

SECTION 1.000 GENERAL PROVISIONS

Exhibit 1

Section 1.100 Title.

This Ordinance shall be known, referred to, and recited as the Thomas County Land Use Standards Ordinance.

Section 1.200 Authority.

The Board of Commissioners of Thomas County enacts this Ordinance pursuant to powers conferred upon it by the Georgia State Constitution, Article IX, Section II, Paragraph IV, Planning and Zoning.

Section 1.300 General purpose and policies.

The Thomas County Land Use Standards Ordinance is related to, based on, consistent with, and adopted to effectuate and implement the provisions of the Thomas County (Unincorporated Areas) Comprehensive Plan in order to preserve, protect, and improve the public health, safety, comfort, good order, appearance, convenience, and general welfare; encourage the most appropriate use of land, water, and resources; preserve and enhance the value of land and the character and stability of residential, agricultural, commercial, and industrial areas; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other services; and, to conserve, develop, utilize, and protect the natural resources within the County.

Section 1.400. Applicability.

1.410 General applicability.

This Ordinance shall apply to all structures and the use of land throughout the unincorporated area of Thomas County, Georgia. Existing structures and uses that are inconsistent with the provisions of the Ordinance shall be permitted only as provided for in Section 3.263 of this Ordinance. All applications filed pursuant to this Ordinance shall be required to meet the requirements of this Ordinance which are in effect on the date of final decision on the application.

1.420 General prohibition.

It shall be unlawful for any person to carry out any development that is inconsistent with the requirements of this Ordinance and any applicable Comprehensive Plan.

1.430 Permits and approvals issued prior to effective date.

This Ordinance shall not affect lawfully issued building or manufactured home permits, provided that the permit is not allowed to expire.

Section 1.500 Repeal of conflicting provisions.

All previous zoning ordinances and/or resolutions of Thomas County, Georgia, are hereby repealed. All ordinances or parts of ordinances in conflict with this Ordinance and which contain less restrictive requirements than contained herein are hereby repealed. Ordinances or parts of ordinances which contain more restrictive requirements than contained herein shall govern.

Section 1.600 Effective date; enactment.

This Ordinance shall become effective on August 19, 1996. When any provision of this Ordinance is amended; however, the effective date of this Ordinance means the effective date of such amendment for the purposes of deciding any question directly controlled by such amendment. Amendments to this ordinance shall become effective on June 9, 2009.

Section 1.700 Separability.

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall for any reason be held to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall continue in full force and effect. In the event any portion is found to be invalid the remaining ordinance shall be construed as if the legislative intent was to adopt this Ordinance without the unconstitutional, inoperative, or void section, subsection, paragraph, sentence, clause, or phrase. Furthermore, if any provision of this Ordinance is held unconstitutional, inoperative, or void as applied to any person or property, such decision shall not apply to any other person or property.

Section 1.800 Minimum requirements.

The provisions of this Ordinance are the minimum requirements necessary to accomplish the purposes of this Ordinance. The provisions of this Ordinance shall not be deemed to annul or abridge or otherwise affect in any manner any easements, covenants, or other agreements between parties. However, whenever the provisions of this Ordinance impose more restrictive requirements upon land or structures than the provisions of any easements, covenants, or other agreements between parties, the provisions herein shall govern.

SECTION 2.000 INTERPRETATIONS AND DEFINITIONS

2.100 Interpretation.

This Ordinance shall be construed liberally to affect the purposes thereof, and the rules of this section shall be observed except when the context clearly requires otherwise:

- (1) Words used or defined in one tense or form shall include other tenses or derivative forms.
- (2) Words in the singular shall include the plural and words in the plural shall include the singular.
- (3) The masculine gender shall include the feminine and the feminine shall include the masculine.
- (4) The particular shall control the general.
- (5) The words "should" or "shall" or "will" are mandatory.
- (6) The word "may" is permissive.
- (7) In the event of a conflict between the text of this Ordinance and any caption, illustration, table, or map, the text shall control.

(8) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of life kind or character.

(9) The word "erected" also includes constructed, reconstructed, altered, placed, or relocated.

2.200 Definitions.

When used in this Ordinance, the following terms shall have the meanings herein ascribed to them.

(1) *Accessory Use*: A structure or use that:

(a) is subordinate to and serves an existing principal building or principal use;

(b) is subordinate in area, extent, and purpose to the principal structure or principal use served;

(c) contributes to the comfort, convenience, or necessity of the occupant, business, or industry in the principal structure or use; and,

(d) is located on the same lot or parcel as the principal structure or use.

(2) *Agricultural Land*: Land with soil, climate, water, and topography so interrelated that, if prudently managed to protect its natural qualities, is favorable for the production of adapted crops or livestock.

(3) *Apartment house*: A residential structure containing three (3) or more apartments (independent dwelling units).

Area of special flood hazard: The land within the flood plain that is subject to a one (1) percent or greater chance of flooding in any given year.

(4) *Arterial Road*: A route providing service that is relatively continuous and of a relatively high traffic volume, long average trip length, and high operating speed.

Base flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year. The "base flood" is synonymous with the "100-year flood."

Best management practices (BMP's). A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12- 7-6 subsection (b).

(5) *Board of Commissioners*: The Thomas County Board of Commissioners.

(6) *Boarding House*: A dwelling where meals or lodging and meals, are provided for compensation to three or more persons by pre-arrangement for definite periods. A boarding house is to be distinguished from a hotel, motel or a nursing home.

(7) *Buffer*: A natural and/or landscaped area intended to visibly separate uses through distance to shield or block noise, light, glare, or other nuisances, or to protect natural features such as streams or wetlands.

Buffer, State waters: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

(8) *Building:* Any structure, including a roof supported by walls, designed or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind, that is erected for permanent location on the ground. A manufactured building or home shall be considered a building for the purposes of this Ordinance. A mobile home shall not be considered a building for the purposes of this Ordinance.

(9) *Building Official:* The head of the Office of Building Inspection.

(10) *Carport:* A canopy, roof like structure, or shed, open on two (2) sides or more the purpose of which is to provide shelter for one or more motor vehicles.

Certificate of Occupancy: A document issued by the building official indicating the use of a particular building or land conforms to the requirements of this Land Use Standards Ordinance and is ready to be occupied.

(11) *Church:* A building in which persons regularly assemble for religious worship, and that is maintained and controlled by a religious body organized to sustain public worship.

(12) *Collector Road:* A route providing service that is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed.

(13) *Common Area:* A parcel of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites in the development.

(14) *Comprehensive Plan, Thomas County:* The adopted Thomas County Comprehensive Plan.

(15) *Conditional Use:* A use that is generally compatible with the use characteristics of a Land Use Standards District, but that requires individual review of its location, design, and configuration in accordance with Section 4.300 to determine the appropriateness of the use on any particular site in the district.

(16) *Conditional Zoning:* Any additional zoning restrictions or requirements placed on the use of property for the purpose of mitigating adverse impacts.
(Amd. of 10-13-98)

(17) *Condominium:* A form of ownership of less than the whole of a building or system of buildings under a statute which provides the mechanics and facilities for formal filing and recording of divided interest in real property, whether the division is vertical or horizontal.

Conservation Easement: An agreement between a land owner and a governmental agency or land trust that permanently protects the land by limiting the amount and type of development that is permissible, while leaving the remainder of the fee interest in private ownership.

Conservation Subdivision: A residential development designed within a master plan in a rural setting that is characterized by clustered lots and common green space.

(18) *Congregate Personal Care Home:* A home for adults which offers care to 16 or more persons.

Critical Area Buffer – The areas which are permitted by Federal (Corps of Engineer) or State of Georgia EPD Agencies.

(19) *Construction Office*: A building used on a temporary basis on the site of a construction project, as an office for the contractor.

DRI – Development of Regional Impacts. The Georgia Planning Act of 1989 authorized the Department of Community Affairs to establish procedures for regional review of development projects that are of sufficient size that they are likely to impacts beyond the jurisdiction in which the project will be located. The D.R.I. review process involves the local government, the reviewing Regional Development Center (RDC) and other potentially affected local governments, RDC's and agencies.

DBH (Forestry diameter at breast height) the diameter of a tree at breast height

(20) *Day Care Facility*: There are two types of daycare:

(a) *Family Daycare Home* - A facility located in a One Family Dwelling which receives not more than six children under 17 years of age without the transfer of custody, including the family's natural or adopted children residing in the dwelling, for more than four (4) hours and less than twenty four (24) hours per day.

(b) *Day Care Center Facilities* - Facilities used to provide care for children on a regular or non-recurring basis for seven or more children under 18 years of age for group care, without the transfer of custody, for more than four (4) hours and less than twenty four (24) hours per day.

Day care centers (19 or more children): Any place operated as day care for nineteen (19) or more children. Day Care Centers are normally located in schools and churches.

(21) *Density, Gross*: The number of dwelling units located on an area of land, divided by the entire area of the development including lots, streets, and other development associated with the dwelling units.

Drainage easement: An agreement allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Dwelling or dwelling unit: Any building, or part thereof, constituting a separate, independent housekeeping establishment for no more than one (1) family, and physically separated from any other rooms or housekeeping establishments which may be in the same structure. A dwelling unit contains sleeping facilities, sanitary facilities, and a kitchen.

(22) *Developed Area*: That portion of a lot or parcel upon which a building, structure, pavement, gravel, landscaping, or other improvements have been placed.

(23) *Developer*: Any person, including a governmental agency, undertaking any development as defined in this Ordinance.

(24) *Development*: The carrying out of any building or mining operation or the making of any material change in the use or appearance of any structure or land.

(25) *Directional Sign, Public*: A sign erected by a governmental agency, to denote the name of any thoroughfare; to point out the route to any city, educational institution, public building, public place, historic place, hospital, or park; to direct and regulate traffic; or to denote any railroad crossing, bridge, or other transportation facility.

District: A portion of the territory of the county, exclusive or inclusive of streets, alleys, and other public ways within which certain uses of land, premises, and buildings are permitted and for which a uniform set of regulations apply.

(26) *Drive-Through Service:* A structure in which a customer is permitted or encouraged, either by design of physical facilities or by service or packaging, to enter into the service area when seated in a motor vehicle.

(27) *Dwelling:* Any building or structure or portion thereof that is designed for or used for residential purposes.

(28) *Dwelling, Duplex or two-family:* A building containing two (2) dwelling units, designed for occupancy by not more than two (2) families living independently of each other.

(29) *Dwelling, Multi-family:* A building either designed, constructed, altered, or used for more than two (2) adjoining dwelling units, with each dwelling unit having a party wall or party floor ceiling connecting it to at least one (1) other dwelling unit in the building.

(30) *Dwelling, Single Family:* A detached building used and either designed or constructed for one (1) dwelling unit.

(31) *Dwelling Unit:* A self-sufficient dwelling that is designed for or used as a residence by a single housekeeping unit.

(32) *Easement:* A grant of one (1) or more property rights by a property owner to the general public, a public utility, a governmental unit, or a private individual or corporation for the use of a portion of the owner's land for a specific purpose, or use as a means of access to other property. Easements shall be designated "public" or "private" depending upon the nature of the usage.

(33) *Equipment Shed:* A structure erected on a construction site to shelter equipment and tools used in construction activities on that specific construction site.

(34) *Family:* One or more persons related by blood or marriage occupying a single housekeeping unit. Provided that unless all members are related by blood or marriage, no such family shall contain over six persons, and provided further that such family may include gratuitous guests and domestic servants.

(35) *Family Personal Care Home:* A home for adults in a family type residence, non-institutional in character, which offers care to between two (2) and six (6) persons.

Family Farm: A provisional exemption from conventional subdivision development standards. This section will apply to land divisions in the rural residential, agricultural, and conservation agricultural boundaries.

Flood hazard boundary map (FHBM): An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood insurance rate map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary/floodway map and the water surface elevation of the base flood.

(36) *Frontage:* The length of a lot that fronts on a public or approved private street.

(37) *Garage, Private:* An accessory building designed or used for the storage of not more than three motor driven vehicles owned and used by the occupants of the building to which it is accessory.

(38) *Garage, Public:* Any premises used for the storage or care of motor driven vehicles, or place where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

(39) *Governmental Agency:*

(a) The United States or any department, commission, agency, or other instrumentality thereof;

(b) The State of Georgia or any department, commission, agency, or other instrumentality thereof;

(c) Any county or municipality; or

(d) Any school board or other special district.

(40) *Grade:* The average level of the finished surface of the ground adjacent to the exterior wall of a building or structure.

(41) *Ground Cover:* Low growing plants planted in such a manner as to form a continuous cover over the ground.

(42) *Group Personal Care Home:* A home for adults in a residence or other type building(s), non -institutional in character, which offers care to between seven and fifteen (15) persons.

(43) *Hardship Manufactured Home/Travel Trailer:* One manufactured home or travel trailer that may be placed on a residential lot if it is established that a genuine hardship exists only by reason of medical disability or age. The Planning Commission and the County Commission must first determine if the eligibility criteria are met prior to granting this hardship variance. A hardship manufactured home or travel trailer shall be allowed for a one (1) year period after which an additional application must be submitted to request an extension. See Section 3.250 for the General Provisions relating to the use of this hardship variance.

(44) *Height:* The vertical distance between grade and the highest finished main roof surface in the case of flat roofs or a point at the average height of roofs having a pitch of more than one (1) foot in four and one-half (4 1/2) feet.

(45) *Home Occupation:* A business, profession, occupation, or trade conducted within a residential building for gain or support by a resident of the dwelling that is incidental and secondary to the residential use of the building and does not change the essential residential character of the use. Home occupations are not restricted or related to Table Four of this Ordinance.

(46) *Hospital:* Any building housing a medical institution designed, equipped, and staffed to receive two (2) or more persons for diagnosis, treatment and other health services under the supervision of a medical doctor for periods continuing twenty-four (24) hours of a day.

(47) *Hotel/Motel*: A building in which lodging is provided or offered to the public for compensation.

(48) *Illuminated Sign*: Any sign designed to emit artificial light or designed to reflect light from one or more sources of artificial light.

(49) *Impermeable Surface*: Any material applied to the surface of land that inhibits the natural infiltration or passage of water into the ground.

(50) *Industrialized Building*: A structure or component which is wholly or in substantial part made, fabricated, formed or assembled in or at a manufacturing facility and delivered to a building site for fabrication and installation of such assemblies. All parts or processes cannot be inspected by the County Building Official except by disassembly. In lieu of such inspection the structure shall be accepted if it bears an insignia, label, or decal issued by the Georgia Department of Community Affairs to certify the unit as to construction and safety standards.

Junk Yard: Use of property for outdoor storage, keeping, abandonment, sales, or resale of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

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

Kennels: Any facility located within the unincorporated area of Thomas County where six (6) or more adult dogs, cats, rabbits, or other domestic animals are kept for commercial purposes such as boarding, caring for, raising, grooming, breeding, training or sale.

(51) *Land*: The earth, water, and air above or on the surface, including any improvement or structure customarily regarded as land.

Land Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices.

(52) *Land Use*: The development, activity, or use that has occurred on the land, or the development that is proposed by a developer on the land.

(53) *Lot*: A parcel of land occupied or intended for occupancy by a use that includes or will include at least one structure together with any accessory structure, yard, open space, buffer area, or parking spaces required by this Ordinance.

(54) *Lot, Corner*: A lot situated at the junction of two (2) or more public rights-of-way.

(55) *Lot, Coverage*: The total horizontal ground area of a lot covered by all buildings or structures on the lot not open to the sky.

(56) *Lot, Depth of*: The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth should be measured by drawing lines from the front to rear lot lines, at right angles to the front lot line, every ten feet and averaging the length of these lines.

(57) *Lot Line*: The boundary of a lot.

(58) *Lot, Platted*: A lot platted in accordance with the subdivision regulations of Thomas County after the effective date of this Ordinance.

(59) *Lot, Width*: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

(60) *Lot of Record*: A lot that is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel whose boundaries are definitely described, the description of which has been so recorded prior to the effective date of this Ordinance.

(61) *Manufactured Home*: A structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401. et seq. (These standards became effective June 15, 1976.) Manufactured Home means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein: except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the U.S. Department of Housing and Urban Development and complies with the standards established under this title.

(62) *Manufactured Home Parks*: Manufactured Home Park shall mean a licensed business operation which leases spaces for permanent or for temporary occupancy for periods exceeding thirty (30) days for manufactured homes and, under some conditions, travel trailers.

Mixed use: Development or a development project that incorporates more than one (1) land use or activity, such as residential, commercial, office, and/or industrial.

(63) *Mobile Home*: Same as manufactured home except that the date of manufacture is prior to June 15, 1976, and does not meet 1976 construction and safety standards. No mobile homes are permitted to be brought into Thomas County which does not meet 1976 construction and safety standards. Pre-1976 mobile homes which display the current Thomas County ad valorem tax sticker may remain at the same lot/site within Thomas County.

Modular home or industrialized building: Certain manufactured buildings which are regulated by the Georgia Department of Community Affairs. Georgia law defines an Industrialized Building as "any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof." Industrialized buildings are constructed and regulated in accordance with the "Industrialized Buildings Act", Georgia Law 1982 (OCGA Title 8, Chapter 2, Article 2, Part 1).

(65) *Mulch*: Non-living small aggregate materials such as gravel, rock, pebbles, bark, or pine needles, used as a ground cover.

(66) *Nameplate*: A sign indicating the name or address of the occupant or resident of the dwelling unit to which it is attached.

Natural vegetative buffer: 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.

(67) *Newspaper of General Circulation:* A newspaper published at least on a weekly basis; it does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

(68) *Non-Conforming Lot of Record:* A platted lot or lot of record that does not comply with the lot size requirements of this Ordinance.

(69) *Non-Conforming Structure:* Any lawfully existing structure or building on the effective date of this Ordinance that does not comply with all of the provisions of this Ordinance, provided however, that the failure to meet minimum lot size, width, or setback requirements shall not render a structure non-conforming.

(70) *Non-Conforming Use:* Any use lawfully being made of any land, building, or structure on the effective date of this Ordinance that does not comply with the provisions of this Ordinance.

(71) *Nursing Home:* An institution, public or private, that provides twenty-four (24) hours of nursing care for three (3) or more unrelated individuals.

(72) *Official Land Use Standards Atlas:* A set of maps covering unincorporated areas of Thomas County and showing the boundaries of the various Land Use Standards Districts.

(73) *Off-street Parking:* Any area except a public right-of-way, used for the purpose of parking, storing, or display of vehicles, boats, trailers, and mobile homes, including used car lots and other open lot uses.

(74) *Open Space:* Any parcel or area of land or water that is set aside, open and unobstructed to the sky, and designated or reserved for public or private use or enjoyment.

(75) *Ordinance:* The Thomas County Land Use Standards Ordinance.

Overlay district: A defined geographic area that encompasses one (1) or more underlying zoning districts and that imposes additional requirements above those required by the underlying zoning district. An overlay district can be coterminous with existing zoning districts or containing only parts of one (1) or more such districts.

(76) *Parcel of Land:* Any contiguous quantity of land capable of being described with such definiteness that its locations and boundaries may be established, that is designated by its owner or developer as land to be used or developed as a unit, or that has been used or developed as a unit. If such a parcel of land is divided by a right-of-way or Land Use Standards District boundary it may be considered to be one (1) parcel by the owner.

Parking area: All property used for off-street parking including but not limited to vehicular aisles and access ways, loading zones, interior and perimeter landscaping, and other outdoor vehicular use areas.

(77) *Parking Space:* An area designated for temporary storage of a motor vehicle.

(78) *Permanently attached*: Affixed by foundations, poles, braces or other immovable structural means to the ground or to a building or structure. Signs manufactured or intended for portable use and affixed to the ground by ropes, chains, cables, weights, or other means deemed non-structural by the Planning Director shall not be deemed to be permanently attached.

(79) *Person*: An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal entity.

(80) *Personal Care Home*: A building or group of buildings, a facility, or a place in which is provided two (2) or more beds and other facilities and services, including room, meals, and personal care, for non-family ambulatory adults. Personal care homes shall be classified as Family, Group, or Congregate. This term does not include buildings which are devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals or boarding facilities which do not provide personal care.

Personal care home: A building or group of buildings, a facility, or place in which is provided beds and other facilities and services including room, meals and personal care for non-family ambulatory adults for compensation. Personal care homes are categorized as follows:

Personal care home, Family: A home for adults in a family type residence, non-institutional in character, which offers care to two (2) through six (6) persons.

Personal care home, Group: A home for adult persons in a residence or other type building(s), non-institutional in character, which offers care to seven (7) through fifteen (15) persons.

Personal care home, Congregate: A home for adults which offers care to sixteen (16) or more persons.

(81) *Planning Director*: The head of the Office of the Planning Department, who shall be appointed to serve at the pleasure of the Board of Commissioners.

Planned Development District: Commercial Planned Development consisting of Commercial Limited (CL), Commercial General (CG), or both that may have mixed uses businesses that are appropriate and compatible in a "planned center design" and requires approval by the Thomas County Board of Commissioners and the Thomas County Technical Review Committee. The Planned Development (PD) shall allow for multiple businesses within a parcel or combination of parcels and provide connectivity to adjoining tracts.

Planned Unit Development (P.U.D.): Development intended to encourage both residential and non-residential land uses according to a master development plan, with related covenants and restrictions. Developments within a P. U. D. project may have flexibility in the application of development standards when approved according to a master development plan, which promotes the conservation of natural resources, more efficient use of land, and, efficiency in the extension of streets and utilities.

Property Owner's Association: A formally constituted non-profit association or corporation made up of the property owners and/or residents of a subdivision or development area that may take permanent responsibility for cost and upkeep of semi-private or common community facilities.

(82) *Recreational Vehicle*: Any vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use and that either has its own mode of power or is mounted on or propelled by another vehicle.

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.

(83) *Retail Sales and Service Establishments*: A business whose primary activity is the sale of consumer goods and commodities to ultimate consumers.

(84) *Right-of-Way*: Land dedicated or deeded on which facilities such as roads, railroads, canals, utilities, and other similar uses exist or may be constructed.

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.

River corridor: All the land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A 12-5-440 through 12-5-457), or the Coastal Marshlands Protection Act (O.C.G.A. 12-5-280 through 12-5-293), in areas of protected river and being within 150 feet horizontally on both sides of the river as measured from the river banks. The 150-foot buffer shall be measured horizontally from the uppermost part of the riverbanks, usually marked by a break in slope. Although not within the measured 150-foot wide buffer, the area between the top of the bank and the edge of the river shall be treated by the local governments in the same manner as the river corridor and shall be included within the River Corridor Protection District.

(85) *Road*: See "Street."

(86) *Rooming House*: Any dwelling in which more than two (2) persons are lodged on a continuing basis, without meals, for compensation.

(87) *Rural Business*: A rural business shall be a small office or small scale retail sales or service type business which shall be secondary or incidental to the primary use of property for agricultural or residential purposes. Such business shall be primarily directed toward providing local or neighborhood services to rural residential areas. Rural businesses shall be similar to home occupations, except that the activity can occur in an accessory structure detached from the principal residence.

Sensitive natural area: Any area, as identified now or hereafter by the Georgia Department of Natural Resources, which contains one (1) or more of the following:

- (1) Habitat, including nesting sites, occupied by rare or endangered species;
- (2) Rare or exemplary natural communities;
- (3) Significant landforms, hydro-forms, or geological features; or
- (4) Other areas so designated by the Georgia Department of Natural Resources; and which are sensitive or vulnerable to physical or biological alteration.

(88) *Service Station*: Any building, structure or land used primarily for the sale of motor fuels or oil at retail direct to the customer, including the supplying of accessories, parts and services essential to the normal operation of automobiles.

(89) *Setback*: The minimum horizontal distance between the street, rear or side lines of the lot, and the front, rear or side lines of a building. The term required setback means a line beyond which a building is not permitted to extend under the provisions of this ordinance establishing minimum depths and widths of yards.

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

(90) *Shrubs*: Any living self-supporting woody evergreen plants, other than trees, normally grown in Thomas County.

State general permit: The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the State's authority to implement the same through federal delegation under the Federal Water Pollution Control Act as amended, 33 U.S.C. Section 1251 et seq., and subsection (f) of Code Section 12-5-30.

(91) *Street*: Public or private ways that have been set aside by dedication, deed, or condemnation for public use or that have become a public way by prescriptive use, without regard to maintenance responsibility, but not including easements. Refer to Subdivision ordinance for street types.

Stormwater management: The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, stream bank channel erosion, habitat degradation and water quality degradation. The purpose of the storm water management is to enhance and promote the public health, safety and general welfare.

(92) *Structure*: Anything constructed or installed which requires a building permit and, the use of which requires location on a parcel of land. It does not include a movable structure even when it is located on land that can be used for housing, business, commercial, agricultural, or office purposes. "Structure" may include fences, billboards, swimming pools, pipelines, tracks, and signs. Structures shall meet International Residential Code and International Building Code requirements and be permanently affixed.

Subdivision: All divisions of a tract or parcel of land into two (2) or more lots, parcels, building sites, or other divisions for the purpose, whether immediate or future, of creating sites for development, the rearrangement of existing lot lines, or for the purpose of transfer of ownership.

(93) *Temporary Use*: A use that does not involve the construction or alteration of any permanent structure and that is established for a fixed period of time with the intent to discontinue such use upon the expiration of the established time period. (See Section 3.240.)

(94) *Townhouse*: One of a group of two or more attached single family residences. Each townhouse unit is separated from the adjoining unit or units by an approved fire wall or walls. Fire walls shall be located on the lot line. Each town house has a front and rear ground level entrance. The town house is located on its own approved, recorded "lot".

Traditional Neighborhood Development (T.N.D.): A use which may be located within any residential district if it meets all of the required standards. Development of a TND may have flexibility in the application of development standards when approved according to a master development plan.

(95) *Travel Trailer*: A vehicular portable structure not exceeding thirty-six (36) feet in length designed for travel, recreational, and vacation uses.

(96) *Tree*: Any living self-supporting woody plant or species that normally grows to an overall height of at least fifteen (15) feet having an average mature spread of crown of greater than fifteen (15) feet.

(97) *Use*: The purpose for which land, structures, buildings, or signs are designed, arranged, and erected.

Utility: Any community service available to the public by means of an overhead or underground distribution or collection system such as electricity, telephone, water, gas, and sewerage disposal.

Utility Easement: A grant in the form of a legal document by the property owner for the use by the public, a corporation, or an individual's use of a strip of land for specified purposes.

(98) *Variance*: A mechanism that can mitigate special hardships created by the literal enforcement of the dimensional requirements of Section 3.000 of this Ordinance, if the applicant meets certain requirements set down in this Ordinance. See Section 4.500.

Watercourse: Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

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 do 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, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.

(99) *Yard*: An open space at grade between a building and the property lines of the lot on which the building is located, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

(100) *Yard, Front*: A yard extending across the front of a lot, between the side lot lines and front property line, and being the minimum horizontal distance between the front property line and the front of the main building or any projections thereof. The front yard shall be measured from the front property line or base building line, whichever is greater.

(101) *Yard, Rear*: A yard extending across the rear of a lot between the side lot lines and the rear property line, and being the required minimum horizontal distance between the rear property line and the rear of the main building or any projections thereof. On all lots the rear yard shall be at the opposite end of the lot from the front yard.

(102) *Yard, Side*: A yard between the main building and the side line of the lot, extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side property line and the side of the main building or any projections thereof.

(103) *Zoning Compliance Form* – written document used to determine if a structure or use existing or proposed for any property located within unincorporated Thomas County is or may be used or developed in compliance with this ordinance. The owner of the property or his agent

may request a zoning compliance form from the Zoning Administrator or Asst. Zoning Administrator.

The compliance form is certification of the property owner or agent that all of the information is true and correct, and acknowledgement that such information is relied upon by the county. The compliance form may be void if any material information is untrue.

The Zoning Administrator or Asst. Zoning Administrator may require additional time to acquire information or complete an onsite evaluation to determine compliance before issuance of a compliance form.

Any zoning compliance form issued hereafter shall be valid for a period of twelve (12) months.

Zoning District Boundaries – The use classification of parcels of land as generally defined under this land use ordinance.

SECTION 3.000 LAND USE REGULATIONS

3.100 Land use standards districts established.

3.110 Districts.

In order to carry out the purposes of this Ordinance, the following land use standards districts are hereby created:

Ag	Agricultural
R-1	Residential, Single Family
R-2	Residential, Single-Family
R-3	Residential, Mixed Use
R-4	Residential, Single Family Attached
RM-11	Residential, Multiple-Family
R-87	Residential, Single Family
MHP	Residential, Manufactured Home
CL	Commercial, Limited
CG	Commercial, General
I	Industrial

R-1 Residential, Single Family - 1. The purpose of this district is to provide and protect an environment suitable for single family dwellings at a maximum density of one (1) dwelling unit per gross acre, together with such other accessory uses as may be necessary to and compatible with low density residential surroundings.

