

Zoning Ordinance

Of

Stewart County

with assistance

of

River Valley Regional Commission

Date

TABLE OF CONTENTS

Section 1. Title and Objectives	1
Section 2. Legislative Authority	1
Section 3. Method of Regulation	1
Section 4. Jurisdiction	1
Section 5. Word Usage and Definitions	1
5.2 Definitions	2
Section 6. Establishment of Districts	12
6.1 District Designations	12
6.2 Official Zoning Map	12
6.3 Interpretation of Zoning Boundaries	12
6.4 Conformity	13
Section 7. Purpose and Intent of Zoning Districts	13
A-1 General Agricultural and Forestry District	13
R-1 Residential District	13
C-1 Commercial District	13
I-1 Industrial District	14
CORD Commercial Outdoor Recreation Development District	14
MHU-1 Manufactured Housing Unit District-Parks	14
PUD Planned Unit Development District	14
PUB Public Lands District	14
Section 8. District Regulations	14
8.1 Uses Allowed in all Districts	14
8.2 Conditional Uses Allowed in all Districts with Review	14
8.3 Specific Districts Regulations	15
Zoning District Regulations	15
8.4 Detailed Regulations for MHU-1 Park	16
8.5 Detailed Regulations for PUD Planned	18
8.5.1 Permitted Uses	18
8.5.2 Preliminary Development Plan	18
8.5.3 Final Development Plan	20
8.5.4 Final Development Plan Review	20
8.5.5 Amending Final Development Plan	20
8.5.6 Detailed Regulations for CORD Commercial Outdoor	20
Recreation Development	2
8.5.7 Detailed Regulations for PUB Public Lands District	2
8.6 Detailed Regulations for Wireless Communications	21
Section 9. Allowed Uses in Zoning Districts	22
Section 10. Determination of Unclassified Uses	28
Section 11. Non-Conforming Use	28

Section 12. Existing Lots of Record	29
Section 13. Supplementary District Regulations	29
13.1 Corner Visibility	29
13.2 Public Street Frontage	29
13.3 Accessory Buildings	29
13.4 Automobile Wrecking, Junkyards, Body Shops and Motor Vehicle Garage	30
13.4.1 Location of Automobile and Junkyards	30
13.4.2 Screening	30
13.4.3 Storage of Materials or Vehicles	30
13.5 Cemetery	30
13.5.1 Location	30
13.6 Customary Home Occupations	30
13.7 Manufactured Housing Unity Compatibility	31
13.8 Swimming Pools	31
13.9 Gasoline Service Stations	32
13.10 Storage of Certain Vehicles and Equipment	32
13.11 Airports	32
13.12 Inert Landfill	32
Section 14. Exceptions and Modifications	32
14.1 Front Yard	32
14.2 Height Limits	33
14.3 Temporary Uses	33
Section 15. Administration	33
15.1 Enforcing Officer	33
15.2 Building Permit Required	33
15.3 Approval of Plans and Issuance of Building Permit	33
15.4 Expiration of Building Permit	34
15.5 Certificate of Occupancy Required for Habitable Buildings	34
15.6 Penalties for Violation of Zoning Ordinance	34
15.7 Remedies	35
Section 16. Variances	35
Section 17. Amendments and Alterations	35
17.1 Initiation of Amendments	36
17.2 Public Notification	37
17.3 Public Hearing Procedures	37
17.4 Planning Commission Public Hearing and Action	38
17.5 Board of Commissioners Public Hearing and Action	38
17.6 Zoning Standards	39
Section 18. Alteration of Zoning Conditions	39
18.1 Minor Alterations Approval	39
18.2 Amendments of Zoning Ordinance	39
Section 19. Fees	40
Section 20. Legal Status	40
20.1 Interpretation	40
20.2 Saving Clause	40
20.3 Repeal of Conflicting Ordinances	40
20.4 Effective Date	40

Section 1 Title and Objectives

This Ordinance shall be known as the "Zoning Ordinance of Stewart County, Georgia," for the purpose of setting forth standards and permissible uses designed to conserve and protect the natural, economic and scenic resources of Stewart County; to secure safety from fire, panic and other dangers; to promote health, aesthetics, convenience, order, prosperity and general welfare; to provide adequate light and air; to prevent the over crowding of land; to promote desirable living conditions and stability of neighborhoods; to facilitate the adequate provision of transportation, water, public and private sewerage, schools, parks and other public requirements by regulating the uses of the land. This Ordinance shall be known and may be cited as the "Zoning Ordinance of Stewart County, Georgia."

Section 2 Legislative Authority

Whereas, counties of the State of Georgia are authorized by the 1983 Georgia State Constitution, Article 9, Section 2, Paragraph 4, and Chapter 66 of Title 36 of the Official Code of Georgia Annotated, to exercise the powers of planning and zoning; and whereas it has been determined by the Board of Commissioners of Stewart County, Georgia that it is necessary and desirable to adopt zoning regulations under the authority of the above cited Constitutional and statutory provisions.

Section 3 Method of Regulations

Now therefore be it resolved that the Board of Commissioners of Stewart County, Georgia, as authorized by the Constitution of the State of Georgia, has created a planning commission known as the Stewart County Planning Commission and does hereby adopt zoning regulations for the following purposes: to define certain words used therein; to create zone boundaries; to regulate the location of trades, professions, businesses, and industries; to regulate the density in distribution of population; to provide for the gradual elimination of nonconforming uses of land, buildings and structures; to define and limit the powers and duties of the planning commission; to provide for the method of administration, amendment and enforcement; to provide for the imposition of penalties for violations; repeal conflicting ordinances and resolutions; and for other purposes.

Section 4 Jurisdiction

This ordinance shall govern the use of all land and development therein and within the unincorporated limits of Stewart County, Georgia and within the limits of any inactive municipality in accordance with 36-70-2 of the Official Code of Georgia Annotated.

Section 5 Word Usage and Definitions

5.1 Word Usage

In the interpretation of this ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The word "person" includes individuals, firms, corporations, associations, trusts, and other similar entities.
- F. The word "county" shall mean Stewart County, Georgia.
- G. The words "governing body" refer to the Board of Commissioners of Stewart County.
- H. The words "planning commission" refer to the Stewart County Planning Commission.

5.2 Definitions

When used in this ordinance, the following terms shall have the meanings herein ascribed to them in this Section. Terms not herein defined shall have their customary dictionary definitions where not inconsistent with the context.

Accessory Building or Use. A subordinate building or use customarily incidental to and located on the same lot with the main building or use, such as a garage, workshop and the like. An accessory use shall not include any used injurious or offensive to the neighborhood.

Agriculture or Agricultural. The bona fide use of a parcel of land for the cultivation of land, raising of poultry or livestock or similar agrarian activity (to include tree farms) for gain or profit and the related buildings, structures, and appurtenances necessary to carry out the aforementioned activities.

Airfield. Any area of land or water utilized for the landing and taking off of aircraft.

Airport. Any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the public interest for such purposes. An airport shall include all runways, terminal buildings, hangers, and related facilities located on the airport premises.

Alley. A private or public thoroughfare which affords only a secondary means of access to a building or property and not intended for general traffic circulation.

Apartment Building. A multi-family dwelling located on a parcel of land under a single ownership designed for use by four or more housekeeping units living independently of each other and doing their own cooking on the premises.

Aquifer. Any stratum (rock layer) or zone of rock beneath the surface of the earth capable of containing or producing water from a dug well.

Automobile Sales Lot. An open premise arranged, designed, or used for storage and display for sale of any motor vehicle or any type of trailer.

Bed and Breakfast. A dwelling unit in which room(s) or lodging unit (or units) and "continental" breakfast service only is provided to guest clients, for lengths of stay ranging from one night to seasonal, by owner of the principal structure.

Boarding House. A dwelling in which lodging and meals are furnished for consideration for four or more but not exceeding nine guests. Such dwelling shall contain no more than five guest rooms.

Building. Any structure, either temporary or permanent, above or below ground, having a roof or other covering and designed, built, or used as a shelter or enclosure for persons, animals, or property of any kind including tents or awnings used for purposes of a building.

Building Line. A line beyond which the foundation wall and/or any roofed porch, vestibule or other such portion of a building shall not project.

Building Principal. A building in which is conducted the principal use of the lot on which the structure is situated.

Buffer. A buffer is a strip of land which separates two (2) or more zoning districts by the use of shrubs and trees which will form an opaque barrier of a prescribed width and be at least six (6) feet in height within three (3) years of planting.

Care Home. A rest home, nursing home, convalescent home, home for the aged or similar use established and operated on a profit or non-profit basis to provide lodging and/or meals and/or care for the aged, infirm, chronically ill or convalescent persons. The term "care home" shall include the term "extended care facility" as defined by Georgia Law.

Caretaker or Employee Residence. An accessory residence (including mobile homes) placed on an occupied tract for use by a bona fide caretaker, employee or the owner himself.

Church, Club or Lodge. Building in which organized religious, fraternal, social or educational meetings are conducted on a regular non-profit basis. Fraternal organizations must show that they have received recognition and sanction from a parent group or organization. A private club must show that its membership is limited by either: a) the use and operation of an amateur athletic facility including but not limited to golf courses, tennis courts, shooting ranges and/or swimming pools; or b) residency in a particular subdivision, condominium, apartment project or other residential development.

Commercial Outdoor Recreation Development (CORD). A development that is a commercial enterprise that encompasses active and/or passive outdoor recreational activities. A CORD district may be located in any zoning district with prior approval by the Stewart County Board of Commissioners.

Comprehensive Plan. A composite of the joint Stewart County/Cities of Lumpkin and Richland Comprehensive Plan, all accompanying maps, charts explanatory materials, together with all amendments thereto, adopted by the Stewart County Planning Committee and the Stewart County Board of Commissioners, as well as each municipal government.

Commercial Swine Feeding Operation. A lot or facility and/or any related lagoon or spray field where swine in excess of 3,000 head have been, are or will be stabled or confined or fed or maintained for a total of 45 days in any 12-month period, and the confinement areas do not sustain crops, vegetation, forage growth, or post harvest residues in the normal growing season.

Concentrated Animal Feeding Operation. A lot or building or combination of contiguous lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area where manure may accumulate, or where the concentration of animals is such that vegetation cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered animal feedlots, but pastures shall not be considered animal feedlots. See additional regulations on page 16.

Conditional Use. Is a use which is not automatically permitted inherently but which may be permitted within a zoning district subject to meeting specific conditions contained in this regulation or required by the Stewart County Board of Commissioners. Public Notification procedures described in Section 17.2 shall be followed for all conditional use permits.

Condominium. A building or complex of multiple-unit dwellings in which a tenant holds full title to his unit and joint ownership in common grounds.

Day Care Center. An establishment which provides care and education for six or more children from infancy, opened for the major portion of the day or night and in which meals are served.

District. Any section or sections of the county for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform.

Drive-In. A retail or service enterprise wherein service is provided to the consumer on the outside and/or inside of the principal building. The term "drive-in" includes drive-in restaurants and dairy bars, theaters, banks, laundries, food stores and/or car washes.

Dwelling Unit. A building or portion thereof arranged or designed for occupancy by not more than one family for living purposes and having cooking, sleeping and sanitary facilities.

Dwelling, Attached. Three (3) or more adjoining dwelling units, each of which is separated from the others by one (1) or more unpierced walls from ground to roof; also referred to as a townhouse.

Dwelling, Multi-Family. A dwelling unit contained in a building composed of three (3) or more dwelling units. Also referred to as an apartment.

