



Thomas County
Solar Energy Ordinance
Amending the Land Use Standards Ordinance
Adopted 11 April 2017

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).

(4) *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.

(5) *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.

(6) *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."

(7) *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).

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

(9) *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.

(10) *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.

(11) *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.

(12) *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.

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

(14) *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.

(15) *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.

(16) *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.

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

(18) *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.

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

(20) *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.

(21) *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)

(22) *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.

(23) *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.

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

(25) *Congregate personal care home*: A home for adults which offers care to 16 or more persons.

(26) *Critical area buffer* – The areas which are permitted by Federal (Corps of Engineer) or State of Georgia EPD Agencies.

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

(28) *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.

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

(30) *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.

(31) *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.

(32) *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.

(33) *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.

(34) *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.

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

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

(37) *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.

(38) *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.

(39) *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.

(40) *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.

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

(42) *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.

(43) *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.

(44) *Dwelling, single family*: A detached building used and either designed or constructed for one (1) dwelling unit.

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

(46) *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.

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

(48) *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.

(49) *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.

(50) *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.

(51) *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.

(52) *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.

(53) *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.

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

(55) *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.

(56) *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.

(57) *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.

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

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

(60) *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.

(61) *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.

(62) *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.

(63) *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.

(64) *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.

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

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

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

(68) *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 in 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.

(69) *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.

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

(71) *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.

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

(73) *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.

(74) *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.

(75) *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.

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

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

(78) *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.

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

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

(81) *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.

(82) *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.

(83) *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.

(84) *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.

(85) *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.

(86) *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.

(87) *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).

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

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

(90) *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.

(91) *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.

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

(93) *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.

(94) *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.

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

(96) *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.

(97) *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.

(98) *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.

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

(100) *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.

(101) *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.

(102) *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.

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

(104) *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.

(105) *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.

(106) *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:

(a) *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.

(b) *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.

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

Photovoltaic (PV) System: A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them. Included in a PV system are the solar energy generation mechanisms (e.g. panels or other assemblies of solar electric cells), inverters (devices that convert direct current electricity produced by the system to usable alternating current), batteries and battery systems that store electrical energy from the PV system for future use, meters, and electric transmission wires and conduits that facilitate connections with users and/or the local power grid.

(107) *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.

(108) *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.

(109) *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.

(110) *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.

(111) *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.

(112) *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.

(113) *Retail sales and service establishments*: A business whose primary activity is the sale of consumer goods and commodities to ultimate consumers.

(114) *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.

(115) *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.

(116) *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.

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

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

(119) *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.

(120) *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.

(121) *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.

(122) *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.

(123) *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.

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

Solar Access Easement: A recorded easement, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar energy system.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector or solar energy system.

Solar Energy Facility: the area of land devoted to solar energy system installation. A solar energy facility may include an interconnection with the local utility power grid for distribution to more than one property or consumer in the electricity market as a commercial venture.

Solar Energy System: The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but is not limited to, photovoltaic (solar electric) systems and thermal solar energy systems.

Solar Energy System, Building Mounted: A solar energy system, which may include solar thermal panels, solar hot water system panels, and photovoltaic panels, which are mounted to a building structure, to provide energy primarily for on-site use. Building mounted solar panels may be flush mounted (i.e. flush to the surface of a building roof or building facade in a manner that the panel cannot be angled or raised), or as one of more modules fixed to frames which can be tilted or automatically adjusted at an optimal angle for sun exposure. A mounted solar energy system is accessory to the building or structure.

Solar Energy System, Ground Mounted: A solar energy system that is directly installed to (mounted to) the ground and is not attached or affixed to any structure.

(125) *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.

(126) *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.

(127) *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.

(128) *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.

(129) *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.

(130) *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.)

(131) *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".

(132) *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.

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

(134) *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.

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

(136) *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.

(137) *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.

(138) *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.

(139) *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.

(140) *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.

(141) *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.

(142) *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.

(143) *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.

(144) *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.

(145) *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.

(146) 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.

