

**ZONING ORDINANCE**

**FOR**

**IRWIN COUNTY, GEORGIA**

**ADOPTED January 14, 2000**

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**Greater Irwin Planning Advisory Commission with Assistance from the**  
**South Georgia Regional Development Center**

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## SECTION 1

### ENACTMENT, SHORT TITLE, JURISDICTION, PURPOSE

**1-1 Enactment Clause.** The Board of Commissioners of Irwin County, Georgia, under the authority of Article IX, Section II, Paragraphs I and IV of the Constitution of the State of Georgia and the amendments thereto, hereby ordains and enacts into law the following sections.

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

**1-3 Short Title.** These regulations shall be known and may be cited as the "Zoning Ordinance for Irwin County, Georgia".

**1-4 Jurisdiction.** These regulations shall govern the use of all land and the developments thereof within the unincorporated area of Irwin County, Georgia.

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

## SECTION 2

### DEFINITIONS

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

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

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

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

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

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

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

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

**Administrator, Zoning.** The person, officer, or official and his authorized representative, whom the County Commission has designated as its agent for the administration of these regulations. (See Section 11-1)

**Adult Entertainment.** Performances by topless and/or bottomless dancers, strippers or similar entertainers, where such performances are characterized by the display or exposure of specific anatomical areas.

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

**Agriculture.** The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops, grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products, fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Retail selling of products raised on the premises shall be considered a normal accessory activity provided that space adequate for the parking of customer's vehicles shall be provided off the public right-of-way.

**Ambulatory.** In respect to a person, the ability to move from place to place by walking, either unaided or aided by prosthesis, brace, crutches or hand rails, or by propelling a wheelchair; and can conceive an emergency situation or condition, whether caused by fire or otherwise and escape without human assistance, using the normal means of egress.

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

**Buffer Area; Buffer Strip.** That portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established as landscaped open space for the purposes of screening and separating properties with incompatible land uses, the width of which is measured from the common property line and extends the developed portion of the common property line. A buffer consists of trees, shrubs, and other natural vegetation undisturbed by grading or site development and replanted where sparsely vegetated or where disturbed for approved access and utility crossings.

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

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

**Church.** A building in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship, or for propagating a particular form of religious belief.

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

**Care Home.** An orphanage, rest home, nursing home, convalescent home, or similar use established to render domiciliary care, but not including facilities for the care of mental patients, alcoholics, drug addicts and not including nursery schools. (See Section 2-24)

**Comprehensive Plan.** The 2015 Greater Irwin Comprehensive Plan, as duly adopted and subsequently amended by the Irwin County Board of Commissioners. This plan includes Future Land Use Plans and Short-Term Work Programs for each local government.

**Condominium.** A building containing three or more individually owned dwelling units and related, jointly owned, common areas as defined by the laws of the State of Georgia.

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

**Density.** The overall intensity of land use for the total project. When referring to residential areas, density is defined as the number of housing units permitted per acre in the respective zoning district involved in accordance with the terms of this zoning ordinance or as authorized under the development standards of this ordinance.

**District.** Within the concept of zoning, a delineated section or sections of Irwin County for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

**Dwelling, Single Family.** A detached building used and either designed or constructed for one dwelling unit.

**Dwelling, Single Family Attached.** One of a series of two or more single family dwelling units built on separate lots attached to another dwelling unit on an adjoining lot by a common party wall.

**Dwelling, Manufactured Home.** A manufactured home is a detached structure transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For the purpose of the administration of this ordinance, the term manufactured home shall not be interpreted to include mobile homes.

**Manufactured Housing Park.** An area, under single ownership and not subdivided into customary lots planned for individual ownership, containing three or more manufactured homes used as living facilities having a defined space, or an area containing three or more spaces designed or intended for parking of manufactured homes to be used as living facilities for rent or lease.

**Dwelling, Mobile Home.** A manufactured home built before June 15, 1976. They do not meet current building codes.

**Dwelling, Multi-Family.** A building either designed, constructed, altered, or used for more than two adjoining dwelling units, with each dwelling unit having a party wall or party floor connecting it to at least one other dwelling unit in the building. This includes apartments, condominiums, or any other type of multi-family structure.

**Dwelling, Two Family, or Duplex.** A building either designed, constructed, altered, or used for two adjoining dwelling units that are connected by a fire rated common wall and/or if two stories in height by a fire rated common floor.

**Dwelling Unit.** An enclosure of one (1) or more rooms, including kitchen, and bathroom facilities, designed or constructed as a unit for residential occupancy by one (1) family.

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

**Farm.** A tract of land at least ten (10) acres in size devoted to agricultural purposes. (See Section 2-4)

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

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

**Garden, Private.** A non-commercial private garden which is an accessory use to the primary use of the zoning district. The primary use must be present at the same location as the garden in any zoning district with the exception of agricultural zoning districts.

**Home Occupation.** An occupation for gain or support customarily conducted on the premises by a person or family residing therein. Home occupations are governed by the requirements of Sections 9-1 and 9-2. Home occupations are permitted uses as a matter of right in certain districts pursuant to the schedules of use under Section 5-1.1 and are permitted in other districts only after special review and approval by the Board of Appeals as Special Exceptions pursuant to Section 12-6.2. (See Sections 9-1 and 9-2)

**Hospital.** Any institution receiving in-patients, or a public institution receiving out-patients, and authorized under Georgia law to render medical, surgical, and/or obstetrical care. The term "hospital" shall include a sanitarium for the treatment and care of senile psychotics or drug addicts, but shall not include office facilities for the private practice of medicine or dentistry.

**Industrialized Building.** Industrialized building describes certain manufactured buildings which are regulated by the Georgia Department of Community Affairs. Georgia law defines an Industrialized Building as

“any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.” Industrialized buildings are constructed and regulated in accordance with the “Industrialized Buildings Act”, Georgia Law 1982 (Official Code of Georgia Annotated, Title 8, Chapter 2, Article 2, Part 1). An industrialized building must meet all requirements of the District in which it is located. Industrialized buildings designed for residential uses are often referred to as “modular homes”. For the purposes of enforcement of this ordinance, industrialized residential homes shall be subject to the same standards as site built homes.

**Junk Yard.** Use of property for outdoor storage, keeping, abandonment, sale, or resale of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking, and structural steel materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof. For the purposes of enforcement of this ordinance, junk yard means anywhere three (3) or more vehicles not in running condition, or the parts thereof, or household appliances are stored in the open or in open buildings. Buffers are required for all junk yards. (See Section 9-10)

**Kennel.** Any location where boarding, caring for, and keeping of more than a total of three dogs or cats, or other small animals or combination thereof (except litters of animals of not more than six months of age) is carried on for compensation, and also raising, breeding, caring for, or boarding of dogs, cats, or other small animals for commercial purposes.

**Kennel, Non-Commercial.** Any location where the boarding, caring for and keeping of more than three but not more than ten dogs or cats or other small animals or combination thereof (except litters of animals of not more than six months of age) is carried on, not for commercial purpose, but as a hobby such as the raising of show and hunting dogs.

**Licensed Day Care Center.** A day care center licensed by the State of Georgia and/or Irwin County that provides care, training, education, custody, treatment or supervision for children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to an owner or operator of the facility.

**Lot.** A lot of record, held in a single ownership by one person, or in common ownership by more than one, which has both lot area and lot dimensions equal to or greater than the lot width and lot area requirements established by this ordinance for the zoning district in which such tract of land is located and for the use proposed for the tract of land. (See Section 3-21)

**Lot, Corner.** A lot having frontage on two (2) or more public streets at their intersection. (See Section 3-11)

**Lot of Record.** A lot which is part of a subdivision recorded in the office of the Clerk of the Superior Court of Irwin County, or a parcel described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance. (See Section 3-21)

**Lot, Through.** A lot other than a corner lot, having frontage on more than one (1) street; or a corner lot having frontage on three (3) or more streets.

**Lot Width.** The distance between the side lot lines, measured along the front yard setback line as established by this ordinance, or if no setback line is established, the horizontal distance between the side lot lines measured along the street right-of-way line.

**Newspaper or Periodical Production, Sales, and Distribution.** The operation of newspaper or periodical business including the production, sales, and distribution thereof, including all necessary presswork. Such term

includes but is broader than newspaper or periodical publishing.

**Newspaper or Periodical Publishing.** This term is narrower in scope than newspaper or periodical production, sales and distribution. The term does not include presswork, sales or distribution and is limited to the composition, layout and non-presswork printing of a newspaper or periodical.

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

**Nursery School.** An agency, organization, or individual providing daytime care of six or more children not related by blood or marriage or not the legal wards or foster children of the attendant adult.

**Open Space.** That required portion of a lot at ground level, unoccupied by enclosed buildings and available to all occupants of the project. This space shall not be devoted to driveways or off-street parking but shall be usable for green space, recreational use and other leisure activities normally carried on outdoors.

**Personal Care Home.** A building or group of buildings, a facility or place in which is provided two or more beds and other facilities and services, including room, meals and personal care for non- family ambulatory adults for compensation.

- a) **"Family Personal Care Home"** means a home for adults in a family-type residence, noninstitutional in character, which offers care to two through six persons.
- b) **"Group Personal Care Home"** means a home for adult persons in a residence or other type building(s), noninstitutional in character, which offers care to seven through fifteen persons.
- c) **"Congregate Personal Care Home"** means a home for adults which offers care to sixteen or more persons.

**Planning Commission.** As utilized in this ordinance, the Planning Commission shall mean the Greater Irwin Planning Advisory Commission as duly appointed by the member governments of Irwin County, Georgia.

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

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

**Public Street.** Right-of-way dedicated to the city, county, state or federal government or owned by the city, county, state or federal government for public street purposes.

**Residential.** Pertaining to the use of land, means premises such as homes, townhomes, patio homes, manufactured homes, duplexes, condominiums or apartment complexes or single room rental units, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein.

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

**Setback.** The shortest distance between the centerline of a street and the principal building or structure on a lot.

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

**Sign.** Any surface, fabric, or device bearing lettered, pictorial, or sculptured matter designed to convey information visually and exposed to public view; or any structure (including billboard or poster panel) designed to carry the above visual information.

- a) **Advertising Separate Use Sign:** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered only elsewhere than upon the premises where the sign is displayed.
- b) **Advertising Incidental Use Sign:** A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered as a minor and incidental activity upon the premises where the sign is displayed.
- c) **Bulletin Board:** A sign used to announce meetings or programs to be held on the premises of a church, community recreation center, school, auditorium, library, museum, or similar non-commercial places of public assembly.
- d) **Identification Sign:** A sign used to identify only the name of the individual, family, organization, or enterprise occupying the premises.
- e) **Point of Business Sign:** A sign which directs attention to a business, profession, or industry located upon the premises where the sign is displayed, to type of products sold, manufactured, or assembled, and/or to service or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

**Special Exception.** A special exception is a use which within certain districts specified by this ordinance is not permitted as a matter of right but may be permitted within these districts by the Irwin County Commission after the Planning Commission and County Commission have: (1) reviewed the proposed site plans for the use, its location within the county, its arrangement and design, its relationship to neighboring property and other conditions peculiar to the particular proposal which would determine its desirability or undesirability; (2) has found the proposal not to be contrary to the intent of this ordinance; and (3) has approved the use as specified.

**Street.** A thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley. A PUBLIC STREET is a street accepted by dedication or otherwise by the governing body. A PRIVATE STREET is a street not so accepted.

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

**Tourist Home.** A dwelling in which sleeping accommodations are provided or offered to four (4) or less transient visitors for compensation.

**Trailer, Travel Type.** A vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses, which is identified on the unit by the manufacturer as a "camper" or "travel" trailer.

**Variance.** A variance is a relaxation of the dimensional and/or development standards of the zoning ordinance that will not be contrary to the public interest and where, owing to conditions peculiar to the property and not

the result of the intentional actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. (See Section 12-6.2)

**Yard, Front.** That area of a lot lying between the abutting street right-of-way line and the principal building of the lot and extending across the front of a lot from side lot line to side lot line. (See illustration, page 9)

**Yard, Rear.** That area of a lot extending across the rear of a lot from side lot line to side lot line and lying between the rear lot line and the principal building on the lot. (See illustration page 9)

**Yard, Side.** That area of a lot between the side lot line and the principal building on the lot extending from the front yard to the rear yard. (See illustration page 9)

Front, Rear and Side Yard

## SECTION 3

### GENERAL PROVISIONS

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

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

**3-3 Every Use Must be Upon a Lot.** No building or structure may be erected or use established unless upon a lot as defined by this ordinance except as provided in Section 3-21.

**3-4 Only One Principal Building Per Lot.** Except as herein provided, (see Section 9-3, Section 9-4, and Section 9-5), there shall be no more than one (1) principal building or structure upon any lot in any residential district.

**3-5 Open Space Not to be Encroached Upon.** No open space shall be encroached upon or reduced in any manner except in conformity to the yard, setback, off-street parking space requirements, and such other regulations required by this ordinance for the district in which such building is located. Shrubbery, driveways, retaining walls, fences, curbs, and planted buffer strips shall be interpreted not to be encroachments of yards. (See Section 3-24)

**3-6 Required Open Space May Not be Used by Another Building.** No part of any yard, other open space, or off-street parking or loading space required in connection with any building, structure, or use by this ordinance shall be considered to be part of a required yard, or other open space, or off-street parking or loading space for any other building, structure, or use except as provided in Section 7-6.

**3-7 Reduction of Yards or Lot Area.** Except as provided in Section 3-22, no lot existing at the time of passage of this ordinance shall be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless said reduction or division is necessary to provide land that is needed and accepted for public use.

**3-8 Encroachment on Public Rights-of-Way.** No building, structure, service area, or required off-street parking and loading facility, except driveways, shall be permitted to encroach on public rights-of-way.

**3-9 Location of Accessory Buildings or Uses.** Accessory buildings on residential lots, when located within a front or side yard, shall be located no closer to property lines than would be allowed for a principal building. Within a rear yard, an accessory building on a residential lot shall be located at least five (5) feet from all rear property lines and eight (8) feet from all other property lines, except that in the case of corner lots, accessory buildings shall be set back from the centerline of an abutting street right-of-way a distance equal to three-fourths (3/4) the front yard setback established for the zoning district in which the accessory buildings are located. In the case of a through lot (see Section 3-11) accessory buildings shall conform to front yard setbacks on both streets. Accessory buildings or uses on non-residential lots shall comply with front, side, and rear yard requirements established for the zoning district in which such buildings or uses are located.

**3-9.1 Accessory Building on Separate Lot:** An accessory building may be permitted, as a Special Exception by the County Commission, on a separate lot from the lot of the principal building provided that: (a) the lot upon which the accessory building is to be located shall be within 400 feet of the principal use; and (b) all requirements, including use restrictions, established for the zoning district in which such accessory building is to be located shall be complied with; and (c) any structure or building erected shall meet the requirements of the Georgia State Building Code and shall be approved by the building inspector. In addition to the above requirements, the County Commission may require design features such as buffer strips, screening, etc., as may be found necessary to protect the purposes of this ordinance.