R-2 Residential, Single-Family - 2. The purpose of this district is to provide and protect an environment suitable for single family dwellings at a maximum density of two (2) dwelling units per gross acre, together with such other accessory uses as may be necessary to and compatible with low density residential surroundings.

R-3 Residential, Single Family Mixed Use. The purpose of this district is to provide and protect an environment suitable for single family dwellings, including manufactured homes, modular homes, and stick built housing, at a maximum density of two (2) dwelling units per gross acre*, together with such other accessory uses as may be necessary to and compatible with low density residential surroundings.

*Note: The two dwelling per gross acre is subject to Thomas County Health Department approval

R-4 Residential, Single Family Attached. The purpose of this district is to provide an environment suitable for single family, two-family, three- family, and four-family dwellings at a maximum density of four units per acre, together with such other accessory uses as may be necessary to and compatible with medium density residential surroundings.

RM-11 Residential, Multiple Family. The purpose of this district is to provide and protect an environment suitable for single family, two family, three family, and multiple family dwellings-at a maximum density of eleven (11) dwelling units per gross acre, together with such other accessory uses as may be necessary to and compatible with medium density residential surroundings.

R-87 Residential, Single Family Detached Low Density Subdivision. The purpose of this district is to provide an environment suitable for a low density subdivision of single family detached dwellings at one unit per two acres, together with such other uses as may be necessary to and compatible with low density surroundings.

MHP Residential, Manufactured Home. The purpose of this district is to provide and protect an environment suitable for the permanent location of manufactured homes for primary residential purposes, together with such other uses as may be necessary to and compatible with medium density residential surroundings. The minimum park area shall be no less than six (6) acres.

CL Commercial, Limited. The purpose of this district is to provide and protect an environment suitable for selected office and retail commercial uses, together with such other uses as may be necessary to and compatible with office/commercial and residential transitional surroundings.

CG Commercial, General. The purpose of this district is to provide and protect an environment suitable for a wide variety of commercial uses, both retail and wholesale, intended to serve a population over a wide market area, together with such other accessory uses as may be necessary to and compatible with general commercial surroundings. These uses shall not impose undesirable noise, vibration, dust, odor, or other emissions or effects on the surrounding area.

I Industrial. The purpose of this district is to provide and protect an environment suitable for manufacturing, wholesaling, warehousing and other activities that generally do not impose undesirable noise, vibration, odor, dust, or other offensive effects on the surrounding area, together with such other non-residential uses as may be necessary to and compatible with manufacturing surroundings. Heavier manufacturing and other activities that may impose undesirable effects on the surrounding area require conditional use approval.

3.120 Official Land Use Standards Atlas.

The boundaries shown on the Land Use Standards Atlas Maps, Comprehensive Plan, and this Land Use Standards Ordinance identify the various districts shown above and define the uses allowed within the defined boundaries of each district.

The boundaries are as follows:

Ag	Suburban
Rural Residential	Crossroads/Neighborhood (Commercial Limited)
Ag/Conservation	Highway Commercial (Commercial General)
Estate Residential	Institutional/Public (Commercial Limited)
	Industrial (Commercial General)

3.121 Atlas Location The maps upon which the boundaries of the Land Use Standards Districts established in Section 3.110 are shown constitute the Official Land Use Standards Atlas. The Official Land Use Standards Atlas is filed in the office of the Planning Director and is incorporated as a part of this Ordinance, and is as much a part of this Ordinance as if the information contained therein was set out in full in this Ordinance.

3.122 District Boundaries. In the event that any uncertainty exists with respect to the intended boundaries of the various land use standards districts as shown on the Official Land Use Standards Atlas, the Planning Director shall make the interpretation using the following rules:

3.123 Base Building Line Setback Requirements. Base building lines are hereby established from which all front, side, and rear yard setbacks are to be measured. For all public roads in Thomas County, the base building line dimension from center line of right-of-way shall be thirty-five (35) feet. When a right-of-way from center line is **greater than** thirty-five (35) feet, yard setbacks shall be measured from the right-of-way line. Where no right-of-way line can be determined, the base building line dimension shall be measured from the center line of the road or street.

(1) The land use standards district boundaries are the center lines of roads, alleys, waterways, and rights-of-way unless otherwise indicated. Wherever designation of a boundary line coincides with the location of a road, alley, waterway, or right-of-way, it shall be construed to be the boundary of such district.

(2) Where the land use standards district boundaries do not coincide with the location of roads, alleys, waterways, and rights-of-way, but do coincide with lot lines, such lines shall be construed to be the boundary of such district.

(3) Where the land use standards district boundaries do not coincide with the location of roads, alleys, waterways, and rights-of-way or lot lines, the Land Use Standards District boundary shall be determined by the use of the scale shown on the Land Use Standards Atlas.

Section 3.200 Regulations of general applicability.

3.210 Uses.

3.211 Permitted Uses. No structure shall be constructed, built, moved, remodeled, reconstructed, used, nor shall any land be used or occupied except in accordance with the requirements of the land use standards district in which it is located, unless it was a non-conforming use at the time the district was created. See Section 3.261 of this Ordinance for non-conformities.

3.212 Conditional Zoning. The Thomas County Board of Commissioners imposes conditions on any zoning proposal which would be in the interest of public health, safety or welfare. Zoning status resulting from the imposition of special conditions by the Thomas County Board of Commissioners on any zoning classification established in this ordinance. (Amd. of 10-13-98)

3.213 Conditional Uses. No structure or land shall be constructed, built, moved, remodeled, reconstructed, used, or occupied as a Conditional Use except as approved under the provisions of Section 4.300 or a variance from allowed uses established in the land use regulations granted by the Thomas County Board of Commissioners.

3.214 Limited Use (L.U.) Provision. The limited Use provision allows an applicant to request that a certain property be classified as a limited use. In some areas of the County, a particular land use activity selected out of a general land use classification may have less community impact than some of the other uses within that classification. For this reason, an applicant may petition for a land use change of a property to a specified use only (i.e., C1-LU). The limited use must be among the uses permitted in the district for which the limited use was granted. If violated, the property would revert to the prior land use district classification.

3.215 Accessory Uses and Structures. Uses incidental to the zoning classification for any parcel of property.

(1) *Authorization.* Accessory uses and structures are permitted in any land use standards district in connection with any principal lawfully existing permitted or conditional use within such district.

(2) *Examples of Particular Permitted Accessory Structures and Uses in Residential and Agricultural Districts.* Permitted accessory structures and uses include:

(a) Non-commercial garages, parking lots, and parking areas, together with related circulation elements.

(b) Storage structures, shelters, greenhouses and similar structures.

(c) Child's playhouse, gazebo and similar structures.

(d) Non-commercial tennis courts.

(e) Outdoor storage structures, boats, trailers, or recreational vehicles, provided that such storage structure shall not be located in a front yard and provided that such boats, trailers, or vehicles shall not be used for living, sleeping, or housekeeping purposes.

(3) *Dimensional and Location Regulations.* No accessory structure or use in any residential land use standards district shall be closer than ten (10) feet to any property line or principal structure.

(4) Permitted structures or accessory to commercial, industrial or mixed uses districts

(a) Certain outdoor storage structures, shall be located in the rear yard, fully concealed from public view with a solid fence eight (8) feet in height. Outside storage of parts, materials, or service areas shall not exceed the height of the fence.

(b) Dumpsters, trash receptacles

3.216 Density, Area, Yard, and Height Requirements.

(1) Except as modified by the provisions for conditional uses or variances, no structure shall be constructed, built, moved, remodeled, reconstructed, occupied, or used on a lot that is less than

the minimum lot area, minimum lot width, minimum road frontage, or the minimum yard requirement shown in Table 1 for the land use standards district in which it is located.

(2) No ordinary projections of a building shall extend more than two (2) feet into any required setback.

(3) Front and rear yard, canopies, porches, or ramps are not allowed to extend more than six (6) feet into the required setback for handicap access or entrances for the disabled. The Planning Staff shall review requests for encroachment and grant or deny the proposed construction.

**TABLE 1
DENSITY, AREA, YARD, AND HEIGHT REQUIREMENTS**

Setbacks

Zoning District	Max. Gross Density (D.U./Acre)	Min. Lot Area (Sq. Ft.) (B)	Min. Lot Width (feet) (F)	Min.* Road Frontage (E)	Front (feet)	Side (feet)	Side Corner Lot (feet)	Rear (feet)	Building Height
Ag	1 per 2 acre	87,120	210**	50	50	20	50	50	35
R-1	1.0	43,560	150*	60	35	10	35	30	35
R-2	2 per 1 acre	21,780 43,560	100*	60	35	10	35	30	35
R-3		21,780* 43,560**	100* 150*	60	35	10	50	30	35
R-4	4 per 1 acre	43,560	150*	60	50	10	50	30	35
R-87	1 per 2 acre	87,120	210**	100	50	20	50	50	50
RM-11	11 per 1 acre 8 per 1 acre	1.5	150(C)	100	50	10(D)	50	30	50
MHP	(A)	(A)	50*	100 Entrance	35	10	35	30	35
CL	1 per .50 acre 1 per 1 acre	21,780 43,560	100* 150*	100* 150*	50	10	50	30	50
CG	1 per .50 acre 1 per 1 acre	21,780 43,560	100* 150*	100* 150*	50	10	50	30	50
I	1 per .50 acre 1 per 1 acre	21,780 43,560	150* 150*	100 100	50	10	50	30	75

Alternative Development Types

Type	Max. Gross Density (D.U./Acre)	Min. Lot Area (Sq. Ft.) (B)	Min. Lot Width (feet) (F)	Min.* Road Frontage (E)	Front (feet)	Side (feet)	Side Corner Lot (feet)	Rear (feet)	Building Height
PUD	Design	10,000	60+*	100	35+	10+- (D)	50+-	30	50
PDD	Design	21,780* 43,560	100* 150**	100	50	10 (D)	50	30	50
CSD	Design	10,000	60*	100	20+-	10 (D)	35	30	35
TND	Design	10,000	60*	60	20+-	10 (D)	35	30	35

(A) Refer to Manufactured Home Park & Subdivision Ordinance
Minimum park or subdivision area = 6 acre tract

- (1) Minimum lot area designs = 7,000 8,100 10,500 13,500 square feet with community or public water systems and public sewer system.
 - (2) Minimum lot area design of 21,780 sq. ft. with community or public water system and individual sewage disposal – 100 foot lot width required.
 - (3) Minimum lot design of 43,560 with individual water supply and individual sewage disposal – 150 foot lot width required.
- (B) Density, lot area, and lot width design are subject to the type of water supply and sewage systems proposed or required by the Thomas County Board of Health
- (1) Minimum lot areas are as follows:
 - 10,000 sq. ft. with community or public water system and public sewer system--100 ft.
 - 21,780 sq. ft. with community or public water system & individual sewage disposal--100 ft.
 - 43,560 sq. ft. with individual water supply & individual sewage disposal--150 lot width.
 - 87,120 sq. ft, with 210 lot width.

Maximum sewer flow with approved public water is 1200 gpad and 600 gpad without approved public water.

- (C) Lot Widths – RM-11 refer to Land Use Ordinance for RM-11 design.
 150 feet with public water and public sewer (apartments.)
 50 feet for single family attached units – Townhouses and condominium.
 60 feet for single family detached units.
- (D) Zero Lot Line detached dwelling units allowed subject to plot plan and Technical Review Committee approval.
- (E) Each lot containing a principal building shall have the minimum road frontage on a publicly owned or maintained right-of- way.
- (F) Must meet State Health Rules & Requirement approval.
 *With approved public water.
 ** Without approved public water.
 Lots shall be a minimum width of one hundred (100) feet or one hundred fifty (150) feet measured within the area where an approved on-site sewage management system and replacement system are to be located when served by a public water supply system or non-public water supply system, respectively.
 For a residence or dwelling unit, the sewage load is 150 gallons per bedroom per day. Maximum sewage flow with approved public water is 1200 gallons per acre per day (gpad) and 600 gpad without approved public water.

The Planned Developments

- Conservation Subdivision
- Planned District
- T.N.D. Development
- P.U.D.

The standards and requirements for all above Planned Developments provides for flexibility of design in order to promote efficient use of land and protect environmentally sensitive resources on the parcel.

These developments are alternatives to conventional subdivisions and may require specific procedures for application review, zoning, natural features inventory survey, open space, and infrastructure requirements for public water and public sewer.

The goal for Planned Developments shall be to maintain compatibility with nearby development and consistency with the future land use element of the Thomas County Comprehensive Plan by allowing the design of developments that are architecturally and environmentally innovative for efficient land use.

Cul-de-sac design – 60 foot minimum road frontage for each lot is required on the radius of the cul-de-sac for all zoning districts.

Buffers: Any required buffers, landscaping or screening, may not be part of the required lot area. (Subject to Technical Review Committee Review.

Section 3.217 DENSITY AND USES

Residential (Rural) Single Family

Boundary	Min. Lot Size	Min. Lot Area
Ag	2 acre individual lot	87,120 sq. ft.
Ag Rural Residential	2 acre individual lot	87,120 sq. ft.
Ag Conservation	2 acre individual lot	87,120 sq. ft.
Estate Residential	2 acre individual lot	87,120 sq. ft.

Residential Suburban – “Conventional” Type Subdivision Development

	Min. Lot Size	Min. Lot Area
Individual S.F.R.	2 acres	87,120 sq. ft.
R-1	1 acre	43,560 sq. ft.
R-2	.50 of an acre	21,780 sq. ft.
R-3 Mixed Use	1 acre	43,560 sq. ft.
	.50 of an acre	21,780 sq. ft.
R-4	4 units/1 acre	1 units /10,000 sq. ft.
T.N.D.*	1 unit/10,000 sq. ft.	1 unit/10,000 sq. ft.
M.H.P.	6 acre minimum	Minimum 7,000 sq. ft. Refer to M.H.P. Regs

*Traditional Neighborhood Development (T.N.D.) – 1 unit/10,000 sq. ft. A floating district allows flexible design under a unified plan. Review and approval is detailed and specific regulations for compliance.

RM-11 – Residential Complex’s

	Min. Lot Size	Min. Lot Area
<i>Townhouse/Condominium</i>	4 units per acre	43,560 sq. ft. (10,000 sq. ft. lots)
(Minimum land area 1 acre)	8 units per acre	43,560 sq. ft. (10,000 sq. ft. lots)
<i>Multi Family/Apartments</i>	11 units per acre	10,000 sq. ft. (minimum lot area)
(Minimum land area 1.5 acres)		

All RM-11 Residential Complex’s must comply with the following:

1. Public water and sewer required or Board of Commissioners approval for a private/public water system and an onsite waste water system.
2. Minimum land area is for the project as a whole and not for individual lots within the project.
3. These RM-11 developments are subject to review and approvals of buffers, screening, open space, parking, recreational areas, and streets on the proposed development plan.
4. All RM-11 development such as multi-family, townhouse, condominiums or apartment complexes must receive design plan approval from the Thomas County Technical Review Committee and the Thomas County Board of Commissioners.

Planned Development Districts

A planned district is where a variety of residential or non-residential uses are permitted on the basis of a master plan and other development controls and includes the following:

- P.U.D. – Planned Unit Development (Mixed uses residential and commercial centers.)
- P.D.D. - Planned Development District – Commercial Only (CL and CG.)
- C.S.D. – Conservation Subdivision – Cluster Single Family Residential
- T.N.D. – Traditional Neighborhood Development – Residential with minor limited commercial service.

These districts are established to encourage creative design projects that are compatible uses with public facilities. Each of these districts are subject to specific design, parking buffers, landscaping, and sidewalks.

The PDD (commercial) development shall design for inter parcel connectivity.

All planned development must receive design plan approval and architectural design requirements from the Technical Review Committee and Thomas County Board of Commissioners.

COMMERCIAL, INDUSTRIAL, PROFESSIONAL, INSTITUTIONAL USES REQUIRE A ZONING DISTRICT CLASSIFICATION AS FOLLOWS:

Crossroads/Neighborhood Commercial (Commercial Limited C.L.)

- | | | |
|-------------------|----------------------|---------------------------|
| Agri Business | Wholesale Commercial | Small Office Professional |
| Retail Commercial | Medical | |

Highway Commercial (Commercial General C.G.)

Large commercial centers, shopping centers

Institutional/Public (Commercial Limited C.L.)

- | | | |
|---------------|----------|------------------|
| Medical | Schools | Public Buildings |
| Nursing Homes | Churches | |

Industrial (Commercial General C.G.)

- | | | |
|-------------------------|----------------------|--------|
| Manufactured/Industrial | Retail Commercial | Mining |
| Agri Business | Wholesale Commercial | |

Commercial and Industrial Districts Requirement:

- All commercial development uses shall be required to conform to the following regulations:
1. Utilities: community water and septic systems or public water and sewer (on site waste water treatment facility.)
 2. Site Development: all grading activities shall comply with engineered plans.
 3. Screening of Outside Storage Yards: screened from highway (vegetative or planted.)
 4. Outdoor Lighting: any direct illumination shall be shielded or hooded.

5. Landscaping: meet landscaping, screening, and buffering requirements.
6. Parking Areas: meet the requirements of this ordinance.
7. Plans: site development plan approval by Planning Director, Public Works Director, and Technical Review Committee.
8. Access Requirements:
 - a. Approval of access to develop from Georgia D.O.T. and Thomas County Public Works Director.
 - b. Inter parcel connectivity: any development containing or intending to contain more than one building or use on site shall provide connections to adjoining tracts. (Joint or shared drives are encouraged.)
9. Design Regulations and Requirements (See Technical Review Manual for the design regulations and requirements.)

Section 3.217.1 Uses within the Boundaries

BOUNDARIES	RESIDENTIAL USES
AG	
Ag - Agricultural	Single family detached, conventional, manufactured, or modular dwelling. (2 acre individual lot)
Ag- Conservation	Single family detached, conventional, manufactured, or modular. (2 acre individual lot)
Ag – Rural Residential	Single family detached, conventional ,manufactured, or modular. (2 acre individual lot)
	Alternative development types: Conservation subdivision or Family farm provision
Estate Residential	Single family detached, conventional, manufactured, or modular dwelling. (2 acre individual lot)
	District development type classifications: <ul style="list-style-type: none"> • R-1 SFR Subdivision (1 acre lot size) • R-2 SFR Subdivision (.50 acre lot size) • R-3 SFR Subdivision (1 acre lot size- low density or .50 acre lot size -medium density) • R-87 Subdivision (2 acre lot size)
	Alternative development type: Conservation subdivision
Suburban Residential	Single family detached, conventional, manufactured, or modular dwelling. (2 acre individual lot)
	District development types (higher density boundary classification 3.271.2A): <ul style="list-style-type: none"> • Individual lot (2 acre) • RM-11 (2-11 units per acre) • PUD • Conservation Subdivision -CSD

BOUNDARY	USES
	<p>District development types (total suburban boundary area 3.271.2B):</p> <ul style="list-style-type: none"> • R-87 SFR Subdivision (2 acre minimum) • R-1 SFR Subdivision (1 acre minimum) • R-2 SFR Subdivision (.50 acre minimum) • R-3 SFR Subdivision (1 acre minimum or .50 acre minimum) • R-4 SFR attached Subdivision (4 units per acre)
	<p>Alternative development types: CSD – Conservation Subdivision PUD – Planned Unit Development (Residential Only) TND – Traditional Neighborhood Development (Master Planned Development)</p>
Crossroads/Neighborhood Commercial	SFR detached, conventional, manufactured, or modular dwellings (2 acre lot size.)
	The permitted commercial uses must meet a zoning classification of Commercial Limited (CL) or Commercial General (CG.)
	<p>Alternative development types</p> <ul style="list-style-type: none"> • PD – Commercial Limited and Commercial General. • PUD – Single family Residential and Commercial Limited .
Highway Commercial District	Must meet a zoning classification of Commercial Limited (CL) or Commercial General (CG)
	<p>District development types:</p> <ul style="list-style-type: none"> • Individual lot – CL or CG. • Individual lot that is part of a development – (CL or CG.)
	<p>Alternative development types:</p> <ul style="list-style-type: none"> • PUD Mixed Commercial – for a planned unit development (Commercial mixed uses of CL and CG.) • PD – for a Planned Development of commercial uses in CL or CG in a master design plan.
Public/Institutional District	PUD – Mixed commercial (CL or CG.) PD-Planned Professional Centers (CL or CG.) Public/Institutional (CL or CG)
	<p>Alternative development types:</p> <ul style="list-style-type: none"> • PUD – mixed commercial • PD – Commercial • Public Institutional Development
Employment/ Industrial	<p><u>Industrial Zoning District</u></p> <p>Industrial (I) Heavy Use – Industrial development</p> <ul style="list-style-type: none"> • Manufacturing/Industrial • Agri-business • Mining <p>Industrial (I) Light Use - For light Industrial Distribution and warehousing centers for Retail and Wholesale Commercial may be considered by the Thomas County Board of Commissioners.</p>

	A “Master Development” plan for development of an Industrial District or Industrial parcel must meet all Federal, State, and Local Regulations for consideration.
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Section 3.218 Protection of Natural Features and Resources:

General

The provisions set forth herein are intended to protect the natural features and natural resources within Thomas County and to implement policies in the comprehensive plan. The natural features and natural resources as follows relate to flood plain, water resource protection boundaries, wetlands, river corridors, and soil and erosion control intended to be protected by the ordinance related to:

Flood Plain Damage Protection

The areas of special flood hazard identified by the Federal Emergency Management Agency in its 100 year floodplain study, dated March 9, 1990, with accompanying maps and other supporting data, are adopted by reference and declared to be a part of this section and the Land Use Standards Ordinance.

- (1) It is the purpose of this section to promote the public health, safety, and welfare and to minimize public and private loses due to flood conditions in specific areas.
- (2) General Construction Standards must be met when there is an encroachment beyond a special flood hazard boundary.
- (3) Thomas County Planning Department has information on supporting data for review of Federal Insurance Rate Maps and Thomas County’s Flood Ordinance can be accessed on the website at (Chapter 5.0 Article II Floods.)

Water Resource Protection Boundaries

The intent of this section is to establish minimum development standards and regulations which will afford reasonable protection of environmentally sensitive natural resources found throughout Thomas County. The findings of the Thomas County Comprehensive Plan has determined that the management of these resources is essential to the health, safety, welfare, and economic well being of the public, and to provide a guide for future growth and development in our County.

- (A) Three (3) water resource boundary protection areas are:
 - 1. Water sheds
 - 2. Wetlands
 - 3. River Corridors
- (B) It is essential that the quality of public drinking water be ensured through management of land uses within Thomas County.

River Corridor Protection

The following rivers have been designated as protected rivers by Thomas County and by the State of Georgia:

1. Ochlocknee River
2. Little Ochlocknee River
3. Aucilla River

Purpose

River corridors are the strips of land that flank major rivers in Thomas County and the State of Georgia.

Protection required:

Shall comprise of all land, inclusive of islands in areas being within 150 feet horizontally on both sides of the rivers as measured from the river banks.

Protection criteria:

The purpose of the river corridor criteria is to help maintain high water quality of the designated rivers by insuring that:

- A. A natural vegetative buffer shall be maintained within the river corridor at all times, except as provided for in the ordinance. Construction within the buffer is prohibited.
- B. Uses and construction permitted in the corridor that creates no impairment or river functions.
- C. Complete criteria as stated in the protected river corridor ordinance in the Thomas County subdivision ordinance.
- D. The standards and requirements in this section do not supersede those contained in the State River Protection Act and the Erosion and Sedimentation Act except that the 150 foot buffer requirement exceeds the state standards.
- E. The River Corridor Ordinance shall require a 150 foot buffer as allowed by the State of Georgia.

Wetlands Protection

General

A wetland is any sensitive and fragile natural resources with many development constraints due to flooding, erosion and soil limitations, They provide a natural filtering of ground water for a higher quality of water, which migrates to our aquifers. These areas include the lands designated within the U.S. Fish and Wildlife Service, National Wetlands Inventory Maps (N.W.I.) The N.W.I. are available at www.fws.gov/nwi. In addition, those areas included in the Thomas County Generalized Wetland areas depicted as wetland boundaries for a delineation of boundaries by the United States Army Corp of Engineer's as required by Section 404 of the Clean Water Act, as amended. The landowner is, also, subject to federal or state permitting requirements.

Protection Criteria (local permit or permission)

- (1) No activity will be permitted within wetlands without a permit from Thomas County.
- (2) If development is located within 25 feet of the wetland, a United States Army Corp of Engineer determination shall be required.
- (3) If the United States Army Corp of Engineer determines wetlands are present, the local permit will not be granted until a Section 404 permit or letter of permission is granted.
- (4) The Wetland Protection Ordinance of Thomas County with its amendments can be accessed on the Thomas County web site Article IV Chapter 42 of the Environment Code. Generalized Wetland maps are located at the Thomas County Planning & Zoning Department.

Soil Erosion and Sediment Control

- (A) All soil disturbing activities undertaken require an approved soil erosion plan. Plans must be submitted to the local and state E.P.D. Division for approval and permits. Thomas County is not the issuing authority.
- (B) Best Management Practices are required for all land disturbing activities. Less than one (1) acre does not mean total exemption from some activities.
- (C) Minimum buffer requirements are 25 feet undisturbed as best management practice around the delineated boundary of United States Army Corp of Engineer jurisdictional wetlands.
- (D) Access to the Soil Erosion and Sedimentation Ordinance can be found on Thomas County's website (Chapter 42 Environment Article III.)

N.F.I. – Natural Features Inventory

General

A Natural Features Inventory (N.F.I.) is an inventory of all environmentally significant features on a parcel of land that is proposed for development or subdivision. Significant features include wetlands, water bodies, water courses, flood plain, native forest, and habitat for endangered plants and animals.

- I. The requirement for a N.F.I. Inventory information can better ensure Thomas County and the developer in meeting local, state, and federal requirements for protecting various natural resources and features in Thomas County.
- II. An environmental permit application "form" shall be submitted for review of the specific finding to the Planning & Zoning Department by a qualified professional or biologist. This information and study is used to concentrate development activity away from sensitive areas as referenced in the above boundaries requiring protection. A Natural Features Inventory is required as a part of any application for development or subdivision.
- III. Required applications for development or subdivisions:
 - a. Short Form – is required on 10 or fewer acres. If significant natural features are identified within the property, a long form will be required.

- b. Long Form – Is required for tracts larger than 10 acres as well as parcels of less than 10 acres if significant natural resources are found. The form will require a narrative of all natural features located within the site and a natural features overlay map identifying all significant areas requiring protection.

Natural Features Inventory forms are available at Thomas County Planning & Zoning Department. Completed forms may be submitted to the Thomas County Planning Director at regularly scheduled Technical Review Committee meetings. Thomas County staff will have fifteen (15) days to complete their review. At the end of the 15 day review period, the application will either receive approval, or the applicant will be notified if additional information is needed.

3.220 Off-street parking and loading.

3.221 General Provisions.

(1) *Purpose.* The requirements of this section are intended to insure that every building, structure, or use erected or instituted, except for agricultural uses and buildings, shall be provided with adequate off-street parking facilities for the use of occupants, employees, visitors, and customers, and that certain uses be provided with adequate off-street loading facilities, thereby reducing congestion on public streets and promoting the safety and welfare of the public.

(2) *Existing Structures and Uses.* Buildings, structures, or uses existing as of the effective date of this Ordinance, may be modernized, altered, or repaired without providing additional off-street parking or loading facilities provided there is no increase in floor area or capacity and no change of use reduces the number of spaces of an existing parking lot or area of existing loading space.

(3) *Expansion of Structure.* When a structure exists as of the effective date of this Ordinance and such structure is enlarged in floor area, volume, capacity, or the building area is increased to an area greater than ten (10) percent, the off-street parking and loading requirements contained in this Ordinance shall be complied with for existing and new structures.

(4) *Change in Use.* If after the effective date of this Ordinance, a change in the use of a building or structure would result in a requirement for additional parking over that required for the existing use, then all off-street parking and loading requirements contained in this Ordinance shall be complied with for the new use.

(5) *Nonconforming Uses.* When repairs and alterations are to be made in a building occupied by a nonconforming use, all off-street parking requirements contained in this Ordinance shall be complied with if the cost of repairs and alterations exceed fifty (50) percent of the assessed value of the building or structure.