Dwelling, Semi-Detached. Two (2) dwelling units, each of which is attached side to side, each one (1) sharing only one (1) common wall with the other; also referred to as duplex when placed on a single lot or a townhouse when each is on a lot.

Dwelling, Single Family Detached. A dwelling designed for and occupied by not more than one (1) family and having no roof, wall, or floor in common with any other dwelling unit.

Easement. A grant to a person or to the public by a property owner of a strip of his/her land for road right-of-way or other specified purposes.

Equestrian Center. A tract of land of twenty-five (25) acres or more on which more than four adult horses are kept for the purpose of training, boarding, sale or breeding or where instruction pertaining to the same is given for a fee. For the purposes of this ordinance this term also included facilities for riding trails and rings, shows, competitive equestrian events and riding lessons.

Family. One (1) or more persons permanently occupying a single dwelling unit provided that unless all members are related by blood, marriage, or adoption, and including foster children (as that term is defined under Georgia Law) no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises or in an accessory building.

Farm. A parcel on which bona fide agricultural and related uses are conducted as specified in "agricultural".

Flea Market. A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which or intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, hand-crafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Floating Zone. A zoning technique under which the county adopts a zoning district in the text of the zoning ordinance but is not placed on the official zoning map. The county reserves the mapping decision until a developer makes an application to have the floating zone applied to his property. Each floating zone will have density and site development standards.

Floodplain. Floodplains may be either riverine or inland depressional areas. Riverine floodplains are those areas contiguous with a lake, stream or streambed whose elevation is greater than the normal flowing water or waterpool elevation but equal to or lower than the projected 100-year (one (1) percent annual probability) flood elevation. Inland depressional floodplains are floodplains not associated with a stream system but which are low points to which surrounding lands drain.

Garage, Repair. Building and premises designed or used for the purpose of service and/or major commercial repair of motor vehicles provided that the body work and painting shall be conducted within fully enclosed buildings and provided further that the storage of junk, wrecked vehicles, dismantled parts or supplies shall not be visible beyond the premises.

Garage Sale (includes yard sale; rummage sale). The sale or offering for sale to the general public of over five items of personal property on any portion of a lot in a residential zoning district, whether within or outside any building. Sales of programs and food and beverage items at school athletic events shall not be deemed to constitute a garage sale.

Groundwater Recharge Area. The land area where the water that eventually seeps down into an aquifer first enters the ground as mapped on the Most Significant Groundwater Recharge Area of Georgia and the Georgia Pollution Susceptibility Map.

Group Home. A dwelling unit which is used to provide assisted community living for persons with physical, mental, emotional, familiar or social difficulties. A group home must comply with all state and federal regulations applying to such facilities.

Governmental Landfills and/or Waste Disposal Facilities. Any landfill or other type waste disposal facility to include, but not be limited to, an incinerator, which is owned or operated by any county, municipality, or other governmental agency, entity or authority not located within the corporate limits of Stewart County, Georgia.

Hazardous waste. Any waste product which has been defined as a hazardous waste in regulations, promulgated by the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3.

Hazardous Waste Disposal Facility. All structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste, including all operations or storage areas, diked overflow, or emergency spillway areas. A hazardous waste disposal facility may consist of several treatment, storage, or disposal operational units; it includes all areas where hazardous waste may be received, stored, handled, or processed.

Home Occupation. An occupation or profession conducted entirely within a dwelling and which is carried on by an occupant thereof and no more than three nonresidents, and which is clearly incidental and secondary to the use of the dwelling for residential dwelling purposes. There is no access by the public. A Home Occupation is designed to be less restrictive than a Home Office but more restrictive than a Residential Business in regard to access by the public, size, visibility, number of employees and types of business.

Home Office. An office use conducted entirely within a dwelling which is carried on by the occupant thereof and no other individual, and which is clearly incidental and secondary to the use of the dwelling for residential dwelling purposes. The office may be for the purpose of service or trade workers who customarily work at various locations, such as electricians, plumbers, appraisers, real estate salespersons or individuals who work at home, such as writers or computer programmers. There will be no changes which would alter the character of the dwelling or reveal from the exterior that the dwelling is being used in part for other than residential purposes. Home Office shall not include any business which involves the sale, manufacture or repair of merchandise on the premises. Home Offices shall also include any business requiring access by the public including but not limited to customers, clients or vendors. No outside storage or display including signs is permitted and no one other than family members who reside on the premises may be employed in the office.

Hospitals. Any institution receiving in-patients and rendering medical care including those wherein mentally retarded, mentally disturbed, epileptic, alcoholic, drug addicted, chronically ill and physically handicapped patients are treated or cared for.

Hotel. Any building containing principally sleeping rooms in which transient guest are lodged with or without meals, with no provision made for cooking in any individual room or suite. For structural and safety purposes, such buildings must conform to state laws regulating hotels.

Industrialized Building. 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, and bearing the approved insignia of the Commissioner of Community Affairs, Georgia Department of Community Affairs.

Industrial Park. A tract of land subdivided and developed according to a Comprehensive Development Plan in a manner that provides a park-like setting for industrial establishments.

Junkyard. The use of any space whether inside or outside a building for the storage, keeping, salvage and/or sale of junk, scrap metals or other scrap materials including dismantling, demolition or abandonment of one or more automobiles or other vehicles or machinery or parts thereof.

Kennel, Commercial. Any place in or at which more than four adult dogs (or cats) are kept for the purpose of sale, boarding, care, breeding or training and for which any fee is charged.

Laboratory. An establishment or premises where scientific services are provided including testing or analysis of medical, chemical, physical, mechanical, electric or electronic nature or the calibration of instruments.

Land Application Waste Disposal Facilities. Any facility at which pollutants are applied to the surface or beneath the surface of a parcel of land and which creates the opportunity for such pollutants to percolate, infiltrate, or be absorbed into soil and/or into the waters of Stewart County, Georgia.

Lot. A portion of a subdivision or any other parcel of land intended as a unit for transfer or ownership or lease to, or separate use of, another, or for development. The word "lot" includes, but is not limited to, the words "plot" or "parcel".

Lot Area. The horizontal area contained within the boundary lines of a lot.

Lot, Corner. A lot abutting two or more streets at their intersection.

Lot Depth. The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

Lot, Double Frontage. A lot, other than a corner lot, which has frontage on more than one street.

Lot Frontage. Lot width measured at the street lot line(s), being the length of the property line of any one premise along each legally accessible public right-of-way it borders.

Lot Line. A line bounding a lot which divides one lot from another or from a Street or any other public or private space.

Lot Line, Front. That lot line along which the lot takes primary access to a street.

Lot Line, Rear. That lot line which is parallel to and most distant from the front lot line of a lot or, in the case of an irregular lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front lot line.

Lot Line, Side. Any lot lines other than a front or rear lot line.

Lot of Record. Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances and regulations.

Lot Width. The mean horizontal distance between the side lot lines measured parallel to the front and rear lot lines at the building line. In the case of only one side lot line, lot width shall be measured between such lot line and the opposite lot line or future right-of-way line.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems contained therein. Manufactured Homes are constructed to the Federal Manufacture Home Construction Housing Construction and Safety Standards Act of 1974, as amended, 42 USC 5401, et seq.

Mobile Home. A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is 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 and manufactured prior to June 15, 1976.

Modular Home. A factor fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with regulations of the Southern Building Code Congress International, the Georgia Industrial Building Act, or the National Manufactured Housing Construction and Safety Standards Act, as amended.

Motel. A building or group of buildings containing guest rooms and having a separate outside entrances for each guest room. To be used primarily for automobile transients and including such terms as "auto court" and "motor lodge" but not "boarding house" as defined in this section.

Nonconforming Use. Any building, structure or use of land which lawfully exists at the time of adoption of this resolution and which does not conform to the regulations of the zoning district in which it is located.

Occupy. To use land or buildings for any length or time for a purpose for which the land or a building or part thereof is used or is intended to be used. Any variation of the term "occupy" shall be encompassed by this definition.

Park, Community. A parcel of land owned by a unit of government or a private organization used or intended to be used for recreational or leisure time activities. Such parks may include food and/or recreational sales and accessory uses.

Planned Unit Development (PUD). A large, unified development of ten acres or more adhering to a comprehensive development plan and located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way, whose approval would serve to implement the plans of Stewart County (see Section 8.5 Planned Unit Development for other requirements).

Plat. A sketch, map or survey of a lot, tract or parcel of land including lot lines, street rights-of-way and easements with the dimensions of these features inscribed thereon.

Plat Development. A preliminary design which shows the proposed layout of a subdivision in sufficient detail to indicate its workability and conformation to the design requirements of the subdivision regulations in all aspects but is not final in form for recording and the details are not completely computed. The development plat shall be approved by the planning commission prior to any development.

Plat, Final. A finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary. The streets shown on the plat shall be approved by the planning commission and the Stewart County Board of Commissioners prior to recording.

Pollution Susceptibility. The relative vulnerability of groundwater to pollution from chemical spills, leaching of pollutants from dump sites, animal waste from agricultural operations or pollution generated by other human activities.

Pollution Susceptibility Map(s). Maps prepared by the Georgia Department of Natural Resources (DNR) that show the relative susceptibility of groundwater to pollution. Pollution susceptibility maps categorize the land areas of the State into areas of high, medium and low groundwater pollution potential.

Public Utility or Utilities. A service or services provided by a public utility company or a private entity which provides such service or services, and all equipment and structures necessary to provide such services.

Public Way. A street or road which has been dedicated for public use by deed, plat and/or prescription.

Residence. A building containing only dwelling units and which meets all the applicable requirements of the Standard Building Code for conventional construction. The term "residence" or any combination thereof shall not be deemed to include hotel, boarding house, rooming house, motel or other accommodations used for transient occupancy and shall not for the purpose of this ordinance include mobile home, manufactured home or modular home.

Restaurant. An establishment however designated at which food is sold for consumption on the premises. However, a snack bar or refreshment stand at a public or non-profit community swimming pool, playground, park, or marina operated solely for the convenience of patrons of the facility shall not be deemed a restaurant.

Residential Business. An occupation or profession conducted within a dwelling, and which is carried on by an occupant thereof and no more than five nonresidents, and which is clearly incidental and secondary to the use of the dwelling for residential dwelling purposes. The business may require access by the public. The Residential Business is designed to be less restrictive than a Home Office or Home Occupation but more restrictive than a Rural Business in regard to access by the public, size visibility, number of employees and types of business.

Right-of-Way. Access over or across particularly described property for a specific purpose or purposes.

Right-of-Way Line. The outside boundary of a right-of-way, whether such right-of-way is established by usage, recorded easement, deed, dedication or by the official right-of-way map of Stewart County.

Road. See definition of "Street - Highway - Road".

Rural Business. An occupation or profession conducted within a dwelling, an accessory structure or outside and which are carried on by a resident of that property and which is clearly incidental and secondary to the use of the property for residential dwelling purposes. The rural business is designed to be less restrictive than the Home Office, Home Occupation or Residential Business in regard to access by the public, size, visibility, number of employees and types of business.

Setback. The minimum horizontal distance between the center line, rear or sidelines of the lot and the front, rear or side lines of the building. The term "required setback" means a line beyond

which a building is not permitted to extend under the provisions of this resolution establishing minimum depth and widths of yard.

Sewage Sludge (Biosolids) Land Application and Disposal Facilities. Any tract of land or facility at which solid, semisolid, or liquid residue generated during the treatment of domestic sewage, industrial wastewater or a combination of domestic sewage and industrial wastewater is sprayed, deposited, spread, injected or applied upon or beneath the land's surface, or otherwise applied to land. Sewage Sludge includes, but is not limited to, scum or solids removed in primary, secondary or advanced wastewater treated processes conducted by any governmental or private wastewater treatment facility.