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

Solar Energy Systems

The purpose of a solar energy system is to provide energy primarily for onsite use and is considered an accessory use. A building mounted and ground mounted solar energy system is described as follows:

Solar Energy System, Building Mounted: is an accessory use in all land use districts.

A building mounted solar energy system shall be subject to the following regulations:

Placement

(1) No solar energy system shall be mounted or affixed to any freestanding wall or fence.

(2) Panels and building mounts shall be installed per manufacturer's specifications.

(3) In residential zoning districts, a solar energy system, for aesthetic reasons, shall not be located on the front slope of a pitched roof of a principal structure unless no other location for the solar energy equipment is feasible. The county may require sun and shadow diagrams specific to the installation to ensure compliance with this provision

(b) Height

(1) Building mounted solar panels or systems shall not exceed four feet above the height of any principal building.

(c) Permitting

(1) A building permit shall be required for installation of all building mounted solar energy systems.

(a) Plans shall be submitted that include a registered engineer's stamp.

(2) An electrical permit shall be required by a Georgia State Licensed Electrical Contractor. Compliance with National Electric Code.

Solar Energy System, Ground Mounted: is allowed in Ag, CG, and Industrial land use districts.

A ground mounted solar energy system shall be subject to the following regulations:

(a) Placement

(1) A ground mounted solar energy system shall not be located within the required front yard of a lot.

(2) A ground mounted system shall not be located over a septic system, leach field area or identified reserve area unless approved by the Health Department.

(3) If located in a floodplain or an area of know localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc., shall be located above the base flood elevation.

(4) Panels and ground mounts shall be installed per manufacturer's specifications.

(b) Height

(1) The maximum height of a ground mounted solar energy system shall not exceed 8 feet in height as measured from the grade at the base of the structure to the highest point.

(c) Permitting

(1) A building permit shall be required for installation of all ground mounted solar energy systems.

(a) Plans shall be submitted that include a registered engineer's stamp or manufacturer's recommendation for installation.

(2) An electrical permit shall be required by a Georgia State Licensed Electrical Contractor. Compliance with National Electric Code.

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	<ol style="list-style-type: none"> 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 off street 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 are 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) off street 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

Solar Energy Facility

The purpose of a solar energy facility is to connect to the local utility power grid for distribution to more than one property or consumer in the electricity market as a commercial venture. A solar energy facility is a conditional use in the Ag (Agricultural) land use district and permitted in a CG (Commercial General) and I (Industrial) land use district.

(a) Mounting

- (1) Solar panels or solar arrays shall be mounted on a suitable foundation, in accordance with the manufacturer’s specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components, in accordance with applicable building permit requirements, and all electrical wires and lines that are used in conjunction with the solar energy facility shall be installed underground.
- (2) Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety, maximum efficiency, maintenance, and grounds keeping.
- (b) Setbacks. Solar facilities of 200 acres or less will be permitted in Commercial General and Industrial land use districts, and as a conditional use in the Agricultural land use district.

Solar facilities of more than 200 acres will be permitted in the Commercial General and Industrial land use districts.

A solar energy facility and its appurtenant components and structures shall not be located closer than 100 feet from all property lines, no closer than 500 feet from a habitable residential use dwelling on neighboring/adjacent property, and 500 feet from any property located within a residential land use district.

(c) Placement

- (1) If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.

(d) Screening

- (1) The facility shall be fully screened from adjoining property and adjacent roads using the natural topography or by installation of an evergreen buffer capable of reaching a height of 8 feet within three years of planting, with at least 75% opacity at the time of planting. The buffer must be maintained throughout the duration of the facility.

(e) Height

- (1) Freestanding solar panel or solar arrays shall not exceed eight feet in height as measured from the grade at the base of the structure to the highest point.
- (2) Mounted solar panels or solar arrays shall not exceed eight feet above the apex of the structure on which it is mounted or the maximum height for buildings in the zoning district in which it is located.

(f) Permitting

- (1) A building permit shall be required for installation of all ground mounted solar energy systems.
- (a) Plans shall be submitted that include a registered engineer's stamp or manufacturer's recommendation for installation.
- (2) An electrical permit shall be required by a Georgia State Licensed Electrical Contractor. Compliance with National Electric Code.