3.222 Off-street Parking Standards and Design.

(1) *Design Standards.*

(a) An off-street parking space, other than a parallel parking space, shall consist of a minimum net area of one hundred eighty (180) square feet (nine (9) by twenty (20) feet) exclusive of access drives or aisles. A handicapped off-street parking space shall be a minimum of thirteen (13) feet by twenty (20) feet and comply with the Americans with Disabilities Act Standards for design and be appropriately marked.

(b) Parking lot aisle widths shall be in accordance with Table 2.

**PARKING AISLE WIDTH
TABLE 2**

ANGLE (DEGREES)	AISLE WIDTH (FEET)	
	TWO-WAY	ONE-WAY
90	26	26
75	22	22
60	20	20
45	20	16
30	20	16

(c) All off-street parking facilities shall be drained so as not to cause any nuisance to adjacent private or public property, Drainage design is subject to Technical Review Committee approval.

(e) No paving other than entrance or exit drives shall be installed within ten (10) feet of adjoining property or within fifteen (15) feet of the front property line, and unpaved area shall be planted and appropriately maintained in accordance with the provisions of this Ordinance for landscaping (see Section 3.230.)

(f) All parking areas for all uses shall be designed so that motor vehicles can exit without backing into a street.

All off-street parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective devices.

Off-street parking and loading areas that are used at night shall have properly installed illumination for the safety of pedestrians, vehicles, and to provide security.

Each off-street parking lot or space shall be clearly marked with directional lines, arrows, lines, or signs for maximum efficiency of movement.

Parking space requirements (number) may be adjusted by the Technical Review Committee for a multi tenant establishment, commercial center, or joint use of two (2) or more adjacent or adjoining uses. A joint use agreement must be submitted for approval by the County.

(2) Off-Street Parking requirements for all Districts:

The minimum number of off-street parking spaces required for each type of use shall be determined by the following:

USE TYPE	PARKING REQUIREMENT
RESIDENTIAL USES	
Single-Family	2 per dwelling unit
Manufactured Home	2 per home
Multi-Family	1 per efficiency 1 per one bedroom unit 2 per two bedroom unit

	3 per 3 bedroom units
Group Dwellings	1 per three bedroom
NON-RESIDENTIAL USES	
Assembly	1 per 4 seats (fixed seats) 1 per 300 square feet (without fixed seats) or state fire marshal approval.
Child Care Centers	1 per 10 children
College/University	1 per 4 students
Elementary School	1 per 10 children
Professional/General Offices	1 per 200 square feet
General Commercial/Retail	1 per 200 square feet
General Industrial	1 per 750 square feet
Government Buildings	1 per 300 square feet
High School	1 per classroom and administrative office, plus 1 per 10 seats
Hospital/Clinics/Nursing Homes	1 per 3 beds, plus 1 per staff, plus 1 per 4 employees.
Overnight Guest Accommodations	1 per sleeping room
Medical Offices	1 per 300 square feet
Night Clubs/Lounges/Bars	1 per 4 seats, plus 1 per 2 employees
Restaurants/Cafes	1 per 2 seats, plus 1 per 2 employees
Theaters	1 per 4 seats, plus 1 per 2 employees
Warehousing/Storage	1 per 2,000 square feet or 1 space per each employee
Wholesale Business	1 per 2,000 square feet or 1 space for each employee

3.223 Off-street Loading Standards and Design

(1) *Required Off-street Loading.* All commercial uses shall required an off-street loading space. The loading area shall be paved using bituminous asphalt or concrete, and maintained as shown in Table 3 for all commercial and industrial development:

**TABLE 3
OFFSTREET LOADING SPACES**

GROSS FLOOR AREA (SQ. FT.)	NUMBER OF SPACES
0 - 30,000	1
30,001 - 60,000	2
60,001 - 120,000	3
120,001 - 240,000	4
> 240,000	1 space for each 120,000 or fraction thereof

For each auditorium, convention or exhibition hall, museum, motel, hotel, office building, sports arena or stadium, hospital, sanitarium, welfare institution, or similar use having over ten thousand (10,000) sq. ft of gross floor area, one (1) space shall be provided for each sixty thousand (60,000) sq. ft. or fraction thereof.

Some industrial uses shall provide (1) space for each 10,000 square feet of gross floor area.

For any use not specifically mentioned, the requirements for off-street loading shall be the same as for those for the use that is most similar to the unmentioned use.

(2) *Location of Required Loading Spaces.* Loading spaces shall be located on the same lot as the building or structure to which they are an accessory. No loading space shall be located in a required front yard set back.

Loading spaces shall not impair movement of vehicles, alleys, pedestrians, or sidewalks.

(3) *Designation and Design Standards.* Each required loading space shall be designated as such and shall be used only for loading purposes. All off-street loading spaces shall have a minimum of at least twelve (12) feet and a depth of fifty five (55) feet with a minimum of fifteen (15) feet of vertical clearance.

Each off-street loading space shall be clearly marked and directional arrows and signs shall be provided to ensure maximum efficiency for loading or unloading.

(4) *Combined Off-street Loading.* Collective, joint, or combined provisions for off-street loading facilities may be made, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are designed, located, and arranged to be used by the individual buildings or uses. A cross access or cross unloading agreement acceptable to the county shall be executed by the owners of developments involved, guarantying the joint use of combined loading areas.

3.230 Landscaping, screening, buffers, fencing, walls, and vision clearance areas.

3.231 Findings and Purpose

1. Findings

- a. The public and private benefits of trees and landscaping within the unincorporated areas of Thomas County include improving the appearance of and protecting the values of property; buffering incompatible land uses; mitigating the adverse impact of vehicular use areas; reducing the glare of headlights and reflected sunlight from parked vehicles; reducing noise; promoting air quality by increasing filtration of dust and fumes; mitigating harsh climatic conditions by absorbing heat and cooling the air; enhancing wildlife diversity by providing food, nesting sites, and shelter; reducing soil erosion; improving surface drainage and reducing flooding; and establishing and preserving the character of Thomas County.
- b. The requirement of a high level of quality in the development of land is consistent with community standards and the economic necessity of maintaining the attractiveness of Thomas County as a desirable place to live and conduct business and as a retirement and tourist destination.

2. The purpose of this section is to:

- a. Recognize the importance of trees and other landscaping and their contribution to health, welfare, beauty, safety, history, and general well-being in all areas within Thomas County.
- b. Encourage the proliferation of trees and other landscaping.

- c. Establish reasonable minimum standards governing the preservation, planting, protection of trees and other landscaping.

Landscaping Provisions:

1. Landscaping required

- a. No development on a site subject to the landscaping requirements of this section shall be commenced, erected, placed, or, otherwise occur on the site unless a landscaping plan shall have first been submitted and approved in writing by the Zoning Administrator.
- b. The Zoning Administrator shall review and approve all landscaping, screening, buffering, and fencing plans.
- c. No building permit for development on a site subject to the landscaping requirements of this Section shall be issued without an approved parking and landscaping plan.
- d. Prior to the issuance of a certificate of occupancy, landscaping and parking requirements shall be completed and must be approved by the Zoning Administrator.

2. Exceptions to Landscaping Requirements

All sites and uses, public and private, in all zoning districts are subject to the landscaping requirements of this section except those listed below:

- a. Single-family and two-family residential sites.
- b. Development or site alterations on an undeveloped or relatively undeveloped site and temporary uses when the development, alterations, or temporary use will not involve significant ground disturbance.
- c. Any site being operated as a licensed plant or tree nursery, for bona fide agricultural uses, or for bona fide commercial siculture operations, provided, however, that development in connection with any building or parking lot on any portion of such site shall cause that portion of the site to be subject to the landscaping requirements. Applications for development on lots where tree harvesting has occurred will not be accepted for two years after the date of the tree harvesting.

3. Perimeter Buffer Requirements – Design Standards:

- a. In General landscaped perimeter buffers shall be established along the front, side, and rear boundary lines of the parcel. The buffers shall be reserved for landscaping materials only, with exceptions noted herein. The purpose of the buffers is to soften the visual impact of development from the public view and from adjacent property. Additional purposes of the front buffer are to foster continuity among disparate developments, to create a sense of enclosure along the road, and to create a safe and pleasant corridor for pedestrians.
- b. Front Buffer
 - (1) Front buffers shall be provided as listed below.

3.232 Landscaping and Screening Adjacent to Public Rights-of-Way (Commercial or Industrial) When any off-street parking or other vehicular use area for a commercial or industrial structure greater than one thousand square feet will not be entirely screened by an intervening building or structure from an abutting right-of-way, the area shall be designed and landscaped as follows:

(1) A strip of land at least fifteen (15) feet in width shall be located between any abutting right-of-way and the off-street parking area which shall be landscaped to include a total of one (1) tree for each thirty (30) linear feet of abutting right-of-way or major fraction thereof. Such trees shall be located between the abutting right-of-way and off-street parking area. In addition, a hedge, wall or other durable landscaping barrier shall be placed in the buffer strip. If such a barrier is of non-living material, for each ten (10) feet or major fraction thereof, one (1) shrub or vine shall be planted abutting such barrier. Such shrubs or vines shall be planted along the street side of such barrier, unless they are of sufficient height at the time of planting to be readily visible over the top of such barrier.

(2) All property lying between the right-of-way and off-street parking area other than the required fifteen (15) foot strip shall be landscaped with at least grass or other ground cover.

(3) Necessary access ways from the public right-of-way through all such landscaping shall be permitted to service the parking or other vehicular use areas.

3.233 Landscaping and Screening Adjacent to Abutting Properties (Commercial or Industrial) When any off-street parking or other vehicular use area for a commercial or industrial use will not be entirely screened by an intervening building or structure from an abutting property, the area shall be designed and landscaped as follows:

(1) A strip of land at least ten (10) feet in width shall be landscaped to include a hedge or other durable landscape barrier planted no less than three (3) feet apart, not less than six (6) feet in height within one (1) year after planting to form a continuous screen between the off-street parking area or other vehicular use area and such abutting property. Such landscaped barrier shall be located between the common lot line and the off-street parking area or other vehicular use areas. A six (6) foot high 100 percent opaque wall or fence set in a six (6) foot wide landscaped buffer area may be substituted for the required six (6) foot high planted buffer.

(2) In addition, one (1) tree shall be provided for each fifty (50) linear feet or major fraction thereof of such landscaped barrier. Such trees shall be located between the common lot line and the off-street parking area or other vehicular area. Each such strip shall be landscaped with grass, ground cover, or other permeable material.

(3) When a parking area abuts an existing hedge, wall, or other landscape barrier the existing barrier may be used to satisfy the landscaping or screening requirements of this section, provided that the existing barrier meets all applicable requirements of this section and the required ten (10) foot side yard buffer strip is retained for landscaping.

(Amd. of 10-23-00)

3.234 Landscaping and Screening for Existing Off-street Parking Areas. When an off-street parking area existed as of the effective date of this Ordinance and the building or use which the off-street parking lot serves is enlarged in area or capacity by more than ten (10) percent, landscaping and screening as provided for in this Ordinance shall be provided for the entire off-street parking area.

BUFFERS

Buffers shall be required to be located on any development project which abuts a dissimilar zoning district.

A. Requirements for a Landscape Screen:

This applies to all new development or re-development properties where a landscape screen is found to be required or necessary for the developments.

1. For a landscape screen, a minimum of fifteen (15) feet wide pervious space shall be provided unless a wider width is deemed appropriate by the Board of Commissioners.
2. A combination of trees and shrubs shall be planted consisting of a minimum of six (6) trees and thirty (30) medium shrubs for each 100 linear foot to provide continuous coverage.
3. Trees and shrubs shall be evergreen type.
4. Screening structures shall be wood, masonry or vegetation with 80 percent opacity.
5. Buffer fences shall be a minimum of eight (8) feet high.

B. Requirements for Landscape Buffers:

1. Where a fifteen (15) foot natural buffer exists, it is to remain undisturbed. Do not remove undergrowth. All buffers located in wetlands or drainage basins shall meet federal or state stream buffers requirements and remain completely undisturbed.
2. Infil of evergreen shrubs shall be planted on the exterior side of any fencing materials. The shrubs shall be a minimum of three (3) feet in height and six (6) feet on center.
3. Structural Buffers: Structural barriers such as fences or walls shall be ten (10) feet off of the right-of-way and shall be vegetated throughout the minimum area required for the buffers.
4. Buffers may be established increased or decreased by the Board of Commissioners as part of the zoning approval within certain zoning districts.

C. Use of Buffers

(A) The Buffers shall contain only vegetation except for the uses listed below:

- (1) Vehicle access driveways which are placed perpendicular to the buffer or driveways which are shared by adjoining parcels, access drives, linking adjacent properties to the roadway is encouraged.
- (2) Signage, lighting fixtures or utility poles, street furniture utility, and service lines.
- (3) Walls, fences, arbors, and trellises.

(B) Critical Area Buffer

- (1) A critical area buffer shall be established on all property located adjacent to a critical area. The purpose of the buffer is to preserve or restore the native, natural vegetation

and trees and provide a natural filtration system for run-off from adjoining properties. The natural buffer will minimize erosion, stabilize the stream bank and protect sensitive visual resources.

- (2) The entire natural buffer shall be maintained as an undeveloped landscaped area. The minimum delineated width or set-back shall be twenty-five (25) feet.
- (3) Development is prohibited in the critical buffers areas except as provided below: paths, steps, decks, gazebo's, furniture, docks, erosion control devices (not storm water ponds) and any other elements linked to the critical area which are permitted by Federal (Corp of Engineers) or State of Georgia EPD Agencies for encroachment.

Perimeter/Parking Lot Area – Screening Requirements

- A. All parking areas shall be screened from the road with shrubbery, walls, fences, berms, or some combination. These devices shall be installed so as to screen the parking along the front, side, and rear buffer adjoining parking lots.

Front: 15 foot required

Side: 10 foot (or joint use parking, six foot behind the building)

Rear: 10 foot required

Interior Parking Lot Area – Landscape Requirements

- A. Parking lots with twenty (20) or more parking spaces shall provide interior landscaping.
1. Interior planting area may be located in tree islands at the end of parking bays or between rows of parking spaces.
 2. Landscape islands in parking lots shall be located so as to define and direct vehicle movement . Islands shall have a minimum width of eight (8) feet.

General landscape Standards for Parking Areas.

- A. Minimum specifications for plant materials.
1. Submit landscape plan for approval by Technical Review Committee and Zoning Administrator. A combination of trees and medium size shrubs shall be planted.
 2. Shrubs shall meet current American Nursery and Landscape Association Standards.
 3. Shrubs shall be at least sixteen (16) inches in height at time of planting and (6) six foot on center in line or staggered.
 4. At installation evergreen trees shall not be less than eight (8) feet in height with a minimum two (2) inch caliper. Trees shall consist of one (1) maturing tree per 40 linear foot minimum.

Utility Screening Requirements and Lighting

- (1) All trash receptacles, dumpsters, large fixed operating machinery, utility equipment and loading areas shall be screened from view so they are not visible from the road right right-of-way

- (2) Storm water management facility . A visual screen shall be placed around the entire perimeter of retention or detention facilities and shall be fenced for safety purposes.
- (3) Outdoor lighting of all types shall be directed so as to reflect away from all residential areas, and shall not reflect directly into any public right-of-ways.

Fences and Walls

Fences and free standing walls are allowed subject to the following standards:

(A) For use in residential district of R-1, R-2, and R-3 development the following standards apply:

- (1) A fence in any required front yard provided the fence does not exceed 48 inches in height.
- (2) A fence or wall in any rear or side yard provided the fence or wall does not exceed six (6) feet in height.
- (3) Fence materials allowed:
 - a. Opaque: wood, masonry, or stone polyurethane
 - b. Decorative: wood, stone, masonry, or wrought iron.
 - c. Chain links: green or black preferable (rear and side yards only.)
 - d. Field fencing, welded, allowed only in estate residential.
 - e. Electric fences and barbed wire are not allowed on top of fencing and shall not be allowed in residential subdivisions.
- (4) The frame work for newly constructed fences and walls shall face toward the builders property, except where fences are jointly constructed.
- (5) Fences shall not lean at an angle from the vertical plane greater than five (5) percent.

Use of Fences and Walls in RM-11, Commercial General, Commercial Limited, Industrial P.U.D., or a Mixed Use Planned Development the following standards apply.

- (1) In any front yard and side yard adjacent to a public right of way, a semi open fence may not exceed eight (8) feet in height (chain link fencing is not allowed in any front yard.)
- (2) Landscaping should be installed on both sides of a fence in any front yard.
- (3) An opaque fence that exceeds 48 inches and is no taller than eight (8) feet is permitted in any yard adjacent to a public right-of-way, if it is set back from the right-of-way line by no less than six (6) feet and is landscaped with shrubs and trees
- (4) An opaque fence may be installed in any rear or side yard provided it does not exceed eight (8) feet in height and does not extend past the front wall of the building into the front yard.

- (5) The framework for newly constructed fences and walls shall face the builders property, except where fences are jointly constructed.
- (6) Fences shall not lean at an angle from the vertical plane greater than five (5) degrees.

E. Vision Clearance Area.

- (1) Vision clearance areas shall be provided at intersection with the minimum distance of twenty five (25) feet measured from street curb or edge of street paving.
- (2) The vision clearance area shall contain no plantings, fences, wall, signs, or structures exceeding two and one half (2 ½ feet in height measured from the top of the curb except that street trees may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade.

3.240 Temporary Uses and Structures.

3.241 Authorization. Temporary uses are permitted in ag, ag conservation, rural residential, CG, CL, and Industrial zoning districts subject to the requirements hereinafter established, provided that all temporary uses shall meet the dimensional requirements for the land use standards district in which the use is located.

3.242 Particular Temporary Uses Permitted. Permitted temporary uses include:

- (1) Construction offices, which may be used for security purposes, and equipment sheds in any land use standards district in which erection, addition, relocation or structural relocation is taking place. Such use shall be limited to the period of actual construction and no more than one (1) security employee may lives in the construction or sales
- (2) *Manufactured Homes or R.V.s*
 - (a) Manufactured homes may be used as construction or sales offices in any district in which erection, addition, relocation, or structural relocation is taking place provided that the manufactured home shall not remain after the period of actual construction is completed.
 - (b) Manufactured homes as temporary shelter incidental to construction of a residence in agricultural districts (ag, ag conservation, and rural residential) are allowed. Prior to occupancy of such manufactured home, permits for the principal residence must be acquired. Occupancy of the manufactured home shall be restricted to that period of time during which construction is taking place in accordance with a valid building permit and shall not remain after completion of the principal residence. The required impact fee shall be paid at the issuance of the building permit.
 - (c) R.V.'s must meet the same requirements as manufactured homes when used as a construction office.
 - (d) Pre 1976 mobile homes or neither a manufactured home or R.V. for purposes of the ordinance and are not a permitted use.

3.250 Hardship Manufactured Homes/Travel Trailers.

The Planning and Land Use Standards Commission may recommend to the Board of Commissioners approval of a variance for the use of one (1) hardship manufactured home or travel trailer. The application for such variance shall be heard at public hearings. The placement of one (1) hardship manufactured home or travel trailer on an occupied residential lot

may be allowed if it is established that a genuine hardship exists only by reason of medical disability or age and the following variance criterias are met:

- A. The term “medical hardship“ is defined as a condition where a person’s whose health or mental condition necessitates attention and supervision from the immediate family located in the principle dwelling on the residential lot. The subject occupant of the manufactured home/travel trailer must be a relative by blood or marriage of the owner of the property.
- B. To establish a medical hardship the applicant must supply a medical statement from a licensed physician stating the medical condition and that the affected person requires full time attention and supervision.
- C. Satisfactory evidence that the principle dwelling on the lot does not contain sufficient facilities or lacks the space to accommodate the proposed occupant of the manufactured home.
- D. STANDARDS FOR PLACEMENT:
 - 1. The manufactured home used shall be located in the rear yard of the lot of the principal dwelling and within fifty (50) feet of the principal dwelling. The dimensional requirements of the manufactured home, lot size, and setbacks in the rear and side yards must be met and approved by the Planning Director.
 - 2. The Thomas County Health Department must certify that the placement of the manufactured home on the lot will not result in the septic system failing to meet the appropriate standards for water and sewer.
- E. Renewal of a medical hardship variance:

An applicant may renew the medical hardship permit for a period of twelve (12) months by submitting an application to continue the hardship. To re-apply the applicant shall submit the following:

 - 1. A completed application to be filed on forms required by the Planning Director.
 - 2. A non-refundable application fee of \$200.00 yearly to continue the temporary hardship.
 - 3. An on-site inspection of the unit for “compliance” with the original variance. If the unit or yard area or use has changed, the application process will be denied.
 - 4. Any other information necessary to make determinations as to conformity requested by the Planning Director.
 - 5. A separate statement of the applicant that acknowledges the temporary nature of the medical hardship permit and that the applicant and landowner shall remove the manufactured home within sixty (60) days of termination of the medical hardship.

Under no circumstances shall the manufactured home or travel trailer be rented or occupied by anyone other than the person suffering from the medical hardship, nor shall it be used for storage, or any other similar use:

- F. When circumstances supporting the medical hardship end, the applicant shall remove the manufactured home from the premises. Failure to remove the manufactured home from the lot within 60 days of termination of the hardship, shall be a violation of this ordinance and treated as a misdemeanor. Each day past the 60 day period shall be a separate offense. The director of the Planning Department is authorized to seek immediate compliance of this ordinance by legal process by instituting an injunction or other appropriate action to remove the manufactured home or person from the premises at the expense of the applicant. In such event, the applicant shall be assessed the costs of removal of the manufactured home and any additional monetary relief the court may award.

3.260 Supplemental regulations.

3.261 Non-conformities.

(1) *Purpose.* The purpose of this section is to regulate and limit, when appropriate, the continued existence of uses, lots, and structures established prior to the effective date of this ordinance which do not conform to the provisions of this ordinance. Many non-conformities may continue, but the provisions of this section are intended to curtail substantial investment in non-conformities and to bring about their eventual elimination, when appropriate.

(2) *Authority to Continue.* Non-conforming uses and structures may continue in accordance with the provisions of this section.

(3) *Ordinary Repair and Maintenance.* Normal repair and maintenance of non-conforming uses and structures may be performed. All structures, buildings or uses shall comply with the fire codes, safety codes, building codes, or other regulations when repaired.

(4) *Expansion.* Enlargement of a non-conforming use by additions to the structure in which they are located or by expansion of the land occupied require that the non-conforming use be brought into compliance with this ordinance. Any expansion of a non-conforming structure shall be in conformance with the provisions of this ordinance. This shall not prevent expansion as long as the non-conformity is not increased.

(5) *Relocation.* A non-conforming use or structure that is moved shall be brought into conformity with these ordinances.

(6) *Termination.* When a structure housing a non-conforming use or a non-conforming structure is damaged or destroyed so that the cost of repair exceeds seventy-five (75) percent or more of its assessed value, the use or structure shall not be restored unless it conforms to the provisions of this Ordinance, unless a building permit to restore the structure is obtained within twelve

(12) months of the damage or destruction and restoration is completed within twelve months of the issuance of the building permit.

(7) *Abandonment.* A non-conforming use which has been discontinued for a continuous period of one (1) year shall not be re-established. Any future use after such abandonment shall be in conformity with the provisions of the Land Use Standards Ordinance.

(Amd. of 11-25-02)

(8) To protect the public from inconsistent zoning requirements and to make non-conforming uses as consistent with conforming uses as possible. Non-conforming must comply to the

extent feasible with zoning requirements such as parking, landscaping, set back, outside storage, screening or buffering requirements for the zoning district.

3.262 Non-Conforming Residential Structures. A residence which is determined to be non-conforming within a land use district in which the residence is located may be continued and is exempted from the provisions of this section.

3.263 Non-conforming Lots of Record. In any district principal permitted structures and customary accessory buildings may be erected on any single lot of record existing on the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of the Ordinance. This provision shall apply even though such lot fails to meet the requirements for area, width, or frontage that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area, width, or frontage of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard dimensions and requirements other than those applying to area or width shall be obtained only through action of the Planning and Land Use Standards Commission.

3.264 Standards for Animal Care in Permissible Districts

3.264.1 Animal Regulations No animals shall be kept in any residential districts except those generally recognized as household domestic pets, such as dogs, cats, caged birds, and rabbits.

The number of animals in residential districts R-1, R-2, R-3, R-4, RM-11, MHP and Estate Residential shall be limited to four (4.) Pigs, goats, emus, and ostrich shall be considered livestock and are not domestic pets and are excluded in all residential developments. Any shelter, dog house, pens, or enclosure shall meet a minimum setback of ten (10) feet on side and rear yard boundaries. Rear yards are to be fenced for outdoor runs. These standards shall include compliance with the nuisance requirements and regulations pertaining to animal control as set forth in the Thomas County Animal Control Ordinances.

3.264.2 Animal Regulations in Ag Districts

A minimum land area of two (2) acres is required when keeping domestic animals or pets in the rural residential, ag conservation, and ag district.

It shall be considered the maintaining of a kennel when the number of pets are boarded or housed at any structure exceeding the amount of five (5) over the age of (9) nine months. Any shelter, dog house, pens, enclosure shall meet a minimum of forty (40) feet setback on the side and rear yard boundaries. Outdoor runs, pens, or enclosures with concrete floors requiring a wash out shall be connected to an approved sanitary disposal or small septic system. Odor and pest control is required so as not to create a nuisance. Compliance with the nuisance requirements and regulations pertaining to animal control as set forth in the Thomas County Animal Control Ordinance.

3.264.3 Animals Care Facilities

Veterinary clinics, animal hospitals, and boarding facilities with or without kennels are permissible.

- (A) Animal hospitals and veterinary clinics are permissible in the CG and CL zoned districts, subject to site design standards for the district and in the Highway Commercial and Crossroads/Neighborhood Commercial district boundaries.

Design standards for an animal hospital and veterinary clinic are as follows:

Development	Standard
Animals allowed	Domestic pets, farm animals, and livestock
Minimum setback from any residential zoning district for buildings	100 feet
Minimum setback from any residential zoning district for buildings with outdoor runs, open yard confinement, and cross fencing	150 feet
Building Design	Consistent with design materials and color in the surrounding area
Outdoor runs and outside animal confinement areas	1. Wash out area of concrete floors shall be connected to an approved sanitary sewage disposal system. 2. Odor & pest control required. 3. Normal hours of operation 7 a.m. – 7 p.m.
Buffer required	A natural or planted buffer of fifteen (15) feet adjoining residential zoned property or a six foot opaque fence or wall is permissible.
Boarding	Sound proofing certain areas of confinement

3.264.4 Commercial Kennels

The maintaining of a kennel occurs when the number of domestic animals or pets being boarded or housed at any structure exceeds six (6) over the age of nine (9) months.

Commercial kennels for pet shops, breeder’s facility, dog grooming shops, day care, or boarding is a business and are allowed in the following districts:

- Commercial General
- Commercial Limited
- Highway Commercial
- Cross Road/Neighborhood Commercial

The design standards for commercial kennels are as follows:

Development	Standards
Animals allowed	Domestic pets Six (6) to max allowed by Ga. Dept. of Agriculture permits
Minimum set back from adjoining residential property line for buildings	100 feet
Minimum set back from adjoining residential zoned district with outdoor runs	150 feet
Outdoor runs and sewage waste	Connected to an approved sanitary sewage disposal system. Odor and pest control required.
Buffer requirements	A fifteen (15) foot buffer is required to adjoining residential zoned property or a

	six foot opaque fence or wall is permissible.
Boarding	Sound proofing of building or structures is required.

These standards shall include compliance with the Nuisance requirements and regulations to Animal Control as set forth in the Thomas County Animal Control Ordinance.

3.266 Home Occupation

In general home occupations are considered accessory uses to residential development.

Standards for all home occupations:

- A. All home occupations shall have a business license with Thomas County.
- B. Employees of the home occupation shall be limited to the residents of the dwelling and must reside full time at the residence.
- C. The home occupation shall be clearly incidental to the residential use of the dwelling.
- D. The use of the dwelling for a home occupation shall not change the residential character of the building.
- E. No internal or external alterations which are inconsistent with the residential use or character of the dwelling shall be permitted.
- F. Products for sale or use in the home occupation shall not be visible from the street.
- G. Use of a dwelling for a home occupation shall not exceed twenty five (25) percent of one (1) floor of the dwelling.
- H. The home occupation shall not constitute a “nuisance” to the surrounding neighborhood, as evidenced by the use of machinery or equipment that produces noise, smoke, odor, vibration, electrical interference, or other objectionable condition beyond the property line of the lot on which the home occupation is located.
- I. Outside storage of materials used in connection with a home occupation is prohibited.
- J. A home occupation shall not be conducted in an accessory building ; however, storage of materials is permissible in accessory buildings.
- K. Up to two vehicles may be used in connection with the home occupation, provided that such vehicles are parked only in the rear yard.
- L. No business shall be conducted between the hours of 8:00 p.m. and 7:00 a.m.
- M. Only one (1) wall or ground sign shall be permissible in associated with the home Occupation. The sign shall comply with the following standards:
 - 1. The sign shall not exceed two (2) square feet in area;
 - 2. The sign shall be motionless and unlit.