Shopping Center. A group of commercial establishments planned, developed and owned or managed as a unit with on-site parking and of similar architectural characteristics.

Significant Groundwater Recharge Areas. Areas mapped by DNR in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology (chemical nature and form of the rock), soil type and thickness, slope, density of lithologic contacts, geologic structure, presence of "karst" topography (sinkholes, caves and fissures associated with limestone and other carbonate rocks), and potentiometric surfaces.

Slow Rate Land Treatment System. A system for wastewater treatment by spray irrigation (land application). The term refers to the advanced treatment of wastewater by irrigation onto support vegetative growth. When properly sited, designed and operated as defined by state and local regulations, there is no direct discharge to surfaced waters. The irrigated wastewater evaporates and transpires to the atmosphere or enters the groundwater through percolation. Organic constituents in the wastewater are stabilized by soil bacteria, lost to the atmosphere through denitrification, and leached into the groundwater. Phosphorus and other constituents are absorbed in the soil profile and taken up by plants. Properly sited, designed and operated irrigation systems produce a percolate water of high quality and thus protect ground and surface water resources. For purposes of this ordinance, the use may include ponds (lagoons) for the temporary storage of the treated wastewater before application to the spray fields. The treated wastewater stored in the lagoons must have been treated to a level that could be sprayed without further treatment. These ponds shall have liners to prevent seepage. This land use is permitted only with the approval of the Stewart County Board of Commissioners after a recommendation by the planning commission.

Solar Panel Field. An area or parcel of land containing one or more solar panels used to produce electricity commercially for the purpose of resale.

Steep Slopes. All land that has a slope of 20% or greater for at least 500 feet apart as shown on a United States Geologic Survey (USGS) Quadrangle Map.

Street. A public or dedicated throughfare or a private right-of-way or easement shown on a recorded plat and which has been approved by the planning commission.

Street, Connector. A street supplementary to the major state and U.S. highway systems running throughout the country and primarily a means of interconnectivity between this system and smaller areas.

Street, Cul-de-sac. A short street designed to have one end permanently closed. The closed end terminated by a vehicular turnaround.

Street, Dead-end. A street having no outlet at one end.

Street, Centerline. That line surveyed and monumented or accepted by Stewart County as the centerline of the street; or in the event no centerline has been so determined, that line running

midway between and generally parallel to the direction of the outside right-of-way lines of the street.

Structure. Anything constructed or erected that requires location on the ground or attached to something having a location on the ground, to include, among other things, buildings, towers, monuments, statues; but not to include telephone and other utilities poles, overhead wires, retaining walls and terrace walls, wire fences.

Subdivision. A described tract of land which is divided into two or more lots or parcels for the purpose, whether immediate or future, of transfer or ownership or building development. The term subdivision includes resubdivision and relates to the process of subdividing or to the land subdivided, provided however, that the following shall not be considered a subdivision and shall be exempt from the requirements of this ordinance:

- a. The combination of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of Stewart County;
- b. The division of land into parcels of five (5) acres or more where no new street is involved or no new improvements are required or new sanitary sewer or approval of a septic tank is required.
- c. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
- d. The conveyance of parcels of land or interest therein for the use of right-of-way for railroads or other public utility facilities which does not involve any new streets or easements of access.

Townhouse. Residential structures containing three or more attached single-family units designed as a single structure having common or party walls. Each unit shall have its own front door which opens to the outdoors and the units shall have two floors but without access between adjoining units.

Travel Trailer. A vehicular portable structure not over eight feet by thirty-five feet and designed as a temporary dwelling for travel, recreational and vacation uses which may or may not have kitchen equipment, toilet, lavatory and bathing facilities, but if such facilities are included, a sewage holding tank for sanitary waste is required.

Travel Trailer Park. A parcel of land which has been planned and developed to accommodate two or more travel trailers, tents or other camping units for temporary occupancy.

Use. The specific purpose for which land or building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "allowed use" or its equivalent shall not be deemed to include any nonconforming use.

Use, Principal. The primary purpose for which a lot or building is designed, arranged, intended, occupied or maintained.

Use, Temporary. Any use established, for a fixed period of time, without construction or alteration of a permanent structure, with the intent to discontinue such use upon expiration of such time.

Variance. A modification of the strict terms of zoning regulation granted by the Stewart County Planning Commission where such modification will not be contrary to the public interest, and where, owing to conditions unique to the individual property on which the variance is sought and not as a result of any action on the part of the property owner, a literal enforcement of this resolution would result in unnecessary and undue hardship provided, however, that no variance shall be granted which shall authorize a land use not otherwise permitted in a particular district.

Vehicle. Any device or contrivance for carrying or conveying persons or objects, said device being designed to be self-propelled by its own motor or power.

Water System, Community. A potable water supply and treatment system other than an individual public water system serving more than one building, residence or other facility designed or used for human occupancy or congregation. The system is one which is owned by a person or legal unit other than a unit of government.

Water System, Individual. A potable water system other than a community or public water system serving a single building, residence or other facility designed or used for human occupancy or congregation.

Water System, Public. A potable water supply and treatment system other than individual or community water systems owned by a unit of government.

Wetland. An area of one acre or more where standing water is retained for a portion of the year and unique vegetation has adapted to the area; as mapped by the U.S. Fish and Wildlife Service.

Wireless Communications. Wireless communications shall mean any personal wireless service as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless communications services (PCS), enhanced specialized mobile radio (ESMR), private mobile radio (PRMR) paging, and similar services that currently exist or that may in the future be developed.

Wireless Communication Tower. A structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures. Tower structures shall be designed to accommodate a minimum of three (3) antenna arrays. See section 8.6 for requirements.

Yard. A required open space on the same lot with a principal building, and which is unoccupied, and unobstructed by buildings or structures from the ground to the sky, except where encroachments and accessory buildings are expressly permitted.

Yard, Front. The full width of the lot between the center-line or roadway and the front building line.

Yard, Rear. The full width of the lot between the rear line of the lot and the rear building line.

Yard, Side. The space between the building and the side line of the lot exclusive of front and rear yard.

Zoning Condition. Any stipulation made by the county commission as a zoning decision affecting property which imposes a requirement on the use or development of property which is different from the use or development regulations set forth in the zoning district to which the property is being rezoned. By way of example, but not as a limitation, such zoning conditions may relate to the use, density, construction materials, architectural style and design, location of structures and buffer area.

Zoning Decision. Final action by the Stewart County Board of Commissioners which result in

- a. the adoption of a zoning ordinance;
- b. the adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;
- c. the adoption of an amendment to the zoning ordinance which rezones property from one zoning district to another; or
- d. the approval of a conditional use.

Zoning Official. The official or other designated authority charged by the Stewart County Board of Commissioners with administration and enforcement of this resolution or his duly appointed representative.

Section 6 Establishment of Districts

6.1 District Designations

Stewart County is hereby divided into zoning districts of such number and character as are necessary to achieve compatibility of uses within each district, to implement The Comprehensive Plan for Stewart County and the Cities of Lumpkin and Richland, and to serve the intents and purposes which are detailed in Section 1.

For the purposes of this ordinance, the county is hereby divided into districts as follows:

Agricultural	
A-1	General Agricultural and Forestry District
Residential	
R-1	Residential District
Commercial	
C-1	Commercial District
Industrial;	
I-1	Industrial District
{Floating}	
{CORD}	{Commercial Outdoor Recreation District}
{MHU-1}	{Manufactured Housing Unit District-Parks}
{PUD}	{Planned Unit Development}
{PUB}	{Public Lands District}

6.2 Official Zoning Map

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the maps entitled "Zoning Map of Stewart County, Georgia." Said map shall also be identified by the signature of the clerk of the board of commissioners and the date of adoption of this ordinance. The zoning maps and all explanatory matters thereon are hereby adopted and made a part of this ordinance.

Changes made in district boundaries of other matters portrayed on the zoning maps shall be entered on said maps promptly after such change has been approved by the governing authority together with a numerical entry on the official zoning map referring to the application and other records on file which state the date of the official action and description of the nature of the changes. No amendment to this ordinance which involves matters portrayed on the zoning maps shall become effective until such change and entry has been made on said maps.

Zoning maps shall be kept and maintained by the zoning official/building inspector and shall be available for inspection and examination by the public during posted business hours.

6.3 Interpretation of Zoning Boundaries

Where uncertainty exists with respect to the boundaries of any of the districts shown on the official zoning map, the following rules shall apply:

1. Boundaries shown as following or approximately following streets, highways or alleys shall be construed to follow the centerlines of such streets, highways or alleys.

2. Boundaries shown as following or approximately following railroad lines shall be construed to follow the right-of-way of said railroad line.
3. Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to be said lot lines.
4. Boundaries indicated as following or approximately following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as following or approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
5. Boundaries indicated as following or approximately following the county line or the city limit line or land lot line shall be construed to be such boundaries.
6. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

When the application of the aforementioned rules leaves a reasonable doubt as to the boundaries between two (2) districts, the applicant may request and shall be granted a hearing by the planning commission who will then make a recommendation to the Stewart County Board of Commissioners, for the purpose of defining the boundaries.

6.4 Conformity

No building or land shall be used or occupied except in conformity with the provisions of this zoning ordinance herein specified for the district in which it is located from the date of the enactment of this ordinance. No owner of any lot located within this county shall subdivide said lot such that remaining lots would have an area less than that required under the applicable zoning district requirements. (See Section 11 non-conformity)

Section 7 Purposes and Intent of Zoning Districts

The following sections specify the purpose and intent of the zoning districts established by this ordinance. Uses specified in this section are examples only. Specific uses allowed in each district are defined in Section 9.

- A-1 General Agricultural and Forestry District.** The agricultural/forestry district is established to maintain those areas with land characteristics, such as soil moisture, temperature and content suitable for farming, forestry operations and other agricultural uses. Certain agricultural uses are referred to as a conditional use and are subject to approval by the Board of Commissioners.
- R-1 Residential District.** The residential district is established to preserve land areas for single dwelling unit structures and to promote residential areas with low densities. These areas are intended to be geographically defined and protected from the encroachment of uses not performing a function necessary to a residential environment. Certain nonresidential uses which are more compatible with residential uses may be permitted on review by the planning commission.
- C-1 Commercial District.** The commercial district is established to provide suitable areas for a broad range of retail, wholesale and service uses. General compatibility with abutting different uses is required, this may be achieved through buffering, and screening and/or development plan review. Development in these districts should be located on major thoroughfares, arterial streets or collector streets of the associated street network. The location and development of these commercial activities shall be encouraged so as to minimize traffic hazards and interference with adjacent uses.

I-1 Industrial District. The industrial district is established to provide areas for the development of industrial and assembly plants and their related activities. It is also the intent of this district that noise, odor, dust and glare associated with uses permitted in this district be confined as much as possible. It is also the intent of this district that traffic generated by uses permitted including raw materials, finished products and employees, be minimal but that transportation facilities and routes be easily accessible. Development in these districts should be served by sanitary sewer or have provision for on-site disposal.

No new I-1 Industrial Districts may be created which contains less than ten (10) acres.

CORD Commercial Outdoor Recreation Development District. This district is a floating zone. The CORD district is established to provide areas for commercial recreational facilities and activities. This does not include seasonal hunting rights between consenting parties. CORDS may be located in any district subject to approval by the Stewart County Board of Commissioners.