**3-9.2 Swimming Pools:** Swimming pools accessory to residences or commercial uses shall be enclosed by a steel mesh security fence or other substantial building material affording equal or better access control. Said fence shall have a minimum height of four (4) feet.

**3-9.3 Separation from Principal Use:** Any accessory building of more than eight (8) feet in height shall be located at least ten (10) feet from the principal building.

**3-10 Every Lot Shall Abut a Street.** No building shall be erected on a lot which does not abut an open public street or an approved private street, meeting current county development standards and duly approved by the County Commission.

**3-11 Lots With Multiple Frontage.** In the case of a corner lot, side yard setback requirements from the centerline of the street right-of-way shall equal to seventy-five percent (75%) of that required for the front yard setback for the respective zoning district. On a corner lot where the main entrance into a residence is facing a side yard, it shall be permissible for purposes of this ordinance to interpret the residence to be fronting on the street other than that street which said entrance faces, and side and rear yard requirements may be provided accordingly. If a building is constructed on a through lot having frontage on two (2) or more roads not at an intersection, a setback from each road shall be provided equal to the front yard requirement for the district in which the lot is located.

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

**3-13 Uses Prohibited.** If either a use or class of use is not specifically indicated as being permitted in a district, either as a matter of right, or as a Special Exception, then such use, class of use, or structures for such uses, shall be prohibited in such district.

**3-14 Fall-out and/or Storm Shelters.** Fall-out and/or storm shelters are permitted as principal or accessory uses in any district, subject to the yard requirements of the district. Shelters shall be maintained so as not to become a hazard or blight to the community.

The County Commission may permit, as a Special Exception, construction of joint shelters by two (2) or more property owners. Where such joint shelters are permitted, the County Commission may waive the side and rear yard setback requirements on the property or properties directly involved in order to permit practical and efficient location and construction; provided, however, that side and rear yard requirements shall be met where property involved in a joint proposal abuts or adjoins property not included in the proposal.

## VISIBILITY AT INTERSECTIONS

**3-15 Zoning to Apply When Lot is Divided by District Boundary Line.** In the event that a district boundary line on the zoning map divides a lot of record held in one (1) ownership on the date of passage of this ordinance, each part of the lot so divided shall be used in conformity with the regulations established by this ordinance for the district in which such parcel is located; except, however, that if the property owner of such a lot so desires, he may extend a use allowed on either portion of said lot fifty (50) feet beyond the district boundary line in accordance with setbacks and yard requirements of the district into which he is encroaching.

**3-16 Height Limitations of Walls and Fences.** Within any residential district, no wall or fence shall exceed eight (8) feet in height within or along a boundary of a rear or side yard. Within the front yard, all fences shall have a height limit of four (4) feet.

**3-17 Required Buffers in RC, GB, WLI, and HI Districts.** In a RC, GB, WLI, and HI zoning district, where a lot abuts any residential district, a six (6) foot wide buffer the entire length of the lot abutting the residential property shall be provided with screening as specified in Section 3-19. Off-street parking associated with such uses shall be governed by this same provision.

**3-18 Screening of Service Areas Within One Hundred Fifty (150) Feet of Public Street.** Any service area, loading area, refuse, or storage area between a principal building and a public street being visible from said street and lying within one hundred fifty (150) feet of said street shall be screened from view from the public street as specified in Section 3-19.

**3-19 Screening Required.** Wherever screening is required by this ordinance, a durable masonry wall, or fence and hedge of sufficient opacity to provide a visual blind, designed to be compatible with the character of adjoining properties, shall be provided and maintained by the owner and his successors and assigns. Such fences and walls shall be at least six (6) feet in height, but no greater than eight (8) feet in height, measured from the ground along the common lot line of the adjoining properties. Hedges or comparable natural plantings shall be of such variety that an average height of at least six (6) feet could be expected by normal growth within no later than three (3) years from the time of planting. The owner/developer shall install the required screening prior to the issuance of the certificate of occupancy. Occupancy will not be allowed until the screening is completed as a part of the normal developmental requirements.

**3-20 Side and Rear Yards Not Required Next to Railroad.** Within any non-residential district, side yards and rear yards shall not be required adjacent to railroad rights-of-way.

**3-21 Substandard Lots of Record.** Any lot of record existing at the time of the adoption of this ordinance which has an area or a width which is less than that required by this ordinance may be used as a building site for a structure or use permitted in that zone; provided, however, that the same yard, setback, open space, and other dimensional requirements are met that would be required for a standard lot, except as stipulated in Section 3-25.

**3-22 Permitted Modification of Setback Requirement.** When a building is proposed on a lot and when on either or both lots which adjoin such lot at the street right-of-way line there exists a principal building which does not conform to the setback requirements of this ordinance, the required setback for such building shall be as follows: (1) where only one said adjoining lot contains a principal building with a non-conforming setback the setback shall be the computed average of (a) the normal setback requirement with (b) the non-conforming setback, or (2) where both adjoining lots contain a principal building each with a non-conforming setback, the minimum setback shall be the computed average of the two non-conforming setbacks.

**3-23 Structures Permitted Above the Height Limit.** The height limits of these regulations shall not apply to a church spire, belfry, cupola, dome, or ornamental tower not intended for human occupancy, monument, water tower, observation tower, transmission tower, chimney, smoke stack, conveyor, flag pole, radio or television tower, mast or aerial, parapet wall not extending more than four (4) feet above the roof line of the building, and necessary mechanical appurtenances.

**3-24 Permitted Encroachments of Yards and Setbacks.** Architectural features such as cornices, eaves, steps, gutters, and fire escapes may project not more than three (3) feet beyond any required setback line, except where such projections would obstruct driveways which are or may be used for access for service and/or emergency vehicles; provided, however, that in the case of automobile service stations, motels, and similar uses which serve the motoring public, canopies shall be allowed over a driveway or walkways within the front yard not to extend from the principal building to a point any closer than fifteen (15) feet from the street right-of-way line.

**3-25 Modification of Sideyard Requirements.** When a lot of record has a width less than the frontage required in the district in which it is located, then the Zoning Administrator shall be authorized to reduce the side yard requirements for such lot; provided, however, that there shall not be less than an eight (8) foot side yard.

**3-26 Variances to Height Requirements.** Chimneys, water, fire, radio and television towers, church spires, domes, cupolas, stage towers, and scenery lofts, cooling towers, elevator bulkheads, smokestacks, flag poles, parapet walls, silos, grainaries, windmills, and similar structures and their necessary mechanical appurtenances may be erected above the height limits herein established after a proper variance has been obtained from the Zoning Board of Appeals, except within the two (2) mile radius of the Ocilla/Irwin County Airport shall conform to the height requirement of its district unless a variance for a greater height is approved by the Zoning Board Appeals of Irwin County. Any such approval of a greater height shall be in accord with the flight approach zone maps on file with the Zoning Administrator of Irwin County, Georgia.

**3-27 Prohibited Uses in All Residential Districts.**

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

**3-28 Recreational Vehicles.** Recreational vehicles shall not be utilized as a permanent dwelling in any zoning district. Occupancy exceeding 30 days shall be considered permanent.

**3-29 Mobile Homes.** No mobile homes, defined as units constructed prior to June 15, 1976 shall be allowed within the unincorporated area of Irwin County. Only manufactured homes constructed to the Federal Manufactured Home Construction and Safety Standards governed by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. 5401, et. Seq. shall be permitted within unincorporated Irwin County.

## SECTION 4

### ZONING DISTRICTS

**4-1 Establishment of Districts.** In order that the purposes of this ordinance as defined in Section 1 may be accomplished, there are hereby established within Irwin County, Georgia, zoning districts identified as follows:

- 4-1.1 A-U Agricultural Use:** The purpose of this district is to permit agricultural uses, to encourage the maintenance of the rural countryside, to preserve forests and other undeveloped lands away from areas of population growth, and to allow residents to retain their traditional ways of life. The preferred land use in the district is agricultural, either active in the form of crops, or passive in the form of forest management or pasture lands. The A-U district should be utilized as a land use designation where a more intensive use of the land is unlikely to occur in the near future. The requirements of the district are designed to encourage the maintenance of a rural character until more intensive development is feasible.
- 4-1.2 R-R Rural Residential:** The purpose of this district shall be to allow for residential development on lots of less than two acres in the rural areas of Irwin County. With Health Department approval, such districts may use individual water supply and sewerage disposal systems.
- 4-1.3 R-1 Single Family Residential:** The purpose of this district is to provide single family residential areas with minimum lot sizes of one acre (43,560 square feet), said areas being protected from the depreciating effects of small lot development and excessive density and from the encroachment of these uses which are incompatible to a desirable residential environment. With health department approval, such districts may use individual water supply and sewerage disposal systems.
- 4-1.4 R-1A Single Family Residential:** The purpose of this district is to provide single family residential areas with minimum lot sizes of one acre (43,560 square feet), said areas being protected from the depreciating effects of small lot development and excessive density and from the encroachment of these uses which are incompatible to a desirable residential environment. With health department approval, such districts may use individual water supply and sewerage disposal systems.
- 4-1.5 R-20 Single Family Residential:** The purpose of this district is to provide single family residential areas with minimum lot sizes of twenty thousand (20,000) square feet, said areas being protected from the depreciating effects of small lot development and excessive density and from the encroachment of those uses which are incompatible to a desirable residential environment.
- 4-1.6 M-H-P Manufactured Housing Park:** The purpose of this district is to provide for the development of property that is suitably located and planned for manufactured housing park use. Property developed in this district is to remain in single ownership for rental or leasing purposes only. Manufactured housing parks shall be developed only in strict accordance with the Manufacturing Housing Park provisions of this ordinance.
- 4-1.7 R-C Rural Commercial:** The purpose of this district is to provide for and protect areas that can accommodate a variety of sales and services that are commonly needed by the rural community.
- 4-1.8 G-B General Business District:** The purpose of this district shall be to provide for and encourage the proper grouping and development of uses which include a wide variety of sales and services that will best accommodate the needs of the county and the traveling public in

order to reduce highway traffic congestion, traffic hazards, and blight along the public streets and highways of the county.

- 4-1-9 WLI Wholesale-Light Industrial District:** The purpose of this district shall be to provide and protect areas for those wholesale and light industrial uses which do not create excessive noise, odor, smoke, dust, and which do not possess other objectionable characteristics which might be detrimental to surrounding neighborhoods, or to the other uses permitted in the district.
- 4-1.10 H-I Heavy Industrial District:** The purpose of this district shall be to provide and protect areas for those industrial uses which cannot comply with the regulations of the WLI District.
- 4-1.11 C-A Adult Commercial:** The purpose of this district shall be to provide a reasonable location within the community for the development of adult-oriented businesses including adult entertainment establishments.

**4-2 Zoning Map and Major Thoroughfare Plan.** The boundaries of each district are shown on maps entitled "Official Zoning Maps of Irwin County, Georgia". The classification of streets (local and collector streets and principal and minor arterials) within Irwin County, Georgia are shown on a map entitled "Major Thoroughfare Plan, Irwin County, Georgia". The Official Zoning Maps and Major Thoroughfare Plan shall be dated and certified by the Chairman of the County Commission and County Clerk, and said maps and all explanatory matter thereon accompanies and is hereby made a part of this ordinance.

Accurate copies of the "Official Zoning Maps of Irwin County, Georgia, and the "Major Thoroughfare Plan, Irwin County, Georgia", shall be on file in the office of the Zoning Administrator at all times. Said maps shall accurately show all map amendments made in accordance with the provisions of this ordinance. It shall be the duty of the Zoning Administrator to insure that the "Official Zoning Maps of Irwin County, Georgia" and the "Major Thoroughfare Plan, Irwin County, Georgia", displayed in his office are kept up-to-date and accurately show all amendments.

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

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



## SECTION 5

### SCHEDULE OF PERMITTED USES

**5-1 Table of Permitted Uses.** Within the various zoning districts as indicated on the "Official Zoning Maps of Irwin County", no building, structure, or land shall be constructed, erected, altered, or used except as indicated in the following schedules:

- 5-1.1 Uses Permitted by Right:** Uses permitted as a matter of right are indicated on the following schedule by the letter "X" in the appropriate column.
- 5-1.2 Special Exception:** Uses permitted only after special review and approval of the County Commission are indicated on the following schedule by the letters "SE" in the appropriate column. Requests to approve a Use by Special Exception shall be advertised, reviewed and processed in the same manner as an amendment to the Official Zoning Maps as described in Section 14 - Amendment.
- 5-1.3 Uses Not Allowed:** Uses not specifically designated by an "X" or "SE" within the appropriate column are not allowed within the district.
- 5-1.4 Conflict of Use Interpretation:** In the event of a discrepancy between the various provisions of this ordinance as relates to a particular use of land being allowed in a particular zoning district, Section 5, Schedule of Permitted Uses, shall govern.

SECTION 5-2 LAND USE	ZONING DISTRICT										
	AU	RR	R1	R1A	R20	MHP	RC	GB	WLI	HI	CA
<b>RESIDENTIAL AND RELATED USES</b>											
1. ACCESSORY BUILDINGS OR USES	X	X	X	X	X	X	X	X	X	X	
2-a. ANIMALS, non-commercial keeping of horses as an accessory use to residential land uses, provided that in R-R, R-1, R-20, MHP and zones:  a) shall only be permitted on a lot containing not less than two acres;  b) all buildings used to house the animals shall be set back not less than 150 feet from any property line;  c) all animals shall be maintained at least fifty (50) feet from any property line except property lines adjoining an A-U zones; and  d) there shall be not less than 30,000 square feet of fenced lot area not covered by the principal structure for each animal.	X	X	X	X	X	X	X	X	X	X	
2-b. ANIMALS, kennel, non-commercial, as an accessory use to residential land uses provided that:  a) Minimum lot size of one acre;  b) All buildings used to house the animals shall be setback 100 feet from any property line.	X	X	X	X	X	X	X	X	X	X	
3. BOARDING OR ROOMING HOUSE							X	X			
4. CHURCH OR OTHER PLACE OF WORSHIP, including Sunday School buildings, parish houses, convents, nursery school,	X	X	X	X	X	X	X	X			

SECTION 5-2 LAND USE	ZONING DISTRICT										
	AU	RR	R1	R1A	R20	MHP	RC	GB	WLI	HI	CA
kindergartens (subject to developmental standards listed in use item # 19) and other related uses on the same premises and operated by the church provided that within R-R, R-1, R1A, and R-20 zones:  a) The lot size shall be no less than two (2) acres;  b) any building or structure established with any such use shall have minimum side and rear yards of fifty feet; and  c) lot must front collector or arterial street.											
5. DWELLING, SINGLE FAMILY	X	X	X	X	X	SE					
6. DWELLING, TWO FAMILY (DUPLEX)	X										
7. GARDEN, PRIVATE	X	X	X	X	X	X	X	X	X	X	
8. RESERVED											
9. FAMILY PERSONAL CARE HOME	X	SE	SE	SE	SE						
10. RESERVED											
11. GARAGE APARTMENT, provided no more than one shall be permitted on a lot with the principal dwelling, and provided such shall be permitted only within the rear yard. The lot on which such use is to be established must be fifty percent (50%) greater in lot area than the minimum standard lot size for the respective district.	X										
12. GROUP PERSONAL CARE HOME, provided that:  a) Minimum lot size of one (1) acre in all zones; [except A-U, which requires five acres.]	X						SE	X			

