

Amendment #1 Variances

9.02.03 Requirements for Variances

A **variance** may be granted upon a finding by the ZBA that two of the following below conditions have been met. If the variance involves a nonconformity then one of the conditions must include conditions K, L, or M.

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
- B. Such conditions are peculiar to the particular piece of property involved;
- C. The application of this ULDC to this particular piece of property would create an unnecessary hardship;
- D. Relief, if granted, will not cause substantial detriment to the public good or impair the purposes and intent of this ULDC;
- E. A literal interpretation of the provisions of this ULDC would deprive the applicant of rights commonly enjoyed by other properties of the zoning **district** in which the property is located;
- F. Granting the **variance** requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning **district** in which the applicant's property is located;
- G. The requested **variance** will be in harmony with the purpose and intent of this ULDC and will not be incompatible with the neighborhood or to the general public welfare;
- H. The special circumstances are not the result of the actions of the applicant;
- I. The **variance** requested is the minimum **variance** that will make possible the legal **use** of the land or **structure**;
- J. The **variance** is not a request to **permit** a **use** of land or **structures** which are not permitted by right in the zoning **district** involved-;
- K. The extension of said nonconforming **use** will not further injure a permitted **use** on the subject property or on adjacent property;
- L. The design, **construction**, and character of the nonconformance is not suitable for **uses** permitted in a **district** in which the nonconformance is situated; and
- M. The nonconforming **use** is similar to the prior nonconforming **use**.

9.02.05 Procedures for Variances

A. Applications

1. An application for a **variance** shall include the information required for all applications, as set forth in Chapter 10.
2. An application for a **variance** shall include the following written explanation: the purpose of the regulation involved with the proposed **variance**, how the enforcement of the regulation is either incorrect, unfair, or unjust, and a

statement explaining how the **variance** request conforms to at least two of the conditions listed in Section 9.02.03.

Amendment #1 Variances¶

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9.02.03 Requirements for Variances¶

A **variance** may be granted upon a finding by the ZBA that ~~two one~~ of the following below conditions ~~have has~~ been met. If the variance involves a nonconformity then one of the conditions must include conditions K, L, or M.:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
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- C. The application of this ULDC to this particular piece of property would create an unnecessary hardship;
- D. Relief, if granted, will not cause substantial detriment to the public good or impair the purposes and intent of this ULDC;
- E. A literal interpretation of the provisions of this ULDC would deprive the applicant of rights commonly enjoyed by other properties of the zoning **district** in which the property is located;
- F. Granting the **variance** requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning **district** in which the applicant's property is located;
- G. The requested **variance** will be in harmony with the purpose and intent of this ULDC and will not be incompatible with the neighborhood or to the general public welfare;
- H. The special circumstances are not the result of the actions of the applicant;
- I. The **variance** requested is the minimum **variance** that will make possible the legal **use** of the land or **structure**;
- J. The **variance** is not a request to **permit** a **use** of land or **structures** which are not permitted by right in the zoning **district** involved-;
- K. The extension of said nonconforming **use** will not further injure a permitted **use** on the subject property or on adjacent property;
- L. The design, **construction**, and character of the nonconformance is not suitable for **uses** permitted in a **district** in which the nonconformance is situated; and
- M. The nonconforming **use** is similar to the prior nonconforming **use**.

9.02.05 Procedures for Variances

- A. **Applications**
 1. An application for a **variance** shall include the information required for all applications, as set forth in Chapter 10.
 2. An application for a **variance** shall include the following written explanation: the purpose of the regulation involved with the proposed **variance**, how the enforcement of the regulation is either incorrect, unfair, or unjust, and a statement explaining how the **variance** request conforms to at least ~~two one~~ of the conditions requirements listed in Section 9.02.03.

Amendment #2 Code List

List of Tables

Table 1.08.02(C). ~~Code Reference Guide~~ 1-6

1.07.04 Building and Construction Codes

The following list of standard building codes, as approved by the State of Georgia Department of Community Affairs, including all attachments, future editions, and amendments, is hereby adopted by reference and applicable throughout the Lowndes County jurisdiction.

- A. 2018 International Building Code with Georgia Amendments;
- B. 2018 International Residential Code with Georgia Amendments;
- C. 2018 International Fire Code with Georgia State Amendments;
- D. 2018 International Plumbing Code with Georgia Amendments;
- E. 2018 International Mechanical Code with Georgia Amendments;
- F. 2018 International Fuel Gas Code with Georgia Amendments;
- G. 2020 National Electric Code with Georgia Amendments;
- H. 2015 International Energy Conservation Code with Georgia Supplements and Amendments;
- I. 2018 International Swimming Pool and Spa Code with Georgia Amendments;
- J. 2018 Life Safety Code;
- K. Georgia Accessibility Code;
- L. 2018 International Property Maintenance Code with Georgia Amendments;
- M. 2018 International Existing Building Code with Georgia Amendments;
- N. National Fire Protection Code

1.08.02 Responsibility for Interpretations

Amendment #2 Code List

List of Tables

Table 1.08.02(C). Code Reference Guide 16

1.07.04 Building and Construction Codes

The following list of standard building codes, as approved by the State of Georgia Department of Community Affairs, including all attachments, future editions, and amendments, is hereby adopted by reference and applicable throughout the Lowndes County jurisdiction.

Each building and construction code listed in Section 1.07.04 (A) through (M) is hereby adopted by reference as if set forth in its entirety. The following standard building codes as approved by the State of Georgia include any attachments, future editions, and amendments.