MHU-1 Manufactured Housing Unit District-Parks The Manufactured Housing Unit District-Parks is established to provide areas within the county for the placement of manufactured housing units in parks which are designed for the placement of manufactured housing units. The specific intent of this district is to require adequate space and facilities for healthful living conditions; to require all such districts to have access to a major arterial county road for easy accessibility; to insure suitable water and sewer facilities are provided according to health regulations and statutes of the State of Georgia and the county commission; and to encourage the development of manufactured home parks for long term residential use rather than transient travel trailer use.

PUD Planned Unit Development District. Planned Unit Development District is a method of development which permits a tract of land to be developed as one lot, rather than separate lots. The technique is used to encourage coordinated development; to permit higher densities in conjunction with functional open space; to promote efficient use of existing natural landscape features and to be developed in compliance with an approved development plan.

PUB Public Lands District. Public Lands District is for areas owned by local, state and/or the federal government. The lands and their facilities are designated for use and enjoyment by the general public. Development around these areas should be consistent with their existing use.

Section 8 District Regulations

Within the Zoning Districts established there are uses permitted, density limitations imposed, and special requirements set forth. This section establishes those uses permitted, uses prohibited, required lot area, density limitations, setbacks, height limitations and sets forth certain special regulations in order to achieve compatibility and to implement the Stewart County Comprehensive Plan.

8.1 Uses Allowed In All Districts

There shall be permitted in all districts the following uses:

- A. Public Utilities (but not including power and gas substations and pumping stations).
- B. Accessory Buildings and Uses.

8.2 Conditional Uses Allowed In All Districts With Review

There shall be permitted in all districts the following conditional uses only after site plan review by the planning commission and approval by the Stewart County Board of Commissioners. Site plan review includes the submission of an overall development scheme stating the development intentions of the landowner, including but not limited to the following: a statement of location and intensity of proposed use(s) and activity (ies), a physical description of proposed facilities accommodating such uses, and a general location of public utilities.

- A. Public Buildings of a governmental nature, including libraries.
- B. Public Utilities, not otherwise specified, including power and gas substations, telecommunication systems and pumping stations.
- C. Customary Home Occupations/Offices.
- D. Semi-public buildings and uses, including private schools and churches.
- E. Public and Private School Buildings and Associated Uses, Vocational Schools, Research and Training facilities.
- F. Public Recreational Facilities, including parks, playgrounds, stadiums, etc.
- G. General Hospitals, including Nursing Homes, group Homes, and Personal Care Homes.
- H. Day Care Centers, Nurseries and Kindergartens.

8.3 Specific District Regulations

The following pages contain specific regulations for each district including uses permitted, uses prohibited, required lot area, density limitations, setbacks, and height limitations. All lands, buildings and structures shall be developed in accordance with the zoning district regulations and use regulations applicable to the zoning district in which such land, buildings, and structures are located. Any development of land not in accordance with that permitted under these ordinances shall be prohibited.

Zoning District Regulation

			Area	Require ments					
	Minimum Lot Size	Minimum Lot Area Per Family	Minimum Lot Width (ft)	Front Yard Setback (ft)	Rear Yard Setback (ft)	Side Yard Setback (ft)	Street side Yard Setback	Max. Building Area (%)	Max. Building Height
Zoning District									
A-1 Residential, with agricultural uses	217,800 5 acres	217,800	150	75	50***** *	20***** *	25	25%	120
A-1, Residential Only	43,560 1 acre	43,560	100	50	25	10	20	25%	35
R-1, with public water	21,780 ½ acre	21,780	75	50	15	10	20	25%	35
R-1, without public water	43,560	43,560	75	50	25	10	20	25%	35
C-1	43,560	N/A	100	20	20*	**	20	50%	35
I-1*****	435,600	N/A	100	85	75****	40*****	75	50%	35
MHU-1 See Section 8.4									

*A rear yard setback of 20 feet shall be required when a rear yard abuts a residential district, and 20 feet of the setback shall be planted with a buffer strip of shrubs and trees to provide an aesthetic appearance.

** A side yard setback of 25 feet shall be required where a side yard abuts a residential district, and 20 feet of the setback shall be planted with a buffer strip of shrubs and trees to provide an aesthetic appearance.

*** When a rear yard abuts a residential district, 20 feet of the setback shall be planted with a buffer strip of shrubs and trees to provide an aesthetic appearance.

**** A side yard setback of 50 feet shall be required where a side yard abuts a residential district, and 20 feet of the setback shall be planted with a buffer strip of shrubs and trees to provide an aesthetic appearance.

***** A green belt of five (5) feet shall be required on three (3) sides of the property unless waived by the Stewart County Planning Commission.

***** A rear and side yard setback of 50 feet shall be required when a rear and/or side yard abuts an agricultural district. The setback area may be left in its natural state or shall be planted with a buffer strip of shrubs and trees in order to form an opaque barrier.

Additional zoning district regulations:

2000' green belt buffer zone surrounding any Commercial Feed Lot Operation.

Barns will require a 20' buffer strip.

8.4 Detailed Regulations for MHU-1 Park

Minimum Park Requirements:

Area: 3 acres and ten spaces available for immediate occupancy. 7,500 square feet of land area for each manufactured housing unit to be placed

Yards: Front - 50 feet; rear and side 25 feet.

Height: Maximum one story or 15 feet.

Open Space: 150 square feet of park and recreation area per mobile home space.

Space Width: 40 feet minimum.

Space Front Yard: 10 feet minimum.

Space Side Yard: 20 feet between manufactured housing units.

Space Rear Yard: 25 feet minimum.

Parking: 2 spaces for each manufactured housing unit.

Other Requirements:

1. Survey site plan required shall include the following: name and address of owner; vicinity map; with a minimum scale of 1" = 100'; north arrow; numbered lots; lot numbers; size of lots; street layout; trash container location(s); location of all utilities including sewage, unless originally approved with site plans, no accessory building or additions to manufactured housing units allowed.
1. Access roads within manufactured housing unit parks shall not be less than twenty (20) feet in width and shall be paved with a hard surface treatment.
2. There shall be established and maintained guest parking facilities at a ratio of one (1) space per three (3) manufactured housing unit spaces. If access roads are paved to a width of thirty-two (32) feet, guest off-street parking spaces shall not be required.
3. Each manufactured housing unit space shall be equipped with a pad ten (10) feet wide for a single-wide, twenty (20) feet wide for a double-wide by forty-five (45) feet long of six (6) inches of compacted gravel or other similar material.

4. Each manufactured housing unit space shall be furnished with connections to water, sewer or septic (tank), and electricity utilities; and all will be approved by the appropriate department/agency.
5. Manufactured housing units may not be used for nonresidential use within the manufactured housing unit park except for the manufactured housing unit park office.
6. Standards for manufactured housing unit shall also apply to the latest edition of the Council of American Building Officials (CABO) One and Two Family Dwellings (Code).
7. No owner of a manufactured housing park shall allow a manufactured housing unit to locate or relocate within the park without a location placement permit from the county inspector's office and proof of tax paid.
8. An approved trash container(s), to be compatible with Stewart County's sanitation service, shall be located within one hundred fifty (150) feet of any manufactured housing unit park and shall be screened by a solid opaque fence of adequate height to screen from view any material in the container. Such trash containers shall be provided by the manufactured housing unit park owner/operator.
9. All owners/operators of said manufactured housing park shall be responsible for the upkeep of all drives (access roads) within the confines of said park; and the grounds shall be clear of all litter, trash, garbage, inoperable automobiles, trucks, etc. as well as maintaining grounds (cutting of grass, maintenance of other landscaping), and drainage to assure a clean, habitable and sanitary environment.
10. It shall be the responsibility of the owner/manager of said manufactured housing parks to not rent, lease, or otherwise convey the use of property within confined said manufactured housing park until proper permits have been issued by the Stewart County Building Official for said location. A registration shall be required to be kept on premises of all lots rented, leased, or otherwise conveyed to include date, name, address, phone, lot number, size and model.
11. An evergreen buffer strip of at least 25 feet in width and ten (10) feet in height shall be planted along the side and rear yards lines of the manufactured housing unit park.
12. Skirting: All manufactured housing units shall have suitable skirting between the base of the unit and the ground. This skirting shall be made of either concrete block, brick, wood, or other materials intended for such use. Openings in the skirting shall not be more than two (2) inches square.
13. Access doors: All units shall have a minimum of an 18" x 24" latchable access door and required crawl space venting.
14. Anchors: all units shall be provided with anchors as required by the latest published edition of the CABO One and Two Family Dwelling Code.
15. Inspection: Any unit not purchased directly from a factory or purchased new from a dealer must be inspected for condition before it is moved into the county. All units must meet the standards contained in the Southern Building Code. Once a unit passes inspection and required fees are paid, the county inspector shall issue a permit.
16. Travel Trailers. Manufactured housing unit space shall not be used for the accommodation of travel trailers or recreational vehicles under any circumstances.

17. Age of units. The manufactured housing unit to be placed must be certified under the U.S. Department of Housing and Urban Development and as applicable by the Georgia State Fire Marshal's Office and manufactured after June 15, 1976 prior to issuance of a permit.

8.5 Detailed Regulations for PUD Planned Unit Development District

The regulations established for this district are intended to provide optional methods of land development with provisions for residential, commercial, religious, educational and cultural facilities, which are integrated with the total project by unified architectural and open space treatment.

8.5.1 Allowed Uses

Single family attached and detached dwellings; duplexes; multi-family dwellings; condominiums and town houses; uses permitted in the C-1 district and CORD districts; educational uses; and other religious and cultural uses.

8.5.2 Preliminary Development Plan

A person applying for a zoning amendment to establish a PUD district shall submit a Preliminary Development Plan to the planning commission, consisting of:

1. A site plan showing:
 - a. The direction of north, appropriate scale and topography.
 - b. The location of subject property in relation to the entire county.
 - c. The use of the property adjacent to the site.
 - d. The proposed use of land and density of development for the site.
 - e. Proposed access to, and traffic circulation within, the site.
2. A proposed development schedule for the project.
3. The PUD shall be located in an area for which public facilities and services are available and adequate for the uses that are proposed; provided, however, that the applicant may provide such facilities which are not presently available, and written assurance of such provision shall be included as a part of the preliminary development which is submitted.
4. The planning commission and board of commissioners shall review and act on the proposed zoning request and any amendment to an approved Preliminary Development Plan in accordance with the zoning ordinance.

8.5.3 Final Development Plan

Prior to the removal of natural vegetation, restructuring of the land or construction of any improvements, an approved final development plan is required. A plan shall be submitted to the planning commission, which is consistent with the Preliminary Development Plan, and containing:

1. A site plan showing:
 - a. The direction of north, appropriate scale and existing and finished topography in not greater than five foot contour intervals.
 - b. The proposed location and height of all structures.
 - c. The use of all structures and land.
 - d. The location and use of structures adjacent to the site.
 - e. The location, area and number of parking spaces and maneuvering areas.