(g) Security

- (1) A solar energy facility or solar farm shall be enclosed by a security fence no less than 6 feet in height. The fencing shall be installed inside of the required evergreen buffer.
- (2) Access gates and equipment cabinets must be locked when not in use.

- (h) Noise Sound barriers shall be required for noise mitigation around all inverter and transformer skid pads.

(i) Glare and Lighting

- (1) The solar energy system components shall be designed with an anti-reflective coating or at least shall not produce glare that would constitute a nuisance to occupants of neighboring properties, aircraft, or persons traveling adjacent or nearby roads.
- (2) If lighting is required, it shall be activated by motion sensors, fully shielded and downcast type where the light does not spill onto any adjacent property or into the night sky.

- (j) Maintenance and upkeep. Systems shall be maintained in accordance with manufacturer's specifications. The operator of the facility shall maintain the facility including all buffer screening, in compliance with the approved plans and shall keep the facility free from weeds, dust, trash, and debris.
- (k) Site Plan Review. A site plan reviewed and approved by the Planning and Zoning Department shall be required prior to issuance of a permit. In addition to requirement for site plans generally, the site plan submission shall include the following information: The proposed location and dimensions of all solar panels, inverters, existing and proposed structures, screening, fencing, property lines, parking, access driveways and turnout locations, ancillary equipment, transmission lines, vegetation, the locations of any proposed solar access easements, and all required setbacks from property lines, habitable residential use dwellings on neighboring/adjacent property, and any property located within a residential land use district and standard drawings of solar energy system components.
- (l) Additional Submission Requirements. In addition to requirements for information to be provided during the site plan review and development permitting process, the facility shall not be approved for permitting until the following are submitted:
1. Copy of all lease agreements and solar access easements.
 2. Where interconnection to an electric utility grid is proposed, the applicant shall submit evidence that the electrical utility provider has been informed of the customer's intent to install an interconnected with the local electric utility grid. A copy of the approval from the local utility must be provided before the operation of an interconnected facility will be authorized.
 3. A decommissioning plan for the anticipated service life of the facility or in the event that the facility is abandoned or has reached its life expectancy.
 4. The applicant must provide the County with a performance guarantee in the form of a bond, irrevocable letter of credit and agreement, or other financial security acceptable to the County in the amount of 125 percent of the estimated decommission cost minus the salvageable value, or \$50,000, whichever is greater. Estimates shall be determined by an engineer licensed to practice in the State of Georgia.
 5. The county may require other studies, reports, certifications, and/or approvals be submitted by the applicant to ensure compliance with this section.
- (m) A building permit shall be required for installation of all solar energy systems.
- (n) Removal of obsolete or unused systems. Any solar collection device or combination of devices that is not operated for a continuous period of 12 months and for which there are no applications pending for permitted use of the structure at the end of such 12 month period, shall be considered abandoned, whether or not the owner or operator intends to make use of the device(s). The owner of an abandoned solar collection device and the owner of the property where the abandoned solar collection device is located shall be under a duty to remove such device. If such device is not removed within a reasonable time, not to exceed three (3) months, after receipt of notice from the governing authority notifying the owner(s) of such abandonment, the governing authority may remove such device(s) and place a lien upon the property for the costs of removal. The governing authority may pursue

all legal remedies available to it to insure that abandoned device(s) are removed. Delay by the governing authority in taking action shall not in any way waive the governing authority's right to take action.

- (1) The site shall be restored to as natural condition as possible within six months of non-use.

Section 3.270.5 Permitted Use Chart, Table 4

**TABLE 4 (Add to this section)
PERMITTED USES BY DISTRICT**

Uses	Ag	R-1	R-2	R-3	R-4	R-87	RM11	MHP	CL	CG	I		PUD	PDD	CSD	TND
Solar Energy Facility, 200 acres or less	C									P	P					
Solar Energy Facility, more than 200 acres										P	P					
Solar Energy System, Building Mounted	A	A	A	A	A	A	A	A	A	A	A					
Solar Energy System, Ground Mounted	A									A	A					