

ARTICLE III

DEFINITIONS AND INTERPRETATION OF TERMS

Section 301. Interpretation of Terms or Words

For the purpose of these regulations, all words used in the present tense include the future tense, all words in the plural number include the singular number, and all words in the singular number include the plural number. The word "building" includes the term "structure". The word "person" includes a firm, company, partnership, association, syndicate, public or private authority, or corporation. The word "shall" is mandatory; the word "may" is permissive. The word "used" shall be considered to also include "designed, arranged or intended to be used or occupied". The term "Planning Commission" refers to the Waycross-Ware County Planning Commission. The term "Board" refers to the Board of Zoning Appeals. The words "Governing Body" refers to the Board of Commissioners of Ware County, Georgia.

Section 302. Definitions

302.1 - Accessory: A structure customarily incidental to and subordinate to the principal structure and located on the same lot.

302.2 - Alley: A secondary way which affords access to the side or rear of abutting property.

302.3 - Automobile Service Station: Buildings and premises where gasoline, oils, greases, batteries, tires and automobile accessories may be supplied or sold, where no part of the premises is used for the storage of dismantled or wrecked vehicle parts, and also where minor automobile servicing may be performed.

302.4 - Bed and Breakfast Inn: Any owner -occupied building or portion thereof providing overnight lodging and utilizing not more than two (2) bedrooms within that dwelling for occupancy by not more than a total of four (4) transient persons per principal dwelling unit for compensation.

302.5 - Board of Zoning Appeals: Board of Zoning Appeals shall mean that Board appointed by the Governing Body specifically to hear all appeals as provided in this resolution.

302.6 - Buffer: A relatively narrow strip of land covered with sufficient permanent, evergreen planting (consisting of both trees and shrubs) to provide a continuous physical screen preventing visual access from one use area to another.

302.7 - Building: Any structure having a roof supported by columns or wall intended for shelter, housing or enclosure of persons, animals, chattels, or property of any kind.

302.8 - Building Line: That line which represents the distance a building or structure must be set back from a lot line or a street right-of-way line or a street centerline according to the terms of this Resolution.

302.9 - Centerline of Street: Except where otherwise established by competent authority, the centerline of the traveled roadway may be regarded as the centerline for the purpose of locating setbacks from street right-of-way lines.

302.9 A - Commissary Kitchen: A commissary kitchen is a commercial kitchen space where food preparation and/or storage can take place, separate from a food service establishment or mobile food unit more commonly referred to as "food trucks".

302.10 - Conditional Use: A use which is not automatically permitted by right, but which may be permitted within a zoning district subject to meeting specific conditions contained in this resolution or required by the governing body.

302.10 A - Condominium: A duplex, multi-family residential or commercial structure in which one owns an undivided interest (share) in common property and a separate (absolute) interest in a particular space.

302.10 B Cryptocurrency (Cryptocurrency related Definitions) A digital currency in which encryption techniques are used to regulate the generation of units of currency and to verify the transfer of funds while operating independently of a central bank.

- **(1) - Cryptocurrency Data Center.** Leased or owned boundaries of floor space devoted to the operating data processing equipment for Commercial Cryptocurrency Mining; excludes spaces for data centers not otherwise engaged in commercial cryptocurrency mining, commercial offices, storage, shipping and receiving, warehousing, or any other space that is not electronic processing.
- **(2) - Commercial Cryptocurrency Mining.** The commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the block chain, and also the means through which new units of cryptocurrencies are released through the use of server farms. Any equipment requiring a High-Density

Load Service, for the purposes of operating a cryptocurrency mining server farm will constitute a commercial cryptocurrency mining operation.

- **(3) - Cryptocurrency Server Farm.** Three or more interconnected computers housed together in a single facility whose primary function is to perform cryptocurrency mining or associated data processing.
- **(4) - Data Mining.** The commercial process by which volumes of data are analyzed to find patterns, discover trends, and gain insight into how the data can be used will constitute a commercial data mining operation.
- **(5) - High-density Load Service.** Any individual service at or above 600 amps in which the Energy Use Intensity (EUI) is calculated as greater than 250 kWh/feet²/year in total for all operating square footage.
- **(6) - SOC 2.** A voluntary compliance standard for service organizations, developed by the American Institute of CPAs (AICPA), which specifies how organizations should manage customer data. The standard is based on the following Trust Services Criteria: security, availability, processing integrity, confidentiality, and privacy.
- **(7) - Closed-Loop Cooling System:** A cooling system that removes heat from information technology equipment by continuously recirculating a fixed volume of water or coolant within sealed pipes, rather than consuming or evaporating it.
- **(8) - Data Center:** A building or commercial facility whose primary service is data processing or data storage and is used to house computer systems and associated components. For the purposes of this definition, a data center shall not include cryptocurrency data centers.

302.11 - Dwelling: A building or portion of a building arranged or designed to provide living quarters for one or more families.

302.11 A – Dwelling, Site-Built - A dwelling, other than a mobile home, manufactured home, that conforms with the local adopted building code and is approved by DCA.

302.11 B – Dwelling, Single-Family Attached - A building containing not more than two (2) Dwelling Units for two (2) families, arranged in a side-by-side configuration with one (1) wall in common, independent access and yards to the front and rear of internal unit or front, rear and one side for end units.

302.12 - Dwelling - Duplex: A building designed for or occupied by two families living independently of each other.

302.13 - Dwelling - Manufactured Home: A structure transportable in one or more sections. It is built on a permanent chassis and designed to be used as a dwelling unit with or without permanent foundation when connected to

the required utilities and has plumbing, heating, air conditioning and electrical systems contained therein. Manufactured homes are, hereby, further defined as Class "A", "B" or "C".

1. **Manufactured Home, Class A:** A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act 42 U.S.C. 5401-5445 (the HUD Code, which became effective June 15, 1976), and meeting the following development standards:
 - (a) The home shall have a minimum width of the main body as assembled on the site of not less than twenty-four (24) feet, measured across the narrowest portion.
 - (b) The home shall be placed and anchored on a permanent slab, properly engineered foundation system ("underpinned") that provides adequate support of the home's vertical and horizontal loads and transfers these and other imposed forces, without failure from the home to the undisturbed ground in accordance with the manufacturer's installation instructions. An optional foundation permitted is an eight (8) inch wide by eight (8) inch deep poured concrete footer around the perimeter of the manufactured home with 8 inch deep by 16 inch by 16 inch wide pads poured at pier or column blocking locations.
 - (c) The area beneath the ground floor of the home shall be completely underskirted (perimeter enclosed) with a permanent enclosure (curtain wall) built in accordance with approved installation code standards and this Section. All such perimeter enclosures or "skirting" shall be either stucco-finished concrete block, brick, rock or stone masonry and be maintained from the home to ground level. Such wall shall have a minimum thickness of four (4) inches and be penetrated only by openings for installed vents and access doors.
 - (d) At each exterior door of the home, there must be steps, and landing that is a minimum of three feet by four feet in area, constructed to the standards set forth in Ware County (Georgia) Building Code.
 - (e) The home shall have all wheels, axles, transporting lights, and

hitch mechanisms removed therefrom and from the lot, before the home is occupied.

- (f) The home shall have electrical utilities connected to the structure rather than to a utility pole, in accordance with electrical utilities' and Ware County Code requirements and the manufacturer's specifications.
- (g) The exterior siding of the home shall consist of material which is either masonry, wood, stucco, hardboard, or vinyl lap type siding commonly used in site-built (conventional) residential construction.
- (h) The pitch of the home's roof has not less than two and one-half (2 1/2) feet of rise for each twelve (12) feet of horizontal run and the roof is finished with a type of shingle material that is commonly used on conventional site-constructed residences approved by the Building Official.
- (i) The front of the home shall appear to face a public street.
- (j) The homes shall have a roof overhang of four (4) inches which must be boxed.
- (k) The home shall be landscaped with bushes, shrubs and/or plants within an area that is within a minimum of three (3) feet from the foundation around the home foundation.
- (l) Manufactured homes are not permitted to be used as storage buildings.

2. **Manufactured Home, Class B:** A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the National Manufactured Home Construction and Safety Standards Act 42 U.S.C. 5401-5445 (the HUD Code which became effective on June 15, 1976), and meeting the following compatibility standards:
- (a) The homes must be installed to meet the minimum installation standards adopted by the State of Georgia, the manufacturer's installation instructions, when available, or Appendix (H) of the Georgia State Building Code.
 - (b) The perimeter beneath each such home must be enclosed (skirted) with a permanent enclosure as manufactured for such purposes, including but not limited to, stucco-finished concrete

block, or metal lath painted, concrete block, brick, or vinyl materials which have been approved by the Ware County Codes Department.

- (c) Manufactured Homes are not permitted to be used as storage buildings.

3. **302.13.3. Manufactured Home, Class DW:** A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act 42 U.S.C. 5401-5445 (the HUD Code, which became effective June 15, 1976), and meeting the following development standards:

- (a) The home shall have a minimum width of the main body as assembled on the site of not less than twenty-four (24) feet, measured across the narrowest portion.
- (b) The perimeter beneath each such home must be enclosed (skirted) with a permanent enclosure as manufactured for such purposes, including but not limited to, stucco-finished concrete block, or metal lath painted, concrete block, brick, or vinyl materials which have been approved by the Ware County Codes Department.
- (c) At each exterior door of the home, there must be steps, and landing that is a minimum of three feet by four feet in area, constructed to the standards set forth in Ware County (Georgia) Building Code.
- (d) The home shall have all wheels, axles, transporting lights, and hitch mechanisms removed therefrom and from the lot, before the home is occupied.
- (e) The home shall have electrical utilities connected to the structure rather than to a utility pole, in accordance with electrical utilities' and Ware County Code requirements and the manufacturer's specifications.
- (f) The exterior siding of the home shall consist of material which is either masonry, wood, stucco, hardboard, or vinyl lap type siding commonly used in site-built (conventional) residential construction.

302.14 - Dwelling - Multi-Family: A building designed for or occupied by three or more families living independently of each other in separate dwelling units.

302.15 - Dwelling - Single-Family: A detached dwelling unit, building, or one or more habitable rooms which are designed for or occupied exclusively by one family.

302.15 A – Dwelling, Town House: A style of multi-family development designed as one of a series of three to ten attached dwelling units, on separate lots which: (1) may or may not have a common roof; (2) shall not have a common exterior front wall; (3) are separated by fire resistant party wall partitions meeting all codes adopted by Ware County.

302.16 - Dwelling Unit: One or more rooms connected together and constituting independent housekeeping establishment, with provision for cooking, eating and sleeping, and physically set apart from any other rooms or dwelling units in the same structure.

302.16 A – Dwelling, Zero-Lot Line: A style of single-family detached or single-family attached site-built residence, on a separate lot, which:

- (1) is designed so that one side yard is between zero feet and six feet (or 0 to 6 feet), while the other side yard of the building has a minimum setback of twelve (12) feet,
- (2) appears as a single detached unit or as one unit of two attached dwelling units,
- (3) the attached unit has in whole or in part a common exterior wall with the other unit,
- (4) the attached unit is separated from the other attached dwelling unit by a 2-hour fire rated party wall extending at least from the lowest floor level through the roof, and
- (5) the detached unit has a 2-hour fire rated wall on the sidewall that is located within six (6) feet of the side property line.

302.17 - Drive-in: A retail or service enterprise where service is provided to the consumer on the outside of the principal building. The term “drive-in” includes such establishments as drive-in restaurants, dairy bars, theaters, banks, laundries, food stores and car washes.

302.18 - Family: One or more persons occupying a single housekeeping unit.

302.19 - Fireproof: That type of construction in which the walls, partitions, columns, floors, roofs, ceilings, and other structural members are non-combustible with sufficient fire resistance to withstand the effects of a fire and to prevent its spread from one story to another.

302.19.A – Food Truck: A Food Truck is a mobile, fully self-contained unit with valid State of Georgia registration that sells only food and/or beverages (non-alcoholic) and that utilizes no outside cooking area.

302.20 - Floor-Area Ratio: The maximum square foot amount of total floor area permitted for each square foot of land area.

302.20A – Group Home Facility: Group homes, congregate homes, halfway houses and rehabilitation centers (referred to herein as “group home facility”): Facilities for the primary purpose of providing shelter and/or watchful oversight on a continuing basis for substance abusers, battered and abused persons and/or supervised release of criminal offenders with or without rehabilitation (if involved) in a setting where three or more unrelated persons reside under one (1) roof. It is the intent of this article that the owner, operator or manager of the group home, congregate home, halfway house or rehabilitation center apply for and obtain a conditional use permit prior to the issuance of any other permits or licenses by other agencies. However, no conditional use permit granted under the terms of this art shall be valid until all of the appropriate permits or licenses have been issued.

- 1) **Group Home.** A residential structure designed for single-family occupancy and housing no more than six mentally or physically handicapped persons or battered or abused persons, who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible to reach their maximum potential. The term “group home” shall not include use of the dwelling as an apartment or duplex.
- 2) **Congregate Care Home.** A residential structure designed for residential occupancy by other than single-family. A congregate care home may be a shelter, convent, monastery, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging house.
- 3) **Halfway House.** A facility which is licensed by the state and is operated by a non-profit organization under contract with a state or federal correctional agency for the purpose of housing convicted offenders for a transitional period (usually not more than eight months) prior to their release back into the community. While in the facility, offenders are required to participate in a comprehensive rehabilitation program, which includes job training and employment experiences.
Participants are required to pay part of their cost of confinement and

are restricted to the facility both day and night except for hours spent away from the facility for job training/employment purposes.

- 4) **Rehabilitation Centers.** A single family residential structure which is licensed by the state providing room and board, recreation, counseling and other rehabilitation services to individuals, who by reason of addiction to drugs or alcohol require specialized attention and care in order to achieve personal independence. Work programs are a part of the rehabilitation program.
- 5) **Post Treatment Facilities.** Residential facilities which house one (1) or more persons who have completed or are completing a prescribed course of care, counseling and/or rehabilitative activities. Such facilities are, by their usage, boarding and/or rooming houses and shall be required to meet all applicable building code and zoning requirements and other requirements that may be reasonable required by the county for such enterprises.
- 6) **Single Structure.** Such group home facilities shall consist of a single structure with only one building, and not a group of buildings on a single parcel of land.

302.20 B – Guard House: A structure to be occupied and located at the entrance of an individual's estate, gated community, or subdivision having non-owner vehicular traffic and that does not exceed 300 ft² nor has sleeping quarters.

302.21 - Home Occupation: An occupation or profession conducted within a dwelling, by members of a family residing in the dwelling (not to include the operation of tourist homes or boarding homes), provided that no person other than members of family in the dwelling is employed; the floor area normally used for conducting this occupation shall not exceed 20 percent of the total floor area; there shall be no change in the outside appearance of the building and premises; merchandise is not sold in connection with such home occupation; no traffic shall be generated in greater volumes than would normally be expected in a residential neighborhood; no equipment shall be used which creates noise, vibration, odors, or electrical interference detectable to the normal sense outside the dwelling.

302.22 - Industrialized Buildings: 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 and processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.

Industrialized buildings are built in compliance with official Georgia State Construction Codes and with the “Industrialized Buildings Act”, Georgia Law 1982 pp 1637 - 1643 (Official Code of Georgia Annotated, Title 8, Chapter 2, Article 2, Part 1). Industrialized buildings do not include manufactured homes/mobile homes.

302.23 Loading Space, Off-Street: Space allocated for pickups and deliveries.

302.24 Lot: Unless clearly indicated otherwise, the word “lot” when used alone shall mean a “zoning lot”.

302.25 Lot, Corner: A lot located at the intersection of two or more streets.

302.26 Lot, Interior: A lot, other than a corner lot, which has frontage on only one street other than an alley.

302.27 Lot, Through: A lot, other than a corner lot, which has frontage on more than one street.

302.28 Lot, Zoning: A parcel of land occupied, or to be occupied, by a principal use, or uses, together with permitted accessory uses, yards, and open spaces, having frontage on officially accepted street, and having not less than the minimum area required by these regulations for a lot in the zoning district where it is located. A Lot of Record may or may not be a zoning lot.

302.29 Lot Depth: The mean horizontal distance between the front and rear lot lines.

302.30 Lot Width: The distance between side lot lines measured at the front building line.

302.31 Lot of Record: An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of the Clerk of Ware County Superior Court.

302.32 Manufactured Home Park: A parcel of land under single management which has been planned and improved for the rental or lease of lots and the provision of services as water, sewer, recreational facilities and laundry facilities may be provided by the management for a service charge.

302.33 Manufactured Home Subdivision: A parcel of land developed under single ownership where lots are sold for the use of Class A, Class B or Class C manufactured homes.

302.34 Mobile Home: A moveable dwelling unit so designed and constructed that it may be readily transported on its own chassis along the public streets and highways.

302.35 Mobile Home Park: A parcel of land under single management which has been planned and improved for the rental or lease of lots and the provision of services for mobile homes.

302.36 Mobile Home Subdivision: A parcel of land developed under single ownership where lots are sold for the use of mobile homes and where such services as water, sewer, recreational facilities, and laundry facilities may be provided by the management for a service charge.

302.37 Modular Home: An industrialized (factory) fabricated housing unit built in one or more sections, which is built to Georgia or Ware County Building (Construction) Code standards and displays seal of, or is built to, Georgia Department of Community Affairs standards.

302.38 Non-Conforming Use: A building, structure or parcel of land lawfully occupied by a use that does not conform to the regulations of the zoning district in which it is situated.

302.39 Party Walls: A common wall between two buildings usually adjoining and parallel to the lot line, and used primarily by the parties upon whose lot the wall is located.

302.40 Planning Commission: The officially designated Waycross-Ware County Planning Commission, as established by the City and County Governments in accordance with Georgia General Planning Enabling Act No. 358, 1957, as amended and as reorganized by both city and county governments in July 1982 under authority of Article IX, Section IV, Paragraph II of the Constitution of the State of Georgia of 1976.

302.40 A Principal Use or Structure: The major, principal or primary use of property or structure on a lot of record or zoning lot to which setbacks, business license and other development regulations may be applied. All other legal uses or structures on the lot are subordinate to the principal use or structure and are considered accessory uses.

302.41 Self-Service Storage Facility: A self-service storage facility means any real property designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal property.

302.42 Sign: The term "sign" shall mean and include every sign,

billboard, poster panel, freestanding ground sign, roof sign, projecting sign, pylon sign, illuminated sign, sign painted on a wall, window, marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration or insignia used to advertise or promote the interests of any person when the same is placed in view of the general public, traveling along a public street right-of-way.

- (a) FREE STANDING SIGN** - A free-standing sign may contain a sign or signs on one side only, or it may be on a V-shaped structure, or one containing signs back-to-back. A free-standing sign structure is one sign, not attached to a building and supported by any other structure in or upon the ground, excluding mobile signs.
- (b) SIGN AREA** - The area of the face of the sign formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. The area of a freestanding sign structure is the area of the face or faces on each side only.
- (c) BUSINESS IDENTIFICATION SIGN** - A business identification sign is a sign that contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there. Not more than one-third of the area of a business identification sign may be devoted to commodity or service advertising.
- (d) BUSINESS IDENTIFICATION PYLON SIGN** - A sign erected on a single pole or multiple poles which contains only the name or the nature of the business conducted on the premises on which it is located.
- (e) ADVERTISING SIGN** - A sign which directs attention to a business, profession, idea, product, service, activity or entertainment not conducted, sold or offered on the premises upon which the sign is located. It may either be a free-standing or be attached to a building.
- (f) ILLUMINATED SIGN** - When artificial illumination techniques are used in any fashion to project the message on a sign, that sign shall be an illuminated sign.
- (g) DIRECTIONAL SIGN** - The term "directional sign" means signs containing directional information about public places owned or operated by State, Federal or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, religious sites, and areas of natural scenic

beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

- (h) TRAFFIC SIGN** - Signs containing information for direction of all moving traffic/vehicles erected by a public agency.
- (i) WARNING SIGN** - Signs containing information to alert traffic to special conditions on the street/highway erected by a public agency.
- (j) INFORMATION SIGN** - Signs containing information other than directions, traffic or warning erected by a public agency.
- (k) MOBILE SIGN** - A sign designed and constructed in such a manner as to readily allow changes of location.
- (l) WALL SIGN** - Signs attached to the wall of a building and not projecting more than twelve (12) inches from the building.
- (m) PROJECTING SIGN** - A sign extending outward not more than eight (8) feet from the wall of a building and located overhead not less than the height of the first story ceiling.
- (n) MONUMENT SIGN** – A monument sign structure is one sign either single-faced or double-faced located near the front property line indicating the name of the center's or sites general activity and may include the names of business occupants therein.
- (o) INDIVIDUAL LETTER BUSINESS SIGN** - An individual letter business sign consists of individual letters that spell the name of the business and are placed on the wall of the business.
- (p) ROOF SIGN** - A roof sign structure is one business sign either single-faced or double-faced located on the roof of the business advertised by the sign and extending upward not more than 8 feet high.

302.43 Sign, Advertising: An advertising sign directing attention to a business, commodity, service, entertainment, etc., conducted, sold or offered elsewhere than where the sign is located.

302.44 Special Exception: A specifically designed use that would not be appropriate generally or without restriction through the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would, in the opinion of the Board of Zoning Appeals be permitted.

302.45 **Street:** A public way for vehicular traffic which affords access to abutting properties.

302.46 **Street, Collector:** A street designed for uninterrupted movement of relatively large volumes of through and local traffic.

302.47 **Street, Major:** A street designed for rapid, continuous movement of relatively large volumes of through and local traffic.

302.48 **Street, Minor:** A street which is intended to provide direct access to its abutting properties.

302.49 **Street Centerline:** That line surveyed and monumented by the governing body shall be the centerline of a street; or in the event that no centerline has been so determined, it shall be that line running midway between and parallel to the general direction of the outside right-of-way lines of such streets.

302.50 **Structure:** Anything constructed or erected which requires a fixed location on the ground, or which is attached to something having a fixed location on the ground, including but not limited to buildings, mobile homes, signs, walls and fences.

302.51 **Yard:** A required open space located on the same lot as the principal building, unoccupied by structures except for accessory uses permitted by this ordinance.

302.52 **Yard, Front:** A yard situated between the front building line and the front lot line extending the full width of the lot.

302.53 **Yard, Rear:** A yard situated between the rear building line and the rear lot line and extending the full width of the lot.

302.54 **Yard, Side:** A yard situated between a side building line and a side lot line and extending from the front yard to the rear yard.

302.66 Towers and Antennas: As used in this resolution, the following terms shall have the meanings indicated:

- (a) **"Alternative tower structure"** shall mean man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures.
- (b) **"Antenna"** shall mean any exterior apparatus designed for telephone, radio, or television communication through the

sending and/or receiving of electromagnetic waves.

- (c) "FAA" shall mean the Federal Aviation Administration.
- (d) "FCC" shall mean the Federal Communications Commission.
- (e) "Governing authority" shall mean the governing authority of the County of Ware.
- (f) "Grandfathered towers and antennas" shall have the meaning set forth in Section 703.5.1 (d) (or 704.4.i(d) of this resolution.
- (g) "Height" shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
- (h) "Tower" shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television, transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like."

302.67 Utility-scale energy storage: "Utility-scale energy storage" shall mean large-scale systems, primarily batteries, that store electricity from the grid and discharge it when needed to support grid stability, meet peak demand, or store excess renewable energy.

302.68 Offroad Motorized Vehicle Park: "Offroad Motorized Vehicle Park" means a parcel or tract of land, whether publicly or privately owned, developed, operated, maintained, or designated for the recreational use, operation, riding, driving, racing, training, exhibition, or testing of motorized vehicles designed for or capable of travel over unpaved surfaces or rough terrain, including but not limited to all-terrain vehicles (ATVs), utility task vehicles (UTVs), dirt bikes, motocross motorcycles, dune buggies, go-karts, four-wheel-drive vehicles, off-highway vehicles (OHVs), and similar motorized recreational vehicles.

ARTICLE IV

JURISDICTION AND APPLICATION OF REGULATIONS

Section 401. Jurisdiction

The provisions of this Resolution pertain to each of the zones herein established or to zones established by any subsequent amendments to this Resolution. These provisions apply to those parts of Ware County outside the corporate limits of the City of Waycross presently or subsequently delineated on the Official Zoning Map.

Section 402. Application of Regulations

In all districts, after the effective date of this Resolution, and subject to the provisions of Article VI, Section 604, Non-Conforming Uses,

- (a) any new building or other structure, or any tract of land, may be used, and
- (b) the use of any existing building or other structure, or of any tract of land, may be changed, extended or enlarged, and
- (c) any existing building or other structure may be relocated, enlarged, converted, reconstructed, or structurally altered for any purpose permitted by the regulations for the district in which such building or other structure, or tract of land, is located, and for no other purpose. Such use, change, relocation, enlargement, extension, conversion, reconstruction, or structural alteration shall conform to all regulations set forth for that district, and to all other applicable regulations for accessory off-street parking spaces and off-street loading facilities shall also apply.

ARTICLE V

ESTABLISHMENT OF DISTRICTS

Section 501. Division Into Districts

For the purposes and provisions of this Resolution, the following districts are hereby established:

R-S	Residential
R-45	Residential
R-90	Residential
R-75	Residential
R-50	Residential
R-75MH	Residential Mobile Home
R-50MH	Residential Mobile Home
MU	Mixed Use District
C-1	Neighborhood Commercial
C-2	Highway Commercial
C-3	General Commercial
LI	Limited Industrial
GI	General Industrial
A	Agriculture - Forestry
A-1	Agriculture - Forestry
CN	Conservation
IPD	Industrial Park District
AP	Airport
O	Office
FDP	Flood Damage Protection
M	Medical
SDD	Special Development District
CDD	Corridor Development District

Section 502. Incorporation of Maps

The boundaries of each district are hereby established as shown on the maps entitled "Official Zoning Map, Ware County, Georgia". The Official Zoning Maps shall be identified by the signatures of the Chairman of the County Board of Commissioners, attested by the Clerk of the County Commissioners under the following words: "This is to certify that the Official Zoning Map referred to in Section 502 of the Ware County Zoning Resolution", together with the date of the adoption of this Resolution. Said maps shall be retained in this office of the Chairman of the Ware County Board of Commissioners.

Section 503. Amendment of Maps

If, in accordance with the provisions of the Resolution, changes are made in district boundaries or other subject matter portrayed on the zoning map, such changes shall be made on the Official Zoning Maps promptly after the amendment has been approved by the County Board of Commissioners, together with an entry on the minutes of such Commission meeting as follows:

"On _____, 19____, by official action of the Ware County Board of Commissioners, the following change (changes) was (were) made in the Official Zoning Maps: (brief description of nature of change), "which entry shall be signed by the Chairman of the Ware County Board of Commissioners and attested by the Clerk. No amendment to this Resolution which involves subject matter portrayed on the zoning map shall become effective until such change and entry have been made on said map.

Section 504. Rules for Determining Boundaries

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

(a) Unless otherwise indicated, the district boundaries are indicated as approximately following plat and lot lines; centerlines of street, highways, alleys or railroads; centerlines of streams, reservoirs or other bodies of water; land lot lines and/or land district lines; and any other ways allowed by law.

(b) Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways or railroads, or rights-of-way of same, or the centerlines of streams, reservoirs or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.

(c) Where a district boundary line, which appears on the zoning maps, divides a lot in a single ownership at the time of this enactment, the district requirements for the least restricted portion of such lot shall apply to the whole lot, provided that this extension does not exceed fifty (50) feet beyond the district boundary line.

ARTICLE VI

GENERAL PROVISIONS

Section 601. Street Access

No building shall hereafter be erected, constructed, moved or relocated on a lot not located on a publicly accepted maintained street with a right-of-way of less than thirty (30) feet.

Section 602. Adjoining and Vacant Lots of Record

If two or more adjoining and vacant lots with continuous frontage are in a single ownership at any time after the adoption of these regulations, and such lots individually are less than the lot width requirements of the zone in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subject to the requirements of these regulations.

Section 603. Front Yard Requirements

The setback requirements for dwellings adjoining developed lots fronting on the same street where less than the minimum setback is used may appeal to the Board for a variance.

Section 604. Non-Conforming Uses

Any lawfully existing use of land, building or structure which is not in conformance with the provisions of these regulations upon their enactment into law and/or any building or structure where actual construction was lawfully begun prior to the effective date of adoption of these regulations, shall be deemed to be a non-conforming use. Such use may be continued subject to the following conditions:

604.1 Change Once a building has been changed to a conforming use, such building shall not be permitted to revert to a non-conforming use. Change to a different non-conforming use is prohibited for both structure, building or land.

604.2 Abandonment Re-establishment of a non-conforming use of structure, building or land after discontinuance of that use for a period of twelve (12) months shall be prohibited.

604.3 Restoration A non-conforming building may not be reconstructed or structurally altered for continuance as a non-conforming use if the cost of such reconstruction or alteration exceed fifty (50) percent of its replacement costs less depreciation as determined by the Tax Assessor.

604.4 Extension A non-conforming use or building shall not be enlarged or extended in such a way as to displace a conforming use or building. No non-conforming use or building may be extended to occupy additional land area. Except that if the non-conforming use is for the placement of a mobile home or manufactured home, that mobile home or manufactured home may be replaced by another, regardless of the size of the replacing mobile home or manufactured home.

604.5 Non-conforming Land Use Waivers

(a) Intent It is the intent of this section to provide procedures and criteria for the review of the status of non-conforming land uses.

(b) Eligibility for Waiver. The non-conforming use shall be consistent with all of the following criteria as set forth by this section, in order to be eligible for application for a certification of previously established land use conformity (PELUC certificate). Any nonconformity that is expressly prohibited by the following criteria shall not be eligible to apply for waiver of non-conforming use status.

1. The non-conforming use shall have been originally established as a legal use and have been in existence on the date of adoption of the Ware County Zoning Regulations and Zoning Map for the area identified.
2. The waiver provisions by this section shall be applicable only to existing non-conforming uses of land and cannot be applied to waive any other development criteria in the Ware County Zoning Resolution, such as but not limited to, environmental requirements, buffering, open space, building codes, lot area, parking, or setbacks.
3. In all future land use and zoning categories, the following uses shall not be eligible to apply for a PELUC certificate:
 - a. Industrial uses, such as those permitted in the GI and LI Districts, adjoining residential areas.
 - b. Any industrial use for which sole access is to a minor street.