- A. ~~2006~~ International Building Code with Georgia Amendments;
- B. 2018 International Residential Code with Georgia Amendments;
- C. ~~2018~~~~2006~~ International Fire Code with Georgia State Amendments;
- D. ~~2018~~~~2006~~ International Plumbing Code with Georgia Amendments;
- E. 2018 International Mechanical Code with Georgia Amendments;
- F. 2018 International Fuel Gas Code with Georgia Amendments;
- G. ~~2006~~ International Mechanical Code with Georgia Amendments; ~~2020~~05 National Electric Code with Georgia Amendments;
- H. ~~2015~~00 — International Energy Conservation Code with Georgia Supplements and Amendments;
- I. 2018 International Swimming Pool and Spa Code with Georgia Amendments;
- J. 2018 Life Safety Code;
- K. Georgia Accessibility Code;
- L. 2018 International Property Maintenance Code with Georgia Amendments;
- B. ~~2006~~ International Fuel Gas Code with Georgia Amendments;
- C. ~~2006~~ International Mechanical Code with Georgia Amendments;
- D. ~~2006~~ International Plumbing Code with Georgia Amendments;
- E.M. ~~2018~~~~2003~~ International Existing Building Code with Georgia Amendments;
- N. 2000 Life Safety Code;
- F. International Property Maintenance Code;
- G. ~~2005~~ National Electric Code with Georgia Amendments;
- H.O. National Fire Protection Code

~~2000 International Energy Conservation Code with Georgia Amendments;¶~~

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~~2006 International Fire Code with Georgia Amendments; ¶~~

~~I. 2006 International Residential Code with Georgia Amendments;¶~~

~~J. 1997 Georgia Accessibility Code;¶~~

~~K. 2000 Life Safety Code¶~~

1.08.02 Responsibility for Interpretations

~~C. Should the enforcement of a building or construction code listed in Section 1.07.04 create a conflict Table 1.08.02(C) shall govern the primary and supplemental enforcement of that building or construction code:¶~~

~~¶~~

Table 1.08.02(C). Code Reference Guide¶

Area*	Primary Code*	Supplement Code *
Occupancy Classification*	LSC*	IBC*
Building Construction Types ¶ Including allowable height, allowable building areas, and the requirements for sprinkler protection related to minimum building construction types.*	IBC*	LSC*
Means of Egress*	LSC*	NONE*
Standpipes*	IBC*	IFC*
Interior Finish*	LSC*	NONE*
HVAC Systems*	IMC*	NONE*
Vertical Openings*	LSC*	NONE*
Sprinkler Systems minimum construction standard*	LSC*	NONE*
Fire Alarm Systems*	LSC*	NONE*
Smoke Alarms and Smoke Detection Systems*	State Statute and LSC*	NONE*
Portable Fire Extinguishers*	IFC*	NONE*
Cooking Equipment*	LSC and NFPA 96*	NONE*
Fuel Fired Appliances*	IFGC*	NFPA 54 or IFGC*
Liquid Petroleum Gas*	NFPA 58*	NFPA 54 or

Area*	Primary Code*	Supplement Code *
		IFGC*
Compressed Natural Gas*	NFPA-52*	NONE*

Amendment #3 Chickens

This is an entirely new set of ULDC regulations. All proposed amendments could be shown in color.

(Insert Ch 2 Table Format – Inserted After Livestock Row)

2.03.03 Table of Land Uses

Agricultural Uses

Chicken Coops (For an “S” See Also Section 4.03.01)

Allowed in E-A as P

All Other Zoning Districts as S

Not Allowed in CON and I-S (Blank)

4.03.01 Animal Facilities (Animal Hospitals, Veterinary Clinics, Animal Shelters, Kennels and Coops)

D. The requirements of this section apply to the keeping of a small number of female chickens and are designed to prevent nuisances and conditions that are unsanitary or unsafe.

1. The keeping of chickens shall comply with the nuisance requirements pertaining to animal control as set forth in the County Code of Ordinances.
2. If eggs are to be sold the use must also comply with the Home Occupation standards in Section 5.01.00.
3. A maximum of six (6) female chickens are allowed. More than six (6) chickens shall be considered livestock.
4. A maximum of one (1) coop is allowed.
5. Slaughtering of chickens is prohibited.
6. Chickens must be provided with an appropriate coop and kept in an adequately fenced outdoor enclosure at all times.
 - a. The coop shall be covered, predator-proof, well ventilated, and designed to be easily accessed for cleaning.
 - b. A building permit shall be required if the coop uses utilities.

- c. The area of the coop shall count toward the maximum allowable structures and square footage as defined in Section 5.02.01.

Table 4.03.01(D). Standards for Keeping of Chickens.

<u>Development Feature</u>	<u>Standard</u>
<u>Animals Allowed</u>	<u>Female Chickens</u>
<u>Animals Prohibited</u>	<u>Roosters and Crowing Hens</u>
<u>Outdoor Fenced Enclosure</u>	<u>Maximum of 120 square feet</u>
<u>Coop</u>	<u>Made of uniform materials with solid floors Roof and doors that can be tightly secured Properly ventilated with adequate sunlight</u>
<u>Minimum setback from any property line for a coop</u>	<u>Fifteen (15) feet Shall be located in the rear yard only</u>
<u>Minimum setback from any property line for the outdoor fenced enclosure</u>	<u>Fifteen (15) feet Shall be located in the rear yard only</u>
<u>Sanitation</u>	<u>Odor and pest control required Coop and outdoor fenced enclosure must be cleaned on a regular basis to prevent the accumulation of waste.</u>

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D. The requirements of this section apply to the keeping of a small number of female chickens and are designed to prevent nuisances and ~~prevent~~ conditions that are unsanitary or unsafe.

~~1. The keeping of chickens shall be in accordance with the requirements of this section.¶~~

~~2. The keeping of chickens shall comply with the nuisance requirements pertaining to animal control as set forth in the County Code of Ordinances.~~

~~3. If The keeping of chickens shall be for personal use only. Selling of eggs or poultry are to be sold the use must also comply with the Home Occupation standards in Section 5.01.00. is prohibited.~~

~~34. A maximum of six (6) female chickens are allowed. More than six (6) chickens shall be considered livestock.~~

~~45. A maximum of one (1) coop is allowed.~~

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~~6. 7.—Chickens must be provided with an appropriate coop and kept in an outdoor adequately fenced outdoor enclosure at all times. and provided with an appropriate coop.¶~~

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~~—The coop shall be An outdoor enclosure that is adequately fenced to contain the chickens. ¶~~

~~—A covered, predator-proof, ~~coop that is~~ well ventilated, and designed to be easily accessed for cleaning. ¶~~

a. ¶

~~a. A building permit shall be required if the coop uses any utilities. ~~are provided.~~ ¶~~

b. ¶

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~~b.c. The area of the coop shall count toward the maximum allowable structures and square footage as defined in Section 5.02.01(D)(e).~~

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<u>Sanitation</u>	Odor and pest control required. Coop and outdoor fenced enclosure must be cleaned on a regular basis to prevent the accumulation of waste.

