this Zoning / Land Use Ordinance is applicable.
- 5) The vote of the local governments shall constitute the final action with regard to the rezoning.

SECTION 16. CONDITIONAL USE PERMITS

16-1 General Provisions.

Applications for Conditional Use Permits shall be submitted to the Zoning / land use administrator, who shall provide to the Planning, Zoning, and Code Enforcement Board a written staff report considering the application in view of the criteria in Section 16-3. The Planning, Zoning, and Code Enforcement Board shall then vote to make a recommendation to the local governing body (County Commission or City Council) within whose jurisdiction the subject property is located, regarding whether or not the Conditional Use Permit should be approved. The vote of said local governing body shall constitute the final action regarding the Conditional Use Permit.

16-2 Application for Conditional Use Permit.

An application for a Conditional Use Permit shall include the following information:

1. The address, map number, and parcel number of the property for which the Conditional Use Permit is proposed.
2. A Letter of Intent stating the proposed Conditional Use Permit usage proposed for the subject property.
3. The names and address of the owners of the land, and the names and addresses of abutting property owners.
4. A site plan showing all proposed structures, modifications, or other physical changes to be made to the property, if applicable.

16-3 Standards for Conditional Use Permit Review.

The following standards shall be considered for Conditional Use Permit requests:

1. Is the type of street providing access to the property adequate to serve the proposed use?
2. Is access into and out of the property adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and to allow access by emergency vehicles?
3. Are public facilities such as schools, utilities, and police and fire protection adequate to serve the proposed use?
4. Are refuse, parking, and loading areas on the property located or screened to protect other properties in the area from adverse effects such as noise, light glare, and other negative impacts?
5. Will the hours and manner of operation of the proposed use have any adverse impacts on other properties in the area?
6. Will the height, size, or location of the buildings or other structures on the property be compatible with the height, size, or location of buildings or other structures on neighboring properties?

16-4 Procedure.

- 1) Within 30 days of receipt of a Conditional Use Permit application, the Zoning / land use administrator or his/her designee shall provide to the Planning, Zoning, and Code Enforcement Board a written staff report considering the application in view of the standards in Section 16-3.
- 2) At the next Planning, Zoning, and Code Enforcement Board meeting, the Board shall vote to make a recommendation to the local governing body (County Commission or City Council) within whose jurisdiction the subject property is located regarding whether or not the Conditional Use Permit request should be granted.
- 3) The local governing body shall provide for a public hearing on the proposed use. At least 15 but not more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing. The notice shall state the time, place, and purpose of the hearing; the location of the subject property; and the nature of the proposed use.
- 4) A sign containing the time, place, and purpose of the hearing shall be placed in a conspicuous location on the subject property not less than 15 days prior to the date of the hearing.
- 5) After the public hearing, the local governing body shall vote on whether to approve or deny the Conditional Use Permit.
- 6) The vote of the local governing body shall constitute the final action with regard to the Conditional Use Permit. The local governing body may require additional restrictions and standards as may be necessary to protect the health, safety, and welfare of the community, and to protect the value of property and quality of life in the general neighborhood. If the local governing body finds that these restrictions or standards are not being complied with, the local governing body may revoke the Conditional Use Permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

SECTION 17.
DUTIES OF ZONING / LAND USE ADMINISTRATOR,
COUNTY COMMISSION, AND COURTS ON MATTERS OF APPEAL

17-1 Zoning / land use administrator. It is the intent of these regulations that the Zoning / land use administrator be chiefly responsible, with requested assistance from the City / County Attorney, for all questions of interpretation of these regulations. The Zoning / land use administrator shall also be responsible for the enforcement of these regulations and shall:

- A) Serve as administrative secretary to the Planning, Zoning, and Code Enforcement Board.
- B) Maintain public records concerning the administration of the Zoning / land use ordinance, including all maps, amendments, Certificates of Zoning Compliance, Conditional Use Permits, Variances, and records of public hearings.
- C) To the extent practical, collect data and keep informed as to the best zoning practices in order to be qualified to make recommendations to the Planning, Zoning, and Code Enforcement Board, all of which must be approved by the City Council or County Commission.
- D) Undertake other relevant duties as may be delegated by the City Council or County Commission.

17-2 City Council / County Commission. It is further the intent of these regulations that the duties of the City Council or County Commission shall be to adopt or reject proposed amendments to these regulations as detailed in Sections 14 and 15. Matters of non-enforcement of this ordinance may be brought to the City Council or County Commission's attention by aggrieved parties only after the aggrieved party has followed the complaint procedure. Corrections to problems of non-enforcement shall be handled by the City Council or Board of Commissioners. Recourse from all decisions of the City Council or County Commission shall be to the courts as provided by law.

**SECTION 18.
LEGAL STATUS PROVISIONS**

18-1 Conflict with Other Laws. All previous Zoning / land use ordinances and/or land development regulations of Blackshear, Offerman, Patterson, and Pierce County, Georgia, are hereby repealed. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in force and effect, but all such ordinances or parts of ordinances in conflict herewith are hereby repealed. Whenever other ordinances or parts of ordinances require greater restrictions than those required by this ordinance, such ordinances or parts of ordinances shall govern. Whenever other ordinances or parts of ordinances require lesser restrictions, the requirements here within shall govern.

18-2 Separability. If any section, clause, portion or provision of this ordinance is found unconstitutional, such invalidity shall not affect any other portion of this ordinance.

18-3 Effective Date. This ordinance shall take effect and be enforced within each jurisdiction from and after its adoption and passage by the governing body of that jurisdiction.

Date of Adoption

S/ _____

Chairman, Pierce County Board of Commissioners

S/ _____

Mayor of Blackshear

S/ _____

Mayor of Patterson

S/ _____

Mayor of Offerman

S/ _____

County Clerk, Pierce County, Georgia

(SEAL)

RESOLUTION 2020-001

A RESOLUTION TO ADOPT THE INTERGOVERNMENTAL AGREEMENT OF THE ZONING/LAND ORDINANCE FOR PIERCE COUNTY, GEORGIA, AND THE CITIES OF BLACKSHEAR, OFFERMAN AND PATTERSON.

WHEREAS, under THE AUTHORITY OF Article IX, Section II, Paragraphs I and IV of the Constitution of the State of Georgia and the amendments thereto, hereby ordain and enact into law the attached Zoning/Land Use Ordinance;

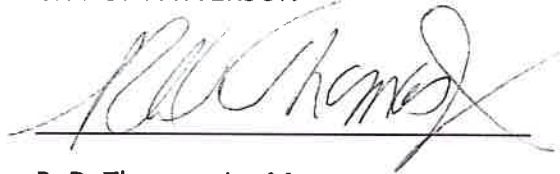
Adopted this 8th day of October, 2020, by the affirmative vote of a majority of the councilmembers present at an official meeting of the Council of the City of Patterson.

ATTEST:

CITY OF PATTERSON



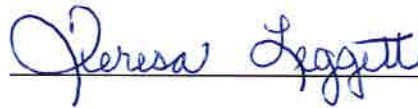
Ray Cunningham, City Clerk



R. D. Thomas, Jr., Mayor



Jake Echols



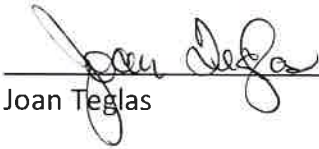
Teresa Leggett



Chris Mock



David Smith



Joan Teglas