SECTION 5-2 LAND USE	ZONING DISTRICT										
	AU	RR	R1	R1A	R20	MHP	RC	GB	WLI	HI	CA
b) Parking is restricted to rear and sideyard and shall be screened per Section 3-19.											
13. GUEST QUARTERS OR SERVANT QUARTERS, provided no more than one shall be permitted on a lot with the principal building and provided such shall be permitted only within the rear yard. The lot on which such use is to be established must be fifty percent (50%) greater in lot area than the minimum standard lot size for the respective district.	X	X	X	X	X						
14. HOME OCCUPATION (See Sections 9-1 and 12-6.2)	X	SE	SE	SE	SE	SE	X	X	X	X	
15. MANUFACTURED HOME, individually sited, provided that:  a) The manufactured home shall meet the same minimum square footage, setback and yard requirements as any other single family dwelling, and  b) must be installed and anchored as per Georgia State minimum requirements, properly underpinned or skirted within 45 days with material comparable to the proposed manufactured home.	X	X									
16. MANUFACTURED HOUSING PARK, provided that:  a) Access to manufactured housing parks shall be by paved public street and either on or within 1,000 feet of and readily accessible to an arterial or collector street as designated on the Major Thoroughfare Plan, Irwin County, Georgia, and,  b) the manufactured housing park meets the requirements of Section 9-5 of this ordinance						X					
17. PUBLIC OWNED RECREATION CENTERS, Y.M.C.A. AND	SE						X	X			





SECTION 5-2 LAND USE	ZONING DISTRICT										
	AU	RR	R1	R1A	R20	MHP	RC	GB	WLI	HI	CA
28. ART STUDIO							X	X			
29. AUTOMOBILE SERVICE STATION, provided that major auto repair shall not be permitted, nor shall there be outside storage of materials or equipment other than merchandise offered for sale in a R-C or G-B district.							X	X	X	X	
30. AUTOMOBILE, TRUCK, FARM EQUIPMENT, OR MOTORCYCLE SALES, REPAIR, OR UPHOLSTERY, AUTO WASHERTERIA, PAINT SHOPS, OR TIRE RECAPPING, (including rebuilding of parts or sales of parts and equipment indoors only, no outside storage of equipment or parts except for WLI and H-I districts).								X	X	X	
31. AUTOMOBILE PARKING LOT OR PARKING GARAGE (Commercial)							SE	X	X	X	
32. BAIT AND TACKLE STORE; in AU, only when associated with resource oriented amusement or recreational activity.	X						X	X	X	X	
33. BANKS, FINANCIAL INSTITUTIONS, AND OFFICES not specifically listed elsewhere in this column.							X	X			
34. BOOKBINDING, PRINTING, ENGRAVING, BLUEPRINTING, PHOTOSTATING, OR LETTER SHOP							X	X	X	X	
35. BUILDING CONTRACTOR AND RELATED ACTIVITIES AND STORAGE OF BUILDING SUPPLIES AND MATERIALS, provided that equipment and materials temporarily stored or displayed outside shall be completely enclosed by a suitable fence. No sawmill or planing mill operations shall take place on the premises within any district other than the H-I district.								X	X	X	
36. BUSINESS SCHOOLS (PRIVATE)								X	X	X	
36a. CATERING SERVICE							X	X			

SECTION 5-2 LAND USE	ZONING DISTRICT										
	AU	RR	R1	R1A	R20	MHP	RC	GB	WLI	HI	CA
37. CLOTHING AND DRY GOODS STORES, including shoe stores, men's shops, women's shops, variety stores and stores of a similar nature.							X	X			
38. CLUBS OR LODGES (PRIVATE)	SE						X	X			
39. RESERVED											
40. CULTURAL FACILITIES, libraries, museums, and similar facilities.	SE						X	X			
41. DANCE SCHOOL OR STUDIO							X	X			
42. DEPARTMENT STORES							X	X			
43. DRIVE-IN RESTAURANTS							SE	X			
44. DRIVE-IN THEATER								X	X		
45. DRUG STORES							X	X			
46. ELECTRICAL REPAIR and similar repair of a heavy commercial nature.								X	X	X	
47. ELECTRICAL APPLIANCE REPAIR, wholly contained within a building.							X	X	X	X	
48. EXPERIMENTAL LABORATORY	SE							X	X	X	
49. FREIGHT EXPRESS OFFICE								X	X	X	
49a. RESERVED											
50. FARMERS MARKET								X	X	X	
51. FARM SUPPLIES, including feed, seed, and insecticides, and fertilizer retail sales.								X	X	X	

SECTION 5-2 LAND USE	ZONING DISTRICT										
	AU	RR	R1	R1A	R20	MHP	RC	GB	WLI	HI	CA
52. FLOWER SHOP							X	X			
53. FOOD STORES, including retail bakeries, meat markets, dairy products, confectioner shops, and stores of a similar nature.							X	X	X		
54. FUNERAL HOME							SE	X			
55. FURNITURE UPHOLSTERY SHOP							SE	X	X	X	
56. GLASS SALES AND STORAGE - Wholly contained within a building.								X	X	X	
57. GOLF COURSE - LIGHTED								X	X	X	
58. GOLF COURSE, provided that: a) It shall be for daytime use only; and  b) all greens and fairways shall be set back at least one hundred (100) feet from any exterior property lines; and  c) structures shall meet minimum setback requirements for single family residences within the respective district.	SE	SE	SE	SE	SE		SE	X			
59. GROWING OF GARDENS	X	X	X	X	X	X	X	X	X	X	
60. HOME FURNISHINGS AND HARDWARE, such as appliance sales, hardware stores, paint stores, sporting goods stores, furniture stores, and stores of a similar nature.							X	X	X		
61. HOSPITALS, NURSING HOMES, CARE HOMES AND CONGREGATE PERSONAL CARE HOMES, provided that:  a) The lot size shall be no less than three (3) acres within any district where allowed; and,							SE	SE			

SECTION 5-2 LAND USE	ZONING DISTRICT										
	AU	RR	R1	R1A	R20	MHP	RC	GB	WLI	HI	CA
b) any building or structure established with any such use shall have minimum side and rear yard of fifty (50) feet; and, c) the setback shall be twenty-five (25) feet more than required for other structures within the same district; and, d) the lot upon which any hospital is built shall front on an arterial as specified on the Major Thoroughfare Plan, Irwin County, Georgia.											
62. HOTELS							X	X			
63. LABORATORY SERVING PROFESSIONAL REQUIREMENTS - MEDICAL, DENTAL							X	X	X	X	
64. LAUNDROMAT OR WASHERTERIA							X	X			
65. LOCKSMITH, GUNSMITH - Repairs and sales only.							X	X			
66. MEDICAL, DENTAL, OR SIMILAR CLINIC							X	X			
67. MOTELS							X	X			
68. MUSIC TEACHING STUDIO							X	X			
69. NEIGHBORHOOD DRYCLEANING PLANTS, LAUNDRY PICK-UP STATIONS: a) The drycleaning plant and its operation shall meet the requirements of the National Fire Protection Association (NFPA) and the Underwriters Laboratories, Inc.; and, b) the drycleaning plant shall serve not more than one pick-up and delivery station exclusive of one occupying the same premises as the plant; and,							X	X			

SECTION 5-2 LAND USE	ZONING DISTRICT										
	AU	RR	R1	R1A	R20	MHP	RC	GB	WLI	HI	CA
c) the building for a drycleaning plant shall not contain more than 4,000 square feet of floor area inclusive of drycleaning pick-up facilities within the building; and,  d) the drycleaning plant shall be designed to operate in a manner that will not emit smoke, or odor, or objectionable waste materials and which will not produce noise that will carry beyond the walls of the building occupied by such plant; and,  e) fuel for operation of equipment shall be smokeless fuel; and,  f) the applicant for the drycleaning plant shall certify in writing at the time of application that all the above conditions will be met.											
70. NEWSPAPER OR PERIODICAL PRODUCTION, SALES AND DISTRIBUTION								X	X	X	
71. NEWSPAPER OR PERIODICAL PUBLISHING							X	X	X	X	
72. NIGHTCLUB OR LOUNGE, provided lot must front arterial street.								X			
73. OFFICE EQUIPMENT SALES AND SERVICE							X	X	X		
74. PACKAGE BEER AND WINE SALES, provided lot must front arterial street.							X	X			
75. PAWN SHOPS and small personal loan offices other than commercial banks.							X	X			
76. PERSONAL SERVICE SHOPS, such as barber shops, beauty shops, shoe repair, watch repair, and services of a similar nature.							X	X			
77. PEST CONTROL, providing no outside storage other than within a WLI or H-I district.								X	X	X	

SECTION 5-2 LAND USE	ZONING DISTRICT										
	AU	RR	R1	R1A	R20	MHP	RC	GB	WLI	HI	CA
78. PHOTOGRAPHY STUDIO							X	X			
79. PRODUCE SALES, SEASONAL	X						X	X			
80. RADIO AND TELEVISION STUDIOS							X	X			
81. UTILITY SUBSTATION, provided all buildings, masts, and other facilities are located at least two hundred (200) feet from adjacent property lines on any lot which adjoins any residential district.	X						SE	X	X	X	
82. RAILROAD OR BUS PASSENGER STATION							X	X	X	X	
83. RAILROAD FREIGHT STATION								X	X	X	
84. RESTAURANTS							X	X	X	X	
85. RETAIL AUTO PARTS AND TIRE STORES							X	X	X	X	
86. RETAIL STORES, not covered elsewhere in this section.							X	X			
87. RESIDENTIAL MOBILE HOME SALES ROOM AND SALES LOT								X	X		
87a. SECURITY WORKER HOUSING (See Section 9-9)							SE	SE	SE	SE	
88. SHELL HOME DISPLAY YARDS								X	X		
89. SHRUBBERY SALES (Within a CC zone, must be wholly contained within the building.)							X	X	X		
90. SPECIALTY SHOPS, such as gift shops, jewelry stores, jewelry repair, antique shops, and stores of a similar nature.							X	X			
91. TAXIDERMIST								X	X		
92. TAXI OFFICE							SE	X	X		
92a. TELECOMMUNICATIONS TOWERS	SE							SE	SE	SE	

SECTION 5-2 LAND USE	ZONING DISTRICT										
	AU	RR	R1	R1A	R20	MHP	RC	GB	WLI	HI	CA
1. Provided all structures are setback from property lines and right-of-way lines the required distances for that district, plus 1 foot for every 2 feet above the height requirements of that districts.  2. Towers for telecommunication services will not be permitted within 500 feet of each other measured from base of tower to base of tower.											
93. TELEGRAPH OR MESSENGER SERVICE								X	X		
94. TRADE SCHOOLS								X	X	X	
95. TRAVEL TRAILER PARK, provided that:  a) No travel trailer nor R/V park shall be located except with direct access to a principal or minor arterial with a minimum lot width of not less than fifty (50) feet for that portion used for entrance and exit. No entrances or exits shall be through a residential district, or shall require movement of traffic from the park through a residential district.  b) The minimum lot area required for a travel trailer park shall be three (3) acres.  c) Spaces in a travel trailer park may be used by travel trailers provided they shall be rented by the day or week only, and an occupant of such space shall remain in the trailer park for a period of not more than thirty (30) days.  d) Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of a trailer park are								X			





SECTION 5-2 LAND USE	ZONING DISTRICT										
	AU	RR	R1	R1A	R20	MHP	RC	GB	WLI	HI	CA
s) Stone, clay, or glass manufacture										X	
t) Transportation equipment manufacture										X	
103. JUNK YARD OR AUTO GRAVEYARD, provided that:									SE	X	
a) Minimum lot size of five (5) acres is required; and											
b) front yard setback increased fifty (50) feet over requirements for other uses in WLI and H-I zones; and											
c) cannot be within five hundred (500) feet of any RR, R-1, R1A, R-20, or MHP districts; and											
d) the entire junk yard or auto graveyard shall be screened as required in Section 3-19; and											
e) must be set back five hundred (500) feet from any district boundary.											
104. LIGHT MANUFACTURING:											
a) Appliance and electronic device assembly plant including the manufacturing of parts for appliances and electronic devices; and									X	X	
b) manufacturing of food, cosmetics and pharmaceutical products, but not including fish and meat products, sauerkraut, vinegar, yeast, and rendering plants; and									X	X	
c) machine shop and related activities; and									X	X	
d) construction of signs, including painted signs; and									X	X	
e) cooperage; and									X	X	
f) bottling and canning plants; and									X	X	





SECTION 5-2 LAND USE	ZONING DISTRICT										
	AU	RR	R1	R1A	R20	MHP	RC	GB	WLI	HI	CA
122. APICULTURE	X										
122-a COMMERCIAL CHICKEN HOUSES (Section 9-9)	SE										
123. CROP DUSTING SERVICE - In AU, if landing strip is associated with activity, landing strip must be set back five hundred (500) feet from all property lines.	SE								X		
124. FARMING AND FARM OPERATIONS, including related structures and other agricultural uses as described in Section 2-4.	X										
125. FISH HATCHERIES	X										
126. FORESTRY NURSERIES (TREE FARMS)	X										
127. GROWING OF CROPS	X								X	X	
128. HORTICULTURAL PRODUCTION, including related retail and wholesale activities.	X										
129. PLANT FARMS	X										
130. RIDING OR BOARDING STABLES	X										
131. RODEO OR HORSE SHOW	SE										
132. RURAL HOME OCCUPATION	SE						X	X	X	X	
133. WORM FARM	X										
134. VINEYARDS	X										
<b>MISCELLANEOUS</b>											
135. ARMORIES, for meetings and training organizations.								X	X	X	
136. CARNIVAL OR ATHLETIC EVENT, COMMUNITY FAIR OR	X						X	X	X	X	



**SECTION 6**

**SETBACK AND YARD REQUIREMENTS BY DISTRICT**

**6-1 Development Standards.** Within the various zoning districts as indicated on the "Official Zoning Maps of Irwin County, Georgia", no building or structure, excluding all signs, shall be constructed or erected except as indicated in the following schedule:

DEVELOPMENT STANDARDS	ZONING DISTRICTS					
	A-U	R-R	R1	R1A	R-20	MHP
Minimum Gross Floor Area Per Dwelling Unit (Sq.Ft.)	800	800	1,500	1,200	1,200	400
Minimum Lot Area For Dwelling Units	1 Ac. (adopted 6-1-2020)	1 Ac.	1 Ac.	1 Ac.	20,000sf	Gross min. Lot size of five (5) acres; (See Section 9.5 for individual units.)
Minimum Lot Width (Feet)	40 (adopted 6-1-2020)	150	150	150	100	100
Minimum Front Yard Setback from the Centerline of R/W (Feet)						
Principal & Minor Arterials	90*	90*	90*	90*	90*	90*
Collector Streets	80*	80*	80*	80*	80*	80*
Local Streets	70*	70*	70*	70*	70*	70*
Minimum Side Yards (Feet)	20	20	20	10	10	8 ft. Except for mobile home parks - 20 feet.
Minimum Rear Yards (Feet)	40	40	40	30	30	20
Maximum Height (Feet)	35	35	35	35	35	35

\* Plus one-half any amount which the right-of-way width exceeds sixty (60) feet for Local Streets, eighty (80) feet for Collector Streets, and one hundred (100) feet for Arterials.