Amendment #4 Time

1.08.05 Computation of Time

When a number of days is prescribed for the exercise of any privilege or the discharge of any duty then O.C.G.A., section 1-3-1, shall govern the computation of time.

Amendment #4 Time

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~~When~~When a number of days is prescribed for the exercise of any privilege or the discharge of any duty ~~then O.C.G.A., section 1-3-1, shall govern the computation of time.~~ ¶

~~, the first or last day shall not be counted; and if the last day falls on Saturday or Sunday, the person having such privilege or duty shall have through the following Monday to exercise the privilege or to discharge the duty. When the last day prescribed for such action falls on a public and legal holiday as provided for in O.C.G.A., section 1-4-1, the person having the privilege or duty shall have through the following day to exercise the privilege or to discharge the duty; however, when the following day is a Saturday or Sunday, the person shall have through the following Monday to exercise the privilege or to discharge the duty.~~

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Amendment #5 Solar and Enforcement

The majority of these amendments are an entirely new set of ULDC regulations.
All proposed new amendments could also be shown in color.

Master Table of Contents

4.03.29 Solar Farms

Chapter 4 Table of Contents

4.03.29 Solar Farms

1.09.02 Definitions

Solar Farm. A power station using photovoltaic modules and inverters for utility electricity generation equal to or in excess of 100 kilowatts alternating current (AC).

2.03.03 Table of Land Uses

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts			
Zoning Districts: P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H
<u>Solar Farm</u>	S	S					S	S	S	S

	Industrial and Intensive Zoning Districts				Mixed Use Zoning Districts				
Zoning Districts: P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	M-1	M-2 (See Also Section 10.02.05(C))	M-3 (See Also Section 10.02.05(C))	I-S (See Also Section 10.02.05(C))	MAZ-I (See Also Section 4.02.04)	MAZ-II (See Also Section 4.02.04)	MAZ-III (See Also Section 4.02.04)	Residential/Mixed Use PD or PD-R (See Also Section 4.06.00)	Non-Residential PD or PD-R (See Also Section 4.06.00)
<u>Solar Farm</u>	S	S	S	S	S*	S*	S	S	S

4.03.29 Solar Farms

The design standards and bulk regulations for setbacks, lot coverage, water/sewer connection requirements, lot area, height, and signage shall be suspended for all solar farms and the following supplemental standards shall apply instead. All other design standards and bulk regulations outside of these supplemental standards shall apply. Specific Development Plan requirements are set forth in 10.02.03 (G).

A. Foundations. A certified structural or civil engineer shall certify that the foundation and/or design of the solar panels are within accepted professional standards, given local soil and climate conditions.

B. Standards and Codes. All solar farms shall be in compliance with any applicable local, state and federal regulatory standards, as amended. The installation of new solar energy generation facilities shall be installed or supervised by a qualified person as defined by applicable local, state and federal regulatory standards.

C. Power and Communications Lines. Power and communication lines running between arrays of solar panels to the point of interconnection shall be buried underground, except where technical or physical constraints make it more practicable to install above ground. Exemptions may be given in instances where shallow bedrock, watercourses, or other elements of natural landscape interfere with the ability to bury lines, or the interconnecting utility requires overhead infrastructure. Georgia 811 shall be contacted before digging or excavating begins.

D. Minimum lot size. No solar farm shall be erected on any lot less than two and a half (2.5) acres in size.

E. Height. Systems, equipment and structures shall not exceed thirty (30) feet in height when mounted at maximum tilt. Excluded from this height requirement, however, are electric transmission lines, communications poles, and utility poles. These exclusions shall still be limited in height by applicable regulations in the VLD Overlay District (4.02.03) or the MAZ Zoning districts (4.02.04).

F. Setbacks. Ground mounted solar energy systems, as part of a solar farm, shall have a setback for all equipment (excluding fences) as follows:

1. A minimum of 50 feet from the rear property line and 20 feet from the side property lines, abutting any non-residential zoning district.
2. A minimum of 100 feet from residentially zoned lots and existing residential properties, measured from the edge of the solar equipment to the property line of the residentially zoned lots or existing residential properties. These setbacks shall apply across public and private right-of-way.

G. Fencing. The solar farm shall be fully enclosed and secured by a locked fence

with a minimum height of six feet.

H. Lighting. If lighting is provided at the site, it shall be shielded and downcast such that the light does not spill onto adjacent parcel(s) or roadways.

I. Noise. Noise levels measured at the property line shall not exceed 50 decibels when located adjacent to an existing residence or residential zoning district.

J. Performance standards. All solar power farms must conform to the performance standards as set forth by any local, state, and federal regulatory standards as amended.

K. Signage. An appropriate warning sign shall be provided at the entrance to the facility and along each perimeter of the solar farm project. The sign at the entrance to the facility shall include the facilities 911 address and a 24-hour emergency contact number. All other signage will comply with Section 5.04.00.

L. Outdoor Storage. Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the solar farm shall be allowed. During construction, there may be materials, vehicles and equipment on the site(s) that do not support the operation or maintenance of the solar farm; or, do not comply with the zoning district. All materials, vehicles or equipment on the site that do not directly support the operation and maintenance of the solar farm; or, do not comply with the zoning district will be removed at the completion of construction so as to be in compliance with this ULDC. Outdoor storage will be required to meet Section 4.03.29(F) regarding applicable setbacks.

M. Aviation Protection. For solar energy farms located within the VLD Overlay District (4.02.03) or the MAZ Zoning districts (4.02.04) the County Manager and the appropriate VLD Airport or Moody AFB representative shall determine if a Solar Glaze Hazard Analysis Tool (SGHAT) will be required to be completed by the applicant. If required, the applicant shall provide the results of the SGHAT for the airport traffic control tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.