4. In order to protect existing residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment, the following uses that are located within areas zoned for residential use shall not be eligible to apply for a PELUC certificate:
 - a. Commercial uses and development in excess of 20,000 square feet of building floor area, other than office uses.
 - b. All industrial uses
5. No request for waiver can be submitted which exceeds 75% impervious surface per lot with the exception of single-family residential uses. A request for waiver can be submitted for single-family residential land uses regardless of the impervious surface percentage.

(c) Criteria for Granting Waiver of Non-Conforming Use Status. The establishment of eligibility of the non-conforming use for purposes of application submittal shall in no way be construed to form the basis for granting the waiver, or waiver with mitigation, of non-conforming use status. The applicant shall bear the burden of demonstrating that the impacts of the non-conforming use are either minimal upon the surrounding land uses and are not detrimental to the public health, safety, and welfare, or that the impacts of the non-conforming use may be substantially mitigated. Economic hardship may be considered as a factor supporting granting a non-conforming use waiver.

1. The zoning board of appeals may grant a PELUC certificate upon application of the property owner and after public review and hearing in accordance with the standards of Ware County Zoning Resolution. Notice of public hearing on any proposed application for a PELUC certificate shall be provided as is required in Article XI A principal place of residence shall be exempt from the requirements as set forth below. A PELUC certificate for any other eligible use may only be granted upon the zoning board of appeals' findings of fact and conclusions of law that the non-conforming use is consistent with the following criteria:
 - a. A determination that the impact of the nonconformity is minimal upon surrounding land uses and is not detrimental to the public health, safety, and welfare and, as a result, the non-conforming status may be waived.

- b. A determination that the impact of the nonconformity may be substantially mitigated such that the development may attain conforming status by implementing the outlined mitigation steps.
 - c. Site plan or plan of development may be required to demonstrate mitigative measures that will maintain compatibility through specified design measures. Inter-site compatibility criteria shall be determined by the zoning board of appeals based on the following:
 - i Aesthetically and functionally compatible land uses.
 - ii Adequate buffering, screening, landscaping, and architectural treatment if located in a residential area.
 - iii Sufficient parking, designed to provide safe internal traffic circulation, and off-site access.
 - d. The objectionable impacts of service and delivery areas, refuse and recycling collection areas, as well as the outdoor storage and work areas generally associated with commercial or residential buildings shall be designed to minimize off-site impacts.
- 2. If the Zoning Board of Appeals determines that the non-conforming use meets the required criteria as specified by this section, the Zoning Board of Appeals may issue a PELUC certificate, which shall be valid only for the specific use and area of the site for which the waiver was granted. The certificate may contain conditions under which the waiver has been granted and may contain an expiration date for the waiver. The certificate shall provide that any expansion proposed on the property covered by the certificate must comply with the development standards for the primary use in the district in which the property is located. If an expiration date is provided, the use shall revert to non-conforming status on the expiration date. Upon application to the Zoning Board of Appeals prior to the expiration date, the expiration date may be extended after review by the zoning board of appeals. The granting of a PELUC certificate for a particular use on a single parcel of property shall in no way be construed to waive any other development requirements or to establish vesting or precedence for other non-conforming uses on that parcel or on any other parcel.

(d) Final Order of the Zoning Board of Appeals.

1. The PELUC certificate may require the applicant to meet certain specific mitigative conditions such as, but not limited to, a site plan or plan of development, buffering, architectural treatment in residential areas, additional setbacks, access limitations, and limitations on use, or an expiration date of the use. Such order cannot allow a waiver that exceeds an impervious surface of 75% per lot.
2. The written certificate of the zoning board of appeals shall be permanently on file in the office of the community development department and a copy thereof promptly transmitted to the applicant.

(e) Change of Use/Violations of Conditions of Certificate.

1. Any use for which the PELUC certificate has been granted that ceases for a period in excess of 12 months shall be deemed a voluntary abandonment of such certificate.
2. Any change of use shall be deemed a voluntary abandonment of such certificate unless, upon notice of violation of the certificate conditions from the county, the violation ceases within 30 days.
3. A finding of a violation by the code enforcement board of the terms or conditions of the certificate shall be an abandonment of the certificate, and the use shall return to its previous non-conforming status.

(f) Criteria for Denial of Waiver of Non-conforming Status. Any application for a PELUC certificate shall be denied based upon the zoning board of appeals' findings of fact and conclusions of law in accordance with the provisions of this section that the nonconformity violates the intent of this section or that it has substantial impacts which may not be overcome by any mitigation procedures and as such, the development shall remain in a non-conforming status and such use shall terminate according to law.

(g) Appeals. Every determination of the zoning board of appeals regarding a PELUC certificate shall be final, subject to such remedies as any aggrieved party might have at law or in equity.

604.6 Lot of Record In any district in which single-family dwellings are permitted, notwithstanding limitations proposed by other provisions of these regulations, a single-family dwelling and customary accessory buildings may be erected on any single lot of record provided that this lot

conforms to the regulations for the district in which it is located.

604.7 Special Exception Any use for which a special exception is permitted shall not be deemed a non-conforming use.

The status of non-conformity shall commence on the date of enactment of these regulations, whether or not notice is sent by the Building Inspector or received by the affected owner.

Section 605. Location of Accessory Uses on Zoning Lot

In any district, no permitted accessory uses shall be located closer than five (5) feet from any property line, nor shall any permitted accessory building or structure be located within any required front yards.

Section 606. Off-street Automobile Parking Requirements

Areas suitable for parking or storing automobiles in off-street locations shall hereafter be required in all zoning districts at the time of the initial construction of any principal building; when a structural alteration or other change in a principal building produces an increase in dwelling units, guest rooms, floor area, seating or bed capacity; or when a conversion in use occurs. Such off-street parking areas shall have direct access to a street or alley, and shall be provided and maintained in accordance with the following requirements:

Section 606.1 Number of Spaces Required

- (a) One-family dwellings: two (2) spaces.
- (b) Two-family dwellings: three (3) spaces.
- (c) Multi-family dwellings: one (1) space per dwelling unit.
- (d) Tourist homes, boarding houses, and motels: One (1) space for each bedroom or suite.
- (e) Churches, theaters, restaurants, night clubs, and other places of public and semi-public assembly: one (1) space for each four (4) seats, as based on estimated total seating capacity.
- (f) Places of amusement or public and semi-public assembly without fixed seats: one (1) space for each seventy (70) square feet of floor space provided for use in the main assembly room.
- (g) Hotels, excluding motels: one (1) space for each three (3) guest rooms, plus one (1) space for each five (5) employees.
- (h) Hospitals, nursing homes, sanitariums, home for the aged, and similar institutions: one (1) space for each two (2) beds (exclusive of bassinets), plus one (1) space for each staff doctor, plus one (1) space for each two (2) regular employees at maximum employment on a single shift.
- (i) Offices and clinics for doctors, dentists, and physicians: one (1) space for each one hundred fifty (150) square feet of total floor area, plus one (1) space for each three (3) employees.

- (j) Other offices, including banks and governmental establishments: one (1) space for each three hundred (300) square feet of total floor area plus one (1) space for each three (3) employees.
- (k) Retail businesses, not otherwise specifically mentioned in this subsection: one (1) space for each two hundred (200) square feet of retail floor area.
- (l) Bowling alleys: five (5) spaces for each alley.
- (m) Service and repair establishments, except those specifically mentioned in this subsection: one (1) space for each two hundred fifty (250) square feet of floor area.
- (n) Wholesale and industrial establishments, including lumber, brick, coal junk, and supply yards: one (1) space for each two (2) employees at maximum employment on a single shift, plus sufficient space to park or store all company-owned or leased motor vehicles.
- (o) Automobile service stations: four (4) spaces for each grease rack, washing stall or similar facility.
- (p) Automobile, farm equipment, machinery and furniture sales and repair establishments: one (1) space for each two (2) employees at maximum employment on a single shift, plus sufficient space to park or store all company-owned or leased motor vehicles.
- (q) Mortuaries and/or funeral homes: one (1) space for each one hundred (100) square feet of floor area used for assembly purposes, plus sufficient to park or store all company-owned or leased motor vehicles.
- (r) Planned shopping centers: one (1) space for each one hundred (150) square feet of total floor area.
- (s) Transportation terminal facilities, including airports, railroad stations, bus depots and truck terminals: one (1) space for each one hundred (100) square feet of public waiting room floor area, plus one (1) space for each two (2) regular employees, plus sufficient space to park, store, load or unload all commercial motor vehicles incident to the facility.
- (t) Schools, including both public and private educational institutions: one (1) space for each two (2) staff members or employees plus additional space for places of public assembly in accordance with the provisions of Subsection 606.1 (f).
- (u) Mobile home parks: one (1) space for each mobile home dwelling unit, plus one (1) space for each two (2) regular park employees.

606.2. Amount of Area Required for Each Parking Space Including isles entrances and exits, each required off-street parking area, lot or other facility shall contain a minimum of three hundred fifty (350) square feet of floor space for each automobile to be accommodated.

606.3. Combination of Uses on One Lot If there are combinations of uses on a single lot, such as a restaurant within or adjacent to a motel such uses shall

be computed separately according to the individual requirements of each.

606.4 Location of Off-Street Parking Areas Required off-street parking areas for one and two-family residences shall be located on the same lot as the principal building to be served. Under unusual circumstances, and hardship, parking areas for other permitted uses may be located off-site provided that the parking area is not more than four hundred (400) feet from the premises of the principal building or use to be served by such areas, and provided that the owner or owners of said off-site parking areas relinquish all development rights over his property until such time that parking space is provided elsewhere._

606.5 Common Off-Street Parking Areas Two or more principal uses may utilize a common area in order to comply with off-street parking requirements, provided that the total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of this section, and provided that the owner of said lot relinquishes his development rights over the property until such time as parking space is provided elsewhere.

Section 607. Off-Street Loading and Unloading Area Requirements

Areas suitable for loading and unloading motor vehicles in off-street locations shall hereafter be required at the time of the initial construction of any building or structure used or arranged to be used for commercial, industrial, governmental, or multi-family residential purposes. Such off-street loading areas shall have access to a public alley or street.

607.1 Number of Spaces Required

- (a) Any business uses with less than three thousand (3,000) square feet in total floor areas: none.
- (b) For structures containing more than three thousand (3,000) square feet but less than twenty-five thousand (25,000) square feet of floor area, one (1) space (at least ten (10) feet wide and thirty (30) feet long) for each twelve thousand five hundred (12,500) square feet.
- (c) For structures containing twenty-five thousand (25,000) square feet or more of gross floor area, the number of spaces to be provided shall be as specified in the following table:

<u>Square Feet</u>	<u>No. of Spaces</u>
25,000 - 40,000	1
40,001 - 100,000	2
100,001 - 160,000	3
160,001 - 240,000	4
240,001 - 320,000	5
For additional 100,000 or fraction thereof	1 additional

607.2 Amount of Area Required for Each Loading Space Except as specified in Subsection 607.1(b) above, each required off-street loading and unloading space shall be at least ten (10) feet wide, fifty (50) feet long and fourteen (14) feet high. Such space shall be clear and free of obstructions at all times.

607.3 Location of Off-Street Loading Areas Required off-street loading areas in all cases shall be located on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be considered as part of the area provided to satisfy off-street parking requirements as listed herein.

Section 608. Buffer Strips

608.1 Commercial and Industrial Uses Where commercial or industrial uses adjoin a residential use (or district) on its rear or side property line, the rear or side wall of the main commercial or industrial structure shall be set back at least forty (40) feet from the property line. A continuous planted buffer strip or solid fence or wall shall be properly maintained within the required setback. Such buffer strip, if planted, shall be composed of and maintained with healthy plants which possess growth characteristics of such a nature as to produce within five (5) years, a planting screen not less than six (6) feet high that will obscure objects behind the screen at a distance of fifty (50) feet.

608.2 Off-Street Loading and Parking Areas When situated adjacent to residential property, an off-street loading area or an off-street parking area for five (5) or more automobiles shall be separated from the adjoining residential property by a fence or wall or continuous planted buffer strip as specified in Section 608.1 above.

Section 609. Curb Cuts

Ingress - egress openings in concrete, asphalt, rock or other street curbing materials, commonly referred to as "curb cuts" shall be regulated in accordance with the following requirements:

609.1 Size and Spacing of Curb Cuts In no case shall a curb cut be less than nine (9) feet nor more than thirty (30) feet in length. No two curb cuts shall be closer than twenty (20) feet from each other except in residential zoning districts.

609.2 Location of Curb Cuts At street intersections, no curb cut shall be located closer than: (1) twenty (20) feet from the intersecting point of the two street rights-of-way or property lines involved (or such lines extended in case of a rounded corner); or (2) twenty-five (25) feet from the intersection of the two curb lines involved (or such lines extended in case of a rounded corner), which bound said lot.

Section 610. Vision Clearance at Street Intersection

No fence, wall, terrace, sign, shrubbery, planting, or other structure or object capable of obstructing driver vision between the heights of three (3) and ten (10) feet above the finished street level shall be permitted on a corner lot within twenty-five (25) feet of the point formed by the intersection of the street rights-of-way lines (or such lines extended in case of a rounded corner) which bound said lot.

Section 611. Exception to Height Limits

The height limitations herein shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, masts and antennas, provided that evidence is presented from appropriate authorities to the effect that such building or structure will not interfere with any airport approach zones or flight patterns.

Section 612. Minimum Lot Size

As required by these regulations, minimum lot sizes for residential development assume the provision of public services. Lots served by private water and/or sewer lines shall meet the standards of the Ware County Health Department and the Ware County Subdivision Regulations.

Section 613. Night Lighting

Where exterior night lighting is required by any use, the location of the lights shall be so arranged that within one hundred (100) feet of any street the direct light rays therefrom shall not be directed into the eyes of any passing motorist. Furthermore, no exterior night lighting shall be permitted to shine directly into a residential, office or medical district when such lights are located less than three hundred (300) feet from such district.

Section 614. Special Building Setbacks

In each of the districts herein described, no building, structure, or obstruction shall be erected or maintained on any land abutting the following street, streets, or highways nearer than the setback as follows:

Blackshear Avenue - Seventy-nine (79) feet from the centerline of said existing street on both sides between State Street (US 1) and Sunnyside Drive.

U.S. 82 - West (Corridor Z) - One hundred fifty (150) feet from the centerline of said existing highway on both sides between GA. 158 centerline and running to the Ware County/Atkinson County line.

U.S. 84 - East (South Georgia Parkway – Brunswick Highway) - One hundred fifty (150) feet from the centerline of said existing highway on the south side and forty-five (45) feet North from County Road 124 up to the Ware

County/Brantley County line.

West Blackshear Avenue - Seventy-nine (79) feet from the centerline of said existing street on both sides between State Street (US 1 Business) and extending to Park Avenue.

Section 615. Principal Use or Structure

There shall be one (1) principal structure or one (1) principal use permitted on one (1) zoning lot or lot of record. Applications for more than one (1) principal structure and/or use permitted on one (1) zoning lot shall meet the requirements of Sections 703.3(b) or Section 904. Group Development.

Section 616. Orientation of Manufactured Homes

1. Manufactured homes shall be oriented with the front door facing the road.
2. In the case of “flag lots” where a lot is connected to a roadway by a strip of land and/or access easement and as such is not directly facing the roadway or in cases where the manufactured home located greater than 400 feet from the roadway and is not visible from the roadway, this rule shall not be enforced.

Section 617 Cryptocurrency Mining & Data Mining Operations.

Each commercial cryptocurrency mining and data mining operation shall be set back at least 1,000 feet from any residential structure. The distance shall be measured from the closest corner of the residential structure to the closest corner of the commercial cryptocurrency mining or data mining structure in a straight line, or colloquially “as the crow flies”.

ARTICLE VII

USE REQUIREMENTS BY DISTRICT

Section 701. R-S, R-90, R-75, and R-50 Residential Districts

701.1 - Intent of District

The R-S, R-90, R-75 and R-50 Residential Districts are established to provide suitable locations for all types of dwellings with appropriate standards for each district. They are designed to accomplish the following purposes:

- (a) To provide sufficient space in appropriate locations for residential development to meet the housing needs of the present and anticipated population;
- (b) To protect residential areas from hazardous and offensive or objectionable influences;
- (c) To protect residential areas from unnecessary congestion from heavy traffic or through traffic, by regulating the density of population, by regulating the density of population, by regulating the bulk of buildings in relation to the land around them, and by providing for open space for off-street parking;
- (d) To provide space for both public and private community facilities which serve the needs of nearby residents and which generally perform their functions more effectively in a residential environment;
- (e) To promote the most desirable use of land in accordance with a comprehensive plan, to promote stable residential development, to protect established residential areas, to conserve the value of land and buildings;
- (f) To promote freedom of architectural design, in order to encourage the development of more attractive and economic building forms; and
- (g) To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this article.

701.2 - Permitted Uses

- (a) Single-Family, Duplex and Multiple-family (including apartments) site-built dwellings, except in a R-S district where only single-family detached site-built dwellings will be permitted.
 - (1) Class "A" Manufactured Home is permitted within the R-50 and R-75 Residential Districts as a permanent residence subject to the requirements applying to residential uses in the district and provided the dwelling meets the design, exterior and appearance standards set forth in Section 302.13 and the requirements of Article VIII;
 - (2) A Building/Zoning Permit shall be required for all applications for such manufactured home use, and the approval shall follow Ware County building

code/zoning procedures. Applications for approval shall be submitted to the Zoning/Building Official on such forms as may be required to make determination of compliance.

- (b) Public elementary, junior high and senior high level schools.
- (c) Private schools offering curricula substantially the same as that offered by public schools.
- (d) Libraries, community recreation centers.
- (e) Public colleges.
- (f) Non-commercial parks, playgrounds and other outdoor recreation activities and their related facilities.
- (g) Non-commercial horticultural and agricultural uses shall be permitted; provided, however, that the keeping, breeding, boarding, or raising of livestock or poultry, including but not limited to horses, cattle, hogs, goats, sheep, or other similar farm or agricultural animals, shall be prohibited. Poultry is permitted for personal, non-commercial use, provided that no roosters are kept on the property. Any coop, pen, shelter, or other structure used for the housing or confinement of permitted animals or poultry shall be located no less than 100 feet for residents with less than 25 poultry and 1000 feet for residents with 25 or more poultry, from any residential dwelling situated on adjacent property; provided, however, that such setback requirement shall not apply to the residential dwelling located on the same property as, or occupied by, the person maintaining or housing the permitted animals or poultry. Coops and outdoor runs must be placed at least 100 feet away from any wellhead for domestic consumption.
- (h) Accessory uses.
- (i) Home occupations.
- (j) Home occupation (Class 1) and Name Identification (Class 2) Signs.
- (k) Churches, Synagogues, Temples and other places of worship, provided that such uses are located on a lot fronting a major street or a collector street and provided further that no structures housing church activities are located less than fifty (50) feet from a residential property line, with the exception that a place of worship lawfully existing at the time of passage of this ordinance shall be excluded from this requirement and yard requirements.
- (l) Private kindergarten or pre-school nurseries, provided that such facilities conform with the requirements of the Georgia State Board of Health and the Ware County Health Department and provided that a minimum open play area of 200 square feet is provided for each child, that such play area is fenced to a minimum height of four (4) feet and that no building is less than thirty (30) feet from a residential property line.
- (m) Public utility substations or sub-installations, provided that 1) such uses are enclosed by a solid or chain-link fence or wall at least six (6) feet in height above finish grade if needed to give protection against hazardous equipment: 2) there are no office nor is there storage of vehicles, equipment or construction materials on the premises and; 3) landscaped buffer strips not less than five (5) feet in width or planted and suitably maintained at the periphery of the containing facilities.
- (n) Cemeteries, provided that such uses: 1) front on a major street or a collector street, 2) have a 10-foot planted buffer strip around its entire perimeter which is kept free of any use - except access, 3) include no crematorium.
- (o) Group developments meeting requirements of Section 904.
- (p) Adult day care facilities provided that care for any one individual does not exceed twelve (12) hours within a 24-hour period.
- (q) Townhouses, Condominiums and Single-Family attached provided that:
 - (1) Sanitary sewer is available to the buildings

- (2) The buildings are not permitted in a R-S Zoning District. Not more than ten (10) nor fewer than three (3) townhouses and no than ten (10) nor fewer than two (2) single-family attached contiguous units shall be built in a row with approximately the same but staggered front line; except that units on corner lots may face either street.
- (3) Minimum width for the portion of the lot on which the townhouse is to be constructed shall be eighteen (18) feet, but the minimum average width of a group of five (5) or more units shall be twenty (20) feet;
- (4) Lot area shall average no less than 2,500 square feet, and the minimum of any single lot shall be 2,000 square feet; Separation Requirements. No portion of a townhouse or accessory structure in or related to one group of contiguous townhouses shall be closer than twenty (20) feet to any portion of a townhouse or accessory structure related to another group, or to any building outside the townhouse area;
- (5) Yards. The nearest point of each building shall be at least (20) feet from the nearest right-of-way line of abutting streets and at least ten (10) feet from all other property lines adjacent to the townhouse complex. Each townhouse shall have on its own lot one rear or side yard, private or reasonably secluded from view from streets and from neighboring property. Such yard shall not be used for any accessory building. Front and rear yard setbacks shall be the same as the zone in which such townhouse development is located.
- (6) Grouped Parking Facilities. Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. Open Space. In all townhouse projects where more than ten (10) units are the constructed, a landscaped common area amounting to at least ten percent (10 %) of a single townhouse project area shall be provided on the same or adjacent block. No building, parking, storage or other use shall be made of this open space.
- (7) Buffers. Within the above exterior rear and side setback requirements, planted buffer shall be required. Property within such buffer areas may be included within the lot area for density lot coverage purposes.

701.3 - Conditional Use

- (a) Bed and Breakfast Inn shall be permitted as a conditional use provided the following conditions and procedures are met:
 - (1) Person(s) desiring to operate a Bed and Breakfast Inn within their residence shall apply for approval and meet the procedures and fees the same as required for zoning amendments, Article XI. (1104)
 - (2) That Bed and Breakfast Inn is intended to provide for occasional paying guests, yet is not to be considered as a primary use of a residence nor a major generator of income/profit.
 - (3) That Bed and Breakfast Inn use is to be in an owner - occupied residence.
 - (4) That the normal period of continuous occupancy by any one guest will not exceed six calendar days.
 - (5) That only breakfast shall be served to guests in residence. Incidental restaurant operation for a fee to others shall not be permitted. That walk-in guests shall not be accepted. That all guest arrangements shall be reservation in advance of stay.
 - (6) That adequate off-street parking will be provided for all Bed and Breakfast paying guests.
 - (7) No exterior alterations, other than those necessary to assure safety of the structure, shall be made to any building for the purpose of providing a Bed and Breakfast Inn.
 - (8) The resident owner shall keep a current guest register including names, addresses

- and dates of occupancy of all guests.
- (9) The resident owner shall comply with all business license and revenue collection ordinances of Ware County and the State of Georgia.
 - (10) The building shall comply with all requirements for dwellings included in the Standard Building Code.
- (b) Group Homes, Congregate Care Homes, Halfway Houses and Rehabilitation Centers (referred to herein as “group home facility”). Group Home Facilities shall be permitted as a conditional use, except in the RS and R-90 Zoning District provided the following conditions and procedures are met:
- (1) Post treatment facilities may be operated within the cartilage of any group home, congregate care homes, rehabilitation center, personal care home or halfway house provided they comply with this ordinance and all other applicable provisions of law.
 - (2) A group home facility shall comply with the following standards:
 - (a) Such group home facility shall not be located within two thousand (2,000) feet of any group home, congregate care home, halfway house or rehabilitation center.
 - (b) There shall be no alterations or additions to the structure that shall change its residential character or use.
 - (c) The location of the structure where the group home facility is located shall pose no potential for danger to residents caused by surroundings. The group home facility shall be setback fifty (50) feet from any property line adjoining another residential property line.
 - (d) The usage shall be restricted to the care of mentally or physically handicapped persons or battered or abused persons, substance abusers and supervised release of criminal offenders with or without rehabilitation.
 - (e) No single structure shall house more than six (6) persons. The structure shall conform to all applicable building codes, department of human resources regulations and fire codes prior to and during occupancy.
 - (f) Each permitted location shall record and maintain an accurate listing of all persons in residence, on site, and shall make said list available for examination to the representative of the county clerk of the county at any reasonable time. The listing shall include the information required in subsection (7) of this section.
 - (g) Where an existing residential structure is used, the applicant shall maintain the residential appearance of the structure. Where permission is granted to expand any such structure, the general scale and proportion must conform to the general scale and proportion of existing residential structures within the same county block.
 - (h) No signs shall be permitted other than signs otherwise permitted by the regulations of the district within which the facility is located.
 - (i) Any approved modifications to the dwelling shall be of such a nature as to not distract from the residential quality of the structure or diminish the quality of the surrounding neighborhood.
 - (j) The group homes, congregate care homes, halfway houses or rehabilitation centers shall have an on-site manager who resided in and upon the home or center.

- (k) When a proposed zoning decision relates to or will allow the location of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held by the Board of Commissioner of Ware County on the proposed action.
Such public hearing shall be held at least six (6) months and not more than nine (9) months prior to the date of final action on the zoning decision. The hearing required by this subsection shall further be held in accordance with the requirements of state law as provided in the Official Code of Georgia Annotated, Section 36-66-4.
- (3) All operators of group homes, congregate homes, halfway houses and rehabilitation centers are required to apply for and obtain a conditional use permit from the county and to register the facility with the county. The applicant shall apply for the permit required under this section with the Building Official or his designee of the county on forms provided by the county clerk and shall give such information that the county clerk may reasonably require, including, without limitation, the following:
 - (a) The name and address of the applicant.
 - (b) If the applicant is not an individual, the names and addresses of all members of the board of directors, if the applicant is a corporation. If the applicant is an entity other than a corporation, the applicant shall state the type of entity and where organized.
 - (c) The names and addresses of the manager of the home or center.
- (3.1) All operators of group homes, congregate homes, halfway houses and rehabilitation centers are required to submit to a criminal records background check as part of the application process as directed by the Building Official.
- (4) The required separation between facilities defined in this section shall be established by measurement in a straight line from the nearest line of the property occupied by, or proposed to be occupied by, such a facility to the nearest lot line of the property occupied by or proposed to be occupied by, any other such facility.
- (5) For the purpose of enforcing these regulations, each lot of record existing as of the effective date of this regulation occupied by or proposed to be occupied by a group home, congregate care home, halfway house or rehabilitation center shall be construed as a separate and distinct use and the distance requirement in subsections (c) and (d) of this section shall be applicable between all such uses notwithstanding common ownership of such lots, the existence of a common lease agreement for such lots or any other common operational characteristics.
- (6) Any conditional use permit or special administrative permit issued pursuant to this section shall become invalid if the appropriate permits and licenses required by the state have not been issued for the operation of such group homes, congregate care homes, halfway houses and rehabilitation centers within six (6) months of the effective date of the conditional use permit or special administrative permit issued by the county or if said facility has not been operated for a period of six (6) months.
- (7) Each facility governed by this ordinance shall be responsible for maintaining a current listing of all residents which must include, as a minimum, the full name, date of birth, sex and race of all persons residing within that individual facility.

- (8) Permit and Application fees, Inspections and Licensing governed by this section:
- (a) Each facility (location) shall be required to pay an initial application fee of one hundred dollars (\$100.00), and an annual permit and inspection fee of one hundred dollars (\$100.00). Said annual permit and inspection fee shall be paid no later than March 31 of each year of operation.
 - (b) Each facility (location) governed by this section shall be subject to annual and periodic inspections by the county's Building Official or designee.
 - (c) Each facility (location) shall be subject to review of client listings by authorized law enforcement personnel at any reasonable time.
 - (d) All operators of group homes, congregate homes, halfway houses and rehabilitation centers shall be required to obtain a business license from Ware County, and any other license needed or required by any other applicable state or federal laws prior to opening for business to the public.
- (9) Any facility governed by the terms of this section which does not comply with the distance requirement of this section at the effective date hereof shall be allowed to continue in operation except as set forth herein. If a group home, congregate care home, halfway house or rehabilitation center should cease to be used as such home or center for a period of one hundred eighty (180) consecutive days, it shall not be thereafter operated as a group home, congregate care home, halfway house or rehabilitation center until it is in compliance with said distance requirements.
- (10) Suspension or revocation. Any conditional use permit issued by the county pursuant to the terms of this section shall be subject to revocation or suspension for any of the following reasons:
- (a) The premises for which the conditional use permit cease to meet applicable health standards, safety standards or building codes.
 - (b) The applicant has given false or misleading information on the application for the conditional use permit.
 - (c) Violations of law occur within the structure or upon the premises for which the conditional use permit is issued.
 - (d) The applicant is convicted of a crime.
 - (e) The applicant cannot be located.
 - (f) The applicant is not at or upon the premises for which the conditional use permit is granted on a regular and continuous basis.
 - (g) The applicant is not in charge or in a supervisory position with respect to the premises for which the conditional use permit is granted.
- (11) Appeals Procedure
- (a) Any interested person who disagrees with any ruling or decision by the county or any officer, agent or employee thereof with respect to this section and the application thereof, including, without limitation, the refusal to grant a conditional use permit or the revocation or suspension of a conditional use permit may appeal such ruling and decision as set forth herein.
 - (b) The appeal must be in writing and filed within fifteen (15) days of the date of

decision with the county clerk at Ware County Courthouse, 800 Church Street, Waycross, Georgia.

- (c) The appeal shall be heard by the county manager of the county or some person designated by the county manager. The decision by the county manager or the person named by the county manager shall be the final decision of the county.
- (d) Following the decision by the county manager or the person designated by the county manager, either party may appeal such decision to the superior court of the county, by filing an appeal with the clerk of said county within thirty (30) days of such decision. Within thirty (30) days of the filing of such appeal, the county shall deliver to said clerk the record of the proceedings in the county.