DEVELOPMENT STANDARDS	ZONING DISTRICT				
	R-C	G-B	W-L-I	H-I	C-A&
Minimum Lot Width (Feet)	210	210	210	210	150
Minimum Front Yard Setback from the Centerline of R/W (Feet)					
Principal & Minor Arterials	90**	90**	90**	90**	100**
Collector Streets	80**	80**	80**	80**	Not Allowed
Local Streets	70**	70**	70**	70**	Not Allowed
Minimum Side Yards (Feet)	* None***	* None***	* None***	* None***	* 40***
Minimum Rear Yards (Feet)	* 12***	* 12***	* 12***	* None***	* 40***
Maximum Height (Feet)	35*	35*	None*	None*	35*

\* The minimum distance from all other property lines to any building over thirty-five (35) feet in height shall be increased one (1) foot for every two (2) feet (or part of two (2) feet) of building height greater than thirty-five (35) feet.

\*\* Plus one-half any amount which the right-of-way width exceeds sixty (60) feet for Local Streets, eighty (80) feet for Collector Streets, and one hundred (100) feet for Principal and Minor Arterials.

\*\*\* If the adjoining yard is within any residential district, the yard requirements specified in this table shall be increased ten (10) feet and screening shall be provided as specified in Section 3-19 along the lot line common with said lot.

& Additional development standards and guidelines are contained in the Irwin County Ordinance to Regulate Adult Entertainment Establishments within Irwin County, Georgia.

## SECTION 7

### OFF-STREET PARKING AND SERVICE REQUIREMENTS

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

**7-2 Parking Spaces May Not be Reduced.** Off-street parking spaces shall not be reduced below the minimum required number for the use or facility to which they are assigned.

**7-3 Drainage, Construction, and Maintenance.** All off-street parking, loading, and service areas shall be drained so as to prevent damage to abutting properties and/or public streets and shall be constructed of materials which will assure a surface resistant to erosion. All such areas shall be at all times maintained at the expense of the owners thereof in a clean, orderly, and dust-free condition.

**7-4 Separation from Walkways, Sidewalks, and Streets.** All off-street parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective device.

**7-5 Parking Area Design.** Parking stalls shall have a minimum width of nine (9) feet and length of twenty (20) feet. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways shall be at least twenty-four (24) feet wide where used with ninety (90) degree angle parking, at least eighteen (18) feet wide where used with sixty (60) degree angle parking, at least twelve (12) feet wide where used with forty-five (45) degree parking, and at least twelve (12) feet wide where used with parallel parking. Where there is no parking, interior driveways shall be at least ten (10) feet wide for one-way traffic movement and at least twenty (20) feet wide for two-way traffic movement.

**7-6 Joint Parking Facilities.** Two (2) or more neighboring uses, of the same or different types, may provide joint facilities, provided that the number of off-street parking spaces are not less than the sum of the individual requirements.

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

**7-8 Number of Parking Spaces.** In order to assure a proper and uniform development of public parking areas throughout the area of jurisdiction of this ordinance, to relieve traffic congestion on the streets, and to minimize any detrimental effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the following schedule. For any use or class of use not specifically mentioned in this schedule, the requirements shall be the same as a similar use as mentioned herein. Parking requirements for additions to existing uses or structures shall be based upon the total development even if the existing use is deficient. These regulations shall apply to all zoning districts.

USE	PARKING SPACES
7-8.1 Apartment and Multi-family dwelling; dwelling; Residential Group Development Project	Two (2) spaces for each dwelling unit.
7-8.2 Auditorium, stadium, assembly hall, gymnasium, theater, community recreation center, church	(a) One (1) space per four (4) fixed seats in the largest assembly room or area, or (b) one (1) space for each forty (40) square feet of floor area available for the accommodation of moveable seats in the largest assembly room or combination of fixed and moveable seats, or one (1) space per each one-hundred fifty (150) square feet of gross floor area, whichever is greatest.
7-8.3 Automobile fueling station	One (1) space (in addition to service area) for each pump and grease rack and one (1) space for each one (1) employee during period of greatest employment, but not less than six (6) spaces.
7-8.4 Automobile sales and repair, service stations and auto washerterias	Same as 7-8.3 above plus one (1) space for each five-hundred (500) square feet of gross floor area of the shop or washerteria.
7-8.5 Bowling alley	Four (4) spaces per alley plus requirements for any other use associated with the establishment such as a restaurant, etc.
7-8.6 Club or lodge	One (1) space for each two (2) employees plus one (1) space for each two-hundred (200) square feet of gross floor area within the main assembly area plus additional spaces for other uses permitted within the premises.
7-8.7 Combined Uses	Parking spaces shall be the total of the spaces required for each separate use established by this schedule.
7-8.8 Dance school	One (1) space for each employee plus one (1) space per one-hundred fifty (150) square feet of gross floor area plus safe and convenient loading and unloading of students.
7-8.9 Family personal care and group personal care	One (1) space for each employee on shift of greatest employment plus one (1) space for each two (2) beds, plus any accessory uses.
7-8.10 Fraternity or sorority or college dormitories	One (1) parking space for each two (2) residents and one (1) space for each two (2) employees.
7-8.11 Golf course	Two (2) spaces for each hole and one (1) space for each two (2) employees plus requirements for any other use associated with the golf course.
7-8.12 High schools, trade schools, colleges, and universities	One (1) space for each teacher, employee, and administrative personnel plus safe and convenient loading of students plus five (5) spaces for each classroom.
7-8.13 Hospital, nursing home, care home, or congregate personal care home	One (1) space for each bed, plus one (1) space for each employee on shift of greatest employment.
7-8.14 Hotel	One (1) space for each guest room, suites, or units plus any spaces required for accessory uses.
7-8.15 Indoor and outdoor recreational areas (commercial), YMCA and similar uses	(a) One (1) space for each one-hundred fifty (150) square feet of gross floor, building, ground area, or combination devoted to such use; or (b) one (1) space per each four (4) seats or facilities available for patron use; whichever is greatest.

USE	PARKING SPACES
7-8.16 Industrial or manufacturing establishment or warehouse	Two (2) spaces for each three (3) employees on shift of greatest employment, plus one (1) space for each vehicle used directly in the conduct of the business.
7-8.17 Kindergarten and nursery schools	One (1) space for each employee, plus safe and convenient loading of students.
7-8.18 Manufactured Housing Park	Two (2) spaces for each manufactured home space.
7-8.19 Motel	One (1) space for each unit plus one (1) space for each two (2) employees, plus any spaces required for accessory uses.
7-8.20 Office, professional building or similar use	One (1) space for each three-hundred (300) square feet of the gross floor area, plus one (1) space for each two (2) employees.
7-8.21 One and two family dwellings	Two (2) spaces per each unit (residential driveways will satisfy this need).
7-8.22 Personal service establishment	One (1) space for each two hundred (200) square feet of gross floor area.
7-8.23 Restaurant or place dispensing food, drink, or refreshments	One (1) space for each two (2) seats plus one (1) space for each two (2) employees on shift of greatest employment.
7-8.24 Schools, elementary	One (1) space for each teacher, one (1) space for each two (2) employees and administrative personnel, and one (1) space for each classroom, plus safe and convenient loading and unloading of students.
7-8.25 Swimming pool (Commercial)	One (1) space for every two hundred (200) square feet of water surface area plus requirements for additional uses in association with the establishment such as a restaurant, etc.
7-8.26 Shopping center	One (1) space for every two hundred (200) square feet of gross floor area.
7-8.27 Retail stores of all types not otherwise mentioned	One (1) space per one-hundred fifty (150) square feet of gross floor area.
7-8.28 Wholesale establishments	One (1) space for each employee plus sufficient spaces to accommodate vehicles used in the conduct of the business.
7-8.29 Adult Entertainment Establishments	One (1) parking space per one-hundred (100) square feet of gross building area or one (1) for each three (3) customer seats, whichever is greater.

**7-9 Off-Street Loading Requirements.** On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot of adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets and alleys.

Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten (1) feet by fifty (50) feet, with fifteen (15) foot height clearance, and shall be provided according to the following

schedule:

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet of Usable Floor Area
0 - 10,000	None
10,001 - 100,000	One (1) space for the first 10,001 square feet plus one (1) additional space for each additional 40,000 square feet in excess of 10,001 square feet.
100,001 – 500,000	Three (3) spaces for the first 100,001 square feet plus one (1) space for each additional 100,000 square feet in excess of 500,001 square feet.

**7-10 Minimum Number of Loading Spaces Required.** Industrial, wholesale, and retail operations shall provide space as follows:

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

**7-11 Curb Cut Requirements.** In any district as described below where the lowering or cutting away of curbs, or the placement of asphalt and/or driveway pipe on non-curbed sections for the purpose of ingress and egress is required to the property, such curb cuts or asphalt width shall be placed through the entire right-of-way and shall be subject to the following provisions:

**7-11.1 Residential Curb Cuts:** R-R, R-1, R1A, and R-20 zoning areas (excluding multi-family, residential group development projects and manufactured housing park development):

**7-11.1.1** No more than two combined entrances and exits shall be allowed any parcel of property, the front of which is less than 200 feet on any one street. Additional entrances or exits for parcels having a frontage in excess of 200 feet shall be permitted at the rate of one entrance/exit for each additional 100 feet.

**7-11.1.2** At street intersections (corner lots), no curb cuts shall be located within 25 feet of the intersection of two curb lines or such lines extended; or within 15 feet of the intersection of two property lines (right- of-way lines) or such lines extended, whichever is more restrictive. On principal or minor arterials or collector streets, no driveway shall be within 70 feet of the intersection of two curb lines or curb lines extended.

**7-11.1.3** The distance between any two curb cuts on the same side of the street shall

be not less than 10 feet. Said distance shall be measured between the point of tangency of the curb return radii and the established curb.

- 7-11.1.4 All driveways shall be constructed so as to have at least five feet from any front property line (excluding right-of-way), except that a curb return may become tangent to a curb line at a point where such property line extends with the curb line.
- 7-11.1.5 The maximum width of any driveway shall not exceed 24 feet measured at the right-of-way line.
- 7-11.1.6 The sum of the two curb return radii for any curb cut shall not exceed 15 feet.
- 7-11.1.7 When development on sites where existing curb cuts are abandoned and access is no longer afforded due to parking lots, buildings or other permitted structures, the driveway shall be removed, the sidewalk (if existing) shall be replaced, the curb and gutter shall be replaced, fill dirt backfilled to its natural state.

**7-12.2 Commercial, Industrial, Manufactured Housing Park and Multi-Family Curb Cuts:**

- 7-12.2.1 No more than two combined entrances or exits shall be allowed any parcel or frontage which is less than 300 feet on any one street. On parcels less than 150 feet, only one entrance shall be allowed provided it is a two-way driveway (two one-way driveways shall be allowed in lieu of the one two-way). Additional entrances or exits for parcels of property having a frontage in excess of 300 feet shall be permitted at the rate of one entrance-exit for each additional 150 feet.
- 7-12.2.2 No driveway shall be located closer than 150 feet of an existing driveway on an abutting lot. Existing lots of record less than 150 feet frontage shall be allowed one combined entrance/exit not to exceed 24 feet at right-of-way line.
- 7-12.2.3 At street intersections (corner lots), no curb cuts shall be located within 70 feet of the intersection of two curb lines or within 60 feet of the intersection of two property lines (right-of-way lines) where such lines extended, whichever is more restrictive.
- 7-12.2.4 All driveways shall be constructed so as to be at least 12.5 feet from any property line except that a curb return may become tangent to a curb line at a point where the property line extended intersects such curb line.
- 7-12.2.5 Maximum width of any driveway shall not exceed 35 feet measured at the right of-way line; minimum two-way shall be 24 feet at right-of-way line with a maximum of 12.5 foot radius. No two driveways on the same property shall be closer than 25 feet.
- 7-12.2.6 The maximum width of any curb cut in RC, G-B, C-A, WLI and H-I zones shall not exceed 35 feet at the right-of-way line.

- 7-12.2.7 The sum of the two curb return radii for any one curb cut shall not be less than 25 feet, nor greater than 40 feet.
- 7-12.2.8 When development on sites where existing curb cuts are abandoned and access is no longer afforded due to parking lots, buildings, or other permitted structures, the driveway shall be removed, the sidewalk (if existing) shall be replaced, the curb and gutter shall be replaced, fill dirt backfilled to its natural state; where it is a piped driveway to a dirt or paved street, said pipe shall be removed, asphalt removed and the shoulders and ditch regraded to its natural pre-existing state.

**7-12.3 Residential Group Development Curb Cuts**

- 7-12.3.1 No more than one combined entrance and exit shall be allowed any parcel of property, the total area of which is less than or equal to two acres. Additional entrances for parcels having areas greater than two acres will be granted at the rate of one combined entrance and exit per two acres.
- 7-12.3.2 At street intersections (corner lots), no curb cuts shall be located within 70 feet of the intersection of two curb lines or within 60 feet of the intersection of two property lines where such lines extended, whichever is more restrictive.
- 7-12.3.3 The maximum width of any driveway shall not exceed 24 feet measured at the right-of-way line.
- 7-12.3.4 The sum of the two curb return radii for any one curb cut shall not exceed 15 feet.
- 7-12.3.5 All driveways shall be constructed so as to be at least 12.5 feet from any property line except that a curb return may become tangent to a curb line at a point where the property line extended intersects such curb line.

## SECTION 8

### NON-CONFORMANCES

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

- a. Minimum requirements of the district for front, side, and rear yard, height, and floor area shall be complied with.
- b. A lot to be used for duplexes, multi-family dwellings, residential group development projects, or manufactured homes, when allowed within the district, only if the lot meets the minimum lot area requirements for those uses in the district.

**8-2 Non-conforming Uses of Land.** Non-conforming uses of land consists of the open use of property (including such uses but not limited to storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, miniature golf, manufactured housing parks and similar open uses) where the only buildings on the lot are incidental and accessory to the use of the lot and where such use of the land is not permitted to be established hereafter under this ordinance in the district in which it is located, shall be governed by the following restrictions in addition to the other requirements in this ordinance:

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

**8-3 Non-conforming Uses of Structures.** Non-conforming uses of structures consists of structures used, at the time of passage of this ordinance, for purposes not permitted in the district in which they are located. In addition to the other requirements of this ordinance, non-conforming uses of structures shall be governed by the following restrictions:

- a. An existing non-conforming use of a structure may be changed to another non-conforming use that is similar in its operation and effect on surrounding properties or may be changed to a conforming use.
- b. An existing non-conforming use of a structure shall not be changed to another non-conforming use that generates more automobile or truck traffic, creates more noise, vibration, smoke, dust or fumes, is a more intensive use of structures than the existing non-conforming use, and is in any way a greater nuisance to the adjoining properties than the existing non-conforming use.
- c. A non-conforming use of a structure shall not be extended or enlarged except into portions of the structure which at the time the use became non-conforming were already erected and arranged or designed for such non-conforming use. No structural alterations shall be made in any structure occupied by a non-conforming use, which would in any way increase the floor

space, area, or volume of space occupied by the use.