9.03.00 Administrative Waivers

9.03.01 A. 3. The reduction is related to the residential setback requirements of a Solar Farm (4.03.29 (F)) and the proposed or existing buffer is sufficient to screen the project from view from adjoining property or public rights-of-way. Earth berms and other topographical features and existing wooded areas may be acceptable forms of screening.

10.02.03 Submittal Requirements for Development Plans

A development plan may be required ~~An optional development plan may be submitted~~

G. Solar Farm Requirements. Due to the unique nature and special requirements of solar power farms and their potential impacts to adjoining properties and government services, solar power farms shall be required to submit and obtain approval on the following items in addition to the those found in the supplemental standards in Section 4.03.29:

1. Site plan with existing conditions showing the following:
 - a. Existing property lines and property lines extending 100 feet from the exterior boundaries of the solar project, including the names of adjacent property owners and current use of those properties.
 - b. Current zoning, zoning overlays, and existing residences on the subject property., and zoning adjacent to the solar project, to including those across all right-of-way.
 - c. Current zoning, zoning overlays, and existing residences adjacent to the solar project, to including those across all right-of-way.
 - d. Existing adjacent public Right-of-Way and private roads, showing widths of the roads and any associated easements.
 - e. When applicable, the location and size of any abandoned wells or sewage/septic systems.
 - f. When applicable, existing buildings and any impervious surfaces.
 - g. A contour map identifying topography of the area.
 - h. Existing vegetation/land use (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas etc.)
 - i. When applicable any waterways, watercourses, lakes, public water, wetlands and identifying surface water drainage patterns.
 - j. When applicable, a copy of the current FEMA FIRM map that shows the

subject property.

k. Mapped soils.

l. When applicable, the location of any subsurface drainage tiles.

2. Plan of Proposed Conditions:

a. Location, number and spacing of solar panels.

b. Location of access roads and access points.

c. Planned location of underground or overhead electric lines connecting the solar farm to the intended point of interconnection. When applicable, new electrical equipment that is to be the connection point for the solar farm.

d. Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structure(s) on adjacent land.

e. Landscape and grass control plan. The applicant shall propose and implement a landscaping and grass control plan. The plan shall take into account the type(s) of vegetation to be planted and the scheduled maintenance of vegetation. The plan shall encompass both the inside and outside of the fenced areas for the entire property. The operating company during the operation of the solar farm must maintain and adhere to the control plan.

f. Parking.

g. Outdoor Storage.

3. Informational items to be included:

a. A description of the method of connecting the array to a building, substation, or other utility infrastructure.

b. At the time of applying for initial construction permit(s) a written statement shall be provided that the applicant is in the queue to acquire an interconnect agreement with a power provider.

4. Decommission plan: A plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event that the plant is not in use for 12 consecutive months, at this time the operating company and or land owner will have twelve (12) months to complete the decommission plan or the county will take the necessary steps to force decommission. The plan shall include provisions for removal of all structures (including equipment, fencing, roads and foundations), restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions and regulations of the Georgia Environmental Protection Agency or the United States Environmental Protection Agency.

The county is granted the right to seek injunctive relief to effect and complete decommissioning, as well as to seek reimbursement from the applicant or applicant successor for decommissioning costs against any real estate owned by applicant or applicant's successor, or in which they have an interest and to take all steps allowed by law to enforce said lien.

5. Liability insurance: The owner operator of the solar farm shall obtain and hold a general liability policy covering bodily injury and property damage and name Lowndes County as an additional insured with limits of at least two million dollars (\$2,000,000.00) per occurrence and five million dollars (\$5,000,000.00) in the aggregate with a deductible of no more than five thousand dollars (\$5,000.00). The applicant/owner must provide proof of insurance to the County Manager prior to construction.

10.06.00 Enforcement and Penalties

If not stated elsewhere, any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this ULDC may face a penalty of up to \$1,000 and/or 60 days in the Lowndes County jail per offense per day as determined by the Lowndes County Magistrate Court.

Amendment #5 Solar and Enforcement

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Solar Farm. A power station using photovoltaic modules and inverters for utility electricity generation equal to or in excess of 100 kilowatts alternating current (AC).

2.03.03 Table of Land Uses

	Rural Zoning Districts			Residential Zoning Districts			Commercial, Office, and Institutional Zoning Districts			
Zoning Districts: P – Permissible S – Permissible Subject to Supplemental Standards Blank – Prohibited	E-A	R-A	CON	R-1	R-21	R-10	OI	C-C	C-G	C-H
Solar Farm	S	S					S	S	S	S

	Industrial and Intensive Zoning Districts				Mixed Use Zoning Districts				
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Solar Farm	S	S	S	S	S*	S*	S	S	S

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2. A minimum of 100 feet from residentially zoned lots and existing residential properties, measured from the edge of the solar equipment to the property line of the residentially zoned lots or existing residential properties. These setbacks shall apply across public and private right-of-way.

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I. Noise. Noise levels measured at the property line shall not exceed 50 decibels when

located adjacent to an existing residence or residential zoning district.

J. Performance standards. All solar power farms must conform to the performance standards as set forth by any local, state, and federal regulatory standards as amended.

K. Signage. An appropriate warning sign shall be provided at the entrance to the facility and along each perimeter of the solar farm project. The sign at the entrance to the facility shall include the facilities 911 address and a 24-hour emergency contact number. All other signage will comply with Section 5.04.00.

L. Outdoor Storage. Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the solar farm shall be allowed. During construction, there may be materials, vehicles and equipment on the site(s) that do not support the operation or maintenance of the solar farm; or, do not comply with the zoning district. All materials, vehicles or equipment on the site that do not directly support the operation and maintenance of the solar farm; or, do not comply with the zoning district will be removed at the completion of construction so as to be in compliance with this ULDC. Outdoor storage will be required to meet Section 4.03.29(F) regarding applicable setbacks.

M. Aviation Protection. For solar energy farms located within the VLD Overlay District (4.02.03) or the MAZ Zoning districts (4.02.04) the County Manager and the appropriate VLD Airport or Moody AFB representative shall determine if a Solar Glaze Hazard Analysis Tool (SGHAT) will be required to be completed by the applicant. If required, the applicant shall provide the results of the SGHAT for the airport traffic control tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.