(12) Any person, firm, corporation or entity failing to comply with the provisions of this ordinance or with any requirements thereof, upon conviction before the judge of the magistrate court of the county, shall be punished as follows:

- (a) By a fine of not less than three hundred dollars (\$300.00) and not more than one thousand dollars (\$1,000.00) and/or a sentence of one (1) to sixty (60) days in the Ware County Jail.
- (b) No person accused of violating this ordinance shall be arrested prior to trial, but any defendant who fails to appear for trial shall be arrested thereafter on the warrant of the magistrate, and required to post a bond for his future appearance.
- (c) Violations of this ordinance shall be tried upon citations issued by the designee of the Board of Commissioners of Ware County to violators of any provisions of this ordinance or to the owner or any other person who may be in possession of any property upon which any condition exists which constitutes a violation of any provision of this ordinance. Such citation shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the court, shall indicate the identity of the accused and the date of service, and shall be signed by the representative of the county who completes and serves it.
- (d) Violations of this ordinance shall be tried in magistrate court of Ware County, Georgia, and shall be tried in accordance with the Official Code of Georgia, Chapter 15-10.
- (e) Nothing in this ordinance shall prevent the Board of Commissioners from bringing any civil action for injunction, mandamus, or other proceedings to present, correct, or abate any violation of this ordinance. No sanction, penalty or remedy prescribed herein shall be considered exclusive of any other remedy, but shall be available in addition to any other sanctions, penalty or remedy by law.
- (f) Each violation of this ordinance shall constitute a separate offense.

- (c) Personal Guard House shall be permitted as a conditional use provided that:
 - 1. The structure is no closer than 5 feet from the property line and 25 feet from a corner side property line.
 - 2. The structure does not exceed 300 feet and does not exceed 25 feet in height.

3. The structure is located near the main entrance of the property.
- (d) Family Daycare for the provision of neutral supervised meeting place in a residential structure for visitation of children, parents and/or guardians except in the R-S, R-90 zoning districts where such use is not permitted. A Family Daycare must meet the following conditions:
 1. The aesthetics of the residential structure must be similar to residential structures in the adjacent and surrounding area.
 2. An outside fenced play area shall be provided and bordered by a landscaped plant strip 3' wide and must meet other play area per child requirements as described in section 701.2(1) of the Ware County Zoning Resolutions.

701.4 - Minimum Requirements.

Requirements of minimum residence size in square feet as shown in Article VIII, shall apply to residences built in this zoning district.

701.5 - Accessory Use

The following Accessory Use is permitted as a special exception in this district:

- (1) Manufactured home (Class B or C) for temporary use in case of certified hardship meeting the following development standards:
 - a) A person having a Certified hardship shown according to the procedure contained in this section and meeting any one (1) of the following conditions may apply to the Board of Appeals for the Special Exception Permit.
 - 1) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and is 65 years of age or older.
 - 2) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit; and at least one (1) member of his family who will reside in the unit is 65 years of age or older.
 - 3) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and is physically disabled and requires frequent attendance by others for medical or physical care.
 - 4) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and at least one (1) member of his family is physically disabled and requires frequent attendance by others for medical or physical care.
 - 5) The applicant for the Special Exception is not to be the owner and/or occupant of the temporary unit but at least one (1) of the residents of the unit is a member of the applicant/owner's family and is 65 years of age or older.
 - 6) The applicant for the Special Exception is not to be the owner and/or occupant of the temporary unit but at least one (1) of the residents of the unit is a member of the applicant/owner's family and is physically disabled and requires frequent care.
 - b) In order to determine if the need for the Special Exception Permit presented by the applicant is a certified hardship, the Board of Appeals will require a doctor's certificate currently dated, attesting to the health of the person who is asserted to be physically disabled and also attesting to the need for frequent attendance upon such a person by other people.

The certificate will be requested by the Board of Appeals directly from the doctor in attendance upon the person who is asserted to be disabled. The applicant will be required to sign a release to the doctor for such information to be supplied to the Board of Appeals prior to any action by the Board of Appeals to obtain the certificate from the doctor and any possible subsequent issuance of the Special Exception Permit.

- c) The procedure for applying for a Special Exception Permit for a temporary manufactured home for certified hardship is as follows:
 - 1) Application should be made to the Board of Zoning Appeals for the Special Exception Permit for a temporary manufactured home for certified hardship.
 - 2) The Board of Appeals will explain to the applicant all conditions and limitations attached to such a permit and will secure the written certification of the applicant that he understands and will abide by those conditions if issued the Special Exception Permit.
 - 3) The Board of Appeals will consider each application, and upon determining that all requirements have been met for such a permit, will issue the Special Exception Permit.
- d) Upon being granted a Special Exception Permit to allow a temporary manufactured home for certified hardship, the applicant must then apply to the Administrative Officer for a Building Permit for the installation of the temporary manufactured home. The procedure is as follows:
 - 1) Plans for a water/well and sewage/septic system suitable for the temporary manufactured home proposed to be installed on the site must be submitted to the Ware County Health Department for its review and approval.
 - 2) Upon securing concurrence of the Ware County Health Department of the proposed water and sewage systems to serve the proposed temporary manufactured home, the owner should present evidence of such approval to the Administrative Officer and apply for a Building Permit for installation of the proposed temporary manufactured home, including the water and sewage systems.
 - 3) Upon approval of the Administrative Officer and receipt of the Building Permit, the owner should proceed with installation of the proposed temporary manufactured home, including water and sewage systems. The Administrative Officer will provide required inspections of these systems during and upon completion of construction.
- e) The following conditions apply to Special Exception Permits issued for temporary use of a manufactured home for hardship:
 - 1) It is temporary and valid for a period of time of twenty-four (24) months or whenever the conditions for which the permit was granted cease to exist.
 - 2) A development plan must be submitted showing the proposed locations of the principal building, the water and sewage systems, and the temporary manufactured home. That development plan must be approved by the Board of Appeals before issuing the temporary Special Permit.
 - 3) During its period of approval, the temporary manufactured home must be connected to the approved water and sewage systems.
 - 4) The temporary manufactured home must be removed within thirty (30) days

of either the expiration of the Special Exception Permit for the temporary manufactured home or upon finding of the Board of Zoning Appeals, upon its own application or that of any aggrieved party and after giving due notice to all concerned parties and granting full opportunity for a hearing, that the conditions for which the Special Exception was granted no longer exists whichever is earlier.

- 5) The temporary manufactured home must be either a Class B or Class C manufactured home.
- 6) No more than one (1) such unit is permitted per lot.
- 7) The unit must be located as shown on the approved development plan.
- f) All accessory uses must meet the following standards:
 - 1) They must be located in the rear yard; or side yard if located ten (10) feet from property line and a buffer is provided in accordance with Section 608.1.
 - 2) They may not be located closer than ten (10) feet from any property line.
 - 3) They may not be located in any front yard.
 - 4) Accessory buildings and structures not attached to the principal building must be located at least twelve (12) feet from the principal building on the lot.
- g) All uses not permitted within districts by this Section are specifically prohibited.

SECTION 701.A – R-75MH and R-50MH Residential District

701.A.1 - Intent of District

The R-75MH and R-50MH Residential Districts are established and designed to accomplish the same purpose as shown in Section 701.1.

701.A.2 - Permitted Uses

- (a) All uses permitted in the R-90, R-75 and R-50 Residential Districts, as shown in Section 701.2.
- (b) Manufactured Home Class A, B, and C used for residential purposes and meeting all of requirements of Sections 302.13, as appropriate, and of Article VIII.

701.A.3 - Other Requirements

Requirements shown in Article VIII and pertaining to the R-75 and R-50 Districts shall apply.

- (a) All of the conditional uses listed in Section 701.3.

701.A.4 - Minimum Residence Size

Requirements of minimum residence size in square feet as shown in Article VIII, shall apply to residences built in this zoning district.

701.A.5 Accessory Use

The following Accessory Use is permitted as a special exception in this district:

- (1) Manufactured home (Class B) for temporary use in case of certified hardship meeting the following development standards:
 - a) A person having a Certified hardship shown according to the procedure contained in this section and meeting any one (1) of the following conditions may apply to the Board of Appeals for the Special Exception Permit.
 - 1) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and is 65 years of age or older.
 - 2) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit; and at least one (1) member of his family who will reside in the unit is 65 years of age or older.
 - 4) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and is physically disabled and requires frequent attendance by others for medical or physical care.
 - 5) The applicant for the Special Exception is not to be the owner and/or occupant of the temporary unit but at least one (1) of the residents of the unit is a member of the applicant/owner's family and is 65 years of age or older.
 - 6) The applicant for the Special Exception is not to be the owner and/or occupant of the temporary unit but at least one (1) of the residents of the unit is a member of the applicant/owner's family and is physically disabled and requires frequent care.
 - b) In order to determine if the need for the Special Exception Permit presented by the applicant is a certified hardship, the Board of Appeals will require a doctor's certificate currently dated, attesting to the health of the person who is asserted to be

physically disabled and also attesting to the need for frequent attendance upon such a person by other people. The certificate will be requested by the Board of Appeals directly from the doctor in attendance upon the person who is asserted to be disabled. The applicant will be required to sign a release to the doctor for such information to be supplied to the Board of Appeals prior to any action by the Board of Appeals to obtain the certificate from the doctor and any possible subsequent issuance of the Special Exception Permit.

- c) The procedure for applying for a Special Exception Permit for a temporary manufactured home for certified hardship is as follows:
 - 1) Application should be made to the Board of Zoning Appeals for the Special Exception Permit for a temporary manufactured home for certified hardship.
 - 2) The Board of Appeals will explain to the applicant all conditions and limitations attached to such a permit and will secure the written certification of the applicant that he understands and will abide by those conditions if issued the Special Exception Permit.
 - 3) The Board of Appeals will consider each application, and upon determining that all requirements have been met for such a permit, will issue the Special Exception Permit.
- d) Upon being granted a Special Exception Permit to allow a temporary manufactured home for certified hardship, the applicant must then apply to the Administrative Officer for a Building Permit for the installation of the temporary manufactured home. The procedure is as follows:
 - 1) Plans for a water/well and sewage/septic system suitable for the temporary manufactured home proposed to be installed on the site must be submitted to the Ware County Health Department for its review and approval.
 - 2) Upon securing concurrence of the Ware County Health Department of the proposed water and sewage systems to serve the proposed temporary manufactured home, the owner should present evidence of such approval to the Administrative Officer and apply for a Building Permit for installation of the proposed temporary manufactured home, including the water and sewage systems.
 - 3) Upon approval of the Administrative Officer and receipt of the Building Permit, the owner should proceed with installation of the proposed temporary manufactured home, including water and sewage systems. The Administrative Officer will provide required inspections of these systems during and upon completion of construction.
- e) The following conditions apply to Special Exception Permits issued for temporary use of a manufactured home for hardship:
 - 1) It is temporary and valid for a period of time of twenty-four (24) months or whenever the conditions for which the permit was granted cease to exist.
 - 2) A development plan must be submitted showing the proposed locations of the principal building, the water and sewage systems, and the temporary manufactured home. That development plan must be approved by the Board of Appeals before issuing the temporary Special Exception Permit.

- 3) During its period of approval, the temporary manufactured home must be connected to the approved water and sewage systems.
 - 4) The temporary manufactured home must be removed within thirty (30) days of either the expiration of the Special Exception Permit for the temporary manufactured home or upon finding of the Board of Zoning Appeals, upon its own application or that of any aggrieved party and after giving due notice to all concerned parties and granting full opportunity for a hearing, that the conditions for which the Special Exception was granted no longer exists whichever is earlier.
 - 5) The temporary manufactured home must be a Class B manufactured home.
 - 6) No more than one (1) such unit is permitted per lot.
 - 7) The unit must be located as shown on the approved development plan.
- f) All accessory uses must meet the following standards:
- 1) They must be located in the rear yard; or side yard if located ten (10) feet from property line and a buffer is provided in accordance with Section 608.1.
 - 2) They may not be located closer than ten (10) feet from any property line.
 - 3) They may not be located in any front yard.
 - 4) Accessory buildings and structures not attached to the principal building must be located at least twelve (12) feet from the principal building on the lot.
- (g) All uses not permitted within districts by this Section are specifically prohibited.

SECTION 701.B - R-45 Residential District

701.B.1. – Intent of District

The R-45 Residential District is established to promote stable, quality residential developments of slightly increased densities of at least eight (8) dwelling units located on a development site having a minimum of one (1) acre or more and available public sanitary system. This district may include an entire neighborhood or may be a “buffer” district between residential districts and non-residential districts. They are also designed to accomplish the following purposes:

- (a) To provide sufficient space in appropriate locations for residential development to meet the housing needs of the present and anticipated population;
- (b) To protect residential areas from hazardous and offensive or objectionable influences;
- (c) To protect residential areas from unnecessary congestion from heavy traffic or through traffic, by regulating the density of population, by regulating the bulk of buildings in relation to the land around them, and by providing for open space for off-street parking;
- (d) To promote the most desirable use of land in accordance with a comprehensive plan;
- (e) To promote stable quality residential development;
- (f) To conserve the value of land and buildings;
- (g) To promote freedom of architectural design, in order to encourage the development of more attractive and economic building forms;
- (h) To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this article; and,
- (i) To encourage the development of vacant land for attractive diversified residential projects.

701.B.2 – Permitted Uses

- (a) Zero-lot line dwellings (as defined in Section 302.16A in the Ware County Zoning Ordinance) of at least eight (8) dwelling units located on a development site having a minimum land area of one (1) acre or more. Existing single-family and duplex dwellings shall not be converted, or otherwise changed to multi-family (3 or more) dwellings. New dwellings developed shall meet current zoning, building and other development code requirements except as otherwise regulated in this section.
- (b) Accessory uses or structures.
- (c) Home occupations.
- (d) Churches, synagogues, temples and other places of worship provided that such uses are located on a lot fronting a major or collector street as designated on the Zoning Map and provided further that no structures housing church activities are located less than fifty (50) feet from a residential property line.
- (e) Public utility substations or sub-installations, provided that: (1) such uses are enclosed by a solid or chain-link fence or wall at least six (6) feet in height above finish grade if needed to give protection against hazardous equipment; (2) there are no office nor is there storage of vehicles, equipment or construction materials on the premises; and (3) landscaped buffer

strip not less than five (5) feet in width is planted and suitably maintained at the periphery of the containing facilities.

701.B.3 – Zero Lot Line Dwelling Site Development Standards

- (a) On sites where single-family zero-lot line dwellings are to be placed, at least eight (8) dwelling units shall be located on such development site which shall have a minimum land area of one (1) acre or more. All such zero-lot line dwelling developments are permitted provided they meet the following standards:
 - (1) Lot Size and Setbacks Requirements: All buildings and structures established as a part of a zero-lot line development shall comply with the lot area, size, floor area ratio and setbacks of Section 701.B.3.
 - (2) Street Access: Any building established as a part of a zero-lot line residential development shall be served from an abutting public street and shall be made accessible to vehicles by a paved driveway having a roadbed width of not less than ten (10) feet nor more than forty (40) feet.
 - (3) Buffers/Fences: A solid wood, vinyl, brick or block fence shall be required around the rear yard behind each zero-lot line dwelling. Property within such buffer areas may be included within the lot area for density lot coverage purposes.
 - (4) Parking: Two parking spaces shall be provided on each single-family zero-lot line dwelling lot.
 - (5) A conceptual development plan showing the entire tract of land proposed for development shall meet all zoning Resolution and Ware County Subdivision Resolution final plat requirements and it shall be reviewed by building and planning staff for conformity to regulations before submission to the Waycross-Ware County Planning Commission for recommendation to the County Commission for approval;
 - (6) The final subdivision/development plat shall show the location of at least eight (8) dwelling units on a site which covers a minimum land area of one (1) acre;
 - (7) The side wall of the zero-lot line dwelling abutting the zero-lot line side shall be a solid structural wall with no windows, doors, or other openings and shall meet all County code requirements.
 - (8) A minimum three (3) foot wide maintenance easement extending from the front to rear lot lines shall be placed on the adjacent lot to enable the property owner to maintain his/her house whenever the side wall is within three (3) feet of the side lot line. Side yards and maintenance easements shall be placed on the subdivision/development plat.
 - (9) The front yard setbacks should be staggered, varied or reduced to help provide more attractive, varied, and interesting housing access.
 - (10) A minimum building side yard setback of 12' is required on the boundaries of the R-45 zoning district adjoining other residential zoning districts.

SECTION 701.C – MU - Mixed Use Corridor District

701.C.1 – Intent of District

The intent of the Mixed Use District is to provide for the establishment of such districts at appropriate locations as may be identified on the Future Land Use Map of the Waycross-Ware County Comprehensive Plan. Permitted uses within Mixed Use shall be integrated for convenience and to encourage development and combination of compatible commercial, office and residential buildings.

701.C.2 – Definitions

All terms maintain the same definition as otherwise used in the Ware County Zoning Resolution.

701.C.3 – Permitted Uses

The following are permitted uses within the MU - Mixed Use Corridor District – with all permitted uses keeping in mind the purpose and design of the MU - Mixed Use Corridor District.

- (a) All uses Permitted within the C-1 Neighborhood Commercial District.).
- (b) Financial, governmental and professional offices.
- (c) Any publicly owned and operated building, facility or land, including but not limited to educational institutions. This use must face a major street.
- (d) Group Development meeting all requirements of Section 904.
- (e) Dwelling, Site-Built Single-family, duplex, multi-family residences – including but not limited to townhouses, condominiums and apartment complexes.
- (f) Retail Sales and Services as follows: pet stores, service stations, neighborhood grocery stores of 10,000 square feet or less; restaurants with maximum seating not to exceed 200 persons book stores, coffee house, pharmacy, funeral home provided that the use faces a major street. Bakery, dry cleaners/laundry mats and hair salons/barber shops, Appliance Repair, Pest Control Companies. All uses permitted in this subsection shall maintain the neighborhood character and feel – not overpowering any other permitted uses in size, and traffic volume. All company vehicles and outside storage must be parked behind a solid or chain link fence with screening or wall at least six (6) feet in height above finished grade. All services performed on site must be provided within the enclosure or within the building
- (g) Bed and breakfast facilities.
- (h) Nurseries meeting all requirements set forth in Section 701.2(l).
- (i) Residential/Commercial combination buildings meeting the following standards:
 - 1. Requirements established in Article VI of the Ware County Zoning Resolution.
 - 2. All Building Codes requirements adopted by Ware County
 - 3. Consultation with Planning and Codes Department Staff to discuss standards for mixed use buildings, separation of uses, plans, stairs and exits.
- (j) Group Developments meeting Section 904 of the Ware County Zoning Resolution
- (k) Printing establishments.
- (l) The following uses are permitted provided that any outside storage is enclosed by a solid or

chain link fence with screening or wall at least six (6) feet in height above finished grade.

1. Warehouses less than 10,000 square feet

2. Building Contracting Companies.

701.C.4 – Lot and Yard Requirements

- (a) Commercial Uses shall meet all setbacks and yard requirements established in Article VIII of the Ware County Zoning Resolution for the C-2 Highway Commercial District.
- (b) Residential Uses shall meet all setbacks and yard requirements established in Article VIII of the Ware County Zoning Resolution for the R-75 Residential District.
- (c) Residential/Commercial Combination buildings shall meet all setbacks and yard requirements established in Article VIII of the Ware County Zoning Resolution for the C-1 Neighborhood Commercial District.

SECTION 702. C-1 Neighborhood

702.1 - Intent of District

The C-1 Neighborhood Commercial District is established as a district to contain as principal uses those commercial and service activities which are for the convenience of the surrounding residential districts. The specific intentions of the regulatory provisions as applied to this district are to:

- (a) Encourage the sale of products and services, which normally depend on the proximity of other similar establishments;
- (b) Encourage businesses where the customer does not normally depend on the proximity of other similar establishments;
- (c) Encourage businesses which include no manufacturing processing of articles sold at retail on the premises or which utilize more than forty (40) percent of the floor area or employ more than five (5) persons;
- (d) Prohibit industrial and certain types of commercial uses of land which would substantially interfere with the development or continuation of the permitted commercial structures in the district;
- (e) Encourage the discontinuance of existing uses that would not be permitted as new uses under these provisions; and
- (f) Discourage any use which, because of its character or size, would interfere with the use of land in the district as a shopping and service center for the surrounding residential area.

702.2 – Permitted Uses

- (a) Libraries, art galleries, museums and other similar activities.
- (b) Branch offices of banks, insurance companies, loan agencies, real estate companies, utility companies and similar establishments serving nearby residential areas.
- (c) Professional offices including medical and dental offices and clinics.
- (d) Retail sales similar to the following: newsstands, drug stores, variety stores, gift shops, specialty shops, grocery stores, hardware stores, shoe stores, camera shops, etc. with residential living quarters.
- (e) Retail services similar to the following: barber and beauty shops, tailor shops, laundry and dry cleaning pickup stations, photographers' studios, self-service laundries, shoe repair shops, etc.
- (f) Utility stations and facilities provided that: (1) such uses are enclosed by a solid or chain link fence or wall at least six (6) feet in height above finished grade if needed to give protection against hazardous equipment; and (2) there are no vehicles or equipment stored on the premises.
- (g) Churches, synagogues, and other places of worship provided that all vehicular entrances or exits shall be located on a major street or a collector street as designated on the Zoning Maps, and provided further that no structures housing church activities are located less than (50) feet from a residential property line.
- (h) Day nurseries and kindergartens subject to the provisions of Section 701.2 (1). Adult Day Care facilities provided that such facilities do not provide care for 24 hours a day.
- (i) Service Stations, provided that: all pumps are set back twenty (20) feet from the right-of-way line; all structures and buildings except advertising signs shall comply with the setback requirements from any abutting street; points of egress and ingress shall be arranged so as to

- minimize interference with normal street traffic flow; and, no building or structure shall be placed within forty (40) feet of a residential property line.
- (j) Accessory Uses.
- (k) Home Occupation (Class 1), Name Identification and (Class 2) Business Signs.
- (l) Group developments meeting requirements of Section 904.
- (m) Fraternal Lodges provided that: (1) such facilities are located on a street corner; (2) such uses are enclosed by a continuous planted buffer ten (10) feet wide and ten (10) feet high on its rear and side property lines when abutting a single-family use; (3) such facilities shall be setback at least forty (40) feet from the property line; and, (4) there is no storage of vehicles, equipment, or construction materials on the premises - parking for building use is permitted.
- (n) Mini/Self Storage Units

702.3 Conditional Uses

The Building Official shall allow the following conditional uses to be located in the C-1 zoning district when the listed conditions are met for each use:

- (a) Self-Service Storage Facility
 - (1) Minimum lot area. Forty thousand (40,000) square feet.
 - (2) Minimum yard (building setback) dimensions:
 - Front Yard. Twenty-five feet (25')
 - Side Yard. Twenty-five feet (25')
 - Rear Yard. Twenty-five feet (25')
 - (3) Maximum height of buildings. Twenty-five feet (25')
 - (4) Internal driveways. (Minimum)

A driveway aisle for self-service storage facility shall be a minimum width of 20 feet. A driveway aisle where access to storage units is only on one side of the aisle may be 20 feet in width. No off-street parking spaces are required for these facilities. Off-street parking as indicated in Section 606 shall be provided for any accessory use (i.e., office) of the mini-warehouse or self-service storage facility. The parking lanes may be eliminated when the driveway does not serve storage cubicles.

- (5) Minimum landscaping:
 - Front Yard. Ten feet (10').
 - Side Yard. Eight feet (8').
 - Rear Yard. Ten feet (10'), except when adjoining commercial zoning or uses.

All landscape setback areas shall be planted with a minimum of fifty percent (50%) live plant material.

- (6) Either a six-foot (6') high solid fence or an appropriate landscape buffer may be required along boundaries of the site adjacent to residential zoning.

SECTION 703 - C-2 Highway Commercial District

703.1 - Intent Of District

The C-2 Highway Commercial District is established as a district to contain as principal uses those commercial and service activities which will serve the tourist and automobile drive-in trade. The specific intentions of the regulatory provisions as applied to this district are to:

- (a) Encourage the construction and continued use of the land for highway service uses;
- (b) Prohibit industrial and certain types of commercial uses, which would substantially interfere with the continuation of the uses presently in the district or with the orderly growth of the district;
- (c) Encourage the discontinuance of existing use that would not be permitted as new uses under the provisions of this article; and,
- (d) Encourage the development of the district with such uses and in such a manner as to minimize traffic and parking congestion and such as to provide for the safety of motorists passing through the district.

703.2 - Permitted Uses

- (a) All uses permitted in the C-1 Neighborhood Commercial District.
- (b) Radio and Television Transmission Towers.
- (c) Transient residential establishments such as hotels, motels, tourist homes and boarding houses.
- (d) Commercial, governmental, financial or professional offices.
- (e) Printing establishments.
- (f) Commercial recreational facilities such as bowling alleys, pool or billiard parlors, roller skating rinks, theaters, miniature golf courses, golf driving ranges, swimming pools, video arcades and health centers.
- (g) Retail sales and services for the convenience of tourists and drive in trade such as: auto accessory stores, restaurants, dry-cleaning establishments, flower shops, craft shops, bakeries, furniture and office supply and equipment stores and clothing accessory stores.
- (h) Services involving considerable automobile and truck traffic which would present unusual safety hazards if permitted in areas with heavy pedestrian traffic such as: automobile laundries, auto sales and services, cold storage lockers, pest control companies, appliance and business machine sales and services, undertaking establishments, boat sales and services, grain, seed and farm supply and implements sales and services, mobile home sales agencies, trailer and equipment rentals, building materials stores, truck sales and services, furniture sales and repairing, commercial parking lots, ambulance and other medical transportation services, etc.
- (i) Railroad and bus passenger and freight stations.
- (i) Animal hospitals or veterinary clinics provided that any structure used for that purpose shall be at least 200 feet from any residential district.
- (k) Commercial parking lot.
- (l) Accessory uses.
- (m) Private club or lodge.

- (n) Signs: One (1) Home Occupation sign, One (1) Business sign and one (1) Advertising sign.
- (o) RV Parks
- (p) Offroad Motorized Vehicle Park
 - Minimal parcel size of 100 acres for areas with riding trails and 20 acres for competition style offroad racing facilities.
 - Riding areas & tracks must be at least 300 feet from residential properties.
 - 100-foot vegetative buffer required for properties adjacent to residential properties for the purpose of visual & sound dampening.

703.3 - Other Requirements

- (a) All Development. The following requirements shall pertain to all permitted uses.
 - (1) Lighting. Any floodlights used to illuminate the premises are directed and/or shielded so as not to be an annoyance to any adjacent residential district.
 - (2) Noise. Any regularly recurring noises connected with the activity and detectable by the human sense of hearing, without instruments, shall not exceed the normal noise level generated by uses permitted within the adjacent residential district.
 - (3) Access. Access to the activities is provided primarily from a major or collector street as designated on the Zoning Maps and Major Street and Highway Plan except that secondary access may be provided from a minor street.
- (b) Group Development. Two or more principal buildings or principal uses as permitted within the zoning district in which the proposed development is located, on one or more contiguous lots are permitted in accordance with the following additional standards:
 - (1) Street Access. Any building established as a part of a group development which cannot be served from an abutting street shall be made accessible to vehicles by a paved driveway having a roadbed width of not less than twenty (20) feet, exclusive of parking spaces.
 - (2) Setback Requirements. All buildings and structures established as a part of a group development shall comply with the front yard setbacks and the exterior side and exterior rear yard requirements established for the district in which located.
 - (3) Site Development Plat. A site development plat showing location of buildings with their proposed use, location of access ways, setback lines, parking and buffers shall be submitted for review with the request for building permit. No permit will be issued until the plan is in compliance with this ordinance.
- (c) Shopping Center/Mall Developments. Shopping center/mall developments consisting of permitted uses within the zoning district in which the proposed project is located, “and restaurants”, shall be approved under the provisions of Section 703.3(b) and 703.3(d). Developments having a mixture of residential, other commercial and/or industrial uses not specifically permitted in the zoning district in which the proposed development is located shall meet the requirements of Section 904. Group Development.
- (d) Requirements, development standards and procedures for all shopping centers/mall developments in C-1 Zoning District.
 - (1) Lot Size. The site utilized must contain an area of not less than one (1) acre.
 - (2) Access. The site must adjoin or have direct access to at least one major street or collector street as shown on the zoning maps.
 - (3) Filing and Application. The area proposed shall be in one ownership, or if in several

ownership's, the application shall be filed jointly by all of the owners of the properties included in the plan.

- (4) Site Design. Over-all site design should be harmonious in terms of landscaping, enclosure or principal and accessory uses, sizes and street patterns, and use of relationship.
- (5) Abutting Residential District. Where a shopping center/mall development abuts a residential district, buildings and activities must be set back a sufficient distance from the separating property line or district boundary line, not less than fifty (50) feet for commercial uses, to insure the absence of any objectionable effects on or from abutting districts. In the case of commercial uses, the distances separating all buildings and activities from surrounding residential districts should in fact be great enough to constitute a reasonable buffer. Loading docks should be further removed from residential lot lines than buildings. Property lines abutting residential district must be screened by a permanent attractive planted buffer meeting the requirements of Section 608.
- (6) All storage yards or outdoor display spaces must be enclosed with a planting screen, wall or fence to a height of at least six (6) feet, excluding gates or exit points.
- (7) Lighting. Lighting facilities shall be arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.
- (8) Access ways. Areas used for parking and loading or for traffic ways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicles' ingress and egress. Access ways shall generally conform to standards set forth in Article VI, Section 606, with the following exceptions:
 - (i) Shopping centers and other individual commercial uses shall have no more than one (1) access point to any one public street, unless unusual circumstances demonstrate the need for additional access points; and,
 - (ii) Where possible, all access points to a public street from shopping centers and other individual commercial uses shall be located at least one hundred (100) feet from the intersection of any street lines and shall be designed in a manner conducive to safe ingress and egress.
- (9) An application for shopping center/mall development approval shall consist of the following elements:
 - (i) A site development plan drawn to scale 1" = 100' or 1" = 50' and indicating all property dimensions, platting and street systems, proposed building sites and sizes, types of use proposed for buildings, plans for the protection of abutting properties, means of ingress and egress, access and circulation arrangements, off-street parking and loading facilities, proposed reservations or dedications for streets and other public facilities and if requested, two-foot contour intervals, density standards and yard requirements, plans for the provision of utilities, including water, sewer and storm drainage facilities; plans for the provision of utilities, including water, sewer and storm drainage facilities; plans for open space, courts, walks and common areas; and, plans for parking, loading, access ways, signs and lighting. Also, included will be the name of the development and developers, a north point, the date of the field survey, tract boundary lines, dimensions, bearings, angles and reference points to at least two (2) permanent monuments.
 - (ii) The information required for a preliminary plat as required under the

Ware County Subdivision Regulations, if the proposal includes the subdivision of land for any purpose or the provision of new public streets.