3. The ground sign shall be no more than eight (8) feet from the dwelling and not exceed four (4) feet in total height.

N. No on-street parking shall be permitted and adequate off street parking shall be provided for clients or customers.

3.267 Social Services - Specific Uses

This group of services include: establishments providing social services and rehabilitation services to those with social or personal problems requiring special services and to the handicapped and disadvantaged. These sub groups consist of a wide variety of specific services as listed in the Standard Industrial Classification Manual.

All proposed uses for care type facilities shall comply with the Georgia Department of Human Resources regulations and the Office of Regulatory Services for license and operation. All proposals requiring a conditional use approval shall follow the application requirements for a conditional use zoning. Thomas County Planning & Zoning must review all proposals for uses allowed in table 4 of the Land Use Ordinance and the Standard Industrial Classification Manual.

Residential Care (836) Permitted in CG zoning district. Conditional Use in RM-11, CL, and Ag zoning districts.

1. Children or aged and special categories – provides residential, social, and personal care.
2. Twenty-four hour year round care.
3. Some limits on ability for self care.
4. Where medical care is not a major element.
5. Requires a freestanding facility not a residence.

Social Services (839): Not elsewhere classified. Permitted in a CG zoning district. Conditional Use in an Ag, RM-11, and C.L. zoning district. Accessory use in an Industrial zoning district.

1. Organizations soliciting and allocating funds for social welfare and social service.
2. Managed by groups, boards, councils, or organizations.
3. Requires a freestanding facility and have compatibility with residential designed neighborhood.
4. Not permitted in residential subdivisions in a dwelling.

Personal Care Home (1100): A building or group of buildings, or a facility, which provides two (2) or more beds and other facilities and services, including room meals, and personal care for non-family ambulatory adults. Personal care homes shall be classified as family, group, or congregate. This term does not include buildings which are devoted to independent living units which include kitchen facilities in which residents have the option of preparing and servicing some or all of their own meals or boarding facilities which do not provide personal care.

Personal Care Home, Family (2-6 people) (1101): A home for adults in a family type residence, non-institutional in character which offer care to not less than two (2) and more than six (6) persons.

1. Twenty-four hour year round care permissible.
2. Some limits on ability for self care.
3. Adults only – between two (2) and six (6)
4. Allowed in residential dwellings under conditional use.
5. Shall meet all state DHR rules for permit approval.

Conditional Use in an AG , R-1, R-2, R-3, R-4, R-87 and CL zoning district.
Permitted in a RM-11 zoning district.

Personal Care Home, Group (7-15 people) (1102): A home for adults in a residence or other type building(s) non-institutional in character, which offers care to not less than seven (7) and more than fifteen (15) persons.

1. Twenty-four hour care permissible.
2. Some limits on ability for self care such as disabled, blind, physically/mentally disabled needing supervised care.
3. Adults only – between 7-15 people.
4. Requires freestanding facility structure in CL and CG zoning districts. Requires residential dwelling in RM-11 zoning district. Permissible in residential structure in Ag and CL zoning districts.

Personal Care Home, Congregate (1103): A home for adults which offers care to sixteen (16) or more persons.

1. Twenty-four hour year round care permissible.
2. Some limits on ability for self care.
3. Adults only.
4. Requires free standing facility in CL & CG zoning district.
Requires multi- family residential dwelling in RM-11 zoning district.
Requires larger residential designed dwelling in an AG zoning districts.

Child Day Care Services/Adult Day Care (835): There are two type of child daycare and are as follows:

Type A: Family Day Care Home – A “facility” located in a single family dwelling which receives not more than six (6) children under seventeen (17) years of age, for more than four (4) hours and less than twenty-four (24) hours per day.

1. If no more than six (6) children are kept within the residence the use may be considered a *home occupation*.
2. Applicant must comply with state licensing and permitting.
3. Type A facilities are permitted in all residential districts.
4. Loading and unloading must be located offstreet and the site must meet the minimum lot area for the zoning district.

Type B: Day Care Centers/Facilities – Facilities providing care for children on a regular or non recurring basis for seven (7) or more children under eighteen (18) years of age for group care, for more than four (4) hours and less than twenty four (24) hours per day.

1. Day Care Centers 19 or more are permissible in RM-11 & CG zoning districts.
2. Day Care Facility up to seven (7) no more than 18 are permissible in a CG zoning district.
3. Day Care Homes up to seven (7) or not more than 12 are permissible in a RM-11 zoning district.
4. Day Care Centers/Facilities are subject to compatible design and architecture for approval of permit by Thomas County.
5. All facilities regulated in this section shall comply with State DHR permits and license.
6. All center/homes or facilities shall provide for loading and unloading to be off-street.

7. All proposed development site must meet the minimum lot area requirements for the zoning district.

Adult Day Care/Type A, Residential

Adult day care in a residential dwelling shall be limited to the provision of care and supervision to not more than six (6) persons.

1. When the adult day care facility is operated as a home occupation, it shall comply with regulations of the land use standards ordinance pertaining to home occupations.
2. Hours of operation (4 or more hours) but less than 24 hours.
3. Applicant must comply with State DHR license and permits and Thomas County registration for occupation license.
4. All proposed development sites must meet the minimum lot area requirements for the zoning district for safety and welfare of the persons.

Residential Care (836):

Community Living Arrangements (CLAs) (8365):

A community living arrangement is any residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential service are financially supported, in whole or in part, by funds designated through the department of Human Resources, Division of Mental Health, Developmental Disabilities, and Addictive Diseases.

Establishment of a community living arrangement (CLA) is a sub-group classification under major group 836 pertaining to residential care. The proposal of a CLA is only one of a wide variety of classifications under residential care.

The CLA is similar to adult day care with the exception that a CLA provides 24 hour around the year individual and family type social services funded by the State Department of Human Resources. Community Living Arrangements shall comply with the following:

- A. A CLA may be established in the following zoning districts:

Ag
R-1
R-3
RM-11

- B. Number of persons allowed: No more than six (6) adults are allowed in a residential dwelling where subdivision covenants and deed restrictions do not prohibit.

- C. Approval process:

1. Thomas County Planning Department shall review all applications for compliance with zoning, building types, and other county regulations.
2. Local registration with Thomas County for a business and obtain a "home occupation" occupational license, yearly, after state approval .
3. Acquire approval letters from the State Department of Human Resources for location, plan submittal approval, state permits and license for operation.
4. Letter of approval of potable water source and sewage disposal by the Thomas County Board of Health, Environmental specialist.

D. Development Standards:

1. "Use" shall not change the residential character of the neighborhood and must be compatible in design.
2. All proposed sites must meet the minimum lot area requirements for the zoning district and lot area requirements by the Health Department.
3. Parking: Two (2) offstreet parking spaces are required.
4. Landscaping – compatible to residential neighborhoods.
Screening – vegetation or six (6) feet decorative fence.
Fencing – Rear yard – fully enclosed by a four (4) foot chain link or four (4) foot solid decorative fence.

3.268 Provisions for Family Farm Division:

- (A) The provision of this section will apply to land divisions in the Rural Residential, Agricultural and Conservation Agricultural zoned district boundaries.
- (B) Exemptions of development requirement:
- (1) Lots created as a result of the "family farm provision" are exempt from some "subdivision standards" provided that the lots are conveyed to a grandparent, step-parent, adopted parent, sibling, child, stepchild, adopted child, or grand-child of owner of parcel to be divided (parent tract.)
 - (2) Application to create lots on "bona fide family farm" shall be reviewed and processed by the Thomas County Technical Review Committee for consideration or denial of property division.
 - (3) For development consideration the parcel must be listed or qualify with a FSA farm number.
- (C) Design standards for lots to be conveyed to family.
- (1) All lots created shall comply with all design standards for the zoning district in which the farm is located.
 - (2) The minimum lot area is two (2) acres or one (1) acre cluster design.
 - (3) All lots created under the Family Farm Provision shall meet one of the following requirements for access:
 - (a) Have frontage on a Thomas County public right-of-way meeting the minimum lot width of 210 feet. Georgia Department of Transportation may require 300 feet for frontage lot access width. Only two (2) such divisions are allowed on road frontage.
 - (b) An interior designed street, road, lane, or all weather access drive shall be fifty (50) feet in width, twenty (25) feet cleared, and shall be recorded as an easement with shared access right to all lots. The drive shall be accessible by fire trucks and emergency vehicles accommodating heights of fifteen (15) feet and widths of twenty-five (25) feet.
 - (3) The remainder of the parent parcel after creation of lots under the Family Farm provision shall be twenty five (25) acres.

(D) Limitations on number of divisions

- (1) The parent parcel may be divided if no violation of State Conservation use and Preferential Assessment programs are breached. The Thomas County Tax Assessor's Office will review for compliance and approval for family division.
- (2) (a) The parent parcel may allow division of lots and create up the permissible number of lots on the interior with a street and an approved survey by the Thomas County Technical Review Committee.

(b) Family Farm lots are allowed subject to a recorded survey prior to the issuance of any building permits. Copies will be filed for future references and continued compliance.
- (3) Written approval of "plans" for water supply and sewage disposal must be obtained from the Thomas County Board of Health.
- (4) "Cluster" development of lots is encouraged and lots surveyed shall be pinned with permanent physical markers.

DESIGN TABLE

	PUBLIC ROAD FRONTAGE	INTERIOR LOT FRONTAGE	INDIVIDUAL WELL	COMMUNITY WELL
LOT SIZE	LOT WIDTH	LOT WIDTH	SEPTIC TANK LOT WIDTH	SEPTIC TANK LOT WIDTH
1 ACRE	210 FEET	150 FEET	150 FEET	150 FEET
2 ACRES	210 FEET	210 FEET	210 FEET	150 FEET

3.270 Land use standards districts purposes and requirements.

For all districts: refer to Table 4 for Permitted, Conditional, and Accessory Uses; Table 1 for Density, Area, Yard, and Height Requirements; and, Tables 2 and 3 for Off-street Parking and Loading Requirements.

3.270.1 Permitted uses by district.

3.270.2 Table of Permitted Uses. Within the various land use standards districts, as indicated on the "Thomas County, Georgia Land Use Standards District Map and the Comprehensive Plan's Future Land Use Map," no land, building, or structure shall be used, constructed, erected, or altered except as indicated in Table 4 which follows. Terminology of uses and numerical identifications of uses is derived from the nationally recognized U.S. Office of Management and Budget Publication: "Standard Industrial Classification Manual, 1987." Detailed breakdowns of more specific uses may be found in this manual.

3.270.3 Uses Permitted by Right. Uses permitted as a matter of right are indicated in Table 4 by the letter "P" in the appropriate column.

3.270.4 Conditional Uses. Uses permitted only after special review and approval by the Planning and Land Use Standards Commission and the County Commission (see Section 4.400) are indicated in Table 4 by the letter "C" in the appropriate column.

3.270.5 Permitted Use Chart Table 4

**TABLE 4
PERMITTED USES BY LAND DISTRICT**

P=Permitted Use
C=Conditional Use
A=Accessory Use

ALTERNATIVE DEVELOPMENTS

Uses	Ag	R-1	R-2	R-3	R-4	R-87	RM-11	MHP	CL	CG	I	PUD	PDD	CSD	TND
01 Crops-Agricultural Production	P													C	
Agricultural Production															
02 Livestock & Animal Specialties Production	P														
07 Agricultural Services	P								C	C	P				
08 Forestry & Forestry Services	P									P	P			C	
09 Fishing, Hunting, & Trapping	P													C	
Mining															
10,12 Mineral Extraction											C				
13,14 And Related Services	C										C				
Construction															
15 General Contractors & Builders	A	A	A	A	A	A	A	A	A	P	P				
16 Heavy Construction Contractors	A									C	P				
17 Special Trade Contractors	A	A	A	A	A	A	A	A	A	P	P				
Manufacturing															
20 Food & Related Products									C		P				
21 Tobacco Products											P				
22 Textile Mill Products											C				
23 Apparel & Other Finished Products											P				
24 Lumber & Wood Products										C	P				
25 Furniture & Fixtures											P				
26 Paper & Related Products											C				
27 Printing & Publishing										C	P				
28 Chemicals & Related Products											C				
29 Petroleum Refining & Refining Industries											C				

Uses	Ag	R-1	R-2	R-3	R-4	R-87	RM-11	MHP	CL	CG	I	PUD	PDD	CSD	TND
30	Rubber & Misc. Plastic Products										C				
31	Leather Products										P				
32	Stone, Clay, Glass, & Concrete Products										C				
33	Primary Metal Industries										C				
34	Fabricated Metal Products										C				
351-356	Industrial Machinery										C				
357	Computer/Office Equipment									C	P				
358-359	Refrigeration/Service Industrial Equipment										P				
36	Electronic & Elect. Equipment										C				
37	Transportation Equipment										C				
38	Instruments; photographic & medical goods; and watches and clocks										P				
391	Jewelry & Silverware										P				
393	Musical Instruments										P				
394	Toys, Games & Athletic Goods										P				
396	Novelties										P				
397	Manufacturing Not Covered Above										C				
	Transportation, Communications, Electric, Petroleum, Gas, and Sanitary Services														
40,41	Railroad, Transit & Highway Transportation										P	P			
42	Motor Freight Transportation & Warehousing										C	P			
43	United States Postal Service									C	P	P			
45	Air Transportation										P				
46	Pipelines & Services-Petroleum & Natural Gas	C	C	C	C	C	C	C	C	C	C	P	C	C	C
47	Transportation Services									C	P	P			
48	Communications	C	C	C	C	C	C	C	C	C	C	C	C	C	C

Uses		Ag	R-1	R-2	R-3	R-4	R-87	RM-11	MHP	CL	CG	I	PUD	PDD	CSD	TND
49	Electric, Gas, & Sanitary Services															
492-493	Gas Services	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
494	Water Supply Systems, Except Irrigation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
495	Sanitary Services															
4952	Sewerage Systems	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
4953	Refuse Systems											P				
	Wholesale Trade															
50,51	Establishment Engaged Primarily in Wholesale Distribution of Durable & Nondurable Goods (Products) to Retailers										C	P				
5199	Kennel	P								P	P					
	Retail Trade															
521	Lumber and Building Materials										P	A				
523	Paint, Glass, and Wallpaper										P					
525	Hardware										P					
526	Nurseries, Lawn, & Garden Sup.	C								C	P			C		
527	Mobile Homes										P					
53	General Merchandise	C								C	P			C		
54	Food	A								P	P			A		
551,552	Motor Vehicles										P					
553	Auto & Home Supplies (not including installation)									C	P					
554	Services Stations									A	P			C		
555	Boats										P					
556,557	Recreational Vehicles & Motorcycles										P					
56	Apparel and Accessories									P	P					
57	Home Furniture & Furnishings & Equipment										P					
581	Eating Places									P	P	A	C	C		

	Uses	Ag	R-1	R-2	R-3	R-4	R-87	RM-11	MHP	CL	CG	I	PUD	PDD	CSD	TND
591	Drug Stores									P	P		C	C		
592	Beer & Wine									A	P		C	C		
593	Used Merchandise									C	P		C	C		
5941	Sporting and Athletic Goods									P	P		C	C		
5942	Books, Records, and Tapes									P	P			C		
5943	Books and Stationary									P	P			C		
5944	Jewelry									P	P			C		
5945	Hobbies, Toys, & Games									P	P			C		
5946	Cameras & Photographic Supplies									P	P			C		
5947	Gifts, Novelties & Souvenirs									P	P			C		
5948	Luggage and Leather Goods									P	P			C		
5949	Sewing, Needlework & Piece Goods									P	P			C		
596	Catalog, Direct Selling & Automatic Merchandising										P	P		C		
598	Fuel Oil or LPG Dealers										P	P		C		
5995	Optical Goods									P	P			C		
5999	Pet Shops Retail, Not Covered Above									P C	P P			C		
	Finance, Insurance & Real Estate															
60	Depository Institutions									C	P					
61	Non-Depository Credit Institutions									C	P		C	C		
62	Security & Commodity Brokers, Dealers, Etc.									C	P					
63	Insurance Carriers										P					
64	Ins. Agents, Brokers & Service									P	P					
65	Real Estate									P	P		C	C		
67	Holding & Other Investment Offices									C	P					
	Services															
70	Hotels, Rooming Houses, Camps, RV Parks, and Other Lodging Places	C						C		C	P					

Uses	Ag	R-1	R-2	R-3	R-4	R-87	RM-11	MHP	CL	CG	I	PUD	PDD	CSD	TND
721	Laundry, Cleaning and Garment Services								C	P	P				
7215	Coin-Operated Laundries and Dry-Cleaning								P	P			C		
722	Photographic Studios (Portrait)								P	P			C		
723	Beauty Shops								P	P			C		
724	Barber Shops								P	P			C		
725	Shoe Repairs/Shoeshine Shops								P	P			C		
726	Funeral Services/Crematories Cemetery/mausoleum	C							C	P C	C				
729	Personal Services, Not Classified above								C	P			C		
73	Business Services								C	P			C		
75	Motor Vehicle Repair, Rental Services and Parking								C	P	P				
76	Repair Services								C	P	P		C		
781,782	Motion Picture Production and Distribution								C	P	P				
783,784	Motion Picture Theaters and Video Tape Rental								C	P			C		
79	Amusement and Recreation Services								C	P			C		
801,802 803,804	Medical Offices	C							P	P			C		
805	Nursing & Personal Health Care Facilities	C						C	C	C			C		
806	Hospitals									C			C		
807	Medical and Dental Laboratories									C	P		C		
808,809	Home Health Care & Health Services, Not Covered Above								C	P			C		
81	Legal Services								P	P			C		
82	Educational Services	C	C						C	P					
832	Individual & Family Social Services	C						C	C	P			C		
833	Job Training & Vocational Rehabilitation Services	C	A	A				C	A	P	A				
835 (A = 0-6) (B = 7-18)	Child Daycare Services (Type A) Adult & Child Daycare Ser. (Type B)	P	P	P	P	P	P	P P	C	P	A A		C		
836	Residential Care (Except for Family, Group, and Congregate Personal Care-See 1101- 1103)	C						C	C	P					

Uses		Ag	R-1	R-2	R-3	R-4	R-87	RM-11	MHP	CL	CG	I	PUD	PDD	CSD	TND
8365	Community Living Arrangements (CLAs)	P	P		P		P	P								
839	Social Services (Not covered above)	C						C		C	P	A		C		
84	Museums, Art Galleries, and Botanical/Zoological Gardens	C									P		C	C		
861,862 863,864 865,869	Business, Professional, Labor, Civic/Social/Fraternal/Political/Other Membership Organizations	C								C	P	P				
866	Religious Organizations	P	P	P	P	P	P	P	P	P	P	C		C		
871,872 874	Engineering, Architectural, Surveying, Accounting, Auditing, Bookkeeping, Management, and Public Relations Service	C								C	P	A		C		
873	Research, Testing & Development Services	C									C	P				
91,92 93,94 95,96 97	Public Administration including Parks (Except 9223,Correctional Institutions)	C	C	C	C	C	C	C	C	C	P	P	C	C	C	C
9223	Correctional Institutions	C										C				
	Residential															
1000	Household Units															
1001	Single Family Dwellings, <i>Detached</i>	P	P	P	P	P	P	P		A	A		P		P	P
1002	Single Family Dwellings, <i>Attached</i>		C	C		P		P		A	A	A	P			
1003	Two and Three Family Dwellings			C		P		P					P			
1004	Multiple Family Dwellings (>4)							P					P			
1005	Manufactured Homes	P			P		P		P	A	A	A				
1006	Mobile Homes	P			P				P							
1100	Personal Care Homes:															
1101	Family Personal Care Homes (2-6)	C	C	C	C	C	C	P		C						
1102	Group Personal Care Homes (7-15)	P						C		C	P			C		
1103	Congregate Personal Care Homes (16 or more)	C						P		C	P			C		

*Format Only – Amended 10-23-00

*Amended 4-10-01 and 11-28-01

3.271 Ag- Agricultural - Rural Zoning District

The purpose of this district is to provide and protect an environment suitable for productive commercial agriculture, together with such other uses as may be necessary to and compatible with productive agricultural uses.

The following are agricultural rural zoning district boundaries as established:

Ag Agricultural
Ag Conservation
Rural Residential District

3.271(A) Ag

The purpose of this district is to provide and protect an environment suitable for productive commercial agriculture, together with such other uses as may be necessary to and compatible with productive agricultural uses. This district is intended to preserve the open character of certain lands within the county and to encourage low density residential use which does not require extensive public facilities and services. The regulations are to discourage the subdivision of land for urban type development.

I. Permitted Uses

The following uses may be permitted within the Ag (Agricultural) zoning district:

- (A) Single family detached dwelling, conventional, manufactured, or modular on an individual lot size of one (1) unit per 2 acres.
- (B) Single family residential – “Conservation Subdivisions” as defined in this Ordinance and the rules of the Subdivision Ordinance shall meet all design, green space, and development regulations for a conservation subdivision.

Setbacks of 100 feet may be required when residential property abuts active agricultural land.
- (C) Non-commercial agriculture, poultry, live stock, and green houses as an accessory use to a residential dwelling for the principal benefit of the occupants.
- (D) School, colleges, and publicly owned and operated community structures.
- (E) Accessory uses and buildings related to benefiting the farm or ag parcel.
- (F) Provides for agricultural use activities relating to and including forestry, livestock, farming, parks, scenic views, and recreation, fishing and hunting.
- (G) Feed lot/poultry facilities and animal husbandry structures shall not be located closer than 500 feet to a property line or right-of-way line and 1,500 feet from any habitable residential use dwelling on neighboring/adjacent property excluding any residential dwelling on the same property owned by the livestock/poultry landowner.

Any compost/dry stack houses shall be setback 500 feet from any property line.

No feed lot/chicken houses shall be located within 300 feet of any areas designated as a 100-year flood zone.

Feed lot/poultry facility's animal husbandry structures shall not be located closer than 2,000 feet from any existing property which is zoned as R-1, R-2, or R-3.

Maximum size of buildings which house animals or fowl shall be 50 feet x 600 feet.

Maximum number of poultry buildings shall be eight (8.)

(H) Mining/extrication of minerals must obtain all federal and state permits for surface mining, sand pits, and fuller's earth removal. No excavation shall be located closer than 100 feet to any property line. A natural or planted landscaped buffer is required before excavation begins.

(I) "Family Farm Provision"

The provision of this section will apply to agricultural family farm divisions that are located in agricultural zoning districts. (See supplemental regulations for Family Farm Provisions.)

(J) Subdivision of a single parcel within the County's agricultural land use districts must be rezoned to the appropriate land use classification upon the third subdivision, prior to the sale of said parcel. However, subdivision of a single parcel into tracts of twenty-five (25) or more acres are exempted from this provision

Parcels that are to be offered at public auction and are to be subdivided in tracts of less than 25 acres and of three (3) tracts or more, must be rezoned prior to sale.

In the Ag district, there shall be permitted as a matter of right, to any property owner of 25 or more contiguous acres as many as two (2) residential uses on any parcel of land under single ownership.

(K) In the Ag-Agricultural, Ag-Conservation, and Ag- Rural Residential district, two (2) divisions may have a minimum road frontage of fifty feet (50') for interior lot access.

For divisions of property into no more than two (2) residential parcels when the tract is in a legally bound covenant and current with the Georgia's Preferential Tax Conservation Program, the following conditions shall be met:

1. The proposed division shall consist of no more than two (2) interior lots and have a remaining parent tract.
2. The tract survey shall include required road width of fifty feet (50') in acreage calculations and not exceed five (5) acres total.
3. The land to be divided existed as a lot or tract of record on the effective amendment date of this ordinance section and has not been subdivided since the effective date of this ordinance.

II. Conditional Uses

Within any agricultural district certain uses may be permitted through an application process submitted to the Planning and Land Use Standards Commission and Board of Commissioners.

1. Telecommunications towers
2. Privately operated day care nurseries, preschool, kindergartens, and care homes.
3. Utilities (gas, electrical transmission, and pipe line distribution systems.
4. Other uses after review by Planning & Zoning staff.

III. Tables

DENSITY TABLE

Lot size minimum – within any Agricultural district the following lot sizes are required.

1.	<p>Single Family Residential Parcel One (1) unit – Two (2) acre density</p>
<p>Individual well – must be approved by Health Department Septic tank – must be approved by Health Department Lot area – two (2) acres Lot width – 210 feet Road frontage – minimum of 50 feet County Road – 210 feet State Route 300 foot requirement or shared driveway entrance</p>	
<p>*Special Note: Only two divisions are allowed within these districts Ag- agricultural, Ag- rural residential, and Ag-Conservation subject to approval by staff. (See Section 3.271 (A) under Permitted Uses.)</p>	

2. FAMILY FARM PROVISION				
	Public Road Frontage	Interior Lot Frontage	Individual Well	Community Well
Lot Size	Lot Width	Lot Width	Septic Tank Lot Width	Septic Tank Lot Width
1 acre	210 feet	150 feet	150 feet	150 feet
2 acres	210 feet	210 feet	210 feet	150 feet

Only two (2) divisions are allowed on the public road frontage.

The remainder of the parent parcel after creation of lots under this provision shall be twenty-five (25) acres. (Refer to Section 3.268 Supplemental Regulations for Family Farm Provision.)

3.	<p>Conservation Subdivision 35 acre parcel required</p>
<p>Public or DNR well – approved by State Health Department Septic tank or waste water treatment facility – approved by the Health Dept. or EPD Lot area – 2 acres or reduced lot sizes for cluster development creating neutral density in clusters Lot Width – 100 feet (100 feet wide x 150 feet = 15,000 sq. ft. minimum lot size.) Road frontage – minimum of 100 feet road entrance County Road Frontage – 210 feet State Route – 300 foot requirement N.F.I. Natural Features Inventory required</p>	

3.271(B) AG- Conservation District

The purpose of this district is to preserve and protect the owners of land with a legal interest which restricts development and other uses of the property in perpetuity for the public purpose of preserving the rural, open, natural, or agricultural qualities of the property. Land trust or other protective measures allows owners to hold conservation easements on these properties. The regulations are to discourage the subdivision of land for development.

I. Permitted Uses

The following uses may be permitted within the AG- Conservation district:

- (A) Single Family residential (conventional or manufactured), an individual lot of one (1) unit per two (2) acres.
- (B) Accessory uses and buildings related to benefiting the farm or agriculture and care takers, general managers, and tenant homes when employed on the farm or plantation.
- (C) Animal husbandry such as dog kennels, keeping of livestock, barns and stables are allowed provided no structure is located closer than 100 feet to any right-of-way or property line.
- (D) Lodge, retreat, and/or campgrounds or parks for social educational or recreational purposes are permitted.
- (E) Agricultural uses such as farming, live stock, and forestry management uses are permitted. Also, fishing and hunting for recreation.
- (F) Mining/extrication of minerals must obtain all federal and state permits for surface mining, sand pits, and fuller's earth removal. No excavation shall be located closer than 100 feet to any property line. A natural or planted landscaped buffer is required before excavation begins.
- (G) Subdivision of a single parcel within the County's agricultural land use districts must be rezoned to the appropriate land use classification upon the third subdivision, prior to the sale of said parcel. However, subdivision of a single parcel into tracts of twenty-five (25) or more acres are exempted from this provision

Parcels that are to be offered at public auction and are to be subdivided in tracts of less than 25 acres and of three (3) tracts or more, must be rezoned prior to sale.

In the Ag district, there shall be permitted as a matter of right, to any property owner of 25 or more contiguous acres as many as two (2) residential uses on any parcel of land under single ownership.

- (H) Family Farm Provisions – See Supplemental Regulations for Family Farm Provision Section 3.268.
- (I) Conservation Subdivisions – 35 acre parcel required. Not all tracts of land located in the Ag Conservation boundary are in a conservation covenant and are

considered Ag with the same rights as other classified Ag throughout unincorporated Thomas County. (as defined in this ordinance and the rules of the subdivision ordinance.)