9.03.00 Administrative Waivers

9.03.01 A. 3. The reduction is related to the residential setback requirements of a Solar Farm (4.03.29 (F)) and the proposed or existing buffer is sufficient to screen the project from view from adjoining property or public rights-of-way. Earth berms and other topographical features and existing wooded areas may be acceptable forms of screening.

10.02.03 Submittal Requirements for Development Plans

A development plan may be required ~~An optional development plan may be submitted~~

G. Solar Farm Requirements. Due to the unique nature and special requirements of solar power farms and their potential impacts to adjoining properties and government services, solar power farms shall be required to submit and obtain approval on the following items in addition to the those found in the supplemental standards in Section

4.03.29:

1. Site plan with existing conditions showing the following:
 - a. Existing property lines and property lines extending 100 feet from the exterior boundaries of the solar project, including the names of adjacent property owners and current use of those properties.
 - b. Current zoning, zoning overlays, and existing residences on the subject property., and zoning adjacent to the solar project, to including those across all right-of-way.
 - c. Current zoning, zoning overlays, and existing residences adjacent to the solar project, to including those across all right-of-way.
 - d. Existing adjacent public Right-of-Way and private roads, showing widths of the roads and any associated easements.
 - e. When applicable, the location and size of any abandoned wells or sewage/septic systems.
 - f. When applicable, existing buildings and any impervious surfaces.
 - g. A contour map identifying topography of the area.
 - h. Existing vegetation/land use (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas etc.)
 - i. When applicable any waterways, watercourses, lakes, public water, wetlands and identifying surface water drainage patterns.
 - j. When applicable, a copy of the current FEMA FIRM map that shows the subject property.
 - k. Mapped soils.
 - l. When applicable, the location of any subsurface drainage tiles.
2. Plan of Proposed Conditions:
 - a. Location, number and spacing of solar panels.
 - b. Location of access roads and access points.
 - c. Planned location of underground or overhead electric lines connecting the solar farm to the intended point of interconnection. When applicable, new electrical equipment that is to be the connection point for the solar farm.
 - d. Sketch elevation of the premises accurately depicting the proposed solar energy

conversion system and its relationship to structure(s) on adjacent land.

- e. Landscape and grass control plan. The applicant shall propose and implement a landscaping and grass control plan. The plan shall take into account the type(s) of vegetation to be planted and the scheduled maintenance of vegetation. The plan shall encompass both the inside and outside of the fenced areas for the entire property. The operating company during the operation of the solar farm must maintain and adhere to the control plan.
- f. Parking.
- g. Outdoor Storage.

3. Informational items to be included:

- a. A description of the method of connecting the array to a building, substation, or other utility infrastructure.
- b. At the time of applying for initial construction permit(s) a written statement shall be provided that the applicant is in the queue to acquire an interconnect agreement with a power provider.

4. Decommission plan: A plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event that the plant is not in use for 12 consecutive months, at this time the operating company and or land owner will have twelve (12) months to complete the decommission plan or the county will take the necessary steps to force decommission. The plan shall include provisions for removal of all structures (including equipment, fencing, roads and foundations), restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions and regulations of the Georgia Environmental Protection Agency or the United States Environmental Protection Agency.

The county is granted the right to seek injunctive relief to effect and complete decommissioning, as well as to seek reimbursement from the applicant or applicant successor for decommissioning costs against any real estate owned by applicant or applicant's successor, or in which they have an interest and to take all steps allowed by law to enforce said lien.

5. Liability insurance: The owner operator of the solar farm shall obtain and hold a general liability policy covering bodily injury and property damage and name Lowndes County as an additional insured with limits of at least two million dollars (\$2,000,000.00) per occurrence and five million dollars (\$5,000,000.00) in the aggregate with a deductible of no more than five thousand dollars (\$5,000.00). The applicant/owner must provide proof of insurance to the County Manager prior to construction.

10.06.00 Enforcement and Penalties

If not stated elsewhere, any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this

ULDC may face a penalty of up to \$1,000 and/or 60 days in the Lowndes County jail per offense per day as determined by the Lowndes County Magistrate Court.

Amendment #6 OCGA

Master Table of Contents

10.07.00 APPEALS OF QUASI-JUDICIAL DECISIONS

10.07.01 Purpose

10.07.02 Authority to Approve or Issue Forms and Certificates

10.07.03 Service Upon Quasi-Judicial Boards and Agencies

10.07.04 Service Upon the Board of Commissioners

Chapter 10 Table of Contents

10.07.00 APPEALS OF QUASI-JUDICIAL DECISIONS

10.07.01 Purpose

10.07.02 Authority to Approve or Issue Forms and Certificates

10.07.03 Service Upon Quasi-Judicial Boards and Agencies

10.07.04 Service Upon the Board of Commissioners

9.02.06 Appeal of ZBA Action

An appeal of a decision of the ZBA shall be to the Superior Court (See Also Section 10.07.00).

10.07.00 APPEALS OF QUASI-JUDICIAL DECISIONS

10.07.01 Purpose

The purpose of this section of this ULDC is to make the designations required by OCGA § 36-66-5.1(c) to ensure that the citizens of Lowndes County are not unnecessarily burdened by the review process as a mechanism of appeals of quasi-judicial decisions pursuant to OCGA § 36-66-5.1(a)(2) which are subject to appellate review by the superior court pursuant to its appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition to the superior court for such review as provided for in Title 5 of the Official Code of Georgia Annotated.

10.07.02 Authority to Approve or Issue Forms and Certificates

The officer of each quasi-judicial board or agency who shall have authority, without additional board or agency action, to approve or issue any form or certificate necessary to perfect the petition described in Title 5 of the Official Code of Georgia Annotated for review of lower judiciary bodies shall be the chairman of such quasi-judicial board or agency.

10.07.03 Service Upon Quasi-Judicial Boards and Agencies

The officer of each quasi-judicial board or agency upon whom service of such petition may be effected or accepted on behalf of the lower judicatory board or agency, during normal business hours, at the regular offices of the local government, shall be the chairman of such quasi-judicial board or agency.