- f. The location and dimensions of streets, driveways, and walks on and off the site.
 - g. All service and loading area and spaces.
 - h. The location, size, number and character of all exterior signs and lighting.
 - i. The location, character and extent of existing vegetation landscaping, retaining and screen walls and other treatment for the protection of adjoining property.
 - j. The facilities for surface drainage of the premises.
 - k. Location and character of all public improvements including utilities.
2. A copy of any deed restrictions to be recorded.
 3. A comprehensive traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area, prepared by a registered engineer or professional planner.
 4. A development schedule indicating the appropriate date when construction of the planned development or stage thereof can be expected to begin and be completed.
 5. Any other information necessary to establish compliance with this and other ordinances of the availability of adequate utility capacity.
 6. A fire protection plan, approved by the Volunteer Fire Department servicing the area, indicating the location and size of all proposed fire mains, fire hydrants, and fire access lanes, as well as a description of all fire protection measures and devices for structures.
 7. The public improvements included in the final development plan shall be consistent with the Stewart County Subdivision Regulations. Compliance with said regulations shall be reviewed as part of the final development review process.
 8. The applicant shall provide for and/or establish an organization or other legal entity for the control and maintenance of any common open space designated on the final development plan. Such organization shall be created by covenants running with the land, and such covenants shall be included as a part of the final development plan(s) and subject to the approval of the Stewart County Board of Commissioners.
 9. Structures and open space shall be arranged in such a way as best to serve the needs of residents and commercial users of the planned development, and to minimize any adverse effects on the neighboring districts.
 10. Scenic assets and natural features, such as trees, streams, and topographic features, shall be protected and preserved to the greatest extent possible.
 11. Not more than 50% of the gross tract area shall be covered by buildings in the PUD.
 12. At least 50% of the area remaining after the development of the buildings, parking, right-of-way, and utility or drainage easements, shall be developed to serve the needs of the residents of the development; including but not limited to landscaping, patios, walks, play areas, recreation, and other uses consistent with the character of the PUD.
 13. Buffers and building setbacks shall recognize and honor existing adjacent land development. However, in no case shall a building be constructed closer than 15 feet from the PUD district boundary, nor closer than 50 feet from any public road right-of-way.

14. Adequate screening and separation between different land uses shall be provided by means of buffering or other acceptable methods.
15. Vehicular access to the PUD shall be from streets capable of supporting existing and projected traffic. No streets or roads within the PUD shall connect to the public street system in such a way as to encourage use of minor streets for through streets.
16. The PUD shall include provisions for safe and convenient pedestrian access and circulation.

8.5.4 Final Development Plan Review

1. Upon receipt of an applicant's Final Development Plan, the planning commission shall transmit a copy of the plan to the appropriate departments and agencies for their review, report and recommendation. Such officials and agencies shall each within thirty (30) days from receiving the plan and documentation, furnish to the planning commission a report pertinent to their respective jurisdiction and concerns.
2. The planning commission shall review the applicant's Final Development Plan and within ninety (90) days following the applicant's submission of the plan to the planning commission shall also prepare a written report stating clearly the reasons and justifications therefore, and identify what changes are necessary in order for the plan to be approved. Said written disapproval shall be transmitted to the applicant.

8.5.5 Amending Final Development Plan

1. The Final Development Plan may be amended by the planning commission, provided the procedure specified Section 8.5.4 for review and approval is followed.
2. Minor changes in the location, siting, or character of buildings and structures as shown on the Final Development Plan may be authorized by the Building Official. No change authorized by the Building Official under this section may increase the size of any building or structure by more than five (5) percent, nor change the location of any building or structure by more than ten (10) feet in any direction; provided, notwithstanding anything in the foregoing, the Building Official may not permit change beyond the minimum or maximum requirements set forth in this ordinance. All other changes in the Final Development Plan, including changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of a Final Development Plan.

8.5.6 Detailed Regulations for CORD Commercial Outdoor Recreation Development

1. A site plan for the total acreage must be submitted to the planning commission for review and approval to ensure consistency with the overall plans for the appropriate development of the county. Final approval of the plan rests with the governing authority.
2. Amendments to the site plan must be submitted to the planning commission for review and forwarded to the board of commissioners for final approval.
3. When a CORD abuts a public road, the minimum setback requirements shall be those of the most restrictive adjacent zoning district.
4. A green belt of 20 feet shall be required on 3 sides of the property.
5. Off-street parking as required in Section 11.3.

8.5.7 Detailed Regulations for PUB Public Lands District

1. A site plan for the total acreage must be submitted to the planning commission for review and approval to ensure consistency with the overall plans for the appropriate development of the county. Final approval of the plan rests with the governing authority.
2. Amendments to the site plan must be submitted to the planning commission for review and forwarded to the board of commissioners for final approval.
3. When a PUB abuts a public road, the minimum setback requirements shall be those of the most restrictive adjacent zoning district.
4. A green belt of 20 feet shall be required on 3 sides of the property.
5. Off-street parking as required in Section 11.3.

8.6 Detailed Regulations for Wireless Communications

A conditional use permit is needed for a wireless communication facility (WCF) in the following zones: A-1; C-1 and I-1. Wireless communication towers are not allowed in other zoning districts. A wireless communication facility may be approved only upon determination that the application and evidence presented clearly indicate that all of the following standards are met:

1. Application for a building permit for a WCF shall be made by the company or organization that will own and operate the WCF.
2. Antenna arrays for attached WCF's shall not add more than thirty (30) feet in height to an existing building or structure to which it is attached. Attached WCF's are prohibited on single-family residential structures.
3. Maximum height of tower shall not exceed 400 feet.
4. Lot size must conform to the minimum area requirements (including setback requirements) for the underlying zoning district. Accessory structures used in direct support of WCF shall be allowed. Accessory structures cannot be used for offices, vehicle storage or other outdoor storage not directly related to the operation of the WCF.
5. Co-location requirement. No new tower structure shall be permitted unless the applicant demonstrates to the Board of Commissioners that no existing support structure within the applicant's proposed service area can accommodate the applicant's proposed antenna. Tower structures equal to or greater than one hundred (100) feet in height shall have the ability to accommodate at least two (2) additional antennas unless they could cause the height of the tower structure to be increase.
6. All towers must meet or exceed current standards and regulations of the Federal Communication Commission (FCC) and the Federal Aviation Administration (FAA), and any other agency of the federal government with the authority to regulate towers and antennas. All towers must meet local codes.
7. Any WCF that is not operated for a continuous period of six (6) months shall be considered abandoned. The structure shall be removed at the owner's expensive.
8. Special conditions may be place on the conditional use permit for aesthetic purposes, landscaping and/or screening may be required.

Section 9 Allowed Uses in Zoning Districts

The following matrix indicates uses permitted in all districts (Y), uses prohibited (N), and conditional uses permitted after review by the planning commission and approved by the Stewart County Board of Commissioners (C).

Allowed Uses in Zoning Districts

Zoning Districts							
	A-1	R-1	C-1	I-1	MHU-1	CORD	
USES							
Agricultural							
Chipmill/Sawmill	Y	C	Y	Y	N	N	
Portable	C	N	N	Y	N	N	
Permanent	C	N	N	N	N	N	
Concentrated Animal Feeding Operation	Y	N	N	N	N	N	
Crops (Field)	C	N	N	N	N	N	
Dairies	Y	N	C	N	N	N	
Deer & Game Processing	Y	N	N	Y	N	N	
Fruits, tree nuts, vegetables: Processing	Y	Y	C	N	N	N	
Non Processing	Y	N	Y	N	N	N	
Greenhouse or Plant Nursery, Commercial	Y	N	Y	N	N	N	
Livestock, fish & birds	Y	N	N	N	N	N	
Livestock sales pavilion, or farmers' market	Y	N	C	C	N	N	
Poultry Producers, egg producers	C	N	N	C	N	N	
Produce Stands	Y	N	Y	N	N	N	
Slaughterhouses, process plan	C	N	N	C	N	N	
Stable (riding) Private	Y	N	N	N	N	N	
Tree Farms	Y	N	N	N	N	N	
Animal Care Facilities							
Animal Hospital & Veterinary Clinics	Y	N	Y	N	N	N	
Kennels: Boarding and Breeding	Y	N	C	N	N	N	
Pet Grooming Shops	Y	N	Y	N	N	N	
Automotive & Farm Equipment Sales & Service							
Automobile sales	N	N	Y	N	N	N	
Boat Sales	N	N	Y	N	N	N	
Boat Service	N	N	Y	N	N	N	
Farm Equipment:							
Sale, Lease and Rentals (principal use)	C	N	Y	N	N	N	
Sale, Lease and Rentals (accessory use)	C	N	Y	N	N	N	
Parts and Tire Store	C	N	Y	N	N	N	
Paint Shops	C	N	Y	N	N	N	
Repairs Shops	C	N	Y	N	N	N	
Service Station	C	N	Y	N	N	N	
Tire Retreading & Recapping	C	N	Y	Y	N	N	

Allowed Uses in Zoning Districts

Trailer Sales	Y	Zoning Districts					C	N	N	CORD
		A-1	R-1	C-1	1-1	MHU-1				
	Y	C		Y	N					N
Upholstery Shop										
Vehicle Storage (see storage)	Y	N		Y	Y					N
Wash Service										
Building Materials	C	N		Y	N					N
Retail Building Material Establishments	C	N		Y	N					N
Electrical Supply Store	C	N		Y	N					N
Paint, Glass & Wallpaper Stores	C	N		Y	N					N
Plumbing & HVAC Equipment Dealers	C	N		N	Y					N
Wood and/or Lumber Production (saw mill)	C	N		N	Y					N
Portable	Y	C		Y	Y					N
Communication	C	N		C	N					N
Billboards	C	N		N	C					N
Broadcasting Stations	C	N		C	C					N
Telephone Business Exchange	C	N		C	C					N
Wireless Communication Towers	C	N		C	C					
Construction Contractor	Y	N		C	Y					N
With Equipment & Material Yard	Y	N		Y	Y					N
Without Equipment & Material Yard										
Education	C	C		C	C					C
Research and Training facility	C	C		C	C					C
Schools (public & private)	C	C		C	C					C
Vocation schools										
Manufacturing	N	N		N	Y					N
Alcohol or alcoholic beverage	C	N		N	Y					N
Asphalt plants	N	N		N	Y					N
Automobile and truck manufacture	N	N		N	Y					N
Industrialize buildings manufacture	N	N		N	Y					N
Brick, clay, tile or concrete products	N	N		N	Y					N
Cement, lime gypsum or plaster of paris	N	N		N	Y					N
Chemical, organic and Inorganic	N	N		N	Y					N

Allowed Uses in Zoning Districts

Distillation of beverages	Zoning Districts					
	A-1	R-1	C-1	I-1	MHU-1	CORD
Dye works	N	N	N	Y	N	N
Explosive manufacture or storage	N	N	N	Y	N	N
Fat rendering and fertilizer manufacture	N	N	N	N	N	N
Ice manufacturing plants	N	N	N	Y	N	N
Petroleum refining	N	N	N	Y	N	N
Sand mining	N	N	N	Y	N	N
Smelting of metal ores	N	N	N	Y	N	N
Sugar refineries	N	N	N	Y	N	N
Food processing	N	N	N	Y	N	N
Pellet manufacture	N	N	N	Y	N	N
Any other processing or assembly of goods	N	N	N	C	N	N
Wood working shop (i.e., cabinets, etc.)	Y	C	Y	Y	N	N
Solar Panel Fields	N	N	Y	Y	N	N
Recreation, Amusement, Entertainment						
Assembly Halls	C	N	C	N	N	N
Billiard & Pool Hall/Game Room	N	N	C	N	N	C
Bowling Alley & Skating Rinks	N	N	C	N	N	C
Civic, Social & Fraternal Organizations	C	N	C	N	N	C
Cultural Facilities	C	N	Y	N	N	Y
Indoor Fitness Center	C	N	Y	N	N	Y
Indoor/Outdoor Fitness Center	C	N	C	N	N	Y
Movie Theatre/Live Performance Theater	C	N	C	N	N	Y
Parks (Private)	C	C	C	N	N	Y
Parks (Public)	C	C	C	C	C	C
Recreation Centers	C	N	C	N	N	Y
Activity Conducted Primarily Outside Enclosed Building or Structure						
Public or Privately owned Outdoor Recreational Facilities i.e., Golf & Country Clubs, Hunting Preserves, swimming or Tennis Clubs, Shooting, Trap & Skeet Ranges etc.	C	N	N	N	N	Y
Golf Driving Range, Miniature Golf	C	N	N	N	N	Y
Skateboard Park, Bicycle Race Track	C	N	N	N	N	Y
Automobile or Motorcycle go-cart tracks, etc.	C	N	N	N	N	C
Parks, campgrounds, campsites, & primitive campsites (to exclude hunting camps)	C	N	N	N	N	Y
Stables (riding) commercial	Y	N	N	N	N	Y