II. Conditional Uses

Within the conservations district certain uses may be permitted through an application process submitted to the Planning and Land Use Standards Commission and Board of Commissioners.

1. Telecommunications towers
2. Utilities (gas, electrical transmission, and pipe line distribution systems.
3. Other uses after review by Planning & Zoning staff

II. Tables

1.	Individual Single Family Residential Parcel One (1) unit – Two (2) acre density
	Individual well – must be approved by Health Department Septic tank – must be approved by Health Department Lot area – two (2) acres Lot width – 210 feet Road frontage – minimum of 50 feet County Road – 210 feet State Route 300 foot requirement or shared driveway entrance

2. FAMILY FARM PROVISION				
	Public Road Frontage	Interior Lot Frontage	Individual Well	Community Well
Lot Size	Lot Width	Lot Width	Septic Tank Lot Width	Septic Tank Lot Width
1 acre	210 feet	150 feet	150 feet	150 feet
2 acres	210 feet	210 feet	210 feet	150 feet

Only two (2) divisions are allowed on the public road frontage.

The remainder of the parent parcel after creation of lots under this provision shall be twenty-five (25) acres. (Refer to Section 3.268 Supplemental Regulations for Family Farm Provision.)

3.	Conservation Subdivision 35 acres parcel required
	Public or DNR well – approved by State Health Department Septic tank or waste water treatment facility – approved by the Health Dept. or EPD Lot area – 2 acres or reduced lot sizes for cluster development creating neutral density in clusters. Lot Width – 100 feet or 100 feet wide x 150 feet = 15,000 sq. ft. Road frontage – minimum of 100 feet road entrance

County Road Frontage – 210 feet State Route – 300 foot requirement N.F.I. Natural Features Inventory required

3.271(C) Ag- Rural Residential

The purpose of this district is to protect and preserve agricultural areas in the county that wish to maintain the rural atmosphere of abundant open space, pastoral views, large lot sizes, development design that is compatible with the rural character of the area. This includes promoting rural cluster zoning, conservation sub-divisions and large lot sizes. Rural residential areas in the county are transitional areas between agricultural/conservation/plantation areas and are slightly more dense development such as estate residential. Future developments should be typified by architecture that is compatible with the rural character with open space low density residential uses and large lot sizes.

I. Permitted Uses

The following uses may be permitted within the rural residential district:

- (A) Rural Density - single family detached dwelling conventional, manufactured, or modular on an individual lot size of one (1) unit per 2 acres.
- (B) Single family residential – “Conservation Subdivisions” (Cluster or large lot design) Both conventional and manufactured housing must meet all design, green space, and development regulations for a conservation subdivision as defined in this ordinance and the Subdivision ordinance.

Buffering of 100 feet may be required when residential property abuts active agricultural land.

- (C) Non-commercial agriculture, poultry live stock raising, and green houses as an accessory use to a residential dwelling for the principal benefit of the occupants. (Limited to number of animals and ratio per acre.)
- (D) School, colleges, and publicly owned and operated community structures or public utility structures.
- (E) Accessory buildings (storage) and accessory uses that are permissible.
- (F) Provide for agricultural use activities relating to and including forestry, livestock, raising crop production and lodge retreat. Recreation for hunting and fishing.
- (G) Feed lot/poultry facility’s animal husbandry structures shall not be located closer than 500 feet to a property line or right-of-way line and 1,500 feet from any habitable residential use dwelling on neighboring/adjacent property excluding any residential dwelling on the same property owned by the livestock/poultry landowner.

Any compost/dry stack houses shall be setback 500 feet from any property line.

No feed lot/chicken houses shall be located within 300 feet of any areas designated as a 100-year flood zone.

Feed lot/poultry facility’s animal husbandry structures shall not be located closer than 2,000 feet from any existing property which is zoned as R-1, R-2, or R-3.

Maximum size of buildings which house animals or fowl shall be 50 feet x 600 feet.
Maximum number of poultry buildings shall be eight (8.)

- (H) Mining/extrication of minerals must obtain all federal and state permits for surface mining, sand pits, and fuller's earth removal. No excavation shall be located closer than 100 feet to any property line. A natural or planted landscaped buffer is required before excavation begins.
- (I) Subdivision of a single parcel within the County's agricultural land use districts must be rezoned to the appropriate land use classification upon the third subdivision, prior to the sale of said parcel. However, subdivision of a single parcel into tracts of twenty-five (25) or more acres are exempted from this provision

Parcels that are to be offered at public auction and are to be subdivided in tracts of less than 25 acres and of three (3) tracts or more, must be rezoned prior to sale.

In the Ag district, there shall be permitted as a matter of right, to any property owner of 25 or more contiguous acres as many as two (2) residential uses on any parcel of land under single ownership

- (J) "Family Farm Provision" (Refer to Section 3.268 Supplemental Regulations for Family Farm Provisions.)

Conditional Uses

Within the rural residential district certain uses may be permitted through an application process submitted to the Planning and Land Use Standards Commission and Board of Commissioners. The following conditional uses may be considered:

1. Telecommunications towers
2. Privately operated day care nurseries, preschool, kindergartens, and care homes.
3. Utilities (gas, electrical transmission, and pipe line distribution systems.
4. Other uses after review by Planning & Zoning staff

DENSITY TABLE

Lot size minimum - within any Rural Residential district the following lot sizes are required:

III. Tables

1. Individual Single Family Residential Parcel One (1) unit – Two (2) acre density Individual well – must be approved by Health Department Septic tank – must be approved by Health Department Lot area – two (2) acres Lot width – 210 feet Road frontage – minimum of 50 feet County Road – 210 feet State Route 300 foot requirement or shared driveway entrance

2.

**Conservation Subdivision
35 acre parcel required**

- Cluster Development design meeting all design requirements.
- Minimum two (2) acre lot size or reduced lot size for cluster development creating neutral density.
- Individual site plan review required to govern development of individual parcels of land.
- Subdivision review required to ensure streets, lots, infrastructure and open space is properly designed.

N.F.I. (Natural Features Inventory required).

Density and Development Regulations

1. Individual site plan review and approval of individual parcels of land required.
2. Rural development must minimize impact on open space, region, identity, and provide environmental protection.

3.271.1 Estate Residential

The purpose of this district is to provide an area for low density development of neighborhoods and subdivision development of exclusively residential land uses. The development area is concentrated to the north, northeast, and southwest of Thomasville. Significant development pressure in these areas is due to the availability of City water and some sewageable areas. New and infill development in the Estate Residential must be carefully regulated with design of streets, infrastructure, buffering, landscaping and connectivity of neighborhoods to create and maintain a sense of place.

Permitted uses within any estate residential area the following development uses may be permitted:

R-1
R-2
R-3
R-87
Conservation Subdivision
SFR Individual Lot

R-1 Residential, Single Family –low density residential one (1) acre is intended to provide for single family site built conventional detached residential dwellings on individual lots at a low density development consistent with the use of private community wells, DNR approved wells, and septic tanks or on-site waste water treatment facilities.

R-2 Residential, Single Family - medium density residential .50 of an acre, 21,780 square feet. This district is intended to provide for single site built conventional family dwellings on individual lots at a moderate density of development, consistent with the use of either community water systems or community sewage on-site disposal systems or both.

R-3 Residential, Single Family - this district is intended to provide for single family manufactured home subdivision developments of low density or medium density.

Low density (one acre) development shall be consistent with the use of private community wells, DNR approved wells, septic tanks or on-site waste water treatment facilities.

Medium density (.50 of an acre, 21,780 sq. ft.) subdivision development shall be consistent with the use of either community water systems or community sewage disposal systems or both.

Manufactured Homes, modular homes, and site built conventional single family dwellings are permitted in a R-3 subdivision:

Manufactured homes shall be designed and installed to give the appearance of a single family conventional dwelling. The appearance would ordinarily include:

- Permanent masonry foundation
- Pitched shingle roof
- Porches at exterior doors
- A floor space commensurate with adjacent dwellings located within the district
- Exterior appearance of wood, vinyl, masonry or fiber board siding

R-87 Low density- subdivisions of single family detached conventional built homes are intended to provide for residential development at a very low density that are expected to become more urban in character in future years. These areas involved are generally in transition from agriculture to residential and would be considered appropriate for low density residential development. The district is characterized by very low density of housing and large lots sizes as well as uses associated with rural agriculture areas. Large lots sizes are permissible. The low densities are permitted in this subdivision generally permits on-site septic systems and private wells.

(E) **Conservation Subdivision Developments** – thirty five (35) acre minimum parcel size with development of 50% of open space. (See design and development rules and regulations for conservation subdivision in the Thomas County Subdivision Ordinance.

This type of development will maintain a rural atmosphere while allowing new residential development design as “conservation subdivision” that incorporates significant amounts of open space and protects the sensitive land areas. Architectural styles are encouraged so as to maintain the regional rural character of Thomas County. “Franchise” or “corporate” architecture should not be included.

Cluster design with smaller lot sizes are typical designs.

(F) Single family detached residential individual lots (1 unit/ two (2) acre minimum.)

The single family detached residential lot encourages low density development in the estate residential boundaries. The low densities permitted in this district generally permit onsite septic systems and private wells when public water and public sewer is not available.

(G) Schools, colleges, and publicly owned and operated community structures.

- (H) Public utility structures buildings and land.
- (I) Accessory uses of storage buildings.
- (J) Churches and similar places of worship.
- (K) Public parks, playgrounds, community buildings, golf courses, and similar public service facilities servicing residential areas.
- (L) Secondary detached residential dwelling (guest house must meet all yard, area, and height regulations.)

II. Conditional Uses:

Within the Estate Residential district, certain uses may be considered after application to the Planning and Land Use Standards Commission and Board of Commissioners.

- 1. Telecommunications towers.
- 2. Utilities (gas, electrical transmission, and pipe line distribution systems.)
- 3. Other uses after review by Planning & Zoning Staff. See Section 4.300 Conditional Uses process of the Thomas County Land Use Standards Ordinance and Permitted Use Table 4 of the Thomas County Land Use Ordinance.

DESIGN STANDARDS TABLE

SUBD. TYPE	MINIMUM LOT AREA		MINIMUM LOT WIDTH		SEWAGE SYSTEMS		
	Individ. Well	DNR or Public Water Sys.	Individ. Well	DNR or Public Water Sys.	Septic Tank	Waste Water Trt System	Public Sewer
R-1	43,560	43,560	150	100	150	100	100
R-2	43,560	21,780	150	100	100	80	80
R-3	43,560	21,780	150	100	150	80	80
R-87	87,120	87,120	210	150	210	150	150
Cons. Subd. SFR Individ.	43,560	21,780	210	80	150	80	80
Lot	87,120	87,120	210	150	150	100	100

Installation of all septic systems is subject to the approval of the Thomas County Board of Health. (See rules on Board of Health in the Subdivision Ordinance.)

- 1. R-2 Subdivision Development may be permitted with septic tanks subject to approval by Thomas County Board of Health.
- 2. R-3 Subdivision Development may be permitted with septic tanks subject to approval by Thomas County Board of Health.
- 3. Conservation Subdivision Developments are subject to review by the Planning staff, Development Technical Review Committee, and Thomas County Board of Health. Data

will be collected on proposed lot sizes, water supply, and sewage disposal systems because of flexibility of design for large lots, small lots, or cluster divisions.

Design Standards Table for Road Frontage, Set backs, and Building Heights

SUBD. TYPE	MINIMUM SETBACKS FROM RIGHT OF WAY OF ROADS			MINIMUM SETBACKS FROM PROPERTY LINES			MAX. BUILDING HEIGHT
	FRONT			SIDE	REAR	SD. COR. LOTS	
	Arterial	Collector	Res.				
R-1	70	60	50	10	35	35	35
R-2	70	60	40	10	35	35	35
R-3	70	60	40	10	35	35	35
R-87	70	60	50	20	50	35	40
Conser.	70	60	*	*	*	*	40
SFR Ind Lot	70	60	50	20	50	35	40

*Subject to density allowed for required setbacks and lot size.

3.271.2 Suburban Residential

(1) The purpose of this district boundary is to provide for both small attached and detached housing at a greater density than estate and rural residential neighborhoods in Thomas County. The areas designated as suburban residential are predominately neighborhoods situated between estate residential neighborhoods of Thomas County and the City limits of Thomasville.

(2) The suburban “higher density” residential areas that are near the City of Thomasville water and sewer utilities to receive sewer and furnish related utilities. (Pressures for the typical types of suburban residential development are greater due to availability of sewer and water.) The “higher density” type development in sewerable areas will include a mixture of owner and rental occupied housing, and provide opportunities for innovative design.

A. The following are appropriate types of developments that may be considered in the higher density Suburban Boundary and are subject to design standards and be located in a sewerable area.

(1) Townhomes, duplexes, condominiums, and senior housing. (RM-11)

(2) Apartments/rentals/duplexes. (RM-11)

(3) Planned Unit Developments (PUD) – Type of development

(4) Conservation Subdivision – Type of development

(5) RM-11 - 2 -11 units/acre (subject to design standards.)

(6) Mixed uses of small churches, public buildings, parks and limited neighborhood retail should be intergrated as “conditional land uses” in these predominately residential neighborhoods. All development is subject to subdivision rules and regulations, design and construction standards, and approval by the Thomas County Board of Commissioners.

- B. The boundary of the Suburban area will allow many types of residential development and flexibility in terms of open space, convenient shopping, and recreational facilities.

The following uses are compatible in this predominately residential area:

- (1) Detached single family – two (2) acre/unit minimum subdivision. (R-87)
- (2) Detached single family – one (1) acre/unit minimum subdivision. (R-1)
- (3) Detached single family – one-half (.50) of an acre unit minimum subdivision. (R-2)
- (4) Single family manufactured home – one (1) acre unit minimum subdivisions or one-half (.50) acre unit minimum subdivision.
- (5) Single family attached – four (4) units per acre development. (R-4)
- (6) Conservation subdivision – cluster development flexibility in terms of open space, 50% green space. Subject to conservation ordinance design standards. (CSD)
- (7) Detached standard single family – individual lot – two (2) acre minimum.
- (8) A master planned development/community with mixed uses blending residential development with schools, parks, open space, recreation, retail businesses, and services linked in a compact pattern that encourage walking and minimizes the need for auto trips within the subdivision. Compatible architectural styles are encouraged to maintain the regional character and should not include “franchise” or “corporate” architecture . (PUD)
- (9) Traditional Neighborhood - Each new development should be a master planned community with mixed uses and flexibility of design standards relating to lesser setbacks, smaller lots, and amenities like sidewalks, street lamps, street trees, landscaping, and on street parking being provided. (TND)
- (10) Schools, colleges, and publicly owned and operated community structures.
- (11) Public utility structures and land.
- (12) Accessory uses of storage buildings must meet setbacks, building height, location, and size requirements.

II. Conditional Uses:

Certain uses may be considered by the Thomas County PLUS Commission and Thomas County Board of Commissioners for conditional uses within the Suburban Residential District and the overall Suburban Boundary.

1. Telecommunications towers and television towers.
2. Privately operated preschool, kindergarten, day care nurseries, and care home facilities.
3. Utilities, gas, electrical transmission, and pipe line distribution systems.

4. Other uses after review by the Planning staff, if found to be appropriate. See Section 4.300 “Conditional Uses” process of the Thomas County Land Use Standards ordinance and permitted uses Table 4 of the Thomas County Land Use ordinance.

III. Tables

Reference 3.271.2 (A) and (B) of this Section for the various “permitted uses” allowed in the Suburban Boundary and the Suburban Residential District. For density, area, yard, and height requirements reference Table 1.

The different “Permitted Uses” allowed are subject to water and sewer availability.

Private/Public Sewer and Water systems will allow for higher density development of residential uses and the typical conventional subdivision.

Eleven (11) type developments are allowed in the predominately residential areas. Reference 3.271.2 (B) of this Section.

Six (6) “higher density” type developments shall be allowed where the City of Thomasville is capable of providing water and sewer. These developments should be located near the Thomasville City Limit for utility services. (Reference 3.271.2(A) of this section.)

It is the intent of Thomas County to require new commercial developments to install appropriate improvements and comply with general design regulations intended to improve aesthetic appearance and functional enhancement.

The design regulations are intended to merge traffic engineering, civil engineering, urban design, landscape architecture, and land use planning principals into a set of regulations for commercial development

3.271.3 Crossroads/Neighborhood Commercial

The purpose of this district is to provide an area for small, node-like commercial development and is intended to be “local serving.” The retail and services within Crossroads/Neighborhood Commercial are neighborhood focal points with a concentration of small commercial, civic and public activities. A number of these identified districts are located in or near “Rural Residential” areas of crossroad communities and small municipalities. Every effort should be made to encourage and maintain the existing rural and scenic character of Thomas County and municipalities that may be affected. Any new development should be well designed and not negatively impact nearby uses.

I. The following are permitted uses that may be appropriate within Crossroads/Neighborhood Commercial Districts with a zoning classification of Commercial Limited (CL) or Commercial General General (CG) uses:

1. Retail Commercial
2. Wholesale Commercial
3. Medical
4. Nursing Homes
5. Small office professional
6. Day Care Centers

7. Churches

8. Public Buildings and Community Centers

All development must meet mixed use zoning planned unit development (PUD) or Infill-Development requirements of the Thomas County Subdivision Regulations, Zoning, and Development Technical Review Committee.

II. Conditional Uses:

1. Telecommunications towers and television towers.
2. Utilities, gas, electrical transmission, and pipe line distribution systems.
3. Other uses after review by the Planning staff, if found to be appropriate. See Section 4.300 "Conditional Uses" process of the Thomas County Land Use Standards ordinance and permitted uses Table 4 of the Thomas County Land Use ordinance.

III. Tables

(A) Standards for lot area, lot width, water & sewage requirements

For the following Development Types	Minimum Lot Area (Feet)		Minimum Lot Width (Feet)		Lot Width (Feet) Sewage System Used		
	With Individ. Well	With DNR or public water	With Individ. Well	With DNR or public water	Septic Tank	Waste Treatment	Public Sewer
Ag	87,120	43,560	210*	150*	150	100	100
PUD	43,560	43,560	210*	150*	150	100	100
PD	21,780	21,780	150	100	100	100	100
	15,000	15,000	N/A	100	N/A	100	100

All development in the Crossroad/Neighborhood Commercial Districts must submit development plans for review and obtain approval from Technical Review and the Thomas County Board of Commissioners. Refer to the Purposes of this Section and Permitted Uses for design proposals. All lots are subject to Thomas County Health approval for private water and individual septic tanks.

Planned Developments (P.D.) should allow for multiple businesses within the parcel and provide connectivity to adjoining parcels.

*Lots developed on road frontages require 210 feet.

(B) Standards for building locations, setbacks, and heights

Development Type	Minimum Setback From Right-of-Way (ft.)			Minimum Setback from Property lines (ft)			Maximum Bldg Height (ft)
	Front			Side (ft.)	Rear (ft.)	Corner	
	State	County	Minor				
Ag	50	50	50	20	50	50	35
PD	50	50	50	10	30	50	50
PUD	50	50	50	10	30	50	50
Residential Individual Lot	50	50	50	20	50	50	35

3.271.4 Highway Commercial District

The purpose of this district is to provide areas for development or redevelopment of commercial centers. These areas function as regional focal points, designed to accommodate commercial uses that serve multiple neighborhoods as well as the greater regional area. The Highway Commercial future development areas should focus on improving the aesthetics of the retail centers through architectural guidelines, corridor boundaries and selective redevelopment, using more attractive building design and development lay out. The mix of professional, civic, and public uses should be easily accessed to major arterial roadways and key intersections where development nodes can be supported by the regional transportation network.

I. The following are recommended uses in the Highway Commercial District:

Agri Business

Retail Commercial

Wholesale Commercial

Small Medical

Small Office Professional

Day Care Centers

Churches

Public Buildings and Commercial Planned Unit Development with mixed use zoning of appropriate businesses.

II. Conditional Uses:

1. Telecommunications towers and television towers.

2. Utilities, gas, electrical transmission, and pipe line distribution systems.

3. Other uses after review by the Planning staff, if found to be appropriate. See Section 4.300 "Conditional Uses" process of the Thomas County Land Use Standards ordinance and permitted uses Table 4 of the Thomas County Land Use ordinance.

III . Tables

(A) Standards for Lot Area, Lot Width, Water and Sewage Requirements.

Development Type	Minimum Lot Area (ft.)		Minimum Lot Width (ft.)		Lot Width (ft.) Sewage System Used		
	Individ. Well	DNR or Public Water	Individ. Well	DNR or Public Water	Septic Tank	Waste Water Treatment	Public Sewer
Individual Lot	87,120	43,560	210	150	150	100	100
PUD mixed	N/A	10,000+	N/A	N/A	N/A	100 +-*	100+-*
PD	N/A	10,000+	N/A	N/A	N/A	100+-*	100 +-*
Individual Comm.	N/A	43,560	N/A	N/A	N/A	100*	100*
	N/A	21,780	N/A	N/A	N/A	100	100

*May be less when public water and public sewer is used, subject to Technical Review approval for design.

(B) Standards for building locations, setbacks, and building heights.

Development Type	Minimum Setback from Right-of-Way (ft.)			Minimum Setback from Property lines (ft.)			Maximum Bldg. Height
	Front			Side	Rear	Corner	
For a CL or CG zoning district	State	County	Minor				
Individual Lot	50	50	50	20	30	50	50
PUD Mixed/Commercial (CL and CG)	60	60	35 + buffer	35 to 50	30	35	50
PD	60	60	50	10+-	30	50	50

Commercial Planned Development may have mixed use businesses that are appropriate in a “planned center” design. All development in the Highway Commercial District requires approval by the Thomas County Board of Commissioners and the Technical Review Committee.

3.271.5 Public/Institutional Districts

The purpose of this district is to provide areas for future development or redevelopment of complexes that serve the community. Public/Institutional buildings often serve as an anchor for surrounding neighborhoods and activity centers.

The Public Institutional District should offer quality uses for educational opportunities, employment, regional cooperation, regional identity, and sense of place.

Access management is important where public access is controlled or limited. Pedestrian accessibility and walkable environments are strongly encouraged with a master “design plan” approval, parking lot standards, and buffering requirements.

I. Permitted Uses

The following uses may be permitted within the Public/Institutional District:

- Public buildings (civic and government)
- Professional campus (conditional use required)
- Schools/Universities/Colleges
- Churches (large)
- Medical (conditional use required)
- Nursing Homes (large)

II. Conditional Uses:

Within the Public/Institutional District other certain uses may be considered by an application process reviewed by the PLUS Commission and Thomas County Board of Commissioners.

1. Telecommunications towers and television towers.
2. Privately operated preschool, kindergarten, day care nurseries, and care home facilities.
3. Utilities, gas, electrical transmission, and pipe line distribution systems.

4. Other uses after review by the Planning staff, if found to be appropriate. See Section 4.300 “Conditional Uses” process of the Thomas County Land Use Standards ordinance and permitted uses Table 4 of the Thomas County Land Use ordinance.

III. Tables

(A) Standards for lot area, lot width, and sewage systems in the Public Institutional District.

Development Type For a CL or CG zoning district	Minimum Lot Area in acres		Minimum Lot Width (ft.)		Lot Width (ft.) Sewage System Used		
	Individ. Well	DNR or Public Water	Individ. Well	DNR or Public Water	Septic Tank	Waste Water Treatment	Public Sewer
P.U.D. (Mixed Use)	N/A	20	N/A	100	N/A	60-100	60*
Planned Professional Centers (P.D)	N/A	5	N/A	100	N/A	100	60*
Public/Institutional Development	N/A	5	N/A	100	N/A	100*	60*

*A “master” development and design plan shall be required for review, and meet all of the standards in this Land Use Ordinance and the Thomas County Subdivision Regulations. The appropriate areas will be considered by the Thomas County Planning & Land Use Standards Commission and the Thomas County Board of Commissioners.

(B) Standards for setbacks and building heights.

Development Type For a CL or CG zoning district	Minimum Setback from Right-of-Way (ft.)			Minimum Setback from Property lines (ft.)			Maximum Bldg. Height
	Front			Side	Rear	Corner	
	State	County	Minor				
P.U.D.	100	100	50	10+	30	50	50
Planned Professional Centers (P.D)	100	100	50	50	30		50
Public Institutional	100	100	50	50	30		75

Subject to Design: These developments shall meet all landscaping, screening, buffers, and parking lot standards.

3.271.6 Employment/Industrial District

The purpose of the Employment/Industrial Districts in Thomas County is to provide areas for industrial development and employment. Industrial development provides job opportunities for residents and generates significant property tax revenue. The identified districts include areas with industrial parks, warehousing, distribution, manufacturing, and mining.

Thomas County has three existing areas designated as Employment/Industrial development areas and are located in the following vicinities.

- Northwest portion of the county including an active mining area which is a high intensity manufacturing use.
- The southwest community of Metcalf includes an appropriate medium intensity industrial/manufacturing operation of a sawmill known as Metcalf Lumber Company (Hood Industries).

- The area for expansion and development may be the vicinity surrounding the Thomasville Municipal Airport. This future development area could allow light manufacturing, warehousing, and appropriate industry.

I. Permitted Uses:

The following uses are recommended for all Employment/Industrial districts.

- Manufacturing/Industrial
- Agribusiness
- Mining
- If considered as appropriate for “uses” for light industrial distributors and warehousing centers with larger office uses when needed for retail commercial and wholesale commercial, this district would be accessible to railroad systems, major highways, and airport service.

II. Conditional Use:

1. Cell towers and TV towers.
2. Utilities
3. Other uses if allowed after review by the Planning staff, PLUS Commission, and other authorities for appropriate business’ after master development plan approval for future site and lots.

III. Tables

Reference Table I of this ordinance and the Thomas County Subdivision ordinance for regulations pertaining to standards for parcel sizes, lot sizes, and setbacks. Appropriate businesses for commercial uses should be Light Industrial distribution centers or warehousing.

A “master development plan” shall be submitted to the Technical Review Committee for review. The Thomas County Planning & Land Use Standards Commission and Thomas County Board of Commissioners shall review and take into consideration approval or denial.

This requirement does not pertain to pre-existing development or expansion of the same business use.

3.271.7 PLANNED DEVELOPMENTS

- Conservation Subdivision
- Planned District (Commercial) P.D.
- T.N.D. Development
- P.U.D.

The standards and requirements for all above Planned Developments provides for flexibility of design in order to promote efficient use of land and protect environmentally sensitive resources on the parcel.

These developments are alternatives to conventional subdivisions and may require specific procedures for application review, zoning, natural features inventory survey, open space, and infrastructure requirements for public water and public sewer.

The goal for Planned Developments shall be to maintain compatibility with nearby development and consistency with the future land use element of the Thomas County Comprehensive Plan by allowing the design of developments that are architecturally and environmentally innovative for efficient land use.

CONSERVATION SUBDIVISION

Purpose

It is the purpose of this ordinance to provide flexibility in ensuring preservation of green space within a master-planned residential development. A conservation subdivision design preserves green space while maintaining the prorated density of residential units for the overall site area. Neutral density is achieved by allowing smaller individual owned residential lots in neighborhoods that include or are adjacent to aesthetically and ecologically important areas. The goal of the design process is to identify and set aside conservation areas prior to the delineation of transportation and residential pod layouts. Green space areas include wetlands, stream buffer zones, woodlands, playing fields, and meadows, depending on the resources of the land.

The purpose of conservation subdivision design is to:

- A. Encourage development that permanently conserves natural resources such as wetlands, floodplains, streams, groundwater; forests and steep slopes; scenic roads and scenic views; archaeological and historical resources, while still allowing density neutral residential development in urban-rural transition zones;
- B. Allow for greater flexibility and creativity in the design of residential developments;
- C. Encourage compact, efficient development practices that consume less land and provide for the efficient use of infrastructure;
- D. Encourage development practices that protect local topography by conforming the development to the landscape rather than the landscape to the development, thereby reducing land clearing costs and minimizing erosion and sedimentation;
- E. Provide for a greater range of development types in the community;
- F. Further community goals for protecting open space and greenways by means other than fee simple acquisition;
- G. Provide opportunities for compatible agricultural activities adjacent to residential uses; and
- H. Encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging the use of parks, open spaces, and community facilities as focal points in the neighborhood.

Definitions – For the purpose of these regulations the following terms, whenever used in these regulations, shall have the meaning indicated for the Conservation Subdivisions:

Cluster Development - a form of residential development that concentrates buildings or lots on a part of the site to allow the remaining land to be used for common open space, recreations, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size. A cluster development will consist of one or more cluster groups surrounded by common open space.