10.07.04 Service Upon the Board of Commissioners

The elected official or his or her designee who shall have authority to accept service and upon whom service of an appeal of a quasi-judicial decision may be effected or accepted on behalf of the **Board of Commissioners**, during normal business hours, at the regular offices of the local government, shall be the chairman of the **Board of Commissioners**.

Amendment #6 OCGA

¶

Master Table of Contents¶

10.07.00 APPEALS OF QUASI-JUDICIAL DECISIONS¶

10.07.01 Purpose¶

10.07.02 Authority to Approve or Issue Forms and Certificates¶

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Chapter 10 Table of Contents¶

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10.07.01 Purpose¶

10.07.02 Authority to Approve or Issue Forms and Certificates¶

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9.02.06 Appeal of ZBA Action

An **appeal** of a decision of the ZBA shall be to the Superior Court.-(See Also Section 10.07.00).

10.07.00 APPEALS OF QUASI-JUDICIAL DECISIONS

10.07.01 Purpose¶

The purpose of this section of this ULDC is to make the designations required by OCGA § 36-66-5.1(c) to ensure that the citizens of Lowndes County are not unnecessarily burdened by the review process as a mechanism of appeals of quasi-judicial decisions pursuant to OCGA § 36-66-5.1(a)(2) which are subject to appellate review by the superior court pursuant to its appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition to the superior court for such review as provided for in Title 5 of the Official Code of Georgia Annotated.¶

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The officer of each quasi-judicial board or agency who shall have authority, without additional board or agency action, to approve or issue any form or certificate necessary to perfect the petition described in Title 5 of the Official Code of Georgia Annotated for review of lower judiciary bodies shall be the chairman of such quasi-judicial board or agency.¶

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The officer of each quasi-judicial board or agency upon whom service of such petition may be effected or accepted on behalf of the lower judicatory board or agency, during normal business hours, at the regular offices of the local government, shall be the

chairman of such quasi-judicial board or agency.¶

10.07.04 Service Upon the Board of Commissioners¶

The elected official or his or her designee who shall have authority to accept service and upon whom service of an appeal of a quasi-judicial decision may be effected or accepted on behalf of the **Board of Commissioners**, during normal business hours, at the regular offices of the local government, shall be the chairman of the **Board of Commissioners**.¶

Amendment #7 Day Cares

1.09.01 Acronyms

DECAL – Georgia Department of Early Care and Learning

1.09.02 Definitions

Day Care Establishment. The following categories shall be designated:

Family Child Care Learning Home or "Learning Home" or "FCCL" means a private residence operated by any person who receives therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, at least three but not more than six Children under 13 years of age who are not Related to such persons and whose Parent(s) are not residents in the same private residence as the Provider and which is required to be licensed by DECAL; provided, however, that the total number of unrelated Children cared for in such a Learning Home, for pay and not for pay, may not exceed six Children under 13 years of age at one time, except that a Provider may care for two additional children three years of age or older for two designated one hour periods daily upon approval by the Department. The terms Children, Related, Parent, and Provider are defined by DECAL.

Child Care Learning Center or "CCLC" means any place operated by an individual or any business entity recognized under Georgia law wherein are received for pay for group care, for fewer than 24 hours per day without transfer of legal custody, seven or more children under 18 years of age and which is required to be licensed by DECAL. Child Care Learning Center also includes any day care center previously licensed by the Department of Human Resources and transferred pursuant to Code Section 20-1A-1 *et seq.*

2.03.03 Table of Land Uses

Child Care Learning Center – P in OI, Remains S in MAZ-II*, S in E-A, R-A, R-1, R-21

Delete Home Day Care Row in its entirety

Family Child Care Learning Home (No changes other than name)

List of Tables

- Table 4.03.08(E). Standards for Child Care Learning Centers, Nursery Schools, and Preschools.
- Table 4.03.08(F). Standards for Family Child Care Learning Homes.
- Table 4.03.08(G). Standards for Adult Day Care Centers.

4.03.08 Day Care Facilities (Adult or Child Day Care)

- A.** The requirements of this section apply to Child Care Learning Centers, group day care homes, nursery schools, preschools, Family Child Care Learning Homes, adult day care facilities, and adult day care centers.
- B.** All facilities regulated in this section shall comply with State regulations and acquire applicable State licenses for operation.
- C.** Adult day care within a **dwelling** shall be limited to the provision of care and supervision to not more than six (6) **persons**.
- D.** When the day care facility is operated as a **home occupation**, it shall comply with the provisions of Section 5.01.00 pertaining to **home occupations**.
- E.** Day care centers shall comply with the following standards:

Table 4.03.08(E). Standards for Child Care Learning Centers, Nursery Schools, and Preschools.

Development Feature	Standard
Number of total children (Unrelated and Related Added Together)	
Child Care Learning Centers in E-A, R-A, and R-1	Eighteen (18) or fewer (Unrelated and Related)
Child Care Learning Centers in R-21 or MAZ-II* (*Outside of the APZ II area – See Also Section 4.02.04)	Twelve (12) or fewer (Unrelated and Related)
Place of operation	Freestanding structure , or Within a religious facility (see Section 4.03.15 for standards), or Within a public or private school.
Access requirements	Drop-off location, separated from parking, and located off-street

F. Family Child Care Learning Homes shall comply with the following standards:

Table 4.03.08(F). Standards for Family Child Care Learning Homes.

Development Feature	Standard
Number of total children (Unrelated and Related Added Together)	
A Family Child Care	No more than six (6) Unrelated and

Learning Home in MAZ-II* (*Outside of the APZ II area – See Also Section 4.02.04)	No more than six (6) Related (Total of 12 (6 Unrelated and 6 Related))
Place of operation	Freestanding structure , or Within a dwelling .
Access requirements	Drop-off location, separated from parking, and located off- street .

G. Adult day care centers shall comply with the following standards:

Table 4.03.08(G). Standards for Adult Day Care Centers.