Allowed Uses in Zoning Districts

Carnival, rodeo, horse show, shooting event, athletic event or community fair	C	N	N	N	N	Y
	Zoning Districts					
	A-1	R-1	C-1	I-1	MHU-1	CORD
Residential Uses						
Single Family	Y	Y	C	N	N	N
Duplex	Y	C	C	N	N	N
Apartments	Y	C	C	N	N	N
Townhouse	Y	C	C	N	N	N
Patio Houses	Y	C	N	N	N	N
Other High Density	C	C	N	N	N	N
Manufactured Housing Unit	Y	Y	N	N	Y	N
Industrialized Building	Y	Y	C	N	Y	N
Houses for Handicapped or Infirm and child care						
In-house Day Care	Y	C	C	N	C	N
Group Care Center	C	C	C	N	N	N
Nursery/Kindergarten	C	C	C	C	C	C
Adult Day Care	C	C	C	C	C	C
Personal Care Home (Family)	C	C	C	C	C	C
Personal Care Home (Group or Congregate)	C	C	C	C	C	C
Miscellaneous Rooms for Rent						
Rooming House, Boarding House	Y	C	C	N	N	N
Bed & Breakfast Inn	Y	C	Y	N	N	N
Hotels, Motels, & Similar Business	C	N	Y	N	N	N
Temporary Emergency Construction Repair Residences	C	C	N	N	C	N
Travel Trailer Court	C	N	N	N	N	N
Religious Facilities						
Churches	C	C	C	C	C	C
Meetings (temporary)	C	C	C	N	C	N
Restaurants, Bars, Night Clubs						
Alcohol drinking establishments	N	N	N	N	N	N
Drive-In Restaurants	C	N	C	N	N	N
Dine-In Restaurants (only)	Y	N	Y	N	N	N
Dine-in, carry-out, delivery restaurants	Y	N	Y	N	N	N

Allowed Uses in Zoning Districts

Carry-out, delivery Services (only)		Y	N	Y	N	Y	N	Y	N	Y	N	Y	N
Zoning Districts													
		A-1	R-1	C-1	I-1	MHU-1	CORD						
Retail Trade													
Apparel and accessory stores		C	N	Y	N	N	Y						
Bicycle sales		C	N	Y	N	N	Y						
Book and stationary stores		C	N	Y	N	N	Y						
Camera and photographic		C	N	Y	N	N	Y						
Drugstores		C	N	Y	N	N	Y						
Farm and garden supply stores		C	N	Y	N	N	Y						
Flea market		C	N	C	N	N	Y						
Florists		C	N	Y	N	N	Y						
Food Stores		C	N	Y	C	N	Y						
Food Stores (including the minor manufacturing of food)		C	N	Y	N	N	Y						
Furniture, home furnishings and equipment stores		C	N	Y	N	N	Y						
Gift, novelty, antique and souvenir		C	N	Y	N	N	Y						
Hardware and general merchandise shops		C	N	Y	N	N	Y						
Hobby, toy and game shops		C	N	Y	N	N	Y						
Jewelry stores		C	N	Y	N	N	Y						
Liquor stores		C	N	Y	N	N	Y						
Merchandise store (specialized)		C	N	Y	N	N	Y						
News dealers and newsstands		C	N	Y	N	N	Y						
Sales of goods (produced and processed on premises)		C	N	Y	N	N	Y						
Sporting Goods Stores		C	N	Y	N	N	Y						
Tobacco Shop or Stand		C	N	Y	N	N	Y						
Services													
Artisan		C	N	Y	N	N	Y						
Barber and beauty shops		C	N	Y	N	N	Y						
Business service establishments		C	N	Y	N	N	Y						
Dancing School		C	N	Y	N	N	Y						
Diaper Service		C	N	Y	N	N	Y						
Dry cleaning plants and power laundries		C	N	C	Y	N	Y						
Laundries (coin operated)		C	N	Y	C	N	Y						
Laundry and dry cleaning pick-up stations		C	N	Y	C	N	Y						
Alterations		Y	N	Y	N	N	Y						
Moving Service		C	N	C	Y	N	Y						

Allowed Uses in Zoning Districts

Offices (i.e., accountants, financial institutions, lawyers, doctors, real Estate, other professionals and businesses)	C		N	Y	N	N	N	N
	Zoning Districts							
	A-1	R-1	C-1	I-1	MHU-1	CORD		
Photographic studios	C	C	Y	N	N	N		
Repair shops (i.e., jewelry, small appliance, TV, radio)	C	N	Y	N	N	N		
Storage								
Mini-Warehouses	Y	N	C	Y	N	N		
Scrap or Junkyards	N	N	C	Y	N	N		
Storage and maintenance (equipment & vehicle)	C	N	N	Y	N	N		
Warehousing	C	N	C	Y	N	N		
Transportation								
Railroad yards	N	N	N	Y	N	N		
Terminal (truck)	C	N	C	Y	N	N		
Truck yards	N	N	N	Y	N	N		
Wholesale Trade								
Distribution Establishments	N	N	N	Y	N	N		
Petroleum bulk stations	N	N	N	Y	N	N		
Miscellaneous Public Semi-Public & Private Facilities								
Post Office	C	C	Y	C	C	N		
Airport	C	N	N	N	N	N		
Inert Landfill	C	N	N	Y	N	N		
Cemetery	C	N	N	N	N	N		
Funeral Home	C	N	Y	N	N	N		
Sewage Sludge (Biosolids) Land Application and Disposal Facilities (Public or Private)	N	N	N	N	N	N		
Governmental Land Application System Waste Facilities/Landfills/Waste Disposal Facilities operated by any private firm, county, municipality or other governmental agency, entity or authority not located within the corporate limits of Stewart County, Georgia and its incorporated municipalities	N	N	N	N	N	N		
Governmental Land Application System Waste Facilities/Landfills/Waste Disposal Facilities operated by Stewart County and /or the City of Richland and/or the City of Lumpkin	C	N	N	C	N	N		

Section 10 Determination of Unclassified Uses

In the event an applicant wishes to use property for a use which is not specifically identified under permitted uses or uses permitted subject to the approval of the board of commissioners, and where such use is not specifically prohibited from the district, the following provision shall apply:

1. The building/zoning official shall submit to the planning commission a written request for determination of the unclassified use.
2. If the planning commission determines that the use is of a similar character and meets the intent of the uses permitted within the district, then they shall instruct the building official to issue a permit.
3. In the event that the planning commission determines that the proposed use in the district is consistent with the character and intent of permitted uses which are subject to the approval of the board of commissioners, then the applicant shall apply for a conditional use permit subject to approval in the normal manner.
4. In no event shall the provisions of this section be used to allow an incompatible use or use specifically prohibited by this ordinance within a certain district.
5. Once the use has been allowed or disallowed by the planning commission, it shall then be considered classified under the appropriated category in the district.

Section 11 Non-conforming Use

- A. Any structure or use of land existing at the time of the enactment or subsequent amendment of this Zoning Ordinance, but not in conformity with its use provisions, may be continued with the following limitations:
 1. A non-conforming use may not be changed to another non-conforming use.
 2. A non-conforming use may not be re-established after discontinuance of that use for one year.
 3. A non-conforming use or structure may not be enlarged beyond its size at the time the use or structure becomes non-conforming. This includes, but is not limited to, the size of the building, the number of employees, operation during other hours of the day or night, the use of additional land, and additional or more powerful equipment.
 4. A non-conforming structure may not be rebuilt, altered, repaired or replaced after incurring damages exceeding 75% of the fair market value of the structure at the time immediately preceding such damage occurring. A non-conforming mobile home may be replaced by a non-conforming mobile home after it is removed from the property.
- B. The board of commissioners may grant the change, re-establishment, enlargement, rebuilding, alteration, repair or replacement of a non-conforming structure upon the following findings.
 1. The change, re-establishment, enlargement, rebuilding, alteration, repair or replacement would be no more detrimental to the surrounding area than the existing or previous use;
 2. The structure cannot be economically modified so as to be suitable for uses permitted in the district;
 3. The structure would have to be removed to permit development of the property for conforming uses;
 4. The proposed change, re-establishment, enlargement, rebuilding, alteration, replacement or repair would not cause substantial detriment to the public good or impair the purposes and intent of this Zoning Ordinance; and
 5. The requirements of the Zoning Ordinance for rezoning would prevent the current zoning from being changed to a classification that would allow the proposed change, re-establishment, enlargement, rebuilding, alteration, repair or replacement.

- C. Applications submitted to the board of commissioners requesting the change, reestablishment, enlargement, rebuilding, alteration, repair or replacement of a nonconforming use structure shall include the following information:
1. The applicant shall bear the burden of providing conclusive evidence to the board of commissioners that the use or structure is legally non-conforming. The evidence may include, but is not limited to, business licenses, tax receipts, utility bills, telephone bills, IRS documents and affidavits.
 2. The applicant shall submit a plat or an accurate site plan, drawn to scale, showing the dimensions of the lot, size and location of all structures and their distance from all property lines, the names of all streets which the property abuts, and parking spaces.
 3. If the request is for a commercial use or structure, a written description shall be submitted to describe the business. This description shall include hours of operation, number of employees, equipment used, products made or sold, type of signs and other information as needed for the board of commissioners to reach a decision.
 4. The applicant shall provide evidence to the board of commissioners on how the proposed change, re-establishment, enlargement, rebuilding, alteration, repair or replacement will comply with the current zoning, health and building requirements.
- D. If the requested change, re-establishment, enlargement, rebuilding, alteration, repair or replacement is approved, the board of commissioners may place conditions on the approval to ensure protection of the surrounding area. The applicant is responsible for conformance with these conditions.

Section 12 Existing Lots of Record

Any lot or parcel of land in any district which was on record in the Office of the Clerk of the Superior Court of Stewart County at the date of the adoption of this Ordinance, or amendment thereof, which does not adjoin undeveloped land (or land which has been subdivided but a building permit has not been issued for the site), may be used as a building site even though such lot or parcel fails to meet the minimum requirements for lot area, lot width or both. With respect to such lots or parcels, yard requirements and other requirements shall be subject to the following:

1. Meet applicable setback requirements, if possible.
2. Not to exceed the maximum lot coverage requirements.
3. Must have an approved on-site sewage permit from the Stewart County Board of Health.

Section 13 Supplementary District Regulations

13.1 Corner Visibility.

On a corner lot in any zoning district nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.

13.2 Public Street Frontage

No residential structure shall be erected on a lot which does not have legal access.

13.3 Accessory Buildings

An accessory building may be erected either attached or unattached to a principal building on the same lot. An attached accessory building shall be considered a part of the principal building and shall comply with the requirements of the district in which it is located.

An unattached accessory building shall be located in the rear yard of the principal building, shall not occupy more than thirty (30) percent of the area of the rear yard, shall not be located closer than fifteen (15) feet to the principal building on an adjoining lot, shall not be located closer than ten (10) feet to any rear or interior side lot line, and shall not project into any required front or street side yard. On corner lots, the accessory building may not be located closer to the road right-of-way than the minimum setback requirement. Barns shall have a 20' buffer strip.