- (10) The violation of any provision of the plan, as submitted and approved under the provisions provided herein, shall constitute a violation of this ordinance.

703.4 - Conditional Uses

The following permitted uses provided that the maximum floor area ratio, including any parking spaces within the structure, shall not exceed seventy-five (75) percent for single-story buildings, nor shall it exceed one hundred fifty (150) percent for buildings of more than one story. The ground area occupied by principal and accessory buildings shall not exceed seventy-five (75) percent of the total zoning lot area:

- (a) Storage of any products or supplies eventually to be sold at retail, provided that no unusual fire or safety hazards are created, no live animals are sold and no junk, wrecked automobiles, second-hand equipment or other salvage materials or dead animals are stored wholly within an enclosed structure.
- (b) The manufacture, compounding, processing, packaging, treatment or assembly of any product (i.e. machine, welding and other similar shops) which does not produce offensive odors, glare, dust or heat and which does not produce noise or vibration at any boundary of the district in which such use is located in excess of the average intensity of street or traffic noise or privation at that point.

Planted Buffer. For the above conditional uses, within the required rear and side setback requirements a planted buffer strip shall be required meeting the requirements of Section 608.

703.5 Towers and Antennas Conditional Uses

- 1. Applicability.
 - a) District Height Limitations. The requirements set forth in this resolution shall govern the location of towers that exceed, and antennas that are installed at a height in excess of any existing height limitations of any other zoning resolution of the governing authority. The height limitations applicable to buildings and structures shall not apply to towers and antennas.
 - b) Public Property. Antennas or towers located on publicly owned property shall be exempt from the requirements of this resolution, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.
 - c) Amateur Radio: Receive Only Antennas. This resolution shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas.
 - d) Grandfathered Towers and Antennas. Any tower or antenna existing on the effective date of this resolution shall not be required to meet the requirements of this resolution, other than the requirements of Section 2.e. and 2.f. Any such towers or antennas that fail to meet the requirements of this resolution shall be referred to in this ordinance as “grandfathered towers” or “grandfathered antennas”.
- 2. General Guidelines and Requirements.
 - a) Purpose; Goals. The purpose of this resolution is to establish guidelines for the setting of towers and antennas. The goals of this resolution are to: (i) enhance the ability of the providers of telecommunications services to provide such services to

the community quickly, effectively, and efficiently, (ii) encourage strongly the joint use of new and existing tower sites, (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, (iv) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and (v) discourage, specifically, the location of towers in residential areas and, generally, the proliferation of towers throughout the community.

- b) Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots.
- c) Inventory of Existing Sites. Each applicant for an administrative approval or a special use permit shall provide the Planning & Codes Department with an inventory of its existing towers, including specific information about the location, height, and design of each tower. The Planning & Codes Department may share such information with other applicants applying for administrative appeals or special use permits under this resolution or other organizations seeking to locate antennas within the jurisdiction of the governing authority.
- d) Aesthetics; Lighting. The guidelines set forth in this Section shall govern the location of all towers, and the installation of all antennas, governed by this resolution; provided, however, that the governing authority may waive these requirements if, in its sole discretion, it determines that the goals of this ordinance are better served thereby.
 - 1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable regulatory agencies, be painted sky blue or gray, so as to reduce visual obtrusiveness.
 - 2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
 - 3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - 4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- e) Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government or state government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised

standards and regulations within six (6) months of the effective date of such standards and regulations. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- f) Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable Ware County building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon completion, the Chief Codes Official concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such codes and standards. If the owner fails to bring such tower in to compliance within said thirty (30) days, the governing authority may remove such tower at the owner's expense.

3) Administrative Review Approvals.

a) General

- 1) The Chief Codes Official may administratively approve the conditional uses listed in this Section 3.
- 2) Applicants for administrative approval shall apply to the Chief Code Official, providing the information set forth in Sections 4.b. and 4.d. of this resolution.
- 3) All such uses shall comply with Sections 2.d., 2.e. and 2.f. of this ordinance and all other applicable resolutions, and prior to the installation of any antenna or tower pursuant to this Section 3, the owner of such antenna or tower shall send written notice of the Building Department, which notice shall include the location, size and configuration of such antenna or tower.
- 4) The Chief Codes Official shall respond to each such application within thirty (30) days of receiving it by either approving the application, denying the application, or requesting further information from the applicant. If the Chief Codes Official fails to respond to the applicant within said thirty (30) days, then the applicant shall be deemed to be approved.
- 5) In connection with any such administrative approval, the Chief Codes Official may, in order to encourage shared use, administratively waive any district setback requirements by up to fifty percent (50%).

b) Specific Administratively Approved Uses. The following conditional uses may be approved by the Chief Codes Official after conducting an administrative review:

- 1) Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free standing nonresidential structure), as long as such addition does not add more than twenty (20) feet to the height of the existing structure;
- 2) Installing an antenna on an existing tower, including a grandfathered tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower.

4) Conditional Use Permits.

a) General. The following provisions shall govern the issuance of conditional use

permits, not administratively approved:

- 1) If the tower or antenna is not permitted to be approved administratively pursuant to subsection 3 of this section, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna in this zoning district.
 - 2) Any information of an engineering, nature that the applicant submits, whether civil, mechanical, electrical, or radio frequency, shall be certified by a qualified professional engineer.
- b) Site-Plan. Applicants requesting a conditional use permit under this ordinance shall submit a scaled elevation view and supporting drawings and a scaled site plan, showing the location and dimensions of all improvements, including information concerning topography, radio-frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, and other information necessary to assess compliance with this resolution.
- c) Factors Considered in Granting Conditional Use Permits. The Chief Codes Official shall consider the following factors in determining whether to issue a conditional use permit, although such official may waive or reduce the burden on the applicant of one or more of these criteria, if, in the sole discretion of such official, the goals of this resolution are better served thereby:
- 1) Height of the proposed tower;
 - 2) Proximity of the tower to residential structures and residential district boundaries;
 - 3) Nature of uses on adjacent and nearby properties;
 - 4) Surrounding topography;
 - 5) Surrounding tree coverage and foliage;
 - 6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
 - 7) Availability of suitable existing towers and other structures as discussed in Section 4.d. of this resolution.
- d) Availability of Suitable Existing Towers or Other Structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Chief Codes Official that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of the following:
- 1) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
 - 2) Existing towers or structures are not sufficient height to meet applicant's engineering requirements;
 - 3) Existing towers or structures are not sufficient structural strength to support applicant's proposed antenna and related equipment;
 - 4) Applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures;
 - 5) The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding

- new tower development are presumed unreasonable;
 - 6) Property owners of existing towers or structures are unwilling to accommodate reasonably the applicant's needs;
 - 7) Applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- e) Setbacks and Separation. The following setbacks and separation requirements shall apply to all towers and antennas for which a conditional use permit is required; provided, however, that the Chief Codes Official may, in its sole discretion, reduce the standard setbacks and separation requirements if the goals of this resolution would be better served thereby.
- 1) Towers must be set back a distance equal to the height of the tower plus fifty (50) feet from any off-site residential structures.
 - 2) Towers, guys, and accessory facilities must satisfy the minimum district yard setback requirements.
 - 3) Towers over seventy (70) feet in height shall not be located within one-quarter of a mile from any existing tower that is over seventy (70) feet in height.
- f) Security Fencing and Landscaping. Tower shall be enclosed by security fencing not less than six feet in height and shall be equipped with an appropriate anti-climbing device. Such fence shall have a gate at least 10' wide to allow access by emergency vehicles.
- 1) Tower facilities shall be landscaped with a buffer that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide and eight (8) feet high outside the perimeter of the compound.
 - 2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
 - 3) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.
- 5) Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the chief codes official notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the chief codes official may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

SECTION 704 - C-3 General Commercial District

704.1 - Intent of District

The C-3 General Commercial District is established to accommodate general commercial uses and warehousing and wholesaling operations which serve the entire community but which do not require a central business district location. Uses within this district may have some or all of the following characteristics:

- Merchandise is customarily delivered by truck;
- The services offered or the merchandise sold generally require fifty (50) percent or more of the building space for repair or storage;
- Merchandise may require outdoor display;
- The success of the activity is not dependent upon the proximity of other retail services or facilities;
- Repair or service operations produce some offensive noise, dust, glare, heat, odor or vibration measurable outside the building or structure; and uses may generate considerable vehicular traffic.

The specific intentions of the regulatory provisions as applied to this district are to:

- (a) Encourage the continued use of land for general commercial and warehousing and wholesaling purposes;
- (b) Provide locations for such development which are near but separate from the central business district and which have convenient access from all sections of the urban area;
- (c) Guide future development and improvements to existing development in such a manner as to improve the general appearance and functions of the district; and
- (d) Provide sufficient land for the present and future general commercial needs of the region as well as to preserve land for future central business district expansion.

704.2 - PERMITTED USES

- (a) Commercial recreation facilities, provided that any floodlights used to illuminate the premises are directed and/or shielded so as not to be an annoyance to any adjacent residential property.
- (b) Auto, boat, and truck sales and services.
- (c) Farm implement sales and services.
- (d) Grain, seed, farm supply stores.
- (e) Mobile home sales and trailer rentals.
- (f) Printing establishments.
- (g) Building materials stores.
- (h) Furniture sales, repairs, upholstery.
- (i) Commercial parking lots.
- (j) Undertaking establishments.
- (k) Appliance and business machine sales and services.
- (l) Cold storage lockers.
- (m) Machine, welding and other similar shops.
- (n) Pest control companies.

- (o) Utility stations and facilities, provided such use is enclosed by a solid or chain link fence or wall at least six (6) feet in height above finish grade, if needed to give protection against hazardous equipment.
- (p) Animal hospitals or veterinary clinics.
- (q) Service stations, provided they meet the requirements of Section 702.2(I).
- (r) Radio and television transmission towers.
- (s) Railroad and bus passenger and freight stations.
- (t) Accessory uses.
- (u) Home Occupation, Name Identification, Business, Advertising and Directional Signs.
- (v) Group development meeting requirements of Section 904.

704.3 - CONDITIONAL USES

- (a) Storage of any products or supplies eventually to be sold at retail, provided that no unusual fire or safety hazards are created, no live animals are sold, and no junk, wrecked automobiles, second hand equipment or other salvage materials or dead animals are stored or sold on the premises, and all merchandise is stored wholly within an enclosed structure.
- (b) The manufacture, compounding, processing, packaging, treatment or assembly of any product which does not produce offensive odor, glare, dust or heat and waste, does not produce noise or vibration at any boundary of the district in which such use is located in excess of the average intensity of street or traffic noise or privation at that point.

SECTION 704.4, TOWERS AND ANTENNAS CONDITIONAL USES

1. Applicability.
 - a) District Height Limitations. The requirements set forth in this resolution shall govern the location of towers that exceed, and antennas that are installed at a height in excess of any existing height limitations of any other zoning resolution of the governing authority. The height limitations applicable to buildings and structures shall not apply to towers and antennas.
 - b) Public Property. Antennas or towers located on publicly owned property shall be exempt from the requirements of this resolution, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.
 - c) Amateur Radio: Receive Only Antennas. This resolution shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas.
 - d) Grandfathered Towers and Antennas. Any tower or antenna existing on the effective date of this resolution shall not be required to meet the requirements of this resolution, other than the requirements of Section 2.e. and 2.f. Any such towers or antennas that fail to meet the requirements of this resolution shall be referred to in this ordinance as “grandfathered towers” or “grandfathered antennas”.
2. General Guidelines and Requirements.
 - a) Purpose; Goals. The purpose of this resolution is to establish guidelines for the siting of towers and antennas. The goals of this resolution are to: (I) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently, (ii) encourage strongly the joint use of new and existing

- tower sites, (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, (iv) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and (v) discourage, specifically, the location of towers in residential areas and, generally, the proliferation of towers throughout the community.
- b) Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots.
- c) Inventory of Existing Sites. Each applicant for an administrative approval or a special use permit shall provide the Planning & Codes Department with an inventory of its existing towers, including specific information about the location, height, and design of each tower. The Planning & Codes Department may share such information with other applicants applying for administrative appeals or special use permits under this resolution or other organizations seeking to locate antennas within the jurisdiction of the governing authority.
- d) Aesthetics; Lighting. The guidelines set forth in this Section shall govern the location of all towers, and the installation of all antennas, governed by this resolution; provided, however, that the governing authority may waive these requirements if, in its sole discretion, it determines that the goals of this ordinance are better served thereby.
- 1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable regulatory agencies, be painted sky blue or gray, so as to reduce visual obtrusiveness.
 - 2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
 - 3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - 4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- e) Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government or state government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower and antenna at the owner's expense.
- f) Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in

applicable Ware County building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon completion, the Chief Codes Official concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such codes and standards. If the owner fails to bring such tower in to compliance within said thirty (30) days, the governing authority may remove such tower at the owner's expense.

3) Administrative Review Approvals.

a) General.

- 1) The Chief Codes Official may administratively approve the conditional uses listed in this Section 3.
- 2) Applicants for administrative approval shall apply to the Chief Code Official, providing the information set forth in Sections 4.b. and 4.d. of this resolution.
- 3) All such uses shall comply with Sections 2.d., 2.e. and 2.f. of this ordinance and all other applicable resolutions, and prior to the installation of any antenna or tower pursuant to this Section 3, the owner of such antenna or tower shall send written notice of the Building Department, which notice shall include the location, size and configuration of such antenna or tower.
- 4) The Chief Codes Official shall respond to each such application within thirty (30) days of receiving it by either approving the application, denying the application, or requesting further information from the applicant. If the Chief Codes Official fails to respond to the applicant within said thirty (30) days, then the applicant shall be deemed to be approved.
- 5) In connection with any such administrative approval, the Chief Codes Official may, in order to encourage shared use, administratively waive any district setback requirements by up to fifty percent (50%).

b) Specific Administratively Approved Uses. The following conditional uses may be approved by the Chief Codes Official after conducting an administrative review:

- 1) Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free standing nonresidential structure), as long as such addition does not add more than twenty (20) feet to the height of the existing structure;
- 2) Installing an antenna on an existing tower, including a grandfathered tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower.

4) Conditional Use Permits.

a) General. The following provisions shall govern the issuance of conditional use permits, not administratively approved:

- 1) If the tower or antenna is not permitted to be approved administratively pursuant to subsection 3 of this section, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna in this zoning district.
 - 2) Any information of an engineering, nature that the applicant submits, whether civil, mechanical, electrical, or radio frequency, shall be certified by a qualified professional engineer.
- b) Site-Plan. Applicants requesting a conditional use permit under this ordinance shall submit a scaled elevation view and supporting drawings and a scaled site plan, showing the location and dimensions of all improvements, including information concerning topography, radio-frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, and other information necessary to assess compliance with this resolution.
- c) Factors Considered in Granting Conditional Use Permits. The Chief Codes Official shall consider the following factors in determining whether to issue a conditional use permit, although such official may waive or reduce the burden on the applicant of one or more of these criteria, if, in the sole discretion of such official, the goals of this resolution are better served thereby:
- 1) Height of the proposed tower;
 - 2) Proximity of the tower to residential structures and residential district boundaries;
 - 3) Nature of uses on adjacent and nearby properties;
 - 4) Surrounding topography;
 - 5) Surrounding tree coverage and foliage;
 - 6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
 - 7) Availability of suitable existing towers and other structures as discussed in Section 4.d. of this resolution.
- d) Availability of Suitable Existing Towers or Other Structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Chief Codes Official that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of the following:
- 1) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
 - 2) Existing towers or structures are not sufficient height to meet applicant's engineering requirements;
 - 3) Existing towers or structures are not sufficient structural strength to support applicant's proposed antenna and related equipment;
 - 4) Applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures;
 - 5) The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed unreasonable;

- 6) Property owners of existing towers or structures are unwilling to accommodate reasonably the applicant's needs;
 - 7) Applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- e) Setbacks and Separation. The following setbacks and separation requirements shall apply to all towers and antennas for which a conditional use permit is required; provided, however, that the Chief Codes Official may, in its sole discretion, reduce the standard setbacks and separation requirements if the goals of this resolution would be better served thereby.
- 1) Towers must be set back a distance equal to the height of the tower plus fifty (50) feet from any off-site residential structures.
 - 2) Towers, guys, and accessory facilities must satisfy the minimum district yard setback requirements.
 - 3) Towers over seventy (70) feet in height shall not be located within one-quarter of a mile from any existing tower that is over seventy (70) feet in height.
- f) Security Fencing and Landscaping. Tower shall be enclosed by security fencing not less than six feet in height and shall be equipped with an appropriate anti-climbing device. Such fence shall have a gate at least 10' wide to allow access by emergency vehicles.
- 1) Tower facilities shall be landscaped with a buffer that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide and eight (8) feet high outside the perimeter of the compound.
 - 2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
 - 3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.
- g) Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the chief codes official notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the chief codes official may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

SECTION 705. - LI LIMITED INDUSTRIAL DISTRICT

705.1 - INTENT OF DISTRICT

The LI, Limited Industrial District, is established as a district in which the principal use of land is for wholesaling, warehousing, and non-nuisance industries. It is mandatory that any use permitted within this district have the following characteristics:

- There is no unusual fire, explosion, or safety hazard;
- There is no production of noise at any boundary of this district, by a use within the district which exceeds the average intensity of street and traffic noise at that point;
- There is no excessive emission of smoke; and
- There is no emission of dust, dirt, odor, heat or glare perceptible from any lot line of the premises on which the use is located.

The specific intentions of the regulatory provisions as applied to this District are to:

- (a) Encourage the development and continued use of land for limited types of commercial and industrial buildings;
- (b) Prohibit the use of land for residential, retail commercial, and nuisance types of industries which would preempt land intended to be preserved for limited industrial uses, in order to achieve a favorable balance of land uses within the county;
- (c) Discourage the location of residences in an area inappropriate for such use; and
- (d) Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this article.

705.2 - PERMITTED USES

- (a) Machine, welding and other similar shops.
- (b) Accessory uses.
- (c) Name Identification, Business, Advertising and Directional Signs.
- (d) Restaurants or cafes in locations designed primarily to serve employees and patrons of permitted uses.
- (e) Truck terminals.
- (f) Animal hospitals.
- (g) Manufacturing, compounding, processing, packaging, treatment or assembly of the following materials or products, but excluding the use in any operation of a punch press over 200 tons rated capacity or a drop hammer.
 - Bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, and food products, except fish and meat products and the rendering or refining of fats or oils;
 - Products from previously prepared materials such as cellophane, canvas, cloth, feathers, felt, fiber glass, hair, leather, paper, plastics, textiles, wood (excluding planing mills) and yards;
 - Pottery and other ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

- Electric and neon signs, outdoor advertising signs, commercial and advertising structures.
 - Light sheet metal products, including heating and ventilating products and equipment, cornices, and similar products.
 - Musical instruments, toys, novelties, and rubber and metal stamps.
 - Laundry, cleaning and dyeing works, and carpet and rug cleaning.
 - Soft drinks.
 - Ice.
 - Mobile homes and prefabricated structures.
 - Assembly of electric appliances, electronic instruments and devices, radios, phonographs, television sets, including the manufacture of small parts, such as coils, condensers, transformers.
- (h) Storage buildings and warehouses.
- (i) Experimental laboratories.
- (j) The following uses when conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid wall, compact hedge or uniformly painted board fence, not less than six (6) feet in height:
- Building materials sales yards, including the sale of rock, sand, gravel and the like as an incidental part of the principal use, but excluding concrete mixing.
 - Contractor's and general equipment storage yards or plants, or equipment commonly used by contractors.
 - Retail lumber yards, including only incidental millwork.
 - Feed yards.
 - Coal and fuel yards.
 - Pipe yards or storage, sale and rental of oil or gas well drilling equipment.
- (k) Practice of Agriculture and Forestry.
- (l) Group development meeting requirements of Section 904.
- (m) Special Exception.
- 1) Commercial, government and financial offices, provided that such uses are located and designed primarily to serve owners of permitted uses in the area.

705.3 - CONDITIONAL USES (a) Heliport

- (a) Heliports including hard surface landing/take off apron, hangar for helicopter, fuel tank with overflow storage pad, crew housing/office meeting Georgia State Construction Codes. The crew housing shall be temporary and no one individual shall be permitted to stay onsite for a period not to exceed thirty (30) consecutive days. Such conditional use shall be permitted subject to conditions of and approval by the Ware County Commission, including submission of site plan to Ware County Planning and Codes Department showing location of such facilities proposed to be placed on site. Such approval shall also be subject to approval by FAA, other safety and aeronautical authorities, and Ware County codes.
- (b) Data Centers
- Data Centers shall be subject to noise & buffer requirements as defined in the Ware County Cryptocurrency & Data Mining Ordinance (Ware County Code Chapter 68 – CRYPTOCURRENCY AND DATA MINING).
 - Data Centers shall utilize closed loop cooling systems

- Where a property adjoins a residential property, the installation and maintenance of an additional vegetative buffer for the purpose of reducing visual or noise impacts may be required, subject to the discretion and approval of the Waycross–Ware County Planning Commission and/or the Ware County Commission.

SECTION 706. - GI GENERAL INDUSTRIAL DISTRICT

706.1 - INTENT OF DISTRICT The GI General Industrial District is established as a district in which intensive commercial and industrial uses would be permitted. Such uses may create a nuisance; therefore, they should not be associated with residential, institutional or retail-commercial establishments. Any use permitted within this district must have the following characteristics:

- (a) There is no production of noise at any boundary of this district, by a use within the district, which exceeds the average intensity of street and traffic noise at that point;
- (b) There is no emission of smoke in excess of a density described as No. 2, as measured by a standard Ringlemann Chart, as prepared by the United States Bureau of Mines; provided, however, that smoke of a density not in excess of No. 3 on a Ringlemann Chart will be permitted for a period not in excess of four minutes in any 30 minute period.
- (c) There is no emission of toxic gases or fumes; and
- (d) There is no production of heat or glare perceptible from any lot line of the premises on which the use is located. The specific intentions of the regulatory provisions, as applied to this district, are to:
- (e) Encourage the development and continued use of land for heavy commercial and industrial purposes;
- (f) Prohibit the use of land for residential, retail commercial and similar purposes which would preempt land intended to be preserved for industrial uses in order to achieve a favorable balance of land uses within the County; and
- (g) Encourage the discontinuance of existing uses that would not be permitted as uses under the provisions of this article.

706.2 - PERMITTED USES

- (a) Any use permitted within the LI Limited Industrial District, provided, however, that only those C-3 General Commercial uses expressly listed within this section shall be permitted.
- (b) Farm implements sales and services.
- (c) Machine, welding and other similar stores.
- (d) Grain, seed and farm supply stores.
- (e) Railroad and bus passenger and freight stations and related facilities.
- (f) Mobile home manufacture and sales.
- (g) Practice of agriculture and forestry.
- (h) Livestock sales.
- (i) Sand, gravel or mineral extraction.
- (j) Utility stations and facilities subject to the provision of Section 704.2(o)
- (k) The manufacturing, compounding, processing, refining and treatment of materials and products such as the following:
 - Acetylene, alcohol, asphalt, brick, tile or terra cotta, concrete products or mixing, electricity, oil cloth or linoleum, paint, shellac, turpentine, lacquer or varnish, pulp or paper, petroleum products, plastics, tar or tar products, tobacco products, wood preserving, furniture, wood, leather and metal products.
- (l) Junkyards, provided that all operations are conducted wholly within an enclosed building, or within an area enclosed on all sides with a solid wall, compact evergreen hedge, or uniformly painted board fence not less than six (6) feet in height; provided further, that there shall be no

burning of wrecked automobiles or other products, except within an approved furnace or incinerator; and provided further, that said junkyards are set back at least one hundred (100) feet from the street or highway right-of-way.

(m) Septic tanks servicing company.

(n) Any uses such as the following, provided that no principal structure is located closer than 500 feet to any District in which it is not a permitted use:

- Cement, lime gypsum or plaster of paris manufacture.
- Drop forge industry.
- Any uses involving a punch press over 20 tons rated capacity or a screw machine.
- Storage of petroleum and petroleum products.
- Fertilizer manufacturing.
- Garbage or dead animal reduction.
- Gas manufacture.
- Petroleum refining.
- Smelting of tin, copper, zinc, or iron ores.
- Soap manufacturing.
- Stockyards or feeding pens.
- Slaughter or packing of animals or feed products.
- Tannery or the curing or storage of rawhides.
- Manufacture and storage of bottled gas.

(o) Accessory uses.

(p) Business, Wall or roof Advertising and Business Directional Signs.

(q) Group development meeting requirements of Section 904.

706.3 - CONDITIONAL USES

(a) Recycling and waste reduction transfer operation, provided that all such operations are conducted within an enclosed building or within an area enclosed on all sides with a solid brick, concrete block or solid wood/board fence not less than eight (8) feet in height; provided further, that there shall be no burning of any products or waste except within an approved furnace or incinerator; and provided further, that said recycling centers/buildings are set back at least two hundred (200) feet from the street or highway right-of-way and/or any property line bordering any zoning district in which it is not a permitted use.

(b) High tech industrial uses that test, design, build prototypes and manufacture high performance motor sports racing parts/equipment and that provide temporary lodging, not longer than six (6) months, for their licensed professional employees serving the industry's research, testing, prototype development and manufacturing design process. The occupants in temporary lodging shall register their initial presence at the head office of the industry, to be reviewed periodically by the Planning and Codes office personnel, and to include dates of occupancy and professional skills (engineering, design or other) requiring their residency in the industry's facilities. Such research and development industry shall manufacture components for wholesale and/or resale for the Racing Industry such as NASCAR, Indy Racing League, Off-Road, SCCA and similar other organizations needing high performance output racing components.

Approval of this conditional use is contingent upon all of these conditions outlined herein being met for as long as the business remains in operation. Should all such conditions not be

met, temporary lodging at the business location shall not be permitted as a conditional use. A new business would have to meet Ware County Zoning Resolution and building code requirements.

Such industrial use shall include the following processes.:

- (1) Engineering and design of racing vehicle component concepts and prototypes,
- (2) Digital drafting of components,
- (3) Assembly of prototypes,
- (4) Manufacturing of prototypes for wholesale and retail markets,
- (5) Customer service and technical support,
- (6) General administration, and
- (7) Warehousing of components.

Conditional approval of such use requires applicant to show:

- (1) Submission of a floor and site plan showing location of parking and all uses on site and in the building(s),
- (2) Building plans or inspections meeting Ware County Codes,
- (3) Maintenance of occupancy list of residents by name, home address, professional affiliation, dates occupied,
- (4) Occupancy list and site to be available for periodic inspection/review by county code officials,
- (5) All residential use in the structure housing the industrial use shall be separated from manufacturing space and meet Ware County building codes,
- (6) Floor space for employees' lodging shall not occupy more than five percent (5 %) of the total industrial facilities/structure's space.

(c) Cryptocurrency Mining & Data Mining Operations

- Provided that proposed use meets the requirements set forth in Section 617 of this ordinance
- Also meeting the requirements of the Ware County Cryptomining & Data Mining Ordinance.

(d) Solar Farms

- Shall meet the requirements of the Ware County Solar Ordinance

(e) Utility-scale energy storage

- (1) Energy storage facilities shall be set back at least 1,000 linear feet from any existing residential structure.
- (2) The operators shall not cause, allow, or permit the operation of any source of sound which creates at an occupied residential building or defined sensitive receiver, as may exist at the time of the issuance of a certificate of completion or occupancy, a sound level that exceeds a daytime continuous sound level of 50 dBA or a nighttime continuous sound level of 45 dBA.

(f) Data Centers

- Data Centers shall be subject to noise & buffer requirements as defined in the Ware County Cryptocurrency & Data Mining Ordinance (Ware County Code Chapter 68 – CRYPTOCURRENCY AND DATA MINING).

- Data Centers shall utilize closed loop cooling systems
- Where a property adjoins a residential property, the installation and maintenance of an additional vegetative buffer for the purpose of reducing visual or noise impacts may be required, subject to the discretion and approval of the Waycross–Ware County Planning Commission and/or the Ware County Commission.

SECTION 706.A – IP PLANNED INDUSTRIAL PARK DISTRICT

706.A.1 – INTENT OF DISTRICT – The IP Industrial Planned Park District is established to provide high standards of design, land use intensity and open spaces of selected, non-nuisance and compatible light manufacturing industrial uses on land which is reserved and improved for unified and harmonious industrial development. The specific intentions of the regulatory provisions as applied to this district are to:

- a) Encourage the development and continued use of land for selected types of intensive, limited manufacturing industrial buildings served by adequate public facilities and services;
- b) Prohibit the use of land for residential, retail, commercial and nuisance types of industries which would pre-empt land intended for selected light manufacturing industrial uses in the county;
- c) Protect to the greatest extent possible existing and future adjacent residential, commercial and public developed areas;
- d) Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this section.
- e) Maintain design control and development of properties within the district.
- f) Prohibit industrial uses creating noise, glare, smoke, smell, burning, heat, odors, and dust features that are offensive beyond the lot developed.

706.A.2 – PERMITTED USES

- a) Public buildings, facilities or land.
- b) Transportation terminals and distribution centers
- c) Research or experimental laboratories.
- d) Any industrial use which involves light manufacturing, compounding, processing, packaging, treatment or assembly operations, provided that said operations do not produce negative effects by offensive noise, smoke, odors, glare, dust or heat and do not produce noise or vibration at any boundary of the lot in which such use is located in excess of the average existing intensity of offense surrounding that point.
- e) Accessory uses such as day-care center, banks, restaurants, and recreational amenities for employees of the industry located in the building.