Development Feature	Standard
Number of adults	More than six (6).
Place of operation	Freestanding structure , or Within a religious facility (see Section 4.03.15 for standards).
Recreation areas	Fully enclosed by a fence, a minimum of four (4) feet in height . Chain link is permissible in side or rear yards; decorative fencing is required in front yards .
Access	Drop-off facilities shall be provided off- street and separated from parking.

5.01.00 HOME OCCUPATIONS

5.01.01 Generally

- A. A **home occupation** is permissible in a lawfully established **dwelling unit** in any zoning district where residential uses are permissible. All **home occupations** shall meet the standards set forth in Section 5.01.02. **Home occupations** in the E-A and R-A zoning districts shall meet the additional standards in Section 5.01.03.

- B. The following and similar uses shall be considered **home occupations**:

- 6. Family Child Care Learning Home;

5.01.02 Standards for All Home Occupations

- A. All **home occupations** shall have an occupational tax registration from Lowndes County.
- B. Employees of the **home occupation** shall be limited to the residents of the **dwelling**.
- C. The **home occupation** shall be clearly incidental to the **residential use** of the **dwelling**.
- D. The use of the **dwelling** for a **home occupation** shall not change the **residential character** of the **building**.

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

Amendment #7 Day Cares

1.09.01 Acronyms

DECAL – Georgia Department of Early Care and Learning

1.09.02 Definitions

~~**Day Care Establishment.** Any place operated by a person, society, agency, corporation, institution or group wherein are received for pay for group care, for fewer than twenty four (24) hours per day without transfer of legal custody, children under eighteen (18) years of age and which is required to be licensed or commissioned by the Georgia Department of Human Resources of Early Care and Learning (DECAL). The following categories shall be designated:~~

¶

Family Child Care Learning Home or "**Learning Home**" or "FCCL" means a private residence operated by any person who receives therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, at least three but not more than six Children under 13 years of age who are not Related to such persons and whose Parent(s) are not residents in the same private residence as the Provider and which is required to be licensed by DECAL; provided, however, that the total number of unrelated Children cared for in such a Learning Home, for pay and not for pay, may not exceed six Children under 13 years of age at one time, except that a Provider may care for two additional children three years of age or older for two designated one hour periods daily upon approval by the Department. The terms Children, Related, Parent, and Provider are defined by DECAL. ¶

¶

Child Care Learning Center or "CCLC" means any place operated by an individual or any business entity recognized under Georgia law wherein are received for pay for group care, for fewer than 24 hours per day without transfer of legal custody, seven or more children under 18 years of age and which is required to be licensed by DECAL. Child Care Learning Center also includes any day care center previously licensed by the Department of Human Resources and transferred pursuant to Code Section 20-1A-1 et seq. ¶

¶

~~**Family Day Care (6 or less children).** A private residence operated as day care for up to six (6) children.~~ ¶

¶

~~**Day Care Homes (7 to 18 children).** Any place operated as day care for not less than seven (7) or more than eighteen (18) children.~~ ¶

¶

~~**Day Care Centers (19 or more children).** Any place operated as day care for nineteen (19) or more children.~~ ¶

2.03.03 Table of Land Uses ¶

¶

Child Care Learning Center – P in OI, Remains S in

MAZ-II*, S in E-A, R-A, R-1, R-21

Delete Home Day Care Row in its entirety

Family Child Care Learning Home (No changes other than name)

List of Tables

- Table 4.03.08(EG). Standards for Child ~~Day-Care~~ Learning Centers, Nursery Schools, and Preschools.
- Table 4.03.08(FH). Standards for ~~Child Day Care Homes and Day Care Family Facilities~~Family Child Care Learning Homes.
- Table 4.03.08(GF). Standards for Adult Day Care Centers.

4.03.08 Day Care Facilities (Adult or Child Day Care)

- A. The requirements of this section apply to ~~Child day-Care~~ Learning Centers, group day care homes, nursery schools, preschools, Family Child Care Learning Homes. ~~family day care homes,~~ adult day care facilities, and adult day care centers.
- B. All facilities regulated in this section shall comply with State regulations and acquire applicable State licenses for operation.
- C. Adult day care within a **dwelling** shall be limited to the provision of care and supervision to not more than six (6) **persons**.
- D. When the day care facility is operated as a **home occupation**, it shall comply with the provisions of Section 5.01.00 pertaining to **home occupations**.
- E. Day care centers shall comply with the following standards:

Table 4.03.08(EG). Standards for Child ~~Day-Care~~ Learning Centers, Nursery Schools, and Preschools.

Development Feature	Standard
<u>Number of total children (Unrelated and Related Added Together)</u>	
<u>Child Care Learning Centers in E-A, R-A, and R-1</u>	<u>Eighteen (18) or fewer (Unrelated and Related)</u>
<u>Child Care Learning Centers in R-21 or MAZ-II* (*Outside of the APZ II area – See Also Section 4.02.04) Number of children</u>	<u>Twelve (12) or fewer (Unrelated and Related)</u>
Place of operation	Freestanding structure , or Within a religious facility (see Section 4.03.15 for standards), or

Outdoor play area	Within a public or private school. Minimum of 200 square feet per child, based on the number of users at any one (1) time, and Fully enclosed by a security chain link fence, a minimum of four (4) feet in height, or Fully enclosed by a solid decorative fence, a minimum of four (4) feet in height
Indoor play area	Minimum of 35 square feet per child
Access requirements	Drop-off location, separated from parking, and located off-street

F. ~~Day care homes and family care facilities~~ Family Child Care Learning Homes shall comply with the following standards:

Table 4.03.08(FH). Standards for ~~Child Day Care Homes and Day Care Family Facilities~~ Family Child Care Learning Homes.

Development Feature	Standard
Number of total children (Unrelated and Related Added Together)	1
— A Family Child Care Learning Home in MAZ-II* (*Outside of the APZ II area – See Also Section 4.02.04)	No more than six (6) Unrelated and No more than six (6) Related (Total of 12 (6 Unrelated and 6 Related))
Number of children	18
— Day care home	12 or fewer
— Day care home in R-21	6 or fewer
— Day care family	6 or fewer
Place of operation	Freestanding structure, or Within a dwelling.
Outdoor play area	Minimum of 200 square feet per child, based on the number of users at any one (1) time, and Fully enclosed by a security chain link fence, a minimum of four (4) feet in height, or Fully enclosed by a solid decorative fence, a minimum of four (4) feet in height
Indoor play area	Minimum of 35 square feet per child
Access requirements	Drop-off location, separated from parking, and located off-street.