- d. When any non-conforming use of a structure is discontinued for a period in excess of one (1) year, any future use of the structure shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

**8-4 Non-conforming Signs.** Non-conforming signs shall be allowed to continue except as provided in Section 10-2.1 and 10-3 as follows:

- a. A non-conforming sign shall not be replaced by another non-conforming sign except that the substitution or interchange of poster panels, painted boards, or demountable material on non-conforming signs shall be permitted.
- b. Repairs and maintenance of non-conforming signs shall be permitted to maintain a safe condition and neat appearance so long as the sign remains substantially the same as it was on the effective date of the adoption of this ordinance. However, no changes in the size or shape of a non-conforming sign shall be permitted except to make the sign comply with the requirements of this ordinance.
- c. New point of business sign related to legally established non-conforming uses may be erected provided they comply with the sign regulations applicable to the use in the most restrictive district in which the use is permitted.

**8-5 Reconstruction of Non-conforming Structures.** When a non-conforming structure or a structure containing a non-conforming use or non-conforming sign is razed or damaged by fire, flood, wind, or act of God, such structure or sign may be reconstructed as a non-conforming use only if the damage totals less than seventy-five percent (75%) of the value of the structure. Structures which do not conform to the yard requirements of this ordinance shall also be governed by this provision.

**8-6 Non-Conforming Junk Yards.** All non-conforming junk yards shall be made to conform with the special provisions of the zoning ordinance within a period of two (2) years of the adoption of the zoning code. Screening of junkyards is intended to shield the use from public view and from the view of surrounding properties, to reduce noise emitting from the premises, and to protect surrounding property values. An eight (8) foot wide buffer strip shall be planted, or existing vegetation may be used, in combination with a solid fence which shall be constructed of wood, concrete or chain link with wooden or metal slats, dense enough to interrupt vision and noise to a height of eight (8) feet. The required vegetative screen shall be planted such that it will reach its required height in a period of three years, and the fence and vegetative buffer shall be erected along all road frontages and sides.

**8-7 Changes in Zoning.** Any non-conformances created by a change in district boundaries or ordinance regulations after the date of passage of this ordinance shall also be governed by the provisions of this section.

## SECTION 9

### SPECIAL PROVISIONS FOR CERTAIN USES

**9-1 Home Occupations.** A home occupation as defined by this ordinance shall be governed by the following requirements:

- 9-1.1** Only residents of the dwelling may be engaged in the home occupation.
- 9-1.2** The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.
- 9-1.3** No display of products shall be visible from the street, and only products produced on the premises may be sold on the premises.
- 9-1.4** Only one (1) point of business sign, not exceeding two (2) square feet in size, motionless, non-lighted, and attached to the principal building, shall be permitted, and no advertising signs shall be permitted.
- 9-1.5** Use of the building for this purpose shall not exceed twenty-five percent (25%) of one floor of the principal building.
- 9-1.6** No internal or external alterations inconsistent with the residential use of the building shall be permitted.
- 9-1.7** The occupation shall not constitute a nuisance in the neighborhood.
- 9-1.8** If the home occupation involves the use of an accessory building the same shall be granted only in the event that it is clearly evident that the use is incidental to the residential character of the property all upon condition that sales not be conducted upon the premises. An accessory building used in conjunction with a home occupation should be located, designed, and generally follow normal and typical patterns of residential accessory buildings. The size of the accessory building used for a home occupation may not exceed 25% of the floor area of the principal building.
- 9-1.9** Instruction in music and similar subjects shall be limited to two (2) students at a time.
- 9-1.10** Vehicles used primarily as passenger vehicles only shall be permitted in connection with the conduct of the customary home occupation.
- 9-1.11** No more than four (4) non-transient guests may be boarded at any one time as a customary home occupation.
- 9-1.12** The following and similar uses shall be considered home occupations: accountant, addressing service, architect, art instructor, beauty shop (with no more than one operator), drafting, dressmaking, insurance agent, manufacturing agent, music teacher, notary public, photography, real estate agent, and tax consultant. The following and similar uses are considered appropriate uses of accessory buildings: artist or craftsman's work area, photographic darkroom, clock repair shop, gunsmith shop, laboratory, potters shop, basket weavers shop, and similar uses.
- 9-1.13** Not more than six (6) children may be kept in the home as a nursery as a customary home occupation.

- 9-1.14** Newspaper or periodical publishing may be permitted as a special exception home occupation by the Board of Appeals upon application therefor provided such home occupation is limited to activities which only constitute newspaper or periodical publishing, does not involve presswork, sales or distribution, and otherwise meets the criteria for a permitted home occupation.

**9-2 Rural Home Occupations.** This provision is designed to provide for the reasonable development of rural home occupations as an accessory use to rural residential uses. Uses of property for the Rural Home occupation shall be governed by the following requirements:

- 9-2.1** Property for which an RHO is proposed shall be owner occupied and shall contain a minimum of two acres of land in the A-U zoning district and shall be readily accessible to an arterial or collector roadway as defined herein.
- 9-2.2** The accessory structure shall meet the principal building setback lines of its respective zoning district. All building code separation requirements shall apply.
- 9-2.3** Any Rural Home Occupation shall be operated in such a manner as to not be a nuisance to adjacent residential structures. This shall apply to noise, lighting, traffic, and unsightly outside storage.
- 9-2.4** No display of products shall be allowed in the front yard.
- 9-2.5** Only one sign advertising the accessory use, not exceeding eight (8) square feet in size, motionless and non-lighted, shall be permitted in the conduct of the proposed RHO use.
- 9-2.6** All businesses operating under this ordinance shall provide designated off-street parking for customers of said RHO.
- 9-2.7** The use of an accessory building for retail or wholesale sale shall be limited to items manufactured, grown, or processed on said premises.
- 9-2.8** Any occupation that meets the intent of this ordinance may be considered for a Special Exception within an A-U district as described herein. This may include but is not limited to the following: Catering service, printing or engraving shop, flower shop, furniture upholstery shop, locksmith, personal service shops, photography studio, specialty shops as they relate to the sale of items manufactured therein, and service oriented commercial activities associated with agricultural uses.

**9-3 Residential Group Development Projects.** The regulations as set forth in this subsection shall apply to all lands and structures intended primarily to provide for owner occupied residential units, including condominiums, single family attached dwelling units (with or without condominium ownership), patio homes, zero lot line, and other similar housing types. Multiple buildings may be allowed on a single lot in these development types.

- 9-3.1** A condominium is defined as a type of residential development which includes individually owned dwelling units in a multi-family structure, combined with joint ownership of common areas of the buildings and grounds.
- 9-3.2** Single family attached dwellings are a type of residential development which includes a dwelling unit on a subdivided lot individually owned, though attached by a common party wall to another

dwelling unit on an adjacent lot. This housing type may also include provisions for joint ownership of common areas of certain buildings and grounds.

- 9-3.3 Two parking spaces shall be provided for each dwelling unit proposed as a part of any Residential Group Development Project.
- 9-3.4 Residential group development projects shall conform to the building height restrictions listed in Section 6 of these regulations.
- 9-3.5 Each dwelling unit proposed as part of a Residential Development Project shall meet the minimum floor area requirements listed in Section 6 of these regulations, as well as limitations for efficiency and one bedroom units as part of the total project development.
- 9-3.6 No building containing single family attached units shall contain more than ten (10) units. There shall be a fire wall with a four (4) hour rating between every unit. Each dwelling unit shall be serviced by separate utilities.
- 9-3.7 Minimum lot area for all Residential Group Development Projects shall meet the minimum lot area requirements listed in Section 6.
- 9-3.8 The following minimum lot area shall be left in a natural state as open space or be developed as park and/or open air recreation facilities. Required yard areas shall not be credited towards this minimum open space allocation:
  - 9-3.8.a Single Family Attached Dwelling Units - 500 square feet per dwelling unit on all projects one acre and over. (in addition to required square footage per dwelling unit.)
  - 9-3.8.b Condominium - 500 square feet per dwelling unit. (In addition to required square footage per dwelling unit.)
- 9-3.9 Applications for a building permit for all Residential Group Development Projects shall be subject to the provisions of Subsection 11-3 of these regulations. In addition, if the project proposes the subdivision of the tract into various individual lots and common area, a copy of the planned subdivision must be supplied to the Zoning Administrator. Said plat shall be properly recorded in the land records of Irwin County prior to granting of the respective building permit(s).
- 9-3.10 Due to the design needs of this development type, standard lot sizes and interior setback lines shall not apply. However, zoning district mandated front, side and rear yard setbacks shall apply to all lots where these developments abut traditional development types or newly developed public streets.

**9-4 Multi-Family Development Projects.** The following design standards shall apply:

- 9-4.1 Multiple buildings may be allowed on a single lot in these development types.
- 9-4.2 Two parking spaces shall be provided for each dwelling unit proposed as part of any multi-family development project.
- 9-4.3 Multi-family development projects shall conform to the building height restrictions and yard setback requirements listed in Section 6 of these regulations.
- 9-4.4 Each dwelling unit proposed as part of a multi-family development project shall meet the minimum floor area requirements listed in Section 6 of these regulations, as well as

limitations for efficiency and one bedroom units as part of the total project development.

- 9-4.5** All multi-family development projects shall leave 500 square feet per dwelling unit in a natural state as open space or be developed as park and/or open air recreation facilities. (This requirement is in addition to the required square footage per dwelling unit.)

**9-5 Manufactured Housing Parks.** Manufactured housing parks are allowed provided the following requirements are met:

- 9-5.1** The minimum lot size shall be ten (10) acres.
- 9-5.2** Setbacks shall be as described in Section 6, setback and yard requirements by district.
- 9-5.3** Each manufactured home shall be connected to an approved water and sewer system.
- 9-5.4** The minimum area per manufactured home shall be not less than five thousand (5,000) square feet with a minimum individual space width of fifty (50) feet where served with public water and sewer. When manufactured housing parks are proposed without public water and sewer, minimum lot sizes increase dramatically. In all instances, a minimum of an approved community water supply shall be required, and individual manufactured home space requirements shall be as dictated by the rules and regulations of the Irwin County Board of Health. The area or space containing the community water supply shall not be considered part of a manufactured home space. All health department required plans shall accompany the required site plan for Planning Commission review.
- 9-5.5** All manufactured home spaces or other park sites devoted to accessory uses (such as management offices, laundry facilities, recreation buildings, etc.) shall have an interior setback of ten (10) feet from its respective area boundaries. Residential accessory buildings associated with dwelling units shall be set back five (5) feet from its respective space boundaries, limit of one (1) accessory building per manufactured home space.
- 9-5.6** A twenty (20) foot interior roadway or drive, paved and properly drained, shall serve all manufactured home spaces and shall be drained so as to prevent damage to adjoining property, public or private.
- 9-5.7** Each manufactured home space and accessory use space shall be clearly defined by means of concrete, steel or iron pipe markers placed at all corners.
- 9-5.8** At least two hundred (200) square feet per manufactured home space (not to be a part of the required manufactured home space) shall be provided in one (1) or more locations for community playground and recreation purposes. (This requirement shall not apply to manufactured housing parks proposed to be served by individual septic tanks because of larger minimum space requirements.)
- 9-5.9** All property lines of a manufactured housing park which abut any zoning district other than another MHP district shall be screened as described in Section 3-19.
- 9-5.10** Prior to development or expansion, all manufactured housing park developments must be submitted and reviewed by the Greater Irwin County Planning Advisory Commission and must receive their approval prior to the issuance of any building permits. Proper utility plans, drainage plans and road development plans, drawn to county specifications, shall accompany the proposed site plan for county staff review prior to submission to the Planning Commission.

- 9-5.11** No manufactured housing park shall be occupied by a greater number of manufactured homes than that authorized in the approved site plan. No manufactured housing park shall be enlarged or expanded unless a separate manufactured housing park site plan has been reviewed and approved by the Planning Commission.

**9-6 Rural Farm Housing.** In agriculture zones within the unincorporated area of Irwin County, there shall be permitted, as a matter of right, to any owner of property one primary dwelling and for farms between 20 and 50 acres, one (1) accessory dwelling. For each 50 acre over 50 acres, up to 200 acres, one accessory dwelling per 50 acres shall be allowed. For over 200 acres, one (1) accessory dwelling for each additional 100 acres shall be allowed. The additional accessory dwellings set forth above will be permitted on any parcel of land under single ownership where the following conditions can be met:

- 9-6.1** Occupants of non-principal residential uses shall be related by blood ties to the owner of the property and said blood relationships shall extend to but not beyond the second descending and ascending generation. This shall not apply to occupants that are full time employees of the property owner and are responsible for the agricultural production of the property.
- 9-6.2** Each such non-principal residential use shall occupy a land area not less than 43,560 square feet in size.
- 9-6.3** Each such land area shall be so defined by permanent physical markers as to be given a numerical address and location designation.
- 9-6.4** Each such land area shall receive approval from established county health authorities as to its suitability as a site for an effective sanitary sewage disposal system designed to accommodate wastes generated by the user of that land site.
- 9-6.5** An acceptable domestic water supply shall be available to each satellite user of this special provision and such water supply shall meet local public requirements as administered by county health authorities.
- 9-6.6** No commercial use of this special provision will be allowed and no rental charge can be placed on the non-principal uses.
- 9-6.7** Each such use shall be accessible, either by private drive or public roadway, to the public thoroughfare system.
- 9-6.8** Individual power supply sources shall be provided to each user under this special provision and each utility installation shall meet such standards as have been adopted by local authorities.
- 9-6.9** Facilities established under this special provision for residential use shall meet the requirements of local construction and use codes established by the Irwin County Commission.
- 9-6.10** Permits for construction will not be issued prior to the approval of each of the aforementioned conditions by the Zoning Administrator. In addition, any change in use or occupancy must be approved by the Zoning Administrator.

**9-7 Agricultural Worker Housing.** Agricultural worker housing is allowed as an accessory use in the AU (Agricultural Use) zoning district subject to the following provisions:

- 9-7.1 Head of household shall be a full time or seasonal employee of the property owner and are responsible for the agricultural production of the property.
- 9-7.2 All such housing shall meet applicable rules and regulations regarding agricultural worker housing of the Georgia Department of Labor.
- 9-7.3 Water supply and sewage disposal for said housing shall be approved by the Irwin County Health Department.
- 9-7.4 Such accessory uses shall be subject to the principal building front, rear and side yard setback requirements of the AU (Agricultural Use) zoning district.
- 9-7.5 All such structures or buildings developed for agricultural worker housing shall be limited to a maximum height of 35 feet and shall have a minimum of 30 feet of open, unoccupied space between it and any other building or structure in the development.