13.4 Automobile Wrecking, Junkyards, Body Shops and Motor Vehicle Garage

13.4.1 Location of Automobile and Junkyards:

No operation shall be located nearer than six hundred (600) feet from any residential district.

13.4.2 Screening:

All outdoor storage of salvage and wrecking operations shall be conducted within an enclosed solid opaque fence or solid opaque wall not less than six (6) feet in height nor more than ten (10) feet in height. All of the above businesses shall ensure that the storage of vehicles is screened from public view from any public road. Additional screening may be required. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.

13.4.3 Storage of Materials or Vehicles:

The storage of salvaged materials, junk materials or vehicles shall not exceed six (6) feet in height.

Vehicles awaiting repair shall not be stored outside of the business establishment or fenced area for periods longer than seven calendar days.

13.5 Cemetery

13.5.1 Location

Any new public cemetery shall be located on a site containing not less than ten (10) acres. Structure setback shall conform to the district regulations in which the site is located. All burial lots shall be set back not less than 25 feet from any lot line.

13.6 Customary Home Occupations

Customary home occupations in those districts where permitted shall be subject to the following conditions:

1. A home occupation shall be limited to the gainful occupation or profession conducted by members of the family residing entirely within the dwelling unit and no more than three nonresidents.
2. No internal or external alterations shall be made which are not customary to dwellings.
3. In any dwelling unit, all home occupations, collectively, shall not occupy more than twenty-five (25) percent of the gross floor area of the dwelling unit but not to exceed six hundred (600) square feet.

4. The entrance of the space devoted to a customary home occupation may be from within the building or a private outside entrance.
5. No display shall be permitted of goods or services shall be permitted which is visible from the outside of the structure except for one (1) non-illuminated sign having an area of not more than two (2) square feet which may be placed flat on a door, wall or window.
6. Customary home occupations shall be limited to goods and services provided to individuals or groups not exceeding, at any given time, five (5) in number.
7. Telephone Service: Home occupation for telephone service only is permitted but shall be restricted to that use only.
8. There shall not be any product stored in plain view or in the yard of the residence and there shall not be any parking of commercial vehicles at said property for over twenty-four (24) hours.

13.7 Manufactured Housing Unit Compatibility

1. The manufactured housing unit must have a pitched roof, comply with State law and shall be approved by the building official.
2. The exterior siding must be residential in appearance, including, but not limited to, clapboards, simulated clapboards, such as conventional vinyl or metal siding, wood shingles, shakes or similar material, that comply with State law and are approved by the building official.
3. The manufactured housing unit must have a measured minimum width dimension of at least twelve (12) feet, exclusive of those manufactured housing units to be placed in a MHU-1 district, which must be a minimum of twelve (12) feet in width.
4. The manufactured housing unit must be placed on a foundation and be anchored in a manner that complies with the latest published edition of the CABO One and Two Family Dwelling Code.
5. The manufactured housing unit must have the area underneath the home completely enclosed with a permanent perimeter enclosure. The enclosure shall be either rock, brick, concrete block, concrete with stucco type finish, vinyl and/or aluminum siding except for a minimum of 18" x 24" latchable access door and required crawl space venting. Approval by the Planning Commission is needed if other materials then those listed are used.
6. Age of Units. The manufactured housing unit to be placed must be certified under the U.S. Department of Housing and Urban Development and as applicable by the Georgia State Fire Marshall's Office and manufactured after June 15, 1976 prior to issuance of permit.
7. Any unit not purchased directly from a factory or purchased new from a dealer must be inspected for condition before it is moved into the county. All units must meet the standards contained in the Southern Building Code. Once a unit passes inspection and required fees are paid, the county inspector shall issue a permit.
8. The compatibility standards set forth in this section shall apply to all manufactured housing units in Stewart County regardless of zoning district, except for those located in a MHU-1 district.
9. At the front and back entrance door (s) there must be access.

13.8 Swimming Pools

The following regulations shall apply to in-ground swimming pools:

1. Private in-ground swimming pools may be established in agricultural and residential zoning districts provided they are to be used solely by the occupants of the property on which they are located and their guests. All noncommercial pools within a residential zone shall be enclosed by a secure fence or wall not less than five (5) feet in height.

See CORD Section for Commercial Swimming Pools.

13.9 Gasoline Service Stations

The following regulations shall apply to all gasoline service stations:

1. There shall be a building setback from all street right-of-way lines a distance of not less than fifty (50) feet, and the canopy of the gasoline building not less than fifteen (15) feet to any street right-of-way line. Other yard setbacks shall conform to the zone in which the station is located.
2. Gasoline pump islands shall not be located closer than fifteen (15) feet to any street right-of-way line; however, when pump islands are constructed perpendicular to the pavement edge, the pump island shall be located not less than thirty (30) feet from the right-of-way lines.

13.10 Storage of Certain Vehicles and Equipment

The storage of certain vehicles and equipment (defined as automobiles, semi-trailer trucks with greater than three (3) axles, camping or travel trailers and boats and boat motors without current license plates is prohibited in residential districts for time periods in excess of seventy-two (72) hours unless such vehicles and equipment are stored in a carport, enclosed building, or behind the nearest portion of a building to a street.

13.11 Airports

Proposed public airports shall be so located and of sufficient size to meet Federal Aviation Agency requirements and not constitute a nuisance to surrounding uses.

13.12 Inert Landfill

Permits for inert landfills must be approved by the appropriate state agencies and notifications of adjacent property owners prior to approval by county commissioners. Inert landfills already in operation and approved by the appropriate state agency for handling such permits and operations will be allowed to continue operation. However, any such expansion must have all necessary approvals with notifications of all adjacent property owners.

Section 14 Exceptions and Modifications

The requirements and regulations set forth in this ordinance shall be subject to the following exceptions and modifications.

14.1.1 Front Yard

The front yard requirements of this ordinance shall not apply on lots where the average depth of existing front yards on developed lots located within one hundred (100) feet on each side thereof and within the same block and zoning district is greater or less than the minimum required front yard depth. In each such case, the depth of the front yard on such lot shall be not less than the average front yard depth on such developed lots.

On double-frontage lots the required front yard shall be provide on each street.

14.2 Height Limits

Height limitations do not apply to the following: chimneys, church steeples, flagpoles, grain elevators, distribution lines, towers and poles, radio and television antennas, water towers and similar structures.

14.3 Temporary Uses

Temporary buildings used in conjunction with construction work may only be permitted ninety (90) days prior to the construction work. Such temporary buildings shall be removed no later than ninety (90) days upon completion of the construction work.

Section 15 Administration

15.1 Enforcing Officer

The provisions of this ordinance shall be administered and enforced by the Building Official or his designee. This official shall have the right to enter upon any premises at any reasonable time agreed for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this ordinance.

15.2.1 Building Permit Required

It shall be unlawful to commence the excavation for or the construction of residential, commercial or industrial structures, or to commence the moving, alteration, or repair (except necessary repairs, not affecting the external or party walls, chimneys, stairways or heights of the buildings) of these structures until the building official or his designee has issued a permit including a statement that the structure conforms with the provisions of this ordinance. Application for a building permit shall be made to the Building Official or his designee on forms provided for that purpose.

15.3 Approval of Plans and Issuance of Building Permit

It shall be unlawful for the Building Official to approve any plans or issue a building permit for any construction until he has inspected such plans in detail and found them in conformity with this ordinance. To this end, the Building Official shall require that every application for a building permit for construction, use of land, moving or alteration, except interior alterations, be accompanied by a plan or plat showing the following in sufficient detail to enable to the Building Official to ascertain whether the proposed construction, use of land, moving or alteration is in conformance with this ordinance.

At a minimum, submitted materials shall contain:

1. The actual shape, proportions and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered or moved and any building or other structures already on the lot.
3. The existing and intended use of all such buildings or other structures.
4. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
5. Must have a certificate from the health department that the property will conform to all health standards.

If the proposed construction, moving or alteration as set forth in the application, are in conformity with the provisions of this ordinance and other related laws and ordinances, the Building Official shall issue a building permit accordingly. If an application for a building permit is not approved, the Building Official shall state in writing on the application the cause of such disapproval. Issuance of a building permit shall, in no case, be construed as waiving any provision of this ordinance.

15.4 Expiration of Building Permit

If the work described in any building permit has not begun within six months from the date of issuance thereof, said permit shall expire.

15.4.1 Certificate of Occupancy Required For Habitable Buildings

No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the Building Official has issued a certificate of occupancy stating that such land or structure or part thereof is found to be in conformity with the provision of this ordinance.

Within three (3) days after the owner or his agent has notified the Building Official that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Official to make a final inspection thereof, and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance, or if such certificate is refused, to state the refusal in writing with the cause.

15.5 Penalties for Violation of Zoning Ordinance

Any person, firm, or corporation who violates any provision of the Zoning Ordinance of Stewart County, Georgia shall be guilty of a misdemeanor, and upon conviction in the magistrate court of this county, shall be fined an amount not to exceed five hundred dollars (\$500.00) or imprisoned up to sixty (60) days or both for each violation. Each day such violation continues shall constitute a separate offense and shall subject such person, firm, or corporation to a fine or incarceration specified by this section for each such offense.

Ordinance violations may be tried in the Magistrate Court in Stewart County, Georgia, upon citation issued by the Building Official or his designated agent.

Each citation shall state the time and place at which the accused violator is to appear for trial, shall identify the violation with which the accused is charged, shall have an identifying number by which it shall be filed with the court, shall indicate the identity of the accused and the date of service, and shall be signed by the Building Official or his designated agent who shall complete and serve the citation.

Prosecutions for violations of this ordinance in accordance with this section shall be commenced by the completion, signing and service of the citation by the Building Official or his designated agent either of whom is authorized by this ordinance to issue citations. A citation shall be personally served upon the accused, and the original shall be promptly filed with the magistrate court.

No person shall be arrested prior to the time of trial for violations under this section, but any person who fails to appear at trial may be arrested thereafter on a warrant of the magistrate and required to post a bond for his future appearance.

15.6 Remedies

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the Building Official or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to their remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such building, structure or land.

Section 16 Variances

The Stewart County Planning Commission may grant a variance in the application of the provisions of the Zoning Ordinance. The planning commission may do so only if all of the following findings are made:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, shallowness, or lot size or shape, exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not to circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
2. That because such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That granting the variance will not result in authorization of a use not otherwise permitted in the district.
4. The Planning Commission shall establish a reasonable time for hearing of any appeals authorized under this section and shall give at least fifteen (15) days written notice by regular mail to all parties who are involved in the variance request and adjacent property owners.

Any party aggrieved by any final judgment or decision of the Stewart County Planning Commission, may within thirty (30) days thereafter appeal to the Stewart County Board of Commissioners. If the party is still aggrieved the party may appeal to the Superior Court or court of like jurisdiction. The party must file with such board a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal such board shall cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken and the case in such court to be tried *de novo*.

Section 17 Amendments and Alterations

"Amendment" as used in this section means a change in the text of the Zoning Ordinance or a change in the official zoning map (s) of the county authorized by a zoning decision made only after compliance with the procedures set for in this section.