G. Adult day care centers shall comply with the following standards:

Table 4.03.08(G). Standards for Adult Day Care Centers.

Development Feature	Standard
Number of adults	More than six (6).
Place of operation	Freestanding structure, or Within a religious facility (see Section 4.03.15 for standards).
Recreation areas	Fully enclosed by a fence, a minimum of four (4) feet in height. Chain link is permissible in side or rear yards; decorative fencing is required in front yards.
Access	Drop-off facilities shall be provided off-street and separated from parking.

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5.01.00 HOME OCCUPATIONS

5.01.01 Generally

- A. A **home occupation** is permissible in a lawfully established **dwelling unit** in any **zoning district** where **residential uses** are permissible. All **home occupations** shall meet the standards set forth in Section 5.01.02. **Home occupations** in the E-A and R-A **zoning districts** shall meet the additional standards in Section 5.01.03.
- B. The following and similar **uses** shall be considered **home occupations**:
 - 6. Family Child Care Learning Home~~Day care for six (6) or fewer children;~~

5.01.02 Standards for All Home Occupations

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

Amendment #9 Public Hearings

10.00.07 Board of Commissioner Public Hearing Procedures

The following procedures shall govern Board of Commissioner public hearings pertaining to applications listed as under their responsibility in Table 10.01.03. The ZBA and the Planning Commission are not required to observe these procedures.

- A.** The proposal or request to be considered shall be introduced by the Chair and presented by the **County Manager**.
- B.** Public comments shall be heard in an orderly fashion. Comments and testimony shall be provided in the following order:
 - 1. Citizens speaking in opposition to the proposal or request;
 - 2. Citizens speaking in favor of the proposal or request; and
 - 3. At the discretion of the Chair of the Board of Commissioners, Rebuttal.
- C.** Any party may appear at the public hearing in **person** or by agent or by attorney.
- D.** Each opponent or proponent who speaks shall state their name and address.
- E.** Each applicant or other interested party who submits documents at the hearing shall identify each document. Each document submitted shall be made a part of the official record of the hearing.
- F.** Time periods for testimony:

Opponents shall have a minimum of ten (10) minutes to present data, evidence, and opinions pertinent to the proposal. Proponents shall have a minimum of ten (10) minutes to present data, evidence, and opinions pertinent to the proposal. The Chair of the Board of Commissioners may otherwise limit discussion. The Chair of the Board of Commissioners may allow additional time at their discretion.
- G.** The Board of Commissioners retains the privilege to ask any questions of the **County Manager**, other staff, or **persons** who have spoken on the matter.
- H.** After the final action by the Board of Commissioners, the Chair shall announce the decision. The **County Manager** shall notify the applicant or agent in writing of the decision of the Board of Commissioners.
- I.** The Board of Commissioners may table the application. The tabling shall be to a date certain. Where an application is remanded by the Board of Commissioners to the Planning Commission it shall be heard by the Planning Commission on the next available meeting date.

Amendment #9 Public Hearings

10.00.07 Procedures for Conducting Board of Commissioner Public Hearing Procedures

The following ~~rules of~~ procedures shall govern Board of Commissioner public hearings pertaining to applications listed as under their responsibility in Table 10.01.03. The ZBA and the Planning Commission are not required to observe these procedures. ~~development subject to the provisions of this ULDC:~~

- A. The proposal or request to be considered shall be introduced by the Chair and presented by the **County Manager**.
- B. Public comments shall be heard in an orderly fashion. Comments and testimony shall be provided in the following order:
 1. Citizens speaking in opposition to the proposal or request;
 - ~~2. The applicant or applicant's agent;~~
 - ~~3.2.~~ Citizens speaking in favor of the proposal or request; and
 - ~~4.3.~~ At the discretion of the Chair of the Board of Commissioners,
Rebuttal.
- C. Any party may appear at the public hearing in **person** or by agent or by attorney.
- D. Each opponent or proponent ~~person~~ who speaks shall state ~~appears shall identify himself by their~~ name and address, ~~if the person is the applicant, he shall state whether he is the owner of the property or agent for owner.~~
- E. Each applicant or other interested party who submits documents at the hearing shall identify each document. Each document submitted shall be made a part of the official record of the hearing.
- F. Time periods for testimony:
Opponents shall have a minimum of ten (10) minutes to present data, evidence, and opinions pertinent to the proposal. Proponents, ~~including the applicant and other speaking in favor of the proposal,~~ shall have a minimum of ten (10) minutes to present data, evidence, and opinions pertinent to the proposal. The ~~Chair~~ Chair of the ~~board hearing the request or proposal~~ Board of Commissioners may otherwise limit discussion. The ~~chair~~ Chair of the ~~Board of Commissioners board hearing the request or proposal~~ Board of Commissioners may allow additional time ~~at in their~~ the chair's discretion.
- G. The ~~board hearing the request or proposal~~ Board of Commissioners retains the privilege to ask any questions of the **County Manager**, other staff, or **persons** who have spoken on the matter.
- H. ~~At the conclusion of the hearing~~ After the final action by the ~~board hearing the request or proposal,~~ Board of Commissioners, the ~~Chair~~ Chair ~~board hearing the request or proposal~~ shall announce ~~the~~ its decision. The **County Manager** shall notify ~~the an~~ applicant or agent in writing of the decision of the ~~board hearing the request or proposal~~ Board of Commissioners. ~~The written notification shall be made a part of the record.~~
- I. The Board of Commissioners ~~board hearing the request or proposal~~ may table the application. ~~continue the public hearing where additional information is~~

~~necessary in order to render a decision.~~ The ~~tabling~~ continuation shall be to a date certain. Where an application is remanded by the Board of Commissioners to the Planning Commission ~~for consideration of additional conditions~~, it shall be heard by the Planning Commission on the next available meeting date.