706.A.3 - GENERAL REQUIREMENTS –All uses shall meet the following general requirements:

1. Site development plan. A site development plan shall be submitted to the Ware County Building Official's office. The plan shall be drawn to scale and include:
 - a. Location of all structures to be erected (buildings, signs, lighting, ... etc.),
 - b. Location of all buffers or screens (vegetative buffers/screens shall have a detailed report that includes the type of vegetation, growth and span rate (maximum height and width)
 - c. Location of any natural or man-made streams or drainage canals.
 - d. Location of parking area
 - e. Location of all berms

- f. Location of fences
 - g. Location of loading area
 - h. Location of refuse containers
2. Lighting. All exterior lighting, whether for area lighting or architectural highlighting, shall be maintained at adequate levels of illumination, taking into consideration the need to conserve energy. Broken or burned-out elements shall be replaced promptly. Any floodlights used to illuminate the premises are directed and/or shielded so as not to be an annoyance to any adjacent residential district.
 3. Buildings, landscaped areas, fencing, paved areas and other surfaces shall be maintained in a non-deteriorated condition. Materials required to restore such items to their original status and in an attractive operating condition shall replace deteriorated, broken, cracked, settled or condition otherwise in need of repair. Waste, litter, and damaged, broken, rotten, weathered paint and materials of any type or kind or location on the site shall be repaired or replaced.
 4. Signs: Choice of one Class 9-Wall, projecting, roof or free-standing sign single-face or double faced, and individual letter sign shall meet the following standards:

Wall, Projecting, Roof or Free-Standing:

 - 1) The maximum sign area required for wall, projecting, roof or free-standing signs shall be equal to the larger sign area allowed for any one sign in class 9.
 - 2) All such signs are limited to the following:
 - a) Buildings having a street frontage of one hundred (100) feet or less in width shall have no more than 150 square feet in sign area;
 - b) Buildings having a street frontage of more than one hundred (100) feet in width shall have no more than 150 square feet of sign area plus one (1) square foot of sign area for each foot of building width in excess of one hundred (100) feet:
 - 3) Individual Letter Signs are limited to the following:
 - a) A maximum letter or insignia height of 36 inches; and
 - b) Any illumination comes from a concealed light source.
 - 4) Signs shall not be allowed to become faded or deteriorated. Lighting for signs shall be maintained, with burned-out fixtures and elements being replaced promptly. Signs that are no longer appropriate due to a change of service, product line, or the tenant, shall be removed.
 5. Screening. Screening blocks certain objects, areas, and activities from public view of that of adjacent properties. Various levels of screening are appropriate based upon intensity of the impact.
 - 1) Sight obscuring screens shall be provided with the following minimum heights:
 - Refuse Collection – 1 foot higher than the refuse container.

- Loading – 8 feet.
 - Outdoor storage (where permitted) – 6 feet.
 - Screening is either natural or architectural material which obscures the line of sight. All vegetative screening shall meet the requirements of 4) below.
 - Screening shall be of a material and design compatible with the overall associated structure.
 - Trees and shrubs shall be provided in the front of fencing or material forming a screen. They shall cover 50% of the height of the fence to soften the screen.
- 2) Berms should be used to screen on-site activities from the street and should vary in height. Lawn should be used on berms which shall reach a minimum height of 3 feet.
 - 3) Fences are used for security purposes and berms and vegetation shall be used in screening design. Chain link fences are acceptable for security purposes if finish is galvanized.
 - 4) Screening material guidelines Landscape materials are to be effective within three years.
 - Type/Height/Planting Purpose
 - Plants/ 0 – 3 feet/Groundcover
 - Plants/3-5 feet/Soften fencing, enhance property
 - Berms/3-5 feet/vary topography to provide interest, screen activities, buffer noises
 - Clipped evergreen/(6-15) feet/Screen storage.
6. Planted Buffer. A planted buffer strip is required within setbacks adjoining residential uses and meeting the applicable requirements of Section 608.1 excluding fences or walls.
 7. Minimum quality of building and site construction requirements to include the following:
 - 1) Building is restricted to a combination of steel and concrete tilt up or detail masonry construction.
 - 2) Concrete or fine finish detail masonry must be on front face of building.
 - 3) Any outdoor storage area of any type must be screened from view from front face of building. If it is located on a corner lot, it must be screened from both roadway views. This should include trash dumpsters.
 - 4) All driveways, travel ways and parking areas are to be asphalt or concrete with curb and gutter around all areas. Loose aggregates not permitted.
 - 5) All forward facing sides of buildings must be fully landscaped with appropriate landscaping for the area and grass in all areas.
 - 6) Front face of building shall face the street or highway bordering the lot on which the building is located.

706.A4 – PROHIBITED USES

- a) Solid waste handling and storage.
- b) Landfill (solid waste disposal).
- c) Permanent hazardous or toxic waste storage.
- d) Hazardous or toxic waste incineration.
- e) Wholesale outlets selling to retail customers.
- f) Nuisance business activity.

706.A5 – LOT AND YARD REQUIREMENTS

- a) Minimum Front and Side Yard on Streets. The front and side walls of the main structure shall be set back from the right-of-way line of the street as follows:

Major Street	70 feet
Collector Street	60 feet
Minor Street	50 feet
- b) Side Yard Not on Street. The side wall of the main structure shall be set back at least forty (40) feet from the side property line. Wherever a property line abuts a railway right-of-way, this setback requirement may be waived for the sole purpose of providing a facility for direct loading and unloading between railway car and building.
- c) Minimum Rear Yard. The rear of the main structure shall be set back at least fifty (50) feet from the rear property line. Wherever a property line abuts a railway right-of-way, this setback requirement may be waived for the sole purpose of providing a facility for direct loading and unloading between railway cars and building.
- d) In each of the yards (setbacks) described above, no building, structure or obstruction shall be erected or maintained on any land abutting within twenty-five (25) feet to the top of the bank of any canal which is part of the Ware County Drainage System, including without limitation, additions, extensions and modifications thereto, and all parts of the Ware County storm water canal system.
- e) Maximum Height. No structure shall exceed fifty (50) feet in height, except upon approval of the Ware County Fire Department.
- f) Floor Area Ratio. Maximum floor area ratio, including any parking space within the structure, shall not exceed fifty (50) percent for single-story buildings nor shall it exceed one hundred (100) percent for buildings of more than one story. The ground area occupied by the principal and accessory structures shall not exceed fifty (50) percent of the total zoning lot area.

706.A6 – Conditional Uses (Industrial Park – IP)

- a) Data Centers
 - Data Centers shall be subject to noise & buffer requirements as defined in the Ware County Cryptocurrency & Data Mining Ordinance (Ware County Code Chapter 68 – CRYPTOCURRENCY AND DATA MINING).
 - Data Centers shall utilize closed loop cooling systems
 - Where a property adjoins a residential property, the installation and maintenance of an additional vegetative buffer for the purpose of reducing visual or noise impacts may be required, subject to the discretion and approval of the Waycross–Ware County Planning Commission and/or the Ware County Commission.

SECTION 707. - A. AGRICULTURE-FORESTRY DISTRICT

707.1 - INTENT OF DISTRICT The A. Agriculture-Forestry District is established as a district in which the predominant use of land is for general agricultural and/or forestry uses. Such uses normally would be carried on in non-urban areas. Regulations applying within this district are designed:

- (a) To encourage continued use of land for agricultural and/or forestry purposes;
- (b) To prohibit scattered commercial and industrial uses of the land in Ware County and to prohibit any other land use which would substantially interfere with the efficient development of land for more intensive urban uses adjacent to Waycross;
- (c) To discourage any use which because of its character or size, would create unusual requirements and costs for public services such as police and fire protection, public water supply and sanitary sewers before such services could be expanded and/or extended efficiently in the normal development of Ware County.

707.2 - PERMITTED USES

- (a) Farming and Forestry activities.
- (b) Roadside stands for the sale of farm products.
- (c) Plants for processing and storage of agricultural and forestry products.
- (d) Earth extraction.
- (e) Airports.
- (f) Public utilities.
- (g) Schools and other public or semi-public community facilities.
- (h) Farm residences, including quarters for migrant farm workers.
- (i) Non-farm residences with a minimum lot size of 20,000 square feet.
- (j) Churches, synagogues and other places of worship.
- (k) Radio or television transmission stations.
- (l) Home Occupation, Name Identification and Business Signs.
- (m) Farms or ranches for the grazing, breeding, raising or boarding of animals provided all buildings housing animals be at least 100 feet from any property line.
- (n) Manufactured Home Classes A, B, and C for residential purposes are permitted provided they meet the requirements of Sections 302.13 and Article VIII.
- (o) Commissary Kitchens
 - 1. Kitchens must comply with required Georgia Dept of Public Health regulations, permits, & inspections and install septic utilities & equipment such as grease traps or other health/sanitation equipment as deemed necessary by the health department.
 - 2. Allows for purchase for off-site consumption of food products including bulk catering & prepared meals.

707.3 - MINIMUM RESIDENCE SIZE - Requirements of minimum residence size in square feet as shown in Article VIII, shall apply to residences built in this zoning district.

707.4 – ACCESSORY USE - The following Accessory Use is permitted as a special exception in this district:

- (1) Manufactured home (Class B) for temporary use in case of certified hardship meeting the following development standards:

- a) A person having a Certified hardship shown according to the procedure contained in this section and meeting any one (1) of the following conditions may apply to the Board of Appeals for the Special Exception Permit.
- 1) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and is 65 years of age or older.
 - 2) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit; and at least one (1) member of his family who will reside in the unit is 65 years of age or older.
 - 3) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and is physically disabled and requires frequent attendance by others for medical or physical care.
 - 4) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and at least one (1) member of his family is physically disabled and requires frequent attendance by others for medical or physical care.
 - 5) The applicant for the Special Exception is not to be the owner and/or occupant of the temporary unit but at least one (1) of the residents of the unit is a member of the applicant/owner's family and is 65 years of age or older.
 - 6) The applicant for the Special Exception is not to be the owner and/or occupant of the temporary unit but at least one (1) of the residents of the unit is a member of the applicant/owner's family and is physically disabled and requires frequent care.
- b) In order to determine if the need for the Special Exception Permit presented by the applicant is a certified hardship, the Board of Appeals will require a doctor's certificate currently dated, attesting to the health of the person who is asserted to be physically disabled and also attesting to the need for frequent attendance upon such a person by other people. The certificate will be requested by the Board of Appeals directly from the doctor in attendance upon the person who is asserted to be disabled. The applicant will be required to sign a release to the doctor for such information to be supplied to the Board of Appeals prior to any action by the Board of Appeals to obtain the certificate from the doctor and any possible subsequent issuance of the Special Exception Permit.
- c) The procedure for applying for a Special Exception Permit for a temporary manufactured home for certified hardship is as follows:
- 1) Application should be made to the Board of Zoning Appeals for the Special Exception Permit for a temporary manufactured home for certified hardship.
 - 2) The Board of Appeals will explain to the applicant all conditions and limitations attached to such a permit and will secure the written certification of the applicant that he understands and will abide by those conditions if issued the Special Exception Permit.
 - 3) The Board of Appeals will consider each application, and upon determining that all requirements have been met for such a permit, will issue the Special Exception Permit.
- d) Upon being granted a Special Exception Permit to allow a temporary

manufactured home for certified hardship, the applicant must then apply to the Administrative Officer for a Building Permit for the installation of the temporary manufactured home. The procedure is as follows:

- 1) Plans for a water/well and sewage/septic system suitable for the temporary manufactured home proposed to be installed on the site must be submitted to the Ware County Health Department for its review and approval.
 - 2) Upon securing concurrence of the Ware County Health Department of the proposed water and sewage systems to serve the proposed temporary manufactured home, the owner should present evidence of such approval to the Administrative Officer and apply for a Building Permit for installation of the proposed temporary manufactured home, including the water and sewage systems.
 - 3) Upon approval of the Administrative Officer and receipt of the Building Permit, the owner should proceed with installation of the proposed temporary manufactured home, including water and sewage systems. The Administrative Officer will provide required inspections of these systems during and upon completion of construction.
- e) The following conditions apply to Special Exception permits issued for temporary use of a manufactured home for hardship:
- 1) It is temporary and valid for a period of time of twenty-four (24) months or whenever the condition the permit was granted ceases to exist.
 - 2) A development plan must be submitted showing the proposed locations of the principal building, the water and sewage systems, and the temporary manufactured home. That development plan must be approved by the Board of Appeals before issuing the temporary Special Exception Permit.
 - 3) During its period of approval, the temporary manufactured home must be connected to the approved water and sewage systems.
 - 4) The temporary manufactured home must be removed within thirty (30) days of either the expiration of the Special Exception Permit for the temporary manufactured home or upon finding of the Board of Zoning Appeals, upon its own application or that of any aggrieved party and after giving due notice to all concerned parties and granting full opportunity for a hearing, that the conditions for which the Special Exception was granted no longer exists whichever is earlier.
 - 5) The temporary manufactured home must be a Class B manufactured home.
 - 6) No more than one (1) such unit is permitted per lot.
 - 7) The unit must be located as shown on the approved development plan.
- f) All accessory uses must meet the following standards:
- 1) They must be located in the rear yard; or side yard if located ten (10) feet from property line and a buffer is provided in accordance with Section 608.1.
 - 2) They may not be located closer than ten (10) feet from any property line.
 - 3) They may not be located in any front yard.
 - 4) Accessory buildings and structures not attached to the principal building must be located at least twelve (12) feet from the principal building on the

- lot.
- g) All uses not permitted within districts by this Section are specifically prohibited.

707.5- CONDITIONAL USES

(a) RV Parks

(b) Cryptocurrency Mining & Data Mining Operations

1. Provided that proposed use meets the requirements set forth in Section 617 of this ordinance
2. Also meeting the requirements of the Ware County Cryptomining & Data Mining Ordinance.

(c) Solar Farms

1. Shall meet the requirements of the Ware County Solar Ordinance.

(d) Utility-scale energy storage

1. Energy storage facilities shall be set back at least 1,000 linear feet from any existing residential structure.
2. The operators shall not cause, allow, or permit the operation of any source of sound which creates at an occupied residential building or defined sensitive receiver, as may exist at the time of the issuance of a certificate of completion or occupancy, a sound level that exceeds a daytime continuous sound level of 50 dBA or a nighttime continuous sound level of 45 dBA.

(e) Data Centers

1. Data Centers shall be subject to noise & buffer requirements as defined in the Ware County Cryptocurrency & Data Mining Ordinance (Ware County Code Chapter 68 – CRYPTOCURRENCY AND DATA MINING).
2. Data Centers shall utilize closed loop cooling systems
3. Where a property adjoins a residential property, the installation and maintenance of an additional vegetative buffer for the purpose of reducing visual or noise impacts may be required, subject to the discretion and approval of the Waycross–Ware County Planning Commission and/or the Ware County Commission.

(f) Offroad Motorized Vehicle Park

1. Shall be subject to other requirements noted in section 703.3.
2. Minimal parcel size of 100 acres for areas with riding trails and 20 acres for competition style offroad racing facilities.
3. Riding areas & tracks must be at least 300 feet from residential properties.
4. 100-foot vegetative buffer required for properties adjacent to residential properties for the purpose of visual & sound dampening.

SECTION 708. - A-1 AGRICULTURE FORESTRY DISTRICT

708.1 - INTENT OF DISTRICT - The A-1 Agriculture-Forestry District is established as a district in which the predominant use of land is for general agricultural and/or forestry uses. Such uses normally would be carried on in non-urban areas. Regulations applying within the district are designed:

- (a) To encourage continued use of land for agricultural and/or forestry purposes;
- (b) To prohibit mobile homes and scattered commercial and industrial uses of the land in Ware County and to prohibit any other use which would substantially interfere with the efficient development of land for more intensive urban uses adjacent to Waycross;
- (c) To discourage any use which because of its character or size, would create unusual requirements and costs for public services such as police and fire protection, public water supply and sanitary sewers before such services could be expanded and/or extended efficiently in the normal development of Ware County.

708.2 - PERMITTED USES

- (a) Farming and Forestry Activities.
- (b) Roadside stands for the sale of farm products.
- (c) Plants for processing and storage of agricultural and forestry products.
- (d) Earth extraction.
- (e) Airports.
- (f) Public utilities.
- (g) Schools and other public or semi-public community facilities.
- (h) Farm residences, including quarters for migrant farm workers.
- (i) Non-farm residences with a minimum lot size of 20,000 square feet.
- (j) Churches, synagogues and other places of worship.
- (k) Radio or television transmission stations.
- (l) Home Occupation, Name Identification and Business Signs.
- (m) Farms or ranches for the grazing, breeding, raising or boarding of animals provided all buildings housing animals be at least 100 feet from any property line.
- (n) Class A Manufactured Home meeting all the requirements of Section 302.13 and Article VIII.
- (o) Commissary Kitchens
 - 1. Kitchens must comply with required Georgia Dept of Public Health regulations, permits, & inspections and install septic utilities & equipment such as grease traps or other health/sanitation equipment as deemed necessary by the health department.
 - 2. Allows for purchase for off-site consumption of food products including bulk catering & prepared meals.

708.3 - MINIMUM RESIDENCES SIZE - Requirements of minimum residence size in square feet as shown in Article VIII, shall apply to residences built in this zoning district.

708.4 – ACCESSORY USE - The following Accessory Use is permitted as a special exception in this district:

- (1) Manufactured home (Class B) for temporary use in case of certified hardship meeting

the following development standards:

- a) A person having a Certified hardship shown according to the procedure contained in this section and meeting any one (1) of the following conditions may apply to the Board of Appeals for the Special Exception Permit.
 - 1) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and is 65 years of age or older.
 - 2) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit; and at least one (1) member of his family who will reside in the unit is 65 years of age or older.
 - 3) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and is physically disabled and requires frequent attendance by others for medical or physical care.
 - 4) The applicant for the Special Exception is to be the owner and / or occupant of the temporary unit and at least one (1) member of his family is physically disabled and requires frequent attendance by others for medical or physical care.
 - 5) The applicant for the Special Exception is not to be the owner and/or occupant of the temporary unit but at least one (1) of the residents of the unit is a member of the applicant/owner's family and is 65 years of age or older.
 - 6) The applicant for the Special Exception is not to be the owner and/or occupant of the temporary unit but at least one (1) of the residents of the unit is a member of the applicant/owner's family and is physically disabled and requires frequent care.
- b) In order to determine if the need for the Special Exception Permit presented by the applicant is a certified hardship, the Board of Appeals will require a doctor's certificate currently dated, attesting to the health of the person who is asserted to be physically disabled and also attesting to the need for frequent attendance upon such a person by other people. The certificate will be requested by the Board of Appeals directly from the doctor in attendance upon the person who is asserted to be disabled. The applicant will be required to sign a release to the doctor for such information to be supplied to the Board of Appeals prior to any action by the Board of Appeals to obtain the certificate from the doctor and any possible subsequent issuance of the Special Exception Permit.
- c) The procedure for applying for a Special Exception Permit for a temporary manufactured home for certified hardship is as follows:
 - 1) Application should be made to the Board of Zoning Appeals for the Special Exception Permit for a temporary manufactured home for certified hardship.
 - 2) The Board of Appeals will explain to the applicant all conditions and limitations attached to such a permit and will secure the written certification of the applicant that he understands and will abide by those conditions if issued the Special Exception Permit.
 - 3) The Board of Appeals will consider each application, and upon determining that all requirements have been met for such a permit, will issue the Special Exception Permit.

d) Upon being granted a Special Exception Permit to allow a temporary manufactured home for certified hardship, the applicant must then apply to the Administrative Officer for a Building Permit for the installation of the temporary manufactured home. The procedure is as follows:

- 1) Plans for a water/well and sewage/septic system suitable for the temporary manufactured home proposed to be installed on the site must be submitted to the Ware County Health Department for its review and approval.
- 2) Upon securing concurrence of the Ware County Health Department of the proposed water and sewage systems to serve the proposed temporary manufactured home, the owner should present evidence of such approval to the Administrative Officer and apply for a Building Permit for installation of the proposed temporary manufactured home, including the water and sewage systems.
- 3) Upon approval of the Administrative Officer and receipt of the Building Permit, the owner should proceed with installation of the proposed temporary manufactured home, including water and sewage systems. The Administrative Officer will provide required inspections of these systems during and upon completion of construction.

e) The following conditions apply to Special Exception Permits issued for temporary use of a manufactured home for hardship:

- 1) It is temporary and valid for a period of time of twenty-four (24) months or whenever the conditions for which the permit was granted cease to exist.
- 2) A development plan must be submitted showing the proposed locations of the principal building, the water and sewage systems, and the temporary manufactured home. That development plan must be approved by the Board of Appeals before issuing the temporary Special Exception Permit.
- 3) During its period of approval, the temporary manufactured home must be connected to the approved water and sewage systems.
- 4) The temporary manufactured home must be removed within thirty (30) days of either the expiration of the Special Exception Permit for the temporary manufactured home or upon finding of the Board of Zoning Appeals, upon its own application or that of any aggrieved party and after giving due notice to all concerned parties and granting full opportunity for a hearing, that the conditions for which the Special Exception was granted or no longer exists, whichever is earlier.
- 5) The temporary manufactured home must be a Class B manufactured home.
- 6) No more than one (1) such unit is permitted per lot.
- 7) The unit must be located as shown on the approved development plan.

f) All accessory uses must meet the following standards:

- 1) They must be located in the rear yard; or side yard if located ten (10)

feet from property line and a buffer is provided in accordance with Section 608.1.

- 2) They may not be located closer than ten (10) feet from any property line.
 - 3) They may not be located in any front yard.
 - 4) Accessory buildings and structures not attached to the principal building must be located at least twelve (12) feet from the principal building on the lot.
- g) All uses not permitted within districts by this Section are specifically prohibited.

SECTION 708.A - A-2 AGRICULTURE FORESTRY DISTRICT – (SITE-BUILT ONLY)

708.A.1 - INTENT OF DISTRICT - The A-2 Agriculture-Forestry District is established as a district in which the predominant use of land is for general agricultural and/or forestry uses. Such uses normally would be carried on in non-urban areas. Regulations applying within the district are designed:

- (a) To encourage continued use of land for agricultural and/or forestry purposes;
- (b) To prohibit mobile homes and scattered commercial and industrial uses of the land in Ware County and to prohibit any other use which would substantially interfere with the efficient development of land for more intensive urban uses adjacent to Waycross;
- (c) To discourage any use which because of its character or size, would create unusual requirements and costs for public services such as police and fire protection, public water supply and sanitary sewers before such services could be expanded and/or extended efficiently in the normal development of Ware County.

708.A2 - PERMITTED USES

- (a) Farming and Forestry Activities.
- (b) Roadside stands for the sale of farm products.
- (c) Plants for processing and storage of agricultural and forestry products.
- (d) Earth extraction.
- (e) Airports.
- (f) Public utilities.
- (g) Schools and other public or semi-public community facilities.
- (h) Farm site-built residences, including quarters for migrant farm workers.
- (i) Non-farm site-built residences with a minimum lot size of 20,000 square feet.
- (j) Churches, synagogues and other places of worship.
- (k) Radio or television transmission stations.
- (l) Home Occupation, Name Identification and Business Signs.
- (m) Farms or ranches for the grazing, breeding, raising or boarding of animals provided all buildings housing animals be at least 100 feet from any property line.
- (n) Site-Built Houses meeting Ware County/Georgia Building Codes.
- (o) Commissary Kitchens
 - 1. Kitchens must comply with required Georgia Dept of Public Health regulations, permits, & inspections and install septic utilities & equipment such as grease traps or other health/sanitation equipment as deemed necessary by the health department.
 - 2. Allows for purchase for off-site consumption of food products including bulk catering & prepared meals.

708.A3 - MINIMUM RESIDENCES SIZE - Requirements of minimum residence size in square feet as shown in Article VIII, shall apply to residences built in this zoning district.

708.A4 – ACCESSORY USE – The following Accessory Use is permitted as a special exception in this district:

- (1) Manufactured home (Class B) for temporary use in case of certified hardship meeting

the following development standards:

- a) A person having a Certified hardship shown according to the procedure contained in this section and meeting any one (1) of the following conditions may apply to the Board of Appeals for the Special Exception Permit.
 - 1) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and is 65 years of age or older.
 - 2) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit; and at least one (1) member of his family who will reside in the unit is 65 years of age or older.
 - 3) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and is physically disabled and requires frequent attendance by others for medical or physical care.
 - 4) The applicant for the Special Exception is to be the owner and / or occupant of the temporary unit and at least one (1) member of his family is physically disabled and requires frequent attendance by others for medical or physical care.
 - 5) The applicant for the Special Exception is not to be the owner and/or occupant of the temporary unit but at least one (1) of the residents of the unit is a member of the applicant/owner's family and is 65 years of age or older.
 - 6) The applicant for the Special Exception is not to be the owner and/or occupant of the temporary unit but at least one (1) of the residents of the unit is a member of the applicant/owner's family and is physically disabled and requires frequent care.
- b) In order to determine if the need for the Special Exception Permit presented by the applicant is a certified hardship, the Board of Appeals will require a doctor's certificate currently dated, attesting to the health of the person who is asserted to be physically disabled and also attesting to the need for frequent attendance upon such a person by other people. The certificate will be requested by the Board of Appeals directly from the doctor in attendance upon the person who is asserted to be disabled. The applicant will be required to sign a release to the doctor for such information to be supplied to the Board of Appeals prior to any action by the Board of Appeals to obtain the certificate from the doctor and any possible subsequent issuance of the Special Exception Permit.
- c) The procedure for applying for a Special Exception Permit for a temporary manufactured home for certified hardship is as follows:
 - 1) Application should be made to the Board of Zoning Appeals for the Special Exception Permit for a temporary manufactured home for certified hardship.
 - 2) The Board of Appeals will explain to the applicant all conditions and limitations attached to such a permit and will secure the written certification of the applicant that he understands and will abide by those conditions if issued the Special Exception Permit.
 - 3) The Board of Appeals will consider each application, and upon

determining that all requirements have been met for such a permit, will issue the Special Exception Permit.

- d) Upon being granted a Special Exception Permit to allow a temporary manufactured home for certified hardship, the applicant must then apply to the Administrative Officer for a Building Permit for the installation of the temporary manufactured home. The procedure is as follows:
 - 1) Plans for a water/well and sewage/septic system suitable for the temporary manufactured home proposed to be installed on the site must be submitted to the Ware County Health Department for its review and approval.
 - 2) Upon securing concurrence of the Ware County Health Department of the proposed water and sewage systems to serve the proposed temporary manufactured home, the owner should present evidence of such approval to the Administrative Officer and apply for a Building Permit for installation of the proposed temporary manufactured home, including the water and sewage systems.
 - 3) Upon approval of the Administrative Officer and receipt of the Building Permit, the owner should proceed with installation of the proposed temporary manufactured home, including water and sewage systems. The Administrative Officer will provide required inspections of these systems during and upon completion of construction.
- e) The following conditions apply to Special Exception Permits issued for temporary use of a manufactured home for hardship:
 - 1) It is temporary and valid for a period of time of twenty-four (24) months or whenever the conditions for which the permit was granted cease to exist.
 - 2) A development plan must be submitted showing the proposed locations of the principal building, the water and sewage systems, and the temporary manufactured home. That development plan must be approved by the Board of Appeals before issuing the temporary Special Exception Permit.
 - 3) During its period of approval, the temporary manufactured home must be connected to the approved water and sewage systems.
 - 4) The temporary manufactured home must be removed within thirty (30) days of either the expiration of the Special Exception Permit for the temporary manufactured home or upon finding of the Board of Zoning Appeals, upon its own application or that of any aggrieved party and after giving due notice to all concerned parties and granting full opportunity for a hearing, that the conditions for which the Special Exception was granted or no longer exists, whichever is earlier.
 - 5) The temporary manufactured home must be a Class B manufactured home.

- 6) No more than one (1) such unit is permitted per lot.
- 7) The unit must be located as shown on the approved development plan.
- f) All accessory uses must meet the following standards:
 - 1) They must be located in the rear yard; or side yard if located ten (10) feet from property line and a buffer is provided in accordance with Section 608.1.
 - 2) They may not be located closer than ten (10) feet from any property line.
 - 3) They may not be located in any front yard.
 - 4) Accessory buildings and structures not attached to the principal building must be located at least twelve (12) feet from the principal building on the lot.
- g) All uses not permitted within districts by this Section are specifically prohibited.

SECTION 708.B - A-3 AGRICULTURE FORESTRY DISTRICT

SECTION 708.B.1 - INTENT OF DISTRICT

The A-3 Agriculture-Forestry District is established as a transitional district in which the predominant use of land is for general agricultural and/or forestry uses. Such uses would normally be transitional to uses in urban areas by allowing Class DW Manufactured Homes, Site-Built Homes and modular homes built to Ware County Building Code Standard and Fire Wise Standards. Regulations applying within the district are designed:

- (a) To encourage continued use of land for agricultural and/or forestry purposes protected from wild fires;
- (b) To protect aesthetics of existing structures in the district from future sprawl development to prohibit scattered commercial and industrial uses of the land in Ware County by encouraging development to concentrate in compact centers, and to prohibit any other use which would substantially interfere with the efficient development of land for more intensive urban uses adjacent to Waycross – Ware County Urban area; and, ;
- (c) To encourage any use which because of its character or size, would not create unusual requirements and costs for public services such as police and fire protection, public water supply and sanitary sewers before such services could be expanded and/or extended efficiently in the normal development of Ware County. Such uses would complement the uses in the urban area by providing self-sustaining characteristics.

SECTION 708.B.2 - PERMITTED USES

- (a) Farming and Forestry Activities.
- (b) Roadside stands for the sale of farm products.
- (c) Plants for processing and storage of agricultural and forestry products.
- (d) Earth extraction.
- (e) Airports.
- (f) Public utilities.
- (g) Schools and other public or semi-public community facilities.
- (h) Farm residences, including quarters for migrant farm workers.
- (i) Non-farm residences.
- (j) Churches, synagogues and other places of worship.
- (k) Radio or television transmission stations.
- (l) Home Occupation, Name Identification and Business Signs.
- (m) Farms or ranches for the grazing, breeding, raising or boarding of animals provided all buildings housing animals be at least 100 feet from any property line.
- (n) Site-Built Homes, Class A Manufactured Homes meeting the definition of Section 302.13, and Class DW Manufactured Homes meeting the definition of Section 302.13.3, not including requirements of 302.13.3 (e).
- (o) Commissary Kitchens
 - 1. Kitchens must comply with required Georgia Dept of Public Health regulations, permits, & inspections and install septic utilities & equipment such as grease traps or other health/sanitation equipment as deemed necessary by the health

- department.
2. Allows for purchase for off-site consumption of food products including bulk catering & prepared meals.

SECTION 708.B.3 - MINIMUM RESIDENCES SIZE - Requirements of minimum residence size in square feet as shown in Article VIII, shall apply to residences built in this zoning district.