Common Facilities – All the real property and improvements set aside for the common use and enjoyment of the residents of a cluster development, including, but not limited to, buildings, open space, private streets, parking areas, walkways, recreation areas, drainage easements, and any utilities that service more than one unit, such as sewerage and water supply facilities.

Conservation Easement – The grant of a property right of interest from the property owner to another person, agency, unit of government, or organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.

Deed Restriction – A restriction on the use of a property set forth in the deed.

Density Neutral – Density neutral means that the number of units allowed in a conservation subdivision design shall be equal to the number of units allowed using a conventional subdivision design.

Farmstead – A group of existing buildings with accessory structures used for agricultural purposes, such as barns, silos, and storage sheds.

Floodplains – Those lands, including the floodplain, flood fringe, floodway, and channel, subject to inundation by the 100-year recurrence interval flood or, where such data are not available, the maximum flood of record.

Homeowner's Association – An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a cluster development.

Housing Density Determination – Process of determining the maximum number of units that can be developed in a conservation subdivision.

Nonprofit Conservation Organization – A nonprofit corporation, charitable trust, or other nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code, which includes the “acquisition of property or rights in property for conservation purposes” as part of its mission, as reflected in the bylaws, charter, or incorporation papers of the organization.

Open Space – Open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument.

Preliminary Conceptual Site Plan - This plan shows the primary and secondary conservation features as well as the tentative location of houses, lots, and streets.

Site Map – A map showing the locations of the primary and secondary conservation features as well as water features, soils, topography, vegetation, planned open space, and roads.

General Regulations

A. Applicability of Regulations In order to achieve these purposes, the conservation subdivision design is available as a use by right in the following district boundaries.

1. Ag district
2. Ag Conservation
3. Rural Residential
4. Estate Residential

5. Suburban Residential

- (1) Conservation subdivisions are most appropriate near urban-rural transitional areas where densities are lower.
- (2) The following classifications of a minor or major conservation subdivisions relate to the minimum acres required for development in the following district boundaries:

District/Boundary	Minimum Acres	Class
Ag District	35 acres	Major
Ag Conservation	35 acres	Major
Rural Residential	35 acres	Major
Estate Residential	20 acres	Minor
Suburban Residential	20 acres	Minor

- (3) Conservation Subdivision in AG Districts - The AG Agricultural zoning district permits a wide array of uses, some of which may conflict with the enjoyment of ones' property as a residential use. The Board of Commissioners may approve a site plan for a conservation subdivision on property zoned AG upon finding the proposed subdivision is compatible or may be consistent with development surrounding the proposed subdivision. The regulations in this chapter shall be applicable upon approval of the site plan by the Board of Commissioners.
- (4) Off-Lot Individually-Owned Septic Facilities – When permitted by the health department, components of an individually-owned wastewater treatment facility may be located on suitable soil in the open space when such land is secured by easement. Land under easement in the open space used for this purpose may be included by applicant toward meeting minimum lot size requirements of the health department; and the total land area of the house lot and off-lot easement must equal or exceed the minimum lot size specified by the health department. The easement shall be fully described on the subdivision plat, and clearly marked by iron pins or signs placed by a registered surveyor from commencement of construction until occupancy of the corresponding house.

Public Maintenance of community or individually-owned off-lot wastewater facilities

With permission of the Health Department, Planning Director, and Public Works Director, easements may be accepted for maintenance of community waste water facilities or individually owned off-lot waste water treatment facilities.

B. Ownership of Development Site. The tract of land to be designed as a conservation subdivision may be held in single and separate ownership or in a multiple ownership. However when a tract is held in multiple ownership, it shall be planned as a single entity, and developed according to a single plan with common authority and common responsibility.

1. Phased Development: Unless approved under a concept /preliminary plan as outlined herein, each phase of a conservation subdivision must meet the density criteria established herein.
2. Proof of Ownership: The developer of a conservation subdivision must provide documentation of ownership of all land to be planned as a conservation subdivision prior

to approval of a land disturbance permit for the development. The only lands that may be considered for development as a conservation subdivision are those lands owned by the applicant for the land disturbance permit.

- C. Site Suitability. As evidenced by the existing resources or NFI survey, the conservation subdivision concept / preliminary plan, and the final plat, the tract incorporating the conservation subdivision design shall be suitable for supporting development in terms of environmental conditions, its size and its configuration.
- D. Sensitive Area Disturbance. The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the NFI survey. Lands within the 100 year floodplain, designated as wetlands, having slopes in excess of 25%, and riparian buffers adjacent to streams constitute such environmentally sensitive area, where disturbance shall be strictly minimized. Demonstration by the applicant that these features shall be protected by the proposed application shall be prerequisite to approval of the conservation subdivision concept / preliminary plan and subsequent final plat.
- E. Minor and Major Subdivisions Number of Lots - Minor subdivisions, defined in the Thomas County Development Ordinance as “a subdivision of land which results in the creation of two to more lots and does not result in the creation of any public or private streets”, are not eligible to be developed under the conservation regulations contained herein. Only those subdivisions, creating eight (8) or more lots are permissible to be developed as a conservation subdivision.
- F. Effect of Concept / Preliminary Plan. The approved concept / preliminary plan shall bind all land within the plan to the requirements and conditions of the conservation subdivision regulations. Should the developer or land owner subsequently sell or otherwise transfer their interest in the property, all heirs and assigns shall be bound to the approved concept / preliminary plan, unless amended by and / or approved by the Board of Commissioners.
 - 1. Deed Restriction Required: Upon approval of the concept / preliminary plan for the entire property being developed as a conservation subdivision, the applicant shall present a covenant to be recorded with the deed for all property within the concept / preliminary plan. Such covenant shall bind all land within the concept / preliminary plan to said plan and shall not expire unless or until such plan is amended and approved by the Thomas County Board of Commissioners.

Use Regulations

Land planned as a Conservation Subdivision may be used for the following purposes:

- A. Single Family detached dwellings;
- B. Conservation Areas as specified herein;
- C. The following non-residential use in accordance with standards specified in this Article:
 - 1. Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops, and building related to the same
 - 2. Woodlots, arboreta, and other sivicultural uses
 - 3. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use

- 4. Municipal or public uses; public park or recreation area owned and operated by a public or private non-profit agency; governmental or public utility building or use.
- D. Accessory Uses shall be permitted on the same lot with and customarily incidental to any permitted use and not conducted as an independent principal use. Accessory dwelling units containing no less than 400 square feet and no more than 800 square feet.
- E. Conditional uses – deemed as appropriate by PLUS Commission and Thomas County Board of Commissioners.

Dimensional Standards and Density Determination

Density Neutral. The number of lots created shall be density neutral. "Density neutral" is defined as maintaining the number of lots so as not to exceed the number that can be created with the conventional minimum area requirements of the zoning district designation of the subject property (Table 1).

**Conservation Subdivision Density and Lot Size Requirements
Table 1**

Zoning District	Potential Open Space	Maximum Density DUA (units/acre)	District		CSD
			Min. Lot Size (Sq. Ft.)		Min. Lot Size (Sq. Ft.)
Ag	50%	1	2 ac.	87,120	21,780**
Ag Conservation	50%	1	2 ac.	87,120	21,780**
Rural Residential	50%	1	2 ac.	87,120	21,780**
Estate Residential	50%	4*	1 ac.	87,120	10,000*
Suburban	50%	4*	1 ac.	43,560	10,000*

*With central sewer and public water.

**Subject to DNR water system and onsite waste water treatment system or septic tanks in the common areas.

Minimum Lot Size: Clustering of home on lots that are smaller than conventional development is the key to conserving the Natural Features and creating open space.

Housing Density Determination. The maximum number of lots in a conservation subdivision shall be determined by either of the following two methods, at the discretion of the applicant:

- A. **Calculation Method:** The maximum number of lots is determined by multiplying the net tract acreage by the maximum density units / acre factor (see Table 1) specified in the underlying zoning. The net tract acreage is calculated as outlined below:

Step 1. Calculation of the constrained lands:

Total area of land in items a-d below multiplied by 0.50

- a. Slopes over 25% of at least 5,000 square feet contiguous area
- b. The 100-year floodplain
- c. Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act.

d. Area of land in stream buffers as required by federal, state or local regulations

Total area of land in items e & f below:

e. Area of land designated for construction of roads and associated ROW

f. Area of all impervious surfaces associated with amenities, including but not limited to parking areas, tennis courts, swimming pools, clubhouses and other constrained Lands = (total area of land in items a-d x 0.50 + total area of land in Items e and f.

Step 2 Net Tract Acreage. Once the area of constrained lands has been calculated, the net tract acreage is calculated by subtracting the acreage of constrained lands from the gross tract acreage of the property to be development as a conservation subdivision.

B. Yield Plan Method: The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all local, state, and federal applicable regulations. Such yield plan shall be reviewed by the appropriate County Staff to verify such plan meets the minimum criteria for development as proposed.

Where the number of lots allowed under the yield plan method results in more lots than the number of lots under the calculation method, the lot size may be reduced by 50% of the permissible lot size in Table 1 to accommodate the difference in the number of lots between the two methods. Where on-site sewage management systems are to be used, the size of the lots shall be no less than that required by the Health Department.

Area and Yard Requirements; Locations and Structures

Placement. The placement of all principal buildings shall provide for safe, quiet, and harmonious grouping as well as adequate privacy by providing adequate front, side, and rear yards .

Location. Structures shall be placed so as to fulfill the objectives of, purposes of this ordinance, and to minimize any adverse effect on the environment and to take advantage of ecological conditions.

**Conservation Subdivision Setback Requirements
Table 2**

Zoning District	Density (D.U./Acre)	Min. Lot Size	Front (ft.)	Side (ft.)	Side Corner Lot (ft.)	Rear (ft.)
Ag	1 ac.*	21,780	30	10	30	35
Ag Conservation	1 ac.*	21,780	30	10	30	35
Rural Residential	1 ac.*	21,780	30	10	30	35
Estate Residential	4 ac.**	10,000	25	10	25	30
Suburban	4 ac.**	10,000	20	10	20	30

*With central sewer and public water.

**Subject to DNR water system and onsite waste water treatment system or septic tanks in the common areas.

Subdivision Design Standards

A. House lots shall not encroach upon primary conservation areas, and their layout shall respect Secondary Conservation Areas, as described herein.

B. All new dwellings shall meet the following building setback requirements:

1. From all external roads right of way *100 feet*
2. From all other tract boundaries *75 feet (40 foot buffer + 35 feet)*
3. From all cropland or pasture land *100 feet*

A. Cropland shall be defined as; tracts of land of 5 acres or greater, which is used for growing cultivated plants or agricultural produce, such as grain, vegetables, or fruit; or which could be fallow, if such inactivity is a part of the agricultural production process being exercised on the land and such inactivity has not existed for more than two years. Such use of land must be present and active. Potential use of land as cropland does not qualify under this definition

B. Pasture land shall be defined as; tracts of land of 5 acres or greater, on which grass or other vegetation is grown and eaten as food, and is set aside for use by domestic grazing animals. Such use of land must be present and active. Potential use of land as pasture does not qualify under this definition

4. From buildings or barnyards housing livestock: *200 feet* or per Health Department requirements.

5. From active recreation areas, such as courts or ball fields (not including playgrounds, tot lots or open multi-purpose fields): *150 feet*

a. Views of house lots from exterior road and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping that meets landscaping requirements of the Land Use Standards Ordinance or buffer requirements of Thomas County.

b. House lots shall generally be accessed from interior streets rather than from roads bordering the tract

c. At least three quarters (3/4 or 75%) of the lots should directly face, abut or be across the street from conservation land.

Green Space.

"Green space" is defined as the undeveloped land resulting from reductions in the minimum size of lots set aside as permanently protected land which may be for common use by the residents of the subdivision, or other uses as permitted in this ordinance.

Standards to Determine Green Space.

A. The minimum restricted green space shall comprise at least *50%* of the gross tract area.

B. At least *25%* of the green space shall consist of land that is suitable for building.

- C. At least 75% of the green space should be in a contiguous tract. The green space should adjoin any neighboring areas of green space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected green space.

Primary Conservation Areas. The following lands are considered to constitute lands that serve important ecological purposes and possess beneficial environmental qualities contributing to the health of the local community. Such areas shall be identified and protected as primary conservation areas. All land identified as primary conservation areas shall be undisturbed,

1. The 100-year floodplain.
2. Riparian zones of at least 50 ft width on either side along all perennial and intermittent streams.
3. Riparian zones of at least 150 ft width on either side.
4. Slopes above 25% of at least 5,000 square feet contiguous area
5. Wetlands that meet the definition used by state and/or federal regulations.
6. Populations of endangered or threatened species, or habitat for such species.

Value of Primary Conservation Areas. Primary conservation areas form the core of the green space to be protected. Because primary conservation areas are sensitive environmental areas, Thomas County prefers such areas be permanently protected through the thoughtful design and protection instruments outlined herein. The total area of land identified as primary conservation areas shall be conserved and protected to the maximum amount and extent physically possible.

Secondary Conservation Areas. The following are considered secondary conservation areas and should be protected to the maximum extent feasible

1. Important historic sites subject to approval indicating that these structures are compatible with the Thomas County Zoning Regulations.
2. Existing healthy, native forests of at least one acre contiguous area.
3. Individual existing healthy trees greater than 14 inches caliper measured at dbh.
4. Other significant natural features and scenic view sheds such as ridge lines, hills, tree canopies, and valleys, particularly those that can be seen from public roads.
5. Prime agricultural lands of at least five acres contiguous area.
6. Existing trails that connect the tract to neighboring areas.
7. Archaeological sites, cemeteries and burial grounds subject to approval indicating that these structures are compatible with the Thomas County Zoning Regulations.
8. Buffers as outlined in Table 3 minimum exterior boundary buffer in this ordinance.

Value of Secondary Conservation Areas. Secondary conservation areas are those areas within a property which contain other intrinsic qualities of value to the community. Also, secondary conservation areas are valued as supplemental area to the total conservation area of

a conservation subdivision. To that end, Thomas County would prefer secondary conservation Areas to be protected to the maximum extent possible after all identified primary conservation areas have been protected.

Conservation Areas, General Recommendations

- A. Conservation areas should include the most sensitive resources areas of a property.
- B. Fragmentation of conservation land should be minimized so that resource areas are not divided into numerous small parcels located in various parts of the development.
- C. Conservation areas should be designed as a part of larger continuous and integrated green space.
- D. The conservation areas (primary and secondary) shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjointing lots shall be provided with safe, convenient access to the conservation areas.

Permitted Uses of Green Space. Uses of green space may include the following:

- 1. Conservation of natural, archeological or historical resources;
- 2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- 3. Walking or bicycle trails, provided they are constructed of permeable materials;
- 4. Passive recreation areas, such as open fields;
- 5. Landscaped stormwater management facilities, community wastewater disposal systems. Such facilities shall be located outside of primary conservation areas;
- 6. Other conservation-oriented uses compatible with the purposes of this ordinance.
- 7. Septic Systems, Wells, and Storm Water Management Systems. Easements will allow designated green space to be used for community sewer system drip lines, wells, and storm water management structures designed to promote on-site infiltration and/or treatment of runoff. Such intrusions shall not be allowed to encroach into an exterior buffer as outlined herein.

Prohibited Uses of Green Space. Uses of green space may not include the following:

- 1. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
- 2. Agricultural and forestry activities not conducted according to accepted Best Management Practices;
- 3. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.
- 4. Golf Courses.

Ownership, Preservation, and Maintenance of Green Space. Green space land shall be preserved and maintained solely for the purposes specified in this ordinance. The method for effectuating such preservation and maintenance may be one of the following:

- A. Establishment of a mandatory home owners association to own and maintain the land in common for the green space purposes intended according to the following provisions:
 - a. With their application for a permit to develop a conservation subdivision, developers will create and submit documentation detailing the minimum requirements and structure for the home owner's association before the first lot is sold.
 - b. The home owner's association will maintain, pay taxes, and own the green space
 - c. Membership in the home owners association is mandatory for all homeowners, and dues are uniform.
 - d. The home owner's association, by law, will stipulate that a third party, such as the local government, may enforce the maintenance of the green space through legally enforceable liens.
 - e. It is recommended that at least one member of the home owners association should receive training in or be conversant in, wildlife habitat conservation, enhancement, and maintenance
 - f. Each homeowner should be given site-specific information about indigenous habitat and diversity of species
 - g. The home owner's association shall develop a long-term conservation plan for maintenance of common areas. This plan should include examples of environmentally friendly landscaping techniques for homeowners.
- B. Dedication of legally described and platted "green space" to the Thomas County Board of Commissioners at the discretion of and approval by the Thomas County Board of Commissioners.
- C. Dedication of legally described and platted "green space" to a land trust established in compliance with the requirements of Georgia law and shall be for conservation purposes.

Legal Instrument for Permanent Protection. The green space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:

- A. A permanent conservation easement in favor of either:
 - 1. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions; or
 - 2. A governmental entity with an interest in pursuing goals compatible with the "purposes" of this ordinance.
- B. A permanent restrictive covenant for conservation purposes in favor of a governmental entity. The covenant must include "use for the public good" language. The instrument for permanent protection:

1. Shall be placed on the green space concurrent with the issuance of a land disturbance permit.
 2. Shall include clear restrictions on the use of the green space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the green space.
 3. Shall contain language stating that exterior buffers, as required by this ordinance, are outside of the legally platted and deeded lots.
 4. Will be binding on all future landowners of the green space land.
 5. May be enforced by the adjoining property owners, the county, or a land trust by appropriate court action for equitable relief.
 6. Will assure appropriate maintenance by the home owners association or as otherwise herein provided, of Green space land to the satisfaction of the county.
 7. Will provide that if maintenance, preservation, and/or use of the green space land no longer comply with the provisions of the easement, the county may take all necessary action to effect compliance and assess the costs against the owners in default.
 8. Will provide that such instrument may not be altered, modified, or amended.
- C. All legal instruments used to permanently protect conservation areas platted within the conservation subdivision shall be executed by the developer and approved by the County Attorney prior to approval of the final plat for the development. Upon approval of the final plat and the legal instruments for permanent protection of the conservation areas, the County may record said documents with the Clerk of the Court's office. All fees associated with the recordation of plats and legal instruments will be furnished by the developer of the conservation subdivision or their agent.

Procedure

Pre-Application Meeting (First Meeting)

A pre-application meeting is required between the applicant, the site designer and the Planning Staff where the site designer has not submitted a conservation subdivision designed under these regulations prior to the effective date. Subsequent pre-application meetings are recommended but are at the discretion of the site designer. The purpose of the pre—application meeting is to introduce the applicant to the County's Zoning, Subdivision Regulations, and Procedures; to discuss the applicant's objectives and to schedule site inspections; set up additional meetings, and plan submissions. Applicants are encouraged to present the NFI survey at this meeting.

Existing Resources Natural Features Inventory (Second Meeting)

The purpose of this key submission is to familiarize County Staff and Officials with existing and factual reference in making a site inspection. This Plan shall be provided prior to the site inspection and shall form the basis for the development design as shown on the conceptual preliminary plan. The applicant shall present the Natural Features Inventory survey, which is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed green space will meet the requirements of this article.

The existing NFI survey forms shall include the following features: (The NFI short or long forms are available at the Planning Department.)

- Property boundaries
- All streams (perennial and intermittent), rivers, lakes, wetlands and other hydrologic features
- Topographic contours of no less than 10-foot intervals
- All Primary and Secondary Conservation Areas labeled by type, as described in this Article
- Vegetation characteristics
- Groundwater recharge areas
- Significant wildlife habitats, if known
- Historic, archeological and cultural features
- General soil types
- The planned location of protected green space
- Existing roads and structures
- Potential connections with existing green space and trails
- Identification of surrounding property type/land use

Review of Existing Resources . The existing resources map shall be reviewed by the Planning Director or his/her designee. If found inadequate by the reviewer, the reviewer shall state the reasons for its inadequacy, and the existing resources map shall not be accepted until adequate changes are made.

Site Inspection (Third Meeting)

After preparing the existing resources survey or NFI, applicants may arrange for a site inspection of the property by the planning staff and shall distribute copies of such site analysis plan at this on-site meeting. The purpose of the site visit is to familiarize the staff with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of the designated Green space lands and potential locations for proposed buildings and street alignments. Comments made by the staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made at the site inspection.

Sketch Plan Submission (May be submitted at Site Inspection Meeting)

Purpose. At the discretion of the applicant, a sketch plan may be submitted as a diagrammatic basis for informal discussion with the staff regarding the design of a proposed subdivision or land development. The purpose of a sketch plan submission is to provide a mechanism to help applicants and the staff develop a better understanding of the property and to help establish an overall design approach that respects its special or noteworthy features while providing for the density permitted under the zoning ordinance.

Required Information. To provide a full understanding of the site's potential and to facilitate the most effective exchange with the planning staff, the sketch plan shall include the information listed below. Many of these items can be taken from the NFI survey and in fact the diagrammatic sketch plan may be prepared as a simple overlay sheet placed on top of a tax map or aerial map.

1. Name and address of the legal owner, the equitable owner, and / or the applicant;
2. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or the site designer responsible for preparing the plan;

3. Graphic scale (not greater than 1 inch = 200 ft., however, dimensions on plan need not be exact) and north arrow;
4. Approximate tract boundaries, sufficient to locate the tract on a map of the community;
5. Location Map;
6. Zoning district;
7. Streets on and adjacent to the tract (both existing and proposed);
8. 100 year flood plain limits, and approximate location of wetlands, if any;
9. Topographic, physical and cultural features including fields, pastures, meadows, wooded areas, trees with a diameter of 14 inches or more, hedgerows and other significant vegetation, steep slopes (greater than 25%), soil types, ponds, ditches, drains, dumps, storage tanks, streams within 200 feet of tract, existing right-of-way and easements, and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads;
10. Schematic layout indicating a general concept for land conservation and development .
11. Proposed general street and lot layout;
12. In the case of land development plans, proposed location of buildings and major structures, parking areas and other improvements; and
13. General description of proposed method of water supply, sewage disposal, and storm water management.

Concept / Preliminary Plan (Fourth Meeting)

The concept/preliminary plan shall follow the process and procedure outlined in the Thomas County Subdivision Rules and Regulations for plan submittal. The plan shall be reviewed by staff at regular scheduled Technical Review Committee meetings.

Four Step Subdivision Design Process

All concept/preliminary plans for conservation subdivisions shall include documentation of a four step design process in determining the layout of proposed green space lands, house sites, streets and lot lines as described below.

A. Step 1: Delineation of green space lands.

1. The minimum percentage and acreage of required green space lands shall be calculated by the applicant and submitted as part of the sketch plan or conceptual design plan in accordance with this ordinance. Green space lands shall include all primary conservation areas and those parts of the secondary conservation Areas to meet the terms of this ordinance.
2. Proposed green space lands shall be designated using the engineer's calculations as a base map.

3. In delineating secondary conservation areas, the applicant shall consult with the Planning Staff on the prioritization of natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed green space.
4. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicants subdivision objectives, secondary conservation areas shall be delineated to meet at least the minimum area percentage requirements for green space lands and in a manner clearly indicating their boundaries as well as the types of resources included within them.

B. Step 2: Location of House Sites.

Potential house sites shall be tentatively located using the proposed green space lands as a base map as well as other relevant data on the resource maps such as topography and soils. Home sites should generally be located not closer than 100 feet from primary conservation areas and 50 feet from secondary conservation areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

C. Step 3: Alignment of Streets and Trails.

Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, which complies with the standards for road design in the Thomas County Subdivision Regulation's and bears a logical relationship to topographic conditions. Impacts of the street plan on proposed green space lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing steep slopes. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and to facilitate access to and from homes in different parts of the tract and adjoining parcels.

D. Step 4: Drawing in the Lot Lines.

Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots. Lot lines are drawn as the last step.

E. Additional Design considerations:

1. Additional minimum acreage requirements for green space areas consist of secondary conservation Areas.
2. Total green space area requirements are the sum of primary and secondary conservation areas.
3. The locations and boundaries of primary conservation.
4. The locations and boundaries of secondary conservation.
5. Development areas constitute the remaining lands of the tract outside the designated Green space areas.

Road Specification.

Roads for the conservation subdivision shall follow road construction guidelines consistent with those set forth in the Thomas County Subdivision Regulations, The design of streets within the

conservation subdivision, and where possible and with the approval of the County Public Works Director, should seek to:

1. Minimize the number of cul-de-sac streets by providing more than one entrance to the development and interconnect streets as much as possible.
2. For cul-de-sac streets, minimize the amount of impervious surface by limiting the internal turning radius to 35 feet and the width of the paved lane to 20 feet. Use grass and vegetation for the inner circle of turn-arounds, rather than paving the entire area. Declare the HOA responsible for the maintenance of the grassy area in the neighborhood bylaws
3. Omit curbs wherever appropriate.
4. As an alternative to curbs and gutters, allow runoff from roofs and pavements to pass immediately through grass swales or infiltration basins. Use plant material that will absorb rainwater and act as a natural filter for oil and pollution.
5. Provide paths for non-vehicular traffic within the development and connecting to neighboring residential recreation areas.

Buffer Requirement.

Where property to be developed as a conservation subdivision abuts property not a part of the conservation subdivision, the conservation subdivision shall have a buffer along the exterior property boundary. The buffer shall be undisturbed except as specifically allowed herein, and of sufficient volume to provide a year round opaque screening. Where no vegetation exists within the required buffer area, or where existing semi vegetation does not provide a sufficient screen, and where planting of native vegetation will provide screening, the buffer shall be planted with such vegetation to meet the intent of this section.

A ***Mandatory Stormwater Structures.*** Where the only practical place upon the tract of land being developed as a conservation subdivision to locate a stormwater facility serving to contain and control the stormwater generated from the conservation subdivision is within the required buffer. The County Public Works Director may permit such a structure to be built within the required buffer. The area devoted to the installation of the stormwater structure may not be used to satisfy the green space requirement for the development.

Where stormwater structures are allowed within the buffer, the developer shall plant sufficient vegetative material to effectively screen the location of such structure and obscure such structure from view.

B ***Trails.*** Where trails are planned to be provided, such trails may be constructed within the buffer area. The path through the buffer area containing such trail may be no wider than 8 feet. All clearing associated with the construction of such path shall be contained within the 8 feet. If such trails are planned as a part of the development, the trails must be located within the first 25 % of the buffer furthest from the exterior boundary line for the subdivision but in no event shall be within 30 ft. of said exterior boundary line.

Size of Buffer. The size of the exterior buffer is determined by the size of the lot proposed adjacent to the exterior boundary for the conservation subdivision. (See Table 3 Minimum Exterior Boundary Buffer.)

Buffer Counts Toward Green Space Requirement. The area of land designated to the exterior boundary buffer may be used to satisfy the minimum required green space for the

development. The buffer area shall not be included as a part of any platted residential lot within the subdivision. This buffer shall be considered a secondary conservation area unless a feature of the buffer qualifies as primary conservation area as defined herein. Such buffer shall be designated as part of the green space for the subdivision and be permanently protected in accordance with the requirements contained herein.

**Minimum Exterior Boundary Buffer
Table 3**

Adjacent Zoning District	Potential Open Space	Existing District	Proposed Lot Size Min.	Minimum Buffer Requirement
Ag	50%	2 ac.	43,560	40
Ag Conservation	50%	2 ac.	43,560	40
Rural Residential	50%	2 ac.	43,560	40
Estate Residential	50%	.50 ac.	10,000	40
Suburban	50%	.50 ac.	10,000	20
R-1	50%	43,560	21,780	30
R-2		21,780	10,000 .	25
R-3 (one acre)		43,560	21,780	30
R-3 (.50 of an acre)		21,780	10,000	25
Commercial Dev.		43,560	21,780	30

PLANNED UNIT DEVELOPMENT (PUD)

A. Purpose

The intent and purpose of the Planned Unit Development (PUD) is to encourage creative and imaginative design for the development of residential and non-residential areas that include compatible residential, commercial, office and related public facilities and provides a higher level of urban amenities. A P.U.D may be approved according to a site plan that ensures the more efficient use of land conservation of natural environment and efficient streets and utilities.

This district is to be utilized as a floating zone which shall mean that areas will not be pre-designated as planned unit development districts, but rather each such designation shall result from a specific and separate application for amendment. Planned Unit Development districts are separate zoning districts and shall follow the same amendment procedure as other zoning districts. The development standards and land uses, if approved, shall become the standards for the property related to the zoning regulations. For purposes of zoning compliance, a P.U.D. district property shall be treated as one (1) lot or parcel.