**9-8 Security Worker Housing.** Security worker housing may be allowed as a Special Exception as an Accessory

Use in the C-C, G-B, W-L-I, and the H-I zoning districts subject to the following provisions:

- 9-8.1 Member of household shall be a full time employee of the property owner or lessor and be responsible for the security of the property.
- 9-8.2 Water supply and sewage disposal for said housing shall be approved by the Irwin County Health Department.
- 9-8.3 Such accessory uses shall be subject to the principal building front, rear and side yard setback requirements of the appropriate zoning district.
- 9-8.4 All such uses shall be limited to manufactured housing used for security worker housing. These units shall be a minimum of 400 square feet, yet no larger than 1,120 square feet, and shall have a minimum of 30 feet of open, unoccupied space between it and any other building or structure on the property.
- 9-8.5 There shall be only one (1) security worker dwelling located at each site.

**9-9 Commercial Chicken Houses.** All chicken house facilities shall be located at least 1,000 feet from any residential dwelling and residential zoning district, excluding any dwelling belonging to the owner of the poultry operation, as well as any commercial or industrial use districts. \*(added on 6/12/2007) Maximum number of chicken houses shall be four (4) per twenty (20) acres. When more than four (4) chicken houses are proposed an additional five (5) acres per house shall be required. Setbacks for buildings shall be at least 150 feet \*changed 6/12/2007\* from a public road or adjoining property line, and the parcel upon which a poultry facility is to be sited shall be at least ten 20 acres \*changed on 6/12/2007\* in size.

**9-10 Junk Yard Buffers.** An eight (8) foot fence and eight (8) foot wide buffer strip, developed in accordance with Section 3-19, shall be erected along all road frontages and all sides of any junk yard.

## SECTION 10

### WATER RESOURCE DISTRICTS

**10.1 Purpose.** The intent of this section is to establish minimum development standards and criteria which will

afford reasonable protection of environmentally sensitive natural resources found throughout Irwin County. Based on the findings of the 2015 Greater Irwin Comprehensive Plan, it has been determined the wise management of these resources as defined in this Section is essential to maintaining the health, safety, general welfare and economic well being of the public.

**10-2 Establishment of Water Resource Districts.** Irwin County's Water Resource Districts shall include the following:

**Groundwater Recharge Area Districts**

**River Corridor Protection Districts**

**Wetlands Districts**

The boundaries of these Water Resource Districts are shown on a set of maps designated as "Water Resource Districts" and are included as part of the Irwin County Official Zoning Map, which is on file with the Zoning Administrator's office located in the County Administration Building.

**10-3 Definitions.** In addition to the general definitions provided in this Ordinance, the following definitions shall

apply to this Section:

**Water Resource Districts.** A Water Resource District is a map overlay which imposes a set of requirements in addition to those of the underlying zoning district.

**Hazardous Waste.** Any solid waste, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, which may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance. The U. S. Environmental Protection Agency has developed a list of hazardous wastes based upon corrosively, reactivity, and toxicity.

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

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

**Wetlands.** Those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrological vegetation and hydrological conditions involving a temporary or permanent source of water to cause soil saturation. For the purposes of this Ordinance, the 1987 National Wetlands Inventory shall serve to define

these potential areas.

#### **10-4 Groundwater Recharge Area District**

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

**10-4.2 Purpose.** The purpose of this district is to establish criteria to protect significant groundwater recharge areas from pollution by spills, discharges, leaks, impoundments, application of chemicals, injections and other development pressures.

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

**10-4.4 Permitted Uses.** All uses allowed in the underlying zoning districts are permitted in the Groundwater Recharge Area Protection District. The following are additional requirements for specific uses:

A. All above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall meet the requirements of U. S. EPA rules for oil pollution prevention, 40 CFR 1121. Such tanks used for agricultural purposes are exempt, provided they comply with all Federal requirements.

B. New agricultural waste impoundment sites shall be lined if they are within:

- 1) a high pollution susceptibility area;
- 2) a medium pollution susceptibility area and exceed 15 acre-feet in size; and
- 3) a low pollution susceptibility area and exceed 50 acre-feet in size.

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

C. New homes served by septic tank/drain field systems shall be on lots having the following minimum size limitations as identified on Table MT-1 of the Department of Human Resources= Manual for On-Site Sewage Management Systems (ADHR Table MT-1"):

- 1) 150% of the subdivision minimum lot size of DHR Table MT-1 if they are within a high pollution susceptibility area;
- 2) 125% of the subdivision minimum lot size of DHR Table MT-1 if they are within a medium pollution susceptibility area; and

- 3) 110% of the subdivision minimum lot size of DHR Table MT-1 if they are within a low pollution susceptibility area.

D. New manufactured home parks served by septic tank/drain field systems shall have lots or spaces having the following size limitation as identified on Table MT-2 of the Department of Human Resources' (DHR) manual for On-Site Sewage Management Systems (ADHR Table MT-2)":

- 1) 150% of the subdivision minimum lot or space size of DHR Table MT-2 if they are within a high pollution susceptibility area;
- 2) 125% of the subdivision minimum lot or space size of DHR Table MT-2 if they are within a medium pollution susceptibility area; and
- 3) 110% of the subdivision minimum lot size of DHR Table MT-2 if they are within a low pollution susceptibility area.
- 4) Local governments at their option may exempt any lot of record on the date of their adoption of these lot size standards from the minimum lot size requirements.

No construction may proceed on a building or mobile manufactured home to be served by a septic tank unless the county health department first approves the proposed septic tank installation as meeting the standards of the DHR Manual and minimum lot size requirements.

E. New facilities which handle hazardous materials, of the types (listed in Section 312 of the Resource Conservation and Recovery Act of 1976, excluding underground storage tanks) and in amounts (10,000 pounds or more on any one day) shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and any local fire prevention code requirements.

F. Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.

G. Any new wastewater treatment basin shall have an impermeable liner.

## 10-5 Alapaha River Corridor Protection District

**10-5.1 Description of District.** The limits of the Alapaha River Corridor Protection District are hereby defined to be all areas within 100 feet horizontally of the river bank. This area shall remain in an undisturbed vegetative buffer. The 100-foot buffer is measured from the uppermost part of the river bank, usually marked by a break in slope. Although not within the buffer area, the area between the top of the river bank and the water's edge shall be included in the district.

Because these protective measures allow some latitude with land uses and because the District is not intended to prescribe a specific land use but rather, to define a range of acceptable land uses, the Alapaha River Corridor Protection District is designed as an overlay district. Within the range of uses which can be located within the District, this Section establishes performance standards which apply to development within the District. The regulations of the underlying zoning district shall be maintained and not affected, except in the event of conflict or discrepancy between the Overlay District and the underlying zoning district. In that case, the more stringent requirements shall be observed.

**10-5.2 Intent.** The intent of the regulations within this Zoning District is to limit the use of the Alapaha Corridor, in conjunction with other governmental entities along the Alapaha River Corridor, in order to:

- 1) Assure that the section of the river in Irwin County will not become polluted and unsuitable as a source for potable water.
- 2) Protect the river corridor by establishing a natural vegetative buffer area bordering the river;
- 3) Preserve those qualities that make the river corridor suitable as a habitat for wildlife;
- 4) Help control erosion and to absorb flood waters.

The further intent of this district is to protect and safeguard the health and welfare of all the citizens of Irwin County by providing protection of the section of the river that is or may be used as a future source of drinking water.

**10-5.3 Conditions and Performance Standards.** Within the Overlay District, the following conditions and performance standards shall apply, in addition to the regulations of the original zoning district on which the Overlay District is superimposed.

**10-5.4 Permitted Uses.**

- A. Allow the building of single-family dwellings, including the usual appurtenances, within the buffer area, subject to the following conditions:
  - 1) The dwelling shall be in compliance with all local zoning regulations.
  - 2) The dwelling shall be located on a tract of land containing at least two acres. For the purposes of these standards, the size of the tract of land shall not include any area that lies within the protected river (that is, for tracts of land that include portions of a protected river, the area between the river banks cannot be counted towards the two acre minimum size).
  - 3) There shall be only one such dwelling on each two-acre or larger tract of land.
  - 4) A septic tank or tanks serving such a dwelling may be located within the buffer area.
  - 5) Septic tank drainfields shall not be located within the buffer area.
- B. The construction of road and utility crossings shall meet all requirements of the Erosion and Sedimentation Control Act of 1975 and of any applicable local ordinances on soil erosion and sedimentation control.
- C. Timber production and harvesting, subject to the following conditions:
  - 1) Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission; and
  - 2) Forestry activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended.
- D. Wildlife and fisheries management activities consistent with the purposes of Section 12-2-8 (as amended) of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.).
- E. Wastewater treatment

- F. Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation. (For example, a boat ramp would be consistent with this criterion.)
- G. Natural water quality treatment or purification.
- H. Agricultural production and management, subject to the following conditions:
  - 1) Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission;
  - 2) Agricultural activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended; and
  - 3) Agricultural activity shall be consistent with all state and federal laws and all regulations promulgated by the Georgia Department of Agriculture.
- 1. Other uses permitted by the DNR or under Section 404 of the Clean Water Act.

**10-5.5 Prohibited Uses.**

- A. Handling areas for the receiving and storage of hazardous waste must be prohibited within river corridors.
- B. Except as related to single-family dwellings within the river corridor, septic tanks and septic tank drainfields are prohibited within the 100-foot buffer.

**10-5.6 Exemptions.**

Irwin County exempts the following from the River Corridor Protection requirements:

- 1) Land uses existing prior to the adoption of the River Corridor Protection
- 2) Mining activities, if permitted by the DNR pursuant to the Georgia Surface Mining Act of 1968, as amended.
- 3) Utilities, (except as discussed above in Section 9-5.4B). If such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government), provided that:
  - i. The utilities shall be located as far from the riverbank as reasonably possible.
  - ii. Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible
  - iii. Utilities shall not impair the drinking quality of the river water.
- 4) Specific forestry and agricultural activities except as discussed above.

#### **10-5.7 Restoration of Buffer.**

The natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity or construction within the river corridor related to the acceptable uses above.

#### **10-5.8 Construction Prohibited.**

Except as noted above, all construction within the buffer area shall be prohibited.

### **10-6 Wetlands District**

**10-6.1 Findings of Fact.** The wetlands within Irwin County are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soil limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; natural resource education; scientific study; and recreational opportunities.

**10-6.2 Purpose.** The purpose of this Overlay District is to promote the wise use of wetlands and protect them from alterations which will significantly affect or reduce the primary functions for water quality, flood plain and erosion control, groundwater recharge, aesthetic natural areas and wildlife habitat areas.

**10-6.3 District Delineation.** These regulations shall apply to all lands within wetlands located within Irwin County. The Wetland District Overlay Map, adopted as part of this ordinance, shows the general location of wetlands, according to the 1987 National Wetlands Inventory and should be consulted by persons considering activities in or near wetlands before engaging in a regulated activity. The standards for this district shall comply with Department of Natural Resources Rule 391-3-16-.03, Criteria for Wetlands Protection.

**10-6.4 Wetland Development Permit Requirements.** No activity or use except those identified in Section 10-6.5 shall be allowed within the Wetland Overlay District without a permit issued by the U. S. Army Corp of Engineers. If the area proposed for development is located within fifty (50) feet of any potential wetlands district boundary, the applicant must document receipt of a Nationwide, Regional, General or Individual permit, from the U. S. Army Corps of Engineers under Section 404 of the Clean Water Act before a development permit will be issued by Irwin County. Any local government action under this ordinance does not relieve the landowner from any federal or state permitting requirements.

**10-6.5 Permitted Uses.** The following uses are permitted by right within the Wetland District to the extent they are not prohibited by any other ordinance or law and provided they do not require structures, grading, fill, draining or dredging:

- 1) Forestry practices applied in accordance with best management practice approved by the Georgia Forestry Commission. Section 404 does not require permits for normal, ongoing silvicultural activities. However, Section 404 does list some required road

construction best management practices that must be followed in order to qualify for such an exemption.

- 2) Conservation or preservation of soil, water, vegetation, fish or other wildlife, provided the conservation or preservation does not affect waters of the State of Georgia or of the United States in such a way that would require an individual 404 permit.
- 3) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.
- 4) Natural water quality treatment or purification.
- 5) Normal agriculture activities including the planting and harvesting of crops and pasturing of livestock. Such activities shall be subject to best management practices approved by the Georgia Department of Agriculture.

**10-6.6 Prohibited Uses.** The following uses are prohibited in a Wetland District:

- 1) Receiving areas for toxic or hazardous waste or other contaminants.
- 2) Hazardous or sanitary landfills.

## SECTION 11

### SIGN REGULATIONS

**11-1 Purpose.** It is the purpose of this section to permit signs of a commercial nature in districts in which they are appropriate uses, and to regulate the size, density, and placement of signs intended to be seen from a public right-of-way in the interest of highway safety and the general welfare. For the purpose of the administration of the sign provisions of this ordinance, signs shall be interpreted as typical accessory uses in their appropriate zoning districts.

**11-2 General Provisions.** All signs within the area covered by these regulations shall be erected, constructed, or maintained in accordance with the provisions of this section; and only those signs that are listed in this section shall be erected within said area.

**11-2.1 Traffic Safety:** No sign shall be erected or continued that:

- a. Obstructs the sight distance along a public right-of-way.
- b. Would tend by its location, color, or nature, to be confused with or obstruct the view of traffic signs or signals.
- c. Uses admonitions such as "stop", "go", "slow", "danger", etc., which might be confused with traffic directional signals.

**11-2.2 Construction Prohibited:** No sign shall be attached to or painted on any street, rock, or other natural object nor shall any sign be located on any public right-of-way.

**11-2.3 Density and Setback Requirements:**

- a. Signs which do not require a permit shall be at least ten (10) feet from any right-of-way line unless said signs are less than three feet in height above adjacent roadway grade or are located at least twelve (12) feet above the adjacent finished roadway grade.
- b. Signs which require a permit:
  1. Advertising Incidental Use Signs, Advertising Separate Use Signs, Point of Business Signs, Identification Signs and Bulletin Boards shall be setback at least ten (10) feet from any right-of-way line unless said signs are less than three feet in height above adjacent road-way grade or are located at least twelve (12) feet above the adjacent finished roadway grade.
  2. No permit shall be issued for any advertising separate use sign within one hundred (100) feet of any residential district.

**11-3 Illumination Not to be a Nuisance.** Illumination devices such as, but not limited to, flood or spot lights shall be so placed and so shielded as to prevent the rays or illumination therefrom being cast into neighboring dwellings and approaching vehicles.

**11-4 Signs Not Requiring a Permit.** The following signs shall not require a permit:

- a. Signs to regulate traffic.
- b. Signs required to be posted by law.
- c. Warning signs and no trespassing signs.