SECTION 708.B.4 The following Accessory Use is permitted as a special exception in this district:

- (1) Manufactured home (Class B) for temporary use in case of certified hardship meeting the following development standards:
 - a) A person having a Certified hardship shown according to the procedure contained in this section and meeting any one (1) of the following conditions may apply to the Board of Commissioners for the Special Exception Permit.
 - 1) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and is 65 years of age or older.
 - 2) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit; and at least one (1) member of his family who will reside in the unit is 65 years of age or older.
 - 3) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and is physically disabled and requires frequent attendance by others for medical or physical care.
 - 4) The applicant for the Special Exception is to be the owner and / or occupant of the temporary unit and at least one (1) member of his family is physically disabled and requires frequent attendance by others for medical or physical care.
 - 5) The applicant for the Special Exception is not to be the owner and/or occupant of the temporary unit but at least one (1) of the residents of the unit is a member of the applicant / owner's family and is 65 years of age or older.
 - 6) The applicant for the Special Exception is not to be the owner and/or occupant of the temporary unit but at least one (1) of the residents of the unit is a member of the applicant / owner's family and is physically disabled and requires frequent care.
 - b) In order to determine if the need for the Special Exception Permit presented by the applicant is a certified hardship, the Board of Appeals will require a doctor's certificate currently dated, attesting to the health of the person who is asserted to be physically disabled and also attesting to the need for frequent attendance upon such a person by other people. The certificate will be requested by the Board of Appeals directly from the doctor in attendance upon the person who is asserted to

be disabled. The applicant will be required to sign a release to the doctor for such information to be supplied to the Board of Appeals prior to any action by the Board of Appeals to obtain the certificate from the doctor and any possible subsequent issuance of the Special Exception Permit.

c) The procedure for applying for a Special Exception Permit for a temporary manufactured home for certified hardship is as follows:

- 1) Application should be made to the Board of Zoning Appeals for the Special Exception Permit for a temporary manufactured home for certified hardship.
- 2) The Board of Appeals will explain to the applicant all conditions and limitations attached to such a permit and will secure the written certification of the applicant that he understands and will abide by those conditions if issued the Special Exception Permit.
- 3) The Board of Appeals will consider each application, and upon determining that all requirements have been met for such a permit, will issue the Special Exception Permit.

d) Upon being granted a Special Exception Permit to allow a temporary manufactured home for certified hardship, the applicant must then apply to the Administrative Officer for a Building Permit for the installation of the temporary manufactured home. The procedure is as follows:

- 1) Plans for a water / well and sewage / septic system suitable for the temporary manufactured home proposed to be installed on the site must be submitted to the Ware County Health Department for its review and approval.
- 2) Upon securing concurrence of the Ware County Health Department of the proposed water and sewage systems to serve the proposed temporary manufactured home, the owner should present evidence of such approval to the Administrative Officer and apply for a Building Permit for installation of the proposed temporary manufactured home, including the water and sewage systems.
- 3) Upon approval of the Administrative Officer and receipt of the Building Permit, the owner should proceed with installation of the proposed temporary manufactured home, including water and sewage systems. The Administrative Officer will provide required inspections of these systems during and upon completion of construction.

e) The following conditions apply to Special Exception Permits issued for temporary use of a manufactured home for hardship:

- 1) It is temporary and valid for a period of time of twenty-four (24) months or whenever the conditions for which the permit was granted cease to exist.

- 2) A development plan must be submitted showing the proposed locations of the principal building, the water and sewage systems, and the temporary manufactured home. That development plan must be approved by the Board of Appeals before issuing the temporary Special Exception Permit.
 - 3) During its period of approval, the temporary manufactured home must be connected to the approved water and sewage systems.
 - 4) The temporary manufactured home must be removed within thirty (30) days of either the expiration of the Special Exception Permit for the temporary manufactured home or upon finding of the Board of Commissioners, upon its own application or that of any aggrieved party and after giving due notice to all concerned parties and granting full opportunity for a hearing, that the conditions for which the Special Exception was granted no longer exists whichever is earlier.
 - 5) The temporary manufactured home must be either a Class B manufactured home.
 - 6) No more than one (1) such unit is permitted per lot.
 - 7) The unit must be located as shown on the approved development plan.
- f) All accessory uses must meet the following standards:
- 1) They must be located in the rear yard; or side yard if located ten (10) feet from property line and a buffer is provided in accordance with Section 608.1.
 - 2) They may not be located closer than ten (10) feet from any property line.
 - 3) They may not be located in any front yard.
 - 4) Accessory buildings and structures not attached to the principal building must be located at least twelve (12) feet from the principal building on the lot.
- g) All uses not permitted within districts by this Section are specifically prohibited.

SECTION 709. - CN CONSERVATION DISTRICT

709.1 - INTENT OF DISTRICT - The CN Conservation Districts are established to limit the development of certain land, swamp and/or water areas with poor drainage which serve as a wildlife refuge; possess great natural beauty; are utilized for outdoor recreational purposes and are subject to periodic flooding. These areas have such a small amount of developable land that with the present drainage system it is not economical, nor is it in the best interests of the governing body, to encourage residential, commercial and industrial development. The regulations applying within this district are designed:

- (a) To reserve these areas for the uses outlined thereafter;
- (b) To discourage new residential, commercial and industrial development; and
- (c) To encourage the gradual transformation of the areas into exclusive forestry, agricultural and wildlife preserves.

709.2 - PERMITTED USES

- (a) The practice of agriculture and forestry including the manufacturing and sale of agricultural and forestry products.
- (b) Residential uses incidental to the practice of agriculture or forestry within the district.
- (c) Boat docks or boat houses.
- (d) Wildlife refuges and publicly owned and/or operated recreational facilities and any structures or equipment incidental to serving the users thereof, including residences for caretakers.
- (e) Utilities stations and facilities.
- (f) Accessory uses.
- (g) Home Occupation, Name Identification and Business Signs.

709.3 - MINIMUM RESIDENCE SIZE - Requirements of minimum residence size in square feet as shown in Article VIII, shall apply to residences built in this zoning district.

709.4 – ACCESSORY USE - The following Accessory Use is permitted as a special exception in this district:

- (1) Manufactured home (Class B) for temporary use in case of certified hardship meeting the following development standards:
 - a) A person having a Certified hardship shown according to the procedure contained in this section and meeting any one (1) of the following conditions may apply to the Board of Appeals for the Special Exception Permit.
 - 1) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and is 65 years of age or older.

- 2) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit; and at least one (1) member of his family who will reside in the unit is 65 years of age or older.
 - 3) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and is physically disabled and requires frequent attendance by others for medical or physical care.
 - 4) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and at least one (1) member of his family is physically disabled and requires frequent attendance by others for medical or physical care.
 - 5) The applicant for the Special Exception is not to be the owner and/or occupant of the temporary unit but at least one (1) of the residents of the unit is a member of the applicant/owner's family and is 65 years of age or older.
 - 6) The applicant for the Special Exception is not to be the owner and/or occupant of the temporary unit but at least one (1) of the residents of the unit is a member of the applicant/owner's family and is physically disabled and requires frequent care.
- b) In order to determine if the need for the Special Exception Permit presented by the applicant is a certified hardship, the Board of Appeals will require a doctor's certificate currently dated, attesting to the health of the person who is asserted to be physically disabled and also attesting to the need for frequent attendance upon such a person by other people.
- The certificate will be requested by the Board of Appeals directly from the doctor in attendance upon the person who is asserted to be disabled. The applicant will be required to sign a release to the doctor for such information to be supplied to the Board of Appeals prior to any action by the Board of Appeals to obtain the certificate from the doctor and any possible subsequent issuance of the Special Exception Permit.
- c) The procedure for applying for a Special Exception Permit for a temporary manufactured home for certified hardship is as follows:
- 1) Application should be made to the Board of Zoning Appeals for the Special Exception Permit for a temporary manufactured home for certified hardship.
 - 2) The Board of Appeals will explain to the applicant all conditions and limitations attached to such a permit and will secure the written certification of the applicant that he understands and will abide by those conditions if issued the Special Exception Permit.
 - 3) The Board of Appeals will consider each application, and upon determining that all requirements have been met for such a permit, will issue the Special Exception Permit.
- d) Upon being granted a Special Exception Permit to allow a temporary manufactured home for certified hardship, the applicant must then apply to

the Administrative Officer for a Building Permit for the installation of the temporary manufactured home. The procedure is as follows:

- 1) Plans for a water/well and sewage/septic system suitable for the temporary manufactured home proposed to be installed on the site must be submitted to the Ware County Health Department for its review and approval.
- 2) Upon securing concurrence of the Ware County Health Department of the proposed water and sewage systems to serve the proposed temporary manufactured home, the owner should present evidence of such approval to the Administrative Officer and apply for a Building Permit for installation of the proposed temporary manufactured home, including the water and sewage systems.
- 3) Upon approval of the Administrative Officer and receipt of the Building Permit, the owner should proceed with installation of the proposed temporary manufactured home, including water and sewage systems. The Administrative Officer will provide required inspections of these systems during and upon completion of construction.

e) The following conditions apply to Special Exception Permits issued for temporary use of a manufactured home for hardship:

- 1) It is temporary and valid for a period of time of twenty-four (24) months or whenever the conditions for which the permit as granted cease to exist.
- 2) A development plan must be submitted showing the proposed locations of the principal building, the water and sewage systems, and the temporary manufactured home. That development plan must be approved by the Board of Appeals before issuing the temporary Special Exception Permit.
- 3) During its period of approval, the temporary manufactured home must be connected to the approved water and sewage systems.
- 4) The temporary manufactured home must be removed within thirty (30) days of either the expiration of the Special Exception Permit for the temporary manufactured home or upon finding of the Board of Zoning Appeals, upon its own application or that of any aggrieved party and after giving due notice to all concerned parties and granting full opportunity for a hearing, that the conditions for which the Special Exception was granted no longer exists whichever is earlier.
- 5) The temporary manufactured home must be a Class B manufactured home.
- 6) No more than one (1) such unit is permitted per lot.
- 7) The unit must be located as shown on the approved development plan.

f) All accessory uses must meet the following standards:

- 1) They must be located in the rear yard; or side yard if located ten (10) feet from property line and a buffer is provided in accordance with Section 608.1.
- 2) They may not be located closer than ten (10) feet from any property line.
- 3) They may not be located in any front yard.

- 4) Accessory buildings and structures not attached to the principal building must be located at least twelve (12) feet from the principal building on the lot.
- g) All uses not permitted within districts by this Section are specifically prohibited.

SECTION 710 FDP – FLOOD DAMAGE PREVENTION ORDINANCE

710.1 – STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

(A) AUTHORIZATION - Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Ware County Board Of Commissioners, of Ware County, GEORGIA, does ordain as follows:

(B) FINDINGS OF FACT

- (1) The flood hazard areas of Ware County, Georgia are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

(C) STATEMENT OF PURPOSE - It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (2) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) control filling, grading, dredging and other development which may increase flood damage or erosion, and;
- (4) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- (5) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

(D) OBJECTIVES – The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,
- (4) to minimize expenditure of public money for costly flood control projects;
- (5) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) to minimize prolonged business interruptions, and;
- (7) to insure that potential homebuyers are notified that property is in a flood area.

710.2 - GENERAL PROVISIONS

(A) LANDS TO WHICH THIS ORDINANCE APPLIES – This ordinance shall apply to all Areas of Special Flood Hazard within the jurisdiction of Unincorporated Ware County, Georgia.

(B) BASIS FOR AREA OF SPECIAL FLOOD HAZARD - The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated September 1, 2009, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this ordinance.

For those land areas acquired by a municipality through annexation, the current effective FIS dated September 1, 2009, with accompanying maps and other supporting data and any revision thereto, for (Unincorporated Ware County) are hereby adopted by reference.

Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

The Repository for public inspection of the Flood Insurance Study (FIS), accompanying maps and other supporting data is located: Ware County Planning and Codes Department, 118 Albany Avenue, Waycross, Georgia.

- (C) **ESTABLISHMENT OF DEVELOPMENT PERMIT** - A Development Permit shall be required in conformance with the provisions of this ordinance PRIOR to the commencement of any Development activities.
- (D) **COMPLIANCE** – No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.
- (E) **ABROGATION AND GREATER RESTRICTIONS** – This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (F) **INTERPRETATION** – In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.
- (G) **WARNING AND DISCLAIMER OF LIABILITY** – The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Unincorporated Ware County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- (H) **PENALTIES FOR VIOLATION** – Failure to comply with the provisions of this ordinance or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a violation. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000.00 or imprisoned for not more than 90 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Ware County Planning and Codes Department from taking such other lawful actions as is necessary to prevent or remedy any violation.

710.3 – **ADMINISTRATION**

- (A) **DESIGNATION OF ORDINANCE ADMINISTRATOR** – The Building Official is hereby appointed to administer and implement the provisions of this ordinance.
- (B) **PERMIT PROCEDURES** – Application for a Development Permit shall be made to the Building Official on forms furnished by the community **PRIOR** to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

(1) Application Stage -

- (a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
- (b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- (c) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Section 710.4(B)(2);
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;

(2) Construction Stage - For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

The Building Official shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(C) DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR – Duties of the Building Official shall include, but shall not be limited to:

- (1) Review proposed development to assure that the permit requirements of this ordinance have been satisfied.
- (2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.

- (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (4) When Base Flood Elevation data or floodway data have not been provided in accordance with Section 710.2(B), then the Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of Section 710.4.
- (5) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with Section 710.3(B) (2).
- (6) Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with 710.3(B) (2).
- (7) When flood-proofing is utilized for a structure, the Building Official shall obtain certification of design criteria from a registered professional engineer or architect in accordance with 710.3(B)(1)(c) and Section 710.4(B)(2) or (D)(2).
- (8) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
- (9) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (10) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (11) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Official shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- (12) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Building Official and shall be open for public inspection.

710.4 – **PROVISIONS FOR FLOOD HAZARD REDUCTION**

(A) **GENERAL STANDARDS** – In ALL Areas of Special Flood Hazard the following provisions are required:

- (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (3) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (4) Elevated Buildings - All New construction or substantial improvements of existing structures that include ANY fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above grade; and,
 - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.
 - (b) So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area, and
 - (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

- (5) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
- (7) New and replacement water supply systems shall be designed to minimize infiltration of flood waters into the system;
- (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
- (10) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this ordinance, shall be undertaken only if the non- conformity is not furthered, extended or replaced.

(B) SPECIFIC STANDARDS – In ALL Areas of Special Flood Hazard the following provisions are required:

- (1) New construction and/or substantial improvements - Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than ***one foot*** above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of 710.4(A)(4), "Elevated Buildings".
 - (a) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above ***one foot*** above the base flood elevation.
- (2) Non-Residential Construction - New construction and/or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to ***one foot*** above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered

professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Section 710.3(C). (6).

- (3) Standards for Manufactured Homes and Recreational Vehicles - Where base flood elevation data are available:
- (a) All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than **one foot** above the base flood elevation.
 - (b) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 - (i) The lowest floor of the manufactured home is elevated no lower than **one foot** above the level of the base flood elevation, or
 - (ii) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
 - (c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ref. Section 710.4(A)(6) above)
 - (d) All recreational vehicles placed on sites must either:
 - (i) Be on the site for fewer than 180 consecutive days.
 - (ii) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or
 - (iii) The recreational vehicle must meet all the requirements for "New Construction", including the anchoring and elevation requirements of Section 710.4(B) (3)(a)(c), above.

- (4). Floodway - Located within Areas of Special Flood Hazard established in 710.2 (B), are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:
- (a) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
 - (b) ONLY if 710.4 (B)(4)(a) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Section 710.4.

(C) BUILDING STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAY (A-ZONES) - Located within the Areas of Special Flood Hazard established in Section 710.2(B), where streams exist but no base flood data have been provided (A-Zones), OR where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with 710.2(B), then the Building Official shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of 710.4. ONLY if data are not available from these sources, then the following provisions (2&3) shall apply:
- (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a ***one foot*** increase in flood levels during the occurrence of the base flood discharge.
- (3) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. (NOTE: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-Zone areas where a Limited Detail Study has been

completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of 710.4(A)(4) "Elevated Buildings".

- (a) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than *three feet* above the highest adjacent grade at the building site.

The Building Official shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(D) STANDARDS FOR AREAS OF SPECIAL FLOOD HAZARD (ZONES AE) WITH ESTABLISHED BASE FLOOD ELEVATIONS WITHOUT DESIGNATED

FLOODWAYS – Located within the Areas of Special Flood Hazard established in 710.2 (B), where streams with base flood elevations are provided but no floodways have been designated, (Zones AE) the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than *one foot* at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 710.4(B).

(E) STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES) - Areas of Special Flood Hazard established in Section 710.2(B), may include designated "AO" shallow flooding areas. These areas have base flood depths of *one to three feet* above ground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 710.4(A) (4), "Elevated Buildings".

The Building Official shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- (2) New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus ***one foot***, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Sections 710.3(B)(1)(c) and (710.3)(B)(2).
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(F) STANDARDS FOR SUBDIVISIONS

- (1) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) For subdivisions and/or developments greater than ***fifty lots or five acres***, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the “as-built” data to FEMA in order to obtain the final LOMR.

(G) STANDARDS FOR CRITICAL FACILITIES

- (1) Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.
- (2) All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

710.5. VARIANCE PROCEDURES

- (A) The Board of Zoning Appeals as established by the Ware County Board of Commissioners shall hear and decide requests for appeals or variance from the requirements of this ordinance.
- (B) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Building Official in the enforcement or administration of this ordinance.
- (C) Any person aggrieved by the decision of Board of Zoning Appeals may appeal such decision to the Superior Court of Ware County, Georgia, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.
- (D) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.
- (E) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this section are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (F) Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.
- (G) In reviewing such requests, the Board of Zoning Appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.
- (H) **Conditions for Variances:**
 - (1) A variance shall be issued ONLY when there is:
 - (i) a finding of good and sufficient cause,
 - (ii) a determination that failure to grant the variance would result in exceptional hardship, and;
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- (2) The provisions of this Ordinance are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
 - (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
 - (4) The Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (I) Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

710.6. DEFINITIONS (September 1, 2009)

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory Structure" means a structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "New Construction".

"Appeal" means a request for a review of the Building Official's interpretation of any provision of this ordinance.

"Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Section 710.2(B).

"Base flood," means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

"Basement" means that portion of a building having its floor sub grade (below ground level) on all sides.

"Building," means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Critical Facility" means any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

- (a) structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
- (b) hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
- (c) emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
- (d) generating plants, and other principal points of utility lines.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment.

"Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Existing construction" means for the purposes of determining rates, structures for which the "start of construction" commenced before **December 2, 1980**.

"Existing Manufactured Home Park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is

completed before **November 24, 1980**. [the effective date of the FIRST floodplain management regulations adopted by a community].

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a.) the overflow of inland or tidal waters; or
- (b.) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

"Flood Insurance Study" the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

"Floodplain" means any land area susceptible to flooding.

"Flood proofing," means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

"Historic Structure" means any structure that is;

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district:
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

"Manufactured home" means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced after [the effective date of the initial FIRM] and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced after **December 2, 1980** [the effective date of the FIRST floodplain management ordinance adopted by the community] and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after **November 24, 1980**. [the effective date of the first floodplain management regulations adopted by a community].

"North American Vertical Datum (NAVD)" has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA Flood Modernization Maps.

"Recreational vehicle" means a vehicle, which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. designed to be self-propelled or permanently towable by a light duty truck;
and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

“Subdivision” means the division of a single lot into two or more lots for the purpose of sale or development.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure prior to the “start of construction” of the improvement. NOTE: *The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring.* This term includes structures, which have incurred "substantial damage", regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project, or (2) any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

“Substantially improved existing manufactured home parks or subdivisions” is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

“Variance” is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

710.7 SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

710.7 - PROVISIONS FOR FLOOD HAZARD REDUCTION

(a) General Standards. In all areas of special flood hazard, the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind factors.
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as prevent water from entering or accumulating within the components during conditions of flooding.
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters.
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters.
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
- (9) Any alteration, repair, reconstruction, or improvements of a structure which is in compliance with the provisions of this district, shall meet the requirements of "new construction" as contained in this district.

(b) Specific Standards. In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Section 710.5(b) or 710.6(c)(9), the following provisions are required:

- (1) Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 710.7(b)(3).
- (2) Non-residential Construction. New construction or substantial improvement of any commercial, industrial or non-residential structure shall have the lowest floor, including basement, elevated to the level of the base flood elevation. Structures located in all A - zones may be flood-proofed in lieu of being elevated provided that all areas of the structure below the required elevation are water-tight and with walls substantially impermeable to the passage of water and with structural components having capability of resisting hydrostatic and hydro dynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this

subsection are satisfied. Such certification shall be provided to the Building Official as set forth in Section 710.6(b)(1)(iii).

- (3) Elevated Buildings. New construction or substantial Improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designated to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- (ii) The bottom of all openings shall be no higher than one foot above grade; and,
- (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(b) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;

(c) Access to the enclosed area shall be the minimum necessary to allow the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(d) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

- (4) Floodways. Located within areas of special flood hazard established in Section 710.5(b) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

- (i) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachment shall not result in any increase in flood levels during occurrence of the base flood discharge.
- (ii) If Section 710.7(b)(4)(i) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 710.7.

- (c) Standards for Streams Without Established Base Flood Elevations and/or Floodways.

Located within areas of special flood hazard established in Section 710.5(b) where small streams exist but where no base flood data have been provided or where no floodways have been provided, the following provisions apply:

- (1) No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (2) New construction or substantial improvements of structures shall be elevated or flood-proofed elevations established in accordance with Section 710.6(c)(9).
- (d) Standards for Subdivision Proposals.
- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
 - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres.
- (e) Standards for Areas of Shallow Flooding (AO Zones). Located within the areas of special flood hazard established in Section 710.5(b), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:
- (a) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
 - (b) All new construction and substantial improvements of non-residential structures shall:
 - (i) have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade, or;
 - (ii) together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

SECTION 711. SDD - SPECIAL DEVELOPMENT DISTRICT (OVERLAY)

711.1 - INTENT OF DISTRICT. The Special Development District is an overlay zoning district that provides landscaping standards in addition to the requirements in the underlying zone(s). The district also allows the granting of building permits for developments that modify their bulk, height and setbacks as defined in the “Bonus” section. This is done by authorizing increases in the permitted floor area ratios for any development permitted in the underlying zone(s) meeting the requirements of the special district. The provisions in this district are designed to:

- (a) Promote areas having special development or redevelopment potential located within strategic areas within the Waycross Urban Area;
- (b) Promote a higher quality, more attractive development located within strategic areas within the Waycross Urban Area;
- (c) Develop and strengthen areas which attract regional traffic in order to help maintain the regional retail, commercial and industrial center within the Waycross Urban Area;
- (d) Develop and strengthen a much needed circulation network in order to avoid congested areas for the movement of highway vehicles to, from and within the district and the Waycross Urban Area;
- (d) Provide an incentive for possible development or redevelopment of an area in a manner consistent with the foregoing objectives which are an integral element of the Comprehensive Plan of the Waycross Urban Area;
- (e) Encourage a desirable design relationship of each new building and site to its current and future neighbors;
- (f) Promote the most desirable use of land in special development areas and to conserve the value of land and buildings, and, therefore, protect the tax revenues in the Waycross Urban Area; and,
- (g) Provide incentives for improved and flexible site and building design which should promote more economical developments.

711.2 - MINIMUM REQUIREMENTS The following requirements shall apply to any development proposed / located in the Special Development District:

- (a) A maintained planted, landscaped strip shall extend across the entire width of the lot along the right-of-way line of a major or collector street. Such landscaped strip shall be at least ten (10) feet deep, extending into the yard setback.

Such strip shall contain landscaping such as grass, trees, bushes and/or shrubs and be maintained.

- (b) A ten (10) foot deep, ten (10) foot high planted buffer strip shall be required along the entire length of and within the rear setback where it adjoins lots having single-family residential use.
- (c) A ten (10) foot wide, ten (10) foot high planted buffer strip shall be required within the side setback where it adjoins lots having single-family residential or vacant use.
- (d) Landscaping shall be required in off-street parking lots to equal five (5) percent of the total area devoted to parking including ingress and egress. Such landscaping may be counted as part of the required parking area.
- (e) Off-street parking requirements of Section 606 shall be met.
- (f) Access to street requirements of this Resolution, Sections 601 and 609 shall be met.
- (g) If site contains a building or place in which a historic event occurred, which has a special public value because of notable architecture, or is of cultural significance, the project must fulfill the following criteria:
 - (1) Prevent creation of influences adverse to its preservation;
 - (2) Assure that new structures and uses will be in keeping with the character of the building or place. Imitation of period styles should be avoided; and,
 - (3) Propose adaptive use of the building or place that will lead to its continuance, conservation, and improvement in an appropriate manner while respecting the integrity of the neighborhood.
- (h) If off-site parking areas are provided, there shall be direct vehicular and pedestrian access between on-site parking areas and adjacent existing or future off-site parking areas which contain more than ten (10) spaces.

711.3 - BONUSES. The total (cumulative) floor area ratio (FAR), including bonuses, may not exceed 100 FAR for residential buildings or residential portions of mixed use buildings. A bonus in FAR shall be added to the maximum FAR permitted in Article VIII for developments which meet above requirements and the following conditions:

- (a) Lot Width. A floor area ratio bonus of an additional .002 (.02%) will be added to each building permit for each foot over 100 feet of lot width up to a maximum lot width of 200 feet for bonus. (i.e. A floor area ratio requirement of 25% may be increased to 45% for a 200 foot wide lot developed).
- (b) Planted, landscaped strip in front yard. A floor area ratio bonus of an additional .01 (1%) will be added to each building permit for each additional one (1) foot of planted, landscaped strip over the required ten (10) foot depth, up to a maximum of fifteen (15) feet depth (i.e. A floor area ratio of 25% may be increased to 30% for a fifteen (15) foot deep landscaped strip developed).

- (c) Planted, landscaped strip in rear yard. A floor area ratio bonus of an additional .01 (1%) will be added to each building permit for each additional foot over the required ten (10) foot width of buffer up to a maximum of 15 feet width.
- (d) Planted, landscaped strip in side yard. A floor area ratio bonus of an additional .01 (1%) will be added to each building permit for each additional foot over the required ten (10) feet of width of buffer up to a maximum of 15 feet width.
- (e) Planted, landscaped area in parking lots. A floor area ratio bonus of an additional .01 (1%) will be added to each building permit for each 1% of additional planted landscaping over the required 5% up to a maximum of 10% in the total landscaped parking area.
- (f) Off-Street Parking for Non-Residential Buildings. An increase in the floor area ratio of .02 (2%) will be added to each building permit for each off-street parking space provided in excess of the required amount up to a maximum of 50% over minimum parking requirements.
- (g) Corner Lot Access to Streets. A floor area ratio bonus of an additional .05 (5%) will be added to each development's building permit when such development's street entrance or exit does not directly enter a primary arterial or collector street as designated on the Official Zoning Map.
- (h) Non-Renewable Energy Usage. A floor area ratio bonus of an additional .05 (5%) will be added to each development's building permit when the activity reduces non-renewable energy usage, through the application of alternative energy systems, use of existing buildings, and through committed energy conservation measures beyond that normally required by County Code.

711.4 - SPECIAL PERMIT REVIEW PROCEDURES. All requests for building permits which apply for floor area ratio bonuses under the provisions of Section 711.3 shall be submitted by the applicant and reviewed by Ware County as follows:

- (a) Permit Preliminary Review. Representative of the Departments of Planning, Water, Code Enforcement, Traffic Engineering, Police and Fire shall be available for applicants to discuss requirements, standards and policies that apply to the building development proposal. Major problems can be identified and solved before a formal application is made. The general outline of the proposal, evidenced schematically by sketch plans, shall be submitted by the applicant and reviewed by the County. Thereafter, the Planning Director shall furnish the applicant with written comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to preparing the application.
- (b) Permit Approval. Data regarding site condition, and utilities adjacent to and proposed on the site and a drawing to scale showing proposed location of the uses of land, building and adjoining major streets shall be submitted to the Building Official and forwarded to the Planning Director. A form listing the possible bonuses shall be used by the Planning Director to evaluate the proposal. Within 10 days of its receipt, the completed form with the permit request and data shall be returned to the Building Official.
Permits for construction shall then be issued as required by County Codes and the provisions of this section.

SECTION 712. CDD - CORRIDOR DEVELOPMENT DISTRICT

712.1 INTENT OF DISTRICT. The establishment of this zoning district provides for certain land uses and development standards in one zoning district. The district allows for the approval of land uses and building construction which meet minimum landscaping development standards and the bulk, height, and setbacks (or performance standards) as defined in this district. The provisions of this district are designed:

- (a) To promote areas having special development potential for the benefit of Ware County located outside the Waycross Urban Area;
- (b) To promote high quality, attractive development located within strategic areas of unincorporated Ware County;
- (c) To develop and strengthen areas which attract regional traffic in unincorporated Ware County in order to support and help maintain the regional retail, commercial and industrial center of the Waycross Urban Area;
- (d) To encourage a desirable design relationship of each new building and site to its current and future neighbors;
- (e) To develop, strengthen and protect rural areas along highways in unincorporated Ware County; and,
- (f) To develop and strengthen a much needed circulation network in order to reduce congestion and provide for the movement of highway vehicles to, from and within the district and Ware County.