1. A proposed amendment to the text may be initiated by the planning commission or may be submitted to the planning commission by the board of commissioners or by any person who owns property within the zoning jurisdiction of the county. Unless initiated by the board of commissioners or by the planning commission, all proposed map amendments shall be submitted by the owner of such property or the authorized agent of the owner. An authorized agent shall have written authorization from the property owner, and such authorization shall be notarized and attached to the application.
2. A proposed amendment to the map affecting the same property shall not be submitted more than once every twelve (12) months, beginning with the date of the final decision by the board of commissioners. The

board of commissioners may at its discretion, reduce or waive the 12-month interval between applications for proposed amendments to the zoning map affecting the same property; however, in the case of an application for a proposed amendment to the zoning maps which was defeated by the board of commissioners, there shall be at least a six-month interval between the defeated application and the subsequent application affecting the same property unless the board shall find and determine that the conditions under which the previous application for rezoning was made have substantially changed. The 12-month interval shall not apply to applications for proposed amendments initiated by the board of commissioners or by the planning commission, except for applications for proposed amendments to the zoning map (s) which were defeated by the board of commissioners, in which case the interval required before a subsequent application may be filed shall be at least six (6) month unless the board shall find and determine that the conditions under which the previous application for rezoning was made have substantially changed. An application to amend zoning conditions may be submitted at any time.

17.1 Initiation of Amendments

Each proposed amendment to the text or to the official zoning map shall be initiated by filing an application with the building official/zoning office. Applications for proposed amendments shall include at least the following information:

1. Applications for proposed amendments to the text shall include the following information:
 - a. Name and address of the applicant;
 - b. Current provisions of the text to be affected by the proposed amendment;
 - c. Proposed wording of the proposed amendment to the text; and
 - d. Reason for proposed amendment.
2. Applications for proposed amendments to the zoning maps shall include the following:
 - a. Name and address of the applicant.
 - b. A legal description of the tract(s) proposed to be rezoned.
 - c. Three (3) copies of a plat, drawn to scale, showing north arrow, land lot and district, the dimensions, acreage and location of the tract(s) prepared by an engineer, or land surveyor, whose state registration is current and valid. The engineer's or land surveyor's seal shall be affixed to the plat.
 - d. The present and proposed zoning district for the tract(s).
 - e. Existing intermediate floodplain area.
 - f. The names and addresses of the owner(s) of the land and of the agent(s) for the owners(s), if any.
 - g. The map and parcel number as identified on the county's tax assessor map.
3. Applications for proposed amendments shall be submitted in accordance with a schedule adopted annually by the board of commissioners. Said schedule shall provide that each application for a proposed amendment shall be submitted at least fifty (50) days prior to the date on which it is to be considered by the board of commissioners. A fee shall not be charged for proposed amendments initiated by members of the county commission or by members of the planning commission when acting as agents of the governing authority.
4. An applicant may file site plans, renderings, construction specifications, written development restrictions and other zoning conditions which the applicant proposes as binding restrictions upon the development and use of the property that is the subject of the proposed amendment. However, any such zoning conditions shall be filed with the building inspection/zoning office at least seven (7) days prior to the public hearing before the board of commissioners. If any such zoning conditions are proposed by an application and have not been filed as required by this subsection, the board of

commissioners, at the time of the public hearing on the proposed amendment, shall defer any action on such proposed amendment to a specific meeting date. The date designated for action on the proposed amendment shall be set at a time which is sufficient to allow the applicant to comply with the filing requirements of this subsection.

5. An applicant shall not be permitted to withdraw an application for a proposed amendment after the legal advertising for said proposed amendment, as required by this section, shall have first appeared, unless such withdrawal is made with the approval of the board of commissioners as provided in section 17.5.

17.2 Public Notification

1. *Legal Notice.* Notice of public hearings before the planning commission and the board of commissioners as required by the section shall be published within a newspaper of general circulation within the county and shall state the time, place and purpose of the hearing and shall also include the location of property that is the subject of the zoning action, the present zoning district of said property, and the proposed zoning district of said property. Such notice shall be published at least fifteen (15) but not more than forty-five (45) days prior to the date of the hearing.
2. *Signs posted:* Upon the filing of a petition for a change in zoning, the applicant shall at his expense cause to have erected in a conspicuous place on the property to be rezoned a sign(s) of not less than nine (9) square feet, with not less than three inch black letters upon a white background, which shall contain information describing the proposed map amendment and the dates, times, and places of the public hearings before the planning commission and the Stewart County Board of Commissioners. Such sign shall be continuously displayed for at least fifteen days prior to the public hearings.

17.3 Public Hearing Procedures

Whenever a public hearing is required by these ordinances or by state law prior to a zoning decision, such public hearing, whether conducted by the board of commissioners or the planning commission, shall be conducted in accordance with the following procedures.

1. The public hearing shall be called to order by the presiding officer.
2. The presiding officer shall explain the procedures to be followed in the conduct of a public hearing.
3. All persons who wish to address the Planning Commission and/or Board of Commissioners at a hearing on the proposed zoning decision under consideration by the Planning Commission and/or Board of Commissioners shall first sign up on a form to be provided by the County prior to the commencement of the Hearing.
4. The Secretary or his or her designee will read the proposed zoning decision under consideration prior to receiving public input on said proposed zoning decision. Proposed zoning decisions will be called in the order in which they are filed.
5. The Secretary or his or her designee shall then call each person who has signed up to speak on the zoning decision then before the Planning Commission and/or Board of Commissioners in order in which the persons have signed to speak, except the applicant who will always speak first. Prior to speaking, the speaker will identify him or herself and state his or her current address. Only those persons who sign up to speak prior to the commencement of the hearing shall be entitled to speak, unless two-thirds (2/3) of the members of the Planning Commission and/or Board of Commissioners present at the hearing allow the person to speak to the zoning decision, notwithstanding the failure of the person to sign up prior to the hearing.
6. Each speaker shall be allowed ten (10) minutes to address the Planning Commission and/or Board of Commissioners concerning the zoning decision then under consideration, unless the Planning Commission and/or Board of Commissioners by two-thirds (2/3) of

the members of the Planning Commission and/or Board of Commissioners present, prior to or at the time of the reading of the proposed zoning decision, vote to allow additional time in which to address the Planning Commission and/or Board of Commissioners on said proposed zoning decision. The speaker may initially use all of the time allotted to him to speak or he may speak and reserve a portion of his allotted time for rebuttal. One member of the Planning Commission and/or Board of Commissioners shall be designated as the timekeeper to record the time expended by each speaker.

7. Each speaker shall speak only to the merits of the proposed zoning decision under consideration and shall address his remarks to the members of the Planning Commission and/or Board of Commissioners. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed zoning decision under consideration. The chair may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.
8. Nothing contained herein shall be construed as prohibiting the chair from conducting the hearing in an orderly and decorous manner to assure that the public hearing on a proposed zoning decision is conducted in a fair and orderly manner.
9. Thereafter, the presiding officer shall announce that the public hearing for the requested zoning decision is closed. The Planning Commission shall then convene its business session to consider the proposed amendment (zoning decision) and shall, at that time, take action on its recommendation to the Board of Commissioners. At the close of the public hearing before the Board of Commissioners, the board shall immediately convene its business session and consider the recommendation for the zoning decision and take action on the proposed amendment.

17.4 Planning Commission Public Hearing and Action

1. All applications for proposed amendments shall be reviewed by the planning commission in a public hearing in accordance with the procedures set forth in section 17.3.
2. The planning commission shall review and consider a recommendation to the Stewart County Board of Commissioners with respect to the application for a proposed amendment. The planning commission may decide not to make a recommendation, or it may make any of the following recommendations with respect to an application for a proposed amendment: approval, denial, deferral, withdrawal (if the applicant concurs), change of the zoning district requested, or imposition of zoning conditions. If no recommendation is decided by the planning commission, then it shall report to the board of commissioners that it makes no recommendation on the application.
3. The planning commission shall submit its recommendation or report of no recommendation on an application for a proposed amendment to the board of commissioners prior to the scheduled public hearing in which the board of commissioners will consider the application for a zoning decision. If the planning commission fails to submit a recommendation or report prior to the public hearing, the planning commission's recommendation shall be deemed to be one of approval.

17.5 Board of Commissioners Public Hearing and Action

1. Before taking action on proposed amendment and after receipt of the planning commission recommendations or reports thereon, the board of commissioners shall hold a public hearing on the proposed amendment.
2. So the purpose of this zoning ordinance will be served and so that the health, safety and general welfare will be secured, the board of commissioners in its decision on the application for a proposed amendment, may in its legislative discretion, approve or deny the application for proposed amendment as submitted, defer a decision until a specific

meeting date, require the applicant to file a site plan or other plans regarding the project development and defer action to a later meeting date, or allow a withdrawal of the application by the applicant, if requested. The board of commissioners shall determine whether the withdrawal shall be subject to the 12-month interval before refiling. The board of commissioners may also require that the land area for such application for proposed amendment is made be reduced, that the zoning district change [d] be to one other than that requested, or that zoning conditions be added or deleted, as the board of commissioners deem appropriate.

17.6 Zoning Standards

Whenever Stewart County shall exercise its zoning power, the following standards are considered relevant in balancing the county's interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property:

1. Whether the zoning decision will permit a use that is suitable in view of the use and development of adjacent or nearby properties which will be reasonably affected;
2. Whether the zoning decision will adversely affect the existing use of adjacent or nearby property;
3. Whether the property affected by the zoning decision has a reasonable economic use as currently zoned;
4. Whether the zoning decision will result in a use which will or could cause an excessive or burdensome use or have a significant negative impact upon existing roads, transportation facilities, utilities, water or other natural resources, schools, churches, or other facilities;
5. Whether the zoning decision conforms with the policy and intent of an adopted land use plan to include the general purposes included in the Comprehensive Plan for Stewart County, Georgia;
6. Whether other conditions exist that affect the use and development of the property in question and support either approval or denial of the zoning decision; and

Section 18 Alteration of Zoning Conditions

18.1 Minor Alterations Approval

The Building Official shall have the authority to approve the following minor alterations of zoning conditions provided such alterations would not change the purpose intended for such zoning condition and would not adversely affect county services or other property:

1. Building relocation, curb cut relocation and traffic circulation changes due to topographic, environmental or other design factors;
2. Parking design, and
3. Utility relocation

18.2 Amendments of Zoning Ordinance

An owner of property or his authorized agent may file an application to amend any zoning conditions which have been made a part of a zoning decision by the board of commissioners if such changes requested cannot be affected under the provisions of section 18.1. Such application

shall be processed in accordance with the same procedures as those required for applications for proposed amendments to the zoning maps as provided in section 17.

Section 19 Fees

Fees for appeals and applications for amendments to the [this] ordinance shall be established as follows and shall be payable prior to action by respective bodies. Fees are not refundable once the required legal ad/notification has been completed.

Appeals \$50.00

Amendments \$100.00

Includes: Conditional Use
Text Amendment
Rezoning

Section 20 Legal Status

20.1 Interpretation

In the interpretation and application of the Zoning Ordinance of Stewart County, Georgia, the provisions shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, and general welfare of the citizens of Stewart County. Were the provisions of this ordinance require or impose more restrictive standards than are required by any other ordinance or law, the provisions of this ordinance shall control. Where the provisions of any other ordinance or law require more restrictive standards than are required by this ordinance, the provisions of such other ordinance or law shall control.

20.2 Saving Clause

If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not in and of itself invalid or unconstitutional.

20.3 Repeal of Conflicting Ordinances

All ordinance or parts of any ordinance in conflict with any of the provisions of the Zoning Ordinance of Stewart County, Georgia are hereby repealed.

20.4 Effective Date

This ordinance shall take effect and shall be in force from and after the 1st day of January, 2004.

Adopted ____ day of _____, 20____, by the Stewart County Board of Commissioners.

Attest:

Clerk of the Board of Commissioners

(Affix seal)

Chairman Stewart County Commission