- d. Signs established by governmental agencies.
- e. Signs indicating bus stops, taxi stands, and similar transportation
- f. Signs not exceeding ten (10) square feet in area advertising specific property for sale, lease, rent, or development, on private property.
- g. Temporary real estate signs less than ten (10) square feet in area advertising specific property for sale, lease, rent, or development, on private property.
- h. Any sign not exceeding ten (10) square feet in area other than Advertising Separate Use Signs or signs requiring electrical wiring.
- i. Temporary signs on private land involved in campaigns of religious, charitable, civic, fraternal, political, and similar organizations.

**11-5 Maximum Area of Signs.** No free standing sign shall be larger in area than twelve hundred (1,200) square feet per side, limit of two (2) sign faces per travel direction.

**11-6 Issuance of Permits.** No sign, except those listed in Section 10-4, shall be erected, hung, or placed or structurally altered without a permit from the Zoning Administrator. The Zoning Administrator shall only issue a permit for the erection or construction of a sign which meets the requirements of Section 10 of this ordinance.

**11-6.1 Filing Procedures:** Application for permits to erect, hang, or place a sign shall be submitted on forms obtainable from the Zoning Administrator. Each application shall be accompanied by plans showing the area of the sign, size and character and the method of illumination, if any, and the exact location proposed for such sign and in the case of a projecting sign, the proposed method of fastening said sign to the building structure, the vertical distance between such sign and the finished grade, and the horizontal distance between such sign and the street right-of-way.

**11-6.2 Additional Information:** Each applicant shall, upon the request of the Zoning Administrator, submit any additional information deemed necessary by said Administrator.

**11-6.3 Temporary Signs:** If a temporary sign which does not require a permit is not intended to be left in place for a period to exceed six (6) months, the owner may deposit a sum of ten dollars (\$10.00) with the Zoning Administrator in lieu of the usual permit fee. If the sign is removed by the owner before the first day of the seventh month, the deposit shall be refunded in full; if not, the deposit shall be forfeited and the Zoning Administrator shall remove said sign.

## SECTION 12

### ADMINISTRATION, ENFORCEMENT, AND PENALTIES

**12-1 Zoning Administrator.** An administrative official designated as the Zoning Administrator by the Board of Commissioners, Irwin County, Georgia, shall administer and enforce the provisions of this ordinance.

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

**12-3 Application for Building Permit.** All applications for building permits, except single family residential, duplexes and agricultural buildings not intended for human occupancy, and their accessory uses shall be accompanied by two (2) site plans drawn to scale showing the actual dimensions of the lot to be built upon, the size and location of the lot, the number of dwelling units the building is designed to accommodate, the setback lines of the building on the "permit lot", the various easements on the lot and such other information as may be essential for determining whether the provisions of this ordinance are being observed. The following is required on the site plan before the site plan is considered by the Zoning Administrator and any permits are approved (single family residential, duplexes and agricultural buildings, and their accessory uses are excluded from the following items except number 3 below):

1. Topography (MSL) existing and proposed
2. Drainage plans
3. Location and size of ingress/egress
4. Water and sewer mains and services, both existing and proposed
5. Water and sewer services as well as fire hydrants in the lot and the specific meter size and location.

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

Single family residential, duplexes and agricultural buildings, and their accessory uses, site plans need not be drawn to scale, but must be accurate as to dimensions of lot and proposed building.

Any application for a building permit which proposes to develop properties which have been duly identified as having a flood hazard potential must provide adequate technical information based on the flood hazard management requirements of Irwin County, Georgia.

The applicant for a building permit shall submit a certificate with his application which certifies that the lot which he proposes to develop is a lot of record. When the lot in question does not meet the lot width and lot area requirements

of this ordinance, then the applicant shall certify that such lot was a lot of record prior to the adoption of this ordinance or is a lot which has been created through governmental taking of property.

**12-4 Sign Permits.** The Zoning Administrator shall receive applications for the construction of signs, as

required

by this ordinance. Such applications shall follow the same forms as required for building permits, and shall contain information required by this ordinance in Section 10. The Zoning Administrator shall process such sign applications and shall issue sign permits and sign permit numbers for proposed signs which comply with the requirements of this ordinance.

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

**12-6 Enforcement:** The Magistrate's Court of Irwin County shall have jurisdiction over violators of this ordinance and all procedures for enforcement of such ordinance shall be as provided in Article 4, Chapter 10 of Title 15, Official Code of Georgia. Complaints of violations of any provision of this ordinance shall be brought before the Magistrate's Court by the Zoning Administrator or his designated representative and shall be prosecuted through that court.

**12-7 Remedies.** In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of these regulations, the Zoning Administrator, County Attorney, or other appropriate county authority or any adjacent or neighboring property owner or occupant who would be damaged by such violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate such violation, or to prevent the occupancy of said building, structure, or land.

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

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

**12-10 Certificate of Occupancy.** Certificate of occupancy shall be issued by the Zoning Administrator in accordance with the following provisions:

**12-10.1 Certificate of Occupancy Required:** A certificate of occupancy issued by the Zoning Administrator is required in advance of occupancy or use of:

- a. A building hereafter erected.
- b. A building hereafter altered so as to affect height, the side, front, or rear yard.
- c. Any building or premises where a change in the type of use will occur.

**12-10.2 Issuance of Certificate of Occupancy:** Upon payment of all required fees, the Zoning Administrator shall sign and issue a certificate of occupancy if the proposed use of land or building is found to conform to the applicable provisions of this ordinance, and if the

building,

as finally constructed, substantially complies with the sketch or plan submitted and approved for the building permit. One (1) copy of all certificates of occupancy issued which contain a statement of the intended use of the applicable property and other pertinent information, signed by the owner or his agent shall be kept on file in the office of the Zoning Administrator.

**12-10.3 Denial of Certificate of Occupancy:** A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance, and substantially complies with the sketches or plans submitted for obtaining the building permit.

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

**12-12 Permits and Licenses Void When Issued in Conflict.** Any permit or license issued in conflict with the provisions of this resolution shall be null and void.

**12-13 Appeals.** Appeals from the decisions of the Zoning Administrator with regard to interpretation, administration, and enforcement shall be made to the Board of Zoning Appeals in accordance with the provisions of Section 12.

## SECTION 13

### BOARD OF APPEALS

#### 13-1 Membership.

**13-1.1 Membership and Appointment:** The Irwin County Board of Zoning Appeals hereinafter referred to as the "Board" shall consist of five (5) members, all of whom shall be residents of Irwin County, Georgia. The Irwin County Board of Commissioners shall appoint two members from the County, and the Ocilla Mayor Council shall appoint two members from the City. None of the Board members shall hold any other public office in the city or the county, except that each respective local government may appoint one (1) member who may also be a member of the Planning Advisory Commission. The fifth (5) member of the Board shall be appointed by both governing parties jointly. Board members shall be removable for cause, upon written charges, and after public hearing. Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest.

**13-1.2 Term of Office:** The term of office for each member of the Board shall be for three (3) years; however, in the appointment of the original Board, and each the City and County shall appoint one (1) member for three years; and one each for two (2) years; and the joint appointee shall be for one (1) year. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. If an appointee be from the Planning Commission and ceases to be a member of said Planning Commission during the term of his appointment to the Board, his membership on the Board shall terminate and the governing authority may name a member of said Planning Advisory Commission to fill the unexpired term of its original appointee.

**13-1.3 Compensation:** The Board members shall receive no compensation for their service except that they may be reimbursed for out-of-pocket expenditures made in connection with their duties.

**13-2 Rules and Procedures.** The Board shall elect one of its members as Chairman, who shall serve for one year or until he is re-elected or his successor is elected. The Board of Appeals shall appoint a secretary who may be an officer of Irwin County, Georgia or of the Planning Advisory Commission. The Board shall have authority to adopt rules of procedure. Meetings of the Board shall be held at the call of the Chairman and at such other times as said Board may determine. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of said Board and shall be a public record. The decisions of the Board shall be by resolution, which resolution shall contain a statement of the grounds of its decision or action. The full text of the resolution shall be sent to the appellant. No appeal requesting the same relief in regard to the same property shall be received or heard by the Board for a period of twelve (12) months following the date of said resolution, except that this limitation shall not

affect the right of said Board to grant a rehearing if provided in the rules of procedure adopted by said Board.

**13-3 Administrative Assistance.** The Zoning Administrator may provide such technical, administrative, and clerical assistance as is needed by the Board to carry out its function under the provisions of these regulations.

**13-4 Appeals.**

**13-4.1 Who May Appeal:** Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the governing authority affected by any decision of the Zoning Administrator. Such appeals shall be filed no later than thirty (30) days after the date of notification of the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

**13-4.2 Legal Proceedings Stayed:** An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown.

**13-4.3 Presentation of Evidence:** The appellant, and any public agency or private individual shall be entitled to present evidence on matters before the Board, and said Board may request technical service, advice, data, or factual evidence from the Planning Commission and the governing authority for assistance in reaching decisions.

**13-4.4 Extent of Board of Appeals' Power:** The Board may, in conformity with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator, and to that end shall have all the powers of the Zoning Administrator. The Board may direct the issuance of a permit. It shall be the duty of the Zoning Administrator to carry out the decisions of the Board.

**13-5 Public Hearing.**

**13-5.1 Notice of Hearing Shall Be Given:** Before making its decision on an administrative appeal, request for a variance, or any other matter within the Board's authority, said Board shall hold a public hearing thereon. At least fifteen (15) days notice of the time and place of such hearing shall be sent to the appellant or petitioner, to the Planning Commission, the Zoning Administrator, and to the owners of all properties either adjoining the property with which the hearing is concerned or situated directly across a public right-of-way from said property. Such notice shall contain the name of the appellant or petitioner, the date, time, and place set for the hearing, and a brief statement of the nature of the hearing.

**13-5.2 Public Notice in Newspaper:** The Board shall give a public notice of the hearing in a newspaper published and circulated in Irwin County, Georgia by advertisement published at least fifteen (15) days prior to the date of the public hearing.

**13-5.3 Who May Appear:** Any party may appear at the public hearing in person or by agent or by attorney.

**13-5.4 Time Limit on Board's Decision:** The Board shall reach a decision following a public hearing within thirty (30) days.

## 13-6 Powers and Duties.

**13-6.1 Appeals from Actions of the Zoning Administrator:** The Board shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.

**13-6.2 Request for a Variance:** The Board may authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of provisions of these regulations will, in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. Provided, however, that a variance shall not be granted for a use of land or building or structure that is prohibited by this resolution in the district in question. Such variance may be granted in an individual case upon finding by the board that all of the following exists:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and
- b. the application of these regulations to this particular piece of property would create an unnecessary hardship; and,
- c. such conditions are peculiar to the particular piece of property involved; and,
- d. relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided that no variance may be granted for a use of land, building or structure that is prohibited by this ordinance. Applications for use variances shall not be accepted by the Zoning Administrator. Such requests shall be properly filed as requests for rezoning, the authority for such rezoning of property being solely reserved for the Irwin County Commission.
- e. Provided that the Board of Appeals may impose or require such additional restrictions and standards (i.e., increased setbacks, buffer strips, screening, etc.) as may be necessary to protect the health and safety of residents and workers in the community, and to protect the value and use of property in the general neighborhood. Provided, that whenever the Board of Appeals shall find, in the case of any permit granted pursuant to the provisions of these regulations that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, said Board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity.

**13-6.3 Request for Extension of Non-Conforming Residential Uses:** The Board may authorize upon appeal in specific cases an extension or replacement of an existing non-conforming residential use which the Board is specifically authorized to pass on under the terms of this resolution. Said extension may be granted in an individual case upon finding by the Board that:

- a. The use is a non-conforming use as defined in these regulations; and
- b. the use is in full compliance with all requirements of these regulations applicable to non-conforming uses; and
- c. the extension of said use will not further injure a permitted use on adjacent property in the same district.

- d. This section is specifically designed to allow for the replacement of homeowner occupied residential units in areas no longer zoned for residential uses. As such, this provision is not subject to the limits of Section 8-5.
- e. In cases of physician documented medical need, the Board is further authorized to permit the siting of a manufactured home as a guest or servant's quarters to accommodate an on-site care provider. Such approval shall be patient specific, and such use shall be terminated within 120 days of the end of the need for a caretaker.

**13-7Forms.** Appeals from actions of the Zoning Administrator, requests for variances, and requests for extension

of a non-conforming residential uses shall be made on forms provided for such purposes. All information required on said forms shall be provided by the applicant. Forms shall be filed with the Zoning Administrator, and the applicant shall pay Irwin County for expenses incidental to the appeal. No form shall be accepted by the Zoning Administrator unless it contains all pertinent information and is accompanied by the required fee of \$100.00 to defray expenses.

## SECTION 14

### AMENDMENT

**14-1 General Conditions.** These regulations, including the official zoning maps, may be amended by the Board of Commissioners on their own motion, on petition of a property owner or his duly authorized agent, or on recommendation of the Planning Commission, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review and recommendation. Before enacting an amendment to these regulations, the governing authority shall give public notice and hold a public hearing thereon as set forth in this section.

**14-1.1 Establishment of Comprehensive Plan.** The Comprehensive Plan is established as official policy of Irwin County. As such, the goals and policies of the Plan, and the resultant Future Land Use Plan, shall serve as the guide under which the unincorporated areas of the county are divided into zoning districts. The recommendations of the Plan are hereby established as official policy of the county, and shall receive due consideration in all requests as reflected in Section 13-2.7(d) Standards for Exercise of Zoning Power.

**14-1.2 Limited Use Provision.** The Irwin County Board of Commissioners establish the A Limited Use” provision for the purpose of allowing an applicant to request that a certain area be designated as a limited use. In some areas of the county, a specific land use activity out of a general zoning classification may have less community impact than some of the possibilities of use in that specific zoning district. For this reason, an applicant may request in his rezoning petition to limit the use of a proposed property to a specified use only (for example, R-C LU - Rural Commercial District limited to a bait and tackle store.) The requested limited use must be among the uses permitted in the zoning district classification for which the limited use is requested. Alteration or change of an approved limited use shall be treated as any normal zoning amendment.

**14-1.3 Special Conditions Limitations.** An applicant may file site plans, renderings, construction specifications, written development restrictions and other site planning or development conditions which the applicant proposes as binding conditions upon the development and use of the property involved in the application. Should the application be approved with these conditions, any alteration or change of a special conditions limitation shall be treated as any normal zoning amendment.

#### **14-2 Application for Amendment.**

**14-2.1 General:** Applications for amendment of these regulations may be in the form of proposals for amendment of the text of these regulations, proposals for amendment of the zoning maps or requests for Special Exception approval. Applications for amendment shall be submitted to the Zoning Administrator and shall include a fee of \$150.00 payable to the county, to defray expenses. No application for a zoning change affecting the same parcel of property or part thereof shall be accepted by the Zoning Administrator until the expiration of at least twelve months immediately following the defeat of the rezoning request by the Irwin County Commission.

**14-2.2 Signature of Applicant Required:** All applications shall be signed by the applicant, and shall state his name and address.