712.2 - PERMITTED USES. The following uses are permitted within the Corridor Development District provided they meet the area, yard and height requirements as designated in Article VIII:

- (a) Any use permitted in and meeting the requirements of the 701.A.
R-75MH Residential Zoning District provided that Manufactured Home/residential uses shall meet Section 302.13 and the following minimum standards:
 - (1) Setbacks/Yards
 - Front 75 feet
 - Side (each) 35 feet
 - Rear 35 feet
 - (2) Lot area – minimum of one acre per residence/manufactured home or a site as may be required by the Ware County Health Department to meet septic tank/soil limitations.
 - (3) Lot width - 150 feet.
- (b) Any use permitted in 703.2 - Highway Commercial - C-2
- (c) Any use permitted in 704.2 - General Commercial - C-3
- (d) Any use permitted in 707 - Agricultural - Forestry - A
- (e) Any use permitted in 706 - General Industrial - GI

STANDARDS The above uses must meet the following conditions/requirements which shall apply to any development located in this district:

- (a) A maintained planted, landscaped strip shall extend across the entire width of the lot along the right-of-way line of Corridor Z - US 82. Such landscaped strip shall be at least ten (10) foot deep, extending into the yard setback. Such strip shall contain landscaping such as grass, trees, bushes and/or shrubs and be maintained.
- (b) A ten (10) foot deep, ten (10) foot high planted buffer strip shall be required along the entire length of and within the rear setback except where it adjoins lots having similar use.
- (c) A ten (10) foot deep, ten (10) foot high planted buffer strip shall be required along the entire length of and within the side setback except where it adjoins lots having similar use. It shall extend into the front yard setback but not closer than ten (10) feet from the front property line.
- (d) Landscaping shall be required in off-street parking lots to equal five (5) percent of the total area devoted to parking including ingress and egress. Such landscaping may be counted as part of the required parking area.
- (e) Off-street parking requirements of Section 606 shall be met.
- (f) Access to street requirements of Sections 601 and 609 shall be met.
- (g) If site contains a building or place in which a historic event occurred which has a special public value because of notable architecture, or is of cultural significance, the project must fulfill the following criteria:
 - 1) Prevent creation of influences adverse to its preservation;
 - 2) Assure that new structures and uses will be in keeping with the character of the building or place. Imitation of period styles should be avoided; and,
 - 3) Propose adaptive use of the building or place that will lead to its continuance, conservation, and improvement in an appropriate manner while respecting the integrity of the neighborhood.
- (h) If off-site parking areas are provided, there shall be direct vehicular and pedestrian access between on-site parking areas and adjacent existing or future off-site parking areas which contain more than ten (10) spaces.

712.3 - CONDITIONAL USES. These uses are permitted within the Corridor Development District provided they meet the area, yard and height requirements of the LI Limited Industrial District, Article VIII, the conditions specified above in 712.2 and the conditions specified for each as follows:

- (a) Storage of any products or supplies eventually to be sold at retail, provided that no unusual fire or safety hazards are created, no live animals are sold, and no junk, wrecked automobiles, second-hand equipment or other salvage materials or dead animals are stored or sold on the premises, and all merchandise is stored wholly within an enclosed structure.

- (b) The manufacture, compounding, processing, packaging, treatment or assembly of any product which does not produce offensive odor, glare, dust or heat and which does not produce noise or vibration at any boundary of the district in which such use is located in excess of the average intensity of street or traffic noise or privation at that point.
- (c) Auto or other Salvage yards provided that operations are conducted wholly within an enclosed building, or within an area enclosed on all sides with not less than eight (8) feet in height; provided further, that there shall be no burning of wrecked automobiles or other products, except within an approved furnace or incinerator; and provided further, that said auto or salvage yards are set back at least fifty (50) feet from the street or highway right-of-way. No parking of vehicles is permitted on any public right-of-way.

SECTION 713 – M MEDICAL DISTRICT

713.1 - INTENT OF DISTRICT The M Medical District is established to contain as principal uses, the medical offices associated with Memorial Hospital and private hospitals and certain types of retail and service establishments which should be in the vicinity of the hospital for the convenience of patients and visitors. The specific intentions of the regulatory provisions as applied to this district are to:

- (a) Encourage the construction and continued use of the land for medical and related facilities;
- (b) Exclude commercial enterprises not directly serving the facilities or persons using the medical facilities;
- (c) Enhance the compatibility of the medical and commercial uses and the residences adjoining such uses or among which they are interspersed; and,
- (d) Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this article.

713.2 - PERMITTED USES

- (a) Single-family, duplex and multi-family (including apartments and townhouses) dwellings.
- (b) Home Occupations.
- (c) Medical school facilities including students', interns' and nurses' quarters.
- (d) Hospitals, clinics and clinical laboratories.
- (e) Care Homes.
- (f) Medical and dental offices.
- (g) Restaurants which are located only within or in combination with another business. Drive-in restaurants are not included in this use.
- (h) Pharmaceutical stores and pharmacies.
- (i) Flower and gift shops.
- (j) Undertaking Establishments.
- (k) Churches and other places of worship meeting requirements of 713.2(k).
- (l) Accessory Uses.
- (m) Group Development meeting requirements in Section 904.
- (n) Sign choice of one sign: Home occupation sign not exceeding an area of one (1) square foot or a business identification sign not exceeding an area of twenty (20) square feet.

713.3 - MINIMUM RESIDENCE SIZE Requirements shown in Article VIII for the R-75 District, where applicable, shall apply to single-family, multi-family and duplex residential uses.

713.4 - REQUIREMENTS FOR NON-RESIDENTIAL USES

- (a) Minimum lot area - 12,000 square feet
- (b) Minimum lot width - 100 feet
- (c) Minimum front yard - the front wall of the main structure shall be set back from the right-of-way line of the street as follows:*

Major Street	40 feet
Collector Street	40 feet
Minor Street	35 feet

* See Section 618 Special Building Setbacks for other requirements.

- (d) Minimum side yard on street. The side wall of the main structure shall be set back from the right-of-way line of the street as follows:*

Major Street	20 feet
Collector Street	20 feet
Minor Street	20 feet

* See Section 618 Special Building Setbacks for other requirements.

- (e) Side yard not on street. The side wall of the main structure shall be set back from the adjacent property line at least twenty (20) feet. The combined area of both side yards shall be at least forty-five (45) feet.
- (f) Rear yards. The rear wall of the main structure shall be set back from the rear property line at least twenty-five (25) feet.
- (g) Maximum height. The maximum height for all uses shall be sixty (60) feet, unless approved by the Ware County Fire Department.
- (h) Planted Buffer. A planted buffer strip is required within setbacks adjoining residential uses and meeting the requirements of Section 608.
- (i) Floor area ratio. Maximum floor area ratio, including any parking space provided within the structure, shall not exceed forty (40) percent for single-story buildings, nor shall it exceed eighty (80) percent for buildings of more than one story. The ground area occupied by the principal and accessory buildings shall not exceed forty (40) percent of the total zoning lot.

SECTION 713.5 – ACCESSORY USE - The following Accessory Use is permitted as A special exception in this district:

- (1) Manufactured home (Class B or C) for temporary use in case of certified hardship meeting the following development standards:
 - a) A person having a Certified hardship shown according to the procedure contained in this section and meeting any one (1) of the following conditions may apply to the Board of Appeals for the Special Exception Permit.

- 1) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and is 65 years of age or older.

- 2) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit; and at least one (1) member of his family who will reside in the unit is 65 years of age or older.
 - 3) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and is physically disabled and requires frequent attendance by others for medical or physical care.
 - 4) The applicant for the Special Exception is to be the owner and/or occupant of the temporary unit and at least one (1) member of his family is physically disabled and requires frequent attendance by others for medical or physical care.
 - 5) The applicant for the Special Exception is not to be the owner and/or occupant of the temporary unit but at least one (1) of the residents of the unit is a member of the applicant/owner's family and is 65 years of age or older.
 - 6) The applicant for the Special Exception is not to be the owner and/or occupant of the temporary unit but at least one (1) of the residents of the unit is a member of the applicant/owner's family and is physically disabled and requires frequent care.
- b) In order to determine if the need for the Special Exception Permit presented by the applicant is a certified hardship, the Board of Appeals will require a doctor's certificate currently dated, attesting to the health of the person who is asserted to be physically disabled and also attesting to the need for frequent attendance upon such a person by other people. The certificate will be requested by the Board of Appeals directly from the doctor in attendance upon the person who is asserted to be disabled. The applicant will be required to sign a release to the doctor for such information to be supplied to the Board of Appeals prior to any action by the Board of Appeals to obtain the certificate from the doctor and any possible subsequent issuance of the Special Exception Permit.
- c) The procedure for applying for a Special Exception Permit for a temporary manufactured home for certified hardship is as follows:
- 1) Application should be made to the Board of Zoning Appeals for the Special Exception Permit for a temporary manufactured home for certified hardship.
 - 2) The Board of Appeals will explain to the applicant all conditions and limitations attached to such a permit and will secure the written certification of the applicant that he understands and will abide by those conditions if issued the Special Exception Permit.
 - 3) The Board of Appeals will consider each application, and, upon determining that all requirements have been met for such a permit, will issue the Special Exception Permit.
- d) Upon being granted a Special Exception Permit to allow a temporary

manufactured home for certified hardship, the applicant must then apply to the Administrative Officer for a Building Permit for the installation of the temporary manufactured home. The procedure is as follows:

- 1) Plans for a water/well and sewage/septic system suitable for the temporary manufactured home proposed to be installed on the site must be submitted to the Ware County Health Department for its review and approval.
 - 2) Upon securing concurrence of the Ware County Health Department of the proposed water and sewage systems to serve the proposed temporary manufactured home, the owner should present evidence of such approval to the Administrative Officer and apply for a Building Permit for installation of the proposed temporary manufactured home, including the water and sewage systems.
 - 3) Upon approval of the Administrative Officer and receipt of the Building Permit, the owner should proceed with installation of the proposed temporary manufactured home, including water and sewage systems. The Administrative Officer will provide required inspections of these systems during and upon completion of construction.
- e) The following conditions apply to Special Exception Permits issued for a temporary use of a manufactured home for hardship:
- 1) It is temporary and valid for a period of time of twenty-four (24) months or whenever the conditions for which the permit was granted cease to exist.
 - 2) A development plan must be submitted showing the proposed locations of the principal building, the water and sewage systems, and the temporary manufactured home. That development plan must be approved by the Board of Appeals before issuing the temporary Special Exception Permit.
 - 3) During its period of approval, the temporary manufactured home must be connected to the approved water and sewage systems.
 - 4) The temporary manufactured home must be removed within thirty (30) days of either the expiration of the Special Exception Permit for the temporary manufactured home or upon finding of the Board of Zoning Appeals, upon its own application or that of any aggrieved party and after giving due notice to all concerned parties and granting full opportunity for a hearing, that the conditions for which the Special Exception was granted no longer exists whichever is earlier.
 - 5) The temporary manufactured home must be either a Class B or Class C manufactured home.
 - 6) No more than one (1) such unit is permitted per lot.
 - 7) The unit must be located as shown on the approved development plan.
- f) All accessory uses must meet the following standards:
- 1) They must be located in the rear yard; or side yard if located ten (10) feet from property line and a buffer is provided in accordance with Section 608.1.

- 2) They may not be located closer than ten (10) feet from any property line.
- 3) They may not be located in any front yard.
- 4) Accessory buildings and structures not attached to the principal building must be located at least twelve (12) feet from the principal building on the lot.
- g) All uses not permitted within districts by this Section are specifically prohibited.

SECTION 714 - O OFFICE DISTRICT

714.1 - INTENT OF DISTRICT The O Office District is intended to permit those office uses which will provide opportunities for local employment close to residential areas, thus reducing travel and to and from work and which will provide clean, modern office buildings in landscaped setting; uses which do not generate large volumes of traffic, traffic congestion and parking problems; and which will promote the most desirable use of land in accordance with the Ware County Future Land Use Plan Map.

714.2 - PERMITTED USES

- (a) Commercial, financial, governmental and professional offices, but not including any storage, sale, rental or servicing of goods on the premises.
- (b) Restaurants which are only located within or in combination with another permitted business, excluding drive-in facilities.
- (c) Any publicly owned and operated building, facility or land.
- (d) Group developments meeting the requirements in Section 904.
- (e) Name Identification and Business Signs.
- (f) Churches and other places of worship meeting requirements of 701.2(k)

714.3 - LOT AND YARD REQUIREMENTS

- (a) Minimum Front Yard. The front wall of the main structure shall be set back from the right-of-way line of the street as follows:*

Major Street	35 feet
Collector Street	35 feet
Minor Street	35 feet

* See Section 614 Special Building Setbacks for other requirements.

- (b) Minimum Side Yard on Street. The side wall of the main structure shall be set back from the right-of-way line of the street as follows:*

Major Street	20 feet
Collector Street	20 feet
Minor Street	17 feet

* See Section 614 Special Building Setbacks for other requirements.

- (c) Side Yard Not On Street. Where adjacent fireproof walls are used, no side yard is required. Otherwise, the side wall of the main structure shall be set back at least fifteen (15) feet from the side property line or twenty-five (25) feet from any adjacent building, whichever is greater, provided that the distance between structures shall be increased by three (3) feet for each story of each structure in excess of two (2) stories.
- (d) Minimum Rear Yard. The rear wall of the main structure shall be set back twenty-five (25) feet from the rear property line.
- (e) Maximum Height. No structure shall exceed sixty (60) feet unless approved by the Fire Department.
- (f) Floor Area Ratio. Provisions of 713.4(i) shall apply.

SECTION 715. WATER RESOURCE DISTRICTS

715.1 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 Ware County. Based on the findings of the Waycross-Ware County Comprehensive Plan, it has been determined the wise management of these resources as defined in this Section is essential to maintaining maintaining the health, safety, general welfare and economic well being of the public.

715.2 ESTABLISHMENT OF WATER RESOURCE DISTRICTS. Ware County's Water Resource Districts shall include the following:

Groundwater Recharge Area District
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 Ware County Official Zoning Map, which is on file with the Zoning Administrator's office located in the Ware County Complex.

715.3 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 corrosivity, 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 the Ordinance, the 1987 National Wetlands Inventory shall serve to define these potential areas.

715.4 GROUNDWATER RECHARGE AREA DISTRICT.

- 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.
- 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.
- 4.3 **DISTRICT DELINEATION.** The groundwater recharge area protection map is delineated according to the Georgia Department of Natural Resources “Significant Recharge Area, Hydrological Atlas 18 (1989 Edition)” and the Georgia Department of Natural Resources “Pollution Susceptibility Map Hydrological 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.
- 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 112.1. 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 x

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 ("DHR 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 mobile 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 ("DHR Table MT-2"):
 - 1) 150% of the subdivision minimum lot size of DHR Table MT-2 if they are within a high pollution susceptibility area;
 - 2) 125 % of the subdivision minimum lot size of DHR Table MT-2 if they are within a medium pollution susceptibility area;
 - 3) 110% of the subdivision minimum lot size of DHR Table MT-2 if they are within a low pollution susceptibility area; and
 - 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 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.

715.5 SATILLA RIVER CORRIDOR PROTECTION DISTRICT

- 5.1 **DESCRIPTION OF DISTRICT.** The limits of the Satilla River Corridor Protection District are hereby defined to be all areas within 100 feet horizontally of the river, measured from the riverbank. 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 riverbank 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 Satilla River Corridor Protection District is designed as an overlay district.

Within the range of land 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.

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

- 1) Assure that the section of the river in Ware 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 Ware County by providing protection of the section of the river that is or may be used as a future source of drinking water.

- 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.

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 drain fields 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.
 - (i) Other uses permitted by the DNR or under Section 404 of the Clean Water Act.

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 drain fields are prohibited within the 100-foot buffer.

5.6 EXEMPTIONS

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

- (a) Land uses existing prior to the adoption of the River Corridor Protection Requirements.
- (b) Mining activities, if permitted by the DNR pursuant to the Georgia Surface Mining Act of 1968j, as amended.
- (c) Utilities, (except as discussed above in Section IV.E) 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; and
 - iii. Utilities shall not impair the drinking quality of the river water.
- (d) Specific forestry and agricultural activities except as discussed above.

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.

5.8 CONSTRUCTION PROHIBITED

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

715.6 WETLANDS DISTRICT

- 6.1 **FINDINGS OF FACT.** The wetlands within War 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.
- 6.2 **PURPOSE.** The purpose of the 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, ground water recharge, aesthetic natural areas and wildlife habitat areas.
- 6.3 **DISTRICT DELINEATION.** These regulations shall apply to all lands within wetlands located within Ware 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.
- 6.4 **WETLAND DEVELOPMENT PERMIT REQUIREMENTS.** No activity or use except those identified in Section 9-6-.5 shall be allowed within the Wetland Overlay District without a permit issued by the U.S. Army Corp of Engineers, if the subject property contains jurisdictional Wetlands of the United States as delineated by the National Wetlands Inventory Map or as determined by the U.S. Army Corps of Engineers. If jurisdiction wetlands are contained within the subject property, 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 Ware County.
- 6.5 **PERMITTED USES.** The following uses are permitted by right within 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 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.

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.

ARTICLE VIII

Minimum Setback From Right-of-Way Line of Street and Property Line

<u>District</u>	<u>Major Street</u>	<u>Other Street</u>	<u>Side Yards In Feet</u>	<u>Rear Yards In Feet</u>	<u>Maximum Height</u>
R-S	45	40	(9)	35	-
R-90	45	40	(9)	35 (14)	-
R-75	40	35	(9)	35 (14)	-
R-50	40	35	(9)	35 (14)	-
R-75MH	40	35	(9)	35 (14)	-
R-50MH	40	35	(9)	35 (14)	-
R-45	35	20	13, 13a, 13b	15	35
C-1	35	35	(6)	35	-
C-2	35	35	(6)	25	-
C-3	35	35	(6)	25	-
LI	35	35	(6)	(8)	-
GI	10	10	(7)	(8)	60
A	50	30	10	35	-
A-1	50	30	10	35	-
CN	40	35	10	35	-
M	40	35	(11)	25	60
O	35	35	(12)	25	60

- (1) 25% for single-story buildings; or 40% for more than one-story buildings.
- (2) 40% for single-story buildings; or 60% for more than one-story buildings.
- (3) 75% for single-story buildings; or 150% for more than one-story buildings.
- (4) 50% for single-story buildings; or 150% for more than one-story buildings.
- (5) 50% for single-story buildings; or 100% for more than one-story buildings. The ground area occupied by the principal and accessory structures shall not exceed 50% of the total zoning lot area.
- (6) (9) Minimum side yard not on Street shall require main building to be setback from side property line by 10 feet for least dimension and 25 feet for both sides. When one side is on street, that side yard setback shall meet the front setback as required for adjoining lot. If none, the setback shall be at 40 feet.

- (7) 15 feet from the side property line or 25 feet from any adjacent structure, whichever is greater, provided that the distance between structures shall be increased by 3 feet for each story of each structure in excess of 2 stories. Wherever a property line abuts a railway right-of-way, this setback requirement may be waived for the sole purpose of providing a facility for direct loading and unloading between railway car and building.
- (8) 25 feet from the rear property line. Wherever a property line abuts a railway right-of-way, this setback requirement may be waived for the sole purpose of providing a facility for direct loading and unloading between railway care and building.
- (9) Side - 10 feet from property lines of interior lot lines. A corner lot side yard (setback) on the side street shall be 25 ft.
***See Section 610 and Section 614 ALSO.**
- (10) 40% for single-story buildings; or 80% for buildings of more than one story. The ground area occupied by the principal and accessory buildings shall not exceed 40% of the total zoning lot.
- (11) Minimum side yard on street. The side wall of the main structure shall be set back from the right-of-way line of the street as follows:

Major Street	20 feet
Collector Street	20 feet
Minor Street	20 feet

Minimum side yard not on street. The side wall of the main structure shall be set back from the adjacent property line at least twenty (20) feet. The combined area of both side yards shall be at least forty-five (45) feet.

***See Section 614 Special Building Setbacks for other requirements.**

- (12) Minimum side yard on street. The side wall of the main structure shall be set back from the right-of-way line of the street as follows*:

Major Street	20 feet
Collector Street	20 feet
Minor Street	17 feet

Side yard not on street. Where adjacent fireproof walls are used no side yard is required. Otherwise, the side wall of the main structure shall be set back at least fifteen (15) feet from the side property line or twenty-five (25) feet from any adjacent building, whichever is greater, provided that the distance between structures shall be increased by three (3) feet for each story of each structure in excess of two (2) stories.

- (13) R-45 Minimum Side Yard on Street. The side wall of the main structure shall be set back from the right-of-way line of the street as follows:

R-45	
Major Street	20 ft.
Collector Street	20 ft.
Minor Street	17 ft.

* See Section 614 Special Building Setbacks for other requirements.

- (a) Side Yard Not on Street. The side wall of the main structure shall be set back from the adjacent property line as follows:

R-45	
Single Family	
Least Dimension	0-6 ft. (Detached Unit for R-45)
Other Side (Minimum)	12 ft.
Duplex	
Least Dimension	0 ft. (Attached Unit for R-45)
Other Side (Minimum)	12 ft.

*See Section 614 Special Building Setbacks for other requirements.

- (b) A minimum building side yard setback of 12' (ft) is required on the boundaries of the R-45 zoning district adjoining other residential zoning districts.

*See Section 614 Special Building Setbacks for other requirements.

CDD – 500' FROM RIGHT-OF-WAY

- (14) Where sewer and public water are available, the rear setback shall be minimum 25 ' from the rear property line.

**ARTICLE VIII
AREA, YARD, AND HEIGHT REQUIRMENTS
MINIMUM LOT SIZE WITHOUT PUBLIC SEWER (WITH SEPTIC TANK) AND WITHOUT
PUBLIC WATER**

District	Area in Square Feet Per Family/Dwelling Unit			Lot Width in Feet			Floor Area Ratio In Percent
	(Single-Family)	(Duplex)	(Multi-Family)	(Single-Family)	(Duplex)	(Multi-Family)	
R-S	43,560	-	-	150	-	-	35
R-90	43,560	43,560	43,560	150	150	150	-
R-75	43,560	43,560	43,560	150	150	150	-
R-50	43,560	43,560	43,560	150	150	150	-
R-75MH	43,560	43,560	43,560	150	150	150	-
R-50MH	43,560	43,560	43,560	150	150	150	-
C-1	43,560			-			(1)
C-2	43,560			-			(2)
C-3	43,560			-			(3)
LI	43,560			-			(4)
GI	43,560			-			(5)
A	43,560	43,560	43,560	150	150	150	20
A-1	43,560	43,560	43,560	150	150	150	20
A-2	43,560	43,560	43,560	150	150	150	20
A-3	43,560	43,560	43,560	150	150	150	20
CN	43,560	43,560	43,560	150			20
M	43,560	43,560	43,560	150	150	150	(10)
O	43,560			-			(10)
(*THE WARE COUNTY HEALTH DEPARTMENT DETERMINES MINIMUM 21,780 S.F. PER LOT WITH PUBLIC WATER BASED UPON THE SUITABILITY OF THE SOIL). (Commercial, Industrial and Office lot area is determined by the Health Department)							

**ARTICLE VIII
AREA, YARD, AND HEIGHT REQUIRMENTS
MINIMUM LOT SIZE WITHOUT PUBLIC SEWER (WITH SEPTIC TANK) AND WITH PUBLIC
WATER**

District	Area in Square Feet Per Family/Dwelling Unit			Lot Width in Feet			Floor Area Ratio In Percent
	(Single-Family)	(Duplex)	(Multi-Family)	(Single-Family)	(Duplex)	(Multi-Family)	
R-S	21,780	-	-	100	-	-	35
R-90	21,780	10,890	10,890	100	100	150	-
R-75	21,780	10,890	10,890	100	100	150	-
R-50	21,780	10,890	10,890	100	100	150	-
R-75MH	21,780	10,890	10,890	100	100	150	-
R-50MH	21,780	10,890	10,890	100	100	150	-
C-1	21,780	-	-	-			(1)
C-2	21,780	-	-	-			(2)
C-3	21,780	-	-	-			(3)
LI	21,780	-	-	-			(4)
GI	21,780	-	-	-			(5)
A	21,780	10,890	10,890	100	100	150	20
A-1	21,780	10,890	10,890	100	100	150	20
A-2	21,780	10,890	10,890	100	100	150	20
A-3	21,780	10,890	10,890	100	100	150	20
CN	21,780	10,890	10,890	100	-		20
M	21,780	10,890	10,890	100	100	150	(10)
O	21,780	-	-	-			(10)
(*THE WARE COUNTY HEALTH DEPARTMENT DETERMINES MINIMUM 21,780 S.F. PER LOT WITH PUBLIC WATER BASED UPON THE SUITABILITY OF THE SOIL). (Commercial, Industrial and Office lot area is determined by the Health Department)							

ARTICLE VIII
AREA, YARD, AND HEIGHT REQUIRMENTS
AREA/UNIT MINIMUM LOT SIZE WITH PUBLIC SEWER/WATER

	Area in	Area in	Square Feet	Lot Width	Lot Width	Lot Width	Floor Area
District	Square Feet	Square Feet	Per Family	In Feet	In Feet	In Feet	Ratio In Percent
	(Single-Family)	(Duplex)	(Multi-Family)	(Single-Family)	(Duplex)	(Multi-Family)	
R-S	15,000	-	-	100	-	-	35
R-90	10,000	5,000	5,000	90	100	125	-
R-75	9,000	4,500	4,000	75	90	115	-
R-50	6,000	3,000	3,000	75	90	110	-
R-75MH	9,000	4,500	4,000	75	90	115	-
R-50MH	6,000	3,000	3,000	75	90	110	-
C-1	-		-	-			(1)
C-2	-		-	-			(2)
C-3	-		-	-			(3)
LI	-		-	-			(4)
GI	-		-	-			(5)
A	20,000		-	100			20
A-1	20,000		-	100			20
A-2	20,000		-	100			20
A-3	20,000		-	100			20
CN	20,000		-	50			-
M	12,000		-	100			(10)
O	-		-	-			(10)

ARTICLE VIII. A. SIGNS – (Zoned Areas)

SECTION 801 – SCOPE OF REGULATIONS

The regulations herein set forth shall apply and govern in all districts. No sign shall be erected or maintained unless it is in compliance with the regulations of this Resolution and Article and those of relevant State and Federal authorities.

SECTION 802 – GENERAL REQUIREMENTS

Refer to Section 610 – Vision Clearance at Street Intersection

802.1 – BUILDING PERMIT – A building permit shall be required for the placement, erection, alteration or reconstruction of any sign as defined and required in this Resolution.

802.2 – MATERIALS – Signs must be constructed of durable materials maintained in good condition and either moved or replaced when their condition deteriorates to the point that they have a blighting effect on the surrounding area or they constitute a hazard to the safety, health or welfare of the general public.

802.3 – ILLUMINATION – Illumination devices shall be so placed and shielded that the direct light rays therefrom (or from the sign itself) shall not be cast into the eyes of any passing motorist.

802.4 – ROOF SIGNS - Where signs are permitted on roofs, no such sign shall extend more than twenty-five (25) feet above the roof.

802.5 – PROJECTING SIGNS – Projecting signs shall not be located closer than two (2) feet to a vertical plane parallel to the outer edge of the street curb line and not extending into any state or federal highway right-of-way.

802.6 – All signs subject to conformance with the Georgia Outdoor Advertising Control Act, shall meet federal and state requirements and shall meet any additional requirements necessary to obtain a permit.

802.7 – SIGNS FOR WHICH A PERMIT IS NOT REQUIRED:

- a) Political Signs and posters provided that:
 - 1) No such sign exceeds thirty-two (32) square feet in area;
 - 2) They are non-animated or non-flashing;
 - 3) No banner or paper cloth is used; and,

- 4) All such sign and posters erected are removed within fifteen (15) days following the election to which the sign relates.
- b) Signs advertising the sale or rental of the premises on which they are located, provided, they do not exceed six (6) square feet in area.
- c) Traffic, directional, warning or information signs authorized or erected by any public agency.
- d) Official notices issued by any court, public agency or officer.

SECTION 803 – YARD (SETBACK) REQUIREMENTS FOR ALL SIGNS

803.1 – All signs shall meet setback requirements for the zoning district in which the signs are located, except that business signs may be set back at least three (3) feet from the front and side property lines. This section shall not apply where additional setback is required.

803.2 – Class 4 and Class 6 signs located on lots/property that adjoins a residential district and/or historic preservation district shall be set back at least 75 feet from a residential property line.

SECTION 804 – PROHIBITED SIGNS

804.1 – FLASHING LIGHTS – No signs shall display intermittent or flashing lights similar to or resembling the color, size, shape or order of any lights used in traffic signals or on emergency vehicles.

804.2 – No sign shall use the words stop, danger, caution, yield or any similar phrase that might mislead or confuse a passing motorist.

804.3 – No sign shall be placed where it might interfere with the ability of passing motorists to read traffic control signals or devices.

804.4 – Class 8 mobile signs are prohibited in all districts except C-2 where they are allowed for display for a maximum of ninety (90) days and followed by non-display for a minimum of ninety (90) days.

804.5 – No illuminated business or advertising sign where the direct rays from the light source shine directly into a residential, office or medical district shall be erected within three hundred (300) feet of any such district.

804.6 – No sign of any kind shall be erected or maintained so as to obstruct any fire escape, window, drive or opening used as a means of ingress and/or egress for fire escape purposes or be so placed as to interfere with any required openings for ventilation.

804.7 – No signs, except traffic signs and signals and information signs erected by a public agency, are permitted within any street or highway right-of-way.

804.8 – Signs painted or attached to natural fences (such as trees or rocks), telephone poles, or fence posts are prohibited.

804.9 – Fluttering ribbons and banners are prohibited.

804.10 – Signs within 300 feet of any officially designated historical site or monument, except signs pertaining to that particular site or monument, are prohibited.

SECTION 805 – SIGN CLASSIFICATION

805.1 – CLASS 1 – Wall signs, single-faced, on the principal building indicating the name and/or address of the occupant, a permitted home occupation or profession, provided they are no larger than one (1) square foot in area, Only one such sign per dwelling unit shall be permitted except on corner lots where one sign shall be permitted for each side of the structure facing a street.

805.2 – CLASS 2 – Free standing and wall signs, single-faced, identifying apartment buildings, hotels, boarding and rooming houses, churches, clubs, lodges, office buildings, nurseries, kindergartens, schools, hospitals, sanitariums, cemeteries or other similar institutional uses, whether a public, semi-public or private nature, may be erected provided:

- a) The size of any such sign does not exceed twenty (20) square feet;
- b) Only one (1) such sign is placed on the premises on any side of the structure fronting on a street,
- c) Any such sign erected shall be set back at least ten (10) feet from the street right-of-way; and,
- d) Any illumination comes from an indirect light source.

805.3 – CLASS 3 – Typical “Free-Standing Double Faced” monument signs used for identifying shopping centers and commercial strips provided:

- a) The primary sign area shall contain no more than 100 square feet of sign area; and,
- b) Each Occupant Business located within the area shall have no more than 30 square feet index sign affixed to the primary sign described above.