B. Objectives:

The planned unit development district must provide the following, as appropriate:

- (1) *Mixture of uses:* accommodate a mixture of land uses which are compatible both internally and externally on the parcel.

- (2) Ensure the conservation of natural resources, geological, and topographical features with emphasis upon:
 - (a) Conservation of existing surface and sub-surface water resources.
 - (b) Prevention of soil erosion on the property.
 - (c) Preserve large trees and natural vegetated areas.
 - (d) Efficient land use in design of streets and utilities within the P.U.D. district and adequate utilities including public water, public sanitary sewer systems and storm water facilities.
 - (e) Developing open space for recreation or wildlife.
- (3) A preliminary development plan to convey the overall concept and to guide and coordinate any phased development and a final development plan which meets all of the pre-approved regulations.
- (4) The P.U.D. developments may be located only within the suburban residential boundaries and have access to minor arterial or minor collector roads or streets.

C. Type of Planned Unit Development and Permitted Uses:

The following types of planned unit developments are authorized by these regulations:

- (1) a. **Residential uses only** (single family except manufactured homes.)
 - b. **Residential with other uses** (mixed.)
 Other uses: public buildings, including churches and other places of worship, and recreation facilities for use of the residents of the P.U.D. and this their guest. The restrictions as to the use of these facilities shall be set forth in covenants for the residential district.

The following minimum requirements shall be required:

Adequate public water and public sewer service or facilities shall be required for all development in a P.U.D.

Minimum land area for development is **fifteen (15) acres**.

- Residential (65%)
- Open Space (15%)
- Recreation, civic or public buildings (20%)

The following uses may be permitted within a P.U.D. district if in conformance with specific and precise preliminary and final development plans or phases as set forth in this ordinance:

1. **Residential Uses:** Residences may be a variety of housing types and ownership types as follows: single family detached, attached single family, duplex (two family), multi-family, townhouse, patio homes, zero lot line design homes, condominiums, and apartments. The density for multi-family or apartment shall not exceed eleven (11) units per acre.

2. *Community center*, meeting facilities, indoor or outdoor recreation facilities and spaces are permitted when limited to use by the residents of the P.U.D. through recorded covenants and restrictions.

3. *Commercial and office uses*:

Office uses shall include those permitted in the commercial limited districts. Office development shall be designed with respect to intensity, location and use so as to primarily serve the residents of the P.U.D. All business or office uses shall be landscaped and buffered from residential uses. Office uses would be considered an *office park* development in the P.U.D.

Commercial uses shall include those uses allowed in “planned shopping centers” and “planned service centers.” Such uses shall be designed with respect to their nature, development intensity and location so as to primarily serve the residents of the P.U.D.

Commercial development shall be landscaped and meet buffer requirements in a manner to screen the commercial development from residential development in the P.U.D. All interior streets or roads in this district shall be curb and gutter.

The development design for streets and roads shall not route through residential areas within or adjacent to the P.U.D. parcel.

4. *Public Uses*:

Other uses such as public buildings, civic use, churches and recreation facilities are permitted.

These developments shall be centrally located within the P.U.D. to ensure adequate areas by residents and users.

Pedestrian and bicycle paths shall be provided to connect civic and public uses to residential areas.

Adequate public water and public sewer service or facilities shall be required for all development in a P.U.D.

The minimum acreage for a mixed P.U.D. of residential, commercial/office uses (office park) or planned shopping center shall be **twenty-five (25) acres**.

Provisions for the permanent ownership, operation and maintenance of common space shall be provided by covenant, deed restriction easement or ownership by and for the benefit of a property owners association, land trust or other legal authority.

- (D) Site Plan Requirements:

- (1) *Pre-application meeting*: refer to page 96 (procedural and regulatory provisions.)

- (2) The P.U.D. district shall require a site plan to accompany the application for the rezoning. (The submittal and content requirements for the site plan are found in the Thomas County Subdivision Rules and Regulations under Planned Unit Development (P.U.D.)

- (3) Upon successful approval of the rezoning to the P.U.D. district, the site plan design shall be binding on all future development and use in the development.
- E. Additional standards applying to Planned Unit Development. The following dimensional requirements and density for lots in a planned unit development are as follows:

(1) *Minimum lot width at building set back line.*

- a. 60 feet for detached single family.
- b. 24 feet for attached fee simple townhouse and condominium lots.
- c. 120 feet for multi-family and office/civic lots.
- d. 120 feet for "commercial center" lots.

(2) *Minimum front yard depth from right-of-way of streets.*

- a. 35 feet for single family.
- b. 50 feet plus 5 feet for each story, multi-family, townhouse, or condominiums.
- c. 50 feet for office/civic structures.
- d. 40 feet for commercial center structures.
- e. 50 feet for buildings with a mixture of residential, office and commercial on the same street right-of-way.

(3) *Minimum side yards;*

All side yard distances are subject to review and approval by the Planning Director and Technical Review Committee. Requirements relating to minimum side yard, buffers, screening, building heights, building types, and lot design are criteria that will accomplish the objectives and standards for a Planned Unit Development.

The following minimum side yard setback is required and is subject to approval:

- a. Single family detached may have a zero lot line but must maintain at least ten (10) feet between buildings. Building foundations must be a minimum of five (5) feet on a zero lot line side to meet *IRC Building Code* requirements for *fire code separation* requirements.
- b. Multi-Family – Townhouse, condominiums, and apartment buildings must be spaced a minimum of 20 feet apart and 50 feet from a single family unit. The stated distance from the single family lot shall be based on the requirement of 50 feet of horizontal spacing for each 10 feet of height of the multi-family building.
- c. Office/Public/Civic structures must have a horizontal distance of 75 feet for each 12 feet in height from each property with a residential structure or may be reduced by Thomas County Board of Commissioners in conceptual design plan. The use must be compatible with residential development.
- d. Commercial Buildings/Shopping Centers must have a horizontal distance of 100 feet unless adjacent to office/public/civic uses. The reduction to 75 feet in width is allowed with a 20 foot screened landscaped buffer, if adjacent.

(4) *Minimum rear yards:*

Rear yard dimensions shall be determined in the same manner as specified in side yard dimension except as follows:

- a. Single family or two family residential buildings shall require a rear yard of 30 feet.
- b. Multi-family – Townhouse, condominiums and apartment buildings shall have a rear yard of 30 feet.

(5) **Building Heights:**

Maximum building height allowed shall be 50 feet or three (3) stories.

(6) a. **Density Considered for Residential Units**

Type	Units per acre	
Single family (detached)	3 per acre	14,000 square feet (lot size)
Single family (attached)	4 per acre	10,000 square feet (lot size)
Multi-family	8 per acre	2 story
Townhouse & Condominiums	8 per acre	2 story
Apartments	11 per acre	Up to 3 story

All development plans must show proposed lot size and density per acre.

No more than four (4) continuous dwelling units shall be built in a row having the same building line. In a complex housing more than four units, the required minimum offset in the building line shall be three (3) feet.

b. **Density considered for a Commercial District, Office/Retail/Public/Civic Districts:**

The density or percentages relating to the planned shopping centers, office/professional business or service centers will be determined by the total P.U.D. Plan. This will require a precise development plan for buffers, street, screening, open space, parking lots, and proposed business building types **before determining area requirements or density.**

(7) **Traffic access requirements:**

- a. Access must comply with Thomas County and State D.O.T. traffic access requirements. Internal roadways to residential areas may be private but constructed to Thomas County standards for a County Road or street acceptance for county ownership. All new streets shall be designed with curb and gutter.

Street types and design standards are found in the Thomas County Subdivision Rules and Regulations.

- b. Off street parking facilities shall be grouped in bays, either adjacent to streets or in the adjacent interior of blocks or in the rear of residential units. No off street parking shall be more than (100) feet from a door of the unit it serves. All parking facilities shall be paved. *(Refer to off street parking requirements in the Thomas County Land Use Ordinance.)*

(8) Buffers and setbacks:

The intent of buffers is to provide a year round visual screen such as evergreen trees and shrubs between all adjacent uses in a P.U.D.

All buffers, screening, and setbacks shall be required by this ordinance. Any application for a design plan approval submitted to the Planning Director shall include a tree survey and landscape plan, with buffers, and prepared by a landscape architect.

No trees, land forms, clumps of native shrubs shall be disturbed except necessary to construct any buildings or for other improvements.

(9) Open Space

20% - Residential and Mixed Use of Commercial Buildings or Office/Public

15% - Residential Only

The common open space shall be situated such that it will best serve residents and be totally intergrated within the various uses or district in the P.U.D.

- a. A minimum of 20% of the land in a P.U.D. shall be reserved for open space, parks, and other recreation or other public use areas.
- b. Water bodies or land located within the 100 year flood plain may be used to partially fulfill open space requirements. Not more than 30% of the land reserved for open space may be in water bodies or flood plain.
- c. Parking areas, road right-of-ways, buffers, spacing between district uses may not be included in determining open space.
- d. Any and all open space lands in the residential areas shall be held in common ownership by the dwelling unit owners or Home Owner's Association. Dedication of land to Thomas County may be considered for future public use.

(10) Availability of Public Services:

P.U.D. Developments shall be located with respect to major or minor arterial streets and highways to provide direct access to these districts without creating undue traffic burdens along streets or roads in residential neighborhoods outside such districts.

(11) Utilities and Public Facilities

- a. A P.U.D. district shall be reasonably located in relation to public/private sanitary sewers, public/private water line systems, storm drainage basins and other utility systems.
- b. The location of the P.U.D. may be approved if the developer will: Provide private utility facilities, or services approved by the Board of Commissioners and private agencies which normally provide utilities, facilities, or services and assurance the operation and maintenance permanently or until equivalent public utilities are available.
- c. All community facilities, private or franchise, water and sewer systems must be acceptable by the Thomas County Board of Commissioners.

(Refer to the Thomas County Subdivision Regulations for complete ordinance and regulation provisions.)

(F) Procedural and Regulatory Provisions

- (1) **General:** To develop a PUD within the County, the property must be rezoned to a PUD designation. Rezoning shall be subject to approval of the Preliminary Development Plan by the County Commission. No building permits shall be issued until the Final Development Plan for the particular development phase has been approved by the County Commission and fully recorded.
- (2) **Unified Ownership:** An application for approval of a PUD may be filed by any person having an interest in the property to be included in the PUD. The PUD application shall be filed with written consent from all of the recorded owner(s) of the property included in the development and with written consent from all holder(s) of an equitable interest in such property. Such consent shall contain a statement that the applicant is authorized to represent the owner(s) in pursuit of a PUD application and that such owner(s) shall agree to be bound by the decision of the County Commission in the event such application is approved. All of the land in a PUD shall be owned by an individual, by a corporation, or by a single legal entity before approval of the Final Development Plan. The owner shall be required to provide evidence of full ownership interest in the land, by legal title or the execution of a binding sales agreement before final approval of the Final Development Plan. Individual properties may be sold after approval of the Final Development Plan subject to private deed covenants that assure the continuance of the PUD as originally approved and developed.
- (3) **Pre-application Meeting** in the Technical Review meeting: Before submitting the preliminary development plan application for approval as a PUD, the developer shall meet with the Planning Director, Health Department Official, Public Works Director and any other such personnel as may be deemed necessary to determine the feasibility and suitability of the application. This step is required so that the developer may obtain information and guidance from County officials before entering into any binding commitments or incurring substantial expenses of the site and plan preparation.
- (4) A completed Natural Features Inventory assessment of the property must be prepared.
- (5) **Preliminary Development Plan Application:** A rezoning application with the preliminary development plan, shall be submitted to the Planning Director. The Planning Director and appropriate staff shall review the application to determine its conformity with the comprehensive plan, and other County policies, and the requirements of this article. The preliminary development plan application shall include, but is not limited to, the following:
 - a. A written report explaining the type, nature, intent and characteristics of the proposed development.
 - b. Area location or orientation map of the property.
 - c. Proposed name or title of project and name of the engineer, architect, or developer.
 - d. Scale of 1" = 200' or larger, acreage in total tract, north arrow, and date.
 - e. Existing topography in ten foot contour intervals or less. Contours may be interpolated from U.S.G.S. quadrangle maps.

- f. Existing wooded areas, streams, lakes, 100-year flood plain, and any other physical conditions affecting the site.
 - g. Existing historical assets located on the property.
 - h. Proposed street and lot layout.
 - i. Proposed buffers, and natural features such as surface drainage and open water.
 - j. Delineation of proposed uses, including open space, and net acreage in each.
 - k. Proposed density calculations, in units per acre, for residential uses.
 - l. General location, square footage and height of proposed non-residential buildings.
 - m. Delineation of specific areas designated for phased development and proposed dates for beginning and completing construction of each development phase or stage.
 - n. Proposed amenities, such as parks and recreational facilities.
 - o. General statement indicating source of potable water and wastewater disposal method.
 - p. Legal description of the parcel(s) - full metes and bounds description rather than plat reference.
- (6) **Preliminary Development Plan** - Planning Commission: The Planning Commission shall hold a public hearing and shall review the preliminary development plan and application and recommend to the Board of Commissioners the approval, approval subject to conditions, or disapproval of the preliminary development plan application. The Planning Commission shall consider the review criteria established in Number 7 and 8 of this Article when making its recommendations.
- (7) **Preliminary Development Plan** – Board of Commissioners: Upon receiving the recommendation of the Planning Commission, the Planning Commission shall hold a public hearing and shall review the recommendations of the Planning Commission. The Board of Commissioners may table an application for up to forty-five (45) days from the date of the first County Commission hearing on the application. The Board of Commissioners shall approve, subject to conditions, or disapprove the preliminary development plan application. In approving the preliminary development plan application, the Board of Commissioners and the developer shall agree upon a completion date for the construction of each phase. Approval of the preliminary development plan application indicates approval of the PUD zoning, subject to the acceptance of the final development plan. The decision of the Board of Commissioners shall take into consideration the review criteria established in Number 8.
- (8) **Preliminary Development Plan** - Review Criteria: The Planning Commission and the County Commission shall consider, but not be limited to, those items listed in Standards of Review Section 4.230 of this ordinance.) and the following criteria when reviewing the preliminary development plan for a PUD:
- a. Degree of consistency of the proposed PUD with the surrounding area in terms of character and density.

- b. Provision for and adequacy of future public education and recreation facilities, public safety, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation.
 - c. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of open space.
 - d. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.
 - e. The benefits inherent in a PUD classification to the general public that justify the requested departure from standard land use requirements.
 - f. The conformity and compatibility of the proposed PUD with the Comprehensive Plan.
- (9) **Final Development Plan Procedure Approval:** Each separate phase of development shall be in accordance with the approved preliminary development plan and shall require a review process by the Planning Director and appropriate County staff. Two (2) copies of the final development plan shall be submitted to the Planning Director. The Planning Director shall have thirty (30) days to determine if the final development plan is in accordance with the approved preliminary development plan and all other ordinance requirements. The final development plat/plan shall include the following:
- a. Area location or orientation map of the property.
 - b. Proposed name or title of project, phase number, name and certification of the engineer, architect, or surveyor.
 - c. Scale of 1" = 100' or larger, acreage in total tract, north arrow, and date.
 - d. Existing topography by a registered surveyor along with the surveyor's name, registration number, seal and date. Required contour interval shall be determined by ground slope:
Flat (0-2% grade) = 1' Rolling (2-8% grade) = 2' Steep (>8% grade) = 5'
 - e. Name of all jurisdictions in which the development is located and all political boundaries which cross or form any property boundary line of the development phase.
 - f. Sufficient data to readily determine and reproduce accurately on the ground the location, bearing, and length of every road and alley line, lot line, easement, boundary line, and building line whether curved or straight. This shall include the radius, point of tangency, and other data for curved property lines and curved roads, to an appropriate accuracy and in conformance with good surveying practice.
 - g. Names of owner of record of all adjoining land and all property boundaries, water courses, roads, easements, utilities and other such improvements, which cross or form any boundary line of the development phase.
 - h. Roads and alleys including their right-of-way width and name.
 - i. Lot lines, minimum building setback lines, and lot and block numbers.
 - j. All dimensions shall be to the nearest one-tenth (1/10) of a foot and all angles shall be to the nearest minute.
 - k. Location, dimension and purpose (e.g., water, gas, cable) of all easements.

- l. Location of all buffers.
 - m. Number to identify each lot or site.
 - n. Show all watercourses, wetlands and expected limits of the 100 year flood plain.
 - o. Proposed topography including finish floor elevations and location of all retention and detention basins for storm water control.
 - p. Location of existing adjoining property lines.
 - q. Area in each subdivided tract in square feet.
 - r. Final engineering drawings of all roads, water, sanitary sewer and storm drainage systems.
 - s. Density calculations, in units per acre, for residential uses.
 - t. Location, square footage and height of proposed non-residential buildings.
 - u. Space for signed certification shall be provided for approval or acceptance by all of the following:
 - i. Planning Director
 - ii. Health Department Director
 - iii. Public Works Director
 - iv. County Commission Chairman
10. Required legal documents (where applicable):
- a. Deed restrictions proposed by the developer to preserve the character of common open space and landscape design.
 - b. Proposed bylaws of the property owner's association or nonprofit corporation.
 - c. A title insurance policy, acceptable to the County, stating the status of the title of the site encompassed by the final development plan and all liens, encumbrances and defects, if any.
 - d. A bill of sale conveying to the property owner's association, nonprofit corporation, or to Thomas County or some other authority all water and sewer lines, mains, lift stations and any other improvements. Acceptance by the County is entirely based on the discretion of the County Commission.
 - e. Paid tax receipts from the proper taxing authority, indicating that current taxes on the proposed site have been paid in full.
 - f. Disapproval of Final Development Plan: In the event that the final development plan is deemed in accordance with the preliminary development plan but is not approved due to omissions of required items or ordinance violations, the Planning Director shall submit a written report to the developer itemizing such deficiencies. A set of revised plans may be submitted to the Planning Director at any time to re-start the thirty (30) day review process as described in the previous section.

11. (a) Modifications to the approved preliminary development plan: modifications to the approved preliminary development plan concerning any of the following shall not be allowed unless a P.U.D. zoning status approving such conditions is obtained or by filing a revised preliminary development plan with the Thomas County Board of Commissioners for re-consideration of changes.
 - i. An increase in residential density.
 - ii. An increase in the number of building stories or floor area.
 - iii. A decrease in the amount, location, or type of open space.
 - iv. A major change in the location of roads or traffic routes.
 - (b) Variances – The Thomas County Board of Commissioners have the authority to grant variances from the requirements of these articles in cases where strict application would result in unnecessary hardship.
12. Bonding – Prior to beginning construction of each development phase of the P.U.D. the County Commission shall require the developer to post a performance bond or letter of credit, both in form an amount acceptable to the County, guaranteeing that all public improvements and common open area will be constructed according to the approved final development plan. The performance bond shall have a minimum face value equal to the cost of constructing the required improvements. The letter of credit shall have a minimum value type equal to the cost for constructing the required improvements plus fifty (50%) percent.
 13. Vested Right of the Developer – Upon issuance of a P.U.D. zoning designation to a district, any subsequent zoning amendments shall not apply provided the P.U.D. designation has not expired as set forth by the standards in this Article.
 14. Expiration of P.U.D. Approval – A P.U.D. district shall be subject to review and rezoning based on changed conditions or a revised comprehensive plan in the event:

3.290 Official Land Use Standards Maps

The Official Land Use Standards Maps and the Comprehensive Plan's Future Development Map described in this section is filed in the Office of the Planning Director and is hereby designated, described, established, and incorporated as a part of this Ordinance, and is as much a part of this Ordinance as if the information contained therein were set out in full in this Ordinance.

3.291 Procedures.

- (1) Each amendment to the Official Land Use Standards Atlas shall be in accordance with the provisions of Section 4.200.
- (2) The original and a copy of the Official Land Use Standards Atlas shall be filed with the Office of the Planning Director, one of which shall be retained as the original record and shall not be changed in any manner, and the second of which shall be maintained up-to-date by posting thereon all changes and subsequent amendments.

3.292 District Boundaries. In the event that any uncertainty exists with respect to the intended boundaries of the various Land Use Standards Districts as shown on the Official Land Use Standards Atlas, the Board of County Commissioners shall make the interpretation using the following rules:

(1) The Land Use Standards District boundaries are the center lines of the streets, alleys, waterways, and rights-of-way, unless otherwise indicated. Wherever designation of a boundary line on the Zoning Atlas coincides with the location of a street, alley, waterway, or right-of-way, it shall be construed to be the boundary of such district.

(2) Where the Land Use Standards District boundaries do not coincide with the location of streets, alleys, waterways, and rights-of-way, but do coincide with lot lines, such lines shall be construed to be the boundary of such district.

(3) Where the Land Use Standards District boundaries do not coincide with the location of streets, alleys, waterways, and rights-of-way or lot lines, the Land Use Standards District boundary shall be determined by the use of the scale shown on the Land Use Standards Atlas.

(4) Land Use Standards District boundaries indicated as approximately following county boundaries shall be construed as following those boundaries.

SECTION 4.000 ADMINISTRATIVE STANDARDS

Section 4.100 Procedures of general applicability.

4.110 Notice.

Notice of all public hearings which are required by a provision of this Ordinance shall be given as follows, unless expressly stated otherwise:

4.111 Content of Notice. Every required notice shall include: the date, time and place of the hearing; a description of the substance of the subject matter that will be discussed at the hearing; a legal description of the properties directly affected including the street address when available; a statement of the body conducting the hearing; a brief statement of what action the body conducting the hearing is authorized to take; and a statement that the hearing may be continued from time to time as may be necessary.

4.112 Publication, Mail, and Posting of Property. Publication of the notice shall be as follows:

Notice of all public hearings of applications for an amendment to the Official Land Use Standards Atlas, applications for an amendment to the text of this Ordinance, applications for Conditional Use approval, applications for variances, and appeals from a decision, order, requirement, or determination of an administrative officer of the County shall be properly advertised in a newspaper of general circulation in Thomas County not more than thirty (30) days nor less than fifteen (15) days before the date of the hearing. A copy of the notice of public hearing shall be available in the office of the Planning Director during regular business hours. In addition to the publication requirements above, notice shall also be provided by the Planning Director by regular mail, to all property owners who own real property within four hundred (400) feet of the property directly affected by the proposed action whose address is known by reference to the latest ad valorem tax rolls, not more than thirty (30) days nor less than fifteen (15) days before the date of the hearing.

Except for an amendment to the text of this Ordinance, the Planning Director shall require to be erected on the property a sign of no less than four (4) feet by four (4) feet, announcing the public hearing and stipulating the date, time, and place for the hearing and clearly stating the purpose of the hearing. The sign shall be clearly visible from a road. The sign shall be erected

not less than fifteen (15) days before the date of the public hearing. Failure to erect a sign will cause postponement of the hearing until this requirement is met. (Amd. of 4-10-01)

4.120 Hearing Procedures.

4.121 Setting the Hearing. When the Planning Director determines that an application for an amendment to the Official Land Use Standards Atlas, an application for an amendment to the text of this Ordinance, an application for Conditional Use approval, or an application for a Variance is completed, or that a petition for an administrative appeal has been filed, he shall notify the appropriate decision-making body so a public hearing may be set and provide public notice in accordance with the provisions of this Ordinance.
(Amd. of 8-12-97)

4.122 Examination and Copying of Application and Other Documents. Any time after the provision of notice, as required by this Ordinance in Section 4.110, any person, upon reasonable request, may examine the application or petition in question, and the material submitted in support or opposition to the application or petition in the Office of the Planning Director during regular business hours. (Any person shall be entitled to obtain copies of the application or petition and other materials upon reasonable request and upon payment of a fee to cover the actual costs of providing such copies.)

4.123 Rights of All Persons. Any person may appear at a public hearing, or may be represented by counsel or agent, and may submit documents, materials and other written or oral testimony either individually or as a representative of an organization. Each person who appears at a public hearing shall identify himself, his address, and state the name and mailing address of any organization he represents. The body conducting the public hearing may place reasonable time restrictions on the presentation of testimony and the submission of documents and other materials by both proponents and opponents of each proposed zoning decision, such minimum time period to be no less than ten minutes per side.
(Amd. of 10-13-98)

4.124 Continuance of Hearing. The body conducting the hearing may continue the hearing to a fixed date, time, and place. Public notice will be given in block ad form for any continuance of rezoning hearings at least five (5) days prior to hearing. On any request for continuation made by applicant, public notice fee (block ad) will be paid for by applicant.
(Amd. of 10-13-98)

4.125 Record of the Hearing. A transcript of testimony, when and if available, the minutes of the Secretary, all applications, exhibits, documents, materials, and papers submitted in any proceeding before the decision-making body, the report of the Planning Director or a member of his staff, and the decision and report of the decision-making body shall constitute the record.

Any person shall be entitled to examine the record, at a reasonable time, or make copies at his own expense, at the Office of the Planning Director.

4.126 Action by Decision-making Body. The decision-making body shall render its decision within a reasonable time.

4.130 Filing of applications.

All applications and plans required under the provisions of this Ordinance shall be filed with the Planning Director unless otherwise specified. No application shall be deemed to be complete and therefore officially accepted until all information required by this Ordinance has been submitted. All applications shall be accompanied by a non-refundable fee as established from

time to time by the Board of Commissioner to defray the actual cost of processing the application.

Section 4.200 Amendments to the Ordinance and Official Land Use Standards Atlas.

4.210 Purpose.

The purpose of this section is to provide a means for changing the text of this particular Ordinance or the Official Land Use Standards Atlas. It is not intended to relieve particular hardships or confer special privileges or rights on any person.

4.220 Persons entitled to propose amendments.

(1) Amendments to the text of this Ordinance may be proposed by the Board of Commissioners, the Planning and Land Use Standards Commission and any person desiring a change.

(2) Amendments to the Official Land Use Standards Atlas may be proposed by the Board of Commissioners, the Planning and Land Use Standards Commission, or over fifty (50) percent of the owners of the real property to be directly affected by the proposed amendment.

(Amd. of 10-13-98)

4.230 Standards of review.

In reviewing the application of a proposed amendment to the text of this Ordinance or an application for a proposed amendment to the Official Land Use Standards Atlas, the Board of Commissioners and the Planning and Land Use Standards Commission shall consider the following, if applicable:

- (1) Is the proposed amendment in conflict with any applicable portions of this Ordinance?
- (2) Is the proposed amendment consistent with all elements of the Thomas County Comprehensive Plan?
- (3) How long has the property been vacant as classified, considered in the context of land development in the vicinity?
- (4) Will the proposed amendment permit a use that is suitable in view of the existing use and development of adjacent and nearby property?
- (5) Will the proposed amendment adversely affect the existing use or usability of adjacent or nearby property?
- (6) Does the property for which the proposed amendment is requested have a reasonable economic use as currently classified?
- (7) Will the proposed amendment create an overcrowding condition with respect to the existing streets, transportation facilities, utilities, schools, or other public facilities?
- (8) Are there other existing or changing conditions regarding the use and development of the property which gives support for approval or disapproval of the proposed amendment?
- (9) Will the proposed amendment result in significantly adverse impacts on the natural environment?

(10) Will the proposed amendment adversely affect property values in the area?

(11) Any other matters that may be deemed appropriate by the Planning and Land Use Standards Commission or the Board of Commissioners in review and consideration of the proposed amendment.

4.240 Procedures.

4.241 Proposal by the Board of Commissioners or the Planning and Land Use Standards Commission. Proposals for an amendment to the text of this Ordinance or an amendment to the Official Land Use Standards Atlas by the Board of Commissioners or the Planning and Land Use Standards Commission shall be transmitted to the Planning Director for application. Any interested party may request that the Board of Commissioners or the Planning and Land Use Standards Commission initiate such an application.

4.242 Proposals by Others. Any person desiring to apply to the Board of Commissioners for an amendment to the text of this Ordinance or an amendment to the Official Land Use Standards Atlas shall submit an application to the Planning Director.

4.243 Application. The application shall include the following information:

- (1) The applicant's name and address.
- (2) If the application requests an amendment to the text of this Ordinance, the precise wording of any proposed amendment to the text of this Ordinance shall be provided.
- (3) A statement describing any changed conditions that would justify an amendment.
- (4) A statement describing why there is a need for the proposed amendment.
- (5) A statement describing whether and how the proposed amendment conforms to the Thomas County Comprehensive Plan.
- (6) A statement outlining the extent to which the proposed amendment:
 - (a) is compatible with existing land uses;
 - (b) affects the capacities of public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, and emergency medical facilities;
 - (c) affects the natural environment; and,
 - (d) will result in an orderly and logical development pattern.
- (7) If the application requests an amendment to the Official Land Use Standards Atlas the applicant shall include:
 - (a) The street address and legal description of the property proposed to be reclassified.
 - (b) The applicant's interest in the subject property.