**14-2.3 Application for Text Amendment:** In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.

**14-2.4 Application for Map Amendment:** An application for a map amendment shall include the following information:

- a. The community or area in which is located the land proposed to be reclassified and the street number, if any, or if none, the location with respect to the nearby public roads in common use;
- b. a plat of the land in question, and a description by metes and bounds, bearings, and distances of the land, or if the boundaries conform to the lot boundaries within a subdivision for which a plat is recorded in the land records of the County; then the lot, block, and subdivision designations with appropriate plat reference; or the map and parcel number according to the current tax mapping system of Irwin County;
- c. the present zoning classification and the classification proposed for such land;
- d. the name and address of the owners of the land; and the names and addresses of abutting property owners.
- e. the area of the land proposed to be reclassified stated in square feet if less than one (1) acre, and in acres if one (1) or more;
- f. the application number, date of application, and action taken on all prior applications filed for the reclassification of the whole or part of the land proposed to be reclassified.

#### 14-2.5

**Application for Special Exception Approval:** An application for a Special Exception approval shall include the following:

- a. The community or area in which is located the land proposed to be reclassified and the street number, if any, or if none, the location with respect to the nearby public roads in common use;
- b. a plat of the land in question, and a description by metes and bounds, bearings, and distances of the land, or if the boundaries conform to the lot boundaries within a subdivision for which a plat is recorded in the land records of the County; then the lot, block, and subdivision designations with appropriate plat reference; or the map and parcel number according to the current tax mapping system of Irwin County;
- c. The present zoning classification and the proposed Special Exception usage proposed for the subject property.
- d. the area of the land proposed to be reclassified stated in square feet if less than one (1) acre, and in acres if one (1) or more;
- e. the application number, date of application, and action taken on all prior applications filed for the reclassification of the whole or part of the land proposed to be reclassified.

6. The application number, date of application, and action taken on all prior applications

7. filed for the rezoning or Special Exception use of the whole or part of the land proposed for Special Exception use.

#### 14-2.6

**Campaign Contributions:** If applicant has made, within two (2) years immediately preceding the filing of the applicant's application for a zoning amendment, campaign contributions aggregating \$250 or more to any member of the Irwin County Commission or any member of the Greater Irwin County Planning Advisory Commission, it shall be the duty of the applicant and the attorney representing the applicant to disclose the following in the application:

1. The name of the local government official to whom the campaign contribution or gift was made;
2. The dollar amount of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for the map amendment and the date of each contribution; and
3. An enumeration and description of each gift having a value of \$250 or more made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for the zoning amendment.
4. In the event that no such gift or contribution were made, the application shall affirmatively so state.

#### 14-2.7

**Referral to Planning Commission:** Within five (5) days after the routine monthly application acceptance deadline, the Zoning Administrator shall transmit a copy of the completed application to the Planning Commission, and applicable local staff members, for review and recommendation. The Planning Commission shall review each application for consistency with the adopted local Comprehensive Plan, and the adopted standards for exercise of the zoning powers. The staff report and Planning Commission recommendations shall then be transmitted to the County Commissioners. The Planning Commission shall have thirty (30) days within which to submit a report to the County Commissioners. If the Planning Commission fails to submit a report within thirty (30) days, it shall be deemed to have recommended denial of the requested amendment.

- a. **Posting of Property:** Not less than fifteen (15) days prior to the date set for the public hearing on any application for a map or Special Exception amendment (other than a map or Special Exception amendment initiated by the Planning Commission or the County Commission), the Zoning Administrator shall erect a sign on the land proposed to be reclassified. Such sign shall be erected by the Zoning Administrator within (10) feet of whatever boundary line of such land abuts the most traveled public road; and, if no public road abuts thereon, then such sign shall be erected to face in such a manner as may be most readily seen by the public. The sign shall show the application number, the present zoning classification, the proposed zoning classification or Special Exception use, the scheduled date, time, and place of public hearing, and the telephone number to call for further information. If the land sought to be reclassified lies within more than one (1) block as shown on a plat recorded in the land records of the County, then a sign shall be erected on the land in each such block.
- b. **Removal of Sign:** Any such sign shall be maintained at all times by the Zoning Administrator until a decision on the application has been made by the County Commissioners.

#### 14-2.8

##### **Hearing Procedures:**

- a. **Hearing Called:** Before taking action on a proposed zoning amendment, the Board of Commissioners shall hold a public hearing thereon. At least fifteen (15) but not more than forty-five (45) days notice of the time, place, and purpose of said hearing shall be published in a newspaper of general circulation within Irwin County, Georgia. Such notice shall also state the application number and date, and shall contain a summary of the proposed amendment, if a text amendment, and in the case of a map amendment, the location of the property, its area, the name of the owner or their authorized agent, and the present and proposed zoning classification or Special Exception use for the property affected.

Further, such advertisement shall advise the public pursuant to O.C.G.A. 36-67A-3 that any opponent of a proposed rezoning action who has made campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application within two (2) years of the date of the application shall be required to file a disclosure with the governing authority of the respective local government showing: (1) The name and official position of the local government official to whom campaign contributions were made; and (2) the dollar amount and description of each campaign contribution made by the opponent to the local government official during the two (2) years immediately preceding the filing of the application for the proposed rezoning action and the date of each contribution. Such disclosure shall be required to be filed at least five (5) calendar days prior to the scheduled hearing.

- b. Notice to Interested Parties:** A notice shall be given to the applicant and the Planning Commission of the date, time, and place of the public hearing. All application files shall be placed in the custody of the Zoning Administrator and be open to public inspection during regular office hours.
- c. Letters:** As to an application to amend the Official Zoning Map(s) or a special exception request, the Zoning Administrator shall send letters to abutting property owners at least fifteen (15) days and no more than forty-five (45) days in advance of the Public Hearing before the County Commission. Letters shall include information as to the application and date, time, and place of the public hearing.
- d. Public Hearing Procedure:** All public hearings on zoning matters shall be placed on the County Commission agenda under a section entitled "Public Hearings". The County Commission Chairman, or his designee, shall officially declare the public hearing open and shall note that Irwin County's written Public Hearing Procedures, Irwin County's Standards for Exercise of Zoning Powers, and a copy of Georgia's Conflict of Interest Law are available to the attending public as a handout and are posted for public review.

The Zoning Administrator and/or designee shall then announce the matter for consideration. The Chairman shall then call for acknowledgment of a potential conflict of interest by members of the Commission. (See Subsection 14-2.7h) The Zoning Administrator will then report the staff recommendation and the recommendation of the Greater Irwin County Planning Advisory Commission. The Chairman shall then allow public input. General procedures to be followed will require citizen comments to be heard in an orderly fashion. Citizens speaking in favor of the request shall be heard first, followed by those opposed to the issue. All speakers will be asked to provide his or her name and address for the public record. Citizens are requested to keep their comments as brief as possible so that all who wish to be heard will have adequate time. Where there is a large number of citizens wishing to testify at a given hearing, the presiding officer may invoke reasonable time limitations on both the proponents and opponents of a request. In such cases, these time limits shall apply to both sides of an issue equally, such minimum time period to be no less than ten minutes per side. Citizens shall address their comments to the County Commission as a whole. Individual attacks or cross examination of Commission members, county employees or other citizens will be ruled out of order. The Commission retains the privilege to ask any questions of staff or any citizen present for clarification.

After all citizen comments have been received, all further discussion of the specific application is reserved for the County Commission. The Chairman shall then declare the public hearing closed and no further public comment will be entertained. The County Commission will then render a decision on the application. So that the purpose of this

Ordinance will be served, health, public safety, and general welfare secured, the County Commission may approve the application, reduce the land area for which the application is made, change the district requested, add or delete conditions of the application, deny an application, or defer consideration of an application to acquire additional information. An action by the Commission to defer the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application and no further notice, is required. IN THE CASE OF TABLING OF A MATTER, NO FURTHER PUBLIC COMMENT WILL BE ENTERTAINED UPON FURTHER CONSIDERATION OF THE MATTER.

When, in the opinion of the County Commission, the official public hearing has brought forth substantial new evidence or testimony not available to the Greater Irwin County Planning Advisory Commission at the time of their review of a zoning matter, or should the Commission desire to request further study by the Planning and Advisory Commission of a particular aspect of an application, it shall be the policy of the Commission to table the issue and request that the Planning Advisory Commission restudy the issue and affirm or amend its recommendation, which action shall be reported to the County Commission prior to making a final decision.

UNDER NO CIRCUMSTANCES WILL PUBLIC COMMENT BE ENTERTAINED BY THE COUNTY COMMISSION FOLLOWING THE CLOSING OF THE PUBLIC HEARING.

- e. **Standards for Exercise of Zoning Powers:** In order to promote the public health, safety, and general welfare of Irwin County against the unrestricted use of property, the following standards, and other factors relevant to balancing the above stated public interests shall be considered as they apply to any application brought before the County Commission for a zoning decision:
1. Is the proposed zoning or use suitable in view of the zoning and development of adjacent and nearby property?
  2. Does the request represent the possible creation of an isolated district unrelated to adjacent and nearby districts and will the proposed use adversely affect the existing use or usability of adjacent or nearby property?
  3. Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water, sewer, or other public utilities, including police and fire protection?
  4. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or is the proposed use compatible and consistent with the purpose and intent of the Comprehensive Plan?
  5. Will the proposed change adversely influence existing conditions in the neighborhood or the county at large and are there substantial reasons why the property cannot or should not be used as currently zoned?
  6. Are there potential adverse impacts on the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, air quality, and water quality and quantity?
  7. Are the costs required of the public in providing, improving, increasing or

maintaining public utilities, schools, streets and public safety necessities reasonable when considering the proposed changes?

8. Will the proposed change be detrimental to the value or improvement of development of adjacent or nearby property in accordance with existing requirements and development standards?
9. Is the proposed change out of scale with the needs of the neighborhood or Irwin County or does the request reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?
10. Whether the proposed change will constitute a grant of special privilege to the individual owner as contrasted with the adjacent or nearby neighborhood or with the general public.

**f. Standards for Special Exception Review:** In addition to the standards enumerated in subsection (d) above, the following additional standards shall be considered for Special Exception requests:

1. Is the type of street providing access to the use adequate to serve the proposed Special Exception use?
2. Is access into and out of the property adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and to allow access by emergency vehicles?
3. Are public facilities such as schools, water, sewer or other public utilities and police and fire protection adequate to serve the proposed Special Exception use?
4. Are refuse, service parking and loading areas on the property located or screened to protect other properties in the area from such adverse effects as noise, light glare and other negative impacts?
5. Will the hours and manner of operation of the Special Exception use have no adverse impacts on other properties in the area?
6. Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?
7. Provided, that the County Commission may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood; and provided that wherever the County Commission shall find in the case of any permit granted pursuant to the provisions of these regulations that any term, condition or restrictions upon which such permit was granted are not being complied with, said County Commission shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.
8. Special exceptions granted by the County Commission shall be valid for a period of twelve (12) months from date of approval, shall not be transferable except upon written approval of the County Commission, shall be executed within the granted period or become null and void and subject to procedures for resubmission as hereinabove established.

**g. Public Hearings Records Standards:** The County Clerk shall mechanically record the proceedings of all zoning public hearings. If requested by any party, verbatim transcripts of the public hearing can be prepared, but only if requested and purchased in advance by the requesting party, who must arrange at his expense for a certified court reporter to record and transcribe the hearing and furnish the original of the transcript to

the commission for its records. The record of the public hearing and all evidence (e.g., maps, drawings, traffic studies, etc.) submitted at the public hearing shall be noted as such and shall become a permanent part of the particular zoning amendment's file.

**h. Conflict of Interest and Disclosure Rules:** Any Irwin County Commissioner or Planning Commissioner shall refrain from discussion of or voting upon any matter where the following exist:

1. Has any direct ownership in any real property to be affected by a rezoning action under consideration by Irwin County Government;
2. Has a ten percent (10%) or more direct ownership interest in the total assets or capital stock in any business entity which has any direct ownership in any real property affected by a rezoning action under consideration by Irwin County Government; or
3. Has a spouse, parent, sibling or child with any interest as described in previous 1 and 2, shall disclose the nature and extent of such interest, in writing, to the Irwin County Commission as soon as he or she knows of its existence. Such an official, which shall include members of the County Commission, or Planning Advisory Commission also shall disqualify himself/herself from voting on the rezoning action and shall not take any other action on behalf of himself or herself or anyone else to influence action on the rezoning action. Any written disclosures made pursuant to this section which result in the inability of the County Commission to obtain a quorum for the purpose of making a final decision when considering a rezoning action, the County Commission shall initiate the special master process set forth in O.C.G.A. s36-67a-5, as amended. Moreover, questions of interpretation as to the application of this statute should be resolved by reference to the Georgia state law governing campaign contribution disclosures, O.C.G.A. s36-67-1 et seq, as amended.

## SECTION 15

### DUTIES OF ZONING ADMINISTRATOR, BOARD OF APPEALS, COUNTY COMMISSION AND COURTS ON MATTERS OF APPEAL

**15-1 Zoning Administrator.** It is the intent of these regulations that the Zoning Administrator be chiefly responsible, with due assistance from the County Attorney, for all questions of interpretation of these regulations. The Zoning Administrator shall also be responsible for the enforcement of these regulations and shall:

- 1) Serve as administrative secretary to the Planning Advisory Commission.
- 2) Maintain public records concerning the administration of the Zoning Ordinance, including all maps, amendments, Certificates of Zoning Compliance, Special Uses, Variances, and records of public hearings.
- 3) Collect data and keep informed as to the best zoning practices in order to be qualified to make recommendations to the Planning Commission, all of which must be approved by the County Commission.
- 4) Undertake other relevant duties as may be delegated by the County Commission Chairman.

**15-2 Board of Appeals.** The Board of Appeals shall review questions on interpretation only on appeal from the decision of the Zoning Administrator, and recourse from all decisions of the Board shall be to the courts as provided by law.

**15-3 County Commission.** It is further the intent of these regulations that the duties of the County Commission shall be to adopt or reject proposed amendments to these regulations as detailed in Section 13. Matters of non-enforcement of this ordinance may be brought to the County Commission's attention by aggrieved parties only after the aggrieved party has followed the complaint procedure outlined in Section 11-7. Corrections to problems of non-enforcement shall be handled by the Board of Commissioners. Recourse from all decisions of the County Commission shall be to the courts as provided by law.

## SECTION 16

### LEGAL STATUS PROVISIONS

**16-1 Conflict With Other Laws.** All previous zoning ordinances of Irwin County, Georgia, are hereby repealed. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in force and effect, but all such ordinances or parts of ordinances in conflict herewith are hereby repealed. Whenever other ordinances or parts of ordinances require greater restrictions than those required by this ordinance, such ordinances or parts of ordinances shall govern. Whenever other ordinances or parts of ordinances require lesser restrictions, the requirements herewithin shall govern.

**16-2 Separability.** If any section, clause, portion or provision of this ordinance is found unconstitutional, such invalidity shall not affect any other portion of this ordinance.

**16-3 Effective Date.** This ordinance shall take effect and be enforced from and after its adoption and passage by the County Commission.

January 14, 2000

Date of Adoption

S/ Armond Morris  
Chairman, Irwin County Board of  
Commissioners

S/ Angela Thompson  
County Clerk, Irwin County, Georgia

(SEAL)