805.4 – CLASS 4 – Wall, Projecting, Roof or free-standing business signs single-faced or double-faced, and individual letter business signs shall meet the following standards:

Wall, Projecting, Roof, Free-Standing:

- 1) The maximum sign area required for wall, projecting, roof or free-standing business signs shall equal the larger sign area allowed for any one sign;
- 2) All such business signs are limited to the following:
 - a) Buildings having a street frontage of 50 feet or less in width shall have no more than 150 square feet in sign area;
 - b) Buildings having a street frontage of more than 50 feet in width shall have no more than 150 square feet of sign area plus square foot of sign area for each foot of building width in excess of 50 feet;
 - c) Any gasoline service station may have, in addition to the above, one pylon type sign not exceeding 40 feet in height or 80 square feet in area. In no case shall the sign exceed the height limitations of the district in which it is located.
 - d) Individual Letter Signs.
- 3) Individual Letter Signs are limited to the following:
 - a) A maximum letter or insignia height of 36 inches; and
 - b) Any illumination comes from a concealed light source.

805.5 – CLASS 5 – Single-faced wall advertising sign, provided:

- a) A side wall of a building having unobstructed visual access to a street for a distance of less than fifty (50) feet along that street, shall have no more than three hundred (300) square feet of sign area, plus one (1) square foot of sign area for each foot of building width in excess of fifty (50) feet.
- b) The side wall of a building having unobstructed visual access to a street for a distance of more than fifty (50) feet along that street shall have no more than three hundred (300) square feet of sign area, plus one (1) square foot for each foot of building width in excess of fifty (50) feet.

805.6 – CLASS 6 – Single, back-to-back, or double faced (laterally adjoining or two stacked vertically) adjoining ground or roof advertising signs, provided:

- a) An advertising structure designed for placing of one panel per side shall contain not more than three hundred (300) square feet of sign area per side; an advertising structure designed for placing two panels or one painted bulletin per side shall contain not more than 600 square feet of sign area per side;
- b) There is no other Class 6 sign within two hundred fifty (250) feet; or if the sign has two laterally adjoining or two stacked (vertically adjoining) panels, there is no other Class 6 sign within five hundred (500) feet on the same side of the road. Provided, however that the stacked or vertically adjoining panels shall not exceed two in number.
- c) Outdoor Advertising Signs. Outdoor Advertising Signs, each having a maximum area of 300 square feet and as otherwise regulated in the Ware County Zoning Resolution, as amended are allowed along Georgia State Route 520 (South Georgia Parkway) when they meet all of the following conditions:
 - 1) The height of such outdoor advertising sign shall not exceed 25 feet from the curb elevation of the adjoining highway lane from which the sign is viewed.
 - 2) Signs on adjoining property shall be located within (not located farther than) 100' from the SR 520 right-of-way line.

- 3) No billboard – outdoor advertising – signs shall be placed on buildings.
 - 4) Signs shall not be located in the front 10 feet of the landscaped strip that borders/faces the SR 520.
 - 5) Georgia DOT's Outdoor Advertising Ordinance Regulations shall be met.
 - 6) No more than two (2) lateral sign panels (maximum of 300 square feet each) are allowed at one site/sign location facing one direction.
However, each sign panel can be backed by another panel facing the opposite direction.
 - 7) Single panel outdoor advertising sign shall be placed (no closer than) 500' apart. Site having two (2) lateral sign panels shall be placed (no closer than) at least 1000' apart.
 - 8) Sign design shall be revised by the Ware County Building Official, which shall follow approval and organization procedures as set up below. The purpose of the review of signs is to help maintain the attractive appearance of Waycross-Ware County, to protect tourism and other individual, community and development assets.
- i) CERTIFICATE OF APPROVAL REQUIRED - A Certificate of Approval issued by the Building Official shall be required before a building permit is issued for the erection or display on any lot or building of an outdoor advertising sign, within 100 feet of the right-of-way of SR 520.
 - ii) APPLICATION FOR CERTIFICATE OF APPROVAL – The Application for a Certificate of Approval shall be delivered with the supporting information and material to the Building Official for consideration. The Building Official shall act upon the application within thirty (30) days after the filing of the application. No action shall be deemed as approval, and a Certificate of Approval shall be issued.

805.7 – CLASS 7 – Class 7 wall, projecting or free-standing business signs single-faced or double-faced and individual letter business signs, provided:

- a) A maximum size of one square foot per each front foot of the principal building width shall apply to wall or projecting signs. In addition, the same maximum

footage shall apply to free-standing signs separately from the other signs listed below.

- b) Individual letter signs shall conform to provisions of Section 805.4(3); and
- c) Only one free-standing sign and only one wall, projecting, or individual letter business sign is used for each street front of the zoning lot on which the use is located.

805.8 – CLASS 8 – Mobile Business Signs, single or double-faced provided that requirements of Section 804.4 and following are met:

- a) Shall have a maximum size of fifteen (15) square feet for each side;
- b) There is only one (1) sign for each zoning lot on which the sign is located;
- c) Has no flashing lights and any illumination comes from a concealed light source;
- d) Shall be set back at least five (5) feet from the street right-of-way line;
- e) All electrical hook-ups shall be approved by the Building Inspector.

805.9 – CLASS 9 – Wall, projecting, roof or free-standing business signs, (single-faced or double faced), and individual letter business signs shall meet the following standards:

Wall, Projecting, Roof, Free-Standing:

- 1) The maximum sign area required for each wall, projecting, roof or free-standing business sign shall not exceed the standard in #2 below:
- 2) Each such business sign is limited to the following sign area:
 - a) Building having a street frontage of 50 feet or less in width shall have no more than 100 square feet in sign area;
 - b) Buildings having a street frontage of more than 50 feet in width shall have no more than 100 square feet of sign area plus one square foot of sign area for each foot of building width in excess of 50 feet;

Individual Letter Signs:

- 3) Individual Letter Signs are limited to the following:

- a) A maximum letter or insignia height of 36 inches; and
- b) Any illumination comes from a concealed light source.

ZONES IN WHICH SIGNS ARE PERMITTED;

Add the following:

C-1 Neighborhood Commercial- Amend Section 702.2(k)

Signs: Class 1,2,3,4; Choice of two styles of class 2 or class 4. In shopping centers and commercial strips choice of two styles of wall, projecting, roof and individual letter signs of class 2 or class 4 permitted in addition to choice of class 3.

C-2 Highway Commercial -Amend Section 703.2(n)

Signs: Class 1,2,3,4,5,6,8; Choice of two styles of class 2 or class 4; and choice of one class 5 or class 6; and choice of one class 8; Mobile sign class 8 is deleted from use in shopping centers and commercial strips. In shopping centers and commercial strips choice of two styles of wall, projecting, roof and individual letter signs of class 2 or class 4, in addition to class 3.

C-3 General Commercial- Amend Section 704.2(u)

Signs: Class 1,2,3,4,5,6,8; Choice of two styles of class 2 or class 4; and choice of one class 5 or class 6; and choice of one class 8; Mobile sign class 8 is deleted from use in shopping centers and commercial strips. In shopping centers and commercial strips choice of two styles of wall, projecting, roof and individual letter signs of class 2 or class 4, in addition to class 3.

LI Limited Industrial - Amend Section 705.2(c)

Signs: Class 4,5,6; choice of two styles of class 4; and one choice of one class 5 or class 6.

GI General Industrial - Amend Section 706.2(p) Signs: Class 9

A Agriculture - Amend Section 707.2(1)

Signs: Class 1,2,4; choice of two styles of class 2 or class 4.

A-I Agriculture - Amend Section 708.2(1)

Signs: Class 1,2,4 ; choice of .two styles of class 2 or class 4.

CN Conservation - Amend Section 709.2(g) Signs:

Class 1,2,4; choice of two styles of class 2 or class 4.

M Medical - Amend Section 713.2(n) Signs:

Class 1,2,7 ; choice of two styles of class 2 or choice of two styles of class 7 non- residential and multi-family uses.

O Office - Amend Section 714.2(e)
Signs: Class 1,2; choice of two styles of Class 2

ARTICLE IX

EXCEPTIONS AND MODIFICATIONS

SECTION 901. EXISTING LOTS

Where the owner of a lot of record at the time of the adoption of this Resolution or his successors in title thereto does not own sufficient contiguous land to enable him to conform to the required dimensions in this Resolution, such lot may be used as a building site provided that yards are established in accordance with the provisions of this resolution as applied to the district where the lot is located.

SECTION 902. FRONT YARD SETBACK FOR DWELLINGS

The front yard setback requirements of this Resolution for dwellings shall not apply to any lot where the average setback on developed lots located wholly or in part within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum setback required. In such cases, the front yard setback on such lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots.

SECTION 903. HEIGHT LIMITS

The height limitations herein shall not apply to church spires, belfries, cupolas and domes, monuments, water towers, observation towers, chimneys, smokestacks, conveyors, derricks, masts, radio and television towers and aerials, provided that evidence is presented from appropriate authorities to the effect that such building or structure will not interfere with any airport approach zones or flight patterns.

SECTION 904. GROUP DEVELOPMENTS

The intent of the Group Development regulations is to permit greater flexibility and, consequently, more creative and imaginative design for the development of residential areas than generally is possible under conventional zoning regulations. It is further intended to promote more economic and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, and preservation of natural scenic qualities of open space.

SECTION 904.1 - A group development of separate, two or more, or combination of housing, commercial, industrial, educational, medical, religious, civic or other uses or buildings to be constructed on a parcel of at least 10 acres with on-site septic or 5 acres with public sewer and water in areas which will not be subdivided into customary lots or streets may be constructed provided that the development meets the requirements of Section 904.

SECTION 904.2 - The following specific requirements must be met to qualify for approval of an application group development:

(a) The area proposed shall be filed under one ownership, or jointly, if the properties are in several ownerships.

(b) The site must adjoin or have direct access to at least one major or collector street.

(c) A Development Plan shall be reviewed and approved by the Planning Commission. The plan shall include the following items:

- (1) A plat drawn to scale showing the exact dimensions of the parcel(s), platting and street systems, building sites and sizes, building use, buffers, access and circulation, off-street parking and loading, dedications; name of development, north point, date of field survey, boundary lines with dimensions, bearings, angles and reference points to a permanent monument.
- (2) A written report explaining the type, nature, intent of the development. The report shall include a general description of the property; proposed standards for development including uses of property, density and yard requirements, covenants of permitted uses, landscaping, open space, utility services, off-street parking and maintenance of buildings and grounds; proposed dedications of public use, streets, easements, parks, school sites; plans for utilities including water, sewer and storm drainage; plans for buffers; tables showing number of acres and percentage of proposed land uses; plans for open space, courts, walks and common areas.

(d) The General Provision requirements of Article VI shall govern unless relief is granted by the Planning Commission.

(e) Uses planned for the group development shall complement each other and not conflict with the predominant use of the district in which it is located.

(f) Density and building coverage requirements of the district shall be met.

(g) The distance of every building from the nearest property line shall meet all setback and yard requirements of the district in which the development is located.

(h) There shall be twenty (20) foot planted buffer strip along property lines of each group development.

SECTION 904.3 - Group development of industrial uses or buildings are not permitted in residential districts.

SECTION 904.4 - Commercial buildings proposed in group developments with a combination of buildings shall be designed or intended primarily for the residents of the development. No more than ten (10) percent of the total floor space in the project shall be used for retail or service establishments.

ARTICLE X

ADMINISTRATION, ENFORCEMENT AND PENALTIES

SECTION 1001. ZONING ENFORCEMENT OFFICER

The provisions of this Resolution shall be administered and enforced by the Building Inspector as designated by the Ware County Board of Commissioners.

SECTION 1002. BUILDING PERMIT REQUIRED

It shall be unlawful to start any work for the purpose of construction, alteration or removal of any building unless a building permit has been issued in conformity with this Resolution.

SECTION 1003. APPLICATION FOR BUILDING PERMIT

The applicant for a building permit shall submit a site plan at a suitable scale showing the shape, size and location of the lot to be built upon and the shape, size, height, use and location of the buildings to be erected, altered or moved and of any buildings already on the lot, the number of dwelling units the building is designed to accommodate, the setback line of buildings on adjoining lots and any other information needed to determine whether the provisions of this Resolution are being observed.

If the application conforms with the provisions of this Resolution, the county building codes and other resolutions of the county, the permit shall be issued upon payment of the required fee. If not, the building permit shall be refused by the Building Inspector stating such refusal in writing with the cause.

If no substantial progress on construction has been made within six months beginning with the date the permit is issued, the permit becomes invalid. The Building Inspector may renew the permit. A renewal fee is required to be paid by the applicant before the permit is renewed.

SECTION 1004. CERTIFICATE OF OCCUPANCY REQUIRED

A certificate of occupancy issued by the Building Inspector is required in advance of the use or occupancy of:

- (a) Any lot or a change in the use thereof;

- (b) A building hereafter erected or a change in the use of any existing building.

No certificate of occupancy shall be issued on the lot, building or structure until it complies with all the provisions of this Resolution. A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector and a copy shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land involved.

SECTION 1005. PENALTIES FOR VIOLATION

Any person violating any provision of this Resolution shall be guilty upon conviction and shall be punished according to the law. Each offense shall constitute a separate offense for each day such violation continues.

SECTION 1006. REMEDIES

If any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this Resolution, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner, or any other person, firm or corporation who would be damaged by such violations, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to prevent such violation.

SECTION 1007. INTERPRETATION

Upon request from the governing body, the Planning Commission shall provide assistance in reaching a final interpretation of all provisions contained in this Resolution. In addition, the Planning Commission may provide its interpretation of provisions of this Resolution for the governing body's consideration when it is aware of a question concerning the same, with or without request of the governing authority.

ARTICLE XI

AMENDMENTS

SECTION 1101. AUTHORITY

The governing body may from time to time amend the boundaries to which this Resolution applies, the boundaries of the districts established on the Zoning Maps or the regulations set forth in this Resolution. Any proposed amendment shall first be submitted to the Planning Commission for its recommendation.

SECTION 1102. PROCEDURE

(a) Any person or persons desiring to submit a petition requesting a change in zoning shall file such petition, together with an accurate legal description of the property, or a plat if the property has been surveyed, together with payment of \$200.00 to cover administrative and advertising costs, with the Planning Commission.

(b) The Planning Department shall review and prepare necessary maps, surveys and staff report on the request and forward them to the Planning Commission.

(c) The Planning Commission shall forward the petition and shall make a recommendation to the governing body within thirty (30) days after the first regular meeting at which the amendment is eligible for consideration by the Planning Commission. Thereafter, unless the applicant agrees to an extension, the request shall be deemed to have been recommended for approval.

(d) Upon the filing of a petition for a change in zoning, with the Planning Commission recommendation, the Building Inspector shall cause to be erected in a conspicuous place on the property in question, a sign of not less than seven (7) square feet, with not less than three (3) inch black letters upon a white background which shall read as follows:

NOTICE TO THE PUBLIC

A petition has been filed requesting that this property be changed from (insert district name) to (insert district requested). A public hearing will be held at insert place on (date) and (time). All those having an interest in this petition should be present.

/s/ (Property Owner)
(Address)

(e) At least fifteen (15) days before such public hearing, the County Clerk shall advertise the date, time, place and purpose of such hearing in a newspaper of general circulation of the county.

(f) The public hearing shall be held by the governing body.

(g) After holding the public hearing, the governing body shall have prepared an appropriate formal resolution to be adopted or denied by the governing body in accordance with its legal requirements.

SECTION 1103. ZONING POLICIES AND PROCEDURES FOR PUBLIC HEARINGS AND ZONING PROCEDURES

(a) Policies and Procedures for Calling and Conducting Public Hearings on Proposed Zoning Actions:

Whenever the Board of Commissioners of Ware County calls and conducts a public hearing on a proposed amendment to the text of the Ware County Zoning Resolution or to the Official Zoning Map, the Board of Commissioners shall abide by the following policies and procedures:

(1) Calling the Hearing

(aa) Notice: At least 15 but not more than 45 days prior to the date of the hearing, the Board of Commissioners shall publish a notice of the hearing in the Waycross Journal Herald. The notice shall state the time, place, and purpose of the hearing. If the hearing concerns a proposed amendment to the Official Zoning Map, then the notice shall also state the location of the property, the present zoning classification, and the proposed zoning classification.

(bb) Sign: If the hearing concerns a proposed amendment to the Official Zoning Map, then at least 15 days prior to the date of the hearing the Planning Director or his designee shall post a sign in a conspicuous place on the property. The sign shall state the time, place, and purpose of the hearing, the present zoning classification of the property, and the proposed zoning classification.

(cc) Agenda: At least 15 days prior to the date of the hearing, the County Clerk shall prepare an agenda of the proposed amendments to be considered at the hearing. Copies of the agenda and the Planning Commission report on each proposed amendment shall be available for public review in the County Commission Clerk's Office during regular office hours for a period of at least 15 days prior to the date of the hearing.

(2) Conducting the Hearing

The Chairman of the Board of Commissioners or his designee shall open the hearing at the time and place specified in the hearing notice. The Presiding Officer shall announce the rules of the hearing before proceeding to address the proposed amendments listed on the agenda.

For each proposed amendment, the Presiding Officer shall call upon the County Clerk or Planning Director to read aloud or summarize the report of the Planning Commission. The Presiding Officer shall then call for a show of hands of those present wishing to speak in support of the proposed amendment. The Presiding Officer shall recognize each such person in turn and ask him or her to rise, state his or her name and address, and present his or her statement. The Presiding Officer shall then call for a show of hands of those present wishing to speak in opposition to the proposed amendment. The Presiding Officer shall recognize each such person in turn and ask him or her to rise, state his or her name and address, and present his or her statement. No statement, either in support of or in opposition to the proposed amendment, shall be allowed to exceed five (5) minutes in duration. After all persons have been given an opportunity to speak for or against the proposed amendment, the Board of Commissioners may discuss it and render final decision, or defer a final decision to the next meeting.

After all of the proposed amendments listed on the agenda have been fully addressed in the foregoing manner, the Presiding Officer shall declare the hearing to be closed.

(b) Standards to be Used In Making Zoning Decisions

Whenever the Board of Commissioners of Ware County makes a final decision regarding a proposed amendment to the Official Zoning Map, the Board of Commissioners shall balance the interest of the community in promoting the public health, safety, morality, and general welfare against the right of property owners to the unrestricted use of their property. In making zoning decisions, the Board of Commissioners shall use the following standards:

- (1) Whether the proposed amendment would permit a use that is suitable in view of the use and development of adjacent and nearby property;
- (2) Whether the proposed amendment would adversely affect the existing use or usability of adjacent or nearby property;

- (3) Whether the property to be affected by the proposed amendment has a reasonable economic use as currently zoned;
- (4) Whether the proposed amendment would result in a use which would or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- (5) If the County has an adopted land use plan, whether the proposed amendment is in conformity with the policy and intent of the land use plan; however, nothing herein shall prevent a zoning decision which is not in conformity with the policy and intent of such land use plan; and,
- (6) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed amendment.

Whenever the Waycross-Ware County Planning Commission makes a final recommendation regarding a proposed amendment to the Official Zoning Map or Zoning Resolution text, the Planning Commission shall balance the interest of the community in promoting the public health, safety, morality, and general welfare against the right of property owners to the unrestricted use of their property. In making a zoning recommendation, the Planning Commission shall use the above cited standards.

SECTION 1104 - CONDITIONAL USES

Uses listed as "conditional uses" in a zoning district may only be permitted after special review and approval by the County Commission based upon findings that the use is consistent with adopted plans for the area and that the location, construction and operation of the proposed use will not result in a significant adverse impact upon surrounding development or the community in general.

SECTION 1104.1 - CONDITIONAL USE PROCEDURE (Non-industrial)

A) All petitions for conditional use approval shall be submitted to the Planning Staff on application forms supplied by the Planning Commission By-laws. Incomplete applications will not be placed on the agenda. Complete applications must be accompanied by each of the following:

- 1) A copy of a written description of the proposal designed to inform the County, in detail, about all aspects of the proposed use and its anticipated impact on the community. The description should include, when pertinent, information on the hours of operation, number of employees, number of dwelling units, vehicle trip ends, noise, lighting and glare, water usage and any other relevant concerns identified by the County or applicant.

- 2) A copy of preliminary building and site plans drawn to scale showing the following information:
- (a) Project name;
 - (b) Project owner;
 - (c) Date, scale and north arrow;
 - (d) Vicinity map;
 - (e) Use of adjacent property;
 - (f) Exterior dimensions of the site;
 - (g) Total project acreage;
 - (h) Residential density (if applicable);
 - (i) Location, name and width of all existing or proposed streets;
 - (j) Location of all proposed structures;
 - (k) Location of all off-street parking and driveways serving the project;
 - (l) Proposed buffers and/or screening;
 - (m) Location, height, fixture type and wattage of site lighting;
 - (n) Dumpster locations;
 - (o) Rough floor plans, including gross floor area;
 - (p) Building height.

The submittal of inaccurate or incomplete information may be cause for denial of the request; or, if said discrepancies are realized after approval of the petition or issuance of the relevant local permits, cause for the revocation of the approval and any related permits by the County Commission.

- B) The Planning Staff shall prepare a written recommendation regarding the petition for consideration by the Planning Commission at its regularly scheduled meeting.
- C) Upon receipt of the staff report and recommendation the Planning Commission shall conduct a comprehensive review of the proposed use and forward a recommendation to the County Commission. Said recommendation may be to approve, approve with conditions, deny, or hold without action for no more than forty (40) days pending further analysis.

- D) The County Commission shall hold a public hearing on the proposed use in accordance with the notice and hearing provisions for zoning amendments (Article XI) and issue its findings within forty (40) days of the receipt of the Planning Commission recommendation. The County Commission may approve, approve with conditions, deny the request.
- E) In determining the compatibility of a use with adjacent properties and the overall community, the County Commissioners must make the following findings if the use is to be approved:
 - 1) Adequate provision is made by the applicant to reduce any adverse environmental impacts of the proposed use to an acceptable level.
 - 2) Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.
 - 3) Off-street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount and design to serve the use.
 - 4) Public facilities and utilities are capable of adequately serving the proposed use.
- E) The proposed use will not have a significant adverse effect on the level of property values or the general character of the area.
- F) Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.
- G) Approval of a proposed use by the County Commission does not constitute an approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the Planning Commission and not included in the original approval are subject to the provisions of this Article and the review of new detailed plans and reports for said alterations by the governing authority.

ARTICLE XII

BOARD OF ZONING APPEALS

Section 1201. Membership

The Board of Zoning Appeals is hereby established and shall consist of seven members appointed by the governing body. The members shall serve for overlapping terms of three years or until succeeded. No member shall hold any other elected public office or position except that one (1) member shall also be a member of the Planning Commission. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointments. No compensation shall be paid to members of the Board except that each member may receive up to \$10.00 per month for expenses.

SECTION 1202. PROCEDURE.

The Board shall elect one of its members as chairman, who shall serve for one (1) year, or until he is re-elected or his successor is elected. The Board shall appoint a secretary, who may be an officer of the governing authority or of the Planning Commission. The Board shall adopt rules in accordance with the provisions of this Resolution.

Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the Board shall be open to the public. No member of the Board shall participate in a hearing in which he has any pecuniary or special interest.

SECTION 1203. POWERS AND DUTIES.

The Board shall have the following powers:

(a) Administrative Review. To hear and decide appeals where it is alleged there is error or any order, requirement, decision, or determination of the Building Inspector in the enforcement of this Resolution.

(b) Special Exceptions. To hear and decide applications for special exceptions if specified in this Resolution and for decision on any special questions upon which the Board is authorized by this Resolution to pass.

When acting upon such application for Special Exception, the Board shall give consideration to the following factors, where applicable:

- (1) The proposed design and location of the particular development.
- (2) The possible traffic-generating characteristics of the proposed development.

- (3) The effects the proposed development will have on the present or intended character of the area in which it proposes to locate.
 - (4) The availability of public utilities, facilities and services. After such considerations, the Board shall take such actions or establish such reasonable conditions of approval, (for example: planting screens) as will accomplish the intents and purposes of this Resolution.
- (c) Variances. To authorize upon appeal in specific individual cases such variances from terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of provisions of this Resolution will, in an individual case, result in unnecessary hardship, so that the spirit of this Resolution shall be observed, public safety and welfare secured and substantial justice done.
- (1) Such variance may be granted in such individual cases of practical difficulty or unnecessary hardship only upon a finding by the Board that all of the following conditions exist:
 - 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 this Resolution 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 this Resolution, and
 - e) The special circumstances surrounding the request for a variance are not the result of acts by the applicant and
 - f) The variance is not a request to permit a use of land, buildings or structures which is not permitted by right or by special exception in the district involved.

- (2) Provisions Applicable to Variance Expiration of All Granted Variances – On all granted variances, the applicant(s) or interested parties shall comply with the following requirements:
- a) Whenever a request for a variance is approved, the applicant for the variance (the “Applicant”) or a person designated in writing by the Applicant (the “Designee”) must exercise the right, privilege or immunity (the “Variance Privilege”) granted by the variance within six months of the date that the variance is approved (the “Variance Exercise Period”). (The term Applicant/Designee when used herein shall mean or refer to the applicant or the Designee, as applicable). If the Applicant/Designee fails to exercise such Variance Privilege within the Variance Exercise Period, the variance shall thereupon terminate and shall thereafter be null, void and of no force and effect. “Applicant” shall also include, without limitation, person who have applied for a variance before the effective date of this section.
 - b) If the Applicant/Designee commences, in a timely manner and in the exercise of good faith, action necessary and appropriate in order to exercise the Variance Privilege, but such action has not been completed by the end of the Variance Exercise Period, the Applicant/Designee, shall have an additional period of time, not to exceed three (3) months, in which to complete the action to exercise the Variance Privilege.
- (3) Use of Variance Prohibited. No variances may be granted for a use of land or building or structure which is prohibited by this Resolution except when the conditions described hereinafter are found to exist:
- a) Due to an act of God when a structure is destroyed that requires it to be entirely rebuilt, a temporary permit for a mobile home to be occupied at any time on the lot of the destroyed structure within the unincorporated limits of Ware County may be issued.

- b) When the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, moral, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use.
- c) It is the intent of this provision that the granting of such permits shall be a privilege accorded the applicant when such action is judged to be in the public interest by the Board, and may never be claimed as a right.

In accordance with provisions of Section 1203, the Building Inspector shall receive and deliver to the Board for consideration applications (including extensions thereof) for placement of mobile homes within any zoning districts and, provided that all other requirements of this resolution are met, said Board may direct the Building Inspector to issue temporary permits authorizing such placement.

The permits shall state the period during which they are effective, the termination date not to exceed two years from date of issuance of the permit. The permit shall expire at the end of the period for which it was granted, unless the permit holder shall seek and obtain an extension not to exceed six months. The permit holder shall be required to apply to the Board for an extension at least thirty (30) days prior to the termination of the permit, or no such extension will be considered or granted.

- (4) Procedures for Requesting a Variance. Requests for a variance shall be filed in writing with an accurate legal description of the property, or a plat if the property has been surveyed, together with payment of \$200.00 to Building Inspector:

Within ten (10) days after a request for a variance, the Building Inspector shall:

Send the request and other case files, with any comments he may deem necessary added thereto, to the Secretary of the Board.

Cause to have posted in a conspicuous place on the property, one (1) or more signs, each of which shall not be less than seven (7) square feet in area, and each of which shall contain information as to the proposed change and the date and time for the public hearings before the Board.

- (5) Action on Appeals. In exercising the above powers, the Board may, in conformity with the provisions of this Resolution, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determinations of the Building Inspector and, to that end, shall have all the powers of the Building Inspector and may issue or direct the issuance of a permit.
- (6) Appeals - How Taken. Appeals to the Board may be taken by any person aggrieved, or by an officer, department, board or bureau of Ware County, Georgia, affected by any decision of the Building Inspector and any other county official involved, and with the Board, a written notice of appeal specifying the grounds therefore. The Building Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- (7) Public Hearings on Appeals. The Board shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give at least fifteen (15) days public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon a hearing, any party may appear in person, or by agent, or by attorney.
- (8) Stay of Proceedings. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Building Inspector 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 restraining order which may be granted by the Board or by a court of competent jurisdiction on notice to the official from whom the appeal is taken and on due cause shown.

- (9) Explanation of Decisions. On all appeals, applications or other matters, the Board shall inform, in writing, all parties involved of its decision and the reasons therefore.
- (10) Duties of Inspector, Board of Zoning Appeals, County Commission and Courts, or matter of Appeals. It is the intent of this Resolution that all questions arising in connection with the enforcement or the interpretation of this Resolution, (except as otherwise expressly provided in this Resolution) shall be first presented to the Building Inspector; and that such questions shall be presented to the Board of Zoning Appeals, only on appeals from the Building Inspector, that from the decisions of the Board of Zoning Appeals, recourse shall be taken to the Courts as provided by law. It is further the intent of this Resolution that the duties of the Ware County Commission in connection with this Resolution shall not include hearing and passing on disputed questions which might arise in connection with the enforcement or interpretation of this Resolution; but the procedures for determining such questions shall be as stated in this Resolution and that the duties of the Ware County Commission in connection with this Resolution shall be only the duty of holding a public hearing and voting upon any proposed amendment or repeal of this Resolution as provided by law.

ARTICLE XIII

LEGAL STATUS PROVISIONS

SECTION 1301. CONFLICT WITH OTHER LAWS

When the provisions of this Resolution specify more restrictive standards than required by any other statute, the requirements of this Resolution shall govern. Whenever the provisions of any other statute require more restrictive standards, the provisions of such statute shall govern.

SECTION 1302. SEPARABILITY

Should any section or part of a section or any provision of this Resolution be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Resolution as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 1303. REPEAL OF CONFLICTING RESOLUTIONS

All resolutions and parts of Resolutions in conflict herewith are repealed.

SECTION 1304. EFFECTIVE DATE

This Resolution shall take effect and in force from and after the 21st day of February, 1977.

Adopted and approved by the Ware County Board of Commissioners after a public hearing on the 21st day of February, 1977.

APPROVED:

(s/ Thomas E. Gray)

Chairman, Ware County Board of
Commissioners

**APPROVED AS TO LEGAL FORM AND
SUFFICIENCY**

(s/ Neal A. Conner)

County Attorney

(s/ Gail Dowling)

Attesting Officer