(c) The owner's name and address, if different than the applicant, and the signature of over fifty (50) percent of the owners of the real property whose property would be reclassified by the proposed amendment, giving their consent to the filing of the application, if applicable.

(d) The current classification and existing uses of the property proposed to be reclassified.

(e) The area of the property proposed to be reclassified, stated in square feet or acres, or a major fraction thereof.

(8) Such other information or documentation as the Planning Director may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

4.244 Submission to the Planning Director. Within five (5) working days after an application for an amendment to the text of this Ordinance or an application for an amendment to the Official Land Use Standards Atlas is submitted, the Planning Director shall determine whether the application is complete. If the Planning Director determines the application is not complete, he shall send a written statement specifying the application's deficiencies to the applicant by mail. The Planning Director shall take no further action on the application unless the deficiencies are remedied.

4.245 Review by the Planning Director. When the Planning Director determines an application for an amendment to the text of this Ordinance or an application for an amendment to the Official Land Use Standards Atlas is complete, he shall review the application, make a recommendation and notify the Planning and Land Use Standards Commission that the application is complete.

4.250 Action by Planning and Land Use Standards Commission.

4.251 Public Hearing by Planning and Land Use Standards Commission. Upon notification of the completed application for an amendment to the text of this Ordinance or an application for amendment to the Official Land Use Standards Atlas, the Planning and Land Use Standards Commission shall place it on the agenda of a regular meeting for a public hearing in accordance with the requirements of Section 4.110. The public hearing held on the application shall be in accordance with Section 4.120. In recommending the application to others, the Planning and Land Use Standards Commission shall consider the standards in Section 4.230.

4.252 Action by Planning and Land Use Standards Commission. Within a reasonable time of the conclusion of the public hearing, the Planning and Land Use Standards Commission shall make a recommendation to grant or deny the application for amendment to the Board of Commissioners.

4.260 Action by Board of Commissioners.

(1) Upon receipt of the recommendation of the Planning and Land Use Standards Commission, Board of Commissioners shall place the application on the agenda of a regular meeting of the Board of Commissioners.

(2) Within a reasonable time after the conclusion of the regular meeting, the Board of Commissioners shall either grant or deny the application for a proposed amendment and the decision shall be filed in the Office of the Planning Director.

4.270 Time limitation.

(1) After a decision or recommendation denying a proposed amendment to the text of this Ordinance or a proposed amendment to the Official Land Use Standards Atlas, the Board of Commissioners and the Planning and Land Use Standards Commission shall not consider an application for the same amendment for a period of six (6) months from the date of the action.
(Amd. of 8-12-97)

Section 4.300 Conditional uses.

4.310 General provisions.

Purpose. The purpose of this section is to provide for uses that are generally compatible with the use characteristics of Land Use Standards Districts, but which require individual review of their location, design, intensity, configuration, and public facility impact in order to determine the appropriateness of the use on any particular site in the district and their compatibility with adjacent uses. Conditional uses may require the imposition of additional conditions to make the uses compatible in their specific contexts.

Authority. The Planning and Land Use Standards Commission may recommend and the Thomas County Board of Commissioners may, in accordance with the procedures, standards and limitations of this Ordinance, grant Conditional Use permits for those uses enumerated in each of the Land Use Standards Districts in Table 4 of this Ordinance.
(Amd. of 10-13-98)

4.311 Persons Entitled to Initiate Actions. An application for a Conditional Use may only be submitted by the owner or any other person having a contractual interest in the parcel of land proposed for Conditional Use.

4.312 Standards of Review. A Conditional Use permit shall be granted only if the applicant demonstrates the following:

(1) *Consistency with Local Ordinances and Comprehensive Plan.* The proposed Conditional Use is in compliance with all requirements, and is consistent with the general purpose, goals, objectives and standards, of this Ordinance, the Thomas County Comprehensive Plan, and the Code of Ordinances of Thomas County; and is in compliance with all additional standards imposed on it by the particular provisions of this Ordinance authorizing such use.

(2) *Effect on Nearby Properties.*

(a) The proposed Conditional Use will not have an undue adverse effect upon adjacent or nearby property.

(b) The proposed Conditional Use is compatible with the existing or planned character of the neighborhood in which it would be located.

(c) All reasonable steps have been taken to minimize any adverse effect of the proposed Conditional Use on the immediate vicinity through building design, site design, landscaping, and screening.

(d) The proposed Conditional Use will be constructed, arranged, and operated so as not to interfere with the development and use of neighboring property, in accordance with applicable district regulations.

(3) *Adequacy of Public Facilities.* The proposed Conditional Use will be served by adequate public facilities and services including roads, police protection, fire protection, waste disposal, water, sewer, and drainage.

(4) *Environmental Impact.* The proposed Conditional Use will not have a significantly adverse impact on the natural environment.

4.313 Conditions on Conditional Use Permits. The Planning and Land Use Standards Commission may recommend and the Thomas County Board of Commissioners may attach such conditions, limitations, and requirements to a Conditional Use permit as are necessary to effectuate the purposes of Section 4.310; to carry out the spirit and purpose of this Ordinance and the Thomas County Comprehensive Plan; and to prevent or minimize adverse effects upon other property in the neighborhood, including but not limited to limitations on size, intensity of use, bulk and location, landscaping, lighting, the provision of adequate ingress and egress, duration of the permit, and hours of operation. Such conditions shall be set forth expressly in the resolution granting the Conditional Use permit.
(Amd. of 10-13-98)

(1) *Traffic Control Devices.* Whenever, as the result of traffic generated by a proposed Conditional Use, it is determined, based on the Manual on Uniform Traffic Control Devices, that there is a need to install traffic control devices (including traffic signals, signing, and pavement markings), the Conditional Use permit shall not be granted except upon the condition that the applicant be responsible for installing all said devices and signs, or make an equitable contribution toward such installation.

(2) *Towers.*

1. *Definitions.* As used in this ordinance, the following terms shall have the meanings indicated:

a. *Alternative tower structure* shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

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

c. *FAA* shall mean the Federal Aviation Administration.

d. *FCC* shall mean the Federal Communications Commission.

e. *Preexisting towers and antennas* shall have the meaning set forth in Section 2(d) of this ordinance.

f. *Height* shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

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

(Amd. of 10-30-00; Amd. of 4-10-01; Amd. of 8-27-01)

2. *Applicability.*

a. *District Height Limitations.* The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.

b. *Public Property.* Antennas or towers located on property owned, leased or otherwise controlled by the Thomas County Board of Commissioners shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the Thomas County Board of Commissioners.

c. *Amateur Radio; Receive-Only Antennas.* This ordinance shall not govern any tower, or the installation of any antenna that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

d. *Pre-Existing Towers and Antennas.* All towers shall meet the requirements of Section 4.D.3. of this ordinance.

3. *General Guidelines and Requirements.*

a. *Purpose; Goals.* The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas. The goals of this ordinance are to: (i) encourage the location of towers in non- residential areas and minimize the total number of towers throughout the community, (ii) encourage strongly the joint use of new and existing tower sites, (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, (iv) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and (v) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

b. *Principal or Accessory Use.* Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

c. *Inventory of Existing Sites.* Each applicant for an antenna and or tower shall provide to the Planning and Zoning Department an inventory of existing towers that are either in the jurisdiction of the Thomas County Board of Commissioners or within one-quarter mile of the border thereof, including specific information about the location, height, and design of each tower. The Planning and Zoning Department may share such information with other applicants applying for administrative approvals under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the Thomas County Board of Commissioners, provided, however that the Planning and Zoning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

d. *Aesthetics; Lighting.* The guidelines set forth in this Section 3.d. shall govern the location of all towers, and the installation of all antennas, governed by this ordinance, provided, however,

that the Thomas County Board of Commissioners may waive these requirements if it determines that the goals of this ordinance are better served thereby.

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required the Thomas County Board of Commissioners requires shielded dual mode lighting or focused lens - white during daytime hours and red at night.

e. *Federal Requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the Thomas County Board of Commissioners shall be in the manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia.

f. *Building Codes; Safety Standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Thomas County Board of Commissioners concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the Thomas County Board of Commissioners may remove such tower at the owner's expense. Any such removal by the Thomas County Board of Commissioners shall be in the manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia.

g. *Height Requirements.* No tower shall exceed a height of three hundred fifty feet (350').

h. *Setbacks.* All towers shall be set back from any adjoining property line a distance of the tower height.

i. *Security Fencing.* Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device, provided, however, that the Thomas County Board of Commissioners may waive such requirements, as it deems appropriate.

j. *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special use permit is required, provided, however, that the Thomas County Board of Commissioners may waive such requirements if the goals of this ordinance would be better served thereby.

1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.

3. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

4. *Conditional Uses.*

A. *General.* The following provisions shall govern the issuance of conditional use permits for towers:

1. In granting a Conditional use permit, the Thomas County Board of Commissioners may impose conditions to the extent the Thomas County Board of Commissioners concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

2. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

B. *Information required.* Each applicant requesting a Conditional use permit for towers under this ordinance shall submit the following:

1. Land Use Compliance Form signed by owner of the property in order to alert to possible breach of covenant.

2. Authorization letter signed by owner and notarized granting permission to the agent.

3. Plat of property, and site plan showing approved drives, setbacks, and other Ordinance requirements.

4. Copy of lease agreement.

5. D.O.T./County driveway approval as required.

6. FCC & FAA acknowledgment.

7. Inventory of existing tower sites.

8. Furnish letter of intent or written contract with carrier(s).

9. Application for Conditional Use must be submitted to Planning and Zoning Director.

10. Propagation coverage.

C. *Technical Information Required After Approval.* Applicants approved for a conditional use permit for towers under this ordinance shall submit the following:

1. Site plan signed and sealed by appropriate licensed professionals, showing the scaled elevation view, latitude and longitude, and other supporting drawings, calculations and documentation, location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, approved drives, parking, fencing, landscaping, and adjacent uses.

2. Towers shall be designed to meet or exceed all current EIA/TIA 222-F Standards.

D. *Additional procedures required.* In addition to any application procedures specified in 4.320 the following special procedures apply to tower applicants:

1. Pre-application conference.

2. Review by Thomas County Development Technical Review Committee.

3. All approved permits shall be required to file an annual report thirty (30) days prior to December 31 of each year showing proof of carriers located on such tower.

4. Applicant must show proof of carrier within twelve (12) months from the date of approval or permit will be revoked (See Section 4.370 Expiration of Conditional Use Permit, page 45.)

5. A performance bond for 50% of the permitted value must be issued to Thomas County prior to a building permit being issued to cover the removal of abandoned antennas and towers. Bond will be reduced after the first twelve months to the certified removal value which will include an annual 3% inflation factor.

6. Towers will be considered abandoned if not operated for a continuous period of twelve (12) months, and removal shall be the responsibility of the tower company. A penalty of \$100.00 per day shall be imposed for each day in violation after notification.

5. *Factors Considered in Granting Conditional Use Permits.* The Thomas County Board of Commissioners shall consider the following factors in determining whether to issue a special use permits, although the Thomas County Board of Commissioners may waive or reduce the burden on the applicant of one or more of the criteria if the Thomas County Board of Commissioners, concludes that the goals of this ordinance are better served thereby.

1. Height of the proposed tower;

2. Proximity of the tower to residential structures and residential district boundaries;

3. Nature of uses on adjacent and nearby properties;

4. Surrounding topography;

5. Surrounding tree coverage and foliage;

6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and

7. Proposed ingress and egress; and

8. Availability of suitable existing towers and other structures as discussed in Section 3.c.

9. Carrier utilization of tower(s).

6. *Administrative.*

A. *General.*

(1) Each applicant applying for a conditional use for towers shall adhere to application procedures as required in Section 4.320 Application Procedures, providing the information set forth in Sections 4.b. and 4.c.

7. *Removal of Abandoned Antennas and Towers.* Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the Thomas County Board of Commissioners notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the Thomas County Board of Commissioners may, in the manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia, remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(3) *Access Improvements.* A Conditional Use permit shall not be granted except upon the condition that the applicant provides the access (ingress and egress) improvements determined to be necessary as a result of traffic generated by the development.

(4) *Projects Requiring Other Regulatory Approvals.* For proposed Conditional Uses requiring any permit from any local state, or federal regulatory authority, the Thomas County Board of Commissioners shall not grant unconditionally a Conditional Use permit until the Commission has received from such authority notice of either issuance or of intent to issue the required regulatory permit.

(Amd. of 10-13-98)

(5) *Conditional Approval.* The Thomas County Board of Commissioners may grant a Conditional Use permit contingent upon receiving notice of either issuance of or intent to issue any required regulatory permit if it can make, on a tentative basis and subject to confirmation, the findings required in Section 4.312. A Conditional Use permit granted contingent upon receiving notice of either issuance of or intent to issue any required regulatory permit shall not preclude the Planning and Land Use Standards Commission, after reviewing the regulatory permit application and other information, from revoking such contingent grant of a Conditional Use permit based solely upon an inability to confirm the findings required in Section 4.312 or from protesting the regulatory permit application.

(Amd. of 10-13-98)

(6) *Reduction in Maximum Residential Density.* The Thomas County Board of Commissioners shall require a reduction from the maximum residential density permitted in the Land Use Standards District in which a Conditional Use is to be located when such allowable maximum residential density would impose an excessive burden, as determined by recognized engineering or other professional standards, on public facilities that would serve the proposed Conditional Use.

(Amd. of 10-13-98)

4.320 Application Procedures.

4.321 Pre-Application Conference. An application for Conditional Use is initiated by requesting in writing a pre-application conference with the Planning Director. The request shall include a description of the character, location, and magnitude of the proposed Conditional Use, together with a proposed timetable for development. The purpose of this meeting is to acquaint the applicant with the requirements of this Ordinance and the views and concerns of the County when positions are flexible. Within twenty (20) days of the request, the Planning Director shall schedule a pre-application conference between himself, the applicant, and any other official of other relevant County departments.

4.322 Filing Application for Conditional Use Permit.

(1) *Filing.* After the pre-application conference, an applicant for a Conditional Use permit shall submit an application to the Planning Director accompanied by a non-refundable fee as established from time to time by the Thomas County Board of Commissioners to defray the actual cost of processing the application. The application shall include a site plan and such other information or documentation as the Planning Director deems necessary for the full and proper consideration and disposition of the application.

(2) *Review by County Planning Director.*

(a) Within five (5) working days after an application for Conditional Use approval is submitted, the Planning Director shall determine whether the application is complete. If the Planning Director determines that the application is not complete, he shall send a written statement specifying the deficiencies to the applicant by mail. The Planning Director shall take no further action on the application unless the deficiencies are remedied.

(b) When the Planning Director determines that an application for Conditional Use permit is complete, he shall review the application, make a report, and notify the Planning and Land Use Standards Commission that the application is ready to review.

4.323 Hearing and Action by Planning and Land Use Standards Commission.

(1) *Hearing.* Upon notification that the application for a Conditional Use permit is ready for review, the Planning and Land Use Standards Commission shall place it on the agenda of a regularly scheduled meeting for public hearing in accordance with the provisions of Section 4.110. The public hearing held on the application for Conditional Use shall be in accordance with Section 4.120.

(2) *Review.* In reviewing the Conditional Use application, the Planning and Land Use Standards Commission shall consider the report of the Planning Director; shall determine whether the proposed use meets the standards in Section 4.312 for Conditional Uses; and, shall determine whether the proposed use meets all other provisions of this Ordinance, the Thomas County Comprehensive Plan, and any other applicable County Ordinance. The Planning and Land Use Standards Commission may recommend certain conditions be met before approval of the application.

(Amd. of 10-13-98)

4.330 Development of an approved or existing conditional use.

(1) *Effect of Issuance of Conditional Use Permit.* The issuance of a Conditional Use permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required.

(Amd. of 4-10-01)

(2) *Inspections during Development of an Approved Conditional Use.*

(a) *Inspections by Planning Director.* Following approval of a Conditional Use, the Planning Director may until the completion of development, review all permits issued and construction undertaken and compare actual development with the approved Conditional Use and with the approved development schedule, if applicable.

(b) *Action by Planning Director.* If the Planning Director finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the approved Conditional Use, he shall notify the Thomas County Board of Commissioners of such fact and may, if he finds it necessary for the protection of the public health, safety, or welfare, take such necessary action to stop such noncompliance.

(c) *Action by the Thomas County Board of Commissioners.* Within thirty (30) days following notification by the Planning Director, the Thomas County Board of Commissioners shall determine whether development of the Conditional Use is proceeding in accordance with the approved Conditional Use. If the Thomas County Board of Commissioners finds the development is not proceeding in accordance with the approved Conditional Use, it shall either revoke the permit, or take the necessary action to compel compliance with the approved Conditional Use.

(3) *Inspections after Development.*

(a) *Inspection by Planning Director.* Following completion of the development of a Conditional Use, the Planning Director shall review the development as completed and determine if it complies with the approved Conditional Use.

(b) *Action by Planning Director.* If the Planning Director finds that the development as completed fails in any respect to comply with the use as approved, he shall immediately notify the Thomas County Board of Commissioners of such fact.

(c) *Action by Board of Commissioners.* Within thirty (30) days following notification by the Planning Director, the Thomas County Board of Commissioners shall determine whether the completed Conditional Use fails in any respect to follow the approved Conditional Use permit. If the Thomas County Board of Commissioners finds the completed Conditional Use fails in any respect to follow the approved Conditional Use, it shall either revoke the permit or take the necessary action to compel compliance with the approved Conditional Use.

(Amd. of 10-13-98)

4.340 Extensions of conditional use permits.

The time limitations imposed on a Conditional Use permit by Section 4.370 may be extended by the Thomas County Board of Commissioners not more than one (1) time, and for not more than twenty-four (24) months, upon application by the applicant and after a public hearing held in accordance with Section 4.120.

(Amd. of 10-13-98)

4.350 Existing conditional uses.

A legally conforming use that exists on the effective date of this Ordinance and that is permitted as a Conditional Use in a Land Use Standards district shall not be deemed a nonconforming use in that district, but shall without further action be considered a conforming use. A use existing prior to its present classification by this Ordinance as a Conditional Use may change in use or in lot area or may alter a structure only if the change or alteration conforms to the requirements of Section 4.330 for Conditional Uses. Such change or alteration may be accomplished only pursuant to the standards and procedures established for the adjustment of a Conditional Use as set forth in Section 4.330.

4.360 Revocation of conditional use permit.

In addition to any other penalty and remedy for violation of this Ordinance, it shall be a condition of every Conditional Use approval that such approval may be revoked for violation of any condition imposed upon such approval. The permit may be revoked only after the Thomas County Board of Commissioners holds a public hearing in accordance with Section 4.120 (Amd. of 10-13-98)

4.370 Expiration of conditional use permit.

A Conditional Use permit shall be valid for the purposes of securing a building permit or zoning compliance certificate for twelve (12) months from the date of approval. Unless a building permit or zoning compliance certificate is secured within twelve (12) months, and construction subsequently undertaken pursuant to such building permit, the Conditional Use permit shall automatically expire unless the permit is extended upon application to the Thomas County Board of Commissioners in accordance with Section 4.340. (Amd. of 10-13-98)

4.380 Limitations on approval for conditional uses.

A Conditional Use permit shall be deemed to authorize only the particular use for which it was issued and shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of twelve (12) consecutive months.

Section 4.400 Variances from land use standards district regulations.

4.410 General provisions.

(1) *Authority.* The Planning and Land Use Standards Commission shall recommend and the Thomas County Board of Commissioners shall have authority to grant variances from the requirements of Sections 3.216 or 3.220 in accordance with the standards and procedures set forth in this section. (Amd. of 10-13-98)

(2) *Purpose.* The purpose of a variance is to provide a mechanism when, owing to special conditions, the literal enforcement of the regulations of Sections 3.216 or 3.220 that impose upon a landowner unnecessary hardship can be mitigated without conferring on the applicant any special privilege.

(3) *Initiation.* An owner of or any person having contractual interest in the property to be affected by the variance may seek a variance under the provisions of this section.

4.420 Standards for granting variances.

The Thomas County Board of Commissioners shall not grant a variance unless it shall, in each case, make specific findings of fact based directly upon the particular evidence presented to it which support written conclusions that:

(1) The variance requested arises from a condition that is unique and peculiar to the land, structures, and buildings involved; that the particular physical surroundings, the shape or topographical condition of the specific property involved, would result in unnecessary hardship for the owner, lessee, or occupant, as distinguished from a mere inconvenience, if the provisions of Sections 3.216 or 3.220 are literally enforced; that it is a condition that is not ordinarily found in the same Land Use Standards District, and the condition is created by the regulations of Sections 3.216 or 3.220 of this Ordinance, and not by an action or actions of the property owner or the applicant.

(2) A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same Land Use Standards District under the terms of this Ordinance.

(3) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(4) The granting of the variance will not confer on the applicant any special privilege that is denied by this Ordinance to similar lands, structures, or buildings in the same Land Use Standards District.

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structures; and

(6) The variance desired will not be opposed to the general spirit and intent of this Ordinance of the Thomas County Comprehensive Plan.
(Amd. of 10-13-98)

4.430 Limitations on variances.

(1) No variance shall be granted which would permit a use or structure contrary to the use provisions of Section 3.280 and Table 4.

(2) No variance from the provisions of Sections 3.216 or 3.220 shall be valid for a period longer than twelve (12) months unless a building permit is issued and construction is started pursuant thereto.

4.440 Procedures for application.

(1) *Application.* An application for a variance shall be filed with the Planning Director accompanied by a non-refundable fee, as established from time to time by the Board of Commissioners to defray the actual cost of processing the application. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the Planning Director and shall contain at least the following:

- (a) Name and address of applicant.
- (b) Legal description, street address, and lot number and subdivision name, if any, of the property which is the subject of the application.
- (c) The size of the subject property.
- (d) The variance sought and the section of this Ordinance from which a variance is requested.
- (e) The purpose for the requested variance and a statement of the intended development of property if the variance is granted.
- (f) A statement of the hardship imposed on the applicant by this Ordinance; a statement setting forth reasons why this hardship is unique to the applicant, and why the same hardship is not imposed on other property in the neighborhood that is similarly situated; a statement of why the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located; a statement of why the variance will not increase traffic, the danger of fire, or impair property values in the neighborhood; a statement of why the proposed variance is the minimum variance that will make possible a reasonable use of the land, building, and structures; and a statement explaining how the proposed variance is consistent with the general spirit and intent of this Ordinance and the Thomas County Comprehensive Plan.

(2) *Filing and Application for Approval of a Variance.* Within five (5) working days after an application for approval of a variance is submitted, the Planning Director shall determine whether the application is complete. If the Planning Director determines that the application is not complete, he shall send a written statement specifying the application's deficiencies to the applicant by mail. The Planning Director shall take no further action on the application unless the deficiencies are remedied.

(3) *Review by the Planning Director.* When the Planning Director determines an application for approval of a variance is complete, he shall review the application, make a recommendation, and submit it to the Planning and Land Use Standards Commission.

4.450 Action of Planning and Land Use Standards Commission and Thomas County Board of Commissioners.

(1) Upon notification that an application for a variance is complete, the Planning and Land Use Standards Commission and the Thomas County Board of Commissioners shall place the application on the agenda of a regularly scheduled meeting for a public hearing in accordance with Section 4.100. In reviewing the application for variance approval, the Planning and Land Use Standards Commission and the Thomas County Board of Commissioners shall use the standards in Section 4.420. The Thomas County Board of Commissioners may require the applicant to meet certain conditions before approval of the variance.

(2) Within a reasonable time of the hearing, the Planning and Land Use Standards Commission shall make its recommendation to approve, approve with conditions, or to deny the variance to the Thomas County Board of Commissioners.
(Amd. of 10-13-98)

Section 4.500 Appeals.

4.510 Authority.

The Thomas County Board of Commissioners shall hear and decide appeals from any order, decision, determination, or interpretation by any administrative official of Thomas County with respect to the provisions of this Ordinance, subject to the standards and procedures hereinafter set forth. Appeals from decisions of the Thomas County Board of Commissioners shall be to the Superior Court.

(Amd. of 10-13-98; Amd. of 4-10-01)

4.520 Persons entitled to initiate appeal.

An appeal may be initiated by any person, officer, board, or bureau of Thomas County aggrieved by any order, decision, determination or interpretation of any administrative official of the County with respect to the provisions of this Ordinance.

4.530 Procedures.

A notice of appeal must be filed with the Planning Director, the Thomas County Board of Commissioners, and the office or department rendering the order, decision, determination, or interpretation which is the subject of the appeal within thirty (30) days of the rendition of such order, decision, determination or interpretation appealed from, specifying the grounds upon which the appeal is taken. The filing of such notice of appeal will require the Planning Director or County department rendering the decision to forward to the Planning Director any and all records concerning the subject matter of the appeal.

(Amd. of 10-13-98)

4.540 Effect of filing an appeal.

The filing of a notice of appeal shall stay any proceedings in furtherance of the action appealed from unless the Planning Director or other administrative official rendering such order, decision, determination, or interpretation certifies to the Thomas County Board of Commissioners that by reason of certain facts, a stay would pose any imminent peril to life or property; in such case the appeal will not stay further proceedings except by a restraining order.

(Amd. of 10-13-98)

4.550 Hearing by the Thomas County Board of Commissioners.

The Thomas County Board of Commissioners shall hold a hearing on the appeal pursuant to the procedures set out in Section 4.100 within a reasonable time after a notice of appeal is filed. The Commission may reverse, affirm, or modify the order, decision, determination, or interpretation. In so modifying such decision, determination or interpretation, the Commission shall be deemed to have all the powers of the officer from whom the appeal is

taken, including the power to impose reasonable conditions to be complied with by the applicant.

(Amd. of 10-13-98)

4.560 Appeals from decisions of Thomas County Board of Commissioners.

Any person aggrieved by decisions of the Thomas County Board of Commissioners shall have the right to appeal to the Superior Court of Thomas County and all such appeals shall be filed within thirty (30) days of the decision of the Thomas County Board of Commissioners. Requests for rehearing by the Thomas County Board of Commissioners shall be filed within ten (10) days of the decision of the Thomas County Board of Commissioners.

(Amd. of 4-10-01)

SECTION 5.000 ENFORCEMENT

Section 5.100 Penalties for violation.

Any firm, person or corporation violating any provisions of this Ordinance as the same exists or as it may hereafter be amended or who shall fail to follow requirements of these regulations as they now exist or as they may hereafter be amended is hereby declared to be guilty of violation of a County Ordinance and shall be punished as provided by law.

In addition to said County Ordinance provision, the County Commissioners, Zoning Administrator, or other appropriate authority of the County, are authorized to institute civil action to penalize violation of any part of the Thomas County Land Use Standards Ordinance. The civil penalty shall not exceed three hundred dollars (\$300.00) per day per violation except as may otherwise be authorized by law and provided by Ordinance. In addition to said civil penalties, reimbursement to the County Commissioners for reasonable attorney fees for the enforcement of the order and costs of litigation, including clerks, deposition and related costs, are authorized to be awarded by the said appropriate judicial authority.

Section 5.200 Remedies.

In the event any building or structure is or is proposed to be erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of any provision of this Ordinance, the Zoning Administrator, County Attorney or other appropriate authority of the County or any adjacent or neighboring property owner who would be damaged by such violation may, in addition to other remedies, apply for an injunction, mandamus or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation, to prevent the occupancy or use of such building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

The said Administrator of Thomas County Planning and Zoning and Building Department is hereby authorized to issue written "stop work" and "cease and desist" orders on any project when the applicant, applicant's business or agent fails to comply with the Thomas County Land Use Standards Ordinance. Such "stop work" and "cease and desist" orders may be lifted at such time as the Administrator is satisfied that a good faith effort to comply is being made. At any point the Zoning Administrator may reissue "stop work" and "cease and desist" orders.

In any case where the Zoning Administrator or his agent is unable to safely carry out inspections pursuant to the requirements of this Ordinance, an inspection warrant or other order as may be provided by law or Ordinance may be obtained for such purpose.

Any person, officer, board, or bureau of Thomas County aggrieved by any order, decision, determination or interpretation of the Zoning Administrator with respect to the provisions of this Section may appeal to the Thomas County Board of Commissioners as set forth in Section 4.500 of the Thomas County Land Use Standards Ordinance.

Section 5.300 Cumulative remedy.

The remedies herein provided shall not be deemed to be exclusive but shall be cumulative of all other remedies provided by law.